

LEGISLATIVE COUNCIL

Wednesday 22 June 2011

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

The President read the Prayers.

INDEPENDENT COMMISSION AGAINST CORRUPTION

Report

The President tabled, according to the Independent Commission Against Corruption Act 1988, a report entitled "Investigation into the corrupt conduct of a Willoughby City Council Officer", dated June 2011.

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

JAPAN TSUNAMI

Motion by the Hon. Shaoquett Moselmane agreed to:

1. That this House notes that:
 - (a) on Friday 11 March 2011 Japan was hit by a magnitude 9.0 earthquake unleashing a 10-metre tsunami, causing tremendous damage to infrastructure, homes and property and to the Fukushima Daichi Nuclear plant, causing cooling systems failure followed by a series of gas explosions, nuclear leaks and meltdown,
 - (b) the death toll has exceeded over 10,000 people with more than 18,000 people listed as missing, approximately 3,000 injured and hundreds of thousands remain homeless, with 18,000 homes destroyed, 130,000 damaged by the quake and ensuing tsunami, and approximately 250,000 people forced to live in emergency shelter,
 - (c) the Tokyo Electric Power Company (Tepco), which runs the nuclear plant, acknowledges that a cold shut down of the stricken plant may still take months and the Japanese Government continues to enforce a 20 kilometre exclusion zone, and
 - (d) officials maintain that areas extending more than 60 kilometres to the north-west of the plant and approximately 40 kilometres to the south-southwest have seen radiation levels exceed annual limits and such leaks could eventually exceed those at Chernobyl.
2. That this House extends its condolences to the Ambassador of Japan, His Excellency, Mr Shigekazu Sato, on the tragedy that has hit the people of Japan, including the tragic loss of life, and notes that the people of Japan will, through unity and courage, pull through such a horrific tragedy.

CHINESE AUSTRALIAN SERVICE SOCIETY

Motion by the Hon. Shaoquett Moselmane agreed to:

1. That this House notes that:
 - (a) the Chinese Australian Service Society [CASS] was established in 1981 by Henry Pan, Founding Chairman,
 - (b) the CASS Board of Directors in 1981 comprised Leng Tan, Cecilia Fong, Ching Tan, Steven Sim, Patricia Wong, Susie Chu, Hilda Lee and Vivienne Teoh, some of whom used their own assets to fund and kick start the organisation,
 - (c) the society is currently headed by Leng Tan, Chairperson of the Board, and Directors Tao Bai, Bo Zhou, Dominic Sin, Peng Bai, Henry Pan, Lousie Yu, Benze Leung Peter Fong, and Alternate Directors, Fat Leong, George Poon, Chunxia Yang, Philip Ang, Teresa Zhu, and Tony Pang,
 - (d) CASS provides a wide range of services targeted at Chinese-speaking people residing in and around the inner west and south-west areas of Sydney,
 - (e) CASS excels in organising community events such as cultural performances, the Dragon Charity walk and cultural exchange programs as well as Y-CASS, targeting youth issues in the Australian Chinese community,

- (f) CASS has also taken on children's services as yet another area of community contribution, providing family day care, playgroups and other support services,
 - (g) the organisation also provides great services for aged members of the community, with a large number of elderly citizens now having an enhanced quality of life through the provision of exercise classes and social outlets and active participation in cultural exchange and environmental care activities,
 - (h) CASS runs a total of 12 social activity groups every week, almost all of which are primarily aimed at Australian Chinese seniors, and funded by CASS from its own scarce resources rather than from Government funding,
 - (i) on average, a total of about 600 people take part in the weekly activities and the number of people associated with these groups is even higher, estimated to be over 1,200 members, such as the Hua Kang Seniors and Dancing Groups who have a membership of approximately 450,
 - (j) in addition to Chinese groups, CASS caters for Korean and Indonesian groups and is soon to commence a Vietnamese group servicing the Vietnamese community,
 - (k) CASS uses a co-operative approach by encouraging participants to become active volunteers and run the activities with support from CASS, and
 - (l) any financial support afforded to this and other community groups will go a long way towards helping the communities they serve.
2. That this House extend its congratulations to the Australian Chinese Services Society and its directors for their tireless efforts for the past three decades and for the inclusive service they provide the wider migrant community.

HMAS SYDNEY 1 MEMORIAL MAST

Motion by the Hon. Amanda Fazio agreed to:

That this House notes that:

- (a) the HMAS Sydney (1) Memorial Mast has been listed on the State Heritage Register,
- (b) the HMAS Sydney (1) Memorial Mast has outstanding social significance and rarity value in a state-wide and national context as a premier naval monument and the only naval monument in Australia to which ceremonial honours must be rendered by all passing naval ships,
- (c) the status of the Memorial Mast serves as a mark of respect for, and a reminder of, Australian officers, sailors and ships lost at sea and in combat, and the naval tradition to which all Australian and international naval personnel belong,
- (d) the Memorial Mast has State historical significance as a component of the World War I warship whose distinguished service and battle success served as a national and international demonstration of the fledgling Australian nation's capacity to govern itself both independently and successfully, and
- (e) together with nearby monuments, the Memorial Mast creates a precinct of remembrance for a series of Australian naval ships named after Australian capital cities and lost at sea.

BUSINESS OF THE HOUSE

Formal Business Notices of Motions

Private Members' Business item No. 120 outside the Order of Precedence objected to as being taken as formal business.

ST GEORGE BALL

Motion by the Hon. Shaoquett Moselmane agreed to:

1. That this House notes that:
- (a) Hurstville City Council held its annual St George Ball on 6 May 2011 raising approximately \$50,000 for the Prostate Cancer Institute at St George Hospital,
 - (b) Hurstville City Council has raised and donated over \$481,500 over the past eight years, helping the Prostate Cancer Institute reach its fundraising target of \$4.3 million, and
 - (c) major sponsors were Zed & Zed Jewellers Hurstville, St George Bank, the St George Sutherland Shire Leader and the Conca D'oro Events Centre.

2. That this House:
 - (a) congratulates His Worship the Mayor of Hurstville City Council, Councillor Philip Sansom, all Councillors and staff of Hurstville City Council, the master of ceremonies for the night, former Member for Oatley, Kevin Green, and the major sponsors, and
 - (b) calls on the Premier to investigate funding the Prostate Cancer Institute at St George Hospital to help it reach its fundraising target of \$4.3 million.

LEBANESE RED CROSS

Motion by the Hon. Shaoquett Moselmane agreed to:

1. That this House notes that:
 - (a) on Sunday 12 June 2011, the Honourable Shaoquett Moselmane, MLC, along with a number of political and local community dignitaries, attended the Becharrie Lebanese Red Cross fund raising function,
 - (b) the Red Cross Becharrie is a volunteer based organisation that was formed in 2004 under the patronage of the Federation of Associations of the Becharrie Region Lebanon,
 - (c) the current president is Mr George Hanna, assisted by official members Gibran Romanous, Elie Kaltoum, George Dib, Tony Farah, Tony Sfeir and Sandra Kaltoum,
 - (d) all money raised for the Red Cross Becharrie is used to provide essential and urgent medical assistance,
 - (e) funds are urgently needed to buy medicines, provide discounted medicine to villagers and for the provision of ambulance services,
 - (f) the Lebanese Red Cross was founded in 1945 and the International Committee of the Red Cross-Geneva officially recognised it in 1947, making it a part of the international Red Cross and Red Crescent Movement,
 - (g) the Lebanese Red Cross is a founding member of the secretariat General of Arab Red Crescent and Red Cross Societies, and
 - (h) in 2002, the former member for Rockdale, Mr George Thompson, and members of the Rockdale City Council community were witness to the excellent work the Lebanese Red Cross did in Southern Lebanon.
2. That this House extend its congratulations to the Becharrie Association and Becharrie Red Cross Lebanon for their support of such an important humanitarian organisation whose fundamental principles are humanity, impartiality, unity and universality.

TRIBUTE TO BEGUM ALIYA KHATOON SIDDIQUI

Motion by the Hon. Shaoquett Moselmane agreed to:

1. That this House notes that:
 - (a) the senior most South Asian Muslim of Sydney Begum Aliya Khatoon Siddiqui passed away on Sunday 12 June at Royal North Shore Hospital after a brief illness,
 - (b) her funeral was held on Sunday 13 June 2011 at Lakemba mosque and the burial at Rookwood cemetery,
 - (c) born in the north Indian city of Merrut in November 1910, Begum Aliya Khatoon, the granddaughter of famous Urdu poet Ismail Merruti, lived in Sydney for well over 30 years with her daughter Begum Shahnaz Hyder, the noted ghazal singer and radio broadcaster,
 - (d) Begum Aliya migrated to Lahore during partition and then settled in Karachi,
 - (e) Begum Aliya's husband, Mr Salahuddin Siddiqui, passed away soon after coming to Pakistan and she was left with two daughters aged nine and two, whom she raised with the utmost love and care,
 - (f) Begum Aliya lived with Shahnaz Hyder since then in Karachi, Beirut and Sydney, where she lived for the past 20 years on her own in an apartment in Kirribilli before spending the last few months in a nursing home,
 - (g) the South Asian Muslim Association of Australia [SAMAA] celebrated her 100th birthday in November 2010, and then at its annual event on 12 March 2011,
 - (h) Begum Aliya received congratulatory messages from parliamentarians, the Prime Minister, the Governor General and the Queen which she most cherished.
2. That this House express its condolences on the passing of Begum Aliya Khatoon Siddiqui, to her family, to SAMAA and to the South Asian Muslim community.

PETITIONS

Department of Education and Communities Confucius Institute

Petition requesting that the House act to remove Confucius classrooms from schools, which will not allow discussion of sensitive topics such as Tibet, Taiwan, Falun Gong or the Tiananmen Square massacre, replace them with an Australian-run organisation, and ensure that the curriculum of Chinese language or culture courses in schools are free from Chinese Government censorship, received from the **Hon. Marie Ficarra**.

BUSINESS OF THE HOUSE

Routine of Business

[During the giving of notices of motions.]

The PRESIDENT: Order! The giving of notices of motions is not an opportunity for debate. The standing orders allow members to give notices of motions, which can sometimes be lengthy. That is a member's choice. Members should listen to the member giving his notice of motion in silence.

BUSINESS OF THE HOUSE

Postponement of Business

Business of the House Notice of Motion No. 1 postponed on motion by the Hon. Duncan Gay.

Business of the House Notice of Motion No. 2 postponed on motion by the Hon. Sophie Cotsis.

PROCEDURE COMMITTEE

Membership

The PRESIDENT: I inform the House that the Clerk has received advice that Dr John Kaye is to replace the Hon. Cate Faehrmann as the crossbench member on the Procedure Committee.

STANDING COMMITTEE ON SOCIAL ISSUES

Reference

The Hon. NIALL BLAIR: I inform the House that on 21 June 2011 the Standing Committee on Social Issues resolved to inquire into the following reference from the Minister for Education, the Hon. Adrian Piccoli, MP:

That the Standing Committee on Social Issues inquire into and report on programs and services for children with additional and/or complex needs and their families during transitions between stages of education, and in particular:

- (a) the adequacy and accessibility of appropriate support for children and their families,
- (b) best practice approaches to ensure seamless and streamlined assistance during transitions, and
- (c) any other related matters.

PRIVILEGES COMMITTEE

Report: Citizen's Right of Reply (Mr Mike Rayner)

The Hon. TREVOR KHAN [11.18 a.m.]: I move:

That the House adopt the report.

The Hon. MARIE FICARRA (Parliamentary Secretary) [11.19 a.m.]: I will speak briefly on this matter. The statement by Mr Mike Rayner that he was not responded to following his calls and correspondence to my office is not correct. In accordance with normal protocol, I referred his correspondence to the Clerk of the

Parliaments, Ms Lynn Lovelock, and she responded on my behalf in writing by letter dated 20 January 2011. In that letter Ms Lovelock explained the concept of freedom of speech and parliamentary privilege. As to the comments by Mr Rayner that he was provided with no evidence in support of the allegations made, apart from there being no requirement to provide evidence to the person who is the subject of the complaint, I can advise the House that it would have been inappropriate and improper of me to disclose the identities of people who provided evidence to me, which prompted my comments. They were, and still are, in fear of retribution.

Finally, I am pleased to note that on 30 May 2011 the Minister for Local Government, the Hon. Donald Page, announced that a review of the Local Government Model Code of Conduct would be undertaken. The Minister has acknowledged that the process of that code of conduct can be manipulated and misused for "political point scoring" and that the "role of general managers in investigating model code of conduct complaints" will be considered as part of that review. I emphasise that those last comments do not refer to this complaint. Many members in this House and in the lower House come from local government backgrounds. I spent 16 years in local government. I enjoyed immensely serving as President of the Australian Local Government Womens Association, and I maintain an active interest in local government.

Many pieces of legislation that have been passed in this place have improved the operation of local government but some have not gone far enough. Perhaps this is an indication that we need to consult more widely with councillors of all political persuasions, with communities and with officers of local government. Unfortunately, legislation that has not been properly considered can be misused. On the whole the code of conduct provisions are being used properly. Many members have received representations from affected councillors—the minority political councillors. It is true to say that those minority councillors are often victimised by sheer force of numbers. Members know that officers often owe their contract renewals and continued employment to majority councillors on councils. We need to ensure that in the future ratepayers' money is not misspent in witch-hunts against minority councillors. I look forward to working with the Minister for Local Government and with all the communities that will be consulted.

I am happy to say that the inquiry has begun. The substantial consultation period will give everyone the opportunity for input. Ratepayers are under a lot of stress and so are local government councils, with an increase in expenditure but not an equivalent increase in the income base. It is important that procedures be improved for local government because it is the closest to the people. Members understand the value of local government. The remuneration paid to councillors for their incredible contribution in time and effort is a pittance and hardly covers the expenses of office. It is our duty to do all we can to make their time of service in local government fruitful on behalf of the community and to safeguard the way in which ratepayers' money is spent. We do not want political witch-hunts taking up the time and resources of councils.

I was astounded to learn of the amount of money spent in legal fees pursuing some of these complaints. It ranges from tens of thousands of dollars to, in some instances, hundreds of thousands of dollars. Perhaps in democratic processes majority councillors do not like hearing these points of view expressed but that is part of the robust form of democracy enjoyed in all levels of government in this country. With those brief comments I commend the motion to the House.

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

Motion agreed to.

Pursuant to standing orders the response of Mr Rayner was incorporated.

On 24 November 2010, the Hon Marie Ficarra MLC during a speech in the Upper House stated that I had launched a campaign of vilification and politically motivated complaints against Councillor van Lieshout who was at the time the Mayor of Tweed Shire Council. The statement is untrue, hurtful to my character and has impinged on my good reputation. Following three unsuccessful phone calls to Ms Ficarra's office, I wrote to her on 29 November 2010 seeking evidence supporting the statements made by her. I followed that letter with a further written request on 11 January 2011. She did not respond. Ms Ficarra has not provided evidence of any action undertaken by me that did not meet an acceptable standard of ethical behaviour and/or were part of "a campaign of vilification and politically motivated complaints ..." despite a number of requests from me to provide such information.

Ms Ficarra's statement was extensively reported in the media which represented a further impingement on my reputation. I, therefore, submit that under the provisions of Standing Order 202 I have been adversely affected in reputation by Ms Ficarra's speech.

BUSINESS OF THE HOUSE**Postponement of Business**

Government Business Notice of Motion No. 1 postponed on motion by the Hon. Michael Gallacher.

INFRASTRUCTURE NSW BILL 2011**In Committee****Consideration resumed from 21 June 2011.**

The Hon. CATE FAEHRMANN [11.28 a.m.], by leave: I move Greens amendments Nos 2 and 3 on sheet C2011-040 in globo:

No. 2 Page 4, clause 8 (2) (b), line 17. Omit "5". Insert instead "3".

No. 3 Page 4, clause 8 (2). Insert after line 19:

(c) a person appointed by the Premier with experience in non-government community organisations and in social inclusion,

(d) a person appointed by the Premier with experience and qualifications in sustainability and planning,

Greens amendments Nos 2 and 3 seek to reduce the number of people appointed by the Premier from the private sector to Infrastructure NSW. The Greens will move further amendments to have two other people appointed by the Premier, one experienced in non-government sector organisations and social inclusion, and the other experienced and qualified in sustainability and planning. The Greens believe that the make-up of the board as it stands allows for far too much influence from the private sector. People with experience in sustainability and social inclusion interests also must be included on the board. These are straightforward amendments, and I urge the House to support them.

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [11.29 a.m.]: The Government opposes Greens amendments Nos 2 and 3.

Mr DAVID SHOEBRIDGE [11.30 a.m.]: As the Hon. Cate Faehrmann clearly stated, the purpose of these amendments is to ensure that the private industry dominance as proposed in the bill is watered down by reducing the number of members who come effectively from the private development industry from five to three and including two additional members who will bring specific skills to enable Infrastructure NSW to reduce the 20-year and five-year timetables. The two additional members proposed in Greens amendment No. 3 include a person appointed by the Premier with experience in non-government community organisations and in social inclusion. The bill makes no reference to equity or the concept of social inclusion. The board effectively will be dominated by private industry developers, together with a couple of other ministerial appointees. None of these appointees has an interest in issues of social equity or social inclusion. For example, the board will not have any representation from an organisation such as the Council of Social Service of New South Wales.

The amendments will require the Premier to turn his or her mind to appointing a member to the board who comes from non-government community organisations and has skills in social inclusion. I commend that part of the amendment to the House. In addition, the make-up of the board as proposed in the bill lacks a person with qualifications in both sustainability and planning. A number of highly qualified individuals—for example, from the Green Building Council—have detailed qualifications in both sustainability and planning. During the second reading debate the Hon. Cate Faehrmann and I spoke about the concept of sustainable long-term plans for Infrastructure NSW. Greens amendments Nos 2 and 3 will ensure that people with those skills and capacities are on the board of Infrastructure NSW.

The Hon. PENNY SHARPE [11.33 a.m.]: The Opposition does not oppose Greens amendments Nos 2 and 3. We consider it beneficial to have greater diversity in the expertise around the table of Infrastructure NSW.

The Hon. CATE FAEHRMANN [11.33 a.m.]: Greens amendment No. 3 specifies that if the number of board members as proposed in the bill is reduced from five to three one of the additional board members have

experience in non-government community organisations and social inclusion, and one have experience and qualifications in sustainability and planning. Even the Commonwealth has recognised that the future planning of capital cities must take into consideration environmental issues as well as a range of social issues. The National Objective and Criteria for Future Strategic Planning of Capital Cities adopted by the Council of Australian Governments in 2009 set out a planning objective to which the Commonwealth will link future funding decisions and stated that Australian cities must be globally competitive, productive, sustainable, liveable, socially inclusive and well placed to meet future challenges and growth.

The criteria that Infrastructure NSW will use to assess funding applications include that capital city strategic planning systems must be integrated across all functions. They must include land use and transport planning, economic and infrastructure development, environmental assessment and urban development. Again, they talk about policy issues, including climate change mitigation and adaptation. The criteria also include housing affordability and matters of national environmental significance. The bill does not require Infrastructure NSW to consider any of these criteria in its plans, and I doubt it will if the board does not have members who have qualifications in sustainability and planning, and in social inclusion.

An example of a person with experience and qualifications in sustainability and planning is sustainability expert Professor Peter Newman, who is currently a board member of Infrastructure Australia. Although he resides in Western Australia, I am sure that all members are aware of him. He was a sustainability commissioner in Sydney in 2004 and 2005 advising the Government on planning issues. That is the type of expert we need on the board of Infrastructure NSW. Yet the bill does not ensure that those appointed to the board have any expertise in sustainability. This should be a matter of huge concern to the people of New South Wales. The purpose of infrastructure is to provide services to the community. It is important that in the board make-up two members from the private sector are replaced with one member who has expertise in sustainability and planning, and one from the non-government sector who has expertise in social inclusion.

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [11.36 a.m.]: As I indicated earlier, the Government opposes these amendments. Representatives of service delivery agencies such as transport, roads, health and education are not proposed for inclusion on the board. But these agencies and their Ministers will be consulted on their relevant infrastructure projects during the preparation of plans, strategies and statements, and whole-of-government priorities will be determined on the basis of their input. Service delivery agencies will then implement the decisions that are made. If one or more service delivery agencies were given a position on the board it would be a less efficient and effective mechanism for determining statewide priorities and would distract those agencies from their important function of delivering services to the public.

Representatives from planning, environment and community bodies and unions are also not proposed for inclusion on the board. The board is to be a skills-based board. It will include public sector chief executive officers and private sector personnel with skills and experience in infrastructure planning, funding and delivery. The primary function of Infrastructure NSW is to select, prioritise and oversight the delivery of major infrastructure projects. It is these functions that the board must have expertise in. Community representatives will continue to have a say in planning decisions that are unaffected by the bill. Community organisations will not bring the high-level commercial expertise required of the board. The role of unions is to represent workers. It is unclear what skills they would bring to Infrastructure NSW, which is a small public sector organisation, not a major employer.

Mr DAVID SHOEBRIDGE [11.38 a.m.]: The Minister for Police and Emergency Services was speaking to a set of amendments that was circulated earlier. Greens amendments Nos 2 and 3 relate to a person being appointed by the Premier with experience in non-government community organisations and in social inclusion and a person appointed by the Premier with experience and qualifications in sustainability and planning. The honourable member was speaking to an earlier set of amendments. We are dealing with amendments circulated on sheet 2011-40C. When considering the form of these amendments we looked at having persons nominated by third parties appointed to the board. But we recognised that the model that has been proposed by the Government, while we may critique it, was for nominations to be directed and centralised through the Premier. The purpose of Greens amendments Nos 2 and 3 is to have the Premier choose the nominees, provided they have the relevant skills and experience. The amendments do not dilute the role of the Premier. They provide statutory guidance to the Premier as to the type of skills or qualifications that would make up a balanced board.

There is no doubt that there is some requirement for someone with commercial skills to be on the board—some requirement to know about the ins and outs of delivering commercial and government

development. But a truly balanced board would not be so dominated by the private development industry, as proposed by the Government. This amendment provides that balance on the board. Yes, there will be three people from private industry with skills in delivering private development—that is understood. It is what the Government wants and we understand that there is a role on the board for people with such skills. But we should not forget the kinds of social inclusion values, sustainability and planning values, and skills that will make for a balanced board and allow Infrastructure NSW to come up with some plans that might help to achieve Commonwealth Government funding.

Because the former State Government lacked any credibility on sustainability grounds and because it was focused on more and larger motorways its proposals were routinely rejected by Infrastructure Australia. The former Government did not incorporate the kinds of sustainability values that are increasingly a prerequisite for any State Government to get Federal funding for major infrastructure. Adopting these amendments will greatly advance the likelihood of New South Wales putting in place infrastructure plans that will be successful in obtaining Federal funding.

The Hon. MATTHEW MASON-COX (Parliamentary Secretary) [11.43 a.m.]: I support the comments of the Leader of the Government in relation to the amendments. I note in particular the recent change in the first amendment to water down the demands of The Greens. The first amendment appeared on sheet C2011-040A. The change is welcome, but the demands outlined by The Greens in this amendment are also not acceptable. I particularly emphasise the views of the Leader of the Government in relation to appointments being a merit selection based on the skills of the people who will be appointed by the Premier. It is important we understand that because under the previous Government there was a culture of political appointments and pandering to sectional interests. I will explore that issue in more detail, but before I do so I will refer to some comments made by members of the Opposition and The Greens during the second reading debate regarding the appointment of Nick Greiner.

It was suggested, in a very grubby way, that Nick Greiner was a political appointment by this Government. That is absolutely outrageous. Given that we are considering appointments, I stress the appropriateness of the appointment of former Premier Nick Greiner. I point to his strong business record, particularly in the infrastructure area, and the fact that he serves on the boards of a number of companies with very strong interests in the infrastructure area and has a wide range of other business interests that will be of great value to this board. When the former Government was seeking someone to mediate the very complex issue of access to Newcastle port, which involved a range of coalmining companies and some very complicated infrastructure access issues, who did the former Minister for Ports and Waterways, Joe Tripodi, turn to? The former Government turned to Nick Greiner to solve one of the most complex infrastructure access disputes in this State.

The independent chair of Infrastructure NSW is one of the most eminently qualified and experienced business professionals in this State, with unparalleled expertise and competence in the infrastructure area. The fact that the former Government and former Minister Joe Tripodi turned to Nick Greiner during a very difficult negotiation about infrastructure access only emphasises that point. In relation to the amendments, I refer to the past practice of the former Government in pandering to sectional interests. It is worth noting that those sectional interests dictated a range of board appointments under the previous Government.

The Hon. Penny Sharpe: Point of order: The Hon. Matthew Mason-Cox has strayed quite a way from the amendments that we are considering. I was prepared to let him continue while he was addressing the issue of appointments to the board, but he has now strayed well beyond the leave of the amendments that are before the Committee and I ask you to bring him back to them.

The Hon. MATTHEW MASON-COX: To the point of order: The amendment before the House deals with appointments from community organisations, and social inclusion and sustainability and planning. My comments are directly on point as to past appointments and the previous Labor administration.

The Hon. Penny Sharpe: Further to the point of order: We are not here to revisit the appointments of the past; we are considering the make-up of the board of Infrastructure NSW and the skills that should be represented on it. I was prepared to sit and listen to most of the Hon. Matthew Mason-Cox's comments, but he is now straying well beyond the amendments that are before the Committee.

The CHAIR (The Hon. Jennifer Gardiner): Order! That is not a point of order. I ask the member to address the amendments.

The Hon. MATTHEW MASON-COX: In that regard, I note in particular the practice of the former Government in relation to appointments and point out that the previous amendment before the Committee, which has now been watered down to include social inclusion, referred to a person appointed by the Premier on the nomination of Unions NSW.

The Hon. Penny Sharpe: Point of order: The Hon. Matthew Mason-Cox is now discussing an amendment that is not before the Committee. The amendment as originally drafted has nothing to do with our current considerations. I believe the Hon. Matthew Mason-Cox is out of order.

The Hon. MATTHEW MASON-COX: To the point of order: That was an introduction. I have now moved on to the current amendment. By way of introduction, I was giving some of the history of this important issue.

The CHAIR (The Hon. Jennifer Gardiner): Order! There is no point of order.

The Hon. MATTHEW MASON-COX: I am a little perplexed at the Opposition's sensitivity on this issue. I will address directly the aspects of the persons appointed under the amendment suggested by The Greens. It says that the person appointed should be "a person with experience and qualifications in sustainability and planning" and "a person with experience in non-government community organisations and in social inclusion"—which I am sure is a euphemism for a range of people including Unions NSW. In that regard, I will reflect on some of the ways in which the system has worked and the culture that was perpetuated for 16 years by the previous Government. I know The Greens are getting upset, and it is very interesting how the Coalition—

[Interruption]

The CHAIR (The Hon. Jennifer Gardiner): Order! I cannot hear the member with the call. Members will have an opportunity to participate in the debate.

The Hon. MATTHEW MASON-COX: Thank you very much, Madam Chair, for silencing the hordes opposite because Coalition members are getting restless. I will cut to the chase. It is most instructive to note that some previous appointments to State-owned corporations are serving members of some of the organisations that will form an important part of this Government's delivery of services and infrastructure. I note in particular that on the board of Hunter Water there is a Unions NSW representative—no doubt the secretary of the Newcastle Trades Hall Council. State Water has a director appointed by the former Government who owns a hairdressing salon—a bit like the husband of the current Prime Minister—and he is also national vice president of the Australian Workers Union and on the national executive.

It is worth noting the history of this issue. Of course, we have a Unions NSW representative on the Ausgrid board and another one on the Delta Electricity board. Interestingly, most of the Delta Electricity directorships are vacant. I wonder how that could have happened; I wonder why the directors resigned. We all know why, and the behaviour of honourable members opposite epitomises the reason it happened. Those board members dared to object to the Labor Government's forcing them to sign off on electricity privatisation and they resigned to show their contempt for being put in such an unenviable position. That is typical of the former Government's behaviour.

The issue should be considered in the context of the sectional interests that members opposite seek to represent on the board of Infrastructure NSW. The board is being appointed to fix the problems created during 16 years of Labor administration. Appointments will be based on the merits, attributes and skills of the people concerned. That is the only way to move forward in an important area that has been corrupted for years by the Labor Party and The Greens—the new coalition. That is the only way to ensure that we get the infrastructure that the people of New South Wales deserve.

Mr DAVID SHOEBRIDGE [11.51 a.m.]: I was about to say that we have rarely heard a more irrational contribution, but we have heard quite a few this week. The Hon. Matthew Mason-Cox's contribution was in a class of its own. To suggest that The Greens had anything to do with appointments to State-owned—

The Hon. Matthew Mason-Cox: Point of order: I take offence at being called irrational. I ask the member to withdraw the remark.

Dr John Kaye: To the point of order: I listened carefully to Mr Shoebridge's contribution and in no way did he refer to the Hon. Matthew Mason-Cox as irrational. His contribution was referred to as irrational, but not him. There is a distinct difference.

The Hon. Charlie Lynn: It's the teacher again.

Dr John Kaye: Many teachers would consider interesting the use of "teacher" as a pejorative term. Getting back to the point of order, if we cannot refer to a member's contribution as highly irrational then debate is being gagged.

The CHAIR (The Hon. Jennifer Gardiner): Order! That is all part of the cut and thrust of vigorous debate. There is no point of order.

The Hon. Charlie Lynn: The Messiah! We defer to your superior intellect.

Mr DAVID SHOEBRIDGE: I note yet another enlightened interjection from the member on the rear bleachers of the Government benches. As is his wont, he is bleating from the bleachers and offering his usual lucid contributions to debate in this House. The Hon. Matthew Mason-Cox said that the new Government is moving away from the Labor tradition of appointing mates to appointing cleanskins. He also referred to Nick Greiner's commercial experience. It is peculiar that he forgot to mention that one of Nick Greiner's primary occupations since leaving the Premier's office has been as the Australasian chairman of British American Tobacco. From 1996 to 2004 he was intimately involved in an industry of death that stalks the commercial interests of New South Wales. Members opposite have glossed over those eight years that Nick Greiner chaired British American Tobacco, one of the largest killers of Australians—

The Hon. Charlie Lynn: It is a legal company.

Mr DAVID SHOEBRIDGE: We have yet another lucid contribution from the Hon. Charlie Lynn. It may be a legal company, but it is the Coalition's decision whether it accepts donations from such companies and fosters a close relationship with those commercial enterprises. The Coalition is on a constant drip feed of donations from tobacco companies and it opposed plain packaging legislation federally at their behest. Members opposite gloss over Nick Greiner's eight-year term as the primary spokesperson for, and supporter of, British American Tobacco and its brutal exploitation of people by selling products that are a major cause of ill health and death in this State. They also gloss over the fact that Nick Greiner, the new chair of Infrastructure NSW, spent eight years working for a company that regularly makes donations to the Coalition using profits gained from the sale of tobacco to Australians. There is no mention of that. They talk about this lovely, new, clean administration. Who is heading Infrastructure NSW? It is Mr Tobacco himself.

The Hon. CATE FAEHRMANN [11.56 a.m.]: In response to the Hon. Matthew Mason-Cox, amendment No. 3 has nothing to do with appointing union representatives to the board of Infrastructure NSW. It is clearly designed to ensure the appointment of a person with experience in non-government community organisations and social inclusion, and someone with experience and qualifications in sustainability and planning. In moving the amendment I referred to Professor Peter Newman, who is one of Australia's leading experts on sustainability and planning. My colleague Mr David Shoebridge said that a representative of the Council of Social Service of New South Wales would make a fantastic contribution to the board of Infrastructure NSW.

The legislation provides for the appointment of five members from the private sector. The Greens want to reduce that to three and to ensure the appointment of board members who can represent the community—and that does not mean union representatives. The Hon. Matthew Mason-Cox's contribution was not based on anything in this amendment. The Greens also want the Government to appoint someone with experience and qualifications in sustainability and planning. The member did not address that in his contribution. The Hon. Charlie Lynn said by way of interjection that our democracy allows companies like British American Tobacco to have influence. If that is true, non-government organisations and others should also be allowed to be more involved in a body such as Infrastructure NSW. This Government is shutting out the community, and it is doing so repeatedly.

Question—That Greens amendments Nos 2 and 3 [C2011-040C] be agreed to—put and resolved in the negative.

Greens amendments Nos 2 and 3 [C2011-040C] negatived.

The Hon. CATE FAEHRMANN [11.58 a.m.], by leave: I move Greens amendments Nos 4 and 5 on sheet C2011-040C in globo:

No. 4 Page 4, clause 8 (2). Insert after line 26:

(h) the Director-General of the Department of Transport.

No. 5 Page 6, clause 11 (1) (i), line 25. Insert "and equitable" after "efficient".

Greens amendment No. 4 proposes to include the Director General of the Department of Transport as a member of the board of Infrastructure NSW. Transport planning will clearly be a focus for Infrastructure NSW. We all know that this State is suffering from a huge transport infrastructure deficit, and that is especially true of public transport infrastructure. Despite that, the legislation does not provide for the Director General of the Department of Transport to be a board member. The Greens have repeatedly asked the Government to explain why the director general will not be appointed, but we have not received an adequate answer. It seems incredible that the director general is not represented on the board of an organisation that will be making the most important decisions about transport in this State.

It is painfully clear that transport infrastructure must be the top priority for Infrastructure NSW. We cannot, as this bill seems to, treat infrastructure as an end in itself. We must recognise that the purpose of infrastructure is to support services. Transport services need a huge boost in this State and Infrastructure NSW must ensure that that happens. It will have significant powers and the failure to acknowledge the importance of services risks a major disconnect between infrastructure and the services it is intended to support. The Director General of Transport must be on the board of Infrastructure NSW to avoid this disconnect between infrastructure and services and to ensure transport planning is at the forefront of the board's agenda. It is also critical to ensure that integrated transport planning takes place. Prior to the election the Coalition talked a lot about integrating infrastructure planning and transport planning. The Greens agree with that, but we cannot fathom why the Director General of Transport is not included on the board of Infrastructure NSW. I welcome a response from the Government on that issue because so far it has failed to allay our concerns.

The Hon. PENNY SHARPE [12.01 p.m.]: The Opposition seeks leave to move an amendment to Greens amendment No. 4. We agree with the insertion of proposed paragraph (h) to include the Director General of Transport on the board of Infrastructure NSW, but we wish to amend the provision further. I move that Greens amendment No. 4 be amended by adding:

- (i) the Director General of the Department of Health.

A "major infrastructure project" is defined in the explanatory note to the bill as:

- (a) that has a capital investment value of more than \$100 million, or
- (b) that is nominated by the Premier as a special project requiring oversight or co-ordination by Infrastructure NSW.

The Opposition does not oppose this definition. However, to ensure the board is informed as well as independent we believe the Director General of the Department of Transport and the Director General of the Department of Health should be included on the board of the new agency. We believe nearly all the transport projects or any new hospital the Government has promised will fall within the definition of a major infrastructure project. The directors general of Transport and Health, like all heads of department—especially those already nominated to be board members of the new agency—have what we believe and what the Premier has described as high calibre and expertise. The size of the projects and the priority that would be given to them demand a greater level of expertise around the table.

Mr DAVID SHOEBRIDGE [12.02 p.m.]: I support not only the amendment moved by the Hon. Cate Faehrmann but also the amendment to the amendment moved by the Opposition. Clearly, having the Director General of the Department of Transport on the board of Infrastructure NSW is plain common sense. When people think about infrastructure in New South Wales and the deficits of infrastructure in New South Wales, almost invariably what they are thinking about is transport. They think about train lines they want built, the roads they want improved, the fast train lines they want built, the pedestrian and bicycle linkages, and light rail.

They think about transport when they think about infrastructure. When they said to this new Government that they want it to get infrastructure moving, they meant that they want to get transport working in New South Wales. So having the Director General of the Department of Transport on the board is plain common sense. No matter what political reason the Government has chosen to exclude the Director General of Transport, the people of New South Wales would be urging it to reconsider that and seriously consider including the director general on the board of Infrastructure NSW.

Greens amendment No. 5 is an amendment to the clause that provides what advice Infrastructure NSW has to give to the Premier. Currently in advising the Premier on infrastructure it is limited to looking at the economic efficiency of transport and infrastructure proposals. Our amendment No. 5 would provide that Infrastructure NSW has regard not only to economic efficiency but also to concepts of equity when delivering

infrastructure. Sometimes it is the role of government to ensure that infrastructure is provided to areas that may not provide the largest economic boom in dollars into the economy but to ensure, for example, areas in regional New South Wales have equitable access to public infrastructure, to ensure that parts of western Sydney get equitable access to infrastructure.

It may well be that the most economically efficient infrastructure to build is in areas of high density in the inner city, where already a substantial amount of public infrastructure is provided. But if we want to have infrastructure that responds to the genuine needs of New South Wales citizens, we need to look beyond those narrow economic parameters and look to those areas that are suffering from a lack of infrastructure, and look at it not only from the concept of economic efficiency but also equity. I urge the Government to consider adopting these amendments.

The Hon. SOPHIE COTSIS [12.04 p.m.]: I would like to make a further contribution. I support the amendment moved by The Greens and the amendment to the amendment moved by my colleague the Hon. Penny Sharpe. I understand that the board has the function of determining the general policies and strategic direction of Infrastructure NSW. The board will also advise the Premier and the chief executive officer of strategies and plans Infrastructure NSW will develop and progress in the delivery of major infrastructure projects. Clearly, the board is a highly important level of strategic decision-making, but the Government has decided that not one of the service delivery departments of the New South Wales public sector is to be represented on the board of Infrastructure NSW.

Where is Transport? Where is Health? These are the two largest areas in government infrastructure delivery and in service delivery, and they are not on the board. What message does that send to the industry and to the private sector when they are seeking guidance in this area? These departments make major infrastructure outlays and they are frozen out already from the high-level decision-making process of Infrastructure NSW. How will the coordination be organised? Not having Transport and Health on the board sends the wrong message, particularly to investors and the private sector.

According to the most recent infrastructure statement, Transport accounted for approximately 34.8 per cent, or more than one-third, of public sector infrastructure outlay. Consequently, the input of Transport into developing Infrastructure NSW is critical. Transport already is developing, commissioning and managing New South Wales infrastructure projects, more so than any other department, yet its input at the big table is not required. It is a missed opportunity for the Government.

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [12.06 p.m.]: The Government opposes these amendments. Representatives of service delivery agencies such as Transport, Roads, Health and Education are not proposed for inclusion on the board. We have heard about them being frozen out as if somehow they are not part of the process and no-one is talking to them. These agencies and their Ministers will be consulted on the relevant infrastructure projects during the preparation of plans, strategies and statements, and whole-of-government priorities will be determined based on their input. Service delivery agencies will then implement the decisions that are made. If service delivery agencies, or one of them or some of them, were on the board, this would be a less efficient and effective mechanism for determining statewide priorities and would distract those agencies from their important function of delivering services to the public.

Question—That Opposition amendment of Greens amendment No. 4 [C2011-045A] be agreed to—put and resolved in the negative.

Opposition amendment of Greens amendment No. 4 [C2011-045A] negatived.

Question—That Greens amendment No. 4 [C2011-040C] be agreed to—put and resolved in the negative.

Greens amendment No. 4 [C2011-040C] negatived.

Question—That Greens amendment No. 5 [C2011-040C] be agreed to—put and resolved in the negative.

Greens amendment No. 5 [C2011-040C] negatived.

The Hon. PENNY SHARPE [12.10 p.m.]: I move Opposition amendment No. 2 on sheet C2011-045A:

No. 2 Page 5, clause 8 (4), line 4. Omit all words on that line. Insert instead:

must, within 30 days of tendering any such advice, publish the advice on Infrastructure NSW's website.

Government members will understand that a range of amendments will be moved during this part of the debate. The Opposition seeks to ensure that information is publicly available and, in particular, that it is publicly available on the website. This amendment supports the Premier's oft-stated point that the board would and should expect its recommendations to be transparently published. It makes it very clear that Infrastructure NSW has an obligation to publish the advice on a publicly accessible website. Unfortunately, the bill, as currently drafted, does not give clear instruction to Infrastructure NSW in that regard.

Making advice available to the public does not mean that that advice or the recommendations are transparently published, as the Premier has promised. Being "available to the public" does not compel Infrastructure NSW to automatically publish any information. All it requires the board to do is to make the advice available to the public should someone ask for it. Our amendment will ensure that all advice when published is current, which means within 30 days of tendering the advice to the Premier. We believe this is an essential part of the Government keeping to its promises about openness and transparency. We believe this is a key accountability measure if the Government is serious about making Infrastructure NSW work.

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [12.12 p.m.]: The Government opposes the amendment. The bill already provides that the strategies, plans and statements of Infrastructure NSW must be made publicly available. It is entirely appropriate for Infrastructure NSW to be able to exercise discretion concerning the provision of information about the Premier's amendments to strategies, plans and statements. Discretion may be required, for instance, to protect commercial-in-confidence information.

The Hon. CATE FAEHRMANN [12.13 p.m.]: The Greens support the Opposition's amendment. We will be talking a little bit about public consultation and public displays of Infrastructure NSW's plans at a later date. One would think that this is one of the most basic aspects of ensuring transparency in this new body. Therefore, the Greens support the amendment.

The Hon. PENNY SHARPE [12.14 p.m.]: This amendment comes down to a key question for the Government. When the Premier appointed Nick Greiner as the chair of Infrastructure NSW—with much fanfare—one of the clear commitments he made was that the advice that was provided to the Government would be publicly available. The way that this bill has been drafted, in its current form, means that the only thing that will be made publicly available is what the Premier decides to make publicly available once it has been sanitised and it has been reworked to be what he wants it to be. It will not be all of the advice that the chair of Infrastructure NSW will provide to the Government.

This is a broken promise and the Government should not walk away from this. If the Government were fair dinkum about providing information to the public and making this an open and transparent process, it would support this amendment. If it does not do so, the Premier will decide what in his sanitised version is to be made publicly available. The people of New South Wales will not know what Infrastructure NSW recommended.

Mr DAVID SHOEBRIDGE [12.16 p.m.]: The way clause 8 (4) is drafted means that Infrastructure NSW will give the advice to the Premier and the Premier may then make amendments on that advice. If Infrastructure NSW does not agree with the amendments it may advise the Premier that it does not agree and then it may publish that advice. Even if Infrastructure NSW decides it does want to publish it, which is a matter entirely in its hands, under clause 8 (4) only the advice that it gives to the Premier stating that it does not accept the amendment will be published. That might just be one line, "Dear Premier, We do not accept the amendment to clause 4." It may be something more substantial. This Opposition amendment would require that advice to be published.

The Greens will be moving other amendments that go to the heart of this issue, which is requiring the initial plan as submitted from Infrastructure NSW to the Premier to be published and to be the subject of public submissions. How can the people of New South Wales have regard to an allegedly open process where a board that is dominated by a former Liberal Premier determines whether it will release advice that might be politically damaging to the current Liberal Premier? That is what the Government is proposing—that it be at the discretion

of a board, headed by a former Liberal Premier, whether it publishes advice that would be embarrassing to the current Liberal Premier. That is not openness. That is not a change in governance structure. That is an internal dialogue in the eastern suburbs branches of the Liberal Party. That is hardly likely to be given—

The Hon. Michael Gallacher: Coming from the voice of the eastern suburbs for The Greens.

Mr DAVID SHOEBRIDGE: Well, I know what they are like, and they most definitely are not interested in open and accountable government. When we see the member for Ku-ring-gai talking with the former chair of British American Tobacco as to whether one Liberal Premier wants to have the former Liberal Premier embarrassed, and when they are working out whether it is in the interests of the public to show politically damaging advice to the people of New South Wales, I think we know what their answer will be before the question is even asked. This will be a new secret kind of internal dialogue that will never find its way into public debate in New South Wales. If the Government were fair dinkum about openness and if it were genuine about living up to its commitments, it would support the Opposition amendment.

Question—That Opposition amendment No. 2 [C2011-045A] be agreed to—put.

The Committee divided.

Ayes, 18

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

Noes, 22

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

Question resolved in the negative.

Opposition amendment No. 2 [C2011-045A] negatived.

Mr DAVID SHOEBRIDGE [12.24 p.m.], by leave: I move Greens amendments Nos 6 and 7 in globo on sheet 2011-040C:

No. 6 Page 6, clause 11 (1). Insert after line 35:

- (n) to regularly report to Parliament on the progress and delivery of infrastructure and the conduct of its operations.

No. 7 Page 7, clause 14. Insert after line 27:

- (2) the financial reports and records of any partnership, joint venture or other association between Infrastructure NSW and a non-government person or body that relate to any infrastructure project are to be audited by the Auditor-General at least once every calendar year.
- (3) the Auditor-General is to provide the Premier with a report on the results of each such audit and the Premier must table the report, or cause it to be tabled, in both Houses of Parliament within 14 sitting days of its receipt.

These amendments taken together would provide real scrutiny over Infrastructure NSW. Greens amendment No. 6 would include as one of the requirements of Infrastructure NSW the obligation to regularly report to

Parliament on the progress and delivery of infrastructure and the conduct of its operations. The amendment seeks to insert that additional function of Infrastructure NSW in clause 11 (1). Clearly, Infrastructure NSW should be accountable to the Parliament. Infrastructure NSW having that obligation as one of its functions would be a substantial step forward in terms of making Infrastructure NSW a genuinely accountable organisation. I commend Greens amendment No. 6 to the Committee.

Greens amendment No. 7 inserts two new provisions in clause 14. Clause 14 provides that any function of Infrastructure NSW may be exercised by Infrastructure NSW itself, or by Infrastructure NSW in a partnership, joint venture or other association with government agencies or other persons or bodies, and that includes private entities. Grave concern has been expressed that Infrastructure NSW, when it enters into these kinds of arrangements with "other persons or bodies", will be able to hide behind commercial in confidence—as we have seen so often over the past decade in New South Wales. The concern is that Infrastructure NSW will enter into contracts with third parties and then, when the public wants to see the details of the contracts and where public money is going, Infrastructure NSW will hide behind commercial in confidence. There is concern that it will say that for commercial in confidence reasons it does not have to provide the information to the people of New South Wales and it does not have to give the Auditor-General access to the information.

Greens amendment No. 7 makes it very clear that the financial reports and records of any partnership, joint venture or other association between Infrastructure NSW and a non-government person or body that relate to any infrastructure project are to be audited by the Auditor-General at least once every calendar year. The amendment further states that the Auditor-General is to provide the Premier with a report on the results of each such audit and the Premier must table the report, or cause it to be tabled, in both Houses of Parliament within 14 sitting days of its receipt.

Greens amendment No. 7 will ensure that Infrastructure NSW cannot hide behind the veil of commercial in confidence. It will ensure that the people of New South Wales know where their public dollars are going. It will ensure that we do not have any more of those secret contracts—such as we saw with the Cross City Tunnel and other projects—which had in them hidden costs to the people of New South Wales with regard to the delivery of public infrastructure. The amendments are about trying to get the Government to live up to its rhetoric of openness, and about ensuring that Infrastructure NSW starts on its course of being accountable to the Parliament of New South Wales.

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [12.28 p.m.]: The Government opposes Greens amendments Nos 6 and 7, which are entirely unnecessary. The strategies, plans and statements adopted by the Government will be made publicly available and members of Parliament and their constituents will be able to access this information from government websites. In addition, information about Infrastructure NSW will be published in an annual report on its operations.

The bill provides that Infrastructure NSW may enter into public-private partnerships or joint ventures. Under schedule 3 of the bill, Infrastructure NSW will be included in the Public Finance and Audit Act. This means that it will be subject to annual audits by the Auditor-General. This will necessarily include any public-private partnerships or joint ventures entered into by Infrastructure NSW, and these audits will be tabled in Parliament.

The Hon. PENNY SHARPE [12.30 p.m.]: The Opposition does not oppose the amendments.

Question—That Greens amendments Nos 6 and 7 [C2011-040C] be agreed to—put and resolved in the negative.

Greens amendments Nos 6 and 7 [C2011-040C] negatived.

The Hon. CATE FAEHRMANN [12.30 p.m.], by leave: I move Greens amendments Nos 8, 9, 12, 15, 16, 18 and 19 on sheet C2011-40C in globo:

No. 8 Page 9, clause 16. Insert after line 6:

- (3) before commencing to prepare the strategy, Infrastructure NSW must seek public submissions in respect of the strategy.
- (4) before submitting the prepared strategy to the Premier, Infrastructure NSW must undertake community consultation on the strategy.

No. 9 Page 9, clause 16. Insert after line 6:

- (3) the Premier must:
 - (a) cause a strategy submitted under this section to be published on the Premier's website, and
 - (b) before adopting the strategy, seek public comment on the strategy.

No. 12 Page 10, clause 19. Insert after line 10:

- (3) the Premier must:
 - (a) cause a plan submitted under this section to be published on the Premier's website, and
 - (b) before adopting the plan, seek public comment on the plan.

No. 15 Page 10, clause 22. Insert after line 34:

- (3) the Premier must cause any plan submitted under this section to be published on the Premier's website and seek public comment on the plan.

No. 16 Page 11, clause 23. Insert after line 6:

- (3) the Premier must:
 - (a) cause a statement submitted under this section to be published on the Premier's website, and
 - (b) before adopting the statement, seek public comment on the statement.

No. 18 Page 12, clause 26. Insert after line 8:

- (6) infrastructure NSW is to ensure that any project implementation plan is to be made publicly available.

No. 19 Page 19, insert after line 3:

40 Annual report

The annual report of Infrastructure NSW must include the following:

- (a) the status of current major infrastructure projects,
- (b) the status of its infrastructure strategies, plans and statements,
- (c) the status of projects that are the subject of a project authorisation order under Part 5,
- (d) the achievement of the objects of the Act.

Most of these amendments are about public consultation and ensuring that any plan created by Infrastructure NSW is published on the Premier's website for public comment before being adopted. The first part of Greens amendment No. 8 reads "before commencing to prepare the strategy, Infrastructure NSW must seek public submissions in respect of the strategy". One would think it would be a basic requirement of this new body to seek public submissions on a strategy of such scale. Before the election the Government spoke quite a bit about the job of Infrastructure NSW and about listening to the community. But in Committee today every amendment to include the community in Infrastructure NSW has been opposed by the Government.

The second part of Greens amendment No. 8 reads "before submitting the prepared strategy to the Premier, Infrastructure NSW must undertake community consultation on the strategy". Community consultation is not only about receiving submissions; it is also about ensuring that the community has an adequate say in strategies. Community consultation is about holding public meetings; it is about putting a strategy before the people of New South Wales to allow them to provide input and expertise about what infrastructure works in their local areas. It allows communities to voice their infrastructure requirements as to what will and will not work in their local areas in any process being considered by Infrastructure NSW.

Article 6 of the Aarhus Convention on Access to Information, Public Participation and Decision-Making and Access to Justice in Environmental Matters sets out the best practice for decision-making that will have environmental impacts, which clearly is relevant to a body like Infrastructure NSW as it intends to reshape the State. Article 6 of the Aarhus convention states decision-making for public participation procedures shall:

- 6.3. ... include reasonable time-frames for the different phases, allowing sufficient time for informing the public ... to prepare and participate effectively during the environmental decision-making, and
- 6.4. ... provide for early public participation, when all options are open and effective public participation can take place.

Not only does the bill fail to include any public participation; the public will not be informed of the plan until it is completed. Greens amendment No. 9 requires the Premier to publish the 20-year State infrastructure strategy submitted to him by Infrastructure NSW and to seek public comment before adopting it. Greens amendment No. 12 requires the Premier to publish the five-year infrastructure plan submitted by Infrastructure NSW on the Premier's website and to seek public comment before adopting it. Surely the Government can support an amendment to require the Premier to publish the five-year infrastructure plan by Infrastructure NSW on his website and for the public to be consulted on what it thinks before it is adopted.

I have heard that the Government does not want to support any of The Greens amendments. I am flabbergasted that the Government does not want to support a very simple request for plans produced by this new body, which will reshape the State so much, to be published on the Premier's website for public comment before being adopted. All the promises made by the Government before the election about listening to the people on infrastructure plans and transport requirements appear to be coming to nothing. The body to make such plans will be put in place but the Government has to listen to the people as to what plans are needed to be made. Surely it is fundamental for the Government to listen to the transport and health infrastructure requirements of the people.

It is disappointing that the Government will not talk "rationally"—there is that word again that David Shoebridge also uses—with The Greens about our commonsense amendments, but The Greens have also heard that the Christian Democratic Party and the Shooters and Fishers Party do not want to support our amendments. These amendments are simply about publishing these plans on the Premier's website and seeking public comment before being adopted. The new regime in this place is really quite astounding. It is disappointing that the likes of members such as Reverend the Hon. Fred Nile from the Christian Democratic Party may not support—and I am assuming will not support—an amendment by The Greens to ensure that these plans appear on the Premier's website. This new regime in this place is really quite something.

Reverend the Hon. Fred Nile: The Greens no longer have any relevance.

The Hon. CATE FAEHRMANN: Reverend the Hon. Fred Nile made an interesting interjection and said, "The Greens no longer have any relevance."

Dr John Kaye: Only because the Christian Democratic Party and the Shooters and Fishers Party have done a grubby deal.

The Hon. CATE FAEHRMANN: Yes, as Dr John Kaye has said, the Christian Democratic Party and the Shooters and Fishers Party have done a very grubby deal with the Government. The Greens cannot put forward simple amendments and get support from the likes of the Christian Democratic Party—a party that used to talk so much about open and transparent government—to require the Premier to publish a plan on his website and to seek public comment before it is adopted. It really is not that bad. I am sure that Reverend the Hon. Fred Nile knows I am not talking about abortion law reform or voluntary euthanasia; I am talking about simple amendments. Remarkably, because the Christian Democratic Party has done some deal—

Mr David Shoebridge: Get it in writing, Cate. Get them to table it.

The Hon. CATE FAEHRMANN: That would be fantastic. Mr David Shoebridge suggested that the Christian Democratic Party and the Shooters and Fishers Party should table in Parliament the deal that has been done. It is clear that a deal has been done because these amendments are rational and make sense. Heaven help us if this is what we are to face for the next four years.

Heaven help the people of New South Wales if we are unable to make simple changes to legislation—minor but good improvements that the Government may not have thought of. Heaven help us if for the next four years we are unable to make small improvements to legislation, such as requiring the Premier to publish a plan on his website or to seek public comment on a plan, because the Christian Democratic Party and the Shooters and Fishers Party have done grubby deals with the Government. We are trying to improve legislation in this place but the House of review has become a rubberstamp for the Government. The Christian Democratic Party and the Shooters and Fishers Party should be ashamed of themselves.

The Hon. PENNY SHARPE [12.40 p.m.]: While the interactions between the left and right crossbenches in this place are interesting, I am more interested in the amendments before us. The Opposition does not oppose The Greens amendments. We consider that they are reasonable and that they seek to do what

the Government promised, that is, to make plans available publicly. They include also an important measure, that is, the public will be encouraged to have an input into the plans. The Opposition agrees with these amendments. On behalf of the Opposition I will move amendments to two Greens amendments. By leave, I move Opposition amendments Nos 7 and 10 on sheet C2011-045A in globo:

No. 7 Page 10, clause 22. Insert after line 34:

- (3) The Premier must, within 30 days of the submission of any plan under this section, publish the plan on the Department of Premier and Cabinet's website.

No. 10 Page 12, clause 26. Insert after line 8:

- (6) Infrastructure NSW must, within 30 days of the preparation of any project implementation plan under this section, ensure that the plan is published on Infrastructure NSW's website.

Greens amendment No. 15 states:

- (3) the Premier must cause any plan submitted under this section to be published on the Premier's website and seek public comment on the plan.

Opposition's amendment No. 7 will amend Greens amendment No. 15 by inserting "30 days" after the word "section". That puts a time frame on the plan should it be made public—and given the numbers here it seems as though that will not be the case. We believe that 30 days is a reasonable time frame. Opposition amendment No. 10 will amend Greens amendment No. 18 by deleting all words after "Infrastructure NSW" and inserting the following, "must, within 30 days of the preparation of any project implementation plan under this section, ensure that the plan is published on Infrastructure NSW's website".

Again, this will tighten up Greens amendment No. 18. It gives a location where the plan should be published and a time frame for publication. Infrastructure NSW is a centrepiece of the Government's activity for the next four years. The Government clearly has a mandate for the establishment of Infrastructure NSW. The Opposition believes it is important that all infrastructure projects in New South Wales are open and transparent and that the public has an input. The bill before us, without these amendments, does not deliver on those commitments. I urge members to support these amendments.

Reverend the Hon. FRED NILE [12.42 p.m.]: The Christian Democratic Party is always in favour of transparent and open government. We have enough confidence in the Government to believe that whenever a plan is finalised it will be published by the Coalition Government—on the front page of the *Daily Telegraph*. Why would it not?

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [12.43 p.m.]: I thank Reverend the Hon. Fred Nile for his expression of confidence in the Government. I will deal with The Greens amendments and the Opposition's amendments to amendments together. The Government opposes these amendments. They involve the imposition of unnecessary red tape, which will serve only to delay the much-needed kickstart to the New South Wales economy to be driven by Infrastructure NSW. The bill does not need to be amended to oblige Infrastructure NSW to conduct consultation on each strategy, plan and statement. Infrastructure NSW will consult with stakeholders from time to time in undertaking its functions. However, consultation will be targeted to the type of decision under consideration.

For example, it may not be appropriate for Infrastructure NSW to initiate broad consultation with the community about important local infrastructure projects during the development of the State infrastructure strategy, which will focus on the major infrastructure networks to drive economic and social wellbeing across the State. Although it is not mandatory for Infrastructure NSW to consult with the community before making its strategies, plans and statements, the community will continue to be consulted on individual infrastructure projects in accordance with environmental planning laws.

In relation to The Greens amendment No. 18, project implementation plans are to be used by Infrastructure NSW to facilitate the oversight and monitoring of the delivery of the project. Project implementation plans may contain detailed information on project milestones and information provided to government by third parties on a commercial-in-confidence basis. An obligation to release all project implementation plans may discourage the parties from providing the information necessary for Infrastructure NSW to properly monitor and oversight the project. Any requests for public release of a project implementation

plan should be dealt with in accordance with the Government Information (Public Access) Act on a case-by-case basis. This will allow consultation with affected third parties and the proper balancing of the public interest in the disclosure of information and the protection of confidential information.

The Greens amendment No. 19 is opposed by the Government because it is entirely unnecessary. The annual report of Infrastructure NSW will report on its operations over the previous financial year and obviously will cover the full range of activities undertaken by Infrastructure NSW, according to the bill. This will necessarily include the achievement of the objects of the Act, the status of infrastructure strategies, plans and statements and the status of major projects. In relation to publishing plans on websites, the current requirement in the bill that the information be made publicly available provides flexibility. The information may be placed on any number of appropriate websites, including the Premier's website, the department's website or the website of Infrastructure NSW. The information will be published on relevant government websites so that it can be readily located by all members of the community. The amendments that have been moved are restrictive and inflexible.

Mr DAVID SHOEBRIDGE [12.46 p.m.]: The Government equates public consultation with red tape. That goes to show the arrogance of this Government. The Government has adopted the President Suharto approach to democracy: Call an election, allow democracy to occur for 30 days before that election, following the election shut down all public debate and administer according to the government's wishes and its mates, then repeat the process at the next election in four years time. It is the President Suharto approach to democracy, which ignores the way most vibrant modern democracies operate. Vibrant modern democracies operate by allowing democracy to occur more than once every four years. They have ongoing public consultation on government projects. They consult with the community more than once every four years before a general election. When they produce a 20-year infrastructure plan they seek submissions from the public before implementing it. They do not take the President Suharto approach, which this Government is taking.

Less than 100 days in this Government is already saying that consulting with the public creates unnecessary red tape. It is already saying that publishing documents on a website creates too much red tape. This Government is saying that it will strangle Infrastructure NSW if it has to publish documents on a website. We have heard rhetoric from the Government about efficiency. In fact, it is excluding the public from key strategic documents. It is dumbing down the exchange that should happen between a vibrant democratic government and its people. It is clear that this Government has the ongoing support of the Christian Democratic Party, which has had no input into the legislation or moved any amendments to improve it. The Christian Democratic Party operates as the big Christian rubberstamp to the Government's agenda. The Christian Democratic Party talks about public consultation and open government. It has a chance to stand up for open government and vote for these amendments. It has a chance to make itself relevant and not be just a big Christian rubberstamp for the Government. Instead, it has pulled out the stamp and inked it, and it will stamp this bill for the Government.

Question—That Opposition amendment No. 7 [C2011-045A] of Greens amendment No. 15 [C2011-040C] be agreed to—put and resolved in the negative.

Opposition amendment No. 7 [C2011-045A] of Greens amendment No. 15 [C2011-040C] negatived.

Question—That Opposition amendment No. 10 [C2011-045A] of Greens amendment No. 18 [C2011-040C] be agreed to—put and resolved in the negative.

Opposition amendment No. 10 [C2011-045A] of Greens amendment No. 18 [C2011-040C] negatived.

Question—That Greens amendments Nos 8, 9, 12, 15, 16, 18 and 19 [C2011-040C] be agreed to—put.

The Committee divided.

Ayes, 17

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

Noes, 21

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

Pair

Mr Foley

Mr Harwin

Question resolved in the negative.**Greens amendments Nos 8, 9, 12, 15, 16, 18 and 19 [C2011-040C] negatived.****Progress reported from Committee and leave granted to sit again.**

[The Deputy-President (The Hon. Natasha Maclaren-Jones) left the chair at 1.00 p.m. The House resumed at 2.30 p.m.]

Pursuant to sessional orders business interrupted at 2.30 p.m. for questions.**QUESTIONS WITHOUT NOTICE****INTERNET SITES REGULATION**

The Hon. LUKE FOLEY: My question is directed to the Minister for Police and Emergency Services. What action will the Minister take against Australian-based hate groups on Facebook?

The Hon. MICHAEL GALLACHER: Unlike the member opposite, I have not had time to read the *Daily Telegraph* today. The Leader of the Opposition nailed it when he referred to Australian-based organisations. While the internet can be a great tool for connecting with friends and family, its anonymous nature can give people the opportunity to hide behind personas that are not their own. The use of internet sites to condone violence or any kind of criminal behaviour is clearly not acceptable. The inappropriate use of social networking sites such as Facebook to cause offence or harassment is also a growing problem. Regulation of the internet is the responsibility of the Commonwealth. Specific offences of using carriage services to harass and offend are found in the Commonwealth Criminal Code Act 1995.

The New South Wales Police Force takes the misuse of social media seriously and will investigate any complaints made to them. If sufficient evidence exists, police will take appropriate action, as they did in charging an 18-year-old man from Port Macquarie on 21 June 2011 after he posted statements on Facebook about a police officer who had stopped him and spoken to him in relation to a skateboarding offence some days prior. I recognise that the Hon. Mick Veitch is particularly interested in this and it is an issue for him, as it is for other members. I strongly encourage everyone who goes online to be cyber safe. While police have no control over the content of various internet and social networking sites, they are committed to investigating any complaints they receive.

COMMUNITY AWARENESS OF POLICING PROGRAM

The Hon. CATHERINE CUSACK: My question is directed to the Minister for Police and Emergency Services. Will the Minister outline to the House the good work of the Community Awareness of Policing Program?

The Hon. MICHAEL GALLACHER: The member asks about an excellent program. The Community Awareness of Policing Program, known as CAPP, allows community leaders to acquire a

behind-the-scenes view of policing and lets them experience what it is like to be a cop. As Commissioner Scipione has said, the Community Awareness of Policing Program is a first for law enforcement agencies in Australia. The New South Wales Police Force should be proud of their initiative and enthusiasm for developing such an innovative program. As part of the Customer Service Program, this program provides community leaders with a unique and unprecedented insight into policing in this State.

Participants spend a day at the Police Academy in Goulburn learning about policing. They then spend a number of evenings in Sydney participating in elements of policing never before experienced by the general public. These important members of our communities are exposed to the real-time life of officers not only in local area commands but also in specialist units such as the Public Order and Riot Squad, the Marine Area Command, the Tactical Operations Unit, the Counterterrorism and Special Tactics Command and the State Crime Command. They are also given valuable insights into those commands and groups that are not often observed by the public but do a great job behind the front line. These include the Education and Training Command, the Forensic Services Group, Police Prosecutions, Communications Group and the State Protection Group.

Participants may take part in some aspects of weapons and officer survival training—of course, in the safest of circumstances. By interacting with police from all these commands and units, including officers of all ranks, and by being involved in realistic exercises, these community members get to walk, for a time, in the shoes of the men and women in blue who keep our streets safe. The participants learn what it means to respond to brawls, attend a crime scene, undertake a maritime search and rescue mission or face off against armed offenders. They are then encouraged to return to their communities and impart their knowledge and understanding to others, using their first-hand experience to increase insight into the valuable, difficult and often misunderstood job of being a police officer. I am sure this program is a real eye-opener for many people, and may be confronting or involve challenging some preconceptions. But as the program can improve the general public's understanding and acceptance of what the Police Force has to do, why it has to do it and how police go about doing certain things, it has my full support.

The goals of the program include: developing within communities the New South Wales Police Force serves a greater knowledge and understanding of modern policing, including the operational decisions that police must make—often in an instant—and the training and protocols on which they are based; building within our communities the confidence in the New South Wales Police Force that is essential to the work of both preventing and investigating crime; facilitating effective two-way communication between police and their communities; providing communities with factual information on crime trends, operational policing and police training; and creating more realistic expectations about particular aspects of police work, including forensics, and the debunking of the *CSI* effect.

I want the community of New South Wales to be confident in its Police Force. I want people to feel safe and secure. I want them to know that this rewarding profession may also be difficult and testing for its officers. Some of the people who have completed the course include Mick Mundine, Archbishop Pell, Tim Webster, Margaret Cunneen, Hazem El Masri as well as Layne Beachley—to name a few. They are leaders within the wider community as well as leaders in their local communities. By engaging with trusted leaders and by their passing on an enhanced understanding of their police colleagues, we are creating a more informed New South Wales and a more trustworthy, transparent and accessible Police Force.

SCONE RAIL OVERPASS

The Hon. CATE FAEHRMANN: My question is directed to the Minister for Roads and Ports. Is the Minister aware of the death of a man in an accident involving a motorised tricycle in Scone last week, when at least one police car was stuck on one side of the rail line and the seriously injured man on the other as a coal train passed through the town, and that residents of Scone have been warning of the dangers posed by the rail line when it can cut off one half of the town from emergency services for up to 10 minutes each time a coal train passes through it? By 2015, 20 trains are predicted to pass through the town, which could mean that the town is cut in half for between three and four hours. What is the delay with the Roads and Traffic Authority's federally funded feasibility study into an overpass? When can the residents of Scone expect construction to begin?

The Hon. DUNCAN GAY: It is tragic that an elderly man on a motorised tricycle lost his life on the New England Highway last week when there was a huge volume of traffic on the highway, the condition of which had deteriorated because of the weather. I suspect the member is not using this death to try to prosecute a

case against the coal industry. I certainly believe her motives are honourable in this case. I am not aware of the details of the accident. I understand that the New South Wales Police Force is investigating the accident and a brief will be prepared for the Coroner. I am advised that the Roads and Traffic Authority, on behalf of the Federal Government, is undertaking an options and feasibility study for upgrading the level crossing on the New England Highway at Scone.

The study will recommend a preferred solution and will consider the disruption to the local community, risks to the response capabilities of the New South Wales Police Force and other emergency services, and the potential impact of any changes, such as to coal haulage in the area. The Federal Government has committed \$1.4 million to complete the study, which is expected to take about 18 months. The Roads and Traffic Authority will continue to work with the Upper Hunter Shire Council, local emergency services and the local community as part of the process to determine a preferred option. Other activities will include traffic surveys, preliminary environmental and geotechnical investigations, and field surveys. I hope that has been helpful to the member.

INFORMATION AND COMMUNICATIONS TECHNOLOGY

The Hon. ADAM SEARLE: My question is directed to the Minister of Finance and Services. Given the Government's professed commitment to the Information and Communications Technology industry, can he commit to providing public data such as transport information to third parties for the development of telephone and other applications?

The Hon. GREG PEARCE: I thank the Deputy Leader of the Opposition for that question. The Government has some work in progress in relation to various matters, including apps and 24-hour phone numbers and various other matters. I am not sure where we are up to in terms of announcing those policies, so I will look at the question and perhaps provide some further information to the member. I am conscious that the standing orders preclude me making announcements when answering a question. However, it is a very good question, and I thank the member for asking it.

MID NORTH COAST FLOODS

The Hon. MELINDA PAVEY: My question without notice is directed to the Minister for Police and Emergency Services. Following the Minister's visit to the mid North Coast and the Hunter on Friday, will he please update the House on the flood situation in that part of the State and the focus of emergency service operations?

The Hon. MICHAEL GALLACHER: I am sure that all members would like to be kept up to date about the progress in relation to the flood situation on the North Coast, which extended to the Hunter Valley last week. The North Coast and the Hunter region, in particular, have been battered by storms and some towns, such as Kempsey, have been deluged. I am happy to report that the situation is now easing, with the rivers falling below minor flood levels. State Emergency Service flood operations are now winding down and are limited to the Oxley region, where ongoing support is being provided to approximately 50 persons isolated on rural properties in the Upper Manning River Valley area. The State Emergency Service is also assisting approximately 150 people who are similarly isolated in the Upper Macleay Valley. I have been advised that these people may be isolated for another seven to 14 days.

Recovery operations are now well underway. I have appointed a recovery coordinator to oversee the process and local recovery committees have come together throughout the affected areas to assess the extent of the damage and to prioritise the extensive work that will be needed to put communities back on their feet. The disaster welfare 1800 number has taken more than 300 calls since 18 June 2011 from people requiring assistance. We are also operating two recovery centres at Taree and Kempsey with multiagency staff. These two centres have fielded inquiries from more than 100 people so far.

The New South Wales Government has also been supporting affected communities by making natural disaster declarations where possible. I am pleased to announce a further two declarations—I am pleased because I know that it will provide much-needed respite and support for people in the Great Lakes area and in Maitland. This brings the total number of declarations to 20. The other 18 are: Clarence Valley, Upper Hunter shire, Bellingen shire, Kempsey shire, greater Taree city, Port Stephens, Nambucca shire, Dungog shire, Port Macquarie-Hastings, Gloucester shire, Glen Innes Severn, Coffs Harbour city, Cessnock city, Muswellbrook shire, Singleton, Walcha, Armidale Dumaresq and Guyra shire. These communities are going through an extremely difficult period and the declarations will activate a number of schemes to provide them with relief.

I turn once again to the ongoing leadership of the State Emergency Service during recent operations in flood and storm-impacted areas. In total, the service has now received more than 1,700 requests for assistance since 12 June 2011. During my visit to Taree last week I was pleased to witness firsthand the work being done by the State Emergency Service. I was impressed with the professionalism of the State Emergency Service volunteers who, as well as demonstrating an extraordinary dedication to their own communities, were willing to help out others in different regions and other parts of the State. I commend their efforts, as well as the crucial support being provided by the Rural Fire Service. Also, while I was in the Taree area I met officers from Fire and Rescue NSW who had also travelled from Sydney to help other emergency service personnel, and of course our other community partners in those areas.

COMMUNITY BUILDING PARTNERSHIP PROGRAM

The Hon. PAUL GREEN: My question is directed to the Minister for Police and Emergency Services, representing the Premier. Given the previous Government's investment of \$58.4 million in the Community Building Partnership program and the importance of this program to small- and medium-size local communities—especially those that do not have the capacity to secure local funding for building important projects such as skate parks—can the Minister ensure that the program will continue and, if so, can the Minister advise the House how much funding will be allocated to the program in each year of the next four years?

The Hon. MICHAEL GALLACHER: That is a good question, and I thank the member for asking it. I will get him an equally good answer as soon as possible.

SCHOOL ZONES

The Hon. SHAOQUETT MOSELMANE: My question is directed to the Minister for Roads and Ports. Given the Minister's announcement that there will be fixed distances for speed zones, what effect will this have on school zones?

The Hon. DUNCAN GAY: I thank the member for his question, and the short answer is: None. School zones are school zones. We are reviewing changing speed zones—something that the Hon. Eric Roozendaal, who is sitting beside the member, was unable to do during his term. He is looking at the wanted ads at the moment. He has got three days to go so he is writing his CV and going through the positions vacant in the paper to see if there is something for him. Now, they did nothing. I have got to tell this House one of the classics. We have all got our favourites when it comes—

The Hon. Walt Secord: Here's the notes.

The Hon. DUNCAN GAY: You are not one of my favourites. You could be, but you will have to try harder. We all have our favourites when it comes to horrendous stories about road speed limit changes. I am hearing some horrendous stories from my colleagues about the Princes Highway. The best one I have heard so far concerns the Great Western Highway. If one travels the 76 kilometres from the Light Horse Interchange, where the M7 crosses the M4, to Lithgow during school hours—the Hon. Nick Veitch will know this because I am sure he travels that road a fair bit—there are 42 speed changes. Forty-two speed changes in 76 kilometres of road. I suspect it will not be much of a challenge for members to come up with even more horrendous stories about speed changes in their areas. I thank the member for that important question because there is huge interest across—

The Hon. Rick Colless: He's a roads scholar!

The Hon. DUNCAN GAY: He is indeed a roads scholar. There has been huge interest across the State in this issue because what we are doing is common sense. We are trying to simplify the system and make it safer. We want drivers to watch not the side of the road but the car ahead and other traffic. We want them to be observant of students, children, pedestrians and cyclists on the roads instead of watching for dreaded speed zone changes. That is what this is about. School zones will not be affected because it is important to restrict the speed limit to 40 kilometres an hour near schools and young students.

But, for example, we are looking at removing the 70 kilometre an hour and the 90 kilometre an hour speed limits. That makes sense. Speed limits will be 20, 40, 60, 80, 100 and 110 kilometres an hour. Everyone says, "Yeah, why didn't we think of that?" I thank the Roads and Traffic Authority, which has been extremely helpful. It is pleased to have a Government and a Minister who is proactive and who listens. We are going to

take the proposal to the NRMA, the police and the Roads and Traffic Authority road safety group. It is indeed good news. I am lucky that I am blessed with the best Parliamentary Secretary ever who is helping me to implement the changes.

BETTER BOATING PROGRAM

The Hon. NATASHA MACLAREN-JONES: My question is addressed to the Minister for Roads and Ports. Will the Minister provide an update on the delivery of the Better Boating Program?

The Hon. DUNCAN GAY: I thank the Hon. Natasha Maclaren-Jones for her important question. This is more good news. That is all we give members: good news. With the sort of attention I am now getting, members opposite could rapidly become friends of mine. The \$5 million Better Boating Program is aimed at improving boating facilities in New South Wales. The program supports a wide range of projects, including the construction of boat ramps, public wharves, jetties, dinghy storage, sewage pump-out facilities and public moorings to provide improved access to our waterways. Shooters and Fishers Party members are great supporters of this program.

The Hon. Cate Faehrmann: And great mates, aren't they?

The Hon. Greg Donnelly: And part of the coalition of the willing.

The Hon. DUNCAN GAY: Boating is a popular pastime and passion for many people. Each year an estimated 1.5 million people go boating along the New South Wales coastline and on inland lakes, rivers and estuaries. Unlike the Labor Party and its coalition partners, The Greens, we welcome this program. In New South Wales there are more than 225,000 registered recreational vessels and nearly half a million boating licences. Local councils, boating clubs and community groups are encouraged to apply for grants under the Better Boating Program.

Many local communities stand to benefit from the program, through new or upgraded facilities, improved disability and general access, and modern, practical and safety-oriented designs. These projects will directly benefit boaters by providing safer and more convenient access to our waterways. The New South Wales Government will ensure that this program continues to operate in an open and transparent manner, taking into account the needs and views of local communities. Unlike the former Government, the New South Wales Liberal-Nationals Government will always favour community interests over self-interest. Thankfully, for the next four years good programs like this will not be tarnished or hijacked by Labor backroom deals—Joe Tripodi, Joe Scimone and the other old names; we all know about them.

I encourage local councils, boating clubs and community groups to lodge their grant applications with NSW Maritime for new or improved boating infrastructure projects. To be eligible, projects need to meet essential criteria. For example, infrastructure needs to be of a lasting nature, available for use by a broad cross-section of the boating public, and supported by councils and communities. Applications are assessed by a panel that includes representatives of boating and stakeholder groups, and are judged on criteria chosen to encourage better and safer access to our waterways.

I note with an air of disappointment that a small group of fishermen in this State are not acting appropriately on the wharves around Sydney. On some of the commuter wharves, which are important areas for people to fish from, some fishers are leaving a mess behind. They are discarding their food and drink containers and they are gutting their fish on the wharves. The last thing we want to do is remove community access to these wharves. I make a plea to those people to clean up their act. Only a small percentage of fishermen are doing the wrong thing. We are looking at putting in better fish-cleaning tables and other facilities near the wharves, to give fishermen every encouragement to act appropriately. We have to interact with the people who use these wharves to get to work and for their recreation. Only a few fishermen are doing the wrong thing and I am sure the rest of them will ensure that they clean up their act.

CALVARY MATER HOSPITAL CLINICAL TRIALS

Dr JOHN KAYE: My question is directed to the Minister for Police and Emergency Services, and Minister for the Hunter, representing the Minister for Health. Is the Minister aware of a report in the *Sydney Morning Herald* on 6 June that Newcastle's Calvary Mater hospital is prohibiting doctors from recommending contraception to patients involved in clinical trials taking a drug derived from thalidomide, which can cause

severe birth defects? What steps has the Government taken to ensure that doctors at Newcastle's only cancer treatment centre are fulfilling their necessary duty of care to patients involved in the clinical trials by providing them with both written and verbal advice about contraception? If no action has been taken, why will the Hunter New England Local Health District not enforce at Calvary Mater the same rules as are enforced at other New South Wales public hospitals?

The Hon. MICHAEL GALLACHER: I thank Dr John Kaye for his question. I will seek a far more extensive answer on what is obviously an important issue to him, as quite rightly it is an important issue for the entire community. I am advised that, in accordance with the National Health and Medical Research Council's standards, all approved trials that involve a reproductive risk require a statement of reproductive risk to be included in the participant information and consent form. The statement used at Calvary Mater at Newcastle has the approval of the Hunter New England Local Health District and is used in Catholic hospitals throughout Australia. The statement advises participants of the dangers to an unborn child of certain drugs that may cause birth defects. The statement also advises patients to seek their doctor's advice on reliable methods of avoiding pregnancy. In addition to the statement, it is expected that doctors will provide both written and verbal advice as to these methods, to allow patients to make an informed choice. As I indicated, I hope the information I have provided will satisfy the member's preliminary inquiries, but for a detailed response I will seek advice from the Minister for Health.

BROADMEADOW SPORTING PRECINCT

The Hon. MICK VEITCH: My question is directed to the Minister for the Hunter. When will the Minister return control of the Broadmeadow sporting precinct to the people of the Hunter?

The Hon. MICHAEL GALLACHER: I thank the Hon. Mick Veitch for his question. Quite rightly, that is a question that best rests with the Minister for Sport.

The Hon. Mick Veitch: But you are the Minister for the Hunter.

The Hon. MICHAEL GALLACHER: I am the Minister for the Hunter. I will demonstrate how the approach we take in government is different from that of our predecessors. When Labor was in government all its members worked individually against each other. They did not work in the best interests of the region or as a team; they were competing with one another—

The Hon. Greg Donnelly: This was yesterday's story.

The Hon. MICHAEL GALLACHER: You are yesterday's story. Our approach is to work as a team in the region. The Minister for Sport will be making decisions and we will be announcing those decisions in relation to his responsibilities in that region. I see my role as assisting the local members and the community regarding economic growth issues and jobs for the region, working collaboratively with the team to get the best results for the area. That is what I will continue to do—unlike the former member for Newcastle and Minister for the Hunter, who competed with other Labor members. I will not call them colleagues, although they were collectively members of the Labor Party at one time. They were all in different quarters of the party, shall we say. They competed with each other for media time and in terms of getting a message to the region. The sad thing is that left-wing members spent all their time focusing on Jodie McKay. They succeeded in getting rid of her, but they lost the community. That is why the community so overwhelmingly gave the Liberal Party an opportunity, particularly in the lower Hunter seats, to bring about some change.

The Hon. Mick Veitch: What about the sporting precinct?

The Hon. MICHAEL GALLACHER: The Broadmeadow sporting precinct is an important issue. The former member for Newcastle and Minister for the Hunter interfered with it; she made a mess of it. Labor has now been exposed for the mess she made, and now somebody by the name of Graham Annesley, who actually understands sport, is involved.

REGIONAL MINOR ROADWORKS

The Hon. SARAH MITCHELL: My question without notice is addressed to the Minister for Roads and Ports. Will the Minister provide an update on minor roadworks in regional communities?

The Hon. Penny Sharpe: Yes, Minister, tell us more about what we did.

The Hon. Luke Foley: It will be minor with this bloke.

The Hon. DUNCAN GAY: Yes, it would be minor if we were talking about what you did. Minor roadworks were frequently overlooked by Labor because they were not viewed as glamorous. There were no ribbons to cut on these types of projects. There were no glossy brochures; no synthetic adds. But the projects are very important to this Government, and they have a significant impact on the day-to-day lives of millions of road users across New South Wales. At any one time small infrastructure projects are being implemented across the State. They have a more modest cost but provide critical links to hundreds of regional communities. Let me take this opportunity to update the House on specific examples of these minor works.

On the Central Coast repairs are taking place on drains on the Central Coast Highway at Kariong Hill to provide a safer environment for road users—little wonder that Chris Holstein won Gosford for the Liberal Party with a swing of 16.7 per cent. From listening to the prattle coming from the other side one can understand that they do not care about these small issues affecting our communities. In the Hunter region a steel truss bridge on the Golden Highway at Denman is being strengthened to provide support for higher mass limit vehicles, making it easier for producers in the region to transport their products. The Government is upgrading 800 metres of the Golden Highway at Ogilvie Hill, east of Denman. Works include shoulder widening, road repair, the installation of new safety barriers and an upgrade to road drainage.

The Hon. Penny Sharpe: You must be proud of our work then.

The Hon. DUNCAN GAY: We are proud of the work. Unlike members opposite the Government cares about these people. Opposition members are such hypocrites. Their jokes about important work that is being done in these communities epitomises why they lost government. They do not care a damn about these people and these community projects. In Singleton, traffic lights are being installed at Howe Street, in cooperation with the Singleton Council, to better manage traffic. George Souris understands the need for these vital works in the upper Hunter. That is why he has held that seat since 1988, and that is why his vote increased with a swing of 8.6 per cent.

Near Albury we are widening parts of Main Road 85 to provide a safer journey to those travelling north of the Victorian border. Greg Aplin campaigned for that upgrade, and that is why he retained his seat with 76.9 per cent of the vote. On the South Coast, in Batemans Bay, a concrete median barrier is being installed on the Princes Highway to reduce the incidence of head-on crashes and to slow down motorists. In Bega, where Andrew Constance—what a great member—retained his seat with 68.6 per cent of the vote, the need for this sort of work was clear. The Government will continue to crow about these small work projects, which are important to all members in this State.

IDENTITY CONCEALMENT AND CARNITA MATTHEWS

Reverend the Hon. FRED NILE: My question without notice is addressed to the Minister for Police and Emergency Services, representing the Premier. Is the Government aware that on Tuesday 21 June 2011 Mamdouh Habib admitted on 2GB radio that he escorted Carnita Matthews to Campbelltown Police Station and that he himself made a false complaint as to her treatment by Sergeant Kearney? Is the Government aware that Mr Habib claimed that police footage was doctored and that Mrs Matthews did not speak during the complaint process? Has the Government clarified this with Mr Habib and has he been questioned about this case? Can the Government also confirm media reports that whilst wearing the burqa Mrs Matthews has previously been fined seven times for traffic infringements and suspended from driving on four occasions since obtaining her L plates in 1998? Will the Government therefore consider the need, in order to prevent road accidents, to prohibit motorists from wearing the burqa whilst driving? And will the Government therefore appeal the decision of Judge Jeffreys and uphold the original conviction of Mrs Matthews?

The Hon. MICHAEL GALLACHER: The Premier made it fairly clear yesterday—at least to those on side of the House—that we will not be supporting measures to ban the wearing of any form of headdress in this State.

Reverend the Hon. Fred Nile: Whilst driving a car.

The Hon. MICHAEL GALLACHER: He made his position very clear in relation to that. Reverend the Hon. Fred Nile has raised the issue of persons wearing such attire while driving a car. I have had no advice put to me by police on that matter. I am not sure whether my colleague sitting next to me, who represents the

Roads and Traffic Authority, has had advice given to him by the Roads and Traffic Authority about any difficulties that motorists may confront as a result of wearing some form of headress whilst driving a motor vehicle.

The main thrust of the question related to television footage and whether new evidence has come to light that may well result in a further investigation to determine who was responsible for the making of a statutory declaration to the New South Wales Police Force. I did not call New South Wales Police this morning or yesterday afternoon when that information became publicly available in the media. I suggest that that matter would form part of an ongoing investigation by police. But I was informed yesterday that police are now considering potential avenues for appeal through the Office of the Director of Public Prosecutions. I am not sure whether this will be part of the overall process or whether it will be the subject of a separate investigation.

I remind Reverend the Hon. Fred Nile that yesterday I told members that I was of the view that given the potential for public concern about the authenticity of handwriting on a statutory declaration and other records available to police, in the public interest the police should consider clarifying the matter. I have no information about the fresh evidence that was referred to by Reverend the Hon. Fred Nile but I will be more than happy to report back to him if I am made aware of such an investigation before it becomes publicly available.

FLINDERS RAILWAY STATION

The Hon. PENNY SHARPE: My question is directed to the Minister for the Illawarra. Will the Minister be upgrading the Flinders Railway Station and what works are presently being undertaken on this project?

The Hon. GREG PEARCE: The question should be directed to the Minister for Transport.

The Hon. PENNY SHARPE: I ask a supplementary question. Will the Minister elucidate as to whether he will refer the said question to the Minister for Transport?

The Hon. Duncan Gay: I represent the Minister for Transport.

The PRESIDENT: Order! Strictly speaking the question is in order.

The Hon. GREG PEARCE: My answer was that the question should be directed to the Minister for Transport.

RESTART NSW

The Hon. JENNIFER GARDINER: My question without notice is directed to the Minister for Finance and Services.

The Hon. Greg Donnelly: Good luck, Jenny.

The Hon. JENNIFER GARDINER: I bet I have better luck than the Hon. Greg Donnelly. Will the Minister inform the House about the Government's commitment to restarting New South Wales?

The Hon. GREG PEARCE: The form of the question should be a clear indication to members opposite that they should complete their research before asking a question and ensure that the question they ask is relevant to the portfolios of the Minister to whom the question is directed. If that is done, they will be given the information they seek. That is what question time is all about. The trouble is that members opposite do not even have a basic understanding of what the many portfolios cover. Members opposite need to sit down as a group and do some research. They need to look at the allocation of the portfolios and at what Ministers are responsible for—

The Hon. Adam Searle: Point of order: I understand that Ministers are given wide latitude to be generally relevant. However, even with the most expansive appreciation of the term "generally relevant", the Minister's answer is nowhere near relevant. It is a tirade of abuse directed at members on this side of the House.

The Hon. Duncan Gay: You have upset him.

The Hon. Adam Searle: I have done nothing to upset the Minister.

The PRESIDENT: Order! I have the gist of the point of order. I remind Opposition members that interjections are disorderly at all times. I ask the Minister to not respond to interjections and to proceed with his answer.

The Hon. GREG PEARCE: The Liberal-Nationals Government is committed to building the infrastructure that has been denied the people of New South Wales for so long. New South Wales needs to be restarted. This Government gave notice yesterday of legislation to establish Restart NSW, a capital fund to fund the building of essential infrastructure, including public transport, road improvements to reduce congestion, water utilities and freight and hospital upgrades. The fund will have a specific mandate to grow the economic productivity of New South Wales. Restart NSW will be funded from windfall State tax revenue, other funds such as Waratah bonds and the proceeds of the proposed desalination plant transaction.

Last year New South Wales received over \$1.1 billion in windfall tax revenue and over the last 13 years that figure reached \$8.8 billion. If Labor had spent this money on infrastructure rather than on cost blowouts of failed projects such as the Rozelle Metro and the implementation of the Tcard, or the non-implementation of the Tcard, the North West Rail Link could have been built by now. Perhaps the former Government could have delivered one of the 12 promised new rail lines during its term. This Government will ensure that windfall revenues are not wasted. Rather, the Government will ensure that the money is spent on vital infrastructure.

Unlike those opposite, who committed money to projects for their mates, this Government will allow Infrastructure NSW to determine the priorities for how funds of Restart NSW are spent. Restart NSW will enable us to prioritise essential infrastructure for New South Wales in a responsible and independent way. Moreover, the Auditor-General will report annually to Parliament to ensure that all funds are invested properly and in line with Restart NSW's mandate. The New South Wales Liberal-Nationals Coalition Government is committed to whole-of-State development. For this reason 30 per cent of Restart NSW funding will be earmarked for projects in regional New South Wales. Restart NSW represents this Government's commitment to fixing the mess that was left behind after the mass exodus of 26 March.

The Hon. Amanda Fazio: Point of order: The question to the Minister and his answer are out of order. Standing Order 65 (2) (b) states:

Questions must not ask:

...

(b) for a statement or announcement of the government's policy.

That is exactly what the question asked and that is exactly what the Minister's answer relates to.

The PRESIDENT: Order! A point of order was not taken on the question when it was asked. I do not recall the full terms of the question; however, if a Minister announces government policy in his answer, he is not out of order. That ruling is consistent with rulings of former Presidents. The Minister was in order. However, I note that the time allowed to him to answer the question has expired.

COUNCILLOR SALARIES

Mr DAVID SHOEBRIDGE: My question without notice is directed to the Minister for Finance and Services. What is the rationale for the Government's cap on pay rises of local councillors in a public policy document that does not otherwise relate to the finances of local government?

The Hon. GREG PEARCE: I understand that Mr David Shoebridge is a councillor on Woollahra Municipal Council. As a councillor, he would hold the view I am sure that councillors, like members of Parliament, play a leadership role in the community and are capable of setting an example to the rest of the community. Indeed, they have a responsibility to set an example to the rest of the community. In his role as a councillor he would know that most councils, probably all councils, are experiencing a strain on their budgets similar to that experienced by the State government and many other governments. I am sure he knows that councillors have a responsibility to their constituency, just as members of Parliament and certainly governments have, relating to the way they spend money. In this State the Government is taking hard decisions to deal with

our financial predicament, which we are in because of 16 years of mismanagement by the former Labor Government, supported by the Greens. The Greens-Labor coalition brought us to this point. We are imposing a harsh regime of savings—

The Hon. Amanda Fazio: Point of order: I am getting quite tired of this person, who has a degree in law, masquerading as an economist. There is no budget black hole and he knows that.

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

The Hon. GREG PEARCE: As a Government we have said we will accept the same limits on our pay increases as those we are asking the public sector to accept. We will responsibly accept the same level of restriction—

Mr David Shoebridge: Point of order: The question was about local councillors and the decision by this Minister, who has no control over the finances of local government, to cap expenditure payments to local councillors. The question was: In circumstances where this Minister has no control over local council finances, what is the rationale for capping local councillors' modest stipends? The Minister knows he is not being relevant. He is grandstanding.

The Hon. GREG PEARCE: The Greens occupy the high moral ground when it suits them but when it comes to money in their own pockets they are not prepared to do it. They are more interested in big pay raises for their Greens mates on councils. When those hypocrites occupy the high moral ground they criticise everyone. They even criticise the Labor Party. They are a bunch of moral hypocrites. Mr David Shoebridge wants the bigger pay rises for himself and his mates on councils. He wants bigger pay rises for the councils that are run by The Greens. He wants bigger pay rises for Marrickville and Balmain councillors.

Mr David Shoebridge: Point of order—

The Hon. Charlie Lynn: Ask a supplementary question.

Mr David Shoebridge: No, I will not be responsible for the Minister's coronary.

The PRESIDENT: Order! That is not a point of order. The Minister's time has expired.

SHELLHARBOUR MATERNITY UNIT

The Hon. SOPHIE COTSIS: My question without notice is directed to the Minister for the Illawarra. Given the population growth in the Shellharbour area and the overwhelming community support, will the Minister commit to the reintroduction of the Shellharbour maternity unit?

The Hon. GREG PEARCE: In recognition that the question from the Hon. Sophie Cotsis is a good one, I will refer it to the Minister for Health for an answer. I implore Opposition members to do some homework and learn about the allocation of ministerial responsibilities. This is a matter for the Minister for Health. I will refer it to the Minister for Health on this occasion because I like the Hon. Sophie Cotsis. She is trying very hard.

The Hon. Sophie Cotsis: Point of order: My point of order relates to relevance. I ask that the Minister answer the question.

The PRESIDENT: Order! The Minister was in order. The Minister has completed his answer.

JOBSNSW WEBSITE

The Hon. SCOT MacDONALD: My question without notice is addressed to the Minister for Finance and Services. Will the Minister update the House on the Jobs NSW—

The PRESIDENT: Order! I ask the Clerk to stop the clock. I cannot hear the question because of the level of interjection from the rear of the Chamber. I ask the member to restate the question.

The Hon. SCOT MacDONALD: Will the Minister update the House on the JobsNSW website and will the Minister inform the House about private job recruitment websites and their usefulness to prospective applicants?

The Hon. GREG PEARCE: I can inform the House that the JobsNSW website has run into trouble in the past. In 2009 there was a major security breach. I note that the Hon. Eric Roozendaal was Minister for Commerce with responsibility in 2007 and 2008 and that the then Department of Commerce managed the website on behalf of the Department of Premier and Cabinet. The website was taken off-line in January 2009 following unauthorised attempts to access and extract information from the site, and for a time the then Government used private job recruitment websites exclusively. The then Government determined that a government recruitment website should be the principal source for government searches.

The new e-Recruitment system aims to streamline all aspects of recruitment; to save time and money; to find the best people for the job in the least amount of time; and to collect data vital to meet changing needs. It is to be used by all New South Wales public sector agencies and it will offer user-friendly tools to managers and job applicants and continue to promote merit-based selection. As far as I am aware, the JobsNSW website is functional. However, the New South Wales Government has used private recruitment websites to advertise some positions. Some of these websites are very useful for prospective job applicants, giving them quick and easy access to a number of jobs and allowing them to search by salary range, industry, location and job category. As it happens, I know a jobseeker who is known to some of us, indeed by all of us, in this Chamber. His name is the Hon. Eric Roozendaal, MLC.

The Hon. Luke Foley: Point of order: My point of order is relevance. The question was a direct question. The Minister should refrain from smart alec comments about members on this side of the House.

The PRESIDENT: Order! The Minister was in order. I remind the Minister to ensure that his answer is relevant.

The Hon. GREG PEARCE: I had a look at one of the private recruitment websites, *www.seek.com*. I thought I could find a job for my friend in an area where he has worked before, one with a handsome remuneration package.

The Hon. Amanda Fazio: Point of order: My point of order is not only relevance but that the Minister is misleading the House. Eric Roozendaal would never be friends with somebody like him.

The PRESIDENT: Order! Sadly, there is no point of order.

The Hon. GREG PEARCE: I found a job for a senior economic analyst with a prominent energy company. That position might be something in which a former Treasurer might be interested, especially a former Treasurer so concerned with the energy sector. But on looking at some of the criteria for the job, I noted that one of the key criteria was the capacity to think strategically. I think that the Hon. Eric Roozendaal would struggle to find referees who could help him out with that one. There is another position going at a bank for a market risk analyst. Again, the Hon. Eric Roozendaal knows how to put energy markets at risk. *[Time expired.]*

LEAVING CARE PLANS

The Hon. JAN BARHAM: My question is directed to the Minister for Finance and Services. I refer to a question I asked on 25 May 2011 regarding leaving care plans and an answer that was received yesterday. I draw the Minister's attention to the fact that the answer tabled yesterday did not address the question I asked, which was: What percentage of children and young people in the care of the Minister has leaving care plans? The answer tabled yesterday does not address that issue; therefore the Minister for Community Services has not answered the question. Will the Minister follow this up and make sure that I get an answer to the question.

The Hon. GREG PEARCE: The process is that we take a question on notice, we refer it to the other Minister and we get an answer from the other Minister. That is what I have done.

The Hon. JAN BARHAM: I ask the Minister a supplementary question. Is it acceptable that a Minister from the other House does not give the Minister in this House an answer that is directed to the question that I asked?

The PRESIDENT: Order! I rule that the supplementary question is out of order because it asks the Minister for an opinion.

SHELLHARBOUR PUBLIC HOSPITAL CHILD AND ADOLESCENT MENTAL HEALTH INPATIENT UNIT

The Hon. HELEN WESTWOOD: My question is directed to the Minister for the Illawarra. In his capacity as the Minister for the Illawarra, will the Minister inform the House of the current status of the Shellharbour Public Hospital Child and Adolescent Mental Health Inpatient Unit?

The Hon. GREG PEARCE: Yes, I can. I will refer the question to the Minister for Health and get an answer.

RURAL CRIME

The Hon. RICK COLLESS: My question is directed to the Minister for Police and Emergency Services. Will the Minister inform the House what the Government is doing to respond to and prevent rural crime?

The Hon. MICHAEL GALLACHER: I am pleased to receive a question from a member who is concerned about rural crime, as all members in country and regional areas continue to raise this issue with me. The Liberals and Nationals have committed themselves to improving services and resourcing in regional New South Wales. As my colleague the Deputy Premier and Leader of The Nationals has said, regional New South Wales offers a lifestyle second to none, with affordable housing, pristine environments, strong communities and some of the most resilient people on earth. We have no intention of letting these people down when it comes to rural crime prevention and investigation.

Rural areas often have quite different types of crime that are not found in major metropolitan centres—this will be new to members opposite—such as stock theft, wool substitution and hunting trespass. These are specialised areas of policing that require specialised skills for investigation. Government members and members on the crossbench know the importance of such skills, which can be found in the rural crime investigators of the New South Wales Police Force. Rural crime investigators have an understanding of primary industries as well as experience in practical stock handling and identification. These specialised officers regularly inspect abattoirs; saleyards; wool, hide and skin dealers; and stock and station agent offices.

An important role of rural crime investigators has been building local relationships between the rural community and the New South Wales Police Force. To recognise the work of these important officers, the New South Wales Police Force has this year introduced the Rural Crime Investigation Excellence Award. To ensure the ongoing standards of excellence, an audit of rural crime investigator positions has been conducted along with a review of training provided to these officers. A recent example of specialised training provided to these officers occurred at a four-day training workshop at Tamworth—an area known to members on this side of the House—to learn how to bust stock rustlers. Seventeen rural crime investigators from across the State attended the stock rustling course in May in which they learnt the tracing procedure of the National Livestock Identification System database for cattle, sheep and goats.

An understanding of the workings of the National Livestock Identification System by these officers will fast-track future investigations that require identification of livestock—who owns the animals and where they belong. Attendees of the course also completed an example of the Department of Primary Industries StockSafe course, which taught them how to handle stock properly and safely in the field. This specialist training is essential for rural crime investigators. The officers attended two authorised properties for hands-on experience in and demonstrations of the handling of livestock. The New South Wales Police Force has put in place a new governance structure to deal with rural crime matters, including the ongoing training and development of our rural crime investigators.

Along with the Police Force, our rural stakeholders are represented on the Rural Crime Advisory Group. The initial meeting of that group was held last night in Parliament House. Members will be working hard to determine how government and the community can better deal with rural crime across the State. Emerging issues that face rural areas in the coming years are of critical importance to the Liberal-Nationals Government. The effect of mining booms, natural events—such as severe storms and drought—and exotic disease outbreaks are not isolated incidents. [*Time expired.*]

The Hon. RICK COLLESS: I wish to ask a supplementary question. Will the Minister elucidate his answer?

The Hon. MICHAEL GALLACHER: I will take the opportunity to do so. These crimes and events affect entire communities. Enforcing law and order is not the only role that police officers play in areas where services may be thinly spread. For example, working in conjunction with stakeholders to respond to natural disasters is a key role for police officers. As often happens in these events, police officers are busy responding while having to deal with being part of the community at large. A police officer's home can be inundated just like anyone else's. We must address these issues because, like many other things in this State, they have been neglected for far too long. That time is over. We have a great deal of work to do to bring wealth, resources and infrastructure to our regional communities. That is a challenge we relish and we will take it up in partnership with those who live and work in the country and who are the backbone of a strong and resilient New South Wales.

ENVIRONMENTAL DEFENDER'S OFFICE

The Hon. ROBERT BORSAK: My question without notice is directed to the Minister for Finance and Services, representing the Minister for the Environment. Is it a fact that between 2006 and 2010 the Environmental Defender's Office received funding in the vicinity of \$500,000 through the Department of Environment and Conservation's Environmental Education Community Grants scheme and the Lead Environmental Community Groups Grant program? Will the Minister advise the House of all such grants made to the Environmental Defender's Office in that period? Will the Minister inform the House whether any of that money was used in court proceedings against the Government of New South Wales? Will the Government inform the House whether such grants will continue in the future?

The Hon. GREG PEARCE: I thank honourable member for his important question. I will obtain an answer from the Minister for the Environment.

The Hon. MICHAEL GALLACHER: The Government has been generous today, but sadly it is time to conclude question time. If members have further questions, I suggest that they place them on notice.

BULLI HOSPITAL

The Hon GREG PEARCE: On 2 June 2011 the Hon. Penny Sharpe asked me a question without notice regarding Bulli hospital. The Minister for Health has provided the following response:

The Government is currently undertaking a review of health capital infrastructure.

The specific timing of hospital projects will be announced after the budget process is completed in September 2011.

SOCIAL HOUSING

The Hon. GREG PEARCE: On 27 May 2011 the Hon. Jan Barham asked me, representing the Minister for Family and Community Services, a question without notice regarding social housing. The Minister for Family and Community Services has provided the following response:

Housing NSW requires at least 50 per cent of all new dwellings on suitable sites to meet universal design principles. Suitable sites are those near public transport and shops, and are not too steep to provide wheelchair access from the street to the front entrance of dwellings on the site.

To meet the needs of people with a disability approximately ten per cent of all new dwellings constructed on suitable sites have adaptable housing features and approximately two per cent of the existing dwellings have some level of disability modification.

Questions without notice concluded.

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL 2011

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

Motion by the Hon. Michael Gallacher agreed to:

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

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

ENVIRONMENTAL PLANNING AND ASSESSMENT (PART 3A REPEAL) BILL 2011

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

PARLIAMENTARY COMMITTEES**Appointment and Membership**

The PRESIDENT: I report the receipt of the following messages from the Legislative Assembly:

(1) **Legislative Review Committee**

MR PRESIDENT

The Legislative Assembly informs the Legislative Council that it has this day agreed to the following resolution:

That:

- (1) in accordance with section 5 (1) (b) of the Legislation Review Act 1987, the following members of the Legislative Assembly be appointed to serve on the Legislation Review Committee:

Mr Stephen Bromhead
Mr Garry Edwards
Mr John Flowers
Dr Geoff Lee
Ms Tania Mihailuk

- (2) That the Committee have leave to make visits of inspection within the State of New South Wales and other States and Territories of Australia.

The Legislative Assembly requests that the Legislative Council appoint three members to serve on the Committee.

Legislative Assembly
22 June 2011

SHELLEY HANCOCK
Speaker

(2) **Committee on the Independent Commission Against Corruption**

MR PRESIDENT

The Legislative Assembly informs the Legislative Council that it has this day agreed to the following resolution:

That:

- (1) In accordance with section 65 (1) (b) of the Independent Commission Against Corruption Act 1988, the following members of the Legislative Assembly be appointed to serve on the Committee on the Independent Commission Against Corruption:

Mr Richard Amery
Mr Mark Coure
Mr Andrew Gee
Mr Thomas George
Ms Tania Mihailuk
Mr Tim Owen
Mr Nathan Rees
Mr Mark Speakman

- (2) That the Committee have leave to make visits of inspection within the State of New South Wales and other States and Territories of Australia.

The Legislative Assembly requests that the Legislative Council appoint three members to serve on the Committee.

Legislative Assembly
22 June 2011

SHELLEY HANCOCK
Speaker

(3) **Committee on the Office of the Ombudsman and the Police Integrity Commission**

MR PRESIDENT

The Legislative Assembly informs the Legislative Council that it has this day agreed to the following resolution:

That:

- (1) in accordance with section 31C (1) (b) of the Ombudsman Act 1974, the following members of the Legislative Assembly be appointed to serve on the Committee on the Office of the Ombudsman and Police Integrity Commission:

Mr Kevin Anderson
Mr Lee Evans
Mr Paul Lynch
Mr Ryan Park

- (2) The Committee have leave to make visits of inspection within the State of New South Wales and other States and Territories of Australia.

The Legislative Assembly requests that the Legislative Council appoint three members to serve on the Committee.

Legislative Assembly
22 June 2011

SHELLEY HANCOCK
Speaker

(4) **Committee on the Health Care Complaints Commission**

MR PRESIDENT

The Legislative Assembly informs the Legislative Council that it has this day agreed to the following resolution:

That:

- (1) In accordance with section 67 (1) (b) of the Health Care Complaints Act 1993, the following members of the Legislative Assembly be appointed to serve on the Committee on the Health Care Complaints Commission:

Mr Ryan Park
Mr Andrew Rohan
Mrs Roza Sage
Mrs Leslie Williams.

- (2) The Committee have leave to make visits of inspection within the State of New South Wales and other States and Territories of Australia.

The Legislative Assembly requests that the Legislative Council appoint three members to serve on the Committee.

Legislative Assembly
22 June 2011

SHELLEY HANCOCK
Speaker

(5) **Committee on Children and Young People**

MR PRESIDENT

The Legislative Assembly informs the Legislative Council that it has this day agreed to the following resolution:

That:

- (1) In accordance with section 29 (1) (b) of the Commission for Children and Young People Act 1998, the following members of the Legislative Assembly be appointed to serve on the Committee on Children and Young People:

Mr Andrew Cornwell
Mr Andrew Gee
Ms Melanie Gibbons
Dr Andrew McDonald

- (2) The Committee have leave to make visits of inspection within the State of New South Wales and other States and Territories of Australia.

The Legislative Assembly requests that the Legislative Council appoint three members to serve on the Committee.

Legislative Assembly
22 June 2011

SHELLEY HANCOCK
Speaker

(6) **Joint Standing Committee on Electoral Matters**

MR PRESIDENT

That:

- (1) A Joint Standing Committee, to be known as the Joint Standing Committee on Electoral Matters, be appointed.
- (2) The Committee inquire into and report upon such matters as may be referred to it by either House of the Parliament or a Minister that relate to:
 - (a) The following electoral laws:
 - (i) Parliamentary Electorates and Elections Act 1912 (other than Part 2);
 - (ii) Election Funding, Expenditure and Disclosures Act 1981; and
 - (iii) Those provisions of the Constitution Act 1902 that relate to the procedures for, and conduct of, elections for members of the Legislative Assembly and the Legislative Council (other than sections 27, 28 and 28A);
 - (b) The administration of and practices associated with the electoral laws described at (a).
- (3) All matters that relate to (2) (a) and (b) above in respect of the 26 March 2011 State Election, shall stand referred to the Committee for any inquiry the Committee may wish to make. The Committee shall report on the outcome of any such inquiry within 12 months of the date of this resolution being agreed to by both Houses.
- (4) The Committee consist of seven members, as follows:
 - (a) two members of the Legislative Assembly, and
 - (b) five members of the Legislative Council.
- (5) Mr Andrew Fraser and Mr Gareth Ward be appointed to serve on such committee as the members of the Legislative Assembly.
- (6) Notwithstanding anything contained in the Standing Orders of either House, at any meeting of the Committee, any four members of the Committee shall constitute a quorum, provided that the Committee meets as a joint committee at all times.
- (7) The Committee have leave to sit and transact business during the sittings or any adjournment of either House, and despite any prorogation of the Houses of Parliament.
- (8) The Committee have leave to make visits of inspection within the State of New South Wales and other States and Territories of Australia.

The Legislative Assembly requests that the Legislative Council appoint five members to serve on the Committee, and to fix a time and place for the first meeting.

Legislative Assembly
22 June 2011

SHELLEY HANCOCK
Speaker

(7) **Joint Standing Committee on Road Safety**

MR PRESIDENT

That:

A joint standing committee (to be known as the Staysafe Committee) be appointed to inquire into and report on road safety in New South Wales with the following terms of reference:

- (1) As an ongoing task, the Committee is to—
 - (a) monitor, investigate and report on the road safety situation in New South Wales; and
 - (b) review and report on countermeasures aimed at reducing deaths, injuries, and the social and economic costs to the community arising from road accidents.
- (2) The Committee consist of five members of the Legislative Assembly and three members of the Legislative Council and that, notwithstanding anything contained in the Standing Orders of either House, at any meeting of the Committee, any five members shall constitute a quorum provided that the Committee shall meet as a joint committee at all times.
- (3) Mr Greg Aplin, Mr Stuart Ayres, Mr Robert Furolo, Mr Darren Webber and Mr John Williams be appointed to serve on the Committee as the members of the Legislative Assembly.

- (4) The Committee have leave to sit and transact business during the sittings or any adjournment of either House, and despite any prorogation of the Houses of Parliament.
- (5) The Committee have leave to make visits of inspection within the State of New South Wales and other States and Territories of Australia.

The Legislative Assembly requests that the Legislative Council appoint three members to serve on the Committee, and to fix a time and place for the first meeting.

Legislative Assembly
22 June 2011

SHELLEY HANCOCK
Speaker

(8) **Joint Standing Committee on the Office of the Valuer-General**

MR PRESIDENT

That:

- (1) A Joint Standing Committee, to be known as the Joint Standing Committee on the Office of the Valuer-General be appointed.
- (2) The Committee's functions be:
 - (a) to monitor and review the exercise of the Valuer-General's functions with respect to land valuations under the Valuation of Land Act 1916 and the Land Tax Management Act 1956, and in particular:
 - (i) to monitor the methodologies employed for the purpose of conducting such valuations,
 - (ii) to monitor the arrangements under which valuation service contracts are negotiated and entered into, and
 - (iii) to monitor the standard of valuation services provided under such contracts,
 - (b) to report to both Houses of Parliament, with such comments as it thinks fit, on any matter connected with the exercise of the Valuer-General's functions referred to in paragraph (a) to which, in the opinion of the Committee, the attention of Parliament should be directed,
 - (c) to report to both Houses of Parliament any change that the Committee considers desirable to the Valuer-General's functions referred to in paragraph (a),
 - (d) to inquire into any question in connection with the Committee's functions which is referred to it by both Houses of Parliament, and to report to both Houses on that question.
- (3) The functions of the Committee not extend to the investigation of any matter relating to or arising from a particular valuation of a specific parcel of land.
- (4) The Committee consist of five members as follows:
 - (a) three members of the Legislative Assembly of whom two must be Government members and one must be a non-Government member, and
 - (b) two members of the Legislative Council of whom one must be a Government member and one must be a non-Government member.
- (5) Mr Clayton Barr, Mr Matt Kean and Mrs Leslie Williams be appointed to serve on the Committee as the members of the Legislative Assembly.
- (6) Notwithstanding anything contained in the Standing Orders of either House, at any meeting of the Committee, any three members of the Committee shall constitute a quorum, provided that the Committee meets as a joint committee at all times.
- (7) The Committee have leave to sit and transact business during the sittings or any adjournment of either House, and despite any prorogation of the Houses of Parliament.
- (8) The Committee have leave to make visits of inspection within the State of New South Wales and other States and Territories of Australia.

The Legislative Assembly requests that the Legislative Council appoint two members to serve on the Committee, and to fix a time and place for the first meeting.

Legislative Assembly
22 June 2011

SHELLEY HANCOCK
Speaker

Consideration of messages set down as orders of the day for a later hour.

CONDUCT OF MAGISTRATE BRIAN MALONEY

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [3.37 p.m.]: I move:

1. That the following Address be adopted and presented to Her Excellency the Governor, seeking the removal from office of Magistrate Brian Maloney of the Local Court.

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

MAY IT PLEASE YOUR EXCELLENCY -

We, the Members of the Legislative Council of the State of New South Wales, in Parliament assembled, have the honour to communicate to Your Excellency the following Address adopted by the House this day:

That this House, having considered:

- (a) the Report of the Conduct Division of the Judicial Commission of New South Wales concerning complaints against Magistrate Brian Maloney, dated 6 May 2011, and tabled in this House on 2 June 2011, and
- (b) the written response of Magistrate Brian Maloney to the Report of the Conduct Division of the Judicial Commission, dated 25 May 2011, and tabled in this House on 2 June 2011,

and having heard Magistrate Brian Maloney at the Bar of the House, seeks the removal from office by Her Excellency the Governor, under section 53 of the Constitution Act 1902, of Magistrate Brian Maloney, a Magistrate of the Local Court of New South Wales, on the ground of incapacity.

2. That the Legislative Assembly be requested to adopt an Address in similar terms.
3. That a copy of the address made by Magistrate Brian Maloney at the Bar of the House on 21 June 2011, as to why he should not be removed from office on the grounds set out in the Report of the Conduct Division, be also transmitted to the Legislative Assembly.

I draw the attention of the House to paragraphs 18 and 91 of Magistrate Brian Maloney's written reply to the Conduct Division of the Judicial Commission. In these paragraphs it is stated:

... since treatment began with Dr Nielssen in February 2010 there has been no further aberrant behaviour or any evidence of, for example, a hypomanic episode ...

It further states:

... the Conduct Division did not give consideration to the fact that Magistrate Maloney has worked for 10 months without any complaint or suggestion of recurrence of symptoms.

The Attorney General has written to the Hon. Tom Bathurst, Chief Justice of New South Wales, in his capacity as President of the Judicial Commission. The Attorney General requested the Chief Justice verify the contentions made by Magistrate Maloney through his solicitors. I seek leave to table the following documents relating to Magistrate Brian Maloney:

- (a) Correspondence from the Honourable Greg Smith, SC, MP, Attorney General and Minister for Justice, to the Honourable T Bathurst, Chief Justice of the New South Wales Supreme Court in his capacity as President of the Judicial Commission of New South Wales, dated 14 June 2011, and
- (b) Correspondence from E. J. Schmatt, Chief Executive of the Judicial Commission of New South Wales, to the Honourable Greg Smith, SC, MP, Attorney General and Minister for Justice, dated 17 June 2011.

Leave granted.

Documents tabled.

The Judicial Commission advised:

... that since 20 May, 2011 the Commission has received three complaints about Magistrate Maloney. The complaints relate to the following periods: 22 October 2008 & 31 March 2009; 14-18 December 2009; and February/March 2011. The Commission notes that two of these complaints relate to incidents before Magistrate Maloney commenced his medical treatment. The Commission also notes that at this point it has only commenced a preliminary examination of the complaints and has given no consideration to the merits of the complaints.

The Judicial Commission provided a copy of its response to Magistrate Maloney and his legal representative. This matter involves conduct that occurred before the Fifty-fifth Parliament of New South Wales was elected on 26 March 2011. It is not something that the Liberal-Nationals Government initiated. It is a result of an investigation by the Conduct Division of the Judicial Commission of New South Wales in response to three complaints lodged against Magistrate Brian Maloney. There has been no involvement by anyone in this Parliament on both sides of the House with any aspect of the Judicial Commission process. The Government's only function is to ensure that the report of the Conduct Division of the Judicial Commission is tabled and the matter is given serious attention by all members of Parliament. The Conduct Division is an important body that does not make findings of professional misconduct or incapacity lightly.

The Conduct Division is a fact-finding body which, in certain cases, if it finds that a complaint or complaints are wholly or partly substantiated and forms an opinion that the matter could justify parliamentary consideration of the removal of the judicial officer from office, sends its report to the Governor and a copy to the Attorney General. In such cases, the Attorney General is bound to table copies of the Conduct Division's report in both Houses of Parliament. The report and other material statements tabled are intended to give direction to the Parliament regarding its deliberations. Before any conclusion is reached by the Conduct Division, there is rigorous examination of complaints and then a hearing that allows the judicial officer to present his or her case. It is crucial to note that the jurisdiction of the Conduct Division is a protective jurisdiction; it is there to protect the public.

Last year the Judicial Commission referred five of 64 complaints examined to its Conduct Division. All related to two judicial officers, Magistrate Betts and Magistrate Maloney. Conduct Division referrals are rare and they occur only in relation to the most serious matters. There have been three Conduct Division hearings since 2006. The Chairman of the Judicial Commission is the Chief Justice of New South Wales. For consideration of complaints against Magistrate Brian Maloney, the panel members were the Hon. Michael Campbell, QC, Her Honour Deputy Chief Magistrate Mottley and Ms Martha Jabour.

Michael Campbell, QC, was a judge of the State's Workers Compensation Commission from 1975 to 1984 and of the Compensation Court of New South Wales from 1984 to 1986. In 1986 he was appointed a judge of the Supreme Court of New South Wales and served until 1994. He then served as Chief Judge of the New South Wales Compensation Court from 1994 until 2002. He was an acting judge of New South Wales Supreme Court in 2002 and 2005. He has been a consultant to the Judicial Commission since 2006.

Ms Jane Mottley is a Local Court Magistrate. From 1979 to 1988 she worked in the registries of Local Courts throughout New South Wales, including North Sydney, Newcastle, Liverpool, Burwood, Campsie, Lidcombe and in the city. In 1989 she was admitted to practice and from 1990 to 2000 she was duty solicitor for the Legal Aid Commission of New South Wales. She was appointed a magistrate in 2000 and then deputy chief magistrate in 2009; she also served as acting chief magistrate. Ms Martha Jabour is a lay member of the Judicial Commission of New South Wales, appointed pursuant to section 22 of the Judicial Officers Act 1986 in New South Wales. She is Executive Director of the Homicide Victims Support Group. She also sits on the New South Wales Sentencing Council.

On 14 September 2009 members of the Judicial Commission appointed the aforementioned panel members to consider complaints made to the Judicial Commission by Mr Tareq Alteranesi and Mr Oliver Banovec against His Honour Magistrate Brian Maloney of the Local Court. On 8 February 2010 the Judicial Commission referred to the Conduct Division a further complaint by Dr Duncan Wallace. The Conduct Division noted that the consideration of the complaints was shortened because of two factors:

First, Magistrate Maloney has admitted inappropriate conduct in respect of most of the particulars of the complaint, apologised and explained the events by reference to his "disease".

Second, the Division accepts that Magistrate Maloney's inappropriate conduct has been substantially caused by his bipolar 2 disorder.

Mr Tareq Alteranesi's complaint concerned allegations of ridicule, bullying and denial of natural justice. Although the complaint did not contain the allegation that Magistrate Maloney called Mr Alteranesi "a bastard", this was considered by the Conduct Division. The Conduct Division found at paragraph 438 that:

So much of the Altaranesi complaint as alleges that Magistrate Maloney referred to Mr Altaranesi as a bastard is dismissed. The remainder of the complaint is substantiated in so far as it relates to the ability of the Magistrate but not insofar as it relates to the behaviour of the Magistrate.

Mr Banovec's complaint concerned, first, the allegation that natural justice was denied; and, second, allegations of inappropriate conduct. In relation to the denial of natural justice it was alleged that His Honour refused an adjournment application without properly hearing from Mr Banovec; His Honour continually talked over Mr Banovec; His Honour dispensed with the rules relating to the service of a notice of motion to set aside a subpoena without properly hearing from Mr Banovec; and that His Honour set aside subpoena issued by Mr Banovec without hearing from Mr Banovec on the conclusions which the judicial officer adopted concerning the subpoena. In relation to the allegations of inappropriate conduct, it was alleged Magistrate Maloney refused the adjournment application of Mr Banovec in an inappropriately humorous and loquacious manner, not befitting of legal proceedings. The Conduct Division found at paragraph 438 that:

So much of the Banovec complaint as is particularised in 1 (c) and 1 (d) is dismissed. The remainder of the complaint is substantiated insofar as it relates to the ability of the Magistrate but not insofar as it relates to the behaviour of the Magistrate.

On 21 January 2010 Dr Duncan Wallace made a number of complaints in relation to the behaviour of Magistrate Maloney in the course of his duties whilst conducting mental health inquiries at the Kiloh Centre, Prince of Wales Hospital on 23 December 2009. The complaint alleged that Magistrate Maloney, first, failed to give adequate attention to his judicial function; second, made inappropriate and loquacious questions and comments; third, abused his judicial power; fourth, failed to behave judicially; fifth, inappropriately introduced matters personal to the magistrate into the mental health inquiries; sixth, engaged in inappropriate comments and conduct with respect to the two health and security systems officers, known as HASS officers, at the Kiloh Centre who were present at the mental health inquiries; and, seventh, breached a prior undertaking. The Conduct Division found at paragraph 438 that particular aspects of complaints one, two, three and six should be dismissed; however it concluded that:

The remainder of the complaint is substantiated in so far as it relates to the ability of the Magistrate but not insofar as it relates to the behaviour of the Magistrate.

The Conduct Division accepted the submission at paragraph 386 of the report that the critical issue which emerged from the examination of the complaints and the hearings is Magistrate Maloney's capacity to perform the duties of a judicial officer in view of his bipolar II disorder. The Conduct Division determined whether Magistrate Maloney is incapacitated in the relevant way by taking into account not only the medical and other evidence, but also the Conduct Division's knowledge of what a judicial officer is required to do and the conditions under which it must be done. Medical evidence from Dr Nielssen, Dr O'Dea and Dr Phillips was considered. After carefully considering all the evidence the Conduct Division concluded at paragraph 438:

We are of the view that if Magistrate Maloney continues as a magistrate there is a very real risk that he will suffer hypomanic attacks or other mood changes which will result in events such as those reflected in the complaints we have considered.

We consider that the likelihood of such attacks or changes, taken together with their probable consequences, constitute an unacceptable risk which would have to be taken for the Magistrate Maloney to continue as a magistrate.

We find that Magistrate Maloney is and will remain incapacitated for the performance of the office of magistrate. We are of the opinion that that incapacity could justify Parliamentary consideration of the removal of Magistrate Maloney from office on the ground of proved incapacity.

I urge all members to consider the report of the Judicial Commission, give it due weight and remember that the Judicial Commission exists to protect the public; not to punish judicial officers.

The Hon. DUNCAN GAY (Minister for Roads and Ports) [3.52 p.m.]: The Leader of the Government tabled two documents during his contribution, one of which was a letter that I am informed was dated 14 June seeking Judicial Commission advice in relation to complaints. Another was a letter from the Judicial Commission of New South Wales dated 17 June advising of further complaints. This is new evidence and it was not addressed by Magistrate Maloney when he addressed the House. Having consulted with all members, we believe that the magistrate should be given the opportunity to address this new evidence, either in writing or in person, if he so wishes. I also confirm that this material was sent to the magistrate by fax on 17 June. I seek leave to table a copy of a fax transmission to Magistrate Brian Maloney concerning correspondence from the Judicial Commission of New South Wales, dated 17 June 2011.

Leave granted.

Document tabled.

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

INFRASTRUCTURE NSW BILL 2011**In Committee****Consideration resumed from an earlier hour.**

The Hon. CATE FAEHRMANN [3.56 p.m.]: The Greens will not move amendments Nos 10 and 13 on sheet C2011-040C.

The Hon. PENNY SHARPE [3.57 p.m.], by leave: I move Opposition amendments Nos 3, 5, 8 and 11 in globo on sheet C2011-045A:

No. 3 Page 9, clause 17 (2), line 14. Omit "may". Insert instead "must".

No. 5 Page 10, clause 20 (1), line 15. Omit "may". Insert instead "must".

No. 8 Page 11, clause 24, line 8. Omit "may". Insert instead "must".

No. 11 Page 12, clause 27 (1), line 10. Omit "may". Insert instead "must".

These amendments seek to do the same thing—that is, they turn on the difference between the meaning of "may" and "must". The Opposition believes that the bill is not explicit enough in relation to the release of information and issues that will be taken into consideration. Opposition amendment No. 3, which deals with page 9, clause 17 (2), seeks to delete "may" and insert "must". We have moved this amendment because it ensures that what the Premier said the bill will do will happen. In his speech the Premier said that the 20-year State infrastructure strategy will:

Address ... the social, economic, and environmental costs of our infrastructure challenges, the objectives to be achieved against which the performance of our infrastructure can be benchmarked, and a full range of potential solutions to those problems.

However, the bill goes on to say "the strategy may include" things such as economic, social and environmental objectives against which the performance of the State's infrastructure network can be assessed and benchmarked. Our amendment is aimed at ensuring that what the Premier says he wants to happen does happen. "May" does not require these objectives to be included in the 20-year strategy, but "must" does.

Opposition amendment No. 5 again changes "may" to "must". By giving a clear instruction that Infrastructure NSW must include information such as the rationale for the selection of the priority projects, the estimated costs, recommended funding and delivery arrangements, and an estimated time frame for the delivery of those projects in the content of five-year infrastructure plans rather than that it "may" include this information, the Premier will be delivering on his promise that these plans are detailed, costed and transparent. Without these amendments there is no guarantee that this action will take place. With regard to Opposition amendment No. 8, as argued when discussing the content of 20-year State infrastructure plans, if the Premier is to deliver on his statement that the establishment of the new agency will ensure independent and transparent infrastructure decisions based on merit, then any sectoral State infrastructure strategy statement must include the criteria detailed in clause 24 and it must not be left to the board to decide whether to do so each time it prepares a sectoral statement.

The final Opposition amendment deals with clause 27 of the bill. If the amendment is passed it will ensure that a project implementation plan must include the following in relation to the project concerned: the government agency or agencies responsible for the construction and delivery of the project; the funding envelope for the project cost; the funding and procurement model for the project; the project delivery method, including the role, if any, of the private sector; the time frame for the delivery of the project; the ongoing operation and maintenance of the project; and other matters relating to the delivery of the project. These are not unreasonable amendments. They simply seek to ensure that what the Government says it will do is what will occur. I commend the Opposition amendments to the Committee.

The Hon. CATE FAEHRMANN [4.01 p.m.]: The Greens support the Opposition amendments. Indeed, the amendments do what we intended to do with our amendments that we have just withdrawn. Again, it seems rather unbelievable that this 20-year State infrastructure strategy that Infrastructure NSW will put together does not need to consider economic, social and environmental objectives against which the performance of the State's infrastructure network can be assessed and benchmarked. It is unbelievable that Infrastructure NSW does not need to consider the identification, on the basis of detailed, objective and

quantitative evidence, of current land-use plans and population projections, and deficiencies in the State's infrastructure. Each of these obligations should be absolutely mandatory. The current wording of the section leaves this to the discretion of Infrastructure NSW. The Greens believe it should be up to the Parliament to make laws to make it mandatory for Infrastructure NSW to consider the matters outlined in the bill.

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [4.02 p.m.]: The Government opposes the Opposition amendments as they are entirely unnecessary. The bill sets out the matters to be covered by Infrastructure NSW in developing its 20-year State infrastructure strategy, five-year infrastructure plan, a sectoral State infrastructure plan and a project implementation plan. Clauses 17, 20, 24 and 27 contain a checklist of matters which Infrastructure NSW should consider when developing its strategies and plans. There is no reason to suggest that Infrastructure NSW will not consider these matters and cover them in the development of its strategies and plans.

The Hon. PENNY SHARPE [4.03 p.m.]: I simply make the point that "should" is not "must" and "may" is not "must". The Government should put its money where its mouth is and support the Opposition amendments.

Question—That Opposition amendments Nos 3, 5, 8 and 11 [C2011-045A] be agreed to—put.

The Committee divided.

Ayes, 16

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

Noes, 20

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

Pairs

Ms Fazio	Mr Harwin
Mr Veitch	Mr Mason-Cox

Question resolved in the negative.

Opposition amendments Nos 3, 5, 8 and 11 [C2011-045A] negatived.

The Hon. PENNY SHARPE [4.13 p.m.]: I will not be moving Opposition amendments Nos 4, 6 and 9 on sheet C2011-045A as stand-alone amendments. The Greens will be moving amendments to add them to their amendments.

The Hon. CATE FAEHRMANN [4.13 p.m.], by leave: I move Greens amendments Nos 11, 14 and 17 on sheet [C2011-040C] in globo:

No. 11 Page 10, clause 18 (2), line 4. Insert "(including by its publication in the Gazette)" after "publicly available".

No. 14 Page 10, clause 21 (2), line 29. Insert "(including by its publication in the Gazette)" after "publicly available".

No. 17 Page 11, clause 25 (2), line 25. Insert "(including by its publication in the Gazette)" after "publicly available".

Greens amendment No. 11 imposes the requirement for Infrastructure NSW and the Premier to publish in the *Government Gazette* and make publically available the 20-year State infrastructure strategy. Greens amendment No. 14 provides that the Premier must notify Infrastructure NSW of the Premier's decision and make adopted five-year plans publicly available, including by publication in the *Government Gazette*. Greens amendment No. 17 deals with the sectoral State infrastructure strategy statement. These are very simple and commonsense amendments which will mean that where the bill states "publicly available" the 20-year State infrastructure strategy, the five-year infrastructure plans, and any sectoral State infrastructure strategy statements will be published in the *Government Gazette*. I urge members to support these simple and commonsense amendments.

The Hon. PENNY SHARPE [4.15 p.m.]: As indicated previously, the Opposition has straightforward amendments to make to each of the three Greens amendments. By leave, I move Opposition amendments Nos 4, 6 and 9 on sheet C2011-045A in globo:

No. 4 Page 10, clause 18 (2), line 4. Omit all words on that line. Insert instead:

and must, within 30 days of the adoption of a strategy, publish the adopted strategy on the Department of Premier and Cabinet's website.

No. 6 Page 10, clause 21 (2), line 29. Omit all words on that line. Insert instead:

and must, within 30 days of the adoption of a plan, publish the adopted plan on the Department of Premier and Cabinet's website.

No. 9 Page 11, clause 25 (2), line 25. Omit all words on that line. Insert instead:

and must, within 30 days of the adoption of a statement, publish the adopted statement on the Department of Premier and Cabinet's website.

The Opposition is endeavouring to make it clear that strategies, plans and statements will not just be made publicly available but will be easily accessible and available within a reasonable time frame on the Department of Premier and Cabinet's website. Throughout debate the Opposition has sought to ensure that the undertakings given by the Government will be adhered to. Opposition members do not consider these amendments to be in any way outrageous. In fact, we believe that these sensible amendments will make a reasonable contribution to ensuring that these documents are available online. While we understand that these kinds of reports are more readily available online, the question is whether the Government is made to do that or whether it chooses to do that. It is fine when things are going well but if things get tough it is likely that those plans, statements and strategies will not necessarily be publicly available. Making these plans, statements and strategies publicly available online in addition to being available in the *Government Gazette* is a perfectly reasonable request and requirement.

The Hon. Michael Gallacher: I seek clarification from the Hon. Penny Sharpe as to whether Opposition amendments Nos 6, 7 and 9 are amendments to Greens amendments Nos 11, 14 and 17.

The Hon. PENNY SHARPE: The Opposition is moving amendments to Greens amendments Nos 11, 14 and 17.

The CHAIR (The Hon. Jennifer Gardiner): Opposition amendments Nos 4, 6 and 9 have been moved to Greens amendments Nos 11, 14 and 17.

The Hon. MICHAEL GALLACHER [4.17 p.m.]: I will speak first to Opposition amendments Nos 4, 6 and 9 and I will then speak briefly to Greens amendments Nos 11, 14 and 17. The Government opposes the Opposition's amendments. It is unnecessarily restrictive to require the Premier's decisions concerning strategies, plans and statements to be published on the website of the Department of Premier and Cabinet. The current requirement in the bill that information be made publicly available provides flexibility. The information may be placed on any number of appropriate websites, including the website of the Department of Premier and Cabinet and the website of Infrastructure NSW.

The information will be published on relevant government websites so that it can be readily located by all members of the community. As I indicated, we believe these amendments are restrictive and inflexible. The Government also opposes the Greens amendments. There is no need to amend the bill to require strategies, plans and statements to be published in the *Government Gazette*. They are not the types of documents most suited to publication in the *Government Gazette*. Instead, they will be published on government websites so that they can be readily located by all members of the community.

The Hon. PENNY SHARPE [4.19 p.m.]: Will the Minister guarantee that the strategies, plans and statements will be available online?

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [4.20 p.m.]: I am advised that the information will be publicly available on a number of websites, including the Premier's website and on the website of Infrastructure NSW.

The Hon. PENNY SHARPE [4.20 p.m.]: Given that advice, why does the Government not support the amendments? The Minister said the information will be published on the Premier's website. Why will he not agree to the amendments so that it is in the bill?

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [4.20 p.m.]: That is the Opposition's position and I have enunciated the Government's position.

The CHAIR (The Hon. Jennifer Gardiner): Order! The Hon. Cate Faehrmann has moved Greens amendments Nos 11, 14 and 17 on sheet C2011-040C to which the Hon. Penny Sharpe has moved Opposition amendments Nos 4, 6 and 9 on sheet C2011-045A. The Hon. Penny Sharpe has moved Opposition amendment No. 4 to Greens amendment No. 11, Opposition amendment No. 6 to Greens amendment No. 14 and Opposition amendment No. 9 to Greens amendment No. 17. I will put them seriatim.

Question—That Opposition amendment No. 4 [C2011-045A] of Greens amendment No. 11 [C2011-040C] be agreed to—put and resolved in the negative.

Opposition amendment No. 4 [C2011-045A] of Greens amendment No. 11 [C2011-040C] negatived.

Question—That Greens amendment No. 11 [C2011-040C] be agreed to—put and resolved in the negative.

Greens amendment No. 11 [C2011-040C] negatived.

Question—That Opposition amendment No. 6 [C2011-045A] of Greens amendment No. 14 [C2011-040C] be agreed to—put and resolved in the negative.

Opposition amendment No. 6 [C2011-045A] of Greens amendment No. 14 [C2011-040C] negatived.

Question—That Greens amendment No. 14 [C2011-040C] be agreed to—put and resolved in the negative.

Greens amendment No. 14 [C2011-040C] negatived.

Question—That Opposition amendment No. 9 [C2011-045A] of Greens amendment No. 17 [C2011-040C] be agreed to—put and resolved in the negative.

Opposition amendment No. 9 [C2011-045A] of Greens amendment No. 17 [C2011-040C] negatived.

Question—That Greens amendment No. 17 [C2011-040C] be agreed to—put and resolved in the negative.

Greens amendment No. 17 [C2011-040C] negatived.

Parts 1 to 6 agreed to.

Schedules 1 to 4 agreed to.

Title agreed to.

Bill reported from Committee without amendment.

Adoption of Report

Motion by the Hon. Michael Gallacher agreed to:

That the report be adopted.

Report adopted.

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

Third Reading

Motion by the Hon. Michael Gallacher agreed to:

That this bill be now read a third time.

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

DESTINATION NSW BILL 2011

Second Reading

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [4.27 p.m.]: I move:

That this bill be now read a second time.

I am pleased to introduce the Destination NSW Bill 2011. Tourism in New South Wales is worth \$28 billion to the State and supports more than 160,000 jobs, many of them in regional New South Wales. I seek leave to have the remainder of my second reading speech incorporated in *Hansard*.

Leave granted.

The New South Wales Government recognises that tourism and events are key drivers of the New South Wales economy and importantly, have the potential to generate even more economic returns and jobs for the people of New South Wales.

The New South Wales Government has announced the creation of Destination NSW, a new statutory authority that will be strongly resourced, better equipped and more focused on working with the State's tourism and major events sector to sell Sydney and New South Wales to the world.

Tourism policy in this State needs strategic direction. For too long the tourism sector has been underresourced. There has been a lack of cohesion between our event acquisition activities, our strategies to enhance events and our marketing and promotion activities in attracting visitors to New South Wales.

That is why the New South Wales Government is establishing Destination NSW.

The advice of industry and the community in shaping the future of our tourism sector will be critical and that is why we have also established the Visitor Economy Taskforce, to guide Destination NSW on tourism policy.

The Taskforce will be charged with developing a strategy to double tourism expenditure in New South Wales by 2020, measured by overnight visitor expenditure.

It will comprise the new Chief Executive of Destination NSW, once appointed, and three high-level industry representatives. It will be chaired by Russell Balding, AO, who will be shortly stepping down as CEO of Sydney Airport. He is, of course, also the former Chairman of the ABC and as such, has a unique skill-set for the position. His background encompasses the experience of running our most important piece of visitor infrastructure along with our pre-eminent media organisation.

Mr Balding will be supported by John King, AO, Chairman of the Australian Tourism Export Council and a global expert on sustainable tourism and the development of indigenous tourism ventures. Mr King recently chaired the previous Labor Government's Taskforce on International Education and Tourism.

The fourth member of the taskforce should need no introduction in this place. Mr Bruce Baird, AM, was, of course, the Minister for the Olympic Bid in the former Coalition Government and is the current Chair of the Tourism and Transport Forum. He was recently commissioned by the Federal Labor Government to conduct a review into issues surrounding international education following the unfortunate events with Indian students in Victoria.

The Visitor Economy Taskforce will be supported by a broad based advisory committee to include government and industry representatives and will be expected to deliver a long term strategy and work plan to the Minister for approval within 12 months.

The taskforce will also be providing advice on key supply side matters of importance to the future of tourism. For instance, the cruise industry is one of the fastest growing sectors in tourism and Sydney Harbour is one of the world's best cruise destinations. Ships are getting larger and the future need for cruise facilities in the harbour will need to be carefully considered by Government with input from across the board.

New South Wales offers a great diversity of wonderful tourism experiences and destinations that are found in the CBD of Sydney, our urban precincts across the greater Sydney area and of course regional New South Wales. Nature, food and wine, beaches, the arts and the unique culture and history of Aboriginal people are only some of our fine tourism assets.

That is why sustainable tourism will be an important area of focus for strategy development by the Visitor Economy Taskforce and for delivery by Destination NSW.

Australia is recognised globally as a world-leader in ecologically sustainable development in tourism and it is the Government's strong view that New South Wales will not only protect that reputation but enhance it.

The Coalition Government is determined to place Tourism and Events at the centre of our State's economic revival. To underline that commitment, we will be providing Destination NSW with an extra \$40 million over four years and a further \$5 million this year for regional tourism initiatives.

Destination NSW will be a marketing and promotional powerhouse selling Sydney and regional New South Wales to the world. The advertising campaigns undertaken by Destination NSW will be about attracting visitors and visitor expenditure to our State. It is about measurable results that make a positive economic impact.

Tourism branding and marketing is about creating sustainable jobs and especially jobs for the regions. It is about building a services economy. We advertise and promote our State to get more people here, to encourage them to spend more money, creating sustainable wealth across the State.

Importantly, we want interstate and international visitors to repeat their visits here across their lifetime. We want them to come, as young people, as backpackers and students.

We want them to come back with their families and partners for holidays, events and to visit their friends and relatives. We want them to come here for professional reasons such as conferences, business meetings and to invest. And we want them to come back in their retirement, to participate in activities as active or as passive as they choose.

In short, we want tourism in New South Wales to enhance our visitors' lives and in doing so, to enhance ours.

The Bill Establishing Destination NSW

I now turn to more specific considerations of the bill we are considering today. It establishes a new statutory authority to be known as Destination NSW.

We have chosen a statutory authority structure because it is the most suitable structure for an organisation that has strong commercial interests, requires partnerships with private industry and manages valuable government collateral such as the Sydney and New South Wales brands.

The entity will:

- encompass the current functions of Tourism New South Wales;
- include the event acquisition, enhancement and marketing functions currently undertaken by Events New South Wales;
- take on the role previously assigned to the Greater Sydney Partnerships for marketing Brand Sydney; and
- deliver the approved strategies developed by the Visitor Economy Taskforce in conjunction with existing bodies such as Business Events Sydney and regional tourism organisations.

The Destination NSW Bill 2011 requires the abolition of the former corporation Tourism New South Wales, constituted under the Tourism New South Wales Act, 1984. Tourism New South Wales will become a division of Destination NSW. By separate process, we will also wind up Events New South Wales.

Members of the former Tourism and Events boards will be eligible to be appointed as members of the Board of Destination NSW at the discretion of the Minister.

The existing budgets of Tourism New South Wales and Events New South Wales, along with our additional funding of \$40 million over four years and \$5 million in 2011-12 for regional tourism organisations will provide resources of \$400 million over the next four years to this new organisation.

It is our intention to retain the skilled staff of Events New South Wales and Tourism New South Wales and add brand and marketing horsepower to the new entity.

We have established a transition group that includes Tourism New South Wales, Events New South Wales, department staff and the Department of Premier and Cabinet to ensure best practice approaches to change management and to make the transition as easy as possible for staff, and importantly—to make sure the business keeps being done.

We are also determined to eliminate any duplication of effort in back of house functions and to put any saving straight back into marketing and promoting New South Wales and acquiring events.

Destination NSW will be tasked with:

- brand, partnership and event marketing (including event leveraging and regional relationships);
- events acquisition, retention, enhancement and leveraging international operations;
- destination development;
- stakeholder management and communications; and
- management of "Brand Sydney" and a range of other initiatives which support Sydney's global positioning.

The bill will establish the Board of Destination NSW as a board of management. The board will be accountable for the operations of Destination NSW and the strategies, plans and actions that the organisation will implement to achieve its goals.

The board will have an independent chair and include the Chief Executive Officer of Destination NSW, the Director General of the Department of Trade and Investment, Regional Infrastructure and Services and industry representatives with the relevant skills and experience in tourism and events.

As Destination NSW will be responsible for events, product, destination, regional, investment and economic development programs, it is essential that it operates in the context of broader government priorities.

In addition, the organisation will control substantial collateral such as Brand Sydney and Brand New South Wales and substantial public funds.

It is therefore necessary for Government to have the power to direct the board on strategic issues, including the implementation of the strategies developed by the Visitor Economy Taskforce.

We will also implement the highest standards of governance, accountability and transparency.

The bill also provides that the Minister for Tourism can appoint the board of management and remove members from the board.

The Chief Executive of Destination will manage and control the organisation's affairs as directed by and in accordance with the general policies and strategic direction agreed by the board.

The Government Information (Public Access) Act will apply to Destination NSW. As a government entity, information, other than that which is against the public interest, would be available to the public.

As indicated in the legislation, Destination NSW will be expected to demonstrate its effectiveness. It will be required to prepare and deliver corporate and business plans approved by the Minister for Tourism and Major Events. The plans will outline the objectives of key activities and strategies including policies and budgets for achieving the targets and criteria against which the performance of Destination NSW will be assessed.

New South Wales now has a real chance to help the tourism and events sector in our State realise its potential and make a full contribution to the task of rebuilding the New South Wales economy.

The Hon. MICK VEITCH [4.28 p.m.]: I lead for the Opposition in debate on the Destination NSW Bill 2011 and indicate at the outset that the Opposition does not oppose the bill. The object of the bill is to establish Destination NSW as a new statutory authority which will have obligations regarding the development of tourism and the procuring of major events. Indeed, the principal object of Destination NSW is stated in clause 12 as:

to achieve economic and social benefits for the people of New South Wales through the development of tourism and securing major events.

The main purpose of the bill is to merge the two public agencies of Tourism New South Wales and Events New South Wales to form Destination NSW, which will have two separate divisions. The agency also, as we understand it, will be accompanied by a Visitor Economy Taskforce, which the Government says will be charged with developing a strategy to double tourism expenditure in New South Wales by 2020. The agency will comprise a Director General of Destination NSW and three industry representatives. In addition, Destination NSW will also, as the Opposition understands it, take on the role previously assigned to the Greater Sydney Partnership for the marketing of Brand Sydney.

The functions of Destination NSW are set out in clause 13 of the bill. Its functions are to market and promote New South Wales as a tourist destination and as a destination for hosting major events; to promote travel to and within New South Wales; to promote major events; to identify, attract and procure major events for New South Wales; to develop tourism ventures; to implement strategic plans, as approved by the Minister from time to time; to prepare, at least three months before the beginning of each financial year, a Destination NSW corporate and business plan for approval by the Minister; to prepare, on such occasions as the board requires, an

operational plan for approval by the board; to construct, establish, maintain and operate tourist facilities; to establish, maintain and conduct enterprises relating to tourism; to provide travel and information services relating to tourism; to market travel and related services; and to carry out, or to arrange for the carrying out of, research in relation to tourism and major events.

I would appreciate a response from the relevant Minister or Parliamentary Secretary with regard to some of matters that were raised by the member for Liverpool in the other place, but which were unfortunately not addressed by the Minister during his speech in reply. If the Government is effectively merging agencies, will that lead to any job losses? What employment consequences will arise from the bill? There seems to have been one job loss already because, according to the weekend newspapers, Mr Parmenter has resigned from Events New South Wales. Beyond that, what is likely to happen to employees of the organisation?

I also ask the Minister how the bill will affect the Government's commitment to allegedly reducing government advertising. It seems to follow that if Destination NSW is to achieve the significant number of functions of the body referred to in clause 13 of the bill it must lead to increased advertising. That seems to be contrary to some of the objectives and claims that have been made by the Government. I would appreciate it if the Minister could clarify how tourism advertising will be impacted by the creation of Destination NSW. It is interesting to note that Destination NSW will get a property acquisition power under clause 16. However, as the member for Liverpool stated in the other place, one's attention is always alerted when new government bodies are set up with powers to acquire property. Has the Government given any thought to precisely what sort of property it is looking to acquire, and what are the parameters for the purchase?

I am particularly keen to explore the implications for regional and rural New South Wales tourism. Much of the rhetoric around the legislation seems to be Sydney-centric, almost Sydney CBD-centric. Where does it fit in with rural and regional New South Wales, and particularly with local tourism operators? How will tourism funding be delivered to rural and regional New South Wales? Will Destination NSW seek to take over the running of tourism events such as the Bathurst motor race, for example, or will the arrangements for these events remain as they are? I would appreciate it if the Minister could provide some clarification of the role of Destination NSW in some of the fantastic rural and regional flagship tourism events, such as the Cherry Festival.

It is important to provide a picture of tourism in New South Wales. Visitors to New South Wales inject more than \$28.2 billion a year into the State's economy, directly supporting 162,500 jobs. New South Wales attracts more tourists than any other Australian State or Territory, with approximately 36.3 per cent of all international and domestic overnight visitors coming to New South Wales in the year ending September 2010. Of our domestic visitors for that period, New South Wales attracted 23.4 million overnight visitors, who spent more than \$12.5 billion during their stay. In that period New South Wales retained its lead on the international front with the number of international visitors to this State increasing by 6.6 per cent in the September 2010 quarter, which is above the national average increase in visitors of 5.6 per cent. Visitor nights were also up by 8.8 per cent in that quarter.

The member for Liverpool, and indeed other members from all sides in the lower House, spoke about the long history of attempts to support tourism. I think it is important to revisit that issue in this place. In November 2008 the former Government demonstrated its commitment to the tourism industry with an investment of an additional \$40 million over 3½ years on top of Tourism New South Wales' recurrent budget to implement a new tourism strategy for New South Wales. In the first year of that strategy's implementation quite a significant amount was achieved. The target for tourism in the State Plan was reset, and it became 160.6 million visitor nights by 2015-16, which would see \$19.2 billion in visitor spending. Two new tourism campaigns were launched for Sydney and regional New South Wales, worth approximately \$22 million a year. The new campaigns were launched domestically and in New Zealand, China, the United Kingdom and the United States of America.

The role of the Tourism New South Wales board was strengthened by creating three new industry reference groups: Sydney, regional and international. New ministerial task forces were established to address tourism issues relating to education, planning and investment, local government and national parks. The New South Wales Taskforce on Tourism and National Parks was established to report on ways to promote and protect the State's natural and cultural heritage values while allowing appropriate use of national parks and reserves. One of the important recommendations of that task force was realised with the passing of the National Parks and Wildlife Amendment (Visitors and Tourists) Bill 2010.

The Taskforce on Tourism, Planning and Investment was established to give advice on ways to increase tourism friendliness in the planning system and attract tourism investment. The Taskforce on Tourism and Education was established to identify supply-and-demand strategic issues to inform the New South Wales Tourism Industry Plan and to develop an education tourism plan for New South Wales. The Ministerial Taskforce on Tourism and Local Government was established to develop recommendations to encourage local councils to improve and better integrate local government planning for tourism into their overall planning processes. Obviously, a significant amount of work has been done in recent years to support tourism.

A number of the matters to which I have referred, and other initiatives, were based on the 2008 O'Neill report, and that has direct relevance to the bill and to this proposal by the Coalition Government. I note with a degree of interest that the Victorian conservative Government has maintained a corporate arrangement for its tourism agency—an agency that, admittedly, has a fair degree of success in attracting significant major events to that State. The New South Wales Coalition Government is progressing away from a corporate model to a ministerial-controlled model, as stated in clause 6 of the bill. I have no views on which is the better model for tourism at this stage, but the Opposition will be watching with interest to see which model proves to be the more effective over time. As I indicated at the outset, the Opposition does not oppose the bill.

The Hon. RICK COLLESS [4.36 p.m.]: I offer my support for the Destination NSW Bill 2011. In New South Wales we are lucky to live in a unique environment: we are an easily accessible distance from rugged outback desert, tropical rainforest, sparkling coastlines and beaches, snowfields—which yesterday included Orange—and picturesque country towns. While we enjoy a strong reputation for the quality of the tourism experience that visitors can enjoy throughout regional New South Wales, we know that we can do more to promote regional and rural New South Wales as a destination for visitors from Australia and overseas, to help tourism in our regions reach its full potential.

The tourism and events industry generates billions of dollars a year and supports and creates tens of thousands of jobs for communities throughout regional and rural areas. In fact, tourism is, for many country and coastal towns, the lifeblood of rural and regional economies. The New South Wales Government is committed to helping hardworking regional and rural tourism operators and event organisers attract more visitors, which will contribute significantly to building up local economies throughout New South Wales.

Destination NSW is a statutory authority that will be established by the Destination NSW Bill 2011, which was introduced by the Minister for Tourism, Major Events, Hospitality and Racing, and Minister for the Arts, the Hon. George Souris. Destination NSW brings together the budgets, knowledge and expertise of Tourism New South Wales and Events New South Wales in one consolidated, coordinated organisation that will market, promote and position Sydney and New South Wales as two of not only Australia's but the world's most appealing places to visit. Destination NSW will work closely with the State's regional tourism organisations to help local operators and event organisers develop new product, new attractions and new reasons for visitors to come and explore New South Wales. Rural and regional tourism organisations and operators know their businesses best, and Destination NSW will work with the rural and regional tourism industry to help them build up their destination appeal and reach their full tourism potential.

The New South Wales Government has pledged \$5 million next financial year to rural and regional tourism businesses to enhance the quality of their tourism experiences and product to attract more visitors to the State and support the Government's commitment to double tourism expenditure in New South Wales by 2020. This additional funding is about giving the regional tourism industry a better chance to grow its businesses, to create more jobs and to build the New South Wales economy. This \$5 million for regional tourism is in addition to the \$40 million that the New South Wales Government has committed over the next four years to support the work of Destination NSW. Destination NSW and the Government's investment in rural and regional tourism represents a new and significant opportunity for the tourism industry across the State and the Government to work in true partnership to maximise the economic and social benefits that tourism can deliver to regional New South Wales. I support the bill.

The Hon. MELINDA PAVEY (Parliamentary Secretary) [4.41 p.m.]: I support the Destination NSW Bill 2011. This is a good bill because it establishes Destination NSW as a government agency charged with developing tourism and procuring major events for this State. Since the Hon. George Souris has been Minister for Tourism, Major Events, Hospitality and Racing, he has been fighting to attract events, projects and entertainment to Sydney and the rest of New South Wales. First and foremost, he has been working to ensure that Sydney has a world-class international convention and exhibition centre so that this city maintains its rightful place as Australia's leading international host city for corporate, professional and association

conferences and exhibitions. There is no doubt that Sydney is the gateway to Australia and, as such, it must have a facility that reflects that role. The O'Farrell-Stoner Opposition made a commitment to ensure that this city has a corporate space that will allow it to host the types of events that have been held in Melbourne because of the lack of such a space in Sydney. That is disgraceful.

The O'Farrell-Stoner Government recognises the vital role that Sydney, as Australia's major global gateway and the nation's only global city, plays in supporting the State's tourism and major events sector. We must recognise that attracting visitors to Sydney is the first step in having them travel to our regional communities. The Hon. Rick Colless highlighted that tourism is not only about Sydney; it is also about getting tourists here and then enticing them to regional centres such as Coffs Harbour, the mid North Coast, the far North Coast, Port Stephens, the South Coast, the Monaro, the Snowy Mountains and the outback. I was in Broken Hill a few weeks ago. It is a magnificent showcase of the tourism opportunities in this State and we should be proud of it. However, the first step is to get visitors to Sydney and then we can get them to the regions.

The Deputy-Speaker, Mr Thomas George, hosted a Friends of Tourism cocktail party in Parliament House this week. At that function Bruce Baird made the point that tourism is probably the major generator of employment in New South Wales. The Hon. Jan Barham and I come from coastal communities. I love Byron Bay, but not as much as I love Coffs Harbour. Tourism is an important generator of employment in our communities, in restaurants, retail outlets, accommodation facilities and backpacker-style activities. The tourism sector is a major generator of income and opportunity in our towns.

It is commonly accepted that in 2000 Sydney played host to the best Olympic Games ever held. My speech notes contain the word "possibly". I deleted it because they were the best games ever according to Juan Antonio Samaranch, and I agree with him. Sydneysiders and people around the world saw this city's potential as a global events and tourism destination. However, it is now accepted that we did not fully realise the potential of those games in terms of capitalising on the opportunities that event afforded to grow our economy by increasing tourism. People loved what they saw, but the industry and business sectors, and even the government sector, have been honest in recognising that we did not make the most of the spirit of the moment. It is also fair to say that we had a small second chance with Oprah Winfrey's visit last year. That event opened a small window to the North American market and parts of the European market with the showcasing of Sydney, New South Wales and other parts of Australia.

The O'Farrell-Stoner Government believes in Sydney's potential and is committed to helping it to realise its true calling as one of the world's greatest cities. We want to expand our marketing of Sydney, and not only the central business district and the city's iconic attractions. There is so much more to our State, and I include not only regional New South Wales but also many of the city's suburbs. Paddington and Double Bay offer magnificent food and Cabramatta and Parramatta offer wonderful cultural experiences. We also have the stunning natural environment of Sydney's northern beaches and other uniquely diverse communities that make Sydney a truly global city.

Of course, we cannot forget the Blue Mountains. Where else can people bush walk in such magnificent surroundings only an hour and half away from the central business district? The Blue Mountains are also home to fabulous shops and restaurants. That area has a great local member in Roza Sage, who enthusiastically promotes the attractions of her electorate and what it has to offer. I strongly support this bill. It will establish Destination NSW as a new, cohesive, coordinated and well-resourced statutory authority. The Hon. Mick Veitch, who led for the Opposition in this debate, raised some concerns about job losses and the role of Destination NSW in flagship events in regional areas.

The Hon. Mick Veitch: I was thinking of events like the Cherry Festival at Young.

The Hon. MELINDA PAVEY: It is famous, not infamous. Young is a beautiful town and it has a wonderful community. The honourable member is very lucky to come from that town.

The Hon. Dr Peter Phelps: The cherries are excellent.

The Hon. MELINDA PAVEY: Yes, they are very good—as long as there is no hail. The Government will address the Hon. Mick Veitch's concerns. The establishment of Destination NSW will also amalgamate the budgets, knowledge and expertise of Tourism New South Wales and Events New South Wales into one consolidated organisation. That is common sense, which is typical of the Hon. George Souris' approach to life.

The consolidated organisation will market, promote and position Sydney and New South Wales as two of the world's most appealing places to visit. Destination NSW will have an industry-led, highly focused board of management with one overarching priority: selling Sydney and New South Wales to the world. What a good job that would be. It will promote Sydney as a destination for hosting major global events, and securing those events will be an important function of the new organisation. As I said earlier, the Minister, George Souris, is already out there treading the boards, securing those events and being competitive.

The Hon. Niall Blair: The Bledisloe Cup for the next 10 years.

The Hon. MELINDA PAVEY: Absolutely.

The Hon. Lynda Voltz: I think rugby may have the Bledisloe deals sewn up for the next 10 years.

The Hon. Niall Blair: At least one game in Sydney for the next 10 years.

The Hon. MELINDA PAVEY: There will be at least one game in Sydney each year for the next 10 years, is what you are telling me?

The Hon. Niall Blair: Absolutely.

The Hon. MELINDA PAVEY: The Minister is promoting Sydney as a destination for hosting major global events. More importantly, securing those events will be an important function of the new organisation. Years of underinvestment in Sydney's tourism and major event potential, including infrastructure, have taken their toll. This Government is focused on helping Sydney to realise its true potential. The Government is committed to investment in infrastructure projects in Sydney that will have a significant positive impact on the city's future business and leisure tourism growth, and that of regional New South Wales for which Sydney is a major tourism gateway. The Government recognises that Sydney needs a world-class convention and exhibition centre to keep its rightful place as Australia's leading international host city for corporate, professional and association conferences and exhibitions. We have committed to deliver, by year 2015, a cutting-edge facility that will create in excess of 20,000 square metres of new floor space.

The Hon. Lynda Voltz: By 2015? That's good.

The Hon. MELINDA PAVEY: It is good, yes.

The Hon. Lynda Voltz: High-yield tourism is exactly what we need.

The Hon. MELINDA PAVEY: I acknowledge that interjection. It is great that it is finally being done. This will ensure that Sydney remains the premier city for international meetings and gatherings in the Asia-Pacific market. The new convention centre and the Sydney Showground facility at Sydney Olympic Park, combined with Darling Harbour, will give Sydney more convention and exhibition space than any other city in Australia. Having this inflow into Sydney for major exhibitions can also provide benefits to other regional communities such as Coffs Harbour that are dedicated to capturing the smaller exhibition market. With the many flights we have into that community as well as to Port Macquarie, Ballina and Tweed via the Gold Coast there are great opportunities to piggyback from the big city exhibition centre to break-out exhibitions and conferences.

In Sydney we have a priceless global asset, the true potential of which has not yet been fully realised. With the creation of Destination NSW, the New South Wales Government is fulfilling its commitment to invest in vital infrastructure and services to support tourism, event operators and visitors to Sydney. We now have the best chance in a generation to rebuild and reinvigorate Sydney's reputation and destination appeal, and continue the journey to make New South Wales number one again.

The Hon. JAN BARHAM [4.52 p.m.]: As The Greens spokesperson for tourism, I lead in debate on the Destination NSW Bill 2011. This bill is an improvement on the current arrangements for Events New South Wales and Tourism New South Wales. It is not without some issues and lost opportunities, but The Greens will not oppose the bill. I speak as a great supporter of tourism, particularly in New South Wales. New South Wales has not only the assets but also the opportunities to be number one in tourism in Australia. Before I deal with the substantive provisions of the bill I will take the opportunity to talk about some of the big-picture themes in tourism development in New South Wales.

New South Wales is Australia's most successful tourism destination. Many people may be unaware that, using gross value-added measurements, tourism contributes more to the New South Wales economy than mining or agriculture. It directly supports 5 per cent of all jobs in New South Wales. Tourism is all about expectation and experience. It is a service industry. It is all about selling a dream and then delivering. The bill highlights that there will be a lot of research and study into the need and potential for tourism and events management. That is important. As long as we continue to protect our iconic natural environment and invest in our cultural industries, people from around Australia and the world will be drawn to New South Wales.

It is of the utmost importance that we understand the importance of natural resources and their vitality for tourism viability. We have a truly amazing natural environment that attracts many visitors from overseas, especially from the new markets of China and Korea. People come here to appreciate our wonderful natural environment. New South Wales has everything from the oceans to the mountains, from the snowfields to the rainforests—and that is just the natural environment, let alone the cultural environment. We have so much to offer, but we need to manage and support it better.

We must also understand the important role of the first people of this land and the role that culture plays in drawing visitors to this country. People from around the world are intrigued, impressed and respectful of the Aboriginal cultural experience. There needs to be greater partnership and support from the Government for Aboriginal cultural-based tourism in New South Wales. This is certainly one area where Destination NSW should be looking to expand tourism opportunities, along with arts, food, agriculture and nature tourism. These are all positives. When we support these ventures as part of an economic model we also support our local communities that daily enhance those areas that are so attractive to overseas visitors.

According to Sustainable Tourism Online, the big move in tourism thinking over the past decade has been a shift in focus from the traditional marketing and promotional functions of tourism planning to the more coordinated strategic approach of destination management. Destination management seeks to balance economic, social, environmental and cultural aspirations. The internationally recognised VICE model recognises the relationship between visitors, industry, community and environment. Effective destination management relies on an iterative and continual planning process that integrates tourism in community, social, economic and environmental aspirations. Too often it is forgotten that a tourist destination is also home to a community that gives it vitality, that protects its environment and that enhances those things that make it so attractive to visitors. So the relationship with the host community is very important for the tourism industry.

In October 2010 the Ministerial Task Force on Tourism, Planning and Investment, chaired by Christopher Brown, Manager of the Tourism and Transport Forum and Deputy Chair of Infrastructure Partnerships Australia, delivered a report on tourism development in New South Wales. The recommendations covered a wide range of issues but emphasised the need for an integrated approach to tourism development that bears all the hallmarks of the destinations management approach. It notes that the Government's role in tourism is also to oversee non-quantifiable benefits such as social development, cultural identity and natural resource management. It recommends that any tourism planning must take into account the planning instruments at State, regional and local levels as well as existing and planned infrastructure. I appreciate the comments made earlier, and refer to the comments I made last night in relation to the infrastructure bill. We need to make sure that infrastructure in tourism areas is supported and enhanced.

The report recommended working with a wide range of stakeholders from the community as well as from State agencies such as Planning, Local Government, Resources and Energy, Natural Environment, Water and Heritage. It is about integrated destination management. The report gives a comprehensive list of recommended partnerships in planning tourist approaches and events, and even mentions the need to work with the Department of Planning on the issue of short-term holiday rentals—an issue that has the potential to both unite and tear apart a community that doubles as a tourism destination.

That issue is very important in relation to tourism for New South Wales. It started to become a major issue in my community in 2002 after the Ansett collapse, and increased after the September 11 incident when we saw domestic tourism rise that summer. In my community residential houses are used for tourism. At times, up to 40 people stay in those residential houses and cause great unrest in my community. This is where tourism has to ensure that it looks after the host community. One of the worst things for tourism is a community that is not feeling generous and open towards visitors.

Soon after the release of the tourism taskforce report in December 2010, Tourism New South Wales released a document called "Tourism Towards 2020: The NSW Tourism Industry Plan", with a foreword by

former Minister Jodi McKay. This consultation paper was made available to industry for comments. It was bereft of major recommendations from the taskforce—which had reported two months earlier—and had no acknowledgement of a more holistic destinations approach. *Hansard* records from this time do not refer to the taskforce report or the consultation draft of the tourism industry plan.

I refer to my community's experience with tourism. Byron Bay is my local community. Byron Bay is the most popular regional tourism location in New South Wales and the second most popular location outside of Sydney. It is both a domestically and internationally iconic visitor destination. It is a small coastal community with only 8,000 residents, but it receives 1.5 million visitors a year. Last night I said that this is a point for Infrastructure NSW to consider when it is looking at whether local communities or State government are able to address the needs of an industry in a regional area. That is where I hope the sector interest will come into play with the Infrastructure NSW program.

Many visitors to Byron Bay are day trippers. No other small tourist community in Australia has such a large population so close by. Just 40 minutes to the north of Byron Bay is the massive population of southern Queensland. Many day trippers come to Byron Bay, particularly since the road upgrades. They use the highway, create traffic jams, use our local roads and our parking spaces. They go to the beach and use the town. Sometimes they will provide economic benefit by going to cafes and restaurants or going shopping in the town. However, residents often note that they see visitors use our town's resources but they have an Esky in the car. This is where we need to look at how communities can gain from this type of visitation. Day trippers may cost a town but, in some circumstances, they do not deliver much in economic return.

The point I made previously was about holiday lets. In Byron Bay one in five residences is used for holiday lets. This has become a controversial issue. It affects many businesspeople who have gone through the proper processes. I have great respect for people in the tourism industry. They buy commercial land, they put in development applications, they pay their section 94 contributions and they then find themselves competing with residential houses that are being used for tourism. This has created some concern in our host community because there has been partying and holidaying in residential areas. That matter will need to be addressed by the new Government.

My council is proud of and supports farm and nature tourism. Other councils are also supportive of it. To commence this initiative, five councils worked up a plan with Southern Cross University. We wanted to support rural landowners who were interested in tourism, be they farmers or people with significant environmental properties. We worked together and developed a program called Farm and Nature Tourism, which helped and supported some of these country people to develop tourism operations on their properties. This is a growing industry because people in the city want to go to the country—particularly those with children—and enjoy that experience. This is another tourism opportunity. I hope the new destination planning will further develop that initiative.

However, as I stated earlier, some regional communities have concerns about whether tourism is able to make a greater contribution directly to local government. Local government looks after the assets that the tourism industry so heavily relies upon. Over the last 15 years there have been calls for bed taxes in my community. I am pleased to say that my council has been working on a tourism management plan for about three years. It is now trying to work through a consultation process with the community about a tourism levy. This levy will be imposed with an assurance that there will be dedicated spending on assets and services that will support the tourism industry if any money is raised. I look forward to that debate.

The North Coast is home to iconic events that deserve to be supported. For example, last year was the twenty-first anniversary of the Blues 'n' Roots festival, now called Bluesfest. The festival has its own home just outside of Byron Bay. For quite a long time council worked with the owners to find an appropriate property where they could deliver a festival and oversee all the issues that are involved in event management. The community was supportive of a festival that delivers back to the town and council worked with the owners to find an appropriate property. They were two great successes in the area.

The Byron Bay Writers' Festival, another great festival, will be held this month. The festival is regarded as one of the best writers' festivals in the country. It is in a beautiful location and it focuses on local talent. It also draws writers from all over the country. One criticism that has been levelled at Events New South Wales is a lack of support for our own talent. We seem to be focused on looking for overseas talent, bringing them here and spending a lot of money in doing so. We should use these opportunities to lift our local artists, support them and give them the backing they need to present themselves to Australia and the world. If we do not do so, they may not get these sorts of opportunities elsewhere. I look forward to a program from Events New South Wales.

I have had the great pleasure of sitting on a tourism board. A couple of years ago I was invited by the other John O'Neill to sit on the Northern Rivers Tourism Board. We worked through developing a new management plan. I am pleased that additional funding support is going to those regional tourism areas because they do a great job in supporting communities, businesses and local government. We have to focus on service delivery. We need to ensure that people who work in the tourism industry are provided with better training and skills because we compete in a global market. People love how relaxed and friendly Australians are. Unfortunately, the message that often comes back is that we need to maintain high standards of service when we are competing in a global market. That is important. I believe that this Government will recognise that and support regional organisations by providing training.

Last year I was fortunate when the Big O event happened for New South Wales—Oprah Winfrey came to Australia. I did not get to meet her, but I did get to have dinner and spend some time with 42 people who visited Byron Bay. They absolutely loved what they saw. The things I have referred to—the things they do not have—are our best assets. The natural environment, Aboriginal culture, and the arts and entertainment are the features we should be enhancing. I am pleased that the bill brings Tourism New South Wales and Events New South Wales together. I believe it presents a better way forward for tourism and events management in New South Wales.

Turning to the provisions of the bill, we need to keep at the forefront of our minds the importance of having a transparent and accountable governance framework for Destination NSW. Compared with the previous administrative and governance arrangements for Events New South Wales, the governance framework for Destination NSW is an improvement. Concerns had been expressed that the previous arrangements were not particularly accountable to the Executive or the Parliament. Part 3 of the bill sets out the objectives and functions of Destination NSW. In evaluating proposed sections 12 and 13 we need to ask ourselves what vision we have for Destination NSW, what is the nature of market failure or social justice imperative that justifies the New South Wales Government becoming a main player in the tourism market, and what contribution governments can really make to the tourism sector in this State.

There is no doubt that New South Wales needs a new policy vision for increasing tourism in New South Wales. The Government has set itself a high mark. Major events planning under the previous Government, while not without achievements, had some major sojourns into taxpayer wastage and poor approaches to marketing New South Wales as a tourist destination. We saw on the North Coast the Repco Rally, which really was at odds with the image of northern New South Wales as an environmental area. This confused some people in the community and created concerns about whether the rally fitted in with the style of the North Coast.

The Hon. Melinda Pavey: And a lot of people enjoyed it.

The Hon. JAN BARHAM: Yes, some people did enjoy it. We simply need to acknowledge that we have good processes for reporting back and understanding.

The Hon. Lynda Voltz: It's moved now.

The Hon. Melinda Pavey: It's in Coffs Harbour now.

The Hon. JAN BARHAM: I note that the rally has now moved to another destination. I am sure we will all watch with interest to see how the event is enjoyed and what it returns to the local community. The aspect of the bill that concerns me is that it substantially expands the role of Destination NSW. Do we want to see a State government agency developing tourism ventures, and establishing, maintaining and operating tourist facilities? We will watch and see what sort of position is taken by Destination NSW. Hopefully it will not go beyond the odd tourist visitors centre, because under the former Government we had concerns about how Crown land was being used. I note that the bill refers to developing Crown land tourism development schemes. In the past this aspect created huge concerns in coastal areas of the State as caravan parks traditionally used for low-income family holidays for people from the western suburbs and other areas of the State were taken over and used for upmarket holiday purposes, and in some cases were leased out.

As I have raised previously, I seek clarification regarding proposed section 18. My concern is that the restriction on disclosure of information may preclude applications for information under the Government Information (Public Access) Act 2009. I am not sure whether disclosure in relation to an application under that Act is allowed under proposed section 18 (e), and I seek the Minister's clarification in this regard. If clarification is provided that exemption is to be given, I ask the Minister to explain why that is the case. Apart

from the matters I have raised, The Greens are willing to support the bill and do not wish to move amendments to it. I acknowledge the bill's intent to improve and enhance tourism and events management in New South Wales.

The Hon. PAUL GREEN [5.15 p.m.]: On behalf of the Christian Democratic Party I speak in support of the Destination NSW Bill 2011. The bill amalgamates Tourism New South Wales and Events New South Wales, dissolves the separate entities, carries over the staff and budgets of both entities, and establishes a new statutory authority to be known as Destination NSW. A new chief executive will be recruited, a board of management appointed, and a Visitor Economy Taskforce created. The Government will have the power to direct the board on strategic issues, including the implementation of the strategies developed by the Visitor Economy Taskforce, and will grant Destination NSW additional funding of \$45 million, which will bring its total budget to \$400 million over four years. The bill aims to provide for stronger, more focused strategic direction and more effective leadership through a fully coordinated agency covering tourism, visitation and events.

With an estimated population of around 7.24 million people, New South Wales is Australia's most popular State, and for good reason. It boasts spectacular regions, including immaculate beaches, vast harbours, glorious mountain ranges, breathtaking rainforests, incredible snowfields, significant Aboriginal and Torres Strait Islander sites, brilliant country and city delights, as well as the amazing South Coast—or Shoalhaven, or "Shoalheaven" as it is famously known.

The Hon. Lynda Voltz: You're not biased in any way, Paul?

The Hon. PAUL GREEN: After the Hon. Jan Barham's contribution, I could only dare to take some tourism from Byron Bay. We would welcome them in Shoalhaven.

The Hon. Lynda Voltz: Take me down to Honeymoon Bay any time, Paul.

The Hon. PAUL GREEN: I invite all members to Honeymoon Bay.

[Interruption]

The Hon. Lynda Voltz: If you see the bay, you'll understand it.

The Hon. PAUL GREEN: With 109 beaches and 300,000 hectares of national parks and reserves, there is plenty to do in Shoalhaven. I am confident that members did not think I would speak on this bill without a notable mention of New South Wales' number one overnight tourist destination, outside of Sydney. It is important to note that a record number of 10 national titles were awarded to New South Wales tourism operators at the 2011 Qantas Australian Tourism Awards in March this year. It was a fine effort, and I congratulate the winners.

New South Wales encompasses 14 distinct tourism regions—the Blue Mountains, Capital Country, the Central Coast, Central New South Wales, the Hunter, the mid North Coast, the Northern Rivers, New England, North West, outback New South Wales, the Riverina, the Snowy Mountains, the South Coast, Sydney and the Murray—which are renowned all over the world as a gem for arts, culture, heritage, food and wine, relaxation, nature and adventure. It is only fitting that we have a multifunctional organisation that is able to represent it all.

Destination NSW will be responsible for the operation, events, product, destination, regional investment and economic development programs for New South Wales. The Destination NSW board will be responsible for strategies, plans and actions. The board will have an independent chair and it will include the Chief Executive Officer of Destination NSW, the Director General of the Department of Trade and Investment, Regional Infrastructure and Services, and industry representatives with the relevant skills and experience in tourism and events.

The Visitor Economy Taskforce will be responsible for developing a strategy to double tourism expenditure in New South Wales by 2020, which will be measured by overnight visitor expenditure. The taskforce will comprise the Chief Executive Officer of Destination NSW and three high-level industry representatives. It will be supported by a broad-based advisory committee that will include government and industry representatives, and it will be expected to deliver a long-term strategy and work plan to the Minister for approval within 12 months.

As I have said, the Christian Democratic Party supports this bill in its entirety. However, it encourages the Government to ensure that local government is represented on the board, the task force, the advisory committee, or all three. If the Government desires success in tourism and events it is essential for it to liaise with local government representatives and other significant grassroots organisations. The Christian Democratic Party notes that the Government will invest \$5 million in regional tourism over the next four years, with an opportunity for each region to bid for a further \$250,000 from a maximum pool of \$2 million. Statistics reveal that 46 per cent of tourism expenditure in Australia is spent in regional New South Wales: domestic overnight visitors, \$7.9 billion; domestic day trip visitors, \$3.1 billion; and international overnight visitors, \$694 million.

I sit on the Shoalhaven Tourism Board, along with a great president in Chris Warren, who was a former winner of one of the 10 Qantas awards I mentioned earlier for Crystal Creek Meadows and is a well-regarded stalwart in the tourism industry, and tourism manager of Shoalhaven City Council in Tom Phillips, who has grown that industry from a pittance to well over a \$500 million industry. In December 2009 tourism in Shoalhaven was worth about \$617 million, which has kept approximately 6,000 people in employment. It has seen around 34,000 visitors, with the number of visitor nights around 160,000 and the number of day visitors around 20,000. From those statistics it can be seen that it is paramount that regional tourism development and investment is a priority for Destination NSW.

The Christian Democratic Party urges the Government to ensure that funding allocated to Destination NSW is used for development rather than marketing. It is essential that New South Wales tourism is developed and improved before being marketed. In order for the Government to achieve its proposal to "double tourism expenditure in New South Wales by 2020" it will need to improve industry structures, improve the supply and quality of tourism experiences in New South Wales, increase consumer demand to tourism experiences, and address skills, service standards and environmental sustainability in locations around New South Wales. I refer, in particular, to tourism and events in regional New South Wales, which makes up a majority of our revenue. Not necessarily high presentation but high yield is something to be pursued. In conclusion, the Christian Democratic Party congratulates the Government on the bill and commends the bill to the House.

The Hon. LYNDIA VOLTZ [5.22 p.m.]: The Destination NSW Bill 2011 reflects what happened with Mr O'Neill in putting tourism and events back into a single authority. Over the past 10 years or so we have had various incarnations of tourism and major events together and apart. There will always be issues as to how it should work, but if improved efficiencies can be achieved by putting them together that is a good thing. I seek clarification from the Government on a number of issues. First, I ask the Minister to explain to me about the venues that traditionally have sat with events. I pause to ask: Is there a Parliamentary Secretary on the floor of the House?

The Hon. Marie Ficarra: Sorry, I was speaking to the advisers.

The Hon. LYNDIA VOLTZ: Thank you. I would have hated to have stopped the House because of that. I ask the Minister to explain the procedures for particularly larger stadiums to undertake negotiations in events as they have done in the past. I note the commitment for a 20,000 square metre convention space by 2015. That is vitally important to Sydney, and it is long overdue. It is difficult to secure convention space in Sydney, and I congratulate the Government on doing that. This is a high-yield market and it is necessary to book convention space in Sydney often two or three years out from an event. I am also seeking clarification on the issue of hotel accommodation to accompany conventions. To host international conventions we need convention-sized hotel spaces. We have a number of smaller hotels—even though we may think they are big—in light of the way the convention industry deals with convention space. Perhaps the Government can clear that up for me given that infrastructure is a vital component of that.

If it is planned to increase business spend it would be good to hear the Government's views on the capacity of Sydney airport and some of our regional airports. I am particularly interested in Newcastle airport, which is fast becoming one of our busier airports in the Hunter region—one of our most important domestic tourism areas. I understand that the Government is going to take the corporation status of Tourism New South Wales away. I am interested to know how that will work with private sector investment. Government investment is often a partnership with business when going for market share. Are any views held on the status for a business that works with an authority that no longer has corporation status and effectively becomes a government agency?

I found the double spend by 2020 for international tourists interesting. It appears from the March figures that there are fluidity issues in the tourism market. China is now our biggest market for international tourists. American tourists have dropped by about 2 per cent. Tourists from the United Kingdom are way down.

Tourism from New Zealand is another big market. The Malaysian market is growing. Tourists that go for nature tourism tend to be from the European and United Kingdom market. The Chinese-Asian tourists like to emerge themselves in the shopping experience, and the gambling and racing industry. They do not want to go to the beach and have a Byron Bay sort of experience. How will the Government deal with the fluidity in the market? The global financial market and the high Australian dollar will have an impact on how many international tourists come to Australia. The high Australian dollar will also impact on domestic tourism because Australians will tend to travel overseas. We need to keep tourists within the domestic market.

Importantly, when we are talking about domestic markets and events we should not forget inland Australia. We have talked a lot about the beaches and the beautiful rainforests, but the grey nomads tend to travel up the Newell Highway. The winter migration of the grey nomads, so to speak, should be considered when deciding how infrastructure is to be provided within those inland regions. We need to get tourism back out there and we need to link into that important market. Anyone involved in the Elvis festival and those sorts of festivals will tell you that is the case. Further, the fly-drive market for domestic tourism is an important consideration. When people come to Sydney there is a ratio of 50 per cent fly and 50 per cent drive. We need to find better ways to get people out of Sydney into the regions.

The Government is talking about access to \$400 million in resources. I note the last budget allocated \$52.9 million for tourism, with a \$40 million increase over four years—I am unsure whether that was included in the previous figures or whether it is an additional figure. It allocated \$5 million for regional tourism—again I am unsure whether that was included in the previous figures or whether it is an additional figure. I ask the Government to provide a breakdown of the \$400 million in resources. I ask it whether that is for events and tourism over the four years or whether it is strictly for tourism.

The Hon. JEREMY BUCKINGHAM [5.29 p.m.]: I will briefly speak in debate on the Destination NSW Bill 2011. The Government introduced this bill in order to create a new statutory body to promote tourism and events in New South Wales. Undoubtedly, there are great things to see and do in New South Wales. Any initiative to promote this State and encourage people to visit New South Wales is wholeheartedly supported by The Greens. Orange, in the Central West of the State, is one of the most beautiful places in the world. The whole of central New South Wales is a magnificent region and has enormous tourism potential. It is increasingly being recognised as a tourism destination in New South Wales, Australia and globally. Orange City Council, of which I am a councillor, and neighbouring councils are promoting an initiative called Brand Orange. These councils have always been progressive in the promotion of tourism and events, particularly the food and wine assets of central New South Wales.

The Hon. Dr Peter Phelps: And the snowfields this week.

The Hon. JEREMY BUCKINGHAM: And the snowfields. Many people think of central and western New South Wales as dry and dusty red soil plains and drought-prone regions. In fact, central New South Wales is a beautiful green provincial area. It is a niche area that needs to be protected. The region has had an explosion of food and wine tourism in Orange, Bathurst, Mudgee and some of the small villages. Experienced restaurateurs have set up operations in the region, winning hats in good food guides. Our progressive councils promote some interesting events. The Elvis Festival in Parkes is unique.

The Hon. Trevor Khan: It certainly is.

The Hon. JEREMY BUCKINGHAM: I think I have seen Hon. Trevor Khan there in disguise. The train trip, the food, the wine all contribute to making it a great event.

The Hon. Niall Blair: And the music.

The Hon. JEREMY BUCKINGHAM: And the music, but it is not to my taste.

The Hon. Mick Veitch: I can see you there with a glass of wine in hand.

The Hon. JEREMY BUCKINGHAM: Elvis gets better with every glass of wine. All types of events are held in the region. Among our key assets is Western Plains Zoo at Dubbo, one of the most visited places in New South Wales, particularly by children from around the State and interstate. It is a magnificent facility.

The Hon. Trevor Khan: Served by a great local member.

The Hon. JEREMY BUCKINGHAM: I am sure the local member continues to support Western Plains Zoo.

The Hon. Dr Peter Phelps: Western Plains Zoo?

The Hon. JEREMY BUCKINGHAM: Yes. Unfortunately, a threat is looming in our regions. We can draw a parallel between central New South Wales and other regions and Tasmania. I was born in Tasmania and when I was growing up there I saw the emergence of tourism. When I was younger, people were not au fait with tourism. The Hon. Bob Brown, Christine Milne and others said that a key opportunity for Tasmania was ecotourism. I am not sure whether Bob Brown is honourable but he is a senator and, as such, honourable. At the time people were sceptical; they could not see any tourism opportunities in Tasmania. They wondered why anyone would want to come to Tasmania—a wilderness backwater. Who would want to travel to Tasmania to see wilderness?

Twenty-five years down the track tourists go to Cradle Mountain, the east coast of Tasmania and the Freycinet peninsula. Tourism is now one of the major contributors to the Tasmanian economy and to employment. It provides a clean green sustainable economy. One of the biggest threats to Tasmania's ecotourism was the logging industry. Visitors would come to Tasmania from across the world and almost be killed by log trucks. They wanted to know why we were destroying our forests—a key asset—for a short-term industry that puts at risk tourism viability. The Minister for Tourism, Major Events, Hospitality and Racing, in his agreement in principle speech in the other place, said:

Tourism and events is a twenty-first century business with the potential to generate billions of dollars for New South Wales and to support tens of thousands of jobs throughout the State, many of them in regional New South Wales.

Taking the lead of the Minister, I hope that New South Wales moves out of its twentieth century reliance on mining and recognises the damage that it is doing to the tourism potential of New South Wales. As the Greens spokesperson on mining, agriculture and regional development, it would be remiss of me not to highlight the gross inconsistency between this bill, which will stimulate tourism in our State, and the continued destruction of some of our key tourism assets through the ill-considered and short-sighted overexploitation of our natural resources. I hope that the Minister for Tourism, Major Events, Hospitality and Racing, who is the member for the Upper Hunter, will start to speak out locally about the damage that is being done to the tourism industry across New South Wales, in particular, in his electorate.

The damage that is being done by mining takes a number of forms. It causes ecological damage. Tourists do not want to look at coalmines. Mining impacts on water resources, the ecology and the capacity for tourism based on food, wine and events. Mining also has social impacts in that the industry sucks up skilled workers and reduces accommodation availability. A traveller to Orange today would be hard-pressed to find somewhere to sleep. The mining boom based around Cadia Valley operations and other mining exploration has led to an insufficient supply of accommodation in Orange. It is a serious issue with which the council has had to grapple. Mining creates a two-speed economy. Destination NSW must consider these issues because our reliance on mining comes at a cost. It creates competition for skills and accommodation and damages our environment.

Tourism has a vital and vibrant role to play in our State's future and it is a significant contributor to the economic, social and ecological health of New South Wales. The tourism sector contributes over \$20 billion annually to the New South Wales economy and supports hundreds of thousands of jobs. As the Minister pointed out in the other place, many of those jobs are in the rural and regional areas of our State. Tourism offers us an opportunity to showcase our unique natural and cultural assets so that people from around the world can share in the breathtaking beauty of the land we call home. An example of the contradiction between mining and tourism is Mount Canobolas in Orange and Towac Valley.

The Hon. Mick Veitch: The wind is cold off Mount Canobolas.

The Hon. JEREMY BUCKINGHAM: It is cold at Mount Canobolas but it is a beautiful place. It has one of the last remnants of temperate rainforest in that part of the world. It supplies delicious cool climate wines and tasty fruits. But anyone who goes to the top of the mountain and looks to the south will see Cadia Valley, a massive goldmine. It is one of the biggest mines in the world and it is expanding.

The Hon. Greg Pearce: A fabulous view.

The Hon. JEREMY BUCKINGHAM: It is an interesting view across that landscape and a contradiction. People are often surprised to see that behemoth of a mine sitting just below Mount Canobolas. Tourism Australia has found that Australia's natural beauty is the number one reason that tourists come to this country. The number one reason that people come to Australia is our natural beauty and ecological wealth. We cannot put a monetary value on that. Increasingly, Australia will recognise that because of our location in the world we could become an ecological superpower.

As the rest of the world damages and destroys its environment, particularly in Asia, people will look for somewhere to go to breathe fresh air and to enjoy a natural, unspoilt environment. They will visit places such as the Shoalhaven, our clean beaches, Byron Bay and many other places, but they certainly will not visit Singleton. Not many people get on a plane, leave Singapore and say that they must go to Singleton to enjoy the views of the coalmines, which is disappointing for the people of Singleton.

The Hon. Duncan Gay: They will all be coming to watch the views of The Greens—the extinct species.

The Hon. JEREMY BUCKINGHAM: Calm down, Duncan. People say with remarkable consistency that they come to Australia to see our amazing views. Regardless of their nationality people are saying that Australia is a beautiful place to visit. They come to see the majesty of the Border Ranges in the north of the State and the spectacular views and pristine rainforests of Barrington Tops. Yet the Government is placing these World Heritage listed destinations under threat. Some of the ecological hot spots in New South Wales and Australia are under threat from coal seam gas extraction. Drawcards such as the Illawarra escarpment, which is close to Sydney and one of the most beautiful places that one could imagine, and Laird State Forest will be lost if this Government continues to allow the wholesale devastation being wreaked by unchecked mining operations. If that occurred where would Destination NSW be?

The Government can throw all the money it wants at this new body, but without the natural and cultural assets that make New South Wales a unique and attractive option what is there to attract people? Added to that is the growing trend towards agricultural tourism and the desire of travellers to taste something offered by regional areas in New South Wales. I mentioned earlier Brand Orange in Orange, which is doing a great job of branding the region's food and wine. Taste Orange stages an event that brings the produce and food of central New South Wales to the people of Sydney. Increasingly that event is gaining a reputation that is recognised across New South Wales and internationally. People know that they can come and taste clean, green food—

The Hon. Michael Gallacher: And slow food.

The Hon. JEREMY BUCKINGHAM: Exactly, slow food. They can participate in the production and cooking of the food and they can consume the food and wine. What could be better?

The Hon. Dr Peter Phelps: Is it the orange or the green?

The Hon. JEREMY BUCKINGHAM: The orange green. People who come to our State increasingly wish to have an authentic experience—something different from their everyday lives—and they seek to connect with Australians living in our rural and regional areas. Areas such as the Hunter Valley, Mudgee and Orange attract large numbers of tourists who participate in farm stays and food and wine tours. The money and employment that this brings is a significant contributor to the economy of our rural and regional areas and it is becoming an integral part of farmers' strategies to keep their heads above water in the face of diminishing returns for their produce and the threat of urban encroachment. I see again and again farmers diversifying, getting rid of cattle, maintaining some cattle, growing olives, bottling those olives, getting people in and vertically integrating their production. That cultural experience is what people want.

The Hon. Michael Gallacher: Llamas.

The Hon. JEREMY BUCKINGHAM: That is right; farmers are diversifying and they are breeding llamas. As a resident of country New South Wales I know the challenges with which our regions have to contend in order to remain viable. If Australia is to meet the challenges of this century it is imperative for us to have healthy and flourishing rural communities. It is with passion that I condemn the actions of the previous Government and call on this Government not to threaten the sustainability of tourism in country New South Wales for the short-sighted allure of mining. Tourists will not come to view holes in the ground instead of farmland—

The Hon. Dr Peter Phelps: They come to Jenolan Caves.

The Hon. JEREMY BUCKINGHAM: I might have misled the House in some regard. Cadia Valley is now such a massive hole in the ground that some people are coming to see it. It is bordering on being referred to as the Grand Canyon and is a compelling sight. Community, industry and farming groups throughout this State are joining forces and expressing horror at the irreparable damage that coalmining is causing to the character and natural beauty of our region, and the potential damage that coal seam gas extraction could cause. I again point to the strange situation of having a tourism Minister who is also the member for Upper Hunter—an area where the tourism industry is systematically being devastated by vast and uncontrolled coalmining operations. The Hunter is an internationally recognised wine region that attracts more than 130,000 international and two million domestic tourists every year, and it employs 12,000 people. The short-sighted greed of the previous Government, which allowed the rapid expansion of coalmining, is threatening the reputation of the region's wines and the future of the multibillion dollar thoroughbred industry.

In beautiful Gloucester 110 coal seam gas wells have been approved this year, which will contaminate the local ground and surface water and have the potential to cause serious health impacts. On top of that there has been a huge expansion of open-cut coalmines in the region, which are a blot on our landscape and which tarnish the clean, green image of New South Wales. Gloucester sits at the heart of the tourism industry in the World Heritage listed Barrington Tops National Park, and provides accommodation and amenities for the hundreds of thousands of tourists who visit the area each year. People like to go for a drive in the country and tour the vineyards and the wineries, but they do not want to be barrelled off the road by a coal truck or a truck delivering diesel to a coalmine.

On the north coast of the State are the Border Ranges, another World Heritage listed park and one of the most important ecological areas in Australia, if not the world. Recently I visited that incredibly beautiful place which has endangered species of Gondwana pines, all kinds of birds and amazing biodiversity. I could not believe what the locals were telling me—that there is a proposal to put a coal seam gas pipeline right through the heart of those national parks. We should take a precautionary approach and heed the concept of intergenerational equity. If this Government does not act to protect those areas we will be condemned by future generations and by tourists who might wish to visit them. They do not want to go to the Border Ranges to look at a coal seam easement running through the heart of that wilderness.

Unless this Government has the courage of its convictions and calls for a moratorium on coal seam gas mining until it can be proved that such extraction does not adversely impact on humans or on the environment, areas such as Gloucester and the North Coast—the beautiful Tweed area and the caldera up there—that rely on tourism and that are drawcards for our State will no longer be an attractive option. That, in turn, will undermine the Government's plan to increase tourist spending. This Government introduced the Destination NSW Bill 2011 because it believes tourism is a vital part of this State's future and that this is an opportunity to showcase some of New South Wales' unique and spectacular assets. Yet there is a fundamental flaw in the Government's understanding of this issue if it believes that people will come to our State based solely on an effective advertising campaign or a new tourism task force. People travel to see something new and inspiring, to experience a different culture and to wonder at the splendour of nature.

The Hon. MARIE FICARRA (Parliamentary Secretary) [5.48 p.m.], in reply: I thank all members for their passionate contributions to debate on the Destination NSW Bill 2011. It has been wonderful listening to their speeches and travelling with them throughout New South Wales. I congratulate all those members who contributed to debate on this bill on speaking from their heart. I will refer to my home area of Cronulla—a wonderful place on the southern beaches of Sydney—and quote from something that was said by the former member for Cronulla, Malcolm Kerr.

The Hon. Rick Colless: Killer.

The Hon. MARIE FICARRA: Killer Kerr of Cronulla. He said there are two types of people who live in Australia: those who are fortunate enough to live in Cronulla and those who wished that they lived in Cronulla. I wake up every morning to a view of Elouera Beach, and I am very grateful for that. I thank all those members who contributed to debate on the bill for their commitment to tourism, which is heartening. They highlighted tourism in their electorates and spoke of their hopes and aspirations and events and plans for the future. This is precisely the type of contribution that the community wants to hear from all members.

The Government is delighted that this bill has received the support of both sides of the House. That is an expression of the goodwill that members feel with regard to tourism and major events in New South Wales.

The wonderful people who work at Tourism New South Wales and Events New South Wales will also be heartened, as will the industry generally, whether it be tourism operators, accommodation providers, attraction operators or organisations involved in the arts, sport and conventions, to read the speeches that members have made today about Destination NSW. In many respects the debate focused on regional tourism, which is very gratifying to the new Liberal-Nationals Government. Regional tourism needs renewed focus and leadership from this Government and this Parliament. Members' contributions also focused on the need for a new direction and a whole-of-government approach.

The Hon. Mick Veitch raised a number of concerns, which I will now address. Following the announcement of the establishment of Destination NSW, the chief executive officer, Geoff Parmenter, announced that he had decided not to take up a senior position with the new organisation. Destination NSW will incorporate Events New South Wales and Tourism New South Wales and a visitor economy taskforce is to be established. As the chief executive officer of Events New South Wales since its inception 3½ ago, Mr Parmenter has captained the effort to attract events to New South Wales like no other. The State is greatly indebted to him for his leadership and for leaving Events New South Wales in the pre-eminent position that it now occupies. The Government commends him for his dedication and professionalism and thanks him for remaining in his position in the short term to help with the transition. The Government is sorry to see him leave and wishes him the very best in his future endeavours.

The Hon. Mick Veitch also asked whether the land acquisition clause in the bill would confer additional powers on Destination NSW. The bill contains a standard clause that is almost identical to that contained in the tourism-focused legislation that will be repealed. It is a similar power to that contained in the Infrastructure NSW legislation and it is commonly included in legislation covering statutory authorities. It does not represent an increase in the ability of this body to acquire land or property. It is a reserve power that will allow the new entity to do things such as acquire land or property to establish, for example, a tourism kiosk.

The Hon. Mick Veitch also asked whether the creation of Destination NSW would result in job losses. It is the Government's intention to retain the staff of Events New South Wales and Tourism New South Wales and to add brand and marketing horsepower to the new entity. The Government has established a transition group that includes Tourism New South Wales, Events New South Wales, departmental staff and the Department of Premier and Cabinet to ensure the implementation of best practice approaches to change management and to make the transition as easy as possible for the staff and, importantly, to ensure that things keep happening. The Government is determined to eliminate any duplication of effort in back-of-house functions and to put any savings back into marketing and promoting New South Wales and acquiring events.

The Hon. Mick Veitch asked whether the Government's commitment to reduce advertising expenditure encompassed Destination NSW. Destination NSW will have the core responsibility of selling Sydney and regional New South Wales to the world. Advertising campaigns will be designed to deliver visitors and visitor expenditure to our State. That will produce measurable results and will have a positive economic impact. We cannot stress enough that tourism branding and marketing is about jobs, and especially jobs for the regions. We advertise and promote our State to get more people here and to encourage them to spend more money and thereby create more wealth.

The competition to attract tourism events is fierce both internationally and domestically. That is demonstrated by Victoria launching its latest tourism campaign in Sydney in an attempt to entice Sydneysiders to a freezing Melbourne winter. My aunt and her friends will be escaping to Sydney from freezing Victoria this Friday. Members referred also to hotel space and to airport capacity. As members know, a major hotel will be a vital element of the convention centre overhaul and the Government is directing its attention to that key issue. Whether it be Tourism New South Wales, Destination NSW, the Planning and Infrastructure portfolio, the Trade and Investment portfolio or the Regional Infrastructure and Services portfolio, all will be focused on the services that we need to sustain our increasing tourism trade. Of course, accommodation and airport capacity are vital in that scenario and announcements will be made about those key issues. If we do not address those issues, our dreams, ambitions and objectives will not be fulfilled, and the Government is keenly cognisant of that.

One member referred to Tourism New South Wales as being a corporation. It is not now a corporation and we are freeing it from red tape and bureaucracy by making it an independent statutory authority. That will allow it to engage more efficiently and effectively with the private sector. The Hon. Linda Voltz asked a question about the budget. The annual budget will include \$50 million from Tourism New South Wales, \$60 million from Events New South Wales and the Liberal-Nationals' \$10 million commitment to tourism. Destination NSW will bring a whole-of-government approach to tourism and major events both at a

departmental and ministerial level. Under the former Government, responsibility for tourism and major events was divvied up between too many Ministers, which inevitably led to turf wars. It also left the tourism industry and private investors confused and dispirited and with money in their pockets to spend in other States. The former Government gave our interstate rivals a 16-year head start, but the O'Farrell-Stoner Government will ensure that New South Wales now gets its fair share.

We want to encourage investment in the tourism economy in this State and we believe in a united, whole-of-government approach. Prior to the election the New South Wales Liberal-Nationals committed to injecting \$5 million worth of new funding into regional tourism and increasing the budget for Destination NSW by \$40 million over four years. Events which have been recently announced which will be held in this State and about which this Government is proud include the 2015 Touch Football World Cup; Baz Luhrmann's *Strictly Ballroom* world premiere, the *Addams Family* Australian premiere, the *Legally Blonde* Australian premiere; *Richard III* starring Kevin Spacey and directed by Sam Mendes, which is being performed only in Sydney; and *La Traviata on the Harbour* performed by Opera on the Harbour. In addition, the Bledisloe Cup will be held in Sydney each year for the next 10 years.

We are extremely proud of all those achievements in such a short period. Destination NSW will continue to demonstrate its effectiveness. As members know, it will be required to prepare and deliver corporate business plans approved by the Minister for Tourism, Major Events, Hospitality and Racing. The plans will outline the objectives, key activities and strategies, including policies and budgets, for achieving the targets and criteria by which the performance of Destination NSW will be assessed. New South Wales now has a real chance to help the tourism and event sectors in our State realise their potential and make a full contribution to the task of rebuilding the New South Wales economy. I commend the bill to the House.

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

Motion agreed to.

Bill read a second time.

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

Third Reading

Motion by the Hon. Marie Ficarra, on behalf of the Hon. Michael Gallacher, agreed to:

That this bill be now read a third time.

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

PARLIAMENTARY, LOCAL COUNCIL AND PUBLIC SECTOR EXECUTIVES REMUNERATION LEGISLATION AMENDMENT BILL 2011

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

Motion by the Hon. Greg Pearce agreed to:

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

Second reading set down as an order of the day for a later hour.

COMMITTEE ON THE OFFICE OF THE OMBUDSMAN AND THE POLICE INTEGRITY COMMISSION

Establishment and Membership

Motion by the Hon. Duncan Gay agreed to:

- (1) That, pursuant to section 31A of the Ombudsman Act 1974, a joint standing committee known as the Committee on the Office of the Ombudsman and the Police Integrity Commission be appointed.
- (2) That that, pursuant to section 31C (1) (a) of the Act Ms Catherine Cusack, Mr Adam Searle and Ms Sarah Mitchell be appointed to serve on the committee as members of the Legislative Council.

Message forwarded to the Legislative Assembly advising it of the resolution.

BUSINESS OF THE HOUSE

Suspension of Standing Orders: Rescission of Order for Second Reading of Bill

Motion, by leave, by the Hon. Michael Gallacher agreed to:

That standing orders be suspended to allow a motion to be moved forthwith to rescind the resolution of the House this day that the second reading of the Statute Law (Miscellaneous Provisions) Bill 2011 be set down for next sitting day.

Rescission of Order for Second Reading of Bill

Motion by the Hon. Michael Gallacher agreed to:

That the resolution of the House this day, that the second reading of the Statute Law (Miscellaneous Provisions) Bill 2011 be set down for next sitting day, be rescinded.

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL 2011

Second Reading

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [6.06 p.m.]: I move:

That this bill be now read a second time.

The Statute Law (Miscellaneous Provisions) Bill 2011 continues the established statute law revision program that is recognised as a cost-effective and efficient method of dealing with amendments of the kind included in the bill. The form of the bill is similar to that of previous bills in the statute law revision program. I seek leave to incorporate the remainder of my second reading speech in *Hansard*.

Leave granted.

Schedule 1 contains policy changes of a minor and non-controversial nature that the Minister responsible for the legislation to be amended considers to be too inconsequential to warrant the introduction of a separate amending bill. That schedule contains amendments to 13 Acts and three Regulations. I will mention some of the amendments to give honourable members an indication of the kind of amendments that are included in the schedule.

Schedule 1 amends various Acts in the portfolio of the Minister of Police and Emergency Services. Amendments to the *Police Act 1990* make provisions relating to the employment of executive and non-executive administrative officers in the New South Wales Police Force consistent with the equivalent provisions for other public sector employees in the *Public Sector Employment and Management Act 2002*. Also, amendments to the *Fire Brigades Act 1989* will update references to "New South Wales Fire Brigades" as a consequence of its change of name to "Fire and Rescue New South Wales".

Schedule 1 makes a minor amendment to the *Election Funding, Expenditure and Disclosures Act 1981* in relation to the entitlements of political parties to administrative funding based on the number of their elected members. This amendment clarifies that a party's elected members include those elected at a joint sitting of members of Parliament.

Schedule 1 makes a number of amendments to the *Children and Young Persons (Care and Protection) Act 1998*. These include extending a regulation-making power with respect to probity checks on persons involved in the control or management of licensees or proposed licensees of children's services, to probity checks on the licensees or proposed licensees themselves.

Amendments made by schedule 1 to the *Holiday Parks (Long-term Casual Occupation) Act 2002* will bring a standard term of an occupation agreement for a holiday park site into line with a requirement in that Act limiting the duration of occupation. The amendments also clarify and consolidate the standard terms of occupation agreements that concern the options and method for payment of occupation fees under such agreements.

Schedule 1 amends the *Residential Tenancies Act 2010* to allow rent to be increased under a residential tenancy agreement (whether or not the increase is specified in the agreement) if the agreement is for a term of "2 years or less", replacing the current description which is a term of "less than 2 years".

Other amendments to that Act will make certain offences relating to the terms of residential tenancy agreements and payment of rent by tenants consistent with other offences in the Act. The offences in question currently apply only to landlords; however, other offences apply both to landlords and their agents, consistent with the intent of the Act. The anomaly arose due to a drafting oversight, which will be corrected through these amendments. The amendments will also clarify the circumstances in which a warrant for possession of residential premises may be issued as a result of a termination order for frequent failure to pay rent owing.

Amendments are also made by schedule 1 to the *Associations Incorporation Act 2009*, to make it clear that it is a responsibility of an association, rather than its public officer, to lodge financial reports, and to the *Wild Dog Destruction Act 1921*, to enable members of the Wild Dog Destruction Board to be appointed or reappointed for a term of up to 3 years, rather than for a fixed term of 3 years.

The last schedule 1 matter I will mention is the amendments made to the *Swimming Pools Act 1992*. That Act currently requires a swimming pool on the premises of a hotel or a motel to be surrounded by a child-resistant barrier that is located immediately around the swimming pool. The amendments will extend that requirement to swimming pools on the premises of certain other types of tourist and visitor accommodation.

Schedule 2 deals with matters of pure statute law revision consisting of minor technical changes to legislation that the Parliamentary Counsel considers are appropriate for inclusion in the bill. Examples of amendments in schedule 2 are those

arising out of the enactment of other legislation, those correcting numbering and typographical errors and those updating terminology.

Schedule 3 contains amendments that enable, or are consequential on, the repeal of Acts and instruments by schedule 4. The amendments include the transfer, into various Acts, of the provisions of Acts and instruments repealed by schedule 4.

Schedule 4 repeals 98 Acts and a number of instruments and provisions of Acts and instruments that are redundant or of no practical utility, including those that contain only amendments that have commenced.

A significant number of the repealed Acts relate to the construction of railways that were enacted mainly in the early part of the last Century. The railways concerned have either been constructed or the legislation can no longer be used to authorise any railway construction. The repeals do not affect the continued operation of railway lines which, under the *Transport Administration Act 1988*, can only be closed and removed with Parliamentary approval.

For abundant caution, the bill, in conjunction with section 29A of the *Interpretation Act 1987*, continues to provide a power for the Governor, by proclamation, to revoke the repeal of any Act or instrument repealed by the bill and restore its operation.

Schedule 5 contains general savings, transitional and other provisions. These include provisions dealing with the effect of amendments on amending provisions, and savings clauses for the repealed Acts.

The various amendments are explained in detail in explanatory notes set out beneath the amendments to each of the Acts and statutory instruments concerned or at the end of the schedule concerned.

If any amendment causes concern or requires clarification, it should be brought to my attention. If necessary, I will arrange for Government officers to provide additional information on the matters raised. If any particular matter of concern cannot be resolved and is likely to delay the passage of the bill, the Government is prepared to consider withdrawing the matter from the bill.

I commend the bill to the House.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [6.07 p.m.]: I lead for the Opposition on the Statute Law (Miscellaneous Provisions) Bill 2011. The objects of the bill are to make minor amendments to various Acts and regulations and to amend certain other Acts and instruments for the purpose of affecting statute law revision and to amend various Acts to enable the repeal of legislation in various ways, to repeal certain Acts and instruments and provisions of Acts and instruments, and to make other provisions that are merely of a consequential or ancillary nature. This is a very effective and efficient way of introducing what are supposed to be comparatively minor amendments. It means that a whole series of amendments can be made by way of one miscellaneous bill rather than having a succession of separate bills come into the House. It is a sensible and logical way of dealing with what are comparatively minor amendments. The Opposition does not oppose the bill.

We had concerns about one area and those concerns have been raised with the Government. They were regarding some of the provisions relating to national parks. I think the usual way of dealing with that is to have those parts removed from the legislation. However, this bill has passed the other place and is now before us. Therefore, we will deal with it in the more usual way in Committee—although it is different from how statute law bills are dealt with—where we will move some amendments.

The Hon. Duncan Gay: Someone will have to attend to that.

The Hon. ADAM SEARLE: Yes, the Hon. Duncan Gay is correct—someone will have to attend to that.

The Hon. Duncan Gay: Do you know a good lawyer?

The Hon. ADAM SEARLE: There are several in this House.

The Hon. Dr Peter Phelps: Name them.

The Hon. ADAM SEARLE: No, to single people out would be invidious and unfair. Not every member is in the Chamber so we will not be doing that. In terms of the difficulties with national parks, the

Opposition is of the view that the effect of some of the provisions is not clear. I understand that the shadow Minister was to, or did, raise that issue with the relevant Minister. I understand that there is consensus, at least in this place, about removing those provisions from this worthwhile and enormously important bill in order to make sure that no unintended consequences of a more serious nature are given effect to through what is supposed to be usual legislation that merely makes minor amendments to Acts and regulations to repeal certain redundant provisions and otherwise deal with only consequential or ancillary matters.

Dr JOHN KAYE [6.12 p.m.]: Mr President, as you would be aware, the tradition in the House is that the Statute Law (Miscellaneous Provisions) Bill comes before us twice a year. It is a way of efficiently updating legislation, making minor policy changes, correcting typographical errors and cleaning up legislation without the need to introduce a series of bills. There would be a large number of bills if we were to do this seriatim, as it were. The tradition is that the Government accepts changes put forward by the Opposition or the crossbenches and there is substantive debate on those matters later. This is a new Government and we are obviously still working our way through how it is going to operate. I take this opportunity to point out a particular provision in the legislation.

It is in schedule 1.4, Election Funding, Expenditure and Disclosures Act 1981 No. 78, which relates to public funding and administrative expenditure. The way the legislation is drafted, and the way the State electoral office has interpreted that drafting, has led to a situation where members who are not elected at a general election but appointed at a joint sitting of Parliament to fill a casual vacancy are excluded for the purposes of calculating the administrative funding of political parties. That has a significant impact on The Greens and the Shooters and Fishers Party.

The Hon. Michael Gallacher: And also on the ALP.

Dr JOHN KAYE: No, it will not have an impact on the Australian Labor Party because the threshold is 25 members. So it has not yet fallen below the threshold.

The Hon. Michael Gallacher: They're working at it, though.

Dr JOHN KAYE: They're working at it. The Nationals may be affected; they are close to the threshold number of members.

The Hon. Michael Gallacher: But their numbers are growing.

Dr JOHN KAYE: Yes, they are growing but they are still close to the threshold. In the future other parties may come close too. We dispute the interpretation of section 97E by the State electoral office and the election funding authority. We think that interpretation is adverse and incorrect. They effectively said that if a member of Parliament is appointed in a joint sitting, they are not an elected member of Parliament. However, the definition section of the Act in section 4 makes it very clear that an elected member of Parliament is somebody who is a member of Parliament.

We appreciate that the Government has listened to the arguments put forward by The Greens and the Shooters and Fishers Party on this issue, and we wholeheartedly thank the Government for fixing the situation. It is clearly the intention of Parliament; it is not a policy change. When section 97E was inserted in the Act late last year it was the clear intention of Parliament that a "member of Parliament" is any member of Parliament. I thank the Government for that and I look forward to the Committee stage, when I foreshadow that The Greens will move a number of amendments that seek to remove provisions in the understanding that they will be reconsidered at a later date.

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [6.18 p.m.] in reply: I thank honourable members for their contributions to the debate. I particularly thank Dr John Kaye for clarifying the aspects of the Statute Law (Miscellaneous Provisions) Bill 2011 that he has concerns with.

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

Motion agreed to.

Bill read a second time.

In Committee**Clauses 1 to 3 agreed to.**

Dr JOHN KAYE [6.21 p.m.], by leave: I move the three Greens amendments as circulated on the sheet labelled "Greens" in globo:

- No. 1 Page 7 and 8, schedule 1[6], line 1 on page 7 to line 33 on page 8. Omit all words.
- No. 2 Pages 15 to 17, schedule 1[12], line 25 on page 15 to line 16 on page 17. Omit all words.
- No. 3 Pages 47 to 51, schedule 3[8], line 1 on page 47 to line 28 on page 51. Omit all words.

The first amendment relates to swimming pools, the second amendment relates to holiday parks and the third amendment relates to national parks. I do not wish to go into the substance of these issues. The tradition with regard to this legislation is that when any party raises an objection, the matter will be debated at a later time, and that is the appropriate time to raise these issues. We are uncertain about some of these issues and we are sure about others, but we want to have fulsome debate regarding all of them. I commend The Greens amendments to the Committee.

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [6.22 p.m.]: The Government accepts The Greens amendments.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [6.22 p.m.]: The Opposition supports The Greens amendments. They are largely the same as the amendments that the Opposition intended to move, and so we also commend them to the Committee.

Question—That Greens amendments Nos 1 to 3 be agreed to—put and resolved in the affirmative.

Greens amendments Nos 1 to 3 agreed to.

Schedule 1 as amended agreed to.

Schedules 2 to 5 agreed to.

Title agreed to.

Bill reported from Committee with amendments.

Adoption of Report

Motion by the Hon. Michael Gallacher agreed to:

That the report be adopted.

Report adopted.

Third Reading

Motion by the Hon. Michael Gallacher agreed to:

That this bill be now read a third time.

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

REGIONAL RELOCATION (HOME BUYERS GRANT) BILL 2011

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

Motion by the Hon. Greg Pearce agreed to:

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

Second reading set down as an order of the day for a later hour.**BUSINESS OF THE HOUSE****Suspension of Standing and Sessional Orders: Parliamentary Committees****Motion, by leave, by the Hon. Duncan Gay agreed to:**

That standing orders be suspended to allow several motions to be moved in globo forthwith relating to the appointment of joint statutory committees and joint standing committees.

PARLIAMENTARY COMMITTEES**Appointment and Membership**

The Hon. DUNCAN GAY (Minister for Roads and Ports) [6.26 p.m.]: I move:

1. Legislation Review Committee

1. That under section 4 of the Legislation Review Act 1987, a joint committee known as the Legislation Review Committee be appointed.
2. That under section 5 (l) (a) of the Act, Mr Peter Phelps, Mr Shaoquett Moselmane and Mr David Shoebridge be appointed to serve on the committee as members of the Legislative Council.

2. Committee on the Independent Commission Against Corruption

1. That under section 63 of the Independent Commission Against Corruption Act 1988, a joint committee known as the Committee on the Independent Commission Against Corruption be appointed.
2. That under section 65 (1) (a) of the Act, Mr Niall Blair, Ms Lynda Voltz and Revd Fred Nile be appointed to serve on the committee as members of the Legislative Council.

3. Committee on the Health Care Complaints Commission

1. That under section 64 of the Health Care Complaints Act 1993, a joint committee known as the Committee on the Health Care Complaints Commission be appointed.
2. That under section 67 (1) (a) of the Act, Ms Catherine Cusack, Ms Helen Westwood and Mr Paul Green be appointed to serve on the committee as members of the Legislative Council.

4. Committee on Children and Young People

1. That under section 27 of the Commission for Children and Young People Act 1998, a joint committee known as the Committee on Children and Young People be appointed.
2. That under section 29 (l) (a) of the Act, Mrs Melinda Pavey, Ms Jan Barham and Mr Greg Donnelly be appointed to serve on the committee as members of the Legislative Council.

5. Joint Standing Committee on Electoral Matters

1. That this House agrees to the resolution in the Legislative Assembly's message of Wednesday 22 June 2011 relating to the appointment of a Joint Standing Committee on Electoral Matters.
2. That the representatives of the Legislative Council on the Joint Standing Committee be Mr Trevor Khan, Mr Peter Phelps, Mr Peter Primrose, Ms Amanda Fazio and Mr Robert Borsak.
3. That the time and place for the first meeting be Thursday 23 June 2011 at 1.00 p.m. in Room 1153.

6. Joint Standing Committee on Road Safety

1. That this House agrees to the resolution in the Legislative Assembly's message of Wednesday 22 June 2011 relating to the appointment of a Joint Standing Committee to inquire into and report on road safety in New South Wales.

2. That the representatives of the Legislative Council on the Joint Standing Committee be Mr Walt Secord, Mr Rick Colless and Ms Cate Faehrmann.
3. That the time and place for the first meeting be Thursday 22 June 2011 at 1.20 p.m. in Room 1153.
7. **Joint Standing Committee on the Office of the Valuer General**
 1. That this House agrees to the resolution in the Legislative Assembly's message of Wednesday 22 June 2011 relating to the appointment of a Joint Standing Committee on the Office of the Valuer-General.
 2. That the representatives of the Legislative Council on the Joint Standing Committee on the Office of the Valuer-General be Mr Scot MacDonald and Mr Eric Roozendaal.
 3. That the time and place for the first meeting be Thursday 23 June 2011 at 1.40 p.m. in Room 1153.

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

The House continued to sit.

Dr JOHN KAYE [6.32 p.m.]: I move the following amendment to the motion:

That the question be amended by omitting "Mr Robert Borsak" in item (5) paragraph 2 and inserting instead "Dr John Kaye".

I submitted a nomination for that committee. I am of the understanding that when there are two competing nominations for membership of a committee, the normal process would be to hold a secret ballot in the House.

The Hon. Duncan Gay: This is another way of doing it.

Dr JOHN KAYE: The Minister said that that is another way of doing it, but it is not. This way does not achieve a secret ballot. We do not hold secret ballots on amendments. It is a highly unusual procedure for the House to select somebody for a position by motion rather than by secret ballot.

The Hon. Duncan Gay: I am sorry; I was not aware of that.

Dr JOHN KAYE: I am not blaming the Minister. In fact, I suggest to the Minister that we could amend the motion by removing all reference to the Joint Standing Committee on Electoral Matters. Mr President, if I may withdraw my original amendment—

The Hon. Duncan Gay: As the amendment has been moved, the House should vote on it.

Dr JOHN KAYE: No, because it is not a secret ballot. I would have thought the appropriate thing to do would be to hold a secret ballot for these positions, as we do for all other standing committee positions. I invite the Minister to withdraw the paragraph of the motion that refers to the Joint Standing Committee on Electoral Matters and to instead hold a secret ballot for the positions.

Mr DAVID SHOEBRIDGE [6.35 p.m.]: Members could probably come to some agreement on this matter as to process. Perhaps such an agreement could be facilitated by the House rising for dinner and then resuming with an agreed position, rather than having this to and fro in the Chamber. I urge the Minister to consider that. I think we can come to an agreed position on this fairly readily if we are allowed the time over dinner.

The Hon. Paul Green: Point of order: I concur with the suggestion of Mr David Shoebridge. However, I would like Mr Robert Borsak to have an opportunity to respond.

The Hon. GREG PEARCE (Minister for Finance and Services, and Minister for the Illawarra) [6.36 p.m.]: The Government would be happy to accept the suggestion of Mr David Shoebridge and deal with the matter after dinner.

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

[The President left the chair at 6.38 p.m. The House resumed at 8.00 p.m.]

PARLIAMENTARY COMMITTEES**Appointment and Membership**

Dr JOHN KAYE [8.00 p.m.]: I seek leave to withdraw my amendment and to make a short statement.

Leave granted.

Amendment of Dr John Kaye withdrawn.

I withdraw my amendment on the understanding that paragraph (5) relating to the Joint Standing Committee on Electoral Matters will be withdrawn from the motion moved by the Deputy Leader of the Government. We then will deal with the contested position for the Joint Standing Committee on Electoral Matters by ballot of the House tomorrow morning. That is a reasonable resolution of the matter. The ballot will probably result in the same outcome, but it is important to follow the appropriate process. The alternative would have been to have a show of hands. There is a substantial difference between a show of hands and a secret ballot. This is an appropriate resolution. The Joint Standing Committee on Electoral Matters is an important committee and should have broad representation across the different parties in the House.

The Hon. Duncan Gay: It will not be a secret ballot.

Dr JOHN KAYE: My understanding is it will be a secret ballot tomorrow morning.

The Hon. Duncan Gay: Then we will go ahead tonight.

Dr JOHN KAYE: I was of the understanding that the Joint Standing Committee on Electoral Matters would not be dealt with tonight so that we could have a secret ballot tomorrow morning. I seek clarification.

The Hon. Duncan Gay: I am happy to go ahead with a vote in the House tonight. I apologise, I misunderstood where Dr John Kaye was going.

Dr JOHN KAYE: The Deputy Leader of the Government has informed the House that he does not want a secret ballot tomorrow and will have an open ballot this evening. One can only presume that he does not have faith in his own backbenchers to vote in an appropriate way.

The Hon. Greg Pearce: Point of order: Dr John Kaye sought and was granted leave to make a statement.

Dr JOHN KAYE: Is the Minister withdrawing leave?

The Hon. Greg Pearce: No, I am not withdrawing leave. I am taking a point of order. If the member wishes to continue to make a statement he should do so, but if he wants to start debating and chatting across the table then leave may be withdrawn.

Dr JOHN KAYE: The Minister should withdraw leave. I cannot speak to the matter under these conditions.

DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones): Order! Is Dr John Kaye speaking to the point of order?

Dr JOHN KAYE: No, I am not talking to the point of order. I will not address the Chamber under these circumstances. I conclude my remarks, and I move:

That the question be amended by omitting item (5) relating to the Joint Standing Committee on Electoral Matters.

The Hon. Greg Pearce: Point of order: Dr John Kaye sought leave to make a statement and to withdraw his amendment, which he did. He did not seek leave to move another amendment. Therefore, the amendment he has moved is out of order. He was granted leave to make a statement and to withdraw his amendment, not to move another amendment.

Mr DAVID SHOEBRIDGE [8.06 p.m.]: I move:

That the question be amended by omitting item (5) relating to the Joint Standing Committee on Electoral Matters.

I do not wish to be heard on my amendment.

The Hon. Greg Pearce: Point of order: Mr David Shoebridge has already spoken on the matter. He is not entitled to speak a second time and seek to move an amendment.

Mr DAVID SHOEBRIDGE: To the point of order: I do not wish to be heard on my amendment. I simply move the amendment.

DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones): Order! Mr David Shoebridge has already spoken on the motion.

Mr DAVID SHOEBRIDGE: To the point of order: I spoke previously to the amendment moved by Dr John Kaye prior to the dinner break. Although I spoke previously to the amendment, I am still entitled to move an amendment.

DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones): Order! I will seek clarification from the Clerk.

The Hon. Greg Pearce: Further to the point of order: If Mr David Shoebridge did speak only to the amendment I will withdraw the point of order.

DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones): Order! The Minister has withdrawn his point of order.

Mr DAVID SHOEBRIDGE: Having moved the amendment, I do not wish to speak to it. We have already debated the issue. The intent of the amendment is to omit paragraph (5) from the Government's motion and not deal with the Joint Standing Committee on Electoral Matters tonight. In the cool light of day tomorrow we may agree on a more amenable situation. If we cannot reach agreement, we can deal with it tomorrow perhaps in a more temperate clime.

The Hon. DUNCAN GAY (Minister for Roads and Ports) [8.08 p.m.]: In good faith, I thought we had agreed to adjourn the matter to tomorrow for a vote in the House. As soon as Dr John Kaye spoke I realised that he was looking to put it to a secret ballot the next day. We now have no choice but to oppose the amendment to take this matter to the next day. We would have been happy to have a vote tonight.

Dr John Kaye: Why are you opposed to a secret ballot?

The Hon. DUNCAN GAY: If you believe in everything else in the House it is an open ballot, and we are happy to have an open ballot on this matter. It is tidier to resolve the matter tonight and we can move on to private members' business tomorrow.

Question—That the amendment of Mr David Shoebridge be agreed to—put.

The House divided.

Ayes, 17

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

Noes, 20

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

Pair

Ms Fazio

Mr Ajaka

Question resolved in the negative.

Amendment of Mr David Shoebridge negatived.

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

Motion agreed to.

Message forwarded to the Legislative Assembly advising it of the resolution.

**PARLIAMENTARY, LOCAL COUNCIL AND PUBLIC SECTOR EXECUTIVES REMUNERATION
LEGISLATION AMENDMENT BILL 2011**

Second Reading

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

That this bill be now read a second time.

This bill will extend the Government's public sector wages policy to elected officials, State parliamentarians and local mayors and councillors, senior executives in the public service and statutory officeholders. The Government's public sector wages policy is about delivering fair wage increases to hardworking public servants. It is also about ensuring that the State budget can be brought under control. This legislation means that we can get on with the business of delivering the infrastructure and services which this State needs and which its people deserve.

Last week this Parliament passed the Industrial Relations Amendment (Public Sector Conditions of Employment) Bill 2011. That legislation requires the Industrial Relations Commission to give effect to the Government's wages policy when making decisions relating to public sector salaries. The reasons that bill was necessary are the very same reasons that it is now appropriate to extend the policy to other officeholders who are paid from the public purse. If the policy is good enough for public servants it is certainly also good enough for senior executives and for elected officials. That is why, for the first time, the Government's wages policy will be formally extended to apply to elected officials and senior bureaucrats.

The independent tribunals that set the remuneration of those officials will be required to give effect to the same policy on salary increases that the Industrial Relations Commission is required to apply to public servants. Obviously, the Government does not pretend that a cap on salary increases is felt in the same way by highly paid executives as it is by ordinary public servants. However, the point is that we should not apply a policy to workers that we would not be willing to apply to ourselves. This speech is not lengthy and it is the same as the speech given in the other place. Therefore, I seek leave to have the remainder of it incorporated in *Hansard*.

Leave granted.

Schedule 1 to the bill extends the wages policy to members of Parliament. Currently the basic salary of New South Wales parliamentarians is set automatically by reference to the salary paid to members of the Commonwealth House of Representatives less \$500. This means that any increase in the salary of Commonwealth members of Parliament flows automatically to State members of Parliament. This bill will break that nexus to ensure that members of Parliament cannot receive salary increases above what is prescribed in the public sector wages policy. Going forward, the salaries of New South Wales members of Parliament will be determined by an independent tribunal—the Parliamentary Remuneration Tribunal. This ensures that parliamentary salaries continue to be set by a process that is independent and arms-length from the Government. The tribunal will, however, only be able to approve salary increases for members of Parliament up to the amount prescribed in the Government wages policy. Unlike public servants, who will be able to receive an additional increase where there are demonstrated employee-related savings, members of Parliament will not be able to claim that they should receive a higher salary because of productivity savings. Capping the basic salary of members of Parliament at 2.5 per cent will mean that Ministers, Parliamentary Secretaries, Presiding Officers and other parliamentary officeholders will also be subject to the same cap. Under the Parliamentary Remuneration Act the additional salaries of Ministers and other officeholders are set as a percentage of the member's basic salary. Accordingly, any cap on the basic salary will flow through automatically to cap the additional salary of Ministers and others named. Schedule 2 to the bill applies the same policy to elected officials at the local government level, to mayors and councillors. It provides that in future the Local Government Remuneration Tribunal will be required to give effect to the Government wages cap when setting the range of fees for mayors and councillors.

Finally, schedule 3 to the bill extends the policy to determinations of executive remuneration made by the Statutory and Other Offices Remuneration Tribunal, SOORT. This means that the Government's wages policy will apply to the Chief Executive

Service, the Senior Executive Service and statutory officeholders whose remuneration is determined by the Statutory and Other Offices Remuneration Tribunal Act. The Statutory and Other Offices Remuneration Tribunal will be required to apply the policy when determining the salary bands for each Senior Executive Service [SES] level. As with other public servants, any increase above 2.5 per cent will be payable only where productivity savings have been achieved. To pass on any increase the tribunal will need to be satisfied that these savings have been achieved and are attributable, at least in part, to the category of officers concerned. Of course, this does not mean that any individual Senior Executive Service officer will automatically receive the tribunal determined increase. Individual officers will continue to be paid having regard to their individual performance. High-performing Senior Executive Service officers may receive increases beyond 2.5 per cent provided that any increase is within the Statutory and Other Offices Remuneration Tribunal approved band. Poorly performing Senior Executive Service officers may receive less than 2.5 per cent or no increase at all.

Schedule 4 to the bill makes consequential amendments to the Health Services Act to ensure that the public sector wages policy also applies to visiting medical officers and to executives of the Health Senior Executive Service. I mention briefly that judges and magistrates have been excluded from the bill. Although the salaries of New South Wales judicial officers are determined by the Statutory and Other Offices Remuneration Tribunal, it is generally accepted that there should be broad consistency of pay between Federal and State judiciaries. That said, it is concerning that in recent times salary increases for judicial officers have significantly outpaced those for all other public sector officers. For the time being, it is appropriate that judicial officers, as defined, be excluded from the bill. This will ensure that appropriate relativities across Federal and State judiciaries can be maintained. We will, however, continue to monitor increases in judicial salaries to ensure that these do not place undue pressure on State finances.

The Government's wages policy is designed to strike a balance between maintaining the value of wages for public servants and the ability of the State budget to fund wage increases. The wages policy we are implementing is the same as Labor's wages policy implemented in 2007 yet—unlike Labor—we are prepared to have this policy apply equally. With this legislation the wages policy will apply to members of Parliament, senior public servants, mayors and councillors as well. Not only is that fair, it is appropriate and necessary if we are to get on with the business of delivering the infrastructure and services that this State needs and the public deserves. I commend the bill to the House.

The Hon. LUKE FOLEY (Leader of the Opposition) [8.25 p.m.]: I lead for the Opposition in debate on the Parliamentary, Local Council and Public Sector Executives Remuneration Legislation Amendment Bill 2011. The object of this bill is to amend the Parliamentary Remuneration Act 1989, the Local Government Act 1993, the Statutory and Other Offices Remuneration Act 1975 and the Health Services Act 1997 to apply the same public sector wage cap that binds the Industrial Relations Commission to the determination of the remuneration for Ministers and other members of Parliament, local councillors, statutory officers, public sector executives and hospital visiting medical officers.

The Opposition does not oppose this bill. As the Premier said when he introduced it in the other place, "What is good for the public service is good for us." He almost had it right. The only catch is that he was referring to his industrial relations laws as somehow being good for the public servants of this State. Of course, Labor members reject that presumption. Let me rephrase that statement for the Premier's benefit: What is bad for the public service should be bad enough for those who have inflicted it on the public service. That is the reason the Labor Party will not oppose this bill. If we cannot stop our public servants from having their wages capped below inflation, if we cannot prevent them from having a loss of real income, we should at least be prepared to stand with them in having similar restrictions placed on us.

Of course, in saying that we must acknowledge that those of us in this House are in a very different situation from those thousands of public servants whose pay and conditions this Parliament has condemned. While the Premier and Government members come into this House and piously say, "See, we are talking a real pay cut, too, so it is all fair", the reality is vastly different. Parliamentarians do not have the same cost of living pressures as those suffered by nurses, teachers, social workers and emergency service workers who earn half or one-third of what we earn. Government members should keep the po-faced, self-sacrificing hubris in check, especially given that the Premier has already awarded luxurious pay rises to members opposite.

While Premier O'Farrell tells the people of New South Wales about the rigid financial discipline that he is imposing on his team, he is less than forthright about the bonuses he has just handed out to all his new members courtesy of the biggest parliamentary gravy train in the State's history. I should not have said "all his new members"; I should have said "the vast majority of his new members". I think 16 out of the 19 Government members in this place have received windfall gains and pay bonuses courtesy of Premier O'Farrell's largesse. Only three of the 19 have not been awarded a windfall gain by the Premier. I will leave it to members to guess who they are.

The Hon. Dr Peter Phelps: I am definitely not worth it.

The Hon. LUKE FOLEY: I acknowledge that the Government Whip has had a significant windfall gain as a reward for his frankly loopy views. The Opposition opposes one aspect of this legislation; that is, the

Premier's justification for introducing it. We know that this bill is not really about fiscal discipline; it is about spin and a Premier feeling the heat of the backlash from thousands of public sector workers who are outraged about this attack on their wages and conditions and members of the community—

The Hon. Greg Pearce: I have been talking to the union leadership and they are very happy.

The Hon. LUKE FOLEY: I acknowledge that interjection from the Minister, who said that they are all happy to have a job. What are the ramifications of that statement? According to the Hon. Greg Pearce, they do not need a fair day's pay and they should simply be grateful that they have a job. The Opposition utterly rejects that proposition. We believe that public servants should not give thanks to this Minister and the Premier for simply having a job. We believe that they deserve a fair day's pay for a fair day's work. The Premier now realises the mess he has created because voters are saying that he did not have the guts to tell them before 26 March about the legislation he planned to introduce. He is now trying this con job and he, his Cabinet and his backbench members—scores of whom have received windfall gains and bonuses courtesy of him—have the hide to pretend that they are accepting the same pay cap that they are imposing on hardworking public servants.

What fraudulence this is, this token effort at attempting to portray that we are all in this together. We are not all in this together. Mr O'Farrell, his Ministers and his record number of members of Parliament receiving windfall payments are not in the same boat as emergency service workers, teachers, nurses or the scores of categories of hardworking public servants in this State who are subject to the punitive industrial laws that the Government put through this Parliament a couple of Saturdays ago. This is a gross exercise in spin and hypocrisy from the O'Farrell Government in pretending today that highly paid members of Parliament and officeholders in the government ranks are in the same boat as hardworking public servants who will be subject to a reduction in their real wages because of the legislation passed by this Parliament a couple of weeks ago. That is the issue to which we object. If members of Parliament want to subject hardworking public servants to worse terms and conditions, we think we should also be subject to worse terms and conditions. The Opposition does not oppose this bill.

Mr DAVID SHOEBRIDGE [8.31 p.m.]: It is remarkable that the group of parliamentarians sitting on the government benches—every one of them is on \$150,000 or more when their additional entitlements are taken into account, either as parliamentary secretaries—

The Hon. Matthew Mason-Cox: Scot is not.

Mr DAVID SHOEBRIDGE: The Hon. Scot MacDonald might be on an extraordinary base salary of about \$136,000 a year or more. I have not followed the final decision but I believe it to be of the order of \$136,000 a year. Those members believe that showing some restraint in their take-home pay of \$150,000 or more in some way puts them in the same boat as members of the public service—teachers on \$50,000 or \$60,000 per annum, clerks on \$40,000 per annum and nurses on \$50,000 or \$60,000 per annum. Government members on \$150,000 per annum or Ministers on more than \$200,000 per annum are trying through a bit of public relations spin to communicate to cleaners on \$42,000 per annum that they are showing some kind of wage restraint or working-class solidarity, which goes to show how politically bankrupt the original proposal was. What shallow and base politics to try to pretend that this kind of pathetic restraint is being exercised by this class of government.

The Hon. Catherine Cusack: Point of order: The member ostensibly is supporting the legislation but his speech is in opposition to the bill.

The Hon. Mick Veitch: To the point of order: There is no point of order. Members can indicate how they will vote for a bill but that in no way dictates what can be delivered in debate. In my short time in this place that is the process that has been followed. A number of Government members who said that they did not support a particular piece of legislation delivered a speech in support of it. There is nothing wrong with that. Under our standing orders clearly they are able to do so.

The DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones): Order! There is no point of order.

Mr DAVID SHOEBRIDGE: In addition to that pretence of restraint, many members with take-home salaries of \$150,000 plus an electoral allowance do not believe it is necessary for them to expend such an allowance on electoral matters, which takes their basic salary to more than \$150,000. Many Government

members believe that in showing this mock restraint they have some solidarity with those 400,000 families on modest public sector wages who are having trouble making ends meet, which highlights the political spin coming from this Government in relation to the radical industrial relations agenda it is trying to force through the House. In the course of attacking public sector workers this Government is attacking also the modest stipends that councillors receive. I am a councillor at Woollahra and there are 16 councillors in the lower House—

The Hon. Catherine Cusack: Point of order: Mr David Shoebridge is refusing to say how much he is being paid and how much his top-up salary is.

The ASSISTANT-PRESIDENT (Reverend the Hon. Fred Nile): Order! There is no point of order. The member is making his own speech.

Mr DAVID SHOEBRIDGE: I note your ruling, Mr Assistant-President. The Parliamentary Secretary, the Hon. Matthew Mason-Cox, should have been listening earlier instead of chewing his chops with bitter hypocrisy while working out where his parliamentary secretary allowance will go and what he will do with his electoral allowance. As a local councillor one receives the sort of stipend that is paid to a local councillor for the time that he or she spends serving as a councillor.

The Hon. Catherine Cusack: And how much would that be, David?

Mr DAVID SHOEBRIDGE: I have with me the relevant figures so I am able to inform the Hon. Catherine Cusack what allowance is paid to a local councillor. For attending of the order of 50 council meetings, dealing with ratepayers, reading council papers and attending ad hoc meetings and committee meetings a councillor is paid the grand sum of \$16,640 per annum. The Remuneration Tribunal awarded most local councillors a pay increase of 4.2 per cent, or \$600 for the work that they do. The Local Government and Shires Associations estimated it was an increase of the order of \$1.77 each working day. This Government, in an attempt to improve this State's finances, is imposing restraints on hardworking councillors whose salaries are already capped by an independent tribunal. In many instances those councillors do not avail themselves of any salary increases. Government members are not aware that local government council allowances are not met by this State Government.

Local government is in fact independent in its financing. Further reducing the already modest amounts that are being paid to councillors will make it more difficult for those struggling to reduce their working hours to find the time to serve the public as councillors. Their remuneration is already so modest which goes to show that, irrespective of the merits of individual cases, this is a political hatchet job. Local councillors already earn the money that they receive. This legislation, which is an attack on local government, is being used as a political wedge at a time when local councillors are already receiving modest stipends, which demonstrates the lack of political decency of those opposite. Lastly, there is real concern about the attack on the payments made to visiting medical officers. We must ensure that we have the best surgeons and medical staff in our public hospitals. I have seen no Government analysis about the capping of payments that are made to highly skilled professional medical officers and what impact that will have on our ability to retain and attract the best medical professionals to our public hospitals.

It might be politically convenient for the Government to make such a broad-ranging attack on the local government sector and the highly skilled surgeons in our public hospital systems, but it is not good policy to do so in an attempt at putting some political lipstick on its particularly ugly attack on 400,000 working families through its radical public sector wages and conditions. Clearly, some restraint should be shown by parliamentarians if such restraints are being imposed on public sector workers. The better answer would be not some sort of pretence at working class solidarity by Coalition members who are already receiving substantial salaries. A far better outcome would be to deliver fair pay and conditions to those hardworking public sector servants who are on a fraction of the wages of Government members who are pushing their radical industrial relations agenda.

The Hon. GREG PEARCE (Minister for Finance and Services, and Minister for the Illawarra) [8.42 p.m.], in reply: I thank all those members who contributed to debate—

Dr John Kaye: Point of order: Mr Assistant-President, I went for the call. You obviously did not hear me, but I went for the call.

The ASSISTANT-PRESIDENT (Reverend the Hon. Fred Nile): Order! Dr John Kaye did not rise in his place and seek the call. He was sitting in his seat.

The Hon. GREG PEARCE: I am prepared to yield to Dr John Kaye provided he speaks for a reasonable length of time.

Dr John Kaye: I will speak for as long as I damn well like.

The Hon. GREG PEARCE: Then I am not prepared to yield to Dr John Kaye.

Dr John Kaye: Mr Assistant-President, I stood for the call. Obviously that was your decision to ensure that I do not speak in debate on this legislation, but I did stand for the call.

The Hon. GREG PEARCE: The Assistant President has already made his ruling.

Dr John Kaye: Have you ruled on my point of order, Mr Assistant-President?

The ASSISTANT-PRESIDENT (Reverend the Hon. Fred Nile): Order! Yes, I have ruled on the matter. I looked around the Chamber, I paused, and no member stood and sought the call by saying, "Mr Assistant-President". Therefore, I called the Minister in reply. He then stood to make his reply.

The Hon. Amanda Fazio: You would have to move dissent at this stage.

Mr David Shoebridge: Point of order: Mr Assistant-President, I ask you to reconsider your ruling without requiring a dissent motion. I ask for comity in order to enable a member to be heard in this Chamber. I ask you to reconsider your ruling and to acknowledge the call of Dr John Kaye.

The ASSISTANT-PRESIDENT (Reverend the Hon. Fred Nile): Order! The Minister said that he would allow Dr John Kaye to speak, but he then made a rude remark, did he not?

The Hon. GREG PEARCE: That is right. To the point of order: I said I was prepared to yield to the member provided he was prepared to speak for a reasonable length of time. I am sure he would be prepared to do so. I am prepared to yield to Dr John Kaye if he speaks for a reasonable length of time. However, he did not seek the call. I did not seek the call straightaway as I thought other members wanted to contribute to debate on this bill. As you would be aware, I was nudged by my Parliamentary Secretary to seek the call.

The ASSISTANT-PRESIDENT (Reverend the Hon. Fred Nile): Order! The Minister has yielded to the member, provided he does not abuse his opportunity to speak.

Dr JOHN KAYE [8.45 p.m.]: I thank the Minister but express concern at the conditions that have been imposed on me. Various attempts have been made in this Chamber to gag debate, which is undemocratic. This piece of legislation is a wedge. Did those who wrote this piece of legislation seriously think we would fall for this wedge? Did they seriously think we would not notice that politicians are paid between 50 per cent and 80 per cent more than the average public servant? Did they seriously think that we would not recognise that the original bill did not contain any reference to local government workers after an amendment moved by the Government or possibly by the Christian Democratic Party?

The Hon. Sophie Cotsis: No, it was moved by the Shooters.

Dr JOHN KAYE: It does not matter whether or not the amendment was moved by the Shooters and Fishers Party or by the Christian Democratic Party; they are one and the same.

The Hon. Paul Green: The go team.

Dr JOHN KAYE: I acknowledge the interjection of the Hon. Paul Green; indeed, it is a team. Did the Government seriously think that teachers, nurses or police officers would think it was okay? The base salary of a parliamentarian is \$136,000 a year, and ministerial salaries are more than double that figure. Did the Government seriously believe that public sector workers would fall for that cheap trick? Did it seriously believe that we would take the bait when councillors—many of whom work extremely hard for the remuneration that they receive—will be held hostage as a result of this legislation? Did Government members seriously think that we would fall for the cheapest political trick in the book and vote against this legislation?

This appalling and disgraceful legislation sits on top of a piece of legislation that fundamentally attacks the rights of working people in this State and in this nation, that attacks public sector services and the independence of the Industrial Relations Commission. A veil has been drawn across that legislation to make it appear as though it is okay. How will it work? The 2.5 per cent wages policy on the Government's website refers to productivity offsets. How will we be more productive? Will the Government Whip make more ridiculous speeches about climate change? Will the Minister introduce even more offensive legislation? What measure of productivity will the Minister propose to be used in this legislation?

The Hon. Dr Peter Phelps: How about cutting down six-hour speeches to half an hour?

Dr JOHN KAYE: Perhaps long speeches are part of productivity and perhaps the changes to standing orders are all about reducing productivity. We do not know because this is a myth, it is a fabrication that will not work and it is complete nonsense. After a period of 3½ years it will not take away the tsunami that will hit this Government—the tsunami of working people in this State who know that the Liberal-Nationals Coalition has returned to its roots as the bosses party, the anti-worker party, the party that loathes those who teach in public schools, nurses who work in public hospitals and people who dedicate their lives to—

The Hon. Charlie Lynn: Point of order: This is contrary to comments made by the former Premier of New South Wales, Neville Wran, when he said that today he would not be preselected for the Labor Party, but all the people in the Liberal Party on this side of the Chamber would, because we represent the workers. The member is misleading the Parliament.

The ASSISTANT-PRESIDENT (Reverend the Hon. Fred Nile): Order! That is not a point of order. Dr John Kaye has the call.

Dr JOHN KAYE: I acknowledge the interjection. There is absolutely no comeback to that. I do not know what planet that came from, but it was fascinating. Since the passage of the legislation that this legislation tries to draw a veil over, I spent some time talking to teachers, nurses and other public sector workers. There is no question about the level of anger that is brewing over this legislation—the massive level of anger—and if Government members seriously believe that this legislation will somehow hold back that anger, will somehow placate people by saying, "We are all in the same boat now, so it is okay", they are seriously deluding themselves. They are seriously deluding themselves that teachers, nurses, public transport workers and fire brigade officers do not understand the difference between their salaries and ours and do not understand how much less buffer you have if you are on a salary of \$40,000, \$50,000, \$60,000 or \$80,000 a year than if you are on a base salary of \$136,000.

People are not stupid; they can work out the difference. If the Government thinks this will somehow or other placate people, it is badly deluded. The reality remains that whatever the Government does with our salaries, whatever it does with the salaries of people who hold senior executive services positions within the public sector or with visiting medical officers, who I will come to shortly, will not make any difference. When people look at their pay cheques and people see their working conditions and pay being devastated by the Government, they will know where that came from and they will know what the intent of it is, and they will act accordingly.

I will finish by talking about visiting medical officers. I am struggling to understand, in an era when we have a shortage of trained medical practitioners, in an era when we are finding it harder and harder to attract qualified quality individuals into our public health system, why it is that we would extend work no choices New South Wales to that sector. It is bad enough that we are devastating teachers, the nursing profession, public transport, the fire brigade and the police—that is all bad—but to then say, "Look, we didn't quite catch them in our first bill, let's take it over to visiting medical officers as well", I can only conclude that the people responsible for this bill have no intention of ever being in a public hospital. They must have sufficient private health insurance that they will go to the private sector and they will not care what happens to the rest of us in the public health system.

The Hon. Sophie Cotsis: Or in a rural public hospital.

Dr JOHN KAYE: It is a good point that the Hon. Sophie Cotsis makes. What will happen in the rural sector where we are struggling? This State is finding it increasingly difficult to recruit quality doctors to rural positions, and then we do this to them—not just salary cuts, not just undermining conditions, but the message that this sends. The Government prides itself in understanding markets and market signals. This Government has now sent a signal to the medical profession saying, "Stay away from the public health system and stay away

from rural hospitals. We are going to cap your salary. We are going to treat you with the same disdain that we are dishing out to nurses and teachers, public transport workers, fire brigade officers and, after a three or four-year period has elapsed, to police as well." This is an appalling piece of legislation, not just because of what it does but because of the intent behind it, which is to draw a veil over one of the worst pieces of legislation this Chamber has seen. It will not work; it will not draw that veil. People do not care what this does. They are angry at the original legislation and they will remain angry. If Government members think that this is their free get-out-of-jail card, they are wrong.

The Hon. GREG PEARCE (Minister for Finance and Services, and Minister for the Illawarra) [8.54 p.m.], in reply: I thank honourable members for their contributions to the debate. This bill will apply the same government public sector wages cap that binds the Industrial Relations Commission to the determination of the remuneration for Ministers and other members of Parliament, local councillors, statutory officers, public sector executives and hospital visiting medical officers. The Government believes statutory office holders and senior bureaucrats should be treated the same as nurses, teachers and other front-line public servants. In fact, it is necessary to do so to help bring the State budget under control so that we can improve the delivery of essential services and fund vital infrastructure projects.

The Government's wages policy is clear. We will allow 2.5 per cent wage rises across the public sector. Rises above that level will need to be offset by productivity gains. The wages policy we are implementing is the same as Labor's wages policy implemented in 2007 except, unlike Labor, this Government is prepared to have the policy apply equally. Members of Parliament and local councillors will also be subject to the 2.5 per cent limit on pay rises. In addition, they will not be able to seek additional pay rises based on productivity savings. This bill is fair, appropriate and necessary. I commend the bill to the House.

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

Motion agreed to.

Bill read a second time.

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

Third Reading

Motion by the Hon. Greg Pearce agreed to:

That this bill be now read a third time.

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

CONFLICT OF INTEREST

Personal Explanation

Mr DAVID SHOEBRIDGE, by leave: For overabundant clarity, I indicated in the course of the previous debate that I am a councillor on Woollahra council and am in receipt of a councillor's stipend in that position. I also note that there are a number of other members of this Chamber who are either local councillors or local mayors, all of whom are in receipt of stipends in those positions. Prior to this debate I sought advice from the Clerk as to whether that raised a conflict of interest, and in fact I raised the obvious issue that I am also a parliamentarian in receipt of a parliamentary salary, which was the subject of the previous bill before the House.

I pointed out to the Clerk the obvious absurdity if parliamentarians could not vote because of a class conflict, which would make it rather difficult for a bill to pass through Parliament. I also sought specific advice as to whether being in receipt of a councillor stipend raised any pecuniary interest. The clear advice that I received from the Clerk, which I understand is consistent advice for all other councillors and/or mayors in the Chamber, was that being a general class of recipients, and because it was a matter of State policy, there was no conflict of interest in my role as a parliamentarian or in my role as a councillor. I merely put onto the record the clear advice that I received from the Clerk in that regard.

The ASSISTANT-PRESIDENT (Reverend the Hon. Fred Nile): Order! I do not believe there was any conflict of interest because it was a capping of increases. If it had been an increase, there may have been a conflict of interest.

Mr DAVID SHOEBRIDGE: The conflict arises because there was the opportunity to vote against the bill. The opportunity to vote against the bill raised the potential conflict, and that is why I made the personal explanation to the House.

REGIONAL RELOCATION (HOME BUYERS GRANT) BILL 2011

Second Reading

The Hon. GREG PEARCE (Minister for Finance and Services, and Minister for the Illawarra) [9.00 p.m.]: I move:

That this bill be now read a second time.

The bill delivers on yet another election commitment by the O'Farrell Government in relation to our regional relocation homebuyers grant. As the second reading speech has been delivered in the other place, I seek leave to incorporate the remainder of my speech in *Hansard*.

Leave granted.

This bill delivers on yet another election commitment by the O'Farrell Government to support and encourage growth in regional New South Wales.

The bill provides for a new Act to implement a key element of the Government's action plans to Make Sydney Liveable Again and to provide a Regional Kick-Start.

The Regional Relocation (Home Buyers Grant) Bill introduces a \$7 000 grant for families and individuals who relocate from the metropolitan areas of Sydney, Newcastle and Wollongong to regional New South Wales.

The grant will be available to a person who purchases a home in regional New South Wales to be used as the applicant's principal place of residence, and sells his or her former home in the metropolitan area.

The scheme will therefore assist with two complementary objectives—encouraging population growth in the regions, and reducing population pressures in Sydney.

The grant will be payable after settlement of the purchase of the home, and will compensate families for some of the substantial transaction costs involved in relocating home.

Eligibility for the grant will be subject to a number of criteria.

- The applicant must be an Australian citizen or permanent resident.
- The value of the property purchased in regional New South Wales must not exceed \$600,000.
- And the former home must have been sold within 12 months before, or be sold within 12 months after, the purchase of the home in regional New South Wales.

These criteria are consistent with those applying to the stamp duty concession for Empty Nesters, which has already been extended by the Government to apply to home buyers aged over 55 years.

In fact, the Regional Relocation Grant scheme complements the Empty Nesters concession in helping to free up housing stock in Sydney.

The bill provides that the metropolitan area includes local government areas in the Sydney Statistical Division, plus the local government areas of Newcastle and Wollongong.

This is the same definition as applies to the payroll tax rebate under the Government's Jobs Action Plan. Once again, the Regional Relocation Grant complements another Government initiative, in this case supporting people relocating to the regions where the Jobs Action Plan delivers assistance for 40,000 new jobs created in regional New South Wales.

However, the Government acknowledges that not all parts of regional New South Wales want to encourage rapid population growth.

Local councils in regional areas who are concerned about local population pressures will have the choice of opting out of the scheme. The bill provides for any such council area to be excluded by the regulations under the Act.

The grant will apply to the purchase of a home between 1 July 2011 and 30 June 2015, provided a maximum of 40,000 grants will be payable. The scheme is estimated to provide assistance to approximately 7,000 applicants each year.

The scheme will be promoted by the Department of Trade, Investment, regional Infrastructure and Services in conjunction with other regional assistance schemes, but will otherwise be administered by the Office of State Revenue.

Adverse decisions by the Chef Commissioner of State Revenue will be subject to review by the Administrative Decisions Tribunal.

The Government is committed to policies that assist and encourage whole of state growth. The Regional Relocation Grant, together with our policies ensuring the regions get their fair share of jobs growth and infrastructure spending, will give regional New South Wales the kick-start it deserves.

And the grant will work together with policies such as the Empty Nesters stamp duty concession to facilitate better use of housing stock and reduce population pressures in Sydney.

A grant of \$7 000 provides a very real benefit to families relocating within New South Wales.

I commend the bill to the House.

The Hon. MICK VEITCH [9.01 p.m.]: I speak to the Regional Relocation (Home Buyers Grant) Bill 2011. From the outset I indicate that the Opposition will not oppose this bill. The long title says it is a bill for an Act to establish a scheme for the payment of grants to homebuyers who relocate from metropolitan to regional areas. It is always interesting, in a bill that aims to invigorate regional New South Wales, its local economies and its social aspects, to seek out the definition of metropolitan and regional. This is always an important aspect of the debate about exactly what constitutes metropolitan and exactly what constitutes regional. The bill contains an interesting definition of metropolitan—but an even more interesting definition of regional area. It would appear that the Government will use regulations to determine which rural and regional local government areas will be covered by the bill. Clause 4 (2) clearly states:

... a regional area does not include any local government area declared by the regulations to be an area for which the regional relocation grant is not available.

This begs the question: Exactly which areas will be denied access for this scheme and, more importantly, why? It also begs the question: Can local government areas get out of the scheme if they wish? If so, how? The regulation is not available, so there is no detail on which areas will be available for the scheme. What if a person lives in Newcastle city and he or she moves across one local government area, over the border so to speak? Will this be allowed? And are we not all interested in attracting people to the Illawarra and Newcastle? At least we on this side of the House are.

It is also interesting that the bill makes the relocation grants available only to existing property owners. People renting will not be eligible. I find this to be an interesting aspect of the bill. A number of people who are renting in Sydney cannot get into the homeowners demographic because they simply cannot afford the mortgage on a Sydney property. They certainly would be able to meet the mortgage obligations on a regional mortgage. So why is the Government denying them eligibility for this scheme? It would appear that the bill will not do a great deal to encourage people with skills that are indeed valuable for regional economies to move to our valuable regions. I am certain the Parliamentary Secretary at the table, the Hon. Matthew Mason-Cox, would agree with that.

[Interruption]

I am speaking about the Hon. Matthew Mason-Cox's interest in and commitment to regional areas. It would also appear that the bill is not part of any strategy to grow regional New South Wales. It certainly looks like something written down on the back of a receipt from the local inner-city coffee shop. Has anyone seen the strategy that says this bill will assist regional skills shortages? Where is the strategy that says this bill is part of a plan to support and develop tertiary education campuses in regional New South Wales? Where is the strategy that says this bill will be supported by essential infrastructure and services such as hospitals, roads and allied medical professions? It appears that the bill is just a cynical exercise in political easy-speak. It would not surprise me if the only people who take up the incentive detailed in the bill are sea changers and retirees.

The essential economic boost of new business people, skilled trades people and professionals such as allied health workers, nurses, pharmacists, and even the valuable labourers and unskilled workers, will be ineligible from receiving benefit under the bill. This is a real missed opportunity. Indeed, it is a poorly targeted bill that has the potential to waste \$280 million over the next four years, funding that could well have been

better applied to addressing some of the skill shortage issues in regional New South Wales. I ask the Minister to indicate to the House what will be the expected annual administration costs associated with the scheme? Further, I ask the Minister to explain just how compliance with the scheme will be managed and at what cost. If someone breaches the scheme criteria, how will this be addressed? How will outcomes against the scheme be reported to Parliament? Will there be any reporting mechanism of outcomes to the scheme? If so, how will that occur?

We do not oppose decentralising, or encouraging people to move to regional areas. We believe that an overarching, broader strategy for decentralising and skill enhancement programs to address skill shortages in rural areas is important and that this, rather than being an overarching policy, is a policy that underpins a broader strategy. However, without the regulation and broader details we cannot work through that process. As I said at the outset, the Opposition will not oppose the bill but we have some serious concerns about it.

Dr JOHN KAYE [9.06 p.m.]: Mr Acting-President—

The Hon. Mick Veitch: I will move the chair so you can see. You have to stand up.

The Hon. Greg Pearce: Are you standing?

Dr JOHN KAYE: I thank the tall shadow Minister for his words from commanding heights. On behalf of The Greens I speak to the Regional Relocation (Home Buyers Grant) Bill 2011. I listened with interest to the contribution of the Opposition spokesperson on the bill. I totally agree with everything the Hon. Mick Veitch said. The bill has some substantial flaws associated with it, but none greater than the fact that it puts \$280 million on the table over the next four years without one scintilla of evidence that there will be any additional movement of people from the Sydney, Newcastle and Wollongong areas to rural and regional New South Wales. During the crossbench briefing on the bill we asked the bureaucrat whether there was any evidence about existing movement—even a baseline figure of how many people sell houses in Sydney, Newcastle and Wollongong and then purchase houses outside those areas.

There was no evidence—not even a baseline figure—to tell us how many people were currently doing this, let alone evidence to say: If we put another \$7,000 on the table to be offered to eligible householders, would they be motivated to move? No economic modelling has been done on this. But even worse than that, in four years time we will not even know the success rate on this because we did not have a baseline figure to measure it. No baseline figure has been provided from which one could measure the success of the policy. Some \$280 million will simply go down the gurgler, without our knowing whether this policy will work and without our being able to know a posteriori whether it has worked. That will be a shameful waste of public funds. Let us be absolutely generous to this policy. Let us suppose 50 per cent of the 400,000 householders who are going to move—

The Hon. Greg Pearce: It is 40,000.

Dr JOHN KAYE: I apologise, 40,000. I thank the Minister. Of the 40,000 householders who are going to move over that period and who receive the \$7,000 per household, let us suppose half of them would not otherwise have moved. I suppose there is an additionality factor of 50 per cent. That figure is purely conjecture: it could be anywhere between zero—

The Hon. Dr Peter Phelps: And 100.

Dr JOHN KAYE: It could be 100, absolutely. I acknowledge the interjection from the Government Whip, who himself is admitting that he does not know what the percentage figure is. If it is 50 per cent, that is \$140 million wasted. What could rural and regional New South Wales do with \$140 million? What could towns across New South Wales do with \$140 million? What type of infrastructure could we build? Let us think about that for a minute.

Not long ago there was a party in this Chamber apart from The Greens that was very worried about the Casino to Murwillumbah rail line. That party was out there campaigning. That party was in favour of reopening the Casino to Murwillumbah rail line. It argued that it was all about restoring jobs, attracting people back to the North Coast and giving people opportunities to move around. Suddenly after the 2011 election, there was deafening silence. Suddenly nothing is happening. Why is nothing happening? It is because that party is now the Government. Instead of spending any portion of the \$280 million on reopening the rail line, fixing the culverts,

fixing the bridges and getting that rail line operating again, that party decided that it is much better to just chuck it away. Instead it wants to stand on a street corner and find 40,000 people—who already own land in Sydney and who are, by definition, automatically asset wealthy—and give them \$7,000 each.

The Government has made no effort whatsoever to find out whether its policy will work, how effective the policy will be in encouraging people to move to regional areas, and no effort to work out what the economic impacts will be. Its attitude is, "It's a policy we promised, so we'll do it"—end of story; no analysis. That is not good policy. It is not even good politics. It is shocking economic mismanagement. If the Government used some of the money to reopen the Casino to Murwillumbah rail line, what would happen? Opportunities along the rail line would be created for people to move to the area, live there and move between the high population centres of Murwillumbah, Casino and Byron Bay.

The Hon. Matthew Mason-Cox: The high population area of Casino?

Dr JOHN KAYE: The population centre of Casino would be boosted.

The Hon. Matthew Mason-Cox: You would boost the population centre of Casino? You would boost the number of cattle there.

Dr JOHN KAYE: How long is it since you have been to Casino?

The Hon. Matthew Mason-Cox: A long time.

Dr JOHN KAYE: Obviously. A lot of people live in Casino.

The Hon. Matthew Mason-Cox: How long is it since you have been there?

Dr JOHN KAYE: Three months ago.

The Hon. Jeremy Buckingham: I was there.

Dr JOHN KAYE: The Hon. Jeremy Buckingham was there three weeks ago, but I was there about three months ago. The reality of investing in rural infrastructure in the form of railways, roads, hospitals, schools or other forms of public infrastructure is that the infrastructure encourages people to move to new places. What about putting some money into genuine industry policy? I know the Government has real difficulties with the concept of industry policy, but imagine putting the money into industry policy, into encouraging new industries such as manufacturing of wind turbines or solar panels in rural and regional New South Wales.

What would happen then? Then the Government would genuinely get people moving to regional areas because there would be jobs for them. Surely if the Government is really serious about doing anything other than relocating people at the retirement end of the age scale, it would create opportunities for people to obtain employment. There is a real issue about the social justice of this policy. I know there are some Government members who, whenever anyone says "social justice", reach for their copy of Hayek's *The Road to Serfdom* and wave it around saying, "Oh, oh, oh—social justice."

The Hon. Dr Peter Phelps: Every time you mention Hayek, I get 20 hits on my Facebook site.

Dr JOHN KAYE: I am glad to oblige. We live in a society that believes in a fair go and a society that says no matter how wealthy you are, we want to look after you.

The Hon. Sophie Cotsis: Not in New South Wales.

Dr JOHN KAYE: Indeed—certainly not after work no choices. We ought to live in a society in which government largess is not limited to those who already have access to assets. Most members of Parliament who live in Sydney are fortunate to belong to a generation that was born early enough to enable them to purchase their own homes. But increasingly there are people who cannot afford to do that, and they will be shut out from this \$280 million largess. They will get nothing out of that \$280 million, not a cent. That \$280 million will go to those who, almost by definition, are already asset wealthy. Ownership of a home in Sydney, and to a lesser extent in Newcastle and the Illawarra, will almost automatically classify people as asset wealthy.

The Government proposes to hand over \$280 million without any policy or research basis indicating that the policy will work and deliver the policy outcomes, without any way of measuring its success because we do not have baseline data, deliver grants to people who are already asset wealthy, devise an outcome that we do not know it will be possible to achieve, and not know whether it has been achieved when the program concludes. In terms of public policy, the Government's proposal is a perfect storm of idiocy. I challenge the Minister for Finance and Services, and Minister for the Illawarra to tell us how he can justify putting \$280 million on the table without a baseline and without any evidence to demonstrate that this proposal will produce any additional decentralisation of the demography of New South Wales.

The Hon. PAUL GREEN [9.15 p.m.]: On behalf of the Christian Democratic Party, I support the Regional Relocation (Home Buyers Grant) Bill 2011. Regional cities such as Wagga Wagga and others throughout New South Wales are part of a campaign known as Evocity that is designed to attract upskilled people and industries to regional areas to generate more employment in those areas. In the Shoalhaven we are constantly sending messages to Sydney businesses to relocate to the area. One of the reasons we do that is we need upskilled labour. There is no doubt the bill represents one of the initiatives that probably can attract skilled labour into regional areas of the State.

In the Shoalhaven region we need to create more than 700 new jobs each year. There is no doubt that some of those jobs need upskilled labour. While we may not have those people in our area, the bill represents a great initiative to attract them to our area and resettle them. The particular industry that the Shoalhaven is trying to specialise in is avionics. With HMAS *Albatross* in the region, Defence contracts can be worth billions of dollars, which is why we must ensure we have upskilled people. The Government's regional relocation grants initiative will encourage people to give relocation a go. It gives people an opportunity to resettle themselves professionally, resettle their families, relocate to an area like the Shoalhaven, and live their dream.

Today I attended a State development meeting that was addressed by Mr Ernesto Sirolli of the Sirolli Institute. He suggested that if we really want to build Australia as a nation and New South Wales as a State, we have to take some chances with entrepreneurial approaches. We have lots of talented people, young and old, who are too afraid to realise their dream. I love this opportunity, but not because there is not an opportunity to evaluate it. It would be very wise to evaluate it and track the outcomes of this model, analyse the statistics, and find out what falls over or what is produced. But Mr Sirolli said that, at the end of the day, we need to believe in people. There are a lot of people in Sydney who are bursting with great ideas and pregnant with their dream. Regional Australia could be the birthing place for that. This legislation is a great initiative for assisting people to realise their dream.

Statistics indicate that approximately 70 per cent of Australians live near the coastline. There is no doubt that people who live on the western side of the Great Dividing Range struggle with the same types of issues that people in the Shoalhaven struggle with, such as a shortage of skilled labour. This legislation provides people with an opportunity to move to regional areas and fulfil their dream. The only drawback of fulfilling dreams in regional areas is that it will increase demand for local public infrastructure and services. We need the right public transport so that people are not isolated and so that young people who go to the regions to work can get to their jobs. Regional relocation is a great initiative and it may introduce desperately needed additional upskilled labour to regional areas. The Christian Democratic Party sees merit in opportunities that could lead to entrepreneurial approaches and it commends the bill to the House.

The Hon. JEREMY BUCKINGHAM [9.20 p.m.]: On behalf of The Greens I speak to the Regional Relocation (Home Buyers Grant) Bill 2011. I agree with the Government that regional communities should be supported. To do that, regional economies should be diversified, infrastructure spending and educational opportunities should be improved, mobility should be boosted through better transport connectivity, improved communications should be supported and there should be investment in a range of other under-supported services in those areas. Any investment made in regional New South Wales pays off. Why? It is because we need strong communities to supply food, support industry and support workers in regional areas. Tourism opportunities also need to be boosted. These communities are caretakers of that glorious part of the State, especially west of the Great Divide and north and south of Newcastle and Wollongong. Unfortunately, the bill does not do that.

The Hon. Matthew Mason-Cox: You were going so well.

The Hon. JEREMY BUCKINGHAM: I know. The bill looks like a diversion. The Government is saying, "Look at the money we are dangling here", but it is ignoring the fact that it has no real policy to change

the situation for regional New South Wales or to support the services I have mentioned. The bill provides assistance to help people move from metropolitan New South Wales to regional New South Wales. It offers \$7,000 to eligible persons and families. The program will run for four years and offer 40,000 grants, amounting to \$280 million, to encourage regional relocation. I will return to the economics of the bill shortly.

As regional spokesperson for The Greens I want to talk about the money the Government is willing to put into this policy and contrast that with what it is not doing. My colleague Cate Faehrmann asked a question in the House today about the railway crossing at Scone. The Scone community has been calling for action on infrastructure problems for years, but there is no commitment from the Government to invest in infrastructure improvements in Scone. The bypass at Muswellbrook is another example of the failure to address major infrastructure shortfalls. The emergency ward of the hospital at Muswellbrook is on the second floor. No money has been promised to improve that service or make it more accessible.

Paramedics across the Hunter region are screaming for more officers. They are currently running a skeleton staff and are often understaffed. At the same time, truck movements and accidents increase on regional roads. I ask the chicken-and-egg question: Why do people decide to move to the regions? I am a councillor on Orange City Council and I am involved with Evocities. People move to the regions because of jobs, services, infrastructure, clean air, great people and great councils.

The Hon. Matthew Mason-Cox: No inner-city Greens.

The Hon. JEREMY BUCKINGHAM: No, we are everywhere: Green heartland is Lismore, the Tweed, Ballina, Orange—everywhere. The Greens are a bio-indicator for the tree-change element. Wherever The Greens are, we have diverse communities. People turn up and say, "Are there any Greens in the area? Great, we will move here." The other thing people are looking for is a hospital. Most of the women I speak to would prefer to give birth in the maternity ward of a hospital. They do not want to give birth in the back seat of a car or beside a highway on their way to a hospital in another town. I do not have the statistics with me, but that happens all too often.

[Interruption]

And as part of the Evocity program Orange is promoting its university and new hospital. Members on this side of the House are not paying attention, but one of the great things the previous Government did was build the Orange Base Hospital. Guess how much that hospital cost? It cost about \$280 million—I cannot remember the exact figure.

The Hon. Greg Pearce: It was only supposed to cost \$160 million. The rest was overruns—typical Labor.

The Hon. JEREMY BUCKINGHAM: Around \$280 million and no-one is complaining. What did that hospital do for Orange? It brought a flood of people to Orange. A faculty from a university has come to the town. We have had a building boom based on infrastructure. People are coming to Orange because of our great gallery, our indoor swimming pool, our fantastic library, our base hospital and a progressive council that has created lots of green open space. But the smaller towns, like Yeoval, that do not have that infrastructure and have dodgy roads—

The Hon. Mick Veitch: Carcoar.

The Hon. JEREMY BUCKINGHAM: That is another one. It is a beautiful town. Carcoar should be absolutely bursting at the seams but it has not gone ahead since about 1870. Since the gold rush and the price fell for wool no infrastructure has been built there. The rail line is closed and there are no real services. That is why people do not move to those little towns. Some of the big regional centres like Dubbo, Orange, Wagga Wagga and Albury are experiencing the same sorts of growth pressures that Sydney has.

The Hon. Dr Peter Phelps: They are going gangbusters.

The Hon. JEREMY BUCKINGHAM: They are going gangbusters.

The Hon. Dr Peter Phelps: Do you know why? The reason is because you do not have to travel 20 miles a day on Cobb and Co.

The Hon. JEREMY BUCKINGHAM: I will leave that hanging out there. The key point is that these people are coming anyway, and the economics are very poor. I ask the Government to really think about why people are not moving to regional New South Wales.

The Hon. Niall Blair: You just said they were.

The Hon. JEREMY BUCKINGHAM: Not to all parts—it is complex. Members opposite may have a one-size-fits-all approach but there is a diversity of communities. It is really complex.

The Hon. Matthew Mason-Cox: That was a Shenhua moment.

The Hon. JEREMY BUCKINGHAM: No. It really comes down to a lack of infrastructure and services. Where there is no infrastructure or services, you do not have people. The Government should think strategically about where to put that \$280 million. Aside from a poor use of money, the economics of the bill do not stack up—I am speaking about economics on behalf of The Greens. I cannot imagine a family in metropolitan Sydney moving to regional New South Wales and saying, "We are quite happy. The traffic is a bit bad but we will move to Dubbo because \$7,000 is on offer." They would probably get to Katoomba and the furniture removalist would want the other half of the money to get them there.

The Hon. Niall Blair: Aren't they already going to Orange?

The Hon. JEREMY BUCKINGHAM: Look, it is complex. The policy ignores the cost of selling and buying once stamp duty is involved. It is a cynical policy. I suggest that it might have been designed to increase—

The Hon. Greg Pearce: Point of order: This morning I read in the newspaper that this member was complaining that he could not get home and could not stand the hours of work. Normally I would take a point of order on relevance, but instead I ask you, Mr Assistant-President, whether it is possible to get the member to say something that makes sense.

The ASSISTANT-PRESIDENT (Reverend the Hon. Fred Nile): Order! There is no point of order.

The Hon. JEREMY BUCKINGHAM: I thought, "Where have I seen this before?", and I realised that it was the Federal Government's first home buyers grant, which was rolled out during the dark days of the GST. What did that do? The Australian Bureau of Statistics said that all it did was increase house prices. Real estate agents are not silly. All the sellers said, "Look, we can up the prices because there's this \$7,000 hanging out there." All it did in 2009 was to insulate the housing market and increase prices. But it also produced a well-defined graph: as soon as the first home buyers grants ceased, down came the prices.

The Hon. Dr Peter Phelps: It is complex, isn't it?

The Hon. JEREMY BUCKINGHAM: It is complex and the Government really should have thought more about it. If money is used to support home purchasers, the risk is that it will be a self-defeating policy. The first home buyers grant resulted in inflated house prices. In some cases, the shortage of houses and the increased money pool increased prices above the bonus offered. The first home buyers policy was self-defeating. In fact, some commentators suggest that the intention of the grant was to do just that because of the GST. If that is part of the underlying objective of this bill, how will the Government explain things to young people in regional New South Wales who face bigger hurdles in their quest to purchase their own home or to remain living in their home towns?

The Hon. GREG PEARCE (Minister for Finance and Services, and Minister for the Illawarra) [9.32 p.m.], in reply: I thank all members for their contributions—

The Hon. Matthew Mason-Cox: It is complex.

The Hon. GREG PEARCE: —no matter how complex. The New South Wales Liberal-Nationals Government is committed to regional New South Wales for good reason: its existing social and economic infrastructure, lifestyle and opportunity. We want to build on that. People are the key to regional New South Wales. We made this commitment before the election and I am pleased that we now are able to deliver on it.

I too want this commitment to be taken up fully. I shall quickly address a number of issues that were raised in the debate. Councils are able to opt out of this scheme if they do not want extra people in their areas. Annual administration costs will be negligible.

No additional staff will be required to implement the scheme. The administration will be similar to that of the first home buyers scheme. The 12-month residency test will be applied to protect against fraud, in the same way as a test applied in relation to the first home buyers grant. We saw no massive fraud outbreak with the first home buyers grant and I do not expect to see any such thing with this scheme. The regional relocation grant is an incentive for people to move to regional New South Wales. We want to see it used. I commend the bill to the House.

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

Motion agreed to.

Bill read a second time.

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

Third Reading

Motion by the Hon. Greg Pearce agreed to:

That this bill be now read a third time.

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

ADJOURNMENT

The Hon. GREG PEARCE (Minister for Finance and Services, and Minister for the Illawarra) [9.36 p.m.]: I move:

That this House do now adjourn.

GUN LAWS

The Hon. WALT SECORD [9.36 p.m.]: I speak about a matter with which I have some personal experience: hunting and young people. I grew up in a Canadian community where hunting was and is still very much the norm. I hunted deer and rabbit with my father, teenage uncles and teenage cousins. My father's family—as Indigenous people—strongly defend their right to hunt as a political and cultural right. Some years ago a member of my father's tribe was charged by Ontario provincial authorities for illegal hunting. In Ontario natives are allowed to hunt unrestricted if they are within a 100-kilometre radius of their reserve. The particular tribal member who was charged was beyond that perimeter. On a matter of legal principle and expression of Indigenous rights, the reserve's council came to his legal defence. It argued that his traditional territory area encompassed almost all of southern Ontario and, therefore, he had every right to hunt at Parry Sound, where he was charged. The council won the argument and the charges were dropped.

Hunting and firearms remain a big part of my father's community. My father is a responsible gun owner: he keeps his guns under lock and key, and safely away from his grandchildren. He also keeps his shells in a separate location. As I said earlier, my childhood often involved guns and hunting. One winter when we were tracking an animal a young uncle's shotgun accidentally fired and blew a giant hole in the ground. It missed a member of the hunting party by less than a metre. I remember it well. We all laughed at the near miss, but as teenagers we did not have the maturity to understand what tragedy had so nearly occurred. We did not have the maturity to handle guns safely and properly or to fully comprehend the impact of misusing a gun. What nearly happened that day was just a laugh to us. Teenagers do not have the experience to fully comprehend the fragility of life. Hence, with all respect to their many great qualities, teenagers simply do not have the maturity to handle guns.

I acknowledge that thousands of Australians need firearms for feral animal removal and for target sport. I respect their choice in that regard. But we must discourage young people from handling firearms, not encourage them. In 1996 Bob Carr was the first Australian Premier to support Prime Minister John Howard in

his call for uniform gun laws. In this Parliament Mr Carr had the bipartisan support of the then Leader of the Opposition, Peter Collins. I was proud to be involved in making those laws because they took a principled stand. However, technology has changed so much that guns now are very powerful, having evolved since the so-called pellet or BB guns of our childhood.

The simplest guns are extremely sophisticated and can be high-powered. Overseas jurisdictions like Scotland—also a country with a strong hunting culture—are moving to tighten laws and, in some cases, ban certain types of guns. As a State, and as a country, we have made significant progress in gun control and in educating people about the dangers of their misuse. As members of a community it is our collective responsibility to ensure that these safety measures are upheld. For these reasons and because of my own personal experience as a former hunter I therefore would not and do not support any move away from the national agreement on gun laws.

WATER MANAGEMENT

The Hon. ROBERT BROWN [9.40 p.m.]: I speak tonight about an issue that has not been properly addressed since the colonists arrived in Australia nearly 225 years ago. I refer to the proper harvesting and management of water. As I speak, the equivalent of 75,000 Olympic-sized swimming pools are being released from the Burrinjuck and Blowering dams. Also, there is the danger of what is called cold water dumping, which is another matter. In official terms 150 gigalitres of water is being sent into the Murrumbidgee River. We are told it is "to benefit the Murray system as far downstream as South Australia's lower lakes and Coorong".

I note that both the Federal and State environment Ministers have been quick to hail the release. They say it will improve the river's health and replenish river red gums and wetlands. I put our environment Minister on notice that no-one wants to see any more black water fish kills in the Murrumbidgee and Murray or any other rivers in the south and south-west through ill-advised or wrongly planned water releases. Such fish kills have enraged local communities who live, work and relax along those waterways. They demand proper management of our water and they deserve to get it.

I fully appreciate the ability of environmental water releases to benefit river systems. However, I was down in that area just a couple of weeks ago, And guess what? These water releases by the water authorities are seemingly flying in the face of the ultimate authority. It is clearly evident that God has his own environmental water release program over which we have no control. It is currently working very well. In fact, much of the river red gum forests the Federal Government is talking about are still underwater from recent floods, which in some places were the worst in 50 years. The hundreds of small wetlands located along the Murrumbidgee River from Gundagai through to the Murray also are well catered for so far as water is concerned. The point I make is that this 150 gigalitres of water is virtually being wasted. It again points to the failure of successive governments in this State to build new water storage facilities.

Years ago the Green-leaning Bob Carr cancelled the Welcome Reef Dam proposal and more recently the last Green-leaning Labor Government in New South Wales, supported by the then Opposition and now Government, killed off the Tillegra Dam proposal to appease the Greens. The Greens anti-dam or anti-water storage facility stance landed this State with a billion dollar desalination plant which it seems today nobody wants. It is too expensive to run, but we all have to pay for it. We need to be smarter and more energetic about how we harvest and store our water. It is time to end the game whereby the hardworking irrigators are the ones who get it in the neck at the first sign of a water shortage by having their annual allocation lessened. Then in times of drought they have an allocation but they have no water to use. Yet they still have to pay massive standing charges for no water. The Federal Minister, in his media statement on this environmental water release, said:

... watering action is supported by local landholders with several private water holders contributing water to the Commonwealth and to NSW as part of the release.

He said this action uses water set aside for the environment and will not affect water allocations for local irrigators or stock and domestic users. We have to take him at his word. I wonder whether he has talked to any of the people he says support the release. The sooner we get on with new dam building projects in New South Wales the better. The State that built the Snowy Mountains Hydro Electric Scheme should be able to put a few more big walls on rivers up and down this State—and do it properly in an environmentally conscious way—and at the same time make enough noise to drown out the bleating of the Greens, who oppose everything. This State does not lack water. As has been said many times by many commentators, it apparently lacks the political will to make the decisions to properly harvest and manage it.

DRY JULY

The Hon. NIAL BLAIR [9.44 p.m.]: I bring to the attention of the House an initiative that will be held next month called Dry July. Dry July is a simple but effective initiative whereby participants, who are sponsored for their efforts, do not drink alcohol during the month of July. Dry July is about clearing the head and making a difference to raise money for services that support adults suffering from cancer. Dry July officially starts at midnight on 30 June 2011 and finishes at midnight on 31 July 2011. The proceeds benefit the lives of adults living with cancer across Australia. Dry July also aims to make people more aware of their own drinking habits, while providing real and tangible changes by improving the conditions, treatment processes and support networks of adults suffering from cancer.

Any person over the age of 18 can become a participant in Dry July. This initiative is primarily for the social drinker, but it will have mental and physical benefits for any person who wants to take a break from alcohol. Dry July does not encourage people to increase alcohol consumption immediately prior to the initiative on 1 July, nor does it promote excessive drinking at the conclusion on 1 August. This initiative takes a light-hearted approach to raising funds for a serious issue. Most of us do not have an opportunity to raise money for charity by doing nothing. Dry July offers such an opportunity. The many benefits that people will experience from going without alcohol for a month include increased energy levels and productivity, weight loss, improved sleeping, a clearer head and no hangovers. More importantly, they will be able to raise money for a great cause.

Those who sign up online for Dry July will be able to raise money for a number of hospitals across New South Wales, including the Prince of Wales Hospital Foundation and the Dreams2Live4 Committee at Randwick, the Calvary Mater Hospital in Newcastle, Lismore Base Hospital, Wollongong Hospital, Liverpool Hospital and the Nepean Cancer Centre. I have signed up to participate in Dry July, although I do not consider I am a big drinker. I have chosen Lismore Base Hospital as the beneficiary of the funds I raise. Funds raised for Lismore Base Hospital will go towards the Our House Project. This project, which is an initiative of the Northern Rivers Community Cancer Foundation, will build 20 units of motel-style accommodation, complete with a communal area for families and adults. This will be the only accommodation of its type between Coffs Harbour and Brisbane. It will assist people attending the Lismore Base Hospital Cancer Unit, which has patients from a catchment area from Ballina to Tenterfield and down to Glen Innes and from Coffs Harbour to Tweed Heads.

Dry July is a social network based initiative. Many celebrities have signed up online to participate in the event. It is a wonderful opportunity for people to raise money for a good cause. I was prompted to participate in this initiative as a result of events faced by a school friend of mine who recently at the age of 35 lost his wife following a difficult battle with cancer. She leaves behind two young children. My school friend, who lives interstate, has given up work to care for his children. I do not expect that I will raise a great deal of money but it is a small way of showing support for my friend. I will be pleased if my efforts make even a small difference in the lives of those with cancer. I encourage all members of the House to support participants, including me if they so wish, in this wonderful initiative.

NSW PARENTS COUNCIL 2011 AWARDS OF EXCELLENCE

The Hon. GREG DONNELLY [9.49 p.m.]: On the evening of Friday 17 June 2011 I had the privilege of representing the shadow Minister for Education and Training, Carmel Tebbutt, at the New South Wales Parents Council 2011 Awards of Excellence at Presbyterian Ladies College Sydney, Croydon. The New South Wales Parents Council is the peak parent body for independent schools in New South Wales. The council has 104 affiliated schools around the State. Nearly 57,000 students attend these schools. It is forecast that by 2020 an additional 24,000 students will be enrolled in independent schools in New South Wales.

The annual awards evening is an opportunity to acknowledge and thank parents and parents associations for the enormous contribution they make to independent schools. This year there was also an award category called the Principal's Award. Independent schools are flourishing because parents in large numbers, and the number is growing, are choosing to send their children to these schools. Parents, being the first and foremost educators of their children, have the right to make this choice. Parents who are the primary educators of their children have a right to educate their children in conformity with their moral and religious convictions. Indeed, to ensure that parents can freely exercise this choice, governments must provide appropriate support to families to enable them to have the opportunity to exercise their right without incurring unjust burdens. These are fundamental rights that all parents have. When addressing the assembled audience of about 150, I took the opportunity to remind them that this right must be defended and protected.

There are people in politics and the community at large who want to challenge this right. They are intent on undermining what has been achieved by independent schools, and see it almost as their mission to attack and vilify this important education sector. Those who wish to inflict this damage must be stared down and defeated. It is time to stand firm. Before the awards were presented on the evening the assembled guests heard from the President of the New South Wales Board of Studies, Mr Tom Alegounarias. Mr Alegounarias, who is one of Australia's leading educationalists, provided an excellent overview of the work being done to develop the national curriculum. While the work towards finalising the K-10 curriculum is well progressed, a number of important matters still have to be resolved.

The big challenge with dealing with the year 11 and year 12 curriculum was still ahead. However, it was reassuring to hear that the New South Wales Higher School Certificate is being acknowledged as the gold standard benchmark against which any proposed national curriculum should be judged. The attendees found this very reassuring. The big task ahead is to get the education systems in other States and Territories to come to terms with the full implications of this. A further guest speaker was Dr Sue Saltmarsh, an Associate Professor at the Australian Catholic University, who provided an interesting overview of her research. She has been looking at the issue of parental and family engagement in schools. More work needs to be done to further develop the understanding of the types of engagement.

The awards presented were in three categories: parent individual, parent group and principal. The finalists in the first category were Danielle Penny from Wollondilly Anglican College, Lyn Jarvis from St Andrews Cathedral School in the city, with the winner being Kristine Riley from Central Coast Grammar School. The finalists in the second category were the St John's Spring Fair Committee from NEGS.

The Hon. Duncan Gay: Negs.

The Hon. GREG DONNELLY: Yes. I do not have the full title.

The Hon. Duncan Gay: It is still spelt the same.

The Hon. GREG DONNELLY: Yes, indeed. Another finalist was the parent environmental group from Northcross Christian School, with the winner being the Central Coast Grammar School Fathers and Childrens Group. The finalists in the principal's award category were Mr Murray Guest from—

The Hon. Rick Colless: The Armidale School.

The Hon. GREG DONNELLY: Yes. I understand it is the Armidale Anglican School.

The Hon. Rick Colless: No, it's just the Armidale School. Just call it TAS.

The Hon. GREG DONNELLY: I acknowledge those interjections. Other finalists were Ms Janet Freeman, who is the principal at Loreto Kirribilli, and Mr Frank Monagle, who is a retired principal from Wollemi. Both Mr Murray Guest and Ms Janet Freeman were declared the winners of this category. I take this opportunity to acknowledge and thank the New South Wales Parents Council. The council has a long and proud history dating back to 1962, and does an excellent job in representing the interests of parents and parents associations in independent schools in the State. In particular, I acknowledge the council's President, Malcolm Pound, Executive Officer Anne Crabb, the office bearers, the executive and the support staff for their excellent work. I extend to them all my best wishes, and I encourage them to continue all their outstanding work on behalf of independent schools in New South Wales.

GUN LAWS

The Hon. ROBERT BORSAK [9.54 p.m.]: In my life I have been fortunate enough to travel to many different countries. This has given me the chance to see how others approach some of the policy issues Australia grapples with. In particular, I take an interest in firearms laws and regulations in various countries. Over time I have developed quite an interest in policy transfer between Australia and other countries such as the United Kingdom and Canada. So I will take a few moments to talk about recent developments in Canadian politics, facts that my colleague the Hon. Walt Secord should keep up with and to which he should listen with great interest. On 2 May this year Canada went to the polls and returned a majority conservative government under Prime Minister Stephen Harper. Interestingly for me, and I imagine for the licensed firearms owners of New South Wales, the conservatives recognise the need to abolish the costly and ineffective long arm registry.

One of the first decisions announced by the Harper Government, now that it has a majority, is that it will introduce legislation to abolish the registry this year. To clarify for those who are not shooters, the long arm registry is a list of rifles and shotguns legally owned by Canadian farmers, hunters and target shooters. The long arm registry was part of the 1995 Canadian gun law changes, and this is what I mean about policy transfer. New South Wales slavishly followed the Canadian example by introducing mandatory registration as part of our Firearms Act 1996, apparently because it seemed like a good idea at the time. But one reason—it is not the main reason, and I will come to that—the Canadians are now getting rid of their registry is because of the costs associated with keeping this senseless policy in place.

In 2002 a report of the Auditor General revealed that the implementation costs blew out from an estimated \$2 million to more than \$2 billion, and the net annual operating costs of the program were reported at \$66.4 million for the 2010-11 fiscal year, even after an effective amnesty on the registration of long arms for the past four years. The Shooters and Fishers Party have pointed out that fact many times, but I feel the need to do so again. Criminals never bother to register their guns. Only law-abiding, over-scrutinised and over-regulated licensed hunters and shooters register their firearms. That brings me to the main reason that Canada is abolishing the registry. I wonder whether members can guess the main reason.

The Hon. Dr Peter Phelps: Dumb ass bureaucrats?

The Hon. ROBERT BORSAK: Pretty close. Canada is getting rid of it because there is no evidence whatever that it is an effective tool for preventing crime. Like Australia, most guns used in crime in Canada are not registered. Like us, the Canadians found that gun crime and drug crime occur in urban areas where disfranchised young men are drawn to a life of crime. I commend the Canadian Government for its commitment to ending the long arm registry and redirecting the funds into front-line police work and improved social services. This is an example of good policy that we in New South Wales can learn a great deal from and follow. In closing, I will put a proposition to the Government. As the police Minister no doubt knows, the firearms registry has now apparently locked its doors to the general public for over-the-counter service. Unbelievably, it says that all customer and general inquiries can be made via the customer service line or online through a computer. It does not want to be involved in interacting with human beings.

This epitomises the problems with the registry and its attitude to customer service. It is time the firearms registry was moved from Murwillumbah, where it is surrounded by people who mostly do not target shoot or hunt, and placed in a more central position, such as Dubbo, where it could personally serve more firearms owners. Such a move would make the Firearms Registry much more user friendly and relevant. Dubbo sits in the middle of the State and is a thriving city that would benefit from having a decentralised government agency in that city. I look forward to the Government considering such a relocation.

LIVE ANIMAL EXPORTS

The Hon. SCOT MacDONALD [9.58 p.m.]: Tonight I speak on the live animal export trade. I advise members that I have an indirect financial interest in this matter. I am a member of a self-managed superannuation fund that leases premises to Elders Rural, which has a live export operation. The suspension of the live animal export trade into Indonesia by the Gillard Federal Government was hasty, clumsy and probably counterproductive. Like most of its policies, it will be destined to cause most harm to the disadvantaged and powerless both here and overseas. Indonesians will suffer and regional Australians will be heavily penalised.

Every Australian was sickened at the cruelty portrayed on the *Four Corners* program, but a unilateral suspension of the live animal export trade to Indonesia was not the solution. The goal of a ban on the live animal export trade must be condemned. Many commentators have outlined the value of the industry, which is impressive. In 2009-10 some 907,000 cattle, 3,050,000 sheep and 95,000 goats were exported live. The Centre for International Economics reports that the five-year average value of the trade is about \$1 billion in free on board terms. The Indonesian trade fluctuates with the exchange rate, but typically more than 400,000 head of Australian cattle are imported each year into Indonesia, worth about \$330 million.

The six-month trade suspension was a retrograde step that ignored the improvements in animal handling in Indonesia; the presence of an Australian-owned supply chain with Australian standards in Indonesia; the impact of the suspension on regional Australia; the biosecurity risk to Australia if Indonesia substitutes live trade from countries with diseases such as foot and mouth disease; and deprives our northern neighbour of access to an important protein source. In addition, the suspension gives comfort to those industry interests who would prefer that there be no live exports and that all beef leaves our shores as killed and packed meat. This is a worrying development to those who prefer a diverse beef trade.

Animal handling has made progress in Indonesia. Eleven Indonesian abattoirs are using stunning methods and Meat and Livestock Australia is rolling out the technology as quickly as practicable. We must remember that Indonesia is a proud, successful sovereign nation and Australia's role is to assist when invited. In a cooperative spirit we have the will and means to facilitate further improvements, such as insisting on World Organisation for Animal Health [OIE] standards and adopting traceability protocols. The suspension was particularly muddle-headed when we note that the Australian company Elders Rural has a wholly owned supply chain including an Australian-standard abattoir in Indonesia. Who could blame the managing director of Elders for contemplating trucking the stranded cattle to the grounds of Parliament House? What a vision: The Prime Minister and the Minister for Agriculture hand-feeding a few thousand head of cattle through a Canberra winter.

The trade suspension has already had a dramatic negative impact on northern Australia. The Centre for International Economics has reported on the likely economic impact on the northern beef industry. Given the absence of large-scale meatworks in the north, the distance from southern markets, the unique nature of the northern breeds and the limited scope for alternative enterprises, the consequences will be devastating. It should also be mentioned that a number of Aboriginal land corporations are heavily involved in the export trade. We believe this ill-considered, populist decision will cause immeasurable harm to some of the least powerful groups in Australia.

Australian agriculture has a comparative advantage with its clean, green produce. Did the Federal Minister for Agriculture stop and think about the probable substitution of Australian cattle for Brazilian- or Indian-sourced stock? Both of these countries have had foot and mouth disease incidents. Common sense would dictate that this biosecurity threat will be raised with the closer proximity to our borders of imported at-risk livestock. Indonesian meat consumption is growing. At present Indonesia's animal protein consumption is about 40 per cent of this country's consumption. Is it fair that we put barriers in the way of our developing neighbour having the same choices and opportunities with their food range? The vegans may object, but a greater intake of red meat would improve protein intake and a range of health outcomes. Surely Indonesians are best placed to make decisions about their source of food and the supply chain protocols within their country. Imposing our standards and culture on another sovereign nation is fraught with danger.

I come from the New England region. It is recognised as one of the primary beef cattle production districts in Australia. This policy, made on the run, will hurt New England. Meat and Livestock Australia estimates that the live export trade adds 7.8¢ per kilogram to all cattle sold nationwide. Therefore, New England will not be immune, in spite of the distance from the northern live export trade. I condemn this trade suspension. [*Time expired.*]

ST ANTONIO DA PADOVA ASSOCIATION

The Hon. AMANDA FAZIO [10.03 p.m.]: Tonight I advise the House that last Sunday I attended a very pleasant lunch and fundraising ball at Mediterranean House in Five Dock for the St Antonio da Padova Association. The work that the association does is well recognised within the Italian community in Sydney. The association runs a very large nursing home at Ryde and it is expanding its facilities to provide some services for young people as well as a child care centre. It provides a good quality service to the residents in its nursing home and it has a strong history of very effective fundraising.

It was pleasing to see the function hall absolutely jam-packed with people. In fact, I think they underestimated the number of people who wanted to dance because of the very good entertainment. People spilled from the dance floor, danced in between the tables and had a very, very good time. The occasion was pleasant to attend because there were not too many speeches, there was excellent entertainment and there were a lot of people enjoying themselves, happily participating in the fundraising and supporting the activities of the association. I have been very fortunate to have attended a number of the association's functions in the past few years and they are always very strongly supported across the community.

Another member of Parliament who was at the function was John Sidoti, the new member for Drummoyne. The function centre is in his electorate and he has also been a long-time supporter of the work of the association. If members happen to find in their in-tray or their email in-box an invitation to attend a function organised by the St Antonio da Padova Association I strongly recommend that they consider going because they will have a very enjoyable evening. They will know that the funds raised will go to a worthwhile cause and they will meet many new friends who will be happy to explain anything not understood, because the comedians sometimes tell jokes in Italian. Overall it is a good association with good experience. I enjoyed the opportunity to attend.

AUSTRALIAN LABOR PARTY AND SENATOR STEVE HUTCHINS

The Hon. Dr PETER PHELPS [10.05 p.m.]: In the very short time remaining I would like to comment on the outrageous attack launched on the Labor Party by Senator Steve Hutchins. Senator Hutchins, who retires from the Senate this week, used a valedictory speech to declare the Labor Party in New South Wales "terminal" under the leadership of Mr John Robertson. One might ask: Senator Hutchins, were you not president of the Australian Labor Party for a period of time and what did you do about it? Senator Hutchins said:

The ALP brand is terminally damaged in NSW, and voters will reflect on the behaviour of key figures within the Parliament and the union movement before the last election without mercy for a long time.

What was once the most durable and effective state government in the country is now a depleted husk of an opposition.

[Time for debate expired.]

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

Motion agreed to.

The House adjourned at 10.06 p.m. until Thursday 23 June 2011 at 9.30 a.m.
