

LEGISLATIVE COUNCIL

Thursday 24 November 2011

The Deputy-President and Chair of Committees (The Hon. Jennifer Ann Gardiner), in the absence of the President, took the chair at 11.00 a.m.

The Deputy-President (The Hon. Jennifer Ann Gardiner) read the Prayers.

GRANVILLE STATION COMMUTER CAR PARK

Motion by the Hon. Lynda Voltz agreed to:

1. That this House notes that:
 - (a) in the 2010-11 budget, the Labor Government allocated \$6 million to Parramatta Council to upgrade the Granville Station commuter car park to cope with high demand for parking by local residents at this major transport interchange, particularly those travelling to work every day,
 - (b) as a Councillor on Parramatta City Council, Mr Tony Issa, MP, State Member for Granville, voted to not accept the money allocated by the Government for the upgrade of the car park,
 - (c) as a candidate in the 2011 election campaign, Mr Tony Issa, MP, promised to deliver funding for the Granville Station commuter car park, and
 - (d) the 2011-12 O'Farrell-Baird budget fails to deliver any funding for the Granville Station car park.
2. That this House condemns the Member for Granville and the O'Farrell Government for their broken promises to the residents of Granville.

BUSINESS OF THE HOUSE

Formal Business Notices of Motions

Private Members' Business item No. 280 outside the Order of Precedence objected to as being taken as formal business.

PAPUA NEW GUINEA PLANE CRASH

Motion by the Hon. Lynda Voltz agreed to:

1. That this House notes:
 - (a) the recent tragic plane crash in northern Papua New Guinea, killing 28 people on board and leaving only four survivors,
 - (b) that most of the passengers on board the twin-propeller plane were believed to be families travelling to attend a graduation ceremony for Madang University students at the Divine Word University, and
 - (c) that this will have a great impact on local communities who often band together to send their children to this university.
2. That this House extends its condolences to the people of Papua New Guinea and in particular the students and villages that have lost so many loved ones.

BUSINESS OF THE HOUSE

Formal Business Notices of Motions

Private Members' Business item No. 350 outside the Order of Precedence objected to as being taken as formal business.

CHINESE HERITAGE ASSOCIATION OF AUSTRALIA

Motion by the Hon. Amanda Fazio, on behalf of the Hon. Shaoquett Moselmane, agreed to:

1. That this House notes that:
 - (a) the Chinese Heritage Association of Australia recently held its annual general meeting for 2011, and elected a new Executive Committee for 2011-12,
 - (b) the association will celebrate its tenth anniversary in 2012,
 - (c) the association's main objective is to provide a better understanding of the history and heritage of the Chinese Australian Community and to increase awareness and understanding within the wider community of the importance and diversity of Chinese contributions to Australia, and
 - (d) the association gave particular focus to:
 - (i) remembering the 150th anniversary of the terrible "Lambing Flat Riots" and the discriminatory anti-Chinese legislation imposed by the colonies, which led to the Immigration Restriction Act 1901, commonly known as the White Australian Policy, and
 - (ii) a campaign to save the Chinese Market Gardens at Phillip Bay, La Perouse.
2. That this House congratulates the President and Executive of the Chinese Heritage Association of Australia for their commitment to Chinese Australian history and for a decade of dedicated service to the Australian Chinese community.

RON RATHBONE LOCAL HISTORY PRIZE

Motion by the Hon. Amanda Fazio, on behalf of the Hon. Shaoquett Moselmane, agreed to:

1. That this House notes that:
 - (a) the Ron Rathbone Local History Prize of Rockdale City was established in 2005 to honour the former councillor and Mayor Ron Rathbone, OAM,
 - (b) Councillor Rathbone was a distinguished and prolific local historian who wrote numerous books and journal articles on the history of Rockdale and its residents,
 - (c) Ron Rathbone served on Rockdale Council for 40 years, between 1959 and 1999, during which time he refused to accept payment for his services as a councillor and mayor,
 - (d) in 2005, Rockdale City Council decided that since Councillor Rathbone had declined to be paid for his services, it would be fitting for Rockdale Council to express its gratitude for his years of service both as a councillor and as a local historian by encouraging others to continue his work in the field of local history,
 - (e) Rockdale Council established the Ron Rathbone Local History Prize, an annual award of \$5,000 that is presented to the author of the best piece of original research on any aspect of the history of the City of Rockdale,
 - (f) the substantial and generous amount of the \$5,000 prize makes it unique among New South Wales councils and has been vital in attracting entries of a high academic standard founded on professional quality research, and
 - (g) in 2010, a separate prize was introduced for school students entitled the Ron Rathbone Junior Local History Prize, which is an essay competition open to both primary school and high school students in which the winning primary school student and the winning high school student both receive \$500.
2. That this House congratulates Rockdale City Council and its staff on this wonderful initiative and convey special gratitude to archivist and historian Dr Peter Orlovich for his knowledge and continued professional and academic support.

AUSTRALIAN FUQING ASSOCIATION

Motion by the Hon. Amanda Fazio, on behalf of the Hon. Shaoquett Moselmane, agreed to:

1. That this House notes that:
 - (a) the Australia Fuqing Association was established in 1995,
 - (b) the Australian Fuqing Association is a non-profit, non-religious and non-political voluntary organisation,
 - (c) the principal aim of this association is to serve the Fuqing Australian Chinese community, to promote friendship, economic and cultural exchange between China and Australia and to foster a greater working relationship between Australians and Fuqing Chinese in Fuqing City, and

- (d) the Australian Fuqing Association is seen as one of the largest Chinese community associations in New South Wales and has been active in its contribution to mainstream society through its various community involvements, but in particular through its participation and support of such humanitarian initiatives as the Victorian Bushfire Appeal, the Queensland Premier's Flood Appeal, the Sydney University Medical Science Research Fund and other humanitarian initiatives in Australia and abroad.
2. That this House congratulates Fuqing President Mr David Yan and the Executive of the Fuqing Association for their dedication to various humanitarian causes and for their commitment to a stronger Australia-China relationship.

BUSINESS OF THE HOUSE

Formal Business Notices of Motions

Private Members' Business item No. 365 outside the Order of Precedence objected to as being taken as formal business.

EGYPTIAN COPTIC CHRISTIANS PERSECUTION

Motion by the Hon. Sophie Cotsis agreed to:

1. That this House notes:
- (a) the Ecumenical Prayer Service held on Sunday 20 November 2011 at the St George Coptic Orthodox Church in Kensington to commemorate 40 days since the slaying by the Egyptian Army of 27 Coptic Christians at Maspero in Cairo, and
 - (b) that this service was attended by many religious leaders including Cardinal George Pell, Roman Catholic Archbishop of Sydney, the Very Reverend Steven Scoutas representing the Greek Orthodox Archdiocese of Australia, a number of Federal and State parliamentarians including the Hon. Philip Ruddock, MP, Mr Craig Kelly, MP, the Hon. Amanda Fazio, MLC, the Hon. Sophie Cotsis, MLC, the Hon. Marie Ficarra, MLC, and Mr Bruce Notley-Smith, MP.
2. That this House:
- (a) expresses its regret that Coptic Christians are still unable to freely practise their religion in Egypt, and
 - (b) calls on the Federal Government to continue to pursue justice for Coptic Christians in Egypt.

HURSTVILLE CHINESE NEW YEAR FESTIVAL

Motion by the Hon. Lynda Voltz, on behalf of the Hon. Shaoquett Moselmane, agreed to:

1. That this House notes that:
- (a) the Mayor of Hurstville, Councillor Steve McMahon, officially launched Hurstville City Council's 2012 Year of the Dragon,
 - (b) celebrating Chinese New Year highlights the value of friendship and cultural diversity present in the St George region,
 - (c) 10,000 Chinese-born people live in Hurstville City, representing 13.9 per cent of the local population,
 - (d) now in its ninth year, the Hurstville Chinese New Year Festival continues to grow and has become one of the biggest and the best community celebrations of its kind in Sydney, attracting in 2010 more than 45,000 people, and
 - (e) Hurstville is a vibrant city that represents myriad cultures, and festivals like these help to celebrate this diversity and enrich the community.
2. That this House congratulates His Worship the Mayor Councillor Steve McMahon, councillors of Hurstville City Council, and the community and in particular wish the Australian Chinese community a happy 2012 Year of the Dragon.

BUSINESS OF THE HOUSE

Formal Business Notices of Motions

Private Members' Business item No. 371 outside the Order of Precedence objected to as being taken as formal business.

LEBANON INDEPENDENCE DAY

Motion by the Hon. Amanda Fazio, on behalf of the Hon. Shaoquett Moselmane, agreed to:

1. That this House notes that:
 - (a) 22 November 2011 is Lebanon's Independence Day,
 - (b) this important day exemplifies Lebanon's sovereignty, independence, as well as national and cultural identity, and
 - (c) this is a day that Lebanese all over the world long for as a celebration of sovereignty, independence and stability.
2. That this House conveys to His Excellency, the Ambassador of Lebanon, Dr Jean Daniel, the warmest of congratulations on this most important date and wish the people of Lebanon a happy Independence Day.

SOLID FUEL HEATERS

Production of Documents: Order

Motion by the Hon. Cate Faehrmann agreed to:

That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of passing of this resolution the following documents in the possession, custody or control of the Minister for the Environment:

- (a) the economic analysis of policy options for controlling smoke from domestic solid fuel heaters conducted according to the "Consultant's Brief" issued by the Department of Environment, Climate Change and Water in February 2011, and
- (b) any document which records or refers to the production of documents as a result of this order of the House.

TRIBUTE TO GEORGE KELLETT

Motion by the Hon. Helen Westwood, on behalf of the Hon. Shaoquett Moselmane, agreed to:

1. That this House notes that:
 - (a) George Kellett was born in County Durham in the United Kingdom on 3 June 1925, he is now 86 years of age and currently resides at an aged care facility in Rockdale,
 - (b) George Kellett answered the call of the King in World War II and enlisted in the Royal Australian Navy, he served as a gunner on the British Aircraft Carrier HMAS *Indomitable* and then was transferred to the minesweeper HMAS *Wave* and was engaged in mine clearance at the end of World War II,
 - (c) George witnessed the actions of Japanese kamikaze bombers who attacked the HMAS *Indomitable*,
 - (d) following the war, George migrated to Australia and settled in the suburb of Arncliffe in 1948,
 - (e) George met his wife Betty in Australia who has since passed away, they have four sons, Larry, Peter, Brad and Troy,
 - (f) George joined the Returned Services League of Australia [RSL] at Arncliffe and served that organisation for many years as a member, then as vice-president and president,
 - (g) George was a hard worker for the club, ensuring the success of the local RSL with his support of fundraising activities,
 - (h) George was also behind the organisation of Anzac Day and Remembrance Day ceremonies at the Arncliffe War Memorial, and at those ceremonies, George read *The Ode* and was involved in the laying of wreaths, he remembered his mates, and
 - (i) for George, the most important part of those ceremonies was the attendance. This ensured the memories and the sacrifice of those in wars were properly honoured.
2. That this House congratulates George Kellett of Rockdale City who has made an enduring contribution to the memory of those who served our country in times of war, through his own contribution, serving in the British Royal Navy and his work with the Arncliffe RSL.

ANNUAL ETHNIC BUSINESS AWARDS

Motion by the Hon. Marie Ficarra agreed to:

1. That this House notes that:
 - (a) on 7 November 2011, the twenty-third Annual Ethnic Business Awards were held with a Gala Presentation Dinner in Sydney, and
 - (b) the Ethnic Business Awards celebrate the contribution of migrants to Australia's business and cultural landscape, recognising innovation, application and excellence in both small and large business endeavours.
2. That this House acknowledges:
 - (a) Mr Joseph Assaf and his tireless effort to establish and conduct Australia's longest running awards for commercial endeavour,
 - (b) those that attended, particularly:
 - (i) the Hon. Pru Goward, MP, Minister for Family and Community Services and Minister for Women,
 - (ii) the Hon. Michael Baird, MP, Treasurer,
 - (iii) the Hon. Marie Ficarra, MLC, Parliamentary Secretary to the Premier,
 - (iv) Mr John Alexander, OAM, MP, member for Bennelong,
 - (v) Mr Ken Wyatt, AM, MP, member for Hasluck,
 - (vi) Senator the Hon. Kate Lundy, Parliamentary Secretary to the Prime Minister and Parliamentary Secretary for Immigration and Multicultural Affairs,
 - (vii) Mr Christopher Pyne, MP, Federal member for Sturt, Shadow Minister for Education, Apprenticeships and Training,
 - (viii) Mr Joseph Assaf, founder and chairman of the Ethnic Business Awards, and
 - (c) the contribution of all of the 2011 nominees.
3. That this House congratulates all award recipients, particularly New South Wales-based company Micropace Pty Ltd for winning the small business category.

TRIBUTE TO EMPEROR AKIHITO

Motion by the Hon. Amanda Fazio, on behalf of the Hon. Shaoquett Moselmane, agreed to:

1. That this House notes that:
 - (a) His Majesty, Emperor Akihito was born on December 23, 1933,
 - (b) Emperor Akihito is the eldest son and the fifth child of Emperor Hirohito,
 - (c) the Emperor's birthday will be celebrated on Wednesday 7 December 2011 by His Excellency the Consul General of Japan and the New South Wales Japanese community,
 - (d) his formal investiture as Crown Prince was held at the Tokyo Imperial Palace on 10 November 1952,
 - (e) in 1959, the Crown Prince married Michiko Shoda, and their union has been blessed with three children, the Crown Prince Naruhito, Prince Fumihito, and Princess Sayako, and
 - (f) Emperor Akihito formally acceded to the throne on 12 November 1990.
2. That this House conveys its warmest and best wishes on the occasion of the Emperor's birthday, and wish the people of Japan a speedier recovery from the fallout of the devastation caused by the earthquake, the tsunami and the subsequent nuclear disaster.

BUSINESS OF THE HOUSE

Formal Business Notices of Motions

Private Members' Business item No. 386 outside the Order of Precedence objected to as being taken as formal business.

JINDABYNE COMMUNITY STAGE PROJECT

Motion by the Hon. Steve Whan agreed to:

That this House:

- (a) congratulates the Jindabyne Community, Mountain Life Community Church, project coordinator Peter Williams, builders and supporters on the successful completion of the Jindabyne Community Stage project,
- (b) notes that the stage has been constructed overlooking Lake Jindabyne after successful community fundraising, a grant provided by the previous Government under the Community Building Partnerships program, and with the support of the Snowy River Shire Council, and
- (c) wishes the organising committee well with the opening on 11 December 2011 and the inaugural use of the stage for the community carols by candlelight.

CHINESE AUSTRALIAN FORUM

Motion by the Hon. Amanda Fazio, on behalf of the Hon. Shaoquett Moselmane, agreed to:

1. That this House notes that:
 - (a) the Chinese Australian Forum was established in 1985 in direct response to increasing adverse public comments against Asian migration,
 - (b) for the past 27 years, the Chinese Australian Forum has remained a non-partisan organisation,
 - (c) the organisation seeks to integrate Chinese Australians with mainstream Australia and to embrace multiculturalism and combat racial vilification,
 - (d) the forum's main focus is to provide a Chinese Australian voice in the Australian political and social process and to build a harmonious and socially cohesive Australian society, and
 - (e) the forum seeks to realise its objectives by working with governments, community groups, political parties and community forums.
2. That this House congratulates President Tony Pang, Secretary Patrick Voom and the Chinese Australian Forum on their dedication to building a harmonious and a socially cohesive Australian Society.

BUSINESS OF THE HOUSE

Formal Business Notices of Motions

Private Members' Business item No. 392 outside the Order of Precedence objected to as being taken as formal business.

AUSTRALIA-KOREA YEAR OF FRIENDSHIP

Motion by the Hon. Amanda Fazio agreed to:

1. That this House notes that:
 - (a) 2011 marks the 50th anniversary of the establishment of diplomatic relations between Australia and Korea and that, in celebration of this significant milestone, 2011 has been designated the Australia-Korea Year of Friendship,
 - (b) a solid political foundation was established between Australia and Korea as "blood-tied allies" during the Korean War between 1950 to 1953 when Australian soldiers bravely fought "shoulder to shoulder" with South Korean armed forces against the North Korean invasion,
 - (c) Australia-Korea Year of Friendship 2011 was officially launched in Seoul on Australia Day, 26 January 2011, and
 - (d) a series of events and activities including business forums and Korean arts performances have been held throughout the year to highlight the links between Australia and Korea.
2. That this House congratulates the Consulate-General of the Republic of Korea in Sydney on the following events which have taken place in Sydney:
 - (a) Arirang Television's "The M-Wave" Super K-pop concert,
 - (b) a public lecture by Korean Astronaut Dr Soyeon Lee,

- (c) the opening ceremony of the Korean Cultural Office,
- (d) the launching performance of 2011 Korea-Australia Year of Friendship,
- (e) an exhibition of "Korean Art Today" at the Korean Cultural Office,
- (f) the "Tell me Tell me: Australian and Korean Art 1976-2011" exhibition at the Museum of Contemporary Art,
- (g) the Korean Film Festival in Australia,
- (h) "Shining treasures: Korean metal craft" at the Powerhouse Museum, and
- (i) an exhibition on Korean Buddhist Arts, which opens in December, at the New South Wales Art Gallery.

CHARTER FOR THE NSW COMMUNITY SECTOR

Motion by the Hon. Amanda Fazio agreed to:

1. That this House welcomes the Charter for the NSW Community Sector which was devised by the New South Wales Council of Social Services through the Forum of Non-Government Agencies and adopted on 7 October 2011.
2. That this House notes that the charter:
 - (a) has been prepared to define and communicate to other sectors of society, government, business and the broader community, what the community sector is, and to raise awareness of its vital role and invaluable contribution to society,
 - (b) promotes a unified community sector by presenting a shared identity, vision and values,
 - (c) is intended to empower community organisations across New South Wales by providing a vehicle for asserting a strong collective voice, and in doing so, increase the State's influence towards achieving a vision of a fair and just society for all, and
 - (d) includes "Shared Values for the Community Sector" that value human rights, individual and community wellbeing, diversity, Aboriginal and Torres Strait Islander self-determination, cooperation and participation, excellence, independence, inclusion and a sustainable environment.

TRIBUTE TO MS JOAN PAPAYANNI

Motion by the Hon. Amanda Fazio agreed to:

1. That this House notes the passing of Ms Joan Papayanni, who was a passionate lifelong campaigner for animals, in particular companion animals.
2. That this House notes that:
 - (a) Ms Papayanni served as President of the World League for the Protection of Animals from 1984 until 2006 and as Vice President of the League until her passing,
 - (b) under Ms Papayanni's leadership, a great deal was achieved to advance the protection of animals and end the cruel treatment and abuse of animals,
 - (c) the league's principals are strongly reflected in the Universal Declaration on Animal Welfare which is seeking United Nations recognition for the declaration and commitments of respect and protection from member nations,
 - (d) the league is a small community-based charity, which is funded solely by membership fees and the generosity of their supporters, and receives no government subsidies or grants and whose office is primarily staffed by volunteers,
 - (e) the league campaigns for the rights and wellbeing of animals throughout the world,
 - (f) as president of the Animal Societies Federation for 15 years and a long-time representative on the Ministerial Animal Welfare Advisory Council, Ms Papayanni fought hard to have steel-jaw traps banned and was also instrumental in stopping the face-branding of animals,
 - (g) Ms Papayanni campaigned fiercely against the use of the poison 1080, bear-bile farming, fur hunting and Premarin, a pharmaceutical product obtained by the factory farming of mares,
 - (h) Ms Papayanni persuaded her husband, Cliff, a barrister, to provide his services pro bono for many cases, including for kangaroos, as well as taking on the voluntary position of legal officer of the World League for the Protection of Animals for more than 20 years,

- (i) Ms Papayanni and her husband resided at Henley for 47 years, and she wrote the Centenary History of Gladesville School 1879-1979 and the Sesquicentenary History of the Suburb of Gladesville,
 - (j) Ms Papayanni, with her husband, Cliff, joined the local Labor Party branch and Ms Papayanni became secretary, campaigning tirelessly, handing out leaflets and doorknocking,
 - (k) the life and work of Ms Papayanni was commemorated at historic All Saints Anglican Church, Hunters Hill where her life was recalled with pride and appreciation by family, friends and all who love and care about animals, and
 - (l) Ms Papayanni is survived by her husband, Cliff, who shared her passion for animal protection as well as her daughter, Nicole, and grandson, Jack James.
3. That this House notes that Ms Papayanni stated:

"From a child I had always liked animals. My mother was a member of World League for the Protection of Animals. She signed me up. I'd like people to think about the no-kill philosophy because there are so many good people in the community that just accept that it's the fate of animals to be killed and this is not the right way to look on other living species. We have no right to believe it's we that are lords of the universe and to treat other animals in this way. It is essential to have this attitude of respect for other forms of life."

BOB FENWICK MEMORIAL MENTORING GRANTS PROGRAM

Motion by the Hon. Amanda Fazio agreed to:

- 1. That this House notes that the New South Wales Nurses Association has established the Bob Fenwick Memorial Mentoring Grants Program to recognise the significant contribution of Mr Bob Fenwick to mental health nursing and the important role he played in mentoring less experienced mental health nurses.
- 2. That this House notes that:
 - (a) the program aims to encourage experienced mental health nurses to mentor less experienced colleagues for the betterment of mental health in New South Wales,
 - (b) funding for the grants is provided by NSW Health and is administered by the New South Wales Nurses Association, and
 - (c) mental health nurses with less than two years experience working in rural or remote services will be given priority.
- 3. That this House congratulates NSW Health and the New South Wales Nurses Association on this important initiative which recognises the lifelong work of Mr Fenwick and which will improve mental health services in rural and remote areas.

BUSINESS OF THE HOUSE

Formal Business Notices of Motions

Private Members' Business items Nos 397 to 400 outside the Order of Precedence objected to as being taken as formal business.

TRIBUTE TO SIR DAVID ATTENBOROUGH, OM, CH, CVO, CBE, FRS, FZS, FSA

Motion by the Hon. Cate Faehrmann agreed to:

- 1. That this House notes the outstanding lifelong contribution Sir David Attenborough, OM, CH, CVO, CBE, FRS, FZS, FSA, has made to wildlife documentary-making, nature appreciation and nature conservation.
- 2. That this House notes that:
 - (a) Sir David Attenborough is a Trustee of the British Museum and the Royal Botanic Gardens, Kew; an Honorary Fellow of Clare College, Cambridge; a Fellow of the Royal Society and was knighted in 1985,
 - (b) for decades, Sir David has captivated all when bringing the natural world into living rooms with landmark television series and books including *Life on Earth*, *The Living Planet*, *The Trials of Life*, *The Private Life of Plants*, *The Life of Birds*, *The Life of Mammals* and *Life in the Undergrowth*, *Life in the Freezer* and *Life in Cold Blood*, *Frozen Planet* and *Blue Planet*,
 - (c) Sir David's career as a naturalist and broadcaster has spanned nearly five decades and there are very few places on the globe that he has not visited, and
 - (d) without Sir David's outstanding contributions our understanding of this wondrous planet would not be what it is today.

3. That this House:
 - (a) sincerely congratulates and thanks Sir David on his lifelong work, and
 - (b) requests that the President write to Sir David on behalf of the Legislative Council to convey the terms of this resolution.

NETBALL NSW AWARDS

Motion by the Hon. Marie Ficarra agreed to:

1. That this House notes that Netball NSW, one of the largest sporting association's in New South Wales, held its annual dinner on 5 November 2011 at the Bankstown Sports Club.
2. That this House notes that award winners for 2011 included:
 - (a) Hall of Fame Inductees:
 - (i) Neita Matthews, OAM,
 - (ii) Marie Dunn, OAM,
 - (iii) Marj Groves, AM (deceased,)
 - (iv) Sharon Finnan, OAM,
 - (v) Lisa Beehag,
 - (b) Anne Clark Outstanding Service Award winners:
 - (i) Anne Tait, Inner West Netball Association,
 - (ii) Lorraine Everett, Baulkham Hills Netball Association,
 - (iii) Toni Field, Northern Suburbs Netball Association,
 - (iv) Pamela Burt, Westlakes Netball Association,
 - (v) Robyn Aitkin, Sutherland Shire Netball Association,
 - (c) Nance Kenny Medal—DOOLEYS State League Player of the Year joint winners:
 - (i) Samantha May, Baulkham Hills Netball Association,
 - (ii) Kimberly Borger, St George Netball Association,
 - (d) Marilyn Melhuish NSW Swifts Player of the Year, Kimberlee Green,
 - (e) Marj Groves Scholarship awardee Paige Hadley,
 - (f) Judy Dunbar Media Award winners:
 - (i) Judy Dunbar Overall Coverage, Torin Chen, *North Shore Times*,
 - (ii) Best Photo, Simon Bennett, Liverpool City *Champion*,
 - (iii) Best Feature Article, Ben Walker, Dubbo *Daily Liberal*,
 - (g) Neita Matthews Umpiring Award winner, Clare Breust of Queanbeyan Netball Association, and
 - (h) Margaret Corbett DOOLEYS State League Coach of the Year winner Lyn Hahn of Camden District Netball Association.
3. That this House congratulates:
 - (a) the 2011 award winners on their excellence, and
 - (b) the board of Netball NSW, President Wendy Archer, AM, Rodney Watson, Michele Murphy, Carol Murphy, Ruth Havrlant, Lynn Quinn, OAM, and John Hahn.

CLUB ITALIA—FOGOLAR FURLAN SYDNEY FORTY-FIFTH ANNIVERSARY

Motion by the Hon. Marie Ficarra agreed to:

1. That this House notes that:
 - (a) on 19 November 2011 the 45th anniversary reunion of Club Italia —Fogolar Furlan Sydney was held at Club Italia in Lansvale, and
 - (b) funds raised from the charity raffle went to the Sydney Urology Research Foundation, represented on the night by Associate Professor Paul Cozzi, Senior Lecturer in Surgery at the University of New South Wales and Senior Staff Specialist at St George Hospital.
2. That this House acknowledges:
 - (a) the following honoured guests:
 - (i) Mr Pietro Pittaro, President, Friuli Nel Mondo, Italy
 - (ii) the Hon. Marie Ficarra, MLC, Parliamentary Secretary to the Premier,
 - (iii) Mr Guy Zangari, MP, member for Fairfield,
 - (iv) Councillor Wendy Waller, Mayor of Liverpool City,
 - (v) Mr Serge Laureti, President, Club Italia,
 - (vi) Dr Paolo Restuccia, Vice Consul General of Italy,
 - (vii) Associate Professor Paul Cozzi, representing the Sydney Urology Research Foundation,
 - (viii) Mr Egidio Martin, Executive Council of Fogolar Furlans, Australia,
 - (ix) Mr Edi Martin, President of Fogolar Furlan, Melbourne,
 - (x) Mr Lio Galafassi, President of Fogolar Furlan, Canberra-Cooma,
 - (xi) Mr Pio Martin, President of Fogolar Furlan, Brisbane,
 - (xii) Mr Lorenzo Ferini, President of Fogolar Furlan, Adelaide,
 - (xiii) Mr Deris Marin, Fogolar Furlan, Dimbulah,
 - (xiv) Mr Armando Tornari, *La Fiamma* Italian Newspaper,
 - (b) the Masters of Ceremony, Erica Solari and Paul Bertolissio,
 - (c) the entertainers, the Fogolar Furlan Balletto accompanied by accordionist Sandra Harwood, the choreographer, Jennifer Solari and music by GJ's Trio,
 - (d) sponsors Furlan Partners, Lawrence Donati, Alex Antonopoulos, Homeclad Pty Ltd (Castronini family) and Baipini Engineering Pty Ltd (Gianni De Francesco), Alpene Pty Ltd, Adua Steel Engineering Pty Ltd, Pilot Air Compressors Pty Ltd and Tam Terrazzo Pty Ltd, and
 - (e) the organisers and coordinators of the function Angelo Donati, Giancarlo Colussi, Daniela Castronini, Denis Castronini, Azelia Donati, Denise Solari, Lidia Gentillini, Jennifer Solari, Josephine Pagnucco, Valeria Kennedy, Sonia Moretto, Luigi Solari, Ladies Auxiliary and Barbecue Contingent, Club Italia Sports Committee and Mirella Riga.

TRANSFORMING SYDNEY LUNCH

Motion by the Hon. Marie Ficarra agreed to:

1. That this House notes that:
 - (a) on Wednesday 16 November 2011, the Inaugural Transforming Sydney Lunch "A New Wine and Fresh Skins" was held in Parliament House, Sydney,
 - (b) over 80 people representing various denominations attended this ecumenical event which sought to bring a transformation into our families, churches and the market place through the power of prayer and care for our fellow man, and
 - (c) this movement aims to unite social welfare efforts of Christian denominations within New South Wales to maximise positive outcomes for the community.

2. That this House acknowledges:
 - (a) co-convenors Lilian and Bjorn Schmid for their excellent work in bringing many Christian denominations together with the view of future cooperation on social welfare programs,
 - (b) the following speakers:
 - (i) The Most Reverend Bishop Julian Porteous,
 - (ii) Reverend Lindsay McDowell, Chairman, Southern Cross Ministries Australia,
 - (iii) Dr Graham McLennan, Founder, National Alliance of Christian Leaders,
 - (iv) Mr Peter Kaldor, CEO City Bible Forum,
 - (v) Lilian and Bjorn Schmid, Transforming Sydney, and
 - (c) the following special guests:
 - (i) Reverend the Hon. Fred Nile, MLC, Assistant President of the New South Wales Legislative Council,
 - (ii) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice,
 - (iii) the Hon. Marie Ficarra, MLC, Parliamentary Secretary for the Premier,
 - (iv) sponsors Mission Australia, Livingstone Media and Koorong,
 - (vi) Mr Phil Freeman, General Manager, Catering and the parliamentary catering team,
 - (vii) leaders in prayer Dan Kimes and Peter Kentley, and Master of Ceremonies Tony McLennan.

EGYPTIAN COPTIC CHRISTIANS PERSECUTION

Motion by the Hon. Marie Ficarra agreed to:

1. That this House notes that:
 - (a) on Sunday 20 November 2011, the Saint George Coptic Orthodox Church at Kensington held an ecumenical prayer service for the 27 Coptic worshippers killed on 9 October 2011 in the region of Maspero in Cairo, Egypt, and
 - (b) State and Federal members of Parliament from all political persuasions and members of the community from different backgrounds and religious affiliations joined together to mourn the deaths of those killed.
2. That this House notes with concern that the persecution of Christian Copts continues in Egypt and that churches, Christian establishments, businesses and properties have been the target of fire bombings, demolition and looting.
3. That this House acknowledges:
 - (a) the sacrifice of the 27 Coptic men killed and extends sympathy to their families and loved ones, including the hundreds of citizens injured in the attack,
 - (b) Saint George Coptic Orthodox Church for holding the Ecumenical Service in honour of the 27 Coptic men killed on 9 October 2011, and
 - (c) those dignitaries that attended the service, including:
 - (i) His Eminence Cardinal George Pell representing the Roman Catholic Church of Australia,
 - (ii) Father Steven Scoutas representing Archbishop Stylianos, of the Greek Orthodox Church in Australia,
 - (iii) Father Marcos Tawfik, Father Rafael Iskander and Father Matthew Attia of the Saint George Parish of the Coptic Church of Australia,
 - (iv) the Honourable Secretary of the Saint George Parish, Mr Ayad Tanious,
 - (v) the Hon. Philip Ruddock, MP, Federal member for Berowra,
 - (vi) Mr Craig Kelly, MP, Federal member for Hughes,
 - (vii) the Hon. Marie Ficarra, MLC, Parliamentary Secretary to the Premier,
 - (viii) the Hon. Hon Sophie Cotsis, MLC, shadow Minister for Industrial Relations, Local Government and the Status of Women,

- (ix) Mr Bruce Notley-Smith, MP, member for Coogee,
 - (x) the Hon. Amanda Fazio, MLC, Opposition Whip,
 - (xi) the Mayor of Marrickville, Mr Morris Hanna, OAM,
 - (xii) Councillor Morris Mansour, Ashfield Council,
 - (xiii) Councillor John Preocupides, former Mayor of Randwick City Council.
3. That this House calls for the upcoming elections in Egypt to be conducted in a peaceful manner and for authorities to bring to justice the perpetrators of all crimes committed since the January 2011 Tahrir Square uprisings.

BUSINESS OF THE HOUSE

Formal Business Notices of Motions

Private Members' Business item No. 412 outside the Order of Precedence objected to as being taken as formal business.

WHITE RIBBON DAY

Motion by the Hon. Marie Ficarra agreed to:

1. That this House notes that White Ribbon Day is on 25 November each year, the International Day for the Elimination of Violence against Women, and again will be marked in the Parliament of New South Wales by a lunch which will be attended by over 100 people with guest speaker, rugby league legend Mr Phil Gould and entertainers pianist David Miller, AM, and baritone Dr Andrew Kennedy.
2. That this House notes with concern that:
 - (a) in Australia, one in three women report having experienced violence since the age of 15,
 - (b) intimate partner violence, including physical, emotional and sexual violence, is the leading contributor to death, disability and ill-health in women aged 15 to 44,
 - (c) the impact of violence on women's health and wellbeing is significant, leading to mental health problems including attempted suicide, self-harm, depression, anxiety, posttraumatic stress, substance abuse, and poor reproductive health,
 - (d) domestic and family violence is the principal cause of homelessness among women and 55 per cent of women with children who are homeless are escaping violence,
 - (e) one in four young people have witnessed violence against their mother or stepmother,
 - (f) violence against women and their children cost the Australian economy \$13.6 billion in 2009 and, unless appropriate action is taken to prevent violence, that sum will increase to \$15.6 billion per year by 2021, and
 - (g) among women who have experienced violence by a previous partner, 36 per cent reported that this occurred when they were pregnant and 17 per cent experienced violence for the first time when they were pregnant.
2. That this House acknowledges:
 - (a) guest speaker, Mr Phil Gould, rugby league legend and General Manager of Football for the Penrith Panthers Rugby League Club,
 - (b) entertainers at the White Ribbon Lunch, including pianist, David Miller AM, who:
 - (i) is one of Australia's leading chamber musicians and vocal accompanists, has had partnerships with many internationally renowned singers and instrumentalists and has worked with Australia's foremost chamber groups including the Australia Ensemble,
 - (ii) has had a performance schedule that has taken him to most parts of Australia and all corners of the world,
 - (iii) works regularly for the ABC and Musica Viva Australia and records for ArtWorks, Tall Poppies, Vox Australis and ABC Classics,
 - (iv) has been on the staff of Sydney Conservatorium of Music since 1980 and in 1995 was appointed the first chair of the Ensemble Studies Unit,
 - (v) has conducted master classes and lectures for universities, conservatoriums, music organizations and music conferences in many parts of Australia and Asia,

- (c) baritone, Dr Andrew Kennedy who:
 - (i) is a member of the Australian Voices and the Jane Franklin Consort,
 - (ii) is the Principal Clarinetist with the Australian Doctors Orchestra,
 - (iii) has performed on ABC television, featured in world premiere recordings of Australian music and travelled to Europe on numerous occasions to sing,
 - (iv) also gives chamber music and solo clarinet recitals in Sydney,
- (d) the Phoenix Chinese Restaurants and Mrs Anita Fung, Mr Cris Cheng and Mr Calvin Chen for their generous sponsorship of the event,
- (e) Lyon Nathan for their generous sponsorship of the event,
- (f) dignitaries that will be attending the event, including:
 - (i) the Hon. Barry O'Farrell, MP, Premier of New South Wales,
 - (ii) the Hon. Marie Ficarra, MLC, Parliamentary Secretary to the Premier,
 - (iii) the Hon. David Clarke, MLC, Parliamentary Secretary for Justice,
 - (iv) the Hon. Matthew Mason Cox, MLC, Parliamentary Secretary for Treasury and Finance,
 - (v) Reverend the Hon. Fred Nile, MLC, Deputy-President,
 - (vi) the Hon. Sophie Cotsis, MLC, shadow Minister for the Status of Women, Industrial Relations and Local Government,
 - (vii) the Hon. Helen Westwood, MLC,
 - (viii) Mr Clayton Barr, MP,
 - (ix) Ms Tanya Davies, MP,
 - (x) Mr Thomas George, MP, Deputy Speaker,
 - (xi) Mr Bruce Notley-Smith, MP,
 - (xii) Mr Chris Holstein, MP,
 - (xiii) Mr John Sidoti, MP,
 - (xiv) the Hon. Shaoquett Moselmane, MLC,
 - (xv) Mr Jamie Parker, MP,
 - (xvi) Mrs Leslie Williams, MP,
 - (xvii) Mr Glenn Brookes, MP,
 - (xviii) Mr Matt Kean, MP,
 - (xix) Mayor Scott Nash and Councillors of Randwick City,
 - (xx) Councillor Stephen Barbour of North Sydney Council,
 - (xxi) Councillor Karen McKeown of Penrith City Council,
 - (xxii) Councillor Nancy Liu of Hurstville City Council, and
- (g) White Ribbon Ambassador, Councillor Vincent De Luca, OAM, for organising the event.

TABLING OF PAPERS

The Hon. Greg Pearce tabled the following papers:

1. Annual Reports (Departments) Act 1985—Reports for year ended 30 June 2011:
Community Relations Commission
Department of Premier and Cabinet.

2. Annual Reports (Statutory Bodies) Act 1984—Reports for year ended 30 June 2011:
 Barangaroo Delivery Authority
 Election Funding Authority of New South Wales
 Independent Pricing and Regulatory Tribunal
 Internal Audit Bureau of New South Wales
 Maritime Authority of NSW
 Natural Resources Commission
 New South Wales Aboriginal Land Council
 New South Wales Electoral Commission
 Roads and Traffic Authority.
3. Youth Advisory Council Act 1989—Report of New South Wales Youth Advisory Council for year ended 31 December 2010.

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

SELECT COMMITTEE ON THE PROVISIONS OF THE ELECTION FUNDING, EXPENDITURE AND DISCLOSURES AMENDMENT BILL 2011

Membership

The DEPUTY-PRESIDENT (The Hon. Jennifer Gardiner): I inform the House that the Clerk has received the following nominations for membership of the Select Committee on the Provisions of the Election Funding, Expenditure and Disclosures Amendment Bill 2011:

Government members:	Miss Gardiner Mr Khan Mrs Maclaren-Jones Dr Phelps
Opposition members:	Miss Fazio Mr Primrose Mr Whan

CRIMINAL CASE CONFERENCING TRIAL REPEAL BILL 2011

Bill introduced, and read a first time and ordered to be printed on motion by the Hon. David Clarke, on behalf of the Hon. Michael Gallacher.

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

GOVERNMENT INFORMATION (PUBLIC ACCESS) AMENDMENT BILL 2011

Bill introduced, and read a first time and ordered to be printed on motion by the Hon. David Clarke, on behalf of the Hon. Michael Gallacher.

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

JOINT STANDING COMMITTEE ON ROAD SAFETY

Quorum

Motion by the Hon. Duncan Gay agreed to:

That the resolution of 22 June 2011 appointing the Joint Standing Committee on Road Safety be amended by omitting "any five members shall constitute a quorum" in paragraph (2) and inserting instead "any four members shall constitute a quorum".

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

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Order of Business

Reverend the Hon. FRED NILE [11.34 a.m.]: I move:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 208 outside the Order of Precedence, relating to the Constitution Amendment (Restoration of Oaths of Allegiance) Bill 2011, be called on forthwith.

The Hon. LYNDIA VOLTZ [11.34 a.m.]: I made a similar point in this Chamber on the Thursday of the last sitting week that the Government has a number of bills before the House. The matter is not urgent and should not have precedence over any other Government bill before the House. Indeed, there is no reason why it should not be debated tomorrow, which is the day for dealing with private members' business.

Dr JOHN KAYE [11.34 a.m.]: The only conclusion one can draw about this motion is that the Government is making yet another deal with Reverend the Hon. Fred Nile to purchase his vote on the Police Amendment (Death and Disability) Bill 2011. The Constitution Amendment (Restoration of Oaths of Allegiance) Bill 2011 is not urgent. The Government's actions are clear: it is urgent only because the Government needs to secure Reverend the Hon. Fred Nile's vote.

Reverend the Hon. Fred Nile: There is no connection.

Dr JOHN KAYE: No connection? Indeed, no connection. Government members went through the *Notice Paper* and found the least objectionable matter that Reverend Nile had on it which is quite difficult to do.

The Hon. Duncan Gay: Point of order: The member is making disparaging comments about another member of the House and is alleging that he has improper motives. The member should do so by way of substantive motion and not in debate on a motion seeking precedence.

Dr JOHN KAYE: To the point of order: I was making an observation.

The Hon. Duncan Gay: A pretty ordinary one too.

Dr JOHN KAYE: The Minister might think it is an ordinary observation but, by way of interjection, he agreed with me that it was an observation and not a disparaging remark. If I was being disparaging about anything it was about debating this legislation now.

The DEPUTY-PRESIDENT (The Hon. Jennifer Gardiner): Order! Dr John Kaye knows that imputations against other members must be made by way of substantive motion. Members will desist from making such remarks.

Dr JOHN KAYE: This bill is not urgent. On the last or second last sitting day of the year a number of matters that are before the House should be resolved—the Government told us they need to be resolved. In fact, I understand the Government sought urgency on the Police Amendment (Death and Disability) Bill 2011 and received urgency. It was necessary to bend the rules yet urgency is now being sought with respect to another bill that will not be relevant until we have new members in this House. If we all survive Christmas—and I hope we do—this will not be urgent until next year

The Hon. Luke Foley: I hope some of us do.

Dr JOHN KAYE: I hope that we all survive the vacation period. This legislation is not urgent and it will not be relevant until next year. I will refrain from remarking on the absurdity of this legislation because that would be out of order, but even Reverend the Hon. Fred Nile would have to admit that this legislation is not urgent. It is a time waster or gap filler.

Reverend the Hon. Fred Nile: Don't waste time.

Dr JOHN KAYE: Reverend the Hon. Fred Nile is the person who is wasting time. I urge members to vote against urgency.

The Hon. DUNCAN GAY (Minister for Roads and Ports) [11.38 a.m.]: The Government will support the motion.

The Hon. LUKE FOLEY (Leader of the Opposition) [11.38 a.m.]: The Opposition does not believe that the Constitution Amendment (Restoration of Oaths of Allegiance) Bill 2011, which Reverend the Hon. Fred Nile is seeking to bring on for debate, is urgent. Reverend the Hon. Fred Nile is seeking through his private member's bill to amend the Constitution Act to give new members of Parliament the option of making an oath or affirmation in a way different from the way in which an oath or affirmation is made today. My party and the party of Reverend the Hon. Fred Nile respectfully disagree on that matter.

The Opposition is quite prepared to debate the bill that was introduced by Reverend the Hon. Fred Nile but it does not believe that this morning is the time to do so. Reverend the Hon. Fred Nile cannot seriously argue that legislation concerning the wording of the oath that new members take when they are sworn into Parliament is more urgent than the Government's legislation concerning the death and disability scheme for this State's police officers. I acknowledge the presence in the gallery of police men and women who have a personal interest in the Government's bill.

Reverend the Hon. Fred Nile: They are negotiating the Government's bill.

The Hon. LUKE FOLEY: Reverend the Hon. Fred Nile just said that the Government is still negotiating, which informs us of the real motivation for this exercise—that is, simply to hold the line and to take up a few hours while the Government tries to cobble together a deal relating to the police death and disability scheme. Reverend the Hon. Fred Nile would not be able to argue that a bill to change a few words with respect to the oath taken by new members of Parliament is a more urgent matter and one that should command the attention of this Parliament as opposed to the police death and disability legislation, which is what we should be debating.

The bill introduced by Reverend the Hon. Fred Nile warrants serious attention. However, my party stands by what it did in government in 2006 and as such will not be supporting this legislation. Reverend the Hon. Fred Nile feels strongly about this matter, has advocated for it consistently for many years and is within his rights to introduce this legislation but it is not more urgent than the police death and disability scheme. This matter should not be debated today as there are far more important matters warranting the attention of the Parliament.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 19

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

Noes, 16

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

Pairs

Ms Cusack	Ms Fazio
Mr Harwin	Mr Moselmane
Dr Phelps	Mr Secord

Question resolved in the affirmative.

Motion agreed to.

Order of Business

Motion by Reverend the Hon. Fred Nile agreed to:

That Private Members' Business Order of the Day item No. 208 outside the Order of Precedence be called on forthwith.

CONSTITUTION AMENDMENT (RESTORATION OF OATHS OF ALLEGIANCE) BILL 2011**Second Reading****Debate resumed from 11 November 2011.**

The Hon. MARIE FICARRA (Parliamentary Secretary) [11.50 a.m.]: I am delighted to support the Constitution Amendment (Restoration of Oaths of Allegiance) Bill 2011. I congratulate Reverend the Hon. Fred Nile on bringing the bill before the House. This is a matter of concern to many members of Parliament and constituents that we represent. It is very important for the very much symbolic authority of all Houses of Parliament in this country. So I commend Reverend the Hon. Fred Nile. The object of the bill is to amend the Constitution Act 1902 to give a member of the Legislative Council, the Legislative Assembly or the Executive Council the option of taking or making an oath or affirmation of allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, as an alternative to the pledge of loyalty to Australia and the people of New South Wales.

As Reverend the Hon. Fred Nile noted in his second reading speech, taking the pledge of loyalty is currently required before a member of Parliament can sit or vote, or before a member of the Executive Council can assume office. This bill makes it clear that a member of Parliament who has taken or made an oath or affirmation of allegiance does not have to take or make a further oath or affirmation in the event of the demise of the Crown. The fact is Australia is not a republic, and Australian citizens rejected the proposal to become one at Australia's now historical referendum in 1999. As honourable members will recall, the proposal that Australia become a republic was defeated by Australians across the nation and in every State in Australia.

When Kerry Jones, Executive Director at the time of Australians for Constitutional Monarchy, called a protest it turned out to be one of the largest and most peaceful demonstrations ever in Sydney. Marshalling more than 50,000 people, Australians for Constitutional Monarchy ran a tight and ultimately successful campaign, which resulted in a landslide rejection of the politicians' republic in every State and 73 per cent of electorates. Recent royal visits since that referendum have seen large and joyous public turnouts. All of this, including regular opinion polls that indicate support for our current constitutional monarchy is riding high, sends a clear message to us as legislators that the people of New South Wales and indeed Australia are happy with the current monarchical system as is, as members of the Commonwealth with Queen Elizabeth II as Queen of Australia. Support for a politicians' referendum remains at low levels, with a recent survey conducted on 8 November by the reputable Roy Morgan Research confirming that support for a republic had dropped to 34 per cent. When we look at the polling we see that support is even lower among Australian youths—a trend that has been consistent since polling was undertaken following the 1999 anti-republic campaign.

We were proud to see on our television screens recently the fantastically happy scenes in Perth when more than 120,000 came out to say farewell to Queen Elizabeth and Prince Phillip, the Duke of Edinburgh, as they ended their sixteenth visit to Australia. And of course we all loved to watch the marriage of His Royal Highness Prince William and Catherine Middleton. The television audience in Australia was the largest on record, let alone the billions of viewers around the world. These facts indicate Australia's enormous support for the crown. The current visit by Crown Princess Mary and Crown Prince Frederik of Denmark was closely observed by our media and public alike. That is a clear indicator that we love the royals. It is a clear indication of support via media attention.

Dr John Kaye: God help us!

The Hon. MARIE FICARRA: God will help the monarchy. God has always helped the monarchy, because the monarchy keeps peace and stability.

Dr John Kaye: It did not do so well for the Stuarts.

The Hon. MARIE FICARRA: The member should settle down and not get too excited. I wish to commend the fine work of the movement Australians for Constitutional Monarchy, headed by Professor David Flint, AM, the national convenor, a former law professor at the University of Technology, Sydney, and a former chairman of the Australian Press Council and the Australian Broadcasting Authority. I cannot resist quoting Professor David Flint, who regularly warns his members, "Never stand between republicans and visiting royalty, otherwise you will be knocked over in the rush."

The Hon. Duncan Gay: True—I've seen it.

The Hon. MARIE FICARRA: They are always the first to line up. The mission of Australians for Constitutional Monarchy has always been:

To preserve, to protect and to defend our heritage: The Australian constitutional system, the role of the Crown in it and our Flag.

Australians for Constitutional Monarchy represents the desires of so many Australians regardless of whether they were fortunate enough, like me, to have been born in this country or, like my family, purposely chose Australia to immigrate to from southern Italy based on Australia's solid democratic institutions and its wonderful emerging multicultural lifestyle. I recall that one of our more colourful Prime Ministers, Paul Keating, blamed then New South Wales Premier Bob Carr, who kicked the Governor out of Government House, for his loss in the 1996 Federal election.

The prominent commentator P. P. McGuinness warned at the time that the eviction would damage the Keating Government, and the eviction was reported to have caused considerable concern in the New South Wales Cabinet and in the New South Wales Labor parliamentary party room as it had been done without any consultation and was very unpopular across the State. The warning turned out to be well based. I would also like to quote from the Neville Bonner oration given by the Hon. John Howard, AC, to Australians for Constitutional Monarchy on the occasion of the tenth anniversary of the republic referendum on 5 November 2009:

When I look back on that Referendum, I think the most distinctive feature of it—and the fundamental reason why it failed—was that it was a citizens' rejection of an elitist proposition, which was endeavoured to be foisted on the Australian people... But overwhelmingly you had this extraordinary unity of elite opinion, you had too much of the media, and you actually had near to two thirds of the members of the National Parliament, because the Labor Party, although it said it allowed a free vote, in reality I don't recall any of the Labor Party in the National Parliament who voted in favour of the status quo; and close to 40% of my own party, the Liberal Party, including three out of the four members of the leadership group, were also in favour of change.

Now we allowed a free vote from the very beginning, and there was a genuine exercise in a free vote and I think that was one of the things that enabled the whole process, that the Australian people could see a great democratic party in government with its leader advocating the status quo, its deputy leader advocating change, and the leader and the deputy leader in the Senate also advocating change. It was quite an armada that gathered in favour of change, a very impressive armada and an armada that was very confident when the campaign began.

Why did the Australian people reject it? Well the common explanation given by those who were in favour of change is that it was rejected because of division within the republican camp and because people were confused. There was division within the republican camp. There's no doubt about that. And there is division amongst those who today want a republic, between those who want a so-called minimalist republic where effectively you white-out references to the Queen and Governor-General and you insert reference to a President and you leave everything else exactly the same.

And on the other hand there are those who favour directly electing a President. Let me say what I said 10 years ago—

Dr John Kaye: Point of order: This is a fascinating discussion of a referendum that happened a decade ago, but I am struggling to find the relevance of that to the legislation now before the House.

The Hon. MARIE FICARRA: To the point of order: It is generally relevant to the actual support amongst the public for respect to be shown to the Queen, her heirs and successors in every form of democratic institution in this country.

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

The Hon. MARIE FICARRA: The quote continues:

... and I'll say while ever I draw breath on this subject, that if the Australian people were to decide—which is their democratic right—to change our Constitution, and let's understand this is our gift, it is not the gift of history, it is the gift of any generation at any time to change the constitutional arrangements and while ever we understand that, we will have greater acceptance in the Australian community of our point of view. But if the Australian people were to decide to change our Constitutional Monarchy and have a republic, I could not think of a more destructive alternative than a directly elected President because it would fundamentally alter our system of government—even more dramatically than to have a change from a monarchy to a republic—because it would establish two rival power centres.

The last paragraph of the oration states:

I think the referendum failed because the Australian people were unconvinced that we would be better off with a different system of government. Now there's a lot to be said for what historians and constitutionalists call "Burkean conservatism". Like Edmund Burke, we don't change our institutions unless we are satisfied that a change is going to bring about improvement.

That is why the bill before the House returns us to the status quo. There was a change, but it does not bring improvement; it brings uncertainty and a feeling that we are not being loyal to the Queen of Australia. This bill will address that glaring deficiency. I am proud to be part of the O'Farrell Liberal-Nationals Government that has respectfully restored photographs of Queen Elizabeth II and Prince Philip, the Duke of Edinburgh, to our Strangers dining room, the setting for so many community-based public functions in this Parliament.

I am also proud that we have offered an extension of service to the State to our hardworking, dedicated and most respected New South Wales Governor, Professor Marie Bashir, AC, CVO. I am equally delighted, as are so many other Australians, that she has accepted. Quite rightly, improvements to Government House will be undertaken to make the residence more comfortable and, without fanfare and in a dignified manner—which has symbolised the Governor's tenure—we will come to know that our New South Wales Governor once again resides in Government House, as should be the case.

Furthermore, pursuant to the Constitution of New South Wales, we remain a constitutional monarchy and thus all members of this and the other place should have the opportunity to choose how they pledge their loyalty. Subsection (4) of this bill will specify the form of the new oath of allegiance, that being:

I swear that I will be faithful and bear true allegiance to her Majesty Queen Elizabeth II, her heirs and successors according to law. So help me God.

I commend this bill to the House as I believe it is in accordance with community expectations as expressed at the Australian referendum in 1999 and reinforced so regularly in polling ever since. God save the Queen.

The Hon. LUKE FOLEY (Leader of the Opposition) [12.04 p.m.]: On behalf of the Labor Opposition I oppose the Constitution Amendment (Restoration of Oaths of Allegiance) Bill 2011. The object of this bill is to amend the Constitution Act 1902 to give a member of the Legislative Council, the Legislative Assembly or the Executive Council the option of taking or making an oath or affirmation of allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, as an alternative to the pledge of loyalty to Australia and the people of New South Wales. Taking the pledge of loyalty is currently required before a member of Parliament can sit or vote and before a member of the Executive Council can assume office.

The Labor Opposition opposes this private member's bill brought to us by Reverend the Hon. Fred Nile because we stand by our reforms of 2006, which were passed by the Parliament. I will go to those reforms and the rationale for them, and the reasons why we in the Labor Party stand by those reforms. The Constitution Amendment (Pledge of Loyalty) Bill was passed in 2006. What that piece of legislation did was ensure that the allegiance of members of this Parliament would be directed where we believe it belongs—to Australia and to the people of our State, New South Wales. The legitimacy of this Parliament, and indeed of all parliaments, is based on the principle of democracy. Sovereignty does not lie with a state or indeed with a head of State, but with the country that we live in and with the people of the country and the State. Prior to Labor's 2006 amendments, members swore their allegiance to the head of State.

The former Labor Government brought the changes that were passed in 2006 because, if parliamentarians are going to go through a process of swearing or affirming allegiances, it must be meaningful. Prior to the reforms of 2006, the oath that was sworn by new members was, in our view, somewhat meaningless. By that I mean that there was a form of words that meant far less than what an oath or affirmation of allegiance ought to mean. Labor maintains that the 2006 reforms added far more substance to the pledge of allegiance that new members make. The bill amended the Constitution of New South Wales, the Constitution Act and the Oaths Act.

I will briefly take honourable members through what was done in those 2006 changes because I think the proponents of Reverend the Hon. Fred Nile's bill—including the Hon. Marie Ficarra, who I listened to intently—are seeking to make this into a proxy for the wider republican versus monarchist debate in this country. We in the Labor Party believe that the 2006 reforms were neither republican nor monarchist in intent but were about ensuring that members' pledges go to where sovereignty lies in our democracy—that is, with the people in our polity, the people in New South Wales who we pledge to represent and serve honourably for as long as we are members of this place.

Section 12 of the Constitution used to require that no member of either this place or the other place shall be able to sit or vote until they take the oath of allegiance prescribed under the Oaths Act. The second sentence of section 12 of the New South Wales Constitution required that we swear or affirm the oath of allegiance once elected. It meant also that if the present Queen were to pass away, business could not occur in

either this place or the Legislative Assembly until we had all sworn allegiance to her successor. That, of itself, suggested that the Constitution was in need of some significant update. Section 4 of the Oaths Act provided the form of words in the second schedule to the Oaths Act as the oath of allegiance. The second schedule to the Oaths Act set out the following words:

I ... do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, her heirs and successors according to law. So help me God.

Section 12 allowed an affirmation to be substituted for an oath. The reference to Queen Victoria suggests that it has been some considerable time since the legislature had had a proper look at the process. The 2006 reforms put the wording of the pledge into the Constitution, which meant we no longer needed to look at both the Oaths Act and the Constitution. A simplification or a more logical end result would be simply to put the pledge in the State Constitution. New section 12 provides that members cannot sit or vote until they have taken the pledge of loyalty, which is given in the following form:

Under God, I pledge my loyalty to Australia and to the people of New South Wales.

That was the oath I took last year when I entered this place. Members have the option of the alternative affirmation—that is, to drop the reference to "under God". The 2006 reforms were clear that they applied only to members entering the Parliament from that date on. I understand that the reforms proposed by Reverend the Hon. Fred Nile will also follow the logic that no-one will be required to retrospectively utter a new oath; it will apply only prospectively to new members as they enter this Parliament. The 2006 reforms also dealt with the Executive Councillor's oath. The new section requires of new Executive Councillors and Ministers a pledge of loyalty in the same form as a member's pledge. The new oath removed some of the archaic language contained in the old oath taken by Executive Councillors. I share with members the wording of the oath that Executive Councillors used to take prior to 2006:

I ... being chosen and admitted of her Majesty's Executive Council in New South Wales, do swear that I will to the best of my judgment at all times when thereto required freely give my counsel and advice to the Governor or officer administering the Government of New South Wales for the time being for the good management of the public affairs of New South Wales, that I will not directly or indirectly reveal such matters as shall be debated in council and committed to my secrecy, but that I will in all things be a true and faithful counsellor. So help me God.

There was an alternative affirmation. The provision in the 2006 bill that replaced the old oath quite considerably updated the language. A number of years ago the Australian Citizenship Amendment Act altered the pledge of commitment to be taken by new Australian citizens. For about a decade and a half now that pledge has read as follows:

From this time forward, under God, I pledge my loyalty to Australia and its people, whose democratic beliefs I share, whose rights and liberties I respect and whose laws I will uphold and obey.

I consider that to be quite beautiful and most meaningful language. I look forward to the day when my wife, a foreigner by birth, will take that oath under God, pledging her loyalty to Australia and its people. I very much look forward to that day, as she does. The pledge taken by new Australian citizens around a decade and a half ago was very important. Indeed, it was a watershed in this wider debate of what sort of pledge any of us ought to take: new citizens, people entering Parliament as public representatives or in other fields of life. In recent years the Country Women's Association has resolved to undertake significant reforms to its rules. For example, the association has deleted the Royal anthem. We have seen a process of modernisation in this field. It is my belief that the reforms of the Iemma Government in 2006 were in the spirit and intent of that process of modernisation, which is characterised most prominently by the changes to the pledge that new citizens of this country make.

It is important to note that the bill that was carried by this Parliament in 2006 did not replace loyalty to Her Majesty the Queen with loyalty to a president. If one listens to the arguments advanced by Reverend the Hon. Fred Nile, the Hon. Marie Ficarra and I am sure by other supporters of Reverend the Hon. Fred Nile's bill who will speak later in this debate, there is an assertion that there was some republicanism at play when those reforms were made.

Reverend the Hon. Fred Nile: There was.

The Hon. LUKE FOLEY: I refute the interjection of Reverend the Hon. Fred Nile. The 2006 reforms were neither republican nor monarchist in intent. The bill did not replace loyalty to the Queen with loyalty to a republican head of State or President—

The Hon. Trevor Khan: Because it couldn't.

The Hon. LUKE FOLEY: Of course it could not. So the allegation that there was a republican fiendish Irish papist plot is an absolute conspiracy theory and does not hold up to the light of day. The 2006 bill replaced allegiance to a head of State, who at the moment happens to be a hereditary monarch—if the Australian people ever consented to a republic it could be an elected Australian—with allegiance to Australia and the people of New South Wales. The pledge itself is neither monarchist nor republican; it is about democratic principle, democratic theory, and accepting that our real legitimacy comes from Australia and the people of New South Wales, not from someone who happens to be a head of State. I have always drawn inspiration from the American Declaration of Independence. That was a radical document in 1776 but I think it would find favour with all or almost all legislators in this place today.

At the heart of the American Declaration of Independence in 1776 was the idea that government arose from the people. It was not a gift to them from a monarch and it was not an imposition upon them. The notion—it was a very radical notion in 1776—was that government arose from the people. It is my contention that the amendments carried in 2006 were absolutely in line with the principle that government is not a gift from a head of State, whether a hereditary monarch or an elected head of State, and that democracy arises from the people. That is the simple principle behind the 2006 reforms and the Labor Party will defend that principle in this debate. The proposal that was carried in 2006 was a moderate, reasonable and—I contend—modest proposal; it was certainly not a radical one. It means that members of Parliament are required to express their allegiance in the way they should in a democracy—that is, to the people they represent.

The 2006 reforms were not about a republic or a monarchy; they mean that as members of Parliament we pledge our allegiance not to a head of State, whether hereditary or elected, but to the sovereign source of our legitimacy, that is, the people. The current pledge involves members entering the New South Wales Parliament being required to pledge their loyalty to where it is truly owed—to Australia and the people of New South Wales. Labor is proud of that reform and will defend it today, and as such we cannot support the bill advanced by Reverend the Hon. Fred Nile.

The Hon. PAUL GREEN [12.24 p.m.]: I support the Constitution Amendment (Restoration of Oaths of Allegiance) Bill 2011. The object of the bill is:

... to amend the *Constitution Act 1902* to give a Member of the Legislative Council, the Legislative Assembly or the Executive Council the option of taking or making an oath or affirmation of allegiance to Her Majesty Queen Elizabeth II, Her heirs and successors as an alternative to the pledge of loyalty to Australia and the people of New South Wales. Taking the pledge of loyalty is currently required before a member of Parliament can sit or vote and before a Member of the Executive Council can assume office. This bill also makes it clear that a member of Parliament who has taken or made an oath or affirmation of allegiance does not have to take or make a further oath or affirmation in the event of the demise of the Crown.

One fundamental idea of socialist or progressive thinking is that people must be freed from tradition. History has repeatedly shown that without tradition and the experiences of history and the family environment people can be more easily manipulated by radical ideologies in many ways. Christians and all people of goodwill honour law and order, and governments and heads of State are part of that system of law and order.

Dr John Kaye: Law and order—I haven't seen that for a while.

The Hon. PAUL GREEN: I once heard that respect is learned, not earned. I want my kids to take on board the comment by a member who said that respect needs to be meaningful. I would expect my kids to respect Dr John Kaye for who he is and what he represents. That would be meaningful to me but it may not be meaningful to them at the time. Acknowledgement of authority and respect is important. I expect my kids to show the same respect to authorities, whether it be the Queen, the teachers in their classroom or their community scout leaders, and to honour and respect those people in terms of the order of authority in our society. These are important boundaries and opportunities for our kids to learn how to respect others. If we cannot teach our children to respect those people, how can we expect them to respect us as parents?

The Hon. Lynda Voltz: What does this have to do with the bill?

The Hon. PAUL GREEN: It relates to authority. I am referring to a line of respectfulness; and whether or not we agree, it is good that we respect those authorities. In this bill it is Queen Elizabeth II. In his New Testament letter Saint Peter told the Christians in 1 Peter 2:17:

Respect the authorities, whatever their level; they are God's representatives for keeping order ... Exercise your freedom by serving God, not by breaking the rules. Treat everyone you meet with dignity. Love your spiritual family. Revere God. Respect the government.

The Christian Democratic Party opposes radical changes to tradition because they undermine the stability of society as a whole. Earlier this year during debate on the industrial relations bill members referred to the traditions of the House and the fact that unions and workers had been fighting for hundreds of years for their rights. Those traditions have been built up. I remember Dr John Kaye referring to those traditions during that debate. Many of these traditions have held strong and have allowed people to build strong foundations and communities because they are strong traditions. This tradition is no different in those terms; it offers stability to society as a whole. We recognise that some people prefer to slowly undermine and chip away at these values in society, hoping to remain unnoticed. This bill will repair some of the undermining and chipping away of those things. I appreciate the authorities we have and I appreciate that different people have different opinions, but the traditions of this House go back to the oath of allegiance. I commend the bill to the House.

The Hon. TREVOR KHAN [12.29 p.m.]: I support the Constitution Amendment (Restoration of Oaths of Allegiance) Bill 2011. The object of this bill is to amend the Constitution Act 1902 to give a member of the Legislative Council, the Legislative Assembly or the Executive Council the option of taking or making an oath or affirmation of allegiance to Her Majesty, Queen Elizabeth II, Her heirs and successors, as an alternative to the pledge of loyalty to Australia and the people of New South Wales.

The taking of the pledge of loyalty is currently required before a member of Parliament can sit or vote or, in the case of a member of the Executive Council, before the member can assume office. The bill makes it clear that a member of Parliament who has taken or made an oath or affirmation of allegiance does not have to take or make a further oath or affirmation in the event of the demise of the Crown. Some may remember that when I pledged my loyalty in 2007 I was the only one—certainly in The Nationals, and I think on our side of the House—who took an affirmation. That was a deliberate and considered position that I took. I do not think it was necessarily expected by some of my colleagues. Nevertheless, it reflected the fact that for me the taking of that affirmation of allegiance was an important step in entry into the Parliament. It was not something that I lightly did. It was a reflection of my beliefs and perception of what I should do. It was the conscious decision to exercise the option of taking the affirmation that in fact strengthened the pledge.

I apply that reasoning to the bill that is before the House. What this bill seeks to do is no more or no less than provide two options to members of this House. It allows them to make a considered view as to how they should best pledge their loyalty—exercise their conscience—in the way they think best. There is no doubt that in the wider community there is a great diversity of view. We heard from the Hon. Luke Foley a view as to how he would perceive the position with regard to whom one should express loyalty to. That is not a view that is felt by others. Some feel a greater desire to pledge their loyalty to the Queen or the head of State, whoever that person should be. I say that the exercise of choice is reflective—contrary to what the Hon. Luke Foley said—of the very foundations of our democracy. It is a reflection of the diversity of our society and a legitimate expression of an alternative view. That can be appropriately dealt with by the swearing of an alternative oath or affirmation. For that reason I commend Reverend the Hon. Fred Nile on the drafting of the bill. He allows a choice. He promotes diversity and he reinforces the very democracy in which we live.

The Hon. DAVID CLARKE (Parliamentary Secretary) [12.34 p.m.]: I wholeheartedly support the Constitution Amendment (Restoration of Oaths of Allegiance) Bill 2011 and strongly congratulate Reverend the Hon. Fred Nile on his initiative in bringing this bill forward. The bill will give members of this Parliament, or the Executive Council, the option of taking or making an oath or affirmation of allegiance to Her Majesty, Queen Elizabeth II, Her heirs and successors, as an alternative to the pledge of loyalty to Australia and the people of Australia.

There is a minority of people in this community who cannot get over the fact that Australia is not a republic. There are some in this Parliament who cannot get over the fact. There are some who have never got over the fact that when the people of Australia were asked by way of a referendum in 1999 whether they wanted a republic they resoundingly said no. In all States a majority said no. In 72 per cent of Federal electorates a majority said no. Despite most newspapers campaigning for a republic, the Australian people said no. Despite the chatterings of the self-anointed and self-appointed elites in this country, the majority showed what they thought of them by voting no. And despite the Labor Party and The Greens campaigning for a republic, the people rejected their push for a republic and said no to them as well. Twelve years later, according to the opinion polls, the Australian people still say no, except today they say no by an even greater margin than they did then.

When will the republican lobby finally get it? When will they finally realise that the Australian people have told them before and are telling them now what they can do with their republic? What republicans failed to

achieve democratically in a referendum in 1999 they had been trying to achieve surreptitiously and in a piecemeal fashion without recourse to the Australian electorate. To these people the electorate is an obstructive irritant. Fifteen years ago the Labor Government sought to ditch the constitutional monarchy and usher in a republic by dumping this State's Governor out of Government House. But this Government, a Liberal-Nationals Government, is reversing that move. Even the shunting of the Queen's portrait from the parliamentary dining room was a step in the same direction by that lot. But that move has been reversed as well.

The republican legislation enacted in 2006 by the last Labor Government—now lingering on in this place as a much depleted Opposition—which removed reference to the Queen in the oath taken by members of this Parliament will be changed today as well. In passing the bill before us we will bring back into alignment the position that is the situation in the other States. It is restoring the status quo. Only a few days ago Dr John Kaye spoke against urgency being given to this bill. He said:

I very much doubt that, if we stepped outside today and asked people whether they cared about the form, nature or structure of oath that we make, any of them would be concerned.

Who is Dr John Kaye to make that assumption on behalf of the people of New South Wales? What evidence does he have for making such a statement? Dr John Kaye doubts that the people of New South Wales really do care about this issue. But let us have no doubt that Dr John Kaye cares a lot. He feels very strongly about this issue because his desire for a republic is very close to his heart. Let me say that the only way Dr John Kaye is ever going to get a republic will be by way of a referendum. It will be by democratic means; it will not be through the back door as was tried with the legislation passed by the Labor Government five years ago. It will be by a democratic vote of the Australian people that we get a republic. And the truth is that the vote for a republic that Dr John Kaye seeks will never come from the Australian people. We are not going to allow republicans to get their agenda through backdoor methods—by the sort of legislation that Labor brought in five years ago, which will be changed today by this Parliament. The passing of this bill will be a rebuff to those who think they know better than the majority of the people of New South Wales and of Australia who voted to reject a republic back in 1999.

The DEPUTY-PRESIDENT (The Hon. Jennifer Gardiner): Order! I acknowledge the presence in the gallery of the Women's Campaign Committee of the Rail, Tram and Bus Union, guests of the Hon. Sophie Cotsis and the Hon. Penny Sharpe.

Dr JOHN KAYE [12.39 p.m.]: I too acknowledge the Women's Campaign Committee of the Rail, Tram and Bus Union, who will be subjected to what is not one of the most edifying or important debates before the Parliament of New South Wales. Nonetheless, we need to debate it. We are debating the Constitution Amendment (Restoration of Oaths and Allegiance) Bill 2011, a private member's bill introduced by the Reverend Fred Nile. Instead of the current form whereby members of Parliament can swear or affirm, "I pledge my loyalty to Australia and to the people of New South Wales", members will have the option of using the words, "I swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, Her heirs and successors according to law. So help me God." If members do not wish to make an oath, they can affirm an allegiance. The bill provides two choices. We have now driven the Women's Campaign Committee away. The Rail, Tram and Bus Union clearly is a monarchist organisation.

The Hon. Marie Ficarra: You have turned them off, John.

Dr JOHN KAYE: I say that in jest; they are not.

Reverend the Hon. Fred Nile: You should apologise to them, John.

Dr JOHN KAYE: I have already apologised. It was said in jest. The Rail, Tram and Bus Union is clearly a republican organisation, as any sensible progressive organisation is. The Greens oppose the Constitution Amendment (Restoration of Oaths and Allegiance) Bill 2011 for three substantial reasons. The first is the reintroduction of the monarchy into the form of the swearing-in of members of Parliament. The first statement that members make to the Parliament will now be to the monarchy. The fact that the monarchy is a foreign monarchy adds insult to the injury of its being to a monarchy.

The fact that it talks about heirs and successors underlines one of the fundamental problems with a monarchical system: one is signing on to the heirs and successors of that monarch, who could be fine people, less fine people or could be like some of their predecessors, such as the Stuart Kings of England who plunged the United Kingdom into 80 years of civil war, including the execution of Charles I and the deaths of more

people per head of population than any other war involving the United Kingdom save and except for the First World War. They did this by refusing to relinquish control over the rights of individuals to practise their Protestantism in the way they saw fit.

The Hon. Robert Borsak: And rightly so.

Dr JOHN KAYE: And rightly so. I acknowledge the interjection by the Shooters and Fishers Party member. And this Parliament wishes to give firearms to people who have the opinion that people should not be allowed to practise their Protestantism in the way they see fit. That is outrageous. It is not just the Stuarts—and I am well known for my dislike of the Stuarts, not just Charles I, Charles II and James—but also the Tudors and the absolutely brutality of Henry VII, and particularly Henry VIII and Mary Tudor, in different directions, and the way they prosecuted their desire to impose a particular form of religion on the United Kingdom. I refer also to the brutality of the Plantagenets. The list goes on. Reverend Nile proposes that members of Parliament and members of the Executive Council should have the right to swear their allegiance not just to the current monarch but to the heirs and successors without knowledge of those heirs and successors—their sanity, moral probity or their capacity to provide leadership. Creating the right to swear to a monarch is a holdover of an era gone by.

The Hon. Marie Ficarra: Steeped in history.

Dr JOHN KAYE: It is steeped in history. Unfortunately, the Hon. Paul Green is no longer present in the Chamber because he said that The Greens—and I think he particularly picked on me—are totally opposed to all traditions and all values. Nothing could be further from the truth. What we do say and what I have always said, and I suspect that when the genuine conservatives in this Chamber look deep in their hearts they would agree with this—the Hon. Paul Green is back in the Chamber.

The Hon. Paul Green: Point of order: If Dr John Kaye reads the record he will see that I did not assert that about him directly. I did make some other assumptions about him later on in my speech but that was not one. I ask that he be directed to withdraw that comment.

The DEPUTY-PRESIDENT (The Hon. Jennifer Gardiner): Order! The Hon. Paul Green has taken exception to the words of Dr John Kaye. I ask him to withdraw them.

Dr JOHN KAYE: I am not sure which parts the Hon. Paul Green takes exception to. I retract whatever reference I made to him that was in any way offensive, because I meant no offence to him. However, members who are progressive republicans and who do not blindly accept traditions have the right, quite sensibly—and I accept that all members in this Chamber do—to examine each tradition as it is presented and make rational decisions. Slavery was a tradition and the oppression of women was a tradition. Monarchy was not really a tradition in this country but was something we inherited from another country. Constantly throughout history as we have progressed traditions have been accepted and rejected, and that is what we should do here.

The second problem is that if the bill passes it will create a class of parliamentarians who have failed to pledge, affirm or swear their loyalty to Australia and to the people of New South Wales. We will have two classes of members. There will be those—and I imagine this would include The Greens, many Labor, Nationals and Liberals members—who will seek to pledge their loyalty to Australia and the people of New South Wales. Others will not. They will say their primary loyalty is not to the people of New South Wales or Australia but to a foreign monarch. They will be in this Chamber without pledging their loyal to the people who elected them. That is the opposite of democracy. We are here to serve and be loyal to the people who elected us. Taking away the requirement that individuals have pledged their loyalty to the people and nation of Australia takes away an important bond between Australians and their elected representatives.

My third concern with the bill is that it puts people such as the Leader of the House, the Hon. Duncan Gay, and the Hon. Marie Ficarra in a dreadful position because under this bill they will have to make a choice on whether their loyalty lies with Australia and the people of New South Wales or with a foreign monarch, Queen Elizabeth II, Her heirs and successors according to law. They cannot do both. Madam Deputy-President, I would like to be heard, if not necessarily in silence.

The DEPUTY-PRESIDENT (The Hon. Jennifer Gardiner): Order! Members will remain silent. The Chair and Hansard cannot hear the member with the call.

Dr JOHN KAYE: I respect that those people have their reasons, and I totally understand and respect those reasons. Both my grandfathers and some of their children were profound monarchists. They really believed in the institution of the monarchy.

The Hon. Duncan Gay: They must be disappointed in you.

Dr JOHN KAYE: Well, they are all dead.

The Hon. Amanda Fazio: That's because of the Tsar.

Dr JOHN KAYE: No, some of them came here specifically because of their fear of the Tsar and the way the Tsar persecuted them. They came here and respected the royalty. I understand where they came from and I respect that right of every individual but it ought to be the obligation of every individual in the Chamber to pledge, swear, affirm or do whatever is important to them, their loyalty to Australia and to the people of New South Wales. The bill introduced by Reverend the Hon. Fred Nile seeks to break an important bond between the people and the nation and the people who elected them. Inasmuch as this legislation is important and more than just sheer symbolism, it breaks an important connection. No doubt some members will disagree with me and will argue that the bond still exists through Her Majesty Queen Elizabeth II, Her heirs and successors according to law.

The Hon. Robert Brown: Of Australia.

The Hon. Robert Borsak: Of Australia.

Dr JOHN KAYE: I acknowledge the interjections. The form of the legislation introduced by Reverend the Hon. Fred Nile does not talk about the Queen of Australia, Her Majesty Queen Elizabeth II of Australia but about the true allegiance to Her Majesty Queen Elizabeth II, Her heirs and successors according to law. The bill specifically excludes the concept of being the Queen, King or monarch of Australia. It means that these people will have to make a choice. No doubt Reverend the Hon. Fred Nile and others may wish to argue that the bond exists through the monarch. That is a very indirect bond, and a bond that many people in Australia do not accept. Whether it is a majority or a minority is something we could argue about. Nonetheless, given the large number of people who come to this country without Anglo-Celtic background and from different cultures seeking a parliamentary democracy, as my grandparents did, and who found parliamentary democracy they sought in that democracy the bond that went from the people to their parliamentarians and back again.

At very best, this legislation makes that bond a secondary bond. In another view of this legislation it cuts that bond entirely inasmuch as the words and the form of the words that are said when a person becomes a member of Parliament or becomes a member of the Executive Council that bond is being at least diluted, if not, broken entirely. I note also that the Hon. David Clarke said that I made an assumption that if we stepped outside and asked people about their view of what members of Parliament said when they were first elected I doubted that they would care. That is not an assumption. I invite the Hon. David Clarke to look up in a dictionary what "assumption" means. I made a conjecture, because I have not done the experiment. I was conjecturing that it were true. However, having been challenged by the Hon. David Clarke I will do so but not now as I have other business in the House. I will ask people whether they give a rats about what we do or do not say. I suspect they do not.

The Hon. David Clarke: You can ask some of your pals.

Dr JOHN KAYE: I am happy to ask my pals. I was not conjecturing a scientific experiment; I was conjecturing stepping outside onto Macquarie Street and asking the question. I think it is inarguably true that most people would not know. What is true is that we know what we say when we are sworn in. Every single person in this Chamber will, by definition, remember that moment when they first crossed the threshold into being a parliamentarian. They will remember what they said and how they felt when they said it. It is an important moment when a bond is created between politicians and the people of New South Wales. It is not a bond created to a history, to a monarch who lives mostly in England, to a concept of a monarch, and it is not created second hand to the people of New South Wales and to Australia but a direct bond. The Greens will be opposing this legislation for the reasons outlined. However, if we are unlucky enough for the bill to get past the second reading to the Committee stage I foreshadow that we will be moving amendments.

The Hon. Amanda Fazio: I think we will.

Dr JOHN KAYE: Given the interjections, I suspect that will be the case. We will move amendments to the bill to restore the obligation on every member of Parliament to either affirm or swear their loyalty to Australia and to the people of New South Wales. That would leave the option for new members of Parliament, if they so wish, to additionally swear or affirm that they will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, Her heirs and successors according to law. The Greens believe that is by far and away a second best option. If individuals members of Parliament or members of the Executive Council feel the urge to make that bond with the monarch then that is their call: they are certainly able to do so. If they want, they can do

that privately. However, this Parliament is elected by the people of New South Wales. It represents the people of New South Wales. Our primary fundamental loyalty should be to the people of New South Wales. For those reasons The Greens will oppose the bill. I foreshadow that we will move amendments in the Committee stage.

The Hon. PENNY SHARPE [12.56 p.m.]: In 2006 the Hon. Peter Primrose, on behalf of the previous Government, introduced the Constitution Amendment (Pledge of Loyalty) Bill. The Hon. Peter Primrose said at the time:

With the passage of this bill, the allegiance of members of this Parliament will be directed where it belongs: to Australia and the people of New South Wales. The legitimacy of this Parliament is based upon the principles of democracy. Sovereignty does not lie with a State or a head of state but with the country in which we live and with the people of this State. Presently, members swear their allegiance to a head of state. Our allegiance is not to a head of state, or even to the State itself, but to the people who elect us and whom we represent.

And this is the crux of this debate. Try as the monarchists amongst us might to make this debate about Australia as a constitutional monarchy and not a republic, that is the wrong debate. The question before us is: Who should members of the New South Wales Parliament pledge their allegiance to when given the honour of representing the people of New South Wales in this place? We do not take our place here because our head of State deems it so. We take our place here because the people of New South Wales have chosen through our democratic process to have each and every one of us represent the views. They delegate the decision-making for our State to us. Our democracy is not a gift from our head of State. Our democracy is founded by the people of this State.

Much has been made in the debate of the claim that the Australian people do not support a republic. So what? That has nothing to do with this bill. The people of New South Wales would be puzzled by the bill we have before us today. Why would we not be swearing allegiance to them? They are the people who put us here. I came into this place in 2005. I was genuinely puzzled by the affirmation that I was required to take. I strongly support the changes made in 2006 as I believe they made our affirmation or oath more meaningful. The real reason that this bill is before us today is that the Government is buying time and garnering the support of the conservative crossbenchers to support their changes to the police death and disability bill and the selloff of New South Wales electricity assets.

Under the O'Farrell Government the culture wars are back with a vengeance. Ethics classes are under attack. A range of conservative bills will take this State backwards, not forwards. This bill is just another example. The Labor Opposition continues to watch and wait for what other bills from the conservative crossbench will emerge over the life of this Parliament. This bill is not about Australia as a monarchy or a future where we elect our own head of state. This bill is about whom we as members of Parliament are accountable to. This bill is about who gave us the enormous honour, privilege and responsibility of making decisions on behalf of our State. This bill puts the Queen first and the people of New South Wales second. I put the people of New South Wales first and will not support this bill.

Debate adjourned on motion by the Hon. Penny Sharpe and set down as order of the day for a later hour.

VALUATION OF LAND AMENDMENT BILL 2011

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

[The Deputy-President left the chair at 1.02 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

ELECTRICITY ASSETS SALE

The Hon. LUKE FOLEY: My question is directed to the Leader of the Government. Given that the Premier told the *Lithgow Mercury* in January "we have absolutely no plans to sell either the generators or the poles and wires", why has the Government now gone back on its promise to the people of New South Wales?

The Hon. MICHAEL GALLACHER: This is an important question, pursuant to the comments of the Premier. I will refer the question to the Premier and get a suitable response for the member.

ROAD AND BOATING SAFETY

The Hon. JOHN AJAKA: My question is directed to the Minister for Roads and Ports. Will the Minister update the House on campaigns to improve road and boating safety over the Christmas period?

The Hon. DUNCAN GAY: I take the opportunity to remind commuters to travel safely over the upcoming Christmas holiday period. Holiday periods are generally high risk due to the high volumes of traffic over this period. Christmas, in particular, is a time when many drivers make longer journeys than usual to catch up with families and friends or to get to their holiday destinations. As part of an overall effort to improve road safety over Christmas, Transport for NSW will be running a number of road safety public education campaigns that focus on dangerous behaviour, including speeding, drink-driving, driver fatigue and not wearing a seatbelt—which is silly, but an increasing problem.

To remind the community about the consequences of speeding over the Christmas period, the Dr Owler "Don't Rush" campaign, which features a neurosurgeon, will be run in December and January on television and radio, in cinemas and the press, and online and outdoors. The well-known and memorable "Paranoia" campaign—where drivers think everything is a police car or a random breath testing vehicle—will begin on Christmas Day on television and online. It will promote the fact that every police car is a mobile random breath testing unit and that if people drink and drive over the Christmas period they will get caught. The message to drivers is simple: if you plan to drink, plan not to drive. This campaign is supporting extensive police enforcement activities around the State that will target drink-driving over the Christmas period.

In addition, at this holiday time when drivers are planning long trips, they will be reminded to "Wake up to the signs" of fatigue and stop, revive, survive. The fatigue campaign will be shown on television, radio and outdoor, reaching drivers both before they travel and while they are in their cars. This is an important message for drivers planning to make those longer journeys over Christmas. It is much better to arrive safely at your destination than to drive fatigued and risk a crash.

To increase awareness that double demerit points will apply for speeding and seatbelt offences over the Christmas-New Year period, the "Don't blow your licence" campaign will run on television, radio and online to ensure all drivers know they need to slow down and wear their seatbelts at this time. Overall, these road safety campaigns have been very successful since their introduction and will work alongside a number of other road safety initiatives, such as police enforcement to keep motorists safe on the roads this Christmas holiday period.

During the holiday period I encourage people to be safe on our waterways. As I have said in this House a number of times, a lifejacket cannot save your life if you are not wearing it. New lifejacket legislation was introduced at the beginning of the last boating season, making it compulsory for recreational boaters to wear a lifejacket when they are in situations of heightened risk. Skippers and boaters need to take care when out on the water, and be aware that wearing a lifejacket is now not only the law but will dramatically increase their chances of survival in a boating incident. I ask all members of the House to spread these road and waterway safety messages, and encourage family and friends to make the safer choice—take a break, do not drink and drive, and buckle up or wear a lifejacket.

ELECTRICITY ASSETS SALE

The Hon. ADAM SEARLE: My question is directed to the Leader of The Nationals. Why have The Nationals sold out regional New South Wales and agreed to privatise electricity assets?

The Hon. DUNCAN GAY: I thank the honourable member for his question. It is so much an own goal. The Nationals stuck to an election promise. Compare that with that dodgy lot over there. The failed former member for Monaro, sitting on the losers lounge, tried to do all those backdoor deals. I compare members opposite to their friend Julia in Canberra. Julia went to the electorate and said there will not be a carbon tax. Barry O'Farrell and Andrew Stoner went to the election with a policy that we will not sell the poles and wires. Despite a lot of pressure—and quiet pressure from members of the Labor Party in the corridors, "There's a deal for you; take it while you can get it; we didn't do it, but it would be a great deal"—we were honourable. We stuck by an agreement that we put to the people of New South Wales, despite pressure from the Labor Party, its mates and lots of other people to do a deal that would have been against our election policy. This Government stuck by its election policies. The Hon. Steve Whan would not know what honour is about. Breakfast at Tiffanie's is more his style.

ILLAWARRA COAL SEAM GAS EXTRACTION

The Hon. JEREMY BUCKINGHAM: My question without notice is directed to the Minister for Finance and Services, and Minister for the Illawarra, representing the Minister for Planning. On Monday this week the Government approved drilling of another coal seam gas exploration well in the special water catchment area on the Illawarra Plateau. Will the Minister explain to the 4.5 million people in the Sydney, Illawarra and Blue Mountains whose water supply he is putting at risk why he does not support a prohibition of coal seam gas mining in these most sensitive drinking water catchments?

The Hon. Dr Peter Phelps: Point of order: My point of order relates to argument in the question. The argument is that the implication that drilling of a single well would put the water resources of the Sydney Basin at risk. The question is out of order, and should be ruled as such.

The Hon. GREG PEARCE: In the spirit of the forthcoming season, I will be gentle with the Hon. Jeremy Buckingham, because he will have to shave off his mo in a couple of days. I want to congratulate him. No matter how ridiculous he looks, no matter how much scorn and ridicule was heaped on him, the Hon. Jeremy Buckingham has stuck with it for the whole of the month to date.

The Hon. Cate Faehrmann: Point of order. The question was about coal seam gas exploration wells. It has nothing to do with the Hon. Jeremy Buckingham's moustache. I ask that the Minister be directed to make his remarks relevant to the question.

The PRESIDENT: Order! It is hard to disagree with the Hon. Cate Faehrmann's point of order, entertaining though the Minister has been. I remind the Minister of the need for him to be generally relevant. The Minister has the call.

The Hon. GREG PEARCE: I suggest, with respect, that the member directs his questions to John Robertson who, as Minister, approved the coal seam gas exploration licences—

The Hon. Steve Whan: That is not true; you are wrong.

The Hon. Trevor Khan: Who was it?

The Hon. Steve Whan: It was me.

The Hon. GREG PEARCE: And if he does not want to address his question to John Robertson, he can ask the Hon. Steve Whan, who has just proudly acknowledged that he approved these exploration licences.

The Hon. Jeremy Buckingham: Point of order: Relevance. The question related to this Government approving a coal seam gas well this week. It had nothing to do with the previous Government's abysmal record on coal seam gas. It is the present Government's abysmal record on coal seam gas that I am interested in.

The PRESIDENT: Order! The member is not taking a point of order; he is making debating points. The Minister was being generally relevant.

The Hon. GREG PEARCE: The member can direct his question to Ian Macdonald, if he can get him out of the restaurant or the Independent Commission Against Corruption rooms. He had better do it fairly quickly because we know what happens when people go to the commission—I will not go any further with that. I do suggest that he is much better at the Independent Commission Against Corruption than at restaurants or in five-star hotels, but I know that there is a long queue on the other side to follow Ian Macdonald, to pick up his restaurant orders—

The Hon. Jeremy Buckingham: Point of order: Relevance. The Independent Commission Against Corruption inquiry into Ian Macdonald has nothing to do with my question. The question related to the drinking water supply of 4.5 million people in New South Wales and I think the Minister should answer it—he should at least have a go.

The PRESIDENT: Order! I thank the Hon. Jeremy Buckingham for his point of order with respect to relevance. I remind members that they should not make debating points while taking a point of order. The Minister was starting to stray. I remind him of the need to be generally relevant.

The Hon. GREG PEARCE: I suggest that the member have a discussion with Stephen Jones, the Federal member of Parliament, who has been promoting coal seam gas exploration in the Illawarra.

AUSTRALIAN CRIME AND VIOLENCE PREVENTION AWARDS

The Hon. MARIE FICARRA: My question is directed to the Minister for Police and Emergency Services. Were there any winners from New South Wales in the Australian Crime and Violence Prevention Awards for 2011?

The Hon. MICHAEL GALLACHER: It is a credit to our State that there were three national winners from New South Wales in this year's awards and nine State and Territory winners from New South Wales—a magnificent achievement by any standard. The Australian Crime and Violence Prevention Awards are designed to reward better practice in the prevention and reduction of violence and other types of crime in Australia, to encourage public initiatives and to assist governments in identifying and developing practical projects that will reduce violence and other types of crime in the community.

The annual awards are sponsored by the heads of Australian governments and members of the Standing Council on Police and Emergency Management as a joint State and Territory initiative. The Australian Institute of Criminology co-ordinates the awards and the national recipients were awarded in Canberra on 25 October. Each State or Territory then presents awards to recipients from within their jurisdiction. I am therefore delighted to be awarding the State recipients this week in State Parliament.

The 2011 national award winners include the Domestic Violence Intervention Program run by Corrective Services New South Wales, which received a national certificate. This program aims to reduce reoffending of domestic violence perpetrators and enhance the safety of their families. A research study conducted to evaluate the program made preliminary findings that reoffending was significantly diminished in program participants. The Burbangana Zoo Awareness Program run by Taronga Zoo was awarded \$10,000 and a national certificate. This creative initiative utilises Taronga Zoo and working with animals to increase a sense of belonging, connection to culture and improved social cohesion for young Indigenous people, which has resulted in reduced levels of violence, antisocial behaviour and serious offending.

Of particular interest to my portfolio, Strike Force Piccadilly II—a partnership between the New South Wales Police Force and institutional partners in automatic teller machine [ATM] crime prevention—was awarded a national meritorious police award. Strike Force Piccadilly II involves two key components: NSW Police Force measures to detect and incapacitate offenders, especially criminal gangs involved in gas attacks on automatic teller machines, and proactive countermeasures such as gas detection and disabling equipment, bollards, improved automatic teller machine locations and forensic assistance by the project's private partners.

These measures were developed through regular and productive meetings and intelligence sharing between agencies. All partners participated in the project equally and provided funding. The long-term goals of Strike Force Piccadilly II are to ensure the physical security of automatic teller machines and to maximise primary situational prevention measures. The strike force has been highly successful in maintaining the gains of Strike Force Piccadilly I in almost eliminating automatic teller machine ram raids, minimising other attacks on automatic teller machines and virtually eliminating gas attacks. I particularly want to thank the industry partners who have demonstrated that a well-orchestrated project with committed participation can achieve great things.

Those State-winning programs in New South Wales also represent hardworking community groups dedicated to the task of reducing crime and violence in our community. I am proud to announce the award winners. New Pathways Residential Treatment Program run by Youth Off the Streets was awarded \$3,000 and a certificate of merit. This program offers residential treatment to adolescent males with serious sexual behaviour problems, aiming to minimise the risks that their behaviour may pose to others in the community. The Love Bites Domestic and Family Violence and Sexual Assault Program run by Centacare of New England North West was awarded \$2,000 and a certificate of merit. This program is presented to high school students in years 9 and 10 to provide an opportunity to learn and develop strategies to deal with domestic violence. [*Time expired.*]

The Hon. MARIE FICARRA: I ask a supplementary question. Could the Minister elucidate his answer?

The Hon. MICHAEL GALLACHER: The INSPIRE—mentoring young people at risk—project conducted by Shire Wide Youth Services was also awarded \$2,000 and a certificate of merit. This program

offers mentoring to young people by volunteers from the community to develop safe and trusting relationships in order to support them in making meaningful law-abiding decisions about their future. The Family Matters Program, offered by Karitane in partnership with the Department of Juvenile Justice, was another worthy winner of \$2,000 and a certificate of merit. The Muslim Youth and Police Partnership Program is another project in which I am sure all members would have great interest. This program was awarded \$1,000 and a certificate of merit. It is aimed at breaking down negative stereotypes and increasing trust between the Muslim community, police and services workers—the harmony that we all crave to be fostered in our community.

Sutherland Shire Council has taken out an award of \$1,000 and certificate of merit for the Graffiti Hotspot Reduction Project, "Crime Prevention through Environmental Design". The Rotary Club of Blacktown City received \$1,000 and a certificate of merit for COM4unity—Connecting Our Minds for Unity—which is a program to reduce antisocial behaviour. The New South Wales Government Justice Health connections project also received a certificate of merit. They are all worthy award winners. I thank honourable members for their generosity in allowing me to spend a little more time on this; I think it is worthy of putting on to the record and I am sure all members will congratulate the award winners this year.

M4 EAST FUNDING

The Hon. CATE FAEHRMANN: My question is directed to the Minister for Roads and Ports. Has the Minister had any discussions with the head of Infrastructure NSW regarding the prioritisation of the M4 East? If so, what was the nature of those discussions?

The Hon. DUNCAN GAY: I thank the honourable member for her question, which is a very good question. The short answer is yes, I have had discussions with Nick Greiner—on a number of matters.

The Hon. Greg Donnelly: Did you say Nick Greiner?

The Hon. DUNCAN GAY: He is the Hon. Nick Greiner and an honourable man as well.

The Hon. Amanda Fazio: Now you are misleading the House.

The PRESIDENT: Order! I call the Hon. Amanda Fazio to order for the first time.

The Hon. DUNCAN GAY: I have had meetings with Nick Greiner and Paul Broad with respect to a number of matters to do with infrastructure. They are doing a great job and are terrific appointments in the area. It will come as no surprise to the member who listens to what is happening in the State, compared with some others sitting on the benches alongside her, that the Government has indicated six important areas need to be addressed. It will ask Infrastructure NSW to select the first of those projects. One of those projects was the project mentioned by the member. Obviously the Government has had discussions along those lines.

POLICE DEATH AND DISABILITY SCHEME

The Hon. STEVE WHAN: I direct my question to the Minister for Police and Emergency Services. Will the Minister confirm that the private insurance contract that the Government is seeking to sign off on for police will be only for one year?

The Hon. MICHAEL GALLACHER: Again I make the observation, as I did yesterday, that this matter is currently before the chair. Be that as it may, the Government is in the middle of quite extensive discussions—particularly over the past few days—with the Police Association. I can assure members that if they have any questions in relation to those negotiations or to the bill they will receive exactly the same answer.

INFORMATION AND COMMUNICATIONS TECHNOLOGY

The Hon. DAVID CLARKE: I address my question to the Minister for Finance and Services. Will the Minister update the House on what action the Government is taking to make New South Wales the leader in information and communications technology?

The Hon. GREG PEARCE: The New South Wales Government is putting New South Wales citizens first by returning quality services and putting the customer at the heart of service design. Advances in information and communications technology offers enormous opportunities to improve service delivery and

increase productivity. For that reason the Government has elevated information and communications technology strategy and policy to the front and centre of its agenda. I have already informed the House of the steps the Government has taken to transform information and communications technology in this State. The Government has established an information and communications technology board made up of key directors-general, elevating information and communications technology to the top of government decision-making.

The Government has set up an information and communications technology leadership group, where the Government's chief information officers and deputy directors-general meet to coordinate and implement information and communications technology across government. The Government has also established an industry advisory panel made up of some of the top minds in information and communications technology in the country to provide strategic advice. Today I can announce the next stage in the development of the Government's information and communications technology agenda, with the release of the draft information and communications technology strategic framework.

The draft framework underpins the Government's direction for information and communications technology in New South Wales, driven by the overarching goal of making New South Wales the leader in information and communications technology. Under this framework lie three sub-goals. Firstly, the Government wants to make it easier for New South Wales citizens to interact with government. New South Wales citizens are tech savvy and we need to keep abreast of the way they are using technology to interact in the community. We then need to provide the means for them to interact with the Government in the same way.

Secondly, the Government wants to harness the opportunities provided by information and communications technology to improve government operations. To do this we need to provide agencies with the necessary tools to make informed and targeted information and communications technology investments, to minimise waste, maximise efficiency, improve capabilities and, in turn, provide better service offerings to citizens. Thirdly, the Government needs to develop the industry in New South Wales by providing the environment for businesses to invest in New South Wales, and we are working closely with the Deputy Premier on this.

The purpose of the draft strategic framework is to overcome the lack of action over the last 16 years in information and communications technology under Labor. New South Wales suffered from a lack of direction and whole-of-government coordination, which led to disjointed investment, duplication and waste. The Government is focused on improving service delivery across government, increasing productivity and making more efficient investment in information and communications technology. Underneath these core themes is a series of key service delivery capabilities, which articulate the areas the Government believes are necessary to be focused on to drive the outcomes we need. These include citizen-focused services, better information sharing, services any time anywhere, community and industry collaboration, and managing performance.

Those key service delivery capabilities are vital as they form the basis of the working groups made up of government, industry and the research sector, which will assist the New South Wales Government to improve performance in the key areas and projects to be undertaken. This will come in the form of implementation plans, which will be due in the first quarter of next year. The draft information and communications technology strategic framework has been developed by key stakeholders in government and industry through the new information and communications technology governance structure. I strongly urge all interested people to visit the Government's online consultation forum at www.haveyoursay.nsw.gov.au/ict and provide input on how we can make New South Wales the leader in information and communications technology.

SHARK PATROLS

The Hon. PAUL GREEN: I address my question without notice to the Minister for Roads and Ports, representing the Minister for Primary Industries. As the summer holidays are approaching and an increased number of citizens are expected to use New South Wales beaches—especially the best beaches in New South Wales, which are found in the Shoalhaven—will the Minister inform the House what services, in addition to the netting program, will be in place to reduce shark attacks on beach users? What specific aerial patrols are to be included in shark surveillance?

The Hon. DUNCAN GAY: I thank the member for his question—

The Hon. Steve Whan: You announced the policy.

The Hon. DUNCAN GAY: I announced a policy because the previous Government was a policy-free zone in this area. Nothing was happening in this area. One could hear the *Jaws* theme song whilst wandering throughout the State.

[Interruption]

Yes, that was the sound heard right across the State. The shark patrol that operates out of the Illawarra airport at Albion Park, near where the member lives, is one of the best in the State. It is partly voluntary and community funded, and has also had government funding. In that question the member is acknowledging his community and the great organisation that operates there. I do not know the detail required in the question so I will refer it to my colleague in the other place.

The Hon. Steve Whan: The aerial shark patrol in the—

The Hon. DUNCAN GAY: Those opposite know the name of it, but were never prepared to fund it. I will refer the question to the Minister for Primary Industries for a detailed answer.

POLICE DEATH AND DISABILITY SCHEME

The Hon. SOPHIE COTSIS: I direct my question to the Minister for Police and Emergency Services. Given that more than 5,000 police marched against the Government's policies on Tuesday and the Minister's subsequent statement to the Chamber, "I am doing everything that the police have asked me to do", will the Minister heed the wishes of police and re-engage in formal negotiations without the threat of this complex bill being rushed through Parliament?

The Hon. MICHAEL GALLACHER: From the very outset I indicated to the Police Association that the Government has a plan of action in addressing the problematic bill or problematic legislation of the previous Government—

[Interruption]

The Government intends to fix the problematic legislation that those on the other side ignored for years. The Government has done everything that has been asked of it in relation to its preparedness to sit down with the Police Association and work through where changes can be made. The Government has continued to act in good faith, as the Police Association has asked, and it will continue to do so. What galls those opposite is that they did not have the ability, the courage or the intellectual rigor to sit down and look at fixing its own legislation. What galls those opposite is that the Government is prepared to sit down the union, and continues to sit down with the union, to achieve a positive outcome. That is what galls them. What will also gall those opposite is that it will fall to this Government to fix the neglect they put in place, which put police officers at risk. I want the legislation finalised.

PLAY SAFE, STAY SAFE CAMPAIGN

The Hon. RICK COLLESS: My question is directed to the Minister for Police and Emergency Services. What is the NSW Police Force doing to educate the people of New South Wales about keeping safe over the summer months?

The Hon. MICHAEL GALLACHER: I thank the member for his interest in this important issue. Warmer weather and summer holidays give us the opportunity to take part in a host of leisure activities outside the home, whether it is fishing in a tinny, catching waves at the beach, Christmas shopping, driving across the State to visit relatives or wining and dining with friends. These are great ways to spend one's leisure time but they are not without risk. I will not say that we are a nanny State; nor are our police the fun police. However, we need to draw to the attention of the public the need to ensure that there is a public education campaign about being safe in our community. The police initiative is called "Play Safe, Stay Safe" and it is aimed at reminding people to think ahead and plan wisely when pursuing their summertime leisure activities.

Introducing the campaign, Commissioner Scipione said that the summer safety messages are not just aimed at young people but are for everyone. Nor is the campaign just about advising people about overindulging in alcohol but, rather—to quote the commissioner—"making good decisions to avoid putting yourself, your family or your friends in danger. It's about enjoying yourself without the burden of regret". The results of risk

taking and making poor decisions in summer pursuits can lead to injury and, sadly, death. The theme of the Play Safe, Stay Safe campaign is plan ahead, talk to your family and friends about what you are doing and where you are going. You can have fun without putting yourself or others in dangerous situation.

In the coming months police will be focusing on formals and schoolies, boat safety and rock fishing, beach safety and security, road safety, shopping security, including skimming scams and bag snatchers, holiday home security, hot weather issues such as children and pets left unattended in cars—I am sure the Hon. Walt Secord is interested in that issue—and fire risks. The Play Safe, Stay Safe messages will be delivered through YouTube and social media means. The commissioner has asked television and radio stations across the State to run his message as public service announcements. I strongly endorse this request. I ask all electronic media outlets to do the right thing and join the NSW Police Force in reminding their viewers and listeners to be careful and plan ahead in their summer leisure activities.

The message of the campaign is: As the warm weather approaches, look after yourself and those you care about. It is a simple message but it is all-too-often forgotten as we see every year reports of largely avoidable summer tragedies, such as boating accidents, children drowning in backyard pools, families killed in head-on collisions, bushfires caused by someone's carelessness, teenagers bashed during drunken fights and so on. In conclusion, I quote the following sobering words of Commissioner Andrew Scipione:

All too often my officers prepare reports for the Coroner about motorists who have died in crashes, people who died through misadventure, or those who have made the wrong decision.

At this time of the year, with the warm weather, we should be enjoying ourselves and experiencing the great State we live in, not enduring heartache and mourning the loss of our family and friends.

The New South Wales Liberal-Nationals Government fully supports police in this important campaign. I am sure that all members strongly endorse the commissioner's sensible message of "Play Safe, Stay Safe".

SPECIAL EDUCATION SERVICES

Dr JOHN KAYE: My question is addressed to the Minister for Roads and Ports, representing the Minister for Education. Are there any plans to reduce or remove the funding for, or in any way effect the provision of, specialist language classes that currently cater for children who have the lowest 2 percentile of language ability in the State? If so, will the Minister tell the House how many such classes will be affected in 2012 and in which areas of New South Wales, and why they are being removed?

The Hon. DUNCAN GAY: I was hoping Dr John Kaye would ask this question. However, I thought he would have asked it yesterday. Schools have been advised that current specialist services and programs in special education will continue to operate from the start of the 2012 school year. The national partnership was announced earlier this year by the Australian Government and will operate throughout each State and Territory during 2012 and 2013. New South Wales is currently finalising with the Australian Government a national partnership that will mean more support for students with disabilities. The national partnership is a significant initiative that will benefit students with disabilities across the State. Further announcements about support for students with disabilities will be made once our national partnership agreement is finalised with the Australian Government. Again I thank the member for asking this question about a matter of such importance to people who need our help.

POLICE ASSOCIATION INDUSTRIAL ACTION

The Hon. LYNDIA VOLTZ: My question is addressed to the Minister for Police and Emergency Services. Does the Minister stand by the comment of the Minister for Finance and Services that only 500 police officers attended the rally outside Parliament House on Tuesday.

The Hon. MICHAEL GALLACHER: I was not in a position to count them so I have no number in mind in relation to the rally.

The Hon. Sophie Cotsis: It's a Minister for Finance and Services question.

The Hon. MICHAEL GALLACHER: He is in charge of finance because he can count.

CRITICAL MASS DEMONSTRATION

The Hon. SCOT MacDONALD: My question is directed to the Minister for Roads and Ports. Will the Minister update the House on the traffic impacts that the critical mass cycle protest are expected to have on traffic tomorrow evening?

The Hon. DUNCAN GAY: Towards the end of a busy working week—a week where traffic congestion has been made worse by inclement weather—a group of protesters calling themselves cyclists—but who are, quite frankly, anarchists—have decided to hold a protest by riding their push bikes across the Harbour Bridge during peak hour traffic. The cyclists call this event the Critical Mass Harbour Bridge Ride—"critical" being the operative word. The event will be critical to Sydney motorists wanting to get home to their loved ones at a reasonable hour after a long week at work. It will be critical to the tens of thousands of bus commuters wanting to travel across the bridge. It will place critical pressures not only on our city roads but also on our train and ferry networks. The New South Wales Government is not critical of the public's right to protest. We are not critical of people's love of cycling. Nor are we saying that cycling is not a viable mode of transport. However, this event is nothing less than an act of pure bastardry—an act of anarchy.

Hordes of critical mass protesters will spill out of Hyde Park before invading central business district streets at approximately 6 o'clock on Friday night—the height of peak hour traffic. They will cause significant traffic disruptions on Market Street, George Street, Park Street, Elizabeth Street and Macquarie Street in the process of clogging city roads. The protesters will then ride their bikes onto the Cahill Expressway and across all four northbound lanes of the Harbour Bridge. Their arrogance is staggering, along with that of The Greens, who support this anarchy. This is the type of action that their North Korean masters like. The protesters will finally exit onto the Pacific Highway and then proceed along Blue Street and Miller Street before finishing at North Sydney Oval. Their actions remind me of a famous quote:

The whole problem with the world is that fools and fanatics are always so certain of themselves but wiser people are so full of doubts.

I doubt whether the police, who will be doing their best to reduce congestion during the protest by escorting these fools, will be able to prevent major traffic delays. I doubt that hardworking bus, ferry and rail workers will be able to ease the growing frustrations of motorists and commuters brought about by the actions of these fanatics. I have asked the Director General of Transport for NSW to investigate whether there is anything we can do to prevent this kind of action in the future. I encourage people to utilise public transport tomorrow afternoon and allow extra time for travel, and on behalf of the critical mass protesters I apologise to commuters and motorists for any disruptions that their actions may cause tomorrow. Ironically, this financial year the New South Wales Government is providing more than \$31 million in funding towards cycling programs, and a significant proportion of this funding will be allocated to Sydney streets.

FEMALE DRINK-DRIVING

Reverend the Hon. FRED NILE: I ask the Minister for Police and Emergency Services, representing the Minister for Health, a question without notice. Is it a fact that drink-driving convictions of young female drivers in New South Wales have jumped dramatically to 21,776 in 2010-2011 compared with only 17,317 drink-driving convictions of male drivers, who constitute the majority of drivers? What action is the Government taking to reduce the number of female drink-driver driving convictions? Will the Minister increase the legal drinking age to 21 years?

The Hon. MICHAEL GALLACHER: I have nothing before me that specifically addresses the issues that the member has raised. I can talk about drink-driving in general, but I will take the question on notice and refer it to the Minister and get a suitable answer as quickly as possible.

CYBER CRIME

The Hon. SHAOQUETT MOSELMANE: My question is directed to the Minister for Finance and Services. Given that a cyber strike launch from outside the United States of America has hit a public water system in Illinois, can the Minister tell us what plans are in place to prevent similar attacks on critical New South Wales infrastructure?

The Hon. GREG PEARCE: The last time I looked, Illinois was not in New South Wales.

SUPERANNUATION AND STATE FINANCES

The Hon. MATTHEW MASON-COX: My question without notice is directed to the Minister for Finance and Services. Can the Minister inform the House of the findings of the Auditor-General with respect to superannuation and the State's finances?

The Hon. GREG PEARCE: I thank the Hon. Parliamentary Secretary for his great interest in these matters. If those opposite had actually looked after the State's finances over the past 16 years, we would not have received such a concerning report. This first report of the Auditor-General received by us in government paints a very sorry picture of what the previous Government did with the State's finances. I can inform the House that volume 5 of the Auditor-General's report to Parliament of 2011 advises that the main defined benefit superannuation funds had an unfunded liability of more than \$20 billion. It states that the unfunded superannuation liabilities continue to pose significant challenges for the Government and recommends that Treasury consider consolidation and restructure of superannuation administration. It further recommended that New South Wales consider the financial reporting consequences of new accounting standards due in 2014.

The current funding arrangements are designed to achieve full funding of superannuation liabilities by 2030. Funding levels are reviewed every three years following the triennial actuarial review for State Super. Consolidation and restructure of superannuation administration will be considered following the passage of Commonwealth legislation associated with the Cooper review of superannuation. New South Wales has been considering the impact of new accounting standards and has been corresponding with the Australian Accounting Standards Board over the potential impact. Volume 3 of the Report to Parliament on the 2010-2011 State Sector Accounts was even more concerning. As a result of 16 years of Labor Government, the quality and timeliness of financial reporting continues to concern the Auditor-General. The Auditor-General stated in his report to the Government:

Last year with almost half of all Government agencies delivering late financial information to Treasury and there was no reduction in the number of errors.

He further stated:

I am encouraged that agency weathered the accounting perfect storm created by the former Government with the financial reporting process occurring at the same time as the Budget process and following significant agency restructures.

He also went on to state:

However I am concerned that the New South Wales Government, as an entity as large as any organisation listed on the Stock Exchange, employing more than 380,000 people with assets over \$290 billion, and annual revenue of over \$65 billion, does not have appropriate financial systems and processes to deliver quality and timely financial statements.

This is what the Auditor-General said in relation to the last financial year, the last year that the mob over there had responsibility for financial mismanagement in this State. The Auditor-General concluded:

It is important the Government maintains fiscal discipline if it wishes to hold on to its existing credit rating.

This is a problem that this Government inherited from the previous Government. After 16 years of Labor we are in a position wherein the Auditor-General can give qualified advice only on the State's finances. The Labor Government's mismanagement of the State's finances was a disgrace and it has hurt the people of New South Wales. The O'Farrell Liberal-Nationals Government is committed to transparent, competent and responsible financial management. We will ensure that the 16 years of neglect and mismanagement of the past are replaced with good financial management, responsibility and transparency.

COMMUNITY AND GOVERNMENT ENGAGEMENT

The Hon. JAN BARHAM: My question without notice is directed to the Minister for Police and Emergency Services, representing the Premier. In acknowledgement of the importance of goal 32 of the State Plan to enhance community engagement with the Government through the use of a customer-friendly website, can the Minister provide information on what has been achieved in relation to this important goal or what time line is envisaged for the completion of this service? Will the website provide easy access to information about all current Government calls for submissions?

The Hon. MICHAEL GALLACHER: Obviously the member's question is deserving of a fairly detailed response, because we are talking about all of government, not just one or two specific areas. I remind

members of the discussion held a few months ago about the Eyewatch project, which falls within my areas of responsibility. Sadly, I probably will not be in a position this week to update members about its progress, suffice it to say that the figures in relation to it are phenomenal. There is a real appetite out there for the public wanting to engage with governments of all persuasions. In terms of the view of the electorate, it is for governments to realise that the traditional methods of communicating with people are probably not as relevant now as they were, and the requirement for communicating a speedy response to inquiries has changed. Things have most certainly sped up quite considerably. This technology is really the way to go.

The Hon. Penny Sharpe is obviously enjoying question time because of the fact that she now knows more than she did before she came into the Chamber today, and given that question time still has 10 minutes remaining, she will be able to take in even more information. This website is about imparting such information to the public as well. I am more than happy to refer the question to the Premier to get a whole-of-government response as soon as possible. I thank the member for raising this matter.

WARRELL CREEK TO URUNGA BYPASS

The Hon. PETER PRIMROSE: My question is directed to the Minister for Roads and Ports. Given that many Nambucca Heads residents sold their homes on the basis of an assessment and review in 2006 for the Warrell Creek to Urunga bypass, why is the Government causing these same residents added and undue stress by conducting another review of an alternative route that may impact their new homes?

The Hon. DUNCAN GAY: What distinguishes our Government from the previous Labor Government is that we actually listen to communities. When communities raise concerns, we address those concerns. If those concerns relate to the Berry bypass or—

The Hon. Matthew Mason-Cox: The Queanbeyan bypass.

The Hon. DUNCAN GAY: Yes, the Queanbeyan bypass. When such concerns are raised, we carefully analyse and address them. We are doing that right across the State, and that particular situation is no different from any others. Members opposite would not understand that. When they actually did something—and that was not very often; there was a sad lack of infrastructure and development in the State—they did not listen to anyone. They ignored people. Whether they were approving coal seam gas projects, coalmines licences or whatever, they did not listen to anyone. Unlike Labor, we listen to people.

The Hon. PETER PRIMROSE: I ask a supplementary answer. In light of the Minister's express concern about the need to listen to residents, can he elucidate on how he manages concerns with the Bangalow bypass?

The Hon. DUNCAN GAY: That is a different question.

STATE EMERGENCY SERVICE

The Hon. NATASHA MACLAREN-JONES: My question is addressed to the Minister for Police and Emergency Services. Will the Minister inform the House about the operations of the State Emergency Service this storm season?

The Hon. MICHAEL GALLACHER: In the New South Wales State Emergency Service we have one of the most versatile, professional and busy volunteer services in the nation. Its training has been put to the test over the past year with State Emergency Service volunteers contributing an extraordinary 549,000 hours to respond to floods, storms and other disasters, and it looks as though the 2011-12 storm season will also keep our State Emergency Service volunteers hard at work. Indeed, 132 severe thunderstorm warnings have been issued within the State of New South Wales since the start of the storm season and most parts of the State have been within the warning area, experiencing heavy rain, damaging wind and hailstorms.

Around 10,000 New South Wales State Emergency Service volunteers stand ready to respond to requests for assistance, and a total of 930 requests for assistance for storm damage have been received since the beginning of the storm season on 1 October 2011. State Emergency Service volunteers have also contributed more than 8,000 hours of work during this period. This has meant that our volunteers have been kept busy responding to many calls for assistance completing flood rescues and extricating people from motor vehicles, as well as helping communities prepare by laying tarpaulins and spreading public awareness messages.

I have only briefly outlined the tremendous efforts completed so far by State Emergency Service volunteers during times of severe storms affecting the community of New South Wales. With the La Nina weather patterns expected to persist throughout the summer months, the communities of New South Wales will remain at significant risk of being impacted by severe thunderstorms for the next four months. However, Commissioner Kear assures me that New South Wales State Emergency Service volunteers stand ready. They are prepared to respond swiftly to any area that is hit by storms or floods. In New South Wales the wonderful men and women who are the heart and soul of our State Emergency Service prove time and time again their ability to adapt and respond to disasters and emergencies. The resilience of our communities—despite being battered by rain, hail and wind—also makes us proud. I commend them for their ongoing work.

MINISTER FOR FINANCE AND SERVICES, AND MINISTER FOR THE ILLAWARRA

The Hon. AMANDA FAZIO: My question is directed to the Minister for Finance and Services. How can the people of New South Wales be confident that the Finance portfolio is in good hands when the Minister has demonstrated that he cannot tell the difference between 500 and 5,000?

The Hon. GREG PEARCE: Normally when we have demonstrations and crowds we can rely on police to count the numbers but on this occasion they were exercising their democratic right, and we respect them for that. When I counted them, I did not get much more than 500. That is consistent with another rally conducted earlier in the year at which it was suggested that 20,000 would attend, but the number was only about 2,000. It has been recorded in all the news reports. The honourable member did not actually suggest a number. Maybe she could come up with the number she counted if she did not see more than about 500. As I have said, I am very pleased that the police were able to exercise their democratic right—

The Hon. Amanda Fazio: Point of order: The Minister is misrepresenting me. I did not say there were 500. I agree with the press reports that there were 5,000.

The PRESIDENT: Order! The member knows that that is not a point of order; it is a debating point.

The Hon. Amanda Fazio: I am sorry, Mr President, it is just that I was at the rally and I had my glasses on.

The Hon. GREG PEARCE: But the member could not count. While we are talking about numbers, what about Robbo, Mr 13 Per Cent? Members opposite have stopped talking about the Clarence by-election, at which they regularised their vote—

The Hon. Luke Foley: Point of order: My point of order is relevance. The Minister is straying on to material that is clearly irrelevant to the question.

The PRESIDENT: Order! The Minister was straying from the subject matter. While the Minister is permitted some generality, the substance of his answer should be relevant.

The Hon. GREG PEARCE: The question asked me about counting and numbers. They got 28 per cent in Clarence—fantastic. They regularise their vote around the State and that is because they are led by Robbo, who is also the shadow Minister for the Illawarra.

The PRESIDENT: Order! The Minister knows that he should refer to the Leader of the Opposition by his correct title.

The Hon. Luke Foley: Point of order: The Minister is now straying well beyond permissible generality. His sledging of the Leader of the Opposition not only is in breach of the standing orders but also is irrelevant to the question.

The PRESIDENT: Order! The Minister is reminded of the need to be generally relevant in his answer.

The Hon. GREG PEARCE: Before concluding my answer, I thank my staff for their superhuman efforts before and after we won government. I thank all the public servants who have supported us during the year.

The Hon. Adam Searle: They deserve a gold star.

The Hon. GREG PEARCE: They deserve a gold star; I agree with the Hon. Adam Searle. I want to particularly thank all the staffs of the Parliament. I compliment the Hansard staff on their Christmas decorations on level 8. If members have not had a look at the light show up on level 8, they have missed something very special. Robbo was at the police forum, just as he was down in the Illawarra the other day. The following article headed "Robbo brings his gas bag into the Illawarra" appeared in Friday's *Illawarra Mercury*— [Time expired.]

COAL AND GAS EXPLORATION

The Hon. JEREMY BUCKINGHAM: My question without notice is directed to the Minister for Roads and Ports, representing the Minister for Resources and Energy. Earlier this week the Nature Conservation Council of New South Wales released a report entitled "Icons under Threat", which details seven critical natural areas at risk from mining and gas projects currently under development or assessment in New South Wales. One of these areas is the Leard State Forest north of Tamworth, which is facing three separate coal projects. Does the Government recognise that if these projects are allowed to proceed, 3,500 hectares of forest, including vast areas of the critically endangered box gum woodland ecological community, will be lost, destroying the habit of 34 threatened native species?

The Hon. DUNCAN GAY: I am not aware of that particular report but I am aware of the work of Pepe Clarke from the Nature Conservation Council.

[Interruption]

The member might not know who the head of the Nature Conservation Council is, but I do.

The PRESIDENT: Order! The Minister will ignore interjections and continue with his answer.

The Hon. DUNCAN GAY: Pepe Clarke was most considerate and generous in his praise of my modest contribution to policy development before the State election when we put together a strategic lands policy. The losers on the loser's bench over there could not put anything together so that we had 16 years of inaction. If I had time I was hoping to take you through my achievements in roads and transport but I suspect the Leader of the Government believes that time is expired.

The Hon. MICHAEL GALLACHER: I suggest that if members have further questions, they place them on notice.

SEA LEVEL RISE

The Hon. MICHAEL GALLACHER: On 20 October 2011 the Hon. Robert Brown asked the Minister for Police and Emergency Services, representing the Minister for the Central Coast a question regarding the sea level rise. The Minister for the Central Coast has provided the following response:

This question should be directed to the Minister for Planning.

BUS VANDALISM

The Hon. MICHAEL GALLACHER: On 20 October 2011 the Hon. Paul Green asked the Minister for Roads and Ports, representing the Minister for Transport, a question regarding bus vandalism. The Minister for Transport has supplied the following response:

Any form of graffiti or vandalism on State Transit buses is not tolerated. State Transit has a strategy of early detection and rapid removal of graffiti, including etching, before the problem has built up. This has proven to be a very effective way of reducing the impact of graffiti.

State Transit works closely with the NSW Police Force, schools, other concerned government agencies, and the community to reduce incidents of etching and other forms of vandalism and graffiti.

State Transit buses are routinely checked for vandalism by State Transit bus drivers as part of their pre-departure checks. When State Transit receives reports of vandalism from its drivers or from members of the public, the CCTV video from the bus is downloaded and examined. State Transit is able to send copies of etchings and tags to the police for their use as required. Where offenders are identified as

school students, State Transit staff visit the schools concerned to identify the offenders and issue the appropriate infringement penalty notices.

In a joint initiative between the NSW Police Force and State Transit uniformed police randomly board buses and check for anti-social behaviour, including etching occurrences. When major instances of graffiti are found on buses operating on school services, State Transit works in closely with individual schools to address the issue.

State Transit also fits protective film onto the back windows of its buses to minimise etching and to enable easy removal of etchings.

GIRRAWEE VEGETATION DAMAGE

The Hon. DUNCAN GAY: On 23 November 2011 the Hon. Penny Sharpe asked the Minister for Roads and Ports a question regarding Girrawee tree removal. The Minister has provided the following response:

I am advised that following this error, there was zero impact to the call centre, with minimal calls received.
BACKGROUND:

The call centre does not log the exact number of wrong calls received.

'Minimal' was asked to be quantified—but unfortunately it can't be as staff today on the floor claimed to have received no calls about this matter, but there may be some staff not on the floor today who did receive calls.

Questions without notice concluded.

CHILDREN (EDUCATION AND CARE SERVICES) SUPPLEMENTARY PROVISIONS BILL 2011

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

DEPARTMENT OF THE LEGISLATIVE COUNCIL

Report

The President tabled the annual report for the Department of the Legislative Council year ended 30 June 2011.

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

DEPARTMENT OF PARLIAMENTARY SERVICES

Report

The President tabled the annual report of the Department of Parliamentary Services for the year ended 30 June 2011.

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

TABLING OF PAPERS

The Hon. Greg Pearce tabled the following papers:

- (1) Annual Reports (Departments) Act 1985—Reports for year ended 30 June 2011:

Board of Studies and Office of the Board of Studies
Department of Attorney General and Justice
Department of Family and Community Services—Volumes 1, 2 and 3
Department of Finance and Services
Department of Transport
Fire and Rescue NSW
Judicial Commission of New South Wales
New South Wales Crime Commission
New South Wales Rural Fire Service
NSW Businesslink Pty Ltd
NSW Police Force
State Emergency Service.

- (2) Annual Reports (Statutory Bodies) Act 1984—

- (a) Report of Wild Dog Destruction Board for year ended 31 December 2010

(b) Reports for year ended 30 June 2011:

Board of Surveying and Spatial Information
 Border Rivers-Gwydir Catchment Management Authority
 Building Insurers' Guarantee Corporation, Fair Trading Administration Corporation and Motor Vehicle Repair Industry Authority
 Buroba Pty Limited
 Centennial Park and Moore Park Trust
 Central West Catchment Management Authority
 Chief Investigator of the Office of Transport Safety Investigations
 Country Rail Infrastructure Authority
 Dams Safety Committee
 Dumaresq-Barwon Border Rivers Commission
 Environmental Trust
 Hawkesbury Nepean Catchment Management Authority
 Health Care Complaints Commission
 Historic Houses Trust of New South Wales
 Hunter-Central Rivers Catchment Management Authority
 Illawarra Venues Authority
 Independent Transport Safety and Reliability Regulator
 Jenolan Caves Reserve Trust
 Lachlan Catchment Management Authority
 Lake Illawarra Authority
 Legal Aid Commission of New South Wales
 Lifetime Care and Support Authority
 Long Service Corporation
 Lord Howe Island Board
 Lower Murray Darling Catchment Management Authority
 Mine Subsidence Board
 Motor Accidents Authority of New South Wales
 Murray Catchment Management Authority
 Murrumbidgee Catchment Management Authority
 Namoi Catchment Management Authority
 New South Wales Board of Vocational Education and Training
 New South Wales Institute of Sport
 New South Wales Rural Assistance Authority
 Northern Rivers Catchment Management Authority
 NSW Architects Registration Board
 NSW Food Authority
 NSW Institute of Teachers
 NSW Trustee and Guardian
 Parramatta Park Trust
 Rail Corporation New South Wales
 Rental Bond Board
 Rice Marketing Board
 Riverina Citrus
 Royal Botanic Gardens and Domain Trust
 SAS Trustee Corporation
 Southern Rivers Catchment Management Authority
 Sporting Injuries Committee
 State Infrastructure Holdings (SEA Gas) Pty Ltd
 State Infrastructure Trust
 State Property Authority
 State Records Authority of New South Wales
 State Transit Authority of New South Wales
 State Super Financial Services Australia Limited
 Sydney Ferries Corporation
 Sydney Metropolitan Catchment Management Authority
 Sydney Olympic Park Authority
 Teacher Housing Authority of New South Wales
 Technical Education Trust Funds
 Transport Construction Authority
 Trustees of the Parliamentary Contributory Superannuation Fund
 Wentworth Park Sporting Complex Trust
 Western Catchment Management Authority
 Western Sydney Parklands Trust
 WorkCover Authority of New South Wales
 Workers' Compensation Dust Diseases Board
 Valley Commerce Pty Limited
 Veterinary Practitioners Board
 Zoological Parks Board of New South Wales.

(3) Anti-Discrimination Act 1977—Report of the Anti-Discrimination Board of New South Wales for year ended 30 June 2011.

- (4) Consumer, Trader and Tenancy Tribunal Act 2001—Report of Consumer, Trader and Tenancy Tribunal for year ended 30 June 2011.
- (5) Director of Public Prosecutions Act 1986—Report of the Office of the Director of Public Prosecutions for year ended 30 June 2011.
- (6) Forestry and National Park Estate Act 1998—Implementation Report: NSW Forest Agreements and Integrated Forestry Operations Approvals: Upper North East, Lower North East, Eden and Southern Regions of New South Wales for year ended 30 June 2010.
- (7) Guardianship Act 1987—Report of Guardianship Tribunal for year ended 30 June 2011.
- (8) Law and Justice Foundation Act 2000—Report of Law and Justice Foundation for year ended 30 June 2011.
- (9) Law Enforcement (Powers and Responsibilities) Act 2002—Report of the Ombudsman entitled "Report Under Section 242 (3) of the Law Enforcement (Powers and Responsibilities) Act 2002: Covert Search Warrants", dated August 2011.
- (10) Legal Profession Act 2004—Report of Legal Profession Admission Board for year ended 30 June 2011.
- (11) Mental Health Act 1990—Report of Mental Health Review Tribunal for year ended 30 June 2011.
- (12) Nature Conservation Trust Act 2001—Report of the Nature Conservation Trust of New South Wales for year ended 30 June 2011.
- (13) Radiation Control Act 1990—Report of Radiation Advisory Council for year ended 30 June 2011.
- (14) Terrorism (Police Powers) Act 2002—Report of New South Wales Crime Commission under section 27ZB of Terrorism (Police Powers) Act 2002 for year ended 30 June 2011.
- (15) Victims Support and Rehabilitation Act 1996—Report of Victims Compensation Tribunal for year ended 30 June 2011.

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

DIRECTOR OF PUBLIC PROSECUTIONS AMENDMENT (DISCLOSURES) BILL 2011

Bill introduced, and read a first time, and ordered to be printed on motion by the Hon. David Clarke, on behalf of the Hon. Michael Gallacher.

Question—That the bill be considered an urgent bill—put and resolved in the affirmative.

Declaration of urgency agreed to.

Second Reading

The Hon. DAVID CLARKE (Parliamentary Secretary) [3.36 p.m.], on behalf of the Hon. Michael Gallacher: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Director of Public Prosecutions Amendment (Disclosures) Bill 2011. The purpose of the bill is to amend the Director of Public Prosecutions Act 1986 to clarify the obligations of police officers in relation to disclosing material to the Director of Public Prosecutions where that material is subject to a claim of privilege, public interest immunity or statutory immunity. This amendment is needed urgently to address a decision of the Court of Criminal Appeal handed down last week which has thrown into doubt the disclosure practices currently operating between New South Wales police and the Director of Public Prosecutions.

Section 15A of the Director of Public Prosecutions Act 1986 presently provides that police officers investigating alleged indictable offences have a duty to disclose to the director all relevant information, documents or other things obtained during the investigation that might reasonably be expected to assist the case for the prosecution or the case for the accused person. Material subject to a claim of privilege or immunity is often highly sensitive. In some cases the information may relate to covert police operations and could include the identity of informer witnesses or undercover police officers. Police may make a claim of public interest immunity when they are of the view that the disclosure of material may jeopardise an investigation or endanger the life of a witness.

For many years it has been the practice in this State that in order to comply with their requirements pursuant to section 15A in relation to material subject of a claim of privilege or immunity police have advised

the Director of Public Prosecutions of the existence of this material but have not been required to produce it to the Director of Public Prosecutions. The police disclosure certificate prescribed by the Director of Public Prosecutions Regulation 2010, which police are obliged to serve on the Director of Public Prosecutions as part of their disclosure obligations, is drafted in accordance with this practice.

The legislative amendment is needed following the decision of the Court of Criminal Appeal in the matter of *The Queen v Richard Lipton* handed down last week. In that matter the Court of Criminal Appeal said that in order to comply with their duty of disclosure police are obliged to produce all relevant material to the Director of Public Prosecutions even where that material is subject to a claim of public interest immunity. This clearly differs from the present practice whereby police are only obliged to advise the Director of Public Prosecutions of the existence of such material. In order to comply with the obligation outlined by the court there would need to be a significant change in the current practices of both police and the Director of Public Prosecutions. For example, police would be obliged to disclose sensitive material to the Director of Public Prosecutions as a matter of course.

Further, it would likely add to the workload of the Office of the Director of Public Prosecutions as all sensitive material held by police in relation to Director of Public Prosecutions prosecutions would need to be examined and an assessment made as to its relevance. Under the current practices the director's office does not have to engage in this process. I am advised by the Director of Public Prosecutions that if this change in practice is required it would impact on a number of pending prosecutions and would likely result in matters having to be adjourned while the Director of Public Prosecutions implemented the new procedures. It is for this reason that urgent legislative amendment is necessary to preserve the currently existing disclosure practices of both police and the Office of the Director of Public Prosecutions.

I now turn to the main detail of the bill. Item [1] of schedule 1 to the bill amends section 15A of the Director of Public Prosecutions Act to provide that where police are in possession of relevant material that is the subject of a claim of privilege, public interest immunity or statutory immunity the police are not obliged to disclose that material to the Director of Public Prosecutions. Rather, the police are obliged to inform the Director of Public Prosecutions that such material has been obtained. The amendments proposed by item [1] also provide that these amendments will lapse on 1 January 2013. It is the intention that these amendments will suspend the decision in the Lipton case and allow existing practices to continue for a transitional period. This will provide the Director of Public Prosecutions and Police with time in which existing disclosure practices can be reviewed and adjusted.

Item [2] of schedule 1 to the bill inserts savings and transitional provisions which ensure that the legislation has retrospective effect to ensure the integrity of all prosecutions presently on foot and those which took place before the bill came into effect. As I have said, the bill simply brings the legislation into line with the practices that have been in operation in this State for many years. The transitional provisions will ensure that things done by the prosecution as if these amendments had been in place will be taken to have been validly done. I commend the bill to the House.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [3.40 p.m.]: I lead for the Opposition. The Opposition supports the Director of Public Prosecutions Amendment (Disclosures) Bill 2011. The matter has arisen, as the Parliamentary Secretary indicated, from a perhaps unexpected decision of the New South Wales Court of Criminal Appeal in the matter of Lipton. At present section 15A of the Director of Public Prosecutions Act requires investigating police to disclose to the Director of Public Prosecutions all relevant information, and section 15A goes on to describe what that relevant information is. That obligation has been governed by a regulation in the Director of Public Prosecutions Regulation 2010.

The disclosure is made pro forma in accordance with schedule 1 to that regulation. That is filled in by police, creating a certificate, which they then give to the Office of the Director of Public Prosecutions. The practice has been that the police indicated to the Director of Public Prosecutions that the police have material that answers the description, and it is then a matter for the Director of Public Prosecutions to notify the defence of any possible relevant material over which a claim for public interest immunity might be available. It is then a matter for the defence, if they wish, to subpoena the material from the police. The Office of the Director of Public Prosecutions is not involved in that process; it is a matter of the Crown Solicitor acting with police as to whether or not that material should be disclosed.

Importantly, as was determined by the Court of Criminal Appeal, part of the pro forma certificate filled in by the police states that the obligation to disclose, which is signed by the relevant investigating officer, is

"subject to bona fide claims of privilege, public interest immunity or statutory immunity". I will not read further from the pro forma certificate. Importantly, in the matter of Lipton, the Court of Criminal Appeal found that that form of disclosure to the Director of Public Prosecutions was contrary to the plain and ordinary meaning of section 15A, and therefore the regime governed by that pro forma disclosure was invalid.

The practical effect is that this finding upsets the longstanding practice engaged in by the police and other investigative agencies of this State, including the New South Wales Crime Commission. Obviously, the level of disclosure now required by police to the Director of Public Prosecutions is to provide literally all relevant information and, as the Court of Criminal Appeal indicated in its decision at paragraph 104, the police will be obliged to produce everything to the Director of Public Prosecutions. Also, as the decision says at paragraph 110, the Director of Public Prosecutions is obliged by section 15A to form his own view about whether the material is relevant to an issue in the case and to so advise defendants, including where applicable advising them of any public interest immunity.

The Director of Public Prosecutions has written to the Attorney General and indicated that, as a matter of practicality, there will be a significant additional onus, but not just a legal onus, on the Director of Public Prosecutions and his office to assess all the new information that will be coming to them. That will involve a significant workload implication which, as a matter of practicality until all those current cases can be worked through, will see many current cases adjourned. I understand that as a matter of additional practicality that obligation will bite as early as Monday of next week in relation to some prosecutions. The Director of Public Prosecutions is of course legitimately concerned about occasioning delay in the course of criminal prosecutions but also about costs, and consequently has asked that some action be taken. That action is in the form of the legislation that we see before us today.

The effect of the legislation is, as the Parliamentary Secretary has indicated, to make it clear that section 15A of the Director of Public Prosecutions Act does not require police officers investigating alleged indictable offences to disclose to the Director of Public Prosecutions any information, documents or other things that are the subject of a bona fide claim of privilege, public interest immunity or statutory immunity. The duty of the officers in cases such as that is to inform the Director of Public Prosecutions that they have obtained information, documents or other things of that kind. This of course brings the legislation into conformity, as it were, with the regulation that has governed the pro forma police disclosure.

I would like to say two things. First, I thank the Attorney General for personally briefing me on this matter earlier today but also for bringing forward legislation to address the consequences of a decision of the courts. This is what governments often do when courts make perhaps unexpected decisions. What we have before us is not simply a blanket and for all time correction of the perceived problem. There is a sunset clause. Schedule 1 to the bill inserts a new subsection (7) of section 15A indicating that the new subsection (6), which corrects the perceived problem, ceases to have effect on 1 January 2013. Why might this be so?

The Director of Public Prosecutions, Mr Lloyd Babb, SC, has said in his communications with the Attorney General that the current arrangements—which are, of course, of longstanding—may not be ideal, and that the process needs to be considered closely to determine whether those processes are all that they ought to be in ensuring the proper administration of justice and a fair trial for all defendants in this State. It is to the credit of the new Director of Public Prosecutions and the Government that they have taken a moderate approach of saying: We have an immediate practical problem, which on one view may well affect the conduct of some 6,000 prosecutions across the State and with the potential for significant disruption of the orderly conduct of those matters, and this is a matter that requires urgent addressing by legislation. So the Government has taken that first step. But, rather than simply saying that they will just wipe the problem away for all time, they have provided a limited window of legislative protection so that the new Director of Public Prosecutions can analyse the process and its appropriateness and, I infer, develop perhaps some new, more beneficial and more appropriate protocols. For those reasons, the Opposition is very happy to support the legislation before the House.

Mr DAVID SHOEBRIDGE [3.49 p.m.]: On behalf of The Greens I support the Director of Public Prosecutions Amendment (Disclosures) Bill 2011. In fact, I adopt many of the comments made by the Deputy Leader of the Opposition, the Hon. Adam Searle, in relation to the matter. I also note the contribution of the Hon. David Clarke. This bill is brought into the House to address a very practical problem that has arisen in the administration of criminal justice arising from a decision as recently as 17 November 2011 by the Court of Criminal Appeal. I think both the Hon. David Clarke and the Hon. Adam Searle have dealt with the history of the matter and have set out in some detail why this remedial action is required by the Parliament today, this being the last sitting week. Practical issues arise with potentially up to 6,000 trials—I think I was given the same

figure by the Attorney today—facing adjournment because of the change in process that would be required as a result of immediately implementing the decision of the Court of Criminal Appeal. Section 15A of the Director of Public Prosecutions Act is in the following terms:

- (1) Police officers investigating alleged indictable offences have a duty to disclose to the Director all relevant information, documents or other things obtained during the investigation that might reasonably be expected to assist the case for the prosecution or the case for the accused person.
- (2) The duty of disclosure continues until one of the following happens:
 - (a) the Director decides that the accused person will not be prosecuted for the alleged offence,
 - (b) the prosecution is terminated,
 - (c) the accused person is convicted or acquitted.

The obligation to disclose is required at the time when the prosecutor is making a decision about whether or not to prosecute as well as during the currency of any prosecution. The current practice is that police and the Director of Public Prosecutions have been reading that down, allowing the police to issue what is called a police disclosure certificate where there is material that is the subject of a claim of privilege or immunity. Paragraph 20 of the decision of the Court of Criminal Appeal in the matter of *Regina v Richard Lipton* refers to the terms of a police disclosure certificates as follows:

1. Relevant SENSITIVE MATERIAL not contained in the brief to the DPP.

There IS sensitive information, documents or other thing that is not contained in the brief of evidence provided to the DPP which might reasonably be expected to assist in the case for the prosecution or the case for the accused person.

In this certificate sensitive material means all relevant information, documents or other thing obtained during the investigation that are subject to a bona fide claim of privilege, public interest immunity or statutory immunity.

Traditionally, that has had the effect of the police not providing to the Director of Public Prosecutions a variety of material that would, the Court of Criminal Appeal says in a fairly cogent and well-reasoned judgement, be covered by the disclosure obligation in section 15A. The Director of Public Prosecutions has reviewed the decision of the Court of Criminal Appeal and formed the view that it would be unlikely to be successfully remedied on appeal, and indeed would not be able to be remedied in a timely fashion by application of special leave and appeal to the High Court. The Director of Public Prosecutions has communicated to the Attorney General as recently as 21 November in the following terms:

In my view urgent legislative amendment is necessary to reverse the effect of the judgment.

The essence of the decision is that the NSW Police do not satisfy their obligations of disclosure to the ODPP, in accordance with section 15A of the Director of Public Prosecutions Act 1986, by simply indicating there is material over which the Police claim public interest immunity (PII). Instead, the effect of the decision is that Police are now obliged to provide such material to the ODPP and the ODPP are then to make an assessment as to whether or not the material is relevant and should be disclosed.

The Director of Public Prosecutions makes reference then in particular to paragraphs 104 to 110 of the judgement. I note that the Attorney General has acted very quickly to deal with this and brought the legislation before this House, including in it a sunset clause which will be the new proposed subsection (7) of section 15A, which provides that the substantive part of the bill will cease to have effect from 1 January 2013. This bill effectively puts in the legislation the current practice relating to disclosure certificates, allowing the current practice with disclosure certificates to continue by imposing a new subsection (6), and then says in subsection (7) that subsection (6) ceases to have effect on 1 January 2013. I commend the Attorney for acting so quickly, for having the courtesy to brief all members who will be dealing with this matter with some thoroughness, and for including the sunset clause in the bill.

On behalf of The Greens I note that there seems to be a very strong case to say that the Director of Public Prosecutions should have this material and should have access to all of the material so that the merits of a prosecution case can be assessed properly. If, for example, the Director of Public Prosecutions has a statement from a police witness who is a police informer, with a long history of being a police informer which may be of somewhat patchy quality, that would be relevant to the prosecutor contemplating the strength of a prosecution case and the merits of the case. I can think of other examples where public interest immunity might be claimed by the Crown where the details of that public interest immunity would be very relevant to the Director of Public Prosecutions in assessing the merits of the case, the strength of a particular witness and whether or not a prosecution should be brought in the first place, or a particular witness should be called and evidence should be

brought from them in the prosecution case. I note that the Director of Public Prosecutions has said in the letter to the Attorney that there is an open mind in the Director of Public Prosecutions as to how to deal with this situation, and I will read one paragraph of the letter where the Director of Public Prosecutions said:

I have had regard to how the disclosure process operates in other jurisdictions. I do not seek to suggest that the procedures in NSW pre *Lipton* were in all respects ideal, and I propose that due consideration be given in due course to a legislative scheme that addresses the PII and Prosecutor Disclosure issues in a more robust way. However in the short term I consider that the impact of *Lipton* on the criminal justice process is highly undesirable and from an ODPP resource point of view unworkable.

It is very much to deal with an immediate practical problem, taking on board a very genuine commitment from the Attorney and the Director of Public Prosecutions to review this matter over the next 12 months and work out how, or if, additional resources can be given to the Director of Public Prosecutions if the director is the appropriate person to be reviewing these documents, and considering the merits of the various privileges and immunity.

The Greens believe it is appropriate for the Director of Public Prosecutions to have the material and to be reviewing it, but that needs to be resourced. Clearly, administrative arrangements need to be put in place so that the police feel comfortable that the information they provide to the Director of Public Prosecutions is provided in a secure way with appropriate safeguards such that there will not be inadvertent disclosure by the Director of Public Prosecutions. Recognising those practical difficulties, noting the sunset clause, and indeed noting the merits of the arguments put forward by the Court of Criminal Appeal, the current proposal brought forward by the Attorney General is one that The Greens support.

Reverend the Hon. FRED NILE [3.58 p.m.]: The Christian Democratic Party supports the Director of Public Prosecutions Amendment (Disclosures) Bill 2011, which temporarily suspends the effect of the decision of the Court of Criminal Appeal to enable the continuation of the current practice while review of the proper scope of the duty of disclosure is carried out.

The Hon. DAVID CLARKE (Parliamentary Secretary) [3.59 p.m.], in reply: I thank the Hon. Adam Searle, Mr David Shoebridge and Reverend the Hon. Fred Nile for their contributions. 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. David Clarke, on behalf of the Hon. Michael Gallacher, agreed to:

That this bill be now read a third time.

Bill read a third time and transmitted to the Legislative Assembly with a message seeking its concurrence in the bill.

SPECIAL ADJOURNMENT

Motion by the Hon. Duncan Gay agreed to:

That this House at its rising today do adjourn until Tuesday 14 February 2012 at 2.30 p.m. unless the President, or if the President is unable to act on account of illness or other cause, the Deputy President, prior to that date, by communication addressed to each member of the House, fixes an alternative day or hour of meeting.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Order of Business

Motion by Reverend the Hon. Fred Nile agreed to:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 208 outside the Order of Precedence, relating to the Constitution Amendment (Restoration of Oaths of Allegiance) Bill 2011, be called on forthwith.

Order of Business

Motion by Reverend the Hon. Fred Nile agreed to:

That Private Members' Business item No. 208 outside the Order of Precedence be called on forthwith.

CONSTITUTION AMENDMENT (RESTORATION OF OATHS OF ALLEGIANCE) BILL 2011

Second Reading

Debate resumed from an earlier hour.

The Hon. LYNDIA VOLTZ [4.01 p.m.]: The Opposition opposes the Constitution Amendment (Restoration of Oaths of Allegiance) Bill 2011. Labor believes that the oath of allegiance should be directed to those whom we represent. The reforms made in 2006 to direct the oath of allegiance to the people of this nation were appropriate, and are reflected in the oath that is taken by our new citizens. Many members have spoken in this debate of their views as to the monarchy and our head of State. Whilst I do not necessarily agree with those views, I do not expect everyone to share my world view. I acknowledge that in this place a range of views are held as to how the world is perceived, but the reality is that members in this place should direct their allegiance to the people they represent—the people of Australia and New South Wales.

The Hon. Marie Ficarra said that the number of people who watched the marriage of Prince William to Catherine Middleton and the number of people who watched the marriage of Prince Frederick to Mary Donaldson was some evidence of the views of the people of New South Wales. That view could be extended to include the number of people who watched the marriage of Kim Kardashian to Kris Humphries. Some members in this place confuse the cult of celebrity with our democratic system of government. Members are elected to represent the people of Australia and the oath of allegiance taken by members duly reflects that role. This is not a republican or monarchist debate; this is a debate about the role of this place to represent the best interests of the people of Australia and New South Wales. The changes made in 2006 reflected that view.

Mr DAVID SHOEBRIDGE [4.04 p.m.]: I commend the words of my colleague Dr John Kaye and those of the Opposition in opposing the Constitution Amendment (Restoration of Oaths of Allegiance) Bill 2011. Members in this Chamber were elected by the people of New South Wales to represent their best interests and those of the people of Australia. When taking office members should swear allegiance to the people of New South Wales and Australia and recognise them as the ultimate authority. It comes from the people and not from a monarch. For that reason, if for no other, The Greens oppose the bill.

Reverend the Hon. FRED NILE [4.05 p.m.], in reply: I thank all members who made a contribution to this debate. I particularly thank those who have supported the bill—the Hon. Marie Ficarra, the Hon. David Clarke and the Hon. Trevor Khan. But I also thank those who opposed the bill because it is good for democracy to have members participate in debate. Some members may be surprised to know—because many are new—that I was first sworn into this Parliament on 28 October 1981. When I took the oath of allegiance the Legislative Council presented me with a *Bible*. This is that *Bible* and inside the front cover is the oath of allegiance I took, together with my signature. For the benefit of Labor members, it was signed by the three commissioners—Johnno Johnson, Paul Landa and Clive Healy—and reads:

I Frederick John Nile do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, her heirs and successors according to law. So help me God.

I am happy for members to look at that *Bible* as it is quite unique. I hope the Government will consider re-establishing that custom. Members of the Muslim religion, for instance, may not want to be given a copy of the holy *Bible*, which includes the Old Testament and the New Testament, but others may like one.

The Leader of the Opposition and the Hon. Lynda Voltz raised the republicanism argument, which was quite misleading. This bill has nothing to do with that. That was the pattern of behaviour of the former Government. In 2006 the oath of allegiance was removed, the Governor was removed from Government House and the portraits that were signed by the Queen and the Duke of Edinburgh were removed from the Parliamentary Dining Room, which I refer to as sneaky republicanism. In spite of the will of the people being expressed through a democratic referendum, the former Labor Government was directly overriding the will of the people. The former Labor Government tried through stealth to change our status to that of a republic—and removing the oath of allegiance was a key factor in that process.

In his contribution to debate on an earlier bill, Mr David Shoebridge used the words "claimed by the Crown" on a number of occasions without realising their potential impact. Those words remind us that we are a constitutional monarchy and that the Crown is part of our legislative process. This bill will restore the status quo that operated in this State from 1823 in the Legislative Council and from 1856 in the Legislative Assembly when all members took an oath of allegiance. That was the normal custom. This bill also restores the unity of our nation, because all the other States and, most importantly, the Commonwealth have the oath of allegiance. Earlier I interjected and said that Labor members should talk to the Prime Minister because the Commonwealth has the oath of allegiance. Until this bill is passed, New South Wales remains out of step with all the other States and the Commonwealth.

The bill restores the unity of the Commonwealth and State governments that have an oath of allegiance, which is important. For those who are still confused about the role of the Queen or the Crown, it was explained in the second reading speech and I will not detail it now. The Crown represents the people; the Crown is there to defend the people. Our Constitution has a Governor-General and a Governor, who have no power other than to uphold the Constitution and to ensure that governments are honest. The constitutional monarchy protects the rights of the people. This bill is not anti-people; it is pro people. With this historic vote, which I trust will be supported by at least a majority of members, it is important that we restore the oath of allegiance to its rightful place in New South Wales.

Question—That this bill be now read a second time—put.

The House divided.

Ayes, 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 Ficarra	Mrs Maclaren-Jones	<i>Tellers,</i>
Mr Gallacher	Mr Mason-Cox	Mr Colless
Miss Gardiner	Mrs Mitchell	Dr Phelps

Noes, 18

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

Pair

Ms Cusack	Mr Roozendaal
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Question resolved in the affirmative.

Motion agreed to.

Bill read a second time.

In Committee

Clauses 1 and 2 agreed to.

Dr JOHN KAYE [4.22 p.m.], by leave: I move The Greens amendments numbers 1, 2, 3 and 4 on sheet C2011-138 in globo:

No. 1 Page 3, schedule 1 [1], lines 3–5. Omit all words on those lines.

No. 2 Page 3, schedule 1 [2]. Insert after line 7:

- (4) A Member may, in addition to taking the pledge of loyalty, take an oath of allegiance before the Governor or other person authorised by the Governor for that purpose.

No. 3 Page 3, schedule 1 [3], lines 19–21. Omit all words on those lines.

No. 4 Page 3, schedule 1 [4]. Insert after line 23:

(3A) A member of the Executive Council may, in addition to taking the pledge of loyalty, take an oath of allegiance before the Governor or other person authorised by the Governor for that purpose.

These amendments will require all members to pledge their loyalty or to take an oath of allegiance to the people of New South Wales and Australia, as they currently do and, if they wish to do so, to convert their allegiance to the Queen or to others, which will be an optional extra. These amendments will ensure that every member of this Chamber is loyal, first and foremost, to the people of New South Wales and Australia. In debate on the second reading and also when replying to debate on this bill Reverend the Hon. Fred Nile again canvassed that issue. He believes—and clearly he has a right to believe—that pledging loyalty to the Queen is equivalent to pledging loyalty to the people of New South Wales and Australia. He sees it not as pledging loyalty to an individual but rather pledging loyalty to an institution—

Reverend the Hon. Fred Nile: Which represents the people.

Dr JOHN KAYE: —which represents the people of New South Wales. That logic is extremely interesting because to me representation involves some kind of voting or some kind of act of choice.

The Hon. Dr Peter Phelps: You are being obtuse.

Dr JOHN KAYE: I note that the member, who knows me well, said I was being obtuse. I do not think I am being obtuse. I think that is an important point. I do not think that a secondary loyalty, as expressed through an institution or an individual, is any substitute for a primary expression of loyalty. By moving these amendments I am not seeking to take away the ability of Reverend the Hon. Fred Nile, the Leader of the House, the Hon. Duncan Gay, anybody else—

The Hon. Dr Peter Phelps: Or the Government Whip.

Dr JOHN KAYE: —or the Government Whip, to pledge loyalty to the Queen if they wish to do so. These amendments will not remove their right to do so; they will make it clear that they can do both. These amendments will give them a choice.

The Hon. Marie Ficarra: It is unnecessary.

Dr JOHN KAYE: The Hon. Marie Ficarra said that it is unnecessary, but for me and for many Australians this is an important issue.

The Hon. Marie Ficarra: You are just trying to distort it.

Dr JOHN KAYE: I am not trying to distort the issue. It is important for many Australians, and for me, to know that the people they elected have their primary allegiance to them and not to a foreign monarch. These amendments do not seek to take away the right of Reverend the Hon. Fred Nile, the Hon. Duncan Gay or anybody else who is re-elected to this Parliament to express publicly their loyalty to the Queen. These amendments will require them to ensure that they also express loyalty to the people of New South Wales and Australia. I commend The Greens amendments to the Committee.

The Hon. SHAOQUETT MOSELMANE [4.26 p.m.]: I place on record my opposition to the Constitution Amendment (Restoration of Oaths of Allegiance) Bill 2011, which is being debated because of a deal struck between the Government and members of the Christian Democratic Party. Earlier when I was looking at the website of the Christian Democratic Party I noted a press release of Reverend the Hon. Fred Nile which states:

Constitutional Oath Makes a Comeback.

The second paragraph of that press release states—

The Hon. Trevor Khan: Are you speaking to the amendments?

The Hon. SHAOQUETT MOSELMANE: Yes, I am speaking to the amendments. The second paragraph of that press release states:

Amid constant interjections from the NSW Greens and the Left faction of the ALP, Rev Nile was noticeably delighted that 'many years of progressing Republicanism had been reversed'.

Reverend the Hon. Fred Nile obviously knew in advance what would be the outcome of any motion that he moved to suspend standing orders to bring on debate on his private member's bill.

Dr John Kaye: What date is that?

The Hon. SHAOQUETT MOSELMANE: The press release is dated 11 November, which is 13 or 14 days ago. Unless I am mistaken, a deal has been done or Reverend the Hon. Fred Nile received a message from God that his bill would be debated tonight. I wanted to draw that to the attention of members.

The Hon. LUKE FOLEY (Leader of the Opposition) [4.28 p.m.]: I add to the comments made by my colleague the Hon. Shaoquett Moselmane about The Greens amendments. Opposition members do not support the amendments moved by Dr Kaye for the simple reason that we support the status quo, that is, the law as changed by the Parliament in 2006, which we prefer and which we unsuccessfully defended today. However, we stand by our 2006 reforms and, as such, will not be voting for any changes to the law concerning pledges or oaths taken by new members.

Mr DAVID SHOEBRIDGE [4.29 p.m.]: I support the amendment moved by my colleague Dr John Kaye. It is unusual to see the Labor Opposition adopting a sort of dog in the manger approach to this issue. If they cannot get everything they want they will not agree to any improvements to what obviously is a poor bill. Every person who is elected to this Chamber should swear his or her loyalty to the people of New South Wales and Australia, which is the intent of these amendments. The people of New South Wales elect us and they are the ones from whom we get our authority. It is unfortunate that Government members are supporting legislation introduced by Reverend the Hon. Fred Nile which will result in people being elected to this House and not swearing their loyalty to those who elected them.

The Government is supporting the bill introduced by Reverend the Hon. Fred Nile in order to buy his vote on another key piece of legislation—the Police Amendment (Death and Disability) Bill 2011. We know from the contribution of the Hon. Shaoquett Moselmane that as long ago as 11 November Reverend the Hon. Fred Nile got his 30 pieces of silver. He said in his 11 November press release that he knew the Government would support his bill. Government members might not like it but that is the reality and that is why they are supporting Reverend the Hon. Fred Nile.

Reverend the Hon. Fred Nile: Point of order: I ask the member to withdraw the offensive remark that I have sold myself for 30 pieces of silver. As a Christian I take great offence to that.

Dr John Kaye: To the point of order: The allegation was not necessarily directed at Reverend the Hon. Fred Nile alone. It was also directed at the Government.

The Hon. Duncan Gay: To the point of order: There is nothing more offensive to a man of the cloth than to use the Judas example of 30 pieces of silver. It is clearly offensive to Reverend the Hon. Fred Nile and the member should withdraw.

Mr DAVID SHOEBRIDGE: Reverend the Hon. Fred Nile says that he has taken offence and, therefore, I will withdraw the comment. I accept that it is not the purpose of debate to personally offend people. However, it is clear that as of 11 November Reverend the Hon. Fred Nile knew he had the Government in his pocket on this because he put out a press release stating that he knew for certain that this bill would become law. It could become law only with the support of the Coalition. How is it that Reverend the Hon. Fred Nile knew so long ago that his bill would become law?

The arrangement has never been explained. This member not only has support for his bill but also Government support to put his bill ahead of, for example, important legislation such as the Police Amendment (Death and Disability) Bill 2011. How did he know he would obtain the Government's support to advance his

bill ahead of something as crucial as police death and disability—and he knew this as long ago as 11 November? No reason has been advanced as to why this bill should be debated at such a crucial time when there is other important business to be dealt with. The amendment should be supported. The Government would have more credence if it supported the amendment to allow those elected to swear their loyalty to the people of New South Wales, not just to a monarch on the far side of this planet.

Reverend the Hon. FRED NILE [4.32 p.m.]: As the person who introduced the bill, I oppose the amendment. The bill was carefully drafted to allow members a genuine choice. Members who wish to take that pledge can still do so; no-one is preventing them from doing that. They now have an option. The bill now provides that members who wish to be consistent with our State Constitution and our Commonwealth Constitution can take the oath of allegiance. As to the date of the media release, we had a debate on this bill when I sought to bring it on. We had to have a second reading debate, so we had the numbers. Anybody—even blind Freddy—could see that we had the numbers to pass the bill.

Dr JOHN KAYE [4.33 p.m.]: Reverend the Hon. Fred Nile says that under the bill there will be a choice. It can only be described as a choice in the deeply dichotomous world of A or B. It is a binary choice. One chooses a republic, the people or the monarch.

Reverend the Hon. Fred Nile: Where is the dichotomy?

Dr JOHN KAYE: Reverend Nile would know that the word "republic" is a bastardisation of the Latin "res publica", which means "things of the public".

Reverend the Hon. Fred Nile: It is a Freudian slip.

Dr JOHN KAYE: There is nothing Freudian about it. I have never hidden my commitment to a republic.

The Hon. Dr Peter Phelps: A Soviet socialist republic.

Dr JOHN KAYE: Indeed, the word "republic" comes from the Latin "res" meaning things and "publica", meaning public. It comes about—

The DEPUTY-PRESIDENT (The Hon. Jennifer Gardiner): Order! One member will speak at a time.

Dr JOHN KAYE: If there is to be real choice, it should be whether one declares his or her allegiance to the monarchy. The underlying commitment should be to the people of New South Wales. I am genuinely concerned about what the bill will do for people such as the Hon. Duncan Gay. When presumably he is re-elected—no doubt he will stand again and again; he is well known for his political immortality—he will have a Hobson's choice: a choice between the people of New South Wales and the monarch. He is well known as a monarchist. He does not hide that fact, but I imagine he would have some commitment to the people of New South Wales and wish to express commitment to both. The amendment gives him a far richer palate of choices than provided in the bill.

Question—That The Greens amendments Nos 1 to 4 [C2011-138] be agreed to—put.

The Committee divided.

Ayes, 5

Ms Barham
Ms Faehrmann
Mr Shoebridge

Tellers,
Mr Buckingham
Dr Kaye

Noes, 32

Mr Ajaka	Mr Harwin	Mr Roozendaal
Mr Blair	Mr Khan	Mr Searle
Mr Borsak	Mr Lynn	Mr Secord
Mr Brown	Mr MacDonald	Ms Sharpe
Mr Clarke	Mrs Maclaren-Jones	Mr Veitch
Ms Cotsis	Mr Mason-Cox	Ms Voltz
Mr Donnelly	Mrs Mitchell	Ms Westwood
Ms Ficarra	Mr Moselmane	Mr Whan
Mr Foley	Reverend Nile	<i>Tellers,</i>
Mr Gay	Mrs Pavey	Mr Colless
Mr Green	Mr Primrose	Dr Phelps

Question resolved in the negative.

The Greens amendments Nos 1 to 4 [C2011-138] negatived.

Schedule 1 agreed to.

Title agreed to.

Bill reported from Committee without amendment.

Adoption of Report

Motion by Reverend the Hon. Fred Nile agreed to:

That the report be adopted.

Report adopted.

Third Reading

Motion by Reverend the Hon. Fred Nile agreed to:

That this bill be now read a third time.

Bill read a third time and transmitted to the Legislative Assembly with a message seeking its concurrence in the bill.

[The President left the chair at 4.48 p.m. The House resumed at 8.00 p.m.]

WORK HEALTH AND SAFETY LEGISLATION AMENDMENT BILL 2011**DIRECTOR OF PUBLIC PROSECUTIONS AMENDMENT (DISCLOSURES) BILL 2011**

Messages received from the Legislative Assembly returning the bills without amendment.

HERITAGE AMENDMENT BILL 2011

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

INDEPENDENT COMMISSION AGAINST CORRUPTION**Reference**

The PRESIDENT: I report the receipt of the following communication from the Hon. David Ipp, AO, QC, Commissioner of the Independent Commission Against Corruption:

The Hon Don Harwin MLC
President
Legislative Council
Parliament House
Sydney NSW 2000

Dear Mr President

The Commission has received your letter of 23 November 2011 advising referral of a matter to the Commission pursuant to a resolution of both Houses of Parliament.

In accordance with its duty under section 73(2) of the Independent Commission Against Corruption Act 1988, the Commission will fully investigate the matter referred. At the conclusion of its investigation the Commission will prepare a report on its investigation in accordance with section 74(2) of the Independent Commission Against Corruption Act 1988.

Yours faithfully

The Hon. David Ipp AO QC
Commissioner

TABLING OF PAPERS

The Hon. Greg Pearce tabled the following papers:

- (1) Annual Reports (Departments) Act 1985—Reports for the year ended 30 June 2011:

New South Wales Treasury—Crown Entity
New South Wales Treasury—Office of Financial Management.

- (2) Annual Reports (Statutory Bodies) Act 1984—Reports for the year ended 30 June 2011:

Art Gallery of New South Wales Trust
Ausgrid
Australian Museum Trust
Casino, Liquor and Gaming Control Authority
Delta Electricity
Endeavour Energy
Eraring Energy
Essential Energy
Greyhound Racing New South Wales
Hunter Water Corporation
Landcom
Library Council of New South Wales
Macquarie Generation
New South Wales Film and Television Office
New South Wales Treasury Corporation
Newcastle Port Corporation
NSW Self Insurance Corporation
Port Kembla Port Corporation
Racing NSW
Responsible Gambling Fund
State Water Corporation
Superannuation Administration Corporation (trading as Pillar Administration)
Sydney Opera House Trust
Sydney Ports Corporation
Sydney Water Corporation
TransGrid
Trustees of the Museum of Applied Arts and Sciences.

- (3) Harness Racing Act 2009—Report of Harness Racing New South Wales for the year ended 30 June 2011.

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

POLICE AMENDMENT (DEATH AND DISABILITY) BILL 2011

Second Reading

Debate resumed from 23 November 2011.

The Hon. ROBERT BROWN [8.04 p.m.]: I am happy to make a contribution in relation to the Police Amendment (Death and Disability) Bill 2011. A considerable amount of work has been done during this week by the Minister for Police and Emergency Services and his staff and the Police Association. I have a sense that we are there. Let me define there: My left hand is stretched out to the left-hand side of my body, and that is where the Government started; my right hand is stretched out to the right-hand side of my body, and that is where the Police Association started. They are not in the middle but they are somewhere closer to where the Police Association probably wants to be for its members than I thought was possible a week ago.

We have attempted to test the Government's position on the issues that the Police Association has brought to the Christian Democratic Party and the Shooters and Fishers Party. We have done that this week in a number of meetings with both parties individually and with both parties in the same room. Neither the Christian Democratic Party nor the Shooters and Fishers Party have members who are professional advocates—although both Mr Borsak and I have done quite a bit of that sort of thing in our time in business—and it has been an extremely difficult process. It has been extremely difficult because of the seriousness of the impacts on serving police if we do not get this somewhat right.

The Shooters and Fishers Party, like the Christian Democratic Party, takes the view that the scheme as it currently stands is unsustainable. I think that the Police Association probably has expressed the same view. I know there has been a great deal of fear in the police community about what would happen if this bill goes through. D-Day is here: the bill is going to be debated tonight. Reverend the Hon. Fred Nile is going to put a number of amendments to the bill. Those amendments have been developed in consultation with the Minister for Police and Emergency Services and the Police Association of New South Wales. Once this piece of legislation goes into law, the scheme will probably put in place a change for only about 12 months, after which time there will be a requirement, at least on the private insurance side, to have another crack at it. In the intervening period, the police officers who are currently in the system—and who were probably the people who have sent us the most emotional emails—and those officers who are fearful because they face being taken out of the force over medical issues, will be able to have some sort of a settlement that approaches what they have now.

We have had hellishly long arguments on all sides about whose numbers are right, whose numbers are wrong, which actuary is right and which actuary is wrong. When we are dealing with insurance-type proposals there will always be differences in assessing the risk when pricing the premium in a policy. The Minister for Police and Emergency Services and the Government have put some surprising concessions on the table. At times I did not think we were going to get the concessions that we have. Again, I do not think the Police Association will endorse this amended bill, but I think the association will stand up and say, "It is better than what it started out as."

I will not waste the time of the House getting stuck into The Greens about their attitude towards this bill and their past attitude towards the police. I will not waste time talking about what I believe is a shortcoming of the previous Government in that the previous Government should have done something about this a couple of years ago—that is all water under the bridge and it does not really matter. The Hon. Robert Borsak and I made a public statement that the Police Association read at its meeting the other day and we stand by that. We have done, and will do, everything we can to try to protect injured police, first, financially; secondly, by trying to assist to negotiate a scheme that is better than the one that was put on the table in the original bill; and, thirdly, together with the Christian Democrats, by holding a watching brief to ensure that the items that are to be put on the record by the Minister, which are not written into the bill, will be honoured.

Dr John Kaye: What are you going to do if they are not?

The Hon. ROBERT BROWN: I am sure other crossbench members and the Opposition would assist us if we got to the position where we had to go back on this.

Dr John Kaye: What are we going to do, jump up and down and make a loud noise? You cannot change legislation. Once you pass this through, it goes through the lower House and then we are stuck.

The Hon. ROBERT BROWN: I would like the call, please.

DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones): Order! The honourable member has the right to be heard in silence.

The Hon. ROBERT BROWN: It is not going to be perfect tonight, but I am satisfied—and I think that Reverend the Hon. Fred Nile, the Hon. Paul Green and the Hon. Robert Borsak are satisfied—that we have probably pushed the Government as far as we can. The other option is that which The Greens and the Opposition put forward, that perhaps we should kick this into touch, delay it until next year or put it to inquiry. In my opinion, none of those is a good outcome. One of the issues that has been put to us is that this negotiation has put tremendous stress on police officers who are out there—

Mr David Shoebridge: Having their benefits cut has caused stress, not the negotiation.

The Hon. ROBERT BROWN: I am trying to get through this, so give me a break, will you? As I said, the objective here is to try to make sure that the unresolved issues—that is, police officers need to know that if they are going to be discharged under permanent disability they will get X dollars—are resolved now, not in March next year. You cannot argue on one hand that you are putting police officers under stress by proposing the bill and then suggest that you delay the outcome for another three, four or five months. This bill, if passed tonight, is only part of the solution. Under the contract of insurance, there will be a requirement to go back to the market in 12 months' time, and I dare say there will then be a requirement to go back to the market for a further period of two to three years.

The Government's contention is that if the scheme has limits or black letter guidelines placed on it that can tie down the anomalies in the insurance industry trying to come up with a price on this and, secondly, if the results of the scheme over a couple of years demonstrate that police officers are going back to work, that the cost of the scheme is falling, that will allow the Government to be able to negotiate better terms and hence drive the costs of the scheme down. There are a number of issues in these amendments, which are better handled in Committee, so I will not speak to those now. The amendments are not many, but they are rather complicated. I thank my colleagues from the Christian Democrats for helping to frame some of the amendments—in fact all of them; it will be their amendments that are on the table.

I appreciate the goodwill that has been shown during the past week by the two negotiating parties, being the Police Association of New South Wales and the Government. Perhaps things could have been handled a bit differently over the last three or four weeks, but there is no point arguing about that. We would not have supported the unamended bill under any circumstances. In supporting the bill with amendments, we think that it is probably a 75 to 80 per cent solution, or something of that order, for the Police Association. There will be a reduction in benefits, but the reduction will occur because some of the amendments take the statutory period from six months to nine months, and then we are getting pretty close to the time when the scheme has to be renegotiated. The Government agreed to pony up some extra money to make sure that those people who go out on a disability benefit do not have their benefit halved; they probably lose about 20 per cent of it or 16 per cent—something of that order.

I know it has taken a long time to solve this, and it is not the ideal way to negotiate these sorts of things, but we have a situation where both sides have had an incentive placed on them to get the deal done. The Government has been under the sword of Damocles in trying to get this legislation through this year, and the Shooters and Fishers Party and Christian Democrats have said to the Government that if we could not get there today then we would be happy that Parliament be recalled. I know that that is not going to please members of this House or the other place, but at \$12.5 million a day that probably would be a cheap deal.

The work has been done. It is not going to be to everybody's satisfaction, but we are now in a position where we can argue the amendments in the House. I close by saying that the amendments that have been developed will be supported by the Shooters and Fishers Party. The amended bill will be supported by the Shooters and Fishers Party. In doing so, we believe that we have done the very best job we can, given the circumstances, for the police officers of New South Wales.

The Hon. JOHN AJAKA (Parliamentary Secretary) [8.17 p.m.]: I support the Police Amendment (Death and Disability) Bill 2011. The objects of the bill are clearly stated as follows:

- (a) to terminate the existing industrial award-based scheme for death and disability payments to police officers injured at work or off-duty, and
- (b) to replace that scheme with entitlements to death and disability payments in accordance with an approved insurance policy, and
- (c) to amend the *Industrial Relations Act 1996* to remove the jurisdiction of the Industrial Relations Commission to make or vary industrial instruments that provide for death and disability payments in respect of police officers, and
- (d) to make other consequential or ancillary amendments

It would be difficult for a single member of this place to deny that there are very real issues posed by the current scheme from an operational perspective and from a financial perspective. Clearly, the current scheme is just not working, and this year, should the scheme remain unchanged, it is expected to cost the taxpayers of New South Wales a total of \$762 million. That is \$299 million on the scheme, which is more than 10 times the original cost estimated in 2005. The workers compensation premiums of \$273 million is a 742 per cent increase since 2005. Finally, there is a workers compensation hindsight adjustment of \$190 million.

This is not a new problem by any stretch of the imagination. Those opposite have known about it for years. If they had performed the job of government and acted two years ago we would not be facing this crisis today. I again highlight some of the scary numbers that we are talking about here. A \$762 million cost is anticipated this financial year and a potential \$4.4 billion cost is anticipated over the next four years. There has been a 152 per cent increase in the number of officers taking long-term sick leave since the commencement of the death and disability scheme.

The Government has introduced this bill to establish a new scheme which is financially and—more importantly—operationally viable. Under the new measures an insurance policy will be purchased. It will provide our injured officers with a lump sum benefit should an officer die. I stress that the amount is unchanged from the existing death benefit. It will also provide a lump sum benefit if an officer is totally and permanently disabled due to an injury. The scale of benefits will be reduced in line with that which is generally commercially available. The insurance policy will also provide an income protection benefit that begins after a six-month waiting period following injury, during which time 100 per cent of an officer's salary is maintained by the New South Wales Police Force. Finally, in the event of total and permanent disability, the insurance policy will pay both the lump sum benefit and the income protection benefit, which can be commuted to a lump sum at the insurer's discretion.

This package is not just about reforms to the design of the current scheme. I am pleased that the Minister for Police and Emergency Services has recently announced an injury management fund comprising a \$15 million investment over three years. It is critical to fund those injury management initiatives—as prioritised by the Police Force—to be trialled and evaluated over an initial three-year period. The Government will make funding available from the fourth year onwards to allow the most successful trial initiatives to be funded on a long-term and statewide basis. These important reforms will not only bring the costs of the scheme down to sustainable levels but they will also do more to support injured police officers. I commend the bill to the House.

The Hon. Dr PETER PHELPS [8.23 p.m.]: Some comment has been made that members do not understand what it is like to be part of the family of a police officer.

The Hon. Lynda Voltz: No-one said that.

The Hon. Dr PETER PHELPS: There was comment to that effect made earlier in the debate. My father was a police officer for 42 years. During that time he rose from police cadet all the way through to superintendent. When he left home every morning, or afternoon, or night, there was no guarantee that he would ever come home again. My brother was also a police officer for 20 years. Both of them served in front-line positions. My father was a general duties officer from the mid 1970s onwards and my brother was a general duties officer and a highway patrol officer for the duration of his career. I suggest that there are people in this Chamber who understand exactly the strains, the stresses, the fears and the hopes of police officers in this State.

I support this death and disability bill. I do not support it lightly. I support it because it is fundamentally important to the finances of this State—as has been recognised for a long time. I will quote from the Public Accounts Committee of the other place. The committee was first chaired by Mr Paul McLeay and was chaired by Mr Paul Gibson at the time of this report in June 2010. Other members on that committee were the Hon. Grant McBride, Mr Peter Draper, Mr Ninos Khoshaba, Mr Anthony Roberts, Mr John Turner and Mr Victor Dominello. The specific function of the committee is to look into public finance and audit for this State. In the middle of last year Mr Gibson, as chair, signed off on the report by this committee which was mostly comprised of Labor members. The report made only three recommendations. The third recommendation was:

The Committee recommends that the NSW Police Force develop a new injury compensation model, with a return to work focus, to form the basis of negotiations with the Police Association.

The Hon. Duncan Gay: Point of order: I am having trouble hearing the honourable member's contribution. The other members were heard in silence and I respectfully request you to ask members of The Greens to extend the same courtesy to the Hon. Peter Phelps.

DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones): Order! I uphold the point of order. The member has a right to be heard in silence. Members will cease interjecting.

The Hon. Dr PETER PHELPS: The core feature of this report is "Chapter Three—Managing Injured Police", which makes this point:

Although the NSW Police Force has adopted a variety of strategies to reduce the unsustainable financial burden of the Scheme, the Committee is concerned that the disincentives to return to work contained within the Scheme remain.

These are not the words of a Liberal committee or a Liberal chairman. This report says this scheme is unsustainable. For these reasons, I support the Police Amendment (Death and Disability) Bill.

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [8.30 p.m.], in reply: I thank all members for their contribution to this debate. I will respond to some of the issues that have been raised. I seek leave to table the report entitled "Police Blue Ribbon Insurance Proposal: First State Super", dated October 2011", as referred to in the proposed section 199K (5) of the Police Act 1990, as has been requested of me.

Leave granted.

In relation to the claims made by those opposite that the Government gave no notice of these reforms prior to the election, I advise the House that I wrote to the Police Association on 20 March 2011 in response to its pre-election submission. My reply was distributed by the Police Association before the election and printed in the May edition of *Police News*. It stated, in part:

The NSW Liberals and Nationals are committed to ensuring the welfare of officers who are sick or injured is paramount and that they are encouraged and assisted—and if necessary retrained—in taking up suitable duties as soon as they are able to do so. Where they are unable to continue to work they should be given the opportunity to exit the Police Force with dignity and financial security. A financially robust Death and Disability Scheme is an integral part of the process.

I went on to remind the Police Association of the concerns raised by the Auditor-General over the previous three years. Back in March the Government acknowledged it did not have the full picture with regard to the scheme. I told the Police Association:

As the NSW Liberals and Nationals do not have access to the full financial accounts and actuarial advice on the future liabilities of the scheme we are reliant upon the Government's assurances there are no major issues which will affect the financial viability of the current scheme.

My correspondence continued:

Any future changes that may at any future date be proposed to the current D & D scheme must be about ensuring the system works—to protect injured workers, to rehabilitate those who are able to return to work and allow a dignified exit from the Force for those who are unable to return. The NSW Police Force has a duty of care to injured workers. The Government of the day equally has a duty of care to taxpayers to ensure any expenditure of funds is fiscally responsible. I am committed to ensuring the correct balance is maintained.

That was our intention back in March, and that is exactly what the reforms do. The reforms strike the right balance in ensuring the best possible outcome for injured officers through rehabilitation to allow for a return to work—whether in the NSW Police Force or elsewhere if they are suitably qualified—for the NSW Police Force by ensuring there are enough officers on the frontline, and for the people of New South Wales by providing a fiscally responsible scheme.

I remind those opposite that they too have acknowledged the current scheme is costly but that the Government should be prepared to pay the cost for our police officers. My response to that is this. Exactly what level of benefit are those opposite happy with and what are they prepared to pay for it? The Opposition was certainly unwilling to commit to the current scheme prior to the election. It was happy to commit to "a" death and disability scheme but not "the" death and disability scheme. The Opposition has put no alternative forward; only the Police Association has put an alternative on the table.

Unfortunately, actuarial advice indicates that that proposal will cost 16.1 per cent of salaries—around 2½ times as much as is currently proposed to be spent on the Government's reform model. While I sincerely appreciate the efforts and commitment of the Police Association to continue to discuss and negotiate on this critical issue, without reforms to workers compensation top-ups, without reforms to total permanent disability lump sums, with unsustainable transitional arrangements, and while still costing 16.1 per cent of salaries, the association's scheme simply cannot be supported.

As to the comments made regarding cuts to total permanent disability benefits, the Hon. Walt Secord failed to mention that officers will get a total permanent disability lump sum benefit reduced in line with those commercially available but that officers will also be eligible to receive income protection as per the reforms in the bill. As a result of discussions held with some members of the crossbench about this, Reverend the Hon. Fred Nile will be moving an amendment during the Committee stage. The Government has tried to address the concerns that have been raised. It has listened particularly to the views of the Shooters and Fishers Party and

the Christian Democratic Party. Those parties have consulted widely outside of this place and have put a strong argument forward over many hours of discussion about this legislation. The fruits of those discussions will be borne out in the amendments to be debated.

It has been suggested that because the Government is using a commercial insurer that officers' benefits will be cut at the first available opportunity. That is not true. The insurer will continue to provide benefits to officers who can return to work part-time but who cannot work full-time because of their injury. The insurer will continue to pay benefits if an officer returns to work but is forced off work again because of a re-occurrence or deterioration of injury within a six-month period.

The insurer will continue to pay benefits where an officer can return to work but is unable to find suitable employment in his or her area. That means an officer will not have his or her benefits cut because a suitable job has become available in a different region, for example, to where the officer lives. If an officer can only work part-time because of injury, that officer will get his or her injury topped-up to the maximum insurable amount. The proposed insurance will be purchased by First State Superannuation Trustee. The trustee is obliged to act in the interests of its members and will represent officers in any dispute with the insurer.

The Hon. Sophie Cotsis raised "scenario four", which has been posted on the NSW Police Force website. She said it represented a cut to benefits for officers with psychological injuries. For the benefit of members who may not be aware, a number of case studies were prepared to illustrate the effect of the new scheme in comparison with the old scheme. In the feedback received to date there seems to have been some confusion, perhaps by mischief, about scenario four. This scenario describes the situation of an officer who is unable to work in the Police Force because of a psychological injury but is otherwise able to work productively in another profession for which he or she is suitably qualified. This scenario represents—for the benefit of those opposite—the least benefits that might be available under the new scheme.

Regrettably, some officers leave the Police Force because of psychological injuries arising from workplace conflict, which affects their ability to work in policing but not in other areas. Let me be clear. This scenario does not represent what all police officers with psychological injuries will get. The new scheme does not in any way discriminate against psychological injuries. The level of benefit is dictated by the level of impairment, irrespective of whether it was caused by physical or psychological injuries. Officers in this situation will get full benefits from the insurance, and if they can only work part-time they will get their income topped-up to the maximum insurable amount.

Mr David Shoebridge raised a number of matters. He referred to the role of the Industrial Relations Commission. The Government has made the decision to create the new scheme through statute, rather than as an award. It should be noted that the Police Association indicated that it supported a new scheme being established through legislation at the commencement of discussions. This will give officers certainty about the scheme. It will also mean that any future changes to the scheme will be subject to parliamentary scrutiny rather than negotiated in the Industrial Relations Commission. In relation to the claims by Mr David Shoebridge and the Hon. Mick Veitch about officers with psychological injuries, I reiterate my earlier comments. The proposed insurance will not discriminate between psychological and physical injuries. It will pay out benefits based on an officer's medical incapacity irrespective of whether the injury is physical or psychological.

A snapshot from the report of Assistant Commissioner Peter Gallagher into injury management, known as the Gallagher report, shows that the vast majority of medical discharges, or 79 per cent, are for psychological injuries, a further 14 per cent are for a combination of physical and psychological injuries, and only 7 per cent are for physical injuries alone. In sheer numbers, more officers with psychological injuries will be impacted as a result of these changes. That speaks for itself. However, that is hardly surprising when only 7 per cent of exits are for purely physical reasons. With regard to the claims made by the Hon. Mick Veitch in his speech, he quoted statements I made in 2005 when the current scheme was being debated in this House. Unfortunately, he quoted selectively from my speech where I said, in part:

Most of us in this place could not begin to imagine the stress and strain under which police officers perform their duties.

I stood by those words in 2005 and I stand by those words today. What Mr Veitch did not convey to the House last night was a warning that I also gave to the former Government in relation to the 2005 legislation. I said:

I hope this bill forces the Government to recognise that unless it exercises control over the current state of morale in the NSW Police and the problems caused by injuries the police budget will explode. If the Government adopts the attitude of simply passing cheques to police officers in the hope that money will take care of the problem it is courting disaster.

As I stated only a moment ago, this proposed insurance does not discriminate between psychological and physical injuries. We are committing an additional \$15 million for better injury management practices. Unfortunately, the Hon. Lynda Voltz must have been confused during her contribution to this debate. I remind her that the pre-1988 scheme was closed by Labor Premier Barrie Unsworth. In addition, the Government did review injury management in the New South Wales Police Force. The review was carried out by Assistant Commissioner Peter Gallagher and a copy of it has been available on the police website for some weeks.

The Hon. Adam Searle discussed the contributions of other State governments to their equivalent schemes. I believe he stated that the Victorian Government contributes 28 per cent and the Federal Government 15.4 per cent for the scheme covering the Australian Federal Police. I point out to the Hon. Adam Searle that these contributions are made to combined superannuation schemes and include the compulsory superannuation contributions. The proposed insurance benefits are still the most generous of their type in the country. Not only that, when compared with other jurisdictions, New South Wales police officers contribute much less into their schemes than their interstate counterparts. New South Wales police officers contribute 1.8 per cent of their salary. I am advised that officers in Queensland contribute 3 per cent to 6 per cent, and in Victoria it is anywhere up to 8 per cent. I repeat: The proposed insurance benefits are still the most generous of their type in the country.

I thank Reverend the Hon. Fred Nile for his contribution to the debate and for his patience in meeting with the Government. I welcome his suggested amendments. I again thank the Hon. Robert Brown and the Hon. Robert Borsak for continuing to meet with the Government throughout this process. I reiterate that the current death and disability scheme is costing too much and, probably more importantly, it is failing police. Last financial year it cost the people of New South Wales \$288 million. This is more than 10 times what it was anticipated to cost only six years ago, in 2005. This is unsustainable. As well, there are significant flow-on costs to the NSW Police Force's workers compensation premiums, which are directly caused by this scheme. Added to this is the operational impact the scheme is having on the police front line by driving up long-term sick leave taken by police officers.

Advice from our actuaries suggests that the death and disability scheme, which offers lump sum compensation payments on top of workers compensation payments, is a poor design. The current scheme provides a significant financial disincentive to return to work, either within the NSW Police Force or in outside employment. This disincentive is ultimately not in the best interests of individual police officers or indeed the community. This is exacerbated by workers compensation top-up arrangements for police, which means their workers compensation payments are not stepped down like those of other workers. Any reform to the scheme will have to address these fundamental design problems.

The scheme encourages officers to stay on long-term sick leave and undermines rehabilitation efforts, to the detriment of those officers. Advice suggests that officers discharged under the scheme are not being successful in returning to the workforce. This is not an outcome we want for police, their families or the community. This has an ongoing impact on police workers compensation costs, which are paid for by the NSW Police Force in addition to the death and disability scheme. The recent review of police injury management practices recommended that the scheme be urgently reviewed to remove the significant financial disincentive for officers to return to work. That is why the Government's package of reforms includes \$15 million over three years for improved injury management.

I believe the facts and figures of this matter, as presented to the House, speak for themselves. The current death and disability scheme needs urgent reform. There can be no reasonable objection to that fact. I am pleased that the proposed reforms will help bring the scheme back to a sustainable financial basis. I am also pleased that the proposed replacement scheme remains the most generous in the country. We listened to the association and we compromised on our position. I am disappointed that the association intends to reject this offer, but we have nonetheless pursued its concerns and, in a spirit of good faith, negotiations. I am pleased that the proposed replacement scheme will focus on returning officers to gainful employment within or outside the NSW Police Force. I am also pleased that through this legislation the Government is extending its support to injured officers beyond their medical discharge. The proposed insurance arrangements are a fair and reasonable entitlement and deliver on our responsibilities as a community to officers who may be injured in the line of duty.

Concerns have been raised in relation to the transition from the current scheme to the new income protection benefit scheme. Let me make it crystal clear: This Government will not allow an injured officer to go without suitable benefits for one day or for any period of time. I commit this Government: Should any such gap arise between the workers compensation top-up period and the income protection period we will ensure that the

affected officer receives the equivalent of the income protection benefit. I repeat: No officer will be without protection or will fall through the cracks. Another issue was raised regarding the possible re-crediting of lost workers compensation top-up to an officer once they successfully return to work. This issue was raised with me only in the last couple of hours. It is an extremely complex issue that cannot be resolved in detail this evening. I give a clear and firm commitment that I will establish a consultative review including representatives of the New South Wales Police Association to examine this issue in detail and make recommendations regarding any such arrangement. The review committee will need to have regard to the impact on the force and upon the wider public sector.

A number of amendments will be tabled and moved by Reverend the Hon. Fred Nile. They have come about through extensive negotiation between the Shooters and Fishers Party and the Christian Democratic Party. I thank them for their patience and for their understanding of the Government's position. The Hon. Robert Brown gave a visual display a short time ago of how far apart we were at the start of the process in terms of our objectives and the Police Association's objectives. It is fair to say that we have not been able to reach complete agreement in regard to this matter. However, I can assure all members that we have participated and endeavoured, in particular over the past few days, to get a resolution that we believe will be good for injured cops, good for the NSW Police Force and good for the people of New South Wales. I commend the bill to the House.

Question—That this bill be now read a second time—put.

The House divided.

Ayes, 15

Mr Ajaka	Miss Gardiner	Reverend Nile
Mr Borsak	Mr Gay	
Mr Brown	Mr Green	
Mr Clarke	Mr Lynn	<i>Tellers,</i>
Ms Ficarra	Mr MacDonald	Mr Colless
Mr Gallacher	Mr Mason-Cox	Dr Phelps

Noes, 12

Ms Barham	Mr Primrose	<i>Tellers,</i>
Mr Buckingham	Mr Secord	Ms Cotsis
Ms Faehrmann	Mr Shoebridge	Ms Voltz
Mr Foley	Ms Westwood	
Dr Kaye	Mr Whan	

Pairs

Mr Blair	Mr Donnelly
Ms Cusack	Ms Fazio
Mr Khan	Mr Moselmane
Mrs Maclaren-Jones	Mr Roozendaal
Mrs Mitchell	Mr Searle
Mrs Pavey	Ms Sharpe
Mr Pearce	Mr Veitch

Question resolved in the affirmative.

Motion agreed to.

Bill read a second time.

In Committee

Clauses 1 and 2 agreed to.

Reverend the Hon. FRED NILE [8.59 p.m.]: I seek leave to move the Christian Democratic Party amendments on sheet C2011-140C in globo.

Leave not granted.

I move Christian Democratic Party amendment No. 1:

No. 1 Page 4, schedule 1 [1], proposed section 199E, line 22. Insert "long-term" before "cost".

This amendment is the result of a submission by the New South Wales Police Association which will clarify that 4.6 per cent of police salaries referred to in the bill represents the proposed long-term cost of the scheme. This will get the best possible value for money for all the police officers in New South Wales and will provide flexibility for future arrangements.

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [9.02 p.m.]: The Government supports the amendment by Reverend the Hon. Fred Nile. The amendment provides clarity and certainty. It is the goal of the Government to get the best possible value for money for our police and the Government welcomes this amendment as a means of ensuring flexibility for future arrangements.

The Hon. STEVE WHAN [9.00 p.m.]: I will make some comments on this amendment in particular and on all the amendments as we go through them. Subject to anything we might hear as we are going through, the Opposition will support these amendments. We have had discussions with the Police Association, whose members have indicated that they feel that the amendments are improvements to the bill but that the bill overall is unsatisfactory to the Police Association. Even if these amendments are passed, the bill overall is not satisfactory to the Opposition either.

I draw attention to a number of issues that the Opposition still has with this bill. Fundamental in this process is the fact that, as the Government has acknowledged, we are still seeing significant cuts in the payments which will be available for police officers. During the second reading debate a number of members quoted scenario 3, of a person who after 5½ years is unable to return to work at a similar level. This is the example with total payments going from \$668,625 to \$342,059. I am concerned that in all the comments we have heard and with all the amendments the Opposition has still not got assurances that it is comfortable with, that the people affected in these sorts of situations are going to have a wage which they will be able to live on, one which is going to provide them with assurance that their family expenses, mortgages and so on will continue to be paid.

We have heard from a number of Government members that this is all about making sure the Government is able to afford the scheme. Certainly, the affordability of the scheme is a fundamental consideration. As the Minister said in his reply to the second reading debate, the Opposition and the Police Association have acknowledged that the scheme needed review. Our fundamental problem was that it was not done in a way which represented genuine negotiation with the association. We have had to suffer last-minute negotiations over the last couple of days on a whole range of amendments. I give credit to the crossbenchers for working to try to get those amendments through, because we are now in a better position than would have been the case if the Government had had the numbers in this place and the original appalling bill had been able to be rammed through. We give thanks for the fact that the Government does not have the numbers in this place.

The legislation, introduced in the last sitting week—with a number of hurriedly drafted amendments which were still being changed up until a couple of minutes ago—is not an appropriate way to treat 16,000 serving police officers and future police officers in this State and is disrespectful of the effort that those officers make during their working lives. The Opposition wants to put on record, in the strongest possible terms, its displeasure and dissatisfaction with the way that the police officers of New South Wales have been treated in this process. It is an appalling way to treat them, to have a bunch of amendments rushed through on the last day of sitting of this Chamber. The Government should have released this bill a couple of months ago to allow proper consultation and, failing that, it should have been willing to allow this bill to go over until next year. I cannot emphasise that enough.

I also want to put on record the admiration which Opposition members have for the job that the Police Association has done in this matter. Members of the public and people who read *Hansard* later should know that for all the hours that this bill has been under consideration Police Association members have been in the gallery.

They have even sat through all the filler things that the Government put up today because it did not have the amendments ready to go and had not reached agreement in the negotiations. The Police Association has done a fabulous job representing its members and their families. Police around New South Wales—some from remote parts of New South Wales—have been concerned about this and have continued to send us emails as this debate has proceeded. They have been well represented by their Association. The Opposition is disgusted that the Government has undertaken negotiations in this way.

While the Opposition will support the amendments—because they do at least provide some degree of improvement to the legislation—it remains vehemently opposed to legislation which has not resulted in a better or equivalent deal for police officers in this State. One of the most telling comments made yesterday in a speech on this legislation by a Government member was: Yes, the new benefits will change—they will be much more in line with normal insurance benefits for members of the community. That was a very revealing comment which throws light on the attitude of the Government. Police are not average members of the community going to work in average jobs every day. Police work in jobs where they put themselves in the line of danger. The Opposition rejects the attitude that I heard in the speech yesterday, which was: This has to be more in line with the normal provisions that insurance companies will provide.

That is why the Labor Government would not have moved to a scheme which has been undertaken with so little consultation with the Police Association. Today there will be families, police in outback New South Wales, injured police, who will be listening to this on the internet. They will be listening because they believe that their livelihoods, their lives, their families, their mortgage, their house depends on what comes out of this Chamber tonight. While I acknowledge the efforts of those on the crossbenches to try to improve this legislation, it is very disappointing that the bill has not been rejected outright and the Government sent back to the drawing board to work a bit harder on coming to a proper agreement. But we are where we are. We recognise in the Opposition that we do not have the numbers to do this. We will vote to support these amendments, but in the end vote against the bill.

Mr DAVID SHOEBRIDGE [9.10 p.m.]: I speak on behalf of The Greens to put on record the disgust with which my party sees the treatment by the Coalition Government, now with the helping hands of the crossbenchers in the form of the Christian Democratic Party and the Shooters and Fishers Party, in attacking these essential benefits for police in this State. The Minister, in his reply, denied that it was the previous Coalition Government that attacked police pension entitlements. Indeed, it was the Greiner Government in April 1988, a month after coming into office that slashed pre-1988 police benefits. To come here and deny that it is not the habit of Coalition Governments when they come into office to slash the benefits of police is remarkable. These amendments that we have seen for the first time only minutes ago make absolutely no change to the fundamental meanness of this attack by the Government on the death and disability benefits for police. This first amendment moved with the support of the conservative crossbenches shows how insignificant these amendments are for police. The inclusion of the phrase long-term—

The Hon. Duncan Gay: You are a vicious animal, aren't you?

Mr DAVID SHOEBRIDGE: I hear the interjection from the somewhat honourable Duncan Gay. He calls my contribution here vicious. What is vicious here is the attack on the benefits of New South Wales police. Coalition members may not like strong language in response to their appalling attack on police benefits. That is more pity to them: they will be getting far stronger language from police over the coming years when they see their benefits slashed to the bone by the Coalition Government. Police will be boarded out medically unfit with psychological injuries they have suffered in the service of the people of New South Wales. They will get no lump sum benefit. After they have had their benefits cut following some 12 months of top-up payments they will be thrown onto the standard workers compensation benefits, which can be as little as \$400 a week for a single, independent 40-year old police officer with 15 years of service. If Coalition members make these kinds of cuts to benefits they are going to get a lot more strong language from serving police and their families.

For Reverend the Hon. Fred Nile to suggest that inserting the words "long-term" in section 199E is some kind of benefit or salve for police officers here in New South Wales, shows just how much the Christian Democratic Party has lost sight of what the fundamentals of this bill are. The fundamentals of this bill are a deep and ongoing attack. We will see psychologically injured police struggling to stay at work because they will not be offered the kind of compensation that will allow them to retire with dignity from the force. They will be forced to remain in the service of the police, despite suffering debilitating psychological injuries, because they will not be able to afford to retire with dignity and deal with their injury with respect. That is what we will see as a result of this bill. Coalition members may not like the strong language, they may not like the fact that the

people of New South Wales are appalled by the Coalition Government—again true to form, attacking wages and conditions—but that is the truth of the matter. And they are doing it with the support now of the Shooters and Fishers Party and the Christian Democratic Party.

The Police Association has been tireless in its work, seeking to get some fair and reasonable compromise from the Government. We know, because we have now seen the document, that the quote from TAL was open until 23 December. Yet here we are, a month shy of that, rushing this legislation through. It is forcing an outcome on police, a month shy of the expiry of the quote. That is simply because it would appear those opposite on the Government benches and those on the conservative crossbenches do not want to come back again and do what we are paid to do, to consider legislation—and work in the interests of police and the interests of the people of New South Wales to come to a fair compromise.

The Hon. John Ajaka: Point of order: I am genuinely trying to hear what Mr David Shoebridge has to say. It is really difficult with the continual interjections from the honourable members on the crossbenches.

The CHAIR (The Hon. Jennifer Gardiner): Order! I remind members that interjections are disorderly at all times. Members will come to order. Mr David Shoebridge is the only speaker who has the call.

Mr DAVID SHOEBRIDGE: I commend the words of the Hon. Steve Whan about the length of time that the officers of the Police Association and other police have spent listening to inane pieces of legislation brought forward by the Christian Democratic Party about changing the oaths. This is a blatant attempt by the Government to filibuster and avoid bringing on debate on this bill. The officers of the Police Association have suffered through that. Now they have to suffer through the self-serving sentiments of the Shooters and Fishers Party and the Christian Democrats trying to defend what is a tiny change to a mean bill. We will go through these amendments one after the other.

The Hon. Duncan Gay: You are mean, aren't you? You are showing your meanness.

The Hon. Jeremy Buckingham: Point of order. Madam Chair, you just asked honourable members not to make interjections and the Hon. Duncan Gay is casting aspersions on Mr David Shoebridge calling him a mean and vicious animal. I call on him to retract that statement.

The CHAIR (The Hon. Jennifer Gardiner): Order! I again remind members that interjections are disorderly at all times. While I appreciate that members are passionate about this debate, they will remain civil. One member will speak at a time. Mr David Shoebridge has the call.

Mr DAVID SHOEBRIDGE: At the end of going through these amendments, the only concession—if you can call it that—that has been obtained for serving police is something like an additional three months of partial top-up to their wages. That is a modest movement in terms of the retrospective operation of this bill. This bill will remain retrospective. There will still be police out there today who have suffered a serious injury who will not receive the benefits that are currently on the statute book in the form of the award. There will be police who have suffered a serious injury prior to this, who have not had the assessment of their claim advanced to such a stage that they will get the benefits of the current scheme. They will be put on to this new, mean, no-frills scheme that the Government has put forward.

Although there is some tiny movement on retrospectivity, let us be entirely clear: this remains a retrospective piece of legislation. The police who are most going to suffer from the retrospective nature of this legislation are those police who are doing exactly what the Government says police should do: continuing at work despite having serious injury. Those police who continue at work trying to do their best while carrying serious injuries—which may result in their being boarded out in six, eight or 12 months, or even in two or three years—doing exactly what the Government says police should do will suffer from the retrospective elements of this bill, which are not remedied by the amendments of the Christian Democratic Party. I feel sorry for those police in particular who have been betrayed by this Government—true to form cutting the wages and conditions of the most vulnerable and hardworking public servants in New South Wales.

The Hon. ROBERT BROWN [9.20 p.m.]: Mr Shoebridge is correct with one thing: there was not much time to examine the amendments. Therefore, he probably is forgiven for calling trivial the one amendment put forward by the Police Association. I should have been better prepared for this debate. I should have brought a stack of paper from past debates when The Greens were disingenuous about the police officers of this State. That will happen again and again, and every time it does I will remind Mr Shoebridge of some of his snide remarks tonight.

The Hon. LYNDIA VOLTZ [9.21 p.m.]: My colleague the Hon. Steve Whan has made the Opposition's position clear: It is with a heavy heart that we believe this bill will pass the House. However, we hope these amendments will improve the bill somewhat. We were informed by our crossbench colleagues that in his closing statements the Minister would clarify the details for us and provide some surety on the matter. Given that I was attacked during my contribution because I was confused about the closing down of the police superannuation scheme, which, clearly, was closed by Nick Greiner in April 1988, I am concerned about what we can expect from the commitments the member has received from this Minister, given his lack of detail on these issues.

Dr JOHN KAYE [9.22 p.m.]: I totally endorse the remarks of Mr Shoebridge and Mr Whan on this legislation and how appallingly bad it is and how inappropriate it is for us to consider it. However, I do one thing: I ask the mover of the amendment to explain the impact of including the word "long-term" before the word "cost". Given that we are talking about the purchase of an insurance policy, which I understand is a one-off purchase, what material impact does the word "long-term" have on section 199E? I am genuinely struggling to understand the benefit of including the word "long-term". I ask Reverend Nile, who moved the amendment, what "long-term" means. He proposes to insert into the legislation an ill-defined term. I am concerned as to whether it will improve the bill. Given that the member has moved the amendment, it would be good if he explained it.

Reverend the Hon. FRED NILE [9.23 p.m.]: As I stated when I moved the amendment, it was supplied by the NSW Police Association, which the Hon. Robert Brown has confirmed. That reveals the ignorance of the Hon. David Shoebridge in spending much of his time attacking this as a trivial and mean amendment. He ought to take up his criticism with the Police Association.

Dr John Kaye: It is just misleading and you know it.

Reverend the Hon. FRED NILE: That is what he said. The amendment will clarify that 4.6 per cent of police salaries, as referred to in the bill, represents the proposed long-term cost to the Government, not a short-term cost. I believe that guarantees flexibility in future arrangements. I commend the amendment to the Committee.

Question—That Christian Democratic Party amendment No. 1 [C2011-140C] be agreed to—put and resolved in the affirmative.

Christian Democratic Party amendment No. 1 [C2011-140C] agreed to.

Reverend the Hon. FRED NILE [9.25 p.m.]: I move Christian Democratic Party amendment No. 2 on sheet C2011-140C:

No. 2 Pages 4 and 5, schedule 1 [1], proposed section 199F, line 28 on page 4 to line 4 on page 5. Omit all words on those lines. Insert instead:

199F Contributions by police officers to cost of approved insurance policy

- (1) Police officers are required to make the same contribution to the cost to the State of an approved death and disability insurance policy as the contribution police officers would have been required to make under the Crown Employees (Police Officers Death and Disability) Award 2005 if that Award had not been rescinded by the Police Amendment (Death and Disability) Act 2011.

Note.

On the rescission of the Award, the contribution required to be made by police officers was 1.8% of their remuneration.

- (2) The contribution is to be made by way of salary sacrifice.

I do not wish to take up the time of the House tonight, nor does the Hon. Robert Brown, in going through all our negotiations with the Police Association. Obviously, we are pleased and commend the association, particularly its president, Scot Weber, and the administrator, Peter Renfrey. Before the Hon. David Shoebridge attacks this amendment as a mean and trivial amendment, it was requested by the Police Association. This amendment will cap the contribution of individual police officers to a maximum of 1.8 per cent of their salary. This is line with the Government's commitment that it would not raise the contribution level. The Police Association was concerned that without some certainty through this amendment, police contributions would not be capped. I do

not believe the Government would have done that. This amendment locks the Government into the maximum of 1.8 per cent contribution of a police officer's salary. I am pleased to move this amendment, which again was requested by the Police Association.

The Hon. STEVE WHAN [9.27 p.m.]: The Opposition supports the amendment. We understand that the Police Association sought this change. We are happy to support it.

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [9.28 p.m.]: The Government will also support this fair and sensible amendment, despite someone opposite during the second reading speech saying that employee contributions would be at risk. This amendment puts that to rest.

Mr DAVID SHOEBRIDGE [9.28 p.m.]: The Greens do not oppose this amendment, just as we did not oppose the last amendment. Just as the last amendment did not change the fundamentals of the unfairness of the bill, nor does this amendment. This amendment takes one protection out of the regulations and puts it in the Act. That one protection is that the amount that the police themselves will have to contribute is capped at the 1.8 per cent they currently contribute under the award. This amendment takes one thing out of the regulations and protects it by putting it in the Act. It merely confirms how none of those other fundamental elements in the death and disability scheme are actually enshrined in the legislation. None of the actual benefits are enshrined in the legislation. They are all stuck there in the regulations in whatever form the Minister of the day wants to put them.

None of the periods under which compensation is payable is contained in the Act; they are contained in the regulations. The very fact that the Government commends this amendment for giving greater protections and assurance to police by moving it from the regulations and putting it in the Act proves how little protection for police there is in the bill. The key elements, the benefits and amounts payable, when they are payable and for how long they are payable, remain in the regulations, able to be slashed at the whim of a Minister through regulation. We know that the Government intends to do that because it has a long-term review of the legislation.

Question—That Christian Democratic Party amendment No. 2 [C2011-140C] be agreed to—put and resolved in the affirmative

Christian Democratic Party amendment No. 2 [C2011-140C] agreed to.

Reverend the Hon. FRED NILE [9.30 p.m.]: I move Christian Democratic Party amendment No. 3 on sheet [C2011-140C]:

No. 3 Page 6, schedule 1 [1], lines 17–31. Omit all words on those lines. Insert instead:

- (3) If:
 - (a) immediately before the Bill for the Police Amendment (Death and Disability) Act 2011 was agreed to by both Houses of Parliament, a police officer had been unfit for duty because of a disability for a total period of at least 4 months during the previous 8 months and the NSW Police Force had received a report or certificate from the police officer's nominated treating medical practitioner indicating that:
 - (i) the police officer had reached maximum medical improvement, and
 - (ii) the police officer should be discharged from the NSW Police Force, and
 - (b) the police officer had not been discharged from the NSW Police Force before the commencement of this Part because of that disability, the provisions of the former death and disability award relating to payments for temporary or partial incapacity continue to apply in respect of that disability of that police officer despite the rescission of the award.

Concern has been expressed about the effect of the bill on police officers who are in the process of a possible medical discharge. This amendment provides for transitional arrangements and gives those police officers confirmation that they might have had a reasonable expectation of receiving a benefit under the old scheme. Under this arrangement more than 300 officers who are currently on sick leave will continue to receive benefits under the old scheme; they are not disadvantaged. I am advised that the budget was originally for only half of that number. The amendment substantially increases the number of officers who will be able to receive benefits under the old scheme. The Government has committed an additional \$70 million to accommodate this

amendment. This is over and above the \$240 million already allocated to fund transitional arrangements under these reforms. It indicates the Government's genuine intent to provide justice for all New South Wales police officers affected by the legislation.

The Hon. STEVE WHAN [9.33 p.m.]: The Opposition understands that this is a transitional amendment. The Opposition has had brief consultation with the Police Association, which has indicated that the wording is an improvement on the Government's wording and, indeed, the wording in the first draft of the amendments received earlier today. On that basis, the Opposition supports the amendment.

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [9.33 p.m.]: The Government obviously supports the amendment. It is the result of extensive discussions held particularly in the last week or so when concerns were raised about transitional arrangements. The Government has given consideration to the number of officers who would be eligible and, as a result, the Government is allocating \$70 million over and above the \$240 million already allocated to fund transitional arrangements. This additional funding will be of great assistance to the little over 300 police officers involved. Many of these officers have travelled quite a long way in their journey towards leaving the Police Force and have been in the process for some time. The Police Association spent considerable time talking to members of the crossbench, particularly Reverend the Hon. Fred Nile and members of the Shooters and Fishers Party. The Christian Democratic Party and the Shooters and Fishers Party have made representations to the Government and the Government has agreed with their proposition.

Mr DAVID SHOEBRIDGE [9.35 p.m.]: It is solely because the Police Association has made it clear that this is a marginal improvement in the transitional arrangements that The Greens will not oppose the amendment. However, it confirms the extent of the retrospectivity under this bill. I agree there has been a small change in that a limited class of police officers have been allowed to retain their existing legal rights under the award. They have been granted the great reward by this Government of being able to retain their existing lawful rights under the award. The amendment merely allows a small number of police to retain their existing legal rights. It also shows how many police will have their legal entitlements removed retrospectively by the Government. Why is it that the current legal rights to fair compensation of working people are fair game for retrospective legislation by the Parliament when the Parliament would never retrospectively take away the commercial rights under a commercial contract?

A Coalition Government would say that was anathema. The walls of commerce would collapse if we retrospectively took away a businessperson's rights, but somehow it is perfectly all right to retrospectively take away the rights of working people. This Chamber has done that time and again. Retrospectivity is all well and good when it comes to taking away the ordinary rights of working people for fair workers compensation, fair common law rights and fair death and disability benefits. Coalition governments have no problem retrospectively removing the legal rights of working people. However, if it were suggested to this Government that the legal contractual rights of a businessperson should be retrospectively taken away—

The Hon. Helen Westwood: Or a politician's pension.

Mr DAVID SHOEBRIDGE: Yes, or if the rights of a serving politician to the pension were to be retrospectively taken away Government members would run a mile. It would be a terrible blot on their copybook. They would suggest it would bring great commercial uncertainty to the State. When it comes to the rights of business and capital, retrospectivity is anathema to this Government but when it comes to the ordinary rights of working people the Government is more than happy to deliver bucket loads of retrospectivity—and this bill does exactly that. For injured police officers not to have their rights taken away, they have to have been off work for a period of four of the last eight months because of their injury. Injured police officers who have been off work for three months and three weeks, not the four months, will retrospectively lose their current legal entitlements courtesy of this bill.

However, if they are doing what the Government says they should do, that is, struggling at work despite suffering a serious injury, they will retrospectively lose their rights to death and disability benefits under the scheme. Worse still, if they have a serious physical injury and are undergoing a series of operations—for example, someone may have undergone an initial back operation but still face further back operations to provide some modest improvement—by definition those police officers will not be entitled to retrospective cover. To get retrospectivity a medical practitioner has to certify that the maximum medical improvement has been reached. If

they require a further operation, by definition they will not have achieved maximum medical improvement. Police officers with a serious injury who could be waiting in the queue right now for an operation will have their entitlements retrospectively removed courtesy of the deal done between the Shooters and Fishers Party, Reverend the Hon. Fred Nile and this Government.

No other case illustrates the meanness of this bill as does that one. Serving police officers can be waiting to have operations to gain relief from serious physical injuries and because they are waiting for an operation under this award they retrospectively will be denied their entitlement to compensation. The amendment makes a marginal improvement but shows, true to form, that this Coalition Government has no respect for the rights of ordinary working people. This Coalition Government places the efforts of an insurance company to get a guaranteed premium paid up front far above the rights of working people to fair compensation. Police who potentially are waiting for an operation as a result of injuries suffered at work are having their entitlements stripped away from them by this Government, which is a disgrace.

Question—That Christian Democratic Party amendment No. 3 [C2011-140C] be agreed to—put and resolved in the affirmative.

Christian Democratic Party amendment No. 3 [C2011-140C] agreed to.

Reverend the Hon. FRED NILE [9.42 p.m.]: I move Christian Democratic Party amendment No. 4 on sheet C2011-140C:

No. 4 Page 7, schedule 1 [1]. Insert after line 10:

- (5) If on the commencement of this Part there is no approved death and disability insurance policy that provides income protection benefits to replace the benefits for partial and permanent disability under the former death and disability award, income protection benefits are to be paid to police officers (until there is such a policy) in accordance with the insurance proposal provided to First State Super by TAL Life Limited and tabled in the Legislative Council by or on behalf of the Minister for Police and Emergency Services during consideration by the Legislative Council of the Bill for the Police Amendment (Death and Disability) Act 2011 (subject to subsection (6)).
- (6) On duty income protection rates under the insurance proposal referred to in subsection (5) are to be increased in accordance with adjustments to the insurance proposal that are tabled with the insurance proposal by or on behalf of the Minister for Police and Emergency Services.

This amendment relates to the Government's commitment to enhance the current tabled insurance proposal in a number of ways. As members would be aware, only one insurance company is prepared to be involved in this area of insurance. Previous experience relating to WorkCover and seeking insurance companies to provide coverage evidences the difficulty in securing that coverage. That is why maintaining the cooperation of this insurance company is a sensitive matter. The Government will face a serious situation should TAL Life Limited decide to withdraw its coverage.

This amendment will give effect to the Government's commitment to increase the proposed income protection benefits to 75 per cent for up to five years. The Government has agreed to invest up to a further \$10 million which is roughly equivalent to another 1 per cent of salaries in proposed insurance of increased benefit levels. The extra \$10 million is offered above the Government's wages policy and no offset is required. This enhancement which will cost the Government up to \$10 million is not reflected in the current insurance proposal. This amendment is required to ensure that officers who are captured by the transitional arrangements get a better deal. Again this is a positive amendment and one which the Police Association is pleased to support. It will benefit members of the NSW Police Force.

The Hon. STEVE WHAN [9.45 p.m.]: The Opposition supports this amendment. Obviously Opposition members have only just been given an opportunity to read a document about which they have been asking and discussing for days. I wish to highlight a couple of issues. In question time today the Minister was asked whether the term of this quote was 12 months but he did not provide an answer. Tonight that 12-month period has been confirmed. Comments have been made about the fact that after 12-months there will be an opportunity for revision and consideration of the effectiveness of the scheme. I note that there will be a 12-month contract and I note also that there will be a reduction in benefits. That is highlighted in the document that was tabled earlier, which is referred to in this amendment and which acknowledges that police officers will receive a lower rate of benefits. Those points highlight some of the problems that Opposition members have

relating to this whole process. Information mysteriously has been kept from Opposition members who have only just seen this document. It would have been useful to have received this document in time to consider it in detail. The document states:

Whilst the proposed TPD cover amounts are significantly lower than the current PBRI scale, a strong focus remains on continuing to offer an appropriate level of TPD cover.

Reverend the Hon. Fred Nile said earlier that this amendment was necessary because of the \$10 million enhancement that is not reflected in this document. It is not good enough for the Government to include in this amendment a guarantee of a \$10 million enhancement for serving police in New South Wales. It is an appalling process. I quote from a statement made by the insurance company:

At this point the income protection benefit period commences paying an initial income replacement ratio of 75 per cent. An income replacement ratio of lower than 100 per cent is the preferred model from a risk perspective as it helps to encourage return to work.

Serving police officers told us that under this new scheme they are not confident that they will get the salary levels on which they rely, which are not excessively generous when we taken into account the dangerous nature of the work that they do. However, we recognise that governments are limited in the amount of compensation that can be paid to people. The insurance company acknowledges that the reason for the lower level of remuneration is that it will provide people with an incentive to return to work if they cannot pay their mortgages on the salaries that they are being paid. As a Minister in the former Labor Government I focused on reducing injuries in the NSW Fire Brigades rather than introducing penalties to try to force people to go back to work. I reiterate the point I made earlier: The Opposition is dissatisfied with this entire process. However, the Opposition supports this amendment for the reasons outlined earlier.

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [9.48 p.m.]: The Government supports the amendment moved by Reverend the Hon. Fred Nile. A number of members on the crossbenches requested this amendment to ensure the provision of an additional \$10 million. This amendment, which resulted after negotiations with members on the crossbenches, will result in the addition of \$10 million, which is roughly the equivalent of 1 per cent in salaries. The Police Association put forward a strong case to the Christian Democratic Party and the Shooters and Fishers Party for a statutory rate of 80 per cent.

The association was prepared to move towards an income protection scheme, albeit initially there was a difference in the starting point of the Government's scheme and the scheme of the Police Association. The view of the Police Association was that income protection was a good measure for certain types of injured persons. The association suggested a statutory rate of 80 per cent for the entirety of its income protection proposal. Members will recall that after consultation with the insurer the Government had a step-down proposal—in other words, after a six-month statutory rate of 100 per cent the figure would drop to 75 per cent for a further eight months before continuing at 65 per cent for a total of five years. After extensive discussions with the Shooters and Fishers Party and the Christian Democratic Party, the Government decided to allocate an additional \$10 million, or 1 per cent of salaries. The Government's income protection proposal will increase the figure from 65 per cent to 75 per cent for up to five years.

I recognise that at the conclusion of this debate there will still be a difference between the Police Association start date and the Government start date for the income protection scheme. However, the Police Association still requires a statutory rate of 80 per cent. Unfortunately we could not reach agreement even though the Government increased protection from 65 per cent to 75 per cent, which is what this amendment will do.

The Hon. ROBERT BROWN [9.52 p.m.]: It is self-evident that the Shooters and Fishers Party supports this amendment. The Police Association asked for this document to be incorporated to try to ensure that there were no loops, gaps or ambiguities in the documentation. Members would be aware that the income protection period includes also a period after which the five-year period commences.

Mr DAVID SHOEBRIDGE [9.52 p.m.]: The Greens do not oppose this amendment and note that it will make some modest improvements for the first 12 months of this policy. However, after 12 months all bets are off and it goes back down to the 65 per cent that was proposed in the initial policy. It is a very small change for the first 12 months operation of the scheme, but after that all bets are off. It is up to the regulation-making power of the Minister, with a cost still capped at 4.6 per cent of police wages. If the costs of this amendment

lead to a scheme that has costs above 4.6 per cent I ask the Minister: How does subsection (6) of proposed section 199K interact with section 199E which places an obligation on the Minister to enter a policy at a capped level? It is difficult on the run to know how those two provisions will interact.

Does it mean that in order to give this increased benefit there will have to be a reduction in some other part of the benefits in order to stay within the cap? It is not clear how the two provisions will interact. It is not clear whether this will enable the Minister to move beyond the 4.6 per cent cap. If the cap remains in place we are concerned that it will mean robbing Peter to pay Paul. It is difficult to know how these provisions will interact. It is particularly difficult to know how that is so, given that the bill makes reference to a letter. If ever there were proof of slapdash drafting on the run it would be subsection (6) which states:

On duty income protection rates under the insurance proposal referred to in subsection (5) are to be increased in accordance with adjustments to the insurance proposal that are tabled with the insurance proposal by or on behalf of the Minister for Police and Emergency Services.

Any injured police officers who want to contest their entitlements can produce a letter—not a statute or even a regulation—from the police Minister that will state in part:

... as provided by the proposed section 199K (6) of the Police Act 1990, the New South Wales Government has committed to ensuring that the income protection benefit will be paid at a level of 75 per cent for up to five years for the 12 month term of the initial policy, notwithstanding the terms of the attached insurance proposal.

What does the phrase "up to five years" mean? It is like the sales that we see on the street which advertise that people can save up to 50 per cent when it might mean only a 5 per cent saving. Is there a commitment from the Minister to five years, or is it just up to five years? One year is up to five years and two years are up to five years. Is it actually a five-year commitment? Can the Minister explain this kind of sloppy drafting? There is reference to a letter, the terms of which are sloppy. Will this impact on the 4.6 per cent cap? Will it enable the Minister to go beyond the 4.6 per cent cap in order to provide these additional benefits? Will the Government have to cut benefits in another area? What does the phrase "up to five years" mean? Does it mean five years?

The Hon. ROBERT BROWN [9.56 p.m.]: Perhaps the answer is that there is no wriggle room with a cap of 4.6 per cent. The first amendment was suggested by the Police Association to contain the long-term costs. If that is what occurs in the next 12 months or the next two years it will give the Minister some wriggle room. I think that is the intent of the amendment.

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [9.57 p.m.]: The Government set an ongoing level of funding of 1 per cent over and above the previous Government's commitment of 3.6 per cent of salaries—that is, 4.6 per cent of salaries. That is this Government's long-term commitment. In addition, the Government has agreed to invest a further \$10 million—roughly an additional 1 per cent—into the proposed insurance to increase benefit levels for an initial term of 12 months, and another \$10 million for total and permanent disability. The overall intent of the Government's proposed reforms is to bring down the costs of the scheme to a sustainable level. If the scheme's performance improves ongoing insurance costs should decrease.

Mr DAVID SHOEBRIDGE [9.57 p.m.]: That is what the Minister says but that it is not what the bill provides. If that is what the Minister wants the provision would have to read, "notwithstanding the clear provisions in section 199E". If the Minister enters into an insurance policy that exceeds a 4.6 per cent cap he will be acting contrary to the clear terms of this Act.

The Hon. Robert Brown: No he won't.

Mr DAVID SHOEBRIDGE: I acknowledge the interjection of the Hon. Robert Brown who said, "No, he won't." On my reading of the Act there is a clear conflict. It may force the Minister to rob Peter to pay Paul. The Minister has not given us a commitment that "up to five years" means five years. We are dealing with this slap-dash legislation on the run at 10.00 p.m. when we know that this policy is open for acceptance for another month. What reasons can the Government provide for this rushed, hasty and sloppy legislation that makes reference to a letter, the terms of which are unclear, and an internally contradictory provision in the bill? What is the Government's rationale for doing that when we are dealing with important police death and disability benefits?

Question—That Christian Democratic Party amendment No. 4 [C2011-140C] be agreed to—put and resolved in the affirmative.

Christian Democratic Party amendment No. 4 [C2011-140C] agreed to.

Reverend the Hon. FRED NILE [9.59 p.m.]: I move Christian Democratic Party amendment No. 5 on sheet C2011-140C:

No. 5 Page 7, schedule 1 [1], line 15. Omit "6 months". Insert instead "9 months".

This amendment provides an extension to the period of workers compensation top-up under the transition arrangements from six to nine months. This amendment has been part of the discussions that the Christian Democratic Party and Shooters and Fishers Party have had with the Government to improve aspects of the Government's original legislation. All of our amendments provide practical improvements to the legislation.

The Hon. STEVE WHAN [10.00 p.m.]: Again the Opposition will support an increase in the period for workers compensation top-up. I highlight again the lateness of this provision. The process is unsatisfactory. Whilst this is an improvement—and I pay credit to the crossbenches for achieving this improvement in the legislation—it is unsatisfactory as it raises the same questions that were asked on previous amendments and important assurances by the Minister are given in tabled documents or in his responses as recorded in *Hansard*. Although this improvement is welcome, the legislation overall is not up to scratch.

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [10.01 p.m.]: The Government supports the amendment moved by the Christian Democratic Party, which will ensure that the period of workers compensation top-up available under the arrangements is extended from six to nine months.

Mr DAVID SHOEBRIDGE [10.01 p.m.]: Again The Greens do not oppose Christian Democratic Party amendment No. 5, which makes a modest improvement by extending workers compensation top-up from six to nine months. However, it remains a very significant reduction in the existing award entitlements for police. Only a group of politicians who had absolutely sold out police rights and entitlements could celebrate this as a victory. This is a slight salve to a significant loss for police. It is not a victory for police. This is a minor salve to a major wound to fair entitlements for police. It is not a victory. Any politician in this House who celebrates this as a victory for police is confirming that they do not understand what they are doing.

Question—That Christian Democratic Party amendment No. 5 [C2011-140C] be agreed to—put and resolved in the affirmative.

Christian Democratic Party amendment No. 5 [C2011-140C] agreed to.

Reverend the Hon. FRED NILE [10.02 p.m.], by leave: I move Christian Democratic Party amendments Nos 6, 7 and 8 on sheet C2011-140C in globo:

No. 6 Page 7, schedule 1 [1], line 31. Omit all words on that line. Insert instead:

- (1) A committee (comprising of the Commissioner of Police and a representative of the Police Association of NSW nominated by that Association) is to keep under review the cost to the State

No. 7 Page 7, schedule 1 [1], line 34. Omit "The Commissioner". Insert instead "The committee".

No. 8 Page 7, schedule 1 [1]. Insert after line 36:

- (3) The Commissioner is to ensure that the representative of the Police Association of NSW on the committee has access to such information as may be necessary to enable the committee to conduct the review under this section.

Amendments Nos 6, 7 and 8 will allow ongoing consultation with the committee, comprising the Police Association and the Commissioner of Police, to review the cost of the scheme and provide advice to the Minister for Police and Emergency Services and the Treasurer as to further changes that are required. These amendments will ensure that information is provided to the Police Association to enable it to participate in and conduct a review. As previous speakers have noted, this legislation has been rushed and it will require further finetuning next year. The crossbench wants to ensure that a mechanism is in place so that finetuning of the legislation can occur with the full involvement of the Police Association as well as the Commissioner of Police.

I cannot foretell what will come out of this process but the possibilities include an amending bill if the committee recommends that the legislation needs improvements. The Police Association has had regular

discussions with the police Minister and the crossbench on this legislation. We want to keep the door open so that those discussions continue. The Police Association will have full rights to participate in a review of this legislation. I believe this is a positive initiative and that further improvements will come out of the review.

The Hon. STEVE WHAN [10.06 p.m.]: The Opposition supports these amendments. It is unaccustomed industrial democracy to see this Government establish a committee with a representative from the Police Association. We welcome the move and appreciate the work that has been done to include such a provision. Reverend the Hon. Fred Nile's comments are revealing about the insufficient time taken by the Government and lack of proper process involved in this legislation. The member said that the committee may recommend an amending bill. That is an acknowledgement that the Government has not done its homework and has not undertaken proper consultation. The Government has presented a fundamentally flawed piece of legislation that will not serve the long-term needs of police in New South Wales. That rests on the Government's head. I acknowledge the efforts that have been made by the crossbench to achieve this concession, but it is a revealing commitment the Government has had to make and an acknowledgement of the poor process it has followed with this bill.

The Hon. ROBERT BROWN [10.07 p.m.]: Once again these are amendments that the Police Association wanted included so that they would know what was going on and would be involved in the decision-making process as this scheme rolls out. I urge all members to support these amendments. I note the comments by the Hon. Steve Whan about the limited time given by the Government to the formulation of this bill. He was not a member of this House when his party was in government. I can assure him that over the last five years I have been a member of this House I had to do go through this process with his Government on a dozen occasions.

Mr DAVID SHOEBRIDGE [10.08 p.m.]: The Greens do not oppose these modest amendments. The amendments moved by Reverend the Hon. Fred Nile only look at the cost to the State of this scheme. They do not suggest a general review of the scheme. What is missing from the review is any concept about the fairness of the scheme to police. The amendments relate only to the cost to the State. These amendments do not suggest in any way that this committee will review the fairness of the scheme to police. So, on behalf of The Greens, I seek to amend Christian Democratic Party amendment No. 6. I move:

That the amendment be amended by inserting "and fairness to police" after the word "State".

If there is to be a review of this scheme, why would crossbench members who support amendment No. 6 restrict the review to looking at only one half of the issues? Why would they allow the review to look only at the cost to the State? Why not allow the committee to consider also the fairness of the scheme to police? I ask crossbench members who support Christian Democratic Party amendment No. 6 to seriously consider expanding the terms of reference of the committee to enable it to go beyond the cost to the State and consider also the fairness to police of this scheme. If what the Government says is true, and it wants to do the right thing by police, it should have no concern about shining some light on the scheme and allowing the committee to look at the fairness or otherwise of the scheme.

The Hon. Scot MacDonald: The Auditor-General will do that.

Mr DAVID SHOEBRIDGE: I note the interjection by the Hon. Scot MacDonald. I accept that my amendment is being done on the run and that it may not be the most elegant of phrases. But why should not the fairness of the scheme to police also be considered?

The Hon. ROBERT BROWN [10.10 p.m.]: The amendment moved by Mr David Shoebridge sounds good, but he was critical of terms like "the long term". Fairness, again, is a fairly elastic sort of term, so I do not see that it could add anything. Perhaps the member could have come up with a more definitive term, but "fairness" does not really do much.

The Hon. STEVE WHAN [10.11 p.m.]: I have every faith that the Commissioner of Police and a representative of the Police Association will be able to come to an agreement on fairness, and the Opposition is quite happy to support a good idea in the amendment moved by The Greens. I would like to respond to a comment made by the Hon. Robert Brown. I am not critical of his effort in trying to achieve some improvements to the bill, although obviously the Labor Party would rather the bill not pass at all. But, frankly, I cannot recall from the eight years that I was a member in Labor governments dealing with any legislation that seriously impacted any group of employees in this State in the manner that the Government is handling this bill,

which seriously impacts the livelihoods and lasting benefits of New South Wales police officers. Sure, there were bills which, when they came into this place as a result of the government not having the numbers, required negotiation and last-minute amendments, but legislation that will have the impacts that this bill will have on people's lives should be considered with the advantage of much more time and in a more positive and constructive manner.

Mr DAVID SHOEBRIDGE [10.12 p.m.]: I ask the Hon. Robert Brown to reconsider my amendment. The word "fairness" is a pretty standard term.

The Hon. Robert Brown: So is "long term".

Mr DAVID SHOEBRIDGE: I am not having a debate with you about "long term"; in fact, I am probably not allowed under the standing orders to have a debate with you at all. If this one element of fairness cannot be part of a bill about death and disability benefits, I think that is an indictment on this Parliament. I ask the Hon. Robert Brown to reconsider his position.

The Hon. ROBERT BROWN [10.13 p.m.]: The Minister is nodding, so I have reconsidered: I think it is a good idea.

Mr David Shoebridge: Thank you.

Reverend the Hon. FRED NILE [10.13 p.m.]: It was never the intention of the Christian Democratic Party in negotiating amendment No. 6 that it would be restrictive. It was contemplated that all issues the Commissioner of Police and the Police Association wished to raise would be discussed. It seems the amendment moved by Mr David Shoebridge is not necessary, but I do not oppose it.

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [10.14 p.m.]: I would echo the words of Reverend the Hon. Fred Nile. His intentions were good in drafting amendment No.6. I am quite happy for fairness to be included in the provision, but the original intent was always to get a good outcome.

The CHAIR (The Hon. Jennifer Gardiner): Reverend the Hon. Fred Nile has moved Christian Democratic Party amendments numbers 6, 7 and 8 in globo. Mr David Shoebridge has moved that Christian Democratic Party amendment No. 6 on sheet C2011-140C be amended by inserting the words "and fairness to police" after the words "cost to the State". I propose to put Mr David Shoebridge's amendment to amendment No. 6 moved by Reverend the Hon. Fred Nile.

Question—That the amendment of Mr David Shoebridge to Christian Democratic Party amendment No. 6 [C2011-140C] be agreed to—put and resolved in the affirmative.

Amendment of Mr David Shoebridge to Christian Democratic Party amendment No. 6 [C2011-140C] agreed to.

Christian Democratic Party amendment No. 6 [C2011-140C] as amended agreed to.

Christian Democratic Party amendments Nos 7 and 8 [C2011-140C] agreed to.

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [10.15 p.m.]: I have been asked to table a police amendment regulation in relation to total and permanent disability. It is in draft form. However, I am sure Mr David Shoebridge will be able to confirm what I will say in relation to it. The Police Association has some concerns with the form in the context of this draft regulation. However, I think it is fair to say that the Police Association would prefer this to be in place, rather than the alternative offered. This one also recognises the \$10 million that has been provided by the Government for total and permanent disability. I intend, following discussions that I have had with the Shooters and Fishers Party and the Christian Democratic Party and following the tabling of this police amendment regulation, to continue from today discussions with the Police Association to ensure that any concerns in relation to this are clarified beyond this draft proposal. I seek leave to table a proposed regulation entitled "Police Amendment (Total and Permanent Disability) Regulation 2011".

Leave granted.

Document tabled.

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

Schedule 1 as amended agreed to.

Reverend the Hon. FRED NILE [10.17 p.m.]: I move Christian Democratic Party amendment No. 9 on sheet C2011-140C:

No. 9 Page 9, schedule 2 [2], line 15. Insert "(together with an additional period of the following 13 weeks)" after "Workers Compensation Act 1987".

The effect of this amendment is to extend the current proposal relating to police workers compensation top-up. The bill removes the current unlimited entitlement to this top-up payment to which police currently have access. Under the terms of the current bill, police officers instead will be entitled in the first six months off work following an injury to 100 per cent of pay. I commend the amendment.

The Hon. STEVE WHAN [10.17 p.m.]: The Opposition supports the amendment.

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [10.17 p.m.]: As I indicated earlier, the Government also supports this amendment.

Mr DAVID SHOEBRIDGE [10.18 p.m.]: On behalf of The Greens, I indicate that The Greens will not be opposing this amendment. But again for anyone to suggest that this tiny save of some 13 weeks top-up, in the context of the substantial slash to benefits, is a victory for police would be disingenuous. I do not think that Reverend the Hon. Fred Nile is any longer suggesting in his contribution that this is a substantial benefit or victory for police. This, again, is a minor salve. That being said, it is better to have an additional 13 weeks than not, albeit police are seeing their benefits radically and retrospectively reduced by the bill.

Question—That Christian Democratic Party amendment No. 9 [C2011-140C] be agreed to—put and resolved in the affirmative.

Christian Democratic Party amendment No. 9 [C2011-140C] agreed to.

Schedule 2 as amended agreed to.

Schedule 3 agreed to.

Reverend the Hon. FRED NILE [10.20 p.m.]: I move Christian Democratic Party amendment No. 10 on sheet C2011-140C:

No. 10 Page 12, schedule 4 [2], proposed section 146D. Insert after line 29:

(c) in proceedings by an incapacitated police officer for the enforcement of obligations of the NSW Police Force under applicable employment policies and practices to provide restricted or other duties to the incapacitated officer, or

This amendment will help provide a clear role for the Industrial Relations Commission to determine any disputes regarding the Police Force's responsibility to offer injured officers appropriate and suitable duties. We hope it will not be needed but the endorsement of this enhancement reflects the Government's commitment to ensure that the Police Force does the right thing by its injured officers and makes every effort to return them to meaningful work. The Industrial Relations Commission will therefore have oversight of this process. The whole purpose of the legislation is to try to get officers to go through rehabilitation programs and return to full-time duties in the Police Force.

There has been some discussion as to the role of the Industrial Relations Commission in dealing with the issue of death and disabilities. I and the Hon. Robert Brown raised the issue of the role of the Industrial Relations Commission in disputes. The bill removes the role of the Industrial Relations Commission in making awards concerning the death and disability scheme because the bill creates an onus on the Government and the New South Wales Police Force to take out private insurance on behalf of members of the scheme. I previously

moved an amendment that sought to return to the Industrial Relations Commission a role in resolving disputes between the New South Wales Police Force and claimants where there was an issue concerning their return to work.

It has been proposed to the Government that broader powers be returned to the Industrial Relations Commission. However, as it stands, a dispute resolution mechanism is built into the insurance proposal itself. If further disputes over dollar amounts occur, the new death and disability scheme, as a superannuation scheme, can have the disputes resolved at the Commonwealth Superannuation Complaints Tribunal, which is the most appropriate place for them and will be at no cost to the claimants. I believe that will help provide an avenue for concerned police officers if needed.

The Hon. STEVE WHAN [10.23 p.m.]: The Opposition supports Christian Democratic Party amendment No. 10. However, I want to highlight a couple of points. First, the removal of the death and disability cover from the purview of the Industrial Relations Commission and from overall negotiations for police pay and conditions is one of the Opposition's fundamental concerns with this legislation. It is part of this Government's continuing efforts to remove the independent umpire from industrial matters in New South Wales—an independent umpire that has served all employees in New South Wales well for many years. It is symbolic of this Government's lack of commitment to industrial rights in New South Wales. That particular measure goes hand-in-hand with this Government's wage legislation, which we saw go through this place, which also removed the role of the independent umpire. This is part of the Government's attack on the working conditions of public sector employees in New South Wales.

This amendment, which slightly improves the situation for individual incapacitated police officers, is obviously welcome to the extent that it goes. But it goes nowhere near replacing what will be lost if this legislation is passed, and that is a wider role for the Industrial Relations Commission in determining issues such as this. The Labor Party still has strong concerns about this issue. I reiterate that while we have supported these amendments for the small improvements that they bring to the bill, and we certainly appreciate that the bill has not just been gone through unamended, we remain deeply concerned about this bill overall. We know why this legislation has been rammed through this place: the Government does not do its homework properly.

The Hon. Dr Peter Phelps: Point of order: Madam Chair, the member is clearly infringing upon Standing Order 142 (4). He is moving into a discursive discussion of the second reading merits of the bill. Given the rulings and the commentary in Lovelock and Evans at page 357 I ask you to return him to the specific content of this amendment and direct him not to go into a broad appreciation of the bill.

The Hon. Adam Searle: To the point of order: The Hon. Steve Whan was definitely linking the amendment that we are now debating to the wider policy of the bill and was not infringing in the way suggested by the Hon. Dr Peter Phelps.

The Hon. Dr Peter Phelps: To the point of order: I refer the honourable member to page 357 of Lovelock and Evans, which says that a member cannot talk discursively. A member may relate to another amendment which is of direct relevance to that amendment but cannot go into a broad appreciation of the bill.

Mr David Shoebridge: To the point of order: The Government Whip should have the courage to face the Opposition's criticism of the bill. If he does not have that courage he should withdraw the bill. This is a contribution on the amendment and on how little the change is.

The CHAIR (The Hon. Jennifer Gardiner): Order! I uphold the point of order. I ask the Hon. Steve Whan to restrict his comments to the amendment.

The Hon. STEVE WHAN: The amendment directly relates to the industrial rights of members of the Police Force and referral to the Industrial Relations Commission. I am sure that my colleagues sitting behind me, who have experience in the union movement, will be only too delighted to talk in more detail about those industrial rights. The proposed amendment slightly improves the Government's effort to remove reference to the Industrial Relations Commission that used to be possible, which is what the Labor Party is fundamentally concerned about. This Government's consistent approach of trying to remove the independent umpire is noted by everybody in New South Wales.

I know that when the people of New South Wales and the police consider this amendment and the way that it has been removed from the Industrial Relations Commission they will remain dissatisfied, even though

we have this slight improvement to the bill, and they will express their dissatisfaction particularly to those members of the lower House who represent the electorates in which the police live, and I have no doubt that as we go through the next few years that dissatisfaction will be expressed to the marginal members. I also have no doubt that one of the reasons why we are being rushed through this legislation is simply because this Government did not have the guts to see a lobby campaign put up by the police of New South Wales and the pressure put on those marginal members in the other place.

Mr DAVID SHOEBRIDGE [10.28 p.m.]: Again, the terms of this amendment show the haste and the lack of consideration which both the Government and the crossbench members moving this amendment have taken in relation to this bill. Section 146D (1) of the bill says:

The Commission does not have jurisdiction or power to make or vary any award or order that provides for death and disability payments to or in respect of police officers.

Even taking the most malign intent from the Government on the wording of that provision, which I might say there is an increasing tendency to do in this House, that would not prevent the commission from making an order in relation to a dispute about employment policies and practices of the NSW Police Force that provide for restricted or other duties to the incapacitated officer. Even on the most broad-ranging interpretation of subsection (1), the kind of dispute that this amendment is suggesting the commission can still hear was not prohibited anyhow.

In fact, the concern would be that by including this as an exception one is giving strength to the argument that subsection (1) has far greater application than any plain reading of it does, otherwise this exception makes no sense at all because on any ordinary reading of subsection (1) the commission's powers to make orders in relation to employment practices and policies of police is not fettered. So why is this exception being put in? Surely the Government should clarify that it was never its intention to fetter the commission to make an order about employment practices and policies, and it was never intended to be covered, otherwise we are now put in the situation where we have an on-the-run amendment that creates confusion and complexity and deals with a problem that on any rational reading of the initial bill was not there in the first place.

Reverend the Hon. FRED NILE [10.31 p.m.]: Mr David Shoebridge continually attacks amendments proposed by the Police Association of New South Wales. They specifically requested the involvement of the Industrial Relations Commission in this format. He ought to be very careful, when making a broad-brush attack on these amendments, to know what he is talking about.

Mr DAVID SHOEBRIDGE [10.31 p.m.]: For Reverend the Hon. Fred Nile to stand here, having been elected as a legislator, and cast his mind to the appropriate legislation—

The Hon. Greg Pearce: Point of order: My good friend Mr David Shoebridge seems to be embarking on an attack on one of the honourable members of the House. He knows that he should not do that unless he does so by way of substantive motion. So please, do not do that.

Dr John Kaye: To the point of order: I think the Minister fails to understand the difference between an attack on a member and robust debate on an issue. There is no point of order. Mr David Shoebridge was making a perfectly valid debating point.

The CHAIR (The Hon. Jennifer Gardiner): Order! Members have engaged in a fairly civilised debate. I ask members to restrain themselves and not make any reflections upon each other.

Mr DAVID SHOEBRIDGE [10.32 p.m.]: It is the obligation of members of this House to make sure that the legislation they are passing makes sense, works as a package, and does not have internal contradictions. Reverend the Hon. Fred Nile is eschewing responsibility for this and handing over responsibility to the Police Association, which is doing the best it can on the run at 10.30 at night—it is doing the best it can for its members, often with half-drafted bills, half-drafted amendments, half-baked letters being thrown before it late at night. The Police Association is doing the best it can and standing up for its members. For Reverend the Hon. Fred Nile to hide behind the association when he is agreeing with the Government to rush this hasty, half-baked legislation through late at night I think does him no credit and does his position no credit. If he wants to defend the bill, defend the bill; he should not hide behind the Police Association.

The Hon. Greg Pearce: Point of order: David, there you go again, attacking a member. If you want to do that, you should do it through a substantive motion. Just stay controlled and don't attack in that sort of way.

The Hon. Steve Whan: Point of order: Madam Chair, I refer to the behaviour of the Minister, who has just entered the Chamber. Could you draw to his attention that it is disorderly to stand up, ignore the Chair and then address and lecture another member across the Chamber?

The CHAIR (The Hon. Jennifer Gardiner): Order! Members will take points of order in the appropriate form.

Reverend the Hon. FRED NILE [10.34 p.m.]: I was seeking to assist the Hon. David Shoebridge by giving him the background. I am not hiding behind anything or anybody. I take full responsibility for every one of the amendments, but I believe the member should have some respect for the requests of the Police Association and not be so disparaging and cynical in his response.

The Hon. ROBERT BROWN [10.35 p.m.]: This is one of those situations where I have to say the Shooters and Fishers Party was not very happy about having to cop this amendment, but in any extensive negotiation like this there is a lot of give and take, so at the end of the day we will not oppose it. We would have liked to see it a bit stronger, but I guess, given where we got to with the rest of the stuff, we take the good with the bad.

Question—That Christian Democratic Party amendment No. 10 [C2011-140C] be agreed to—put and resolved in the affirmative.

Christian Democratic Party amendment No. 10 [C2011-140C] agreed to.

Schedule 4 as amended 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

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [10.38 p.m.]: I move:

That this bill be now read a third time.

Question—put.

The House divided.

Ayes, 15

Mr Borsak
Mr Brown
Mr Clarke
Ms Ficarra
Mr Gallacher
Miss Gardiner

Mr Gay
Mr Green
Mr Lynn
Mr MacDonald
Mr Mason-Cox
Reverend Nile

Mr Pearce

Tellers,
Mr Colless
Dr Phelps

Noes, 12

Ms Barham
Mr Buckingham
Ms Faehrmann
Mr Foley
Dr Kaye

Mr Primrose
Mr Secord
Mr Shoebridge
Ms Westwood
Mr Whan

Tellers,
Ms Cotsis
Ms Voltz

Pairs

Mr Ajaka	Mr Donnelly
Mr Blair	Ms Fazio
Ms Cusack	Mr Moselmane
Mr Khan	Mr Roozendaal
Mrs Maclaren-Jones	Mr Searle
Mrs Mitchell	Ms Sharpe
Mrs Pavey	Mr Veitch

Question resolved in the affirmative.

Motion agreed to.

Bill read a third time and transmitted to the Legislative Assembly with a message seeking its concurrence in the bill.

DAYS AND HOURS OF SITTING

Motion, by leave, by the Hon. Duncan Gay agreed to:

That, unless otherwise ordered, the days of meeting of the House in 2012 be as follows:

Budget sittings:

February 14, 15, 16, 21, 22, 23
March 6, 7, 8, 13, 14, 15, 27, 28, 29
April 2, 3, 4
May 1, 2, 3, 8, 9, 10, 22, 23, 24, 29, 30, 31
June 12, 13, 14, 19, 20, 21

Spring sittings:

August 14, 15, 16, 21, 22, 23
September 4, 5, 6, 11, 12, 13, 18, 19, 20
October 16, 17, 18, 23, 24, 25
November 13, 14, 15, 20, 21, 22, (reserve days) 27, 28, 29

BUSINESS OF THE HOUSE**Suspension of Standing Orders: Rescission of Order**

Motion, by leave, by the Hon. Dr Peter Phelps agreed to:

That standing orders be suspended to allow a motion to be moved forthwith that the resolution of the House of 23 November 2011 relating to membership of the Committee on the Office of the Ombudsman and Police Integrity Commission be rescinded.

Rescission of Order

Motion, by leave, by the Hon. Dr Peter Phelps agreed to:

That standing orders be suspended to allow a motion to be moved forthwith that the resolution of the House of 23 November 2011 relating to membership of the Committee on the Ombudsman and Police Integrity Commission be rescinded.

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

Motion by the Hon. Dr Peter Phelps agreed to:

That the resolution of the House of 23 November 2011 discharging the Hon. Catherine Cusack from the Committee on the Office of the Ombudsman and Police Integrity Commission and appointing the Hon. Trevor Khan as a member of the committee in her place be rescinded.

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

SEASONAL FELICITATIONS

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [10.50 p.m.]: I move:

That this House notes its thanks to the members and staff of the Parliament and wishes seasonal felicitations to all.

I would also like to move a vote of thanks before the House adjourns. On behalf of my ministerial colleagues and all government members I extend my gratitude to everyone in the Parliament for their hard work over the past 12 months. As we farewell 2011 and welcome the new year, I take this opportunity to express my gratitude to the members of this House. This is an important institution. I thank them all for their participation and commitment to what they believe is right for the people of New South Wales.

It has been an honour and a pleasure to be the Leader of the Government in this House, and I appreciate the support that has been given to me. In particular, my thanks go to the Deputy Leader of the Government and the Leader of Government Business in this place, Duncan Gay. His continued support and friendship is both valued and appreciated. His wisdom and advice give the Government and me confidence. To Luke Foley, the Leader of the Opposition, Adam Searle, the Deputy Leader of the Opposition, and all those who sit opposite, I thank you all for your cooperation and contributions over the past year. The enthusiasm and the passion of all members who participate in this important parliamentary process is not lost, even in the midst of all the noise and heckling that sometimes takes place. I also thank all members of the crossbench for their hard work in the Chamber and the committee process throughout the year.

It has been a long year for all members of this House—a long 18 months really. We have had our disagreements and our periods of consensus, but at the end of the day we are all working to represent our communities. As we approach the holiday season I take a moment to pass my very best wishes to Reverend the Hon. Fred Nile as he spends time with his family this Christmas. It will not be an easy time so close to the loss of Elaine. I speak on behalf of all members when I say that our thoughts are with you and your family at this time. I also express my heartfelt condolences to several other members of the Legislative Council family who will also be reflecting on their loss and that vacant spot at the Christmas table this year. To Cate, Lucy and David and your staff my thoughts are with you as you take time out with your loved ones to mark what will no doubt be a tough time. To those I may have missed in these thoughts who have also lost someone they loved during the year, may this holiday season be a time for you to reflect on the wonderful moments you shared together.

It has been an historic year—one that has seen a new Liberal-Nationals Government take over the reins. I thank David Blunt, the Clerk of the Parliaments, who has moved into the role with ease and professionalism following the retirement of Lynn Lovelock. Thank you to all the Clerks, our fantastic attendants and support staff in the Legislative Council for your tireless work. To our friends in Hansard who cope with us during question time and who ensure what is spoken is recorded for many decades to come—often much more eloquently than when it was said—I thank you for your patience and for all that you do. I also thank our parliamentary staff: the dining and catering staff, the special constables, the library staff and the cleaning staff. It would be an entirely different place if you did not do all that you do, and your support and professionalism is greatly appreciated. The Parliament would not be able to operate without your contributions. Much of the time your work goes without acknowledgement or praise but it certainly does not go unnoticed. Thank you.

Mr President, you have slipped into your new role incredibly well. I thank you for your important contribution this year, and I wish you and your family a joyous holiday period. I also thank my staff, those who have been with me for many years in opposition—a very long journey—and my new staff members who have been with me since the election, for all the help you have been given in my first 12 months as leader and Minister. Quite simply, I could not have continued in this role without your support. Thank you.

The Hon. LUKE FOLEY (Leader of the Opposition) [10.55 p.m.]: I support the motion of the Leader of the Government and I endorse his comments. On behalf of the Labor Opposition I thank the Clerks and staff of the Legislative Council for their professionalism each day we are here. I pay tribute to David Blunt on his elevation to the office of Clerk—one of the most important offices in the New South Wales Parliament.

The Hon. Duncan Gay: The most important!

The Hon. LUKE FOLEY: I stand corrected. I thank Hansard for their good work, the library staff, the catering staff and the special constables who keep us safe. We are well served as members of this Parliament by

the staff who help us to carry out our responsibilities. This has been the toughest of years for the Labor Party. I congratulate the members of the Liberal-Nationals Coalition—as I did on election night—on their election victory. But I say to my colleagues that in this Chamber the 14 members of the Labor Party have emerged as a combative and effective opposition. I thank each of my colleagues for their support and for their devotion to the task of rebuilding and reviving the fortunes of New South Wales Labor. I still feel as though I am a very new member of this place, and I thank my colleagues for the confidence they have placed in me. I also thank Adam Searle for the support he gives me all day, every day, as my deputy. The Labor Party has to look to the future, and the confidence that has been placed in Adam and me is very much appreciated. Mr President, you enjoy the confidence and respect of all Labor members. I wish you and all members well for the season ahead. We will see you all in the new year.

The Hon. DUNCAN GAY (Minister for Roads and Ports) [10.58 p.m.]: First of all—

The Hon. Walt Secord: An attack-free zone.

The Hon. DUNCAN GAY: You are never an attack-free zone, Walt. The target is there—it is not one you could easily miss—but I will not be distracted again. First of all, I thank all the staff of this Parliament. As I wander around this place in my grumpy persona, no matter what is happening, they are always happy and smiling and more than helpful. All members know how fantastic they are. This year we have a new Government—the first change in government in 16 years. Some of us who wanted to get over here got here, and others who did not want to go to the other side got there. It was just terrific.

We have a new Leader of the Government and a new President, who is doing a cracking job. We have a new Deputy-President, who is doing an equally fabulous job in that role and as Chairman of Committees. As a former holder of that position I have to say that it is sometimes overlooked, but that is certainly not the case with Jenny Gardiner, who is an adornment to the position. I congratulate the new leaders of the Opposition. It is not an easy mantle to wear but I have to say, with a certain amount of respect, that they are taking it on and making a fair hack of it—only fair, we are giving them about 5 out of 10 at this stage.

The Hon. Michael Gallacher: Better than in the other place.

The Hon. DUNCAN GAY: Yes, better than the guys in the other place. You have got our points, so well done. You are manning up the front benches, which is good to see. There is a new Clerk and a new Deputy Clerk in the Legislative Council. Congratulations to them. There is a new Clerk in the Legislative Assembly as well. There are major changes in the place: good changes are happening. When there is change it always takes a while to get used to the new arrangements. My best wishes to Lynn Lovelock, who left me some homework, which is always appreciated, and I am working on it. There is new management in Hansard as well. Frankly, the Hansard staff make us sound a lot better than we are; they are terrific. There is also new management in the Department of Parliamentary Services and a new Executive Manager, Rob Stefanic.

I thank the crossbench members. We do not always agree but we have our moments. I have short words, long words, happy words and unhappy words with them but by and large it has been terrific. Thank you for the time we put in together. As the Leader of the Government mentioned, this will be a tough time for Fred and Lucy over the Christmas break and our thoughts are with them. I thank my ministerial staff, who lose me a lot as Leader of the House but carry on professionally in their work on my portfolios. I am grateful to John McGowan and Louise Talbot for their help in my role as Leader of the House. It is certainly appreciated.

We have made some changes to the running of the House during the year. We think some of them are terrific and there are some that other members do not think are terrific. I was musing on this with the Leader of the Government yesterday and looking at the busts on the walls above us and thinking that in about four years when the new President, Jeremy, is in the chair he will say, "That Duncan Gay was terrific. He brought in timed debates. We should put a bust of him on the wall in honour of the great job that he did because we are able to get out of this place three or four hours earlier than we might have before the timed debates." There will be a spot on the wall. I wish you, Mr President, and all members the best for Christmas. I want to see you all back here next year.

Reverend the Hon. FRED NILE [11.03 p.m.]: I support the motion moved by the Hon. Michael Gallacher as we adjourn the House now to celebrate the Christmas season. This is the thirtieth year that I have extended Christmas greetings to members of this House. I understand that the attendants tell visitors I am the most senior member of the House, not in power or authority but in age. I am not sure whether that is accurate

but at 77 I must have outlasted everybody else or they have retired. On behalf of my very enthusiastic colleague, the Hon. Paul Green, who I am very pleased is in this House, and myself I extend Christmas greetings to all members of the House. I extend greetings also to the President, for his help, to the Ministers for their cooperation and guidance, the Clerks, particularly David Blunt as he takes up his new position, and the Deputy Clerk, who has been appointed but is not here at the moment. I thank the attendants, the security officers and police, Hansard, the dining room staff, catering staff and all the parliamentary staff who carry out their responsibilities in this Parliament—and everyone's family.

I commend to all members this historic reading from the Gospel of Matthew, chapter 1, verse 18, which I have read on other occasions, to remind us of the reason we adjourn for the Christmas season:

Now the birth of Jesus Christ was on this wise: When as his mother Mary was espoused to Joseph, before they came together, she was found with child of the Holy Ghost.

Then Joseph her husband, being a just man, and not willing to make her a publick example, was minded to put her away privily.

But while he thought on these things, behold, the angel of the Lord appeared unto him in a dream, saying, Joseph, thou son of David, fear not to take unto thee Mary thy wife: for that which is conceived in her is of the Holy Ghost.

And she shall bring forth a son, and thou shalt call his name Jesus: for he shall save his people from their sins.

Now all this was done, that it might be fulfilled which was spoken of by the Lord by the prophet, saying [seven hundred years earlier], Behold, a virgin shall be with child, and shall bring forth a son, and they shall call his name Emmanuel, which being interpreted is, God with us.

Then Joseph being raised from sleep did as the angel of the Lord had bidden him, and took unto him his wife:

And knew her not till she had brought forth her firstborn son: and he called his name Jesus.

That is a wonderful name with special meaning to me and I am sure to other members of the House. A very happy and blessed Christmas for every member.

Dr JOHN KAYE [11.07 p.m.]: I rise on behalf of my five—I am proud to say—Greens colleagues, including one in the lower House, which is also a matter of pride for us.

The Hon. Matthew Mason-Cox: You are the leader.

Dr JOHN KAYE: I deliberately did not wear a tie for your sake, Matthew, so you would not be confused. One of the few things I share in common with Reverend the Hon. Fred Nile is that I am the oldest member of The Greens so I was given the opportunity to make this speech. This has been a great year for us. In this House we have two brand spanking new members and two still-new members—they have most of their wrappings off—and I am the nightwatchman, as it were, plus one brand spanking new member in the lower House. They have brought an awful lot of new energy and new ideas to The Greens—and some new facial hair—which has enlightened this Chamber enormously.

One of the things you discover as a new member when you come to this Chamber is that it is an iceberg. You think that what you see on television and read in the paper is about the members of this Chamber and of the Legislative Assembly. What you do not read about, do not see, do not hear and do not understand the importance of until you get here is the enormous number of people who facilitate the operations of this Parliament. I begin with the Clerks. It is wonderful to have a brand spanking new Clerk and Deputy Clerk who are even newer than my Greens colleagues and who are continuing the tradition of doing a wonderful job. I observed on the retirement of Lynn Lovelock that it is one of the most difficult tasks because the Clerks are clearly subjected to a lot of political pressure as they try to navigate their way through an extremely complex series of political situations. It is remarkable that they do so not just with great professionalism, as was observed earlier, but with great humour and enthusiasm for the challenges we throw before them. On behalf of my Greens colleagues and everybody present I thank them for the excellent job they do.

In particular I thank Susan Want, on whom I have been conducting an experiment for a number of years. She does not know this but the experiment is to see how little time I can give her to convert my scrawl into a notice of motion in the morning. We have got it down to nanoseconds; we are heading for picoseconds next year. Behind the Clerks lies a whole establishment with the procedure and committee staff. Having sat on a

number of committees in this place over the years, and having interacted with the procedure staff with papers and the variety of other things they do, I am amazed at how happy they remain in the face of what are difficult and challenging jobs.

The Hon. Scot MacDonald: And what we do to them.

Dr JOHN KAYE: And what we do to them indeed. I particularly thank Hansard. Whenever I read my speeches in *Hansard* I am amazed at how eloquent I read, compared with how ineloquent I sound when I speak.

The Hon. Michael Gallacher: There's one person who reads it.

Dr JOHN KAYE: At least one person reads it in my case. The great work that Hansard does with interjections and the way they interpret and create a readable document is a tribute to their professionalism and their dedication to their job. I massively thank them for the work they do. Catering staff do a remarkable task in terms of keeping us fed and staying awake for the hours we sometimes keep them here. I thank them for that. The education and committee relations staff are not often acknowledged for the excellent work they do. When school leaders are visiting the Parliament I often come down to the Chamber to see the bright-eyed young future of New South Wales sitting on these leather benches. They are shown around the Parliament and introduced to the ideas of parliamentary democracy.

The information technology services staff get the most improved award as a department that has turned around and begun to listen and respond to the needs of members. They have done a wonderful job and continue to improve, and I thank them for their work. The library continues to be a great source of cheer and information. No task is too difficult for the library staff and no deadline is too short. The help they give us is remarkable. I have no words to thank the Chamber and support staff, particularly the attendants and the camera operators, for their tolerance, assistance and help. In terms of the Parliament's facilities, we take this building for granted. To those in printing, in engineering—as an engineer I particularly thank the engineers—on the switchboard and the building attendants, the cleaners and the special constables who keep this building safe and operational: thank you so much for the work you do. To those people whom I have missed out, I apologise but I thank them.

In conclusion, I specifically thank you, Mr President, and the Deputy-President and Chair of Committees, the Hon. Jennifer Gardiner. I cannot imagine how you manage to be so non-partisan in the work you do. Since you have assumed those offices there have been countless episodes when you have shown not only enormous wisdom and tolerance—I think I have been the subject of that tolerance from time to time—but also a capacity to keep the Chamber operating with your abundant and clear fairness in the decisions you make. That is a hard task as you are active members of political parties. However, you negotiate your way through in such a way that it raises the standard in the Chamber and makes the Chamber operate. I thank you both for your tolerance, hard work and fairness. I wish all members a very safe holiday season. It is a dangerous time—it should not be a dangerous time—on the roads, on the water and for some people domestically. I wish all members an enormously safe time. I look forward to seeing you all, in varying measures, in 2012.

The Hon. ROBERT BROWN [11.14 p.m.]: It is a pleasure to talk on a subject that everybody wants to hear about: Christmas time, getting out of this place and going home to friends and family. Previous speakers have thanked almost everyone who needs to be thanked. However, I place on record my thanks to the committee staff. Sometimes perhaps the committee work that upper House members do is not appreciated by our friends in the other place. We travel on some of the most horrid, cramped little buses and on planes that tend to make some members a little green—I am referring to the Hon. Jeremy Buckingham—but we get to see some interesting things. And all around the country come the secretariat, the committee director and Hansard staff, who carry about half a tonne of gear. They set things up then we swan in and hold our public hearings and everything seems to run smoothly. Mr President, congratulations on your ascension to the chair. You have done a fantastic job.

The Hon. Luke Foley: The best Presiding Officer this side of Peter Slipper.

The Hon. ROBERT BROWN: You just had to put the slipper in. To the Deputy-President and Chair of Committees, thank you very much. You do a fantastic job which is critical to the operations of this House. Ensuring that things go smoothly during the Committee stage is difficult, and you do a difficult job well. I also thank the four staff in our office who work very hard, as I am sure do the staff in all offices. I am looking forward to Christmas this year. For people like the Hon. Robert Borsak and me, summertime is fishing season and wintertime is hunting season. So we might both do a bit of fishing. Merry Christmas to you all.

The PRESIDENT: I take this opportunity to thank the Deputy-President and Chair of Committees, the Hon. Jennifer Gardiner, the Assistant President, Reverend the Hon. Fred Nile, and the five Temporary Chairs who have rendered much assistance to the House and in particular to me during the year. I am fortunate to enjoy a strong friendship and working relationship with Madam Speaker. As the Hon. Peter Primrose and the Hon. Amanda Fazio know, the working relationship between the two Presiding Officers is incredibly important in terms of ensuring that the Parliament is well run and provides the services that members need to do their job of representing the people of New South Wales. On behalf of my staff I thank the Speaker's staff, Luke and Joe, as well as Lynne and Adam in Nowra, for their assistance.

As members have said, this has been a year of incredible change, not only because of the general election but because 35 per cent of the members have come into the House in the past 18 months. Indeed, it has been an incredible time of change for me as President. It has been a huge learning curve. I appreciate the support of not only Lynn while she was here but also the new Clerk of the Parliaments, David Blunt, and the new Deputy Clerk, Steven Reynolds. I thank also Clerk Assistant, Julie Langsworth, and all the staff of the Legislative Council Procedure Office. Members have rightly recognised the work of the committee staff. They do our House an enormously good service and make us proud of them. As all members know, the committee staff have a busy summer coming up.

Members have also mentioned the Department of Parliamentary Services. This year Mr Rob Stefanic was appointed to the position of Executive Manager of the Department of Parliamentary Services. Many of us know him well because of his work as a Clerk Assistant. He is an outstanding servant of the Parliament in his position as head of the Department of Parliamentary Services. In particular, I thank him and his staff, including many people without whom we could not do our jobs: Hansard, ITS, the library, security, facilities management, members' services and finance, education and food and beverage services. My thanks go to all of them.

On a personal note, I take this opportunity to extend particular thanks to my own staff—Brian, Andrew, William and Alex—for their support. I also thank my former staff members—Sally, Morgan and Dominic—who earlier in the year did so much to assist me. I also extend particular thanks to Jenny, who cleans my office and the Chamber every day, including undertaking the incredible job of polishing all the brass work. I know my staff would like me to thank Kate Cadell, who I am sure the Clerk would also want me to note.

The Hon. Duncan Gay: Kate really runs this place.

The PRESIDENT: Indeed, the place would not be the same without Kate Cadell; there is no doubt about that. Members this evening have been very kind in terms of their remarks to me as President and I thank them for that. Before we return on 14 February, it will, in fact be, on 9 February, 25 years since I first came to this place as a staff member of the Department of the Legislative Assembly. Each day when I come here I still have to pinch myself and think how lucky I am to have ended up as President of this Chamber. I love this work. I wish all of you a happy and safe Christmas and New Year, and I look forward to seeing you all back here bright and chirpy in February.

ADJOURNMENT

The Hon. DUNCAN GAY (Minister for Roads and Ports) [11.24 p.m.]: I move:

That this House do now adjourn

FERAL ANIMALS

The Hon. ROBERT BORSAK [11.21 p.m.]: Tonight I use my last adjournment speech for the year to speak about an issue inner-city dwellers probably do not think exists but for people from the bush it is part of everyday life. I refer to feral animals and in particular feral pigs. I inform the House that the problem has become even worse in recent months because of the floods and rain across Queensland and New South Wales earlier in the year. I read from a letter from a family at Hillston in the south-west of the State that explains the situation eloquently. The letter reads:

I am writing about my great concern at the increase in the number of feral pigs and goats we are seeing on our property at Hillston. Since the National Parks and Wildlife Service purchased Hunthawang (to the North of us and turned it into a National Park) and took control of the State Forest (to the east and south of us), the number of sightings of these animals has increased dramatically. We are doing our utmost to control these pests when they are on our property, but they are literally roaming across from the National Parks to devastate our crops, attack and kill our pet dog and terrify us in general.

In April, I let our Labrador dogs, Gus and Tom, off and took them for a run. We were heading towards the weir when Gus ventured into the sweet corn we had growing. I heard a fierce battle with a pig and he did not return. How long he lay there, dying, no one will ever know. The crop was two metres tall and clearly I was not keen to pursue anything into the crop. He was found dead ten days later when we harvested the crop. The angst and misery of my children will not be easily forgotten.

Since then I have stopped running towards the weir. Last week I went for a run to the east of our house, I came face to face with an enormous boar, no more than one kilometre from our house. I can only say that I now know what is meant by my heart was in my mouth. The goats are clearly less frightening but are building in numbers in the riparian zone near our house. They serenade us morning, noon and night. The damage they are doing to the native vegetation is huge. These feral animals are destroying the riverine environment. The pigs' presence in the wild will be a continuous source of concern, not only because they are dangerous but because they are potential carriers of foot and mouth. They are not cute and cuddly, they are pests which must be totally eradicated.

The pest eradication helicopter was over Hunthawang for one day on the long weekend in October and no doubt they would have shot a few pigs and goats. However the density of the bush makes it difficult to see many of these feral animals. The total eradication of pigs in particular is absolutely essential. More must be done either by trapping or allowing shooters into the national parks. Please help us.

That letter has been sent to the Minister for the Environment, the Hon. Robyn Parker. I hope she takes the time to read it and respond to it. This is not an isolated incident. There are women and children and kids on properties across the State who have to face these incidences regularly. The feral animal problem in national parks is one that is not being properly addressed. On any assessment it is out of control. I hope the Government noted the sentiment in the penultimate paragraph of the letter, which appeals for more to be done either by way of trapping or allowing shooters into national parks. The Shooters and Fishers Party clearly supports such action. We hope the Government will soon see the sense of our proposals. For the edification of members I have a copy of pictures of the pig that was shot.

ANTISOCIAL BEHAVIOUR

The Hon. CHARLIE LYNN (Parliamentary Secretary) [11.29 p.m.]: Over the last couple of days I have listened to a conga line of speakers from the Labor-Green alliance spruiking their concerns over the welfare of our front-line police. It has been a grand performance and I have agreed with most of what they have said in regard to the dedication of police to the maintenance of law and order in our State. However some of the contributions from Labor and their Green appendages regarding the profession of policing were hypocritical in the extreme. Police representatives who observed the debate would be well advised to Google the ideological bent of some of the contributors who appear now to be their new best friends.

One of the main impediments to police being able to carry out their duties was the dismantling of the Summary Offences Act by the former Labor Attorney General, Frank Walker. He was a cult hero of the Left and was cheered on by them in introducing legislation to empower them in their battle against yobbos, ferals and thugs who have no respect for the communities they inhabit. We acknowledge that the problems we face from lawless individuals often begin at home and are usually associated with a lack of parental discipline. The Labor Left decided they know better than parents and introduced legislation to disempower them in regard to their traditional role in the development of their own children and empower the State. When their children reach school age responsible parents naturally want to place them in a safe and responsible learning environment. This is not too much to ask as a return on the taxation they are required to pay. One of the most noticeable features in this phase of children's lives is the lack of male teachers in our primary school system.

There is widespread agreement that the main contributing factors to this are overzealous child protection laws developed by the Left. These laws act as a powerful disincentive for young men, who could easily have their reputations trashed forever by an overzealous member of the politically correct brigade within the system. These laws have their origin in committees in this place where the Left and their extreme appendages in the Democrats, The Greens, the Better Future for Our Children and Reform the Legal System have had control of social outcomes over the past 16 years. Unfortunately very few have ever had the experience of raising a family within the institution of a normal, traditional marriage. Unfortunately many children within our school system come from dysfunctional families. Most are raised by single mothers, which means they enter our educational environment without the influence of a male role model. This deficiency in their development is exacerbated within a system devoid of male teachers.

Young female teachers are often unable to provide the discipline required to maintain order within their classrooms because of legislative restrictions created by the Left that have led to the demise of male role models within the system. Disenfranchised young males naturally gravitate towards each other and find a sense of belonging in an antisocial mob or gang. These individuals and the mobs they inhabit do not have any social

boundaries because they have never been established in the home or school. It is therefore no surprise that their first encounter with an authoritative figure is on the street, and he or she is usually wearing a badge and a uniform. Unfortunately the police we employ to maintain our standards of law and order have been disempowered by legislation originating in parliamentary committees controlled by Labor and its extreme Left appendages in The Greens. As a result the young lawless mobs that roam the streets of Western Sydney and western New South Wales at night are the new untouchables.

Police who attempt to uphold the law and restore order are now overwhelmed with paperwork and procedures designed to protect the rights of criminals, often at the expense of victims. When they get to court they appear before magistrates and judges who often have been appointed by the Left. Some, such as magistrate Pat O'Shane, are openly hostile to police and publicly berate them from the bench. More sophisticated gangs are able to engage the best legal silks in this State to avoid conviction. A number of cases have resulted in the careers of some of our finest police being destroyed because our so-called justice system has failed them. The system that allows this is a construct of the Left in the Labor movement and its extreme green appendages. Therefore, I call on members opposite to review the speeches they have made supporting our police over the past few days. If they are dinkum, they should acknowledge the failure of the experiments in social engineering over the past six years and allow parents, teachers and police to resume their traditional roles and responsibilities regarding our most treasured resource—the young people of this great State.

WHITE RIBBON DAY

The Hon. SOPHIE COTSIS [11.34 p.m.]: Those were disgraceful comments from the Hon. Charlie Lynn. On the eve of White Ribbon Day all we hear is crap coming from a Government member about single mothers.

The Hon. Rick Colless: Point of order: I ask the member to withdraw that unparliamentary language.

The Hon. SOPHIE COTSIS: Unparliamentary? I will withdraw the word "crap". On the eve of White Ribbon Day I speak on the important but unfortunate timeless issue of violence against women. Tomorrow marks the twentieth anniversary of White Ribbon Day—a day on which men and women from all walks of life stand together in support of a woman's right to live her life free from violence. The White Ribbon movement was founded by a small but committed group of men in Toronto, Canada, in response to the massacre of 14 female students in Montreal two years earlier. These men felt that they had a responsibility to speak out and work to stop men's violence against women. The movement now has gained international recognition and is a shining example of what men and women can achieve in working together for the safety of our community.

The United Nations Declaration on the Elimination of Violence Against Women defines violence against women as an act of gender-based violence that results in or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or private life. Violence affects women regardless of race, age, ethnicity, religion or socio-economic status. At least one-quarter of Australian women at some point in their lives will experience physical or sexual violence by a man. Many acts of violence committed against women were once considered legal—for example, a wife could not bring sexual assault charges against her husband because there was no such thing as rape in marriage.

Our legal system may have changed for the better, but some in our society have not changed their attitudes. White Ribbon Day aims to bring the attitudes of everyone in society into line with community standards. Society no longer tolerates violence against women. I am very proud of the work of the former Labor Government and the excellent work of the Australian Labor Party over many years in tackling violence against women. Our Staying Home Leaving Violence program recently won this year's Premier's Public Sector Award in the leadership and collaborative practice category. The program was developed in response to evidence that domestic violence is the major cause of homelessness of women and children.

The program also assists women who feel unable to leave their family home and therefore remain and put up with ongoing violence. The program, which was led by the Department of Community Services, pairs government and non-government agencies to support women remaining in their homes while showing violence the door. The onus is put on the offender to leave, while women and children can remain safely in their homes. This program and the campaign to end violence against women should continue and will have the Labor Party's support. We encourage the Government to continue this program, as it has done to date.

I know that many activities are occurring tomorrow to support the White Ribbon Campaign. I know that many men in our Parliament, the Federal Parliament and right around Australia have sworn to be ambassadors, and have sworn never to commit, excuse or to remain silent about violence against women. They have sworn to lead by example, to challenge sexist behaviour and to break the silence about violence. For some women, the effects of domestic violence can be fatal. In 2002 the Australian Institute of Criminology released a study of the previous 13 years and found that the majority of female homicide victims were killed during domestic altercations. The killings between partners or spouses accounted for 60 per cent of all family homicides, with women accounting for 75 per cent of the victims and men comprising the majority of the killers.

Of particular significance to the Staying Home Leaving Violence program is the chilling statistic that a quarter of all intimate partner homicides occurred after the partners had separated or divorced. Ongoing support for women who have experienced physical or sexual violence is essential. What we know about violence against women is that it is often a hidden crime. The perpetrators often abuse their victims behind closed doors and victims go to great lengths to cover up their injuries out of shame. I seek leave to incorporate the remainder of my speech in *Hansard*.

Leave granted.

A Bureau of Transport and Regional Economics study in 2006 suggests that domestic violence rates are highest in very remote areas, followed by remote and outer regional localities. By contrast, major cities had the lowest rates of domestic violence. In bringing this issue into the limelight, in ending the silence, we can end the violence.

Events will be held throughout the State, the nation, and indeed the world.

On the Central Coast, the Mayors of Gosford and Wyong are holding a joint Central Coast Men's Interagency Breakfast to mark White Ribbon Day.

The Public Service Association will be holding a White Ribbon morning tea in Sydney.

Sydney's White Walk to stop violence against women will be held tomorrow morning between Randwick and Coogee. Participants will include Domestic Violence Network members, local councils, sporting clubs, Defence Force Personnel, media personalities, the Police Commissioner and senior police officers.

Here in Parliament, the Social Issues Committee has just concluded its first round of hearings in its inquiry into domestic violence. The Committee has only just scratched the surface on this damaging and pervasive issue. Further hearings will take place next year, and New South Wales Labor will be actively engaged in holding the Government to account to ensure its election promises in this area are fulfilled.

INTERNATIONAL DAY OF PEOPLE WITH DISABILITY

The Hon. JAN BARHAM [11.39 p.m.]: Hanging on the wall of my office is a beautiful painting called "Love is in the Air". Bright, vibrant colours depict a man and a woman with a babe in arms. Visitors to my office comment on the nature of the work—cheerful, happy and uplifting. They have offered their opinion on the piece, with some comparing it to the style of Reg Mombassa, while others have said it reminds them of traditional Mexican artworks. In a corner of the canvas where the artist would normally place his or her signature are two words, "From Liam"—not "By Liam", but "From Liam"—a simple message indicating that the painting is a gift from the artist to the viewer.

Liam Bruce is a young man from Mullumbimby who loves being an artist. He is one of many talented young people on the North Coast involved in R.E.D. Inc. The R.E.D. stands for "realising every dream" and is an official provider under the State's Transition to Work program. The organisation offers a wide range of innovative activities that tap into the particular gifts, talents and expertise of individual clients. In the art classes participants are given professional tuition in a studio environment and their work is exhibited in galleries and public spaces. As stated on the R.E.D. Inc. website it is hoped that through this process "creativity becomes the vehicle to break down barriers and build bridges of understanding within the community". The aims of R.E.D. Inc. are:

- To support, encourage and facilitate young people with disabilities to achieve their goals, realise their dreams and maximize their potential.

- To see young people with a disability viewed as valued and respected members of the community, experiencing a fulfilling range of life opportunities and choices.

R.E.D. Inc. is just one of hundreds of community organisations I commend in the lead-up to International Day of People with a Disability, which is being marked around the world on Saturday 3 December. As members are aware, according to Australian Bureau of Statistics figures, more than one million people in New South Wales have a reported disability. It is important to note that of that number more than 380,000 are living in regional or remote areas. Whenever we talk about people with a disability, our thoughts turn also to the hundreds and thousands of carers across the State who give lovingly of their time to care for their family members.

On International Day of People with a Disability we are asked to focus on the incredible ability of everyone within our community and to recognise that people deemed to have a disability have a range of abilities. They have a world view and experience that can help us create a more accessible society. Saturday 3 December is a day of celebration; it is a day to recognise that we as a community are stronger together, and to unite to improve the quality of life for people with access needs. We are reminded that disability is something that can happen to anyone at any time and that one in five people will experience access challenges.

This message of difference rather than deficiency reminds me of the writings of John Elder Robison. John is a gifted writer and public speaker but growing up he struggled with social isolation and disconnection. When he was diagnosed with Asperger's syndrome at the age of 40 suddenly a lot of things made sense to him.

In his books *Be Different* and *Look Me In The Eye* John shares stories from his childhood and adolescence giving readers a glimpse into the life of someone growing up "different". He describes Asperger's syndrome as a structural difference in the brain rather than a disease that requires a cure, and once diagnosed individuals can discover their strengths and find a way to adapt to the world around them. Both Liam's and John's stories highlight the idea that disability can bestow gifts as well as challenges. Their unique view on the world can be shared with others through their talents and we as a society are richer for their contribution.

In conclusion, in the lead-up to International Day of People with a Disability on 3 December I am pleased to inform the House that I and 22 other members of Parliament met today for the inaugural meeting of the Parliamentary Friends of National Disability Insurance Scheme. Chaired by the Hon. Matthew Mason-Cox this multiparty group will meet regularly with the aim of promoting the National Disability Insurance Scheme, acting as a contact point for disability groups and improving awareness of the unmet needs of the sector. This is the first parliamentary friendship group for the National Disability Insurance Scheme to be formed in Australia and I am proud that New South Wales has led the way. I encourage parliaments in other States to take similar steps towards demonstrating to the Federal Government and to the community the importance of this vital scheme to support equity and access for people with disabilities.

PERISHER VALLEY FIRE STATION

The Hon. STEVE WHAN [11.43 p.m.]: I talk tonight about the proposal of the Government and Fire and Rescue NSW to close the Perisher Valley fire station over summer. Perisher Valley fire station is unique. Perisher village does not have a big permanent population which means it is difficult to cater for its fire needs in the way other rural communities would. At one stage a retained fire brigade was trialled at the station but there were not enough full-time residents in the area to sustain the numbers. As a result, for a number of years there has been an arrangement whereby in summer and winter permanent firefighters from other parts of the State are brought in temporarily to Perisher Valley fire station to work full time and to be on call overnight, which I acknowledge is an expensive arrangement. However, it is not an acceptable alternative to close the station over summer, as the Government is proposing to do, and have that station covered by retained firefighters from Jindabyne.

The retained firefighters at Jindabyne are committed and do a wonderful job. They have no shortage of retained firefighters which is a unique situation that I wish all country towns shared. However, it is a big ask for those retained firefighters at Jindabyne to respond to a fire in a lodge in Perisher when they are based at Jindabyne. It will take 30 to 40 minutes to get to the station, get in a vehicle and up to Perisher Valley. By that time most of the lodges in Perisher Valley, if they were on fire, would be burnt to a crisp. I do not believe it is an adequate solution to boost the number of retained firefighters at Jindabyne and to ask those who happen to work at Perisher Valley during the day to get to the station and jump into the brand new engine which I had the pleasure of delivering when I was emergency services Minister.

The Perisher Valley area needs protection. It is true that there are not many permanent residents but there are a lot of buildings and there is huge investment in those buildings. One of the most common ways to

lose buildings in the snowfields is through fire. That can occur not just in winter; it can occur also as a result of electrical faults in summer. While there are not a lot of call-outs for Perisher Valley fire station, I do not believe that the Government's suggestion will provide adequate protection for property and lives in Perisher Valley. The Government has justified this by saying that other emergency services operate in the same way.

It is true that no ambulance service or police person is permanently based in Perisher Valley in the summer. In the absence of the ambulance service and police the fire brigade has been able to give first aid in any emergency. Just last week they assisted a person in Perisher Valley who was having medical difficulties before other assistance arrived. I urge the Government to consider other alternatives. It may wish to continue the current arrangement for summer and also give consideration to having a permanent day brigade in Perisher village to cover that period. The staff complement at the fire station would need to be supplemented in the winter but it is an option that is practical and not as expensive as the current arrangement.

I do not accept and I do not think the people of Monaro accept the fact that this has been foisted on them by the Government without any consultation and without any reassurances. I certainly do not think they accept the current member for Monaro, who simply parroted the Minister's lines to the media but has not gone in to bat for our area. That is not something the people will accept, nor do they accept the glib, scripted statements that they hear so often from the member for Monaro.

In the time that is available to me and as this is the last session before we adjourn for Christmas, I add my best wishes to everyone—the parliamentary staff, in particular, the Clerks, committee staff, all the attendants and those who have assisted a recycled member like me since I came into this place in late June. I have appreciated their assistance in learning the procedures in this place which are significantly different from the procedures in the Legislative Assembly. I wish the Hansard staff a merry Christmas and thank them for their assistance. I apologise for the fact that I speak so often without notes which makes their job more difficult. I thank all the other parliamentary staff in the building. It is a pleasure to work with all my colleagues on the Labor side of the House, and with those on the other side. We often have friendly banter as well as arguments. I enjoy the opportunity of being a member of the Legislative Council and wish everybody a merry Christmas.

FEDERAL TAXATION POLICY

The Hon. MATTHEW MASON-COX (Parliamentary Secretary) [11.47 p.m.]: In a letter to the *London Times* in 1902 one of our Federation's key founders, Alfred Deakin, prophetically foretold the future of State-Federal relations in the following words:

The rights of self-government of the States have been fondly supposed to be safeguarded by the Constitution. It has left them legally free, but financially chained to the chariot wheels of the Commonwealth. Their need will be its opportunity.

This opportunistic or coercive federalism has long been a trend in Australian politics. While its seeds were sown in the Constitution, it was in the 1940s when the Federal Government's fiscal dominance became alarmingly apparent. As an emergency measure to assure better collection of revenue to fight World War II, the ultimate power to collect income tax was centralised in the Federal Government. Since then, broad-based growth taxes have been the prerogative of the Federal Government. Other growth taxes such as corporate tax and the GST followed. Today, New South Wales struggles to cover barely 35 per cent of its spending responsibilities through comparatively narrow, inefficient and volatile taxes.

This staggering vertical fiscal imbalance has become the touchstone of today's flagging federalism. As it stands today, the Federal Government has nothing to lose and everything to gain from exercising its dominance through coercive and opportunistic federalism. Today's intergovernmental politics are replete with examples. The most recent is the mining resource rent tax, which passed the House of Representatives earlier this week. That tax is no more than a blatant Federal money grab that relies on each State not increasing its royalty rates despite this clearly being within their exclusive constitutional power.

Prior to this the O'Farrell Government had signalled its intention to increase State royalties to pay for the cost of another new Federal tax—the carbon tax—which, according to Treasury modelling, will wipe a further \$948 million from this State's budget over the forward estimates. It came as no surprise this week when the appalling Federal Labor Government responded by again threatening to withhold \$900 million of critical infrastructure funding from our State. Coercive federalism again reigns supreme.

Indeed, the carbon tax was passed with scant consultation with the States. Its impact is obvious, particularly in New South Wales, given much of the electricity sector is still owned by the State. It will not only

result in the loss of dividends from State-owned electricity businesses but also greatly decrease their capital value—yet the Commonwealth has refused to offer New South Wales any compensation whatsoever. Proposed Federal gambling reforms also threaten to encroach on what has historically been a State government responsibility. In its rush to consummate its grubby political deal with Mr Wilkie, the Federal Labor Government has completely ignored the solvency of local clubs and pubs and the significant tax revenue they provide to the States. The reality is that this coercive, opportunistic federalism acts to cripple this State's funding base whilst the demand for, and cost of, State-funded services and infrastructure continues to rise. Such a fiscal model simply is not sustainable.

Another dilemma present within Australia's coercive fiscal federalism is what is commonly referred to as horizontal fiscal equalisation—an unassuming name for an unfair impost on Australia's more productive States. In 2011-12 New South Wales generated \$16 billion in GST revenue but received only \$15.2 billion of GST payments from the Commonwealth. That is a subsidy of \$869 million that New South Wales can ill afford. The Commonwealth Grants Commission is directed to assume every State is equally efficient and to recommend the apportionment of Commonwealth grants accordingly. The reality is that all States are not equal. If misplaced, ineffective welfare erodes an individual's incentive to work, surely the same can be said of horizontal fiscal equalisation. It amounts to Federal welfare, where reward is divorced from productivity. States that make the most of their people skills and land resources subsidise the States that do not. There may have been a time when the less naturally endowed States needed a leg-up. However, I contend that this time has long since passed.

The New South Wales Government has been active in proposing practical, achievable reforms to fiscal relations between governments. At the recent Federal 2011 tax forum we recommended, amongst other things, returning surplus Commonwealth revenue to the States, as our nation's founders had intended; an increased share in broad-based growth taxes, which are far more efficient and result in less deadweight to the economy; an increased share in other taxes that are collected at the Federal level but should be spent at the State level, such as petrol excise being spent on road infrastructure; and tax reform to realign investment incentives in State infrastructure. These recommendations predictably were ignored by the Federal Labor Government, as they threaten their fiscal dominance and power. Notwithstanding this, the O'Farrell Government will continue to pursue much-needed reform to our struggling Federal system.

DRAGONS ABREAST FESTIVAL

The Hon. HELEN WESTWOOD [11.51 p.m.]: Earlier this month I spoke about the participation of the New South Wales Parliament House Paddling Pollies team in the Dragons Abreast Festival. Time did not allow me to mention some important people who contributed towards the significant amount we raised. I thank Cynthia Kuiper and Vicki McLean from Dragons Abreast Sydney, who coached the team and swept the boat. I also thank Parliament House staff: from the press gallery, Liz Foschia and Antonia Morrow; from Information Technology, Nick Sozou; from catering, Philip Freeman and Mantas Repsys; from the Legislative Council, Julie Langsworth, Susan Want, Stephen Frappell and Rachel Simpson; from the staff of Minister Duncan Gay, Emma Logan; and from the staff of the Hon. John Robertson, Ross McInnes. I thank each and every one of them for their support.

BOYCOTT, DIVESTMENT AND SANCTIONS CAMPAIGN

The Hon. LUKE FOLEY (Leader of the Opposition) [11.53 p.m.]: On 10 November 2011 I made a speech about a court case against Dr John Nemesh and The Greens support of the boycott, divestment and sanctions [BDS] campaign against Israel. Following that speech, Councillor Max Phillips came to see me and told me that he is an opponent of anti-Semitism and a very strong opponent of the boycott, divestment and sanctions campaign. I put this on the record for the sake of completeness.

[Time for debate expired.]

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

Motion agreed to.

The House adjourned at 11.54 p.m. until Tuesday 14 February 2012 at 2.30 p.m.
