LEGISLATIVE COUNCIL

Wednesday 28 March 2012

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

The President read the Prayers.

TRIBUTE TO MS MEREDITH WALLACE

Motion by the Hon. SHAOQUETT MOSELMANE agreed to:

1. That this House notes that:

   (a) Rockdale City Council has recently engaged its first female General Manager, Ms Meredith Wallace, who has 30 years of local government experience,

   (b) moving from roles in TAFE and the New South Wales Department of Education, Ms Wallace began with local government on the New South Wales Central Coast, taking up a role with Gosford Council,

   (c) Ms Wallace then moved to Parramatta Council where she worked with the community and was responsible for tourism, library services, the Heritage Resource Centre and Customer Service Centre,

   (d) a career highlight for Ms Wallace at Parramatta was having the opportunity to establish a museum, incorporating the council's archives and Visitor Information Centre, on the banks of the Parramatta River,

   (e) Ms Wallace has spent the last 10 years at Waverley Council working with a wide range of community organisations, business representatives and individual residents to improve the vibrancy and amenity of the local area, and was also responsible for open space and recreational planning, community safety, community consultation, development of major capital works, a wide range of cultural programs, a gallery, theatre and music studios, and

   (f) other areas of Ms Wallace's portfolio included social and affordable housing, child care, the seniors' centre and supported accommodation for people with a mild intellectual disability.

2. That this House congratulates Ms Meredith Wallace on her achievements and congratulates her on becoming Rockdale City Council's first female General Manager**.**

BAY CITY CARE

Motion by the Hon. SHAOQUETT MOSELMANE agreed to:

1. That this House notes that:

   (a) Mr Andrew Harper, his wife Mary Ann, and their three children founded the Bay City Church and Bay City Care in Arncliffe in 2005,

   (b) Mr Harper has been a credentialed Minister under the Assemblies of God Australia for some 19 years,

   (c) Bay City Care is a not-for-profit community and welfare arm of the Bay City Church in Arncliffe, providing assistance to the homeless, the unemployed, the disadvantaged,

   (d) Bay City Care's welfare programs include food provision through their Food Care Program, disaster relief, residential domestic violence programs, counselling, skills training, and social services,

   (e) Bay City Care's Food Care Program provides free hampers, fresh fruit and vegetables, bread, and other weekly groceries to over 700 families facing financial hardship in Arncliffe, and over 1,500 people through partner organisations,

   (f) Bay City Care provided over 550 emergency relief hampers in 2011, and is producing 45 to 50 hampers a week in 2012 for individuals and families across New South Wales at no cost to the recipients with the support of other organisations such as Foodbank, Oz Harvest, Woolworths and Bakers Delight,

   (g) Bay City Care's Residential Domestic Violence Program is staffed by a group of trained and counsellors and volunteers who on average contribute more than 2,000 hours of voluntary service to the community annually,

(h) Bay City Care has expanded from Arncliffe to work with partner organisations in Regents Park, Byron Bay and Caringbah, with new locations in North Parramatta, Windsor, Randwick, Greenacre and Cromer to open in the coming months, and

(i) the team at Bay City Care consists of Mr Harper, the Director, one full-time staff member, one part-time staff member and over 30 volunteers who give up their time on a weekly basis to assist the organisation.

2. That this House thanks:

(a) Mr Andrew Harper and his family for their tireless efforts to serve the community,

(b) Ms Janine Harris for her tireless efforts in the Bay City Food Care Program, and

(c) Ms Mona Luxton for her devotion to the Bay City Care Residential Care Domestic Violence program.

TRIBUTE TO MR K. C. WONG

Motion by the Hon. SHAOQUETT MOSELMANE agreed to:

1. That this House notes that:

(a) Mr K. C. Wong, Editor in Chief of *Sing Tao Daily*, graduated from the Department of Journalism, Chinese University of Hong Kong in 1971,

(b) following his graduation, Mr Wong joined *Sing Tao Daily* Hong Kong branch as a journalist, and was later appointed Editorial Director in 1981,

(c) in 1981, Mr Wong became Editor of the *Oriental Daily News*, which has the largest circulation in Hong Kong,

(d) in October 1981, Mr Wong was promoted to Deputy Editor in Chief, in charge of the news of mainland China, Taiwan and international affairs,

(e) in 1992, Mr Wong migrated to Sydney, Australia, where he worked in several Chinese language newspapers,

(f) in 2000, Mr Wong was invited to work at *Sing Tao Daily*, Sydney as its Editor in Chief in charge of editing, production, newspaper design and news arrangement, and

(g) *Sing Tao Daily* is the largest Chinese language newspaper in Australia, with a history of 30 years service since its establishment in 1982.

2. That this House congratulate Mr K. C. Wong for his contribution to journalism, his quiet achievement and his dedication to informing generations of Australian Chinese.

PURPLE DAY

Motion by the Hon. AMANDA FAZIO agreed to:

That this House:

(a) notes that Monday 26 March 2012 was Purple Day, dedicated to increasing awareness of epilepsy worldwide, and people were encouraged to show their support by wearing purple,

(b) acknowledges Epilepsy Australia as a not-for-profit organisation and a nationally registered charity committed to improving the quality of life for every Australian living with epilepsy and other seizure disorders,

(c) congratulates Epilepsy Australia on:

(i) raising awareness of epilepsy and other seizure disorders through national events, national media campaigns and state and territory events,

(ii) promoting and facilitating specialist research into the medical and social aspects of epilepsy,

(iii) ensuring that the needs of all people with epilepsy, their families and carers are met in the most appropriate way through the collaborative network that exists between member associations, and

(iv) producing quality information for all consumers seeking to better understand epilepsy and its management, such information is independently evaluated against national and state or territory disability standards.

DIABETES

Motion by the Hon. NATASHA MACLAREN-JONES agreed to:

1. That this House:

   (a) notes that diabetes is the world's fastest growing chronic disease, affecting that more than 3.5 million Australians and is our sixth highest cause of death by disease,

   (b) acknowledges that 14 November is World Diabetes Day and that "Education and Prevention" is the theme for 2009-2013, and

   (c) urges members of this House to raise awareness about this important health issue.

CASINO PUBLIC PRIMARY SCHOOL

Motion by the Hon. NATASHA MACLAREN-JONES agreed to:

That this House:

(a) congratulates Casino Public Primary School for providing 150 years of education on the North Coast of New South Wales,

(b) notes in addition to providing standard classes Casino Primary School has a Distance Education Centre, Support Unit and an Aboriginal Preschool, and

(c) congratulates Casino Public Primary School for their Aboriginal Student Leadership Program and their commitment to closing the achievement gap for Aboriginal students by providing opportunities to take on leadership roles in the school community.

TRIBUTE TO MR NENOS NISSAN

Motion by the Hon. MARIE FICARRA agreed to:

1. That this House notes that:

   (a) on Saturday 24 March 2012, esteemed Assyrian Community Leader Mr Nenos Nissan passed away,

   (b) Mr Nissan was born in 1951 in Iraq in the city of Habaniya near Baghdad,

   (c) Mr Nissan started learning the Assyrian language at a very young age, at the Assyrian Church of the East's school before actually attending public school, and he graduated from high school in Baghdad in 1969,

   (d) Mr Nissan left Iraq after his graduation for Kuwait and on 24 December 1971 he migrated to Australia,

   (e) Mr Nissan was appointed a member of the entertainment committee of the Assyrian Australian Association from 1979 to 1981,

   (f) in 1980 Mr Nissan joined the Assyrian Universal Alliance – Australian Chapter [AUA] and held leadership positions for many years, including head of the Educational Bureau and the editor of *Nagha*, an Assyrian Universal Alliance magazine, until 1990,

   (g) in 2000, Mr Nissan was appointed by the Assyrian Universal Alliance to be a member of the committee of the Assyrian Australian National Federation [AANF] and was the secretary of this organisation for the last three terms, and

   (h) Mr Nissan married his wife, Angela, on 3 August 1983, and they were blessed with two children, Chantelle and Daniel.

2. That this House:

   (a) acknowledges and commends Mr Nenos Nissan for his many years of devoted service to the Assyrian Universal Alliance, Assyrian National Federations and the Assyrian community and the welfare of its members in Australia, and

   (b) extends its sympathy and condolences to Mr Nissan's wife, Angela, children, Chantelle and Daniel Nissan, family, friends and the Assyrian community on their tragic loss.

DOLTONE HOUSE

Motion by the Hon. MARIE FICARRA agreed to:

1. That this House notes that:

   (a) at the New South Wales Event Industry Awards, Doltone House was awarded the 2011 New South Wales Meetings and Events Australia Speciality Meeting Venue of the Year, as well as New South Wales 2011 Cause Related Event of the Year for the Biaggio Signorelli Foundation, and

   (b) this latest award comes after numerous other awards including the 2012 MICE.net Readers Choice Award for Best Unique Venue for the last three consecutive years, Function Centre of the Year and Host Employer of the Year.

2. That this House congratulates and commends:

   (a) Doltone House for being awarded the 2011 New South Wales Meetings and Events Australia Speciality Meeting Venue of the Year, as well as New South Wales 2011 Cause Related Event of the Year for the Biaggio Signorelli Foundation,

   (b) Doltone House for their continued generosity in supporting numerous charitable organisations including the formation of the Biaggio Signorelli Foundation which is devoted to raising funds for early detection, treatment, care and ultimately a cure for mesothelioma, and

   (c) Phillipa Signorelli, Paul and Carmela Signorelli, Nina and Vince Milazzo, and Anna and Steven Cesarano for their continued outstanding work and commitment to charitable organisations.

BUSINESS OF THE HOUSE

Formal Business Notices of Motions

Private Members' Business item No. 601 outside the Order of Precedence objected to as being taken as formal business.

PROSTATE CANCER

Motion by the Hon. MARIE FICARRA agreed to:

1. That this House notes that:

   (a) more than 10,000 Australian men are diagnosed annually with prostate cancer, with a majority being more than 50 years of age,

   (b) tragically there are at least 2,700 deaths a year from this disease,

   (c) Professor John Kearsley, Director of Cancer Services, St George Hospital identified a need for developing the first Prostate Cancer Institute in Australia nine years ago,

   (d) Professor Kearsley turned to a community fund-raising committee to assist with the expansion of the St George Hospital to accommodate the Prostate Cancer Institute which was officially opened in August 2011, and

   (e) the Fundraising Committee raised in excess of $3 million with the support of the local community.

2. That this House commends the following individuals for their outstanding work and contribution to the community:

   (a) Professor John Kearsley and Mr Paul Martell, Patron of the Prostate Cancer Institute, and

   (b) the Fundraising Committee, comprising Chairman Mr John Green, Mr Phil Bates, AM, Mr Ferdi Dominelli, Dr Bill Lynch, Mr Warren O'Rourke, Dr Kiran Phadke, Mr Rob Robson and Ms Patrice Thomas.

NSW SURF LIFE SAVING CHAMPIONSHIPS

Motion by the Hon. MARIE FICARRA agreed to:

1. That this House notes that, at the 2012 NSW Surf Life Saving Championships held at Kingscliff Beach, Wanda Surf Life Saving Club won the NSW Surf Life Saving Championships point score due to its domination in the board, swim and ski events, scoring 212 points.

2. That this House congratulates:

(a) Wanda Surf Life Saving Club on being NSW Surf Life Saving Point Score Champions in 2012,

(b) Alex Clarke for winning second place in the open surf race,

(c) Dane Farrell for winning third place in the open surf race,

(d) the following Wanda Medal Winners:

(i) Taylar Puskaric – eight medals,

(ii) Izaac Smith – seven medals,

(iii) Elyssa Pierce – six medals,

(iv) Jessica Lauricella – six medals,

(v) Kiera Jones – six medals,

(vi) Jay Furniss – five medals,

(vii) Aiden McColm – five medals,

(viii) Tarnee Flemming – five medals,

(ix) Jess Lauricella – four medals,

(x) John Woods – four medals,

(xi) Llani Heyer-Warton – four medals,

(xii) Alex Clarke – four medals,

(xiii) Kirra Jones – four medals,

(xiv) John Woods, Brodie Schott and Jay Furniss - Under 19 male board relay team winners.

SPECIAL OLYMPICS AUSTRALIA

Motion by the Hon. MARIE FICARRA agreed to:

1. That this House notes that:

(a) on 14 March 2012, it was announced that Special Olympics Australia was the winning bidder to host the inaugural 2013 Asia Pacific Regional Games in Newcastle,

(b) Special Olympics is a global effort to encourage those with intellectual disabilities to reach their potential through athletic competition,

(c) Special Olympics Australia was founded in 1976 and now offers 14 different sports across more than 250 local sports clubs, and is committed to expanding their services even further,

(d) Special Olympics goes beyond a single week of competition and provides Australians with the opportunities to engage in their communities each week,

(e) unfortunately, those with physical and intellectual disabilities are prone to ridicule, isolation or public mockery,

(f) Special Olympics seeks to avert this misunderstanding by allowing those with afflictions the opportunity to develop the skills and confidence needed to live a satisfying and fulfilling life,

(g) at the 2013 Regional Games in Newcastle, more than 1,750 athletes and 650 coaches from 25 countries are expected to attend and compete in sports that include athletics, bocce, ten pin bowling, basketball, football (soccer), badminton, table tennis and swimming,

(h) the nine day program includes an opening and closing ceremony held at the recently renovated Hunter Stadium, and track and field events held at the Hunter Sports Centre, regarded as one of the region's leading sport venues,

(i) other sporting venues are likely to include the Broadmeadow Basketball Stadium, Newcastle No 1 and 2 Sportsgrounds, Newcastle Badminton Centre, and The Forum at the University of Newcastle,

(j) Newcastle will also offer world-class facilities and venues for competition, not to mention a tremendous host city offering the best in accommodations, dining, and hospitality for those participating in and attending the games,

(k) Newcastle is no stranger to hosting world-class events, and received international praise for the 2001 and 2002 National Athletics Grand Prix, the 2001 Athletics NSW Country Championships, and international friendly competitions amongst 10 different nations prior to the 2000 Sydney Olympics,

(l) this event will have a significant impact on the Newcastle region with an estimated 5,000 international visitors, establishment of future tourism links, and an enhanced international media profile, and

(m) this winning bid also secures an exclusive partnership with Special Olympics Australia that ensures the first right for New South Wales to bid for the 2018 Australian Games, and the first right to partner with Special Olympics Australia to bid for the 2019 World Games.

2. That this House congratulates:

(a) the Hon. Graham Annesley, MP, for his leadership as Minister for Sport and Recreation in promoting athletic competition here in New South Wales,

(b) the Hon. Andrew Constance, MP, for his leadership as Minister for Ageing and Minister for Disability Services in promoting the interests and welfare of those affected by intellectual and physical disabilities,

(c) Mr Mark Streeting, Chair of the Special Olympics Australia Board, for his commitment to Australians affected by intellectual and physical disabilities, and

(d) the Newcastle City Council and Destination NSW for their efforts in securing a winning bid that will showcase the hospitality and beauty of our State to the international community.

ASSYRIAN NEW YEAR FESTIVAL

Motion by the Hon. MARIE FICARRA agreed to:

1. That this House notes that:

(a) the Assyrian Australian National Federation [AANF] together with the Assyrian Universal Alliance [AUA] will hold the Assyrian New Year Festival on Sunday 1 April 2012 at Fairfield Showground,

(b) the event will highlight and strengthen cultural heritage by continuing a celebration which dates back to more than 6,000 years,

(c) the Assyrian New Year is believed by the Assyrian community to be the most important national festival handed down through history from the remote past,

(d) the Assyrian New Year Festival was the most prodigious celebration in ancient Assyria, including Babylon, Sumer and Akkad,

(e) the beginning of spring was the day of major civic and religious celebration for the ancient Assyrians and it was the time of nature's resurrection, the start of the New Year, and a time to make sense of life, death, the universe and its Creator,

(f) the festival aims to promote cross-cultural understanding at the same time encouraging inter-generational appreciation,

(g) the "Sacred Marriage", based on Assyrian historical records of the New Year's festival in ancient times, will be performed by a collaboration of Assyrian youth groups and the theatrical piece will simulate the arrival of the King and Queen of Assyria from the remote past to bless the festivity,

(h) entertainment will also include live musical performances by an assortment of Assyrian singers, and

(i) for the second successive year, an exhibition is being organised by the Young Assyrians, a subsidiary of the Assyrian Universal Alliance which will display Assyrian inventions along with replicas of ancient reliefs, underscoring the Assyrian nation's contribution to the advancement of civilization.

2. That this House commends the Assyrian Australian National Federation, Assyrian Universal Alliance and the following people for their continued outstanding work to promote the Assyrian culture

(a) Mr David M. David, President of the Assyrian Australian National Federation,

(b) Mr Hermiz Shahen, Deputy Secretary General of the Assyrian Universal Alliance,

(c) Mr Simon Isavian, President of the Assyrian Charity and Education Community,

(d) Mr Yakoub Barhy, member of the NSW Babylon Cultural Association,

(e) Mr Ninos Aaron, Chairman of the Young Assyrians, and

(f) the organising committee of the New Year Festival.

JAPAN EARTHQUAKE

Motion by the Hon. MARIE FICARRA agreed to:

1. That this House notes that:

   (a) one year after the Japanese earthquake, over 300,000 victims are living in temporary housing,

   (b) nine municipalities near the Fukushima nuclear plants are either completely off limits or have restricted access,

   (c) in Iwate, Miyagi, and Fukushima, the number of children under the age of 18 who have lost a parent or both parents to the disaster is over 1,500,

   (d) the Japan Local Government Centre (CLAIR, Sydney) is one of the seven overseas offices of CLAIR, the Council of Local Authorities for International Relations which is a semi-government organisation established in Tokyo jointly by Japanese prefectures and municipalities, regional and grassroots level governments respectively, to help facilitate their various international programs,

   (e) CLAIR coordinates the Japan Exchange and Teaching [JET] program, which has been closely supporting the recovery process following the Japanese earthquake, and

   (f) there are 37 members of the Japan Exchange and Teaching program from Australia and New Zealand living in Iwate, Miyagi and Fukushima working on recovery efforts.

2. That this House acknowledges and commends Mr Shinsuke Takigawa, Director, Japan Local Government Centre (CLAIR, Sydney) and members of the Japan Exchange and Teaching program for their work on recovery efforts in Japan.

YOUTH WEEK

Motion by the Hon. MARIE FICARRA agreed to:

1. That this House notes that:

   (a) 13 to 22 April will mark the fourteenth annual Youth Week in New South Wales, a weeklong celebration where thousands of youth across Australia take part in various events engaging with their community,

   (b) established as a New South Wales Government initiative in 1989, Youth Week has grown to become the largest celebration of young people in Australia,

   (c) young Australians in New South Wales continue this tradition by creating and taking part in youth forums, debates, film festivals and music concerts,

   (d) this year's Youth Week has been made possible with a grant of over $260,000 shared across 152 different councils in New South Wales,

   (e) Youth Week gives young Australians aged 12 to 25 the opportunity to harness their creativity and energy by designing their own event aimed at community life, as well as having a long tradition of supporting young civic engagement in the community by planning action on issues that deeply affect their lives,

   (f) last year Youth Week in New South Wales benefitted from the hard work and diligence of over 4,300 young people who planned and carried out more than 800 local Youth Week activities that were well attended by nearly 100,000 young people, and

   (g) this year's Youth Week theme will be "Imagine Create Inspire" and is sure to be a successful event that will showcase the talents and leadership of youth across New South Wales.

2. That this House acknowledges:

   (a) the Hon. Victor Dominello, MP, Minister for Citizenship and Communities and Minister for Aboriginal Affairs, for his leadership and commitment to engaging the youth of this State with local communities and issues, and celebrating the achievements of young Australians, and

   (b) all of the New South Wales youth who have chosen to volunteer their time and talents for the betterment of their community, particularly 16-year-old Nathan Zhen of Caringbah, who won the NSW Youth Week website and poster design competition that will be used to promote Youth Week 2012 throughout the State and be used in the design of the New South Wales website and promotional materials.

IRREGULAR PETITIONS

Leave granted for the suspension of standing orders to allow the Hon. Steve Whan to present an irregular petition.

Forests NSW Nurseries

Petition noting the proposed privatisation of Forests NSW Nurseries and requesting that the business of Forests NSW Nurseries be retained as a public enterprise, received from the **Hon. Steve Whan**.

Leave granted for the suspension of standing orders to allow the Hon. Cate Faehrmann to present an irregular petition.

Sow Stalls

Petition requesting a total ban on sow stalls, received from the **Hon. Cate Faehrmann**.

PETITIONS

Dying With Dignity

Petition requesting that the House enact legislation in a timely manner to create and protect the right to die with dignity, including appropriate safeguards, received from the **Hon. Cate Faehrmann**.

Battery Cage Egg Production

Petition requesting that the House support a moratorium on the construction of new battery cages for egg production, phase out battery cages and lobby the national regulator, Food Standards Australia and New Zealand, to ban the sale of battery cage eggs in Australia, received from the **Hon. Cate Faehrmann**.

POLICE INTEGRITY COMMISSION AMENDMENT BILL 2012

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

Motion by the Hon. Michael Gallacher agreed to:

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

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

BUSINESS OF THE HOUSE

Precedence of Business

Motion by the Hon. Duncan Gay agreed to:

That on Monday 2 April 2012, Tuesday 3 April 2012 and Wednesday 4 April 2012 only, the sessional orders will be varied as follows:

1. The House will meet for the despatch of business as follows:

Monday	2.30 p.m.
Tuesday	11.00 a.m.
Wednesday	9.30 a.m.

2. Questions are to commence at 4.00 p.m. on Monday and 2.30 p.m. on Tuesday and Wednesday.

3. Proceedings must be interrupted at 6.30 p.m. on Monday, 10.00 p.m. on Tuesday and 3.30 p.m. on Wednesday to permit a motion for adjournment to be moved to terminate the sitting if a Minister thinks fit.

4. General business is to take precedence until 3.30 p.m. on Wednesday.

5. Debate on committee reports is to take precedence after questions on Monday until 6.30 p.m.

STANDING COMMITTEE ON LAW AND JUSTICE

Reference

Motion by the Hon. Duncan Gay agreed to:

That the resolution of the House of 14 June 2011 designating the Standing Committee on Law and Justice as the Legislative Council committee to supervise the exercise of the functions of the Lifetime Care and Support Authority of New South Wales and the Lifetime Care and Support Advisory Council of New South Wales, be amended by omitting paragraph 3 and inserting instead:

3. That the committee report to the House in relation to the exercise of its functions under this resolution at least once every two years.

JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

Extension of Reporting Date

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [11.23 a.m.]: I move:

That this House agrees to the request of the Legislative Assembly in its message dated 27 March 2012 that clause (3) of the resolution of 22 June 2011 appointing the Joint Standing Committee on Electoral Matters be amended to extend the reporting date on the 26 March 2011 State election from 12 months to 18 months.

The Hon. AMANDA FAZIO [11.23 a.m.]: The Opposition supports the extension of the reporting date.

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

Motion agreed to.

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

MINING LEGISLATION AMENDMENT (URANIUM EXPLORATION) BILL 2012

Second Reading

Debate resumed from 27 March 2012.

The Hon. JEREMY BUCKINGHAM [11.25 a.m.]: As I said yesterday in debate on the Mining Legislation Amendment (Uranium Exploration) Bill 2012, the mining of uranium in other States continues to be an environmental disaster and the legacy of nuclear waste is one that we should not be leaving to future generations. Quite simply, uranium mining does not have a social licence in New South Wales—the New South Wales Government should respect that. The Government has no mandate to lift the 26-year moratorium on uranium exploration. It did not make clear its intentions at the election last year and I am sure that the public are horrified that the Government, without the support of the public, is so ready simply to overturn such an important environmental protection. The Premier has not been completely honest with the public about the Government's intention or its position on this matter since the election and mixed messages have been reported.

The Premier first ruled out lifting the moratorium and now we have had a U-turn. My concern is that the uranium and nuclear lobby, with the support of the resources Minister motivated only by carving up the State, has trumped community interests and got its way. Community concern about nuclear issues has a long history in this country, including in New South Wales. This year marks the sixtieth anniversary of Australia commencing uranium mining at Rum Jungle in the Northern Territory—in the same year as nuclear weapons tests on Australian soil were authorised. The immediate impact of those decisions fell mostly on local Aboriginal communities whose lands were contaminated. However, as the consequences of those decisions became clear to all Australians a widespread and enduring antinuclear sentiment emerged. Over time that sentiment has driven the establishment of a strong antinuclear movement in communities across Australia and throughout the world.

In the 1970s, as the Fox inquiry considered whether uranium mining should be allowed in Australia, there was widespread and organised community action against the mining of uranium. Antinuclear groups such

as the Movement against Uranium Mining and the Campaign against Nuclear Energy were founded and became a key part of the nation's growing peace and conservation movements. In 1977 demonstrations calling for a uranium moratorium brought thousands onto Sydney's streets and helped to produce Labor's all too short-lived "No new uranium mines" policy. During the 1980s the size of antinuclear rallies grew as concern about nuclear risks mounted. Throughout the late 1980s and much of the 1990s the freeze on new mining operations in Australia and the end of the Cold War placed the focus on disarmament, non-proliferation and bans on testing, but the widespread opposition to uranium mining has never gone away.

That opposition was evident when the Howard Government opened the door to mining at Jabiluka in Kakadu National Park and it was evident also in demonstrations at existing mines such as Beverley, the expansion of the Olympic Dam mine and the efforts of environmental groups to stop a radioactive waste dump at Muckaty Station. It also will be evident in this State if this bill receives assent and the statewide moratorium on uranium exploration is withdrawn. I am certain the community would have voiced its objections loud and clear if the Liberal-Nationals Coalition had been upfront about its plans before the last election. It is astonishing that we are debating this bill barely a year after the Fukushima disaster, as the aftermath of the reactor failures and meltdowns will be felt for years and decades to come. In fact the Japanese Government expects the cleaning up and decommissioning of the power plant to take up to 40 years.

While the people of Japan deal with reactors that have melted down and towns that have been evacuated, governments in Australia at both the Federal and State level are opening the way for increased uranium mining and the risky export of even more radioactive material around the world. The effect of this bill will be to open the door to uranium mining, which means we must think about the consequences of such mining. We will bear responsibility for those consequences no matter how far our uranium travels from this State or when it occurs. When we export uranium we are exporting risk, which is why I believe we should establish a select committee to inquire into the consequences of uranium mining, to examine all safety aspects and to determine the ecological and economic implications of lifting the moratorium on uranium exploration.

The Australian safeguards and Non-Proliferation Office has confirmed that Australian uranium was in the Fukushima Daiichi reactors. Nuclear power is not a safe energy option, and when we export uranium we are exporting risk. If the Government opens the door to mining uranium it should ask itself whether it is open to bearing the risks as well. If the Premier is willing to provide uranium for nuclear power is he also willing to seek his electorate's support for nuclear power in Ku-ring-gai? Would the people of any electorate in New South Wales welcome the risk of a uranium-powered plant in their community? Would they expose themselves to the risk of a Fukushima disaster?

[*Interruption*]

I acknowledge the interjection of the member that they would like nuclear reactors in their electorate. They do not have them. If the Government took that question to any community in this State the answer would be a resounding no. If the community will not accept that risk here it is irresponsible of us to consider shipping that danger overseas. As much as recent tragedy has shown us the risk of nuclear power, the future stakes from Australia's uranium export industry may be even higher. Labor's dumping of its ban on the sale of uranium to India means that if this bill passes New South Wales could end up sending radioactive material to a nation that has not signed the nuclear non-proliferation treaty.

The Hon. Dr Peter Phelps: Point of order: This bill is not about mining uranium and it is not about nuclear power stations in Australia. It is about removing the prohibition on exploration. I ask that the member return to the substance of the bill.

The Hon. Cate Faehrmann: To the point of order: The member was talking about the potential impacts of uranium. The bill relates to exploration, which could lead to mining. The member is within his right to talk about the potential impacts of the bill.

The PRESIDENT: Order! Traditionally, wide latitude is extended during second reading debates. The member's comments were in order.

The Hon. JEREMY BUCKINGHAM: I stress the important point that India has not signed the non-proliferation treaty. India recently tested a long-range missile that is capable of carrying a nuclear warhead into China. Any future uranium exports from New South Wales could free up India's domestic supply of weapons production and increase regional tensions in southern Asia. If we want to make a responsible

contribution to the security and safety of our region then we have to reject the possibility of mining and exporting uranium. Those are the real stakes if we open up New South Wales to the uranium industry. While the Government may claim that this bill is only about exploration and confirming any resource, it is absurd to separate this decision from potential future mining. The community does not support uranium mining. It makes no sense to confirm a resource that the community wants left in the ground.

It is also very much the case that we already know a great deal about the uranium resources that exist in New South Wales, with exploration having been conducted across the State. The Government should have commissioned a review of the current data about the resource and undertaken an economic, social and environmental analysis of the potential future costs and benefits to the State from uranium mining if it were to be able to gain a social licence for this industry. That is why a select committee is needed. The fact that it has not undertaken this most basic work suggests that the results would leave it in no better place to make this case. This is an important point. There is now a long list of uranium projects in the Northern Territory and South Australia where the social and environmental impacts have been negative and substantial. Those projects offer an important lesson to the New South Wales Government.

The toxic legacy of the Rum Jungle uranium mine in the Northern Territory should serve as a warning for New South Wales. During the time it was in operation the mine inflicted environmental damage similar to that of a copper mine with major additions, including an ongoing struggle with the waste management of uranium tailings and water contamination with radiological chemicals. Forty-one years after closure the local waterways are yet to be rehabilitated, with mine drainage continuing to pollute the Finniss River. The Federal Government will spend $7 million over the next four years just to determine how to deal with the contamination of water systems in the area. After this expensive research is complete millions of dollars more will be spent attempting to rehabilitate the environment with no assurance of a positive outcome.

The Northern Territory, which does not have a prohibition law such as the law in New South Wales, has been stripped and exploited in more places than just the Rum Jungle mine area. The naturally stunning and ecologically diverse Kakadu National Park is home to the Ranger uranium mine which in the past 30 years has devastated Kakadu with more than 150 leaks, spills and licence breaches. A radioactive spill has the real threat of contaminating the land and groundwater with radioactive chemicals that pose a severe threat to human health. In 2009 the Federal Government, concerned about the damage, appointed an independent scientist to assess the environmental impact of the mine. Amongst other things, the results revealed that each day 100,000 litres of contaminated water was leaking into the ground surrounding the Ranger uranium mine.

Olympic Dam, situated in regional South Australia, is the world's largest uranium mine. Olympic Dam has been approved for expansion, even without a strategy for the safe disposal of uranium tailings. The plan, as detailed by BHP Billiton, is to spread the 70 million tonnes of waste accrued annually across an area of 44 square kilometres, creating a considerable human health risk and what has been described as a radioactive waste mountain. A worker at Olympic Dam reported that levels of polonium-210 had breached health standards. This toxic uranium by-product was putting at risk all employees at the BHP Billiton mine site. The open pit uranium mine that will result from the expansion will leak up to 8 million litres of liquid radioactive waste by the year 2020.

Exploration for copper and radiometric mapping have revealed at least two large deposits of uranium in New South Wales. The Government knows this fact. These deposits are far from Ku-ring-gai, the Premier's backyard. They are situated in regional areas of New South Wales where, once again, land will be prioritised to large mining companies. It is known that the resources are in the Clarence-Moreton basin and around Dubbo, Broken Hill and the Shoalhaven. Should the Government choose to repeal the uranium mining ban, the regional communities of Broken Hill and Trangie will be faced with massive environmental destruction and considerable health risks. The Government would do all this without a mandate.

The water supply of these regional communities of New South Wales would be shared with this thirsty new mining industry. The Menindee Lakes supply Broken Hill's water. They are nationally important wetlands and a major contributor to the health of the lower Darling and Murray rivers. A uranium mine in the region would add significant pressure to a system that is already under strain. To protect this major water storage and key ecological site would require a massive diversion project, such as the proposal to pump water from the Shoalhaven River to supply Australia's Roxby Downs mine. That proposal was condemned last year by the Shoalhaven community and its council. Either way, the water security and environmental health of our State's river systems would be harmed.

With uranium sites across Australia already causing incurable damage to human health, national parks, Aboriginal land and the water quality of river systems, it is alarming to think that this Government would even consider opening up New South Wales regional land to such an industry. Mining companies do not need more opportunities to strip the regional lands of New South Wales. This bill opens a door that should never be opened in New South Wales. This State does not need to get into the uranium industry. It would be against the interests and the wishes of the community to do so. The Government has no social licence to lift this moratorium. The Greens oppose the bill. We believe the most appropriate course of action in the short term is for this bill to be referred to a select committee for a comprehensive investigation into the triple bottom line impacts that a potential uranium industry would have in New South Wales. The Greens oppose the bill.

The Hon. SCOT MacDONALD [11.38 a.m.]: I support the Mining Legislation Amendment (Uranium Exploration) Bill 2012 with great enthusiasm. This exciting bill exemplifies that New South Wales is open for business. Possibly more than any bill from the new Liberal-Nationals Government, it signals that this State is emerging from the Rip Van Winkle years of the Labor Government—the lost decade and a half which saw New South Wales slip behind on just about every economic indicator. New South Wales had the lowest jobs growth and slowest economic growth over the past decade. Our State had the lowest confidence across the nation for the past five years. Some of this weak performance can be attributed to the poor mining policy, including the failure to update the uranium exploration strategy for New South Wales.

This bill will enable the mapping of the resource, including the location and probably the quantity and quality of any potential deposits. There is some speculation that there may be deposits around Broken Hill. This is not far away from the South Australian resources. Recently BHP committed $1.2 billion for the first phase of the Olympic Dam mine. Though the Olympic Dam mine is predominantly a copper and gold resource, it also represents one of the world's largest known deposits of uranium. If the Olympic Dam mine reaches its full potential, the capital investment could be as high as $30 billion, according to BHP.

I am excited at the prospect of exploration in the Broken Hill region. Last year I visited this wonderful city as a temporary member of the Legislative Council's Standing Committee on State Development. The committee took evidence from a range of local representatives and council and community leaders who were positive and constructive about the future of the region. There was no doubt that additional mining activity through exploration, and possibly production, would be a boost for the economy. This bill brings New South Wales into policy alignment with South Australia, Western Australia and Queensland. Those States permit exploration for uranium. Furthermore, the Federal Labor Government recently committed to allowing the export of uranium to India. Once again, the New South Wales Liberal-Nationals Government has had to play catch-up after 16 years of Labor inertia.

It is germane to try to grasp what this industry may be worth in the future. The Australian Bureau of Agriculture and Resource Economics and Sciences forecast that Australia will be exporting annually approximately 17,000 tonnes of uranium product by the middle of this decade. That will be worth around $3 billion to this country. Of course, that leads to the merit of this bill from the viewpoint of greenhouse gas. It is remarkable to think that a kilogram of uranium can produce the same amount of energy as 1.5 million tonnes of coal. It is completely disingenuous to object to this bill by arguing that nuclear electricity generation is dangerous.

Despite the incident in Japan 12 months ago, long-term projections for uranium demand are expected to rise. Overseas some 60 nuclear electricity power stations are being built or are in the advanced stages of planning. These countries have made their judgements that nuclear energy is part of their suite of power source. Their rationale includes the safety, reliability, cost and environmental credentials of nuclear energy. Electricity generated by nuclear energy has nil greenhouse gas emissions. To argue against uranium exploration is to barrack for higher greenhouse gas levels and it is asking countries with few alternative energy resources to accept weaker economic growth and lower standards of living.

However, let us take this one step at a time. This bill will enable exploration of uranium which will facilitate a realistic mapping of the resource. A case for mining may be made later, after prospective miners make their commercial assessments and we have a thorough debate in the community. I get a sense that the debate on uranium is maturing. A decade ago we had the intellectual heavyweights in the inner city Sydney councils proclaiming their mini-kingdoms to be "nuclear free". There were large demonstrations. It was hip to be anti-nuke. This year the Greens attempted to whip up the usual hysteria over this bill. A mass rally was promised by The Greens members in this House.

The Hon. Jeremy Buckingham: Point of order: The member is misleading the House. He said there was a call for a mass rally. That it is not so; it was a snap rally.

The PRESIDENT: Order! There is no point of order. The Hon. Jeremy Buckingham will resume his seat.

The Hon. SCOT MacDONALD: A mass rally was promised by The Greens members of this House. Instead, 60 or 70 gathered in Macquarie Street, or at least blocked the pavement. Half of their number looked like staffers, members or media. I described it as an oversized coffee queue. This demonstrates that we are ready for rational discourse on this subject, rather than attention-seeking, profile-raising media stunts. I commend the bill to the House.

The Hon. STEVE WHAN [11.44 a.m.]: The Mining Legislation Amendment (Uranium Exploration) Bill 2012 is directly relevant to the portfolio I represent in this place, that of shadow Minister for Resources. It is deeply concerning for many people in New South Wales that the Parliament is discussing this bill when the Government consistently and vehemently denied over a long period that this would happen. The Opposition's fundamental problem with the bill is that the Government does not have a mandate to introduce it. The Government has not had the courage to discuss this proposal with the community in advance. It did not have the courage prior to the election to let the people of New South Wales know that it was proposing to allow uranium exploration, and later uranium mining. It did not have the courage to be honest about its intentions.

If we believed some of the comments made by Government members we might think that this came as a flash of light in the heads of Government members at the beginning of this year. If we believed their public statements we would think they rolled over one morning and thought, "Oh, I think uranium has become the top issue that needs to be addressed in New South Wales; we had better introduce some legislation." In the lead-up to the last election we heard nothing but consistent denials about this proposal. Right up until late last year the Government was denying it had a plan to allow uranium exploration or uranium mining in New South Wales.

Until recently there was bipartisan support for a ban on uranium exploration in New South Wales. That ban, introduced 25 years ago by a Labor Government, said that the clear objective was to protect the health, safety and welfare of the people of New South Wales and the environment in which we live. I acknowledge the need over time to revisit issues and consider whether they are still appropriate; but one does not do that in key areas like this, under the cover of secrecy and without taking the people of New South Wales into one's trust. It is clear that the Premier and the Government do not have a mandate on this proposal.

The Hon. Dr Peter Phelps: Tell us about the mandate Julia Gillard has for a carbon tax.

The Hon. STEVE WHAN: On 3 August 2011 the Premier told Adam Spencer, in relation to overturning the ban on uranium mining:

> On a scale of 1,000 things we have to do, it doesn't make the list.

On 4 August 2011 the Leader of the Opposition asked the Premier this direct question:

> Is the Government considering repealing the longstanding ban on uranium mining and exploration in New South Wales?

The Premier's response was, "No." The facetious interjections coming from members opposite include, "Oh, we're not repealing mining." Really, that is a most ludicrous argument I have heard from those opposite, "It's okay, we're not talking about uranium mining; we are only talking about uranium exploration." Is there a single person in New South Wales who believes that exploration does not lead to the possibility of mining? Minister Chris Hartcher is the only Government member who is being even slightly honest about this. On 15 February he told News Limited:

> Certainly we would consider allowing uranium mining.

At least Minister Hartcher now has the courage to be at least slightly honest, even though some of those opposite in this place adopt the ludicrous position of trying to pretend this bill is not about uranium mining in the longer term. In this House on 2 August 2011 the Minister for Roads and Ports, who introduced the bill in this place and is sitting opposite right now, said:

> We will not be mining any uranium in New South Wales; nor do we have any plans to.

The Hon. Duncan Gay: Where's the mining bill?

The Hon. STEVE WHAN: The Minister for Roads and Ports is contradicted by his colleague the Minister for Resources and Energy, who said the Government would consider allowing uranium mining.

The Hon. Duncan Gay: Tell me where I was inaccurate.

The Hon. STEVE WHAN: We now have disingenuous injections such as that from the Minister. The Minister is saying, "I'm so clever: I worded my statement so carefully that I fooled you all." Well, guess what? The people the Minister is trying to fool are not members of the Opposition or The Greens but the people of New South Wales. The people of this State know that the Minister and his colleagues are being dishonest and disingenuous when they talk about uranium mining.

Why did the Minister not have the guts to stand up then and say, "We are considering exploring for uranium in New South Wales. We will consider the mining of uranium later on."? It is quite disingenuous of the Minister to deny it. Or is it the truth that the Government had a flash earlier this year and said, "We think we might start to explore for uranium"? It is outrageous that the Government is so clearly dishonest on this issue. The people of New South Wales will judge the Government on its conduct in this regard.

The Government did not have the courage to go to the election saying it intended to explore for uranium because it knew that in the community of New South Wales there remains considerable concern about allowing uranium mining and exploration. The Government knows that the people of New South Wales would ask difficult questions that it would not be able to adequately answer about the location of mines, the supply routes and which communities would have trucks driving through with the product. That is why the Government did not have the courage to put its position forward to the public.

The Labor Party went to the last election consistent in its position that it would be opposed to the lifting of the ban on uranium exploration. On such a serious issue we do not believe a party should go to an election with one position and then change its position. A party should uphold the position it has put to the people of New South Wales. The contribution of the Hon. Scot MacDonald was very interesting. The Hon. Scot MacDonald has now had the great privilege of being quoted in the Teachers Federation newsletter—it will probably be the only time that he will be quoted—for his pro-uranium mining.

The Hon. Dr Peter Phelps: It should be me.

The Hon. STEVE WHAN: I note the Government Whip's interjection that it should be him. The Teachers Federation newsletter on 26 March said:

> O'Farrell has no mandate to explore uranium mining.

They are right: there is no mandate for that. But the Hon. Scot MacDonald, who was quoted in that newsletter, made a contribution today which indicated that apparently he has suddenly turned into someone who believes we need to take action on global warming. I am sure that members on this side of the House welcome his sudden conversion to the need to address global warming but we would not agree with his solution, which is to get into the nuclear fuel cycle in New South Wales when he had not gone to the election committing to do so. The Government does have a consistent position; but it did not have the guts to tell the people of New South Wales its position. On 16 March 2011 an article headed "O'Farrell promises voters real change" stated:

> Mr O'Farrell was then asked about his support for renewable energy sources and whether he was prepared to tackle the tough issues. He says, "Despite what my opponent says, I am not a climate change denier".

Maybe that is one of the reasons the Government Whip has so many difficulties with his leader at the moment.

The Hon. Dr Peter Phelps: Point of order: The Hon. Steve Whan has just made a remarkable and bizarre assertion that either I have problems with the Premier or the Premier has problems with me. Nothing could be further from the truth. I consider the Premier to be the finest big-P political mind in State Parliament at the present time.

The Hon. Amanda Fazio: To the point of order: The Hon. Dr Peter Phelps should be placed on a call to order for that.

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

The Hon. STEVE WHAN: The finest political mind? Certainly the most devious mind in the Parliament at the moment belongs to the Premier. I continue with the quote. The Premier said:

> I don't support nuclear power.

The Premier then asked, "What part of the coast do you want to give up for a nuclear power station?" We have a Premier who did not have the honesty and integrity at the time to say that his Government will consider exploration for uranium in New South Wales. As Minister Hartcher said on 15 February:

> Certainly we would consider allowing uranium mining.

It is ludicrous for Government members to take points of order and to tell us that this bill is not about uranium mining. Government members think they are very clever because in their answers to questions they have very cleverly misled the House by saying that they were not going to do anything about mining. It seems to be a practice of the Government that when it does not want to indicate its intentions Government members will say, "We do not have plans for that at the moment. We do not have plans at this stage to mine for uranium". How many times have we seen that practice applied? The Government says, "We do not have plans to do this. We do not have plans to do that".

One thing we know for sure is that we cannot trust the Government when it comes to dealing with radioactive waste. The people of western Sydney have been betrayed by the Government, which made pre-election promises not to dump radioactive waste from Hunters Hill in western Sydney. The Government assured voters before the election that it would not do so, and we have now seen a complete backflip. This Government's criticism of the previous Government on this issue has been shown to be just more hypocrisy. This Government was willing to say anything to the electorate when it was in opposition but in government it says completely different things.

The Hon. Scot MacDonald gave a glowing endorsement of nuclear power as low-emission technology. Interestingly, the Hon. Scot MacDonald's quote in the Teachers Federation newsletter is positioned right below a picture of someone in safety gear near the Fukushima nuclear power plant in Japan. While we have an operating nuclear reactor in New South Wales that has proved to have a very good record, one has to question the safety of nuclear plants in geologically unstable regions. Everyone would acknowledge that at the moment nuclear power is not a viable economic option for this State. It is not reasonable for the Hon. Scot MacDonald to be proclaiming the future of nuclear power for this State at this stage.

The PRESIDENT: Order! I am finding it very difficult to hear the contribution of the Hon. Steve Whan. Members will come to order.

The Hon. STEVE WHAN: Thank you, Mr President. The discussion between the Government members and The Greens, which is very entertaining, is somewhat distracting at times. This bill essentially allows exploration for uranium at this stage similar to the exploration for any other mineral in New South Wales. The provisions of the bill are relatively uneventful, but the opposition relates to the principle involved. The vast majority of the people of New South Wales would not classify uranium as being the same as any other mineral in New South Wales. That does not mean they are anti-mining and anti-development in this State. I suspect that the vast majority of people in New South Wales, like me, recognise that the minerals industry is a vital part of this State's economy.

In fact, our number one merchandise export is coal, which brings in a huge amount of revenue for New South Wales and jobs for people in our State. The latest Australian Bureau of Statistics figures show that the number of people in direct employment in mining in New South Wales is more than 46,500 and the number of people in indirect employment in mining is more than 250,000. Of course, in discussions about mining and its impact on this State, while there are legitimate questions about food security and land use conflict issues that need to be raised, it is worthwhile to note that mining in New South Wales takes up only 0.1 per cent of this State's land mass. It is important to keep some of these things in context.

This debate about uranium is not about whether a person is for or against mining; it is about whether a person thinks it is appropriate to mine uranium in New South Wales. It is clear that this Government does not have a mandate to start exploration for and later consideration of mining for uranium in this State. It is true that Australia exports quantities of uranium and does so under a Federal Labor administration, but that does not mean that New South Wales has to jump on the bandwagon. It also does not mean that New South Wales should proceed without a mandate. Labor takes that very seriously and will not support a piece of legislation that so

brutally reneges on the commitment given to the people of New South Wales. We know that those opposite are busy advocating for this to take place but I agree with the Hon. Jeremy Buckingham in this case that there is no social licence for uranium mining in New South Wales. That must be gained before introducing this industry could even be considered.

Yesterday in a contribution from a member opposite we heard of comments by the previous Government about exploration in New South Wales. Under the previous Government we had a comprehensive program of identification of minerals for exploration. A series of programs over the period Labor was in government assisted in identifying interesting and exciting new areas for minerals development. It was not just for coal, which we hear a lot about, but also for many other important metals such as the mineral sands developments in the west of the State, copper and gold developments in many areas, including a gold development near Majors Creek, and important minerals for future development around the world.

For example, at the moment Alkane is doing work at Dubbo. That work in part is to look for rare earth minerals. We hope that in the future New South Wales we will be able to be a part of that important area of minerals development. At the moment that market is dominated by China, and those products are important in the manufacture of many new technologies. New South Wales can be productively engaged in that industry, which was encouraged by the previous Government through the extensive work done on exploration and identification of resources in this State. Again, Labor governments do such things because they are interested in jobs and productivity in New South Wales.

The Hon. Duncan Gay: That was initiated by Ian Causley.

The Hon. STEVE WHAN: The Minister indicates that the previous Coalition Government also did exploration. That is true. One would hope that these things would have some element of bipartisanship. The last Labor Government continued that process of exploration, but there is no bipartisanship on uranium mining. In the past both major parties took a bipartisan position to the last election that neither of them supported exploration for or mining of uranium in our State. That is the key point. The Premier came into office promising to be honest and accountable but has been misleading and deceptive. He has proven to be sneaky and deceptive in so many areas.

The Hon. Duncan Gay: Point of order—

The PRESIDENT: Order! Government members and Opposition members will cease interjecting while I am trying to hear the Minister's point of order.

The Hon. Duncan Gay: On several occasions the honourable member has breached Standing Order 91 (3), which provides:

> (3) A member may not use offensive words against either House of the Legislature, or any member of either House, and all imputations of improper motives and all personal reflections on either House, members or officers will be considered disorderly.

The Hon. STEVE WHAN: To the point of order—

The Hon. Duncan Gay: Just sit down for a moment. His comments about the Premier clearly breach Standing Order 91 (3).

The Hon. STEVE WHAN: To the point of order—

The PRESIDENT: Order! Before the Hon. Steve Whan commences his contribution, would the Minister mind specifying which particular comments he found unparliamentary?

The Hon. Duncan Gay: I am sure they are recorded in *Hansard* and that the member can remember, but they were along the lines of "sneaky, tricky and deceptive".

The Hon. Walt Secord: What about "evil"?

The Hon. Duncan Gay: I think there might have been "evil".

The Hon. STEVE WHAN: In any robust political discussion in which this House engages terms such as "deceptive, sneaky and tricky" have been regularly used. Over the years they have been regularly used by Coalition members in this place against members of the Labor Party. I suggest that those words are certainly not in breach of the standing orders.

The Hon. Jeremy Buckingham: To the point of order: The Minister's point of order referred to Standing Order 91 (3). He said that there were offensive words and an imputation. I suggest that they were statements of fact; they were not imputations. They were not offensive. As the honourable member has said, it is legitimate to use such words and I think that they accurately reflect the actions of the Premier and this Government.

The Hon. Dr Peter Phelps: To the point of order: There is a fair amount of rough and tumble in debate but this remark was directed at the Premier personally and, as such, the offence is much greater than if it were more broadly or generally directed. One could forgive members opposite for their exuberance in that regard, but this remark was a direct and personal reflection on the Premier and it should be withdrawn.

The PRESIDENT: Order! It is disorderly to personally reflect on members of either House in debate. However, for remarks to be ruled offensive they need to be offensive in some personal way. I do not believe that the comments of the Hon. Steve Whan were offensive in a personal way, but I believe they were disorderly. I call the Hon. Steve Whan to order for the first time.

The Hon. STEVE WHAN: We have seen an indication of the glass jaw of the Government.

The Hon. Rick Colless: You have just challenged the ruling.

The Hon. STEVE WHAN: Mr President, I did not intend any reflection on your ruling.

The PRESIDENT: Order! I thank the member for clarifying that.

The Hon. STEVE WHAN: My intention was to refer to Government members, who certainly seem sensitive about the Premier's broken promise in this case. On the public record he denied clearly that he had any plans to explore or mine uranium and yet in secret he was considering doing that. As I said earlier, this Premier came into office promising openness and accountability and has proven to be anything but. The Premier and members of the Government are happy to name call and sling insults at the Opposition but they are far more sensitive when it comes to owning up to the fact that they misled the people of New South Wales about uranium mining. This is yet another case of a Government which is so arrogant and so insular that it thinks it can get away with anything just because it is not the former Government. That seems to be the Premier's constant refrain and theme.

His proposition is this: I can do whatever I want because I am not them. That is not good enough for the people of New South Wales and it is not good enough for a person who was elected by promising to be accountable and to uphold standards to undertake a process of misleading the people of New South Wales, to break commitments and to be so dishonest that even while his Ministers were considering an action he denied it. That is nothing but rank hypocrisy and dishonesty from the Premier of New South Wales. He will be judged on that by many people in New South Wales.

The Hon. Duncan Gay: Point of order: I again draw your attention to Standing Order 91 (3) and to the Hon. Steve Whan's use of the term "dishonesty" with "the Premier". Somehow the member has joined two propositions that previously were never joined. The Premier said that we are not going to mine, but the member has added the words "or explore", which was never part of the Premier's statement. The member suddenly is stating that the Premier is dishonest.

The PRESIDENT: Order! The Leader of the Government is making a debating point, not taking a point of order. As the Minister in charge of the bill, he well knows he has a right of reply at the conclusion of the debate.

The Hon. STEVE WHAN: Thank you for that ruling, Mr President. Perhaps instead of incorporating his speech in *Hansard* the Minister should have taken the opportunity to explain comments he made in this place. I welcome his doing so during his reply. However, let us face the fact that the Premier misled the people of New South Wales. He was asked a specific question about mining and exploration. The Minister can check *Hansard*. The Premier said in an answer to a question in the other place that he was not considering repealing the longstanding ban on uranium mining and exploration in New South Wales. The Minister for Resources and Energy stated, "We do not propose to change the law on uranium mining in New South Wales", and later went on to say that of course they would consider doing that.

It is entirely justifiable for the people of New South Wales to say that the Premier misled them on this issue. He deliberately misled them on this issue, which goes to the fundamental question about his honesty, his courage and his ability to tell the truth about what he proposes to do. Government members can make all the pious statements they want, but that will not change the fact that the Premier misled the people of New South Wales on this issue. He has not brought the people of New South Wales on board or assured them that any developments of uranium will be safe. He has not assured them that any routes that might be used will be safe for people who live in surrounding areas. He certainly does not have a mandate to go ahead.

Before the Minister for Roads and Ports took his point of order, I was about to say that even the people in New South Wales who support mining uranium would acknowledge that the Premier did not canvass this issue before the 2011 election, that he was not upfront about his intentions, and that he was not honest with the people of New South Wales. It is really quite ridiculous for Government members to assert that that is not the case. This legislation represents a broken promise by the Government. We cannot trust this Government on nuclear issues. We already have the broken promise about Hunters Hill waste. We heard the pious comments before the election that became a complete backflip after the election. We saw a backflip in relation to this legislation, not in comments made immediately prior to the 2011 election but in comments made as late as November last year.

Every single person in New South Wales believes that the Premier and his Ministers had every intention of changing this policy, while denying it publicly at the same time. It is gross hypocrisy for the Minister to suggest anything other than that. Labor does not support the bill. We will move a motion to refer it to a committee. In some small way, that will give the public an opportunity to comment on this legislation. This Government, in its arrogance, hypocrisy and misleading of the people of New South Wales, denied the people of this State that opportunity. The Government has denied its people the right to comment on an issue of major concern. The Opposition opposes the bill.

The Hon. PAUL GREEN [12.14 p.m.]: On behalf of the Christian Democratic Party, I participate in debate on the Mining Legislation Amendment (Uranium Exploration) Bill 2012, whose objects state:

(a) to remove the general prohibition on prospecting for uranium in New South Wales,

(b) to enable exploration licences and associated permits (but no other licences or authorities) to be granted under the Mining Act 1992 to prospect for uranium,

(c) to apply to uranium prospecting the State environmental planning policy applicable to other mineral exploration,

(d) to vest all uranium in New South Wales in the Crown and to exclude compensation for that vesting,

(e) to make other consequential amendments.

The Christian Democratic Party notes that in the early 1900s small-scale uranium oxide mining occurred in Australia, that mining on a larger scale occurred in the 1950s, and that since then there have not been any major incidents associated with full-scale mining in other States. Essentially, the bill will allow exploration of uranium oxide. It will allow us to assess and characterise the nature of uranium ore reserves that New South Wales is known to have. That should provide a better assessment of economic potential for the New South Wales economy.

The Christian Democratic Party notes that there are potential environmental concerns. However, in the other place the Minister stated that management of exploration is subject not only to the Mining Act, but importantly also to the Water Management Act, which provides for management of access to water as well as to the protection of groundwater. The bill provides permission for exploration, not full-scale mining. We believe that a balanced but cautious approach is required. The bill should achieve that goal. The Christian Democratic Party will be constantly assessing and reviewing the issues associated with uranium exploration from the point of view of the safe and responsible management of the exploration of this resource.

Obviously approaches have been made to the Christian Democratic Party about an inquiry into this legislation. If a motion is moved to refer the legislation to a committee, I believe the inquiry should concentrate on the difference between the exploration and the mining of uranium. That will be the approach to this issue by the Christian Democratic Party.

The Hon. RICK COLLESS [12.17 p.m.]: I support the Mining Legislation Amendment (Uranium Exploration) Bill 2012. The bill provides for exploration licences and related environmental assessment permits,

but does not permit the issuing of mining licences. The bill also provides that uranium is the property of the Crown and that no compensation is payable for vesting that property in the Crown. The Mining Regulation 2010 will create a new group of minerals and prescribe that uranium and thorium will be part of that group. The bill also amends the Radiation Control Act 1990 to ensure that naturally occurring radioactive ores will be subject to the Act, but will be exempt by regulation from licensing. The bill also makes other consequential amendments. The important point that Labor and crossbench members do not seem to be able to comprehend is that the ban on the mining of uranium remains. That will not change.

The Hon. Jeremy Buckingham: Oh, fair dinkum, how can you do that?

The Hon. Steve Whan: Come off it.

The Hon. RICK COLLESS: All this bill will do is remove the prohibition on exploration of uranium reserves. It is all very well for Labor and crossbench members to make fun, but obviously they do not understand the difference between exploration and mining. Labor's Sir Lunchalot just ticked off all the exploration leases and then the mining leases. As a result, the projects just went full steam ahead. Under this Government there is a big difference between exploration and mining.

It is worth having a discussion about some aspects of uranium. In uranium 238, the 238 refers to the atomic weight of the element. Uranium 238 is the heaviest naturally occurring element on earth, but it has an unstable nucleus due to an excess of tiny particles known as nucleons, and the uranium atom attempts to achieve stability by throwing off those excess nucleons. It is a bit like having a flat spinning wheel with small holes in the centre and putting marbles on it. If there are more marbles than there are holes, as the wheel spins the marbles will fly off. That is exactly what happens with uranium decay. As those uranium atoms emit the energy and the mass of nucleons, a new isotope of the metal is formed and eventually it degrades into a completely new element.

Uranium 238 decays initially into uranium 236. It then goes into thorium 232, actinium 227, radium 226, radon 222, polonium 209 and eventually ends up as a lead 207, which is a completely stable element that no longer emits radiation. It is important to note that one of the elements of decay, thorium, is also included in schedule 2 to this bill. Wherever uranium is found there will be varying amounts of those daughter elements as well. As the radioactive decay process naturally occurs from uranium to stable lead, there will be a suite of those elements along the way.

The rate of decay of these elements is known as their half life and refers to the time taken for half of a given amount of the material to decay. Uranium 238 has a very long half life of 4.47 billion years, which means that it emits its radiation slowly over a long time. That has obvious problems for the disposal of uranium waste. On the other hand, radium 226 has a half life of 1,600 years and radon 222, which exists normally as a gas, has a half life of 3.8 days. That is important because radon 222 emits huge amounts of radiation compared to uranium 238.

What can this uranium be used for? It is interesting to note, so far as energy goes, that one kilogram of uranium emits the same amount of energy as 1.5 million tonnes of coal. It is healthy to have this discussion. It is also worth noting that Australia has mined uranium since 1954 on a commercial basis. There was some mining of uranium 238 at Radium Hill in the late 1800s and early 1900s, and it was processed at Hunters Hill, which was the subject of the previous inquiry. Over the past 60-odd years Australia has produced more than 7,000 tonnes of uranium oxide concentrate, which is worth up to $1 billion at current market prices. Australia is the world's third-ranking producer behind Kazakhstan and Canada. We understand that Australia has 23 per cent of the world's reserves of uranium but New South Wales, because of its longstanding prohibition on uranium exploration, has no information on the possible reserves it holds.

The only other Australian State to prohibit exploration is Victoria. Queensland permits exploration. South Australia, Western Australia and the Northern Territory allow exploration, mining and export of uranium. The Commonwealth Government is seeking to understand Australia's uranium resources better, and in May 2011 the Federal resources Minister, Martin Ferguson, called on New South Wales to repeal its prohibition on uranium exploration activities. It is expected that New South Wales would experience a considerable increase in exploration investment if the ban on uranium exploration were lifted.

In Queensland, where uranium exploration is permitted but mining remains prohibited, companies spent some $18 million in 2010-11 on uranium exploration activities. In other States nationwide there are more

than 12 uranium mining projects proposed worth an estimated $2 billion. In New South Wales the existing safety and environment frameworks already provide for any risks and hazards that may be associated with the exploration for radioactive minerals. For example, exploration for thorium is not prohibited in New South Wales. Thorium is just as radioactive as uranium.

Conventional nuclear power plants that exist in other parts of the world operate by a process called nuclear fission. Nuclear fission refers to a reaction or a radioactive decay process in which the nucleus of an atom splits into smaller parts or lighter nuclei, often producing free neutrons and photons in the form of gamma rays, and releasing large amounts of energy. Nuclear fission is a form of nuclear transmutation because the resulting fragments are not the same element as the original element. Fission produces energy for nuclear power and can be used, of course, to drive the explosion of nuclear weapons. Both uses are possible because certain substances called nuclear fuels undergo fission when struck by fission neutrons and, in turn, emit neutrons when they break apart. This makes possible a self-sustaining nuclear chain reaction that releases energy at a controlled rate in the nuclear reactor that we can, of course, harness.

Typically, these fission events release about 200 million equivalent volts of energy for each fission event. By contrast, most chemical oxidisation reactions, such as burning coal, release at most a few per event. Nuclear fuel contains at least 10 million times more usable energy per unit of mass than chemical fuel. The energy of nuclear fission is released as kinetic energy of the fission products and fragments and also as electromagnetic radiation in the form of gamma rays. In a nuclear reactor the energy is converted to heat as the particles and gamma rays collide with the atoms that make up the reactor and its working fluid, which is usually water or heavy water.

It is also worth noting the alternative process to nuclear fission, which is nuclear fusion. While this does not use uranium as its basic fuel, it is a process that we need to have another look at. Nuclear fusion is a form of nuclear energy that is generated when lightweight atoms fuse. It is the same process that is at work in every star in the universe. It releases an enormous amount of energy and researchers have been trying to harness fusion and reproduce it on earth in a controlled manner. If they succeed, they will provide the world with a safe, sustainable, environmentally responsible and abundant source of energy.

For more than 50 years energy has been generated in nuclear power plants through the fission process I was just talking about, and that process uses heavy elements such as uranium. On the other hand, nuclear fusion is based on the opposite principle. In fusion reactors, light atomic nuclei are compressed under intense pressure and heat to form heavier nuclei and they release an enormous amount of energy in the process. The process must be optimised to generate more energy than it consumes. With a sufficiently large and sustainable energy profit, fusion could be utilised to generate electricity commercially.

The main fuels used in nuclear fusion are deuterium and tritium, both heavy isotopes of hydrogen. Deuterium constitutes a tiny fraction of natural hydrogen—0.0153 per cent—and can be extracted inexpensively from seawater. Tritium can also be made from lithium, which is abundant in nature. In theory, the amount of deuterium present in one litre of water can produce as much energy as the combustion of 300 litres of oil. That means there is enough deuterium in the oceans to meet human energy needs for millions of years to come. Building a fusion power plant that can withstand the immense temperature and pressure of this process produces one of the century's greatest engineering challenges. The fuel, which comprises the hydrogen isotopes of deuterium and tritium, must be heated to 100 million degrees centigrade.

At that temperature, which is hotter than the sun, a fully ionised gas plasma is formed which is ignited to create fusion. At present scientists are pursuing two methods for achieving that nuclear fusion—inertial and magnetic confinement. I will not go into the technical aspects of such nuclear fusion. As the benefits of nuclear fusion unfold, it represents a long-term, sustainable, economic and safe energy source for electricity generation. Fuel is inexpensive and abundant in nature and the amount of long-lived radioactive waste and greenhouse gases produced through fusion are minimal.

The Hon. Cate Faehrmann: Are you saying they are not going to dig it out and make it into a uranium power plant?

The Hon. RICK COLLESS: I acknowledge the interjection of the Hon. Cate Faehrmann. We must build a research process around the possibilities of providing alternative energy sources. Investment in the nuclear and uranium exploration industry will result in research into alternative forms of energy—something with which the Greens do not agree. The Greens should agree to nuclear fusion which is environmentally friendly and safe, and the raw materials come from seawater.

The Hon. Cate Faehrmann: I am choking.

The Hon. RICK COLLESS: I note that the member always jokes about these issues. I support the bill and point out that it is not about mining uranium; it is about exploring for uranium and finding out where the resources are located in New South Wales. Mention was made earlier to referring this matter to a Legislative Council standing committee. The right time to refer this matter to a committee would be once we know what resources we have. Such a committee could then inquire into the uranium exploration process.

The Hon. ROBERT BROWN [12.32 p.m.]: I make a brief contribution to debate on the Mining Legislation Amendment (Uranium Exploration) Bill 2012. The Shooters and Fishers Party supports this bill but is deeply disappointed as it stops at exploration. The Shooters and Fishers Party concurs with the comments made earlier by the Hon. Rick Colless. We must think seriously about providing alternative forms of energy in the future. At the moment we are wasting our time by providing some airy-fairy forms of energy.

The Hon. Cate Faehrmann: What is wrong with coal?

The Hon. ROBERT BROWN: Coal is great as it will be around for a couple of hundred years or more, which will give us time to research other energy sources. New South Wales should be digging up the uranium and using it. Australia should be using uranium in its power stations to generate power to produce iron, steel, aluminium and everything else we need rather than digging it up and shipping it offshore. We agree with The Greens on the issue of coal, although The Greens believe that all coal production should cease. We disagree with industrialist Mr Palmer in north Queensland who said that The Greens and the Green movement are funded by the Central Intelligence Agency, which is silly. We know that The Greens are funded by the candle-makers guild and the punkah wallahs union. For those members who do not know, a punkah wallah is a person who operates a fan.

The Hon. Cate Faehrmann: Point of order: Clearly the member is not being relevant to the debate and he should be asked to be relevant.

The PRESIDENT: Order! I will give the member the benefit of the doubt at this stage. Had the Hon. Robert Brown concluded his remarks?

The Hon. ROBERT BROWN: I have almost concluded my remarks. The Shooters and Fishers Party supports the bill but at this stage does not support the matter being referred to a Legislative Council committee.

The Hon. SHAOQUETT MOSELMANE [12.34 p.m.]: I contribute to debate on the Mining Legislation Amendment (Uranium Exploration) Bill 2012 and state at the outset that I oppose it. I oppose uranium exploration and the mining that subsequently follows such exploration. This bill will overturn the present ban in New South Wales that reflects the anti-exploration and antinuclear sentiment of New South Wales from the 1980s right through until today. Going into the last election the people of New South Wales had every right to believe that the ban on uranium mining would remain a bipartisan commitment. The New South Wales Government has no mandate for uranium mining in New South Wales as that issue was not raised at the last election. At every stage of the mining process, including exploration, there are risks from toxicity, leaks and accidents that last millennia. It is another extremely important and valuable resource that should not be placed in the hands of fat cats with greedy, self-motivated and vested interests. Who will clean up and pay for the clean-up after they have exploited and plundered the land?

If this bill is enacted, in my view, the right to explore, mine, transport, store and sell the uranium must remain in the hands of the people, and all the proceeds must be used to benefit the people of New South Wales. Funds must be set aside as insurance against the possibility of an accident when money is needed to clean up and to see to people's health and wellbeing. The object of this bill is to remove the general prohibition on prospecting for uranium in New South Wales which will enable exploration licences and associated permits to be granted under the Mining Act 1992 to prospect for uranium. The bill seeks to apply to uranium prospecting the State environmental planning policy applicable to other mineral exploration and to vest all uranium in New South Wales in the ground and exclude compensation for the vesting. The bill also makes other consequential amendments.

A change in policy at the Commonwealth level does not mean that we should simply follow suit. There is no compulsion on this Government to act on or to follow the Commonwealth Government's request. This Government can simply reject such a request and remain in opposition to uranium exploration and any

subsequent uranium mining and nuclear proliferation, given the dangers associated with it. It is true to say that nuclear power generation is carbon free. However, as some have argued and as we all know, it is not danger free. In situations of man-made and environmental disasters nuclear explosions and fallout can be terribly dangerous and deadly to say the least. The world has seen such explosions in Chernobyl, Russia, and more recently in Fukushima, Japan. In Japan 20,000 people died as a result of the tsunami but 300,000 people have been displaced as a result of the fallout which has left vast areas of land, villages, homes and memories destroyed for generations to come. When the Premier introduced this bill he said in part:

> It is time for NSW to look at every opportunity to join the mining boom, which is delivering enormous profits ...

Australian Uranium Association spokesman Michael Angwin welcomed Mr O'Farrell's statement and said:

> There is no reason whatsoever to ban uranium exploration or mining anywhere in the country.

The key words he used were "anywhere in the country". Forget about the environmentally sensitive and protected parks, Aboriginal sacred land, national parks or anywhere in New South Wales—every inch of land is fair game. This simply cannot be allowed. If it is allowed the environmental protections that have been achieved over the past century by the people of New South Wales will be thrown out and will go down the drain. As the Leader of the Opposition, Mr John Robertson, said:

> I'm sure the Premier doesn't want a uranium mine in his Ku-ring-gai backyard, and he shouldn't dump it in anyone else's. Going into the last election the people of New South Wales had every right to believe that the ban on mining uranium would remain a bipartisan commitment. The moratorium on nuclear exploration in New South Wales began as a bipartisan agreement between the Liberal and Labor parties after an investigation found that the effects of mining would be too dangerous. Well, what has changed? This Government has backflipped on this issue. Only a few months ago the Premier categorically ruled out uranium mining and exploration in New South Wales. The people of this State did not vote for Barry O'Farrell so that he would dig up uranium in their backyards.

The New South Wales Government has no mandate for uranium mining in New South Wales. This issue was not raised at the election and, until recently, Premier O'Farrell maintained that his Government had no plans to overturn the ban. Mining and transport of uranium pose real risks to local communities and the environment, and will leave our State with a lasting radioactive legacy. This Government's insatiable appetite for mining royalties must not come at the expense of our health, our water resources and the environment. Now we have the illogical argument being put by the Government that the bill will allow exploration but, wait for it, not mining—not at this stage anyway. Why not be open and frank with the people of New South Wales? The Premier cannot treat the people of this State with such disdain. He should come clean and tell the people what he really wants, and make it abundantly clear the Government wants mining because, in the words of the Premier:

> It is time for NSW to look at every opportunity to join the mining boom, which is delivering enormous profits ...

The Premier would have us forget about the health of the people and our environment. Uranium mining and the nuclear fuel cycle are still causes of concern for many people, and until those concerns are satisfied many people will not support mining of uranium and accept such a dangerous industry amongst them. Pepe Clarke of the Nature Conservation Council said that at every stage of the mining process, including exploration, there are risks: toxicity from leaks and accidents last millennia. The people of New South Wales simply will not support exposing their children and their grandchildren to such possibilities. Also, one should always be wary of governments that introduce legislation because of the glitter of the money pouring into their coffers. Decisions of this type ought to be carefully considered, and not at someone's whim or at the encouragement of vested interests with influence. We simply must not introduce laws and go ahead with such decisions that have far-reaching impacts for the people not only in New South Wales but in Australia and around the world.

This is another extremely important and valuable resource that we do not want to put in the hands of fat cats with greedy, self-motivated vested interests. Why should the Government grant licences to companies to mine resources owned by the people of New South Wales in return for peanuts? The super rich become mega rich. I oppose the bill. But if, ultimately, the bill does pass—and it appears it will—I would rather the rights to exploration and mining remain in the hands of the public, in the hands of a publicly owned entity, so that the mining and transportation of the mined ore, the process and the profits remain in the hands of the public, for the benefit of the public. In that way, the profits from this national resource are put back into national health, national transport, education and technology development, as well as improving the wellbeing of the Aboriginal people of New South Wales, the rightful owners of this land.

The Hon. MARIE FICARRA (Parliamentary Secretary) [12.44 p.m.]: It gives me great pleasure to support the Mining Legislation Amendment (Uranium Exploration) Bill 2012. Let us bear in mind, as the name

of the bill confirms, that the bill provides for uranium exploration, not uranium mining. The bill will remove the prohibition on exploration for uranium in New South Wales. The existing ban on uranium mining in New South Wales will remain in place after the passing of this legislation.

The Hon. Steve Whan: Until when?

The Hon. MARIE FICARRA: My background is science. We should have policy and directives supported by evidence-based science. That is what we are discussing today: mapping New South Wales to find out whether this State has uranium, where it is, the quantity and quality of the reserves, and how deep they are. The public need to know this too. The more the Labor Party aligns itself with The Greens and stirs up emotions and fear in the community, the more the public will wake up to them and say the Labor Party has lost the plot. They have shown Labor what are the consequences. I return to the objective of the bill: to overturn the prohibition on uranium exploration. A number of amendments will be made to the Mining Act 1992, the Mining Regulation 2010, the Radiation Control Act 1990, the Aboriginal Land Rights Act 1983, and State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007. Much has been made about who said what, and when they said it. The Premier said on 15 February this year:

> We are taking a sensible step to establish the facts about what, if any, uranium resources exist across New South Wales.

Members of the public who read that would think: fair enough; we want to know that. If there is to be any decision to proceed beyond that it will be debated, communities will be consulted, and all the relevant environmental and scientific facts will be taken into consideration. That is evidence-based policymaking—lacking in New South Wales for 16 years. This Government is getting on with finding out what resources exist in this State—whether uranium, coal or whatever other minerals exist out there. On 16 February 2012 Paul Howes from the Australian Workers Union—a hero of the Opposition—said:

> It's about time the NSW Government overturned this nonsense, archaic ban on uranium exploration. The ban on uranium exploration in NSW is a remnant of Cold War thinking, and that's exactly where it belongs—in the last century. Lifting the ban on exploration doesn't mean people will end up with a uranium mine in their backyard, and it doesn't mean that mining multinationals will have free reign over NSW.

How sensible. Why is this bill being debated? It is because the Federal Labor Government's Minister for Resources and Energy and Minister for Tourism, Martin Ferguson, formally requested in May 2011 that New South Wales and Victoria reconsider their bans. He waited until there was a change of government because he knew that the former Government was hopeless—it had rejected it and he could not get the legislation through. When there was a change of government in May the Federal Minister formally requested New South Wales and Victoria, under the leadership of Ted Baillieu, to reconsider their ban. Obviously this is a national issue. People all over Australia want to know what is under the ground. That is not to say there are any carte blanche rights for anything. There will be no wholesale opening of areas for mining yet but we need to know what is there. Again, this relates to resource mapping.

The Hon. Jeremy Buckingham: You are opening up Boggabri and Narrabri; you are opening up the north-west for coal seam gas and uranium. Bring back whaling, Marie. Why don't you just go for it?

The Hon. MARIE FICARRA: The Hon. Jeremy Buckingham is espousing great views. I remind him of the remark he made in the *Australian* on 15 February.

The Hon. Luke Foley: Table it.

The Hon. Jeremy Buckingham: It's on the website.

The Hon. MARIE FICARRA: I am happy to table the article. The Hon. Jeremy Buckingham said:

> There are well established deposits, the research has been done.

I inform the Hon. Jeremy Buckingham that it has not been done, and all the experts will tell him that we do not know what resources there are. That is the reason for this legislation. This issue of uranium exploration has gained momentum since the Federal Labor national conference voted to overturn its ban on uranium exports to India. That caused everybody to reassess their positions. They started exporting to India as the jobs and the economic growth were there. Most people in Australia think that that Federal decision was reasonable. Minister

Martin Ferguson wrote to New South Wales and Victoria, so the momentum was generated by the Federal Labor Government and the Labor national conference. I quote again from an article in the *Australian* which I am happy to table. That article in the *Australian* of 15 February quoted Premier Barry O'Farrell as saying:

> Given the current economic climate, given the jobs market, we'd be mugs not to overturn an ideological ban on trying to discover if uranium exists in NSW.

That is very reasonable. We are fortunate in Australia as we have more than 23 per cent of the world's uranium reserves.

The Hon. Jeremy Buckingham: How do you know that?

The Hon. MARIE FICARRA: That is right—how do we know that? We do not know whether those statistics are accurate.

The Hon. Lynda Voltz: Point of order: Interjections are disorderly and members who are speaking should not respond to them.

The PRESIDENT: Order! I uphold the point of order. I encourage the Hon. Jeremy Buckingham, who has contributed to the debate, to listen to other members in silence.

The Hon. MARIE FICARRA: We believe that approximately 23 per cent of the world's uranium reserves are in Australia but we are not sure of that. All the experts in Australia, including in the Federal Minister's department, state that we do not have accurate information on possible reserves. We therefore need comprehensive information about what resources there are in every State in New South Wales. Nationally there are more than 12 uranium mining projects worth an estimated $2 billion, but the potential for projects is far greater. New South Wales must join the mining boom at every opportunity. The mining boom—a good thing for families around the nation and especially in New South Wales—is delivering enormous profits and jobs for Western Australia, Queensland and South Australia.

Premier Barry O'Farrell said that New South Wales would like to be part of the boom but the first step we must take is to establish the size, quality and location of any potential uranium deposits in New South Wales. We can then have further discussions about whether our constituents and communities around the State believe it is worthwhile to continue to develop those resources. Any revenue that came from uranium mining would be put towards infrastructure—much needed roads, rail, hospitals and other infrastructure—and the generation of more jobs. But as that is some way down the track obviously we must continue our discussions and debates.

It is projected that over the next 30 years the approved expansion of BHP Billiton's Olympic Dam uranium mine in South Australia will create more than 13,000 jobs and, incredibly, will contribute more than $45 billion to that State's economy. South Australia is forecast to receive $2.5 billion in royalties up to 2030, which represents enormous value. This bill is all about the mapping of resources and determining the location, quantity and quality of potential uranium deposits. The New South Wales Government has been advised—and I believe the former Government was advised—that potentially rich deposits exist around Broken Hill, given the identified resources over the South Australian border. We will not be able to make an intelligent decision about what to do with mineral resources unless we know what we have and what it is worth. It gives me great pleasure to support this sensible and scientific piece of legislation.

The Hon. DAVID CLARKE (Parliamentary Secretary) [12.56 p.m.]: I congratulate the O'Farrell Government on introducing the Mining Legislation Amendment (Uranium Exploration) Bill 2012, the effect of which will be to remove the prohibition on exploration for uranium in New South Wales. We are proud of this legislation. We are proud to stand up to The Greens lobby on this issue. It has dictated to the people of New South Wales for far too long but that has come to an end and no longer will it be dictating. Under successive Labor governments the position of New South Wales as the economic powerhouse of Australia has evaporated. For years under a Greens-directed Labor Party, this State's economic growth has been impeded and jeopardised—

The Hon. Jeremy Buckingham: Point of order: You have to sit down, mate.

The PRESIDENT: Order! I require no assistance from the Hon. Jeremy Buckingham. He will state his point of order or resume his seat.

The Hon. Jeremy Buckingham: My point of order relates to relevance. The Hon. David Clarke is beginning a diatribe about Greens movements and other political matters that have nothing to do with uranium exploration in this State.

The PRESIDENT: Order! The Hon. Jeremy Buckingham will resume his seat. There is no point of order.

The Hon. DAVID CLARKE: I did not seek to take a point of order earlier when the Hon. Jeremy Buckingham addressed his comments to me over the table. For years under a Greens-directed Labor Party our State's economic growth has been impeded, jeopardised, blocked and trashed.

The Hon. Charlie Lynn: That's the truth.

The Hon. Jeremy Buckingham: Point of order: The member is misleading the House.

The PRESIDENT: Order! The Hon. Jeremy Buckingham will resume his seat. There is no point of order.

The Hon. DAVID CLARKE: I am surprised that the Hon. Jeremy Buckingham took a point of order when I said that a Greens-directed Labor Party has impeded our State's economic growth and has jeopardised, blocked and trashed our growth. As the Hon. Charlie Lynn said, everybody knows that to be the truth. Apart from Labor's inbuilt DNA of incompetence, negligence and stupidity, that has happened because of Labor's weakness, its effeteness and its refusal to stand up to the dictates of the economic vandals in the Greens movement. Just as the Labor Government in Canberra bows to the dictates of The Greens, year in and year out Labor governments in New South Wales have bowed to the same Greens economic vandals. Industry after industry has suffered because of controls, limitations and interference emanating from Labor governments at the behest of The Greens—

[*The President left the chair at 1.01 p.m. The House resumed at 2.30 p.m.*]

Pursuant to sessional orders business interrupted at 2.30 p.m. for questions.

Item of business set down as an order of the day for a later hour.

QUESTIONS WITHOUT NOTICE

PUBLIC SECTOR WAGES POLICY

The Hon. LUKE FOLEY: My question is directed to the Minister for Finance and Services. Given that 51,000 New South Wales government workers in rail, energy and other government business enterprises under Federal industrial laws are covered by industrial instruments reached by agreement with their employer, why does the Government want to extend its 2.5 wages cap to these workers?

The Hon. GREG PEARCE: I thank the Leader of the Opposition for the question.

The Hon. Dr Peter Phelps: Isn't it Labor's 2.5 per cent wages cap?

The Hon. GREG PEARCE: It is. The Hon. Dr Peter Phelps makes a good point. Government members have promised to restore rigorous economic management to promote growth and make New South Wales number one again. Our strategic priorities include growing our economy, renovating our infrastructure and improving productivity. In the area of productivity, we are able to contribute in two key ways. One is by ensuring that the national Fair Work system operates in a way that supports productivity, innovation and flexibility in the workplace. This is crucial in a world of mobile capital and customers. The other is by ensuring that our own public sector is as efficient and effective as possible.

The Commonwealth Government has established a panel which is currently reviewing the Fair Work Act. The review panel has been tasked with assessing the extent to which the Fair Work legislation is operating as intended, and reporting back to the Commonwealth Government on its findings as well as recommendations for any changes. The report is to be forwarded to the Commonwealth Minister for Workplace Relations by

31 May 2012. As a referring jurisdiction, New South Wales has been closely examining the submissions and developing its own position in respect to the future of the Fair Work Act with a view to ensuring that the industrial relations framework enhances productivity and flexibility at workplaces throughout Australia. We expect to provide a statement of our position to the review panel shortly.

We also have taken the opportunity to consider how the Fair Work Act impacts on our own employees. The majority of our public sector workers fall within the scope of the New South Wales Industrial Relations Act. We have made or proposed a variety of amendments to that Act, including the legislating of the wages policy, which assists us as a Government to deliver on our program for New South Wales and repeats the policy that was implemented by the previous Government but not enforced.

However, while we have established sensible reforms in New South Wales, including both the wages policy and a more sensible approach to managing excess employees, these apply only to the approximately 270,000 full-time equivalent employees covered by this State's industrial jurisdiction and not to, as the question indicated, the approximately 50,000 people who work in government business enterprises, including State-owned corporations. These are covered by the national workplace relations jurisdiction. By definition, our wages policy cannot apply to these employees. Unlike the Industrial Relations Commission of New South Wales, which is required to give effect to the Government's wages policy, Fair Work Australia need have no regard to such constraints. The New South Wales Government thinks that is wrong.

To be fully accountable to taxpayers and to deliver the services and reforms that the community expects, the New South Wales Government must be able to achieve consistency across our public sector. Therefore, the New South Wales Government is calling on the Commonwealth Government to amend the Fair Work Act to recognise this State's right to manage its public sector as it sees fit. It is our strong view that where a State makes laws to regulate the terms and conditions of its own employees, those laws and policies should be respected and given effect to by Fair Work Australia. We have estimated that if public sector employees currently covered by the Fair Work laws were subject to the New South Wales Government's wages policy, employee expenses of more than $350 million could be avoided over the forward estimates period. That is money that can be reinvested in effective services, in areas of greater strategic need and in infrastructure investment.

SCHOOL ZONE SAFETY

The Hon. JOHN AJAKA: My question is addressed to the Minister for Roads and Ports. Can the Minister update the House on the New South Wales Government's commitment to improve school zone safety?

The Hon. DUNCAN GAY: I thank my Parliamentary Secretary for that great question.

[*Interruption*]

I acknowledge the interjection by the Hon. Walt Secord.

The Hon. Walt Secord: Point of order: The Minister is misleading the House. I was sitting here quietly.

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

The Hon. DUNCAN GAY: In fact, over the weekend a leak from a committee generated a front page article in the *Sunday Telegraph.* The article indicated that there were going to be 24-hour school zones. I would not have a clue, Walt, where that came from but someone misled the journalists.

The PRESIDENT: Order! I remind the Minister to refer to members by their correct titles.

The Hon. DUNCAN GAY: I would not have a clue where that leak might have come from, but whoever leaked that to the *Sunday Telegraph* was wrong. The report in question was tabled in this House yesterday and there was no mention of any such thing. Yesterday after the report was tabled I spoke to a couple of members of that committee. They told me that a recommendation was received to that effect but the committee as a whole, without a vote, unanimously decided to remove it. That was done about three weeks ago by the committee, which included the Hon. Walt Secord. Journalists should be very careful that they verify such stories, especially when they come from dubious sources.

The Hon. Penny Sharpe: Point of order: The Minister is indicating to the House that he has been discussing and reporting on the internal workings of committees, and that is a breach of privilege.

The Hon. Catherine Cusack: To the point of order: As the Hon. Penny Sharpe would know, the minutes of proceedings of committee meetings are published when the report is published. It is all on the website.

The PRESIDENT: Order! The contempt of the committee, if there had been one, would concern the disclosure of unreported proceedings. The committee has now reported so there is no point of order.

The Hon. DUNCAN GAY: Most members in this Chamber would be concerned about a breach of privilege in relation to a committee which led to a leak, but it is even worse if the person who leaked the information knew that it was totally inaccurate. That is back to the bad old days of Labor spin and—as Queenslanders said—inner-city politics. Richo said that if they do not give up inner-city politics and playing games they will never get back to their people. The Government takes school zone safety seriously. That is why it has committed an extra $13 million to deliver flashing lights at an extra 540 school zones.

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

The Hon. DUNCAN GAY: Interjections take up a lot of time. The Government understands that flashing lights are the best way to warn motorists to slow down when they enter a school zone. It is about maximising safety for children when they enter and leave the schoolyard. That was confirmed by the Staysafe committee's report, which was released yesterday. The report contains a number of worthwhile recommendations that Roads and Maritime Services and Transport for NSW are now working through, and those agencies will formally respond in due course. Over the weekend I indicated that I had not seen the report but that I was not excited about 24-hour speed zones at schools. As it turned out, my concern was reflected in the committee's report.

The Hon. Adam Searle: Duncan is not excited about speed.

The Hon. DUNCAN GAY: I am not excited about speed, but the Deputy Leader of the Opposition may be. I am pleased to report that the next round of school zone flashing lights instalments has begun. Between February and July, an additional 82 sets of lights will be installed outside schools across New South Wales. This is a perfect example of how a proper government is fulfilling its commitment to the people of New South Wales. It is not about flashy press conferences, which characterised the former Labor Government and its minders; rather, it is about commitment—promising and then delivering—and it is about solid, responsible and effective government. The Government's road safety team tells us that flashing lights have been found to slow down motorists by an average of seven kilometres an hour. We know that people do not intend to speed through a school zone, but sometimes they just do not notice it. [*Time expired.*]

PUBLIC SECTOR WAGES POLICY

The Hon. ADAM SEARLE: My question is directed to the Minister for Finance and Services. Apart from making a submission to the review of the Fair Work Act, what other measures does the Government intend to take to extend its 2.5 per cent wages cap to 51,000 New South Wales government workers in rail, energy and other government business enterprises under Federal industrial laws?

The Hon. GREG PEARCE: I refer to my previous answer and suggest that the member read the submission.

LOCAL SCHOOLS, LOCAL DECISIONS PROGRAM

Dr JOHN KAYE: My question is directed to the Minister for Roads and Ports, representing the Minister for Education. Will the Minister explain to the House how much of the Department of Education and Communities agency savings plan, pursuant to the director general's performance agreement with the Premier, will be delivered by measures implemented by the director general in respect of the 30 per cent of the schools education budget that will remain under the director general's control and how much will be implemented in respect of the 70 per cent controlled by school principals under the Local Schools, Local Decisions program? Will the Minister provide the dollar amounts for each of those categories of savings in each of the budget forward estimates years?

The Hon. DUNCAN GAY: I thank Dr John Kaye for his question. I do not know whether the member is aware, has read, has heard, or has watched any of the media surrounding the Local Schools, Local Decisions program, but now is the time for him to listen. Local Schools, Local Decisions is a major education reform that is focused on improving quality teaching, putting students at the heart of decision making, and directing resources to where they will make the most difference. That is all very important. This reform is not a cost-cutting exercise.

No matter what Dr John Kaye might try to say or the spin he puts on it, this reform is not a cost-cutting exercise. The Premier, the Minister for Education and the director general have said that. The Government is committed to giving schools more decision-making authority because we believe schools are best placed to improve student outcomes. Over the next three to five years, school principals will have control of 70 per cent of their budget. To answer Dr John Kaye's question—the total Education budget will not be cut. The Premier, the Minister and the director general have all said that. This reform is about moving resources out of the State office into schools.

The Hon. Walt Secord: At this stage.

The Hon. DUNCAN GAY: The Hon. Walt Secord should not talk about education because we know about his involvement with Cecil Hills High School. If I were he, I would be very quiet when education matters are discussed.

The Hon. Walt Secord: I am very active, Duncan. I am on your tail.

The Hon. DUNCAN GAY: It is one thing to listen to bleating, but it is another thing to listen to veiled threats coming across the Chamber from the school bully and disgraced former adviser to the Labor Party.

The Hon. Walt Secord: It was not a threat, but a promise.

The Hon. Amanda Fazio: Point of order: If the Minister for Roads and Ports wishes to make comments of that nature about another member, he should do so by placing notice of a motion on the *Notice Paper*. He also should refer to the Hon. Walt Secord by his proper title and not by some stupid nickname.

The Hon. DUNCAN GAY: I did.

The Hon. Amanda Fazio: He did not. He called the Hon. Walt Secord a school bully. About the only school bully in this place is the Hon. Duncan Gay from Newington boarding school. He has form.

The PRESIDENT: Order! I did not hear the original remark, so I am unable to make a ruling on this occasion. However, I remind all members to avoid making personal reflections during their contributions in the House.

The Hon. DUNCAN GAY: As I was saying, this reform is about moving resources out of State office into schools to provide schools with the ability to manage more than 70 per cent of the total public school education budget. Currently schools manage up to 600 separate line items and small program budgets, so we are reducing red tape and bureaucracy in the back office. Savings will be made in the back office, and we are unapologetic about those savings. We have confidence in our principals' ability to manage 70 per cent of their school budget. It is a shame that the crossbench does not share that confidence in our principals and local communities. [*Time expired*.]

POLICE GRADUATIONS

The Hon. CATHERINE CUSACK: My question is addressed to the Minister for Police and Emergency Services. Will the Minister update the House on the next attestation from the Goulburn Police Academy?

The Hon. MICHAEL GALLACHER: In just over a month, on 4 May 2012 class 315 will graduate from the Goulburn Police Academy. The mammoth task of deciding on student allocations to front-line commands, where our soon-to-be newest probationary constables will begin their careers as police officers, has been undertaken by the NSW Police Force. Members may recall that last December approximately 300 probationary constables, which is approximately 60 per cent of the graduating class, were allocated to local

area commands outside the Sydney region. The allocation of those recruits was informed by the ministerial audit of police resources that was carried out by respected former assistant commissioner Peter Parsons. The audit presented clear and irrefutable evidence that the Labor Government had spent 16 years distorting the truth about police numbers.

If police officers were on long-term sick leave, they were counted. If they were on leave without pay, they were counted. Even if they were suspended from duty, according to Labor's calculations they were counted towards a command's actual strength. It is no wonder that when the Coalition Government came to power it found the people of New South Wales were crying out for more police. So this Government worked with the NSW Police Force to fill the void left by the former Labor Government, with priority given to rural and regional areas that, due to geographic constraints, could not easily draw on other resources. As members know, our aim is to do all we can to bring commands up to 90 per cent operational strength or more, without counting on artificially boosted numbers, such as those on long-term sick leave, leave without pay, maternity leave, secondment from the command or suspension from duty.

I advise the House that the focus of the allocation of the class passing out in May will be on metropolitan Sydney. At this stage I am advised by the NSW Police Force that 315 students are still eligible potentially to graduate in May. Of course, that number may change as we draw closer to May and students sit for their final examinations. But, based on current numbers, I am advised that 31 per cent of the graduating class is scheduled to serve in the central metropolitan region in commands such as Leichhardt, Kings Cross, Botany Bay, the eastern suburbs and the eastern beaches to assist with bringing command strengths to 90 per cent or more. More than 20 per cent of the class—in other words, 65 officers—will serve in south-western metropolitan local area commands like Fairfield, Bankstown, Liverpool and Flemington. Almost a quarter of the students are currently allocated to local area commands in the north-west metropolitan region, starting their careers policing in places such as Mt Druitt, Parramatta Blacktown and Penrith.

To assist those opposite who have proved time and again that simple mathematics is not their strong point, this leaves about 24 per cent of students who are nominally allocated to further boost command numbers in rural and regional New South Wales—commands like Barrier, Oxley which covers Tamworth, Griffith, Wagga Wagga and, of course, the Hunter Valley. I was delighted to have been in Tamworth yesterday to inform local police, the New South Wales Police Association and the community that they are scheduled to gain 12 additional police from the May class, which builds on the 10 officers they gained in December. That is 22 police going into the Oxley command in less than six months. I look forward to attending the graduation in just over five weeks to pass on my congratulations to the members of class 315 and, on behalf of all members, the very best wishes to these officers in their new careers.

SMOKE ALARMS

The Hon. PAUL GREEN: I direct my question to the Minister for Emergency Services. Given that the CSIRO and Fire and Rescue NSW affirm that photoelectric smoke alarms provide faster notification of household fires than the more commonly used ionisation alarms, what steps is the Government taking to ensure that photoelectric smoke alarms are installed in houses instead of the ionisation types?

The Hon. MICHAEL GALLACHER: I thank the member for his continuing interest in issues affecting homes and residents in New South Wales. Fire and Rescue NSW encourages all residents in New South Wales to ensure that working smoke alarms are installed in their homes, as is required by law. There are two types of domestic smoke alarms: photoelectric and ionisation. The alarms work in different ways to detect smoke and both types meet the Australian and New Zealand Standard AS 3786. Fire and Rescue NSW has thoroughly investigated and assessed the two different types of domestic smoke alarms that are currently available and acknowledges that both ionisation and photoelectric smoke alarms are able to detect the presence of smoke. However, the research indicates that photoelectric alarms appear to provide a faster warning than ionisation alarms in most circumstances, including smouldering fires, but there is little appreciable difference in performance during flaming fires.

For this reason Fire and Rescue NSW, the Australasian Fire and Emergency Services Authorities Council and the Fire Protection Association of Australia all recommend the installation of photoelectric alarms, not ionisation. It is important that we take every opportunity we can to discuss this issue as we enter the winter months and people start to focus their minds on the alarms installed in their homes. It is important for those who are fortunate enough to be building their new homes or upgrading their equipment that they are aware of the advantages, not only in relation to batteries. However, we will talk more about that as we get closer to the winter season.

FAIR WORK AUSTRALIA

The Hon. STEVE WHAN: My question is directed to the Minister for Finance and Services. When will the Minister make public the New South Wales Government's submission to the review of the Fair Work Act?

The Hon. GREG PEARCE: I am happy to make it available now. I thought when we sent submissions to Fair Work Australia they were put on its website.

[*Interruption*]

I do not have it with me, you ning nong, so I cannot table it. The Government members are having a lot of trouble. I can understand the Hon. Walt Secord being cranky. Bob Carr has gone to the Senate and who has he taken as his chief of staff—Graeme Wedderburn. The Hon. Walt Secord missed out. He missed the jet planes to New York and Canada. He went from the chairman's lounge to the losers' lounge.

The PRESIDENT: Order! Has the Minister completed his answer?

The Hon. GREG PEARCE: Just about. The answer is I am very happy to make the submission available. I do not have it with me. I will get my office to organise with the relevant departmental officers to make it public. I assume it will be put on our website and probably the website of the Department of Finance and Services if it does not get published on the Fair Work Australia website. There is no secret or issue about it. We all feel sorry for the Hon. Walt Secord. He chose the losers' lounge and has missed out on the first-class lounge and the captain's club.

The Hon. Lynda Voltz: Point of order: The Minister should direct his remarks through the Chair when he is addressing the House and not directly to members in the Chamber.

The Hon. Catherine Cusack: Point of order—

The PRESIDENT: Order! Does the member wish to speak to the point of order or take a new point of order? I remind all members that they are obliged to direct their contributions through the Chair. Does the Hon. Catherine Cusack have a new point of order?

The Hon. Catherine Cusack: Only that the Hon. Walt Secord is having a perfectly lovely time sunbaking at Kingscliff—

The PRESIDENT: Order! Without in any way wishing to interrupt and truncate the Hon. Catherine Cusack, I did not hear any reference in the point of order to a specific breach of the standing orders. I do not uphold that point of order.

The Hon. Amanda Fazio: Point of order: Referring to the Legislative Council as the losers' lounge is unparliamentary language. I ask that the Minister be directed to cease doing so.

The PRESIDENT: Order! I will consider that matter further and rule later.

The Hon. GREG PEARCE: To be clear, I am informed that there are two submissions to Fair Work Australia. The submission on the wages issue has been submitted and I therefore can make it public. The second submission on the fair work review has not been submitted. When it is submitted I will make it public and put it on the website. I will send a special copy to the Hon. Walt Secord to read in the Qantas club lounge when he gets there.

The Hon. Lynda Voltz: Point of order: The Minister is obviously flouting the ruling in relation to directing his comments through the Chair.

The PRESIDENT: Order! I note the member's point of order but the Minister's time has expired.

WORKERS COMPENSATION SCHEME

The Hon. MATTHEW MASON-COX: My question without notice is addressed to the Minister for Finance and Services. Will the Minister please update the House on medical, legal and associated services being provided to injured workers in the New South Wales workers compensation scheme?

The Hon. GREG PEARCE: I can report to the House that I recently had cause to look at a number of medical services provided to workers covered by the workers compensation scheme.

The Hon. Amanda Fazio: Yesterday you said you hadn't.

The Hon. GREG PEARCE: I am very diligent and I look at these matters overnight. The workers compensation scheme should pay for medical treatment where warranted, but the scheme also must ensure value for money when paying for medical treatment and that the amount of money expended relates to realisable return-to-work outcomes. On reading the statistics, I found some of the expenditure concerning. I am told that in 2010-11 the scheme spent more than $440 million on medical services for claims more than three years old and for workers who were fit to work. Part of that expenditure was on remedial massage and physiotherapy. I understand in 2010-11 the scheme spent in excess of $100,000 on remedial massages for claimants who were injured more than three years prior to their massage therapy and were fit to work.

The scheme also spent more than $1.3 million on physiotherapy for claimants who were injured more than three years prior to that physiotherapy and who were fit for work. I advise that long-term physiotherapy is unlikely to be therapeutic. Moreover, there are several examples of overservicing within the system that impact the scheme. Some doctors appear to exploit the workers compensation system. WorkCover believed that in one case a surgeon's bills were excessive and after investigation it is seeking to recover more than $800,000 from that surgeon. More than $600,000 of that amount relates to one worker. Some workers receive poor, unnecessary or substandard medical treatment. WorkCover cannot directly take action.

In another case a surgeon who was referred to the Medical Council due to concerns about his clinical management of workers had performed multiple procedures on workers when WorkCover considered one or, at most, two procedures were warranted. No disciplinary action was taken by the Medical Council and this surgeon has continued to operate on workers without conditions being placed on his registration. Because of privacy laws WorkCover cannot tell workers or their employers that the surgeon is under investigation. There are other problems. A worker with 20 per cent whole person impairment who commenced a work injury damages action against her employer settled for $475,000. That worker signed an individual costs agreement with her solicitor and was charged $120,000 costs out of her $475,000 settlement—and that was a matter that did not even proceed to court.

In the work injury damages space everybody gets a prize except the scheme. Injured workers and their representatives are able to work through the system to overcome restrictions to enable them to access work injury damages. For example, a worker who suffered a back injury at work in 2006 underwent nine permanent impairment assessments between 2006 and 2010 in an attempt to establish 15 per cent whole person impairment and to meet the threshold for access to work injury damages. Other examples indicate some of the deficiencies in the way the scheme has been operating. This Government intends to clean up the scheme. [*Time expired.*]

POLICE TASER USE AND ROBERTO CURTI

Mr DAVID SHOEBRIDGE: My question is directed to the Minister for Police and Emergency Services. Can the Minister inform the House why the NSW Police Force has not released to the public and representatives of Mr Roberto Curti the video and audio recordings taken by all the police tasers that were used in the tragic events that led to this young man's death on 18 March? Further, when will police release this material?

The Hon. MICHAEL GALLACHER: My understanding is that this matter is the subject of a coronial investigation. I am told that that is the norm with such events. I should have thought that a lawyer would know that. Such an inquiry must have the evidence put before it. At the end of the day the answers to many of these things will rest on the decisions made by the Coroner.

Mr DAVID SHOEBRIDGE: I ask a supplementary question. Could the Minister elucidate his answer by providing the House with an answer as to whether or not he has ever been advised that the conduct of coronial court proceedings is a reason for not providing to the public such taser audio and video records?

The Hon. Matthew Mason-Cox: Point of order: The question is out of order. It is a not a supplementary question; it is a new question.

The PRESIDENT: Order! The supplementary question is in order. It is a direct result of an aspect of the Minister's answer.

The Hon. MICHAEL GALLACHER: I have not been advised that the investigation into the matter has been completed. I would have thought it was only fitting that, before the member starts making claims for the release of material, due process be permitted to take its course. With regard to the family of the person involved, I know that the Commissioner of Police has met with the members of the family resident in Australia and with the sister who arrived from South America, as I have met with the Consular General for Brazil. In my case I can advise that I have most certainly expressed to the Consular General the support of my office in relation to any inquiries that may be made by the Government of Brazil about the investigation. I will leave it to the Commissioner of Police to comment on his meeting with the family members, although I am sure it was positive, as mine was with the Consular General.

SCHOOL ZONE FLASHING LIGHTS

The Hon. MICK VEITCH: My question is directed to the Minister for Roads and Ports. Further to the Minister's earlier response regarding the installation of flashing lights at all school zones, can he advise the House of a timetable for the installation of flashing lights at all school zones as recommended by the Staysafe inquiry?

The Hon. DUNCAN GAY: My department received the Staysafe recommendations only yesterday. As fantastic, diligent and hardworking as members of my department are—they burn the midnight oil in assessing such reports—not even they could prepare a response to those recommendations by today. As well as being busy in other areas of life, they are busy putting up speed signs, erecting flashing lights and generally looking after the community. The member has asked a good question and I assure him that we will apprise ourselves of the detail of those recommendations as soon as possible. Our response will be an honest response, unlike the recent response given to a journalist from the *Sun Herald*. Someone misled that journalist—someone who was purported to have inside information. I note that members of the Opposition have asked for certain material to be tabled today. I would have thought that the best way to get information out would be to put it to one of our parliamentary committees. Which committees is Walt a member—

The Hon. Amanda Fazio: Point of order: The comments made by the Deputy Leader of the Government amount to imputations against the Hon. Walt Secord and are not in order during these proceedings. If the Minister wishes to make such imputations, he should do so by way of substantive motion. I ask you to ask the Minister to cease and to withdraw the comments.

The PRESIDENT: Order! Which particular comment is the member referring to?

The Hon. Amanda Fazio: The comments and inferences to which I take exception and that I believe are out of order were those made by the Deputy Leader of the Government that if one were looking for a committee to provide information that one wanted leaked to the media, one would look at the committees on which the Hon. Walt Secord served.

The Hon. Catherine Cusack: To point of order. I did not take that as the Minister's meaning at all. I think that the Hon. Amanda Fazio—

[*Interruption*]

The PRESIDENT: Order! The Minister's comments are coming close to making an imputation against a member. I caution him not to make an imputation against another member as it would be out of order for him to do so without moving a substantive motion for that purpose.

The Hon. DUNCAN GAY: I thank you, Mr President, for your wise ruling, which I will take on board. I will circulate the point of order taken by the Hon. Amanda Fazio; it will make a great press release. Unlike those opposite, who relish— [*Time expired*.]

TRAFFIC AND HIGHWAY PATROL COMMAND

The Hon. JENNIFER GARDINER: My question is addressed to the Minister for Police and Emergency Services. Can the Minister update the House on the recent activities of the NSW Police Force Highway Patrol?

The Hon. MICHAEL GALLACHER: I thank the member for her question. As members may recall, last December I announced the establishment of a new, standalone Traffic and Highway Patrol Command. The

new centralised command is led by Assistant Commissioner John Hartley and has road safety as its primary focus. The new command structure provides a range of benefits, including more Highway Patrol officers out on the roads, less diversion of Highway Patrol officers to other duties, more strategic deployment of Highway Patrol officers and a better linking of Highway Patrol taskings to statewide road safety priorities. Since then the new command has been hard at work. An example of that hard work is the National Route 1 campaign—a joint initiative of officers from the Northern Region and the Traffic and Highway Patrol Command, supported by Roads and Maritime Services, and launched on 1 March 2012. This is designed to improve highway safety through a strong police patrol presence. Speeding, drink-driving and other unsafe driving behaviours were particularly targeted throughout the blitz.

The results for the first two phases of this campaign have been particularly pleasing, but at the same time very concerning. For example, 4,687 breath tests have been completed, 356 motorists were detected speeding, 70 traffic charges were laid as well as 24 drink-driving charges and 10 criminal charges. A total of 650 other traffic infringements were detected, 866 heavy vehicles were stopped and 91 heavy vehicle infringements were detected. Ultimately, through this campaign, police are aiming to see a long-term decline in fatal crashes along the Pacific Highway. Unfortunately, there has been one fatality on the Pacific Highway during the campaign, at Nabiac on Sunday March 18. I would like to thank Assistant Commissioner Hartley and his team for all they have done and are doing to improve road safety and save lives on the Pacific Highway and across the State. I understand the National Route 1 campaign is due to conclude at the end of June, and I will endeavour to update the House again on the work of the Traffic and Highway Patrol Command at that time.

VISITOR ECONOMY TASKFORCE REPORT

The Hon. JAN BARHAM: My question without notice is directed to the Minister for Police and Emergency Services, representing the Minister for Tourism, Major Events, Hospitality and Racing. Can the Minister advise when we can expect the release of the interim report of the Visitor Economy Taskforce—which was formed "to develop tourism and events strategies to double tourism expenditure to New South Wales by 2020"—keeping in mind that the terms of reference of the task force indicated the interim report was to be provided by the end of February 2012?

The Hon. MICHAEL GALLACHER: I thank the member for her detailed question. I will seek a response from the Minister and report back to the member and the House as soon as I have that response.

PUBLIC HOLIDAY RETAIL TRADING

The Hon. SOPHIE COTSIS: My question is directed to the Minister for Finance and Services. What was the basis of the Minister's recently announced proposal to change retail trading laws?

The Hon. GREG PEARCE: I thank the member for the question, which I was expecting would be asked by The Greens member Dr John Kaye.

The Hon. Sophie Cotsis: What was the basis of the proposal? Where is your report?

The Hon. GREG PEARCE: Members opposite who were awake last year would be aware that the Government produced a discussion paper and conducted an inquiry. I am told that more than 200 submissions were made to the inquiry.

The Hon. Sophie Cotsis: You should check that figure.

The Hon. GREG PEARCE: Well, I am told that there were more than 200 submissions. And I am told that, as a result of those submissions, there was a desire to build economic activity, to contribute to economic activity, to support the retailing industry, to support people in the community who enjoy the activity of shopping and love to take their families shopping for the afternoon or the day, and also to provide an opportunity for employees who wish to work voluntarily on days when they are paid penalty rates that have been agreed with unions over the years.

[*Interruption*]

The Hon. John Ajaka: Point of order: Government members cannot hear the Minister's response because of continual interjection from the other side of the Chamber.

The PRESIDENT: Order! It is very difficult for members to hear the answer being given by the Minister. It is particularly inappropriate that the member who asked the question is interjecting constantly while the Minister is answering. The Minister may continue.

The Hon. GREG PEARCE: The proposal we brought forward is not to change public holidays at all; we are not touching public holidays. We propose to lift the restriction on retail trade on Boxing Day. Most of the mob opposite are former trade union officials who have lived the high life, with their credit cards and their secret salaries, and bludging off membership donations—

The Hon. Sophie Cotsis: Point of order: You are a disgrace—

[*Interruption*]

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

The Hon. Sophie Cotsis: Mr President, I ask you to direct the Minister to return to answering the question. I asked him what is the basis of the proposal.

The PRESIDENT: Order! I request the Minister as best he can, despite the provocation of continual interjection from the Opposition benches, to try not to react to the interjections and to remain generally relevant in his answer.

The Hon. GREG PEARCE: I know some families who can only have a good Christmas if one of their breadwinners can work on Boxing Day and earn triple rates to buy Christmas lunch and some presents. I know families who want to take their kids to a shopping centre on Boxing Day for entertainment and to take advantage of the Boxing Day sales. I know retailers who are trying to run their businesses but are struggling at the moment; they want to be able to trade on days of maximum public activity.

The Hon. Sophie Cotsis: I despair, Minister.

The Hon. GREG PEARCE: The mob opposite have grown up ripping off their members, living off their members' hard-earned, without ever doing a day's work themselves. None of them have done a day's work. [*Time expired.*]

[*Interruption*]

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

[*Interruption*]

The PRESIDENT: Order! I call the Leader of the Opposition to order for the first time.

[*Interruption*]

The PRESIDENT: Order! I call the Leader of the Opposition to order for the second time.

HEAVY VEHICLE ROAD SAFETY

The Hon. RICK COLLESS: My question is directed to the Minister for Roads and Ports. Will the Minister update the House on recent enforcement actions to ensure heavy vehicles are abiding by the road rules?

The Hon. DUNCAN GAY: I thank the member for the question. Yesterday, heavy vehicle inspectors from Roads and Maritime Services, in a joint action with NSW Police Force, targeted two interstate trucking companies as part of the latest operation investigating illegal safety breaches by a small sector of the trucking industry. I ask the Leader of the Government to pass on to the police organisation my congratulations: the teamwork in this operation has been exceptional.

The Hon. Michael Gallacher: We said we would do it, and we are doing it.

The Hon. DUNCAN GAY: Exactly. Operation Discovery was formed to investigate two Victorian-based companies, Fred's Interstate Transport and Damorange, after their trucks were caught speeding earlier this month. This joint action comes hot on the heels of Operation Overland, a similar investigation into the Scott Group of Companies from Mount Gambier, South Australia. Members may well remember that I briefed the House on Operation Overland during the last sitting period. In relation to Operation Discovery, officers raided the Sydney depot of Fred's Transport at Chipping Norton and its headquarters at Shepparton in Victoria. Obviously, the latter raid was undertaken in conjunction with Victorian police.

On 23 March a B-double truck from Fred's Interstate Transport was detected travelling at 130 kilometres an hour on the Hume Highway near Albury with a 65-tonne load. Likewise, three Damorange trucks were caught speeding in separate incidents on the Hume Highway at Mittagong, the M7 Motorway in western Sydney and the Newell Highway at Coonabarabran. In each case the speed limiter of the trucks had been tampered with to allow them to exceed the speed limit of 100 kilometres an hour. In addition to the raids, New South Wales Highway Patrol officers and police officers in Victoria and Queensland are in the process of tracking down a total of 80 trucks owned by both companies. The trucks will be escorted to Roads and Maritime Services heavy vehicle checking stations and inspected for mechanical and log book safety breaches.

Police and Roads and Maritime Services investigators were deployed to sites across New South Wales, including Marulan on the Hume Highway, Mount White on the F3 and Dubbo on the Newell Highway, as part of yesterday's operation. So far—and please understand that these numbers can change quite rapidly as the investigation continues—Operation Discovery has resulted in the issue of 14 speed limiter compliance notices; 22 defect notices for such things as missing numberplates, brake faults, oil leaks and faulty lights; five penalties for fatigue offences and defective equipment; and there have been three official warnings, two false work diary entries and two examples of exceeding work hours. Police and Roads and Maritime Services investigators have raided four truck companies since last month.

I am disappointed at this small number of rogues that have broken the law and have sought to compete unfairly through illegal practices. I am also aware of claims that drivers are forced to speed by loaders, consigners and other parties in the supply chain. It is critical that all parties in the supply chain fulfil their legal responsibility to take reasonable steps to ensure trucks are not speeding. We are hitting the trucks now and if we find there are outside influences in the chain of responsibility causing these illegal practices we will pursue them with the same vigour.

SMALL BUSINESS COMMISSIONER'S 2011 LISTENING TOUR REPORT

The Hon. ROBERT BORSAK: My question without notice is directed to the Minister for Roads and Ports, representing the Minister for Small Business, and it refers to the Small Business Commissioner's 2011 Listening Tour Report. Is it a fact that in her report the commissioner cited a case where a small trader of 23 years standing was found, through a random workplace inspection, not to have a certain licence as required? Is it also a fact that when the trader then tried to get the licence he was told that it would take six weeks and the commissioner intervened to have the licence issued within 24 hours, avoiding the shutting down of the business? Can the Minister provide advice to the House about which government agency is involved and why it takes that agency six weeks to issue licences when, if push comes to shove, a licence can be issued in one day?

The Hon. DUNCAN GAY: I thank the member for that question, the short answer to which is no I am not aware of all the circumstances that he detailed. I will refer his question to my colleague the Minister for Small Business. But the kernel of the question suggests that a great deal of common sense was shown by the Small Business Commissioner; she should be congratulated for her actions on that regional tour. We should applaud anyone in the State bureaucracy who displays common sense and conducts good operations. I know in Transport for NSW we are trying to get a customer focus. It is all about treating as customers those who use our roads and our trains. Obviously the Small Business Commissioner is doing just that, and she is to be congratulated. As for the detail sought, I will refer the question to my colleague and seek a response.

PACIFIC HIGHWAY UPGRADE

The Hon. WALT SECORD: My question without notice is directed to the Minister for Roads and Ports. Is the Minister aware of the Premier's claims in the *Sunday Telegraph* in relation to the 2012 infrastructure expenditure? Can the Minister explain why the State Government is taking credit for the Federal Government's Nation Building Program's $566.1 million contribution towards the construction of the Tintenbar to Ewingsdale dual carriageway Pacific Highway upgrade?

The Hon. DUNCAN GAY: I have said many times that the Opposition needs a question time committee, and this question from the Hon. Walt Secord is further evidence of that need.

The Hon. Melinda Pavey: The precious little pup.

The Hon. DUNCAN GAY: I am not allowed to acknowledge interjections and I will not be led astray. If there was one issue in this State that the State Labor Party should stay away from, it is the issue of the Pacific Highway. Its performance in relation to the Pacific Highway leaves a lot to be desired.

The Hon. Lynda Voltz: Point of order: The Minister is debating the question. I ask you to bring him back to the relevance of the question.

The PRESIDENT: Order! I do not believe that the Minister was debating the question.

The Hon. DUNCAN GAY: Quite clearly I have been addressing the question, which asked about part of the Pacific Highway. I have been talking about the Pacific Highway in general. If Opposition members had taken the time to listen to Graham Richardson last weekend after the Queensland election, they might have learnt a thing or two about talking to people, getting back to the grass roots of the Labor Party, finding out who they are and not running into inner-city cappuccino politics—

The Hon. Scot MacDonald: Latte.

The Hon. DUNCAN GAY: Latte politics, I am sorry.

The Hon. Steve Whan: Point of order: My point of order is on relevance. Since you last ruled on a point of order the Minister has not addressed at all the question he was asked. He is roaming around inner-city coffee shops near where he lives.

The PRESIDENT: Order! I remind the Minister that while some generality in his response is permitted, the great majority of his answer should be generally relevant.

The Hon. DUNCAN GAY: I am more than happy to return to the Pacific Highway, which will prove to be the greatest cause of Labor's demise. When Labor left government there was an 80:20 funding split agreement between the State and Federal governments and we have currently, and extending through to 2014, an 80:20 agreement. Late last year the Federal transport Minister, Anthony Albanese—or "Albo who used to be good"—sent me a letter indicating that the Federal Government is changing that ratio from 80:20 to 50:50.

The Hon. Dr Peter Phelps: How much is that costing us?

The Hon. DUNCAN GAY: That will cost the taxpayers of New South Wales $2.31 billion, and not one of those sitting on the losers lounge in the Legislative Council and not one of their Federal counterparts has raised one finger in defence of the people of New South Wales in relation to funding for the Pacific Highway. Neither has Rob Oakeshott, who has always supported the Federal Labor Party in delivering this money. That is $2.31 billion that New South Wales will have to find from a struggling budget—a budget that builds schools and hospitals and repairs roads after flooding. They do not give a dam about that. It means that the 2016 promise of the Prime Minister is now put in serious doubt. [*Time expired.*]

SYDNEY WATER PRICES

The Hon. SCOT MacDONALD: My question is directed to the Minister for Finance and Services. Can the Minister update the House on the Government's actions on water pricing, especially in light of current dam levels?

The Hon. GREG PEARCE: I thank the honourable member for that very timely question. The O'Farrell Government has noted many times its concern over increasing utility bills and the impact they can have on families and those on fixed incomes. We have a range of actions under our State Plan NSW 2021 to address the issue. One of the areas where we have sought to assist consumers is household water bills. Water prices are reviewed roughly every four years by the Independent Pricing and Regulatory Tribunal through an independent public process.

The Independent Pricing and Regulatory Tribunal recently released its draft determination on water prices for Sydney, the Illawarra and the Blue Mountains from 2012 through to 2015-16. The tribunal went

through a thorough and transparent process and invited submissions from interested parties. Specialist consultants were engaged to assess Sydney Water's past and future capital and operating costs. As honourable members know, on behalf of the Government I made a submission focussing on matters that could potentially reduce the financial impact on consumers. It also included issues related to pricing and competition policy that may mitigate future price impacts and encourage innovation in the water sector. The Government asked the tribunal to keep prices as low as possible, while ensuring that Sydney Water's investment in infrastructure is maintained.

I am glad the honourable member mentioned current dam levels as one of our proposals relates to that. Sydney Water proposed a pricing mechanism to adjust costs and prices if the desalination plant is shut down during a pricing period. We endorsed this, because it will stop costs to consumers being unnecessarily high. However, in its forecasts, Sydney Water assumed the desalination plant would operate at full capacity throughout the determination, meaning customers would pay upfront and then receive an adjustment later if the plant was not operating. How much the plant operates relates to dam levels, under the regime established in the Metropolitan Water Plan. Therefore, our submission suggested the tribunal consider the starting assumptions for how much the desalination plant would operate. This could reduce the upfront price increases for customers, yet Sydney Water could still later recoup any additional costs incurred in arrears. That way customers pay only for actual costs incurred.

Some of the other issues we asked the Independent Pricing and Regulatory Tribunal to consider were: encouraging the tribunal to benchmark Sydney Water's performance against other relevant utilities; ensuring Sydney Water makes the best use of competitive forces in its procurement methods, to ensure efficient service delivery; ensuring that approved operating expenditure reflects the efficient costs of operating Sydney Water—users should not have to pay for any waste or inefficiency; and appropriate tariff structures to provide incentives for customers to reduce their water use. Perversely, Sydney Water's costs now have to be spread across a smaller volume of water used, leading to higher charges. For households and businesses that have invested time, effort and money in reducing their water use, this outcome appears unfair and reduces their incentive to save water in the future.

The Government recognises that funding is needed to maintain Sydney Water's infrastructure, expand its network to service new housing developments and ensure that Sydney Water manages the environmental impacts of its activities. Our submission suggested that all proposed capital projects should be necessary, prudent and timely. The Independent Pricing and Regulatory Tribunal released its draft determination and is seeking submissions until 13 April. Of course, this is an independent process and the New South Wales Government will respect the outcomes of the Independent Pricing and Regulatory Tribunal's final determination in June.

The Hon. MICHAEL GALLACHER: The time for questions has expired, to sighs of relief from those opposite who have realised that once again they are in trouble. Be that as it may, members opposite will get another chance tomorrow to try a little bit harder. Government members will continue with our good, solid answers and hopefully those opposite can learn from that and perhaps take some advice from The Greens. If members have further questions I suggest they place them on notice.

WORKING HOLIDAY VISAS

The Hon. MICHAEL GALLACHER: On 21 February 2012 the Hon. Jan Barham asked me, representing the Minister for Tourism, Major Events, Hospitality and Racing, a question about working holiday visas. The Minister for Tourism, Major Events, Hospitality and Racing has provided the following response:

> I recently received the Importance of the Working Holiday Visa Position Paper by the Australian Tourism Export Council. I am now carefully considering the recommendations the report has outlined.
>
> The New South Wales Government's position, and it has stated this position publicly on many occasions, is to double overnight visitor expenditure in New South Wales by 2020.

COMMON GROUND PROJECT

The Hon. GREG PEARCE: On 15 February 2012 the Hon. Jan Barham asked me, representing the Minister for Family and Community Services, and Minister for Women, a question about the Common Ground Project. The Minister for Family and Community Services, and Minister for Women has provided the following response:

> The Common Ground Project at Camperdown is jointly funded by the Australian and New South Wales governments and was delivered in partnership with Grocon, the Australian Common Ground Alliance and MA Housing. The project cost was around $30 million, plus funding of approximately $3 million for support services.

The Common Ground Project at Camperdown is targeted at rough sleepers. The Common Ground model targets inner city homelessness and is therefore not necessarily appropriate in regional settings at the scale of this development.

Common Ground is only one example of an intervention to house and support homeless people through a housing first approach. Other intervention types are currently being implemented and evaluated under the National Partnership Agreement on Homelessness.

BOOLIGAL STATION NATIONAL PARK

The Hon. GREG PEARCE: On 22 February 2012 the Hon. Robert Borsak asked me, representing the Minister for the Environment, and Minister for Heritage, a question relating to Booligal Station National Park. The Minister for the Environment, and Minister for Heritage has provided the following response:

I am advised as follows:

Booligal Station is already open to the public. A number of special events have already been held, including open days that have coincided with the local annual Booligal Sheep Races, and field naturalist camps.

The National Parks and Wildlife Service [NPWS] together with local government and local tourism bodies is developing a River Red Gum Nature Tourism Strategy, which focuses on the new reserves along the Murray, Edward, Murrumbidgee and Lachlan rivers, and which includes Booligal. The strategy will identify opportunities and priorities for visitor facilities and services.

SYDNEY MARDI GRAS FUNDING

The Hon. GREG PEARCE: On 22 February 2012 Reverend the Hon. Fred Nile asked me a question relating to Sydney Mardi Gras funding. I provide the following response:

I refer you to Minister Gallacher's response.

FERAL PIG HUNTING

The Hon. GREG PEARCE: On 23 February 2012 the Hon. Robert Brown asked me, representing the Minister for the Environment, and Minister for Heritage, a question relating to feral pig hunting. The Minister for the Environment, and Minister for Heritage has provided the following response:

I am advised as follows:

1. Yes.

2. Yes.

3. Yes.

   a. National Parks and Wildlife Service surveillance cameras have captured images of persons entering reserves with dogs, cutting fences with bolt cutters and causing damage to pig traps. National Parks and Wildlife Service staff have also caught persons leaving Tuggerah Nature Reserve with a National Parks and Wildlife Service pig trap.

   b. One.

   c. One.

   d. The Government supports the recreational activities of hunters when conducted within the bounds of the law.

PILLIGA FOREST

The Hon. DUNCAN GAY: On 22 February 2012 the Hon. Jeremy Buckingham asked me, representing the Minister for Resources and Energy, a question relating to Pilliga Forest. The Minister for Resources and Energy has provided the following response:

(1) As previously advised, the Department of Trade and Investment, Regional Infrastructure and Services is currently investigating suspected and/or alleged breaches of the Petroleum (Onshore) Act 1991, in relation to PEL238 and PAL2.

(2) The investigation is being carried out by inspectors appointed under the Petroleum (Onshore) Act 1991, exercising the powers, functions and duties granted to inspectors. As previously advised, a preliminary report to the director general is expected shortly.

(3) The Government will make public the findings of the investigation; subject to the provisions of the Petroleum (Onshore) Act 1991 and the progress of any enforcement action.

DENILIQUIN RABBIT PLAGUE

The Hon. DUNCAN GAY: On 22 March 2012 the Hon. Robert Brown asked me, representing the Minister for Primary Industries, a question relating to Deniliquin area rabbit plague. The Minister for Primary Industries has provided the following response:

> Yes, I am aware that there is a general increase in rabbit numbers, and that this has occurred across many areas of New South Wales. This situation is particularly due to far more favourable conditions over the last two years enabling rabbits to breed up.
>
> Rabbits are a declared pest animal under the Rural Lands Protection Act and all landholders with rabbit problems must make every effort to control them. Where required, farmers should seek advice from the Livestock Health and Pest Authority.
>
> Hunting is a useful strategy to control rabbits particularly when breeding and migration from surrounding areas can be controlled. There are also a number of other effective control methods including baiting, ripping of warrens, fumigation, rabbit-proof fencing and biological controls. The New South Wales Government, in collaboration with the Invasive Animals Cooperative Research Centre, is investing considerable resources in the use of biological controls for rabbits, which have been particularly effective in reducing rabbit populations, including the development of new strains of rabbit haemorrhagic disease.
>
> I consider it a useful and productive venture for the Game Council of New South Wales to work with landholders to develop and implement local feral animal control programs, indeed, this is already occurring in some areas, and is not confined to just rabbits.

GREY NURSE SHARK PROTECTION

The Hon. DUNCAN GAY: On 22 February 2012 the Hon. Cate Faehrmann asked me, representing the Minister for Primary Industries, a question relating to grey nurse sharks. The Minister for Primary Industries has provided the following response:

> There are a diverse and often diametrically opposed range of views in the community about how to best protect grey nurse sharks.
>
> In order to ensure strong community support, we are undertaking the appropriate consultation that the former Labor Government neglected to do.

SHARK NETS

The Hon. DUNCAN GAY: On 22 February 2012 the Hon. Paul Green asked me, representing the Minister for Primary Industries, a question relating to shark nets. The Minister for Primary Industries has provided the following response:

> The Shark Meshing Program runs from 1 September to 30 April each year. There are six contractors; one for each of the six regions, including the Hunter Region, Central Coast, North Sydney, Central Sydney, South Sydney and Wollongong. Contracts provide for a total of 104 meshing (net checks) over the 35-week program. Weather permitting contractors are required to check the nets at least every 72 hours.
>
> Contractors must immediately report any lost, damaged, stolen or over-set gear to the shark meshing supervisor. All reports of damage to the shark nets are investigated by fisheries officers who also undertake overt and covert patrols to minimise vandalism. In addition, all damage to nets is reported to the NSW Water Police.

Questions without notice concluded.

MINING LEGISLATION AMENDMENT (URANIUM EXPLORATION) BILL 2012

Second Reading

Debate resumed from an earlier hour.

The Hon. DAVID CLARKE (Parliamentary Secretary) [3.35 p.m.]: Prior to the luncheon adjournment I was talking about Labor's refusal to stand up to the dictates of the economic vandalism of The Greens movement. Just as the Labor Government in Canberra bows to the dictates of The Greens, so it is in New South Wales. Labor governments year in and year out bowed to the same Greens economic vandals. Not only have we seen industry after industry suffer because of controls, limitations and interference emanating from Labor Governments at the behest of The Greens, but we are also being increasingly saddled with escalating taxes to fund spurious climate change reduction schemes and energy saving rackets.

I am pleased that the newly elected Liberal National Party Government in Queensland has already started to take the knife to many of these types of schemes that have been soaking up enormous amounts of

taxpayers' money. Just as the people of Western Australia sacked their Labor Government and the people of New South Wales followed suit last year, only a few days ago the people of Queensland sacked their Labor Government.

The Hon. Lynda Voltz: Point of order: Normally in debates on bills members should refer to the long title of the bill. I am not sure that the member is within a bull's roar of the long title of this bill.

The Hon. Dr Peter Phelps: To the point of order: Earlier in this debate the President reminded the House of the expansive nature of second reading debates. From what I have heard, the member is being absolutely relevant to the motivation behind certain opposition to this bill and thus is being extremely relevant to the bill.

Dr John Kaye: To the point of order: Relevant or otherwise, it is excessively amusing and good for our side of politics. Madam Deputy-President, I would urge you to rule against the point of order.

The Hon. Catherine Cusack: To the point of order: Being a sore loser is not a point of order.

DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones): Order! Due to the level of noise in the Chamber, I had difficulty hearing some of the comments of the Hon David Clarke. I ask members to resume their seats. Members will keep noise to a minimum so the member with the call can be heard.

The Hon. DAVID CLARKE: I am prepared to speak louder if there is some difficulty. I was talking about the defeat of Labor in Queensland only a few days ago and how it was such a humiliation and embarrassment to them. This is an unstoppable grassroots revolution by ordinary, everyday, fed-up, mainstream Australians who have had their fill of Labor, its Greens bosses, its carbon tax and its money guzzling, ineffectual and failed energy saving schemes.

The former New South Wales Labor Government's solar energy scheme is a prime example. Had that scheme continued in the form that Labor intended, this State would have gone broke. The Greens and their allies do not want energy if it comes from coal. They would close down the entire coal industry if they could. The Greens and their allies do not want energy from hydroelectric sources because it would mean building more dams. The Greens and their allies do not want energy from uranium: they opposed all uranium exports from Australia.

The economic policy of The Greens and those they influence is economic ratbaggery at its worst. Given half a chance, they would send the country broke. Because of The Greens and those they influence, even though Australia has 23 per cent of the world's uranium reserves, we do not have the faintest idea of the extent of reserves that exist in New South Wales. We must find out what those reserves are. Queensland knows what its reserves are, and so do South Australia, Western Australia and the Northern Territory. That is because they allow exploration. We need to allow exploration as well.

Already there are appropriate safety and environment safeguards in place, so safety is not an issue in this matter. The Hon. Steve Whan stated during his contribution to this debate that this Government is arrogant and dishonest. The peak of arrogance in government was reached by the former New South Wales Labor Government, and that is why it was thrown out of office. The peak of dishonesty in government has been reached by the Labor Government in Canberra, and that is why it will be thrown out of office when the Australian people are given a chance to vote—and they can hardly wait.

On 16 February 2012 a Labor heavyweight, Paul Howes, who represents the Australian Workers Union, said, "It's about time the New South Wales Government overturned this nonsense archaic ban on uranium exploration." Paul Howes is dead right. The ban should be overturned, and we will overturn it.

The Hon. CHARLIE LYNN (Parliamentary Secretary) [3.41 p.m.]: I support the Mining Legislation Amendment (Uranium Exploration) Bill 2012. I congratulate the Minister for Resources and Energy and the New South Wales Government on introducing this long overdue and very important bill. This bill is important for the State, the economy and the people of New South Wales. It is an important bill because it is about making New South Wales number one again. It is true that, post Fukushima, there has been a focus on uranium and nuclear energy. But there is misplaced concern that the energy source is unsafe, and there have been misguided beliefs about the future of uranium and nuclear energy. I acknowledge the expertise in this area of my good friend the member for Smithfield, Mr Andrew Rohan, and his sound contribution to the debate.

[*Interruption*]

He is probably one of the most qualified people in this Parliament to speak on this issue. He is an Australian lover, not an Australian hater. He adopted this country because of the freedom and the opportunity that he did not have in his native country, Iraq. He loves Australia. He does not hate Australia as do some of the contemporaries of the Hon. Jeremy Buckingham—much to the Hon. Jeremy Buckingham's great shame. Talk about Greensland!

The Hon. Walt Secord: Charlie, you have the wrong speech.

The Hon. CHARLIE LYNN: I have the right speech, Wally. You need to listen to me and not to them, mate. At a nuclear reactor plant, the concentration of uranium must be enriched to sustain nuclear reaction, which is utilised to generate electricity and to produce radioisotopes that are commonly used in industry, research and medicine, especially for cancer treatment. In Australia more than 500,000 doses of therapy are given each year in the treatment of cancer sufferers.

Dr John Kaye: Wait—that is not the uranium.

The Hon. CHARLIE LYNN: The Hon. Jeremy Buckingham should stop laughing at his own jokes. Worldwide demand for uranium will continue to increase at an average rate of 3 per cent a year as countries struggle to meet the increasing demand for cheap and reliable sources.

[*Interruption*]

This is legislation will work much better than bong sessions in teepees. Demand is increasing particularly in emerging economies, such as China, India, Brazil and Korea—that is South Korea, not North Korea.

Dr John Kaye: North Korea and Iran.

The Hon. CHARLIE LYNN: Not North Korea and not Dr John Kaye's mates, who use uranium for a different purpose in North Korea. In South Korea, uranium is used for peaceful purposes and healing purposes. A strain on the supply of uranium is predicted by the end of 2013 due to the completion of the Megatons to Megawatts agreement between the Russian and United States governments. From 1995 to September 2010, 400 metric tons of highly enriched uranium from Russian nuclear warheads were recycled into low-enriched uranium fuel for nuclear power plants in the United States of America—which is another mob The Greens hate. The first plant to receive fuel containing uranium under this program was the Cooper Nuclear Station in 1998. The program has eliminated the equivalent of 16,000 nuclear warheads.

The Megatons to Megawatts government-to-government program's goal of eliminating 500 metric tonnes of warhead material is scheduled to be completed in 2013. Currently one in 10 American homes, businesses, schools and hospitals receive electricity that is generated by Megatons to Megawatts fuel. Where will the required uranium come from to replace that fuel? New South Wales is well positioned to take advantage of that situation by getting the ball rolling on uranium exploration. Furthermore, the demand for traditional fossil fuel, such as petroleum—both oil and gas—and coal will continue to increase in the near future. However, due to their finite nature and their effects on the environment, we cannot ignore the fact that we need to build our capacity to develop a clean energy alternative. We know that not even The Greens can power a wind farm. We cannot ignore the fact that Sydney, New South Wales, Australia and the world cannot be powered by sea or wind alone, despite the best efforts of The Greens.

Uranium is an inevitable energy source. At present New South Wales lacks oil and gas resources and coal and is totally dependent on interstate and overseas suppliers to meet its needs. The cost of importing these products places huge pressure on the economy and the State budget. The other fossil fuel is coal, and it is abundantly available in New South Wales. This State produces and exports some of the highest quality coal in the world. It is in great demand worldwide and it is our major export commodity as well as the largest contributor to the State's finances. However, given the efforts of anti-carbon emission and climate change supporters—and now that we are out of water in Brisbane and have to rely on the desalination plant in Sydney—mining in Australia, and in New South Wales in particular, will face challenges in the future.

Dr John Kaye: We are out of water in Brisbane? It was flooded.

The Hon. CHARLIE LYNN: I must have picked up Tim Flannery's media release by mistake. I must be reading from the wrong page.

DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones): Order! I remind the Hon. Charlie Lynn to not respond to interjections from the crossbench.

The Hon. CHARLIE LYNN: I am sorry, I seem to have Tim Flannery's media release mixed up with my speech. I will return to my speech. Uranium has been mined economically in Australia since 1954, but production is confined to four major mines—the Ranger mine in the Northern Territory, the Olympic Dam mine, the Beverley mine, and the recently commissioned Honeymoon mine in South Australia. Nationwide, more than 12 new uranium mining projects are earmarked for development in other States that will generate an estimated $2 billion in revenue. In the early 1980s the Australian Labor Party opposed uranium exploration and mining in Australia.

In 1984 the newly elected Federal Labor Government introduced the so-called three mine policy, which restricted Australia's uranium activities to the three mines operating at that time—the Ranger mine, the Nabarlek mine and the Olympic Dam mine. Reserves at the Nabarlek mine were subsequently depleted and it was later abandoned. The Beverley mine was approved and became the third mine. In 2007 the Labor Party abandoned the three mine policy and in 2009 approved a fourth mine, the Four Mile mine in South Australia, thus ending the 25-year ban on uranium exploration and mining in Australia. Subsequently the Federal Minister for Resources and Energy and Minister for Tourism, Martin Ferguson, declared that increased uranium mining in Australia is inevitable.

In May 2011 the Federal Government called on the New South Wales Coalition Government to repeal the ban instituted by the New South Wales Labor Government on uranium exploration with a view to better understanding and evaluating Australia's total uranium resources. Finally, the longstanding national ban on exporting uranium to India was lifted in November 2011, which resulted in huge new markets opening up. However, the former New South Wales Labor Government continued, and as the current Labor Opposition continues, to oppose uranium exploration and mining in this State, in direct conflict with the incumbent Federal Labor Government. That is no coincidence: it is in the Labor Party's DNA to oppose productive policies that are aimed at strengthening our economy.

The Labor Opposition is opposed to making New South Wales number one again. It is also opposed to a stronger economy and to increasing revenue and spending. It is no surprise that New South Wales fell so far behind with that mob in government. It is no surprise they were wiped out at the last election. It is no surprise that they sit on the opposition benches today. History will be the judge. The passage of this bill, which reverses a decade-long ban on uranium exploration in New South Wales, will encourage and attract increased exploration investment and will pave the way to establishing the scope of uranium resources in the State. Uranium exploration and mining is now permitted in South Australia, the Northern Territory and Western Australia. Australia's uranium reserves are the world's largest, estimated at 23 per cent of the world's total. However, Australia's production sits in third place behind Kazakhstan and Canada.

In 2010-11 Australia's production was just over 7,000 tonnes of uranium oxide concentrate and worth about $1 billion. It is only fair that the people of New South Wales be allowed to share in the potential wealth created by a mining boom, the wealth other States are enjoying. With the news we are hearing daily about job losses in the banking and manufacturing sectors, this legislation is welcome news because it will encourage job growth and production in the far west of New South Wales. Vast uranium wealth is already being mined in South Australia, just over the border from New South Wales. There is no reason why we should not have the opportunity to create our own mining boom in New South Wales so we can fund our schools, hospitals, roads and rail, as well as our feral mates on the other side of the House. I commend the bill to the House.

Dr JOHN KAYE [3.51 p.m.]: Exactly 33 years ago today at 4.00 a.m. the pilot-operated relief valve at unit two at the pressurised water reactor at Three Mile Island, operated by Metropolitan Edison, ceased operating. It became stuck open. On top of that, operator confusion caused the plant to be operated as though there had not been a loss of coolant. No recognition was taken of the fact that the coolant was no longer circulating through the pressurised water reactors. As it turned out, there was a small release of radioactive iodine and radioactive gas. People around the Three Mile Island reactor dodged a bullet but the complexity of the accident caused it to take many months to understand what had gone on.

Not so lucky were the people of Chernobyl, in the Ukraine, on 26 April 1986. As a result of what is now perceived to be operator error and design error, 350,000 people were evacuated. At least 4,000 people died

almost immediately as a result of the accident, and many more cancers will be caused. The Union of Concerned Scientists suggests that 50,000 excess cancers and 25,000 deaths over the next 50 years will result from that accident.

Less well known is the Sellafield nuclear failure in 2005. Twenty tonnes of uranium and plutonium dissolved in nitric acid escaped into the containment vessel of the Sellafield nuclear facility. It is not a reactor; it is a reprocessing plant. That created a hot soup that was so toxic and corrosive humans could not go into the facility. A set of robots was designed and built to try to clean up the mess created. The Sellafield nuclear reactor may be known to some as the Windscale nuclear facility. To my knowledge, it has changed its name at least three times. Sellafield wants to hide the tragic reality that the Irish Sea is one of the most reactive bodies of water on the surface of the planet specifically because of the nuclear reprocessing plant. It is recommended that Irish women not eat fish caught in the Irish Sea specifically because of the radioactive material.

On 11 March 2011 in Fukushima Province, the Fukushima Daiichi reactor, which consists of six boiling water General Electric designs—the same designs that John Howard was so enthusiastic about importing into Australia—operated by the Tokyo Electric Power Co, was hit by the Tohoku earthquake and resulting tsunami. The coolant pump ceased to operate, resulting in overheating. Units one, two and three went into complete meltdown. Six workers exceeded their lifetime radiation exposure, approximately 300 people were exposed to significant levels of radiation, and future deaths from that accident are predicted to be somewhere between 100 and 1,000, and possibly far greater than that.

These are just the accidents we know about—they were so significant that the companies were unable to hide them. But there are far more nuclear accidents and far more cover-ups, particularly in France, Russia, the old Soviet Union and even the United States. Nuclear accidents are always about a design error, an operator error or a regulator error. They are always going to be fixed next time round and, because of the complexity and the danger of the process, they always fail later on. There are always excuses for the 100 per cent safe nuclear power, the nuclear power that was going to be so safe it would be on every street corner. It was going to be so cheap that it would not even be metered. That was the nuclear power of my youth. The nuclear reality of today is Fukushima, Three Mile Island, the broken arrow to the United States Defence Force, and the other nuclear accidents we do not even hear about. That is the reality of the modern nuclear industry.

The nuclear danger does not begin with a reactor, nor does it end with a reactor. The nuclear danger begins with the mining process, with the tailing dams, with the milling, with the enrichment of uranium, all of which involves the release of toxic substances into the environment and often into the waterways. Let us be absolutely clear about the process of uranium enrichment, the process of getting rid of the isotopes that will poison the reactor and concentrate into sufficient levels of those isotopes that will cause a nuclear reaction to occur. That process in and of itself is a dirty, dangerous process that will inevitably produce highly toxic wastes that will spill into the environment, or wastes that are inflicted upon the communities nearby. All too often in Australia the uranium deposits are in areas owned by Aboriginal people, and it is the Aboriginal people who bear the cost of the great wealth that the Hon. Charlie Lynn talked about, the cost of the great benefits that the Hon. David Clarke talked about, the cost of the great leap forward that the Hon. Marie Ficarra talked about. Those costs are not borne by suburban New South Wales; those are the costs borne by the Indigenous populations of this country.

It is not just that which goes into the reactor and the reactor itself that is dangerous; it is that which comes out of the reactor, including plutonium. Plutonium has a half life of 24,000 years—that is, it takes about 700 generations of humanity before the most radioactive toxic material on the planet that comes out of the reactor is half as dangerous as it was when it first came out. It will be thousands of generations before that material is safe again. What does thousands of generations mean? When the United States decided it needed to do something with its high-level nuclear waste and it decided to build a repository in the Yucca Mountains, who did it have to employ? It had to employ anthropologists. Why anthropologists? It is straightforward. If we go back 700 generations, people were not talking English, French or German.

The Hon. Charlie Lynn: What were they talking?

Dr JOHN KAYE: We do not know. That is a good interjection, the first positive contribution by the member today. We do not know what they spoke. Nobody knows what they spoke. In 700 generations ahead in time people will not be speaking English, French or German. What sign do we put on a nuclear waste repository to warn people not to dig there? All we can do is employ anthropologists to work out what should be put there. But the problem does not end with the waste; it goes beyond waste and to nuclear terrorism.

The Hon. Catherine Cusack: Point of order: I understand the need for a wide-ranging debate on any bill but Dr John Kaye just referred to a number of Hollywood movies, for example, *Broken Arrow* and *Three Mile Island*.

The Hon. Robert Borsak: And *China Syndrome*.

The Hon. Catherine Cusack: Dr John Kaye referred to *China Syndrome* and to movies depicting incidents that have occurred all over the world, and he is now talking about Federal Government policy. The objects of this bill, which are very narrow, refer specifically to uranium exploration licences in New South Wales. Dr John Kaye has given the Government information about everything to do with nuclear power but he has not referred to the issues with which we are dealing today.

The Hon. Lynda Voltz: To the point of order: The Hon. Marie Ficarra and the Hon. Charlie Lynn referred to nuclear power plants in their contributions to debate on the bill, and the Hon. David Clarke referred to Federal and State government policy. As such wide-ranging debate was allowed earlier surely the contribution of Dr John Kaye is in order.

DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones): Order! Members will resume their seats.

The Hon. Duncan Gay: To the point of order: The objects of the bill list those matters that can be referred to in the second reading debate. The long title of the bill is as follows:

> A Bill for
>
> An Act to amend the *Mining Act 1992*, the *Uranium Mining and Nuclear Facilities (Prohibitions) Act 1986* and other Acts and instruments with respect to prospecting for uranium and the ownership of uranium; and for other purposes.

Dr John Kaye has not referred to prospecting for uranium; he is talking about matters that are not even mentioned in the bill.

Dr JOHN KAYE: To the point of order: I would have referred to uranium exploration if this Government had been in the business of mining uranium. We have to understand the consequences of mining uranium. Prospecting is the first step to mining uranium, which then leads to its export or its use in New South Wales. It would be extremely dangerous to enter into the business of prospecting without fully understanding the consequences.

The Hon. Catherine Cusack: To the point of order: Using the logic of the Dr John Kaye, a bill about the dog Act could lead one to thinking about the welfare needs of children who might be bitten by dogs. We have a standing order that restricts such wide-ranging debate. Dr John Kaye is making wide-ranging comments, which is an unreasonable exploitation of the latitude that has been extended to him. This bill is about uranium exploration.

The Hon. Luke Foley: It's a bit late, Catherine; members on both sides of the House have done it for hours.

The Hon. Catherine Cusack: Members of the Opposition could have taken points of order at any time.

DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones): Order! I understand the point of order.

The Hon. Lynda Voltz: Further to the point of order: Neither the Hon. Catherine Cusack nor the Hon. Duncan Gay were in the Chamber when I took an earlier point of order about the wide-ranging nature of Government members' speeches. The ruling at that time was that they were appropriate.

DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones): Order! I remind members of the earlier ruling: wide latitude is extended during second reading debates. However, I remind members that their comments must be generally relevant to the bill.

Dr JOHN KAYE: Madam Deputy-President, I appreciate your ruling. In relation to that ruling I add—

The Hon. Catherine Cusack: Point of order: Madam Deputy-President, the member is about to canvass your ruling.

Dr JOHN KAYE: For God's sake, Catherine. You do not know what I am going to say as I have not yet said it.

DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones): Order!

The Hon. Catherine Cusack: It is inappropriate for members to canvass the Deputy-President's ruling.

DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones): Order! I did not have an opportunity to hear Dr John Kaye's further comments. I remind him to be generally relevant to the bill.

Dr JOHN KAYE: In line with that ruling, if we engage in uranium exploration there can be only one reason to do so—that is, uranium mining. Those who are prepared to vote for this legislation with their eyes wide closed are not being mindful of the impact of uranium waste and the use of uranium in the nuclear weapons cycle. Mohamed Mustafa El Baradei, head of the International Atomic Energy Agency, stated:

> The emergence of a nuclear black market. The determined effort by more countries to acquire technology to produce the fissile material usable in nuclear weapons and a clear desire of terrorists to acquire weapons of mass destruction ...

Professor El Baradei made absolutely clear the direct link between the nuclear power industry and the fissile material used in nuclear weapons. We cannot shut our eyes to the proliferation of nuclear weapons. It is ironic that as we are debating this bill a meeting is being conducted in South Korea to try to stem the flow of fissile material that comes from uranium—much of it mined in Australia and some of which might come from New South Wales in the future if this bill is passed. The reality in the nuclear industry is that an atom of uranium cannot be tagged. We cannot take an atom of uranium and say, "This atom of uranium will never end up in a nuclear weapon." If this legislation becomes law—

The Hon. Marie Ficarra: You want to stop all uranium exploration?

Dr JOHN KAYE: Yes, I do.

The Hon. Catherine Cusack: Point of order—

Dr JOHN KAYE: This is unfair.

The Hon. Catherine Cusack: It is not unfair. Dr John Kaye is now suggesting that this legislation will lead to New South Wales uranium being used for fissile material in North Korea, which is outrageously outside the leave of the bill.

DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones): Order! Members will resume their seats. The Hon. Catherine Cusack will come to order. Due to the level of noise in the Chamber, I could not hear the member's point of order. Members who wish to take a point of order will wait for the call.

The Hon. Catherine Cusack: My point of order relates to the allegation that this fissile material will be used in North Korea to manufacture nuclear weapons, which is outside the leave of this bill. Madam Deputy-President I again ask you to ask Dr John Kaye to be relevant to the long title of the bill.

The Hon. Lynda Voltz: Under what standing order?

The Hon. Catherine Cusack: The standing order that relates to relevance.

DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones): Order! I ask Dr John Kaye to be relevant to the bill in the time remaining to him.

Dr JOHN KAYE: I will continue to be relevant in my contribution to debate on the bill before the House today. I refer again to the consequences of the passage of this legislation. If we introduced legislation to change the regulation of dogs and we did not consider the issue of rabies we would be derelict in our duty. If we passed a bill that enabled uranium exploration in New South Wales and we did not talk about the consequences of doing so and of New South Wales joining the global nuclear industry, we would be derelict in our duty to

ourselves, our citizens, our citizens' children and grandchildren, and the world. When we start fiddling with uranium we engage in global and long-term problems. We cannot commence uranium exploration without giving consideration to those problems.

I would have much more to say; but, very cleverly, the Government—which clearly is embarrassed by what I have had to say—has used parliamentary debating tactics to stop me from talking. I finish by making the following important observations about this legislation. This legislation is about uranium mining. Members who think they will be voting purely on a bill about uranium exploration do not understand the commercial realities of the minerals industry. No corporation will engage in exploration without the understood promise that if it finds an economically exploitable resource it will then be able to exploit that resource—joining New South Wales to the global nuclear industry. The second understanding that members must have is that, like everything to do with the nuclear industry, this proposal is based on a deception that all that can be done under the bill is a little bit of exploration. But once we facilitate exploration we become involved in mining; and once we get into mining we are inevitably part of the cycle that will put increasing pressure on Australia to take back nuclear waste.

I talk now briefly about what is happening at Muckaty Station and the tragedy of the Aboriginal people who are having forced upon them the nuclear waste from Lucas Heights. That is the thin end of the wedge. If Australia expands its nuclear industry by uranium mining, and New South Wales engages in that, inevitably we will become part of that cycle, and we will be contributing even more to the tragedy that is befalling the people of Muckaty Station. Finally, I point out that New South Wales does not need nuclear power, Australia does not need nuclear power, the world does not need nuclear power. There are cheaper, safer alternatives. It is those safer alternatives that this State should be exploiting, not uranium. [*Time expired.*]

The Hon. LUKE FOLEY (Leader of the Opposition) [4.11 p.m.]: I contribute to debate on the Mining Legislation Amendment (Uranium Exploration) Bill 2012 and defend the 26-year policy of the State of New South Wales prohibiting uranium exploration and mining. That ban on uranium exploration and mining was introduced by the then Labor Minister for Energy and Technology, the Hon. Peter Cox. Peter Cox is a man who attracted me to the Labor Party; the closest friend of my uncle. The member for Auburn was a Minister in the Wran Government for a decade, and one of the finest men I have ever met. When he introduced the Uranium Mining and Nuclear Facilities (Prohibitions) Bill 1986 he said this in the other place:

> The clear objective of this bill is the protection of the health, safety and welfare of the people of New South Wales and the environment in which we live.

I believe those objectives have stood the test of time and remain the clear defining statement why the ban—which, until now, has been supported across party lines—should remain. This bill ends that bipartisan commitment to banning uranium exploration and mining in this State. This bill amends four Acts. It amends the Uranium Mining and Nuclear Facilities (Prohibitions) Act 1986, to which I just referred. It also amends the Mining Act 1992, the Radiation Control Act 1990 and the Aboriginal Land Rights Act 1983. Further, it alters State Environment Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007. This bill is no small step; it alters four Acts of Parliament and the key environmental planning policy of the State relating to extractive industries. I have a number of concerns with uranium exploration and mining that I would like to canvass. The first relates to waste. The Australian Conservation Foundation has said:

> Australia has 40% of the world's uranium deposits and supplies 20% of the world's uranium market. On a good day that uranium becomes radioactive waste, on a bad day it becomes nuclear fallout.

Hazardous waste is created at every stage of the nuclear cycle, including the mining, enrichment, reactor-electricity generation and reprocessing stages. Uranium waste is toxic for approximately 10,000 years, and it causes distressing illnesses, most prominently cancer and genetic defects. I believe no community should be expected to live with nuclear waste. And I believe that if we in New South Wales are going to dig it up we should take responsibility for the waste; and no community in New South Wales should have to live with nuclear waste. Transporting nuclear waste has many inherent risks as accidents are a possibility during any transportation process.

I would like to talk about the mining of uranium, because whilst this is a bill that contemplates only exploration at this stage, some members who have spoken in support of the bill have clearly anticipated exploration leading to mining. I credit them for that because I think that is an honest account of what is likely to happen if this bill passes: exploration will lead to mining. I see that as inevitable. Where mining occurs, left behind are uranium tailings, usually rock in a pulverised form. These tailings contain radiation and a half life of

approximately 80,000 years. Australia has had regular reports of tailings leaks and contamination of water sources near uranium mines. This overwhelmingly affects remote, and often Aboriginal, communities. No matter how well a mining company manages its uranium tailings, that company cannot take responsibility for what will happen over the next 80,000 years. In 2003 a Senate committee found "a pattern of underperformance and noncompliance" in the uranium mining industry. It identified many gaps in knowledge and found an absence of reliable data on which to measure the extent of contamination from the uranium mining industry.

I want to talk about proliferation. Australia has no way of quarantining its uranium for use only in nuclear power. We rely on the underresourced International Atomic Energy Agency, which admits it cannot guarantee where uranium ends up. International Atomic Energy Agency Director-General, Mohamed El Baradei, described the agency's basic inspection rights as "fairly limited", complained about "half-hearted" efforts to improve the system, and expressed concern that the safeguards system operates on a "shoestring budget ... comparable to a local police department". Of the 10 nations that we know have developed nuclear weapons, six did it under the political cover and/or with the technical assistance of a nuclear power program. The current threat is much larger than rogue States; there is every reason to fear non-State actors, particularly terrorist organisations, could develop or gain access to nuclear weaponry.

I have listened to the debate from members on both sides of the Chamber. I have always taken the view, inside and outside my party, that nuclear non-proliferation is a moral matter. The Roman Catholic Church teaches us that the way societies organise is a moral matter. I turn briefly to the *Compendium of the Social Doctrine of the Church*, a publication of the Pontifical Council for Justice and Peace, because for me nuclear non-proliferation has always been a moral matter. I quote from the *Social Doctrine of the Church* at paragraph 509:

> Arms of mass destruction—whether biological, chemical or nuclear—represent a particularly serious threat. Those who possess them have an enormous responsibility before God and all of humanity. The principle of the non-proliferation of nuclear arms, together with measures of nuclear disarmament and the prohibition of nuclear tests, are intimately interconnected objectives that must be met as soon as possible by means of effective controls at the international level.

That last sentence comes from an address by Pope John Paul II to the Diplomatic Corps at the Vatican in January 1996. For me the threat of nuclear proliferation is a moral matter. When it is all boiled down that is the reason why, for more than 20 years, inside and outside my party, I have been an opponent of the expansion of the uranium industry in this country. Before I conclude I will deal with the question of accidents. On 26 April, in a few weeks' time, it will be 26 years since the accident at Chernobyl when 400,000 people were evacuated and between 10,000 and 25,000 people died. The accident at Three Mile Island in March 1979 cost $1 billion to clean up.

Last year the accident at Fukushima on 11 March showed that it was not just internal design issues of the operation of nuclear plants but acts of nature that threaten the safety of human beings when they live near nuclear power. A 20-kilometre exclusion zone has required 200,000 people to relocate since that accident last year. Industry claims that new reactors reduce accident risks to nearly negligible should be treated with suspicion. The risk of a nuclear accident being nearly negligible is just not good enough. In conclusion, I defend the 26-year policy of the State of New South Wales prohibiting uranium exploration and mining. I congratulate Dave Sweeney of the Australian Conservation Foundation on campaigning for so many years against this dangerous industry. I pay tribute to former Labor Senator Bruce Childs and his colleagues on the Nuclear Disarmament Coordinating Committee who organised the massive Palm Sunday peace rallies for so many years. As long as I am in public life I will argue against this dangerous industry.

The Hon. Dr PETER PHELPS [4.23 p.m.]: If hysteria and hyperbole could be used to produce electricity all we would need to do would be to connect some generators to The Greens and to the Left of the Labor Party and we would have an everlasting and renewable source, which would see humanity through for many millennia to come. Unfortunately The Greens and the Left of the Labor Party are stuck in an old way of thinking—an old Cold War mentality where the antinuclear movement was largely subsidised by the Soviets, who paid for and indoctrinated people to take part in demonstrations and to take the fight to Western civilisation.

I feel sorry for people like the Hon. Steve Whan, who clearly supports jobs in mining and who is stuck with this horrid policy which we know full well he does not believe in for one second. He does not believe in this policy at all but it has been rammed down his throat—one of the unfortunate consequences of having a leader who also is the shadow environment Minister. Unfortunately for the Hon. Steve Whan he must kowtow to the Left of the Labor Party, themselves in the thrall of the extreme Greens movement of this nation. Some people in the Left of the Labor Party have far more progressive ideals in relation to nuclear energy.

One of those people is Martin Ferguson, one of the leaders of the so-called Ferguson Left faction of the Labor Party. Here is a person who is not about hugging trees, not out lying in front of bulldozers and not trying to send Australia back into a sort of cave-dwelling Stone Age. Here is a person who believes that the future should be embraced and he is not turning his back on the future. But do others in the Labor Party listen? Unfortunately, no. If only the Ferguson Left and the sensible members of the Right could get together, they could overthrow the tyranny of the extreme Left Greens element.

The Hon. Duncan Gay: Peter Garrett—the Nuclear Disarmament Party.

The Hon. Dr PETER PHELPS: Indeed. Peter Garrett was formerly a member of the Nuclear Disarmament Party before it was, like most of the minor parties that proclaim an environment cause, taken over by Trotskyites, as Peter Garrett himself noted at the time of his departure. The inevitable demise of the Nuclear Disarmament Party is a salutary lesson that some members in this Chamber should take clear notice of—the infiltration of extreme left-wing ideologues into an ostensibly environmental party and the consequent debilitating effects that has on the party. The Greens say, "We are not backward-looking, we are forward-looking; we are for the future." Where does energy come from in that future? We are told that coal is evil, coal is terrible—coal of course being the most cost-effective form of producing electricity in Australia by a long way. So we cannot have coal.

The Hon. Duncan Gay: It's a credit that the Hon. Eric Roozendaal has said that in this House.

The Hon. Eric Roozendaal: What have I said? You've thrown him now.

The Hon. Dr PETER PHELPS: I am. I am just wondering why my leader is congratulating the Hon. Eric Roozendaal.

The Hon. Duncan Gay: He told us that coal is the cheapest.

The Hon. Dr PETER PHELPS: Of course. If we cannot have coal what could we possibly have? We cannot have hydro because hydro means dams, and dams might kill the left-footed, right-handed snail of Uzbekistan or whatever small furry creature The Greens have on their agenda.

The Hon. Jeremy Buckingham: Point of order: My point of order relates to relevance. The left-footed, right-handed snail of Uzbekistan may be of interest to the Hon. Dr Peter Phelps but it has nothing to do with this bill.

DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones): Order! I have the gist of the member's point of order. As I have ruled previously, wide latitude is extended during the second reading debate. However, I ask the Government Whip to be generally relevant to the bill.

The Hon. Dr PETER PHELPS: Hydroelectricity is off The Greens agenda because they do not like dams. They then moved on to natural gas and coal seam gas for a brief time. But the Chief Climate Commissioner, Professor Tim Flannery, said at the time that dams in Sydney would be empty because of global warming. I have made reference to that quote several times in other debates. The Greens are opposed to coal seam gas and natural gas because they produce carbon dioxide. According to The Greens we cannot get energy from coal, nuclear power, hydroelectricity or natural gas. What about biofuels such as waste from sawmills? We cannot have that either because that would lead to an increase in milling activity. Trees are more important than poor people being able to cook their dinner cheaply at night.

Perhaps we could have wind power. That was the flavour du jour of The Greens movement for some time. Some of them then decided that we cannot have that because of the subsonic vibration effects or the visual pollution caused by wind turbines. In the eyes of the bourgeois Greens, visual pollution is just as terrible as other forms of pollution. We now have the suggestion that solar will be the be all and end all. Tim Flannery was sceptical of this and in fact was quite supportive of nuclear. Let me place on the record that the Chief Climate Commissioner was supportive of nuclear energy. The person appointed by the Gillard Government said that renewables did not have the ability to provide baseline power and that there was nothing intrinsically wrong with nuclear energy, it just was not commercially viable in Australia at the current time. That goes to show how far removed even a hardcore greenie is to the extreme position of The Greens party. At the heart of this is The Greens hate of humanity; The Greens' hatred of human achievement.

The Hon. Jeremy Buckingham: Point of order: First, the honourable member is making imputations about members of the House. It is beyond the pale. Secondly, my point of order relates to relevance. The relationship between The Greens and humanity is a long way from the leave of this bill. Madam Deputy President, I ask you to direct that the member's comments be at least remotely relevant to the bill.

The Hon. Catherine Cusack: To the point of order: The Greens taking points of order about relevance and imputations is the height of hypocrisy. There has been enormous latitude allowed in this debate primarily because of The Greens wanting to talk about Three Mile Island, North Korea and all of those sorts of matters. For them to now be taking points of order is extraordinary. I ask that they grant the same latitude to others as was accorded to them and listen to the member in silence.

DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones): Order! In relation to the first part of the point of order, the Government Whip was not referring to individual members in the Chamber. In relation to the second part of the point of order, all members have been extended wide latitude during the debate.

The Hon. Dr PETER PHELPS: As I said, The Greens hate humanity and human achievement. They see humanity as a virus, something to be hopefully not eradicated but at least contained enough so as to not impinge upon their marvellous Gaia. They do not accept that humanity is a part of nature. Humanity is seen as an external imposition upon their mythologised view of the way the world works. All this bill says is, "Let us look for the stuff." That is all we are saying. If I were a Minister—I will not pursue that line. Suffice it to say that the current arrangements in relation to this area are in the hands of Chris Hartcher, a moderate, progressive and socially aware Minister whose own moderation on this issue is to be commended. One of the great ironies of today's debate is that we are only trying to find possible locations of uranium deposits. This is a mapping exercise. It is nothing more than an attempt to try to compile an encyclopedia of knowledge as to where these deposits may be located.

It may come as a surprise to members opposite—certainly to The Greens members—but the exploration and mining of radioactive substances in New South Wales already occurs in relation to thorium. Thorium can be explored for and mined in New South Wales. Can thorium be made into a source of energy? Yes, it can. The Canada Deuterium Uranium [CANDU] nuclear reactors that normally use uranium can also use thorium as a fuel. Thorium can be used as a component in normal light water reactors, and it has the advantage of breaking down into uranium 233 which can then be used and in fact burns itself off.

The International Atomic Energy Agency has looked at thorium reactors. Thorium also can be used in nuclear weapons and dirty bombs. But do we hear any complaints from The Greens about the mining and exploration of thorium in New South Wales? No, we do not. That is because it is not sexy, so The Greens are not interested in it. They run wonderful little scare campaigns so that immature 14-year-olds suddenly decide they have to save the world and that uranium mining must be prevented. They join The Greens, go on a protest march, don a hazmat suit and carry a banner that says "No uranium". But no-one talks about thorium. Thorium can be explored for and mined in New South Wales, but The Greens do not care because they are only interested in stunts that gain publicity. If they had to explain to people about thorium it would involve them making an actual effort. They would have to make an attempt to justify their position, rather than run their usual scary, hairy campaigns.

Amongst the panoply of things I find bizarre about The Greens is that the Hon. Jeremy Buckingham today said there is no need for this bill because we already know a lot about where the uranium deposits are in New South Wales. He said that all the mapping has been done and we know lots about the uranium deposit locations. Then Dr John Kaye, who obviously did not hear the earlier contribution by his colleague, said if we start looking for these uranium deposits it will inevitably lead to mining. My answer to that is if we already know where the deposits are, why are we not mining them? If one accepts the Hon. Jeremy Buckingham's assertion that we already know where they are and follows it up with Dr John Kaye's assertion that looking will inevitably lead to mining, why are we not mining today? The answer is that looking does not equate with mining. This is a concept that The Greens and, to a lesser extent, members of the left wing of the Labor Party seem unable to comprehend. We can look, which is a verb, and we can mine, which is another verb, but looking and mining are two entirely different activities.

Recently while watching *QI* I learned an interesting fact. Radioactivity is all around us. If someone took a pocketful of brazil nuts to a nuclear reactor plant, the nuts would set off the alarm. Brazil nuts are so radioactive that they would produce enough radioactivity to set off an alarm that has been set to detect an escape or release of radioactivity in a normal nuclear reactor plant. Moreover, bananas are radioactive—which may

come as a surprise to members from the North Coast of New South Wales. Brazil nuts and bananas are both radioactive. Nothing better sums up the position of The Greens and the Labor Party Left than the words "nuts and bananas".

The Hon. ERIC ROOZENDAAL [4.40 p.m.]: It is with pleasure that I participate in debate on the Mining Legislation Amendment (Uranium Exploration) Bill 2012, which has been hotly debated in this House. I note that the bill is about exploration to establish whether commercial quantities of uranium exist in New South Wales. At the outset I indicate that what I find disappointing about the bill is that I do not believe the Government has a mandate to introduce this legislation. The Government does not have a mandate from the people to change a 26-year-old policy. That is a very critical point. While the Government enjoys a very strong electoral mandate, it has no mandate on this particular issue. I believe that colours the broader issue of uranium and nuclear power.

I make the point that, because we are concerned about climate change and increasing temperatures, it is reasonable to be aware of uranium deposits that exist in New South Wales and to have a debate on whether we wish to participate in a nuclear industry. While we argue vehemently in this place over whether or not we are saving the world, it is trite to point out that the only other Australian States that do not allow exploration for uranium are Victoria and Queensland and that a number of uranium mines are operating in this country. Australia has one of the largest reserves of uranium, and our reserves might be even larger than we think once exploration is undertaken in New South Wales. However, I believe it is impossible to have a debate on climate change without considering the issue of nuclear power as a viable option to deal with the challenges of climate change in the future. The issue of uranium has to be within the parameters of the debate on nuclear power and climate change.

It is not good enough to simply point to failures of the past, although it is reasonable to state that those who forget history are condemned to relive it. While Three Mile Island, Chernobyl or even Fukushima demonstrate some of the challenges of the nuclear industry, they do not necessarily condemn nuclear power forever more. The Fukushima reactor was a 1960s design that depended on boiling water. That design no longer operates. The latest generation of nuclear reactors has far greater built-in passive safety features that do not rely on human behaviour to control them. We also need to think about reactors that have been built in accordance with 1960s designs. What did our mobile phones look like in the 1960s? They did not exist. In 1986 our mobile phones were the size of a brick. Today's technology can be used to ensure that future nuclear power generation is conducted in a safe and basically pollution-free manner.

We cannot have a debate about climate change without examining nuclear power and the fact that it has a very small carbon footprint compared to the footprint of coal. The issue of fossil fuels has been raised. There is a certain class bias in the debate because a number of developing countries in the world are looking towards nuclear power to raise the standard of living of their people. It is trite for us in Australia, with our very cheap coal, to say that those countries are not entitled or that we will not allow them the right to generate nuclear power to raise their standard of living. It is a very selfish First World view of how the world operates. The reality is that places such as India will use nuclear power to raise the standard of living of its people, and I believe that is an enterprise in which we should participate. I believe in a more equitable world in which everybody enjoys a better standard of living, in which we eradicate poverty, and where everybody has the right to good living standards. It is important to be part of the process so that we can influence the process.

Other forms of power generation have been discussed. Despite all the debate, no-one can seriously argue that either solar power or wind-based power is an effective form of base load generation. That has not been demonstrated anywhere in the world and it is extremely expensive to generate power by those methods. If we vilify nuclear power and the future of nuclear power, we guarantee the use of fossil fuels. We must be realistic about that. It is important to consider examples such as Japan. If Japan were to replace all of its nuclear power tomorrow with wind-power generation, it would require 1.3 billion acres of windmills, which is roughly 50 per cent of Japan's land mass.

That brings into perspective why we should be considering nuclear power as a sensible alternative to meet the challenges of the future. If we want to live in comfortable homes, if we want plasma television sets, if we want air-conditioning and we want a good standard of living, we need to produce power that does not have a big carbon footprint. Unfortunately for us, at the moment coal is by far the cheapest method of generating power. Elsewhere in the world, if China were to give up its nuclear power program, it would have to revert to building more fossil fuel generators which would increase the quantity of carbon being pumped into the atmosphere. That would change the climate of the nation and increase temperatures. We need to be realistic about this issue.

I understand that there is a lot of emotion about the issue of nuclear power and uranium, but my personal view is that it is eminently sensible to be aware of the extent of uranium reserves in New South Wales and whether the reserves are commercially viable. Then we can have another debate on whether or not we want to mine it. I do not believe anyone would see any difference between uranium mined in Western Australia or South Australia, once it leaves our shores to be used to generate power overseas, and uranium mined in New South Wales. The source of the uranium is a trite argument that does not add to the debate. We must be realistic about this issue. The ban has operated for 26 years. The world was a very different place 26 years ago. Twenty-six years ago the technology was very different. Climate change was not discussed 26 years ago. But today uranium is an important option. I am a supporter of nuclear power and I believe this is reasonable legislation. However, I am unable to support the bill because the Government does not have a mandate to introduce this legislation to Parliament.

The Hon. LYNDA VOLTZ [4.49 p.m.]: To some extent, I agree with the comments made by my colleague the Hon. Eric Roozendaal about the debate around uranium and nuclear power. If nuclear power plants are to reach the efficiency everyone hopes they will achieve in power generation and waste, we must commence the debate now to examine whether the technology is practicable and, if so, how it will work to the advantage of our State. But any decision to explore uranium and to mine uranium should come out of debate with the community in the public arena from the perspective of what this technology offers to our State. We need to understand the technology and decide whether it is feasible before we make a decision to invest not only capital but also the approximately 20 years it will take to build nuclear generation plants. That will be a very long process and involve a great deal of debate, time and planning. To date, none of that debate has taken place.

The legislation before the House allows for exploration. A bill that allows exploration is always a precursor to a bill that will allow mining. There is no reason to explore for uranium deposits unless there is an underlying intention to mine uranium and either sell it or use it. The community has a rightful expectation that the Government will debate and discuss this issue, given that it is a contentious issue. The debate must take into account the history not only of the use of nuclear weapons against Japan but also the Australian community's views on nuclear testing by the French in the Pacific region.

Those issues drive people's concerns about the use of nuclear power. They are issues that people have grown up with, particularly people of my generation and older. There has always been huge concern in the community about the nuclear industry. Eventually the community must have the debate so that if we reach the point where those fourth-generation nuclear power plants offer the benefits that are expected, the community is well versed in both the risks and the advantages. I move an amendment to the motion as follows:

That the question be amended by omitting all words after "that" and inserting instead:

a select committee be appointed to inquire into and report on the Mining Legislation Amendment (Uranium Exploration) Bill 2012.

2. That the committee consist of seven members comprising:

(a) three Government members,

(b) two Opposition members,

(c) two crossbench members;

3. That notwithstanding anything to the contrary in the standing orders, at any meeting of the committee, any four members of the committee will constitute a quorum;

4. That the committee report by 16 August 2012.

Mr DAVID SHOEBRIDGE [4.52 p.m.]: I echo the strong words of my colleagues the Hon. Jeremy Buckingham and Dr John Kaye in opposing the Mining Legislation Amendment (Uranium Exploration) Bill 2012. It insults the intelligence of the people of New South Wales to suggest that in introducing this bill the Government is only interested in prospecting and searching for uranium and that it is not the intent that it will lead to a full-blown uranium mining industry in New South Wales. Anyone engaged in the industry knows where the major uranium deposits can be found in New South Wales. That is not a matter of any great scientific controversy. This bill is not intended to allow some passive, dry, academic prospecting; it is the immediate precursor to the expansion of the uranium mining industry in New South Wales. The bill should be called what it is and should be opposed by the Parliament. The bill is opposed by The Greens.

The expansion of the nuclear industry brings with it the risk of cataclysmic nuclear war. History has shown us that even the smallest nuclear explosion from a first-generation nuclear weapon is utterly devastating

and can destroy an entire city. The current nuclear industry produces weapons that are one thousandfold as powerful as those used in World War II. The thought that New South Wales would play a part in generating nuclear fuel for the nuclear industry, which includes the potential for weapons of civilisation-ending destruction, is of itself enough to oppose this bill. On the grounds of peace and non-violence alone, The Greens oppose any expansion of the nuclear industry.

On a more fundamental level, ever since the dawn of the so-called atomic age, no country, no nation, no group of nations has devised a method to safely deal with the nuclear waste produced from the nuclear industry, whether it is for weapons of war or the production of electricity through nuclear power. The observations of the United States of America—probably the most sophisticated nuclear player on the planet—and the enormous difficulties it has faced in devising even a vaguely rational way to deal with the thousands of tonnes of nuclear waste it has produced in the nuclear industry, show how impossible it is to safely deal with nuclear waste.

The observations of the United States Court of Appeals, in its decision in 2004 to strike down the plan by the United States Government to store its nuclear waste in Yucca Mountain, are worthy of reflection by this House before it makes the decision—as it looks like we will tonight—to allow the expansion of the nuclear industry in New South Wales. In that case, the court was deciding on a plan by the United States Government to store nuclear waste in Yucca Mountain, a distant mountain in the north-west of the United States in a relatively geologically stable repository. The United States Environmental Protection Agency produced a set of regulations to regulate and maintain that nuclear waste for 10,000 years. That is an incomprehensible time frame for any government to consider. The Environmental Protection Agency said it had a set of plans and regulations that would ensure the nuclear waste could be safely maintained for 10,000 years.

As part of a parliamentary system that can almost never look beyond three to six months—or even 24 hours at times—and a political system that is regularly criticised for not looking beyond the next electoral cycle, we can only imagine the difficulties faced by a government trying to devise a plan to cover 10,000 years. The court then considered an argument that 10,000 years for the storage of nuclear waste was not enough. In its introduction, the court said:

> Having the capacity to outlast human civilization as we know it and the potential to devastate public health and the environment, nuclear waste has vexed scientists, Congress, and regulatory agencies for the last half-century. After rejecting disposal options ranging from burying nuclear waste in polar ice caps to rocketing it to the sun, the scientific consensus has settled on deep geologic burial as the safest way to isolate this toxic material in perpetuity. Following years of legislative wrangling and agency deliberation, the political consensus has now selected Yucca Mountain, Nevada, as the nation's nuclear waste disposal site.

The State government of Nevada was strongly opposed to a nuclear waste repository in its territory and, together with a number of environmental organisations, challenged the proposal to store the nuclear waste in Yucca Mountain. In the course of its challenge, it put material before the court which set out the health impacts of exposure to nuclear radiation. The court recorded it in this way:

> At massive levels, radiation exposure can cause sudden death.

The court referenced a National Institute of Health fact sheet. The court record continued:

> At lower doses, radiation can have devastating health effects, including increased cancer risks and serious birth defects such as mental retardation, eye malformations, and small brain or head size.

The court referenced the Environmental Radiation Protection Standards for Yucca Mountain. It went on:

> Radioactive waste and its harmful consequences persist for time spans seemingly beyond human comprehension. For example, iodine-129, one of the radionuclides expected to be buried at Yucca Mountain, has a half-life of seventeen million years **...** Neptunium-237, also expected to be deposited in Yucca Mountain, has a half-life of over two million years.

The court noted that as of 2003 the United States had a very substantial nuclear waste problem. This is the same nuclear waste problem that is developing in China and India, and the same nuclear and waste problem that is faced even more horrifically by Russia and a number of the States of the former Union of Soviet Socialist Republics. The scale of the problem facing the United States and the reason it was pushing to have the Yucca Mountain facility put in place were clear: as at 2003 nuclear reactors in the United States had generated approximately 49,000 metric tonnes of spent nuclear fuel. And there is nowhere safe to store it.

There is nowhere safe in the United States, nowhere safe in Australia, nowhere yet identified on the entire planet to store the existing thousands of tonnes of nuclear waste produced by the United States alone, let

alone those additional thousands of tonnes of nuclear waste that will be generated if the proposal goes ahead to mine uranium in New South Wales and export it to China, India, the United States and Europe. What was the scientific consensus about the requirement for the safe storage of nuclear waste in Yucca Mountain? This is the standard, which was tested by the court, that the Department of Environment [DOE], when devising its regulations for Yucca Mountain, was required to demonstrate:

> The DOE must demonstrate, using performance assessment, that there is a reasonable expectation that, for 10,000 years following disposal, the reasonably maximally exposed individual receives no more than an annual committed effective dose equivalent of 150 microsieverts from releases from the undisturbed Yucca Mountain disposal system. The DOE's analysis must include all potential pathways of radionuclide transport and exposure.

The standard imposed for Yucca Mountain was: For 10,000 years the storage facility had to prevent someone being exposed to an annual committed effective dose equivalent of 150 microsieverts. Nevada challenged the decision of the Government and the Environment Protection Authority to establish a compliance period to extend for only 10,000 years in the future. According to the State of Nevada, the 10,000 year marker violated the obligations the Government had for rigorous scientific-founded controls. It said it was arbitrary, capricious and hardly sufficient to protect. It did that because the National Academy of Science—one of the most august scientific institutions in the United States and one relied upon in all other respects by the Environment Protection Authority and United States Government in setting up the Yucca Mountain facility—found in a 1995 report entitled "Technical Bases for Yucca Mountain Standards":

> With respect to length of compliance period, the National Academy of Science has found "no scientific basis for limiting the time period of the individual risk standard to 10,000 years or any other value." According to the academy, "compliance assessment is feasible for most physical and geological aspects of repository performance on the time scale of the long-term stability of the fundamental geological regime—a time scale that is on the order of one million years at Yucca Mountain."

The National Academy of Science went on to explain that humans may not face peak radiation risks until tens of thousands or hundreds of thousands of years after disposal or even further into the future. On the basis of that scientific evidence the Court of Appeals in the United States struck down the proposal by the United States Government to store nuclear waste at Yucca Mountain. It did so because even a compliance regime going 10,000 years into the future is insufficient, on the science, to safely store the nuclear waste produced from the nuclear industry.

We know—the science is very clear—that if we dig out uranium now and inject it into the nuclear fuel cycle we will produce radioactive waste that may be at its most lethal in tens of thousands or hundreds of thousands of years from now. No safety regime in any Act passed by the New South Wales Parliament will have a scintilla of effect 100,000 years into the future. No comforting words from the Premier will protect future generations when they are exposed to radioactive waste mined in New South Wales.

One of the other astounding factors with respect to nuclear waste is that the United States Department of Defence and the United States Atomic Energy Agency are trying to come up with language-neutral ways to identify dangerous nuclear waste sites because they know that the English language will not be spoken—or anything approaching the English language—when people are exposed to nuclear waste and radiation from nuclear waste. The waste we are producing now to fire a light bulb for an instant will be around for hundreds of thousands of years polluting the planet.

Many generations beyond ours will be exposed to the radiation and the pollution that we are producing now, with all of those health impacts I cited earlier in this debate. If we produce the waste we will have to come up with some magic way to communicate in a language other than English. It is so far in the future there is no conceivable way to safely regulate for nuclear waste. There is no conceivable way to currently store nuclear waste. There is no conceivable way to make the world safe once we dig this poisonous element out of the ground, insert it into the nuclear fuel cycle and spread it around the planet, as is the intent of this Government.

The Hon. DUNCAN GAY (Minister for Roads and Ports) [5.03 p.m.], in reply: I thank honourable members for their contributions, odd and interesting as they were. With very few exceptions, they completely ignored the objects of the Mining Legislation Amendment (Uranium Exploration) Bill 2012. A couple of those exceptions were the Deputy-President, the Hon. Paul Green, my colleagues, and the Hon. Eric Roozendaal. People reading this debate in *Hansard* will be quite confused about the bill. As I indicated earlier during a point of order, it is helpful if people read the bill. I suspect that not many members who contributed to the debate today have read the bill.

I refer to the objects of the bill. It is a bill to amend the Mining Act 1992, the Uranium Mining and Nuclear Facilities (Prohibitions) Act 1986 and other Acts and instruments with respect to prospecting for

uranium, the ownership of uranium and for other purposes. At least one of the objects did not get a mention at all from anyone except me—that is, the ownership of uranium. It was completely forgotten. Members opposite completely changed the other objects of the bill to what they hoped they would be so they could put their scare campaign in place. This is a bill for prospecting; it is not a bill for mining. That aspect of the bill was deliberately ignored and exaggerated. If I were to give my prize today—it is tough to award a prize, given the content of some of the speeches—it would go to Mr David Shoebridge, not surprisingly, who described it as a bill for civilisation-ending destruction.

The Hon. Steve Whan: You cannot remember the earlier comments.

The Hon. DUNCAN GAY: The Hon. Steve Whan had some comments that were dangerously close to award-winning. I know the member likes to win everything, but he is on a little bit of a losing streak lately and sadly it has continued today. The Mining Legislation Amendment (Uranium Exploration) Bill amends four Acts to remove the prohibition on uranium exploration in New South Wales. Since the prohibition was put in place there have been advances in safety and environmental management of uranium exploration. If members opposite were really concerned about the environment and the bill, I would have thought that would have been a legitimate matter to debate. Not one of those opposite, the scaremongers, went to that point. Either those opposite had not read the bill, or it did not suit their political purpose.

DEPUTY-PRESIDENT (The Hon. Paul Green): Order! Members will listen to the Minister in silence.

The Hon. DUNCAN GAY: Those opposite had their chance; they did not do much of a job debating the issue and they are looking for another chance. As indicated by the Minister in the other place, there is a growing international demand for uranium as a low carbon source of energy. Therefore, it is the right time to gain a better understanding of what, if any, uranium resources are located in New South Wales. The bill makes changes to the Mining Act, Uranium Mining and Nuclear Facilities (Prohibitions) Act, the Radiation Control Act and the Aboriginal Lands Right Act.

Those changes make it clear that uranium will now be defined as a mineral for the purpose of exploration only. This means exploration of uranium will be subject to the stringent environmental and safety assessments and approvals that apply to all mineral exploration in New South Wales. In addition, uranium exploration activities will be subjected to the requirements of a national industry specific code of practice and safety guide. As a result of those amendments the New South Wales Government will provide a strong, responsible legislative framework for undertaking uranium exploration.

Mr Deputy-President, I was interested in some of the contributions, particular your contribution, in which you spoke about the bill and indicated that the time for committee examination was after the exploration process had been concluded and before anyone made a decision to go further. There was some serendipity because the Hon. Eric Roozendaal also made that point. Those were appropriate points to be made in this debate: let us find out what the situation is before we go off half-cocked. But, no, that did not suit Opposition members.

They were quite excited that they directed to me, as the Minister representing the Minister for Resources and Energy, a question asking whether there were any plans for mining of uranium in New South Wales. I said—I think what I say now will be pretty close to what I said; they will tell me if I have not got the words right—that I am unaware of any plans for mining. Somehow, that was turned into a conspiracy theory. Because they did not at that stage ask me whether I was aware of any plans for changes regarding uranium exploration, somehow my answer to the question they asked me about uranium mining was relevant to uranium exploration. Somehow, that made me devious, and somehow there is a conspiracy.

The Hon. Steve Whan: You were devious.

The Hon. Amanda Fazio: You're always devious.

The Hon. DUNCAN GAY: There they go again, "You were devious." Clearly, the question asked in this place was, "Are you aware of any plans to change the standards?" It was not quite that, but it was all about mining; nothing in the question referred to exploration. I answered the question in the House honestly and accurately. That did not suite their agenda. Somehow it suits the North Korean agenda to link exploration with mining, with the China syndrome, with anything they can think of. It is any wonder people do not believe them. It is the Chicken Little syndrome, with the sky falling in. They exaggerate everything.

The bill before the House is also about a change in ownership. Had the members opposite read the bill they might have spoken about that change in ownership. If members opposite had read the bill, they may have raised concerns about safety in exploration. It is obvious they had not read the bill, but they had made up their mind to run a scare campaign, and they ran a scare campaign. Sadly for them, they are convincing no-one because their scare campaign has nothing to do with the bill before the House. The bill will pave the way for New South Wales to gain a better understanding of the location and extent of any uranium resources in New South Wales. This will be vital information for future planning for the benefit of the people of New South Wales. I indicate that the Government will oppose the amendment. I commend the bill to the House.

Question—That the amendment of the Hon. Lynda Voltz be agreed to—put.

The House divided.

Ayes, 18

Ms Barham	Mr Moselmane	Ms Westwood
Mr Buckingham	Mr Primrose	Mr Whan
Ms Cotsis	Mr Roozendaal	
Mr Donnelly	Mr Searle	
Ms Faehrmann	Mr Secord	*Tellers,*
Mr Foley	Mr Shoebridge	Ms Fazio
Dr Kaye	Mr Veitch	Ms Voltz

Noes, 20

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

Pair

Ms Sharpe	Mr Lynn

Question resolved in the negative.

Amendment of Ms Lynda Voltz negatived.

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

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

The House divided.

Ayes, 20

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

Noes, 18

Ms Barham	Mr Moselmane	Ms Westwood
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Ms Cotsis	Mr Roozendaal	
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Ms Faehrmann	Mr Secord	*Tellers,*
Mr Foley	Mr Shoebridge	Ms Fazio
Dr Kaye	Mr Veitch	Ms Voltz

Pair

Mr Lynn	Ms Sharpe

Question 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. Duncan Gay agreed to:

That this bill be now read a third time.

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

ASSENT TO BILLS

Assent to the following bill reported:

Births, Deaths and Marriages Registration Amendment (Change of Name) Bill 2012

ROAD TRANSPORT (GENERAL) AMENDMENT (VEHICLE SANCTIONS) BILL 2012

Second Reading

Debate resumed from 13 March 2012.

The Hon. STEVE WHAN [5.27 p.m.]: The Opposition supports the Road Transport (General) Amendment (Vehicle Sanctions) Bill 2012. The objects of the bill are to repeal provisions of the existing Act relating to the wheel clamping of vehicles; to expand the operation of division 2 of part 5.5 by enabling the imposition of sanctions under that division in relation to certain high-range speed and pursuit offences; and to enhance the operation of the Act by enabling the confiscation of numberplates. The existing Act had a heavy emphasis on wheel clamping and, from experience, it is clear that that sanction has not been adequately used. This bill proposes an increase in the use of licence plate removal as a means of getting vehicles involved in street racing and similar offences off the streets. The bill will allow, in particular, police to demand the removal of licence plates on the spot or to issue an order that requires plates to be surrendered to police inside five working days. In addition, repeat offenders may have their vehicle seized or be required to surrender their vehicle at a subsequent date.

The Opposition understands that over many years a number of measures have been put in place to try to tackle the misbehaviour of hoons and street racers on the road. More importantly, this misbehaviour does not just break the law but also endangers the lives of other road users. In the past it has caused the death of other road users in tragic circumstances. Every member of this Parliament would support firm sanctions against people who street race, hoon in their vehicles and prove to be a danger to others on public roads. The previous Government provided police with a number of powers to try to crack down on that. They included provisions for the crushing of vehicles for the most extreme offences, confiscating vehicles, wheel clamping provisions which

are in this bill, and a range of other measures. However, it is always important to keep an eye on how effective these measures are, to get feedback from police about the measures they think could be more effective and to act on them. In introducing this legislation we assume the Government is doing that and we support it on that basis.

I ask the Minister for some feedback on a couple of issues. Concerns have been raised by Opposition members about whether an increased focus on confiscating numberplates may lead to an increase in the theft of numberplates in affected areas. I ask the Minister in his reply to address what measures could be put in place to monitor this and to address it if it becomes a problem. That was obviously a problem several years ago when people were stealing numberplates in order to avoid paying for fuel. The theft and fraud issues associated with stolen numberplates are obviously serious issues that I know the police look at carefully.

On behalf of the Opposition I am interested in feedback on that from the Minister. The Opposition would strongly support measures that reduce the hoon element on the roads and that target people who use vehicles in an inappropriate and dangerous way, particularly street racers. We are all shocked by pictures of accidents caused by speeding drivers. We are all particularly appalled when innocent victims are injured or killed by other people's misbehaviour on the roads and we would all support measures to stop that from happening. The Opposition supports the bill.

The Hon. NIALL BLAIR [5.31 p.m.]: I support the Road Transport (General) Amendment (Vehicle Sanctions) Bill 2012. I congratulate the Minister for Police and Emergency Services and the Minister for Roads and Ports on introducing this important bill which will expand and improve the existing vehicle sanctions regime in this State. As the Hon. Steve Whan mentioned, it is also designed to target people involved in serious offences, such as street racing, who put themselves and others at risk. Unfortunately it is often the police and emergency services workers who have to mop up the results of these accidents. As a former retained firefighter with the New South Wales Fire Brigades, now known as Fire and Rescue NSW, I had to attend many motor vehicle accidents over the years. I have seen firsthand the life-changing tragedies caused by speeding offences, particularly street racing.

At present only so-called car hoon offences are subject to vehicle sanctions; namely, impounding and possible forfeiture. This bill will bring police pursuit offences, which are often known as Skye's law offences, and high-range speeding into that regime. It will also allow police to confiscate numberplates at the roadside as an alternative to impounding vehicles used to commit these offences. It is the numberplate confiscation that I want to talk about today as it seems to be a really clever initiative. In effect, police can instantly deregister a car at the roadside when one of these serious offences is committed. The plates are the property of the government and for certain driving offences the government will take its property back for a period of three months. This is much the same as what occurs when a drivers licence is suspended for these and other offences—the government takes back its permission to drive for the period of the suspension.

When they remove the numberplates at the roadside police will place a large sticker on the front windscreen of the vehicle indicating that the plates have been confiscated for three months. Cars with such a sticker will be able to be lawfully parked on the road, assuming parking is permitted there. Any other car without plates is considered unregistered and will be removed. But the obvious risk with numberplate removal is what is to stop the offender simply driving without plates? In fact, might not such a person have a great time going through red light cameras and racing past speed cameras, knowing that the lack of plates meant he or she could not be "pinged" for the offence? Well, he or she could and he or she would be taking a huge risk. A car without numberplates would not long escape police notice. Under the provisions of this bill if an offender is caught he or she risks the vehicle being forfeited to the Crown. That means it is confiscated and it is gone for good.

The bill also introduces a range of new offences to deal with anyone who has had his or her plates confiscated and who is tempted to put false plates on a car or to swap plates from another vehicle. Again, the penalty on conviction is forfeiture of the vehicle, as well as a hefty fine. So there is a huge risk associated with continuing to drive a vehicle that has been made the subject of numberplate removal by police: Persons could lose their cars or bikes forever. That may address some of the concerns of the Hon. Steve Whan. As far as I am aware, New South Wales is the first Australian jurisdiction to introduce numberplate removal as a vehicle sanction. I am sure that the other States and Territories will be watching with interest to see how the regime works in practice.

Some jurisdictions, notably Western Australia, impose vehicle sanctions in the form of impounding for a much wider range of offences than those contained in this bill. Impounding the vehicles of some offenders can

be a powerful sanction, particularly street racers when they see their hotted up cars being taken away to a lock up. However, it can also take up valuable police time as the officers have to wait around to oversee the towing. It can also mean police may have to chase the car owner for towing and impounding fees. What I like about the option of roadside numberplate removal is that police can impose the sanction and be back on the job much more quickly than is possible with impounding.

Of course when someone's plates are removed but the car or motorbike remains in his or her custody there is a risk that he or she will continue to drive. In fact, people may think they can happily evade red light and speed camera penalties because of the lack of plates. In reality, anyone driving a car or riding a motorbike without numberplates would be caught by police very smartly. And the risk of doing so will be enormous because under this bill the penalties for driving a vehicle subject to a numberplate sanction include permanent forfeiture of the vehicle.

The same penalty will apply also to anyone caught operating a sanctioned vehicle with the wrong numberplates attached. I will be watching the rollout of the numberplate sanction scheme with great interest. If it is a success—and I believe it will be—I cannot see any reason why it should not be extended to other serious motoring offences, such as high-range drink driving. As with the recent introduction of higher penalties for dangerous driving offences when there are children in the car, this bill represents yet another innovative idea by the O'Farrell Government to promote road safety. I commend the bill to the House.

The Hon. SARAH MITCHELL [5.37 p.m.]: I support the Road Transport (General) Amendment (Vehicle Sanctions) Bill 2012. As we have heard, this bill improves the current vehicle sanction scheme by introducing the option of numberplate removal as an alternative to impounding the vehicle. This option will of course belong to the police and not to the offending driver. However, we may expect police to exercise their discretion sensibly in this respect. Depending on the circumstances, police at the roadside may decide that no vehicle sanction is warranted and that the fine and loss of licence will suffice.

An obvious case for this approach would be if the car or motorbike was stolen. Or the police on duty may consider that the circumstances make it imprudent or unfair to take either the car or the plates immediately; for example, if the offence is committed in a remote location late at night or if the car is carrying young children or it is a commercial vehicle full of fresh produce. In such cases police will be able to serve a production notice on the drivers which would allow them to have the vehicle driven home or to another destination and then require them to hand over the vehicle or plates in the next five days. They will have to arrange for another driver to do that because the offences that were committed already have resulted in immediate licence suspension.

The bill also will extend the coverage of vehicle sanction beyond so-called car hoon offences. From now on, they will apply to police pursuits and high-range speeding offences. The community supported the former Government when it introduced what the Liberals and the Nationals called for. Skye's law deals with reckless idiots who engage police in dangerous pursuits on our roads, but adding vehicle sanctions, impounding, or numberplate removal also is an appropriate extra measure. I must admit I am amazed at the number of drivers who still engage in police pursuits, even since Skye's law was passed. I am advised that in 2011 police laid 635 charges under Skye's law, which equates to an astonishing average of almost 53 charges per month, 20 of which were for second offences. That makes it clear that much stronger measures must be taken. Let us talk about high-range speeding, which is driving or riding at more than 45 kilometres an hour in excess of the speed limit. I understand that in 2011 police preferred 3,079 charges for this offence, which is a whopping average of 257 charges per month.

It is evident from a scan of police reports of the recent Operation Safe Return—the annual Australia Day and end-of-school holidays traffic operation—that there is still a problem. I will mention just a few of the worst cases to give a flavour of the type of conduct that would be captured under the vehicle sanctions scheme as amended by this bill. For example, a 19-year-old P2 driver was travelling at 134 kilometres an hour in a 70-kilometre zone on Milperra Road—nearly double the speed limit; a 21-year-old P1 driver at Bensville was detected at 130 kilometres an hour in a 50-kilometre zone and recorded a blood alcohol content reading of 0.21; a 21-year-old fled from police and crashed into the front wall of a house in Liverpool; a 17-year-old P1 driver was doing 153 kilometres an hour on the F3 although her licence status limited her to 90 kilometres an hour, and she was also over the blood alcohol content limit at 0.063 despite her provisional licence having been limited to zero; another 17-year-old P1 licence holder was detected travelling at 153 kilometres an hour, this time on the Hume Highway; and, finally, a 41-year-old trail bike rider was involved in three separate pursuits with Lake Macquarie police and, when finally apprehended, was found to have a blood alcohol content that was over the limit.

Is impounding the car or taking the numberplates a sanction that is too harsh for this type of offending? I do not think so. When we think about the age and relative inexperience of many of the drivers involved in the examples I have cited, is it not better to take their vehicles or numberplates for a couple of months than to read about their untimely deaths in the newspaper? But what about those who are caught speeding in variable speed zones? While not excusing speeding in any situation, we all know that a moment's inattention or poor signposting can lead one to exceed the limit in a variable speed area, such as a construction zone. The normal penalties for speeding in variable speed zones will remain, but this bill will not introduce vehicle sanctions for these zones unless, of course, the driver is travelling at more than 45 kilometres an hour above the normal speed limit for that stretch of road. The only exception to that will be school zones during their hours of operation. If the police catch someone travelling at, say, 90 kilometres an hour in a school zone, it will be possible to take his or her plates or impound the car.

I think the Government is acting prudently in expanding the vehicle sanction scheme to only two new offences at this stage. I know there have been calls to include a whole raft of offences, but I think it is sensible to first assess how well the numberplate removal scheme works. Let us get that bedded down operationally and then we can revisit the idea of including other serious and dangerous driving offences in the vehicle sanctions scheme. I am very pleased to support the bill and I commend it to the House.

The Hon. AMANDA FAZIO [5.45 p.m.]: As stated by my colleague the Hon. Steve Whan, who led for the Opposition in debate on the Road Transport (General) Amendment (Vehicle Sanctions) Bill 2012, the Opposition does not oppose the bill. We understand that some of its provisions emanate from requests by the police who are trying to streamline their operations in dealing with the types of offences that in the past have led to the sanction of wheel clamping being applied. The existing legislation places heavy emphasis on wheel clamping but that sanction has not been adequately applied. One of the problems is that at different times of the day, clamped vehicles may cause significant problems. For example, if a vehicle is clamped in the evening on a clearway or in a no standing zone, that will cause major traffic congestion during peak hours. That has been one of the reasons why police have been reluctant to use wheel clamping: another is the time factor involved. Many of these types of offences occur on weekends when the police are very busy. The time involved in waiting for someone to clamp the wheels takes the police away from their duties for not inconsiderable periods.

The provision allowing police to demand the removal of numberplates, either on the spot or by issuing an order that requires the plates to be surrendered to the police within five working days, is a good solution to the problem, but it still treats traffic offenders in a serious manner. The bill also provides for repeat offenders who may have their vehicles seized or who may be required to surrender their vehicle at a subsequent date, if they continue with the type of behaviour that is sought to be addressed by the bill. We are all quite aware of problems caused when people continually breach traffic laws, drive unsafely and place other drivers and pedestrians at risk. The worst case scenario is when they crash and place at risk people who are peacefully sitting or sleeping in their own homes by ploughing through fences and demolishing the walls of dwellings. I hope there is no dispute about the need to apply strict measures to stop people who drive dangerously at high speeds and who recklessly endanger the lives of others. I believe there should be strong support for that general principle.

However, I have one question that I ask the Minister to address during his reply. The issue received some publicity in the media this week. A number of media reports referred to a red Mitsubishi in the inner west of Sydney that had obscured its numberplate with a cardboard plate showing the word "traffic" on it. Traffic plates are allowed to be used when people take a journey from their residence to Roads and Maritime Services facilities for the purpose of having their vehicles undergo a roadworthiness test. Apparently bicycle riders in the inner west are being terrorised, but no action has been able to be taken to date because the traffic plates on their vehicles obscure the registration number. I examined item [1] replacement section 218F of schedule 2 to the bill, but I am not sure whether people who misuse traffic plates will be covered by the bill to ensure they will be unable to take off the numberplate forfeiture notice or attach someone else's numberplates and continue to drive when the car should be off the road. I ask the Minister to indicate whether the penalties prescribed in the bill will capture offenders who use temporary cardboard numberplates with the word "traffic" written on them. We must ensure that every loophole is closed so that repeat offenders cannot continue to endanger other people's lives.

The bill appears to retain provisions that will allow vehicles to be confiscated permanently and used either for driving demonstration tests, crash tests or to be sold. Probably one way to really upset some drivers who spend a lot of time and money to have their cars hotted up and on the road would be to sell them, so that the vehicle is taken away from them forever. The proceeds of the sale of those vehicles at this stage revert to

consolidated revenue, but it would be good to divert the funds into road safety programs, such as driving tests. I think that would be an effective deterrent. It would be really annoying for persons whose pride and joy is a hotted-up car to see it sold, owned by somebody else and driven around by somebody else while they are unable to get their fingers on it. I urge the Government to consider that as an alternative to crash testing confiscated cars that probably have quite a high market value. I also urge the Government to consider directing the proceeds of the sale to road safety initiatives instead of consolidated revenue.

The Hon. DAVID CLARKE (Parliamentary Secretary) [5.49 p.m.]: I support the Road Transport (General) Amendment (Vehicle Sanctions) Bill 2012, which does a number of things to improve the vehicle sanctions regime introduced by the former Government. I give credit to the former Government for taking seriously the dangerous stupidity of street racing and for introducing vehicle impounding both at the roadside and by a court upon conviction. This bill will remedy defects in the so-called hoon laws.

One of the most obvious things is the ease with which anyone caught street racing or committing an aggravated burnout can get his or her car back if police impound it. People only need to go to the Local Court and tell some sob story about how they need their car and they get it back. By contrast, if the car is impounded by a court in the first place they have to demonstrate extreme hardship to get it back, and difficulty getting to work, to TAFE, or whatever does not count. I realise that in the second case the person has been convicted and in the first case the person has only been charged by police. But it is still absurd that courts return impounded vehicles to drivers who have been charged with street racing because they have also had their driver licences automatically suspended for three months. How on earth can they claim that they need their car if they cannot legally drive anyway?

This bill provides, among many other things, that if one's car or motorbike has been impounded or its numberplates have been confiscated by police because one has committed any of the relevant offences and one wants to get them back before the three-month statutory period, one can still go to court and ask for them but one has to demonstrate hardship to another person—not to oneself—because the licence would have been suspended anyway. If the car is the sole family car or a vehicle needed by other people in a business, the court may consider ordering the release of the car or the plates. However, to allow time for police and Roads and Maritime Services to process plates that have been confiscated at the roadside, they cannot be collected until at least five business days after they were taken.

As I understand it, under the existing regime, when a person is convicted of a street racing or an aggravated burnout offence committed in someone else's car, the court can order the impounding of that vehicle for three months unless it would cause extreme hardship. Furthermore, the owner of the vehicle must have received a formal warning notice from Roads and Maritime Services—or the former Roads and Traffic Authority—in respect of an earlier offence. I really cannot see how this system will work. I would be surprised if it ever happened. After all, the owner of the car did not commit the offence and is therefore not even a party to the proceedings.

What will happen from now on—and this is not in the bill because the relevant powers already exist—is an administrative way of dealing with owners who repeatedly allow their vehicles to be used by others to commit serious traffic offences. As with the current regime, if someone's car or motorbike is used by someone in a street racing offence—or, once these provisions commence, in a police pursuit or high-range speeding—Roads and Maritime Services will issue a notice informing that person that it has occurred. Owners who receive such a notice will be expected to exercise proper control in the future over the use of their vehicle or vehicles. If these offences continue to be committed by other drivers, Roads and Maritime Services will ask the owner to show cause why the vehicle should not be deregistered.

The owner may have a perfectly good answer. He or she may have been overseas at the time the offences were committed and could not have known about them or have done anything to stop them. Equally, the registration may have been deliberately put in the name of someone other than the usual driver with the intention of avoiding vehicle sanctions. I am advised that this is not an uncommon practice amongst habitual street racers. If the registered operator of a hotted-up WRX turns out to be a little old lady whose grandson uses it to commit street racing offences, the likelihood is that the registration is a sham and Roads and Maritime Services can act accordingly. If someone's vehicle registration is suspended by Roads and Maritime Services following the show cause process, it is open to him or her to appeal to a court to have the decision reversed.

The vehicle sanctions scheme will use roadside sanctions only against people driving their own cars or riding their own motorbikes. As I said before, this means that someone would not go home to find, for example,

that thanks to the driving of his or her 18-year-old son, the family car has been impounded or has had its numberplates confiscated. But that person will receive a warning notice and will be expected to exercise proper control over who uses the vehicle. If the misuse of the vehicle continues, one would have to show cause why its registration should not be cancelled. This strikes me as a fair and balanced system and I congratulate the Minister for Roads and Ports and the Minister for Police and Emergency Services on developing this scheme. I am pleased to commend the bill to the House.

Mr DAVID SHOEBRIDGE [5.54 p.m.]: The Greens support the Road Transport (General) Amendment (Vehicle Sanctions) Bill 2012. I note that it puts in place a reasonably practical approach for roadside sanctions for dangerous driving in New South Wales. I listened to and appreciated the contribution of Parliamentary Secretary the Hon. David Clarke when he noted that in most circumstances under current law when a person comes before the Local Court to seek to have the impounding of his or her vehicle overturned, that person would already have had his or her licence cancelled for three months. It is difficult to understand the basis upon which people can rationally apply to the court with regard to their personal hardship in those circumstances. I noted the Hon. David Clarke's analysis of the bill, which I think was well made.

This bill amends the Road Transport (General) Act 2005 which contains the criteria for the application of vehicle sanction schemes and powers, including the detention, wheel clamping, impounding and forfeiture of vehicles. It makes three principal changes to the Act. Schedule 1 repeals the current provisions under part 5.5, division 2, which provides for wheel clamping of vehicles, including offences relating to wheel clamps. Schedule 2 repeals the existing part 5.5, division 2, and adds a new division 2 with a number of changes. Proposed section 218 defines the conditions under which sanctions in proposed section 218A can be applied. Those conditions include when sanctionable offences have been committed, which are defined in the Act as follows: If a person is driving in contravention of a numberplate confiscation period or has failed to comply with a production notice, or if a vehicle is subject to forfeiture.

Additions to the list of sanctionable offences include high-range speeding, that is, speeding 45 kilometres an hour or more above the speed limit, and police pursuit offences—clearly very serious speeding and dangerous driving offences. Persons driving at 45 kilometres or more above the speed limit and persons engaged in police pursuits are committing inherently dangerous driving offences that not only endanger them and their passengers but, in the case of police pursuits, the police involved in the pursuits as well as other road users and people in any road-related area who could be subject to a vehicle that loses control.

Proposed section 218A adds to the sanctions that can already be imposed—the power for police immediately to confiscate numberplates. They may also issue a production notice, which means that the vehicle or numberplates—whichever is specified in the notice must be produced at the time and date specified in the notice. A series of penalties apply for failure to comply with such a notice, which I think amounts to a maximum of 30 penalty points under proposed section 218E. The power to remove and immediately confiscate numberplates is an important power to be given to police in cases where someone has been charged with one of these extraordinarily dangerous driving offences. The capacity to issue a production notice allows for circumstances detailed by the Hon. Sarah Mitchell, for example, the car might contain young children that need to be taken home, or a truck might contain some time-sensitive goods. Those kinds of circumstances would allow for the issuing of the notice, the urgent delivery to be dealt with and the driver to bring the numberplates immediately to the police station to comply with the notice. It is a sensible discretion to be given to police on our streets.

Vehicles that have their plates confiscated will have numberplate confiscation notices attached to them and they must not be driven for three months. Existing powers for confiscating vehicles have been maintained, and vehicles that are used in connection with sanctionable offences by the offending operator within five years will be subject to forfeiture under section 219. This gets to the root of the problem and will deal with it in a way that is most likely to stop reoffending behaviour. People know that their cars are at risk. That is the kind of risk they can sensibly evaluate and that is most likely to have an impact on their future behaviour, and even the behaviour of young drivers.

For the purpose of commutation or forfeiture, proposed section 219 (2) defines extreme hardship as not including financial loss or difficulty in the person the subject of the order carrying out employment or travelling to work or study. That shows that part of what is intended is a penal provision—it is intended to punish—and that must be taken into account when people are engaged in such enormously dangerous driving practices. The bill narrows the ground on which Local Courts can issue an early release of vehicle or numberplates for

hardship reasons. Under proposed section 222 (3) the Local Court must take into account the safety of the public and public interest and the extreme hardship that might be suffered by a person other than the registered operator.

I note again that the contribution of the Hon. David Clarke dealt with the reason the bill has been drafted in those terms. With respect, I accept the member's reasoning. The new section 227 exempts the Crown from any liability for confiscation of plates or vehicles which do not result in proceedings being taken, providing the seizure was in good faith. There is some modest concern about this provision. It may allow police to confiscate vehicles and not hold them in conditions that protect the vehicles. If a vehicle is impounded by police, the owner should have a reasonable expectation that police will hold it in circumstances where it is not caused further damage or injury or is open to the elements, particularly if it is held for a substantial period. I note that the exemption is only where the seizure is in good faith. The Greens have some reservation about section 227, but not to the extent that would lead us to oppose the bill. Schedule 3 amends the legislation to include a new clause in part 4, which relates to numberplate confiscation notices and changes in references in the main Act.

This bill was introduced with some fanfare by the Premier warning "hoons" of tough new laws being passed in Parliament. The Premier used language such as "speedsters" and "hoons" in introducing the bill. For all his rhetoric, I believe the bill is a modest step forward in dealing with this type of offence. It is for that reason The Greens accept the changes are reasonable and reflect the reality of police practice as it pertains to serious traffic offences. The removal of wheel clamping provisions is in response to feedback from police that wheel clamping does not work and is ineffective. When the Parliament receives advice from police that a current sanction does not work, it needs to act on that feedback. For that reason, The Greens support that change.

The removal of numberplates is a reasonable way to get the vehicles of offending drivers off the road. I would hope that process is used in most circumstances in lieu of impounding vehicles. In a prior life I acted in a number of cases for people whose vehicles had been impounded by police and held in conditions which resulted in their dramatic deterioration. In due course, that resulted in a cost to the public purse to repair the damage caused to the vehicles while impounded. It was also an aggravation and irritant for the citizens who had their vehicles impounded by the police. With an eye to practicality, the ability to confiscate numberplates on the street quickly and easily is a far cheaper option for the police and removes the problems that come with storing impounded vehicles. The option to confiscate numberplates is a sensible measure and may remove some of the aggravation caused by the impounding of vehicles under the current law.

I noted in the Government's rhetoric on this bill the mention of Skye's law, police pursuits and those who engage in police pursuits. The Greens have ongoing concerns about the current use of police pursuits, which result in a statistically high level of fatalities caused to police, drivers, passengers and bystanders. Recent reports of police pursuits include car chases being instigated because the person being followed was driving erratically. Given that a police chase is likely to increase erratic driving, thereby putting the community at risk; it is hard to justify such pursuits being engaged in by police. What starts as a minor traffic offence can escalate—often through the effects of alcohol or the police pursuit—to being a serious matter involving death to third parties, serious injury to drivers and passengers and serious injury to the police who are engaged in a needless pursuit. The Greens will continue to push for a review of the use of police car pursuits, including an examination of the actions taken to limit or restrict police car pursuits in other jurisdictions. In many cases, alternatives to car pursuits would be preferable and would reduce the risk to the community and police.

Current automatic numberplate recognition technology means in most cases it is possible for police to proceed to a person's residence to make an arrest or to ask questions regarding unsafe driving, without involving the risk of a high-speed chase. There will be circumstances where police pursuit is necessary, such as an issue of public order or the urgent pursuit of an armed or dangerous offender. But the Parliament should do all it can to limit the cases of minor speeding or traffic offences—or even a drink-driving offence—turning into the far more dangerous situation of a hotly contested police pursuit endangering drivers, police, passengers and bystanders. This bill does not address that issue. To the extent that this bill discourages police chases and puts in place a workable regime, The Greens support it.

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [6.04 p.m.], in reply: I thank all honourable members for their contribution to debate on the Road Transport (General) Amendment (Vehicle Sanctions) Bill 2012. The issues addressed in this legislation are serious. Driving a vehicle is a privilege that must be taken seriously. The penalties in this bill are direct and immediate for those who commit serious driving offences: Street racers, those

who engage in police pursuits and drivers who exceed the speed limit by more than 45 kilometres an hour will face the loss of their vehicle or numberplates. A number of issues were raised by members. I thank all those who participated in the debate. This is the first time in the House where all members have agreed with policing legislation. I hope that it starts a trend. I am pleased with the positive responses from those opposite encouraging the Government to do more in this area.

The Hon. Matthew Mason-Cox: The Hon. Sophie Cotsis.

The Hon. MICHAEL GALLACHER: Yes, the member is in the Chamber.

The Hon. Sophie Cotsis: I did not say anything.

The Hon. MICHAEL GALLACHER: That is a rare day. How does the new scheme differ from the current one? The main changes proposed in the bill are: including police pursuits and high-range speeding as offences for which vehicle sanctions will be imposed; removing vehicle wheel clamping as a sanction because it was not successful; and creating numberplate confiscation as an alternative to wheel clamping. The Hon. Amanda Fazio, in her contribution to debate, referred to clamping in clearways. I can assure the member that clamping in clearways did not take place. Clamping took place outside of people's homes. The problem was that offenders could elect where their vehicle would be clamped, so long as it was not on a clearway or expressway. Often offenders would choose to have their vehicle clamped not outside their home but outside the home of a neighbour or nearby. The vehicle could be clamped in that location for a few months—particularly if the owner was inclined to sell parts off the vehicle—and the neighbours in the surrounding area were not pleased. I can allay any concerns of the Hon. Amanda Fazio about the approach previously employed by police in that regard.

The Hon. Steve Whan raised the issue of numberplate theft in relation to vehicles that had their numberplates confiscated. The bill provides a number of new offences in that regard but it is important to note that, unfortunately, there is a great deal of numberplate theft. Who would have thought that numberplate theft would become a significant issue? In the past 10 years, stolen numberplates have become a significant issue, primarily because of the increased price of petrol. The Police Force and other agencies, including the former Roads and Traffic Authority, have looked at the use of screws which make it difficult to remove numberplates. The Hon. Steve Whan has raised an important point. The major prevention strategy in this regard is the further rollout of automatic numberplate recognition, which makes it easier for police to enforce compliance with vehicle registration and to uncover stolen vehicles.

Automatic numberplate recognition technology is employed inside a police vehicle. Its capability to check a number of vehicle numberplates in a second is phenomenal and is far quicker than the human eye. As a highway patrol car travels along a road or when it is parked, the technology scans the numberplates of approaching and departing vehicles and the computer registers whether the vehicle is stolen or connected to a crime or whether the driver has a history of violence. As an occupational health and safety tool for police and as a law enforcement tool, it is a fantastic investment.

I thank my staff for reminding me that this technology is able to photograph and register the numberplates of six vehicles a second. It can check those registrations against computer records, giving an instantaneous feedback to the patrolling police. This is one of the tools of the future that we are giving police. It is great for law enforcement. I am particularly attracted to automatic numberplate recognition technology because it makes the work of cops safer. Crooks know what they will do if a police officer approaches their vehicle, but the police may not know whether the driver is the registered owner of the vehicle, or that he or she has a history of violence or a history in connection with the car. This technology gives police the vehicle's history and antecedents of the registered owner.

Some provisions of the bill relate to removing, tampering with, altering or modifying a numberplate or confiscation notice on the vehicle, operating a vehicle that is the subject of a numberplate confiscation sanction, and driving a vehicle with a numberplate that is not issued by Roads and Maritime Services for that specific vehicle. Those are important measures to which the member alluded, not just in terms of stolen vehicles but also the use of fraudulent numberplates affixed to a car. There are provisions relating to driving a vehicle displaying an altered numberplate, or representation of a numberplate, or anything likely to be mistaken for a numberplate.

The Hon. Amanda Fazio raised a point about a misconception regarding placing a "traffic" sign on a numberplate. I checked my understanding of this with the Roads and Maritime Services officers who were

present. They confirm that there is a misconception among motorists that if they place over a numberplate a piece of cardboard or paper with "traffic" written on it, somehow that provides protection to the driver if the vehicle is not registered. There is absolutely no protection or cover provided by such a sign. It is not recognised at law or by Roads and Maritime Services, the Roads and Traffic Authority or the NSW Police Force. For some reason, motorists have thought that if they want to take an unregistered car from point A to point B putting "traffic" over the rear numberplate provides some coverage.

The example given by the Hon. Amanda Fazio was of someone trying to hide their identity by putting "traffic" over the numberplate. That is an offence. If the vehicle is used to harass cyclists and dangerous driving puts a cyclist at risk, there would be far more serious consequences for the offender. It is important that motorists realise that simply putting "traffic" over the rear numberplate does not provide legality for a person driving that vehicle on the road. I understand motorists can take their vehicle from their home to the nearest inspection point—not their favoured one which happens to be at Tweed Heads because the repairer at Tweed Heads does a great job at a competitive rate.

Mr David Shoebridge: There is a great one at Mallacoota.

The Hon. MICHAEL GALLACHER: If you want to continue making admissions, that's fine! There will be those who chance their arm to avoid detection, but a number of provisions in the bill address those actions. We have listened to the advice of Roads and Maritime Services and the NSW Police Force about weaknesses in the existing legislation. Mr David Shoebridge expressed a number of concerns about pursuits. In his concluding comments he expressed his view and that of The Greens regarding pursuits involving minor speeding or drink-driving offences. I fail to see how police would know a drink-driving offence is involved. Obviously, if a person's manner of driving attracts the attention of police, police will attempt to pull the driver over because the vehicle is not being driven in a safe manner. Where they do so, and the driver puts the foot down and takes off, I cannot envisage the driver being allowed to continue driving, irrespective of whether police had the numberplate or not.

Mr David Shoebridge: You can get them later.

The Hon. MICHAEL GALLACHER: The member says, "You can get them later." My concern is that we may not get them later. Sometimes these people are involved in fatal motor vehicle accidents even after the pursuit has been called off. We have arguably the best form of community protection in relation to police pursuits compared with the protections that are in place in many other jurisdictions. The arbiter in a police pursuit is not the police officer involved in the pursuit; it is the duty operations inspector, who can be some distance away, possibly hundreds of kilometres, in a room where radio operators have been listening to the pursuit from its commencement. A series of questions are asked of the pursuit driver. The first question asked is whether the pursuit is by a highway patrol car and whether the driver has been skilled to a higher level of driving. Questions will be asked about the type of vehicle pursuing. The operators go through a checklist. Quite significantly, a number of pursuits are called off.

An event that occurred on Sunday afternoon last is an example of our system working well. I will not go into the details, or the end result, but the pursuit started at Penrith and got to Parramatta. Because of the manner in which the pursued vehicle was being driven, police called off the pursuit. Fortuitously, Polair took up the pursuit from the air—as we would want to occur. Polair watched the vehicle as it made its way to Parramatta. That does happen, not always with Polair. Pursuits are sometimes called off, but we do not hear about those. The member asked me, through the formal questioning process, a number of questions about pursuits. The good news, which I am sure he will be happy with, is that since 2004-05 there has been a continuing reduction in the number of pursuits taking place in New South Wales. The member will have those figures very shortly. I have had a good look at them.

As Minister for Police and Emergency Services, I am encouraged by the number of drop-offs that are occurring in virtually every aspect of pursuits. The figures are encouraging. There is a continuing downward trend in the number of people injured in pursuits. One is too many, but there is a perception in the general armchair world that pursuits are out of control and the number of people being injured and the number of fatalities are skyrocketing. To give the member a snapshot: in 2004-05 a total of 77 people were injured; in 2010-11 the number was 42. That is a significant and fantastic reduction. In 2004-05 there were about 2,145 pursuits, and in 2010-11 the number had reduced to 1,652, a significant reduction. Every year the number continues to fall.

Mr David Shoebridge: Five a day.

The Hon. MICHAEL GALLACHER: The member says it is five a day. When we debate pursuits later, we will talk about what constitutes pursuit numbers. Many pursuits are called off. Many pursuits last for a matter of seconds or minutes before they are called off or the pursued vehicle is stopped. Unfortunately, we do not get enough of that information to recognise the value of the very good training that takes place in New South Wales.

But there is always room for improvement. I also am advised that 69 per cent of pursuits are either finalised or called off within two minutes. These statistics have been compiled because this debate has been going on since before I first became interested in the area of pursuits and a significant body of work has been undertaken. It is important to recognise that the New South Wales Police Force has responded over many years to many of these concerns, working with the Coroner, the Ombudsman, the Parliament and the road safety people within Roads and Maritime Services. The Police Force has even worked with those in this Parliament who have been concerned about these issues, and it will continue to do so.

In conclusion, I thank Roads and Maritime Services and the Ministry for Police and Emergency Services for their hard work over a number of months to bring this legislation to Parliament. In particular I thank Ms Parkins, who has worked on issues, including Skye's Law, for several years. It is a testament to her hard work and I thank her for that. I remember standing by the side of the Great Western Highway at the place where Mr and Mrs Howle were killed a number of years ago. I was there a day or so after the accident. It is a stretch of road that I am very familiar with—a straight road down a slight hill towards the St Marys Band Club. To hear the circumstances behind this elderly couple's tragic death was heartbreaking and to see the flowers adorning the side of the road really drove home the futility and stupidity of illegal street racing.

As I said in the lead-up to Skye's Law, and as I have said for a number of years before that, illegal street racing is, of course, a very stupid act, but we still had this anomaly in the legislation whereby two people travelling down the Great Western Highway at 100 kilometres an hour engaging in illegal street racing would have been subjected to these sanctions under the previous legislation. However, one car on its own travelling down the Great Western Highway through St Marys, not street racing but travelling at 150 kilometres an hour under the previous legislation would not have been subjected to the sanctions. This legislation tidies that up and puts in place a common playing field across those driving offences, which all members in this House would regard as totally unacceptable. All members have indicated that they will support the legislation. It will be well received by the New South Wales Police Force and, more importantly, it will be well received by the community, which is looking for common sense approaches to solving the problems on our roads. I thank members for their contributions.

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. 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.

BUSINESS OF THE HOUSE

Postponement of Business

Government Business Order of the Day No. 4 postponed on motion by the Hon. Matthew Mason-Cox.

LOCAL GOVERNMENT AMENDMENT BILL 2011

Second Reading

The Hon. MATTHEW MASON-COX (Parliamentary Secretary) [6.24 p.m.], on behalf of the Hon. Greg Pearce: I move:

That this bill be now read a second time.

I am pleased to introduce the Local Government Amendment Bill 2011. The bill fulfils the Government's ongoing commitment to improving efficiency and effectiveness in local government. Both the Government and the local government sector agree that there is a need to reshape the structure, governance and financing arrangements and the functions and capacity of the local government sector to enable councils to serve their communities better in a challenging and rapidly changing environment. This legislation was unanimously endorsed recently at the historic Destination 2036 conference attended by the leaders of all 152 local councils in the State.

The proposals in the bill contribute to creating favourable conditions for councils to engage in structural reform to achieve a strong and sustainable local government sector now and in the future. The proposals will benefit councils and ratepayers by facilitating improvements in the effectiveness of local government generally. The proposals reduce the period of the employment protections provisions for council staff following amalgamations of councils; return to councils their body corporate status; introduce caretaker provisions to regulate council decision-making before ordinary elections; and extend the maximum term of the lease or licence of community land from 21 years to 30 years. They clarify provisions relating to pecuniary interests and provide pecuniary interest exemptions in relation to the adoption of standard local environmental plans. I seek leave to incorporate the balance of the second reading speech in *Hansard*.

Leave granted.

I now turn to the detail of the Local Government Act amendments.

The first proposal is designed to address concerns expressed by councils that the present special arrangements that exist for non-senior staff of councils affected by the constitution, amalgamation or alteration of council areas represent a disincentive for councils to engage in structural reform through voluntary amalgamations and other shared services arrangements.

The present employment protection provisions in the Act effectively prohibit councils from changing or appropriately adjusting their staff structures for a period of three years where staff transfers occur as a result of an amalgamation or boundary alteration. The bill proposes the reduction in that period from three years to one year.

Historically, the old Local Government Act 1919 in section 20C prescribed a three-year period for employment protections for council staff that were transferred. However, under the less prescriptive 1993 Local Government Act a broader approach was taken.

The second reading speech of 27 November 1992 explained that the provisions for the division of assets and liabilities after council areas had been altered, and the consequent transfer of staff were not continued. At page 10412 of *Hansard* Mr Peacocke, Minister for Local Government, and Minister for Cooperatives, noted:

> In future such matters will be left for the relevant councils to negotiate according to modern management principles. Agreements reached on assets, liabilities and staff will be able to be given binding legal effect by proclamations, if desired.

As a result, section 20C of the old 1919 Act was not re-enacted in the 1993 Act. Instead provision was made for a proclamation of the Governor for the purposes of constituting areas to make such provisions as are necessary and convenient for the transfer of staff under section 213.

This section clearly leaves considerable power for the Minister to direct the reallocation of resources, including employees, following the constitution of a local government area.

This legislative regime had been successfully in operation for 10 years until 2004 when the then Labor Government amended the Act to insert a new part 6 into chapter 11 entitled "Arrangements for council staff affected by the constitution, amalgamation or alteration of council areas".

The amendments in part 6 prohibit councils from changing their staff structures where staff transfers occur as a result of an amalgamation or boundary alteration. In particular, section 354F prohibits councils from reducing their staff numbers for a period of three years. The employment provisions apply to all affected non-senior staff of a council, that is, transferred staff, existing staff of a transferor council and remaining staff of a transferor council.

Since the insertion of part 6 into the Act, those councils which underwent amalgamations for the purpose of improving their efficiencies and providing better services to their ratepayers expressed concerns that achieving any form of savings proved to be difficult because they were forced to carry the work forces of two or more councils without any extra resources.

As I mentioned earlier, more recently councils expressed concerns that the employment provisions in part 6 represent a disincentive for councils to engage in a local government structural reform through voluntary amalgamations and other shared services arrangements.

It is considered that the employment protection provisions in the current Act are overly prescriptive and fetter the ability of councils to have full control over the transfer of assets and staff where a restructure occurs due to amalgamation or reconstitution of local government areas.

It is further considered that the provisions represent a departure from modern management principles and limit a council's ability to determine its organisational structure in accordance with its workforce management plan—section 403 (2) of the Act—which forms an integral part of the new Integrated Planning and Reporting Framework for councils.

Also, the provisions provide council employees affected by amalgamation or reconstitution of local government areas a level of employment protection not afforded to employees in other industries.

Finally, the power to ensure the protections listed in part 6, chapter 11 already lies with the Minister by virtue of section 213 of the Act. That section gives the Minister the power to make provision for the transfer of employees by proclamation.

The bill addresses all of the abovementioned concerns by reducing the period of employment protection provisions from three years to one year. The period of one year will achieve the balance between the industrial rights of council non-senior staff and the ability of councils to shape their structures to enhance and streamline their management and operational processes.

The second proposal in the bill will return councils their legal status as bodies corporate.

The proposal was requested by the Local Government and Shires Associations of New South Wales [LGSA] as part of their NSW Election Priorities 2011. In response to that request I have given a commitment to the local government industry to consider reversing the legal status of councils from a body politic of the State to a body corporate.

In developing the proposal, the Division of Local Government consulted with NSW Industrial Relations.

By way of background, the Local Government Act was amended by the Local Government Amendment (Legal Status) Act 2008 in November 2008. The effect of the amendment was that the legal status of general purpose and county councils changed from a "body corporate" to a "body politic of the State".

The amendment was necessary to address the uncertainty as to whether or not local councils met the definition of a constitutional corporation, which is a financial or trading corporation, within the meaning of section 51 (xx) of the Australian Constitution.

That definition relies on the sources of income for each individual council and whether that income is the result of trading activity or from other forms of revenue.

The established approach of courts and tribunals was that questions of this nature are issues of fact, so that whether a particular council was a constitutional corporation or otherwise would be contingent on the particular activities of that council.

This uncertainty was made more acute by the operation of the Commonwealth Workplace Relations Act 1996 as amended by the Work Choices legislation. The issue for local councils and their employees was therefore a question of whether they were in the Commonwealth or New South Wales industrial relations systems.

The amendment removed the uncertainty by changing the legal status of general purpose councils and county councils in section 220 of the Act from a "body corporate" to a "body politic of the State with the legal capacity and powers of an individual".

This amendment ensured that councils could not be characterised as constitutional corporations for the purposes of section 51 (xx) of the Australian Constitution and therefore could not be regarded as employers for the purpose of the Commonwealth Workplace Relations Act.

The amendment also ensured that local government employees stayed within the New South Wales industrial relations system.

In late 2009, the Federal Government made significant changes to its industrial relations laws. As a result, the Commonwealth Fair Work Act 2009 was enacted.

Following negotiations between the State and Federal governments in relation to the industrial coverage of private and public sector employers, the Federal Government recognised that certain entities are integral to State, Territory or local government administration and agreed that the employment relationships of these entities may be appropriately regulated by States and Territories.

Accordingly, the Fair Work Act provides that a State may declare that particular bodies that are established either for a public purpose or for a local government purpose that might otherwise be caught by the national system are not national system employers. Any such declaration, however, is only effective if endorsed by the Commonwealth Minister.

In December 2009 all councils in New South Wales and a number of specified council formed entities were declared as non-national system employers for the purpose of the Fair Work Act.

The effect of the Declaration of Exclusion is that all councils are covered by the New South Wales State industrial relations jurisdiction.

As I mentioned earlier, the proposal was requested by the Local Governments and Shires Associations.

The Local Governments and Shires Associations is of the view that the status of councils as a "body politic of the State" negatively impacted on certain councils' activities. For example, according to the Local Governments and Shires Associations, councils experienced difficulty in obtaining federal funding for trainees and apprentices because the funding was only available to corporations and not individuals.

Also the Local Governments and Shires Associations asserts that councils reported being excluded from tendering for construction work on Australian government-funded projects because they did not have a federal industrial instrument and were therefore unable to comply with the National Code of Practice for the Building and Construction Industry and the associated implementation guidelines.

The Local Governments and Shires Associations also stated that it had received legal advice identifying potential problems for councils in relation to taxation arising from the different treatment of corporations and individuals under federal taxation law.

The Local Governments and Shires Associations noted that notwithstanding, the fact that councils are currently characterised as "bodies politic of the State", councils are nonetheless bound by some of the general protection provisions of the Commonwealth Fair Work Act 2009.

In conclusion, the Local Governments and Shires Associations stated:

> As the industry focuses on the future by planning for inevitable change in a holistic and strategic way, it is necessary to create an environment that ... encourages a new way of working within councils, between councils and their communities. As local government in NSW considers improving service delivery through resource sharing it is therefore, apparent that there will also be a commercial need for councils to be once again characterised as bodies corporate.

The present position of the Local Governments and Shires Associations is that in light of the express exclusion of local government from the Commonwealth industrial relations system by the Commonwealth legislation, the legal status of councils can now be restored to bodies corporate without impacting upon whether councils belong to the State or Federal industrial relations systems.

It is therefore proposed to amend the Act to provide that councils are bodies corporate.

The third proposal in the bill will amend the Act to enable regulations to be made that prevent councils from making major or controversial decisions during an election period that would bind an incoming council.

Recurring and significant problems are claims of inappropriate council decision making during the period leading up to council ordinary elections every four years.

The current Act does not provide for nor compel councils in New South Wales to observe a caretaker convention. However, prior to each local government election in 2004 and 2008 the Division of Local Government issued a circular to councils advising them that they were expected to assume a "caretaker" role during election periods as an accepted practice of responsible government.

The circulars emphasised that during caretaker periods councils should exercise due caution in making major policy decisions, including:

- determining controversial or significant development applications;
- new or potentially controversial permanent appointments of general managers;
- entering into major contracts or undertakings.

While councils are expected to consider and comply with circulars issued by the Division of Local Government and to ensure that major decisions were not made which would limit the actions of an incoming council, in the weeks leading up to the 2004 and 2008 ordinary elections the division received strong expressions of concern from the community regarding some councils' actions. These included controversial developments being fast tracked to avoid election deadlines, use by councillors of council resources such as the inappropriate use of council motor vehicles and secretarial services and the use of council employees for the distribution of how-to-vote material at polling places and other matters.

In Victoria, councils are required by Act to observe special caretaker arrangements during the period leading up to local government elections. Queensland has also introduced similar arrangements in the Queensland Local Government Act 2009 following review of local government electoral procedure.

It is proposed to amend the Act to introduce a regulation making power to list those matters that should not be determined by councils during a caretaker period that would commence four weeks, after further consultation, before their ordinary elections every four years. The matters will include the following:

- entering into a contract that exceeds a certain value, for example a value of $150,000 or 1 per cent of the council's revenue from rates in the preceding financial year, whichever is greater;
- making major decisions such as the employment of a permanent general manager or the determination of controversial or significant developments;
- publishing electoral matter unless it only contains information about the electoral process.

The proposed amendments will prevent a council from making major or controversial decisions during an election period that would bind an incoming council. They will also ensure transparency and accountability in decision-making during election periods and improve community confidence in councils.

The fourth proposal in the bill will change the Act to make the voting system in a contested election optional preferential where one councillor is to be elected and proportional representation where two or more councillors are to be elected.

Under the Act, a council must have at least five and not more than 15 councillors, one of whom is the mayor.

Currently, the system for counting votes in a contested election of a councillor or councillors for a ward or undivided area is to be optional preferential if the number of councillors to be elected is one or two, or proportional representation if the number to be elected is three or more—section 285. The system for election of a popularly elected mayor is optional preferential—section 284.

Of the councils that are divided into wards, 10 of those have less than three councillors per ward—all 10 having two councillors per ward.

This means that two voting systems currently apply in New South Wales for election of councillors in multi-vacancy electorates. The proportional representation system applies to 142 councils while the Optional Preferential system applies to the remaining 10.

Under the optional preferential system, to be elected, a candidate requires a majority—50 per cent plus one—of the formal votes in the count. If no candidate receives more than half of the first preference votes, a process of distributing votes takes place where one by one the candidate with the fewest votes is eliminated and those ballot papers are distributed to the remaining candidates according to the next preference shown on each ballot paper.

This process of elimination continues until one candidate has a majority of the votes. The method of counting votes under the optional preferential system is set out in schedule 4 to the Local Government (General) Regulation.

Under the proportional representation system, candidates need to obtain a quota to be elected. The quota is determined by dividing the total number of preference votes by one more than the number of candidates to be elected, and increasing the quotient by one.

Votes above the quota—surplus votes—may be transferred to other candidates according to the next preference shown on each ballot paper. If at any stage of the count there are no more surplus votes to transfer but not all councillors have been elected, the candidates with the fewest votes are eliminated and the ballot papers are distributed to the remaining candidates according to the next preference shown on each ballot paper.

This process continues until all councillors have been elected. The method of counting votes under the proportional representation system is set out in schedule 5 to the Local Government (General) Regulation.

The optional preferential system is generally used across all levels of government in single-member electorates because this voting system is not designed to allocate seats or offices in proportion to the overall number of votes obtained by the candidates.

For this reason, the proportional representation system is generally used in multi-member electorates, and because this system does not require candidates to achieve vote majorities in order to be elected. It allocates seats or offices in proportion to votes won.

The use of the optional preferential system in multi-vacancy elections in conjunction with group voting is generally viewed as being unfair. For example, where the number one candidate on a group ticket receives an absolute majority and is elected, then following distribution of preferences the number two candidate on that group ticket is invariably elected at the expense of candidates who may have received a significant number of the first preference votes.

The proportional representation system is used in the multi-member electorates for the New South Wales Legislative Council and the Australian Senate while the Optional Preferential system is used in the single member electorates for the New South Wales Legislative Assembly and the Australian House of Representatives.

The voting systems for local government in other Australian States is similarly configured, Queensland being the exception with a simple majority voting system applicable in multi-vacancy electorates.

The poportional representation system is generally acknowledged as the fairest system for use in multi-vacancy electorates in that each section of the community receives representations according to its electoral strength. That is, the majority rules but substantial minorities are still represented in proportion to the number of votes cast for them.

In addition, the proposal ensures consistency in systems for counting of votes across all council areas.

This proposal was included in the Local Government Amendment (Elections) Bill 2008 which was introduced in the Legislative Assembly on 4 April 2008. At that time this proposal was supported by members of the Coalition in both Houses of Parliament.

During debate of that bill in the Legislative Assembly on 8 April 2008 Mr Chris Hartcher, member for Terrigal, said of this proposal:

> It is important that if there is to be a proportional representation system that that system be consistent with other voting systems. Therefore, bringing local government elections into line with Legislative Council elections is to be supported, if that is the effect of the legislation.

The bill was then introduced to the Legislative Council on 9 April 2008 where the Hon. Don Harwin, MLC, said:

> I certainly welcome a number of specific changes in the bill, particularly the fact that councils which are divided into wards and which have only two councillors per ward will have proportional voting. That is appropriate, as I am on the record as saying previously.

However, the bill was subsequently withdrawn as a number of amendments unrelated to this proposal were made to the bill in the Legislative Council and were unacceptable to the former Government.

This bill will amend the Act to make the voting system in a contested election optional preferential where only one councillor is to be elected, instead of one or two councillors, and proportional representation where two or more councillors are to be elected, instead of three or more councillors.

The fifth proposal in the bill will extend from 21 years to 30 years the maximum period for which a council may grant a lease or licence in respect of community land.

The Local Government Act 1993 requires all public land held by councils to be classified as either operational or community land.

Operational land generally includes land occupied by council offices, works depots, many car parks, et cetera, being mainly land used by the council in the practical provision of local government services within its area. The Act imposes minimal controls over the management, use or disposal of operational land by councils.

Community land includes parks, playgrounds and other land, formerly identified as public reserves and drainage reserves, being land intended to be preserved and used to meet the recreational, cultural, health, social, welfare, and similar needs of the community or for the general enjoyment of the public.

The Act prohibits the sale or exchange of community land and puts in place a system for the control and management of community land by councils and provides for public participation in that management process.

For example, the current maximum period under the Act for which councils can grant a lease or licence over community land is 21 years. This limits a council's power to alienate community land to 21 years.

The Act also recognises the need for leases or licences of community land to be granted for public purposes on a privately operated commercial basis in appropriate circumstances and subject to compliance with the tendering provisions—section 46A.

Before resolving to grant a lease for a term longer than five years, a council must comply with the following requirements of the Act:

- give public notice of the proposal
- include specified information in the notice
- accept written submissions during a 42-day submission period
- consider all written submissions received during that period.

If a submission in the form of an objection is received during the submission period, then the Act prohibits a council from granting the lease without the approval of the Minister for Local Government.

Eleven councils in the Hunter area, represented by Hunter Councils Inc., expressed concerns that particularly for leases of community land for commercial purposes, a longer period of up to 30 years is desirable.

In support of its proposal, Hunter Councils Inc. submitted that:

> Increasingly, this [21 years] limitation is standing in the way of effective utilisation of the lands in question because of the commercial constraints such a period of time imposes. The proposed amendment will facilitate access to loans with an industry standard 30 year timeframe while at the same time preserving accounting and reporting regimes that ensure that councils are paying due regard to aspects of probity and assessment.

Wyong Shire Council also expressed support for the proposal to extend the maximum period for granting a lease or licence of community land to 30 years. The council submitted that the proposal would provide flexibility to councils, lessees and the community when considering the use of community land.

The Local Government and Shires Associations of New South Wales also support the proposal.

It is considered that the extended term of lease may strengthen the commerciality of a leaseholder by giving a longer period to amortise a loan and therefore provide them improved circumstances in sourcing loan options.

It is also considered that from a council perspective a 30-year lease or licence may allow a greater period of amortisation for capital expenditure. This in turn may encourage councils to maximise their capital expenditure on community land.

However, the Act recognises that classification as community land reflects the importance of the land to the community because of its use or special features.

The proposal in this bill therefore provides that a council may apply to the Minister for approval to grant a lease, licence or other estate in community land for a period from 21 to 30 years subject to the Minister being satisfied that the council has:

- met all requirements applicable to the granting of leases or licences over community land for a term not exceeding 21 years, that is, public consultation, consideration of submissions and other matters; and

- demonstrated that special circumstances exist to grant such approval.

The matters that may constitute special circumstances would include the need to secure finance or a need to have a longer period of the lease to receive a return on capital expenditure on the part of a proposed leaseholder or other matters.

The sixth proposal in the bill seeks to address the unintended consequence that flows following the introduction of misbehaviour provisions a number of years ago.

The Act prescribes a number of circumstances where a vacancy occurs in a civic office of a councillor.

One of those circumstances arises when a councillor is absent from three consecutive ordinary council meetings without the prior leave of the council.

However, if a councillor's absence occurs as a result of them being suspended from civic office by the Local Government Pecuniary Interest and Disciplinary Tribunal for a pecuniary interest breach under section 482, their civic office does not become vacant.

Section 482 prescribes the sanctions that can be imposed by the tribunal in relation to pecuniary interest matters and includes the power to suspend a councillor from civic office for up to six months where it finds a pecuniary interest complaint against the councillor proved.

Section 482A prescribes the sanctions that can be imposed by the tribunal in relation to misbehaviour matters and also includes the power to suspend a councillor from civic office for up to six months where it finds a misbehaviour complaint against the councillor proved.

However, the Act does not provide for an exemption similar to the one referred to above in relation to a civic office of a councillor suspended by the tribunal for misbehaviour.

To ensure consistency and to correct the unintended consequence, the bill proposes to amend the Act to provide that where a councillor's absence from three consecutive ordinary meetings is caused by suspension for misbehaviour, the councillor's civic office does not become vacant.

In the absence of this provision, should the tribunal suspend a councillor for misbehaviour for three months of more, the councillor would automatically lose their seat and a by election would be necessary unless it occurred 18 months prior to a general election.

The seventh proposal in this bill is aimed at clarifying that the exemptions in the Act allowing councillors and designated persons not to disclose their pecuniary interest in strictly defined circumstances cannot be relied upon where they have non-pecuniary conflicts of interests.

The Act provides that councillors and designated persons must disclose their pecuniary interests in any matter before council. However, section 448 of the Act contains a number of exemptions to that requirement.

For example, a councillor does not need to disclose their interest as an elector, a ratepayer, a member of a club unless that councillor is an office holder and has other interests.

Apart from pecuniary interests, councillors, council staff and designated persons may have conflicts of non-pecuniary interests. These are managed by the Model Code of Conduct.

The model code provides that a conflict of interests exists where a reasonable and informed person would perceive that a councillor could be influenced by a private interest when carrying out their public duty. The model code is prescribed by the Act.

An example is where a councillor is a member of a club which has a multimillion dollar development application before the council. As a member of the club the councillor could rely on section 448 (e) of the Act and not disclose the interest in so far as it constitutes a pecuniary interest.

This is because section 448 (e) provides that an interest as a member of a club or other organisation or association does not have to be disclosed by a councillor, unless the interest is as the holder of an office of the club or organisation, whether remunerated or not.

However, for the purposes of the Model Code of Conduct, this interest may also constitute a conflict of non-pecuniary interests so that a reasonable and informed person may perceive that the councillor may be influenced by that interest in making their decision on the club's development application.

On one view, section 448 may be interpreted to mean that councillors regardless of the nature of their interests, that is, pecuniary interest or a conflict of non-pecuniary interests, can rely on it and not disclose their interests.

This has never been intended. In the interest of open and transparent governance, these types of interests should be disclosed and managed in accordance with the provisions of the Model Code of Conduct.

To correct this unintended consequence this proposal will put it beyond doubt that section 448 exemptions may only be invoked by councillors where councillors have pecuniary interests.

The final proposal in this bill will greatly assist councils in implementing their area-wide standardised local environmental plans.

Honourable members would be aware that amendments to planning legislation introduced by the Government in 2006 required all councils to implement a standardised local environmental plan for their local government areas in accordance with the Standard Instrument under the Environmental Planning and Assessment Act 1979.

As part of this process, councils are required to accommodate future residential and employment growth within their local government areas.

As at 31 July 2011, 126 of the 152 general purpose councils in New South Wales have yet to have their local government area-wide standardised instrument local environmental plans made.

Transferring a council's existing planning controls into the standardised instrument format is likely to result in some changes to the development potential of land throughout its local government area.

Consequently, many councillors in New South Wales have a pecuniary interest, in terms of the Local Government Act, in the preparation of a standardised instrument local environmental plans for their local government areas.

The Act requires a councillor or member of a council committee, such as a staff member, to orally declare a pecuniary interest arising in a matter before a meeting of the councillor committee and to not be present at the meeting at any time when the matter is being considered, discussed or voted on.

This, in turn, leads to many councils being unable to form or maintain a quorum to discuss and vote on their standard instrument local environmental plans.

Where such situations arise the Act recognises that in certain circumstances the interests of the electors of a local government area prevail over the requirement for councillors with pecuniary interests to leave the room and not even remain in sight of the meeting.

This is reflected in section 458 of the Act which authorises the Minister for Local Government to allow a councillor or a member of a council committee to participate in the discussion of, or vote on, a matter before the councillor committee despite having a pecuniary interest in the matter.

In order to grant such a dispensation, the Minister must be satisfied that either the council cannot form a quorum without the dispensation or that it is in the public interest of the electors for the area that the dispensation be granted.

In every case there must be a separate application by each councillor which precisely identifies that councillor's pecuniary interest or interests in the matter.

A councillor's pecuniary interest in a matter is defined in the Act as not only the pecuniary interests of the councillor but also the pecuniary interests of related persons, such as a spouse, de facto partner, relatives and employer.

The need to obtain such dispensations is causing significant delays to the implementation of standardised instrument local environmental plans across New South Wales.

Not only may pecuniary interests arise and be identified at the outset of the implementation process, they may also arise and be identified during the course of the process, for example, by reason of a proposed amendment to a draft standardised instrument local environmental plan.

In each case, where the pecuniary interests of the councillors are such that the council is unable to form or maintain a quorum, the process may not be commenced or continued until new applications have been prepared and dispensations granted.

For the above reasons, this final proposal in the bill will allow councillors to be present and take part in a meeting and vote on a matter in which they have a pecuniary interest if the matter relates to the making, amendment or alteration of a local environmental plan that applies to either an entire local government area or a significant part of it.

However, a level of transparency and accountability will be retained by requiring councillors to disclose an interest in the local environmental plan where one exists. To this end, the bill proposes that the regulations be amended to prescribe a form and content of disclosure by councillors. The usual penalties for a failure to disclose such an interest will apply.

Finally I note that the Division of Local Government has consulted with the Department of Planning and Infrastructure regarding the proposed amendments. The Department is supportive of the proposed approach and considers that the amendment should progress urgently to enable the standard instrument local environmental plan program to proceed without delay.

In closing, I reinforce that the Government looks forward to local councils embracing these changes to the Act to continue the improvements in delivering quality services to their communities in a sustainable manner.

I commend the bill to the House.

The Hon. SOPHIE COTSIS [6.26 p.m.]: I lead for the New South Wales Labor Opposition on the Local Government Amendment Bill 2011. New South Wales Labor is strongly opposed to a number of

provisions in the bill that affect employee protections and pecuniary interest and corporatise councils. At the outset, I foreshadow that the Opposition will be moving amendments. Not everything in this bill is bad; it has some sensible provisions that we will support.

I acknowledge the many stakeholders and individuals who care passionately about their local communities. Those people include the many hardworking and dedicated local government employees who deliver more than 150 different services to local communities. During my visits to councils over the past eight or nine months I have been very proud to see our hardworking local government employees deliver services such as child care, road maintenance and engineering works. I have visited many local government depots and I have spoken to people who work in events, personnel and administration, and people who work in libraries. They are among the thousands of employees who work in local government.

I take this opportunity to acknowledge all those dedicated local government employees who have been working very long hours in extraordinary conditions during the recent floods. I note that everyone in the House joins me in that acknowledgement. I have spoken to a number of those local government employees and they have told me how they have been working back-to-back, 18 to 20 hours, alongside State Emergency Service personnel. A lot of cleaning up is still going on. I attended the Australian Local Government Women's Association conference in Dubbo from Thursday to Saturday and I spoke to a number of councillors from Lockhart Shire Council. That area has just experienced its second flood in 18 months. They told me how the whole community, especially local government workers and the State Emergency Service, worked very hard to save as much as they could. I was shown photographs, and I know some members in the Chamber today have visited the area and have seen what I was shown. The ratepayers that I met at local community events and our local civic leaders who are passionate and care about the services are exceptional local community advocates.

I also acknowledge some important people who represent close to 55,000 local government employees. The United Services Union represents these local government workers and its head, Mr Graeme Kelly, has passion and vision for local government. He cares about the economic future of local communities and is a strong advocate for investment in local infrastructure. For a numbers of years he has also been a strong advocate of ensuring that there are opportunities for young people to work in local government, especially through accessing apprenticeships and traineeships.

[*The Deputy-President (The Hon. Paul Green) left the chair at 6.30 p.m. The House resumed at 8.00 p.m.*]

The Hon. SOPHIE COTSIS [8.00 p.m.]: I also acknowledge the expertise of the Local Government and Shires Associations and particularly its industrial relations department. I also thank Minister Page's office for providing me with a brief in October. This bill sets out to make changes in our State's local government sector without any direction of purpose. When it was introduced in October 2011 we were in the middle of the destination review process and the Government had made a number of announcements regarding reviews. Then all of a sudden the Government introduced this bill which has a number of different provisions that will affect protections for employees and begin the corporatisation of local government. This bill includes some sensible changes but not enough consideration has been given to the unintended consequences of some of these provisions if they are passed by the House.

As is becoming the style of the O'Farrell Government, the bill seeks to make these changes without any clear evidence or statistics, without a proper consultation process and without any strategic vision or long-term plan. Unfortunately, like many of the O'Farrell Government's other actions, this bill contains another attack on New South Wales workers. This Government has no vision. All it does is attack workers. Today the retail workers have been attacked. Last week it was the nurses. The week before that it was the teachers. Now it is local government workers. All this Government does is attack workers. The Premier's recent speech to the business council was interesting. He was wrong when he spoke about productivity. Productivity is not achieved by smashing workforces.

The Hon. John Ajaka: So you know more than the Premier now?

The Hon. SOPHIE COTSIS: As if the Premier knows. He has been in Parliament for 17 years so I do not think he knows too much about productivity. Tell me what kind of real job he has had to understand workplace relations.

The Hon. Rick Colless: What sort of real job have you had?

The Hon. SOPHIE COTSIS: I have had a lot of real jobs and a lot of experience.

The Hon. Matthew Mason-Cox: Madam Deputy-President, I ask you to remind the member that she should direct her comments through you as the Chair and that it is disorderly to respond to interjections.

DEPUTY-PRESIDENT (The Hon. Sarah Mitchell): Order! I uphold the point of order. I remind members that interjections are disorderly at all times.

The Hon. SOPHIE COTSIS: This bill comprises eight changes to the Local Government Act 1993. The basis for these changes is difficult to determine. The objects of the bill as outlined by the Minister for Local Government are, first, to cut the current protections for local government workers against their jobs being cut as part of future amalgamations from three years to one year. The second object is to change the legal status of councils from bodies politic to bodies corporate. The third object is to enable regulations that prevent councils from making major or controversial decisions in the three weeks prior to regular council elections. That is a sensible initiative. The fourth object is to change the voting system in a contested election to be optional preferential where one councillor is to be elected and proportional representation where two or more councillors are to be elected. The fifth object is to extend from 21 years to 30 years the maximum period for which a council may grant a lease or licence for community land.

The Hon. Dr Peter Phelps: That is fair enough.

The Hon. SOPHIE COTSIS: Yes, it is. The sixth object is to amend the arrangements under which a councillor's seat may be declared vacant. The seventh object is to clarify exemptions regarding the disclosure of pecuniary and non-pecuniary conflicts of interest. The final object of the bill is to reduce the obligation on councillors to declare a pecuniary interest and absent themselves from decision-making in respect of the development of local environment plans.

The Opposition supports the move to better define the actions a council may take prior to an election and endorses the three-week caretaker period set out in the bill. I note that this aspect of the bill seeks to create enforceable rules for existing best practice by councils and to formalise the recommendations made by the Division of Local Government prior to local government elections in 2004 and 2008. This is a sensible initiative ahead of local government elections on 8 September this year. The Opposition also supports the initiative to extend the maximum period a council may grant a lease on community land from 21 to 30 years.

The fourth initiative of this bill concerning a change in voting systems appears to be drawn from a recent private members' bill by Mr David Shoebridge and The Greens. As members would be aware, recently Mr David Shoebridge had a bill before the House to mandate three members in all wards across New South Wales. That change would have affected 10 councils, including eight in country New South Wales. The Greens bill was defeated but I note that the Government has given it a new life, albeit with some modifications. I was critical of The Greens for introducing a bill that would affect 10 councils without consulting any of the mayors of those councils. Today I ask: Has the O'Farrell consulted any of the mayors of the councils that will be affected by the provisions of this bill? If not, the O'Farrell Government has broken its election promises to return power to local communities.

The Hon. John Ajaka: Don't mislead the House.

The Hon. SOPHIE COTSIS: No, because I suspect that if the O'Farrell Government had consulted with the affected councils this proposal would not be in the bill. This bill predominately affects country councils and it will increase the opportunity for Country Labor representatives to be elected in a number of those councils. That is excellent. We will be out there in force. I am sure that the Premier and members of the Liberal Party in his electorate of Ku-ring-gai look forward to the effect of this bill, which after all is based on a proposal by The Greens and through which we could see more Greens and Labor councillors elected in the Premier's backyard. Maybe we will see a Greens or a Labor mayor of Ku-ring-gai Council. I hope that if such an event occurs the Premier will welcome the new Labor mayor of Ku-ring-gai to Parliament House for a special reception.

I also advise that the Labor Party supports the provision of the bill which addresses the inconsistency that a councillor's seat may become vacant causing a by-election as a result of a councillor being suspended for misbehaviour. This is an appropriate amendment to the Act. However, the provisions that the New South Wales Labor Opposition support mask the deeper agenda of this bill. The Opposition rejects this agenda. This is another attack by the O'Farrell Government as part of its war on New South Wales workers. The Government

has chosen local government employees, who provide very important services to local communities—services such as child care, library services, maintaining road networks—to endure cuts to pay and conditions. The Government is considering privatising road maintenance contracts.

The Hon. John Ajaka: Are we?

The Hon. SOPHIE COTSIS: Yes, absolutely. That will kill our country councils. We know that local government is one of the largest employers in regional, rural and country towns. We should support local government and local communities. The Coalition won government by talking about supporting local communities, but now wants to corporatise to get more bureaucrats into the local government sector. The Government wants to reduce the number of councils, increase the number of bureaucrats, and outsource or privatise local government services. The community thought that the Coalition Government would be different. They thought it would have ideas and do things to make their lives better, but the Government is making their lives worse. The Government is responsible for thousands of job losses, reducing wages and conditions, and for imposing a lack of infrastructure investment on local communities.

For the past year I have been hearing Government members say, "We are going to invest in local infrastructure", but I am still waiting for the Government to invest in upgrading local infrastructure. The Labor Opposition will support the Government if it puts additional funding into upgrading local community services, such as local swimming pools, and into addressing local infrastructure backlogs. Local councils are in dire need of support. The Government is making the lives of people worse. I will let Government members in on a little secret: the best way to make people's lives and their communities better is to improve library services and local swimming pools in developing communities. Recently I visited the Blacktown City Council.

The Hon. Matthew Mason-Cox: You were out there seeing Gibbo.

The Hon. SOPHIE COTSIS: No. That is an outrageous statement. The Hon. Matthew Mason-Cox would not even know where Blacktown is, or even where the M4 is. I also visited the Sutherland Shire Council. Both councils I visited are doing a fantastic job in providing really important services to local communities. They gave me a tour and we visited sporting fields, many childcare services, home care services and other many important services that those councils provide. I commend the staff who provide those services.

There are two proposals in the bill to which the Opposition strongly objects. The first is the proposal to strip local government workers of the current three-year protection period against forced redundancies resulting from council amalgamations, mergers and the creation of new entities, and reducing the protection to a period of one year. When the Government introduced this bill six months ago, it sought to reduce this protection for workers without any consultation with the largest employer organisation of the time. Indeed, it is not clear that the Government has undertaken any consultation at all regarding this provision. The bill has lain on the table since October 2011, and I would like to know whether the Minister has undertaken consultation with relevant stakeholders.

The bill certainly is not the result of the O'Farrell Government's proposed review of the Local Government Act, which was announced in June last year. We are still waiting for the review's terms of reference, who will conduct the review, and when the review will be finalised. Why is there no information on the Division of Local Government's website about the review? How much funding has been allocated to conduct the review? Will all the stakeholders be represented? I acknowledge the presence in the Chamber of the Minister for Local Government. An issue that is of grave concern to me is one that has been discussed publicly. Over the past six months since the Minister introduced the outcomes report on the destination review process, the representatives of the implementation steering committee have not included employee, business or pensioner groups. If the Government's intent is to undertake proper local government reform, the participation base must be broadened.

That begs the question: What process is the Government following? Is the Government following any process at all by moving ahead with this legislation at this time? When the bill was introduced in the other place, the Parliamentary Secretary for Regional Planning stated that an undefined collection of councils had expressed concern that the removal of employment provisions represents a "disincentive for councils to engage in structural reform through voluntary amalgamations and other shared service arrangements". Given that this claim is presented as the entire basis for this aspect of the legislation, I ask the Government to name the councils that have spoken to the Government about amalgamations and shared service arrangements and that want to reduce employee protections. If the Minister cannot name the councils that he claims have expressed a desire for

this legislative change, why was that claim made when the bill was introduced to Parliament? The ratepayers of New South Wales have a right to know if their council is speaking to the Government about amalgamations, cutting jobs and cutting the quality of services.

The Hon. Dr Peter Phelps: Did you ask the ratepayers when you amalgamated Palerang, which was financially incompetent?

The Hon. SOPHIE COTSIS: I would be very quiet if I were the Hon. Dr Peter Phelps. I make it clear that Labor is not opposed to reforming local government if the reforms improve local services and increase job opportunities for young people and local people, but it must be reform that improves services, increases job opportunities, increases funding required to build infrastructure upgrades and invests in young employees instead of cutting them out of a job. Ratepayers rely on councils for essential services, such as road maintenance, child care, water, planning, waste disposal, parks and playgrounds, bushfire protection, drought assistance and emergency management. The bill puts the provision of essential services in jeopardy.

I ask the Parliamentary Secretary for Treasury and Finance to indicate during his reply whether the Minister has consulted with relevant stakeholders. The concern I have is that this bill strips away protections that guarantee small communities will retain core numbers of workers and services when faced with amalgamations or boundary changes. The Opposition also objects to the Government's move towards corporatisation of councils. The bill changes the legal status of councils from bodies politic to bodies corporate. When the bill was introduced in October 2011, the rationale was for a change to cut the wages and conditions enjoyed by local government workers under the State's industrial relations system by moving them to the Federal industrial relations system. While I acknowledge that Labor's Fair Work system undid much that was wrong with the Howard Government's WorkChoices regime, the fact is that New South Wales local government workers enjoy better wages and conditions under the present New South Wales industrial relations system than they would under the Federal system.

The Hon. Dr Peter Phelps: Oh.

The Hon. SOPHIE COTSIS: It is a fact and everybody knows that. Because of a very important productive and constructive relationship between employers and employees that has experienced many reforms since 1992, consent awards have been varied over time to take into consideration the many changes that have occurred. That relationship is strong and it will continue to ensure that local government workers provide the services that communities expect. Communities expect high-quality services from their councils. In response to a question asked in the Legislative Assembly on 14 October 2011, the Minister for Local Government stated:

> ... there is no threat to the pay and conditions of local government employees from this Government's changes.

I note the Minister's assurance, and I ask whether he is confident that this bill is not a threat to workers' pay and conditions. The Minister for Local Government has claimed that the corporatisation of councils is necessary for them to receive funding from the Federal Government. In a media release issued on 24 October 2011 the Government talked about the Council Reform Focus of Sector Conference. One of the paragraphs stated that the amendments include reinstating councils' status as corporations so they can seek Federal funding for training programs and tender for construction work on Commonwealth-funded projects. That is wrong—

The Hon. Trevor Khan: Wrong?

The Hon. SOPHIE COTSIS: It is wrong, and we asked questions. In his agreement in principle speech in the other place the Minister for Local Government stated that according to the Local Government and Shire's Associations, "councils experienced difficulty in obtaining Federal funding for trainees and apprentices" and were "being excluded from tendering for construction work on Australian Government funded projects". The Minister did not cite any examples to support his claim in his agreement in principle speech. Indeed, there are many examples of councils receiving funding from the Commonwealth since 2008 when local councils were given the status of bodies politic.

Let me outline some of these examples: Direct funding of $18,000 to Gunnedah Shire Council for two trainee and apprentice positions; $6 million to Canterbury City Council for the rebuilding of Belmore Park; the Road to Recovery funding; funding for Penrith City Council of $50,000 to $60,000 for trainees and apprentices; funding for Tweed Shire Council for the Murwillumbah Community Centre; and funding of $30,000 in 2009 and $90,000 in 2010 for apprenticeships at Newcastle City Council. None of these councils appears to have been disadvantaged in receiving Federal funds for local projects by their status as bodies politic.

When I asked the Minister for Local Government to provide an example, he cited Richmond Valley Council and the Ballina bypass. I have looked into this and made inquiries. Upon investigation I have learnt that the issue surrounding the Federal funding to Richmond Valley Council is totally unrelated to the council's legal status as a body politic. The issue was as a result of the former Howard Government's requirement that any tenders for specific federally funded construction works had to have workers who either provided labour or goods to comply with the Australian Building and Construction Commission's national code. This code sought to erode workers' rights to representation in the construction sector by imposing fines and restrictions on workers exercising their democratic right to organise.

The issue at Richmond Valley Council was unique in that it employs around 10 staff to manufacture precast concrete products used in road and bridge construction, which it both uses and sells. As its workers were under the State system and a State award was not compliant with the then Australian Building and Construction Commission's requirement, the private contracting firms who were working on this federally funded construction project did not use the Richmond Valley Council. This issue came up in 2008, early in the first term of the newly elected Federal Labor Government. It was the first issue of this type raised in New South Wales with the new Federal Government.

I am advised that at the time the United Services Union, which represents the majority of workers at this council, contacted the relevant parties in the Federal Government and the matter was rectified so that council could continue to sell its products to Federal projects as well as any others. We investigated the Minister's claim and what he said was not right. Indeed, has the Minister contacted the Federal Minister for Local Government about direct Federal funding being affected by bodies politic?

Again I ask: Why is the Government making this change? The Minister was wrong to claim, as he did in budget estimates, that the body politic status of Richmond Valley Council prevented it from accessing Federal funds. What examples does he cite now and what legal advice did the Government receive advising that such a change is necessary, given that the Commonwealth Government has clearly stated that it has no problem providing funds to councils under the present arrangements? I do not know what the agenda is, but replacing local councils with corporate councils may be what the Government wants to do. This change is a dramatic shift in culture. Government members do not like this, do they? They should read some of the outcome report suggestions.

The Hon. Trevor Khan: You are so wrong. You are making me embarrassed.

The Hon. SOPHIE COTSIS: You are embarrassed? It has taken six months. If the member has the answers to this let us hear the explanation.

The Hon. Lynda Voltz: Point of order: It is impossible for the Hon. Sophie Cotsis to continue her speech with the constant interjections from Government members.

The Hon. Dr Peter Phelps: To the point of order: It is impossible for us not to interject when we hear such preposterous assertions from Opposition members.

DEPUTY-PRESIDENT (The Hon. Sarah Mitchell): Order! I uphold the point of order. Members will cease interjecting. I remind the Hon. Sophie Cotsis that she should not respond to interjections.

The Hon. SOPHIE COTSIS: I have been very good; I was very good for a while. Let me make this clear: We must keep "local" in local government. We must keep "local" in local communities. Local councils deliver a lot of services to the people of New South Wales. We all know there is room for improvement. It is about us working smarter and looking at opportunities. As I mentioned at the outset, at the moment we have flood issues. In particular, councils on the mid North Coast are going through a tough time with respect to floods and finances. They have a massive population change and huge demands on their services. I hope that this Government will look at providing better services and helping these councils.

I am concerned that the Government must fulfil its promise, empower local communities and keep councils in the hands of local residents. It should keep jobs and services local, not in the hands of major multinationals who are circling around looking at road maintenance contracts. Councils are bodies of local people elected to run local affairs. Yes, they are major organisations with significant budget responsibilities, but only local communities know what their needs are.

This bill was introduced without consultation across the sector. The Government consulted only with a number of stakeholders. It is important for the Government to consult broadly amongst all stakeholders. This bill begins a move by the Coalition that will see councils focus on the bottom line, not front-line services. I hope I do not see councils being corporatised and run by boards of directors. We want to make sure that councils are not corporatised, that they are kept local and that residents have a say in how their local services are funded and provided. The vision of corporatised local government contained in this bill is one that Labor rejects. This vision was canvassed at the O'Farrell Government's taxpayer-funded destinations conference. This was a closed-door conference that was held without any representation from ratepayers or community groups, the Property Council, or business or welfare organisations.

The Hon. Dr Peter Phelps: What about councillors?

The Hon. SOPHIE COTSIS: There were. There were general managers and mayors. I ask this Government to be inclusive. If it wants to reform local government, it needs to broaden its consultation process. I mentioned that the Minister excluded from the Government's local government implementation steering committee a number of relevant unions representing local government. Again, we see the O'Farrell Government's determination to attack workers and deny their representatives a voice in government decision making. It is not a holistic approach. This is unacceptable. Local government workers are some of the hardest working people in our community. They provide child care and baby health services; sport, leisure and recreation services; and town planning. I referred to many of these services earlier. The bill attacks these workers and their entitlements. The Opposition opposes these fundamentals. The Government needs to understand that these proposals affect local communities; they affect rural communities.

The Opposition also opposes the proposal in this bill to allow councillors to be present and to vote in meetings in which they have a pecuniary interest if the matter being considered relates to the making or amendment of an environmental planning instrument. Frankly, this proposal is unnecessary and creates a risk for possible corruption that does not currently exist. Accordingly, the Opposition will seek to amend this proposal. In closing I acknowledge the number of stakeholders that I mentioned at the outset. I thank my colleagues from the crossbench and also members of the Government to whom I have spoken.

The Hon. Matthew Mason-Cox: The Minister.

The Hon. SOPHIE COTSIS: I acknowledge the Minister and the Minister's office. I acknowledge my many Labor colleagues who are councillors and who have done an excellent job on their local councils representing their communities. I make special mention of the hardworking local government workers, in particular, those local government workers who worked exceptionally hard during the floods. I have spoken to many councillors from all sides of politics and they are concerned about these changes. In October 2011 the conference of local government associations presented us with an excellent opportunity to discuss this bill. I spoke to councillors, mayors, general managers, ratepayers and workers at the conference hosted by Shoalhaven Council. I acknowledge the mayor of Shoalhaven who did a fantastic job in hosting the event.

The Hon. Trevor Khan: Are you a councillor?

The Hon. SOPHIE COTSIS: No. I look forward to continuing to consult with representatives from the local government sector to ensure that it is strengthened and supported in the future. One of my passions in this area is to ensure that local services are continued and that local government is promoted as a sector of increasing participation for young workers, apprentices, trainees and cadetships.

The Hon. TREVOR KHAN [8.32 p.m.]: I support the Local Government Amendment Bill 2011 and the proposal that will return to councils their legal status as bodies corporate. The proposal to change the legal status of councils from a body politic of the State to a body corporate was requested by the Local Government and Shires Associations of New South Wales as part of its 2011 election priorities. In support of that request the Local Government and Shires Associations made representations that the change in the legal status of councils to a body politic in 2008 had an adverse impact on a number of council activities. For example, councils experienced difficulty in obtaining Federal funding for trainees and apprentices because the funding was available only to corporations and not to individuals. The councils complained that they were excluded from tendering for construction work on Australian Government funded projects. This proposal will remove any impediments arising from their current status and enhance councils' ability to work together to improve service delivery through resource sharing and other innovative arrangements.

Members may recall that the 2008 amendments to the Local Government Act were necessary to address the uncertainty around the jurisdictional coverage of local government. The question was whether or not councils met the definition of a constitutional corporation, which is a financial and trading corporation within the meaning of section 51 (xx) of the Constitution of Australia, and were therefore covered by the Commonwealth industrial relations jurisdiction. That definition relies on the source of income for each individual council and whether that income is the result of trading activities or other forms of revenue. The issue for local councils and employees was whether they were in the Commonwealth or New South Wales industrial relations systems. This situation was resolved by conclusively removing councils from Commonwealth industrial coverage by changing the status of councils to a body politic of the State.

Members will be aware that in 2009 the Commonwealth Government made significant changes to its industrial relations laws. One of the outcomes was that local government in New South Wales was expressly excluded from coverage by the Commonwealth industrial laws. The Local Government and Shires Associations argues that in light of the express exclusion of local government from the Commonwealth industrial relations system by the Commonwealth legislation the legal status of councils can be restored to bodies corporate without impacting upon whether councils belong to the State or Federal industrial relations system. The proposal responds to the request of the Local Government and Shires Associations by providing that the councils will be categorised as bodies corporate.

In the selection of shadow Ministers I assume that the cream is rising to the surface. I anticipate that well-researched arguments will be put to this Chamber. Even if the Government is not prepared to rely on them, Opposition members and members on the crossbenches might rely on what is said. I refer members to a letter dated 16 February 2012, addressed to Port Macquarie-Hastings Council and written by Samantha Palmer, First Assistant Secretary, People Capability and Communications Division, Department of Health and Ageing—a Commonwealth Government department. The letter, which was sent to Ms Maya Spannari and which refers to the "Local Community Campaigns to Promote Better Aboriginal and Torres Strait Islander Health Program—Phase 2—Open Round Funding", states:

> I refer to your organisation's application for funding under the above program.
>
> I am responding to your appeal against the Department of Health and Ageing's initial finding that your application was not compliant with the local community campaigns to promote better Aboriginal and Torres Strait Islander health program grant guidelines.
>
> Unfortunately, your organisation's appeal against exclusion has not been successful.
>
> I note that guideline 3.1 lists "local government councils and shires" as examples of eligible organisations. However, this example is not to be read in isolation from, and does not negate the requirement for eligible applicants to be incorporated.
>
> Whilst in some jurisdictions local government councils are incorporated under their establishing Acts, I am advised that in your jurisdiction—

that is, New South Wales—

> this is not the case and therefore your application is ineligible.
>
> Thank you for taking the time to appeal the department's finding on this matter, and I wish you the best in the future.

The shadow Minister, who spoke earlier in debate, spouted what at best could only be described as rubbish. I give as an example people in regional New South Wales, members of the Aboriginal and Torres Strait Islander—

The Hon. Adam Searle: Point of order: The Hon. Trevor Khan is engaging in abuse and is not addressing the substance of the bill. He is attacking a member of the House other than by substantive motion and should be called to order.

DEPUTY-PRESIDENT (The Hon. Sarah Mitchell): Order! The member is being generally relevant.

Mr David Shoebridge: Point of order: The Hon. Trevor Khan used the letter as a prop in the course of debate and failed to table it. The member should table the document and not wave it around as a prop.

The Hon. John Ajaka: To the point of order: The member is well aware that the standing orders allow a member to quote from a document in any debate without being required to table the document. The member was quoting from the document.

DEPUTY-PRESIDENT (The Hon. Sarah Mitchell): Order! I do not uphold the point of order at this time. However, I suggest the member be conscious of his hand movements while holding the document.

The Hon. TREVOR KHAN: I will take my hand out of my pocket if that would help. I seek leave to table correspondence, dated 16 February 2012, from the Australian Department of Health and Ageing to Port Macquarie-Hastings Council, in relation to an application for funding under the Local Community Campaigns to Promote Better Aboriginal and Torres Strait Islander Health Program–Phase Two.

The Hon. Walt Secord: Point of order: It was a two-page document. I saw the member separate the pages and table only half the document.

DEPUTY-PRESIDENT (The Hon. Sarah Mitchell): Order! I do not uphold the point of order. The member is entitled to table whatever document he desires, and in response to the request has sought to table a one-page document. Is leave granted to table the document?

Leave granted.

Document tabled.

The Hon. TREVOR KHAN: People in regional New South Wales who are members of the Torres Strait and Aboriginal community have been disadvantaged by the decision of the previous Labor Government with regard to the capacity of local councils to obtain funding. We have sought to react to the obvious demands of the Local Government and Shires Associations to fix this problem. The Hon. Sophie Cotsis called for an example of how local government and people in regional New South Wales are disadvantaged, and I have tabled the document. This shows that if the member is the cream of the crop, the cream has curdled.

The Hon. JOHN AJAKA (Parliamentary Secretary) [8.43 p.m.]: I am pleased to support all the proposals in the Local Government Amendment Bill 2011. In particular, I would like to address the proposal to change the system for counting votes in a contested election of councillors for a ward or undivided area. Under the Act, a council must have at least five and not more than 15 councillors, one of whom is the mayor. Currently, the system for counting votes in a contested election of a councillor or councillors for a ward or undivided area is to be optional preferential [OP] if the number of councillors to be elected is one or two, or proportional representation [PR] if the number to be elected is three or more, pursuant to section 285. The system for election of a popularly elected mayor is optional preferential, pursuant to section 284.

Of the councils that are divided into wards, 10 of those have fewer than three councillors per ward—all 10 having two councillors per ward. This means that two voting systems currently apply in New South Wales for election of councillors in multi-vacancy electorates. The proportional representation system applies to 142 councils while the optional preferential system applies to the remaining 10. The optional preferential system is generally used across all levels of government in single-member electorates and is not designed to allocate seats or offices in proportion to the overall number of votes obtained by the candidates. The proportional representation system is generally used in multi-member electorates; and because this system does not require candidates to achieve vote majorities in order to be elected, it allocates seats or offices in proportion to votes won.

The use of the optional preferential system in multi-vacancy elections in conjunction with group voting is generally viewed as being unfair. For example, where the number one candidate on a group ticket receives an absolute majority and is elected, following distribution of preferences the number two candidate on that group ticket is invariably elected at the expense of candidates who may have received a significant number of the first preference votes well in excess of those received by the person receiving the preferences. The proportional representation system is used in the multi-member electorates for the New South Wales Legislative Council and the Australian Senate while the optional preferential system is used in the single-member electorates for the New South Wales Legislative Assembly and the Australian House of Representatives.

The voting systems for local government in other Australian States is similarly configured—Queensland being the exception, with a simple majority voting system applicable in multi-vacancy electorates. The proportional representation system is generally acknowledged as the fairest system for use in multi-vacancy electorates in that each section of the community receives representations according to its electoral strength. That is, the majority rules but substantial minorities are still represented in proportion to the number of votes cast for them. In addition, the proposal ensures consistency in systems for counting of votes across all council areas.

Members may also be aware that the Local Government Amendment (Local Democracy—Ward Representation) Bill 2011 was introduced on 5 August 2011 by Mr David Shoebridge. That bill seeks to amend the Act so that the number of councillors in any ward must not be fewer than three, thereby ensuring that the proportional representation system is used for all multi-vacancy elections. However, that proposal unreasonably limits a council's right to determine, in consultation with its community, the number of councillors that best suits the needs of the council's area. It is proposed to amend the Act to make the voting system in a contested election optional preferential where only one councillor is to be elected, instead of one or two councillors, and proportional representation where two or more councillors are to be elected, instead of three or more councillors. I commend the bill to the House.

Mr DAVID SHOEBRIDGE [8.47 p.m.]: On behalf of The Greens I speak in debate on the Local Government Amendment Bill 2011 and state at the outset that the bill has had a long history in what has been otherwise a very short Parliament. For more than five months the bill has been bandied around this Chamber—which, on one view, is a longer gestation period than a goat, and, as the Hon. Walt Secord mentioned earlier, longer than a number of Britney Spears marriages. In the course of that period there has been an enormous amount of discussion about the bill. There have been discussions with the Local Government and Shires Associations and an array of councils across New South Wales. There have been ongoing and reasonable discussions with the Minister and the Minister's office. There have been discussions with the Opposition and other crossbenchers.

At one point I thought my office was going to have a photograph of the Hon. Sophie Cotsis out the front with a notation "Refuse to admit for further consultation." There has been more discussion about this bill in five months than I have seen on almost any other piece of legislation that comes through this Chamber. That is primarily because this is a bill that addresses a number of fundamental issues in local government, some for the good and some for the bad. When The Greens review this bill we see exactly that—a package of positive reforms and a package of negative reforms bundled together into a compendium bill that makes it difficult for all members in this House to understand its terms. I will address individual aspects of the bill one by one and explain the issues that concern The Greens.

The first object of the bill is to extend the maximum term for which a lease or licence may be granted over community land from 21 years to 30 years and to require the consent of the Minister for a lease or a licence granted for more than 21 years. Land that is owned by local councils is either community land or operational land. To the extent it is community land it is given an array of protections under the Act: it cannot be sold, a plan of management needs to be adopted, it needs to be used effectively, it is to be used for a public purpose and there must be a great deal of consultation with the community. There are real protections for community land. However, operational land has none of those protections. It does not have in place plans of management, it does not require community consultation as to how council goes about using operational land, and it can be subject to sale.

A number of councils want to have commercial leases over a proportion of community land that they want to extend in 30 years time. A number of commercial operators want to have a 30-year lease before they make a significant investment—for example, in building a kiosk on community land, which can then be a public facility. Because commercial operators will be pressured not to enter into a 21-year lease but they will require a 30-year lease, that has meant that in parts of the State there is pressure on councils to change the nature of the land from community land, with all its protections and its public purpose, to operational land in order to get commercial leases signed and to have facilities built on this public land. It is with an eye to that dilemma that The Greens support this amendment.

The Greens are strongly supportive of the protections that are in place for community land in New South Wales. The Greens are strongly supportive of the requirement of local councils to enter into negotiations and discussions with their communities to ensure that community land is held and used for a public purpose. We do not want pressure to be placed on councils to reclassify the land as operational so it can have a 30-year lease. It is preferable to have a safety valve for community land where, with the Minister's consent, a commercial lease can be entered into for a period of up to 30 years and, of course, that commercial lease can be entered into only on community land where it is consistent with the plan of management that is adopted and it is consistent with the wishes of the public. That is one way of being sensible and flexible, to ensure that we retain community land for community purposes, and to ensure that councils do not face pressure to reclassify community land to operational land. For those reasons we support that aspect of the bill.

My colleague the Hon. Jan Barham has been speaking with the Minister since the time he was a shadow Minister about amendments that are required for community land to allow councils to have ongoing use

of that land as caravan parks and to allow for some ongoing tenancies in caravan parks. We will move an amendment that will allow for that to happen and, again, stop the pressure on councils to reclassify as operational land. I know my colleague will speak to that amendment in Committee so I will say no more about it at the moment.

The second principal object of the bill is to convert the status of councils and county councils from their existing status as bodies politic of the State to bodies corporate. When this bill was introduced in the lower House we communicated with the Local Government and Shires Associations about this aspect of the bill. The association indicated that there were concerns that Commonwealth funding could not flow to a number of local councils because councils are bodies politic and not bodies corporate which, of course, are matters of concern to The Greens. Local councils are desperately short of funds and they cannot afford to have shut any avenue for key community facilities—for the local roads they need, for the local libraries they build and for all the local facilities they provide for their communities.

We asked the Local Government and Shires Associations to show us an example and we asked the Minister's office to show us an example—any example—of where a council has failed to get funding. The union came to see us and said that it was not true; that there are countless examples of councils getting direct funding from the Federal Government, and the union gave us schedules of millions and millions of dollars of Federal funding going straight to local councils regardless of the fact that local councils are bodies politic. Let me highlight a couple of instances. Direct funding of $18,000 went to Gunnedah Shire Council for two trainee and apprenticeship positions—Commonwealth funding direct to a body politic for trainee and apprenticeship positions in Gunnedah council.

Six million dollars went to Canterbury Council for the rebuilding of Belmore Park—Commonwealth funding direct to a body politic for rebuilding. Penrith council—a body politic—got $50,000 or $60,000 for traineeships and apprenticeships, as well as direct funding for the reconstruction of the Werrington arterial road and the Northern Road intersection. Direct funding went to Tweed Shire Council for the Murwillumbah community centre, Jack Evans Boat Harbour, Ray Pascoe Park and the Duranbah to Mooball crossing. There was direct funding to Newcastle of $30,000 in 2009 and another $90,000 in 2010 for apprenticeships at Newcastle council. There has been millions and millions of dollars in funding.

Then there is the direct funding under the Roads to Recovery program—probably close to $1 billion over the past three or four years of direct Commonwealth funding to local councils regardless of the fact that they have the status of bodies politic. Against that, in five months—in the lengthy gestation period of this bill—we have had one example of an unknown amount tabled by the Government to support the urgent need to convert the status of local councils from bodies politic to bodies corporate. The fact that the current Fair Work bill federally prohibits local councils from being covered by Federal jurisdiction does not stop a future Commonwealth Parliament legislating, if it wished, to try to take over local councils and take over the employment regulation of local councils.

When we weigh up those matters—the need to ensure that we have the current protections under an enormously detailed and considered local government award under the State system and the potential threat of that being taken over by Federal regulation if a fresh look is taken by a future Federal government, and in light of the fact that literally millions of dollars are being provided directly to local councils regardless of their status as bodies politic; we have consulted and we have talked to all the key players on this—we do not support the Government's amendment to convert the status of councils from bodies politic to bodies corporate.

The next object of the bill is to provide that a councillor who has been suspended from office by the Local Government Pecuniary Interest and Disciplinary Tribunal for misbehaviour is not deemed to have vacated office because of his or her absence from meetings during the period of suspension. It is a sensible, commonsense reform. Clearly, if as a councillor one has been penalised by way of suspension, that is one's penalty. If a person's political colleagues then refuse to accept an apology from him or her for a number of council meetings and then use that person's absence from council by reason of a suspension as an argument to say that that person has vacated his or her office it is nothing other than political shenanigans and should not be supported. If the penalty is a suspension let it be a suspension and do not allow it, through political shenanigans at a local level, to become the removal from office of a councillor. That is what is happening at the moment and there should be a legislative amendment, which is what is provided by this bill, to ensure that it cannot happen in the future.

The next object of the bill is to provide that the voting system in a contested election is to be preferential if only one councillor is to be elected and proportional if two or more councillors are to be elected.

I note and I endorse the comments of the Hon. John Ajaka relating to that aspect of the bill. The current voting system for two-member wards in local government is deeply undemocratic. If one group gets 50 per cent of the votes it gets both members elected, even though another group might get 49.99 per cent of the votes.

How is it democratic for two people to be elected with 50 per cent plus one of the vote and no-one to be elected with 49 per cent? That is how it operates in two member wards. It is a disgrace and deeply undemocratic. This bill fixes that problem. It makes it proportional and says that in such an instance each of those groups would have someone elected. Basically, it changes the quota from 50 per cent plus one to 33.3 per cent plus one of the vote. That, of course, is vastly more democratic. The Greens still have concerns about the lack of genuine representative democracy with two member wards but we commend the Government for moving in this regard. It makes the process more democratic, albeit within the limitations of two member wards. The Greens will move an amendment and seek to instruct the Committee of the Whole to allow the Minister to have a regulation-making power to put a floor on the number of councillors per ward. Currently a council can have one member wards, which basically reinstates the 50 per cent quota needed to be elected to local government.

People might say that no council would be so politically obvious as to change its voting system from two member wards to one member wards in the light of this amendment. Surely no council would be so blatantly political or so grossly hypocritical. Strangely enough, one council is. In the shadow of this amendment Botany Bay City Council is doing just that. Members of that council are so concerned that they might have to face genuine proportional representation and democracy that they have reformed all of their wards from two member wards to one member wards. The ugly nature of Labor politics in Botany council has once again been exposed for what it is. It is not about local democracy or local representation; it is about entrenching the current mob to such an extent that last time they did not even hold an election. They were all just declared elected without a contested election. The Greens support this amendment but unfortunately it will not pick up Botany council because of the nature of the animal that it is. Botany council is a deeply undemocratic animal that needs to be brought to heel.

The Hon. Sophie Cotsis: People voted for them.

Mr DAVID SHOEBRIDGE: There was no election. No-one contested that election because it was such a gerrymander. The member's interjection that people voted for them is simply wrong because there was no election. We support the amendment but we will seek to instruct the Committee of the Whole to allow the Minister by regulation to stipulate a minimum number of councillors per ward. The Greens suggest that the minimum should be three, consistent with a bill that we put to this House last year. We do know that there is currently no political support for a minimum of three, but there absolutely should be a minimum of two. Giving the Minister the regulation-making power to put a minimum number of councillors in each ward would be a major step forward and would deal with the rot in Botany council.

The next aspect of the bill is the proposal to reduce the period for which special arrangements exist for non-senior staff of councils affected by the constitution, amalgamation or alteration of council areas. This is the proposal to reduce a number of key employment protections at places of work and head counts and the like from three years to one following an amalgamation. The Greens have had lengthy dialogue with the union, the Opposition and the Government on this bill. We understand that we need to rethink how we will implement a system of workable voluntary amalgamations in areas where councils are failing and there is a need for amalgamations. We need to rethink how we engage the union and the workforce in amalgamations. Local government, the union, the Government and the Parliament need to rethink how we ensure that amalgamations have community support, protect the workforce and engage the union and other people. Amalgamations must be done in an open and transparent fashion in which people are protected.

Unfortunately, this bill does not do that. This bill limits and reduces protections. It does not put in place a way of changing how we implement amalgamations, which is what is needed. I am always happy to talk with any government about ensuring that amalgamations are voluntary and community driven, rather than see State government impose amalgamations, as happened in Victoria. The Greens had discussions with the Opposition and I thought something had been achieved. The Greens also had discussions with the Government. It turns out nothing has been achieved on this. The Greens will move an amendment to get rid of this aspect of the bill, not because we do not want to discuss amalgamations but because this is not a good way to do it. However, The Greens door is always open to talk sensibly about how to ensure that voluntary amalgamations are done well.

The next object of the bill is to make further provision regarding disclosures of pecuniary interests and duties of councillors with respect to matters in which they have a pecuniary interest. This aspect is deeply

troubling and is almost sufficient reason to vote against this bill. For example, this aspect of the bill will allow councillors who have substantial landholdings to vote on a council-wide rezoning which will see that land rezoned from rural to residential. Councillors who have substantial landholdings within a commercial strip could vote to vastly increase the floor space ratio and therefore increase the value and development yield of their properties. All that councillors will have to do is simply declare the nature of their pecuniary interest by putting it on the record. Of 12 councillors four might stand up and say, "I just want to put on the public record that I am voting for this and I stand to gain a $4 million uplift in my property values. I have a direct pecuniary conflict. I just thought the community might like to know." It is remarkable that any government would want to open the door to that kind of corruptive influence on local council.

The Greens understand that across New South Wales there is concern about quorums in councils where councils are voting on municipal-wide rezonings because most councillors own their home in that area. We do not want councillors to walk out of council-wide rezoning votes simply because they own their home. The Greens have put forward an amendment which says that where the pecuniary interest is the councillor's residential home they can declare it and remain in the meeting. That will mean council meetings can go on but it will prevent what this bill will allow if passed unamended: councillors able to vote on issues in which they have enormous pecuniary interest. Voting for self-interest leads to inevitable conflict and leaves local government open to derision and corruption. Why the Government is putting this forward is inexplicable. We do not know why the Government will not support our amendment. We will have further discussion about that in Committee. This is an interesting bill with interesting aspects, some of which we support and some of which we do not. I look forward to the debate in Committee.

The Hon. WALT SECORD [9.07 p.m.]: As indicated by the shadow Minister, the Opposition will move amendments to the Local Government Amendment Bill 2011. A number of measures in the bill relate to the operation of local councils, such as community land, pecuniary interest matters and councillor numbers, but there is a more sinister aspect to this bill. The Local Government Amendment Bill 2011 is the latest phase in the O'Farrell Government's concerted plan to wind back hard-won workers' rights and entitlements. Overall the bill will convert the status of local councils from bodies politic of the State to bodies corporate; reduce the employment protections from forced redundancies for council workers in the case of amalgamations from three years to one; and freeze council workers' pay until the Federal awards catch up to New South Wales, which should take about four years. When the Minister for Local Government, the Hon. Don Page, introduced the bill last year he claimed it would usher in a new era of local government. He said it would:

> ... create favourable conditions for councils to engage in structural reform to achieve a strong and sustainable local government sector now and in the future.

It is more important to look at what he did not say. He did not admit that the O'Farrell Government was redefining local councils as corporations and that that would mean a loss in wages and conditions for workers. This bill could mean a $70-a-week pay cut for some local government workers. The Minister did not explain that redefining councils as corporations means that local council workers could be transferred out of the State system or that it will make it easier for local councils to corporatise or privatise jobs. The Minister for Local Government did not come clean on the fact that there will be a four-year freeze on conditions. He did not tell local government workers that, in reality, their hard-won pay and conditions would go backwards.

Last year it was 400,000 State government employees—nurses, teachers, police and ambulance officers—who all found their rights and conditions slashed. Now the O'Farrell Government is turning its attention to the 55,000 employees in local government. The O'Farrell Government is broadening its attack to garbage collectors, librarians, youth workers, lifeguards, parks and gardens staff, road maintenance crews and childcare workers in local councils. It is worthwhile to remember that we are not talking about general managers, managerial staff or senior staff. They will not feel the pain of this bill. In fact, some general managers are paid more than prime ministers. Make no mistake: this bill will hit the employees who deliver the services that we rely on every day. They are the people who collect our garbage bins, patrol our beaches, care for our kids while we are at work and deliver meals to the elderly. These are the very people who put their trust in Mr O'Farrell when he repeatedly promised that our workers had nothing to fear from a change of government, that they would not be hurt.

The United Services Union General Secretary, Graeme Kelly, with whom I spoke last year along with the Hon. Sophie Cotsis, told us in real terms that New South Wales local council workers could see the O'Farrell Government effectively slashing their wages to the tune of $70 a week for entry level wages. Graeme Kelly said that the laws were a "complete shock" to local council workers. As recently as June 2011 the Premier declared

that local government employees were exempt from the State Government's draconian workplace laws, so these workers and families have every right to be shocked. They are honest people and they have been lied to. Graeme Kelly said the bill will have a devastating effect on councils' ability to attract and retain skilled workers. The local government sector already is struggling to staff key service areas, such as child care and urban planning. This bill will hit hardest the communities outside Sydney, Wollongong and Newcastle.

Local councils are the biggest employers in regional areas, so I am very surprised that The Nationals parliamentarians are supporting the bill. For example, Tweed Shire Council, which is the largest single employer on the Far North Coast, provides work for 700 people. In Tamworth the regional council employs more than 600 people and is one of the area's largest employers. Across regional New South Wales, local councils are the largest employers. I am very curious to see how the member for Tamworth and the member for Tweed will explain why they voted away pay and conditions from the biggest employers in their respective areas. Prior to the election, the Premier gave assurances that the Coalition Government would maintain the former Government's workplace protections. After the election, we saw otherwise. The Coalition Government then claimed that the attack would not spread to local government. Finally, it has also been long suspected and long denied that this Government harbours desires to force amalgamations. Well, the cat is out of the bag.

As he introduced the bill last year, the Minister for Local Government spoke frequently of the need to reduce the cost of amalgamating councils. He explained that this legislation would make it easier to amalgamate councils. Why? It would allow them to sack employees sooner rather than later. Currently, in the event of an amalgamation, employees are protected from redundancies for three years. Those protections exist because of the impact a merger can have on the community, especially in regional areas. It allows time for communities to adjust and make considered decisions about their future. Now this protection will be wound back by two-thirds. At this time I do not believe that we should be looking to create uncertainty in any workforce. Given cost-of-living pressures and international economic uncertainty, this is not the time to fuel insecurity in the local government sector.

The Hon. PAUL GREEN [9.13 p.m.]: I participate in debate on the Local Government Amendment Bill 2011 on behalf of the Christian Democratic Party. The object of the bill is to amend the Local Government Act 1993 with respect to the status of councils and county councils, the voting system for the election of councillors, community land, the pecuniary interest of councillors and staff affected by amalgamations, and for other purposes. The bill proposes to address concerns expressed by councils that provisions in the current Act represent a disincentive for councils to engage in structural reform through voluntary amalgamations and other shared service arrangements.

The bill will return councils to their legal status as bodies corporate. It will enable regulations to be made that prevent councils from making major or controversial decisions during an election period that would bind an incoming council. It will make the voting system in a contested election optional preferential when one councillor is to be elected, and proportional representation when two or more councillors are to be elected. The bill will extend the maximum period for which a council may grant a lease or licence in respect of community land from 21 years to 30 years. It will address inconsistencies regarding the circumstances in which the civic office of a councillor can be declared vacant. It also proposes to aim to assist councils in implementing their area-wide standardised local environmental plans.

As the Mayor of Shoalhaven—the best place in the world—and a member of this House, I declare a conflict of interest. However, I am nevertheless in a position to assure the House that most of the amending provisions of the bill are endorsed by the Local Government and Shires Associations. I specifically remember the last Local Government and Shires Associations conference, which was probably the best one ever held.

The Hon. Jan Barham: Where was the location?

The Hon. PAUL GREEN: The location was Shoalhaven. Most of the changes to the Local Government Act emanate from requests by members of the Local Government and Shires Associations. I note the great work that was done at Dubbo in relation to NSW 2021 by the mayor and general manager of that council. The Minister presented very well and was very well received. At that stage it was important for local government representatives to gain confidence in their leader, and I thought the Minister for Local Government, the Hon. Don Page, did a great job in bringing local government representatives together, in listening to them, and in hearing the strategies that they felt would be the best way to take their organisations forward. That included some very tough proposals, such as voluntary amalgamations and corporate structures versus the body

politic. The biggest message sent by the conference to the Minister was that one size does not fit all. It was made very clear to the Minister that local government issues should be addressed through a menu system in which regional, rural and urban local government organisations are not treated as though they are all the same.

That special and unique approach that the constituents of many towns and villages would like their mayors and councillors to adopt is the same type of relationship that local government organisations want to have with their Minister. All local government organisations regard themselves as unique in terms of their individual needs. One of the issues discussed was the unsustainability of local government. I cannot count the number of local government conferences I have attended that have discussed that issue. The discussions revealed that well over one-third of local government organisations are financially unsustainable. In my view it would be reckless to allow those organisations to crash and burn because, at the end of the day, that will affect ratepayers and all the beautiful people in their communities who expect their councillors and local government organisations to put their hand up when they are in trouble. Acceptance of voluntary amalgamation will require some guts on the part of local government representatives and organisations, but in the best interests of the people it must be considered. I am sure some local government organisations will take that on board. However, the issue of resources sharing also must be considered.

Over the past four years local government has moved more towards resources sharing through partnerships with neighbouring local government areas, but that also is fraught with complications. Recently representatives from a shire council in the western part of the State discussed how the council shares the cost of some products with a neighbouring shire, but the problem was that the local products store could not match the bulk-rate price of a supplier in Sydney. The point I make is that there are complications inherent even in resources sharing when local government organisations try to ensure that local businesses are not missing out. They try to maintain the expectation of local businesses that local councils will continue to purchase reasonable, saleable and proven products.

We need to be mindful that bulk buying is not always helpful in real terms for regional and rural Australia. A massive number of topics were discussed, but I think the Minister is on track with his ear to the ground. Other mayors and councillors have indicated to me that this Government is on the right track—they have been listening. While this is only the beginning, reform of local government is welcomed in many ways. There are still some tough issues to deal with, such as pecuniary interest, which Mr Shoebridge raised. That is one thing in this reform that, in his terms, we have not been able to give birth to in its completeness, but I know that the Minister is keen to continue working with that model, and particularly with the issues of significant pecuniary interest and non-significant pecuniary interest in terms of addressing local environment plans. It is ridiculous that the quorum at a council meeting has to leave the room because everyone has a conflict of interest in the local environment plan. That is not why people voted for us; they voted for us to be there, to negotiate and to bring about consensus on land use and local environment plans. There are still some complex issues to be dealt with, but with the hearing that local government has been getting from the Minister I am confident that we have come a long way.

I note that the previous Government was looking to amalgamate water utilities. Even back then, as a city, we were very concerned about that approach. Once again, it was put to us in the same way—resources, resource sharing, or unsustainable water utilities need to look to people that can help to make them functional utilities. I am not surprised that this is coming back. I hope it does not come back through water utilities. We generally support local governments having the right to volunteer if they are interested in amalgamation, taking on board all the things that Mr Shoebridge said about the whole lot of local government needing to be brought in on that opportunity to ensure that no-one is left behind if choices are taken to amalgamate. No doubt some amalgamations will be needed in the future. I hope local government areas are big enough to stand up, because their ratepayers will be affected if they go into liquidation, so to speak. It is much wiser to stand up and say, "We need a hand", and do something to empower rather than disempower the community. Generally, the Christian Democratic Party commends the bill to the House.

The Hon. RICK COLLESS [9.22 p.m.]: I support the Local Government Amendment Bill 2011. I acknowledge the Minister for Local Government, the Hon. Donald Page—

The Hon. Lynda Voltz: I acknowledged him too.

The Hon. RICK COLLESS: That is good, I am pleased that you did—and so you should have. It is good to see that he is here listening to this debate and listening to the various aspects of the discussion on this bill.

DEPUTY-PRESIDENT (The Hon. Sarah Mitchell): Order! There is far too much noise in the Chamber. I am having difficulty hearing the member with the call.

The Hon. RICK COLLESS: The bill reflects the Government's commitment to provide an effective legislative framework for the administration of local government in New South Wales and to improve the effectiveness of local government generally. I will make a few brief comments on some of the statements made by the shadow Minister in relation in particular to lack of consultation. She asked whether we have been out there and spoken to local councils and the communities. I say to the shadow Minister that there was a whole range of people at the Destination 2036 forum held in August 2011 at Dubbo.

The Hon. Sophie Cotsis: General managers and mayors.

The Hon. RICK COLLESS: There are 152 councils in this State and there were council representatives, both general managers and councillors. If the mayor could not be there a councillor was there representing the mayor, so there were 152 councillors there.

The Hon. Sophie Cotsis: What happened in September? Twenty mayors were not mayors any more.

The Hon. RICK COLLESS: There were 152 councillors.

The Hon. Sophie Cotsis: That was a waste.

The Hon. RICK COLLESS: You say it was a waste—

The Hon. Sophie Cotsis: No, 20 mayors were not elected at council elections.

The Hon. RICK COLLESS: But there is always an election.

The Hon. Lynda Voltz: Point of order: It is very difficult to follow the conversation across the table and I would ask that the member be reminded that his comments should be directed through the Chair.

DEPUTY-PRESIDENT (The Hon. Paul Green): Order! I thank the member for her assistance. The Hon. Rick Colless will not respond to interjections. I remind the Hon. Sophie Cotsis that interjections are disorderly at all times.

The Hon. RICK COLLESS: A swag of outcomes resulted from the August 2011 conference at Dubbo. The key outcomes can be grouped under five broad headings. One outcome related to efficient and effective service delivery, which is what local government is all about. I do not know if the Hon. Sophie Cotsis has ever been a member of a council or an elected representative of a council. I have been an elected representative for 13 years and had one term as mayor. As the Hon. Paul Green would know, when you are an elected representative on a local government body it is all about service delivery. That is the key. Any amendments that we make to this bill are going to be directed at improving service delivery to the people of New South Wales.

We also need to take into account economic sustainability and ensure that everything we do is sustainable in the long term, from an economic as well as an environmental perspective. It is important to take into account the governance of local government, how it operates and performs in that sphere. Also spoken about were appropriate structures for local government. I recall that in my local government days that issue took up more of our intellectual energy than any other factor. There were all sorts of pressures coming from all sorts of areas in small regional councils, and particularly as we were in a larger one with smaller councils around us, about the preferred structure for the whole region.

Those are the sorts of issues that the Minister was able to get feedback on at Dubbo. The issue of amalgamation, forced or unforced, obviously would have been at the forefront of those discussions. There was also discussion about the relationship between councils and community organisations, council to council, the Regional Organisation of Councils and that sort of thing, and of course the relationship between councils and State Government. An independent panel has been appointed to look at primarily governance issues and structural issues—obviously service delivery and economic sustainability issues are important also—and there will be reference groups established to look at service delivery, economic sustainability and relationships issues. All of those things have come from that conference at Dubbo. All of this has come out of the consultative phase of Destination 2036.

DEPUTY-PRESIDENT (The Hon. Paul Green): Order! Members will not engage in conversations. I am having difficulty hearing the member with the call.

The Hon. RICK COLLESS: Reference groups will be established to look at some of those specialist areas—for instance, the employee aspects that those opposite are concerned about.

The Hon. Sophie Cotsis: The Government should be worried as well.

The Hon. RICK COLLESS: The Government is concerned. As Opposition members have rightly said, local government is a major employer in most communities and the Government will involve the United Services Union. In fact, today the chief executive officer of the Division of Local Government had a meeting with the United Services Union. I note that Mr Graeme Kelly, whom the Hon. Walt Secord referred to, turned up at the 2036 conference—

The Hon. Sophie Cotsis: He campaigned for a spot.

The Hon. RICK COLLESS: I acknowledge that interjection. But he left early on the morning of the second day. He could not be bothered to hang around for the entire conference. As I said, today the chief executive officer of the Division of Local Government had a meeting with the United Services Union. Those employee issues that those opposite are concerned about will be taken into consideration and given high priority.

I turn to the proposal about the reduction in the period of the employment protection provisions applying to non-senior council staff from three years to one year where councils are affected by the constitution, amalgamation or alteration of council areas. Many local government bodies have trouble with that following an amalgamation process. For instance, some local government bodies have ended up with three general managers, three planners or three directors of each division whom they could not get rid of for three years. Councils have been burdened with those costs and it becomes a problem for them.

The Hon. Sophie Cotsis: Have you spoken to the amalgamated entities?

The Hon. RICK COLLESS: I have. In 2004 the Local Government Act was amended to insert a new employment protection regime in part 6, chapter 11,which effectively precluded councils from restructuring their workforce for three years. Councils that underwent amalgamations for the purpose of improving their efficiencies and providing better services to their ratepayers expressed concerns that this regime stalled their ability to benefit from structural reform because they were unable to adjust their organisational structure and rationalise their workforce soon enough. The proposal will allow councils to adjust their staff structures after one year rather than three years following amalgamations or boundary adjustments.

This, in turn, will provide incentive for councils to engage in local government structural reform through increased shared arrangements and other innovative service delivery models. The proposal will also assist councils in complying with the requirements of the Integrated Planning and Reporting framework that requires them to determine their organisational structure in accordance with the Workforce Management Plan. The bill is a welcome reform. It will be accepted by the vast majority of local government organisations in New South Wales. I commend it to the House.

The Hon. ROBERT BROWN [9.33 p.m.]: I make only a brief contribution to the Local Government Amendment Bill 2011 because most of what needs to be said has already been said. In fact, most of the contributions made tonight have been very interesting, including contributions by members who traditionally the Shooters and Fishers Party would not agree with. For instance, Mr David Shoebridge has said things tonight with which the Shooters and Fishers Party agrees.

Dr John Kaye: You must be sick.

The Hon. ROBERT BROWN: It is the honourable member who has chickenpox, not me. The Shooters and Fishers Party supports the legislation in principle; however, I foreshadow that it will be supporting a number of amendments to be moved by the Opposition and Mr David Shoebridge. I place on record the thanks of the Shooters and Fishers Party to Mr Graeme Kelly, the State Secretary of the United Services Union, and his able lieutenant, Steve Hughes, who happens to be a member of the Shooters and Fishers Party. As Mr David Shoebridge said, this bill is starting to get stale—it has been around five months.

I agree that there has been more consultation on this bill than on most other bills that have been through this House. All parties have been involved in extensive toing and froing. I have had discussions with the Minister, who is present in the Chamber, the shadow Minister and The Greens. We have also had a couple of mayors in this place. I place on record my gratitude to the Deputy-President in the chair and to the Hon. Jan Barham, who on occasion have offered advice. After five months there will be a compromise resolution tonight which, I agree, will pick the best bits out of this compendium bill. I commend the bill as it probably will be amended to the House.

The Hon. JEREMY BUCKINGHAM [9.36 p.m.]: Honourable members may not be aware that for the past eight years I have served on the Orange City Council, and what a pleasure it has been.

The Hon. Matthew Mason-Cox: Yes, we are aware. We have a comprehensive file on you.

The Hon. JEREMY BUCKINGHAM: I acknowledge the interjection. I will add that to my Central Intelligence Agency, Mossad and Liberal Party files. But I will not be continuing in my role on the Orange City Council. As the Hon. Robert Brown said, this is a compendium bill but I propose to speak on the proposed amendments to section 451 of the Local Government Act—namely, the changes to pecuniary interests. If there is anything that would create a corrupting influence in Local Government it would have to be that. Because the onus is on councillors to declare pecuniary interests, it has been my experience that councillors have erred on the side of caution. They have routinely conferred with general managers and council staff to ensure that they do not inadvertently make decisions to their benefit. If they did have a pecuniary interest then they have removed themselves from matters being considered at a meeting.

For instance, potential rezoning in local environmental plans could benefit a councillor, an associate, a councillor, a colleague or a relative to the tune of hundreds of millions of dollars. Decisions around rezoning can create significant windfall gains for landholders and provisions must be retained to ensure that any possibility of a corrupting influence is removed. In particular, proposed section 451 (4) (a) (ii) states:

> The amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the council's area …

I believe this would apply to development control plans. Again, where there was a change in use of a particular building and the corresponding payment, say, of a parking contribution, someone may benefit from a change in parking contributions. It is often the case in councils that people own significant properties or a number of properties, and they would benefit from that change in the development control plan. It could be something minor, something that would not register in or raise the interest of the community. However, it could give the individual an enormous windfall gain in the order of hundreds of thousands of dollars.

I do not understand why the Government is attempting to change the Act in this respect. If anything, the Act should be strengthened in this area and we should have more prescriptive measures when it comes to declaring pecuniary interests and removing people from decision making. My experience on Orange City Council is that the Act is operating well. I urge all honourable members to consider any amendment that retains the status quo or improves the standards of governance in local government.

The Hon. JAN BARHAM [9.41 p.m.]: I also acknowledge the Minister for Local Government. I do so because he is also my local member, the member for Ballina. It is a great honour to have my local member as a Minister, particularly in such an important area as local government. On the North Coast local government is greatly respected, much loved—

The Hon. Robert Brown: Difficult?

The Hon. JAN BARHAM: I would add difficult, because those of us who have been involved in local government know only too well it is a difficult, complex area of government. I believe it is also the most fulfilling in that we work on issues and with people at the grassroots level and everything is real. It is about real people with real issues. That is why any reform deserves to be subject to a lot of consultation and carefully considered. That is not easy when we have a 20-year-old Act. I also acknowledge the presence in the Chamber tonight of the previous shadow Minister for Local Government, the Hon. Duncan Gay.

The Hon. Duncan Gay: You do well to remember back that far.

The Hon. JAN BARHAM: I remember back that far because I had to endure the calls for my council to be sacked. It is a council that is often criticised and misunderstood. I doubt if there is a member in this House

who has not ventured there for holidays at some time. Despite what people say about us, they do appreciate us. There have been comments about the council being badly run. It is not a badly run council, but it is put under extreme pressure. Some members love the place and have been visiting the area for a long time. Even the Deputy-President [The Hon. Paul Green] was there for a wonderful conference we hosted two years ago, the Seachange Task Force conference. We keep inviting people, but we want an acknowledgement that a small local council alone cannot deal with the pressures and demands of tourism. I am happy to share our beautiful area, but we would like a reasonable acknowledgement.

Tonight I wish to speak about another issue that is deserving of acknowledgement, legislative reform or clarification to ensure that in a local government area reasonable action can occur with the support of its community. I refer to community land and licences and/or leases. In particular, I refer to caravan parks operated on community land. Is it reasonable and feasible under the current Act, or with an amendment, for land held in trust by the council, owned by the people and deemed to be community land, to retain its categorisation as community land if it is used long term as a caravan park? In this case, permanent residents, due to historical circumstances, have resided in structures they own for five years.

Over many years Byron council, including me as mayor, sought advice from the previous local government Minister. We received responses from the then Deputy Director General of the Department of Local Government, Mr Ross Woodward, about the current unlawful practice taking place at a caravan park at Suffolk Park. This practice has been carried out for 50 years, but it is currently deemed inconsistent with the Act. I raise this matter because it concerns affordable housing, and my community's capacity to provide for people who are struggling in a place that is so popular. It is a destination enjoyed by many, but it is increasingly expensive and is squeezing out some valuable members of our community.

My colleague Mr David Shoebridge and I sought to draft amendments to the bill that deal with the management and leasing of community land. These matters can often be confusing and open to different interpretations. I appeal to all members to consider an amendment that may be put forward, unless I receive clarification from the Government that there has been a misunderstanding about the current situation and my council can proceed with a motion that has been on the books for two years. We want to advertise a draft plan of management that makes it clear to the community that we are using a bit of community land for the purpose of a caravan park for both transient-visitor use and some permanent-resident use. This has been going on for some time, and the plan of management has considered it and seeks the input of the community. After a transition period we might end up with real affordable housing, new housing for people on low incomes. For the present, they are in converted caravans or cabins that they own.

In a letter forwarded to me and dated 5 February 2010, Mr Ross Woodward refers to correspondence I sent to the previous Minister for Local Government. He informs me that the current practice does not comply with the Act. He says that a lease or licence cannot be granted over community land because structures are not owned by the owner of the land but by another person. That has been a problem. The only prospect available to Byron council and the community is to turn this land into operational land. Unfortunately, when one lives in a community one also knows the history, and this is valuable land gifted to the community.

Only last weekend I was fortunate to attend a community celebration, which had been delayed from Australia Day because of the weather. An event was held on Sunday, which was a beautiful sunny day, at Suffolk Park. The land at Suffolk Park, along with the caravan park land, was gifted to the community many years ago by a family that first settled the area. The generosity of landowners is common practice in rural and regional areas.

In this case the land was deemed to be community land; then by a misrepresentation on the ledger it was deemed to be operational land, and the council offered the land for sale in 1996. That land gifted to the community could be sold distressed the local community. So we began a community campaign to save this land. Once again, we proved that the land was community land and could not be rezoned as operational land to allow the sale to proceed. That is the same land to which I am referring; I have been working on this issue for six years.

It is frustrating but, most importantly, it is of concern to the community, especially those who live in the caravans. Those caravans, which are their homes, are the only way they could afford to stay in the area. Most of the caravan owners are great contributors to the community by way of volunteering with meals on wheels, the coastcare group, the community centre and the local community hall. They all do their time for the

community. A great thing about volunteers is that they make a contribution. That is what makes serving in local government so rewarding and such an honour. I have certainly had that honour. Come September this year, when I finish in local government, I will have served proudly in local government for 13 years.

The Hon. Dr Peter Phelps: Hear, hear!

The Hon. JAN BARHAM: Thank you. I am the first female Mayor of Byron shire and the first Greens popularly elected mayor in Australia. I am proud to have served such a dynamic and sometimes difficult but proud and diverse community. I know that we have done great things. I am proud of that, although many others do not see The Greens in such a positive light. Indeed, recently when there was talk of amalgamation, the councils surrounding Byron Shire Council said they did not want to be amalgamated with Byron council because it is too difficult. They did not want to represent the Byron community because the people are a fiery, determined, informed and often defiant bunch. And that is the way it should be when we encourage people to engage with democracy. Some other factors in this bill are important, and my colleagues have raised important points, such as pecuniary interests. The year before last my council was unable to vote on its local environmental plan; five out of nine councillors were unable to stay in the chamber or vote because of pecuniary interests.

The Hon. Dr Peter Phelps: Do you support our bill or not?

The Hon. JAN BARHAM: It is difficult trying to progress such an important issue that has been unnecessarily and unfortunately delayed over many years since the previous State Government decided to make changes to the local environmental plan process in 2002. What has been put forward in this bill does not conform with the ideals of The Greens and it would not be well received if people understood the nature of what is happening. My colleagues cited the fact that they observed people voting on proposals in which they had a direct interest or for which their landownership could be upgraded in terms of its zoning potential and therefore create a great windfall. The councillor from Orange, the Hon. Jeremy Buckingham, referred to development control plans. In Byron council I have a number of cases when changes to a development control plan have created relief or a burden for some landowners in respect of their contributions, whether it is parking requirements, the density of a building or the ratio for floor space.

In Byron property is pricey and commercial development is costly. The provision in Byron Bay is 1,000 square metres, which is equal to that of Sydney, which has a bigger population. Also, Sydney does not have an annual turnover in the population but it has high property prices. So any changes in planning development control principles represent either a windfall, or a barrier or deterrent. Therefore, it is vital that the element of pecuniary interests be considered. As I said, my colleague Mr David Shoebridge has come up with an elegant solution: one's primary residence should be an acceptable interest but not beyond that because we are talking about re-valuing the benefit or bonus that might accrue from changes to either development control plans or zoning principles.

I think the amendments should be considered. In terms of body politic issues, some years ago Byron council discussed whether the body politic made a distinct difference as to whether the council received money or whether it made changes in relation to WorkChoices. Some of the issues are difficult. I believe that the Act has some inherent difficulties because it has been amended many times and the changes have not been holistic. The Local Government Act needs a major review because times and values have changed.

The Hon. Dr Peter Phelps: Or we could just abolish it.

The Hon. JAN BARHAM: Local government is an important level of government. People genuinely feel they can relate to their representatives and that they are participating in defining their future. I acknowledge that one of the first actions of the new Government was to remove part 3A. The Government made an election commitment to remove part 3A because people were shocked that they did not have a say in the planning process and there was no consistency or strategy in determining the future of a local government area. So the complexity of local government needs to be considered. There is another issue that is often forgotten. I am assured that the current Minister, who is from the region, clearly understands the distinct and different needs of rural and regional areas. Unfortunately, for too many years the Government lost sight of the fact that there is not a one-size-fits-all approach to local government. All local councils are different.

I turn now to resource sharing. In 1996 the Minister, Ernie Page, produced a document about cooperative partnerships in local government, and all local councils started looking at how they could be more

efficient. Regional councils in particular are more efficient. It is the way people in the regions live. If a local council can resource share and get a benefit for its community, it will do so. So resource sharing has already been happening. Local councils do not need legislation to tell them to resource share because it is common sense, and country people are good at it. If a council can resource share and make things happen it will. If resource sharing will not serve the council well, it does not do so. The idea that regional councils can share equipment is often a fanciful idea of city folk. People in the city do not realise that regional councils that need a side slasher because the rain has been pelting down for months and the grass is growing at the rate of 10 centimetres a week cannot share a slasher because they all need the slasher at the same time. A council is lucky to get the slasher around its own area. Is that not right, Mr Mayor?

The Hon. Duncan Gay: I'll lend you my slasher if you'll sit down.

The Hon. JAN BARHAM: If the Minister has an extra slasher that he can give to Byron Shire Council we would greatly appreciate it. A new slasher would be a lovely gift. I appreciate the efforts that have gone into considering some of these important issues. I hope enough members will consider that some of the amendments The Greens intend to move in Committee are beneficial to the bill. I would very much appreciate clarification of the local issue I raised as it affects community land, affordable housing and permanent living requirements.

My local issues often get far more attention than they deserve because of the area's location and the high cost of living, but in this case clarification would be appreciated. After many years of dealing with this issue, which continues to cause residents a lot of stress, I feel that I owe it to my community to address it by way of amendment. People do not know whether they have the right to live where they live, whether they can invest in their properties or whether they should disengage from the local community because they cannot stay there. There are other important issues to consider, as my colleague outlined. The Greens support some of them and for others we will seek support through amendments in Committee.

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

The House continued to sit.

The Hon. MATTHEW MASON-COX (Parliamentary Secretary) [10.00 p.m.], in reply: It has been a fulsome debate and I thank all members for their contributions. The discussion has been colourful and we have benefitted from the depth of local government experience that exists in this Chamber. We will not mention Julie Passas in this debate. I will refer to a couple of contributions. I will start with that of the Opposition spokesperson, the Hon. Sophie Cotsis. She made several interesting comments, particularly the suggestion that the Minister, his office and the department did not consult properly in respect of this bill. There has been a fair bit of discussion concerning that issue, particularly by a number of members who lamented the fact that the bill has been kicking around for six months because of the extensive consultation process. In that regard I note that the Hon. Sophie Cotsis claimed that unions were not involved in Destination 2036. In fact, they were invited and attended in Dubbo.

The suggestion was that unions were not in attendance at Destination 2036. I must correct the record in that respect: The unions were invited and attended in Dubbo. That was clearly part of the process the Minister has put in place. There was extensive consultation with all stakeholders, and I congratulate the Minister on engaging in a thorough and proper process. It has manifested in the comprehensive bill that local councils want this House to pass tonight. I note that the Minister met with the Federal Minister for Regional Australia, Regional Development and Local Government, the Hon. Simon Crean, and raised the issue of the body politic, which was the subject of extensive discussion tonight. Unions will be consulted in the reference groups that will convene when the necessary report is tabled by the Minister.

I note the Hon. Sophie Cotsis' contention that a war is being waged on New South Wales workers and that the number of bureaucrats will increase as a result of this bill. I am not sure where that assertion comes from. Again, it was a passionate, if misguided, contribution from the shadow Minister. I note the learned contributions from the Hon. Trevor Khan and the Hon. John Ajaka, who drew on their experience of local government. Mr Shoebridge made another erudite contribution, particularly in respect of his remarks about the rank hypocrisy of Labor on Botany Council in reducing the number of councillors in each ward from two to one to avoid the impact of the amendments in this bill. That was a most timely move, which gives new meaning to the expression "the power of one". Labor knows all about that on Botany Council.

The Hon. Walt Secord pointed out that regional councils are major employers, which is very true, but would not confirm which councils he visited. I understand that all will be revealed in his soon-to-be-released book about the best pie shops in New South Wales. I want to make sure that Bemboka pie shop gets a mention as it is, if not the best, one of the best pie shops in New South Wales. I note also the mayoral contributions from the Hon. Paul Green, Mayor of Shoalhaven, and the Hon. Jan Barham, Mayor of Byron Shire. Both members drew on their experience and made a significant contribution to the debate. The Hon. Richard Colless drew on his years of service in local government. The Hon. Jeremy Buckingham reflected on his eight years on Orange council and his Central Intelligence Agency and Mossad files. I am sure that all members of the House would like to read them in due course. The Hon. Robert Brown noted that there was extensive consultation in respect of the bill. It was an extensive debate with many worthwhile contributions.

I will address a couple of key aspects of the bill in an attempt to improve the understanding of those opposite. I trust that it will not be in vain. The areas I will mention include the changes to council staff employment protections. I reiterate that the amendments enable councils to make changes to their staff structures, where transfers occur as a result of an amalgamation or boundary alteration, by reducing the period of operation of the employment protection provisions from three years to one year. The amendments will address concerns expressed by councils that the existing employment protections represent a disincentive for councils to engage in structural reform through voluntary amalgamations and other shared services arrangements. I am advised that the amendments will apply only to towns with a population in excess of 5,000. Existing protections will continue in towns where the population is less than 5,000.

Another issue subject to discussion was redefining councils as bodies corporate. The proposal to amend the status of councils to bodies corporate was requested by the Local Government and Shires Associations of NSW and will address their concerns that body politic status negatively impacts on council activities, including obtaining Federal funding for trainees and being excluded from tendering for construction work on Federal Government funded projects. I refer to the contribution by the Hon. Trevor Khan, who clarified the situation that applies. In light of amendments to the Federal industrial legislation that expressly exclude local government from coverage, the legal status of councils can now be restored to bodies corporate without impacting on whether councils belong to the State or Federal industrial relations system. The other issues raised I will leave for further discussion in the Committee of the Whole. 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.

Suspension of Standing Orders: Instruction to Committee of the Whole

Motion by Mr David Shoebridge agreed to:

That standing orders be suspended to allow the moving of a motion forthwith that it be an instruction to the Committee of the Whole that it has power to consider an amendment relating to the number of councillors that a council must have in each ward if the area of a council is divided into wards.

Instruction to Committee of the Whole

Motion by Mr David Shoebridge agreed to:

That it be an instruction to the Committee of the Whole that it has power to consider an amendment relating to the number of councillors that a council must have in each ward if the area of a council is divided into wards.

In Committee

Clause 1 agreed to.

The Hon. SOPHIE COTSIS [10.11 p.m.], by leave: I move Opposition amendments Nos 1 and 5 on sheet C2011-100D in globo:

No. 1 Page 2, clause 2, lines 5–7. Omit all words on those lines. Insert instead:

This Act commences on the date of assent to this Act.

No. 5 Page 5, schedule 1 [13] and [14], lines 8–30. Omit all words on those lines.

The amendments relate to pecuniary interest. A number of members have made contributions regarding this provision. The status quo is fine. As the Hon. Jeremy Buckingham stated, we should look at strengthening this part of the Act. The Opposition opposes this proposal in the bill to allow councillors to be present and vote at meetings in which they have a pecuniary interest if the matter being considered relates to the making or amendment of an environmental planning instrument. The proposal is unnecessary and creates a high risk for corruption that does not currently exist. The Opposition seeks to amend the provision.

The Hon. MATTHEW MASON-COX (Parliamentary Secretary) [10.14 p.m.]: The Government opposes the amendments. It seems that the Opposition has misunderstood the intended effect of schedule 1 [13]. The rationale behind the Government's proposal to clarify that councillors may not use the pecuniary interest disclosure exemptions contained in section 448 of the Act to avoid disclosing a conflict of non-pecuniary interest is that it was never intended that section 448 allow this. Pecuniary interests must be dealt with in accordance with the provisions of the Act while non-pecuniary conflicts of interest must be dealt with under the provisions of the model code of conduct. It is considered that, in the interests of open and transparent government, non-pecuniary conflicts of interest should be disclosed and managed in accordance with the model code.

The rationale for the Government's proposal in schedule 1 [14] is to allow councillors to be present and participate at a meeting on a matter in which they have a pecuniary interest where the matter relates to the making, amendment or alteration of an environmental planning instrument that applies to the whole or a significant part of the council's area to assist councils to implement their area-wide standardised local environmental plans without undue delay. The Government's proposal would allow councillors to discuss and vote on the adoption and amendment of such local environmental plans without seeking the Minister's approval pursuant to section 458 of the Act. The purpose of section 458 applications is, among other things, to allow councillors with pecuniary interests to participate and vote on a matter before council if the number of those councillors is such that there is no quorum at the meeting. Accordingly, the Government opposes the amendments.

Mr DAVID SHOEBRIDGE [10.16 p.m.]: The Greens support Opposition amendment No. 5 to delete entirely new section 451, subsections (4) and (5), but we do so noting that The Greens foreshadowed amendment will seek to restrict the damage caused by the Government's proposal. The Government proposes to allow councillors who have substantial pecuniary interests to vote on matters, notwithstanding their enormous pecuniary interests—their major conflict of interest—where the issue at hand is a council-wide rezoning or a planning instrument that affects a significant part of a council.

The Greens fully understand that some councils have got themselves into difficulty when considering the new standard local environment plan, in particular, and they have had four or five councillors—sometimes six, seven or eight councillors—say, "Hang on, I have a pecuniary interest here because I own a property and this rezoning affects my family home." Even though it does not change the nature of the zoning of the family home, the decision to retain the current zoning is a pecuniary interest. Therefore, it has been said that they must step outside and cannot vote unless they get ministerial dispensation. Council after council has said they cannot get ministerial dispensation in a timely fashion and this has resulted in months of delay.

If these amendments are not successful The Greens will move an amendment that, where the pecuniary interest arises only as a result of the primary residence of councillors, they can still vote. That will allow councils to retain a quorum. However, where the pecuniary interest relates to a big chunk of land that a councillor might own on the edge of town that is about to be rezoned residential instead of rural to give the councillor millions of dollars of uplift, or involves a councillor owning five shops in the main street, or, as the Hon. Jeremy Buckingham said, the parking development control plan is changed to save a councillor $300,000 or $400,000, or the use of each of those properties is changed or the proposal is to increase the floor space ratio on a whole chunk of land—

The Hon. Duncan Gay: Where is the grey area? You would be out on each of those. There is no grey area there.

Mr DAVID SHOEBRIDGE: I hear the interjection of the Minister. Unfortunately, the Minister does not seem to understand what the Government is proposing. In all those instances where councillors could get a major uplift on floor space ratio, get a major release from the effects of a car parking development control plan, or get increases worth millions and millions of dollars to them personally for their real estate through a favourable rezoning decision, all the Government is proposing is that those councillors stand up and say, "I just

thought I would like the residents to know that I have a conflict of interest here; that, as a result of this vote, my land will be rezoned from rural to residential." It will allow those councillors to take part in the vote, notwithstanding a direct pecuniary interest. The Parliamentary Secretary knows this. I have had multiple discussions with the Minister's office and the Minister about it. The department recognises that that is what this measure will allow. It will allow councillors to vote when they have a direct pecuniary interest, where they will get millions of dollars or perhaps hundreds of thousands of dollars in their pockets as a result of their vote.

Why are we allowing local government to do this? Why would the Government conceive that this is a good move for local government? The Opposition's amendment would simply strip this provision from the bill. The Greens will support that because we understand there will not be support for our amendment, which is to limit it to the primary residence. Why the Government will not allow for fair dealing on this amendment and prevent this really serious pecuniary interest conflict being institutionalised in local government is, to be honest, one of those occasions where I cannot even comprehend the Government's argument that would allow this to happen. It really is bad news for local government. The Greens have an amendment which we think resolves 90 per cent of the practical difficulties for local government. Because I do not think we will get support for that amendment, we will support the Opposition's amendments, and thereby try to do as little damage to local government as we can.

The Hon. JAN BARHAM [10.21 p.m.]: I agree with my colleague Mr David Shoebridge, who is The Greens spokesperson on local government. Unfortunately, no disrespect intended, I speak in support of the Opposition's amendments because it appears that members do not understand the elegant simplicity of The Greens amendment on this issue. It also appears, unfortunately, that members do not understand the complexity of planning in New South Wales. *Hansard* records that the agreement in principle speech delivered in the Legislative Assembly on 12 October 2011 refers to area-wide standardised local environmental plans and the pecuniary interest intent of those plans. As I said in my speech earlier, my council was delayed for eight months because five of the nine councillors owned land in which they had to declare an interest that would arise from a change of zoning. The whole of the local environmental plan process has been a disaster. It was meant to be addressed in 2004, and it still has not been addressed. It is a sham, a mess. Those dealing with local environmental plans do not understand them. Unfortunately, that is what I am hearing today. It is nonsense and unbelievable that councillors would be allowed to vote when they would receive a huge benefit from their own vote.

On my council three councillors were forced to exclude themselves from a vote when their only affected property was their main premises. Two other councillors owned multiple properties, but the changes disadvantaged rather than advantaged them. I understand from speaking with my colleague from Orange the Hon. Jeremy Buckingham that it was likely that in growth areas on the outskirts of the town rural land could be rezoned urban development. What seems to be unexplored is the notion of development control plans raised by the Hon. Jeremy Buckingham. Mr David Shoebridge raised, as I did, the incredible advantage derived from floor space ratio and contribution requirements in relation to parking open space, and all those aspects concerned with a development control plan organised and defined by the council. One cannot have councillors who will derive a direct benefit from decisions about those matters voting on those matters. It is unfair. It goes against all existing fairness tests. It alarms me that that is not understood.

Members do not seem to understand that councillors could vote to increase the value of their own property. The Greens have put forward a very simple and clear amendment. Perhaps it is the nature of this place that something so clear and simple is not understood. That is sad. Mr David Shoebridge has tried to get support for the amendment of The Greens. I have been invited to some of those meetings on this local government bill. I know he has done a lot of work on the drafting of The Greens amendment, which is widely supported. Unfortunately, it does not have the support of the House, and therefore The Greens will be supporting the Opposition's amendments. That amendment is better than the current proposal in the bill, and we are aiming to achieve a better outcome.

Dr JOHN KAYE [10.25 p.m.]: The changes proposed to section 451 are an invitation to the small percentage of councillors who would behave in this way to self-enrich. It is an invitation for them to take part in deliberations on a local environmental plan which would directly affect land that they own where, for example, a rezoning or a change to the development control plan would cause them to be substantially enriched by their own vote. This amendment runs against every understanding that this State has built up in anti-corruption measures since the passing of the Independent Commission Against Corruption Act. It runs against every attempt that has been made to have disclosure and non-voting in local government to keep self-enrichment out of local government. The proposal to change section 451 disclosures has been extremely poorly thought out.

The changes will act at the next local government election as an invitation to a small number of landowners who will see local government not as a way of serving the community but as a way of serving themselves. These provisions should be deleted from the bill.

I strongly support the words of my colleague the Hon. Jan Barham with respect to the amendment proposed by Mr David Shoebridge. It is an elegant solution to the problem of meetings becoming inquorate in respect of the home ownership principle of residency ownership of councillors. But, in the absence of that, the deletion of the changes proposed to section 451 is an essential measure to protect the integrity of local government. I urge members to support the amendments.

The Hon. PAUL GREEN [10.27 p.m.]: The discussion demonstrates why it has taken five months to try to work out these complex issues. That has been my experience as a local mayor trying to work through a local environmental plan covering 49 towns and villages and who knows how many zones and best-fit scenarios that a council considers. I can only reflect on my experience. I understand where the Hon. Jan Barham is coming from, and I understand what was said by the Hon. Jeremy Buckingham and the Hon. Rick Colless, who spoke earlier on this bill. But if one were to make a financial gain from a matter before council, one would be stupid to stay in the meeting and vote on the matter.

[*Interruption*]

I hear the interjection of the Dr John Kaye. I ask him to bear with me while I explain my position. In building a culture of corruption I hear that loud and clear. But one would be absolutely crazy to sit in on a meeting and stay in the room and vote on a proposal to upgrade the zoning of one's property when one would receive a financial benefit from that vote. I do not know about anywhere else, and maybe it is just peculiar to our local government, but we have a lot of armchair critics who are watching closely and running the microscope over every move that we make. We have a saying, "When in doubt, get out." That is where both significant non-pecuniary interests and pecuniary interest may affect someone, depending on the individual council's own conviction. That may vary. No doubt we have seen throughout the history of local government the different convictions of councillors. But I still do not think one can write a law that will stop misbehaviour by someone who has the intent to misbehave.

Question—That Opposition amendments Nos. 1 and 5 [C2011-100D] be agreed to—put and resolved in the negative.

Opposition amendments Nos. 1 and 5 [C2011-100D] negatived.

Clause 2 agreed to.

The Hon. JAN BARHAM [10.30 p.m.]: I move The Greens amendment No. 1 on sheet C2011-108A:

No. 1 Page 3, schedule 1. Insert before line 3:

[1] Section 46 leases, licences and other estates in respect of community land—generally insert "or in relation to a caravan park or residential park (within the meaning of the Residential Parks Act 1998) on land owned by the council" after "council" in section 46 (1) (b) (iv).

This seeks to clarify in the Act a situation that has existed for over half a decade relating to lack of certainty over the use of community land for the purpose of a caravan park under the meaning of the Residential Parks Act on land owned by a council and deemed to be community land. As I have stated previously there has been a historical misunderstanding about this because prior to the 1993 Local Government Act community land was able to be used for purposes deemed fit by council, particularly in very low-key small coastal areas up and down the New South Wales coastline. Many people lived in caravan parks and found them to be places where they could reside cheaply and enjoy a community. They were often retired people or people looking for a different lifestyle.

There has been confusion about whether Byron Shire Council was able to continue to use a particular piece of land and I hear that a similar situation has arisen in other areas such as Port Macquarie, Coffs Harbour, an area at Lake Macquarie and another area in the south of the State. It is not a single issue and it was brought to the attention of the Department of Local Government under the previous State Government. The problem has arisen because of the way in which section 46 of the Act has been interpreted despite the requirement for a plan of management that requires a council to fully inform the community and describe the use of the land and the

fact that it might be used for a temporary purpose. These might include having visitors and overnight stays and holidaymakers who come every year at Christmas for the summer or at Easter for the blues festivals. We have regular visitors and some of them have been coming for generations. As I have said previously, members of this House are long-term visitors to the area.

Unfortunately, in recent years there has been a shift in the interpretation of the Act so that community land could not be allowed to be used for leased premises that are owned by the resident. Structures can only be leased out if they are owned by the council. As we know, when people lease community land they do not own the land but they can own the structure. The amendment seeks to make clear that section 46 may be applied to land within the meaning of the Residential Parks Act, which means that one can have temporary or semi-permanent living where one describes by way of a plan of management that five-year leases might be given on these spaces in the caravan parks. People have sought to clarify this over many years and there have been letters backwards and forwards and meetings with the Government and the Department of Local Government, and still confusion reigns. This amendment is seen as a way to clarify the matter, particularly when we are living in a State where portable housing is recognised as such an important issue.

Coastal towns are losing valuable residents who can no longer afford to stay because an historical right is being taken away from them as councils upgrade their plans and processes for looking after very important community land. Communities are mourning the loss of these people because they can no longer live in these areas. Councils have a right to fulfil their obligations to the community to provide affordable land. We are not all into making profits. We do not want just to focus on the tourism market. We feel there is real value and social capital derived from having people who could not otherwise afford to live in the area live on council land that is represented in a plan of management and is also defined under the Local Government Act requirement to describe the use of community land for the purpose of informing a community.

It provides the opportunity for input if there is disagreement. It is all open and transparent. That is what I love about local government. One cannot just do things; one cannot make a decision in council and next day it is a given. The only decision one gets to make is that one will put something out on exhibition and get comment. It is a very good process if one wants accountability and to ensure that people know what one is doing. Everyone gets 28 days to find out about it. That is a good process. However, this problem is frustrating and many of us who have spent years there have found it difficult.

Clarification is sought from the Government on this matter because it has caused great grief in my community. I would appreciate members' support but, if not, then direct clarification from the Minister that we can do the very thing we have been talking about for six years—allow people to continue to reside in a caravan park, guided by a plan of management, and to live in peace.

The Hon. SOPHIE COTSIS [10.36 p.m.]: The Opposition supports The Greens amendment, which will include caravan parks and residential parks among the types of land that council can grant leases or licence over. The Hon. Jan Barham has given a very good explanation of the amendment.

The Hon. MATTHEW MASON-COX (Parliamentary Secretary) [10.37 p.m.]: The Government opposes this amendment. The current provisions in the Act allow councils to grant a lease, licence or other estate over community land used as a caravan park. This is because section 46 (1) (b) (i) of the Act authorises a council to grant a lease, licence or other estate over community land for these types of purposes. The amendment, whilst well intentioned, is unnecessary.

Mr DAVID SHOEBRIDGE [10.37 p.m.]: This has been the subject of detailed negotiations primarily between the Hon. Jan Barham and the Minister. It is very simple. There are a number of long-term tenants in council-owned caravan parks on community land with whom the Department of Local Government has said local councils cannot enter into long-term leases so they have some security of tenure in their caravan parks or residential parks. It has been an ongoing problem. Time and again Byron Shire Council has tried to get approval to enter into long-term leases to give those people in the most basic affordable housing in a caravan park or residential park some long-term security of tenure. They get told repeatedly they cannot. They get told repeatedly that section 46 is a bar to them doing so.

This proposal will amend section 46 to state that a lease, licence or other estate in respect of community land may be granted in accordance with an express authorisation in a plan of management—one has to take it to one's community first—and such provision by the plan of management is to apply to the granting of the lease, licence or other estate for residential purpose in relation to housing owned by the council or in relation to a caravan park or residential park on land owned by the council.

The amendment will allow councils to give that security of tenure to those people in long-term leases in a caravan park or in a residential park. Currently councils are being told that they cannot grant such leases. This amendment will give councils express authorisation to do just that. I hear what the Parliamentary Secretary says, that other provisions in the Act do it, but it is far from clear. In fact, the advice sent from the department is that councils cannot grant such leases. Why do we not just clarify it and ensure that councils can do it? That is what the amendment will do.

Dr JOHN KAYE [10.39 p.m.]: I would like some clarification from the Parliamentary Secretary. I understand he said that section 46 (1) (b) (i) created the capacity for councils to grant such leases. That would therefore require section 36N or section 46N of the Act to provide for such long-term leases.

The Hon. Matthew Mason-Cox: It is sections 36E to 36N.

Dr JOHN KAYE: Section 36N has nothing to do with this at all. Section 36N is about the ecological—

The Hon. Matthew Mason-Cox: It is sections 36E to 36N.

Dr JOHN KAYE: From my reading of sections 36E and 36N it is not clear—

The Hon. Matthew Mason-Cox: It will never be clear.

Dr JOHN KAYE: It is interesting: the Parliamentary Secretary says that this matter will never be clear. That is precisely the problem with this matter. Long-term residents of caravan parks are unable to own their own caravan because of the lack of security on their lease. What the Hon. Jan Barham is proposing would cut through that. It may well be that there is a parallel path within the legislation to allow for those individuals to get access to security, but it is not clear that that is the case. Certainly, Byron Shire Council has been given the run-around on this. It seems to The Greens that it would be sensible for the Parliamentary Secretary to allow this amendment to go through, because it would do no damage and at the very least it would provide abundant clarity that such leases could be granted.

The Hon. MATTHEW MASON-COX (Parliamentary Secretary) [10.41 p.m.]: The advice I have received is that it is clear as a result of the combination of section 46 (1) (b) (i) as it relates to sections 36E to 36N. It may have been misinterpreted by Dr John Kaye.

Question—That The Greens amendment No. 1 [C2011-108A] be agreed to—put and resolved in the negative.

The Greens amendment No. 1 [C012-108A] negatived.

The Hon. SOPHIE COTSIS [10.42 p.m.], by leave: I move Opposition amendments Nos 2, 4 and 6 on sheet C2011-100D in globo:

No. 2 Page 4, schedule 1 [5] and [6], lines 1–13. Omit all words on those lines.

No. 4 Page 5, schedule 1 [11] and [12], lines 1–7. Omit all words on those lines.

No. 6 Pages 6 and 7, schedule 1 [17], line 21 on page 6 to line 20 on page 7. Omit all words on those lines.

I provided an extensive explanation of these amendments in my contribution to the second reading debate. Changing the status of councils in this way has been quite dramatic. As I mentioned in my speech, I have spoken to many councils, many workers and ratepayers, many stakeholders and the Local Government and Shires Associations and have put our position forward. This is not the right way to go about local government reform. The explanation that was given to us and to the public was that this would affect direct Federal funding to local councils. That is not the case.

I understand that the Hon. Trevor Khan tabled a document. I am happy to talk to him and to the Federal Government about the situation. The reason for changing the entire status of councils is based on two or three examples that have been put to us. I have investigated those examples, and they were reasonable explanations. The Government has based its reason for changing the status of councils on its concern about direct Federal funding to local government. My concern is about the industrial relations implications. When councils are converted to corporations they will come under the Federal system—

The Hon. Dr Peter Phelps: The Federal Labor system.

The Hon. SOPHIE COTSIS: The State system is a very good system. I am advised that the initial transfer to bodies politic status was to end the uncertainty that New South Wales local government entities felt regarding their legal status and their concerns that they could be in breach of Federal legislation by not operating under a Federal-compliant industrial instrument. My concern, and I have made it very clear, is that the Government cannot be trusted when it comes to industrial relations. A couple of days ago at the Business Council of Australia breakfast the Premier said that he would like to see the wages of State employees capped under Federal awards. The Premier wants to interfere in the Fair Work Australia system and he wants to cap their wages.

The Hon. Catherine Cusack: It's a Federal Labor Government you are worrying about here.

The Hon. SOPHIE COTSIS: No, these are State Government employees—railway employees, employees that come under public trading enterprises, State-owned corporations—who come under Federal awards and the Premier wants to sledgehammer them with a 2.5 per cent cap on their wages. They have consent agreements, just as we had here in—

The Hon. Matthew Mason-Cox: Point of order: The amendments relate to whether the status of local government bodies should be body politic or body corporate. It has got nothing to do with the Premier's comments, in whatever forum he may have said them. I request that you bring the member back to the leave of the bill.

The CHAIR (The Hon. Jennifer Gardiner): Order! I remind the member that her comments must be generally relevant to the amendment.

The Hon. SOPHIE COTSIS: I hope members support these very, very important amendments.

The Hon. ROBERT BROWN [10.49 p.m.]: The Hon. Sophie Cotsis has moved Opposition amendments Nos 2, 4 and 6 in globo. They are all related to each other and we support them.

Mr DAVID SHOEBRIDGE [10.50 p.m.]: For reasons I made clear in my contribution to the second reading speech, The Greens support these amendments. The Government and the Local Government and Shires Associations have both said the wheels will fall off local government because all Federal funding will cease. They cannot get a Federal dollar because of the status of body politic. The truth of the matter is that until now neither the Government nor the Local Government and Shires Associations have put forward even a single instance to support that bare assertion. Against that we have the protection of councils being body politic.

Whilst ever local councils are body politic they cannot be the subject of Federal workplace relations laws that apply only to corporations—whether it is a local government corporation or any other corporation. Whilst they remain body politic the local government sector—both employers in the form of councils, and employees in the form of those covered by the very strong workings of the United Services Union—remains protected by a very comprehensive State local government award. If that went into a Federal system it would be stripped down and simplified. To use the Federal jargon, when they strip out a whole lot of employment protections, it will be modernised.

The Hon. Catherine Cusack: Not the Gillard Government?

Mr DAVID SHOEBRIDGE: Indeed, the Gillard Government, in the same way as the Howard Government, stripped down awards so that they are modernised, pared down, dumb down awards. I do not even think the Government wants that to happen to the local government award. I think the local government award is working well, providing comprehensive conditions for employees. We do not want to go down the path of allowing it to be modernised and simplified, and turned into a Federal award. For that reason, The Greens supports the amendments.

The Hon. PAUL GREEN [10.52 p.m.]: The Christian Democratic Party is aware that the Local Government and Shires Associations want this change. I take on board some of the concerns of the Hon. Sophie Cotsis and Mr David Shoebridge, but I am sure that the United Services Union will not be affected under that model, and it is really about funding and the Federal level. The Christian Democratic Party will back the Local Government and Shires Associations.

The Hon. MATTHEW MASON-COX (Parliamentary Secretary) [10.52 p.m.]: The Government opposes these amendments and supports the request of the Local Government and Shires Associations that this be put in place as proposed in the original bill.

Question—That Opposition amendments Nos 2, 4 and 6 [C2011-100D] be agreed to—put.

The Committee divided.

Ayes, 18

Ms Barham	Dr Kaye	Ms Westwood
Mr Borsak	Mr Moselmane	Mr Whan
Mr Brown	Mr Primrose	
Mr Buckingham	Mr Searle	
Ms Cotsis	Mr Secord	*Tellers,*
Mr Donnelly	Mr Shoebridge	Ms Fazio
Ms Faehrmann	Mr Veitch	Ms Voltz

Noes, 16

Mr Ajaka	Mr Harwin	Mrs Pavey
Mr Blair	Mr Khan	Mr Pearce
Ms Cusack	Mr MacDonald	
Mr Gallacher	Mrs Maclaren-Jones	*Tellers,*
Mr Gay	Mr Mason-Cox	Mr Colless
Mr Green	Mrs Mitchell	Dr Phelps

Pairs

Mr Foley	Mr Clarke
Mr Roozendaal	Ms Ficarra
Ms Sharpe	Mr Lynn

Question resolved in the affirmative.

Opposition amendments Nos 2, 4 and 6 [C2011-100D] agreed to.

Mr DAVID SHOEBRIDGE [11.00 p.m.]: I move The Greens amendment No. 1 on sheet C2011-129A:

No. 1 Page 4, schedule 1. Insert after line 13:

[7] Section 224 How many councillors does a council have?

Insert after section 224 (1):

(1A) The regulations may prescribe the minimum number of councillors for each ward in a council's area if the area is divided into wards.

(1B) At least 6 months before the next ordinary election after the commencement of this subsection, each council of an area divided into wards that has fewer than the prescribed number of councillors for each ward must do either or both of the following to ensure that the council complies with this section:

(a) alter the ward boundaries of the area in accordance with Division 1 of Part 1 of this Chapter,

(b) change the number of councillors in accordance with this Division.

(1C) However, a council is not required to obtain approval at a constitutional referendum for a change to the number of councillors made in accordance with subsection (1B).

This amendment simply inserts into section 224 of the Act, which is the provision that relates to the way in which councils are divided into wards and the number of councillors required for a council, a regulation-making power for the Minister to allow for a minimum number of councillors to be prescribed for each ward. As I said in my contribution to the second reading debate, there is no minimum number. All of the 152 councils across

New South Wales have a minimum of two members per ward, except for one. I wonder which council that is. It is Botany council. I see the look of pleasure from the Government Whip when Botany council is mentioned. Botany council has amended its wards to single member wards. That betrays more than a century of proportional representation at the local council level and turns the council into six single member electorates. Botany council did not even hold elections because it had such a sweet ride under the undemocratic counts that used to exist under two member wards. Now that those councillors see that there might be a democratic count under two member wards they have tried to avoid it by moving to one member wards.

It is unfortunate that the Government will not support this amendment to give the Minister the regulation-making power to prescribe a minimum number of councillors per ward. The Greens would support three members as the minimum number. Surely anyone who believes in proportional representation and having a genuine array of opinions on local government would support two member wards as a minimum, which is the traditional minimum in New South Wales. Surely no-one would support the kind of undemocratic council-driven gerrymander that is happening in Botany. It has turned to one member councillor wards because the council wants to retain its Labor dominance without an election. Those councillors know that in Botany it is next to impossible to knock out incumbents when there is a requirement of more than 50 per cent

The Hon. SOPHIE COTSIS [11.03 p.m.]: The Opposition does not support the amendment.

The Hon. MATTHEW MASON-COX (Parliamentary Secretary) [11.02 p.m.]: The Government opposes this amendment, although the commentary of Mr David Shoebridge about Botany council is understandable. The Government wishes to seek further consultation in regard to the issues he raised. At this time the Government opposes the amendment.

Mr DAVID SHOEBRIDGE [11.03 p.m.]: I note the comments from the Government that its members are willing to continue to talk about this issue. I think that is a genuine sentiment. But this needs to be implemented now if we are going to address the problem in Botany and not again have the farce of an uncontested election. The Hon. Sophie Cotsis repeatedly says, "Let the people decide." No-one will contest an incumbent from a family that has ruled in Botany for probably five generations. No-one will contest Lord Hoenig of Botany when they will need more than 50 per cent of the vote to even get their shoe in the council. It looks like Lord Hoenig will continue to reign because the Government will not support this amendment, which needs to be on the books at least six months out from the local council elections. I have enjoyed Southern Sydney Regional Organisation of Councils [SSROC] meetings with Lord Hoenig on many occasions. I look forward to an occasion when there will be a democratic contest in Botany.

Dr JOHN KAYE [11.04 p.m.]: I am absolutely mystified as to the attitude of the Government. We now have an opportunity to restore democracy to Botany. There has not been democracy in any sense of the word in Botany—

The Hon. Rick Colless: It is a gerrymander.

Dr JOHN KAYE [11.04 p.m.]: I note the Deputy Government Whip's interjection. It is a gerrymander that we now have the opportunity to break. Botany council went to one councillor per ward because it makes no difference if there is proportional representation or not. Single member wards are clearly against the spirit of the legislation and clearly against the benefits that proportional representation brings to local government. This is an opportunity for the Government to stand up to Ron Hoenig and his crew by telling them that they cannot continue their undemocratic rort in Botany. I never before realised the power of Lord Hoenig, but now I know that not only has he got the Labor Party bluffed but he also has the Coalition bluffed. He has all of the members of those parties wrapped around his finger. It is a gutless display. This is an opportunity to bring democracy back to the last undemocratic council in New South Wales and the Coalition is squibbing. I say shame on them.

Question—That The Greens amendment No. 1 [C2011-129A] be agreed to—put and resolved in the negative.

The Greens amendment No. 1 [C2011-129A] negatived.

Mr DAVID SHOEBRIDGE [11.06 p.m.], by leave: I move The Greens amendments Nos. 1 and 3 on sheet C2011-105 in globo:

No. 1 Page 4, schedule 1 [10], lines 29–31. Omit all words on those lines.

No. 3 Page 7, schedule 1 [17], lines 21–33. Omit all words on those lines.

These important amendments will omit clause 10 of the bill, which seeks to reduce the employment protection provisions in the current Local Government Act in circumstances of amalgamation from three years to one year. Those provisions are in section 354F of the Local Government Act, which provides for no forced redundancy of non-senior staff members for three years after transfer of a staff member and in the case of boundary alteration. A no forced redundancy statutory protection currently runs for three years on amalgamations. The Government is proposing to reduce that protection to just one year. The Greens do not support that as a stand-alone amendment. I said before that The Greens are happy to talk with the Government, unions and others about having a more rational and to some extent flexible approach to voluntary amalgamations. The Greens see a need for some voluntary amalgamations in the coming years in the local government sector. We definitely see scope for joining Rockdale and Botany. In regional and rural New South Wales there are councils that have no fiscal future. They have got falling rate bases.

[*Interruption*]

This is a serious matter and it is worthy of serious debate without petty sniping, but that is a matter for members opposite. There is scope for a rational approach. I note the interjections from the Hon. Duncan Gay. His Government is shutting down forestry nurseries and workshops and decentralising fisheries research from Cronulla to Mosman. That is his Government's shoddy and ugly record on regional employment. Not one job has been created in regional New South Wales.

The Hon. Robert Brown: Point of order: I am having difficulty hearing the member.

The CHAIR (The Hon. Jennifer Gardiner): Order! I ask members to desist from interjecting and having audible conversations.

Mr DAVID SHOEBRIDGE: These amendments deal with employment protection when amalgamations occur. As I said, there is scope to take a fresh look at how voluntary amalgamations happen in local government and to come up with strategies that encourage some councils to amalgamate so that they can share resources and serve their ratepayers if they cannot meet the modern obligations involved in providing all the bells and whistles of local government. Amalgamation might not be the only solution. We could provide some other statutory regime to enable councils to share resources and administrative services while maintaining their current status. We must be creative in moving local government into the twenty-first century. The Greens are happy to consider that.

However, we are not happy simply to strip away employment protections to facilitate amalgamations. We do not support the reduction from three years to one year in respect of redundancies and we do not support the limited protection suggested by the Government in proposed section 354G. We also reject the Government's proposal to allow local councils to advertise vacancies created by amalgamations within less than three years. The current statutory protection should remain, given the way in which it operates. We also reject limiting the protection of transfer of work for non-senior staff from three years to one year, particularly in regional and rural areas. The fact that staff may have to move from one town to another could mean having to travel for two hours and as a result their continued employment might not be viable. As I said, The Greens are happy to talk about modernising the legislation and to discuss providing flexibility with the unions and other stakeholders to achieve amalgamations. However, this provision is not the answer and I commend the amendments to the Committee.

The Hon. ROBERT BROWN [11.13 p.m.]: The Shooters and Fishers Party supports these amendments for the reasons Mr Shoebridge has enunciated. It came to our attention when we were discussing these amendments and the retention of at least three years' protection for the local government workers when councils amalgamate that the Federal Government guarantees the funding of each council in an amalgamated group for four years. Therefore, there is no burning need for councils to strip those protections from workers. As Mr Shoebridge said, transfers from one local government area to another across an amalgamated council area, particularly in the never-never, can lead to long commutes and dislocation. There is no reason to reduce the period from three years to one year. The Shooters and Fishers Party therefore supports the amendments.

The Hon. SOPHIE COTSIS [11.14 p.m.]: The Opposition supports these very important amendments. As I indicated in my second reading speech, this issue caused the Opposition great concern when the Minister announced the Government's intentions in a media release and when he delivered his second reading speech. I was most concerned about the excuses the Minister provided involving other industries and sectors. We are talking about the local government sector, which is the major employer in many rural and regional communities. Over the next five to 10 years there will probably be a number of voluntary amalgamations and we must ensure

that employees involved in the new entities are protected, especially those in rural and regional communities. We must look after those skilled people, given the skills shortages in the bush. The Government should have further discussions about this issue with the relevant stakeholders, including the unions. The Opposition strongly supports these amendments.

The Hon. MATTHEW MASON-COX (Parliamentary Secretary) [11.15 p.m.]: The Government opposes these amendments for the reasons I detailed in the second reading speech.

Question—That The Greens amendments Nos 1 and 3 [C2011-105] be agreed to—put and resolved in the affirmative.

The Greens amendments Nos 1 and 3 [C2011-105] agreed to.

Mr DAVID SHOEBRIDGE [11.17 p.m.]: I move The Greens amendment No. 2 on sheet C2011-105:

No. 2 Page 5, schedule 1 [14]. Insert after line 22:

(b) the interest arises only because the proposal effects a change of the permissible uses of land on which the primary residence of the councillor is situated, and

We have already discussed most of the issues covered by this amendment, which deals with proposed new section 451 (4) and (5). That proposed new section allows a councillor to vote on a resolution in which he or she has a direct pecuniary interest. As I said earlier, this amendment will allow a councillor to vote on a resolution if the interest arises only because it affects the permissible use of the land on which the primary residence of the councillor is situated. It limits it to circumstances where the pecuniary interest relates to a change in use, or it may well be not a change in use, of land that is owned by the councillor. In other words, the situation that the Hon. Paul Green referred to will not arise where five councillors would be required to step outside because they each owned an affected property.

The Greens accept that that would create unnecessary paperwork and delay and we are moving this amendment to deal with that scenario. In those circumstances councillors must declare their pecuniary interest, but they will be able to remain in the Chamber and vote. However, where that pecuniary interest extends beyond that, simply making a declaration is not good enough. When a councillor derives a direct commercial benefit from the property that councillor must exclude himself or herself from the vote. I cannot understand why the Government will not support the amendment. It is very frustrating. The Greens think that this is a really good solution. It proofs some of local government against corruption. It does not allow councillors to have corrupt decisions being made whereby they receive major personal benefit. We look forward to a change of heart by the Government, or any member of the crossbench, and support for the amendment.

The Hon. SOPHIE COTSIS [11.19 p.m.]: The Labor Opposition supports the amendment.

The Hon. JEREMY BUCKINGHAM [11.19 p.m.]: Madam Chair—

The Hon. Steve Whan: Do you support the amendment?

The Hon. JEREMY BUCKINGHAM: I certainly do support the amendment. It is an important amendment.

[*Interruption*]

Members may snigger and laugh, and may be tired, but the people of New South Wales will lose confidence in local government if the bill is passed without amendment. No other issue creates as much concern as rezoning, changes in land use and decisions made by councillors in which there is a perception of self-interest. I am not aware of which members have or have not served in local government, but I suspect the Hon. Mick Veitch has. In country areas where there are growth centres, such as in Orange, Goulburn and Dubbo, there are substantial rural holdings.

The Hon. Mick Veitch: Young.

The Hon. JEREMY BUCKINGHAM: And Young. Where there are rural holdings on the edges of growing cities significant benefit may be involved. If new subsections (4) and (5) of section 451, contained in

item [14] in schedule 1 to the bill are passed without amendment the people of New South Wales will lose confidence in an incredibly important part of our democracy—local government. The Greens amendment will ensure that councillors will be able to maintain a quorum and vote if the council and the councillor are dealing only with their principal place of residence. But if the council is voting to rezone a significant portion of land or a business that the councillor owns, and if this Committee allows that to occur, we will undermine the very grassroots of our democratic system of local government. We will rue the day, and this will come back to bite us in the future.

The Hon. MATTHEW MASON-COX (Parliamentary Secretary) [11.22 p.m.]: The Government opposes the amendment for the reasons previously outlined.

Question—That The Greens amendment No. 2 [C2011-105] be agreed to—put.

The Committee divided.

Ayes, 16

Mr Buckingham	Mr Primrose	Ms Westwood
Ms Cotsis	Mr Searle	Mr Whan
Mr Donnelly	Mr Secord	
Ms Faehrmann	Mr Shoebridge	*Tellers,*
Ms Fazio	Mr Veitch	Ms Barham
Mr Moselmane	Ms Voltz	Dr Kaye

Noes, 18

Mr Ajaka	Mr Green	Mrs Pavey
Mr Blair	Mr Harwin	Mr Pearce
Mr Borsak	Mr Khan	
Mr Brown	Mr MacDonald	
Ms Cusack	Mrs Maclaren-Jones	*Tellers,*
Mr Gallacher	Mr Mason-Cox	Mr Colless
Mr Gay	Mrs Mitchell	Dr Phelps

Pairs

Mr Foley	Mr Clarke
Mr Roozendaal	Ms Ficarra
Ms Sharpe	Mr Lynn

Question resolved in the negative.

The Greens amendment No. 2 [C2011-105] negatived.

The Hon. MATTHEW MASON-COX (Parliamentary Secretary) [11.31 p.m.]: I move Government amendment No. 1 on sheet C2012-048:

No. 1 Page 6, schedule 1 [15], line 3. Omit "3 weeks". Insert instead "4 weeks".

I note this is a miscellaneous amendment which brings into line the change from three weeks to four weeks, which facilitates the bill.

The Hon. SOPHIE COTSIS [11.31 p.m.]: The Labor Opposition supports this. It is a sensible amendment.

Mr DAVID SHOEBRIDGE [11.32 p.m.]: The Greens support the amendment. It puts in place the same four-week caretaker period for local government that applies in other States. It aligns with the regular meeting pattern of most councils because often there will be a meeting within a month before a local council election. We do not want a meeting to take place four weeks before a local council election where a whole lot of serious strategic decisions are made, land is sold or, as we heard earlier, rezoning happens. This was part of the

fruitful discussions had with the Government in the period leading up to this bill. I commend the Government for listening and for bringing in this amendment. I commend the Parliamentary Secretary's amendment to the bill.

The Hon. MATTHEW MASON-COX (Parliamentary Secretary) [11.33 p.m.]: It is sensational that we have consensus on this issue. It is something we have worked hard for in relation to this bill. I must say I have not seen so much debate on local government for a long time. I have never served in local government, which is probably a confession I needed to make earlier in the debate, but I have learned significantly tonight. I believe there has been a very fruitful exploration of some of the intricate issues of local government. It is very important that we go through every potential option and improve legislation wherever possible. It is clear that this bill has gone through much scrutiny—it may well be the most heavily scrutinised bill this Parliament has seen in this session. I certainly commend the forensic attitude that The Greens' Mr Shoebridge has taken in relation to the bill—

The Hon. Robert Brown: Forensic or frenetic?

The Hon. MATTHEW MASON-COX: I would suggest that frenetic was the Hon. Sophie Cotsis, who had frenetic and impassioned views on a range of issues raised in the bill. The Hon. Robert Brown has been very constructive as well. I note that having two mayors in this Chamber when it comes to local government bills is something that enhances the fabric of this place. The Mayor of Shoalhaven brought an experienced hand to this bill and the manner in which he dismissed some of the more scurrilous amendments proposed by certain quarters in this place was salutary. With the contribution of the Mayor of Byron shire, the Hon. Jan Barham, it was quite a powerful combination. They made outstanding contributions to this bill.

The Hon. Walt Secord: What about my contribution?

The Hon. MATTHEW MASON-COX: It is interesting that the Hon. Walt Secord is wondering why I have not commented on his contribution to the bill. I thought that was self-explanatory. Having said that, I am very much looking forward to his new book. I will be following the pie trail across New South Wales. I still want to know what his favourite ingredients are.

The Hon. Rick Colless: Beef, bacon and cheese.

The Hon. MATTHEW MASON-COX: Beef, bacon and cheese? I think we could probably dissect a range of people's best pies—best options. But in relation to this bill it is clear that a lot of effort went into members' contributions and the bill has been improved as a result. It is the Government's strong intention to ensure that the bill is pushed very strongly.

Mr David Shoebridge: Point of order: I think the honourable member accidentally made reference to the contribution of the Hon. Walt Secord. It was a contribution which I missed, and I think he is out of order in speaking to a contribution that did not occur.

Question—That Government amendment No. 1 [C2012-048] be agreed to—put and resolved in the affirmative.

Government amendment No. 1 [C2012-048] agreed to.

Schedule 1 as amended agreed to.

The Hon. SOPHIE COTSIS [11.37 p.m.]: I move Opposition amendment No. 8 on sheet C2011-100D:

> No. 8 Long title. Omit "the status of councils and county councils, the voting system for the election of councillors, community land, the pecuniary interests of councillors". Insert instead "the voting system for the election of councillors, community land".

A number of amendments that we put up have been supported, as well as The Greens amendment, and the title will have to be amended to reflect those changes.

The Hon. MATTHEW MASON-COX (Parliamentary Secretary) [11.37 p.m.]: The Government supports the proposed amendment.

Question—That Opposition amendment No. 8 [C2011-100D] be agreed to—put and resolved in the affirmative.

Opposition amendment No. 8 [C2011-100D] agreed to.

Long title as amended agreed to.

Bill reported from Committee with amendments, including an amended long title.

Adoption of Report

Motion by the Hon. Matthew Mason-Cox, on behalf of the Hon. Greg Pearce, agreed to:

That the report be adopted.

Report adopted.

Third Reading

Motion by the Hon. Matthew Mason-Cox, on behalf of the Hon. Greg Pearce, agreed to:

That this bill be now read a third time.

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

ADJOURNMENT

The Hon. MATTHEW MASON-COX (Parliamentary Secretary) [11.39 p.m.]: I move:

That this House do now adjourn.

LANGUAGE STUDIES

The Hon. LYNDA VOLTZ [11.39 p.m.]: We would all like to think that each generation brings better opportunities than the one that preceded it. My children are bilingual—they are able to read, write and speak Greek—and they are fortunate to live in a community that offers them the opportunity to do this. However, their second language schooling occurs at a community language school. For my children the study of a language represents more than a subject learned at school; it equates with their identity and cultural heritage. Studies show that time spent studying foreign languages strongly reinforces the core subject areas of reading, English language literacy, social studies and mathematics.

It is well-known that foreign language learners consistently outperform control groups in core subject areas on standardised tests, often significantly. Students fluent in two languages score higher in both verbal and non-verbal intelligence, and are superior in divergent thinking tasks and memory ability and attention span. Second language students have higher test scores in reading, language and mathematics. Each additional year of second language training creates a greater positive differential compared with students not receiving a second language. It significantly strengthens first language skills in areas of reading, English vocabulary, grammar and communication skills, and the earlier the start the greater is its positive effect on the first language. Students studying a second language have superior cross-cultural skills and adapt better to varying cultural contexts. Finally, students studying a second language display greater cultural sensitivity.

In the face of globalisation, the study of a second language not only improves the academic performance and cultural sensitivity of a student, it also allows for greater opportunities for cross-border trade and economic growth. We were taught Bahasa Indonesian during the 1970s, when I attended high school, for that very reason. I must say that I found it the most enjoyable of the three languages taught and I have used it on rare occasions in some of the strangest places in the world. For example, in Palestine where locals assumed aid workers from Australia and Indonesia had knowledge of our respective languages. I think the Indonesians were both impressed and amused at my attempts of Bahasa Indonesian more than 30 years after leaving school.

As my children have moved to high school, I have noticed that Bahasa Indonesian rarely appears on the high school curriculums. That loss of Bahasa Indonesian from New South Wales high schools is consistent with

the findings of a recent Federal Government report into the study of Indonesian. In that report it was found that fewer year 12 students studied Indonesian in 2009 than in 1972 and between 2001 and 2010 the number of university enrolments in Indonesian language fell national1y by 40 per cent. In 2009 only 1,167 students in Australian high schools were enrolled in Bahasa Indonesian classes by year 12, and the number studying in New South Wales in particular has plummeted. That is a great disappointment as Indonesia plays a significant role in our region.

The report also noted that Indonesia, with a population of 240 million, is the world's third largest democracy, fourth most populous nation and home to a rapidly expanding middle class. Its economy is growing by more than 6 per cent per annum. The International Monetary Fund projects that its nominal gross domestic product growth rate between 2009 to 2015 will be 15.1 per cent higher than Brazil, Russia, India, China, South Korea, Japan or the rest of South-East Asia. The relationship between Australia and Indonesia is strong. Jakarta hosts Australia's largest embassy, our second largest defence representation and a substantial Australian Federal Police presence. Historically, trade between the two countries has been modest—namely, $12.9 billion in 2010—with Indonesia ranking as only our thirteenth largest trading partner. However, our trade relationship has been showing recent signs of increasing.

Since 2006 two-way trade between our countries has grown by an average of 9.7 per cent per annum. Given Indonesia's maintenance of respectable real gross domestic product growth of 6.1 per cent in 2010, the reality is that trade between Australia and Indonesia is likely to continue to intensify in the years ahead. The International Monetary Fund projects that Indonesia will achieve one of the fastest growth rates in the world's 18 largest economies during 2009 to 2015, outstripping even the powerhouse economies of Brazil, Russia, India and China. Since 2006 Indonesian has been designated a nationally significant language. It is perhaps time for the State and Federal governments to give more consideration to the languages that will play an important role in Australia's future. The ability to communicate and conduct business with our Indonesian counterparts in their language will be of critical importance to Australia.

AUTISM

The Hon. JAN BARHAM [11.44 p.m.]: In December 2007 the United Nations General Assembly adopted a resolution declaring 2 April as World Autism Awareness Day. The resolution encourages all member States to raise awareness about autism and to encourage early diagnosis and early intervention. It further expresses deep concern at the prevalence and high rate of autism in children in all regions of the world. Defining "autism" is problematic, but according to Australia's peak advocacy group, Aspect, autism spectrum disorders, or ASDs, refer to three distinct conditions: autistic disorder, Asperger's disorder and pervasive developmental disorder not otherwise specified, which is also known as atypical autism. The word "spectrum" is used because the range and severity of the differences people with an autism spectrum disorders experience can vary widely.

The three main areas are impairments in social interaction, impairments in all forms of communication, and restricted and repetitive interests and behaviours. These qualities often lead to isolation from the general community when people with autism are shunned or ignored by those around them. But these qualities often provide autistic people with a unique insight into the world we share—they see things the rest of us do not and appreciate aspects of our world differently. There are many cases where autistic children show genuine brilliance. Their intense focus and their unwavering attention to detail can enhance a skill or interest. I think of people such as Tim Page, a Pulitzer prize winning music critic; Dylan Scott Pierce, an acclaimed wildlife illustrator; and Professor Temple Grandin, a doctor of animal science. Research suggests that well-known historical icons such as Beethoven, Einstein, da Vinci and Jane Austen may have been living with undiagnosed autism.

There is a challenge for society to expand our understanding. Ascertaining the exact figures for autism is difficult, but in 2007 the first autism prevalence study was commissioned by the Australian Advisory Board on Autism Spectrum Disorders. The report found that one in 160 Australian children aged between six years and 12 years have an autism spectrum disorder—that is more than 10,000 children living with autism and 10,000 Australian families trying as best as they can to cope. The same report estimates that just under 2,000 of those families live in New South Wales. The Australian Government has committed $220 million over a four-year period to address the need for services for children with autism spectrum disorders, their families and carers.

However, to be eligible for funding a child must be seen by an autism advisor before their sixth birthday. Funding of up to $12,000 can then be accessed until the child's seventh birthday. The inherent problem

with this eligibility criterion is that it assumes that all families have the resources or opportunities to obtain a diagnosis before the child turns six. This is still the early years of development and it is not always obvious that there is a bigger problem unfolding. I am sure most of us know someone with autism or have watched parents come to terms with the behaviour of an autistic child. My experience is that often parents hope the behaviour will change with time. The parents say, "It's just a difficult period", "They will grow out of it", "It is the terrible two's" or "It's just difficult to make friends."

This often results in a delay in seeking help—a delay in professional assessment and, therefore, a delay in the opportunity for support and Government funding. Other concerns relate to the difficulty in accessing services in rural and regional areas, and added difficulties faced by single parent families or by families on low incomes. For all these reasons, a number of support groups—including the Hunter-based group Strive—are calling for a parliamentary inquiry to quantify the prevalence of autism spectrum disorders in New South Wales. They also want the inquiry to identify shortcomings in support services and to consider improvements to the system. I am pleased to advise that the Australian Institute of Health and Welfare is looking to develop an autism spectrum disorder register to collect data that will inform policy and support the development of research.

In addition, the much-anticipated National Disability Insurance Scheme provides an opportunity to improve the lives of families living with autism by recognising autism spectrum disorder as a distinct disability and providing a framework to reduce the costs of treatment and improve the quality of service provision. I commend the thousands of carers across the State and acknowledge the many support and advocacy groups. To all those who live with autism spectrum disorder, I join you in marking Autism Awareness Day with an optimism that awareness is a step towards greater understanding and insight and to improved quality of life and wellbeing.

STRATEGIC REGIONAL LAND USE PLANS

The Hon. TREVOR KHAN [11.49 p.m.]: On 20 March I attended the first of a series of community forums at Gunnedah following the release of the Government's strategic regional land use plans for New England, the north-west and the Upper Hunter. The release of the plans followed many months of exhaustive discussions with stakeholders, coupled with extensive mapping of key areas in the Upper Hunter Valley, New England and the north-west of the State. The draft plans will be on public exhibition from 8 March 2012 to 3 May 2012. The stated objective of the plans is to balance strong economic growth in regional New South Wales with the sustainable management of natural resources and the protection of agricultural land.

The community forum at Gunnedah was well attended, with approximately 300 people present. The Government was represented by the Minister for Planning, the Hon. Brad Hazzard, the Minister for Western New South Wales, the Hon. Kevin Humphries, and a number of senior public servants. Also in attendance was the member for Tamworth, Kevin Anderson, as well as Gunnedah resident and member of this House, the Hon. Sarah Mitchell. It would be fair to say that discussion was robust, and I congratulate all members of the community who were prepared to come along and express their views. It is important to recognise that the draft plans fill a void of legislative protection for landholders. It must be recognised that there are not only draft plans but also an aquifer interference policy and a draft Code of Practice for Coal Seam Gas Exploration. I encourage all members of this place and members of the public to examine these policies closely. In respect of the regional land use draft plans, the key policy initiatives are, first, the identification of strategic agricultural land across the State. This is defined as:

> … including both land with unique natural resource characteristics, known as biophysical strategic agricultural land, and clusters of significant agricultural industries that are potentially impacted by coal seam gas or mining development, known as critical industry clusters.

Secondly, the draft plans propose that strategic agricultural land then be the subject of additional oversight. This is explained as follows:

> The key policy response for resolving land use conflict between mining and coal seam gas proposals and agricultural land is the proposed gateway process. Under the gateway process, a panel of independent experts will assess mining or coal seam gas development proposals on or within two kilometres of strategic agricultural land at an early stage to determine whether they are suitable on the subject land. The panel will be required to assess proposals against criteria covering issues such as soil and aquifer impacts, impacts on the values and supporting services and infrastructure of critical industry clusters, and the overall public benefit of the proposal. If a proposal does not pass the gateway, it cannot proceed to the development application stage.

When the land meets these criteria the next issue is to determine whether the proposal would significantly reduce the agricultural productivity of the land based on a number of criteria. Other factors include whether the

proposal will impact upon groundwater, including the provisions of the Aquifer Interference Policy. A further criterion to be considered under the draft plans is whether the proposal would be in the public interest. Finally, consideration is to be given to any submissions received from relevant government agencies, councils and the broader community, and any advice received from the Commonwealth's expert scientific committee. The gateway certificate is to be issued by the expert panel made up of qualified experts.

While the draft plans are on display members of the public and organisations have the opportunity to comment. I encourage members of the public to carefully consider the plans, the Aquifer Inference Policy and the draft code, and to make a submission to government. This is a perfect opportunity to put in place a regime that ensures that there is a balanced and sustainable approach to resource management in New South Wales. It goes without saying that the exhaustive consultation that has gone on to this point, as well as the round of community forums that are now taking place, sits in stark contrast to the approach taken by the former Labor Government in New South Wales.

RECREATIONAL FISHING DEVELOPMENT PLANS

The Hon. ROBERT BROWN [11.54 p.m.]: I will speak about recreational fishing in New South Wales and reflect upon recent moves in the Northern Territory to implement a recreational fishing development plan. The stated vision of that plan is to provide a diverse range of high-quality recreational fishing experiences based on healthy fish stocks and healthy aquatic ecosystems that optimise lifestyle and economic value to the Northern Territory. I congratulate the Northern Territory on this initiative and hope that we can develop a similar plan in New South Wales. Indeed, it is something that I have been working towards for a number of years with the previous Labor Government and now with the new Coalition Government.

The fishing experience in each place is very different, but the value to the Northern Territory and New South Wales governments of recreational fishing cannot be denied. The Northern Territory has more than 44,000 resident recreational fishers, representing about 32 per cent of the resident population. However, the interesting fact is that 37 per cent of the total recreational fishing effort in the Northern Territory is attributed to non-residents, or visitors. Tourism surveys indicate that more than 40,000 visitors fish in Northern Territory waters each year. Anyone who has ever had anything to do with fishing in Australia can tell you about the barramundi in the Northern Territory. The Northern Territory and New South Wales governments face the same issues with regard to recreational fishing. The challenge to each is to maintain high-quality fisheries whilst allowing for increased participation and optimisation of the social and economic values that recreational fishing generates.

Both governments have in common the fact that by working with recreational fishers various management issues can be implemented to ensure the quality and long-term sustainability of those fisheries. It is a fact that positive changes to fishing regulations are mostly driven by forward-thinking anglers who are focused on maintaining and enhancing the quality of the fishing experience. It is of no value whatsoever for governments to make changes without consulting recreational fishers properly. We have seen in the recent past the results of such lack of consultation in New South Wales. I note that one of the strategies in the draft plan for the Northern Territory is to improve community awareness of the social and other benefits associated with recreational fishing, such as participation in it by younger people as an alternative activity—an alternative to sitting inside playing with one of those machines that beeps.

An anecdote is appropriate here. I recently attended an outdoor recreation show in Cessnock and on the back wall of the large hall was a banner—as long as this Chamber is wide—that simply said, "Kids who hunt and fish do not deal and steal." That is very appropriate. As with all sports or outdoor activities, recreational fishing will not prosper if the older members simply walk away and are not replaced by the next generation. Shooting and fishing clubs are both keenly aware of this aspect of their sports. Another aspect of the Northern Territory draft plan that I endorse is the implementation of appropriate legislation to support the sustainable management of recreational fisheries and the need to secure adequate funding for research and compliance programs necessary for the effective management and development of those recreational fisheries. I have foreshadowed the introduction of a bill to establish a recreational fishing authority in New South Wales to be responsible for recreational fishing in all its forms and to provide security into the future. Having looked at the draft plan for the Northern Territory, I have identified many aspects that we could adopt in New South Wales.

GREEK FINANCIAL CRISIS

The Hon. SOPHIE COTSIS [11.59 p.m.]: Like many Australians, I have been concerned by the events of the European financial crisis. And, like many Australians of Greek heritage, I am concerned about

recent events in Greece and the crisis affecting the Greek people. Australians of Greek descent have an impressive heritage to lay claim to: the creation of democracy, Socrates, Plato, Aristotle, Homer's *The Iliad* and *The Odyssey*, a legacy of great art and architecture, and the great myths of the Titans and Olympic gods. Modern Greece has much to be proud of, such as when on 28 October 1940 the Greek General Metaxas said ohi—or no—to the ultimatum of the fascists. It is difficult to see Greece go through this terrible period of crisis. The numbers in terms of the debt are astronomical. But beyond those debt figures are the signs of real hurt, with reports of 70,000 businesses closed in 2010 and 53,000 more facing bankruptcy.

Almost half of all young people are unemployed, one in four people are living in poverty, homelessness has increased by 25 per cent and petty crime is doubling. These are the real consequences of a financial crisis. It is difficult to see what is going on, especially for many of us with friends and relatives who are suffering quite badly at this difficult time. The Greek Government is unsure of how it will pay for pensions or essential services. From what we have read and from the commentary we have heard, people on pensions and those who have funded their own superannuation are receiving 50 per cent or even 70 per cent less than what they were earning. More businesses are on the brink of collapse and people are out of work. We have heard terrible stories of middle-class people begging and stealing.

A few weeks ago the *Sydney Morning Herald* published an article highlighting the human face of the Greek financial crisis. The article was about a woman in her forties, a public servant facing the realities of harsh cost-cutting measures that could either cut her already inadequate wages or take away her job altogether. She had reached breaking point. She climbed onto the ledge of an apartment building in Athens in a suicide attempt. It took five hours of police negotiators working with the woman before she agreed to come down safely. As the mother of a disabled child struggling to provide for her family in a country that is facing major financial and social upheaval, this lady felt she had nowhere left to turn but to commit suicide.

As we watch our northern neighbours in Europe with deep sympathy, we are fortunate in Australia that a woman in a similar situation would have somewhere to go to obtain help. We all have forebears who came to Australia to build a better life. We set up safety nets and strong democratic governments and financial institutions to guard against the hardships that Europeans are facing. However, we should not be complacent and assume that Australia's ability largely to withstand the effects of the global financial crisis can be wholly attributed to our country's luck.

The difference between Australia and many of the European nations is not an accident; it is the result of very hard work and good government decisions. It is the hard work of Australian workers and businesses, the good judgement of our financial and other institutions, the hard work of former Prime Ministers Bob Hawke and Paul Keating in reforming our economy, the good judgement of John Howard and Peter Costello in not messing up the Hawke-Keating reforms—and under Howard and Costello withstanding the Asian financial crisis—and the good judgement and hard work of Kevin Rudd, Julia Gillard and Wayne Swan, who responded to the global financial crisis and kept Australians working. Australians should not take their present success for granted. We must continue to work hard and make the right decisions to pass on a prosperous nation to future generations.

WATER FLUORIDATION

The Hon. CATHERINE CUSACK [12.04 a.m.]: In 2006 a New South Wales Legislative Council report recommended that the Department of Health assume full responsibility for fluoridation of the water supply. It was a recommendation with bipartisan support and it is to my eternal regret that it was rejected by the then Labor Government. I quote the official response:

> … not supported … 90% of the State population is covered by water fluoridation At this stage however it does not recommend that the Fluoridation of Public Water Supplies Act be amended.

The bulk of the 10 per cent not covered were residents of the North Coast. The North Coast Area Health Service was faced with the hard task of getting our water fluoridated. I speak with the greatest admiration and respect for the late John Irvine, who embraced this challenge and in a professional manner undertook research that found 62 per cent of residents supported fluoridation, 22 per cent were not in favour and 16 per cent were unsure. John presented this advice to a 2006 Ballina council meeting, together with compelling evidence and support from the World Health Organization, which found fluoridation is easily the most cost-effective public health measure—even ahead of immunisation in returns to quality of life and avoided costs.

I also presented the extensive evidence supporting fluoridation documented in the 2006 upper House inquiry plus details of the appalling oral health status of our region compared with fluoridated local government

areas. Frankly, I was stunned by the vitriol and ignorance of the response from the former Ballina council. One councillor likened the World Health Organization to Al Qaeda. Another accused me of delivering a speech written by my husband. It was claimed that elderly people preferred false teeth. Fluoride was described as rat poison. On these grounds, they voted against fluoridation. Throughout this debate John Irvine and local dentists who took a stand endured a stream of abuse from this demented lobby group. Faeces were smeared on the doors to their homes and rats were placed in their letterboxes. The head of the Aboriginal Medical Service in Casino told me fluoridation was the single most important initiative to assist Aboriginal children. He asked, "How can you present confidently at a job interview when you are too ashamed to smile and show rotting painful teeth?"

In 2009 a different Ballina council led by Mayor Phil Silver and Lismore council led by Mayor Jenny Dowell endorsed fluoridation by narrow margins after bitter debates. Richmond Valley Council resolved to refer the issue to NSW Health. Thus three of the four councils in the Rous water supply area supported fluoridation. Byron voted no, and thus a great deal of expense is generated in dosing the water for three councils and ensuring Byron's is fluoride free—stupid, but better than nothing. I am dismayed, three years later, to learn that our water is still not being fluoridated.

Mr Al Oshlack has taken legal action in the Land and Environment Court alleging a technical defect in the development applications by Lismore and Ballina councils in building the fluoridation stations. Mr Oshlack is a one-man litigation tsunami. He purports to represents the Indigenous Justice Advocacy Network. The network comprises solely of Mr Oshlack. He is not legally qualified and he is not an Indigenous person. He has taken hundreds of legal actions against councils, mining companies and developers in the Land and Environment Court. He loses almost every time but succeeds in the objective of generating obscene costs and time delays.

He has taken more than 20 actions against a Canadian mining company, ran the Sandon Point case, took numerous actions against Lake Cowal gold mine, and took on Lismore over the iron gates development and the Roads and Traffic Authority over the Bulahdelah bypass—an iconic Pacific Highway project. In Mr Oshlack's YouTube autobiography he describes himself as a Vietnam war draft dodger; an unemployed person with no legal qualifications who has been slowed down in his legal actions only by the introduction of 30 hours of work for the dole. His legal action to block fluoridation on the basis of a legal technicality has delayed this vital project by at least three years and cost Ballina and Rous ratepayers $440,000 and counting. A Land and Environment Court decision on the matter is due at the end of April.

I cannot contain myself from criticism of the Department of Health, which clearly champions fluoridation, has urged councils to go down this track, and now abandons them to fight lunatics in court on behalf of NSW Health policy. It is an inequity and is reprehensible. Locals who have bravely stood up to these lunatics ought to be honoured, not dumped by our State Government. I urge Minister Jillian Skinner, whom I know shares my passion for fluoridation, to intervene and to meet the costs of our policies. It is not just the right and decent thing to do—the message we send by leaving Rous and Ballina in the lurch is a huge setback and a disincentive to any other council considering fluoridation. It is time for NSW Health to get off the sidelines, to put its own skin in the game, and to assume control of fluoridation, as recommended in 2006.

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

Motion agreed to.

The House adjourned at 12.09 a.m. on Thursday 29 March 2012 until 9.30 a.m. on the same day.