

LEGISLATIVE COUNCIL

Tuesday 1 May 2012

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

The President read the Prayers.

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

ASSENT TO BILLS

Assent to the following bills reported:

Road Transport Legislation Amendment (Offender Nomination) Bill 2012
 Centennial Park and Moore Park Trust Amendment Bill 2012
 Public Sector Employment and Management Amendment Bill 2012
 State Revenue Legislation Amendment Bill 2012
 Local Government Amendment (Elections) Bill 2012
 Local Government Amendment (Members of Parliament) Bill 2012

ADMINISTRATION OF THE GOVERNMENT OF THE STATE

The PRESIDENT: I report the receipt of the following message from the Hon. Thomas Frederick Bathurst, Lieutenant-Governor of the State of New South Wales:

Office of the Governor
 Sydney 2000

T Bathurst
 LIEUTENANT-GOVERNOR

The Honourable Thomas Frederick Bathurst, Lieutenant-Governor of the State of New South Wales, has the honour to inform the Legislative Council that, consequent on the Governor of New South Wales, Professor Marie Bashir, having assumed the administration of the Government of the Commonwealth, he assumed the administration of the Government of the State at 10.00 a.m. on Wednesday 11 April 2012.

11 April 2012

ADMINISTRATION OF THE GOVERNMENT OF THE STATE

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

Office of the Governor
 Sydney 2000

Marie Bashir
 GOVERNOR

Professor Marie Bashir, Governor of New South Wales, has the honour to inform the Legislative Council that she re-assumed the administration of the Government of the State at 8.45 p.m. on Saturday 14 April 2012.

14 April 2012

ADMINISTRATION OF THE GOVERNMENT OF THE STATE

The PRESIDENT: I report the receipt of the following message from the Hon. Thomas Frederick Bathurst, Lieutenant-Governor of the State of New South Wales:

Office of the Governor
 Sydney 2000

T Bathurst
 LIEUTENANT-GOVERNOR

The Honourable Thomas Frederick Bathurst, Lieutenant-Governor of the State of New South Wales, has the honour to inform the Legislative Council that, consequent on the Governor of New South Wales, Professor Marie Bashir, having assumed the administration of the Government of the Commonwealth, he assumed the administration of the Government of the State at 2.30 p.m. on Saturday 21 April 2012.

11 April 2012

ADMINISTRATION OF THE GOVERNMENT OF THE STATE

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

Office of the Governor
Sydney 2000

Marie Bashir
GOVERNOR

Professor Marie Bashir, Governor of New South Wales, has the honour to inform the Legislative Council that she re-assumed the administration of the Government of the State at 3.55 p.m. on Sunday 29 April 2012.

29 April 2012

ROAD TRANSPORT LEGISLATION AMENDMENT (OFFENDER NOMINATION) BILL 2012

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

COUNCIL ON THE AGEING FORUM

Motion by the Hon. MARIE FICARRA agreed to:

1. That this House notes that:

- (a) on 6 March 2012, the Council on the Ageing [COTA], one of Australia's leading organisations for seniors, held a forum at the Parliament of New South Wales celebrating the hard work and sacrifices made by grandparents raising children,
- (b) there are currently over 22,000 families in Australia headed by grandparents according to the Australian Bureau of Statistics [ABS],
- (c) research by the University of New South Wales has found that 23 per cent of families use grandparents in some childcare capacity,
- (d) many grandparents have accepted the responsibility of becoming full-time care givers to their grandchildren when their own children are unwilling or unable to be parents themselves,
- (e) grandparents most commonly become born again parents when the parents of their grandchildren are experiencing mental illnesses, substance abuse, or facing incarceration,
- (f) these arrangements are generally made through an informal arrangement with the child's parents or a formal court order issued out of interest for the child's safety,
- (g) caring for children comes at an enormous cost to grandparents, many of whom are living on fixed incomes that require them to forego plans for recreation, travel, or other hobbies,
- (h) rather than enjoy retirement like their peers, many grandparents are taking on the mental and physical demands of parenthood that most would only consider when they are young, and
- (i) regardless of the taxing demands that raising children entails, many grandparents have shown insurmountable determination in providing the best possible life for their grandchildren regardless of the overwhelming challenges they face.

2. That this House acknowledges:

- (a) the Hon. Andrew Constance, MP, for his leadership and initiative as Minister for Ageing, and Minister for Disability in promoting the interests of seniors raising their grandchildren,
- (b) Ms Elizabeth McCrea and the Mirabel Foundation for their assistance in aiding orphaned and abandoned children,
- (c) Mr Paul Bickford, President of Grandparents as Parents Again, and that organisation for their support of grandparents and families that provide a safe and loving environment for children, and
- (d) Ms Kath Brewster and Mr Danny Manich, President and Project Officer of Council on the Ageing NSW, respectively, for their leadership and support of grandparents who take on the challenge and responsibility of raising their grandchildren in the absence of healthy or responsible parents.

TRIBUTE TO DR ANTHONY PUN, OAM**Motion by the Hon. MARIE FICARRA agreed to:**

1. That this House notes that Dr Anthony Pun, OAM, has been extensively involved with Chinese community organisations, New South Wales government advisory committees and multicultural organisations for over 24 years, and over this period has served at certain times as National President, Chinese Community Council of Australia; Chair of the Australia China Cultural Association; Chair, Chinese Australian Celebrations Committee; President, Sydney Chinese Dance and Song Inc; Chair, Chinese Australian Union Inc; President, Australian Chinese Community Association of NSW Inc; President, Sydney Chinese Dance and Song Inc; President, Australian Lao-Chinese Association Inc; Chairman, Australian Mainland Chinese Association Inc; Chair, Hon. Advisor to the Indonesian Ethnic Chinese Community Association, Australian Community Services Inc, Hon. Life Advisor, Lao-Chinese Association Inc, Australian Asian Federation of Commerce and Industry, Australian Correspondence College of Chinese Painting and Calligraphy, Australian Chinese Sports Foundation, Australia Guangzhou Association, Australian Pan Yu Association, Australian Longyan Association; Hon Advisor, Australian Chinese International Association of Commerce; member Australian Chau San Youth Association; President and Life Member Canterbury Multicultural Aged and Disability Support Services; past Chair and life member of the Ethnic Communities' Council of NSW; Chair, Drug and Alcohol Multicultural Education Centre, and Director, St George Area Health Board, NSW Health; member of the Ministerial Advisory Committee on Hearing; member, Australian Pharmaceutical Advisory Council; member, Committee on the Guidelines for Funeral Industry based on the Public Health; member, NSW Multicultural Health Communications Service Management Committee; member, Expert Advisory Group—Optimum Cancer Management Committee, NSW Health; member, Multicultural Health Promotion Conference Steering Committee and HIV-AIDS Education and Support Service Steering Committee; member, Industrial Injury Prevention Steering Committee—Auburn Hospital, Health Promotion Unit and WorkCover; member, Area Multicultural Committee—Southern Western Sydney Area Health Service; Chairman, Advisory Council—Australia-China Chamber of Commerce and Industry Inc; and Honorary Executive Director—Australia China Trade and Commerce Council.
2. That this House notes that, in recognition of Dr Anthony Pun's outstanding service to the community, he was awarded the Medal of the Order of Australia in 1997 and the Premiers Award for Outstanding Community Service in 1991, 1996 and 2010.
3. That this House acknowledges and commends Dr Anthony Pun, OAM, on his continued outstanding service to the New South Wales community.

TRIBUTE TO MR LUKE LEWIS**Motion by the Hon. MARIE FICARRA agreed to:**

1. That this House notes that:
 - (a) on Saturday 31 March 2012, Mr Luke Lewis, Captain of the Penrith Panthers celebrated 200 games with the Penrith Panthers Rugby League Club,
 - (b) in 2011, Luke Lewis was appointed Captain of the Penrith Panthers, and was part of the Premiership winning team in 2003,
 - (c) Mr Lewis has represented Australia in 11 test matches, toured with the 2004 Kangaroos, was picked as 18th man for the Australian side to play in the ANZAC test in 2009, and was selected to play for Australia in 2009 to 2011 in the Four Nations tournament,
 - (d) Mr Lewis has also represented New South Wales in State of Origin, playing eight matches for New South Wales, and has also played in City Origin and the National Rugby League All Stars,
 - (e) Mr Lewis is extensively involved in the community as a grassroots worker in the Panthers on the Prowl Program, helping disadvantaged children and youth, regularly visits children's hospitals and country areas to assist children and youth by promoting healthy lifestyles, is an Ambassador for the White Ribbon Foundation for the elimination of violence against women, an Ambassador for the Cure the Future Foundation for cancer and stem cell research, and is an Ambassador for the Jane McGrath Foundation which aims to increase awareness of breast cancer and raise money for breast cancer nurses, and
 - (f) in 2010, Mr Lewis was recognised in the mid West Volunteer of the Year Awards for his outstanding service to the Western Sydney community, particularly to child and youth welfare and charitable organisations.
2. That this House congratulates and commends Mr Luke Lewis on his achievement of 200 games with the Penrith Panthers Rugby League Club and on his continued outstanding service to child and youth welfare and charitable organisations.

TRIBUTE TO MR ANTHONY MUSTACA**Motion by the Hon. MARIE FICARRA agreed to:**

1. That this House notes that:
 - (a) Mr Anthony Mustaca has been serving the New South Wales community for over 40 years, particularly since 1968 in education, welfare and community service roles, being one of two teachers selected from thousands in 1975 to spear-head innovations in education in the Liverpool region, which was the fastest growing area in the State at that time and one of the most ethnically diverse,

- (b) Mr Mustaca for many years taught students from infancy to secondary school with learning difficulties, disabilities or behavioural disorders and was one of the founders of the Education for Disadvantaged Children Council,
 - (c) Mr Mustaca has been extensively involved in various other community based organisations such as the Italian Forum, the Italian National Day Committee, Association of Italian Workers Abroad, World Youth Day organising as a member of the Vatican Contingency Assistance Program, board member of Dougherty Apartments, Community Housing Lower North Shore, Chairman of Willoughby City Salvation Army Red Shield Appeal, Chairman and member of Mercy College Chatswood School Council, member of the Association of Italian Workers Abroad Willoughby, member of the Willoughby East Ward Progress Association, member of the Willoughby West Ward Progress Association, former Councillor and Deputy Mayor of Willoughby and member of the Global Friendship Committee and the Cultural Events Organising Committee, and
 - (d) over the last 40 years, Mr Mustaca has been a supporter and contributed significant funds to numerous charities and non-government organisations such as the Victor Chang Cardiac Research Institute, North Shore Heart Research Foundation, China Education Centre Australia, Saint George Association, Italy-Australia Friendship Association, Italian Forum Limited, Willoughby City; Concourse (Civic Place), Italian Christian Workers Association [ACLI], Italian Earthquake Appeal and the White Ribbon Foundation for the prevention of violence against women.
2. That this House acknowledges and commends Mr Anthony Mustaca for his continued outstanding service to the New South Wales community.

TRIBUTE TO MR FELICE MONTRONE

Motion by the Hon. MARIE FICARRA agreed to:

1. That this House notes that since 1982, Mr Felice Montrone has continued to make an outstanding contribution to the community, including as Foundation Chairman, Father Atanasio Gonelli Charitable Fund Inc; Secretary General for Australia, Confederation of Italians in the World; Trustee in Australia for the John Paul II Foundation for Youth; Chairman, Centre for Australian Studies in the Mediterranean; President of the Apulian Business Association of Australia; Deputy Chairman, Associazione Puglia (NSW) Co-operative Limited; Secretary General, Italian Australian Business Council of Australia; committee member, Abruzzo Earthquake Appeal of NSW; Chairman of the Italian Australian committee for the Sydney World Youth Day (Italian contingent); board member of the Co-operative Federation of NSW Ltd; Deputy Chairman, Madonna of Pompeii hosting committee; Convenor, Giovinazzo Council and Leichhardt Council Sister City Friendship Committee; Vice-President of the Australian Molise Earthquake Appeal; board member, Comites NSW; board member, Bicentennial Park Authority; Chairman of the Federation Police Youth Clubs of New South Wales; President, Westgate Chamber of Commerce; Chairman, Puglia Association Sydney; board member of the committee for the Australian Italian Community Celebration of the Australian Bicentenary; founding board member of the Italian Forum; Secretary, Puglia Association Sydney; board member and Italian Language Program Coordinator, Radio 2RSR, a Sydney-based community radio station; and member of the Co.As.It School and Education Committee.
2. That this House notes that, in recognition of Mr Montrone's outstanding service to the community, he has been awarded the Cardinal Bagnasco Medal, the New South Wales Government Community Service Award, appointed a Knight of the Order of the Italian Republic or "Cavaliere" by the President of the Italian Republic, received the International Cultural and Literary Award, received the City of Pompeii Pontifical Delegation Award, awarded *Premio Aldo Moro* from the European Cultural Centre, the Medal of Merit from the Puglia Regional Government, the Co.As.It. Medal, the Earthquake Aid Award, the Community Medal awarded by the Italian City of Nissoria, the Australian Apulian of the Year Award, and the Peace and Friendship Prize awarded by the Italian City of Giovinazzo.
3. That this House acknowledges and commends Mr Felice (Phil) Montrone for his continued outstanding service to the New South Wales community.

TRIBUTE TO MR CLINT NEWTON

Motion by the Hon. MARIE FICARRA agreed to:

1. That this House notes that:
 - (a) Mr Clint Newton has been appointed a Sports Ambassador featuring in the DVD *Change Your Ways*, taking a strong stand against domestic violence against women,
 - (b) the program utilises regional rugby league clubs to provide domestic violence education and training to club players and harnesses the power of sport to change community attitudes to promote more respectful relationships,
 - (c) Mr Newton has played rugby league most of his life both here in Australia and internationally, having played in Britain for Hull Kingston Rovers in the Super League, currently in Australia for the Penrith Panthers, and previously for the Newcastle Knights and Melbourne Storm in the National Rugby League competition, and

- (d) Mr Newton has also assisted the White Ribbon Foundation for the prevention of violence against women, is involved in the Panthers on the Prowl Foundation programs which assist disadvantaged children and young people and also regularly visits schools, hospitals and assists with charitable events.
- 2. That this House commends Mr Clint Newton on his work as a sports ambassador and particularly in preventing domestic violence in the community.

BURMA DEMOCRACY

Motion by Dr JOHN KAYE agreed to:

- 1. That this House welcomes the outcome of the result of the by-elections in Burma held on Sunday 1 April 2012 and congratulates Daw Aung San Suu Kyi and the National League for Democracy on this important step in the long road towards democracy in Burma
- 2. That this House notes that:
 - (a) the election result demonstrates that the people of Burma support a move to democracy, and when given a real choice they will elect candidates who represent real democratic outcomes,
 - (b) there is still a long way to go on the path to full democracy in Burma,
 - (c) only 45 seats were up for election on Sunday, which is less than 10 per cent of parliamentary seats,
 - (d) the 2008 Constitution is unchanged and is not based on democratic principles,
 - (e) severe restrictions on the actions of parliamentarians remain in place,
 - (f) democracy cannot be achieved until all political prisoners are released and military attacks on civilians come to an end, and
 - (g) the relatively smooth running of the by elections is not sufficient reason for the Australian government to lift sanctions against Burma.
- 3. That this House pledges its continued support for genuine democracy and human rights in Burma and calls on the Australian Government to maintain the sanctions on Burma until all political prisoners are freed, military attacks on civilians stop and human rights abuses cease.

TABLED PAPERS NOT ORDERED TO BE PRINTED

The Hon. Greg Pearce tabled, pursuant to Standing Order 59, a list of all papers tabled in the previous month and not ordered to be printed.

TABLING OF PAPERS

The Hon. Greg Pearce tabled the following paper:

Annual Reports (Statutory Bodies) Act 1984—Report of the Roads and Traffic Authority from 1 July 2011 to 31 October 2011.

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

GENERAL PURPOSE STANDING COMMITTEE NO. 5

Report: Coal Seam Gas

The Hon. Robert Brown, as Chair, tabled the report entitled "Coal Seam Gas", dated May 2012, together with transcripts of evidence, tabled documents, correspondence, submissions and answers to questions taken on notice.

Report ordered to be printed on motion by the Hon. Robert Brown.

The Hon. ROBERT BROWN [2.41 p.m.]: I move:

That the House take note of the report.

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

LEGISLATION REVIEW COMMITTEE**Report**

The Hon. Dr Peter Phelps, on behalf of the Chair, tabled the report entitled "Legislation Review Digest 15/55", dated 1 May 2012.

Ordered to be printed on motion by the Hon. Dr Peter Phelps.

WORKCOVER PROSECUTIONS**Production of Documents: Report of Independent Legal Arbiter**

The Clerk announced receipt of the report of the independent legal arbiter, Sir Laurence Street, dated 17 April 2012, on the disputed claim of privilege on documents relating to WorkCover prosecutions. The Clerk further announced that the report is available for inspection by members of the Legislative Council only.

PETITIONS**Same-Sex Marriage Legislation**

Petition requesting that the House observe and uphold the Commonwealth's exclusive power to make laws with respect to marriage, recognise the definition of "marriage" in the Marriage Act 1961, and defeat the same-sex marriage legislation before the House, received from the **Hon. Paul Green**.

Religious Education and Ethics Courses

Petition opposing the philosophical ethics course currently on offer in public schools and requesting that the House support the Education Amendment (Ethics Classes Repeal) Bill 2011 and the cancellation of the ethics course, received from the **Hon. Paul Green**.

BUSINESS OF THE HOUSE**Postponement of Business**

Business of the House Notice of Motion No. 1 postponed on motion by the Hon. Trevor Khan.

GENERAL PURPOSE STANDING COMMITTEE NO. 5**Reference: Inquiry into Management of Public Land**

The Hon. ROBERT BROWN: In accordance with paragraph 2 of the resolution of the House establishing the general purpose standing committees, I inform the House that on 23 April 2012 General Purpose Standing Committee No. 5 resolved to adopt the following terms of reference:

That General Purpose Standing Committee No. 5 inquire into and report on the management of public land in New South Wales, including State Forests and National Park estate, and in particular:

1. The conversion of Crown Land, State Forests and agricultural land into National Park estate or other types of conservation areas, including the:
 - (a) process of conversion and the assessment of potential operational, economic, social and environmental impacts,
 - (b) operational, economic, social and environmental impacts after conversion and, in particular, impacts upon neighbours of public land and upon local government, and
 - (c) that the following cases be considered in relation to terms of reference 1 (a) and 1 (b):
 - River Red Gum State Forests in the Southern Riverina,
 - Native Hardwood State Forests in Northern New South Wales,
 - Yanga Station in the Balranald shire, and
 - Toorale Station in Bourke shire.

2. The adherence to management practices on all public land, that are mandated for private property holders, including fire, weed and pest management practices.
3. Examination of models for the management of public land, including models that provide for conservation outcomes which utilises the principles of "sustainable use".
4. Any other related matters.

BUSINESS OF THE HOUSE

Postponement of Business

Government Business Orders of the Day Nos 1 to 7 postponed on motion by the Hon. Duncan Gay.

NOXIOUS WEEDS AMENDMENT BILL 2012

Second Reading

The Hon. DUNCAN GAY (Minister for Roads and Ports) [2.59 p.m.]: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The bill before the House today is about improving the management of noxious weeds in New South Wales and, in turn, better protecting land owners, their neighbours, the community and the environment from the damaging effects of noxious weeds.

The bill makes provision for improved regulatory powers to help minimise the risk of new weeds establishing in New South Wales, and for authorities to be able to more rapidly deal with the weeds if and when they arrive.

The *Noxious Weeds Amendment Bill 2012* will also strengthen the objectives of the Act and allow for special arrangements on Lord Howe Island.

The genesis of this bill was a statutory review of the *Noxious Weeds Act 1993* which was conducted in 2010.

The bill has been developed after extensive consultation with the community, industry, local government and State government organisations.

Sixty-four submissions were received.

Before I go any further I would like to clarify that a noxious weed is a plant that is subject to a weeds control order under the *Noxious Weeds Act 1993*.

The *Noxious Weeds Act 1993* provides the regulatory framework for controlling noxious weeds in New South Wales. The Act sets out various processes for declaring, classifying and controlling noxious weeds. It requires occupiers of land to notify and control noxious weeds on their land and establishes local control authorities who are responsible for the management of noxious weeds in their local area. In most cases, this is the council.

The Act provides for noxious weeds inspectors and authorised officers and sets out their powers.

The Act also makes provision for the establishment of the Noxious Weeds Advisory Committee. This committee advises the Minister on all aspects of noxious weed management including declarations, allocation of grant funds, regulations under the Act and policy issues.

Weeds have a major impact on agricultural productivity and the environment in New South Wales. Weeds displace native species, contribute to land degradation and reduce farm and forest productivity.

Weeds are a very costly natural resource management problem for farmers.

The Australian Bureau of Statistics Natural Resource Management survey in 2006-2007 found that agricultural businesses in New South Wales spent \$933 million and three million days on weed, pest, land and soil activities.

It also found that weed management nationally comes at a cost of \$1.5 billion for Australian farmers.

The report on the 2010 statutory review of the *Noxious Weeds Act 1993* recommended making a number of amendments to the Act to improve its effectiveness.

I now turn to these amendments in the bill.

The first proposed change is to strengthen the objectives of the Act so that they better reflect the current weed management policy and provide greater consistency with the New South Wales Invasive Species Plan.

Two amendments to the objects of the Act are proposed.

The first amendment is to extend objective 3 (a) (ii) to refer to preventing, eliminating and restricting the spread of both existing and new significant weeds.

The current section 3 (a) (ii) refers only to restricting the spread of existing significant weeds and makes no mention of prevention or elimination the spread of existing significant weeds.

The second amendment is to objective 3 (a) (iii) of the Act. Currently this section refers to reducing the area in this State of existing significant weeds.

While a reasonable objective "in principle" this measure is considered impractical, largely unachievable on a State scale, and not an appropriate indicator of how successful a weed control program has been.

In other words, while a successful program may reduce the density and impacts of certain weeds, the actual area affected by that weed may not be reduced.

This bill therefore replaces the current objective in section 3 (a) (iii) to instead include the stated objective of effectively managing widespread weeds in this State.

The next amendment in this bill is to clarify the area where a noxious weed is declared.

The clear intention of the Act is that a weed may be declared noxious in a specific area or areas. Section 7 (3) as currently worded though, is ambiguous and could be interpreted to mean that once a plant has been declared a noxious weed in any part of the State, that plant is a noxious weed across the whole State.

The bill proposes clarifying that a plant is considered to be a noxious weed only in the area to which the relevant weed control order applies.

The next amendment relates to a new Ministerial power to prohibit or regulate the bringing into New South Wales, or a specified part of New South Wales, noxious weed material or anything else that the Minister considers is likely to introduce noxious weed material into New South Wales or a specified part of New South Wales.

Unlike other New South Wales biosecurity legislation, the Noxious Weeds Act is currently extremely limited in its power to prevent the entry into New South Wales of high priority weeds, new weeds from other States and Territories, or weed material, produce or anything else that may be contaminated with these weeds or weed material.

The Act's focus is on weeds and weed material once they are in New South Wales. Currently, the only provisions in the Act that are concerned with weeds or weed material coming into New South Wales from other jurisdictions are the requirements to clean certain agricultural machines before they enter New South Wales from Queensland. These provisions are obviously limited in their application.

The bill proposes amending the *Noxious Weeds Act 1993* to allow the Minister, by order, to prohibit or regulate the bringing into New South Wales of noxious weed material or anything else that the Minister considers is likely to introduce noxious weed material into New South Wales. A person who fails to comply with such an order will be guilty of an offence with a maximum penalty of \$11,000.

This amendment is about protecting New South Wales producers and the environment from the unnecessary introduction of weeds to New South Wales.

Occupiers of land are legally required to control noxious weeds if that land is subject to a weed control order. However, the occupier may not necessarily be the land owner. The local control authority should have a mechanism whereby they can quickly establish who the occupier is. This will allow the local control authority to more efficiently fulfil its obligations under the Act.

It is proposed to enable a local control authority to, by written notice, require a private land owner whose land is subject to a weed control order, to provide the local control authority with the name and contact details of the occupier and a description of the land.

To make the amendment enforceable, the bill proposes making it an offence for failing to comply with any such requirement. The maximum penalty for this offence is \$2,200.

Under the Act, public authorities are already required to notify the local control authority of the name and contact details of an occupier of land that is owned by that public authority.

However, public authorities are not required to provide a description of the occupied land. To ensure consistency in the Act and improve the information provided to local control authorities, the bill also proposes that public authorities be required to provide a description of the land that is occupied by each occupier.

Another important amendment in this bill will help reduce the risk of noxious weeds spreading into New South Wales from Queensland and other jurisdictions.

Currently, under section 31 of the Act certain types of agricultural machines subject to an order under this section which are being used for their intended purpose must be produced for inspection at the border of Queensland and New South Wales. Before that machine can lawfully enter New South Wales, the border inspector must certify that the machine has been cleaned as legally required.

Currently this includes grain harvesters, comb trailers, grain harvesting bins, augers and associated transport and pilot vehicles.

There are, however, a large number of mining exploration machines, and other machines and equipment, moving from Queensland into New South Wales with high potential to spread noxious weeds such as parthenium into New South Wales.

It is therefore proposed to amend the Act so that an order can apply to machinery and equipment more generally, not just to agricultural machines and to machinery and equipment coming into New South Wales from any other State or Territory rather than just from Queensland.

Other State and Territories have noxious weeds that may, in the future, be found to be spreading into New South Wales via mining machinery, for example. This amendment will allow action to be taken to require the cleaning and inspection provisions to apply in such circumstances.

It then follows that inspector's powers to require the treatment of agricultural machines to remove any notifiable weed material should be extended to "machinery and equipment" in general. It is also considered necessary that the offence of knowingly transporting, moving or using an agricultural machine containing notifiable weed material be applied to all machinery and equipment. The bill includes such amendments.

The bill also includes some amendments relating to weed management on Lord Howe Island.

The Lord Howe Island Group was world heritage listed in 1982 in recognition of its outstanding natural beauty and its exceptional biodiversity.

The vegetation of Lord Howe Island is unique in that nearly half of its plant species do not occur anywhere else in Australia.

It would be advantageous to declare certain plant species as Class 2 weeds on Lord Howe Island so as to protect the unique flora and status of the island. Class 2 weeds are those that pose a potentially serious threat to primary industries or the environment and are not present in or are present only to a limited extent in a region.

However, once a plant is declared a Class 2 weed anywhere in New South Wales, certain sections of the Act are triggered in relation to that plant that apply across the whole State. For example, it is an offence to sell or purchase any Class 2 weed material knowing it to be a notifiable weed anywhere in the State. It is also an offence to sell soil, turf or fodder from land if the person knows that there is a weed on that land that is notifiable anywhere in the State; and it is an offence to knowingly transport, use or move machinery or equipment containing a weed that is notifiable anywhere in the State.

These offences apply anywhere in New South Wales, even if the plant is only declared to be a noxious weed on Lord Howe Island and is widespread on mainland New South Wales.

For the most part this is considered appropriate given the seriousness of Class 2 weeds. However, given the uniqueness of Lord Howe Island vegetation and its geographic isolation from mainland New South Wales, a mechanism is required to allow the Minister to declare a plant as a Class 2 weed on Lord Howe Island only while ensuring that a person, class of person, premises, machinery or equipment on mainland New South Wales can be exempt from certain provisions if considered appropriate.

The bill includes a power for the Minister to make such exemptions.

The statutory review concluded that there are insufficient powers in the Act to allow the investigation, management, identification and trace-back of suspected noxious weed material—for example, where there are no leaves, spines or branches to allow immediate identification of a plant species.

Currently, the Act gives inspectors various powers to investigate, manage, identify and trace-back noxious weed material and material containing noxious weed material, but no powers in relation to material suspected of being or containing noxious weed material.

In practice, it can be difficult to identify certain plant material, such as seed in fodder and grain, and bare plant branches used by florists.

These materials often need to be propagated until they become reproductive to allow definitive identification.

This inefficiency will be overcome by amending the Act to extend the powers of inspectors to also enable them to examine, seize, detain, remove or destroy any thing that the inspector reasonably suspects to be or to contain noxious weed material.

I wish to make it clear here, that the only powers of inspectors that are to be extended are those related to dealing with noxious weeds. It does not include extending inspectors' powers of entry to a property or premises. These powers of entry remain unchanged.

A further amendment to the Act allows inspectors to take samples of anything that the inspector reasonably suspects to be or to contain noxious weed material and to take photographs or video recordings of any such thing.

These improvements will greatly assist inspectors in identifying and tracing noxious weeds.

The Act does not expressly provide that inspectors have the power to take photographs and video recordings when investigating noxious weed matters.

These modern technologies are an essential tool in measuring and documenting weed spread. Taking photos is a much more efficient way of capturing the spread of weeds than manual plotting on a graph.

They are also an objective and defensible way of documenting weed presence during property inspections. Therefore, it is appropriate that the Act is amended to make it clear that inspectors can take photographs and video recordings for the purposes of the Act.

The bill also includes an amendment to empower inspectors to require people to answer questions for the purpose of assisting the source or destination of suspected noxious weed material to be traced.

The Act currently states that inspectors can only require people to answer questions if they reasonably believe it will enable them to trace the source or destination of actual noxious weed material.

The Act currently does not require questions to be answered in relation to suspected noxious weed material. Also, the power is limited to situations where the inspector reasonably believes the answer may enable the source or destination to be traced.

The amendment in this bill extends this important power to situations where the inspector reasonably believes that the answer may assist with the tracing of the source or destination of the material in question.

Finally, the bill includes an amendment that will streamline and simplify delegation functions under the Act.

Currently, local councils have been delegating certain functions in the *Noxious Weeds Act 1993* pursuant to the delegation powers contained in either the *Noxious Weeds Act 1993* or the *Local Government Act 1993*.

For consistency and clarity, the bill includes an amendment that ensures that functions under the *Noxious Weeds Act 1993* can only be delegated under that Act and cannot be delegated under the *Local Government Act 1993*. This will ensure that inspectors are not appointed under the *Local Government Act*.

This bill proposes amendments to the *Noxious Weeds Act 1993* to improve weed control and management across the State. They are sensible amendments which will deliver benefits to New South Wales landowners and the community.

By taking action to address weeds, we can also improve agricultural sustainability and food security, primary industry productivity, the survival of threatened and endangered plants and animals, and deliver broad environmental benefits.

I commend the bill to the House.

The Hon. STEVE WHAN [3.00 p.m.]: The Noxious Weeds Amendment Bill 2012 is a good progression of the present legislation in New South Wales but the Opposition believes that there is still a way to go with this proposed legislation. I will expand on this as I progress. This bill has come about as the result of a number of things. Firstly, this bill is a result of the regular five yearly review of the Act. It was initiated when I was Minister for Primary Industries and presented its report last year. The result is this bill. The aims of the bill are:

- (a) to revise certain of the objects of the Act.
- (b) to clarify the land in relation to which a plant is a noxious weed.
- (c) to enable the Minister to regulate or prohibit the bringing of noxious weed material into New South Wales.
- (d) to enable local control authorities to require owners of land subject to a weed control order to provide details of the occupiers of the land.
- (e) to extend control measures in relation to agricultural machines to machinery and equipment.
- (f) to extend provision for border inspections of agricultural machinery from Queensland to machinery or equipment entering New South Wales from anywhere in Australia.
- (g) to enable the Minister to grant exemptions from certain provisions of the Act in relation to Class 2 noxious weeds that are notifiable only on Lord Howe Island.
- (h) to extend certain powers of inspectors to deal with noxious weed material so as to enable them to deal with (including to take samples, photographs or video recordings of) anything they reasonably suspect to be or to contain noxious weed material.
- (i) to make it clear that the functions of local control authorities under the Act may only be delegated under the Act.

That is the Noxious Weeds Act 1993, not the Local Government Act 1993. The final aim of the bill is:

- (j) to make other minor or consequential amendments (including standardising terminology and providing for matters of a savings or transitional nature).

The Minister in the other place gave a number of the reasons for introducing the bill. All the proposed amendments came out of the review conducted by the last Government and the current Government, and the Opposition has no problems with any of those amendments. In some cases they extend the powers of officers to take action. Given the environmental and economic threat that weeds pose to the State, the extension is justified. Australia takes action against weeds on a number of legislative bases. Many people in New South Wales, not

only primary producers, are concerned about weeds. There are also environmental concerns. One of the positive things in this review was the proactive way that environment groups engaged in the review. They are pushing the agenda.

DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones): Order! There is a lot of background noise in the Chamber. Members will keep conversation to a minimum.

The Hon. STEVE WHAN: Weeds are of great concern to primary producers, the environment movement and all those concerned about the impact of weeds in New South Wales. A useful briefing paper was put out by the Parliamentary Library. Daniel Montoya put a lot of the information together that is worthwhile reading for those interested in this area. Of the 1,386 identified species of weeds in New South Wales, 190 are noxious. Many weeds of national significance are in New South Wales.

The Hon. Melinda Pavey: How many on the Monaro?

The Hon. STEVE WHAN: I will come to the Monaro later. There is information in the report from the Parliamentary Library on where different types of weeds are located. One of the important things we do need to recognise is that different weeds have different impacts in different parts of the State. One weed in the south-east which has been added to the national weeds of significance list this month is fireweed. That is welcomed in the south-east: fireweed is causing issues in the Bega Valley and it is now moving into the Monaro. When I first talked about fireweed in the other place in the last Government National Party members from the North Coast said that although it is present on the North Coast it is not an issue because it is out-competed by the pastures there. Those National Party members wondered why I was raising it. There are different rainfall patterns and different growth rates in different parts of the State and weeds have significantly different impacts in differing parts of the State. The economic impact of weeds around our State is significant.

The Cooperative Research Centre for Australian Weed Management estimated that weeds cost agricultural production across Australia \$4 billion per year. About \$1.5 million is spent on weed control activities and weeds cause \$2.5 billion in lost production—a significant figure—in various agricultural industries. The total financial cost of on-farm weed control in Australia in the grain industry is anything up to \$720 million—\$171 million for grain and over \$1 billion for beef.

The issue, as outlined in some of these reports, is significant. The total expenditure on weed control in New South Wales and the Australian Capital Territory is \$475 million. Average expenditure for each agricultural business is over \$10,000 per year, which has a significant impact: 78.5 per cent of agricultural businesses in New South Wales and the Australian Capital Territory report decreased value of production caused by weeds; 38.9 per cent reported a decreased value of their holding; 32.5 per cent reported increased fire risks; 29.2 per cent reported decreased native plant or animal populations and distributions; 18.8 per cent reported blocked water courses; 22.8 per cent—a significant figure—report poisoned stock from weeds, which is something that dairy farmers in Bega comment on about fireweed; and 44.3 per cent report other weed-related problems. So the impact from weeds in New South Wales is significant.

In the area that I live serrated tussock has caused great concern over many years. I was pleased when I was Minister to be able to launch a coordinated serrated tussock strategy for New South Wales aimed at bringing together the strategies to be more effective in combating serrated tussock, which causes great concern for people in the south-east in particular. The Opposition will support this bill, which continues a process which was started under the previous Government. The Noxious Weeds Act was reviewed every five years. The Noxious Weeds Act, introduced by the Greiner-Fahey Government in 1993, has been reformed over time. The review, which was designed to highlight a number of issues, produced some interesting discussion on the way that the weed programs and processes should progress.

Not all of the issues raised in the report have been taken up by the Government in this amending bill. I raise these matters in this debate because some further significant issues need to be taken up by government. I would like some feedback from the Minister about the timeframes for these matters. One of the issues highlighted in discussion papers and in submissions from environment groups was the concept of a white list approach or permitted list approach which requires risk assessment of all non-indigenous species and varieties not on a permitted list that are proposed for introduction, and allowing sale and movement only of low-risk plants.

A number of conservation groups came to see me and outlined this proposal when I was the responsible Minister. I felt the proposal had great merit. I understand the proposal is similar to regimes operating regarding

the overall importing of plants into Australia. The report, which the Government tabled last year, considered this transition to a permitted list approach. I quote from the Parliamentary Library report that an issue raised for consideration was adopting a permitted list for the introduction of new species or the movement of existing species. And, applying the precautionary principle in view of the known substantial economic and social costs of noxious weeds, new species would be scientifically assessed for invasiveness before being permitted to be introduced to, or traded within, New South Wales. The Government's response to that recommendation was:

It is proposed to establish a separate review process to examine the feasibility of applying a permitted list approach in New South Wales.

I would appreciate the Minister telling us in reply what the timeframe for that review process might be, and how quickly it could be undertaken, because I think that process has great merit and is worthwhile pursuing. The Opposition received correspondence from environment groups suggesting that we consider moving amendments regarding that process. I think it better that that be taken as part of the considered process through government, identifying the costs and tasks involved in the proposal. I would certainly support action along those lines by the Government.

Other significant issues were raised. I understand The Greens propose to move a number of amendments to the bill. Most of those amendments, based on a reading of them—and I look forward to articulation by The Greens of the intent of their amendments and the Government's response—seem to be all right. However, I am concerned about an amendment dealing with the obligations of public authorities to control noxious weeds on Crown land. This is part of a significant debate on weed control. I know that Government members, when in opposition, raised it frequently, and I know that it is a matter of concern throughout the community.

At the moment the legislation requires them to control weeds to an extent that prevents their spread to adjoining land. I think we would all agree that philosophically that should not be the extent of their obligation to control weeds: philosophically, we would agree that the obligation on Crown land managers to control weeds should be equal to the obligations imposed on private property owners. However, in practice, that is quite difficult. The Government's response to the issue raised in the Parliamentary Library paper suggested that a number of issues in moving to that position need to be explored first. That particularly involves working out the cost of the proposal to managers of Crown land. I note that The Greens have moved an amendment along those lines. I assume that amendment would seek to extend the obligation to the whole of the Crown estate.

The Hon. Jeremy Buckingham: Yes.

The Hon. STEVE WHAN: I thank the member. Again, philosophically, the Opposition would agree with that. I suspect most Government members would agree with it also. However, I do not think it would be responsible to vote in favour of the amendment without knowing the cost of the proposal to the authorities involved, and whether sufficient funding is available to them to carry out that task properly. I certainly would not want a weed control authority to put a notice on a large area of Crown land or a national park if that weed control work resulted in diverting money from other important obligations in the management of the park, for instance, fire control and hazard reduction. I will listen with interest to the Government's response to that amendment to see whether work has been done about the cost of that amendment and how that work would be funded if the amendment is successful. My view, on behalf of the Opposition, at the moment is that while in principle we would agree with the amendment it is not practical to vote for the amendment until we understand the cost involved in its implementation and how that could be funded without taking funding from the other critical operations of managers of national parks and Crown land.

On the whole, this is good legislation and it does represent progress in the effort to control weeds. But there are some areas which the Minister did not deal with in her speech on the bill in the other place. The Minister dealt with what is in the legislation but not with the other issues, which were deferred for further consideration and report. The Opposition is interested in the Government's response on those other issues. Overall, weed control comes at a massive cost. This matter needs further attention by the Government. At the last election the Coalition's policy suggested that the Coalition would be establishing an effective plan for the control of serrated tussock, a move that was already underway, but most importantly said that the Coalition would increase funding for noxious weed control grants by \$6 million, to an estimated \$40 million over four years, an increase of 15 per cent. Though any increase is valuable, I have to say that that amount of money is not sufficiently significant to make a difference.

There is a measure of mea culpa here, and I am glad the former Treasurer is not in the House, but I tried extremely hard before the last election to get a promise to double funding for weed control, in an effort to

raise the bar a bit. I am very sorry that we were not able to raise the bar more, because in my view we need to at least double the amount of funding allocated to weed control. I am well aware of the way that the political process works. If we could have raised the bar perhaps the Coalition in opposition might have been able to increase their promises on this issue as well, and we might now be seeing more funding for weed control. I said publicly on many occasions that more funds were needed for weed control. But, really, for this Coalition Government to brag that it has increased funds is pathetic.

Its 15 per cent increase over four years results in virtually a zero increase in real terms. Let me demonstrate how this Government has taken to the fight on weeds. I refer to my press release of 22 October 2010, headed "State Government's War on Weeds Continues". That announced the roll-out of the New South Wales Government's \$8.7 million in funding for that year for the New South Wales Weeds Action Program. The Minister for Primary Industries, in her 27 January 2012 press release —note the similar heading— "NSW Government on an \$8 million weed warpath", announced less for the Weeds Action Program, \$8 million, which the Minister said was to "bolster weed management across New South Wales".

The overall funding for controlling weeds only marginally increased and it is quite outrageous for the Government to pat itself on the back and suggest that it is taking more action on weed control. We want to see the rhetoric of the Government turned into the reality of better funding for weed control in New South Wales. Over the years we heard a lot of rhetoric from the Liberals and Nationals, when they were in opposition, about things they are failing to deliver in Government. Over the years of the Labor Government funding for weed control increased. I would have liked to have seen that funding increased further, which would have helped us tackle more of the problems, amounting to \$1.2 billion, that farmers in New South Wales have. It is not acceptable to rural communities in New South Wales that every time the Government is challenged to put its money where its mouth is the Government makes ridiculous comments about the previous Government—

The Hon. Melinda Pavey: There was no money left.

The Hon. STEVE WHAN: —or, as demonstrated by that interjection, that there was no money left. The fact is that Labor left a budget in surplus and the Liberal-Nationals Government has delivered a deficit. Labor delivered surpluses throughout its 16 years in government and it delivered a triple-A credit rating, but the people now in government seek to blame everybody else for the problems they now have. Those people who had so much to say when they were in opposition now blame everybody else for their failure to deliver on their rhetoric now they are in government.

As the Parliamentary Library report points out, Department of Primary Industries expenditure on noxious weed control increased between 2009-10 and 2011-12: in 2009-10 the department spent \$8.3 million on noxious weed control and that increased to \$9.1 million in 2010-11. As I said, we are expecting to see further increases from this Government, but a 15 per cent increase over four years amounting to \$6 million in total does not amount to much when it comes to noxious weed control. The programs need increased funding.

I welcome the involvement of the Federal Government over the past decade or so in national approaches to noxious weeds, which should help focus some attention on the problem. The Federal Government has developed programs for research into biological controls. I am aware that during the period when Labor was in government in New South Wales there was strong debate about the chemicals that had been used for many years to control weeds—they were becoming difficult to obtain because of production changes overseas, people needed special permission to use them and, in some cases, they did not meet the current criteria for various chemicals in Australia. I remember governments having to make significant efforts to make sure that there were licences available for people to use important chemicals to control various weeds around New South Wales.

Research on noxious weeds needs to be continued to ensure that we have weed control mechanisms available, which would obviously be supported by everybody in rural New South Wales. The former Government announced a change in the strategy of funding for weed control in the south-east with weeds action grants and more focused programs. We moved to a coordinated strategy for serrated tussock so that we could share the expenditure and make it more effective. State government grants make up a very small proportion of expenditure on weeds; most of the expenditure is undertaken, of course, by private landholders, and I mentioned the figure before—

The Hon. Jeremy Buckingham: Too much.

The Hon. STEVE WHAN: They do not spend too much. It would be nice if they did not have to spend so much because of other ways of controlling their weeds, but we want them to continue to do that

important weed control work on private land. I mentioned the figure before: the 2006-07 expenditure on weed control in New South Wales was \$475 million. The government proportion of spending is very small and we need to have programs and powers in place to ensure that we are assisting private landholders with advice where possible. Unfortunately, we also need the strong powers that were in the original legislation. This amendment gives authorities strong powers to order action on weeds on private properties, and that has often caused angst for some landholders. In the past landholders have phoned me to tell me that African lovegrass is good fodder on their properties and they are outraged that they have been ordered to control it.

The Hon. Dr Peter Phelps: African lovegrass?

The Hon. STEVE WHAN: The Hon. Dr Peter Phelps has not come across African lovegrass.

The Hon. Dr Peter Phelps: Can you smoke it?

The Hon. STEVE WHAN: He can try to smoke it if he wants to but I do not think it will have anywhere near the impact of his usual products. Many members in this place who represent rural areas often meet people from the city who have bought rural blocks of land without looking at the weed control they are going to have to undertake on those blocks. The review mentioned notification of such details at the time of the sale of the properties. I will be interested to see how that is addressed in the future. The Opposition supports the legislation but we want to see further action on the recommendations and items that came out of the review. I look forward to hearing the Government's response during this debate.

The Hon. JEREMY BUCKINGHAM [3.26 p.m.]: On behalf of The Greens I speak broadly in support of the Noxious Weeds Amendment Bill 2012. The bill implements reforms that were recommended in the 2011 statutory review issue paper of the Noxious Weeds Act 1993 but other important proposals that were supported by a number of stakeholders, and in particular key environment organisations, have been abandoned. The amendments make some progress in strengthening the objectives of the Act, preventing new weed material being imported from other States and broadening local authority powers to inspect and act on suspected weed material. In those respects this bill is a constructive step toward protecting the environment and agriculture from the impact of harmful weeds, but it is a disappointingly small step given what was on the table. In particular, and I will speak on this in more detail later, I am concerned that there is no commitment from the Government to implement a permitted list approach to weed management.

I also foreshadow that The Greens have a number of amendments that we will move in Committee to further strengthen the objects of the Act and even out the responsibilities of private and public landholders to manage noxious weeds. Weeds can pose a significant threat to our biodiversity. Data published in 2006 by the Cooperative Research Centre for Australian Weed Management showed that in my local area, the Central West Catchment Management Authority region, there were more than 500 weed species. That means that weeds account for 23 per cent of the flora species in the region, and some of those weeds can pose a serious risk of harm to our natural environment—59 of those species were identified as weeds that threaten biodiversity, including 28 plant and animal species that are threatened by weeds. The weed species in the Central West include identified weeds of national significance such as serrated tussock, blackberry and gorse. The 2008 Central West Catchment Management Authority environmental weeds strategy report found that most geographical divisions in the catchment saw an average of five new weed species detected during the previous four years. The impact of weeds on the environment and agriculture productivity is increasing.

Invasive weeds are an enormous threat to biodiversity in our national parks and other protected areas. Managing weeds has economic costs to our agricultural industry estimated in the billions of dollars. We heard from the Hon. Steve Whan that in 2006 half a billion dollars was spent by farmers to control weeds on their land. That expenditure comes from the cost of managing weeds and loss of production. Many weeds can threaten the health and even the lives of humans, livestock and native animals. This State needs a strong and effective legislative framework to tackle the harmful consequences of noxious weeds.

Importantly, this bill introduces the capacity to prohibit weeds and weed material from being imported into New South Wales, and that makes sense. It is hard to fathom why our current approach to weed management has focused entirely on eradicating and controlling weeds that have already taken hold. The importance of a strong preventative focus is obvious when we consider that only a fraction of the weeds on the national weeds list are found in this State. Just as Commonwealth inspection and quarantine provisions protect our national biosecurity, New South Wales must put prevention at the forefront of its weed control strategy by reducing the risk of weed material being introduced from other States and Territories. The Greens support the proposed amendments that go some way to doing that.

The current Act goes some way towards preventing weed material entering the State but this is done by allowing the Minister to create a blacklist of species, or a list of prohibited plants that cannot be imported into New South Wales. This is a weak form of protection that leaves the way open for any species not proscribed by the Minister to be brought into the State. A more effective preventive approach would be to introduce a permitted list, or a white list, that bans the importation of all species except those that have been specifically permitted. Both the Commonwealth and Western Australia have effective permitted list systems. To follow their lead is the best approach to ensuring that weed species do not cross our borders and affect our agricultural productivity. A permitted list, coupled with a process for the independent and evidence-based risk assessment of any proposal to introduce any new species, would provide a systematic, precautionary and cost-effective approach to weed prevention. A blacklist risks that a single rogue species whose impact was not anticipated and received no risk assessment before its introduction could cause massive environmental and economic harm in New South Wales.

In response to the Statutory Review of the Noxious Weeds Act 1993 a collection of environment groups, including the Invasive Species Council, the Nature Conservation Council and the National Parks Association of New South Wales, made a detailed submission and strong recommendations for a white list or permitted list approach "as a top priority" for weed reform in New South Wales. They make clear that now the Commonwealth has introduced a permitted list approach to weed management at the national boundary, the biggest risks of new weed naturalisation in New South Wales comes from other States. With around 30,000 species already introduced into Australia and 2,000 having already naturalised in New South Wales, without a permitted list approach there is a huge pool of potential weed risks for this State.

Given the amount of money spent on weed management in New South Wales today, reducing the potential for the naturalisation of new weeds will help to save taxpayers millions of dollars in the future. The recommendation was that New South Wales should require a risk assessment of all non-indigenous species and varieties not on a permitted list that are proposed for introduction and allow the sale and movement of only low-risk plants. The Greens support this approach. We note the Government's report on the statutory review recommends that further analysis be done into a white list model, including cost-benefit analysis and a comprehensive consultation process. We look forward to the Government undertaking that work.

I have met with the Minister's office and the department and note a long-term strategy to develop a biosecurity strategy for the State that might incorporate a permitted list approach, but new legislation under that strategy is likely to be years away even though new species are introduced every year. I would appreciate a response from the Government in reply as to why it is not implementing the recommendations of its own statutory review to look more closely at a permitted list approach in the short term. Given the clear benefits and strong support of such an approach, The Greens encourage the Government to develop and implement an appropriate permitted list framework as soon as possible. I note also that the New South Wales Farmers Association supported the proposal in the discussion paper in relation to a permitted list approach. But that has probably been ignored by the Government because the farmers are irrelevant, according to the Hon. Brad Hazzard. Members opposite are very quiet; that comment did not get a rise from them.

Returning to the specific provisions, the bill broadens the powers to inspect and investigate potential sources of weed importation and suspected weed material. This includes allowing the inspection not just of farm machinery entering the State from Queensland—or Victoria for that matter—but of other equipment, including mining equipment. I congratulate the Government on this provision. The mining boom means that there is a substantial increase in machinery movements across borders, particularly between Queensland and New South Wales. Given that this Government's draft land use plans propose allowing coal seam gas and coal exploration and mining on our prime agricultural land and in our most sensitive environmental lands, including in our drinking water catchments, perhaps the least it can do is take steps to ensure that all the mining machinery and equipment that comes onto New South Wales farming land is inspected for weed material.

The Hon. Catherine Cusack: Thanks for the compliment.

The Hon. JEREMY BUCKINGHAM: No problem. However, I am concerned that there is no clear indication of how these inspection powers will be implemented. I again request that the Minister in replying to the debate outline what resources will be put into inspections. How many staff operating from what offices will implement an inspection regime? The bill also makes some small but significant changes to the objects of the Noxious Weeds Act. The Greens are concerned that while certain provisions in the bill are positive, these changes to the objects water down the bill in certain ways. I am particularly concerned that it is proposed to remove the primary object of the current Act to prevent the establishment of significant new weeds.

I have just spoken about the greatest risk being the introduction of new weeds from other States and the potential financial benefits of taking proactive action to prevent new weeds. The Greens will seek to amend the objects to include a commitment to the principles of ecologically sustainable development, retain the object to prevent the establishment of new weeds, clarify that the focus should be on harmful weeds rather than the more subjective "significant weeds" definition, and encourage collaboration between private landholders and public authorities in complying with weed control orders. I will provide additional arguments for The Greens amendments in Committee.

Much of the bill focuses on strengthening the powers of the Minister, local authorities and inspectors to investigate and enforce weed control orders. But the bill fails to address the inequity in responsibilities between private and public landholders. Some submissions to the statutory review highlighted the lower standard imposed on public authorities, who have to comply with weed control orders only to the extent that they attempt to prevent weeds spreading onto adjoining land. What is more, the Noxious Weeds Act prevents action being taken against public authorities for alleged offences under the Act. The impact of harmful weeds on our biodiversity, agricultural productivity, and our health and wellbeing are shared across this State. This means it is our collective responsibility to prevent, eradicate and control harmful weeds in this State. The State Government and other public authorities should shoulder their fair share of the burden and should be held to the same expectations as any private landholder. The Greens will move amendments in Committee to require public authorities with landholdings to report to the Minister annually on weed control actions.

As I mentioned, I note the intention of the Government to pursue a whole-of-government biosecurity strategy with the aim of putting it out to community consultation by the end of this year. I look forward to engaging in this process and hope that the Government makes a greater effort to implement some of the more significant recommendations as outlined in the report on the statutory review of this Act. However, it is disappointing that while the community has made a significant effort to engage in a statutory review and make detailed recommendations, instead of acting on those recommendations the result is another review process the results of which might take years to come into effect.

We need a whole-of-government approach to weed management. Currently, important stakeholders such as the Minister for the Environment are not adequately empowered under the Act to regulate noxious weeds. There will be instances of conflict over weed management, depending on the focus of the responsible Minister. A primary industry focus may not consider adequately the impact of weeds on biodiversity. That is why The Greens will move further amendments to the bill to require the Minister to consult with the Minister for the Environment in relation to weed control orders. The Greens acknowledge that this bill is a step forward in weed control and management, but it fails to bring the Noxious Weeds Act into line with best practice and ignores many of the good recommendations from the review report. The Greens support the bill but hope that the Government gives fair consideration to the reasonable recommendations that we will put forward in Committee.

The Hon. PAUL GREEN [3.38 p.m.]: The object of the Noxious Weeds Amendment Bill 2012 is to amend the Noxious Weeds Act 1993 to clarify the land in relation to which a plant is a noxious weed; enable the Minister to regulate or prohibit the bringing of noxious weed material into New South Wales; enable local control authorities to require owners of land subject to a weed control order to provide details of the occupiers of the land; and extend control measures in relation to agricultural machines to machinery and equipment, and other changes.

Noxious weeds are defined in the Noxious Weeds Act 1993 as weeds for which control measures provide a benefit to the community over and above the cost of implementing control programs. Noxious weeds have the potential to cause harm to the community and individuals, can be controlled by reasonable means and, most importantly, have the potential to spread within an area as well as to other areas. Typically, noxious weeds grow aggressively, multiply quickly without natural controls, and adversely affect native habitats and croplands. They are injurious to human beings, native fauna and livestock through contact or ingestion. A 2006 survey of weeds throughout New South Wales found a total of 1,386 species, of which 190 are noxious weeds. The cost of controlling weeds for agricultural industries alone is in excess of \$4 billion each year nationwide, and that does not include the impact of weeds on biodiversity, landscapes, tourism, water resources and other industries.

Since 1906 in New South Wales the implementation of noxious weeds management has been the responsibility of local government, which provides continuity in managing weeds. Councils cooperate with other agencies to produce regional weed management strategies, thereby maximising coordination for the benefit of all concerned. The Noxious Weeds Advisory Committee is responsible for advising the Minister for

Primary Industries on all aspects of noxious weeds management. Representatives of the New South Wales Government, the Shires Association of New South Wales, the Local Government Association of New South Wales, the Livestock Health and Pest Authorities State Management Council, the New South Wales Farmers Association, the New South Wales Catchment Management Authorities Chairs Council, the Nature Conservation Council of New South Wales, the Nursery and Garden Industry, New South Wales and the Australian Capital Territory, and a community nominee constitute the committee. In addition to providing advice to the Minister, committee members keep their organisations informed about developments and issues concerning noxious weeds and assist in publicising issues related to weeds. I know very well the work of the Noxious Weeds Advisory Committee because I served as a local government representative for a few years. The committee does a great job and is very passionate about the eradication of noxious weeds.

The committee is also very committed to achieving outcomes that are proposed by government and requires increasing levels of financial assistance to tackle the State's weeds eradication problems. While it is true, as the Hon. Steve Whan stated, that the effect of widespread noxious weeds on State lands is unquantifiable, The Greens amendment that is intended to ensure that the Government takes more responsibility and accepts greater accountability for the removal of noxious weeds is not accompanied by financial estimates of the costs of implementation. That approach ignores reality, renders the amendment premature and will jeopardise the outcome that we are all hoping to achieve. I acknowledge that local government authorities require financial assistance to tackle the problem of weeds. However, financial resources are finite and priority must be given to funding the committee's statewide programs. I well remember how difficult it was for the Noxious Weeds Advisory Committee to work through applications and attempt to distribute financial assistance throughout New South Wales. A number of great programs would have benefited enormously from receiving all the funds that were requested, but financial constraints and long lists of applications meant that funding had to be spread as far as possible.

The work of the committee demonstrated the wisdom of using the carrot rather than the stick in engendering cooperation and effective program implementation. For example, in Coffs Harbour the rangers did not adopt an aggressive attitude towards landholders whose properties were infested with serrated tussock but worked with them to achieve beneficial outcomes. That strategy worked very well in the Coffs Harbour area. Encouraging outcomes have been achieved with the assistance of global positioning systems that rangers use to mark the position of weed infestations and then monitor the effectiveness of weed eradication programs with the aid of a laptop and a ute. The global positioning system has enabled rangers to revisit areas of weeds infestation at intervals several months apart to monitor the control programs, and the programs have been very effective. There is no doubt that widespread weeds infestation makes otherwise productive land sterile. A lot of people could do a great deal with valuable, productive land if it is not rendered unproductive through contamination by noxious weeds. I believe this bill is a good step towards strengthening preventive, investigative and control measures for the management of noxious weeds. The Christian Democratic Party commends the bill to the House.

The Hon. SCOT MacDONALD [3.45 p.m.]: I support the Noxious Weeds Amendment Bill 2012. The New South Wales Parliamentary Library Research Service recently released briefing paper No. 02/2012 entitled "Noxious weeds", which refers to the Co-operative Research Centre [CRC] for Australian Weed Management's 2007 estimate of the cost to all production from weeds of \$4 billion. The research paper notes that 16 of the 20 weeds of national significance are found in New South Wales and that New South Wales has 1,386 weed species, including 190 noxious weeds. It also states that the New South Wales Local Government and Shires Associations estimate that the annual cost of lost production and controlling weeds is \$1.2 billion and notes that weeds feature in seven key threatening processes that are listed under the Threatened Species Conservation Act 1995 as well as two key threatening processes that are listed under the Commonwealth Environment Protection and Biodiversity Conservation Act.

The impact of weeds on the environment cannot be understated, but I will focus on the ongoing cost of weeds to agriculture. I have had more than 20 years experience in the grain and seed business. Like everyone else in the industry, I often felt that we were waging an unwinnable war on weeds. It was frustrating to witness the spread of invasive weeds that degraded the productivity and profitability of productive pastures. Cultivation paddocks are coming under the threat of new weeds and weeds that are costly to control as well as those that may be acquiring resistance to chemical control. The nightmare scenario for farmers is super weeds that resist the full range of control strategies. Terms of trade for grain farmers are extremely tight. Any progress that can be made in controlling weeds and management costs is not just desirable but necessary for the survival of the grains industry. Most farmers, seed cleaners, transport operators and harvest contractors are vigilant about weed

hygiene measures because it takes only a few stray weed seeds to establish themselves to result in a costly battle for control. Some weeds can drop 10,000 seeds per square metre, and putting the genie back in the bottle is extremely difficult. The most effective control strategy is not to allow weeds to colonise in the first place.

The bill strengthens the Minister's powers to regulate the introduction into New South Wales of noxious weed material, or to make orders in relation to anything else to prevent what the Minister considers is likely to introduce noxious weeds. The bill extends movement control orders relating to machinery from Queensland or any other State or Territory and gives greater inspection powers in relation to all equipment that potentially may harbour foreign seeds. Item [23] of schedule 1 to the bill gives increased powers to inspectors to trace the source or destination of noxious weeds. That is terribly important because harboured weed material has huge potential to spread the burden of weeds wherever equipment is operated or stored. The bill empowers a local government authority to require a landowner to provide details of an occupier of land, including contact details as well as details of the land. That is very important because too often we see abandoned or semi-abandoned blocks of land become havens for weeds and vermin.

Councils often struggle to find a responsible owner or occupier through whom maintenance can be enforced. The selfishness of irresponsible owners or occupiers undermines the good work of farmers who do the right thing and who spend their resources on controlling noxious weeds. As I stated earlier, it takes only a few rogue invasive weeds to quickly degrade our landscape. The bill demonstrates that the Liberal-Nationals Government is listening to the concerns expressed by people in regional New South Wales and understands the challenges. Invasive noxious weeds threaten our environment and our agricultural industries. We must be responsive, so we must have appropriate powers that enable us to manage the threat. Currently, that is harder to achieve when mobile contractors traverse multiple States in a few months. As a result of this bill, staff of the New South Wales Department of Primary Industries will have the necessary powers to inspect, investigate, record and trace potential sources of contamination by noxious weed material. The bill contains practical measures that will give our State the means to combat this serious and costly threat to our natural resources and to our economy. I commend the bill to the House.

The Hon. CATHERINE CUSACK [3.49 p.m.]: I congratulate the Minister on introducing the Noxious Weeds Amendment Bill 2012. It is an important step forward for New South Wales after 16 years of Labor, when policy was fragmented. There was a lack of any holistic biosecurity strategy.

The Hon. Steve Whan: We started the process.

The Hon. CATHERINE CUSACK: The former Minister says Labor started the process. That is a lamentable claim. There was no strategy. There was no system of governance in place. There was no accountability.

The Hon. Steve Whan: I released the discussion paper.

The Hon. CATHERINE CUSACK: The former Minister claims that he released a discussion paper. Nothing was achieved. A bandaid approach was adopted, budget by budget, in an attempt to cost-shift emergency measures onto private landowners.

The Hon. Steve Whan: And you have done nothing new.

The Hon. CATHERINE CUSACK: We have a separate weeds authority on the North Coast in addition to what is going on in local government. We are taking a very firm approach to try to put in place those governance arrangements that ought to have been addressed 16 years ago. The funding has been pitiful. I certainly welcome this commitment and the strong messages we sent to the electorate prior to the State election. This measure is a step towards fulfilling those promises. The bill clarifies definitions concerning impacted lands. It empowers local authorities in relation to the issuing of weed orders. It creates a framework for securing our borders against heavy plant and agricultural machinery. This is interesting because New South Wales—to give members an idea of how poor our record has been—is regarded as the number one threat to South Australia, which has already secured its borders against plant and trucks from New South Wales.

One of the main means of transmitting weeds is via the roadways. Roads and Maritime Services must ensure that the sides of roads are mowed and maintained by councils as vehicles that pull over—particularly trucks—might have transported seeds from interstate. If members look at a map of the spread of weeds in Australia they will see our national roads system depicted because that is how weeds are spread. The second

way of propagating weeds is through heavy plant movements. It has been suggested to me that the biggest cause of weeds in the Sydney metropolitan area is Sydney Water laying pipes without cleaning its machines. The rippers that put in pipes spread weeds. Wherever we have water pipes there are weeds, which are invariably near waterways. That is the third most common way of transmitting weeds because when it rains the seeds flow into the waterways. Weeds are the number one threat to biodiversity not only for plants but also for insects, birds and native wildlife in New South Wales. We heard a great deal about the \$4 billion cost to agriculture. I will comment about the natural environment.

I refer to a good news story from Narrabri that I learned about when I attended the Sustaining Rural Communities Conference there a couple of weeks ago. The Cotton Catchment Communities Cooperative Research Centre, which is an excellent organisation, and the Central West Catchment Management Authority sponsored the Enviro-Stories Education Program, which is a competition for primary schools that provides an educational experience for children. It resulted in the publication of stories written by the children. The thinking behind the program is it is better to give kids stuff to read that is locally relevant and that they can relate to so they can learn about their local area at the same time. The stories, which have been evaluated by the Australian National University, have resulted in a significant improvement in literacy rates among children at the participating schools. It is an exciting case study. In this particular story I will read out—

The Hon. Walt Secord: All of it.

The Hon. CATHERINE CUSACK: No, not all of it. But I acknowledge the children who participated in the program and wrote these stories. They include "Information on Australian Animals" by Natalie Young, grade 6 Coonabarabran Public School; "The Monster in the Garden" by years 5 and 6, Narrabri Public School; "Pigs in the Dam" by Abigail Hills, grade 3, Moura State School; "Noises in the Night" by Mya Theadore, grade 3 Moura State School; "Where am I?" by Alana Trudgeon year 6, Narrabri Public School; "The Little Village" by Lochlan Smith, grade 7, Our Lady's School, Longreach; "Larry the Kingfisher" by Jack Gray, year 6 Narrabri Public School; "Pilliga Scrubs Dark November" by Jenna Sunderland, year 6 Narrabri Public School; and "The Dilemma" by Kimberley Weier, grade 3 Moura State School.

"The Dilemma" is a story about mining. A massive truck arrives, bringing machinery and also parthenium weed seeds hidden in the mud left on the machinery from the last place the truck worked. The story talks about the dozers digging, the seeds falling off and the weeds spreading. The farmers get together to take action and the weeds are destroyed through the selective use of fire. Everyone learns a bitter lesson but ends up happy. This is a wonderful initiative that has raised community awareness in a positive way. The program has been integrated into the curriculum, and is a great example of what can be accomplished through adopting a flexible approach.

Another interesting program I draw to the attention of the House is the Bell Miner Associated Dieback initiative that Jim Morrison and the North Coast Environment Council are working on in the Border Ranges. In the past the forest canopy was disturbed by logging and there has been an invasion of lantana. The lantana is a good breeding ground for bell miner birds and the way in which they feed on insects and the forest—without going into details—is a major cause of the eucalypt dieback that is destroying those forests at a rapid rate. This dieback has wreaked havoc across the New England region, where I am told we will never be able to restore the native vegetation and the catchment management authority must decide what sorts of trees can survive. That is important because it determines what birds, insects and ecosystems have died out. This innovative program that deals with the lantana also controls the bell miner birds, which, in turn, stops the dieback and enables the re-establishment of the canopy, giving this ecosystem the chance to recover. These are inspiring examples, and a lot of research has gone into the program. I also acknowledge the Invasive Species Council—

The Hon. Jeremy Buckingham: Reg Gibb.

The Hon. CATHERINE CUSACK: Yes, and Carol Booth, and their work, especially in relation to New South Wales. Again, I congratulate the Minister on this legislation. I believe an holistic, coordinated approach needs to be taken across our natural and agricultural environments. Weeds do not come out of national parks; they spread into national parks and they must be controlled. It is not the fault of national parks that they contain weeds. It is not the fault of national parks that the canopy has been disturbed. Not all weeds are introduced. Some are native species, such as woody weeds. Because we have disturbed the environment in areas such as the red gums and cypress forests we now have thickets of saplings that clearly need to be managed, and managed hard. I would like the rhetoric and the fighting about weeds to calm down. One issue everyone in New South Wales has a common interest in addressing is this number one threat to our ecosystem. I cannot think of a greater cause. It is not the sexiest cause in politics today.

The Hon. Jeremy Buckingham: The lovegrass.

The Hon. CATHERINE CUSACK: With the exception of lovegrass. I thank all members for their supportive comments in relation to the legislation, and I urge every member to be positive and to embrace this approach to addressing this big problem.

The Hon. NIALL BLAIR [3.59 p.m.]: I support the Noxious Weeds Amendment Bill 2012, which introduces several amendments to the Noxious Weeds Act 1993 that will, as members have stated previously, strengthen and provide a more consistent Act. Before outlining the key benefits of these amendments I shall reflect on my former role as a local government officer responsible for noxious weed control and for applying to the State Government for funds to perform that task—something with which I have much experience, particularly with the Western Riverina Noxious Weeds Advisory Group. Leeton Shire Council, for whom I previously worked, also participated in undertaking noxious weed control. At Manly Council I was responsible for removing many noxious weeds, particularly in bush regeneration, removing asparagus fern from native bushland, and also during my time as the tree management officer at Marrickville Council.

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

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

QUESTIONS WITHOUT NOTICE

STRATEGIC REGIONAL LAND USE PLAN

The Hon. LUKE FOLEY: My question is directed to the Deputy Leader of the Government. Is the fact that The Nationals felt it necessary to make a submission on his Government's draft strategic regional land use policy proof that his party is, to quote its chairman, "The junior Coalition partner and has no influence over Government policy in this area"?

The Hon. DUNCAN GAY: This indicates that we have a vibrant and strong party—an organisation of members who care and understand their community and who are allowed to express their point of view. They are not the victims of strangers; they are not the victims of the North Korean quarter. They have the freedom to represent their people and express their views. We may not agree with everything they say but, frankly, we will defend their right to the very end to express a view.

PACIFIC HIGHWAY UPGRADE

The Hon. MELINDA PAVEY: My question is addressed to the Minister for Roads and Ports. Will the Minister update the House on the Herons Creek to Stills Road upgrade of the Pacific Highway?

The Hon. DUNCAN GAY: I would have thought that a question on this subject would have been asked first by an Opposition member. In late March this year during work on the Herons Creek to Stills Road Pacific Highway upgrade a worker was advised to seek medical attention after experiencing fumes during onsite excavation work. Another worker complained of headaches. I am advised that on 3 April five more workers reported similar symptoms. At that point contractors determined that the symptoms may be directly linked to the worksite. Investigations commenced and all workers with symptoms were sent to a doctor: all returned negative blood tests and all have subsequently returned to work. Independent chemical specialists were on site from 4 April collecting samples for testing to confirm whether a chemical was present, what it was and how it could be removed in order that work could restart safely. Representatives from the Environment Protection Authority and WorkCover also were on site. An exclusion zone was established in the area to allow further investigations to be carried out. Results from the investigation have been coming in progressively since testing began on 4 April 2012.

Despite hysterical claims and scaremongering from the Labor-Greens coalition I can advise the House that to date tests of samples taken from the area of suspected contamination have shown that the clay contained no contamination from radioactive material, pesticides, polyaromatic hydrocarbons, petroleum hydrocarbons, polychlorinated biphenyls or any of the volatile organic hydrocarbons. The metals present were within natural levels and did not exceed the health investigation levels. The samples tested positive to potential acid sulphate soil. Further investigations are being arranged to determine the cause of the odour given off by the clay when it

oxidises in air. The safety of the workers and the broader community is and always will be our first and foremost priority. Unfortunately, this concern is not shared by those opposite, who are focussed on the politics of fear. I would have hoped that the shadow Minister for Roads had learnt from past mistakes, but again he found himself going too fast and ended up in a spin. The member for Lakemba said:

The unearthing of radioactive material by the side of the Pacific Highway is extremely concerning news for the road workers at the site and the local community.

The shadow Minister was wrong. Following investigations by independent chemical experts, the Environment Protection Authority and the Australian Nuclear Science and Technology Organisation, I can report that no radioactive material has been found on the site. The Leader of the Opposition reverted to the politics he learnt as a union leader—disregard the truth and create fear amongst the community. His hysterical claims that nothing was being done on the site to protect the workers and community were just wrong. Investigations have been ongoing, an exclusion zone to protect the workers was put in place and there has been no indication of a threat to the travelling public. The only negligence was that displayed in this place by the Leader of the Opposition, who failed to get his facts straight before diving into a media scrum to perpetuate fear and mistruth. Those opposite deal in fear and scaremongering, whereas I am a strong believer in taking sensible precautions to ensure the safety of workers and the travelling public. [*Time expired.*]

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

The Hon. DUNCAN GAY: To address the concerns raised by the broader public I have asked the former head of the National Parks and Wildlife Service, Brian Gilligan, to conduct a broader investigation into the issue so that any concerns about the approvals process for work at the site, the risk assessments that were undertaken and the measures put in place to protect road workers and the public can be examined. The terms of reference are available on the Roads and Maritime Services website.

STRATEGIC REGIONAL LAND USE PLAN

The Hon. ADAM SEARLE: My question is directed to the Minister for Roads and Ports in his capacity as Leader of The Nationals. Does he endorse the comments of the Minister for Planning and Infrastructure that in relation to the draft strategic regional land use policy the New South Wales Farmers Association is "irrelevant"?

The Hon. DUNCAN GAY: I certainly will not endorse comments of the Opposition that try to put words into my mouth. I endorse, however, the fact that this Government came up with a strategic lands policy. We have delivered something those opposite could never deliver. We started from scratch and delivered the best strategic lands policy in this country. And not content with that, we released it for public comment. The comment period closed today, and now we will analyse the comments of the people of this State to make a really good policy even better. Some people at the rally outside today had genuine concerns and, certainly, many of our members who were out there among them supported them. But also present were members of the Labor Party and The Greens—opportunists and rabble-rousers who really do not care about farmers and are scaremongers led by the greatest scaremonger of them all—the Leader of the Opposition in this place. Scaremongers, every one of them; opportunists, every one of them. We will be analysing those proper concerns to ensure that a good policy—which those opposite were incapable of ever producing—is introduced.

DENTAL HEALTH TASKFORCE

The Hon. PAUL GREEN: My question without notice is directed to the Minister for Police and Emergency Services, representing the Minister for Healthy Lifestyles. Given that the New South Wales ministerial Dental Health Taskforce reported to the Minister in November last year, when will the Minister publicly release the report and his appropriate response?

The Hon. MICHAEL GALLACHER: The member has asked a good question, which I will refer to the Minister for an answer as soon as practicable.

POLICE NUMBERS

The Hon. TREVOR KHAN: My question is directed to the Minister for Police and Emergency Services. Can the Minister update the House on the Government's commitment to publicly report on how police are working to maintain police strength at 90 per cent operational levels?

The Hon. MICHAEL GALLACHER: I am pleased to inform the House of the practical steps we are taking to ensure more police are available and to report on this fairly and transparently. I am sure that the Hon. Luke Foley will be interested in what I have to say, having regard to a question he asked me in the last sitting period. The Government is taking real steps to ensure adequate police are available on the front line. This separates us from those opposite who have sought in recent days to play political games and denigrate the almost 16,000 fine police officers who serve our community.

The Government has made the decision to fund classes not only for the increased authorised strength to which it has committed, but also to cover police who are expected to leave the force. The New South Wales Police Force loses about 70 officers per month to resignations, retirement and other separations. These officers can only be replaced or added to three times a year with each attestation or, as most people describe the ceremony, graduation. All members will recall the decision made by the previous Government, in particular by the member for Heffron and the member for Maroubra, not to provide funds for classes sufficient to cover the number of officers expected to leave the force. That situation is being rectified under this Government. An audit of the Police Force was then undertaken. That audit, the first real look at the Police Force since the royal commission, was conducted by a vastly experienced former assistant commissioner of police and it revealed something we had long suspected—Labor's claim that they had record numbers of police was a sham.

The community needs to be reminded at every opportunity of the betrayal by Labor of communities across the State. Labor hid 700 officers on long-term sick leave—officers who were not working for weeks and months at a time, officers that under Labor's death and disability scheme would never return to work or be rehabilitated because Labor would not provide resources to help them return to work. These officers would eventually be given a cheque and forced out of the Police Force—more often than not to never work again. The Government has fixed that mess.

The Government is working with injured workers to get them back into meaningful roles and stop them ending up on the employment scrap heap. Labor's numbers also included officers on leave without pay, officers seconded elsewhere and officers on maternity and paternity leave. Even if you were suspended from duty, according to Labor's calculations you were counted as part of a command's actual strength. It is no wonder that when this Government came to power it found the people of New South Wales crying out for more police. The immediate response to the audit was to set a target of maintaining local area commands at 90 per cent of operational strength. This is a challenging target but it is one we are committed to and is guiding police in the allocation of new officers. Since this Government made that commitment in 2011 there has been one graduation of recruits. In December 2011 some 300 probationary constables, or around 60 per cent of the class, were allocated to local area commands outside the Sydney metropolitan region.

On Friday 4 May class 315 will graduate from the Goulburn Police Academy. The final number of officers will be known on the day, but around 310 probationary constables are due to graduate. A little over 75 per cent of those officers are scheduled to serve in Sydney metropolitan commands such as Fairfield, Bankstown, Liverpool, Mount Druitt, Parramatta and Penrith. These officers will bring the operational strength to 90 per cent or above in the vast majority of local area commands across New South Wales. Plans are in place for a class of up to 425 new officers—*[Time expired.]*

The Hon. TREVOR KHAN: Could the Minister elucidate his answer on maintaining police at 90 per cent of operational strength?

The Hon. MICHAEL GALLACHER: Plans are in place for a class of up to 425 new officers to attest in August 2012 and a further 377 in December 2012. This Government will publish operational strength figures. Operational strength will not include officers who are on long-term sick leave, officers who are on leave without pay or seconded to other areas of the force and, unlike Labor's fudged numbers, it will not include officers suspended from duty. It will include officers who are classified as on permanent restricted duties. These officers, who are not able to fulfil all policing duties but often work full-time, deserve to be included in the operational strength figures. They are officers who fulfil real roles and under changes to injury management being implemented under this Government will fulfil a wider range of duties. They do not deserve to be treated differently from the way that other employees with a disability are treated. If an officer is unable to work with a truck or work full-time, it is not a question of disability—it is part of the real world.

Data on operational strength in each local area command will be published on the New South Wales Police Force web site no later than 14 May 2012. Importantly for towns and suburbs across the State it will show the vast majority of local area commands have an operational strength at or over 90 per cent. The

Government will continue to publish operational strength data three times a year. It is meeting its commitments to work with the Police Force to achieve its aim of 90 per cent of operational strength in local area commands and to report on these figures transparently. The Government will ensure a continued commitment to returning police to communities—communities that have long called for additional police numbers.

SPECIALIST TEACHERS

Dr JOHN KAYE: My question is directed to the Minister for Roads and Ports, representing the Minister for Education. Is it correct that specialist teachers for learning support for students with special needs in public education, who are likely to be reallocated to the new generalist role under the Every Student Every School program, have been asked to fill in surveys and attend individual meetings without being provided with any detailed information about the new generalist role or about the procedures for allocating those teachers to these generalist roles? If this is not true, can the Minister tell the House what information has been provided to these specialist teachers about the new positions that they will be asked to fill and the procedures for allocating them to those positions?

The Hon. DUNCAN GAY: Sometimes I wonder about questions that I am asked—

Dr John Kaye: Point of order: The Leader of the House should surely know that he has no entitlement to debate the question. The Minister should either answer the question or admit that he cannot. Either way, the Minister should not debate the question.

The Hon. Dr Peter Phelps: To the point of order: The Minister was no more than seven seconds into answering the question. How could anyone make a rational objection to what the Minister was saying?

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

The Hon. DUNCAN GAY: Sometimes it is difficult to answer a question with a premise followed by the addendum, "And if that is not correct, what is the situation?" Any member asking such a question should be sure about the facts before asking it, especially if it relates to such a sensitive issue. Despite its deficiencies and its limited merits I will take the question and refer it to the Minister for an answer. But frankly, questions asking whether something is true, and if not, what is the fact, have no place in this House.

STRATEGIC REGIONAL LAND USE PLAN

The Hon. STEVE WHAN: My question is directed to the Minister for Roads and Ports, and Leader of The Nationals. Given the Minister's comments earlier in question time today about today's rally including opportunists and fear mongers, does the Minister endorse the comments made by the Minister for Planning that the actions of the New South Wales Farmers Association in relation to the draft strategic regional land use plan are "encouraging insurrection"?

The Hon. Melinda Pavey: You would just sell the whole countryside to the highest bidder. You are shameful.

The Hon. DUNCAN GAY: That is the appropriate response. How unbelievable that a former Minister, who is now sitting on the losers lounge—a Minister who was part of the Macdonald-Obeid cartel, the group that sold everything out, with nothing that they would not give away—would try to be critical of us. What I have told him, and tell him again, is that I was proud to work arm-in-arm with the New South Wales Farmers Association and the Minerals Council to develop a strategic land use policy—a policy that was beyond the wit of his organisation to develop. There was not one such policy in place under Labor.

The Hon. Steve Whan: Point of order: My point of order is on relevance. The Minister was asked a specific question about whether he endorsed the comment of the Minister for Planning that the New South Wales Farmers Association were encouraging insurrection.

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

The Hon. DUNCAN GAY: You cannot believe this lot. Their track record is horrendous, as is the legacy they left New South Wales. In opposition, with all the resources of opposition—which are practically zilch—we started from scratch to address this issue. We developed in opposition something that had not been

done before in this State or country. In government, we have taken it a step further. For nearly 14 months we have placed a moratorium on any planning approvals in this area. So, on our watch, decency matters. The Opposition should acknowledge that we have done something that it could not do.

The key Minister working in that area is the Hon. Brad Hazzard. He has been the leader on this issue, along with the Hon. Andrew Stoner, the Hon. Katrina Hodgkinson and the Hon. Chris Hartcher. Good on them for what they have done. As I said earlier, a key part of putting this together was my relationship with the New South Wales Farmers Association and the Minerals Council. Labor members cannot accept that people can work together. We are not critical of the genuine people with genuine concerns, but we can be critical of the friends of The Greens and the Labor Party who are against everything. After a month of consultation, they wanted to protest—before the consultation had been completed. That is what The Greens and the Labor Party do best.

WORKCOVER PROSECUTIONS

The Hon. MATTHEW MASON-COX: My question is directed to the Minister for Finance and Services. Can the Minister update the House on WorkCover's recent review of prosecutions filed under the Occupational Health and Safety Act 2000?

The Hon. GREG PEARCE: I thank the Parliamentary Secretary for the question. Honourable members would probably be aware of a review conducted internally at WorkCover of its prosecutions under the Occupational Health and Safety Act 2000. I can now report to the House that WorkCover is very satisfied with the outcomes of that review and the future impact that the review will have. I am advised that the original purpose of the review was to ensure quality assurance of the prosecutions currently before the courts in light of the amendments made to work health and safety legislation, particularly the requirements in that legislation for duty holders to do all that is reasonably practicable and for directors to exercise due diligence in the workplace.

The review has ensured that pleadings filed comply with the principles set down in the Kirk decision and that there are actual public interest reasons for maintaining the prosecutions in accordance with WorkCover's Compliance Policy and Prosecution Guidelines and the National Compliance and Enforcement Policy. WorkCover also considered the deterrent value of the prosecutions. I understand that the review committee reviewed 67 matters involving 201 charges against 160 defendants over four meetings of the committee. There have been several results flowing on from the review, including a modification of the approach taken in some of the prosecutions. None of the prosecutions have been withdrawn, and they are being continued.

One of the other major outcomes from the review is that WorkCover has been able to detect some patterns in terms of hazards within the workplace. The review identified that prosecutions were often the result of a lack of machine guarding, falls from heights and the movement of plant including trucks. As a result of those findings, WorkCover will prepare media releases highlighting the risks to safety and actions to be taken in relation to such incidents. I think it is heartening that the WorkCover review has been able to effectively utilise the prosecution process to feed into its preventative strategies. Prevention is always the key in the area of workplace safety; prevention activities must be improved, and I want WorkCover to work effectively in workplaces across New South Wales to prevent injuries and to assist employers and employees in their compliance with work safety laws.

Prosecution is always a last resort and the bigger and better goal is workplace injury prevention. The overwhelming majority of workplace visits from WorkCover result in advice being given to employers and others in the workplace. WorkCover has now determined that because of the success of this review there should be a regular internal review of all prosecutions, which will occur every six months, at the end of September and the end of March each year. This is in addition to WorkCover's usual practice management procedures. I am looking forward to seeing the further results of further reviews and hopefully further improvements in prevention strategies.

NATIVE VEGETATION LEGISLATION PROSECUTIONS

The Hon. ROBERT BROWN: My question without notice is addressed to the Minister for Roads and Ports, representing the Minister for Primary Industries. Is the Minister aware of calls by the New South Wales Farmers Association for the Government to follow the lead of Queensland and stop the prosecution of farmers under native vegetation laws while the regulations are under review? Given that the current laws have created obstacles to food and fibre production in New South Wales, and can see farmers face fines of more than \$1 million, will the Government immediately impose a moratorium on prosecutions?

The Hon. DUNCAN GAY: I thank the honourable member for his question. As he well knows, I share his concerns on these particular issues. No, I do not have an answer to the question, but I certainly will contact my colleague and get a detailed answer to a very serious question.

STRATEGIC REGIONAL LAND USE PLAN

The Hon. MICK VEITCH: My question is directed to the Minister for Roads and Ports. Does the Minister endorse the policy position put forward by his party in its submission to the draft strategic regional land use plan consultation process?

The Hon. DUNCAN GAY: I thank the honourable member for his question. One of the things that concerned me was that we did not see a Labor Party submission.

The Hon. Dr Peter Phelps: Not even a Country Labor submission?

The Hon. DUNCAN GAY: Not even a Country Labor submission. The Nationals were out there putting the view of their organisation. Do I support them putting in that submission? I do, absolutely.

NSW POLICE FORCE 150TH ANNIVERSARY WESTERN REGION CELEBRATIONS

The Hon. RICK COLLESS: My question is directed to the Minister for Police and Emergency Services. Could the Minister inform the House about the NSW Police Force 150th anniversary celebrations in the Western Region over the weekend?

The Hon. MICHAEL GALLACHER: From Friday 27 April 2012 to Sunday 29 April 2012 the NSW Police Force continued its 150th anniversary celebrations with a range of events to celebrate the contribution of the Western Region since 1862. The Western Region encompasses an area of approximately 519,000 square kilometres, representing 65 per cent of the State. The Western Region provides policing services across a range of communities, including major regional centres through to country towns and remote and rural communities. From when the NSW Police Force was created 150 years ago right up until the 1940s mounted troopers and foot police patrolled the country areas and some of the larger towns. Today modern motor vehicles and technology, including Polair 4—which was on display at the Dubbo Showground over the weekend—have reduced the tyranny of distance.

The Western Region spectacular at the Dubbo Showground highlighted 150 years of policing history. It included exhibits from a variety of police units for the public to view and, in some cases, to interact with. Exhibits included a display of Western Region police heroes, past and present; information about the role of Aboriginal police trackers; a collection of historic vehicles, right up to today's fleet; weapons trainers; and a collection of historical and current uniforms and equipment. A series of demonstrations was staged as part of the NSW Police Force's ongoing mission to inform the public of the sorts of activities it gets up to on a daily basis. A police dog capability display demonstrated the unique and integral role dogs play in police investigations, including in a recent operation to capture the fugitive Malcolm Naden.

Along with exhibitions the day provided an opportunity for the NSW Police Force to share its history and stories with the public. Over the past 150 years police in the Western Region have faced and captured notorious bushrangers, including Ben Hall, Thunderbolt, Captain Moonlight and the Governor Brothers. Aboriginal trackers were used to track down these criminals and assist troopers in their duties. Some of those trackers spent long careers with the police and were recognised by being promoted to tracker sergeant. Tracker sergeants included Tracker Riley at Dubbo, Tracker Williams at Bourke and Tracker Walford at Walgett.

The weekend included a Sea of Blue street parade through the main streets of Dubbo to the Town Hall. I spoke to the member for Dubbo, Troy Grant, who is an outstanding member of Parliament. He said that 5,000 people turned up in Dubbo to show their respect for the police. In the parade the banner party and the marching and capability contingents represented the various police groups that were brought together as one police force under the proclamation of 1862. At a ceremony outside Dubbo Town Hall Mayor Mathew Dickerson presented the keys to the city to the Western Region police contingent. Finally, a gala dinner was held in the Dubbo RSL Memorial Club auditorium to formally thank police, their families and friends. Comedian Kitty Flanagan was on hand to provide some humour and an auction was held of paintings by artists in the Western Region, each created with a police theme, with proceeds going towards the Dave Rixon Memorial Fund. I congratulate the NSW Police Force on another series of well-organised and informative events.

PORTABLE LONG SERVICE LEAVE

Mr DAVID SHOEBRIDGE: My question without notice is directed to the Minister for Finance and Services. On this May Day could the Minister advise the House what steps he and his Government have taken to ensure that the Industrial Relations Advisory Council will produce a well-resourced, thorough and timely report on the extension of the portable long service leave schemes to all workers in New South Wales that currently apply only in the cleaning and construction industry?

The Hon. GREG PEARCE: I thank the member for his question. I have found the Industrial Relations Advisory Council to be of some assistance. I am happy to have the council undertake some further work on that matter.

STRATEGIC AGRICULTURAL LAND PROTECTION

The Hon. PETER PRIMROSE: My question is directed to the Minister for Roads and Ports, and the Leader of The Nationals. As leader of his party in this place and in light of his earlier answers, does the Minister stand by the comments made by Christine Ferguson, the State Chair of the New South Wales Nationals, who stated that mining should be locked out of strategic agricultural lands completely?

The Hon. DUNCAN GAY: As I indicated earlier, I support the right of members of The Nationals to make their submission. I am sure it will be a sensible submission. I do not get to address it because I am not the Minister that gets to do that. It is not a parliamentary submission; it is a submission from the organisation—an organisation made up of terrific people, people who are listening to the communities in regional New South Wales. I am sure that a lot of what is being submitted will be looked at carefully by the Ministers involved, of which I am not one.

HAZARDOUS MATERIALS SEA TRANSPORTATION

The Hon. JOHN AJAKA: My question is directed to the Minister for Roads and Ports. Will the Minister update the House on the role of the Australian Maritime Safety Authority in approving the carriage of ammonium nitrate at sea?

The Hon. DUNCAN GAY: I thought that question would have come from someone else today. Yet again, I rise to my feet to address the politics of fear and scaremongering that is being perpetuated by those opposite. The Hon. Luke Foley's Chicken Little performance over the weekend is exactly what we have come to expect from the Opposition: little regard for the facts but quick on spin. I am advised that the *MCP Copenhagen*, which was berthed at the port of Newcastle, was loaded with 3,000 tonnes of ammonium nitrate and the vessel departed the port by its own power on Saturday afternoon. I understand that the cargo is owned by Orica and will be stored on the vessel while the company carries out scheduled maintenance of its Kooragang Island plant.

Ammonium nitrate is regularly transported by sea. In the port of Newcastle the loading of ammonium nitrate onto vessels follows procedures which are considered as industry best practice and they have been adopted in other Australian ports. Prior to loading the cargo on board the ship at the port of Newcastle a marine survey was carried out on the vessel by the Australian Maritime Safety Authority. For the benefit of those ignorant scaremongers opposite, the Australian Maritime Safety Authority is a Federal Government body. The Australian Maritime Safety Authority, not the Environmental Protection Authority or any other New South Wales government agency, is responsible for approving the carriage of such chemicals at sea.

The Australian Maritime Safety Authority has advised that a number of operational deficiencies were identified on the ship, none of which related to the carriage of dangerous goods and none serious enough for the authority to detain the vessel. Having completed its survey of the vessel the Australian Maritime Safety Authority cleared it for departure. The Australian Maritime Safety Authority has since provided assurance that the ship is safe.

The Hon. Chicken Little should have spent more time researching and less time rehearsing his lines before popping his head up to spread more mistruths, spin and fear. If he had genuine concerns about the welfare of the ship's crew or the safety of the broader public the Hon. Luke Foley should have been on the phone to his mates in Canberra—Prime Minister Gillard or the responsible Minister, Anthony Albanese. Perhaps the Hon. Luke Foley should be given the benefit of the doubt; he may have been trying to get through to Canberra on Saturday night to raise the alarm but all the lines to the Prime Minister were engaged as she dealt with the Thomson and Slipper affairs. He may have tried Albo, but he too was busy desperately doing the

numbers in an effort to work out how on earth the Federal Government will maintain the numbers on the floor of the House in the future. Sadly, I think the Hon. Chicken Little did not bother with a phone call because he was too busy rehearsing his lines that the sky is falling in.

NATIONAL PARTNERSHIP AGREEMENT ON REMOTE INDIGENOUS HOUSING

The Hon. JAN BARHAM: My question without notice is directed to the Minister for Finance and Services in his capacity as Minister responsible for Housing Infrastructure. Of the \$47.5 million in the 2010-11 budget from the National Partnership Agreement on Remote Indigenous Housing, what funds were allocated to local Indigenous employment and/or training? Where did those projects take place?

The Hon. GREG PEARCE: I thank the honourable Green member for her important question. It is good to see The Greens in green instead of in red. It is a detailed question, which I will happily take on notice.

NEWCASTLE PORTS CORPORATION AND ORICA

The Hon. SHAOQUETT MOSELMANE: My question is directed to the Minister for Roads and Ports. When was the Minister first advised that the Newcastle Ports Corporation had entered into an agreement with Orica to store thousands of tonnes of explosives in a German owned, Greek managed, Marshall Island operated, Maltese flagged and Filipino staffed cargo ship at the port of Newcastle?

The Hon. DUNCAN GAY: I thank the honourable member for his question. I refer him to my previous answer.

COMPULSORY THIRD PARTY INSURANCE PREMIUMS

The Hon. CATHERINE CUSACK: My question is addressed to the Minister for Finance and Services. Will the Minister tell the House how the Motor Accidents Authority is assisting drivers to find the best price for their CTP green slips?

The Hon. GREG PEARCE: I thank the honourable member for her question and her interest in this important area. It is a pertinent question as I get a great number of representations from members of the public, other Ministers and members of Parliament concerning Compulsory Third Party [CTP] green slips. The price of green slips greatly concerns consumers and the Government. The Motor Accident Authority continues to apply great scrutiny to applications by insurance companies for price rises. The Motor Accidents Authority also makes available to the consumer useful information that compares CTP prices.

The green slip calculator is a free service provided by the Motor Accidents Authority to assist vehicle owners to shop around for their green slips. Seven licensed insurers offer CTP, or green slip, insurance in New South Wales. Prices vary between insurers so it is important that motorists shop around to ensure they get the best deal. Based on a family car in Sydney, a driver over 30 could save between \$10 and \$70 by shopping around, and even more in some cases. The green slip calculator provides New South Wales motorists with a free one-stop service where they can compare prices for each of the seven licensed insurers in one place. The green slip calculator has been enhanced to make it easier for people to compare prices and make sure that they are not paying more than they need to.

The enhanced green slip calculator uses newer technology that guides users through the process step by step and provides additional hints and tips to help people more accurately answer questions about their circumstances. Motorists answer a short series of questions about the vehicle and who drives it to get prices from all seven insurers without having to spend a lot of time searching different websites or phoning each of the insurers. On average more than 110,000 motorists access the green slip calculator each month to help identify the best available green slip price in the market. It covers cars, motorbikes and light goods vehicles.

In March 2012 the Motor Accidents Authority expanded the green slip calculator even further to help more customers shop around for their green slips. The expanded green slip calculator allows GST registered businesses that are eligible to claim a GST input tax credit on their green slip to compare prices for the most common vehicle types. The expanded green slip calculator will make a one-stop shop around service available to up to 50,000 additional consumers each month. The calculator is available online at www.greenslips.nsw.gov.au. People without internet access can call the Motor Accidents Authority on 1300 137 600.

COALMINING PROTESTS

The Hon. ROBERT BORSAK: My question without notice is directed to the Minister for Police and Emergency Services, representing the Attorney General. Is the Minister aware of reports that the Australian Security Intelligence Organisation has been providing intelligence to the Federal Government on environmental groups that are campaigning against coalmining, following a warning by the Federal Minister for Resources and Energy, Martin Ferguson, that protests at power stations and coal export terminals could have life-threatening consequences and major trade and investment implications? Are there any such groups active in New South Wales who might be planning to disrupt and delay coal industry development through public campaigning and protests?

The Hon. MICHAEL GALLACHER: I will seek an answer from the Attorney General. I preface that by saying that the honourable member's question concerns investigative processes that are perhaps underway by the Australian Security Intelligence Organisation. It may well be that the Attorney General will decide not to put too much on the record because it may hamper any potential operation. That being the case, I will refer it to him, get an answer and come back to the honourable member.

STRATEGIC REGIONAL LAND USE PLAN

The Hon. GREG DONNELLY: My question is directed to the Minister for Roads and Ports, and the Leader of The Nationals in this House. As leader of his party in this place, does the Minister endorse the comments of his Nationals cabinet colleague the Minister for Western New South Wales in relation to the draft strategic land use plan that the "strategic mapping has been underdone"?

The Hon. DUNCAN GAY: Today I have been asked do I endorse this, do I endorse that, do I endorse something else. Let me be clear: I endorse the principle that this Government has put in place to protect farmers in this State from exploitation. Unlike what those opposite did previously.

The Hon. Michael Gallacher: Nothing.

The Hon. DUNCAN GAY: Absolutely nothing. Well, it was not nothing—

The Hon. Michael Gallacher: No, it was worse.

The Hon. DUNCAN GAY: It was worse than nothing. A cartel was operating in this State.

The Hon. Michael Gallacher: Ka-ching.

The Hon. DUNCAN GAY: It was the Ka-Ching Dynasty. It is not a restaurant, though it will be in time. The policy I endorsed was not the Ka-Ching Dynasty but the policy to improve things and to put a process in place in this State. I congratulate my parliamentary colleagues on their work on this issue. They have taken it from a state of chaos. We developed it in Opposition with Fiona Simpson from the New South Wales Farmers' Association and Sue-Ern Tan from the Minerals Council, amongst others. Those people worked with us to develop something where there was nothing. I have paid tribute to those two outstanding women in the past and it is worth doing so again because their work with me to develop this from scratch was outstanding. Otherwise there would not have been anything, because we waited for 16 years and nothing happened.

The Hon. Greg Donnelly: Point of order: I have been patiently waiting for the Minister to come within a bull's roar of answering the question. It was a specific and straightforward question about whether the Minister endorses the comments. Mr President, will you direct the Minister to answer the question?

The PRESIDENT: Order! The Minister is being generally relevant.

The Hon. DUNCAN GAY: In conclusion, I endorse what the Government has done. It is an outstanding contribution. It is a great start that, because of community consultation, may well become even better.

RURAL FIRE SERVICE

The Hon. NIALL BLAIR: My question is directed to the Minister for Police and Emergency Services. Now that the official 2011-12 bushfire season has concluded, could the Minister provide the House with an update on New South Wales Rural Fire Service operations over the summer months?

The Hon. MICHAEL GALLACHER: I thank the Hon. Niall Blair for his question. Members will recall that last year I advised the House of the higher risk of significant grassfires in many areas during the bushfire season that has just ended, due to the favourable growing conditions across much of New South Wales. In some areas of the State, vegetation growth previously has not been seen at current levels in 30 or 40 years. Despite damp conditions, which may be something of an understatement, between October 2011 and March 2012 the New South Wales Rural Fire Service responded to more than 8,500 incidents, including more than 1,500 bush and grass fires. On a number of occasions the quick action of Rural Fire Service brigades prevented major grassfires from occurring.

During the season, three fires were declared emergencies under section 44 of the Rural Fires Act—at Leura on 20 September 2011, Cobar and Central Darling on 28 September 2011 and Katoomba on 24 October 2011. The Rural Fire Service deployed more than 2,700 members to assist the State Emergency Service during many incidents of widespread flooding. However, more recently grassfires occurred in some areas following warmer and dry weather—indeed, some communities experienced grassfires and floods at the same time. Due to the prompt response of local brigades, who sometimes worked in very difficult conditions, the fires were quickly contained and with no damage being caused to property or infrastructure. The Rural Fire Service advises that at the closure of the bushfire season, a high risk of grassfires remains. As lush grass begins to cure, a fire risk will continue to be present throughout autumn and winter in many areas of the State. Members will be aware that hazard reduction activities, such as burning, are an important tool for managing the risk of fires.

Between 1 July 2011 and 31 March 2012, New South Wales land management agencies completed hazard reduction activities throughout more than 103,000 hectares, thereby providing bushfire protection for more than 136,000 properties. The Rural Fire Service and Fire and Rescue NSW actively promoted the safety message "change your clocks, change your smoke alarm battery" to coincide with the cessation of daylight saving. With the change to cooler weather, the risk of house fires will increase and our fire agencies around the State will be reinforcing the vital messages relating to home fire safety in local communities. I am sure members join me in acknowledging the sterling efforts of our Rural Fire Service volunteers over the recent fire season. In particular, I recognise and appreciate the professionalism and versatility shown by Rural Fire Service members who worked side by side with other agencies to assist many communities experiencing major flood emergencies.

STRATEGIC AGRICULTURAL LAND PROTECTION

The Hon. LYNDA VOLTZ: I direct my question to the Minister for Roads and Ports, and Leader of The Nationals. As the Leader of The Nationals in this House, does he stand by the Liberal Party and The Nationals election policy he announced, which called for the quarantining of strategic agricultural land?

The Hon. Dr Peter Phelps: Point of order: What particular ministerial responsibility does the Minister have in relation to election policies that were announced prior to the last election?

The Hon. Luke Foley: To the point of order: Standing Order 64 states:

Questions may be put to Ministers relating to public affairs with which the Minister is officially connected ...

I submit that the Minister, as Leader of The Nationals, is very much connected with this public affair.

The Hon. Catherine Cusack: To the point of order: I sought to put a similar question to a former Minister, John Della Bosca, and it was ruled out of order by a former President, the Hon. Peter Primrose, on the ground that it was not connected to any portfolio responsibility of the Minister. Consequently, Mr Della Bosca declined to answer, which was disappointing. Nevertheless, that was the ruling.

The PRESIDENT: Order! If the question had been directed to the Minister as the Minister representing the Minister for Primary Industries or the Minister for Planning and Infrastructure, it would have been in order, but it is not in order in its current form. I will allow the question to be reworded and asked in a more appropriate form at a later stage.

KAMILAROI HIGHWAY UPGRADE

The Hon. SARAH MITCHELL: I address my question to the Minister for Roads and Ports. Will he update the House about recent road safety upgrades along the Kamilaroi Highway to allow modernised road train access to the Gunnedah Regional Saleyards?

The Hon. DUNCAN GAY: I thank the Hon. Sarah Mitchell for her question. This is a classic example of how the Government is delivering for the communities and economies of rural New South Wales—something that Country Labor failed to do in 16 years. Last year the Government was approached by livestock transporters and Gunnedah Shire Council to consider allowing modernised road trains to access the Kamilaroi Highway from Narrabri to the Gunnedah Regional Saleyards, which is a distance of approximately 100 kilometres. By "modernised", I mean road trains that are fitted with road friendly suspended tri-axle dollies, which is equipment that helps to enhance road safety by reducing sway in a back trailer attached to a truck. The additional axle also helps to spread the weight of the back trailer over three axles rather than two, reduces wear and tear on our roads, and assists to protect structures such as culverts and timber bridges. In April, Gunnedah Shire Council was awarded a tender worth approximately \$850,000 to upgrade the Gunnedah saleyard. The project includes construction of 60 new selling and holding pens and a new ramp for side loading.

Under Labor, road train combinations that travelled in from the Far West or from Queensland and on to Gunnedah had to drop off a livestock crate at Narrabri, which was a very inefficient and frustrating process. I asked Roads and Maritime Services to conduct an assessment of the road between Narrabri and the saleyards to ascertain whether the route was safe enough, straight enough and strong enough to allow access by modernised road trains. On completion of the assessment, Roads and Maritime Services recommended that a number of minor works be undertaken to enhance road safety. They included the installation of wire rope safety barriers at a number of culverts along the highway and the removal of some vegetation near the saleyard exit to improve the line of sight for vehicles entering or departing the facility. I am pleased to announce that the works have been completed. Yesterday the road was opened to modernised road trucks. The New South Wales Livestock and Bulk Carriers Association had this to say about the reform:

Opening up road train access to east of the Newell demonstrates true strength of leadership from the NSW Government, re-energising the out-dated philosophical policy that has not previously allowed this access.

The reform is an example of what is required to increase industry standards whilst introducing higher productivity and safer vehicles on to the existing road network. This decision starts linking key regional freight networks and delivers real economic benefits. Importantly, this announcement will allow NSW to finally bridge the disconnect between west and east of the Newell and see regional industries previously separated by the divide start to prosper.

Yet again the New South Wales Liberal-Nationals Government is delivering for regional New South Wales. We have achieved more in 12 months than Labor achieved in 16 years. I pay tribute to the member for Tamworth, the member for Barwon and the Mayor of Gunnedah for their assistance during the process.

STRATEGIC AGRICULTURAL LAND PROTECTION

The Hon. LYNDA VOLTZ: My question is directed to the Minister for Roads and Ports, and the Leader of The Nationals, and Minister representing the Minister for Primary Industries. As the Leader of The Nationals in this House does the Minister stand by the Liberals and The Nationals election policy—

The Hon. Catherine Cusack: Point of order: The Minister in the other place is not the Leader of The Nationals in this House.

The Hon. Eric Roozendaal: That is not what she said.

The Hon. Catherine Cusack: A question is being asked of the Minister representing a Minister in another place, and the words of the question then were, "and the Leader of The Nationals in this House". I make the point that the Minister in the other place is not the Leader of The Nationals in this House. This question is already out of order.

The PRESIDENT: Order! The inclusion of the title Leader of The Nationals does not render the question out of order.

The Hon. LYNDA VOLTZ: —calling for the quarantining of strategic agricultural land?

The Hon. Dr Peter Phelps: Point of order: The honourable member said, "As the Leader of The Nationals". That is out of order.

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

The Hon. DUNCAN GAY: If the member had been awake earlier and not asleep, or had not got someone else who was not listening to write this question, she would have heard me answer this question. I support the policy that is out there. I think it is a fabulous development of what we took into government as an

opposition policy. Well done to the guys who are prosecuting it. It is even better now they have taken it out to the community and received submissions, including that great submission from The Nationals. The community input will make a great policy even better.

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

DEFERRED ANSWERS

The following answers to questions without notice were received by the Clerk during the adjournment of the House:

TAFE REVIEWS

On 6 March 2012 Dr John Kaye asked the Minister for Roads and Ports, representing the Minister for Education, a question without notice regarding TAFE reviews. The Minister for Education provided the following response:

There have been no other reviews or inquiries commissioned by the Minister for Education or by the NSW TAFE Commission since forming Government.

OUT-OF-HOME CARE

On 6 March 2012 the Hon. Jan Barham asked the Minister for Finance and Services, representing the Minister for Family and Community Services, a question without notice regarding out-of-home care. The Minister for Family and Community Services provided the following response:

Community Services provided a report to the Ombudsman on the provision of assistance to children and young people after they leave out-of-home care.

The response stated that Community Services' data systems do not allow it to fully audit whether the agency is meeting its obligations.

A quality improvement program is underway in Community Services. The preparation and start of that program commenced with Keep Them Safe in 2010. A revised case plan framework and template based on that work was implemented in November 2011. One of the objectives of this revised framework is to improve planning and support for leaving care, and enable the Division to report on its performance in these areas.

Leaving care must now be considered the key objective of each and every case plan for a 15-year-old in out-of-home care.

Community Services has commenced the transfer of out-of-home care to accredited non-government partners. This will do much to ensure each and every young person in care has the legally-required leaving care plan.

Community Services is also working with the NSW Ombudsman and both Community Services and non-government organisation out-of-home care services are in the process of supplying the Ombudsman with the case plans of all young people who left care in the final three months of last year.

ASBESTOS AND NOXIOUS WEEDS DISPOSAL

On 7 March 2012 the Hon. Paul Green asked the Minister for Finance and Services, representing the Minister for the Environment, a question without notice regarding asbestos and noxious weeds disposal. The Minister for the Environment provided the following response:

I am advised as follows:

International consultancy firm KPMG has been commissioned to undertake an independent and comprehensive review of the waste and environment levy.

One of the key terms of reference for the review specifically requires KPMG to assess potential approaches for helping combat illegal dumping, particularly of asbestos waste.

The Government will carefully consider KPMG's recommendations on the future operation of the levy in New South Wales.

NURSE RETRAINING

On 13 March 2012 the Hon. Paul Green asked the Minister for Police and Emergency Services, representing the Minister for Health, a question without notice regarding nurse retraining. The Minister for Health provided the following response:

I am advised:

NSW Health offers the Nursing Re-Connect initiative to assist and support currently registered nurses and midwives re-join the workforce. Re-Connect is available to nurses who have not practiced for one to five years and is provided at no cost to the individual. Information about Re-connect is available at <http://www.health.nsw.gov.au/nursing/employment/reconnect.asp>.

Nurses who have been away from their profession for five to 10 years and do not meet the Nursing and Midwifery Board of Australia's recency of practice standard are required to complete a board approved re-entry to nursing program in order to regain their registration.

The Government recently announced 60 \$10,000 scholarships over two years to cover the cost of nurses undertaking a re-entry program. Information about re-entry scholarships is available at <http://www.health.nsw.gov.au/nursing/scholarship>.

STATE RECORDS AUTHORITY OF NEW SOUTH WALES

On 13 March 2012 Dr John Kaye asked the Minister for Finance and Services a question without notice regarding the State Records Authority of New South Wales. The Minister for Finance and Services provided the following response:

Details of the State Records Authority 2011-12 budget are available in the published 2011-12 budget papers.

As part of the normal budget cycle, the New South Wales 2012-13 State budget will be delivered on Tuesday 12 June 2012. Details of the budget for the State Records Authority will be publically available at that time.

CARBON TAX

On 13 March 2012 the Hon. Robert Borsak asked the Minister for Roads and Ports, representing the Minister for Resources and Energy, a question without notice regarding the carbon tax. The Treasurer provided the following response:

The Federal Government's initial \$23 carbon price more than doubles Macquarie Generation's variable costs. Based on its own modelling, Macquarie Generation expects it will pass through from 60 per cent to 80 per cent of this cost increase.

Macquarie Generation must compete with other generators in the National Electricity Market to dispatch its output and will have to absorb all of the costs associated with the carbon tax that it cannot pass through, directly reducing profit.

The carbon price will also make Macquarie Generation less competitive, meaning that it will sell less energy than it otherwise would have, further impacting profitability.

The carbon tax will impact both wholesale and retail electricity prices. The Federal Government has estimated that the average wholesale electricity price will be more than 40 per cent higher (\$63 compared to \$44) from 2013.

The Federal Government also estimated that average household electricity prices will increase by 10 per cent over 2013-17. The Independent Pricing and Regulatory Tribunal's draft report on changes in electricity retail prices from 1 July 2012 ascribed a 9 per cent (of a total 15 per cent) price increase in regulated retail prices on 1 July 2012 to the carbon price. However, this understates the carbon impact on customers that are not supplied at the regulated rate, which is based on the long run marginal cost of electricity supply. The Independent Pricing and Regulatory Tribunal states in its draft report (page 30) that:

"A comparison of Table 3.6 and Table 3.7 suggests that the impact of the proposed carbon pricing mechanism on the market based cost will be around \$26 to 28/MWh in 2012/13, significantly more than the impact of the carbon pricing mechanism on the LRMC of generation in 2012/13 (around \$20/MWh)."

WATER MANAGEMENT

On 13 March 2012 the Hon. Robert Brown asked the Minister for Roads and Ports, representing the Minister for Primary Industries, a question without notice regarding water management. The Minister for Industries provided the following response:

Studies into a number of major new water infrastructure proposals were undertaken in the 1980s. At the time, these analyses established that the costs outweighed the economic reforms that would be generated from the use of the water.

However, the Government believes it is now time to update this information, and my department and I are assessing the future water infrastructure needs of New South Wales, in consultation with Infrastructure NSW.

Welcome Reef Dam is currently not required to secure the water supply of Greater Sydney, however this will be included in the assessment.

In relation to drought proofing New South Wales, I can advise that local water utilities throughout regional New South Wales, in partnership with the New South Wales Office of Water, actively plan to ensure the drought security of their water supplies. This planning encompasses the preparation of integrated water cycle management plans to meet town water supply needs for the next 30 years.

Local water utilities also prepare drought management plans for town water supplies, which not only examine the drought preparedness of communities, but identify the strategies for maintaining a secure water supply in times of drought.

CATEGORY C NATURAL DISASTER ASSISTANCE

On 14 March 2012 the Hon. Steve Whan asked the Minister for Police and Emergency Services a question without notice regarding category C natural disaster assistance. The Minister for Police and Emergency Services provided the following response:

On 12 April 2012 the Commonwealth Attorney-General and I announced that under Natural Disaster Relief and Recovery Arrangements [NDRRA], flood-affected primary producers, small businesses and not-for-profit organisations in the local government areas of Coolamon, Gundagai, Tumbarumba and Tumut can access up to \$15,000 for clean-up and recovery grants.

These grants were already available in Griffith, Leeton, Lockhart, Murrumbidgee, Narrandera, Urana, Wagga Wagga and Young following their announcement on 21 March 2012.

ENVIRONMENTAL DEFENDER'S OFFICE

On 14 March 2012 the Hon. Robert Brown asked the Minister for Police and Emergency Services, representing the Attorney General a question without notice regarding the Environmental Defender's Office. The Attorney General provided the following response:

I am advised:

The Environmental Defender's Office [EDO] is a community legal centre specialising in public interest environmental law. It has an active legal advice and case work program.

Details of funding for the Environmental Defender's Office are published in its annual reports.

The Public Purpose Fund [PPF] provided the Environmental Defender's Office with \$1,602,075 in 2010-2011 and \$1,642,127 in 2011-2012. This funding was in the nature of core funding for the Environmental Defender's Office's operations.

The Public Purpose Fund is administered by the Law Society of NSW and is managed and controlled by the trustees of the Public Purpose Fund under the Legal Profession Act 2004. The funds held in the Public Purpose Fund are sourced from the interest earned on solicitors' trust accounts, rather than consolidated revenue. The Act provides the framework for authorising payments from the Public Purpose Fund. The trustees of the Public Purpose Fund determine the discretionary grants from the fund, with the concurrence of the Attorney General.

Legal Aid NSW also provides Community Legal Centre Program funding to the Environmental Defender's Office, which consists of both New South Wales and Commonwealth funds. The State Government component of funding for the Environmental Defender's Office was \$183,861 for 2010-2011 and \$188,824 for 2011-2012. Legal Aid NSW has a service agreement with all community legal centres, including the Environmental Defender's Office, and conducts regular audits to ensure compliance with this Agreement.

It is not the role of Legal Aid NSW, or the trustees of the Public Purpose Fund, to approve case work conducted by the Environmental Defender's Office.

The trustees are expected to continue evaluating all applications for discretionary funding from the Public Purpose Fund to ensure that applications satisfy the statutory criteria for approval.

INEBRIATES TRANSPORT

On 15 March 2012 the Hon. Robert Borsak asked the Minister for Police and Emergency Services, representing the Minister for Health, a question without notice regarding inebriates transport. The Minister for Health provided the following response:

I am advised:

There is no specific funding provided for the transport needs of patients receiving Inebriate Court Orders.

However, once a person is an inpatient in a New South Wales public hospital they have access to all health services, including transport to appropriate healthcare facilities.

DIABETES

On 15 March 2012 the Hon. Paul Green asked the Minister for Emergency Services, representing the Minister for Health, a question without notice regarding diabetes. The Minister for Health provided the following response:

I am advised by the Minister for Health and Minister for Medical Research:

The NSW Ministry of Health delivers a range of initiatives to prevent and treat Type 2 Diabetes, with a greater emphasis being placed on raising awareness of and supporting healthy lifestyle choices. Key initiatives include:

- The National Partnership Agreement on Preventive Health which will bring more than \$100 million over four years to provide evidence-based programs supporting children's and adults' health by targeting risk factors for chronic disease such as Type 2 Diabetes. Programs include:
 - The Healthy Children Initiative will receive Commonwealth funding of \$53 million to deliver a range of interventions that promote healthy weight and encourage healthy behaviours including fruit and vegetable consumption, physical activity and reduced sedentary time in settings such as preschool, child care services, school and recreational settings, as well as family-based programs for children who are overweight or obese; and
 - The Healthy Workers Initiative will support work places to offer a range of health promotion initiatives to improve the health related lifestyles of working adults by focusing on modifiable risk factors for chronic disease, including Type 2 Diabetes such as inactivity, poor nutrition, smoking and alcohol consumption;
- The Get Healthy Information and Coaching Service—a free, confidential telephone and web-based support service to help people at increased risk of developing chronic disease such as Type 2 Diabetes to make healthy changes to their lifestyle. The Get Healthy Service provides information and ongoing one-on-one coaching on healthy eating, physical activity and ways to achieve and maintain a healthy weight; and

- The Connecting Care Program provides improved care coordination and health coaching to people over 16 years with chronic diseases including diabetes. The program aims to increase people's capacity to understand and manage their conditions; reduce the progression and complications of their disease; improve their quality of life; and support their carers and families.

UPPER HUNTER DRAFT STRATEGIC REGIONAL LAND USE PLAN

On 15 March 2012 the Hon. Jeremy Buckingham asked the Minister for the Hunter a question without notice regarding the Upper Hunter draft strategic regional land use plan. The Minister for Planning and Infrastructure provided the following response:

Prime agricultural land was a term used by the Department of Agriculture in the 1980s and 1990s to define the higher value agricultural lands. This land was identified as classes 1, 2 and 3 of a 5 class system using local knowledge and departmental expertise. Classifications were drawn at a very large scale and were not based on digitally referenced data.

The biophysical strategic agricultural land identified in the draft Strategic Regional Land Use Plans is land that falls under soil fertility classes "high" or "moderately high" under the Draft Inherent General Fertility of New South Wales prepared by the Office of Environment and Heritage [OEHL], and land capability classes 2 or 3 under the Land and Soil Capability Mapping of New South Wales also prepared by the Office of Environment and Heritage. For this soil to be classified as biophysical strategic agricultural land it must also have access to reliable water of a suitable quality being either rainfall, groundwater or surface water.

The draft Upper Hunter Strategic Regional Land Use Plan also identifies critical industry clusters, which are a type of strategic agricultural land. These are highly productive industries that relate to each other, contribute to the identity of the region, provide significant employment opportunities and are potentially significantly impacted by coal and coal seam gas activity. The viticulture industry around Broke and Pokolbin and the equine industry around Scone, Denman and Bylong are identified as critical industry clusters.

PARLIAMENTARY SECRETARY FOR POLICE AND EMERGENCY SERVICES

On 15 March 2012 the Hon. Walt Secord asked the Minister for Police and Emergency Services, representing the Premier, a question without notice regarding the Parliamentary Secretary for Police and Emergency Services. The Minister for Police and Emergency Services provided the following response:

I am advised:

The Premier advised the Legislative Assembly on 15 March 2012 he would seek advice from the Election Funding Authority.

The matter is now before the Election Funding Authority. The authority is an independent body and is responsible for administering the Election Funding, Expenditure and Disclosures Act 1981. The Government cannot and should not direct the authority in its investigation of any particular matter arising under the Act. The Election Funding Authority is the appropriate body to determine whether or not an unlawful donation has been made.

COSMETIC SURGERY REGULATION

On 29 March 2012 the Hon. Paul Green asked the Minister for Police and emergency Services, representing the Minister for Health a question representing cosmetic surgery regulation. The Minister has provided the following response:

I am advised by the Minister for Health and Minister for Medical Research:

The licensing and regulation of laser equipment and its operation is the responsibility of the Office of Environment and Heritage.

"Laser hair removal" is not generally considered a health service. If, however, the process is provided as part of a medical or health service, or by a registered health professional, a consumer can make a complaint to the Health Care Complaints Commission.

TIBOOBURRA AIRSTRIP

On 27 March 2012, the Hon. Robert Brown asked the Minister for Roads and Ports representing the Deputy Premier, Minister for Trade and Investment, and Minister for Regional Infrastructure and Services a question regarding Tibooburra airstrip. The Minister has provided the following response:

I am well aware of the situation at Tibooburra airstrip and can confirm that funding for this upgrade has already been committed by the New South Wales Government. The total funding that the New South Wales Government has provided is \$23,000, bringing the total for the upgrade to \$43,000.

I understand that the Reserve Trust has ordered the lighting and it should be fully installed by the end of May 2012.

These new lights and windsock lighting kit will provide a much needed improvement to the existing manually operated lighting and will improve the safety and operation for all services using this remote airstrip.

These new lights are solar battery driven and automatically come on at dusk and off at dawn, with no manual operation required.

Questions without notice concluded.

Pursuant to sessional orders debate on committee reports proceeded with.

GENERAL PURPOSE STANDING COMMITTEE NO. 3**Report: Budget Estimates 2011-2012****Debate resumed from 2 April 2012.**

The Hon. CATE FAEHRMANN [5.02 p.m.]: I speak on the General Purpose Standing Committee No. 3 report No. 25 on the budget estimates for 2011-2012, specifically in relation to transport as the transport portfolio holder for The Greens. As Parliament is well aware, this Government is undertaking an extensive process to prepare a 20-year transport master plan including a community consultation process. But there are many issues so obvious and so highly desired by the community, including the business community, that one must wonder at the delay and shelving of certain projects. These projects, if delivered, would produce highly positive cost-benefit ratios that would improve the welfare of the community for generations to come.

One of these projects is the duplication of the Port Botany to Mascot freight rail line. Now that the Federal Government has announced its plans to develop the Moorebank intermodal terminal to facilitate the movement of containers by rail from Port Botany to the western suburbs of Sydney it is incumbent on the Government to expedite the duplication of this line. Port Botany is Australia's second-largest container port. As 86 per cent of containers from the port are moved by road, and 90 per cent of them end up in western Sydney, significant road congestion is generated. This affects the productivity, liveability and sustainability of Sydney.

In 2010-11 the port handled two million 20-foot equivalent [TEU] containers, about one-third of the annual containerised freight into and out of Australia. This exceeds previously predicted levels. The Federal Government has estimated that the current 3.2 million containers out of Port Botany probably will be passed by 2017. By 2021 far more than 2½ million containers will be moving by truck through Sydney if nothing is done. The activities of businesses are increasingly being hampered by congestion on the road. On 2 April 2012 the NRMA delivered a shocking report that stated:

One in two businesses in Sydney surveyed in the NRMA's annual BusinessWise Congestion survey are making changes to the way they operate because of increasing traffic congestion.

The NRMA BusinessWise survey of almost 600 businesses found almost 50 per cent of those in metropolitan Sydney had made changes to the way their business operates to address the effects of worsening congestion—up 15 per cent on last year's survey.

That the amount of freight moving through Port Botany continues to grow will not be a surprise to anyone. The volume of containers carried by rail has grown from 225,000 in 2001-02 to 250,000 in 2010-11, but this was down from the peak of 317,000 containers in 2009-10. The drop was a result of the closure of the Pacific National intermodal facility at Camellia. However, the share carried by rail of the total containerised freight task declined from 22 per cent in 2001-02 to 14 per cent in 2010-11. It will not be a surprise that there has been insufficient action by governments over the years to provide the necessary infrastructure to cope with the growth in container movement. Successive State governments have seen report after report outlining possible scenarios and projected growth of container movements but have failed to address with any sense of urgency the needs of present and future generations.

When I questioned the Minister on this in budget estimates she recognised that the freight task had not been adequately addressed and that meeting the target of 28 per cent of these containers being moved by rail was desirable, but I put it to the House that it will be essential to meet, or better, that goal. The previous Government set a target of 40 per cent of containers being moved by rail but this Government has chosen to reduce that target and, while I know the Minister is keen, she will not guarantee that the Government will meet this reduced target of 28 per cent by 2020.

The Federal Government has estimated that the development of the Moorebank intermodal terminal will take 3,300 trucks a day off the road between Port Botany and Moorebank. To achieve that goal it will be necessary to increase the capacity of the rail line. To even come close to having the duplication of that rail line completed in time for the completion of the intermodal terminal at Moorebank—which the Government seems determined to go ahead with—work must begin as soon as possible on the duplication of the rail line. Feasibility studies will not be enough. The Government must commit to ensuring that containers are taken off the road and moved by rail. This will help keep levels of carbon emissions from growing more than necessary as well as help to mitigate traffic accidents, check the emission of other toxic air pollutants that affect the health of the community and, importantly, improve productivity.

The target for the percentage of containers transported by rail must be returned to at least the previously advised target of 40 per cent by 2020. Without that action there will be over 2½ million containers moved from

Port Botany. Even with that target there will be well over 1½ million containers moving around. Can Sydney cope if that target is not reached? As recommended in 2005, the short stretch of rail line from Port Botany must be duplicated and the level crossing near the airport must be removed—projects that have been on the books for far too long. The time for feasibility studies is past. The Federal Government has calculated that \$10 billion worth of economic benefits will accrue from the development of the Moorebank intermodal terminal. Even if the estimated cost of \$210 million for the duplication is realised—which I am given to understand from my work on the rail costings inquiry is probably inflated—this economic benefit makes the cost of the rail line duplication look remarkably cheap.

Another project that came up during the inquiry and for which the community has been calling for a long time is the greenway and for that greenway to accompany the inner western light rail extension from Lilyfield to Dulwich Hill. Now that the Government has bought Metro Transport Sydney it will be much easier to combine the building of the rail extension with the building of the greenway to accompany it. The Minister has claimed in budget estimates that the decision was to defer its construction and that does not mean it is cancelled. But I put it to the House that once the light rail is completed the cost of retrofitting the greenway would be extremely expensive and would result in significant inconvenience to the light rail service—so much so that it is unlikely to be completed in anyone's lifetime and unlikely to be completed at all. This is a real blow to the residents of the west who have worked so hard establishing the greenway, planting trees and making it a real asset to the community.

The Government must consider the long-term goals of many people to be fitter and healthier and match this with our need to reduce congestion on the roads. Many bikes can fit into the space of one car. Think of the benefit to congestion on the roads if we could shift even 10 per cent of people out of their cars, and think of the benefits to our health budget if that many people got that much fitter. Significant cost impacts are being borne by all who rely on an inefficient transport network, whether businesses or members of the public. Time for inaction is over. The State Government must start negotiating the best way of providing for alternatives to cars and trucks to satisfy the needs of the community and to improve the capacity of the rail freight network to deliver.

Another aspect that came up during budget estimates was the airport line and the fact that the airport line is still privatised. The Government has subsidised that, and that is a good thing, and therefore patronage of that airport line is up. Unfortunately, the Government still has a contract that ensures no adequate bus services to the airport. The State Government needs to address the extensive truck congestion around the airport and Port Botany. Because of the previous Government, we have a signed contract that prohibits bus services to Sydney Airport.

The Hon. Dr Peter Phelps: Shame.

The Hon. CATE FAEHRMANN: It is absolutely disgraceful. The Hon. Dr Peter Phelps says it is a shame. I hope that he will encourage the Minister for Transport, Gladys Berejiklian, to examine those contracts to see what she and the Government can do to ensure that buses can provide services to the airport. That will make a huge difference to easing some of the road congestion.

The Hon. JOHN AJAKA (Parliamentary Secretary) [5.10 p.m.]: I contribute to the take-note debate on Report No. 25 of General Purpose Standing Committee No. 3 entitled "Budget Estimates 2011-2012". I take this opportunity to congratulate the chair, the Hon. Natasha Maclaren-Jones, on her first budget estimates hearing. I am sure I can speak on behalf of all committee members in mentioning the exceptional job she carried out. I concur with the views expressed by the Hon. Natasha Maclaren-Jones on 13 March 2012. I see no need to repeat the matters she raised other than to state, of course, that I agree. I shall commence by focusing on the dissenting statement of the Hon. Penny Sharpe and the Hon. Mick Veitch—two members from the opposite side of the Chamber. On page 23 of the report the dissenting statement reads:

The change of government has brought with it changes to the operation of GPSC 3 in the following ways:

While the Government has previously held the chair of GPSC 3, it was disappointing that Government members with the support of the Christian Democrat Party member took the chair of the committee.

This is the first matter the members opposite raised in their dissenting statement. We should carefully examine that statement. The Hon. Penny Sharpe and the Hon. Mick Veitch confirm that the Labor Government held the position of chair of General Purpose Standing Committee No. 3 yet are disappointed that the current Government holds that same position. With due respect to the members, I find it extraordinary that they believe

it was appropriate that their Government held the position of chair of General Purpose Standing Committee No. 3 but it is not appropriate for the Hon. Natasha Maclaren-Jones to hold the position of chair of that same committee while the Liberal-Nationals Coalition is in government.

Between 1997 and 1998 in the Fifty-first Parliament the chair of General Purpose Standing Committee No. 3 was Dr Meredith Burgmann, a Labor Government member. From 1999 to 2002 in the Fifty-second Parliament the position of chair was held by the Hon. Helen Sham-Ho, who was an Independent member of Parliament. Between 2003 and 2006 in the Fifty-third Parliament the position was held by the Hon. Amanda Fazio, a Labor Government member, and between 2007 and 2010 in the Fifty-fourth Parliament the position was occupied again by the Hon. Amanda Fazio. Members of General Purpose Standing Committee No. 3 voted for the deputy chair, me, to take the position as chair for a short period when the Hon. Amanda Fazio took on the role as President of this Chamber.

Of course, in 2011 at the start of the Fifty-fifth Parliament the Hon. Natasha Maclaren-Jones was elected as the chair of General Purpose Standing Committee No. 3. I cannot accept a dissenting statement in relation to the change of government bringing about a change in the operation of General Purpose Standing Committee No. 3. The Government held the position of chair when the Labor Government was in office. The second part of the dissenting statement of the Hon. Penny Sharpe and the Hon. Mick Veitch states:

The Government members with the support of the Christian Democrat member combined to ensure that there was no call back of Ministers or public servants in several portfolios.

The portfolios mentioned are Regional Infrastructure and Services, Transport, Tourism, Major Events, Hospitality and Racing, and Roads and Ports. For many years in this Chamber it has been common not to call back Ministers or public servants for supplementary hearings when clearly there was no requirement or need for such hearings. In other words, there was no need for Ministers or public servants to be called back simply as a political stunt by the Opposition to merely have another go at the witnesses. The Labor Party members had ample opportunity to ask questions at the budget estimates hearings and more than ample opportunity to put questions on notice. I find it extraordinary that that statement was made in the dissenting report.

When the Labor Party was in government General Purpose Standing Committee No. 3 held no supplementary hearings in 2007-08, 2008-09, 2009-10 and 2010-11. For that entire four-year period of the Labor Government no supplementary hearings were held by General Purpose Standing Committee No. 3. I shall refer to areas on which the Hon. Natasha Maclaren-Jones did not have the opportunity to comment in her contribution. Those matters relate to rural and remote areas. The Coalition Government understands the challenges in recruiting and retaining health professionals in rural and remote areas. That is why significant funds have been allocated to these areas for rebuilding and upgrading services. As part of an \$11 million funding package the Government will build, expand, improve, reconfigure, refurbish and upgrade existing health and medical facilities.

This includes \$450,000 in capital funding for the Braidwood Multipurpose Service, refurbishing staff quarters at Broken Hill hospital and relocating maternity services to the main building at Deniliquin Hospital. The Government also will deliver improvements over the next three years in Bellingen, Glen Innes, Goulburn, Griffith, Gunnedah, Kempsey, Milton, Ulladulla, Shoalhaven, Singleton and Wauchope, to name a few. Furthermore, to support front-line health more than \$27 million has been allocated to employ 400 extra nurses in regional New South Wales. The Government also is providing more funding for patients, with \$4.6 million allocated to increase the number of planned surgical procedures and to reduce waiting times for regional patients; \$1.2 billion for ageing and disability services in regional areas; and an extra \$500,000 for mental health services. Under the Labor Government the people of regional and rural New South Wales were neglected, resources were cut back and regions were not given incentives or encouragement. I thank the committee members, the chair and the secretariat for their assistance on this matter.

The Hon. NATASHA MACLAREN-JONES [5.19 p.m.], in reply: I begin by thanking members for their contribution to the debate: the Hon. Penny Sharpe, Dr John Kaye, the Hon. Mick Veitch, the Hon. Amanda Fazio, the Hon. Jan Barham, the Hon. Matthew Mason-Cox, the Hon. Jeremy Buckingham, the Hon. Linda Voltz, the Hon. Scot MacDonald, the Hon. Cate Faehrmann and the Hon. John Ajaka. I also thank the Hon. John Ajaka for drawing to the attention of the House some of the history surrounding General Purpose Standing Committee No. 3.

What has become apparent is that Labor seems to be more interested in playing politics in relation to this budget estimates process than in making a valuable contribution. The fact is that the New South Wales

Government understands the importance of getting on with the job of making New South Wales number one and getting New South Wales back on track. The Government is not afraid to make tough economic decisions and get the balance right in order to deliver on our commitments to improve services and rebuild the State's infrastructure. It is a commitment to start the change and it is a change that this State so desperately needs. This budget has been about addressing the infrastructure backlog that has been left through 16 years of neglect by the Labor Government. The Government is committed to spending \$62.6 billion over the next four years to rebuild the State's infrastructure. That is the biggest infrastructure commitment in the history of this State.

The former Government had no plan and no infrastructure strategy to service this State today—let alone into the future. The fact is that those opposite did not build the needed infrastructure. They preferred to play politics by making announcements, only to cancel projects rather than make the tough decisions, do the hard work and deliver for the people of New South Wales. Let us look back at 1998 when the Labor Government released Action for Transport 2010. It was an ambitious transport plan for Sydney with a number of projects to be delivered before 2010. The Labor Government promised the Hurstville to Strathfield rail link, but it was axed. The Labor Government promised extension of the eastern suburbs line to Bondi Beach to be completed by 2002 but that was axed. The Labor Government promised the rail link between Parramatta and Chatswood would be completed by 2006 but, surprisingly, it was axed. The Hornsby to Newcastle high-speed rail line was scheduled to commence construction in 2010 but it also was axed.

The Hon. Marie Ficarra: That is why they axed them after 16 years.

The Hon. NATASHA MACLAREN-JONES: I note the interjection of the Hon. Marie Ficarra. The Labor Government also promised the Sutherland to Wollongong high-speed rail line would be built in 2010 and that also was never delivered. What is interesting, and nice to see from those opposite, is that the Opposition are committed to the North West Rail Link. The history of this project is interesting: it has been announced under the Labor Government more times than there have been elections. The Labor Government promised it in 1998 and it was meant to be delivered in 2010. In 2008 it was axed only to be announced a month later with a revised completion date of 2017. It was axed seven months later and again announced prior to the last election, with a new start date of 2017 and a completion date of 2024. That is 26 years after it was first announced.

I can list other promises broken by the former Government: the Rozelle metro was announced and axed after a cost of \$500 million and the Tcard project was axed in 2008 at a cost to taxpayers of \$95 million. Frankly, it is depressing to hear about how much money was wasted and how often the people of New South Wales have been let down by Labor. The Coalition Government has committed to overturn the neglect that occurred under the Labor Government. The 2011-12 budget delivers \$13.1 billion towards transport and road improvements in New South Wales; improving travel times, encouraging new users to public transport and delivering better experiences and value for money to taxpayers. More than \$600 million has been allocated to the south-west and north-west rail lines. The \$292 million for the south-west rail line will rise to \$17 billion over the next four years.

I turn to the commitments that the Coalition Government has made in the area of the regional flagship program. I am speaking of the \$10,000 one-off grants as well as the grants of \$20,000 per year for three years. Looking particularly at the area of Kiama, there is a commitment to the Kiama Rugby Sevens tournament, which has gone from a local community game to a statewide event. In addition, as part of the regional flagship events funding, four events will receive funding of \$20,000 each year over the next three years. These events include the Byron Bay international film festival, which celebrates the uniqueness of independent films. The festival has built upon Byron Bay's international reputation as a centre for creativity and eco-living. It was run from 2 to 11 March and this year the festival showcased 200 films, including a substantial number of Australian films.

Tumbafest is Tumbarumba's annual festival of music, wine and food. It has secured \$20,000 each year for the next three years. It is a two-day event held in February and celebrates the country lifestyle. It provides an opportunity to showcase the town of Tumbarumba, with its panoramic views of the Snowy Mountains. I acknowledge the Hon. Matthew Mason-Cox, who comes from the southern areas. This year Tumbafest celebrated 15 years of existence with a dynamic program that offered something for everybody. These events are a great benefit economically for the community—for accommodation providers, restaurants, cafes, clubs and hotels. The Coalition Government is committed to growing regional tourism and has delivered on a number of promises in providing additional funding to regional New South Wales.

Further commitments have been announced through the New South Wales 2021 plan to increase support for the arts and cultural industry. This will enhance cultural and creative opportunities in the State and

ensure that New South Wales remains the number one cultural and creative destination in the country. This will be done through the support of major festivals, a world-class cultural institution, a suite of arts programs, emerging art precincts and internationally respected arts and organisations based in New South Wales.

I have previously spoken in detail about the commitment this Government has made to the visual arts industry but I would like to touch on the contribution the Government is making to the local screen industry. The Coalition has a proud history of supporting the screen industry in New South Wales and overseas. The screen industry makes a significant social, cultural and economic contribution to our State and the Government has committed \$8.5 million in recurrent and capital funding in support of the screen industry and our highly skilled production professionals. Without a doubt, Australian directors and playwrights are well respected and among the best in the world. That is something all Australians can be proud of. Last year internationally acclaimed director Baz Luhrmann started filming his 3D adaptation of *The Great Gatsby*. This production will bring more than \$120 million to New South Wales.

Attracting the finest in musical theatre to Australia and Sydney is an important element of the New South Wales tourism and events strategy. Destination New South Wales estimates that the direct economic impact from internationally renowned musicals is approximately \$3 million a month in new money to New South Wales or close to \$20 million over the six-month period. This year New South Wales hosted the Australian premiere of *Annie* and we will soon be hosting the premiere of *An Officer and a Gentleman*. Next year *The Addams Family* will also premiere in Sydney. We will have the premiere of *Strictly Ballroom* the musical ahead of Broadway and London's West End, which is a major theatrical coup. I congratulate the Government on its achievement in promoting Sydney as a major theatrical destination and also the work being done to inject life, money and professional opportunities into New South Wales.

In the limited time remaining I refer to the contributions that the Government is making in the area of Aboriginal arts and culture along with the funds being spent in western Sydney and on Sculpture by the Sea. I conclude by saying that the budget estimates report from General Purpose Standing Committee No. 3 shows the Government's commitment to planning and delivering for all of New South Wales. I commend the report to the House.

Question—That the House take note of the report—put and resolved in the affirmative.

Motion agreed to.

GENERAL PURPOSE STANDING COMMITTEE NO. 1

Report: Budget Estimates 2011-2012

Debate called on, and adjourned on motion by the Hon. Lynda Voltz, on behalf of Reverend the Hon. Fred Nile, and set down as an order of the day for a future day.

GENERAL PURPOSE STANDING COMMITTEE NO. 4

Report: Budget Estimates 2011-2012

Debate resumed from 2 April 2012.

The Hon. MATTHEW MASON-COX (Parliamentary Secretary) [5.30 p.m.], in reply: I thank members for their contributions to debate on this very important report. As members would be aware from the robust proceedings that occurred in relation to the examination of these budget estimates, it has been a big first year for the O'Farrell-Stoner Government. I look forward to another very good budget on 12 June, and to another robust series of estimates hearings to review the portfolios referred to General Purpose Standing Committee No. 4. No doubt the Attorney General and the Minister for Police and Emergency Services also look forward to another robust review of activities in those portfolios. I commend members for their contributions. Again, I thank Ministers and departmental officers who appeared before the committee. I thank also the secretariat staff who, as always, did a wonderful job of supporting the work of the committee. I commend the report to the House.

Question—That the House take note of the report—put and resolved in the affirmative.

Motion agreed to.

GENERAL PURPOSE STANDING COMMITTEE NO. 5**Report: Budget Estimates 2011-2012****Debate resumed from 2 April 2012.**

The Hon. STEVE WHAN [5.32 p.m.]: When the report of General Purpose Standing Committee No. 5 was last before the House I was referring to the contradictory comments made by various Government members regarding potential cuts in the budget of the Department of Primary Industries. I was talking then about the odd situation that the Minister called speculation on cuts to Primary Industries scaremongering, and did her usual bit of name-calling, at the same time as the member for Orange was claiming credit for saving the department from budget cuts due to his great lobbying skills. At moments like that one really must ask: Who is telling the truth? I had cause to reflect on that question again recently when the member for Orange felt compelled to appear on the front page of his local paper, without any prompting from me or any union, to say that he is lobbying hard and fighting potential budget cuts in the Department of Primary Industries. He told the paper that he wants the community and the bean counters to know that he will not accept any breach of the promise made by the Hon. Duncan Gay that there will be no cuts to the Department of Primary Industries budget.

The people of the electorate of Orange must wonder why they elected Mr Gee to be a voice in government if he feels compelled to make a plea to the local paper, rather than marching straight into the offices of the Minister, the Treasurer and the Premier and saying, "I expect you to stick by your election commitment." We had this debate in the lead-up to the last budget, which of course was the subject of questioning at the estimates committee hearings last year. As I mentioned at the time, it was quite bizarre that Opposition members effectively had only 15 minutes to ask questions at the estimates committee hearings about the massive Primary Industries portfolio. Clearly, the time for asking questions was limited because the Government is determined to protect the Minister for Primary Industries from proper scrutiny.

This is the Minister who, in her budget comments, claimed credit for the \$13 million upgrade of the Elizabeth Macarthur Agricultural Institute, even though the sod had been turned and the building was well underway by the time the election was held. The Minister went on to talk about \$2 million being spent to build phase two of the new Department of Primary Industries research facility at the Ourimbah campus of the University of Newcastle. She went on to praise the wonderful member for Newcastle for his work in securing that facility, despite the fact the facility is not in Newcastle at all; it is on the Central Coast. That showed the level of knowledge of the department that the Minister has.

No wonder the Government was trying to hide this Minister. When you delve into this, you see the extent of the lack of trust in the Minister. Of course, administrative orders determine the Acts for which Ministers are responsible. I cannot recall a Minister sharing responsibility for all 60 or so Acts with her boss the Deputy Premier—that is, they are jointly administered rather than administered by the Minister for Primary Industries. That extremely unusual situation demonstrates the lack of trust in the Minister. I am aware that even in the past couple of weeks the Deputy Premier has taken some responsibility from the Minister for Primary Industries and will now administer Crown lands himself.

The Hon. Matthew Mason-Cox: Prove it. Where's your evidence?

The Hon. STEVE WHAN: I will find the email. That demonstrates the lack of confidence in the Minister for Primary Industries—and no wonder. I was looking forward to the Minister answering a series of questions at the estimates committee hearings. All we got last time were prepared written answers, again demonstrating that the Minister does not have enough knowledge of her portfolios to confidently give ad lib answers to questions. It is worrying to see that sort of response. What worries me also is whether the Minister has her eye on the ball given her constant refusal to end speculation about whether she will be The Nationals candidate for Hume when Alby Schultz resigns.

The Hon. Matthew Mason-Cox: He has not resigned.

The Hon. STEVE WHAN: I am sorry. The Hon. Matthew Mason-Cox is correct: Alby Shultz has not resigned; he will retire at the next election. And there is an unholy fight going on now between members of The Nationals and the Liberal Party over who will stand as a candidate for Hume. The Minister needs to get her eye back on the ball and stop worrying about that preselection. I look forward to having this year substantially more time to get more information about these vital portfolios.

The Hon. CATE FAEHRMANN [5.38 p.m.]: In speaking to the report on budget estimates by General Purpose Standing Committee No. 5, I will speak particularly about the Environment portfolio but will touch on the Primary Industries portfolio as well. I begin by expressing my disappointment with some of the conduct at the estimates hearings when the Minister for the Environment, Robyn Parker, was present. I have to admit straight up that after the hearings I spoke to the media and said I thought she should resign from the ministry because of her poor performance at the budget estimates hearing and because of her lack of knowledge of certain areas of her portfolios. I stand by that statement. I do not think the Minister's performance was adequate. However, I think some lines of questioning by Opposition members were completely unnecessary.

The Hon. Walt Secord: Ah, poor petal.

The Hon. CATE FAEHRMANN: I acknowledge the interjection by the Hon. Walt Secord. I am not sure whether it was a reference to me or to the Minister for the Environment. However, I was not the one taking the questions. I think some of the questioning style was unnecessary to extract the information being sought. Some of the interruptions and expectations of the Leader of the Opposition, the Hon. Luke Foley, that the Minister should know the details of her portfolio were unreasonable. He did not allow the Minister to refer to some of her departmental staff on some quite specific details of policy. I just thought his approach was unnecessary. I think members could have attempted to extract that information or detail without going to the extent of engaging in quite aggressive behaviour. I put that on record because I felt uncomfortable during the hearings. I think some of the questioning at the hearings, with the interruptions and not allowing the Minister to defer to departmental heads, was completely unnecessary.

Having said that, I consider that the Minister's knowledge of her department at the time and her knowledge of the legislation of which she had carriage were not up to scratch after six months in the job. I said at the time that she should have been a little bit more across the basic legislation for which she had responsibility. I take this opportunity to talk about some of the attacks we have seen and heard about in recent months that the Government has instigated on both marine parks and national parks. Unfortunately, I was not at the Primary Industries hearing with the Minister for Primary Industries, Katrina Hodgkinson, but I noted that during the hearing marine conservation, marine threatened species and grey nurse shark protection did not get a mention. I think marine conservation was mentioned once during the entire hearing.

The Hon. Steve Whan: We had 15 minutes.

The Hon. CATE FAEHRMANN: That is right—15 minutes. I know that my colleague the Hon. Jeremy Buckingham was very frustrated at the lack of time in which to question the Minister. First, there was the assault on marine parks, with the moratorium on new marine parks and the revocation of protections for the grey nurse shark, and, more recently, our national parks have been put in peril by misguided and ignorant policy decisions. The three-month revocation of grey nurse shark protection at Fish Rock and Green Island at South West Rocks began on 26 April last year. These protections were introduced by the former Government to mitigate the threat of hook and line fishing, which is listed in law as a key threat to the critically endangered grey nurse shark.

The grey nurse shark is a critically endangered species—as endangered as anything can be—and it must surely be a priority for any responsible government to protect it from its key threats. The three-month revocation was to take place pending a review of the measures. The three-month public consultation on the protective measures at Fish Rock and Green Island concluded on 26 August. It has now been eight months since the consultation process. The result of the consultation process was resounding support for grey nurse shark protection, in that 82 per cent of respondents support protection. So why has the Minister not reinstated the protections in line with community expectations and her obligations under the Fisheries Management Act to protect and ensure the recovery of this critically endangered species and mitigate its key threats?

The Hon. Robert Brown: Because she knows a pro forma submission when she sees one. She's not dumb.

The Hon. CATE FAEHRMANN: I acknowledge that interjection. They were not all pro forma submissions. There were many submissions in support of the grey nurse shark that were not pro forma.

The Hon. Rick Colless: How many?

The Hon. CATE FAEHRMANN: I do not know the exact number; I do not have that detail with me. How long will the Government allow the threat of hooking with bait, live bait and lures to continue at this site,

knowing that it is listed in law as a key threatening process for this critically endangered species? I do not think the Government gets it. Does the Minister for Primary Industries want her failure to prevent the extinction of the grey nurse shark to be a legacy of her ministry? The New South Wales Greens are recommending 1,500-metre sanctuary zones around the rocky gutters at the 10 or so tiny critical habitat sites for the grey nurse shark along the South Coast.

A range of local, national and international conservation organisations, including the North Coast Environment Council, the National Parks Association, the New South Wales Nature Conservation Council, the Humane Society International, and Flora and Fauna International have called for 1,500-metre sanctuary zones as critical habitat sites. I am further aware that the prestigious International Union for the Conservation of Nature has recommended the reinstatement of the protections at Fish Rock and Green Island, as have many divers and many marine scientists. Is it too much to ask for a critically endangered species, which is perilously close to extinction, to be given 1,500-metre sanctuaries free from fishing to ensure its survival?

The Hon. Robert Brown: We'll pull out all the divers too, shall we?

The Hon. CATE FAEHRMANN: The divers are not accidentally hooking grey nurse sharks. I think you will find that it is live bait and trawling.

TEMPORARY CHAIR (The Hon. Helen Westwood): Order! I remind members that interjections are disorderly at all times. Members should not respond to interjections.

The Hon. CATE FAEHRMANN: The second issue I will touch on is the integrity of our national parks. A reckless disregard for the ecological integrity of our national parks is on display in the draft "Strategic Directions for Horse Riding in NSW National Parks and Reserves" released recently by the Minister for the Environment. It is interesting that the title refers to "national parks and reserves" and not wilderness. It appears that more weeds, more erosion and less biodiversity is the direction in which the O'Farrell Government is heading with regard to our national parks. Horse manure is a vector for weed invasion. Horses eat grasses that can be invasive weed species and the seeds then get distributed in our national parks via the horses' manure. Weeds are a problem because they out-compete native species, and native wildlife suffers. Horses' hooves cause soil erosion, and I have seen some pretty full-on photos of horse trails in national parks—

The Hon. Trevor Khan: You've seen photos, have you?

The Hon. CATE FAEHRMANN: Just the other day. And that too degrades habitat for native wildlife. For those sensible, scientific reasons the National Parks and Wildlife Service's web pages frequently refer to horses as pest animals. For those sensible, scientific reasons horses used to be excluded from many of our national parks. For those reasons New South Wales governments invested thousands, if not millions, of dollars removing weeds from national parks, and now the O'Farrell Government wants to put all this work and investment at risk and open up more of our national parks to horseriding.

The Hon. Scot MacDonald: What are you going to do about the brumbies?

The Hon. CATE FAEHRMANN: We are in favour of culling the brumbies. The Government is even proposing to open up precious wilderness areas to horseriding. The Government is corrupting the definition of "self-reliant" in the Wilderness Act. "Self-reliant" means that one relies on oneself for transport—not a horse or a four-wheel drive vehicle. Introducing horseriding to a wilderness threatens its defining qualities. There are many wilderness definitions but they all have one thing in common: wilderness is land free from development. The definition of "wilderness" on the website of the Colong Foundation for Wilderness—an authority on the subject—is that wilderness comprises the last substantial remnants of the ecologically complete environment that once covered the earth.

Once you introduce weeds to a wilderness area you cannot undo it—just ask the hundreds of park rangers across Australia who spend their careers trying to remove weeds from our natural areas so that local native biodiversity can thrive. At least Minister Parker has given assurances that there will not be hunting in national parks and that there will be no reversal of the red gum legislation nor moves to roll back recent additions to the reserve system in the State's north-east forests. At least those extreme measures are not on the Government's agenda.

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

SELECT COMMITTEE ON THE KOORAGANG ISLAND ORICA CHEMICAL LEAK**Report: Kooragang Island Orica Chemical Leak**

Debate resumed from 23 February 2012.

The Hon. ROBERT BROWN [5.48 p.m.]: I am pleased to speak on the report of the Select Committee on the Kooragang Island Orica Chemical Leak. The inquiry was established on 25 August 2011 following a leak of chromium 6 from the ammonia plant at Orica, Kooragang Island, on 8 August 2011. The committee conducted a site visit to Orica, Kooragang Island, and two site visits to Stockton, and held a public forum with local residents. The committee received 27 submissions and heard from 33 witnesses.

As the House will be aware, my colleague the Hon. Robert Borsak was the original chair of the committee but stood down several weeks into the inquiry and I was elected in his place. First, I thank the committee secretariat for their assistance and the committee members for their cooperation in the conduct of the hearings. Given the highly sensitive nature of this inquiry, I am very grateful that committee members cooperated in the conduct of the hearings. I thank the Premier, all Ministers and the departmental staff for their attendance and the information they provided at the hearings. I also thank the witnesses who made time to attend those hearings.

The original leak and the controversy surrounding its reporting to the Government and the people of New South Wales caused a great deal of concern for the residents of Stockton and surrounding areas. It warranted close examination. Indeed, the Government set up its own inquiry and the select committee followed up on those earlier findings. Our report is comprehensive and detailed, but I must admit that sometimes during the hearings the issues under investigation probably became a little bit more political than they should have given the serious nature of the incident. The inquiry was established to find facts and to apportion the faults properly if any were found. More importantly, the inquiry was to make recommendations to rectify any shortcomings in either the reporting or handling of the incident. I congratulate the Minister for the Environment who, after a very poor start to the hearings, managed to address the issues more adequately at a second hearing. I thank her for that.

Given the comments made in an earlier take-note debate, I point out to members of the House that when I chair a committee meeting I take pride in ensuring that there is no bullying, everyone is given the opportunity to have their say, interjections are dealt with quickly and severely, and no favour is taken or given. The biggest issue was the delay by the Department of Environment and Climate Change in passing on important information to Ministers and the Government. That was simply unacceptable. Notwithstanding that, it was also unacceptable that the Government then took two days to tell the residents of Stockton about what could have been a catastrophic event. In the end it was agreed that this was a serious event. I add that perhaps the residents of Stockton may have been lucky. I for one would not want my family put through a similar situation which, as I say, could have turned out differently.

It was clear from the evidence given by the three Ministers involved in this incident that there was some variability in their ability to handle the situation. The Minister for Health and her director general, who attended the inquiry, were excellent witnesses. They knew their work; they knew exactly where they stood. I commend the work of the Department of Health and the director general. Following the findings and recommendations of the Government's inquiry and the inquiry by this House, I hope that the Department of Environment and Climate Change has been thoroughly shaken and stirred. I hope it now performs in the way that everyone expects in relation to these sorts of incidents. Again, the response of the emergency services was exemplary. I commend the evidence given by government personnel involved on that side of the equation, and WorkCover.

The report speaks for itself. There are 24 findings and seven succinct recommendations. I will not read them into *Hansard* because the report has been tabled. The report contains clear findings and unambiguous recommendations. I urge the Government to put in place all those recommendations, if it has not already done so. Once again, I thank the committee secretariat and committee members for their constructive and thorough approach to the inquiry. I commend the report to the House.

The Hon. TREVOR KHAN [5.54 p.m.]: First, I thank the Hon. Robert Brown, the chair of the Select Committee on the Kooragang Island Orica Chemical Leak. I also thank the previous chair, the Hon. Robert Borsak. Both of them handled the matter with considerable insight as they dealt with what was plainly a political

inquiry that was established with the primary purpose of getting the Minister for the Environment, Robyn Parker. There is really no doubt about that, and there is no doubt that that original base motive significantly impacted upon the early parts of the inquiry. I will give the Hon. Luke Foley his due. As the inquiry went on, it became plain that the issue was far more complex. The inquiry developed a degree of cooperation as the extent of the problem and the dynamics surrounding the operation of the Orica plant became clear. That was demonstrated by the way the final lengthy deliberative proceeded.

I turn to what caused the inquiry to be established. On 8 August 2011 at about 6.00 p.m. an extraordinary event occurred at the Orica plant. I agree with the Hon. Robert Brown that the consequences of this event could have been far more catastrophic. Local residents were rightly concerned and outraged by what happened. In my view, they should hold Orica primarily responsible for this circumstance. On 8 August upon the start-up of the plant at Kooragang Island an unusual event occurred: A stack at the plant emitted a considerable amount of product into the atmosphere, including chromium-6. The response was surprising.

Operators of the plant wandered around and examined cars for indications of deposits, and various activities went on around the plant to prevent the discharge from entering the sewer. But it appears at first blush that nobody applied their mind to the possibility that the discharge in the atmosphere could have travelled over the Hunter River and affected the people of Stockton. It was only the following day that workers from the Kooragang Island site were dispatched to Stockton following a complaint from a resident. It is important to recognise that some two hours or more elapsed from the time the complaint was received and when workers were dispatched to Stockton to determine whether emissions had reached there.

During the inquiry it became clear that there was a fundamental lack of cooperation by Orica. Despite all the platitudes that we heard from Orica representatives about how sorry they were and how they would take steps to prevent any recurrence of such an event, time and again they refused to answer quite basic questions about what had occurred. Time and again they refused to commit to providing documents. Various officers of the company gave answers that indicated they had not made particular inquiries or they did not know the answers to the questions asked and had to take them on notice. Time and again the responses from various officers of the company were, in my view, quite unsatisfactory.

In the light of that lack of cooperation, it was surprising when, immediately prior to the report being tabled, a letter was received from Orica indicating that the company had learned a great deal from the process. I thought that was quite an extraordinary letter because Orica had a lawyer seated at the table while each of Orica's witnesses gave evidence. The lawyer guided them through their evidence and at times encouraged them not to answer questions; yet suddenly we had a response indicating that Orica had learnt a lot from the process. Orica should have learnt a lot from the process.

On 9 August Orica should have been proactive, but instead chose to be obstructive to the inquiry and, in spite of uttering platitudes of concern, to be obstructive to the people of Stockton. For example, when Orica spoke to the people of Stockton, it employed a form of words consisting of a degree of equivocal language with regard to what had been discharged into the atmosphere and gave assurances that everything would be all right whereas it really had no idea. That form of communication conveyed a media spin effort rather than concern for the community. In my view, that conduct should be a matter of concern, not just in relation to the incident that is the subject of the report but also whether on the part of Orica there has been a cultural change to ensure that similar incidents will not occur in the future.

During the course of the inquiry, further incidents occurred concerning ammonium leakage and the discharge of other chemicals, which indicates that there seems to be either a continuing problem of maintenance or a problem with the general standard of management of the plant. Plainly they are matters that require appropriate levels of supervision by government and, more importantly, adoption of a responsible attitude by a corporate citizen such as Orica as well as by Orica management to ensure that the company meets standards that are properly expected by the community from an important corporate citizen.

The committee's report is lengthy and its findings are extensive. In my view, while the recommendations are concise, they are certainly weighty and deserve proper consideration. At the commencement of my speech I omitted to mention the secretariat of the committee. The committee was assembled at relatively short notice to deal with the highly technical and highly emotive issues. A large number of witnesses gave evidence and a large number of detailed submissions were received. Throughout the inquiry, committee members received great assistance from the secretariat. I thank all members of the secretariat for their assistance.

The Hon. CATE FAEHRMANN [6.02 p.m.]: On behalf of The Greens, I join in debate on report No. 1 of the Select Committee on the Kooragang Island Orica Chemical Leak entitled "Kooragang Island Orica chemical leak". I endorse the thanks expressed by the Hon. Robert Brown and the Hon. Trevor Khan to the committee's secretariat for compiling a very sound draft report for members of the committee to work on. I also thank the chair of the committee, the Hon. Robert Brown, who stepped in at the last minute, and his predecessor, the Hon. Robert Borsak, who both exhibited an objective, fair and, at times, necessarily strong approach to chairing the inquiry. I support the Hon. Robert Brown's observations that all members of the committee conducted themselves in a dignified manner in spite of the presence of Ministers, the chief executive officer of Orica and others during the inquiry. In my view, the inquiry was conducted fairly.

From my point of view, one of the more positive aspects of the inquiry was the first hearing day when members of the Stockton community gave evidence of the impact of the Orica chemical leak on their families and on them. Some members of the public told the committee of the ongoing legacy of industry in the area and how that has impacted upon the community. I state for the record what most members already know: I found it quite disappointing that the terms of reference were not expanded to include an examination of Orica's record of constant breaches, similar past leaks and its Port Botany plant. In some ways the inquiry was politically motivated. However, the final report produced some strong findings that hopefully both industry and government will accept. From that point of view it was a worthwhile inquiry, but I query why the committee was not empowered to examine Orica's history.

I am disappointed that the recommendations focus on notification and better communication between agencies as well as among companies such as Orica, agencies and the community rather than on why incidents such as the one that was the subject of our inquiry occurred in the first place, and how they may be prevented from occurring. The committee examined plant maintenance, plant upgrades and the prevention of similar incidents occurring in the future, but the report really is all about community notification and communication. All members of the committee heard from Stockton community members that they were worried about Orica's ongoing operations and the cumulative effect of not only ongoing breaches but also ongoing emissions from heavy industry on Kooragang Island in the Stockton area, but there was a sense of the inquiry being all about media attention and claiming the scalp of the Minister for the Environment, Robyn Parker. I agree with some but not all aspects of the dissenting statement submitted by the Hon. Trevor Khan, the Hon. Matthew Mason-Cox and the Hon. Melinda Pavey. The statement notes in part:

The Government members note that despite a number of serious pollution incidents, no Environment Minister in the previous Labor Government sought to notify the public of these incidents.

I acknowledge that the inquiry was undertaken in the first place because of intense media interest in one particular incident, but for the committee not to have used that opportunity to draw sharp focus onto polluting industries in New South Wales rather than on a particular incident was a missed opportunity for us and for communities who live in areas of heavy industry. I also endorse the concerns expressed by the Hon. Trevor Khan in relation to the performance of some Orica employees during the inquiry, particularly the chief executive officer, Graham Liebelt, and in relation to constant reference to a legal adviser during straightforward questioning as well as an unwillingness to agree to provide many documents and answers.

There was confusion by many of the participants about, for example, the emergency response plan, which was the fundamental document, which included notification to all the authorities. One would think if those people did not have their heads around it before the incident, they would have before they appeared before the parliamentary inquiry. One would think that the Orica employees—the chief executive officer, the head of the crisis management team and the site manager—would have had a copy of the emergency response plan with them and would have been aware of it. We were all frustrated with that. We were all frustrated at the performance particularly of the Orica chief executive officer and the head of the crisis management team—I was, anyway; I will not speak for the rest of the committee.

Having said that, I acknowledge it was difficult for some of the staff to appear before the inquiry in front of their community. One of them was the shift supervisor, who expressed concerns about having to appear before the inquiry and what that would mean for his relationship with the community. I thought every member of the committee was responsive to that and treated the staff, particularly the more junior staff, politely. I hope the shift supervisor and the site manager have been able to move on from this incident in their local community and there have been no ramifications as a result of them appearing before the committee.

I suggest that some of the responses from the Office of Environment and Heritage and the Department of Health seemed to be about crisis management and managing a public relations situation rather than informing

the community about everything they needed to know about an ongoing incident. It was only as a result of questions I asked of the Office of Environment and Heritage through the call for papers that I knew that the environment line had received phone calls from about eight residents with potential health impacts because of the leak. If it were not for the previous call for papers, we would not have uncovered that information during the inquiry, despite the fact that the Department of Health, the Office of Environment and Heritage and the Ministers told the public that there were no health impacts to worry about.

I hope that as a result of this inquiry and some of the findings in the report it will be made known to the environment line that an incident such as this may have health impacts. I hope that the public will be informed that there may be health impacts. People should be told to come forward if they are experiencing difficulty breathing, sore noses, et cetera. I was disappointed that there seemed to be an attempt to not notify the community about those impacts.

The Hon. LUKE FOLEY (Leader of the Opposition) [6.12 p.m.]: I make a contribution to debate on the report of the Select Committee on the Kooragang Island Orica Chemical Leak. I add to the comments of all previous speakers and salute the professionalism of the committee secretariat under the leadership of Rachel Callinan. The committee staff were required to deal with some complex matters regarding a chemical leak and the operations of an industrial plant. Their mastery of those issues reflected superbly on their competence and expertise.

This inquiry was established principally because of the unwillingness of the O'Farrell Government to hold a fair dinkum, independent inquiry into the events at Orica's Kooragang Island plant in August 2011 and the Government's response to those events. On Thursday 11 August 2011 in the other place the Minister for Environment and Heritage made a ministerial statement advising members of that place that there had been a serious incident earlier that week. She made an announcement at 3.30 p.m. on Thursday afternoon after question time; the other place was about to rise for the week. The announcement took me by surprise. I looked at it and the first thing that became apparent was that the leak had occurred some days earlier, on the Monday night.

On the Friday morning I went to Stockton, met with members of the local community and heard their concerns. I observed firsthand the closure of the Stockton Early Childhood Learning Centre. I stood there and observed workers in protective clothing, using industrial hoses to clean out the childcare centre at Stockton. It begs the question: Were children playing there on the Tuesday, Wednesday and Thursday, given that the leak had occurred on Monday evening? The answer, of course, was yes they were because no-one had told them there had been a leak on the Monday evening.

I immediately called, as shadow Minister for the Environment to ask the Government to establish an inquiry into why it took so long to inform the community about the leak. That was on Friday 12 August 2011. That call was dismissed out of hand by the Minister for the Environment. I then posed 10 questions publicly to the Minister. Later that evening, at 7.20 p.m., a press release went out from the Minister's office, backflipping and announcing that there would be an inquiry. We then learned that the inquiry would be forbidden from examining the Government's response to the leak—or, should I say, the environment Minister's response and other Cabinet Minister's responses—but would only examine what happened, the actions of the company and the pollution laws in this State. That inquiry was to be undertaken by Mr Brendan O'Reilly, a highly respected public servant. However, the Opposition made the point from the start that his hands were tied from the word go. The terms of reference were so tightly written and narrowly defined that it was impossible for him to get to the bottom of why it took so long for the Government to tell people about the leak of hexavalent chromium.

I moved a motion to establish a select committee into the leak so that we could have a fair dinkum look at what happened. I thank all members of the crossbench who were prepared to vote to establish such an inquiry. I believe that the inquiry conducted valuable work by examining the full course of events, work that Mr O'Reilly was not allowed to conduct. I take the point of the Hon. Cate Faehrmann that the terms of reference were focused on exactly what happened on 8 August 2011 and the response of the company, government agencies and Ministers to that event. Labor members in this place voted for the amendment moved by the Hon. Cate Faehrmann to establish wider terms of reference. However, that amendment was defeated. I believe the committee's terms of reference were broader than those the Premier gave Mr O'Reilly's internal inquiry. As previous speakers have said, the report contains many recommendations and findings. I shall refer to two findings that previous speakers have not dwelt on. Finding 12 states:

The delay by the Minister for the Environment in informing the public regarding the leak, whether by press statement, ministerial statement or other means, was unacceptable.

Recommendation 1 states:

That the Premier issue clear and unambiguous guidelines to all Government Ministers specifying the timing of notifications to the public of any matters that may affect public health or safety.

In recent months I have been criticised by Government members and The Greens for my pursuit of the environment Minister over this matter. It is the role of an Opposition to hold Government to account. It is the role of a shadow Minister to hold his or her ministerial opponent to account. I certainly make no apologies for pursuing Robyn Parker's dereliction of duty when it came to her response to the Orica chemical leak. For as long as I live I will maintain that it is unforgiveable for a Government Minister to take so long to inform members of a working-class community of the leak of a toxic chemical into their suburb. We know it took the company 16 hours to tell government agencies. Orica did the wrong thing and admits that; it deserves to be condemned.

But it then took the New South Wales Government 54 hours to notify the public. It took the Minister for the Environment, even if we accept her time line of events, over 23 hours from when her ministerial office was directly informed by her agency to inform the public. That is why kids were playing at the Stockton Early Childhood Learning Centre for another day. For all the other issues regarding the performance of the Minister for the Environment, and Minister for Heritage in the first 13 months of the O'Farrell Government, it is without doubt her mishandling of the Orica chemical leak that has led to her being universally marked as the dunce of the O'Farrell Cabinet—no doubt about that. This is a very tattered tale sewn into the tapestry—

The Hon. Duncan Gay: Point of order: Personal reflections of that nature on an honourable member in another place are not acceptable. I ask the honourable member to withdraw it.

DEPUTY-PRESIDENT (The Hon. Helen Westwood): Order! I understand the point of order. Is the Hon. Luke Foley willing to withdraw that reflection upon the Minister?

The Hon. LUKE FOLEY: To the point of order: I was reflecting on the Minister's performance, which I believe is in order.

DEPUTY-PRESIDENT (The Hon. Helen Westwood): Order! The member's time has expired. His comments could have been interpreted as being a reflection upon the Minister. However, the member believed that he was speaking about the Minister's performance. I will look at *Hansard* and may make a ruling at a later time.

The Hon. MATTHEW MASON-COX (Parliamentary Secretary) [6.22 p.m.]: The Orica chemical leak certainly was a controversial issue upon which this important inquiry embarked. I note the comments of previous speakers, particularly those of the Hon. Trevor Khan, that this was a witch-hunt by the Opposition concerning the actions of the Hon. Robyn Parker. I should like to put things into proper context. I remind members of this House that following the initial report to Parliament by the environment Minister, the Government announced on 17 August 2011 that an independent review of the incident would be held by Mr Brendan O'Reilly, a former Director General of the Department of Premier and Cabinet, to which members referred on a number of occasions. It is a grave slight on the work of Mr Brendan O'Reilly for the Leader of the Opposition to say his inquiry was "not fair dinkum".

A number of important recommendations of that inquiry were considered in detail by the committee in its report. In particular, I refer to those addressing industry obligations in reporting pollution incidents. The O'Reilly inquiry reviewed the time line in intimate detail and the committee's report also went into great detail about the time line of the reporting of the incident, the responsibilities of each government agency and, indeed, the responsibility of industry and Orica. In each of these reviews it was clear that the time line certainly could have been reduced if Orica had acted earlier in reporting the incident to the Government. The key recommendation of the O'Reilly report was to create an independent environmental regulatory authority headed by a chief environmental regulator with appropriate qualifications and experience.

The reality is that under many years of the previous Government the Environment Protection Authority had been stripped to become essentially a toothless tiger. As a result of this incident and, indeed, previous incidents it became clear that it was time to give the Environment Protection Authority an independent basis on which to operate and to ensure that it had the necessary powers to hold industry to account. The O'Reilly report was particularly strong in its review of the notification time line, which the committee also assessed as being inadequate. Finding 12 was the key finding identified in the dissenting report of Government members. Certainly, finding 12 has been phrased inappropriately. Government members believed that the delays in

notifying the public were pivotal in the whole reporting of this incident. However, it became clear that the delay in notification resulted from a lack of timely and appropriate communication by Orica to the Government and between the Office of Environment and Heritage and the Minister.

Other members commented on Orica's slowness in its notification. Orica failed on a number of fronts in this regard. Orica failed to understand the impacts upon the start-up procedure of the modifications effected to the flue gas heat recovery coil. Indeed, the whole risk management procedures of Orica surrounding this incident were simply inadequate. The expert report by Johnson Matthey Catalysts found that despite historical problems with the condensation of the plant, nothing had been done by Orica to ensure that the condensate that blew out with great force from a 60 metre high stack was appropriately risk managed to ensure it did not happen on this occasion.

It was clear from the processes involved in the modifications to the plant prior to its start-up that steps could have been taken to ensure that this incident never occurred. That is the great tragedy here. This incident was completely avoidable if Orica had instituted appropriate risk management procedures and implemented best practice to ensure that the heating of the condensate was not allowed to occur at such a low temperature that the chromium did not gasify. That is the key point in relation to the failure by Orica in relation to risk management procedures with this process. Members must remember that this process is very robust. It occurs in many plants around the world and the expert report made it very clear that if certain procedures had been followed, if certain modifications had been made, this incident would have been avoidable.

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

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

ADJOURNMENT

The Hon. DUNCAN GAY (Minister for Roads and Ports) [6.30 p.m.]: I move:

That this House do now adjourn.

LEGAL FEES

The Hon. TREVOR KHAN [6.30 p.m.]: I speak on the issue of time-costing and overcharging. Prior to entering this place I practised as a lawyer for over 20 years and still consider myself a proud member of the profession. Unfortunately, some of the practices associated with time-costing cast a nasty stain upon the good name of the profession. Recently much publicity has been given to allegations of overcharging involving the law firm Keddies, a firm that specialises in personal injuries cases. However, the issue has been receiving publicity for decades.

I will deal on this occasion with only a few of the issues that the profession and the regulators must address. Firstly, I will deal with the internal charges relating to reviewing of client files. It is appropriate that client files be reviewed in certain circumstances. For instance, where a matter is heading to court it is essential that a lawyer knows and fully understands the file, the correspondence that has gone between the various parties, the proofs of evidence, statements, documents and the like that have been obtained. However, that is not how the charge of reviewing the file is used by some practitioners. In my time as a practitioner I saw many instances of lawyers, on a regular weekly or monthly basis, alleging that they reviewed the file for an hour or more. Sometimes this would occur in circumstances where there has otherwise been little or no activity on the file. I have no doubt that the imposition of such charges has more to do with boosting the individual practitioner's billable hours than anything to do with actual work done on the file. It is my view that a rule must be established that limits the circumstances in which such claims are made and perhaps imposes a maximum amount that can be claimed of, say, 5 or 10 per cent of total billable hours claimed.

Yet another example of inappropriate charging is claims for consultations between solicitors and other employees within the same firm. Too often I saw items in bills where practitioners would claim for meetings with other lawyers within the firm allegedly to discuss the file. In such circumstances the bill would reflect a claim from the lawyer having the carriage of the file and also by the other lawyer or lawyers involved in the meeting. For a meeting of one hour the client would bear a charge of two or three hours because each lawyer would make a claim against the file for time spent.

In yet other cases firms have developed the practice of charging for the time spent by administrators and secretaries. This leads to bizarre circumstances where claims are included in an account for the lawyer instructing the secretary or administrator to do work associated with a file such as photocopying, filing, drawing a cheque, and other such menial administrative tasks, and the secretary claiming for the time spent receiving the instructions from the lawyer and then for the time spent actually doing the work. At the very best such charges could be described as double dipping, and many would use far harsher descriptions. It is my view that claims for costs for internal discussions between members of the same firm, whether they be lawyers or administrative assistants, should be prohibited. Additionally, the practice of claiming time spent by secretaries and administrative assistants for basic tasks such as photocopying, filing and other secretarial functions should also be prohibited.

A number of other examples of overcharging practices should be addressed; however, time does not allow me to address them on this occasion. It is time for the profession to immediately take steps to address these issues. May I suggest the profession can tackle overcharging by: introducing model cost agreements to assist practitioners in complying with the Legal Profession Act and to protect the public from unscrupulous practitioners; limiting the circumstances in which claims for file review can be imposed; prohibiting the practice of claiming for internal communications between practitioners and between lawyers and administrative assistants within a firm; prohibiting claims for purely secretarial functions; introducing a set of reasonable charges for disbursements such as photocopying and postage; and imposing an obligation on all partners within a legal practice to ensure the adoption by other partners and employed solicitors of proper costing practices, not just the individual solicitor having the carriage of the file.

It is equally important that the Law Society and the Legal Services Commissioner take a far more aggressive approach to stamping out overcharging. I urge the profession to address these issues expeditiously. If they do not then inevitably it will fall to Government to take the matter in hand and impose solutions which the profession may find even more unpalatable.

ROCKDALE CITY COUNCIL

The Hon. SHAOQUETT MOSELMANE [6.35 p.m.]: It is with a heavy heart that today I officially announce my resignation as a councillor at Rockdale City Council after 16 years of service to the people of the St George region. Yesterday I wrote to the general manager, Ms Meredith Wallace, to formalise my immediate resignation from council. May I also briefly say what a pleasure it has been working with Ms Wallace as Rockdale City Council's first female general manager. She has certainly done her position justice.

Since I was elected in 1995 I have served as mayor on four separate occasions and have dedicated my time to making the city of Rockdale—the city where I live and the city that I love—a better place for the entire community. While I will continue to serve my community as a member of the New South Wales Legislative Council, and indeed as the Labor duty member of the Legislative Council for the electorate of Rockdale, I wish to take this opportunity to briefly reflect on my time on council. When appointed to this House in December of 2009 I had been elected Mayor of Rockdale only a few months earlier. I resigned that post but wanted to continue to serve as a councillor and remained on council.

I have lived in Rockdale for the past 36 years. I am proud of what I have done for this beautiful city and for the wellbeing of all its residents, ratepayers, visitors, and tourists. I will miss the challenges and the debates on council. I enjoyed the democratic process, never shied away from a fight and always sought to explain whatever position I had taken, sometimes in the face of jeering and at other times in the face of applauding residents. It is an enormous privilege to serve the community of Rockdale and I look forward to continuing to do so into the future. I am proud that I have had the honour of recognising some members of my community while a member of this House.

I am delighted that I was able to recognise staff such as Ms Carey, a caretaker for 30 years, as I was just as proud to have recognised our council chaplain, Mr Andrew Harper, Ms Anne Field, a former Rockdale City councillor, and Mr. Sam Zorbas for his 33 years with Rockdale State Emergency Service. I am proud that I have recognised the hard work and commitment shown by the staff of the St George Migrant Resource Centre, as I did the hundreds of volunteers that we have in our multicultural community. One is Mikall Chong. I am certainly proud to have worked with the many St George community groups—the Chinese, Greek, Italian, islander, subcontinent, Arabic, South East Asian and the many migrant groups who enthusiastically went out of their way to serve the community of Rockdale.

I am proud of our St George youth and all the mums and dads who dedicate their time to serving the young members of our community. I thank St George Football Association, the cricket association, Arncliffe Scots, the rowers club, the St George Leagues Club, the basketball association, the St George District Netball Association and other sporting clubs of our area. I acknowledge the organisers of the Police Community Youth Club, the various chambers of commerce and the local business community. I am delighted to have fought for the interest of locals against the M5 pollution stack, for the Coptic community to build St Mary and St Minas Cathedral, or for Mrs Joan Coleman and the people of Arncliffe, who simply wanted to keep their Commonwealth bank from closing down.

Finally, I thank the local *St George and Sutherland Shire Leader* newspaper, the ethnic community media, print, radio and all the local community organisations, including local religious institutions, local schools, local sporting clubs, the Returned and Services League clubs and the many mainstream and migrant community organisations. I would love to have been able to name each and every one of them individually but, unfortunately, time does not permit me to do so. I am proud of my record of achievement while on Rockdale City Council. Rockdale has truly become a wonderful city. I will miss the staff and councillors irrespective of political affiliation. They are all wonderful people. I thank them for their support and thank the people of Rockdale for giving me the opportunity to serve and represent them.

PITTMAN-ROBERTSON ACT SEVENTY-FIFTH ANNIVERSARY

The Hon. ROBERT BROWN [6.40 p.m.]: The Hon. Shaoquett Moselmane was a good councillor. I can attest to that. Tonight I speak about the seventy-fifth anniversary of the Pittman-Robertson Act in the United States of America, more properly known as the Federal Aid in Wildlife Restoration Act. This is a subject which I am sure many Government members will be interested to hear about: many of them are interested in this style of attaining conservation through sustainable use. At the outset let me say that I think New South Wales could well benefit from a similar Act of Parliament were the Federal Government to introduce such a bill and have it passed into law. Much of the detail in this speech is from the report "Financial Returns to Industry from the Federal Aid in Wildlife Restoration Program" compiled by Southwick Associates and Andrew Loftus Consulting. I commend the report to anyone interested in this topic. It is available on the web. I give some of the history for those who do not know about the wildlife restoration Act.

In 1932 the United States Congress authorised an excise tax on firearms and ammunition that was paid straight into the General Treasury, but with very strict conditions. Five years later, in 1937, the Pittman-Robertson Act was passed, which meant those taxes had to be passed on to what the Americans call State game agencies for the exclusive use of funding programs designed to improve wildlife habitat, as well as to improve hunter access. There is no doubt that the benefits of that program to game departments, sports men and women, as they are called in the United States, sporting goods retailers and manufacturers have been obvious and abundant. Most obvious was the restoration of America's wildlife: many native species were on the brink of collapse. The concept of redirecting those taxes to benefit wildlife populations was simple. Investing in improvements to wildlife populations and providing public access encourages more people go hunting, and the sales of items that generated this tax increase, a self-generating funding arrangement—a bit like that damned carbon tax.

As the report points out, this partnership between the hunting and the shooting sports industries, hunters, and State and Federal wildlife agencies has restored many wildlife populations, in some cases from the brink of extinction, and provides an array of hunting opportunities. The latest newsletter of the Southwick Associates group, which prepares fish and wildlife economics and statistics, shows that in the United States of America in 1937 11 States had no open seasons for deer and three others had only local seasons, and Missouri's deer season was only three days long—a reflection of what had happened to the native wildlife populations. Colorado had only a seven-day elk season. The grouse season in Wisconsin was completely closed, and South Dakota had only local pheasant seasons. No States had dedicated archery or muzzleloader seasons.

Since the Act was passed virtually every State today has a lengthy deer season. Missouri hunters enjoy more than 120 days of deer hunting each year. Elk hunters in Colorado have the chance to hunt for more than 120 days, and in Wisconsin there is a 136-day grouse season. South Dakota is now the pheasant hunting capital of the world, with an 86-day statewide season and abundant bird numbers. Special archery only and muzzle loader only seasons are held in nearly every State. Even with recent declines in the total number of hunters, there are still more than twice the number of hunters now than there were in 1937, and purchases of tax related items by hunters have increased by nearly 45 per cent in constant dollars since 1970. The Pittman-Robertson Act was also helpful to anglers, as the program served as the model for the Dingell-Johnson Act, also known as

the Federal Aid in Sport Fish Restoration Act, which was passed in 1950. This Act, which attached an excise tax to various types of fishing gear to help fund sport fish restoration and opportunities, had impacts similar to those of the Pittman-Robertson Act. The gentlemen who sponsored those Acts were brilliant.

I know that governments do not like hypothecation of funds—because they want to be free to steal them whenever they need them for other funding projects—but in this particular case I think it is ideal, and it sees those participating in their chosen activities helping to fund the ongoing conservation and development of those activities. As pointed out in the report, what has fuelled the growth in hunting and spending has been the reliable funding that was provided by the excise tax. In 2009 excise taxes on hunting gear totalled nearly \$485 million, which was then distributed to the States to invest in projects that improve wildlife populations, provide improved access to the hunting lands or to develop shooting sports facilities.

HOMELESSNESS

The Hon. NIALL BLAIR [6.45 p.m.]: On the night of the 2006 census more than 27,000 people were identifying as homeless in New South Wales. According to the City of Sydney's "Street Count", more than 700 people are sleeping rough or occupying a hostel bed in the city every night. This is a truly concerning number, and the problem is being addressed by the New South Wales Homelessness Action Plan, as well as by some of the inspiring charities that work with the homeless on a daily basis.

Last year the Parliamentary Sports Club was proud to play a charity cricket match against the Press Gallery to raise much needed funds for the Oasis Youth Support Network—an arm of the Salvation Army that works with young homeless people—and not only those who sleep rough, but the "hidden" thousands who spend their nights on the couches of friends, drug dealers or worse, couch surfing. I might add that the parliamentary team slaughtered the press team in that match. Charities such as the St Vincent de Paul Society also do fantastic work on our streets each and every night. One hugely successful fundraising event is the Vinnies CEO Sleepout. Last year more than \$1.5 million was raised in New South Wales after chief executives, politicians and the like "slept rough" in Luna Park one winter's night. These are inspiring acts of charity by great organisations.

But tonight I will speak about a much smaller project started by a 21-year-old Goulburn girl who became concerned about the levels of homelessness in Sydney when she moved here from country New South Wales. Hayley Olsson recently graduated from Macquarie University with a bachelor's degree in media. Her family are involved in growing wool, prime lambs and general agriculture on the Southern Tablelands. Last year she was shocked to learn that, according to St Vinnies, just under half of all rough sleepers are women, and a quarter are under 18 years of age. After researching and contacting government and non-government organisations Hayley decided to make a short film with the intention of raising awareness about this issue and highlighting the work that is being done by so many charities and organisations to combat homelessness.

In 2012 we celebrate the Year of the Farmer and, coming from a family that produces merino and cross-bred wool in New South Wales, Hayley and her father Chick came up with the idea of raising funds from private donors to purchase easy-care woollen blankets to distribute to homeless people in Sydney. These blankets, made from good Australian wool, are a small comfort for the people who sleep rough every night in our city. Hayley has dubbed her campaign Project Warmheart. She is supported by her family as well as the Australian Woolgrowers Association, a national representative body that believes in the positive promotion of Aussie farmers and wool. Her final filming begins in May. The documentary will look at wool from her family's shearing shed and follow the production process through to production of the wool blankets being given away by such excellent institutions as St Vincent's Hospital and other organisations throughout Sydney. It is hoped that the film will be shown nationally on the Community TV network later this year.

I congratulate Hayley and Chick Olsson and their family on this great initiative. I certainly look forward to the release of the film. I hope that all members will join me in a viewing of that film here at Parliament House on its release. This is a great initiative by a fantastic young person from a regional area who has seen a problem that she would not normally see, just as I did when I first started coming to Sydney to work in this place. I had not been exposed to homelessness and people sleeping rough. When I drove home from this place after late sitting nights I was moved by seeing people sleeping rough under the awnings, particularly on the wet nights we have had in the past 12 months in Sydney. I commend Hayley and Chick and the rest of the Olsson family for doing something not only to raise awareness of this problem but also to promote good Australian wool. This fantastic initiative deserves the recognition and support of everyone in this House. I hope members will join me in the viewing of this film and providing the support that Hayley and her family deserve.

APRIL COMMEMORATIONS

The Hon. WALT SECORD [6.49 p.m.]: In addition to our national day of commemoration, Anzac Day, the month of April hosts many important commemorations for the Jewish, Armenian, Aboriginal and working communities of our State. It is a solemn month for many communities and tonight I speak briefly on commemorations and events that I was honoured to attend.

Personally, I have often reflected on how we provide comfort to those who are grieving. Comforting a mourner is a gesture to both the deceased and the living. This gesture takes on greater significance when it is a whole community that is grieving. That is the case with so many dates in April. Yet I know from my personal experience that beyond showing support there is little that can be said by those who were not there at the actual events. Ultimately I have reached the conclusion that all we can do is simply be there with the mourners—our simple presence is our statement. That is why I attended the Jewish community's Yom Hashoah commemoration, the Appin massacre commemoration of the Dharawal people, the ninety-seventh commemoration of the Armenian Genocide, the Unions NSW International Day of Mourning for those killed in the workplace, and several Anzac Day services.

The official Yom Hashoah ceremony at Rookwood Cemetery on 15 April commemorates the six million Jews murdered during the Holocaust. It was a moving service with addresses from Israeli Deputy Chief of Mission, Mr Meir Itzhaki; Sydney Jewish Museum president, Professor Gus Lehrer; and New South Wales Jewish Board of Deputies executive director, Mr Vic Alhadeff. Mr Len Mahemoff, with his beautiful bass voice, led the memorial prayers. Surrounded by rabbis, Holocaust survivors and their descendants, it was a solemn event and a privilege to attend.

A day later, on 16 April, I attended a ceremony at Campbelltown to acknowledge the 196th anniversary of the Appin massacre of the Dharawal people. The event was jointly hosted by the council and the local reconciliation group. In 1814 Governor Lachlan Macquarie sent military detachments to Windsor, Liverpool and the Cowpastures to "punish" and "clear" the country of Aboriginal people after clashes. The most notorious of the attacks saw 14 Dharawal women and children driven off a cliff on 17 April 1816.

On 24 April I had the honour and privilege of representing State Labor at a national commemoration marking the ninety-seventh anniversary of the Armenian Genocide. On 24 April 1915 Ottoman authorities arrested 250 Armenian intellectuals and community leaders. We see this as the start of the Armenian Genocide. I was there at the Chatswood national commemoration in three capacities: first, as the deputy co-chair of the New South Wales Parliamentary Friends of Armenia; secondly, as the son of a Mohawk-Ojibway man who belongs to a race that has been touched by genocide in North America; and, thirdly, as the first Australian parliamentarian to publicly visit Nagorno-Karabakh in support of the contemporary struggles of the Armenian people.

On 20 April I attended the western Sydney Armenian Genocide commemoration in Wentworthville and on 23 April I participated in a candlelight prayer service at State Parliament. I commend the Armenian National Committee of Australia's executive director, Mr Varant Meguerditchian, for his work, and Garbis and Dr Sharon Simonian for their sponsorship of the event, as well as Mr Greg Soghomonian. They all work tirelessly to educate the wider community about the Armenian Genocide and ensure that it is remembered. I sincerely hope that one day, as Abraham Lincoln once said, "better angels of our nature" eventually prevail in Ankara and Turkey accepts responsibility for the Armenian Genocide.

On Anzac Day I had the honour of attending and laying a wreath at a 5.00 a.m. dawn service at the Ingleburn RSL Sub Branch in the Campbelltown area. Local president Ray James, assisted by his wife, Pauline, oversaw a moving service which was attended by a crowd of more than 2,000 people. Later in the day I also attended the Aboriginal and Torres Strait Islander Anzac Day commemoration in Redfern with Opposition leader John Robertson and deputy leader Linda Burney. I understand the solemnity of these days. I understand the gravity of the sacrifices made on behalf of our nation. I understand why we can never forget.

Finally, on 28 April, I attended Unions NSW's annual interfaith service marking the International Day of Mourning to remember workers who have died from workplace incidents or disease. In Australia it is reported that every year about 440 workers are killed in workplace accidents. Among the attendees were Ms Karen Banton, widow of the late, great asbestos disease sufferers' advocate Bernie Banton, and Ms Kye Bandrowski, whose father died during the construction of the Chatswood to Epping rail link.

While all these events were different, both military and civil they each commemorate dates on which families and communities were unjustly torn apart. While I have no words that could do justice to such losses, I was honoured just to be able to stand with those people and to help them remember and commemorate. I thank the House for its consideration.

MENTAL HEALTH RESOURCES

The Hon. ROBERT BORSAK [6.54 p.m.]: Tonight I speak on the mental health care system in New South Wales. I have a longstanding personal interest in this issue. Like so many others, I have seen the devastating impacts mental illness can have on an affected individual and also on their family. I am only too well aware of how many failings there are in the short- and long-term care of people living with mental illness. Urged on by the 1983 Richmond report, governments have closed psychiatric hospitals and shifted patients into community-based care. Unfortunately, despite the good intent behind that, governments have never properly resourced community-based care. The result has been obvious: people fall through the cracks, people do not receive ongoing care tailored to their individual circumstances and, tragically, sometimes people die.

That is in no way a reflection on the hardworking, overworked, crisis services and non-government organisations in the mental health sector—far from it. Those services do an incredible job with insufficient resources. The point I make is that since the large psychiatric hospitals were closed there has been very little government support for specialist psychiatric facilities. Those facilities that exist are not able to meet the level of need, leaving others—such as a person's family—to try to fill in the gaps in the care process.

In New South Wales police are front-line responders to people with mental illness who are experiencing a crisis. I have been told that last year alone there were more than 32,000 police call-outs where the primary reason for the call-out was mental health related. Whether the crisis is a suicide attempt, a psychotic episode or some other mental health issue, the police are often the first service called. That is generally not because public safety is at risk but simply because families, carers and friends of a person in crisis have nowhere else to turn, and it is particularly the case if a crisis occurs out of business hours. The police have well and truly risen to the task, but responding to mental health crises is not their job and they should never have been put in that position.

In an ideal world designated mental health front-line response teams would be the first point of contact for a person in crisis. Unfortunately, very few resources are directed to such teams. So it is the police who provide care for people in crisis, who take people to emergency departments of public hospitals and who provide comfort to distraught families and friends. Today I call on the Government to improve the mental health care sector by properly resourcing mental health front-line response teams, which are on call 24 hours a day in all parts of the State. These teams should work hand in hand with police with the long-term goal of replacing police as front-line responders to mental health crisis situations.

A key performance indicator of governments—current and future—should be reducing the number of police call-outs for mental health issues and reducing the amount of time police spend responding to mental health crises where public safety is not at risk. I also call on the Government to properly resource the expansion of specialised psychiatric care facilities where people in need can receive high-quality short- and long-term care. As a civilised society we cannot continue to let the system fail people with mental illness. We cannot continue to tolerate the impacts these systemic shortfalls have on individuals with mental illness as well as on the people who love them. But when I say that the system has failed I really should say that we as politicians have also failed. We cannot continue to fail and I call on each of my colleagues to commit to delivering real improvements in this tremendously important area.

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

Motion agreed to.

The House adjourned at 6.58 p.m. until Wednesday 2 May 2012 at 11.00 a.m.
