LEGISLATIVE COUNCIL

Tuesday 22 May 2012

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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:

Industrial Relations Amendment (Industrial Organisations) Bill 2012
Sydney Water Catchment Management Amendment (Board Members) Bill 2012
Co-operatives (Adoption of National Law) 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 departed the country on overseas travel, he assumed the administration of the Government of the State at 1.50 p.m. on Sunday 13 May 2012.

13 May 2012

Pursuant to sessional orders Formal Business Notices of Motions proceeded with.

TAIL DOCKING BAN

Motion by the Hon. AMANDA FAZIO agreed to:

1. That this House notes that:

   (a) there was extensive debate in 2004 when the Prevention of Cruelty to Animals Amendment (Tail Docking) Bill was introduced,

   (b) this bill came about following representations from animal welfare groups, veterinary bodies and other concerned individuals,

   (c) additionally, the Primary Industries Ministerial Council agreed in October 2003 to introduce a nationally coordinated ban on cosmetic tail docking by April of 2004, and

   (d) the banning of the routine or cosmetic tail docking of dogs was supported by many stakeholders including the New South Wales Royal Society for the Prevention of Cruelty to Animals [RSPCA], the New South Wales Division of the Australian Veterinary Association, the New South Wales Animal Welfare League, the Animal Societies Federation, the Animal Welfare Advisory Council, the Pet Industry Joint Advisory Council of Australia, the Royal New South Wales Canine Council, the Council of Docked Breeds, the Dog Body and a range of dog breed societies as well as dog owners.

2. That this House notes the campaign that is being conducted to have this ban overturned and replaced by legislation similar to that applicable in New Zealand which allows for veterinarians to legally perform the procedure of banding tails on neonatal pups by ligature, a proposal which does not have the support of any animal welfare organisations in Australia.

3. That this House calls on the Government to reject any attempts to repeal the 2004 amendments to the Prevention of Cruelty to Animals Act 1979.

DOG TRACEABILITY AND REHOMING POLICY

Motion by the Hon. AMANDA FAZIO agreed to:

1. That this House welcomes the announcement by the Pet Industry Association of Australia [PIAA] in early March of its Dogs Lifetime Guarantee Policy on Traceability and Rehoming.

2. That this House notes that:

   (a) the Pet Industry Association of Australia policy, effective in New South Wales from 1 October 2012, guarantees that:

      (i) dogs purchased from the Pet Industry Association of Australia member retail stores are sourced from association approved breeders who meet animal welfare standards and whose operations are subject to independent audit by a veterinarian each year,

      (ii) any dog purchased from a Pet Industry Association of Australia member that is subsequently abandoned by its owner will be rehomed and saved from euthanasia, and the first State to implement Pet Industry Association of Australia rehoming is New South Wales, where it has partnered with the Royal Society for the Prevention of Cruelty to Animals [RSPCA NSW],

   (b) this policy will reduce the opportunities for "puppy farmers" to profit from irresponsible breeding of dogs for sale as well as reducing the unnecessary euthanasia of unwanted dogs, and

   (c) the RSPCA has welcomed this major step toward saving many dogs from being put down and believes that the Pet Industry Association of Australia's initiative in seeking to better control the breeding and sale of puppies is a significant advancement in improving animal welfare.

3. That this House commends the Pet Industry Association of Australia for this initiative and calls on the public to ensure that pet shops they visit are members of and abide by the policies of the association.

BUSINESS OF THE HOUSE

Formal Business Notices of Motions

Private Members' Business items Nos 634, 674 and 677 outside the Order of Precedence objected to as being taken as formal business.

INDEPENDENT PLANNING PANELS

Motion by the Hon. AMANDA FAZIO agreed to:

1. That this House notes landmark research which demonstrates that independent planning panels introduced by the former Labor Government are overwhelmingly supported by the public for decision-making on significant development proposals.

2. That this House notes that in research undertaken by Auspoll involving 1,000 homeowners across New South Wales:

   (a) 78 per cent of respondents favoured independent planning panels and just 22 per cent supported councillors making decisions,

   (b) 20 per cent believed that councillors made decisions independently and free of vested interests with only 20 per cent thinking that councillors are experts in the planning needs of local communities,

   (c) 83 per cent thought that independent panels keep politics and self-interest out of planning, and

   (d) 88 per cent thought that they keep decisions consistent, transparent and honest.

3. That this House calls on the Government to retain depoliticised development assessment in the planning system for New South Wales by continuing the use of independent planning panels.

BUSINESS OF THE HOUSE

Formal Business Notices of Motions

Private Members' Business items Nos 681, 683, 689 and 699 outside the Order of Precedence objected to as being taken as formal business.

LEGISLATION REVIEW COMMITTEE

Report

The Hon. Dr Peter Phelps tabled, on behalf of the Chair, a report of the Legislation Review Committee entitled "Legislation Review Digest No. 17/55", dated 22 May 2012.

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

PETITIONS

Hunting on Public Land

Petition noting a proposal to allow children as young as 12 to hunt animals on public land and requesting that the House condemn a proposal allowing children to hunt unsupervised on public land in New South Wales as reckless and dangerous and disallow regulations in relation to such a proposal, received from **Mr David Shoebridge**.

IRREGULAR PETITION

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

Byron Bay Night-time Bus Services

Petition calling for an extension of the night-time bus service between Byron Bay and surrounding areas, received from the **Hon. Cate Faehrmann**.

BUSINESS OF THE HOUSE

Withdrawal of Business

Private Members' Business item No. 700 outside the Order of Precedence withdrawn by Dr John Kaye.

CHAMBER BROADCAST SYSTEM UPGRADE

The PRESIDENT: As I advised members previously, the upgrade of the Chamber broadcast system has been progressing while the House has not been sitting. Members will notice two new cameras in the western end of the Chamber. These are not yet operational but are positioned to capture angles in the Chamber which were previously excluded. Members will also notice that microphones have been installed on the Government and Opposition back benches. These microphones, which are not yet operational, will be used to assist Hansard recordings and will not be turned on to the broadcast system. It is intended that the new system will become operational on 12 June 2012. I will keep members informed as to further changes to the Chamber as they occur over the next two weeks.

PRIMARY INDUSTRIES LEGISLATION AMENDMENT (BIOSECURITY) BILL 2012

Second Reading

The Hon. DUNCAN GAY (Minister for Roads and Ports) [2.58 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 Primary Industries Legislation Amendment (Biosecurity) Bill 2012 aims to improve New South Wales capability to respond to a biosecurity emergency. The bill will amend four Acts—the Animal Diseases (Emergency Outbreaks) Act 1991, the Plant Diseases Act 1924, the Fisheries Management Act 1994, and the Noxious Weeds Act 1993. The bill is concerned with addressing two areas. Firstly, it will address gaps and limitations in our legislation that may prevent an effective response to a biosecurity

emergency; and, secondly, it will improve New South Wales's compliance with the four national biosecurity agreements to which we are signatory. The bill is important because it will provide a framework for better protecting not only our primary industries but also our natural environment and our lifestyle.

Before I set out the provisions of the bill, I remind the House of the significant threat that pests, weeds and animal and plant diseases pose to the New South Wales economy, to the environment and to the general community. Due to Australia's geographic location, we remain free from many harmful pests, weeds and diseases that affect other parts of the world. This provides significant economic, environmental and social benefits. Serious animal diseases such as foot-and-mouth disease and rabies are not present in Australia. New South Wales is also free from many pests and diseases that plague other States, such as red imported fire ants in Queensland, European house borer in Western Australia and chestnut blight in Victoria. However, we certainly cannot afford to be complacent.

The risk and threats to New South Wales's biosecurity status are becoming more complex. A changing climate, globalisation of trade and travel and population increases are putting pressure on natural ecosystems and driving competition for resources. In early 2011 New South Wales became a signatory to the Intergovernmental Agreement on Biosecurity [IGAB]. The goal of this agreement is to minimise the impact of pests, weeds and diseases on the Australian economy, environment and community. The agreement sets out the goals, priorities, roles and responsibilities of jurisdictions in relation to biosecurity management.

The agreement is supported by two response agreements and one response deed—for animal diseases, plant pests and diseases, and the environment. These agreements set out how responses to biosecurity emergencies will be managed and how costs will be shared between government and industry groups that are signatories. As a signatory, New South Wales has an obligation to ensure it has the appropriate legislation and systems in place to respond to emergency biosecurity incidents. Reviews of New South Wales biosecurity-related legislation, the equine influenza outbreak in 2007 and the recent outbreaks of hendra virus and myrtle rust have revealed a number of limitations and gaps in our legislation.

Limitations and gaps can mean longer response times and costs and greater risks to New South Wales. The bill seeks to address these gaps and limitations in the immediate term and to ensure that our systems are better aligned nationally. In the longer term, the Government is looking to develop more streamlined and integrated biosecurity legislation and a new biosecurity strategy for New South Wales. However, this is a long-term project, and the amendments proposed in this bill are necessary to ensure that we can respond appropriately to an emergency biosecurity incident.

The provisions in this bill can be divided into four categories—those that relate to pests and diseases of animals, plants, fish and the threats posed by noxious weeds. I will now outline the amendments in relation to each of the four Acts, beginning with the Animal Disease Emergency (Outbreaks) Act 1991. The first proposed amendment will broaden the scope and objectives of the Animal Diseases (Emergency Outbreaks) Act 1991 to apply to the control of emergency animal pests as well as animal diseases.

"Emergency animal pests" are defined in the bill as animals that are not indigenous to a particular area and that are declared by the Minister to be an emergency animal pest. An example of an emergency animal pest that may be declared is the red imported fire ant, which is currently found in Brisbane. They severely damage the environment, they are a threat to agriculture and tourism, and they certainly threaten people's outdoor lifestyle because of their bite or sting. Being able to declare emergency animal pests will greatly assist the capability of New South Wales to respond to animal pests that may have an impact on the environment, community and business activity as well as primary production.

The bill will introduce a new part to the Act that includes a mechanism to deal with emergency outbreaks of animal pests. The new part contains a duty to notify; powers to declare and regulate infested places, restricted areas and control areas; and provisions relating to permits to enter and exit these areas. The new part does not introduce new eradication, control and management tools. These tools already exist in the Act in relation to animal diseases and are common to biosecurity legislation in general. This part will make these powers available in respect to outbreaks of emergency animal pests. To make sure all relevant powers in the Act are available to respond to such outbreaks, existing provisions relating to importation orders, destruction orders, quarantine orders and disinfection orders will be extended so that they also apply to emergency animal pests.

Provisions in the Act dealing with inspectors' powers will also be extended with respect to emergency animal pests, including powers relating to seizure and impounding, collecting verbal and documentary information, search and entry and requiring assistance. There will be a new offence with a maximum penalty of $110,000 or two years' imprisonment for the intentional or reckless release of an emergency animal pest. This is consistent with the Act's approach to the possession or administration of animal disease agents. Part 6 of the Act that relates to the Emergency Animal Diseases Compensation and Eradication Fund will be amended to also apply to emergency animal pests.

The bill will also amend the powers for the destruction of animals. Currently, the Act contains broad powers that allow domestic animals—such as cattle and pets—to be destroyed during an emergency disease outbreak. However, the Act only provides for the destruction of wild and feral animals in limited circumstances, that is, when an area restriction order or control order is in place. If we have an outbreak of foot-and-mouth disease animals that may be infected or could become infected may need to be destroyed. This could include feral pigs and deer. It is important that there is a clear power for this to occur. Therefore, the Act will be amended to provide the Minister with the power to order the destruction of wild and feral animals if they are infected or reasonably suspected of being infected or they are in a declared area and the Minister considers it is reasonably necessary to do so to prevent the spread of a disease.

The Act will also include a provision that the Minister must consult with the Minister responsible for the administration of the National Parks and Wildlife Act if the destruction of native animals is proposed. The bill will make a series of changes to the Act to extend the application of certain provisions to anything that could be infected with an emergency animal disease or infested with an emergency animal pest. Currently the provisions relating to animal diseases specifically refer to a disease affecting "animals, animal products, fodder, fittings, soil and vehicles". However, animal pests may infest many other things, for example, structures or equipment. These amendments will provide maximum flexibility for the control measures that may be needed in response to animal disease or pest emergencies.

The bill includes other amendments that are aimed at improving the effectiveness of the Act. The bill provides the Minister with the power to authorise inspectors to take specified measures in a restricted area or a control area for the purpose of controlling or preventing the spread of an emergency animal disease or an emergency animal pest. The Act will be amended to allow the director general, instead of the Minister, to determine the means by which a general permit may be granted. A permit may, for example, be issued to allow a person to enter or leave an infected place or a restricted area. This will allow the issue of permits to happen more quickly and provide for greater efficiency and less red tape.

Inspectors' powers will be extended to allow them to take photographs and videos when exercising their search and entry powers under section 45 of the Act. These modern technologies are an objective and effective way to document animal pest and disease-related matters. Inspectors will also be able to exercise their functions in areas that have been declared to be a control area within the preceding two years. This power already exists under section 45 in relation to areas that have been quarantined or declared to be an infected place or a restricted area. This will provide consistency in the Act. Finally, the bill proposes to allow the director general to delegate his or her functions under the Act. This will reduce red tape and unnecessary bureaucracy.

The final amendment I will refer to in relation to the Animal Diseases (Emergency Outbreaks) Act 1991 is informed by the recent hendra virus outbreaks in New South Wales. The hendra virus is a potentially deadly disease. Since June 2011 the virus has caused the death of 10 horses on eight properties in New South Wales. The virus can also be transferred to humans. To help prevent the spread of the hendra virus between horses on the same property horses need to be separated. If the owners refuse or cannot separate the horses, inspectors need the power to move the horses within the property. The Act currently does not include this power. Therefore, the Act will be amended to give inspectors the power, in a quarantine order, to restrict the movement of any animal onto, within or out of the quarantined property.

I will now turn to those provisions of the bill that address plant pests and diseases and proposed changes to the Plant Diseases Act 1924. First, the Act will be amended to define and recognise emergency plant pests and emergency plant diseases. The Minister will have the power to declare, by order, an emergency plant pest or an emergency plant disease. This declaration will allow for the use of certain strong powers in urgent situations. One of these powers is the destruction and disposal of plants, or the covering of plants or other property if the Minister believes this is necessary to eradicate or prevent the spread of an emergency disease or emergency pest. Currently the Act only provides for infected plants to be destroyed, not plants or other property that may be a source of infection.

For contagious plant diseases such as citrus canker or fire blight the ability to destroy or dispose of plants and property that may not yet be infected will allow a buffer zone to be created, effectively isolating the disease and preventing its spread. This power will be available only if the Minister believes that taking such action is necessary to eradicate or prevent the spread of an emergency disease or emergency pest. This is an established best practice response tool. Another power that will be made available to combat emergency plant pests and diseases relates to control orders. Currently the Minister may, by a control order, authorise inspectors to enter specified land or premises to carry out work for the prevention or control of a pest or disease.

However, individuals must first be provided with notice of the proposed work and an opportunity to object to those works. Following these amendments to the Act, if a control order is made by the Minister that relates to an emergency plant pest or disease, an individual will not be able to object to the director general about the actions authorised in the control order. This amendment will ensure that actions to control emergency plant pests and diseases can be taken quickly so as to minimise the opportunity for such serious pests and diseases to spread. The bill also allows the Minister to declare, by order, that a plant emergency exists or is imminent and that it is necessary to take emergency actions to eradicate or prevent the spread of the disease or pest during a specified period, known as the emergency period.

If such a plant emergency is declared a court will be prevented from granting an interim injunction that would have the effect of preventing, restricting or deferring emergency action being taken during the emergency period. This power may be used, for example, if fire blight was found in an area of New South Wales. Fast action would be needed to prevent it from spreading because fire blight spreads by wind. Without fast and unimpeded action the disease will spread. This amendment will not prevent a court from making a permanent injunction or a final order in proceedings at any time. Emergencies are only declared when there is a serious risk to health, property or business activity. It is therefore crucial that preventative or other management action is not delayed by a court order in the initial stages.

Secondly, this bill will amend the Plant Diseases Act 1924 to improve the control and eradication of plant pests or diseases. Preventive measures—such as spraying crops—reduce the chance of a plant pest or disease entering, spreading or establishing in New South Wales. These measures are often applied to plants that are not yet infected but are at risk of infection. The Plant Diseases Act 1924 provides for treating a disease or preventing its spread. It does not explicitly provide for the implementation of preventive measures, such as spraying uninfected crops. Consequently, the bill defines the word "treat" to incorporate preventive measures, and amends the Act so that the Minister may order the treatment of uninfected plants for the purpose of preventing the spread, eradicating or lessening the risk of the pest or disease establishing.

The Act also will be amended so that such an order, as well as the declaration of a quarantine area and notification of special regulations for quarantine areas, may be published urgently in a newspaper, on radio or television, or on a government website. The order will still have to be published in the *Government Gazette* as soon as practicable. During the equine influenza outbreak in 2007 the New South Wales Department of Primary Industries website generated up to 8,000 visits a day. The internet and social media are technologies that should be used in urgent situations as a fast and effective way of informing the public. Allowing these notifications in the Plant Diseases Act 1924 to be published through modern media will ensure that the implementation of response measures is not delayed as a result of the gazettal process.

For greater efficiency the bill will allow an inspector to accept an undertaking from a landowner to take steps to deal with a plant pest or disease. Currently only the Minister can accept an undertaking from a landowner or occupier to undertake specific measures in relation to plant pests and diseases instead of declaring a quarantine area. Providing inspectors with this power will result in operational efficiencies and reduced red tape. It is consistent also with provisions in the Stock Diseases Act 1923. On another issue, the Emergency Plant Pest Response Deed requires New South Wales to take all reasonable steps to ensure that individuals advise the Government within 24 hours of becoming aware of a plant pest or disease.

The Plant Diseases Act 1924 requires the occupier of land to report the presence of a notifiable plant pest or disease within 24 hours. Agronomists, for example, who may be called on to identify a plant pest and disease, are not required to notify under the Act. To satisfy national commitments and to compel more people to report the Act will be amended to apply to any person who is in possession or control of, or who has been consulted in relation to, a plant or plant product or soil that he or she suspects is infected with a notifiable pest or disease. The bill includes amendments to improve surveillance capabilities. Currently the power to enter property to inspect plants is limited. Powers of inspection will be expanded to allow an inspector to enter any land, premises, vehicle or vessel to conduct surveillance if there is reasonable cause for suspicion that a pest or disease may be present at or likely to spread to that land, premise, vehicle or vessel.

The power to conduct surveillance will be subject to existing requirements of the Act that ensure an inspector's powers of entry are only exercised reasonably and in appropriate circumstances. Inspectors will continue to be prohibited from entering any part of a premise that is used for residential purposes. The Act will be amended also to allow inspectors who enter premises to take photographs or videos. These technologies are critical for objectively documenting plant pest and disease matters, and for collecting evidence. The bill will also expand the power of an inspector to ask questions and collect information. Currently inspectors are restricted to questioning only fruit and plant vendors. As well, they cannot compel people to provide them with documentary information that may assist an investigation.

The ability of inspectors to ask questions and collect information is essential for tracking the movement of potential plant pests or diseases. Collecting documentary information from nurseries greatly aided our capability to trace myrtle rust in the initial response stages of the outbreak in 2010. However, nurseries were not compelled to provide the department with this information. Section 18 of the Plant Diseases Act will be amended to provide inspectors with the power to question any person and require documentary information that an inspector reasonably believes may provide information relevant to the control, including spread or eradication, of a plant pest or disease. The bill will remove the privilege against self-incrimination in relation to requirements to provide information and answer questions by inspectors. However, any such answers or information will not be admissible as evidence against the person in criminal proceedings.

Finally, the bill includes some amendments to the Act aimed at improving both administrative and operational efficiencies. The bill will extend the life of control orders from six to 12 months and increase the quarantine period from 21 to 40 days or such period as may be determined by the director general. This will increase operational flexibility and efficiency. The bill makes it clear that the provision in the Act that prohibits payment of compensation for things done by inspectors and others does not prevent compensation being paid under an agreement entered into by the State. For example, the Emergency Plant Pest Response Deed states that the owner of a crop or property that is damaged or destroyed as a result of implementing an approved response plan may be eligible for reimbursement payments. This amendment will clarify that those payments can be made if the industry is a signatory to the deed, or if the National Emergency Plant Pest Management Group agrees that compensation should be paid.

The final group of amendments to the Plant Diseases Act concerns the Governor's power to declare a pest or disease. Currently the Governor can declare anything to be a pest for the purpose of the Act. However, the Governor can only declare an organism to be a disease if, in effect, the organism falls within the definition of "disease" in the Act. If an organism does not fall within that definition there is no capability to declare it to be a disease for the purposes of the Act. This means that necessary powers would not be available to control an outbreak of such a disease. As well, the Act currently requires the Governor to make such a declaration, which can be a time-consuming process. Therefore, the bill will enable the Minister rather than the Governor, to declare anything to be a disease. To ensure that declarations come into effect without delay the Act will include a special provision that allows the order to be effective upon signing. However, publication of the order will still be required within 14 days.

I now turn to amendments to the Fisheries Management Act 1994 that relate to fish and marine vegetation. The powers in the Act for dealing with noxious fish and marine vegetation are inconsistent with the powers for dealing with diseases of fish and marine vegetation. For example, the Minister can declare a quarantine area in relation to a declared disease but cannot declare a quarantine area because of the presence or suspected presence of noxious fish or noxious marine vegetation. Quarantine areas are an important tool for managing biosecurity risks. Noxious fish and marine vegetation can cause serious devastation to a marine environment. The bill therefore will amend the Act so that a quarantine area can also be declared because of the presence or suspected presence of a noxious fish or noxious marine vegetation.

To improve the responsiveness of the Act quarantine orders will be able to be published through more immediate media in urgent situations, such as on television, the department's website or radio, instead of solely in the gazette. In addition, the existing quarantine provisions that relate to declared diseases only provide for certain areas to be declared a quarantine area. This is problematic where diseased or noxious fish are present in the hull of a moving boat. For example, if New South Wales authorities believe that the hull of a boat contains Asian date mussels, they would not be able, under the Fisheries Management Act 1994, to quarantine the boat until it was stationary.

If the boat is allowed to dock the mussels may establish in the area, smother bottom-dwelling communities and affect the ecological balance in the area. The bill will allow the boat to be quarantined if it carries diseased or noxious fish and marine vegetation. This will provide the Minister with the power to direct the movement of the boat, and order the destruction of diseased or noxious fish and marine vegetation at an appropriate location. The bill also allows for maximum flexibility in the types of movement controls that can be used to prevent the spread of a diseased or noxious fish and marine vegetation. At the moment, fish and marine vegetation can be moved within the quarantine area, for example, from boat to boat. This gives pests and/or diseases the chance to spread.

The Act will be amended to allow a quarantine order to prohibit or restrict the movement of fish or marine vegetation into, within or out of a quarantine area. An offence will be created for the intentional or reckless release of live noxious fish or live noxious marine vegetation. This is already an offence in respect of diseased fish or marine vegetation. Penalties will be made consistent. The maximum penalties for the sale of live noxious fish or marine vegetation will be increased to $55,000 for corporations and $11,000 for individuals. This is the same as the maximum penalties for the sale of diseased fish and marine vegetation. The bill will provide for regulations to be made with respect to eliminating or preventing the spread of noxious fish and marine vegetation.

These regulations may provide for the destruction of noxious fish or marine vegetation, the examination and testing of fish and vegetation taken from a quarantine area or the making of notification requirements with respect to noxious fish or noxious marine vegetation. These amendments will help New South Wales to achieve the outcomes sought by the national strategy "A Strategic Approach to the Management of Ornamental Fish in Australia". Similar provisions are found in key biosecurity legislation in New South Wales with respect to land-based animal and plant pest and disease management. It is appropriate that such regulations can be made under the Fisheries Management Act 1994. Finally, the bill will make it clear that Fisheries officers have the power to take photographs and videos when conducting a search. These modern technologies are an objective and defendable way of documenting inspections. This is a sensible amendment.

I turn now to noxious weeds and amendments to the Noxious Weeds Act 1993. Emergency weed control orders and quarantine orders are two tools for declaring areas infested under the Noxious Weeds Act 1993. Several amendments are proposed to these provisions to improve our ability to control and eradicate weeds in certain situations, particularly in emergencies. The bill will extend the period for which orders are valid, because the existing periods are too short to ensure that all necessary control actions can be completed. The term of an emergency weed control order will be extended from a maximum of three months to a maximum of 12 months. The term of a quarantine order will be amended from six months to a maximum of 12 months. At the moment control and quarantine orders are only effective when they are published in the gazette. This can be a lengthy process and is not the fastest way to communicate a message to stakeholders.

The bill will amend the publishing requirements and in urgent situations will allow orders to be published through media such as the department's website, television and radio. The orders will commence once they are published. The bill also provides the Minister with the power to declare land to be a quarantine area if the Minister thinks that class 1 or class 2 noxious weeds are reasonably likely to spread to the land. This amendment will allow for a buffer zone to be created for those plants that could pose a serious threat to primary production or the environment. Buffer zones are a management tool to isolate and stop the spread of pests. They are effective in managing weeds that could pose a serious threat to primary production or the environment, or are likely, by their sale or movement within New South Wales, to spread in New South Wales or to other jurisdictions.

A further amendment concerns requirements to report a notifiable weed under the Noxious Weeds Act. The Act currently requires the occupier of land to report to an authority within three days of becoming aware that the notifiable weed is on the land. In order to better meet the State's reporting requirements set out in the national biosecurity agreements and compel more people to report the Act will be amended to require any person who, in a professional capacity, becomes aware or suspects a plant is a noxious weed to report its presence within 24 hours. This is consistent with the Plant Diseases Act and Animal Diseases (Emergency Outbreaks) Act. The National Environmental Biosecurity Response Agreement states:

> Agency staff should be empowered to inspect, test, treat, and disinfect any animal, plant, land, water or item.

At the moment the Act only allows inspectors to remove or destroy noxious weed material. Removal and destruction can be unnecessarily severe measures. As well, the Act does not allow action to be taken against suspected noxious weed material. The bill will allow inspectors to test, treat, disinfest or otherwise deal with noxious weed material, suspected noxious weed material and anything that may contain noxious weed material. Finally, the bill will introduce a new provision that allows the Minister to declare, by order, that a weed emergency exists or is imminent, and that it is necessary to take emergency actions during a specified period, known as the emergency period.

If such a weed emergency is declared a court will be prevented from taking any action that will have the effect of preventing, restricting or deferring any emergency action during the emergency period. This amendment will not prevent a court from making a permanent injunction or a final order. This provision means that New South Wales will meet the requirement of the national agreements that jurisdictions have in place, arrangements that allow for fast and effective action against an emergency noxious weed incursion. The provisions in this bill will commence on assent, with the exception of the amendments to the Animal Diseases (Emergency Outbreaks) Act included in schedule 1.

It is not possible for those provisions to commence straightaway because some of them require regulations in order to become operational. As New South Wales is a signatory to four national agreements, it has an obligation to ensure it has the appropriate legislation and systems in place to respond to emergency biosecurity incidents. The national agreements were subject to significant industry consultation prior to their commencement. The bill proposes sensible amendments that will provide a consistent approach to animal and plant pests and diseases, and weeds; provide for more efficient and effective operational and administrative arrangements; and greatly improve the capability of New South Wales to respond to emergency pests, weeds and diseases that affect the economy, the environment and our community. I commend the bill to the House.

The Hon. STEVE WHAN [2.59 p.m.]: The Primary Industries Legislation Amendment (Biosecurity) Bill 2012 has been sitting on the agenda for a short while. This bill is the latest in a series of amendments over the years to the legislation governing biosecurity and other legislation which are designed to keep on top of the very important need to protect our agricultural industries and to provide biosecurity for the State against pests and diseases. We need to be continuously on top of biosecurity because circumstances change. The development of this legislation started under the previous Government with a review which has progressed through this Government's responses to the legislation we see today.

In a previous debate on noxious weeds legislation I noted that the Minister for Roads and Ports indicated that a more comprehensive review of biosecurity was being undertaken. I look forward to seeing the results of that review at a later date. I expect that we will see further biosecurity legislation from this Government, as we did from the previous Government which introduced legislation in the Plant Diseases Amendment Bill 2010—the last in the series of biosecurity amendments.

This important legislation before the House has the overall support of the Opposition because it addresses some important areas. The object of the bill is to amend the Animal Diseases (Emergency Outbreaks)

Act 1991, the Fisheries Management Act 1994, the Noxious Weeds Act 1993 and the Plant Diseases Act 1924. The bill provides mechanisms to deal with emergency outbreaks of animal pests, such as the declaration of infested places, restricted areas and control areas and accompanying restrictions on movement, and orders relating to the control and eradication of animal pests. The bill prohibits interim court orders that might prevent or delay emergency measures in circumstances where there is an emergency outbreak of notifiable weeds or plant diseases or pests. It provides for the use of quarantine areas to control the spread of noxious fish and noxious marine vegetation and it makes other provision with respect to noxious fish and noxious marine vegetation.

The bill enables various orders relating to fish and marine vegetation quarantine areas, noxious weeds and plant diseases and pests to be published urgently in newspapers or on a government website; it requires the appropriate authorities to be notified by persons who while acting in a professional capacity become aware of the presence of an emergency animal disease or pest or a notifiable weed or notifiable plant disease or pest; it makes other provision with respect to biosecurity measures under the Acts it is amending; and it enables regulations containing savings or transitional provisions to be made as a consequence of the enactment of the proposed Act. The amendments cover a range of areas and some of the measures presented in this bill may be seen as fairly draconian, but I think they are justified because of the potential serious damage that could occur to the State from biosecurity encroachments.

Biosecurity is a challenging area. Of course, Australia is very proud of its disease-free status in many areas, which helps us to retain globally a very competitive regime in food production and the health of people in Australia. This bill certainly strengthens the regulatory powers to help minimise the risks of emergency outbreaks and it addresses concerns about the State's ability to create effective responses. It also improves compliance with the national biosecurity agreements to which the State is a signatory. That is very important because, as we are all aware, in Australia it is critical that the States operate together on biosecurity outbreaks wherever possible. We obviously rely very heavily on the Federal Government's quarantine inspection service which prevents overseas diseases from coming into Australia. For example, we relied on critical reports by the Australian Quarantine and Inspection Service [AQIS] after the equine influenza outbreaks spread into the community some years ago. That is one of the primary reasons why we need to keep on top of biosecurity issues. I will come back to that issue.

As I said earlier, the amendments to the Emergency Outbreaks Act 1991 allow for the Minister to declare that an animal may be considered an emergency pest—for example, the red fire ant in Queensland. The Government says that these amendments will greatly assist the capacity of New South Wales to respond to animal pests that may have an impact on the environment, the community and business activity, as well as primary production. It provides the Minister with the power to authorise inspectors to take specific measures in a restricted or control area for the purpose of controlling or preventing the spread of an emergency animal disease or an emergency animal pest. While those powers might be seen to be extensive or draconian, as I said earlier, the Opposition thinks they are justified in the case of serious outbreaks.

As I mentioned, we have Federal Government involvement in biosecurity through the Australian Quarantine and Inspection Service and there is a series of intergovernmental agreements around Australia to which New South Wales is a signatory. It is important that our laws are consistent with those agreements. I am aware of examples of pests and diseases that have been the subject of those State agreements. The most recent outbreak about which we heard a great deal was the hendra virus. The government authorities, through the Department of Primary Industries and other departments, have been working very positively with Queensland authorities in relation to that virus. We also see plant diseases, and myrtle rust has become established in New South Wales. That is a serious plant disease because if it spreads too widely it can compromise the productivity of native forest and eucalypt plantations and can obviously threaten other types of trees that are being produced commercially in what is a valuable industry for New South Wales.

The previous Government responded quickly to the threat of myrtle rust at the time but unfortunately not quickly enough because, despite our best efforts, myrtle rust became widespread very quickly before it was first noticed and reported. Diseases such as fly blight are of great concern to the Australian food industry, particularly the apple industry. It was the subject of considerable discussion when imports from New Zealand were allowed. From memory, when I was the Minister for Primary Industries the European house borer was present in Western Australia. Under the cooperative agreements New South Wales was helping to fund the eradication of that borer because of its potential severe impact on forestry and its devastating impacts on people's assets, particularly houses.

The Hon. Walt Secord: The New Zealand apple tree borer.

The Hon. STEVE WHAN: Fly blight—I did mention that. That is a key issue and we need to balance our obligations under international trade agreements with our pressing need to make sure that Australia's biosecurity is preserved. No-one could suggest those are easy issues. In the area of animals, the pork industry has been concerned about a number of issues in relation to imported pork. To illustrate the importance of taking strong action to make sure that we are secure in biosecurity, I remind the House of issues that have affected us in New South Wales—issues which we hope will never affect us again in New South Wales.

Equine influenza, which I mentioned before, became an incredibly inconvenient and costly outbreak for horse owners and for the economy of New South Wales—in particular, for the racing industry. A huge amount of money was expended on controlling and reining in, so to speak, that equine influenza outbreak. Those of us who live in regional New South Wales know of the great inconvenience it caused to many horse owners, even if they were just attending the local pony club or events nearby, when they were not able to transport their horses to different areas. That resulted in a massive cost to our equine industries.

Following that, there was intense debate within the industry in relation to which path to take when dealing with future outbreaks. An element in the equine industry thought we should allow equine influenza into Australia and vaccinate horses to protect them. Essentially that would have meant that the influenza would become endemic in New South Wales and Australia the next time there was an outbreak. That course of action was strongly opposed by many other parts of the equine industry, including the trotting industry, which feared it would be prevented from transporting horses into and out of New Zealand, and recreational horse owners. I was pleased that we were able to finally reach a national agreement on this issue. The industry has agreed to a funding regime for any future campaign against an outbreak. It was hard to reach agreement, but it was worthwhile in the end.

In Europe there have been outbreaks of diseases that have caused massive economic loss and hardship. One example has been outbreaks of bovine tuberculosis in Great Britain, which resulted in the slaughtering of over 37,000 animals in 2008 and more than 31,000 animals in 2010. That disease resulted in a huge cost and fell upon producers and the government to overcome. In Australia foot-and-mouth disease is probably the most feared and talked about livestock disease. The Minister for Roads and Ports also mentioned Creutzfeldt-Jakob disease. Outbreaks of foot-and-mouth disease have had a huge impact in the United Kingdom. During the 2001 outbreak four million animals were slaughtered in order to bring the disease under control. It cost the British Government £2.7 billion to deal with the outbreak and the estimated cost to the economy was £10 billion. The outbreak also had flow-on consequences to other industries, such as declines in tourist numbers in the affected areas and negative impacts on local communities. The 2007 outbreak of foot-and-mouth disease cost the British Government £47 million and the impact on the livestock industry cost an estimated £100 million.

These examples demonstrate that if we do not get our biosecurity right future disease outbreaks could result in huge costs not only to the agricultural industry but also to native animals and plants. It is important that we have strong legislation that is consistent with national legislation. The legislation must ensure that we can deal with these issues promptly and provide inspectors with the power they need to isolate areas, take action in those areas, and, if necessary, slaughter affected animals. Unfortunately, it is not always possible in such circumstances to differentiate between domesticated livestock and wild animals, whether introduced or native species. I note that the legislation has acknowledged this by introducing provisions to address those issues.

A number of Government members spoke during debate on this bill in the Legislative Assembly. In his contribution my colleague Richard Amery, a former excellent Minister for Agriculture, informed the House about the spread of fire ants, a pest I have already mentioned. Richard Amery said that on 6 March 2001, when he was Minister, he advised the House of an outbreak of fire ants in Queensland but that, unfortunately, 11 years later they have not been eradicated. I understand that there is now identification of the general areas the ants inhabit but it is very difficult to eradicate them. There are always questions about the action to be taken. Of course, New South Wales has been involved in trying to control the fire ants because if they spread across the border they will be a major pest problem in this State. Also at the moment the honey bee industry is concerned about an invasion of Asian bees and the impact that would have on the industry. I am sure many members remember the controversy and lobbying by that industry to the Federal Government about its approach to the issue. Again, this pest poses a serious threat to honey production in New South Wales and this issue must be addressed.

I understand that The Greens will move amendments to this bill, which we will talk about in more detail during the Committee stage. I received those amendments only today, which is disappointing as I would

like to give proper consideration to them. The amendments suggest further provisions in relation to destruction orders for animals on the threatened species list. There is already provision in the bill for consultation with the Minister for the Environment in relation to any animal that is protected by the National Parks and Wildlife Act. I would like The Greens to indicate their reason for including the threatened species list and what species on that list are not covered by the National Parks and Wildlife Act. It has been suggested to me that dingoes might be one such species, but I would like confirmation in relation to this issue. My concern is that the amendment changes the provision from consultation with the Minister for the Environment to the Minister consenting to a destruction order. I do not know whether that presents a problem in the long term but I do not understand why "consultation" needs to be replaced with "consent".

I am concerned also that the proposed amendments might slow down the process of issuing an order in urgent circumstances, which could have negative consequences. I invite the Minister to respond to my concerns in his reply. When dealing with an outbreak of a serious disease quick action must be taken to ensure that the disease is kept in a confined area and controlled and eradicated as quickly as possible. It would be unfortunate if the affected areas contained native species, but we have to recognise that in some circumstances eradication of protected fauna may have to take place. That is not to say that species on the threatened species list and under protection in the National Parks and Wildlife Act are not vitally important. They are important, and I would expect that any plans would take that into account. However, I would be concerned about any restrictions to our ability to respond.

In conclusion, the Opposition is quite positive about this bill. It is essentially continuation of the work done by the previous Government, in consultation with other Australian governments, to be consistent in our application of biosecurity. As I have said, I cannot overstate the importance of getting biosecurity right for our agricultural industries, native plants and animals and human health. It is critically important that strong biosecurity measures are put in place so that Australia can continue to be free of diseases which in other parts of the world cost producers billions of dollars and affect their livelihoods and impact on communities. That is part of Australia's clean green image, which we promote in exporting our beef and other primary products to our trading partners—an image we should very jealously guard. New South Wales plays a very strong role in Australia's export industries.

In conclusion, I pay the strongest possible tribute to scientists and officers of the Department of Primary Industries and our Livestock Health and Pest Authorities [LHPAs], who are the front-line workers in making sure that our biosecurity in New South Wales is protected. They do a fantastic job. I have had the opportunity of working with them on a number of issues, and I state for the record the appreciation of everyone, particularly those who have experienced their efforts, for their hard work. In continuing to focus on strengthening our biosecurity, it is critical that we not only get this legislation right but also provide appropriate resources in the next State budget.

A concern with the previous budget was that it was difficult to make a side-by-side comparison of spending on biosecurity. The Government's rhetoric indicated that the spending had occurred, but it was very difficult to match it against the previous years' figures. Nevertheless, we have some terrific scientists who work for the Department of Primary Industries and veterinary surgeons who work for the Livestock Health and Pest Authorities as well as a number of other agencies that are directly involved—for example, Health. I commend their work. I commend the bill to the House.

The Hon. PAUL GREEN [3.21 p.m.]: On behalf of the Christian Democratic Party, I express support for the Primary Industries Legislation Amendment (Biosecurity) Bill 2012. The bill states:

> The object of this Bill is to amend the *Animal Diseases (Emergency Outbreaks) Act 1991*, the *Fisheries Management Act 1994*, the *Noxious Weeds Act 1993* and the *Plant Diseases Act 1924* as follows:
>
> (a) to provide for mechanisms to deal with emergency outbreaks of animal pests ... and orders relating to control and eradication of animal pests,
>
> (b) to prohibit interim court orders that might prevent or delay emergency measures in circumstances where there is an emergency outbreak of notifiable weeds or plant diseases or pests,
>
> (c) to provide for the use of quarantine areas to control the spread of noxious fish and noxious marine vegetation ...
>
> (d) to enable various orders relating to fish and marine vegetation quarantine areas, noxious weeds and plant diseases and pests to be published urgently in newspapers or on a government website,
>
> (e) to require the appropriate authorities to be notified ...

(f) to make other provision with respect to biosecurity measures under those Acts,

(g) to enable regulations containing savings or transitional provisions to be made as a consequence of the enactment of the proposed Act.

Biosecurity is a set of preventive measures that is designed to reduce the risk of transmission of infectious diseases, quarantined pests, invasive alien species and living modified organisms. It includes trying to prevent new pests and diseases from arriving and helping to control outbreaks when they occur. Biosecurity is a complex task due to increasing challenges such as: a changing climate that is altering the range, habitat and spread of pests and diseases; globalisation which increases the volume and range of products that are traded internationally, as well as passenger movements and the subsequent risk of pests and diseases entering and establishing in Australia; and population spread, shifting demographics and changes to land use, making pest and disease management more complicated to deal with and increasing the risk to human health.

On my way to Parliament this morning I listened to a radio program about malaria. Across the globe every year out of 200 million cases 600,000 people die from malaria. Some medications fraudulently misrepresent the quantity of chemicals required to deal with the long-term eradication of malaria and the treatment of patients. Moreover, the organisms are becoming resistant, which is compromising the treatment of the disease and biosecurity. Biosecurity and medical security present many challenges and pose a threat to global populations. Biosecurity requires the cooperation of governments, scientists, technicians, policymakers, security engineers and law enforcement officials to prevent the spread of biological agents. All those agencies must work closely together, in tense situations and within extremely short time frames.

As a signatory to the Intergovernmental Agreement on Biosecurity, New South Wales has an obligation to ensure that systems are in place to prevent, prepare for, detect and mitigate biosecurity risks and to respond to, manage and recover from biosecurity incidents should they occur. The bill sets out many amendments to address biosecurity response times, costs and risks to New South Wales. I will not delve into the details of the bill, as it is quite straightforward. However, when there is a biosecurity threat, there is no doubt that levels of government will need to unify, merge their responses and apply very sharp focus and purpose-driven action to address the issue. In such circumstances, there will be no room for egos and other things to complicate matters. In a very short time, biosecurity breakdowns can do enormous damage.

This very important bill amends a raft of Acts and brings New South Wales legislation up to date. There is no doubt that biosecurity is emerging as an issue of increasing significance for Australia. In that context and with this legislation, New South Wales could very well lead the nation in dealing with biosecurity incidents. This amending bill will provide greater flexibility for control measures and will enable a more efficient response to animal disease or pest emergencies to be established. The Christian Democratic Party commends the bill to the House.

The Hon. JEREMY BUCKINGHAM [3.26 p.m.]: It is with pleasure that I join in debate on the Primary Industries Legislation Amendment (Biosecurity) Bill 2012 and express The Greens broad support for this legislation. The bill introduces a raft of amendments to a number of Acts. The Greens support a strong biosecurity regime in New South Wales. Pests, diseases, feral animals and noxious weeds are having a massive impact on both terrestrial and aquatic native flora and fauna and constitute a massive drag on agriculture and aquaculture productivity across the State. The impact of pests and disease also is a significant burden on a broad range of New South Wales industries. In the last month alone the Department of Primary Industries released seven exotic pest alerts.

A 2009 report into the economic impact of vertebrate pests in Australia showed annual losses to the meat industry of $284.9 million and $313.1 million to horticulturalists. That represents huge losses being suffered by our primary producers, and this amending bill will go some way towards addressing that issue. The report indicates that the expenditure by governments on management, administration and research for the 2008 year was less than $90 million.

While I acknowledge that the States carried the bulk of this spending, clearly we need to do more. I acknowledge the good work of governments who have signed the Intergovernmental Agreement on Biosecurity, which will provide a uniform approach across jurisdictions to dealing with biosecurity threats. While Australia being an island has a huge advantage, it is disappointing that we have far too many feral animals and weeds that burden our environment and our farmlands. This amending bill will go some way towards redressing that problem. The costs I have mentioned do not factor in the impact on biodiversity and our natural areas which have other direct and indirect costs on Australia's society and economy.

I am glad to see from the Minister's second reading speech that the Government acknowledges the impact of climate change and associated pressures on natural ecosystems as being biosecurity risk factors. I assume those statements have been made on the basis of science. We are all reliant on science to inform our views about biosecurity risks and potential mitigation. Perhaps someone on the government benches can have a chat with the Deputy Premier about the role of science in developing government policy. In particular, I encourage concerned Government members to talk to him about how important it is to be developing an appropriate risk management strategy to the impacts of climate change on the basis of scientific evidence.

I point out up front that only a couple of weeks ago in this House we were debating an amendment to the Noxious Weeds Act 1993, and the Government, supported by the Opposition, blocked an important strategy to help reduce the impact of noxious weeds on the New South Wales economy and, in particular, on agriculture. One amendment put forward by The Greens would have seen public authorities meet the same standards of compliance with weed control orders as private landholders. This was the Government's policy before the election but it seems in office it does not have the courage of its convictions to take this important action to protect New South Wales biodiversity and the farmers who every day are fighting the impact of weeds.

The *Land* newspaper paid close attention to this backflip by the Government and, in particular, by The Nationals members. I have been inundated with calls and emails of support for the stand of The Greens on this important issue. The Government ignored also its own report into the statutory review of the Act to start to move to a white list or a permitted list system for noxious weeds, to prevent the entry of non-permitted weeds that are yet to be assessed for potential future impacts. It is ludicrous that today we are debating a bill about how to—

The Hon. Niall Blair: Ridiculous.

The Hon. JEREMY BUCKINGHAM: It is ridiculous. It is ridiculous that today we are debating a bill about how to manage a weed emergency and how to control or eradicate weeds in certain circumstances when only two weeks ago the Government voted against provisions that would have gone some way towards achieving those aims and completely ignored the most critical policy initiative to control weeds, which is to not let them into the State in the first place. A far better way to manage weeds is a proactive or zero tolerance approach.

The Greens will support this bill but it is important to identify the huge gap that remains between what the Government claims to be trying to achieve in relation to biosecurity and what is being proposed in the bill. We broadly support the provisions relating to the Plant Diseases Act 1924, the Fisheries Management Act 1994 and the Noxious Weeds Act 1993. We need to treat seriously the risks of pests and diseases. While there is some concern about the extent of inspection powers, the ability to issue control orders and to implement quarantine areas and the like, The Greens are prepared to accept that these provisions will be necessary to minimise far wider impacts from pest and disease outbreaks.

All members should be conscious of the extent of the powers being invoked by the bill and enter into this in good faith, not with the intent of impacting property rights or the freedoms of landholders but with the interests of the wider community in mind. If in time it is clear that these powers have gone too far or are not necessary we should be prepared to wind them back. In her second reading speech the Minister stated:

> Provisions in the Act dealing with inspectors' powers will also be extended with respect to emergency animal pests, including powers relating to seizure and impounding, collecting verbal and documentary information, search and entry and requiring assistance ...
>
> Inspectors' powers will be extended to allow them to take photographs and videos when exercising their search and entry powers under section 45 of the Act.

A further provision that is quite strong and that we will have to watch to see how it is implemented is as follows:

> The bill includes amendments to improve surveillance capabilities. Currently the power to enter property to inspect plants is limited. Powers of inspection will be expanded to allow an inspector to enter any land, premises, vehicle or vessel to conduct surveillance if there is reasonable cause for suspicion that a pest or disease may be present at or likely to spread to the land, premises, vehicle or vessel.

Those strong provisions reflect the serious nature of a major weed or disease outbreak in Australia, the horror of a foot-and-mouth outbreak or something similar. The Minister also said in her speech:

> If such a weed emergency is declared a court will be prevented from taking any action that will have the effect of preventing, restricting or deferring any emergency action during the emergency period.

That is a strong provision. No interim injunction could stop the destruction of animals, crops or horticulture. It is something The Greens support but we do so with a watching brief, in that the provisions are very strong and it would be terrible if those powers were to be abused or not applied reasonably and fairly. The Greens are also concerned that aspects of this bill have been designed specifically to target flying foxes. The Minister's office indicated to me that this is not the case but I would like clarification from the Minister in reply that the provisions to amend the Animal Disease Emergency Outbreaks Act 1991 will not impact on flying foxes.

The specific concern there has to do with proposed section 6B, which creates a definition of emergency animal pest. This is in addition to the existing definition of emergency animal disease. Emergency animal pests are defined in the bill as animals that are not indigenous to a particular area and they are declared by the Minister to be an emergency animal pest. The Greens accept the Minister's reasoning for the need to be able to declare an animal an emergency animal pest but are concerned about the implications for certain native animal species, in particular, flying foxes.

The House should note that the grey-headed flying fox is listed by the State and at a Federal level as a threatened species, but there are also two other flying fox species in New South Wales. The New South Wales Office of Environment and Heritage provides a map showing the distribution of three flying fox species in New South Wales but also gave the following information relating to the grey-headed flying fox:

> In 2010, many of grey-headed flying foxes were found roosting and foraging outside the traditional areas; some were found as far inland as Orange and as far south-west as Adelaide. Researchers speculate that flying fox movements could be related to food scarcity, nectar flows or seasonal variations, and are uncertain whether such movements will be repeated.

We do not know what is causing flying foxes to move about the place. A camp arrived in Orange some years ago. Each evening they would rest in the plane trees of Cook Park. They would head off in the evening into the Towac Valley over the orchard areas and not long after that one would hear the shotguns starting up. Later in the evening they would come back. It was like the Battle of Berlin. Some were like winged Lancasters coming in on one engine and some did not come back at all. They diminished in number quite rapidly and have not been back in subsequent years.

The Hon. Rick Colless: It worked.

The Hon. JEREMY BUCKINGHAM: Yes. It would be extremely concerning if the definition of emergency animal pest had been worded specifically to state "not indigenous to a particular area" so as to capture flying foxes that moved further afield to source their food. It is an important distinction because if such a declaration were made in relation to an animal, under the bill there are significant powers relating to controlling emergency animal pests, including the issuing of destruction orders. It is easy to form a view that this bill is focused on flying foxes because a number of Government members in the lower House raised this issue. I highlight in particular the contribution of Ray Williams, the Liberal member for Hawkesbury, who said:

> Flying foxes should not be a protected species because they are out of control.
>
> Other members of this House and I know that over the years the number of grey-headed flying foxes has increased dramatically. We must begin taking measures to control them.
>
> I could suggest a couple of people who could solve the problem very quickly, if not immediately.
>
> When a species of animal gets out of whack or we have too many of one species, the numbers must be reduced. Unfortunately, we are now seeing the effects of flying foxes spreading the Hendra virus through the equine industry and to human beings.

Those statements are completely at odds with the Office of Environment and Heritage, which states that records indicated that the grey-headed flying fox may have numbered in the millions but has now reduced to as few as 400,000. If flying foxes have become a problem for farmers it is because they have had to leave their normal feeding areas. Often this is because of the loss of native vegetation at the hands of urban development. The grey-headed flying fox and flying foxes generally play an important role in our ecosystem as pollinators spreading seeds and they should be valued. In the most recent hendra virus outbreak, improved biosecurity measures through lessons learnt meant that no human lives were lost to the disease. Farmers and other animal owners are used to putting in place their own biosecurity measures to ensure the health of their animals and to protect themselves from animal diseases. The same is possible for the hendra virus.

The first step in a biosecurity risk management strategy should not be destruction. The Greens are extremely concerned that this bill may specifically target a native and threatened species and we will move a number of amendments to address those concerns. The thinking of many in the Parliament is that pests and

diseases are more likely to flourish in systems that are out of balance. When biodiversity is under stress, pests and disease are more likely to take hold. A totally reactive management strategy will not deal with these risk factors. More effort needs to be put towards protecting habitat, and preserving and improving biodiversity.

The Hon. RICK COLLESS [3.40 p.m.]: I support the Primary Industries Legislation Amendment (Biosecurity) Bill 2012 which will provide mechanisms to deal with emergency outbreaks of animal pests, through the declaration of infested places, restricted areas, control areas and any accompanying restrictions on movement of livestock, et cetera, within those areas. A previous speaker alluded to the possibility that interim court orders may delay emergency measures regarding the outbreak of a notifiable weed, pest or disease. This bill will prohibit such orders as it is important to implement measures immediately in respect to some diseases and aggressive weeds.

The bill will allow the establishment of quarantine areas to control the spread of noxious marine species in certain circumstances, and provide for urgent publication of those areas as required. The bill also requires persons who become aware of the presence of emergency animal diseases, pests or weeds to notify the appropriate authorities to ensure an immediate response. Of course, in past years biosecurity was the responsibility of what were known as the pastures protection boards, which had people called rabbit inspectors and a district veterinarian, and weeds county councils had a weeds inspector. Their jobs were to keep track of what was happening on farms. As a child in the fifties I remember that rabbits had very bad destructive habits.

The Hon. Jeremy Buckingham: The 1850s?

The Hon. RICK COLLESS: The Hon. Jeremy Buckingham would not remember because he was not alive during the fifties. He jumps to conclusions. The destruction rabbits caused led to huge areas of soil erosion—environmental problems that people today do not understand because the rabbit problems were fixed. Rabbits graze much shorter than any other grazing animal and their propensity to breed quickly results in huge numbers that cause extensive land degradation. The rabbit inspector would come unannounced to check that rabbits were being controlled by property owners ripping out or poisoning warrens or taking other necessary measures to eradicate these pests.

The district veterinarian performed a similar role by keeping an eye on sheep checking for lice and worms, et cetera, that had the propensity to reduce greatly an area's agricultural productivity. The work of those rabbit and weed inspectors was our understanding of biosecurity. However, today's biosecurity risks are increasing with more people travelling overseas and presenting greater opportunity for pest sources to be brought into Australia inadvertently. Of course, the greater opportunity also of worldwide trading into and out of Australia, increasing populations, urban growth and changing climatic conditions add to the risk we face in trying to keep some species out of Australia.

Biosecurity is undergoing a great deal of reform across the nation, and that is a good thing. New South Wales has initiated a reform program that will result in a biosecurity strategy and contemporary legislation. Like all reform processes, change will occur incrementally. This bill is the first step in that process. A commitment to the process across the whole spectrum is essential if we are to achieve responsive and targeted actions based on quality risk management measures as issues arise. The reforms in this bill aim to boost productivity and ensure that we maintain and increase market access. Our international market access has been built up over a number of years through Australia's impeccable record in international agricultural fields. The reforms also streamline business activities, reduce regulatory burden, which is important, educate the public, and develop strong and robust partnerships with various stakeholders.

The New South Wales Government is committed to ensuring that this State is Australia's leading business and investment destination. Of course, having in place proper biosecurity is essential. Agriculture, fisheries and forestry were estimated to generate about 3 per cent of Australia's gross domestic product in 2010-11. As the nation's largest State, New South Wales contributes about 31 per cent to national gross domestic product and 2.6 per cent to Australia's agriculture, fisheries and forestry industries. As I said earlier, we have extensive links to international markets and in 2009-10 the State's exports of goods and services were valued at $61 billion on a balance-of-payments basis, representing almost 21 per cent of national exports.

I should like to refer briefly to a few specific biosecurity issues. Foot-and-mouth disease is a serious animal disease that is not unknown in Australia as evidenced by an outbreak early in our history. Thankfully, it did not survive and Australia now is completely free of it. The amendments in the bill are aimed at reducing the potentially huge costs to our economy, environment and community from serious pests and diseases. Foot-and-

mouth disease is a highly contagious animal viral disease and one of the most serious livestock diseases. It affects all cloven-hoofed animals. For those in the House not familiar with that expression, they are animals with divided hooves and include cattle, buffalo, camels, sheep, goats, deer and pigs.

The Hon. Duncan Gay: Greens?

The Hon. RICK COLLESS: They do not have toes. Pigs are one of the most serious vectors of foot-and-mouth disease because they travel huge distances. Feral pigs can travel up to 30 and 40 kilometres within 24 hours and are susceptible to the disease as carriers. Due to the mobility of the feral pig population, if foot-and-mouth disease were to get into the population it could spread across the nation. If foot-and-mouth disease came into Australia it would have serious implications in lost agricultural production and the cost of the control and eradication of the disease. When there is an outbreak of foot-and-mouth disease in Great Britain every animal within a 10-mile radius of the outbreak must be eradicated, including pets that are potential carriers of the disease and could spread it. It is an expensive disease to control and eradicate.

In 2002 the Productivity Commission estimated that the gross domestic product impact of an outbreak of foot-and-mouth disease in Australia of short duration would be $2 billion to $3 billion. That impact would grow to $8 billion to $15 billion for a 12-month outbreak, which is a significant cost. The Primary Industries Legislation Amendment (Biosecurity) Bill 2012 reduces the risk and strengthens the State's ability to respond to emergency outbreaks of pests and diseases. A few weeks ago, during debate on the Noxious Weeds Amendment Bill 2012, I referred to parthenium weed—a notifiable weed that has the potential to impact seriously on Australia's agricultural production and that already impacts severely on Queensland's agricultural production. Under optimum conditions parthenium weed has the ability to germinate, grow and set seed in a four-week time frame. When a young parthenium weed is identified it is critical that it is controlled immediately rather than in a few weeks time or after a period of six months as, realistically, it could be setting seed in only a few weeks.

Today I refer also to the black striped mussel which is native to South America—a good example of a marine pest that poses a serious threat to Australia. The black striped mussel has spread to Fiji, India, Japan, Taiwan and Hong Kong on the hulls of international ships and in the ballast water. With the number of ships moving in and out of Australian waters it poses a real risk about which Australia must be vigilant. The mussels spread rapidly over objects in the water, including the hulls of ships, buoys, anchors, stormwater pipes and pylons, and displace native marine animals. When the black striped mussel invaded Darwin Harbour in 1998-99 a quarantine area was established and copper sulphate and chlorine were pumped into the infested site. That action led to the successful eradication of the pest.

If the black striped mussel had established itself in Darwin it would have done significant damage to the $350 million a year pearling industry and the $120 million a year northern prawn fishery. The black striped mussel has the potential to infest the central and northern coast of New South Wales. The Primary Industries Legislation Amendment (Biosecurity) Bill 2012 will strengthen the provisions in the Fisheries Management Act and enable a better response to noxious pests and diseases that invade our agricultural industries and marine habitats. I support the Primary Industries Legislation Amendment (Biosecurity) Bill 2012 and commend it to the House.

The Hon. SCOT MacDONALD [3.54 p.m.]: I support the Primary Industries Legislation Amendment (Biosecurity) Bill 2012. Biosecurity is uppermost on the minds of every progressive farmer. Successful farmers can manage their businesses to be best practice, to be as profitable as the terms of trade will allow, to adopt the latest technology and to introduce the best genetics or varieties. However, farmers know that they are vulnerable to breakdowns in biosecurity. Biosecurity can be managed at a farm level but every farmer knows that his industry and his livelihood can be devastated overnight by a disease or by a pest. The Government owes it to the farmers of New South Wales and Australia to have in place the most effective regulatory controls to prevent incursions and eliminate any threats to our farms.

The essence of the Primary Industries Legislation Amendment (Biosecurity) Bill is to ensure that New South Wales is prepared for future biosecurity emergencies. New South Wales is now a signatory to the Intergovernmental Agreement on Biosecurity [IGAB], which sets out the appropriate response to emergencies and details how subsequent costs will be shared. This bill will ensure that New South Wales is compliant with that deed. To justify this bill we can draw on the experiences of past emergencies and anticipate the consequences of possible pest or disease outbreaks. We have witnessed serious outbreaks of avian influenza, equine influenza and isolated occurrences of the hendra virus.

Australia has experienced five incidents of avian influenza since 1976, with the largest outbreak of avian influenza occurring in Tamworth in 1997. Over 300,000 birds were destroyed, the industry was disrupted for months and the direct cost was thought to be around $4.4 million. The Department of Agriculture, Fisheries and Forestry estimated that a future outbreak could directly cost as much as $70 million. Those figures do not include the impact on the economy from standing down the affected workforce and a range of associated and indirect costs.

The 2007-08 equine influenza outbreak was a major disruption to the horse industry and to recreational users. The New South Wales Department of Primary Industries has reported that at the peak of the equine influenza outbreak 47,000 horses were infected across 5,943 properties. The hendra virus represents a serious challenge to New South Wales as the disease can and has spread to humans. To date four people have died from the hendra virus. The mortality rate for horses is 70 per cent and for humans it is 60 per cent. While it does not spread as fast or as widely as equine influenza, its detection can have a devastating impact locally. As with equine influenza, inevitably there will be negative consequences for the equine export and domestic industry.

In addition to these experiences of disease outbreaks Australian farmers are rightly worried about what could happen in the event of a serious biosecurity breakdown. The one biosecurity breakdown that keeps many people awake at night is the threat of foot-and-mouth disease. An incursion of foot-and-mouth disease would be a nightmare for this country. There have been various estimates of the potential economic impact but over 12 months the cost would probably be as high as $13 billion. Much of the impact would be felt in communities where there is little economic diversity to ameliorate the pain—that is, the rural and remote regions of this country.

As we saw from the Federal Labor Government's disruption to the live export trade, a direct impact on the cattle industry quickly flowed on to dependent industries including carriers, agents, port workers and shipping operators—specialised businesses with limited or no capacity to diversify their income. Recovery of international market access would be a long and expensive battle and some markets might never recover. Decades of marketing and promotion would be devalued overnight. If we are to retain market access it is critical that emergency outbreaks are contained immediately to the smallest possible zone. This bill will enable an effective and timely response in cooperation with Commonwealth agencies.

Biosecurity threats are not confined to pests. In 2004 citrus canker disease was found in Emerald, Queensland. The eradication, quarantine and re-establishment of crops came at a massive private and public cost as 490,000 commercial citrus trees, 4,000 residential trees and 150,000 native citrus plants were destroyed. Replanting began in 2007 but as trees take 10 years to reach profitable productivity the impact will extend for 13 years. Myrtle rust, an introduced fungus that attacks native plants, was detected in New South Wales in 2010. It quickly spread from a Central Coast nursery to forests across New South Wales.

I query the claim on the website of the Department of Primary Industries of an immediate response to the incursion of myrtle rust. Some in the industry claim that under the watch of Minister Steve Whan the disease was detected in February 2010 rather than in April 2010. The Minister's delay in responding—by directing and resourcing the Department of Primary Industries to contain the disease—allowed it to break out of any possible narrow containment zone. The cost of myrtle rust will emerge in the years ahead, but the forestry industry is anticipating reductions in log volume of 10 per cent to 15 per cent. So we have an ample history of biosecurity breakdowns—

The Hon. Steve Whan: You are criticising your own department.

The Hon. SCOT MacDONALD: I am criticising the Minister of the day, who was the Hon. Steve Whan. The Minister of the day was slow to respond. We have ample history of biosecurity breakdowns, and we can anticipate the consequence of future threats. The bill empowers the Government to respond quickly and effectively to future incidents. Timely response is critical to minimise harm and contain the spread of pests and disease. The first days will determine the scale of the challenge. The bill provides a number of important tools, including imposing a duty to notify of a pest or disease incursion, provides for a declaration of infested places, enables the Minister to make importation orders, gives the Minister powers to make destruction orders, provides for quarantine orders, provides for disinfection orders, provides powers for seizing and impounding, and confers powers on inspectors to require persons to answer questions. I congratulate the Minister, the Hon. Katrina Hodgkinson, on introducing the bill.

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.

DISTINGUISHED VISITORS

The PRESIDENT: I welcome into my gallery Mr Ian Rakafia, the Human Resources Manager of the National Parliament of Solomon Islands, who is here on secondment as part of the twinning program between the Solomon Islands and New South Wales Parliaments. Welcome, Ian, who is from the Tikopia Island of the Temotu Province, which is a remote part of the Solomons.

QUESTIONS WITHOUT NOTICE

ST HILLIERS CONSTRUCTION PTY LIMITED

The Hon. LUKE FOLEY: My question is directed to the Minister for Finance and Services. In light of the decision to terminate contracts with St Hilliers, will the Minister promise all the hardworking subcontractors that they will keep their jobs?

The Hon. GREG PEARCE: I thank the Leader of the Opposition for the question. The Department of Finance and Services has been in discussions with St Hilliers since it announced that it went into voluntary administration last week. The department's priority is to ensure that work under the contracts can resume. Accordingly, the department has taken steps to take over the contract with St Hilliers with a view to New South Wales Public Works assuming management—

The Hon. Amanda Fazio: But will they keep their jobs?

The Hon. GREG PEARCE: Are you interested or not?

The Hon. Amanda Fazio: Yes, I am. Will they keep their jobs?

The Hon. GREG PEARCE: The department has taken steps to take over the contract with St Hilliers with a view to New South Wales Public Works assuming management of the projects until completion. In establishing arrangements to complete the works, the department will seek to maximise the use of existing subcontractors while maintaining value for money. Discussions between the department and St Hilliers have been concluded, and action was taken yesterday to put into effect these arrangements.

RURAL FIRE SERVICE AND STATE EMERGENCY SERVICE CADET OF THE YEAR AWARDS

The Hon. NIALL BLAIR: My question is addressed to the Minister for Police and Emergency Services. Given that last week was National Volunteer Week, could the Minister inform the House of the successful recipients of the 2011 NSW Rural Fire Service and NSW State Emergency Service Cadet of the Year awards?

The Hon. MICHAEL GALLACHER: I thank the member for that excellent question. It gives me great pleasure, we having just celebrated National Volunteer Week, to announce Cadet of the Year award winners for the NSW Rural Fire Service and the NSW State Emergency Service. There is no doubt as to the community's admiration and appreciation of the NSW Rural Fire Service and NSW State Emergency Service volunteers. Our volunteers come from all walks of life and are committed, caring and highly skilled people who give of their time in service to others. National Volunteer Week is the time we pay special tribute to them. The Rural Fire Service and State Emergency Service Cadet of the Year award is presented to a year 9 or year 10 student who has successfully completed the 10-week Secondary School Cadet Program.

The Rural Fire Service program aims to develop an interest in the NSW Rural Fire Service and its traditions, and has proven a great success since its formal launch seven years ago. The NSW State Emergency Service Cadet Program has also been very successful and is now in its fourth year of operation. Rural Fire Service cadets gain a foundation in firefighting knowledge and participate in practical exercises, team building and safety training. In a similar way, State Emergency Service cadets gain an understanding of the roles that State Emergency Service volunteers undertake during flood and storm events. Participation in these programs assists young people to develop qualities of leadership, self-discipline, self-reliance, initiative and teamwork. These qualities are not only crucial in emergency situations but are also important in their daily lives.

The Rural Fire Service and State Emergency Service cadet programs encourage good citizenship and foster the volunteering spirit. One benefit of the programs is that they can inspire the fine young people who take part to become volunteers for the Rural Fire Service, State Emergency Service or other community service organisations into the future. I understand that more than 3,900 cadets have graduated from the Rural Fire Service Cadet Program, some of whom have gone on to become dedicated volunteer firefighters with their local brigades. Similarly, the State Emergency Service has had 1,192 cadets graduate over a four-year period. I congratulate each of them. More than 30 former cadets have gone on to join a State Emergency Service unit, and some schoolteachers have even joined the State Emergency Service as a result of exposure to the program. This is most commendable.

It is my pleasure to announce that the Rural Fire Service Cadet of the Year for 2011 is Mr Phillip Brunsdon from Tumut High School, and that the 2011 State Emergency Service Cadet of the Year is Mr Joshua Day from Gunnedah High School. I extend the congratulations of the House and the people of New South Wales to Phillip and Joshua on their outstanding achievement. The two cadets were presented with trophies for themselves and their schools in a ceremony at Parliament House last Wednesday, 16 May. Finally, I would like to encourage the young people of New South Wales—indeed people of all ages—to consider membership with the Rural Fire Service or State Emergency Service, or to take up other volunteering roles in the community.

ST HILLIERS CONSTRUCTION PTY LIMITED

The Hon. ADAM SEARLE: My question is directed to the Minister for Finance and Services. Given that work on four St Hilliers contacts with the Department of Defence in Victoria and Queensland restarted on Monday, and given also that St Hilliers have advised today that they are in a position to reopen all 13 project sites in New South Wales, meet all subcontractor payments and complete the projects on time and on budget, will the Minister advise the House why New South Wales was unable to reach the same outcome—of the projects here restarting?

The Hon. GREG PEARCE: It was interesting to see Mr Obeid's name back in the papers this week, because that reminds me—

The Hon. Adam Searle: Point of order: The Minister is debating the question; he is not being relevant. I ask you to call the Minister to order.

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

The Hon. GREG PEARCE: That reminds me of Labor links with scumbags in business. Let us have a look at what we have here. We have this St Hilliers group cynically putting its company into administration, putting its company into liquidation—to avoid paying its debts, to avoid paying its creditors, to avoid paying its liabilities on a project in Victoria. And apparently the Deputy Leader of the Opposition wants me to continue dealing with these grubs. I tell you what, it is bad enough coming in here and having to deal with the characters opposite, but they now want me to deal with a bunch of dishonest—

The Hon. Adam Searle: You appointed them?

The Hon. GREG PEARCE: Oh, I appointed them? Let us just talk about St Hilliers. Under the former Government, St Hilliers was placed on the Government's list of best practice builders.

The Hon. Dr Peter Phelps: Best practice?

The Hon. GREG PEARCE: Yes, best practice builders—by the Carr Labor Government. Labor had them in the list of best practice builders. It used them on projects for years. How many Labor Premiers used St Hilliers? And what happened? Labor members did not tell us that they were going to behave like white shoe brigade 1980s developers, the sort of people that Eddie Obeid deals with every day—

The Hon. Catherine Cusack: Point of order: I cannot hear the Minister because of the level of noise in the Chamber.

The PRESIDENT: Order! I uphold the point of order. I am having difficulty hearing the Minister. Opposition members will show some restraint and cease interjecting. I ask the Minister to provide the information that he is able to provide. Has the Minister concluded his answer?

The Hon. GREG PEARCE: No, Mr President. What I chose to do was to use the conditions of the contract and to exercise the Government's right under the contract; and that right was, in the case of the company going into administration, to terminate the contract. There are then various provisions that allow the Government to novate contracts and seek to retain the current subcontractors, and to get on with the work as quickly as possible. We took the view that doing that was much better than sitting around negotiating with people who had deliberately put their own company into liquidation to avoid paying their debts.

MURRAY-DARLING BASIN PLAN

The Hon. ROBERT BORSAK: My question is directed to the Minster for Roads and Ports, representing the Minister for Primary Industries. Is the Minister aware of a study by the group Independent Economics that shows that more than 2,000 jobs, an annual income of $194 million and 9 per cent of the gross domestic product will be lost to the Murrumbidgee region alone if the Murray-Darling Basin Plan goes ahead in its present form? What preparations has the Government made to cope with this obvious exodus of people from within the basin area if it cannot have the plan amended?

The Hon. DUNCAN GAY: I thank the honourable member for his question. Whilst I am not aware of the exact figures or the exact plan, I am not surprised at those figures. There is a lot of concern right across regional New South Wales about the Murray-Darling plan and the lack of foresight to look after our communities in regional New South Wales. For a long time the Labor Party has not given a damn about the people of regional New South Wales; it has given up on them in exchange for Green votes in the city. The subject of the member's question is further evidence of that. I congratulate our Minister for Primary Industries on the strong stance she has taken on this issue and the amount of work that she has put in—

The Hon. Steve Whan: But her submission does not make up for what she says now. Her submission does not back that up.

The Hon. DUNCAN GAY: Someone had to take a strong stance given that the Hon. Steve Whan was as weak as water. He sold us out.

The Hon. Lynda Voltz: Point of order: The Minister should not be responding to interjections and should address all his comments through the Chair.

The PRESIDENT: Order! I have frequently asked Ministers to avoid the temptation to respond to interjections, which are disorderly at all times. I caution Opposition members against constantly interjecting during the Minister's answer.

The Hon. DUNCAN GAY: Thank you, Mr President, for that ruling. Some days I get a thought bubble and it is encouraged by whatever is in the atmosphere. My thought bubble on this occasion relates to the greatest failure to sit on the losers lounge, the Hon. Steve Whan. He just keeled over with—

The Hon. Greg Donnelly: Point of order: Mr President, you have ruled numerous times on the use of the term "losers lounge". I draw your attention to the fact that the Minister has used it yet again. Could you please ask him to not use that term?

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

The Hon. DUNCAN GAY: I know I should not have to remind the Opposition that the ruling was that we can talk about the lounge—

The PRESIDENT: Order! The Minister will answer the question.

The Hon. DUNCAN GAY: Some days you wonder why members opposite continue to lead with their chins. They are so susceptible on this topic; it is just unbelievable. I will refer this very good question to my colleague the Minister for Primary Industries, who I am sure will give an equally good answer.

HEAVY VEHICLE ROAD SAFETY

The Hon. JOHN AJAKA: My question is directed to the Minister for Roads and Ports. Will the Minister update the House on national heavy vehicle reforms and how they relate to New South Wales?

The Hon. DUNCAN GAY: I thank my Parliamentary Secretary for that question. Sadly, he was not able to travel with the transport Minister and me recently in economy class.

The Hon. Lynda Voltz: He never even asked the question.

The Hon. DUNCAN GAY: It was noted in the *Daily Telegraph*.

The Hon. Lynda Voltz: Did you leak it yourself?

The Hon. DUNCAN GAY: No, we did not. It was someone from Inverell. I must inquire of the *Daily Telegraph* the name of that person. I remember the guy; he got on the plane with a smile as I recall. But then again, lots of people smile and say hello to members of this Government. Those opposite would not be used to that. Last week I raised two safety-related issues with the Standing Council on Transport and Infrastructure. Minister Berejiklian and I, along with other State transport and roads Ministers, had the pleasure of attending the second meeting of the Standing Council on Transport and Infrastructure, which was chaired by the Federal Minister for Infrastructure and Transport, the Hon. Anthony Albanese—no longer is he Albo the Good. The meetings are designed to advance a number of important national transport reforms. The Federal Minister did a very good job chairing the meeting.

The reforms include the development and implementation of a national law and regulator for heavy vehicles. When one considers that 75 per cent of interstate trucks use New South Wales roads for some part of their journey, these reforms are central to the long-term economic and infrastructure needs of this State. It is important for New South Wales to do its bit for the sake of the prosperity of the nation. No longer will this State be ridiculed as "Fortress New South Wales"—a State that in the past acted as a roadblock to safe and sensible national reforms.

The new heavy vehicle regulator is due to commence in January 2013 and aims to improve road safety and slash cross-border red tape, in the process reducing costs for Australia's road transport industry. Transport and roads Ministers have endorsed the draft national heavy vehicle law, or Bill 1, which establishes the regulator, and work is now underway to finalise drafting of the second national heavy vehicle law bill. The timing of the recent Queensland State election delayed the passage of Bill 1 through the Queensland Parliament; however, it is expected to be passed in the coming months—and, given the Queensland Parliament's magnificent majority, that will happen without doubt.

The New South Wales Government is now working with other jurisdictions, industry and the heavy vehicle regulator project office to resolve remaining policy issues, such as a nationally consistent approach to fatigue management and to finalise the second heavy vehicle national law bill, Bill 2. That bill will also need to pass through the Queensland Parliament, and that is expected to happen later in 2012. Once passed in Queensland, the Government will introduce the laws into the New South Wales Parliament. Transport for NSW and Roads and Maritime Services will continue to consult with all stakeholders to progress the tasks necessary to prepare for implementation of the national regulator.

Importantly, existing State access and productivity initiatives will be retained under the new national system. For example, as part of the establishment of a national B-triple network, New South Wales agreed at the Standing Council on Transport and Infrastructure meeting to allow B-triples operating at general and concessional mass limits to be granted access to the existing type one road network west of the Newell Highway. Being modern, articulated vehicles, B-triples hug the road better than road trains do, they have better suspension than road trains have and they are more productive in terms of the freight task than road trains are. They are also the same length as a road train. [*Time expired.*]

NATIONAL PARKS

The Hon. ROBERT BROWN: My question without notice is directed to the Minister for Finance and Services, representing the Minister for the Environment. Given that the Government recently moved to turn

3,800-odd hectares of the Berowra Valley into a national park, how much land and what locations have been converted into national parks since this Government came to office?

The Hon. GREG PEARCE: That is a very detailed question obviously. I will obtain the information as soon as I can for the honourable member.

ST HILLIERS CONSTRUCTION PTY LIMITED

The Hon. STEVE WHAN: My question is directed to the Minister for Finance and Services. Given that St Hilliers donated more than $50,000 to the Liberal Party during the last four years, what processes were put in place to ensure probity during the tendering processes that were overseen by the Minister's office for properties in the Illawarra, Shoalhaven and Coffs Harbour?

The Hon. GREG PEARCE: The member was purportedly a Minister in the previous Government so he would know that the premise of his question, that my office oversaw the tender and the awarding of the contract, is a complete load of nonsense. The process was the same as that which occurred under the Labor Party when contracts were awarded. Tenders were called and the contracts were the same contracts that would have been used under the Labor Government, but with two exceptions. We included provisions that required the successful tenderer to utilise to the extent it could the subcontractors who had not been paid by Perle. We also did not one but two financial assessments—one at tender stage and one before the contract was awarded. The financial assessments were done by an independent company that I believe was appointed by the Labor Party when it was in Government. That was the process and St Hilliers—

The Hon. Mick Veitch: You were bragging away about it a couple of months ago.

The Hon. GREG PEARCE: Well, I was. You are right.

The Hon. Mick Veitch: You told us it was going really well.

The Hon. GREG PEARCE: It is going really well now that we have moved back in. But let us look at what happened under Labor in 2008. Remember Beechwood Homes? The then Minister for Fair Trading, Ms Burney, was asked at a press conference whether there had been any complaints made to her department about Beechwood Homes. She said not as far as she knew. She then admitted there had in fact been 119 complaints made against Beechwood.

The Hon. Lynda Voltz: Point of order: My point of order is relevance. The question was specifically about the St Hilliers contract and the tendering process that was overseen by the Minister's office for the properties in the Illawarra, Shoalhaven and Coffs Harbour.

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

The Hon. GREG PEARCE: In relation to Beechwood Homes going into voluntary administration, Ms Burney played down the news and said that voluntary administration was not the same as bankruptcy or insolvency and that the move was no cause for panic. Well, the people who lost their homes and contracts with Beechwood are still suffering.

The Hon. STEVE WHAN: I ask a supplementary question. Will the Minister elucidate his answer by explaining why his party accepted funds from people whom he earlier today called scumbags, grubs and dishonest?

The Hon. GREG PEARCE: I assume the Labor Party accepted money from them.

REED CONSTRUCTIONS

The Hon. MATTHEW MASON-COX: My question without notice is directed to the Minister for Finance and Services. Will the Minister update the House on Reed Constructions?

The Hon. GREG PEARCE: Yet again the O'Farrell Government is cleaning up the mess left behind by the former Labor Government. Contracts that Labor entered into have led to the situation that this Government has to manage.

The PRESIDENT: Order! I call the Hon. Steve Whan to order for the first time.

The Hon. GREG PEARCE: As members would be aware, Reed Constructions approached the Government in late February and stated that it was experiencing financial difficulties. As members might be aware, Reed claimed that there were significant amounts of money owing by Roads and Maritime Services and the Department of Education and Communities. Reed claimed that there was approximately $50 million to $70 million owing in variations to contracts. These were variation claims over and above the original contracts.

The PRESIDENT: Order! I call the Hon. Steve Whan to order for the second time.

The Hon. GREG PEARCE: These claims had previously been considered, assessed and rejected by Roads and Maritime Services and the Department of Education and Communities based on expert advice. Nonetheless, the Government resolved to cooperate with Reed to quickly get to the bottom of its claims. An independent expert panel, chaired by Andrew Rogers, QC, was jointly established by the Government and Reed to expeditiously and finally determine Reed's claims and to ensure that any payments that were to be made were made first to contractors and subcontractors unpaid by Reed. The Government has worked tirelessly with Reed to ensure a fair outcome. For instance, I understand that Roads and Maritime Services for several months paid all of its payments to Reed ahead of contract terms to support Reed's cash flow, and that should have helped it meet its commitment to subcontractors.

I wish to be clear. Contrary to claims made in the media that substantial money was owed by the Government to Reed, in fact, as we have indicated several times, these claims were for additional monies—variations claimed by Reed on top of the original contract sum. It is worth noting that, despite claims in the media, the Government did not receive the final claim by Reed until 2 May this year, it having undergone numerous amendments in the meantime.

I can inform the House that this saga is essentially resolved. The independent process that the Government and Reed put in place has gone over the claims in detail and has handed down its decision. I am now advised that it is unlikely that any sums owed on the variation claims will be anywhere near the sums claimed in the media. The Government has done everything to ensure that Reed has been given a fair hearing in relation to its claims. It is now time to accept the recommendations of the independent panel that Reed was part of establishing.

The Government's priority has always been to protect jobs, to ensure that these projects are completed and that New South Wales taxpayers get value for money. By reviewing the claims numerous times and establishing an expert panel made up of members nominated and agreed to by both the Government and Reed we have done that. Now that the determination has been made the ball is back in Reed's court to pay its subcontractors and creditors and get back on with the job of completing the projects it was contracted to undertake.

COAL SEAM GAS EXPLORATION

The Hon. JEREMY BUCKINGHAM: My question without notice is directed to the Minister for Roads and Ports, representing the Minister for Energy and Resources. What is the status of the fracking moratorium in New South Wales that was due to expire at the end of April? Have the technical guidelines been finalised, and has the New South Wales chief scientist and engineer completed her peer review of fracking standards? Will any reports and findings in relation to these studies be made public?

The Hon. DUNCAN GAY: That moratorium is still in place. I will refer the other issues contained in the member's question to the Minister for Resources and Energy for a good answer.

ST HILLIERS CONSTRUCTION PTY LIMITED

The Hon. MICK VEITCH: My question is directed to the Minister for Finance and Services. I refer to the following comments made by the member for Coffs Harbour, "It's just absolutely pathetic that anyone could oversee a contractor being appointed and this contractor goes broke two months into a contract." Given that the Minister undertook to investigate the contracts himself and that his department had performed two financial assessments of St Hilliers before it was contracted, why did this process fail?

The Hon. GREG PEARCE: That is a good question. I am pleased that at least one member on the other side takes this matter seriously. The answer is actually provided in the statement St Hilliers put out last week when it announced that it was putting one company into liquidation and the other company into administration. It said that it was doing that to avoid having to pay its liabilities on the Victorian jail project that it was undertaking.

STEALING FROM MOTOR VEHICLES

The Hon. CATHERINE CUSACK: My question is directed to the Minister for Police and Emergency Services. Will the Minister update the House on what the New South Wales Police Force is doing to reduce stealing from motor vehicles?

The Hon. MICHAEL GALLACHER: I thank the honourable member for an important question. Thanks in large part to the hard work and dedication of the men and women of the New South Wales Police Force, crime is continuing to fall. That is not to say that there is not the occasional increase in some crimes. Of the 17 major offence categories that the Bureau of Crime Statistics and Research reported on in its last crime statistics report, stealing from motor vehicles was the only category to have increased over the 24 months to December 2011. The bureau has attributed the upward trend in stealing from motor vehicles to an increase in numberplate thefts.

Across New South Wales numberplate theft increased by 35 per cent in 2011. Numberplates are commonly stolen to facilitate petrol theft. Thieves steal numberplates and replace the plates on their vehicles with the stolen numberplates. The thieves then steal petrol while the identity of their vehicle is concealed using stolen plates. Research by the Bureau of Crime Statistics and Research has shown rates of petrol theft are closely linked to petrol prices: When the price of petrol increases, so do petrol thefts. Police are aware of this and are doing their best to reduce petrol thefts. They are currently working with other agencies, including the Attorney General's department, and with the service station industry to implement a series of crime prevention measures aimed at reducing petrol theft and stealing from motor vehicles. This work will build on strategies that police have employed in the past, such as the distribution and fitting of anti-theft numberplate screws.

The police also have had some success in bringing the offenders who commit those crimes to justice. Police in the Lake Illawarra Local Area Command launched Operation Puma to specifically target offences related to stealing from a motor vehicle. During their investigation, police identified a 43-year-old man as a suspect for various stealing offences. The man was arrested in early May. The police conducted a search of his premises and located a large number of items that are suspected of being the proceeds of crime. They allegedly included electrical and computer equipment, such as laptops and iPods.

The man was taken to the Wollongong police station and charged with 54 offences relating to stealing from motor a vehicle, which included 18 counts of larceny, 17 counts of entering a motor vehicle without the consent of the owner, 16 counts of dealing in the proceeds of crime, one count of receiving or disposing of property, and two counts of possessing implements to enter or drive a conveyance. The man was refused bail. Those results show that the police are on top of changes in the criminal environment and are responding effectively to the crimes that have the greatest impact on our community.

COBBORA COALMINE

Dr JOHN KAYE: My question is directed to the Minister for Finance and Services, representing the Treasurer. Why is the Minister proceeding with the Cobbora coalmine when both he and the Treasurer were deeply critical of it and its economics when they were in opposition? How can he justify a mine that he said would cost the people of New South Wales $1 billion or more in subsidies?

The Hon. GREG PEARCE: I thank Dr John Kaye for his question. I undertake to provide him with a detailed answer.

ST HILLIERS CONSTRUCTION PTY LIMITED

The Hon. PENNY SHARPE: My question is directed to the Minister for Finance and Services. In light of comments made by the member for Coffs Harbour, Andrew Fraser, regarding tenders awarded to the construction company St Hilliers that "heads will roll" in the New South Wales Department of Housing and that

"... there is no possible excuse for Housing NSW not knowing of these problems", will he now admit that he got it wrong and outline the steps he will take to ensure that this type of contract tendering failure does not recur?

The Hon. GREG PEARCE: There are failures of builders under government. Let us have a look at what has happened. First, under the Building the Education so-called Revolution that Julia Gillard and Kevin Rudd exercised—

The Hon. Penny Sharpe: Point of order: My point of order relates to relevance. It is clear that the Building the Education Revolution has absolutely nothing to do with what has happened to St Hilliers and the failure or the action taken by the Minister.

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

The Hon. GREG PEARCE: A number of contracts failed, including one company called Perle. We investigated the Perle collapse.

The Hon. Lynda Voltz: Point of order: My point of order relates to relevance. The question specifically referred to "no possible excuse for Housing NSW not knowing of these problems". I ask you to draw the Minister back to the question.

The PRESIDENT: Order! The Minister's answer is in order. Repeated attempts to disrupt the Minister's answer through points of order, particularly when they are in response to a question asked by the Opposition, are disorderly.

The Hon. GREG PEARCE: In Perle's case, we investigated and we found that the previous Labor Government was put on notice of its problems. Subcontractors had gone to the previous Labor Government, and nothing was done. Perle collapsed.

The Hon. Mick Veitch: What about St Hilliers? You were bragging in here a couple of months ago about how good this appointment was.

The Hon. GREG PEARCE: Then we had Reed Constructions, which was appointed by the previous Government. Again, warnings were given, but nothing was done by the previous Government.

The Hon. Mick Veitch: It was two months ago—dead set, in here. Read *Hansard*.

The Hon. GREG PEARCE: The Hon. Mick Veitch should listen because the facts are that St Hilliers was not a case of a company going into liquidation because of financial or trading problems. This was not a problem with the contract with the New South Wales Government. This was a cynical exercise by the group to put two of its companies into administration and liquidation to avoid its liabilities on a project in Victoria.

The Hon. Mick Veitch: So Andrew Fraser is wrong. Is that what you are saying?

The Hon. GREG PEARCE: Just to show how nonsensical the Opposition is in relation to this matter, earlier the Deputy Leader of the Opposition asked me why we were not putting St Hilliers back in because it is ready to start again and it is ready to complete the project. The company admitted that it was capable of completing the projects, and the Deputy Leader of the Opposition said the same thing.

ROAD SAFETY

The Hon. RICK COLLESS: My question is addressed to the Minister for Roads and Ports. Will he update the House on road safety initiatives discussed at last week's meeting of the Standing Council on Transport and Infrastructure?

The Hon. DUNCAN GAY: I thank the Hon. Rick Colless for his question and acknowledge how pre-eminent in his mind road safety is. Last week I raised two safety-related issues with the Standing Council on Transport and Infrastructure in Adelaide—the need to achieve greater consistency for graduated licensing schemes across Australia and the need to mandate reversing cameras on light motor vehicles through the Australian Design Rule process.

The Hon. Mick Veitch: I totally support mandating reversing cameras in all motor vehicles.

The Hon. DUNCAN GAY: I thank the Hon. Mick Veitch. I acknowledge his support. There is a clear need to make more consistent graduated licensing schemes for learner and provisional licence holders across Australia. Inconsistencies in licensing conditions cause confusion for learner and provisional drivers who are travelling interstate, and are of particular concern for families who live in border towns such as Queanbeyan, Albury and Tweed Heads. As a first step I want consistency of speed limits for learner and provisional drivers. Currently Queensland, Victoria and the Australian Capital Territory have no speed restrictions for novice drivers. New South Wales has speed restrictions for both learner and provisional drivers.

Parents and novice drivers who live in border towns or who are on family holidays are confused about which laws apply to them, and where. Achieving a consistent national approach would allow young drivers to focus on the road ahead, rather than on differing rules in different States. Other areas where consistencies could be improved include the licensing age of provisional drivers and learner driver log book hours. Most States have a provisional licensing age of 17 years, except Victoria where the licensing age has been 18 years since the late seventies. Making policy consistent across the jurisdictions has the potential to deliver significant road safety benefits for young drivers nationally.

As part of the broader safety agenda, I also raised the issue of mandating reversing cameras for all cars sold in Australia—not just sports utility vehicles [SUVs]; other cars also have a problem—through the Australian Design Rule process. The risk of injuring or killing a child in what could well be a preventable driveway reversing or parking incident is ever present in our community. We hear far too often of tragic events when a child has been run over in a home driveway. In New South Wales there are a number of programs to promote key messages to parents and carers of young children. The safest option around moving vehicles is active supervision—holding young children's hands or having them securely restrained inside the vehicle.

However, there are also technologies that could be included in vehicles to reduce the risk of reversing incidents. Research has indicated that reversing cameras can reduce the risk of low-speed reversing crashes by improving visibility, especially in larger vehicles. Reversing cameras certainly are becoming a popular addition to vehicles. If they become a standard feature, it is likely their price will reduce significantly. I acknowledge that this technology can never replace vigilance and active supervision, but when used in conjunction with other programs this technology will reduce the risk of Australia's young children being run over in driveways and the risk of other low-speed crashes. I am pleased to report that the Standing Council on Transport and Infrastructure supported both proposals. I also acknowledge the problem of some vehicle companies using safety options as options that cost between $2,500 and $3,500. That is reprehensible. [*Time expired.*]

OFFSET ALPINE PRINTING FIRE

Reverend the Hon. FRED NILE: I ask the Minister for Police and Emergency Services, representing the Premier and the Attorney General, a question without notice. Further to my question on 10 May concerning the investigation into the Offset Alpine Printing Ltd factory fire and the investors, is it a fact, as alleged in media reports, that the investors who benefited from the $53 million payout included the late René Rivkin, Trevor Kennedy, Rodney Adler—who authorised the payment—Sean Howard, Ray Martin, Graham Richardson and possibly Gordon Wood? Will the Minister ensure that these persons are investigated concerning any knowledge of the huge payout prior to the fire?

The Hon. MICHAEL GALLACHER: I hear people saying that a name is missing from that list: Where there is smoke, there is Eddie. I will refer the question to the Attorney General. I am sure there will be an extensive examination of the media reports.

The Hon. Duncan Gay: Why didn't we get a question from those opposite on this?

The Hon. MICHAEL GALLACHER: They have other questions they want to ask today. Sadly, those questions are not as good as this one. This is an important question. I will get an answer not only for the member but also for the public. I am sure that they want to know exactly what is happening in this case as well.

ST HILLIERS CONSTRUCTION PTY LIMITED

The Hon. LYNDA VOLTZ: My question is directed to the Minister for Finance and Services. Given that St Hilliers laid off more than 40 staff less than two months before the Minister awarded it the tender for

public housing projects in Wollongong, Shoalhaven and Coffs Harbour, how can he say, "No-one raised with me any issue about St Hilliers financial position"? There was significant coverage of these problems.

The Hon. GREG PEARCE: It astonishes me that I have to educate the member in the English language. No-one raised with me any financial issue about St Hilliers. Is that clear? On 16 May—that is, last week—St Hilliers put out a statement. That media release stated:

> **Voluntary Administration Process Commences for St Hilliers Construction Pty Ltd**
>
> St Hilliers Construction Pty Ltd today announced that it has appointed Trent Hancock and Michael Hird of Moore Stephens Sydney Corporate Recovery Group as voluntary administrators.
>
> St Hilliers Construction Pty Ltd is the construction arm of the St Hilliers Group.

The release continued:

> An associated company, St Hilliers Ararat Pty Ltd is part of a consortium contracted to undertake the $350 million expansion of the Ararat Prison in central Victoria. St Hilliers Ararat Pty Ltd has at the same time been placed into liquidation.
>
> The Administration of St Hilliers Construction Pty Ltd is due to exposure under guarantees for the debts of St Hilliers Ararat Pty Ltd relating to the Ararat Prison project in Victoria.

The media release went on to quote the St Hilliers Group executive chairman, Tim Casey, who said:

> It is very regrettable that we have had to initiate this action. We have over a number of months explored and exhausted all possible avenues to recapitalise the construction business and find a solution to the significant cost and time overruns on the Ararat Project. Unfortunately a solution was not possible under the current regime.

Mr Casey concluded cheerily that, happily for him, the rest of the St Hilliers Group remains business as usual. That is unacceptable. I do not want to deal with a group that puts a company into administration to avoid its debts. If the Labor Party wants to do that, it will be a long time before it gets the chance. I know the people of New South Wales will not give it another chance to do that sort of thing. If the Deputy Leader of the Opposition believes that the company, having been put into administration, is capable of finishing the contracts, I suggest he looks at some other avenue. Within a week of the problem arising, within a week of this cynical action by this company group, I have taken action and put in place a process to ensure that the contracts are completed.

WORKERS COMPENSATION SCHEME

The Hon. TREVOR KHAN: My question is directed to the Minister for Finance and Services. Will the Minister update the House on views that he is aware of with regard to increases to workers compensation premiums?

The Hon. Amanda Fazio: Point of order: My point of order relates to anticipation. The Legislative Council has established a committee to look at workers compensation and the WorkCover scheme. Comments were made in the media yesterday about options available to cut costs, including increases in compensation. I think the question is out of order.

The PRESIDENT: Order! I have the gist of the member's point of order. This matter is in the public domain. Therefore, it would be nonsense to constrain members' discussion of it.

The Hon. GREG PEARCE: The best financial advice that WorkCover has to hand is that to return the workers compensation scheme in New South Wales back to full funding workers compensation premiums in New South Wales must be increased by 28 per cent and kept at that level. As Minister, I am required to set the workers compensation premiums for the next financial year from 1 July 2012. I am advised that unless we can make substantial reforms to the scheme I should increase premiums by 28 per cent. This puts a great deal of pressure on me and Parliament to look at the reforms. It also puts pressure on business across New South Wales if we cannot get reform and if premium increases become inevitable.

I am aware of a number of views that have been expressed regarding increases to workers compensation premiums as well as the projected increase to workers compensation premiums that the Government has talked about in recent weeks. Businesses are already unhappy that the State's premiums are 20 per cent to 60 per cent higher than workers compensation premiums in other States. I am informed that one smash repairer has stated that he pays $2,000 per employee for workers compensation. Along with all the other

expenses of employing someone, including superannuation, that employer is struggling to keep his operation afloat and his employees in jobs.

The New South Wales Business Chamber has found that if the Government increases premiums by 28 per cent on a very conservative estimate 12,600 job opportunities will be lost. Even if the increase were 10 per cent, 8,000 job opportunities would be lost. I am aware that one member of the Australian Industry Group has said that if premiums increase by 28 per cent it will be forced to consider manufacturing some of its products in China. More manufacturing jobs would leave the State at a time when manufacturing is struggling. Labour hire companies express their concerns that they will not be able to pass on the 28 per cent increase in premiums to their clients and they are also concerned that they cannot absorb those increases either. I note that the Small Business Commissioner, the independent advocate for small business in New South Wales, has made a contribution. She said:

> For small businesses located in border communities, workers compensation premiums are a significant consideration in choosing where to locate their business, with many choosing to locate their business across the border in order to enjoy the benefits of lower premiums.

The New South Wales Farmers Federation stated:

> The independent actuarial report indicated that a 28% premium increase per annum for the next five years is required to return the Scheme … to 100% funding … This imposition will put a huge strain on farm businesses as farmers won't be able to pass the cost of premium increases where their produce are competing with products from other states and often other countries with lower labour cost. Consequently this will have the ripple effect to the wider community and compromise businesses' capability to employ and maintain workers. Ensuring the long term financial sustainability of the scheme is in the interest of workers and businesses.

The New South Wales Government is determined to protect the welfare of injured workers, especially severely injured workers, while remaining price competitive and financially viable with the workers compensation scheme.

MAROUBRA BEACH DEVELOPMENT

The Hon. PAUL GREEN: My question without notice is directed to the Minister for Finance and Services, representing the Minister for Planning and Infrastructure. Is the Minister aware that Randwick City Council has a local environment plan proposing 22-metre buildings in the Maroubra Beach commercial precinct? Given that this proposal is nearly double the current maximum building heights, and given the considerable community opposition, will the Minister indicate what action is being taken to prevent this historic local village from being overdeveloped?

The Hon. Greg Donnelly: Where is the file note for that, Greg?

The Hon. GREG PEARCE: I was tempted to comment on the Hon. Eric Roozendaal's knowledge of property developments in the eastern suburbs, but I will not do that. I will take the question on notice and get the member a detailed answer.

ST HILLIERS CONSTRUCTION PTY LIMITED

The Hon. GREG DONNELLY: My question without notice is directed to the Minister for Finance and Services. What steps is the Minister taking to respond to comments by the member for Coffs Harbour that there was a "clear negligence on behalf of Housing NSW?" Is he correct in his assessment?

The Hon. Duncan Gay: He answered that earlier. That is the same question that he was asked before.

The Hon. GREG PEARCE: I refer to my earlier answers.

NATIONAL MARINE 13 CONFERENCE

The Hon. MARIE FICARRA: My question is addressed to the Minister for Roads and Ports. Will the Minister update the House on the plans for New South Wales to host the National Marine 13 Conference in 2013?

The Hon. DUNCAN GAY: I thank the member for her question. If I relied on those opposite I would not have had anything to do today. Earlier this year I announced a partnership with the Australian boating industry to stage the National Marine 13 Conference in Sydney in 2013. The New South Wales Government recognises the importance of the boating industry not only to provide an important source of recreation to tens of thousands of boaters across the State but also to the New South Wales economy. The recreational boating industry is estimated to be worth $2 billion to this State and some $7 billion nationally. The New South Wales boating industry employs around 14,000 people and the related sector of recreational fishing supports more than 32,000 jobs in this State—and not one of them supports your government.

The Hon. Lynda Voltz: You're the Government.

The Hon. DUNCAN GAY: Your former Government. Hosting the Marine 13 Conference demonstrates our commitment and support for boating safety and the boating industry in New South Wales and Australia. The National Marine 13 Conference will bring together local and international representatives of marinas, recreational boating and boating safety at the one event. It will provide an opportunity for boating and marine industry representatives to share information and ideas on the future of the industry and how to address any challenges on the horizon. Attendees will have an opportunity to learn about and share ideas on the latest innovations in the boating industry, including education, careers, safety, risk management, technology and equipment. The conference will build on the success of previous marine safety conferences and the Sydney International Boat Show to clearly establish Sydney as a hub for the maritime and boating industry in the Asia-Pacific region.

Sydneysiders are keen boaters and boating safety is an important issue for us. Therefore, Sydney is the ideal host city for this event, which will attract around 600 delegates and up to 80 exhibitors from across Australia and the world. Currently the Government is liaising with potential overseas participants—such as the United States Coast Guard, the Canadian Safe Boating Council and the United States National Safe Boating Council—and is looking at industry companies to exhibit advances in areas such as propeller strike safety and boating education software. Marine13 is scheduled to be held at the Sydney Convention and Entertainment Centre from 28 to 30 April 2013. I am pleased that such an important conference will be hosted in Sydney. It provides us with the chance to show off the beauty of our harbour and the strength of the maritime industry in New South Wales. It also cements our reputation as a key destination for industry events.

The Government is proud to say that Sydney and New South Wales have once again become leaders in hosting national and international events. This event coincides perfectly with the commencement of the national system for the regulation of commercial vessels in 2013. The National Law to establish the Australian Maritime Safety Authority [AMSA] as the National Maritime Safety Regulator of domestic commercial vessels was approved by transport Ministers from around Australia at last week's Standing Council on Transport and Infrastructure meeting. The new national system will adopt agreed national standards for the design, construction, operation and crewing of commercial vessels and will ensure that there is national consistency in the application of these safety standards. [*Time expired.*]

SCHOOL BUS SAFETY

The Hon. CATE FAEHRMANN: My question is directed to the Minister for Roads and Ports, representing the Minister for Transport. A number of recent school bus accidents have highlighted community concern over the need for the fitting of seatbelts in school buses. Has Transport for NSW received any requests from school bus operators to amend their contracts regarding seating capacity to allow them to access Federal funds for seatbelt retrofitting?

The Hon. DUNCAN GAY: I thank the member for her important question. Each day thousands of schoolchildren travel to school in the city and on country roads. School buses on country roads travel above the 50 or 60 kilometres an hour city limit. The risk to schoolchildren is of concern, as the member knows. There has been an ongoing inquiry into the matter. I will refer the question to my colleague the Minister for Transport to obtain a detailed response.

TRIPLE-A CREDIT RATING

The Hon. WALT SECORD: My question is directed to the Minister for Finance and Services, representing the Treasurer. Has New South Wales breached the debt level set by international ratings agency Standard and Poor's, triggering a downgrade in our triple-A credit rating?

The Hon. GREG PEARCE: No. But I am pleased to be on my feet talking about numbers. Some people might have missed the numbers that came out last week—the poll. What a wonderful position we are in. The Coalition is still at 63 per cent.

The Hon. Lynda Voltz: Point of order: Loath as I am to interrupt the Minister, I refer to relevance. The question asked specifically about the triple-A rating.

The PRESIDENT: Order! While the Minister had only just commenced his answer, he was moving away from being generally relevant. Entertaining and interesting though that may be, I remind the Minister of the need for him to be generally relevant.

The Hon. GREG PEARCE: The Hon. Walt Secord understood in his previous jobs that the triple-A credit rating is one of the key measures for financial management for the reputation of a government and, particularly, a treasurer. We have the confidence of the community because it knows that we are managing the economy and the budget in a way that those opposite only dreamed about in their good years in government. They frittered away tens of billions of dollars. The people of New South Wales, as well as the ratings agencies, have made a decision. They have told us their thoughts. They think that Mr Robertson is now Mr 14 Per Cent. He has breached the lending covenant, has he not—Mr 14 Per Cent?

The Hon. Lynda Voltz: Point of order: I refer again to relevance. The question specifically asked whether New South Wales had breached the debt level set by the international ratings agency Standard and Poor's.

The PRESIDENT: Order! I remind the Minister of my previous ruling.

The Hon. GREG PEARCE: As I was saying about the triple-A rating, it is an important indication of the performance of the Government as a financial manager. The fact is that members on the other side do not understand the triple-A rating. They do not understand the metrics.

The Hon. Eric Roozendaal: I won it back.

The Hon. GREG PEARCE: The Hon. Eric Roozendaal interjects that he won it back. Who can forget the Hon. Eric Roozendaal's emergency mini-budget in which he tried to cancel school buses?

The Hon. Catherine Cusack: And the Pacific Highway funding.

The Hon. GREG PEARCE: And the Pacific Highway funding. The Hon. Eric Roozendaal then had to go out and reverse things within a couple of months because it was the most catastrophic mini-budget delivered by any Treasurer. The Hon. Eric Roozendaal gave New South Wales the gift of handling the electricity transaction.

The Hon. Eric Roozendaal: Point of order: The question was very specific about the triple-A credit rating that was restored under the Labor Government.

The PRESIDENT: Order! The member is making debating points, not taking a point of order. There is no point of order. The Minister has concluded his answer.

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

Questions without notice concluded.

Pursuant to sessional orders debate on committee reports proceeded with.

GENERAL PURPOSE STANDING COMMITTEE NO. 1

Report: Budget Estimates 2011-2012

Debate resumed from 16 February 2012.

Reverend the Hon. FRED NILE [5.02 p.m.]: I am pleased to bring to the House the report of General Purpose Standing Committee No. 1 entitled, "Budget Estimates 2011-2012". The committee conducted a

number of hearings on 24 October, 25 October and 28 November 2011. I thank the Hon. Melinda Pavey, the deputy chair of the committee, for her effective chairmanship while I was concerned with my wife Elaine's funeral arrangements. The deputy chair conducted those hearings most efficiently and I thank the member very much. The committee investigated issues during the hearings concerning the Minister for Finance and Services, and Minister for the Illawarra such as the remediation of the former uranium plant at Hunters Hill, activities of the Motor Accidents Authority and coal exports from Port Kembla. In regard to Trade and Investment the committee raised a number of questions relating to coal seam gas, public service voluntary redundancies and renewable energy, which are important issues of public debate.

In relation to Planning and Infrastructure the committee raised questions concerning the backlog of part 3A planning applications, land acquisition for the North West Rail Link and the preparations that had been made so that the rail link could proceed, and probity and transparency in planning decision-making. The questions concerning probity and transparency followed from a great deal of controversy as to whether some decisions of the previous Government were influenced by donations. In relation to Treasury the committee raised questions concerning the Waratah bonds, the future of New South Wales's triple-A rating, and the Cobbora coalmine's operating subsidies and future price directories. The latter is an issue of public interest and has been debated in the House. A number of questions were raised with the Premier concerning the Solar Bonus Scheme, the prospect of future electricity privatisation, the issue of energy prices and the increase of electricity prices in New South Wales, particularly for the people of Sydney.

The committee voted to hold a supplementary hearing with Treasury to ask follow-up questions concerning voluntary redundancies, the sale of the desalination plant at Kurnell and the lease of Port Botany. It was a worthwhile inquiry by General Purpose Standing Committee No.1 and I thank all the members of the committee who participated in the hearings: the Hon. Melinda Pavey, the Hon. Catherine Cusack, the Hon. Jenny Gardiner, Dr John Kaye, the Hon. Walt Secord and the Hon. Mick Veitch. I thank the House for the opportunity to table this report.

The Hon. MICK VEITCH [5.05 p.m.]: I will make a brief contribution to the discussion. I would like to put on record my appreciation of the deputy chair, the Hon. Melinda Pavey, who chaired the committee in the absence of the Reverend the Hon. Fred Nile. There is no pecking order in the five general purpose standing committees but General Purpose Standing Committee No. 1 often has the more high profile Ministers appearing before it, including the Premier and the Treasurer, so the media scrutiny of this committee during budget estimates is acute. The Hon. Melinda Pavey chaired the committee well under such scrutiny. I was in attendance on the day the Deputy Premier, Minister for Trade and Investment, and Minister for Regional Infrastructure and Services appeared in relation to his portfolio of Trade and Investment. The Minister's other portfolios were dealt with by other general purpose standing committees. On that day, General Purpose Standing Committee No. 1 conducted itself in a professional manner with the participating Minister.

Due to the media scrutiny of General Purpose Standing Committee No. 1 the committee secretariat has to be, to use a sporting analogy, on top of its game. The secretariat was outstanding during the budget estimates process. It is important to put on the record the way in which the committee secretariat performed for all general purpose standing committees but particularly the ones that undergo extreme media scrutiny. I sat as an observer on a couple of other general purpose standing committee hearings. At a hearing where the Treasurer appeared before the committee to answer a number of questions, it was clear the committee functioned well and was conducted as budget estimates should be conducted. It is a shame that other general purpose standing committees did not operate at a standard that is expected of committees of this House or were not allowed to operate to the same standard achieved by General Purpose Standing Committee No. 1. I am not casting aspersions.

The Hon. Walt Secord: Go ahead.

The Hon. MICK VEITCH: I should but I will not. General Purpose Standing Committee No. 1 clearly set the tone for the general purpose standing committees. I want to place on record my appreciation for all the people involved in the estimates hearings.

Dr JOHN KAYE [5.08 p.m.]: I will address budget estimates with respect to General Purpose Standing Committee No. 1. I acknowledge the chair and the excellent job done by the deputy chair in the chair's absence during his bereavement. The deputy chair did do an excellent job. The committee canvassed a number of matters. I do not propose to go through all of them but I wish to mention three matters. The first is the evidence given by the Director General of the Department of Finance and Services, Mr Michael Coutts-Trotter, in respect to a matter relating to Warringah Council and the overpayment of fines.

One of the issues that came out in evidence at the inquiry in response to questions that I posed to Mr Coutts-Trotter and to the Minister himself was that Warringah Council had been overpaid $1.12 million in debt recovery; that is to say, the council had been paid by the State Debt Recovery Office an amount of $1.12 million in recovered parking fines to which the council was not entitled. Those fines should have gone to the Roads and Traffic Authority but instead went to the council as a result of an accounting error in the State Debt Recovery Office's computer.

As I now understand, a couple of digits were transposed, changing the account code and resulting in the money going to the council, not the Roads and Traffic Authority. Warringah Council is now faced with a bill for $1.12 million, having spent the money, as it would. It had received that money as income, and there was no way council could have been aware that the money was sent to it in error. Having spent the money, council now has to pay it back. That is the front story. But there is a very interesting back story to this. During the budget estimates hearings I asked Mr Coutts-Trotter whether councils could choose to use the State Debt Recovery Office as a collection agency, do it themselves or have others collect for them. Mr Coutts-Trotter said:

> Councils can choose to use the State Debt Recovery Office as a collection agency, they can collect revenue themselves or they can contract x, y or z corporation to do it for them.

So Mr Coutts-Trotter put on the record, under oath, when appearing before General Purpose Standing Committee No. 1, that the service was contestable; that is to say, recovery of debts relating to parking fines is contestable and councils could recover moneys themselves or choose another corporation or the State Debt Recovery Office for that purpose. The problem, of course, is that that is simply not true. Councils are obliged to choose the State Debt Recovery Office. No council in New South Wales, to my knowledge, goes to any organisation other than the State Debt Recovery Office. Mr Coutts-Trotter, for whatever reason, chose to mislead General Purpose Standing Committee No. 1. Of course, we have budget hearings coming up soon, and I will ask Mr Coutts-Trotter before those hearings why it was he chose to mislead the committee.

This is a serious matter. This evidence was taken under oath. Mr Coutts-Trotter has an obligation to tell the truth. If he did not know the reality, or was not sure, he should have told the committee, as he did in response to a number of questions I put to him, "I don't know. I'll get back to you." But he was either bluffing his way through or, for his own reasons, was deliberately misleading the inquiry. On that matter, I raise in this Chamber now that the evidence given by Mr Coutts-Trotter to that committee on Monday 24 October 2011 is a matter of grave concern.

The second matter I wish to raise relates to the privatisation of the Sydney desalination plant—a matter that has reached fruition with the Minister for Finance and Services announcing the preferred purchaser and a purchase price. This is a matter that I and a number of other members, particularly Labor members, raised with the Minister before the upper House inquiry. The issue is this: Between the October General Purpose Standing Committee No. 1 budget estimate hearings and the final decision to choose a purchaser of the desalination plant, dams serving Sydney have overflowed. That highlights what we and many other people have said from the time the decision was made in 2006 by Premier Iemma, and were still saying in mid 2007 when the then water Minister Nathan Rees—I must say during an east coast low, a time at which the dams had already shot up to 50 per cent—signed contracts that locked us into an unnecessary, polluting and very expensive source of water.

The incremental cost of water coming from the desalination plant—leaving aside issues to do with availability charges, which run at about $300 million a year—is of the order of 60¢ a kilolitre. The cost of water obtained from the purification plants that feed water from dams such as Warragamba and Cordeaux is a matter of commercial-in-confidence, but it is around 15¢ a kilolitre. So the water that comes from the desalination plant is some four times more expensive than water that comes from Warragamba; that is, it is four times more expensive and its production causes four times the environmental damage. That was a mistake made by the Iemma Government and locked in by the then water Minister Nathan Rees.

The Hon. Dr Peter Phelps: Shame.

Dr JOHN KAYE: I agree with the interjection of the Government Whip: it is shameful that they did that. The Hon. Dr Peter Phelps continues to interject. He will have an opportunity to contribute to the debate soon. I ask him to show a little bit of courtesy while I am talking. The situation was made far worse by the O'Farrell Government selling the plant and making it impossible to do what the genuinely independent water experts say we should do, that is, mothball the plant, shut it down.

The Hon. Robert Brown: Build more dams.

Dr JOHN KAYE: Not a water expert in New South Wales who has any credibility says dams should be built—not a single water expert, certainly not one who looks at the current state of the dams and sees Warragamba Dam overflowing. But it is all right; members of the Shooters and Fishers Party can live in their fantasy land about wanting more dams built, thereby unnecessarily driving up water bills. That might be good for them, but it does not work for the rest of us. They should keep their insane, expensive schemes to themselves. The desalination plant should have been kept in public hands; it should have been shut down and mothballed.

The Hon. Scot MacDonald: It is in public hands.

Dr JOHN KAYE: I take the interjection from the member. He seems to know about delicious mandarins, and I thank him for the mandarins he gave us last night. They were good mandarins, and I will declare them on my pecuniary interests register. However, the member does not understand the economics of leasing a plant. A 50-year lease on a plant, by every known accounting standard, is a sale. Over 50 years the people of Sydney, the Illawarra and the Blue Mountains have been locked into a desalination plant that they do not need and they do not want. Not only that, but even if they take no water from it, not a drop, they still have to pay $300 million a year.

The Hon. Matthew Mason-Cox: A lease is a lease, it is not a sale.

Dr JOHN KAYE: The member says a lease is a lease; but a 50-year lease, with no out clause in it, has exactly the same accounting impact as a sale. The people of Sydney, the Blue Mountains and the Illawarra will be forced to pay $300 million a year for this plant, even if it does not produce a single drop of water. It gets worse: once the plant does produce water, we will pay about 60¢ a kilolitre for that water. And 60¢ a kilolitre is four times the price of water from Warragamba, Cordeaux and the other dams. That will inevitably push up Sydney household water prices—and this from a Government that was committed to bringing down household water prices. It is a shameful grab for cash to make its current budget look better, when in reality all it is doing is selling off the family silver—I must say, in this case, wholly tarnished silver—to make a quick buck to win the next election. That is not sensible economics, it does not work for the people of New South Wales, and the Government will be exposed. I wanted to talk about the Cobbora coalmine, but I have run out of time, so I will pick that up another day.

The Hon. MELINDA PAVEY (Parliamentary Secretary) [5.18 p.m.]: I thank members of General Purpose Standing Committee No. 1 for their contributions, particularly the chair, Reverend the Hon. Fred Nile, for his kind words. It was my pleasure to be able to step into that role as chair.

Dr John Kaye: You did a good job.

The Hon. MELINDA PAVEY: I acknowledge that interjection because it was a nice one.

Dr John Kaye: You were pretty tough on me.

The Hon. MELINDA PAVEY: It was an honour to be part of the first budget estimates hearings involving the senior Ministers that participated, from the Premier down. I think even Dr John Kaye may agree with me that the Premier made himself available in a very genuine and open way during the budget estimates process.

Dr John Kaye: I didn't like his answers but he gave them.

The Hon. MELINDA PAVEY: He gave answers; he was very much a part of the process. This House should be very proud of the budget estimates process and the way that we conducted the hearings this year. The Hon. Walt Secord was a member of the committee the day the Premier was before us and I could sense a tinge of nervousness from the Hon. Walt Secord, which was interesting to witness. Instead of writing the words to be delivered he was there as part of the process and I think that was a bit of a transition for him.

Dr John Kaye: You shouldn't patronise him.

The Hon. MELINDA PAVEY: I was not being patronising; I understand where he was coming from. I also acknowledge my leader Andrew Stoner. He came to the hearing with a genuine openness, as did the Treasurer and the Minister for Finance and Services, Greg Pearce, and Brad Hazzard, the Minister for Planning

and Infrastructure, who has always been a very good participator in the budget estimates process both in Opposition and now in Government. He took a very open and proactive approach and I believe that augurs well for the administration of government in New South Wales. I thank the Ministers for their participation.

In chairing my first general purpose standing committee I acknowledge the help given to me by Beverly Duffy, Rachel Simpson, Rachel Callinan and the staff of the committee, Christine Nguyen and Shu-Feng Wei. It was great to have their support and know that they were there for guidance when I needed it. To sum up, I believe the General Purpose Standing Committee No. 1 process was very strong and very good. The Ministers participated in an accountable and thorough way and the courtesy that we as members showed each other on the committee was good for the governance of New South Wales.

Reverend the Hon. FRED NILE [5.21 p.m.], in reply: I thank all the members who have participated in this debate and for their participation in the hearings of the committee.

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 1 May 2012.

The Hon. Dr PETER PHELPS [5.22 p.m.]: I speak on this my first estimates as a participant. I have previously been involved in estimates at the Federal level over a period of some 13 years and I was interested and in some cases surprised to note the difference between the Federal estimates and State estimates. The first thing that surprised me was that Ministers from the lower House made themselves available for appearances before the estimates committees of this place.

The Hon. Lynda Voltz: They are required to.

The Hon. Dr PETER PHELPS: Certainly they are required to, just as, I understand, Ministers from the other place are required to in the Senate. Ministers from the House of Representatives in the Federal Parliament have been asked to appear before Senate committees but have always refused to do so, maintaining that the dignity of their House prevented them from appearing before an upper House committee. It strikes me as strange that members from the lower House in this Parliament have not sought to invoke that—perhaps they have but I am unaware of any instance. It was an interesting surprise to find Ministers from another place appearing before the committees of this House.

The second thing that surprised me about the estimates process in this State was the amount of time available to question Ministers. I was quite surprised at the very limited amount of time available in which to question Ministers. In the Senate a normal estimates week goes from Monday to Thursday, with hearings starting at 9.00 a.m. and finishing at 11.00 p.m. On more than one instance the committees have sat into the wee small hours of the morning.

Dr John Kaye: We do so well with the time.

The Hon. Dr PETER PHELPS: The fact is I was surprised that there is relatively little time to ask Ministers questions. This may seem strange coming from a Government member but I believe the estimates process is quite an important process. It is far more important to general accountability than the farrago that is question time in every Parliament in this land. Estimates present an important opportunity to ask the Executive questions of importance in relation to their administration of the State. So I am surprised that such a relatively limited amount of time is made available in which to do so, and I am surprised that the Opposition and crossbenches have not demanded a greater period of time—unless they think that we are doing such a fantastic job that the current Executive of New South Wales does not require an additional period of examination.

The third thing I found surprising about the estimates process is the division of time. There is already a limited amount of time in which to question Ministers, but that time is divided up into roughly one-third blocks between Opposition, crossbenches and Government. It gives a wonderful opportunity for the Government to

indulge in a lot of Dorothy Dixers, but it strikes me that it is not something that would have occurred in the Senate; the Senate negotiates beforehand an amount of time. The Senate recognises that it is essentially a tool for the non-government parties to have an opportunity to address the Government. I thought it was rather strange that a third of the time was allocated to the Government, but apparently that is the way things are done in New South Wales.

The fourth thing I wanted to speak about was the general quality of the questions. I thought, quite frankly, the quality of the questions directed to Ministers from the Opposition and The Greens was generally of a low calibre. Estimates give parties a wonderful opportunity to try to shanghai the Government, to try and catch it unawares and to lead it into an elephant trap. But, generally speaking, I thought—perhaps with the exception of the Hon. Luke Foley—the general quality of questioning from the Opposition and The Greens was of a very second-rate nature and that if former Senator Ray and Senator Faulkner wanted to give lessons to the Labor Opposition it probably could not go wrong in taking some of their advice.

The final thing I want to say is that I thought that the ministerial performance of the Hon. Chris Hartcher was exceptional. Chris Hartcher, Mark Paterson, Mark Duffy and Brad Mallard were very well presented and very well informed and they did a great job appearing before the estimates committee. They were really across their game and I give a big tick to the Hon. Chris Hartcher for his performance. That is not to say that there were any lesser performances, but the Hon. Chris Hartcher's performance was, for me, the standout of my first estimates and I hope to see very many more from the Government side of the table.

The Hon. MATTHEW MASON-COX (Parliamentary Secretary) [5.29 p.m.]: On Thursday 1 December 2011 I participated in the supplementary hearing conducted by General Purpose Standing Committee No. 5—an interesting hearing. There was a fair amount of anticipation relating to the hearing, given the previous performance of the Leader of the Opposition in particular. By "performance" I mean the fairly aggressive approach to the Minister for the Environment taken by the Leader of the Opposition at the earlier hearing. Despite the anticipation, the soufflé did not rise twice and the questions from the Opposition and from members on the crossbenches were rather unremarkable. Some of the issues that were discussed at length were startling in their significance—issues such as the State recovery plan for koalas, which was a matter of great inquiry by the Leader of the Opposition.

A number of additional issues were discussed during the hearing. Of particular interest were questions relating to the safety measures at Orica's Kooragang Island facility. As a member of the Orica inquiry, the report of which I believe will be debated later this parliamentary session, I was interested to hear the questions of the Leader of the Opposition. The Minister responded strongly to questions about measures that had been undertaken to improve the safety of the plant. Indeed, the Government has already implemented a number of the committee's recommendations.

It is worth noting the inquiry conducted by Mr O'Reilly relating to this issue, the establishment of an environment protection agency and other measures that will greatly improve environmental outcomes for Stockton residents and all other residents across our great State. I also thank the secretariat staff for their support. Secretariat staff members always do a wonderful job which we certainly appreciate. I think it was a worthwhile inquiry and that the estimates system generally got off to a good start. When the budget is brought down on 12 June we will have additional opportunities down the track to question Ministers. I look forward to another round of estimates committees on that occasion.

Dr JOHN KAYE [5.32 p.m.]: I was a non-substantive—or indeed insubstantial—member of General Purpose Standing Committee No. 5 during two of its hearings. One was the fair trading inquiry and the other was the energy half of the resources and energy inquiry. I will highlight now a few of the important issues that were raised at the energy inquiry. The first related to a fire at Eraring power station. That power station is one of two large coal-fired power stations in New South Wales and it is also one of our two largest providers of base load electrical energy. Eraring power station is also subject to a gentrader contract that was signed by the previous Government, not one member of whom is in the Chamber. That contract was entered into regardless of the strenuous objections of The Greens and, in the end, the Christian Democratic Party and the Liberal-Nationals Coalition.

In the latter part of 2010 when the provisions of the gentrader contract became clear we raised an issue concerning the availability liquidated damages [ALDs]. The availability liquidated damages are penalties paid by the publicly owned generator, in this case Eraring Energy, to the owner of the gentrader contract when Eraring Energy does not provide electricity for the contractor. The theoretical underpinning is that the contractor

is exposed to market conditions. It will have written a forward contract or a derivative contract to provide energy at a specific time. If it cannot provide energy at that time it is exposed to the market prices for the energy it does not fulfil and therefore could be exposed to losses.

The arrangements in the gentrader contract that was signed off by the previous Government, in particular, former Treasurer Eric Roozendaal, placed a substantial percentage of those losses back on Eraring Energy, a publicly owned company, which effectively were paid for out of the pockets of the people of New South Wales. The fire at Eraring power station triggered the availability liquidated damages provisions within the contract and cost the people of New South Wales about $35 million, although the Minister was unclear whether it was $15 million, $30 million or $35 million.

As somebody who has worked in a coal-fired power station I can say that such interruptions to generation are not uncommon. It is part of the nature of large coal-fired power stations that things occasionally go wrong. It is no reflection on the engineers or the workforce at Eraring that the fire occurred but it highlights the fact that the people of New South Wales are out of pocket for a relatively small episode. Members might rightfully say, "So what." When a power station is entirely publicly owned it will have contracts and it will lose money during those periods when the market price is high and the generator cannot provide the energy.

However, with a fully publicly owned power station the loss during those periods is amply compensated for by other periods and the profits of trading in the market also will come back to the generator. However, under Labor's gentrader contract the profits do not come back to the generator. It is a classic case of privatising the profits and socialising the losses. Every resident of New South Wales bears the brunt of the losses that are incurred when the generators do not generate, but they are not given access to the benefits of the periods of high spot prices. Those are the benefits of trading contracts and the benefits of selling electricity. It is a bum deal for the people of New South Wales and it was highlighted as a bum deal by the fire at Eraring that occurred just before the resources and energy hearing on 28 October last year.

Questions that were put to the Minister focused largely on the issue of exploring how to buy our way out of the contracts. The Minister hid behind the Tamberlin inquiry and said that he would wait for its findings, as did the Premier when that question was put to him at the hearing of another general purpose standing committee. The problem was that the Tamberlin inquiry did not grapple with the issue. In fact, the following day the Tamberlin inquiry was severely embarrassed by the report of the Auditor-General into the transaction as part of his general report to Parliament. He identified several billion dollars of losses, risks and liabilities associated with the contract that Justice Tamberlin did not identify. It is clear that the Tamberlin inquiry missed the key features of Labor's gentrader contracts and it failed to recommend a way forward. That leaves us with a Government that wants to dig us in deeper by trying to privatise the electricity industry, although I note it has not yet got its legislation through the House.

The Hon. Matthew Mason-Cox: You will be supporting that?

Dr JOHN KAYE: No, I will not be supporting that and nor will The Greens. The two gentrader contracts are exposing this State to hundreds of millions of dollars, if not billions of dollars, of potential losses and liabilities. As I alluded to in question time today, on top of that the Government has a commitment to a highly uneconomic coalmine at Cobbora to provide coal to both the gentraders, as was admitted by Origin Energy in its note to its shareholders. There also is the potential privatisation process. So the poor old taxpayers and householders in New South Wales who pay bills will end up getting it from both sides.

They got it from Labor with the gentrader contracts, which took the profits out of 2½ power stations, and now they will get it from the Coalition which will sell off the generators, probably with a publicly owned coalmine providing coal at a highly subsidised price to those power stations. If members doubt that, the evidence that they should re-examine is the words spoken at the gentrader inquiry by the man who is now the Treasurer of New South Wales in response to questions asked by the man who is now the Minister for Finance and Services in New South Wales. Either way, the evidence that damns electricity privatisation came directly from the mouths of people who are now most directly responsible for doing it.

The people of New South Wales are fed up with privatisation. They are sick of seeing assets for which they paid being sold off at well below their value and at the same time seeing the costs associated with those assets being held in public hands. I notice that the Deputy-President, the Hon. Cate Faehrmann, is looking at me askance because I have not mentioned the environmental impact of privatisation. Each year privatisation is handing over 60,000,000 tonnes of equipment that produces carbon dioxide, which is 40 per cent of the State's

greenhouse gas emissions, to corporations that seek only to produce more greenhouse gas emissions from coal to create greater profits. That is not their fault: it is the nature of what they do.

Before I conclude, I will address the issue of energy prices, in particular, the ongoing propaganda by the Coalition about the impact of the carbon price on electricity prices. One of the myths that The Greens attempted to dispel during the General Purpose Standing Committee No. 5 hearing was based on the issue of causality, which means that something does not happen until the thing that causes it has happened. Indeed it would not have been possible for electricity prices to have risen to date because of the carbon price as there was no carbon price. The reality of huge electricity price rises has been the $17.9 billion expenditure on wires, poles and substations that was approved by the previous Government, approximately one-third of which is completely unnecessary and will be used for only two hours a year. That amounts to approximately $5 billion worth of assets that sit around for two hours a year when there are demand management solutions that offer a far lower cost and that are far better for the environment. It is a great shame that the Minister was not able to understand that argument and was not able to respond to it.

The Hon. ROBERT BROWN [5.42 p.m.], in reply: I will not take up much of the time of the House in replying to the take-note debate on the report of General Purpose Standing Committee No. 5 entitled "Budget Estimates 2011-12." However, I will echo the comments made by members who congratulated the secretariat staff members on their tireless work. I also note the contribution made by the Hon. Dr Peter Phelps. It is interesting to compare the New South Wales upper House committee system to the Senate's committee system. I agree with him that, generally speaking, when committee time is divided three ways, there is far too little time for each member to ask questions.

Notwithstanding that, I must say that in carrying on a tradition of General Purpose Standing Committee No. 5 which originated during the term of the previous Government when the Hon. Ian Cohen was Chair, a spirit of cooperation was adopted by the previous Labor Government, which also has been shown by the current Government, of forgoing government questions to allow the Opposition and crossbenchers to ask questions. I applaud that approach and suggest to the Chairs of all general purpose standing committees that they negotiate the same types of terms and conditions for future estimates hearings to allow a full examination of the Government's answers to what can be very searching questions.

I note the spirited defence of the Minister for the Environment by the Hon. Cate Faehrmann, but I suggest that the Minister does not need anybody to stick up for her. She is a Minister of the Crown and she conducted herself admirably. We heard from the Hon. Matthew Mason-Cox that the supplementary hearing was a bit of a—

Dr John Kaye: Fizzer.

The Hon. ROBERT BROWN: Yes, a fizzer, because the Minister during the supplementary hearings handled herself very well. My concluding comment is addressed to members who do not attend General Purpose Standing Committee No. 5 hearings. Please note that there is no bullying, and I will never allow bullying.

Dr John Kaye: That is true. You are very good.

The Hon. ROBERT BROWN: I thank members of the committee very much. I thank members of the Government and the Opposition for contributing to the report and, once again, I thank the committee's staff. 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.

SELECT COMMITTEE ON THE KOORAGANG ISLAND ORICA CHEMICAL LEAK

Report: Kooragang Island Orica Chemical Leak

Debate resumed from 1 May 2012.

The Hon. MATTHEW MASON-COX (Parliamentary Secretary) [5.45 p.m.]: On the previous occasion when this report was being discussed, I spoke about the failure of Orica's risk management practices in

relation to the chemical spill and I outlined some of the evidence given to the inquiry relating to the delays in notification. I will particularly mention the failure of Orica to investigate adequately the possibility of off-site impacts on the evening of 8 August 2011 and delays in investigating the Stockton residents' report of an off-site impact on 9 August 2011.

A range of delays on the part of Orica impacted very significantly on how the incident was managed. Other delays occurred in notifying the Office of Environment and Heritage, such as the failure by Orica to disclose in its initial report to the Office of Environment and Heritage that the emission had escaped off-site. That was a very serious omission on the part of Orica, as was the failure by Orica to notify Health of the escape of the emission off-site on 9 August 2011, despite having been advised to do so by officers of the Office of Environment and Heritage. When Orica finally notified Health, it failed to make it clear to Health that the emission concerned a solution of chromium VI.

Those failures certainly cumulatively impacted on how this very serious incident was dealt with by the Government. In relation to finding 12, there is a dissenting statement by Government members. The Government members of the committee believe that finding 12 was phrased inappropriately. While Government members do not believe the delays in notifying the public were appropriate, the wording of finding 12 reflects a motivation to blame the Minister for Environment and Heritage for the delay in notifying the public when it is the view of Government members that it is clear from the evidence before the committee that delays in notification were the result of a lack of timely and appropriate communication by Orica to the Government, within the Government, and between the Office of Environment and Heritage and the Minister.

It is very important in regard to this inquiry that the role of Orica be clearly understood and that light be shone very brightly on some of the practices of Orica at that important facility. I trust that some of the lessons of the report will be learned by Orica and by other companies that are operating in sensitive environments. The report presents a very clear warning that the Government will not tolerate incidents of this nature. I note that Orica has had subsequent incidents at other sites, and it is very clear that the Government will act to ensure that the public is protected in relation to those incidents. The new regime under the increased powers of the Environment Protection Authority should ensure that that occurs.

The Hon. ROBERT BROWN [5.48 p.m.], in reply: It is a pleasure to respond to the take-note debate on report No 1 of the Select Committee on the Kooragang Island Orica Chemical Leak. I took the place of my colleague the Hon. Robert Borsak as Chair of the committee when he had to stand down. I thank all members of the committee for the way in which they conducted themselves. This committee was a little more serious than a normal budget estimates committee where some levity is sometimes tolerated. This was a serious issue that affected, or could have affected, the health of many citizens in this State. I thank specifically the secretariat staff of the select committee which conducted an extremely technical hearing and who had to absorb and understand a lot of detailed information. Many committee members, including me at times, sought clarification from some of the witnesses because the information they were providing was technically based and detailed.

I cannot conclude without commenting on the remarks made earlier by the Hon. Matthew Mason-Cox. There were dissenting reports but I refer to the apportionment of blame and draw to the attention of the House the evidence that was given by the Premier. The Premier advised the committee at his first and only appearance before the committee that the Government's response was unsatisfactory. On a number of occasions I have heard this Premier say, "I was wrong" or "The Government was wrong" and that it would do it better. To me that is a measure of a man who acknowledged that there were problems but that they would be fixed. I hope that the upper House select committee, which reported after the O'Reilly hearings, was able to add to the body of knowledge on which the Government will rely in the future because chemical industries, which by their very nature are potentially dangerous, will continue to operate in New South Wales and in Australia for years to come. I hope that lessons were learned by all. 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.

STANDING COMMITTEE ON SOCIAL ISSUES

Report: Transition Support for Students with Additional or Complex Needs and Their Families

Debate resumed from 6 March 2012.

The Hon. NIALL BLAIR [5.52 p.m.]: In June 2011 the Minister for Education, the Hon. Adrian Piccoli, referred to the Standing Committee on Social Issues an inquiry into transition support for students with

additional or complex needs and their families. This was my first exposure to the committee process and I had the great honour of being appointed Chair of the committee. At the outset I thank the committee secretariat led by Rachel Simpson, with the support of Teresa McMichael and Lisa Scheikowski, for the support they provided to me throughout this important inquiry. It was quite clear that the transition process in New South Wales, in particular, for children with complex needs, was fragmented and disjointed. Student transitions throughout the education system, whether it be from preschool into primary school, the different stages of primary school, in particular, junior school into senior school, and from high school and into tertiary education, are vital for children in our communities who have complex needs. It was clear that no single agency was responsible for transition planning—an issue that has to be addressed throughout this State.

As transition support for children and young people with disabilities has been dealt with by a number of different inquiries, the Standing Committee on Social Issues welcomed an opportunity to give detailed consideration to this issue. The committee examined the importance of positive transitions on the educational outcomes of students with additional and complex needs, with the aid of 67 submissions, 71 witnesses, three hearing dates and one site visit to Dubbo. Throughout this inquiry and the subsequent report, 24 recommendations were made which were aimed at overcoming the barriers experienced by families throughout the State.

One of the first things that the committee examined was the level of support that was available, or that was not available, to parents trying to get children with complex needs through the school system. Families had to retell their stories. The information that these families have is that which they find out themselves or stumble upon. There is no-one to whom they can turn to establish what services are available or how to ensure a smooth transition for their children. The committee recommended a one-stop shop for families to access up-to-date information and the creation of relevant services.

The committee recommended also that families should share their transition stories with other families through online forums and face-to-face workshops. On many occasions the committee received evidence that families were learning from other families who had been through the same experiences. One witness who comes to mind had a deaf child with Down syndrome and an autistic child who was blind. She was willing to give evidence to the committee so that other families could learn from her experience. Families turn to other families who have been through similar experiences to establish where to obtain support. The committee recommended the establishment of links to other families and online forums as part of a one-stop shop for families to access the information that they need.

Another issue that was raised related to placement and enrolment. Under the Education Act 1990 every child in New South Wales is entitled to enrol in a government school that is designated for the area in which he or she lives and which he or she is eligible to attend. The majority of students with additional and complex needs are enrolled in their local schools and attend mainstream classes. Decisions about placements into specialist or support classes in regular schools or schools for special purposes are made by regional placement panels. Placement panels also determine access to specialist support provisions such as itinerant teachers and additional funding support.

Concerns also were raised about the fact that families' preferences regarding schools were not being respected or valued and that some schools were attempting to channel families down different paths. Concerns were expressed also about the timeliness of placement panel decisions, with late decisions causing added stress for students with additional or complex needs and their families, impeding the ability of families and schools to plan adequately and to prepare for transitions. I emphasise again the overwhelming evidence that the committee heard about the need to make good and early decisions so that families were able to prepare and to plan for successful transitions for their children, even for things such as getting to school.

One family even had to establish the best possible route for a metropolitan student with special needs, for example, where she should change trains and how she got from the train station to the school. That cannot happen in a short period; a family needs to know early on what route a student must take so that it can prepare for a child's transition. The committee encouraged schools to consider and to respect families' preferences for school settings. It recommended also that standard placement panel decisions be made by the beginning of term three of the year prior to school entry, or earlier if practicable.

Funding and resources, which are quite complex, were other issues that were dealt with by the committee. The committee believes that recent decisions that have been made in New South Wales, decisions that have been made by the Federal Government and new policies that will empower schools to make more local

decisions relating to school budgets will enable the appropriate allocation of funding. I emphasise that these decisions must focus on transition support for students. Schools are the best places in which to make those decisions and to allocate the funding where it is needed the most.

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

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Precedence of Business

Motion by the Hon. Duncan Gay agreed to:

That standing and sessional orders be suspended to allow the moving of a motion forthwith relating to the conduct of business of the House.

Precedence of Business

Motion by the Hon. Duncan Gay agreed to:

That Government business take precedence.

PRIMARY INDUSTRIES LEGISLATION AMENDMENT (BIOSECURITY) BILL 2012

Second Reading

Debate resumed from an earlier hour.

The Hon. DUNCAN GAY (Minister for Roads and Ports) [6.01 p.m.], in reply: I thank all members for their contribution to the debate. The Primary Industries Legislation Amendment (Biosecurity) Bill 2012 makes important amendments to the Animal Diseases (Emergency Outbreaks) Act 1991, the Plant Diseases Act 1924, the Fisheries Management Act 1994 and the Noxious Weeds Act 1993. However, I remind members that this bill is about emergency situations and not general day-to-day management of biosecurity issues. Agencies and authorities, communities and landholders need to act quickly and effectively in emergency animal and plant pest and disease outbreaks. This is essential to mitigate risks to agriculture, animals, human health and the environment.

This bill will improve our compliance with the four national biosecurity agreements to which we are a signatory, and address gaps and limitations in our legislation that may prevent an effective response to a biosecurity incident. The Hon. Steve Whan questioned whether the amendments proposed by The Greens would slow down the process. My simple answer is one I suspect he already knows: Of course they will. Yes, they will slow down this emergency response. They will also, as he correctly surmised, increase red tape, add unnecessary legislative burden and result in duplication of processes. Apart from wasting scarce resources, it will slow the process when that process needs to operate as quickly as possible.

The foreshadowed Greens' amendments will seriously impact on our ability to control pest and/or disease outbreaks in a timely manner. The Greens intimated that this bill was developed as a mechanism to manage flying foxes. Frankly, this is far from the case. Examples of the species that could be declared as emergency animal pests include tramp ants, which have been identified as a national priority invasive species and include red imported fire ants, tropical ants, yellow crazy ants and argentine ants; the red-eared slider turtle, which has been listed in the top 100 world's worst invaders by the International Union for Conservation of Nature; and let us not forget the Asian bullfrog. We must remember that flying foxes can carry and transmit dangerous diseases to horses and humans—as demonstrated by the hendra virus outbreaks. If an emergency occurs we need to respond quickly.

Dr John Kaye: What is the Asian bullfrog?

The Hon. DUNCAN GAY: Well, you name the person. I point out that the bill already requires consultation with the Minister for the Environment regarding native animals; the proposed amendments duplicate this requirement. Once again The Greens' amendments are unnecessary red tape from an unnecessary member in this House. The proposal to include a legislative requirement to consult with the Commonwealth is again legislation for legislation's sake.

The Hon. Jeremy Buckingham: That is your red tape.

The Hon. DUNCAN GAY: It is red tape from the green tape specialist. Red and green tape is what he lives for. Any good Government regularly consults with its Federal counterparts—as I do with my friend Albanese—on such important matters. Indeed, many detailed intergovernmental planning and response documents already cover disease outbreak situations in this country. This is not something we have not experienced or worked through. Members will remember the recent equine influenza.

The proposed amendments to the declaration of restricted and controlled areas are impractical and clearly illustrate The Greens lack of understanding about how an emergency is managed. One does not run in, park the Prius on the side of the road, strategically place the rock crystals and drag the chook entrails around to treat it; one must have proper means of control in an emergency. In an emergency generally an infected place or area is declared a restricted area. Management zones can be progressively implemented around the initial restricted area to control or prevent the spread of the pest or disease. This is a proven and effective approach to pest and disease containment. It has been refined over a number of incidents.

The Greens' proposed amendments will completely undermine this practical and crucial mechanism. New South Wales must ensure that it has the appropriate legislation and systems in place to respond to biosecurity incidents, especially in emergency situations. These are sensible amendments in this amending bill that provide consistency to the approach taken to animal and plant pests and diseases and weeds; provide for more efficient and effective operational and administrative arrangements; and greatly improve our capability to respond to emergency pests, weeds and diseases that affect the economy, the environment and our community. I commend the bill to the House.

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

Motion agreed to.

Bill read a second time.

In Committee

Clauses 1 and 2 agreed to.

The Hon. JEREMY BUCKINGHAM [6.10 p.m.], by leave: I move The Greens amendment No. 1 on sheet C2012-076A and The Greens amendment No. 1 on sheet C2012-077A in globo:

No. 1 Page 3, schedule 1 [3]. Insert after line 20:

(4) The Minister must not declare an animal that is a threatened species (within the meaning of the Threatened Species Conservation Act 1995) to be an emergency animal pest unless the Minister administering the Threatened Species Conservation Act 1995 consents to the making of the order.

(5) The Minister must not declare an animal that is a listed threatened species (within the meaning of the Environment Protection and Biodiversity Conservation Act 1999 of the Commonwealth) to be an emergency animal pest unless the Minister administering the Threatened Species Conservation Act 1995 consents to the making of the order after having consulted with the Minister administering the Environment Protection and Biodiversity Conservation Act 1999 of the Commonwealth about the order.

No. 1 Page 14, schedule 1 [36]. Insert after line 29:

(5) The Minister must not order the destruction of an animal that is a threatened species (within the meaning of the Threatened Species Conservation Act 1995) or a listed threatened species (within the meaning of the Environment Protection and Biodiversity Conservation Act 1999 of the Commonwealth) unless the Minister administering the Threatened Species Conservation Act 1995 consents to the making of the destruction order.

The Greens amendment No. 1 on sheet C2012-076A is sensible. It requires the Minister to obtain the consent of the Minister for the Environment before declaring a State or federally listed threatened species an emergency animal pest. This is a reasonable expectation when dealing with threatened species. These are animals that through loss of habitat, disease and other factors are in decline and are recognised as such. It is an indication that its population has been reduced and it is under pressure from factors such as habitat loss and culling. The Greens amendment makes the agreement of the environment Minister a requirement. The bill requires the inclusion of

"consultation". In respect of accountability and good governance, it is reasonable to expect the environment Minister to sign off on what may be, for some animals, a localised extinction. The Greens can foresee a scenario where a whole camp of flying foxes are culled because of a suspected hendra virus infestation—regardless of whether all of those animals carry the hendra virus. That information would not be easy to ascertain. It is reasonable that we require the environment Minister to agree to the action.

The Greens amendment No. 1 on sheet C2012-077A requires the concurrence of the environment Minister before a destruction order of a threatened species can be made. The Minister has suggested that this is more green tape or red tape to be tangled up in. It is about a quick mechanism where the State making the case of a legitimate biosecurity threat can be confident that it would be highly unlikely that the Federal or State environment ministers will stand in the way of a legitimate biosecurity concern. If the animal is to be destroyed in large numbers, if it is to be affected locally or, in more catastrophic circumstances, if it is to be affected across the whole State there has to be a sign off by the environment Ministers before it is done.

The bill makes reference to the National Parks and Wildlife Act, which covers all species in New South Wales. I do not think that is an accurate reflection of what the bill should set out to do. I think making reference to the Threatened Species Conservation Act 1995 and the species listed in that Act is far more important. I note the Minister's comment that this bill has nothing to do with the grey-headed flying fox. If it has nothing to do with the grey-headed flying fox, why were so many members in the other place referring to it? A constituency in New South Wales wants to see that particular species wiped out. They have been vocal in stating that they want that animal destroyed as a pest. The proof of the pudding is in the eating.

The Greens believe a more proactive approach to biosecurity is needed. There are examples of communities seeking to establish habitat for the flying foxes and learning to live with them. That has been seen in Queensland and in Coffs Harbour. The Greens are concerned as to the intent of the emergency pest animal declaration; if those concerns are unfounded then the Government should support these reasonable amendments. It does not tie the response time in red tape. A reasonable environment Minister, knowing the urgency of the issue, will quickly return with a decision. If the situation requires a destruction order that order would take some time to plan and implement. It is reasonable to have the concurrence of the State environment Minister when it comes to threatened species. It is reasonable that there be consultation with the Federal environment Minister.

The Hon. STEVE WHAN [6.16 p.m.]: The Opposition has a number of responses to the amendments moved by The Greens. It does not disagree with everything that the Hon. Jeremy Buckingham said. There are a few points that the Opposition believes will slow the process and are not necessary. I will start with amendment No. 1 on sheet 2012-077A. That amendment suggests that the Minister must not order the destruction of an animal that is on the threatened species list unless the Minister administering the Threatened Species Conservation Act, the environment Minister, consents to the making of the destruction order. In the Government's amendment bill there is a provision that any species covered by the National Parks and Wildlife Act would require consultation with the Minister. As the Hon. Jeremy Buckingham has pointed out, there is no difference between the two as to the lists of animals. The key difference is whether the wording should be "consent" or "consult."

I can understand that The Greens might want to put the word "consent" in the bill. However, from my experience, having been the primary industries Minister and consulted with the environment Minister on a number of matters over a period of time in government, "consultation" essentially means there needs to be agreement. If there is no agreement, it needs to be resolved. It is not necessary to include the word "consent" in the bill at that point. Amendment No. 1 on sheet C2012-077A is unnecessary. Those species are covered by the national parks legislation. I note that the amendment adds subsection (5); it does not replace subsection (4). On that basis, the Opposition will vote against the amendment.

The Greens have moved the amendment on sheet C2012-076A. The Opposition can agree with the first part of that amendment, which seeks to insert subsection (4). Again, I am a little concerned about the use of terminology that would require the consent of the Minister administering the Threatened Species Conservation Act, rather than consultation with that Minister about an order. As I have said, from my experience in government, in practice I do not think that wording would make a lot of difference. The Government's proposal is that, where an order is to be made for destruction of an animal that is a threatened species, the Minister for the Environment should be consulted; but it does not propose the same procedure regarding declaration of a threatened species as an emergency animal pest. I do not think it is unreasonable to ask for consultation with the Minister for the Environment on the declaration of an animal as an emergency animal pest. Consultation may slow the process slightly, but that is not necessarily a decision that is made overnight.

However, I am concerned about subsection (5) of The Greens amendment, because it requires consultation with the Commonwealth Minister. That could significantly slow down the process. In circumstances of potential spread of a disease such as foot-and-mouth disease or Newcastle disease spreading into a wild bird population in a particular area, one needs to be able to move very quickly. I am concerned that consulting with the Commonwealth Minister, and therefore waiting for an opinion from the Federal department, when it has not been engaged in the process from day one, might be a much slower process.

Therefore, I will move an amendment to omit subsection (5) from The Greens amendment No. 1 on sheet C2012-076A. I welcome the fact that The Greens will not move the amendments on sheet C2012-078. The Greens made a sensible decision not to move those amendments. In the debate today a number of positive contributions were made on this matter. But I would take issue with the Hon. Scot MacDonald, who made misleading comments about my response on myrtle rust, which was identified on 23 April 2010, and on which we took immediate action.

The Hon. Duncan Gay: Point of order: The Committee is considering a number of amendments. It is not appropriate for the member to seek to rebut comments made during the second reading debate. The member, being a former Minister, frankly knows better than that. I should not have to remind him that his comments should be addressed to the amendments.

TEMPORARY CHAIR (The Hon. Sarah Mitchell): Order! I uphold the point of order.

The Hon. STEVE WHAN: I accept the point of order. This is overwhelming positive legislation; it continues the work that the previous Government undertook—work which we always undertook in a timely manner. It is a pity that a completely untrue assertion was made in the second reading debate.

The Hon. Matthew Mason-Cox: Someone is feeling guilty.

The Hon. STEVE WHAN: I note the interjection, "Someone is feeling guilty." In response to the interjection, might I say that I can produce documentation of what I did from 23 April on the myrtle rust issue. Yes, there was a national debate on whether that was controllable, but when I was Minister New South Wales spent more than $5 million controlling that outbreak and trying to eradicate myrtle rust. I move:

That The Greens amendment No. 1 on sheet C2012-076A be amended by omitting proposed subsection (5).

The Hon. DUNCAN GAY (Minister for Roads and Ports) [6.23 p.m.]: The Government opposes each of The Greens amendments. Frankly, the logic of the former Minister defies description; he argued against his own case. But I will come to that in a moment. The Hon. Jeremy Buckingham opened up page 1 of the Luke Foley book of overcooking the issue. His argument was unbelievable. It reeked of all the Chicken Little stuff that the Leader of the Opposition regularly uses. He was conjuring visions—

The Hon. Greg Donnelly: Point of order: The Minister is casting aspersions on a member of this House. He should desist from doing so, and I ask that he be directed accordingly.

TEMPORARY CHAIR (The Hon. Sarah Mitchell): Order! I did not hear the comment that drew the point of order as I was consulting the Clerks.

The Hon. DUNCAN GAY: The Hon. Jeremy Buckingham was well and truly overcooking his argument. He was conjuring up visions of genocide against threatened species. Nothing could be further from the point. He wants to run an imaginary crusade. The issue is the practical situation of addressing an emergency that could arise in this State. Unlike the scaremongering of The Greens, this bill deals with realities that face this State and our agricultural community. Frankly, New South Wales and the agricultural community are not helped by any of the rubbish that The Greens have put forward today. It is unnecessary red tape to provide that the Minister must consult with the Minister for the Environment. As I said in my response, that procedure is already in place. We do not need unnecessary, duplicating red tape.

The Hon. Steve Whan said he would be happier if the requirement were to consult rather than to seek consent. Why does the member support The Greens amendment when that obligation already exists, and the amendment would make things worse? The Opposition would better serve the farming community by not supporting any of The Greens amendments. There are already in the Act provisions for consultation with the Minister for the Environment regarding native species. As I indicated, it is important not to use the term "consent" and thereby unnecessary red tape that will slow down the process, when sometimes minutes or hours are important.

Reverend the Hon. Fred Nile: It is green tape.

The Hon. DUNCAN GAY: It is green tape, and red tape, in this instance. To prevent the spread of a disease we must act quickly. As the Hon. Steve Whan appropriately indicated, when he was Minister there was consultation. To require consent is just not acceptable when timely action is required. I hope that before we vote on this amendment the Hon. Steve Whan will rethink his position, because he understands some of the ramifications of the amendment given his previous position as Minister.

The Hon. JEREMY BUCKINGHAM [6.28 p.m.]: It is clear that the Minister does not know what he is talking about. Luckily for us, there are far fewer animals listed in the Threatened Species Conservation Act than are listed under the National Parks and Wildlife Act. All native species in New South Wales are listed under the National Parks and Wildlife Act. I am not sure of the number of threatened species listed in the Threatened Species Conservation Act. The Greens amendment will actually cut red tape, because the amendment requires consent for only threatened species rather than consultation for all species. It is clear that the Minister is confused on the issue being debated. All of The Greens amendments are reasonable, but I am pleased that the Labor Party will at least support one of them.

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

The Committee continued to sit.

The Hon. STEVE WHAN [6.30 p.m.]: The new category of emergency animal pest is not in the existing legislation. It is not unreasonable to expect that the legislation would include a consent or consultation process similar to the provision introduced by the Government on the destruction of animals. I do not accept the Hon. Jeremy Buckingham's point about reducing red tape, because he is not replacing the provision; he is adding an extra provision that refers to consent rather than just consultation. While I accept some of the points that the Minister made about "consent", I am more than happy for the Government to move to change that to "consultation". However, for simplicity of the process and in light of what is likely to happen with the vote, I will stick with the amendment I have already moved.

Dr JOHN KAYE [6.31 p.m.]: I find it hard to understand what the Minister is saying. He is talking about layers of green tape and that that it is going to slow the process down. What we are effectively suggesting is a phone call to the environment Minister saying, in the case of an animal being declared an emergency animal pest, "We are about to do this. Is that okay with you?" Threatened species are declared threatened because they are hanging on, and to move an animal into the category of an emergency animal pest without having a voice for the environment being heard would be a grave error.

In the way they are written, these amendments will not slow down the process. It does not refer to consultation with the environment movement and the convening of a scientific committee, which would have been another way to deal with this; it is simply a call to a ministerial colleague saying, "This is what we are doing. This is why we are doing it. Are you okay with that? Is there a reason why we should not do that?" It is a very straightforward process. A phone call is a long way from green tape. It is the Minister who is scaremongering, not The Greens.

The Hon. DUNCAN GAY (Minister for Roads and Ports) [6.33 p.m.]: The Greens are being disingenuous to the Chamber. Had it just been a phone call the provision within the bill—which refers to consultation—would have sufficed. Yet The Greens have moved an amendment that goes beyond that, seeking consent. I cannot believe that The Greens would accept a phone call as formal consent. They might say it now but I believe that they are weasel words and, frankly, we are better not to support them because they are all about putting red and green tape in place.

Question—That the amendment of the Hon. Steve Whan of The Greens amendment No. 1 [C2012-076A] be agreed to—put and resolved in the affirmative.

Amendment of the Hon. Steve Whan of The Greens amendment No. 1 [C2012-076A] agreed to.

Question—That The Greens amendment No. 1 [C2012-076A] as amended be agreed to—put.

The Committee divided.

Ayes, 16

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

Noes, 19

Mr Ajaka	Mr Gay	Reverend Nile
Mr Blair	Mr Green	Mrs Pavey
Mr Borsak	Mr Harwin	Mr Pearce
Mr Brown	Mr Lynn	
Mr Clarke	Mr MacDonald	*Tellers,*
Ms Cusack	Mrs Maclaren-Jones	Mr Colless
Ms Ficarra	Mr Mason-Cox	Dr Phelps

Pairs

Mr Searle	Mr Gallacher
Mr Moselmane	Miss Gardiner
Ms Sharpe	Mr Khan

Question resolved in the negative.

The Greens amendment No. 1 [C2012-076A] as amended negatived.

Question—That The Greens amendment No. 1 [C2012-077A] be agreed to—put.

The Committee divided.

Ayes, 5

Ms Barham
Ms Faehrmann
Mr Shoebridge
Tellers,
Mr Buckingham
Dr Kaye

Noes, 29

Mr Ajaka	Mr Gay	Mr Primrose
Mr Blair	Mr Green	Mr Roozendaal
Mr Borsak	Mr Harwin	Mr Secord
Mr Brown	Mr Lynn	Mr Veitch
Mr Clarke	Mr MacDonald	Ms Voltz
Ms Cotsis	Mrs Maclaren-Jones	Ms Westwood
Ms Cusack	Mr Mason-Cox	Mr Whan
Mr Donnelly	Reverend Nile	*Tellers,*
Ms Fazio	Mrs Pavey	Mr Colless
Ms Ficarra	Mr Pearce	Dr Phelps

Question resolved in the negative.

The Greens amendment No. 1 [C2012-077A] negatived.

Schedule 1 agreed to.

Schedules 2 to 4 agreed to.

Title agreed to.

Bill reported from Committee without amendment.

Adoption of Report

Motion by the Hon. Duncan Gay agreed to:

That the report be adopted.

Report adopted.

Third Reading

Motion by the Hon. Duncan Gay agreed to:

That this bill be now read a third time.

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

TATTOO PARLOURS BILL 2012

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

Motion by the Hon. Duncan Gay agreed to:

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

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

ADJOURNMENT

The Hon. DUNCAN GAY (Minister for Roads and Ports) [6.51 p.m.]: I move:

That this House do now adjourn.

COMMUNISM IN AUSTRALIA

The Hon. Dr PETER PHELPS [6.51 p.m.]: On 16 May this year an email was circulated to all members of this House. It was originally directed to the Premier, Barry O'Farrell, and called on him to make me apologise to the family of Freda Brown. I can say to honourable members that I will not apologise for anything I said. In this letter a woman by the name of Kilty O'Gorman, who claims to be the granddaughter of Freda Brown, says that Freda Brown was "a loving mother, grandmother and great-grandmother" and "without reservation that no matter what her politics she was a committed mother and loving grandmother." The fact is that she was a committed Communist who loved Stalin. That is what she was. For Kilty O'Gorman to suggest that we should rely on family values completely belies the fact that the Stalinists attempted at every instance to try to disrupt the family, and they actively praised children who would denounce their own parents to the authorities.

It comes as a bit of a surprise to me that we are not permitted to criticise someone after their death. If that is the case, I look forward to the Leftist hagiography of Oswald Mosley and people like him. I will probably be waiting a long time but, according to some, we cannot criticise someone after their death. Unfortunately in New South Wales, the penurious laws of defamation often mean that the only time someone can be criticised is after their death, or in this place. Kilty O'Gorman says that Freda Brown was a public figure who was committed to social change across the world. We know exactly what social change she was committed to across the world. She was committed to the imposition of a Stalinist regime in every country on earth. She was committed to the creation of a gulag archipelago in every country on earth. She was committed to the destruction of individual personal freedoms for the sake of State Stalinist socialism.

Kilty O'Gorman says it was a disgraceful attack, but what is disgraceful is that Freda Brown maintained her support for the Stalinist regime for so long. There were people who saw it coming—Bertrand Russell in the 1920s, Muggeridge in the 1930s, Orwell and Koestler in the 1940s. They were people who understood it. Yet all throughout that period the Brown family and other Communists and their fellow travellers were all too keen to give leave passes to the excesses of Stalinism. I am not prepared to do so. I am prepared to remind people exactly what they stood for. They stood for the gratuitous acceptance of the Molotov-Ribbentrop Pact. The Communist Party is quite interesting in this regard. They were all part of the anti-Fascist movement up until the Molotov-Ribbentrop Pact, at which point the orders from Moscow said, "No, no, no. The war in Europe is simply a clash between two competing capitalist extremes. Therefore we are not to have anything to do with it."

Only after the Soviet Union had been attacked would the Communist Party of Australia accept that the war was valid and legitimate. Comrade O'Gorman says, "Elected representatives who are using my family's money paid through our taxes to have a go at a lady who has died is cruel". What is cruel is the death of 98 individuals at the Berlin Wall—98 individuals who were searching for freedom. Comrade Brown died in her bed aged 90, but that same fate did not await Peter Fechter, who was just 17 years old when he was shot by East German guards. He lay in no-man's land between the two sides for nearly an hour, screaming for help, before he bled to death. That was the sort of regime that Freda Brown was so keen to support and so keen to justify.

There is a well-written book, *The Venona Secrets*, which largely deals with the United States, but it is equally applicable to Australia because it is well known that there were Venona spies in Australia. In that period Freda Brown was no doubt justifying Klaus Fuchs and the Rosenbergs as well as all those who were so happy to sell out liberties and freedoms of the West. It is about time these people were exposed and that we were reminded of exactly what a nasty, horrible group of people they were. I have many criticisms of the Labor Party, but I will say that there have been elements in the Labor Party that did their best to make sure that the Communist influence was expunged. People in Britain, such as Harold Laski, and people in Australia understood the real threat that we faced. The letter concludes by Kilty O'Gorman asking the Premier to ask me to apologise. I will not apologise. The Premier has not spoken to me, because he knows that I will never apologise. [*Time expired*.]

COMMUNITY BUILDING PARTNERSHIP PROGRAM

The Hon. SOPHIE COTSIS [6.56 p.m.]: The O'Farrell Government received a massive mandate from the people of New South Wales after making promises that it would invest in local infrastructure, decentralise populations, increase economic activity and give more power to local decision-makers. In my area of local government, the O'Farrell Government has taken that mandate as a licence to break its election promises and ignore issues that affect investment in local communities.

The Hon. Duncan Gay: Oh, come on. You don't believe it. You're just saying this.

The Hon. SOPHIE COTSIS: Why not just listen? Last weekend the *Sun-Herald* reported that the Community Building Partnership program is at risk of being axed by the O'Farrell Government. The program was introduced by Labor in 2009. It provides direct investment funds to community organisations and local councils to invest in infrastructure. As a result it supports local jobs, increases economic activity and helps communities to make infrastructure investments that they might not otherwise be able to make. Labor provided $35 million for the Community Building Partnership in the 2009-10 budget and a further $58.4 million in the 2010-11 budget. The program is a success because it directly invests in local communities, and communities are seeing their taxpayer dollars at work.

Under Labor, 1,775 grants were approved in 2010 and 1,180 grants were approved in 2009. The program allocates funds to each State electorate, with each electorate receiving $300,000. Electorates with higher rates of unemployment receive an additional $100,000. Before the 2011 State election, Barry O'Farrell promised to continue the Community Building Partnership if he was elected as Premier. In the O'Farrell Government's first budget these funds were cut. To be clear, Labor invested $93.4 million over two years whereas the Coalition Government in its first budget cut the program. We now find that the O'Farrell Government is considering axing this successful investment program altogether. That will mean fewer funds for community groups, many of which are reporting a challenging fundraising environment. It also will mean fewer funds for councils. This is the Government that said it would invest in local councils. It is actually cutting programs and cutting funding to local councils.

Many councils are already under financial strain, particularly those in regional and rural areas. Indeed, the O'Farrell Government is adding to the strain on local councils through many of its policies. In its most recent budget the O'Farrell Government announced a policy of outsourcing and privatising road maintenance contracts. That will put real pressure on many small country councils and will lead to job losses in country towns, where councils are often the biggest employers. The O'Farrell Government also announced $70 million for a suspect Local Infrastructure Renewal Scheme [LIRS]. Unlike the Community Building Partnership, which provides dollar-for-dollar funding to councils to directly invest in infrastructure, the Local Infrastructure Renewal Scheme would subsidise only half of the interest bill for councils on loans taken out to fund infrastructure. No mention is made of where councils will find funds to repay the other half of the loan interest, let alone the principal of the loan.

I asked questions during budget estimates last year, and I keep asking questions. We have not seen who has applied. We have not seen any information. I keep asking the Minister about who is on the assessment panel. I keep saying that there is no capacity for small councils to access these funds because they do not have the capacity. Blacktown City Council's Destination NSW submission referred to the Local Infrastructure Renewal Scheme, in which a portion of interest costs on approved infrastructure loans is insufficient to address the significant infrastructure backlog in New South Wales. The council also stated that the scheme does little to alleviate the funding shortfall that is being currently experienced by local councils and suggested that it may be more effective to target key infrastructure projects across the State for up-front funding.

Local government Minister Don Page promised that this scheme would unleash $1 billion in infrastructure investment by councils. I have not seen the evidence and I keep asking questions. This information needs to be disclosed to the public. I eagerly await those details. Another program that has been cut by the Government is International Women's Day funding to local councils. In 2011, 133 councils applied for and received funding. This year the funding was capped to 100 councils even though 125 councils applied. I asked the Minister for Women how she assessed the applications. She said that the grants would be assessed in the order in which they were received against the advertised assessment criteria. It was a case of first in best dressed and the small regional and rural councils missed out. They applied when the Labor Party was in government and they received funding from that Government. When they applied for funding from this Government they did not receive any. [*Time expired.*]

BALLARD AND MULTIPLEX COURT CASE MEDIA REPORTS

Mr DAVID SHOEBRIDGE [7.01 p.m.]: On 3 May 2012 a decision was handed down by Justice McDougall in the New South Wales Supreme Court case of *Ballard v Multiplex*. The decision followed a staggering total of 81 days of hearings with the final hearing date on 25 November 2011. The case was brought by former demolition contractor David Ballard against Multiplex, the Construction, Forestry, Mining and Energy Union and Andrew Ferguson, and centred on allegations dating back to the mid-1990s that Multiplex colluded with the Construction, Forestry, Mining and Energy Union to try to drive him out of business. These claims were brought to court all these years later allegedly because it took all this time before "a critical mass of witnesses would come forward to support Ballard's version of events".

Media reports, including a number of pieces by Paul Sheehan in the *Sydney Morning Herald* and Adam Walters in the *Bulletin* sided strongly with Ballard, detailing his complaints as though they were true, while waxing lyrical over his previous career as a boxer. Serious aspersions were cast on the credibility of Andrew Ferguson who at the time was secretary of the New South Wales Construction, Forestry, Mining and Energy Union with Sheehan calling him "dogmatic, dissembling, disingenuous". However, the credibility of Ballard and his key witnesses, Craig Bates and Ian Widdup, were not subject to substantial scrutiny. In short, the reporting was deeply unbalanced.

Ballard's claim for damages was based on the existence of a conspiracy between Multiplex and the Construction, Forestry, Mining and Energy Union. This claim was unceremoniously dismissed by the court. Justice McDougall's decision is based on the credibility of the witnesses called in the case, and they all were cross-examined at length. Generally speaking, the court found Mr Ballard's witnesses could not be believed. Justice McDougall made a number of specific comments about Mr Ballard's evidence and credibility. At paragraph 138 he notes that Mr Ballard's evidence is "at odds both with evidence given by relevant Multiplex witnesses and, to some extent, with contemporaneous documents". He continues at paragraph 139 as follows:

> … as he frankly conceded, Mr Ballard has become "obsessed" about the subject matter of this litigation. Even had he not conceded this, the conclusion would be inevitable, both from a reading of his evidence overall and from observations made by other witnesses. Secondly, and again as Mr Ballard frankly conceded, his memory is poor. Again, the conclusion is manifest from even a casual perusal of his affidavit and oral evidence.

Justice McDougall also raised concerns about how Mr Ballard presented his relationship with another witness, Mr Widdup, false claims Mr Ballard made in the original summons, false claims about his capacity to order workers not to strike, about untruthful evidence he gave concerning his approach to the media and about untruthful evidence he gave about authoring and signing a key facsimile. Mr Craig Bates was the only one of the witnesses called who gave "express evidence of the alleged conspiracy". Tellingly, Justice McDougall records Multiplex's submission that Mr Bates is "a totally disgraced former union official and serial liar" and finds "that description is not far from the truth". Among the matters that adversely impacted on Mr Bates' credibility was a criminal history dating from at least 1985 to 2006 including dishonesty offences among others. None of this was the subject of any scrutiny by Mr Sheehan in his opinion pieces.

Mr Bates, a former Construction, Forestry, Mining and Energy Union official, had previously been found to have lied to the Cole Royal Commission into the Building and Construction Industry. This was not recounted by Mr Sheehan—although it must have been known to him when he wrote his pieces. Mr Bates' ugly history included running a racket whereby he extorted payments from contractors and subcontractors—an ugly history that saw him drummed out of the union in the course of which he became a committed opponent of the then secretary, Andrew Ferguson—again, not a matter that troubled Mr Sheehan when he put pen to paper. Justice McDougall singles out Mr Bates for attempting falsely to implicate Andrew Ferguson in these activities, despite the fact that no evidence was produced to support these allegations. Perhaps most damningly, Justice McDougall continued, "In truth, I think Mr Bates was motivated by a desire to obtain revenge."

Another core witness, Mr Ian Widdup, former financial controller of Multiplex, was also found to be seriously lacking credibility. Findings relevant to his credibility included untruths regarding a demolition contract, inconsistent recall of numerous conversations, and his presentation of himself as general counsel of Multiplex despite not having legal qualifications or having fulfilled that role. It was noted by Justice McDougall that despite a substantial payout received at the termination of his employment with Multiplex, Mr Widdup felt that he had not received fair treatment from the company. With no evidence that could come close to being accepted in a court of law, Mr Ballard's case was consigned to the dustbin of history, where most such conspiracy theories happily reside.

I have known Andrew Ferguson for well over a decade, including in my professional capacity as a lawyer representing the Construction, Forestry, Mining and Energy Union from time to time. In all that time I found him to be a professional, committed and, above all, honest person. It was no surprise when the case against him was demolished by the court. It was also no surprise that conservative opinion writers sided against Mr Ferguson and his union. Union officials and unions are seen as fair game by conservative commentators, who eagerly recount just one side of any anti-union story they are peddled. Now that a superior court of record has made a conclusive finding against the likes of Ballard, Bates and Widdup it is clear that Mr Ferguson and the Construction, Forestry, Mining and Energy Union are owed an apology. We are all still waiting, Mr Sheehan.

HEART RHYTHM WEEK

The Hon. MELINDA PAVEY (Parliamentary Secretary) [7.05 p.m.]: When was the last time that members checked their pulse? Do they know how to do that? As part of Heart Rhythm Week I urge them to make the effort to learn how to check their pulse for irregularities as this very simple test could save their lives. Many cardiologists such as Professor Freedman, OAM, Professor of Cardiology at Concord Repatriation Hospital, and Deputy Dean of Sydney Medical School, University of Sydney, believe we are in the midst of a silent epidemic resulting from atrial fibrillation. It is the most common cardiac rhythm disorder in Australia and its incidence is rapidly rising, yet many people are unaware of its prevalence and risks. Warning signs and contributing factors include an irregular pulse, high blood pressure, diabetes, heart disease and obesity. One in five people are at risk of developing atrial fibrillation in their lifetime.

It frequently goes undiagnosed but patients are up to five times more likely to have a stroke and up to three times more likely to experience heart failure as a result of the condition. Atrial fibrillation causes the atria in the heart to beat in an irregular and sometimes rapid manner which prevents blood flowing properly through the heart, causing the formation of clots. These clots then travel throughout the body blocking blood vessels and damaging vital organs, the most common being clots that have travelled to the brain. Twenty per cent of all strokes of this type result directly from atrial fibrillation. Worse still, strokes related to atrial fibrillation are more severe and debilitating than strokes in patients without atrial fibrillation. Half of all atrial fibrillation patients will fail to survive 12 months following a stroke.

The current epidemic is predicted to worsen as the number of people with atrial fibrillation is expected to more than double by 2050. Atrial fibrillation can affect anyone, at any age and at any time. Although it is particularly common in older people there is a noticeable increase in younger people being affected due to obesity, diabetes, lack of physical activity, hypertension and sleep apnoea. The cost to the economy is more than $1.25 billion annually, which is probably an underestimate, with great personal and emotional cost to those who suffer stroke and their families and carers. However, the cost of treating the consequences of this often undiagnosed condition is much greater. Existing treatments are effective and could prevent atrial fibrillation-related strokes, saving thousands of lives and millions of dollars. Yet there still remains a large treatment gap with those at high risk for developing stroke not being managed despite the existence of effective guidelines. Thousands of preventable strokes occur each year causing early death and a devastating impact on society, families and carers.

Raising public and medical awareness of the pulse as one of the most effective ways of identifying potential cardiac arrhythmias is one of the key objectives of Heart Rhythm Week, Know Your Pulse which is on this week. Knowing your pulse is one of the easiest ways to detect a cardiac arrhythmia. At the age of 40 we all have a one in four lifetime risk of developing atrial fibrillation and people are not aware that simply checking their pulse could lead to a diagnosis of atrial fibrillation and treatment which could save their lives or prevent a stroke.

Despite the availability of free and simple checks, it is estimated that more than half of atrial fibrillation patients remain undetected. Simple techniques, including campaigns to teach the community how to take the pulse, can be effective in detecting silent atrial fibrillation. The value of simple mobile electrocardiography screening to detect silent atrial fibrillation for stroke prevention in the community should be tested. We should all start taking responsibility for our own health. Learning how to take our pulse or ensuring this is part of our regular medical check-up is a great first step in minimising potential risks.

I inform the Hon. Eric Roozendaal that he can be tested for atrial fibrillation on Thursday between 1.00 p.m. and 4.00 p.m. in room 775—the Deputy-Speaker's room. Professor Freedman will be there. The most exciting thing about it is that there is an iPhone application that enables people to take an immediate ECG by just holding it in their fingers. I encourage all members of Parliament and all parliamentary staff to go to Thomas George's office between 1.00 p.m. and 4.00 p.m.

The Hon. Eric Roozendaal: And stick your finger in. Stick your finger into Thomas George's office.

The Hon. MELINDA PAVEY: This is a very serious issue. Professor Ben Freedman will be present. As well as being a patient representative, he is passionate about getting the atrial fibrillation story out into the community. This condition can easily be prevented through medication, and we should be encouraging everyone to be tested. Professor Ben Freedman will explain the process in Parliament so that we can get the message out to the community. He also will talk about a trial in four pharmacies throughout New South Wales where people can undergo this simple test to ensure their safety and that of their families.

V8 SUPERCARS

The Hon. ERIC ROOZENDAAL [7.10 p.m.]: The community has heard many claims from the Barry O'Farrell Government about making New South Wales the destination and how he wants to encourage the holding of events in New South Wales. That is why I find it astounding that the decision has been made not to continue to support the Sydney Telstra 500 V8 Supercar race. Anyone who has attended this event knows that it is one of the most family friendly events held within New South Wales. It is attended by hundreds of thousands of people, who have a really great time. The Sydney Telstra 500 V8 race generates more than 15,000 interstate visitors and around 1,200 international visitors. Over the five years it has operated it has provided an economic benefit of around $100 million to our gross State product and generated around 30,000 hotel visitor nights in Sydney. The race is broadcast to over 110 different countries and Fox Sports Speed Channel in the United States shows a full replay to its 79 million subscribers.

Clearly, this event showcases Sydney and particularly the Homebush precinct. The Sydney Telstra 500 is the highest attended sporting event in New South Wales. It is the finale of the V8 Supercar race series. Often in a hotly contested year it can be the decider of the season's champion driver. This race also utilises the massively underutilised Homebush facilities. Of course, it makes a lot of sense to use the Homebush precinct as it is set up to handle huge crowds, it has the best public transport modes in the whole State and has its own railway station to handle exceptionally large crowds in a very short time frame. The other major advantage in

using the Homebush precinct is that it provides a street circuit, which is known to be very challenging and exciting to watch. Indeed, around the world the shift has been to street circuits because they are considered the best for spectators and the most interesting for racers.

The decision by Barry O'Farrell not to continue to support this event demonstrates the Government's lack of vision. Last year about 184,000 people attended the race and in previous years the number was higher: the only thing that affects attendance is the weather. It is not so easy to get people there when it rains. But the Telstra 500 is not just a race; it also is an event that displays new and classic vehicles, generates markets and provides a whole series of events in and around the various Homebush facilities. Anyone who knows the Homebush Olympic precinct would be aware that it is a great venue. Attendees at the Sydney Telstra 500 know that the Homebush precinct is a particularly family friendly place to visit. It is extremely disappointing that the O'Farrell Government, through sheer meanness, will not support this event in the future.

This decision displays the real class arrogance of O'Farrell Government members, because they believe that motor racing is beneath them. They believe that motor racing is not for all Sydneysiders, despite its being the most attended event at Homebush. The Eastern Creek International Raceway also is a motorsport facility but, unfortunately, it does not provide the same transport opportunities: no bus and no rail links whatsoever. Anyone trying to get to Eastern Creek by public transport will find that it is nowhere near as accessible as Homebush. The Eastern Creek International Raceway will host one of the V8 championship series races in August, which is fine because the more events held in Sydney the better. But that should be the third V8 event for New South Wales in addition to the Bathurst 1000, which is held over the October long weekend, and the Sydney Telstra 500, which should remain at Homebush. That is not just my opinion. Glen Matthews, chief executive officer of the Australian Racing Drivers Club, which runs the Eastern Creek raceway, said:

> Eastern Creek is the only permanent race circuit in Sydney and is a perfect complement to the street circuit based round held at Homebush in December.

David Malone, chief executive officer and head of V8 Supercars, said:

> Australia's largest city can have motorsport nirvana with a thrilling circuit race at a great permanent venue followed by all the street circuit bells and whistles of the Sydney Telstra 500.

That is right: two different events complementing each other because they are very different experiences. It is really disappointing and short-sighted for the O'Farrell Government not to continue to support the Sydney Telstra 500. It is a fantastic event. If the Government gave this event the support it deserves it would grow bigger every year, attract more people into the State and increase the impact on the State's economy and on our gross State product.

CHRISTIANITY IN AUSTRALIA

Reverend the Hon. FRED NILE [7.15 p.m.]: The subject of my adjournment speech is Australia is a Christian nation. As members know, in the last census over 65 per cent of people claimed to be Christian when we total all Christian denominations—Anglican, Baptist, Presbyterian, et cetera.

The Hon. Sophie Cotsis: Greek Orthodox.

Reverend the Hon. FRED NILE: Including Greek Orthodox, Coptic Orthodox, et cetera. Not all people answer that voluntary question about religion. Our nation is Christian because our laws are based on the moral code of the *Bible*—the Ten Commandments. Our Australian flag bears crosses of the three saints Patrick, George and Andrew. The Australian Constitution defines us as a Christian nation when it states in its preamble:

> Whereas the people of New South Wales, Victoria, South Australia, Queensland, and Tasmania, humbly relying on the blessing of Almighty God, have agreed to unite in one indissoluble Federal Commonwealth under the Crown of the United Kingdom of Great Britain and Ireland, and under the Constitution hereby established.

The key words are "humbly relying on the blessing of Almighty God". Almighty God is the God of the Christian *Bible*. From the beginning our Federal and State parliaments always have commenced with a Christian prayer, following the tradition of the British Parliament way back in the 1600s when the first Parliament began with a Christian prayer—a quite long prayer that now has been shortened to the one that we use today. Our first Federal Parliament opened on 9 May 1901 with Christian prayers led by the Governor-General and the singing of *Psalm 100*. The following statements by the Founding Fathers indicate that they believed they were establishing a Christian nation. Alfred Deakin, who was Prime Minister in 1903-04, prayed:

> God preserve these people and grant its leaders unselfish fidelity and courage to face all trials for the sake of brotherhood. Thy blessing has rested upon us here yesterday and we pray that it may be the means of creating and posturing throughout all Australia a Christlike citizenship.

Sir Henry Parkes, the Father of Federation, who was born in 1815 and who died in 1896, said:

> As we are a British people—preeminently a Christian people as our laws, our whole jurisprudence, our Constitution are based upon and interwoven with our Christian belief, and as we are immensely in the majority, we have a fair claim to be spoke of at all times with respect and deference.

In 1898 Sir John Downer stated:

> This Commonwealth of Australia from its first stage will be a Christian Commonwealth.

There was no doubt that Australia was a Christian nation. The Australian people have not voted in a referendum to change that. Confusion has arisen because section 116 of the Commonwealth Constitution states:

> The Commonwealth of Australia shall not make any law establishing any religion ...

People became confused because they thought that referred to the Christian, Muslim or Buddhist religions. In those days "any religion" referred solely to Christian denominations and was Catholic, Baptist, Greek Orthodox, et cetera.

The Hon. Dr Peter Phelps: Church of England.

Reverend the Hon. FRED NILE: Or Church of England. The fear was that the Church of England in Australia would try to establish a State church as is the rule in the United Kingdom. That is why that particular provision was included in the Constitution. It was in no way included to be negative towards the promotion of the Christian faith in Australia or change the nature of Australia. It is a pity that section 116 has been misunderstood by so many academics.

It is important for them to stop quoting section 116 and trying to claim that we are a secular nation. It should be noted that Australia's first Prime Minister, Sir Edmund Barton, made a strong stand that Australia was a Christian nation. It is important to open the Parliament in prayer each morning and to continue these traditions. This nation should be proud of its Christian traditions which have become stronger through the flood of immigrants who have brought with them their Christian faith from countries such as Korea, Greece, China, Italy and the Middle East. We thank God for the contribution that they make to our nation.

"THE FORGOTTEN PEOPLE" SPEECH SEVENTIETH ANNIVERSARY

The Hon. SCOT MacDONALD [7.20 p.m.]: Today is the seventieth anniversary of Sir Robert Menzies' "The Forgotten People" speech—one of the best speeches in the political history of Australia and a rejection of the class warfare that has been adopted by the Gillard-Swan Government.

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

Motion agreed to.

The House adjourned at 7.21 p.m. until Wednesday 23 May 2012 at 11.00 a.m.