

# LEGISLATIVE COUNCIL

Wednesday 20 June 2012

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

**The President** read the Prayers.

## WORKERS COMPENSATION LEGISLATION AMENDMENT BILL 2012

### SAFETY, RETURN TO WORK AND SUPPORT BOARD BILL 2012

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

**The Hon. GREG PEARCE** (Minister for Finance and Services, and Minister for the Illawarra) [11.02 a.m.]: I move:

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

**Question put.**

**The House divided.**

#### Ayes, 20

Mr Blair  
Mr Borsak  
Mr Brown  
Mr Clarke  
Ms Cusack  
Ms Ficarra  
Mr Gallacher

Miss Gardiner  
Mr Gay  
Mr Khan  
Mr Lynn  
Mr MacDonald  
Mrs Maclaren-Jones  
Mr Mason-Cox

Mrs Mitchell  
Reverend Nile  
Mrs Pavey  
Mr Pearce  
*Tellers,*  
Mr Colless  
Dr Phelps

#### Noes, 18

Mr Buckingham  
Ms Cotsis  
Mr Donnelly  
Ms Faehrmann  
Mr Foley  
Dr Kaye  
Mr Moselmane

Mr Primrose  
Mr Roozendaal  
Mr Searle  
Mr Secord  
Ms Sharpe  
Mr Shoebridge  
Mr Veitch

Ms Westwood  
Mr Whan  
  
*Tellers,*  
Ms Barham  
Ms Voltz

#### Pair

Mr Ajaka

Ms Fazio

**Question resolved in the affirmative.**

**Motion agreed to.**

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

**INDEPENDENT COMMISSION AGAINST CORRUPTION****Report**

**The President** tabled, pursuant to the Independent Commission Against Corruption Act 1988, a report of the Inspector of the Independent Commission Against Corruption entitled "Report of an audit of applications for and execution of Surveillance Device Warrants and Retrieval Warrants by the Independent Commission Against Corruption", dated May 2012 and authorised to be made public this day.

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

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

**BUSINESS OF THE HOUSE****Formal Business Notices of Motions**

**Private Members' Business item No. 719 outside the Order of Precedence objected to as being taken as formal business.**

**TRIBUTE TO LIEUTENANT COLONEL HARRY SMITH, SG****Motion by the Hon. CHARLIE LYNN agreed to:**

1. That this House notes the great contribution Lieutenant Colonel Harry Smith has made during his time in Vietnam, his leadership during the Battle of Long Tan and his ongoing leadership to ensure his men receive the recognition they deserve.
2. That this House notes that:
  - (a) Lieutenant Colonel Harry Smith's company of 108 men, mainly NS men, encountered a reinforced NVA/NLF Regiment of some 2,500 troops intending to attack the Australian Base at Nui Dat near Ba Ria,
  - (b) he sadly lost 17 killed in action and 23 wounded while the enemy withdrew, and left 245 bodies and carried many other away,
  - (c) his recount of the Battle of Long Tan at a recent conference demonstrated the true Anzac spirit of courage, mateship and sacrifice and endurance,
  - (d) Lieutenant Colonel Harry Smith was awarded the Military Cross, downgraded from a Distinguished Service Order, for his leadership and command of Delta Company 6 RAR during the Battle of Long Tan on 18 August 1966,
  - (e) this award was recently upgraded by the Australian Government to Star of Gallantry, which is one of only three ever awarded for acts of great heroism or leadership and command in action, and
  - (f) Lieutenant Colonel Harry Smith had a long and distinguished military career which ended when he sustained a serious freefall injury in late 1975 while trialling a new type of parachute which failed to open properly.
3. That this House acknowledges and commends the extraordinary contributions Lieutenant Colonel Harry Smith has made in his service to his country and men.

**VIETNAMESE COMMUNITY IN AUSTRALIA TWENTY-FIRST NATIONAL CONFERENCE****Motion by the Hon. CHARLIE LYNN agreed to:**

1. That this House notes that:
  - (a) on Friday 8 June 2012 the Vietnamese Community in Australia held its twenty-first National Conference Welcome Reception in Parliament House, hosted by the Hon. David Clarke, MLC, and the Hon. Charlie Lynn, MLC, together with our colleagues Mr Andrew Rohan, MP, and the Hon. Shaoquett Moselmane, MLC, in attendance,
  - (b) the conference coincides with the fiftieth anniversary of Australian involvement in Vietnam in 1962,
  - (c) the event was held over three days with key note speakers including the Hon. Ian McPhee, former Minister for Immigration, Lieutenant Colonel Harry Smith, a decorated Vietnam veteran, and Dr Lewis Sorley, Emeritus Director of the Army Historical Foundation, and
  - (d) the event included a commemoration service to honour both Australian and Vietnamese soldiers and thousands of Vietnamese who lost their lives fighting for freedom.

2. That this House acknowledges and commends:
  - (a) the executive board of the Vietnamese Community in Australia for its continued service in representing the interests of Vietnamese refugees and immigrants in Australia, including the outgoing Vietnamese Community in Australia National President, Mr Phong Nguyen,
  - (b) the Chairman and President of the New South Wales chapter, Mr Thang Nguyen, and members of the organising committee for a well-run conference,
  - (c) the Vice President of the New South Wales chapter, Dr Tien Nguyen, who performed the master of ceremonies duty at the official opening ceremony, and
  - (d) the new leaders of the Vietnamese Community in Australia and the generational change it represents.

### **TRIBUTE TO DR JOHN BROWN**

#### **Motion by Dr JOHN KAYE agreed to:**

1. That this House notes the passing of Dr John Brown, respiratory and cystic fibrosis specialist, whose life of service to medicine is celebrated by all who worked with him and the countless patients to whom he brought hope and comfort.
2. That this House notes that:
  - (a) since the mid 1960s Dr Brown played an influential role in successfully advocating for new and alternative treatments for children suffering cystic fibrosis at the Royal Alexandra Hospital for Children at Camperdown,
  - (b) due to Dr Brown's work and advocacy, many treatments including regular exercise, intensive physiotherapy, aggressive antibiotics and high-energy dietary regimes have now been accepted as best practice in the treatment of cystic fibrosis in children,
  - (c) as a life member of Cystic Fibrosis NSW, Dr Brown is remembered not only for his dedication and warmth as a physician and specialist but for his contribution to the cystic fibrosis movement nationally and his work in the wider community, and
  - (d) although there is as yet no cure for cystic fibrosis, the work of people such as Dr John Brown, early detection and improved treatment modalities have created the opportunity for most people with the disease to lead reasonably normal and productive lives.
3. That this House extends its condolences to the family of Dr John Brown and to his colleagues and friends at Cystic Fibrosis NSW.

### **BUSINESS OF THE HOUSE**

#### **Formal Business Notices of Motions**

**Private Members' Business item No. 773 outside the Order of Precedence objected to as being taken as formal business.**

### **TUTTI IN PIAZZA FESTIVAL**

#### **Motion by the Hon. MARIE FICARRA agreed to:**

1. That this House notes that:
  - (a) on Saturday 2 June 2012, to celebrate Italian National Day, the Illawarra Association of Teachers of Italian Inc. held Tutti in Piazza, which is a popular festival among the local Italo-Australian community and the broader Wollongong community, and
  - (b) Wollongong's Crown Street Mall was transformed into a typical piazza with many stalls selling traditional food and exhibiting products from the different Italian regions, and Italian music, songs and dances were performed throughout the day by students of the local primary, secondary and Italian schools.
2. That this House acknowledges dignitaries that attended Tutti in Piazza, including the Hon. Victor Dominello, MP, Minister for Citizenship and Communities, and Minister for Aboriginal Affairs; the Hon. Marie Ficarra, MLC, Parliamentary Secretary to the Premier; Ms Noreen Hay, MP, member for Wollongong; Anna Watson, MP, member for Shellharbour; Mr Ryan Park, MP, member for Keira; the Hon. Sharon Bird, MP, Federal member for Cunningham; Mr Stephen Jones, MP, Federal member for Throsby; Mr Sergio Martes, Consul General, Consulate-General of Italy, New South Wales; and Mr Luca Ferrari, Honorary Vice Consul, Consulate of Italy, Wollongong.
3. That this House congratulates the Illawarra Association of Teachers of Italian Inc. particularly:
  - (a) President: Ms Paola Volpato,
  - (b) Treasurer: Ms Lucia Ugonotti, and
  - (c) Secretary: Ms Vera Cleary.

**PENRITH WOMEN IN LEAGUE****Motion by the Hon. MARIE FICARRA agreed to:**

1. That this House notes that:
  - (a) on 19 June 2012 the Penrith Women in League held a fundraiser with over 300 people attending resulting over \$5,000 raised for cancer research, and
  - (b) key note speakers were Mrs Sue McNeill, Operations Manager of Penrith Panthers and nominee for Telstra Business Woman of the Year 2012, and Mrs Jan Cameron, board member, Penrith Junior Rugby League.
2. That this House acknowledges:
  - (a) dignitaries that attended, including Mr Don Feltis and the board of directors of Penrith Panthers; Mr Phil Gould, Executive General Manager of Penrith Rugby League; Mr Warren Wilson, Chief Executive Officer of Panthers Group; the Hon. Marie Ficarra, MLC, Parliamentary Secretary to the Premier; Mr Stuart Ayres, member for Penrith; the Hon. Sophie Cotsis, MLC, shadow Minister for the Status of Women; Mrs Kylie Bradbury, representing the Hon. David Bradbury, MP, Federal member for Lindsay; and Councillor Vincent De Luca, OAM,
  - (b) Mr Tim Gilbert from Channel 9 for his continued outstanding contribution to the Panthers Women in League, and
  - (c) the Panthers Women in League committee, including Ms Diane Langmack, Mrs Jill Hoff, Ms Madeline Hoff, Mrs Sonia Lewis and Mrs Jenny Matthews, for their continued devotion to raising funds for cancer research and the Penrith community.

**TRIBUTE TO MOSLEM QANNADIAN****Motion by the Hon. SHAOQUETT MOSELMANE agreed to:**

1. That this House notes that:
  - (a) Moslem Qannadian, a 17-year-old Griffith High School student, rescued a man drowning in a canal near Willow Park in Griffith on 7 June 2012,
  - (b) Mr Qannadian did not know the identity of the drowning man and, without regard for his own safety and in a true act of heroism, saved the man's life, and
  - (c) local newspaper the *Area News* reported that Mr Qannadian was able to commit this heroic act despite the fact that "he never learnt to swim as a young child and was taught at age 12 by his Uncle Reza in Adelaide".
2. That this House notes that Mr Qannadian:
  - (a) was born in Kabul, Afghanistan, and came to Australia on 5 July 2006 for a fresh start in life for himself and his family,
  - (b) lives with his father, Nasrullah, young brother, Mahdi, and other family members in Griffith, New South Wales, and
  - (c) is completing his year 11 second school studies at Griffith High School and also studies Information Technology at Griffith campus of the Riverina Institute of TAFE.
3. That this House notes Moslem Qannadian's bravery and commends him for his selfless act of heroism.

**TRIBUTE TO MR BAWA SINGH JAGDEV, OAM****Motion by the Hon. SHAOQUETT MOSELMANE agreed to:**

1. That this House notes that:
  - (a) Mr Bawa Singh Jagdev, OAM, of Matraville in New South Wales was the first person of Sikh heritage to be awarded the Medal of the Order of Australia,
  - (b) Mr Jagdev was awarded the Medal of the Order of Australia in the Australia Day honours list on 26 January 2012, and
  - (c) the citation on Mr Jagdev's award reads "For service to the Sikh community in Australia".

2. That this House notes that Mr Jagdev:
  - (a) was born in a small village in Punjab, India,
  - (b) was educated at the University of Punjab, and has also studied physics at the University of Exeter in the United Kingdom,
  - (c) migrated to Australia in 1975 and worked as a physics teacher at Sydney Grammar School,
  - (d) established the first Sikh temple in Revesby, New South Wales, in 1976, and
  - (e) has worked tirelessly in the service of the Australian Sikh community in the areas of anti-discrimination and social justice, ensuring that Sikhs can conform to their religious obligations in Australia while not being in breach of domestic legislation.
3. That this House commends Mr Jagdev for being the first Australian of Sikh heritage to receive the Medal of the Order of Australia.

### **TRIBUTE TO MR PETER JOHN TURNBULL**

#### **Motion by the Hon. SHAOQUETT MOSELMANE agreed to:**

1. That this House notes that Mr Peter John Turnbull, a devoted community volunteer in Hillston, New South Wales, passed away unexpectedly at age 60 on 23 April 2012.
2. That this House notes that:
  - (a) Mr Turnbull was born Peter John Best on 20 October 1951,
  - (b) Mr Turnbull was the eldest of three children but was then adopted by Mavis and William Turnbull of Maroubra, New South Wales,
  - (c) Mr Turnbull grew up in Maroubra, New South Wales, before enlisting in the Royal Australian Infantry in 1972,
  - (d) Mr Turnbull moved to Hillston, New South Wales, in 1980 to work as a panel beater and mechanic with the local smash repair business where he was affectionately known as "Putty Pete",
  - (e) Mr Turnbull was a devoted community volunteer, assisting with the Hillston RSL Anzac Day celebrations on an annual basis and volunteering with the Hillston State Emergency Service Unit,
  - (f) highlights of Mr Turnbull's involvement with Hillston State Emergency Service Unit since joining in 2005 included assisting with cyclone disaster operations in Northern Queensland, volunteering during floods at Wagga Wagga and surrounding regions in 2012, and assisting with building the new Hillston State Emergency Service unit headquarters,
  - (g) Mr Turnbull is survived by his two daughters, Kelly and Michelle, and five grandchildren, and
  - (h) Mr Turnbull is greatly missed by the Hillston community, including his fellow volunteers at the Hillston State Emergency Service unit.
3. That this House notes the services of Peter John Turnbull and expresses condolences to his family and the Hillston community.

### **PUBLIC SCHOOL UPGRADE PROGRAM**

#### **Motion by the Hon. MARIE FICARRA agreed to:**

1. That this House notes that:
  - (a) a commitment of \$40 million has been made to the Public School Upgrade Program that schools may now begin applying to use towards building and maintenance improvements,
  - (b) schools may apply for project funding up to a maximum of \$200,000 that can be made as part of a full or partial funding of a larger project or several smaller projects,
  - (c) some projects currently being funded included upgrades to kitchen and food preparation facilities, science laboratories, toilet renovations, athletic courts, pavement resurfacing, roof, gutter, storm water and drainage systems, recarpeting, painting and improvement to facility access through ramps, railings and stairs,
  - (d) this \$40 million investment will be provided over the next four years at \$10 million per year, with each year's funds being allocated across 10 regions using a standard formula,
  - (e) applications are assessed by a regional reference group that includes a regional director, principal, regional asset planner and asset manager unit representatives, and

- (f) application criteria are determined by relevance to facility maintenance issues, compliance with school facility standards, consideration of safety issues, community involvement, viable cost estimates and adequate project description.
2. That this House acknowledges:
- (a) the Hon. Adrian Piccoli, MP, for his leadership as Minister for Education in working to provide the best facilities and resources for students across New South Wales, and
  - (b) the work of the regional reference groups to ensure these funds are being allocated with prudence and discretion that will best serve the teachers, students and communities of New South Wales.

## BUSINESS OF THE HOUSE

### Formal Business Notices of Motions

**Private Members' Business items Nos 787, 788 and 789 outside the Order of Precedence objected to as being taken as formal business.**

## AUDITOR-GENERAL'S REPORT

### Report

**The Clerk** announced the receipt, pursuant to the Public Finance and Audit Act 1983, of the performance audit report entitled "Managing Overtime: Rail Corporation NSW (RailCorp); Roads and Maritime Services", dated June 2012 and authorised to be printed this day.

## PETITIONS

### University of Wollongong Bus Services

Petition requesting the Government work with the University of Wollongong and local bus providers to improve bus services for students from Campbelltown to Wollongong University, particularly on bus routes 887 and 887x after 5.40 p.m., received from the **Hon. Walt Secord**.

## BUSINESS OF THE HOUSE

### Routine of Business

*[During the giving of notices of motions]*

**The Hon. Dr Peter Phelps:** Point of order: Mr David Shoebridge's motion contains argument and as such it should be ruled out of order.

**The PRESIDENT:** Order! I will consider the matter and rule on it later.

*[Later]*

**The PRESIDENT:** Order! I advise the House that Mr David Shoebridge's notice of motion is entirely in order.

*[Interruption]*

**The PRESIDENT:** Order! I have repeatedly asked members not to interject during the giving of notices of motions. Such behaviour is disorderly.

## BUSINESS OF THE HOUSE

### Precedence of Business

**Motion by the Hon. Duncan Gay agreed to:**

That on Thursday 21 June 2012 Government Business take precedence of Private Members' Business.

## BUSINESS OF THE HOUSE

### Suspension of Standing and Sessional Orders: Order of Business

**The Hon. ROBERT BROWN** [11.33 a.m.]: I move:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 63 outside the Order of Precedence relating to the Game and Feral Animal Control Amendment Bill 2012 be called on forthwith.

**Mr DAVID SHOEBRIDGE** [11.34 a.m.]: There is nothing urgent about this particular bill other than the sealing of a deal with the Government about hunting in national parks so that the Government gets the votes of the Shooters and Fishers Party for its workers compensation legislation amendments, as it did with the ugly, grubby deal that was done previously with respect to the privatisation of electricity. What is the urgency for getting hunters into national parks? Apparently there is a \$4 billion problem with workers compensation. That legislation has been deferred by this Government and not dealt with by this House. The Government is going to support the Shooters and Fishers Party's argument that getting hunters into national parks is more important than dealing with the workers compensation scheme.

The Government's support of this urgency motion confirms—if any further confirmation was needed—that there is a coalition in this place between the Government and the far right Shooters and Fishers Party. It also confirms that the Government will do anything to appease this minor right-wing gun lobby and its bloodlust to get into our public land across the State, to the point of advancing this bill to put shooters into national parks ahead of the workers compensation legislation. The Premier said this House would sit on to deal with the workers compensation legislation before the end of this session. The legislation was so urgent that the Premier rushed it through the lower House last night and gave the public, the unions and injured workers no notice. It is a 70-page bill. It was shoved through the lower House last night with no notice because apparently it was urgent that it get to this House and become law—yet it is not so urgent that this Government will not try to finish off this grubby deal with the Shooters Party to get hunters into national parks. What is the urgency? The only urgency here is ugly political expediency. If the Government were true to its word it would vote against this urgency motion.

**The Hon. LUKE FOLEY** (Leader of the Opposition) [11.36 a.m.]: I get the feeling that this will be a long two days. There have been some discussions between the Government, the Opposition and the crossbenches about organising the efficient running of the House in this last week of the session in the interests of all members, officers of the Legislative Council and workers in this building, whom we should think about. We understand that the Government's priorities are to progress this bill and the workers compensation bill. Having said that, the Labor Opposition is not party to the political arrangements that the Government and the Shooters and Fishers Party have entered into. We believe other bills are more important. We understand the Government is going to support this motion. We do not support it and will vote against it. We should then bring on the debate and conduct it as properly and efficiently as possible in the interests of everyone who works in this building.

**Question—That the motion be agreed to—put.**

**The House divided.**

#### Ayes, 19

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

#### Noes, 18

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

**Pair**

Mr Ajaka

Ms Fazio

**Question resolved in the affirmative.****Motion agreed to.****Order of Business****Motion by the Hon. Robert Brown agreed to:**

That Private Members' Business item No. 63 outside the Order of Precedence be called on forthwith.

**GAME AND FERAL ANIMAL CONTROL AMENDMENT BILL 2012****Second Reading****Debate resumed from 14 June 2012.**

**The Hon. DUNCAN GAY** (Minister for Roads and Ports) [11.47 a.m.]: On behalf of the Government it is my great pleasure to support the Game and Feral Animal Control Amendment Bill 2012. I noted the great detective work of Jo Tovey from the *Sydney Morning Herald*, who found one of my old press releases from 1995. I was heading off to a National Party conference and attempting to convince the party that it should support this type of policy. I am pleased to say that ultimately I convinced the party and the policy has been in our policy documents for some time.

*[Interruption]*

As sure as day follows night, The Greens have a spiel.

**Mr David Shoebridge:** Point of order: The Minister is clearly misleading the House.**The PRESIDENT:** Order! There is no point of order. Mr David Shoebridge will resume his seat.**The Hon. DUNCAN GAY:** The word "pathetic" comes to mind, but I will resist using it.*[Interruption]*

I am sure that may be the case. I note the cry from The Greens and from the Opposition.

*[Interruption]*

No, no there will be a cry. You would not need *CSI* to forensically find the marks of the former Government on the original bill that was introduced by the Shooters and Fishers Party in this House. When I look at the maps I can almost see scribbles of former Labor Party Premiers and Ministers. At one stage the bill went through Cabinet and caucus, and then there was a change of mind. The original bill reflected a combination of negotiation with the former Government and the then Opposition amendments to it. That is the genesis of the bill, and we have moved on. As a result of negotiations, we have reached consensus about what I believe are sensible amendments to something that was pretty damn good and made it even better, and that is the bill before us today.

The purpose of this bill is to protect and improve wildlife and habitat by providing further opportunities to manage pest species effectively and efficiently. It is well known that pests also affect regional communities and rural businesses by seriously impacting on farming practices. That is ignoring the mauling that happens to valuable livestock in regional areas. People in the Captains Flat and Burrinjuck areas see wild dogs come out of the park, where they have been breeding up over the past couple of years, and cause carnage. Of course, The Greens do not want to address that issue. Members would be horrified if they saw the damage that is done.

The object of the Game and Feral Animal Control Act 2002 is the effective management of introduced species of game animals, but its scope does not extend into the national park estate where those animals are also



serious pests. The New South Wales Government is now extending existing feral animal eradication programs in national parks to reduce the overall numbers of those pests. Culling of feral animals by shooting is already an option available for the National Parks and Wildlife Service in managing parks and reserves. I have been informed—although some question this—that last year 24,000 feral animals, including pigs, dogs, cats and goats, were removed from the national parks estate through pest management programs.

The Game and Feral Animal Control Amendment Bill 2012 amends the Game and Feral Animal Control Act by changing the definition of "public land" to include national park estate land. However, it also imposes limits on national park estate lands that can be declared for feral animal control by shooting and limits shooting to non-native, non-indigenous animals. Land that cannot be declared as land for feral animal control by shooting includes wilderness areas, world heritage properties and national park estate lands that are generally in or adjacent to metropolitan areas. Members opposite will say that shooting will happen close to metropolitan areas and that people will be at risk. That is simply not true.

The Government has announced that 79 rural and regional parks and reserves out of a total 799 parks have been identified for assessment to permit volunteer feral pest control. This is subject to the development of appropriate management and access requirements to be approved by the Minister for the Environment. The assistance of volunteers will be permitted only with the appropriate compliance and controls in place. Importantly, this will include appropriate safety measures and only persons who are qualified and licensed will be permitted to help to remove feral animals from our national parks. Section 5 of the Act has been amended to provide that non-indigenous game animals are now specified in a schedule of the Act and that the Minister will be able to amend that schedule. Species that were native to Australia prior to European settlement cannot be added to the list.

The bill also makes amendments to strengthen the offence provisions and to deal with a number of miscellaneous issues relating to the administration of the Act, including membership and functioning of the Game Council, various matters relating to the licensing of game hunters and matters relating to taxidermists. The bill also amends two other Acts and makes consequential amendments to the Game and Feral Animal Control Regulation 2004. I foreshadow that the Government will move an amendment to remove the provisions relating to the Firearms Act as prescribed in schedule 2. The Government believes that the issues raised in this provision warrant further consideration. Agreement has been reached about that after consultation with the Shooters and Fishers Party. It does not mean that they will be removed; it simply means that we must carefully analyse and put in place a proper process to address this issue.

The Rural Lands Protection Act 1988 will be amended to make it clear that the Game Council must be consulted before the making of a pest control order declaring game animals as pests. These amendments will improve the Government's capacity to manage pest species, to provide greater scope for native flora and fauna protection, and to improve species diversity while broadening opportunities for stakeholder experiences within a sound regulatory framework. As I indicated earlier, I support this legislation because it is appropriate. After sensible dialogue with the Shooters and Fishers Party, the Government has found a good way forward. I heard the interjections from the Hon. Steve Whan. They are a clear indication to the people of Monaro and rural and regional New South Wales that he firmly opposes their wishes. I commend the bill to the House.

**The Hon. STEVE WHAN** [11.56 a.m.]: On 13 April 2011 Barry O'Farrell said:

We have no intention of doing deals with the minor parties, to sell out those plans.

There will not be a decision to turn our national parks into hunting reserves.

The Premier could not have been clearer; he made it absolutely clear to the people of New South Wales that he would not allow hunting in New South Wales national parks. However, we have now been presented with a dirty deal based on grubby backroom negotiations to ensure the passage of the Government's legislation to enable the sale of the State's electricity assets. The Premier has broken both of those promises. The sale of our electricity assets is a broken promise and so is this deal to allow shooting in national parks.

This bill will have far-reaching effects. I acknowledge that the Shooters and Fishers Party has been consistent in wanting shooting to be permitted in national parks for many years—its members certainly talked to the former Government about it, and I will deal with that later. This bill is wrong for many reasons. It breaks the promise which the Government made and which the people of New South Wales were entitled to believe would be kept. The Premier was unequivocal in making that promise; he did not say "may" or "if". There was no mention of the weasel words that the Minister for Roads and Ports uses when no-one has bothered to tell him

that they are planning to sell one of his ports. The Premier was clear that the Government would not turn our national parks into hunting reserves. He dismissed suggestions that he would allow shooting in national parks or that he would do a deal to allow that to happen to ensure the passage of Government legislation.

As I said, this bill is wrong for many reasons. First and foremost, it breaks a promise. It also will allow recreational shooters into protected areas, and in many cases areas that are regularly used by members of the public. It does not live up even to the Premier's recent comments. I heard him state at the Local Government and Shires Associations conference that shooting in national parks—which by then he had decided to allow as part of his grubby deal—would be allowed in the same way that hazard reduction burns are allowed. It would be strictly controlled and supervised by the National Parks and Wildlife Service in particular areas—presumably with appropriate signage and after publicity. This bill contains none of those safeguards.

The bill does not specify the parks in which shooting will be allowed; it simply excludes some parks. That will allow the list of parks to be expanded according to the Minister's will. Presumably that is exactly what the Government wants. It also gives the Game Council a veto over the declaration of pest species—an issue I will address later. That is clearly designed to allow what hunting groups in Victoria have done, that is, to oppose the declaration of deer as a pest species.

It was considered by the Legislation Review Committee, which came up with two problems with the bill—trespass on personal liberties and inappropriate delegation of power. I will come back to those issues but I want to first talk about Labor's history in this area. The Minister in his comments earlier referred to the marks of the previous Government being on this bill. I certainly acknowledge that there were some discussions with the previous Government, but it did not go to Cabinet or to caucus—it was rejected prior to that due to opposition from members of our caucus. I was on record as being one of those who opposed the bill. In fact, on 17 November 2009 the following story appeared in the *Sydney Morning Herald*:

Two NSW cabinet ministers have signalled their opposition to opening up Kosciuszko National Park to private hunters.

I was one of the members listed. Interestingly, in the same article the environment spokesperson at the time, the Hon. Catherine Cusack, said that she would be calling on Mr Robertson, who was then the Minister for the Environment, to clarify where the Government stood on the bill. She is quoted as saying:

I want to know if the whole thing is being reopened ... Where is this going to leave our national parks?

Presumably, she was expressing her opposition to the proposal at that time. Labor made it clear at the time that it rejected the proposal. There were discussions that took place, because we also found ourselves in the position of wanting to get things through the upper House, but that was a bridge too far. Labor did allow shooting to occur in State forests, and we stand by that decision because State forests are not in the same category as national parks; they are multi-use areas where there is logging, shooting and recreational use. I would challenge anyone to say that we need to see shooting in national parks because all the feral animals in State forests have been eradicated. I hardly think that is so; there is a long way to go with that.

**The Hon. Robert Borsak:** Pretty close.

**The Hon. STEVE WHAN:** We are nowhere near eradicating feral animals in State forests, as the Shooters and Fishers Party would be well aware. There is plenty of room there. I have a problem with this proposal for a number of reasons. I am, of course, particularly interested in the Kosciuszko National Park, which is in the area where I live and is a park that I use frequently for walking and recreational purposes. We have seen great progress in that park since about 2003—when, coincidentally, I was elected as member for Monaro—until now on the control of wild dogs.

At my urging, as well as the urgings of others, there was a fivefold increase in funding for feral pest control in that park. More importantly, we put in place cooperative dog plans, taking on a model developed around Wee Jasper and the Brindabella Valley—a very successful nil tenure plan to address wild dogs. Those plans have worked and wild dog numbers in Kosciuszko National Park and bounding areas have been reduced. The figures were quite outstanding in relation to the number of kills and the increased confidence of landowners in that area. I do not believe that allowing recreational shooters into the national park will improve that one bit.

Unfortunately—and I am sure that most recreational shooters would not engage in this sort of practice—I constantly hear stories of people seeing pigs with their ears cut off so that dogs cannot grab them.

This is designed to ensure that they can breed in an area and there will be further pigs to shoot. I hear stories about dogs being released and deer being spread to areas so that they will breed. It is unforgivable that we now have deer in the Kosciuszko National Park, having allegedly escaped from properties in the south of the State that were holding deer for game purposes.

I agree with the Shooters and Fishers Party that we probably should allow people to pay to go to private properties to shoot, as long as we can have control and make sure that the game on those properties does not get away—but I probably differ from some of my colleagues on that. However, I think it is a step too far to allow shooting in parks such as Kosciuszko, which is very heavily utilised. The north of the park, which is the main area I assume we would be talking about, is very heavily utilised by bushwalkers and riders in some parts under licence—

**The Hon. Dr Peter Phelps:** How is Peter Cochran?

**The Hon. STEVE WHAN:** As with Reynella and Peter Cochran's operations. The chance of encounters between those users and shooters is simply too high. I heard Peter Cochran commenting on this, saying what a great idea this was, but that there was no way they would be shooting wild brumbies. That leads to one inconsistency in this proposal. Apparently it is okay to allow recreational shooters to shoot dogs but not dingos, even though we know that, particularly on the edges of parks, there is significant interbreeding of those species. It is probably hard for someone who is untrained to work out what is a wild dog and what is a dingo. I certainly do not think I could make that distinction, and I very much doubt whether any member opposite could, on sight—particularly through a gun sight. Some vertebrate pest species will be able to be shot but not feral pests such as horses in the Kosciuszko National Park, which are getting to the stage of damaging alpine areas.

**The Hon. Dr Peter Phelps:** How many sheep have been killed by feral horses? How many chickens have been killed by feral horses?

**The Hon. STEVE WHAN:** An interesting interjection from the opposition about how many sheep have been killed in so many areas.

**The Hon. Duncan Gay:** From the opposition? It was not the Opposition; it was the Government Whip.

**The Hon. STEVE WHAN:** Well, he is opposite to me. How many sheep have been killed by feral horses? Why do we see in this bill a whole range of animals which are no threat to livestock at all? How many sheep have been killed by rabbits?

**The Hon. Duncan Gay:** Hundreds.

**The Hon. Rick Colless:** Hundreds of thousands. You don't know.

**The Hon. Duncan Gay:** When they eat all the grass. You would not know.

**The Hon. STEVE WHAN:** So competition for pasture comes into it and, last time I looked, horses compete for pasture, but more importantly in the high country they damage bog areas.

**The Hon. Dr Peter Phelps:** They damage Bulgaria?

**The Hon. STEVE WHAN:** They damage bog areas. As anybody who knows that park would know, in the late 1930s the Soil Conservation Service went in to try to fix the thousands and thousands of tonnes of topsoil running down the rivers from that park every year and it has literally taken that length of time—40 to 50 years—to repair many of those areas. I see complete inconsistency on those issues. The very cruel practice we have of dragging horses off in trucks to the knackers and stressing them out, as opposed to shooting by professional shooters—

**The Hon. Robert Brown:** Yes, like Guy Fawkes with your Government.

**The Hon. STEVE WHAN:** Back more directly to this legislation—

**The Hon. Duncan Gay:** You moved from that one quickly, didn't you?

**The Hon. STEVE WHAN:** I am happy to be on record on that, by the way. As I said before, there are a number of significant flaws in this legislation. One of the key flaws is that it completely fails to do what the Premier promised to the shires and in public recently about the control of this process. Nothing in the legislation gives any confidence that—and this prompted a walkout by a Shooters and Fishers Party representative at the shires conference—this will be controlled "like a hazard reduction burn", so that people know when it will occur and they can stay out of the park area.

The Minister for the Environment, and Minister for Heritage has comprehensively demonstrated her incompetence time and again, yet we are being asked to entrust her with the responsibility of developing those guidelines. The legislation also fails to set out a finite list of those parks in which shooters are allowed to shoot. Again we are asked to trust the incompetent Minister for the Environment, and Minister for Heritage to say which parks will be included in that list in the long term. It is not good enough to do this by exclusion only; the exclusion list is not comprehensive either. Members know from various legal cases that have taken place over many years that having a list that is not finite leaves room for people to exploit that loophole.

The Legislation Review Committee said it was concerned that the subordinate legislation making powers of the bill may deny Parliament its proper role in scrutinising alterations to legislation. It was referring to the powers of delegation in the bill, which it felt were excessive. That goes to what I said about delegation levels being the responsibility of the environment Minister in many cases. The committee also said that the bill trespasses on personal rights and liberties. I quote:

The Committee will always be concerned when an official has the power to direct an individual who is yet to commit any offence to leave a public area because the official believes an individual may commit an offence in the future. The Committee refers to Parliament its concerns.

I will be interested to hear the comments of Government members on that issue, especially those who are members of that committee. I am particularly concerned about the Government's attempt to slip into this legislation the power to require that the Game Council be consulted over declaration of pest species. As a former Minister responsible for the Game Council I appreciate the role the Game Council plays in regulating hunting in New South Wales. Indeed, as a member of the Government that introduced the Game Council I do not resile from the fact that the Game Council was introduced because it has an important purpose to perform.

But why should the Game Council, whose primary purpose is to regulate hunting and game, have a role in saying whether a species should be declared a pest species? Whether something is a pest species is all about whether it has an environmental impact and, consequently, an impact on New South Wales agricultural communities. That is not a decision for the Game Council to make. I am strongly suspicious that this is all about trying to stop deer from being declared a pest species in New South Wales in the long term.

**The Hon. Robert Borsak:** They are.

**The Hon. STEVE WHAN:** Currently they are not declared as a pest species in New South Wales, but they are listed as a threatening species in many environmental areas. There is a fundamental difference. When a species is declared a pest species—and deer have been declared a pest species in Queensland—the authorities are then obliged to come up with a control plan. New South Wales should be doing that. Deer can have a similar impact to that which the horses and cattle are having on the alpine areas of our national parks. In fact, in the lower parts of Kosciuszko National Park they are present in large numbers. I almost hit a very large deer on a road in that park. One would expect to hit a wombat—fortunately I never have—or a kangaroo but not a deer in that area. Some Government members are also concerned about the legislation. I note that the Hon. Catherine Cusack is not present in the Chamber. The Hon. Catherine Cusack, a former shadow Minister, is reported in an article in the *Sunday Telegraph* as saying:

The Shooters want a 'bang bang, we won' approach that sticks it to the greenies.

In the 2 June edition of the *Northern Star*, her local paper, under the headline, "Liberal MP shoots down park hunting proposal", it states:

Liberal MLC Catherine Cusack has called on the State Government to remove North Coast national parks from a list which allows amateur shooters to hunt for feral animals ... she was obligated to vote with the government in a hung Legislative Council.

The Hon. Catherine Cusack should have the guts to cross the floor.

**The Hon. Dr Peter Phelps:** How many times have you crossed the floor?

**The Hon. STEVE WHAN:** I have not needed to cross the floor. The Labor Party works very differently from the Liberal and National parties. This bad legislation has been introduced as part of a dirty deal between the Government and the Shooters and Fishers Party. It is fine for the Minister who sits opposite, a member of The Nationals, to say it was a great pleasure to support this bill. He also said, "It has been in our policy document for some time." But it was not in the O'Farrell Government's policy documents before the election.

In fact, in opposition the Premier made specific promises that he would not allow shooting in national parks and members in electorates such as Monaro denied that it was on the agenda. The current member for Monaro was so frightened that when asked about it by his local newspaper he referred the reporter to the Government's statement on the issue rather than place his personal comment on record. This bill is a breach of faith to the people of New South Wales for a dirty deal to get two broken promises through this Parliament at the expense of New South Wales national parks.

**Mr DAVID SHOEBRIDGE** [12.16 p.m.]: On behalf of The Greens I place on record The Greens strong opposition to the Game and Feral Animal Control Amendment Bill 2012. This bill is a betrayal by the Premier. He has betrayed his promise to the people of New South Wales that he would not allow hunting in national parks. He repeatedly said—I assume he did not use this language to try to deceive the people of New South Wales—that he would not allow shooting in national parks, nor would he allow national parks to become de facto game parks. That is exactly what this bill does. For the first time ever shooters will be allowed—amateur shooters, weekend cowboys who are out for nothing other than blood sports—to take their high-powered hunting rifles into national parks and mix amateur hunting, cheek by jowl, with those other users of national parks—the bushwalkers, the picnickers and the hikers—as well as rangers and other national park employees. It is dangerous to the ordinary citizens of New South Wales who want to access our beautiful national parks and deeply dangerous to those who work daily in our national parks.

I commend the actions of the Public Service Association [PSA], the Australian Workers Union [AWU] and the rangers and other national parks workers for saying that they will stand up industrially and not comply with Government directions to force them to allow access to those weekend cowboys and the gun lobby out for nothing other than blood lust and blood sports in our national parks. The proposal will be ineffective in controlling feral animals and involve proven safety issues. The Premier has failed to explain why it is suddenly okay to let shooters into national parks, despite his previous promise, other than to say that he needs to get the Shooters and Fishers Party onside for its support of unrelated bills on privatisation, workers compensation and the like.

The bill has not come out of thin air. As the Hon. Steve Whan said earlier on behalf of the Labor Opposition, this bill has come about because some 10 years ago the former Labor Government cut another ugly deal with the Hon. John Tingle of the then Shooters Party to establish the Game Council and put in place the Game and Feral Animal Control Act, which gave some grubby vindication to the idea that those weekend cowboys and amateur hunters had an effective use in controlling feral animals. The Game Council has ended up being a State-funded ginger group for the pro-gun, pro-hunting lobby and it has sucked millions of dollars in taxpayers' money. In the first six years of operation the Game Council sucked up \$9.4 million of public funding. Some \$9.4 million had to be redirected from professional feral animal control and management of our forests to fund a rabid State authority that runs pro-hunting and pro-shooting propaganda.

Most recently the Game Council joined with the weapons manufacturers Beretta and Winchester and used taxpayers' money to fund the Shot Expo, which was a big gun fair at Homebush. The Game Council runs online competitions, encouraging pig hunters to go out and stab 10 pigs and bring blood samples from the pigs to the Game Council. Then, using taxpayers' money, the Game Council will give the first pig hunter to bring 10 blood samples from dead pigs extra hunting and bowie knives and armour for pig dogs. That is tax dollars at work under Barry O'Farrell and the Game Council. The Government is funding gun lobby expos and providing bowie knives and pig dog armour to hunters. There is not enough money for public hospitals and transport and the Government is sacking 15,000 public sector workers, but in this year's budget \$2.56 million is being spent on subsidising the Game Council, together with the millions of other dollars the council receives from hunting licence fees. This is tax dollars at work under Barry O'Farrell, funding the Game Council, which is a pro-gun, pro-hunting body.

But it started on Labor's watch. In 2002 the Labor Government established the Game Council. By doing so Labor vindicated a minority hunting interest, pro-gun group; and it established a State authority that has been run by hunters and shooters. Indeed, the two members of the Shooters and Fishers Party who grace this

Chamber are previous chairs of the Game Council. They used their role in a State authority and Government taxes to promote their radical pro-gun, pro-hunting lobby. Then they used their position on the Game Council, established by Labor and now given extra funding by the Coalition, to get themselves elected to this Parliament. They then put forward these kinds of radical—

**The PRESIDENT:** Order! Mr David Shoebridge should not reflect on other members except by way of substantive motion.

**Mr DAVID SHOEBRIDGE:** They then put forward a radical pro-gun, pro-hunting agenda. As a result of 10 years of subsidies from the State Government they are now in a position to use their two votes in this Chamber to provide, for the first time ever, for the appalling precedent of allowing amateur hunters in national parks. But that comes on top of 10 years of amateur hunters having access to our State forests. Two million hectares of State forests have been opened up to amateur hunting. What has been the effectiveness of those 10 years of wide-scale hunting in our State forests by amateur hunters? Not one feral animal population has been controlled or eradicated by amateur hunters. There is not one example in one State forest of these weekend cowboys effectively removing or reducing a single feral animal species. And now they are being given access to 79 national parks and conservation areas. There is no evidence to support what amateur hunters have done in State forests.

The Government is giving two million hectares to this minority interest group, blind to the safety issues that will cause to other State forest users. We hear forestry workers say that they are regularly scared to go into State forests because they do not know when the shooters will be there. My office is regularly contacted by people who live adjacent to State forests and who have heard people shooting in the forests at night. Shooting at night is prohibited under any hunting licence given to shooters but they still shoot at night, causing an obvious danger to neighbours whose properties adjoin the State forests and other people using State forests. How many rangers are employed by the Game Council to control 15,000 hunters in two million hectares across the State? Fewer than a dozen. Indeed, a handful of compliance officers cover two million hectares of State forests. And not one additional compliance officer is being employed for the 79 national parks and conservation areas into which the Government wants to let the amateur hunting lobby.

I am grateful for the analysis done by the Invasive Species Council for the clear evidence about the failure of amateur hunting. Its analysis in 2009 showed that between 2007 and 2008 amateur hunting undertaken by the Game Council amounted to less than 1 per cent of targeted feral animal populations being removed. Indeed, on average, according to the Game Council's records, the average licensed hunter killed only two feral animals per year, and 50 per cent of them were rabbits. This is not an effective way of dealing with feral animal populations.

A study done in Victoria of a fox bounty given to amateur hunters to eradicate foxes found that 170,000 foxes were brought in. However, that amounted to reducing the fox abundance in Victoria by less than 4 per cent; and as soon as the bounty finished the fox populations returned to their previous levels and in some areas finally increased beyond those levels. Even when amateur hunters are paid a bounty, at best it reduces feral animal populations by 4 per cent and they bounce back the next year. Indeed, amateur hunting in the ad hoc, opportunistic way that amateur ground-based hunting happens does nothing more than remove what is called the doomed surplus.

That is the proportion of a feral animal population that inevitably will die because of natural predators or other environmental results to the feral animal population. Amateur hunting never gets the last percentage required to reduce the breeding population so that next year's feral animal populations do not equal or exceed the amount that the hunters opportunistically reduced in the previous year. Furthermore, the disturbing conflict of interest between recreational amateur weekend cowboys and genuine feral pest control is proven by a number of studies about hunters releasing feral animals. The 2009 report of the Invasive Species Council stated:

In the past two years, recreational hunters have killed on average 350 deer a year in NSW state forests. This is only a few more than the 300 rusa deer that need to be killed annually in one relatively small national park ... to achieve slight population reductions (0.4 per cent), according to estimates by the NSW Department of Environment and Conservation. Aerial shooting by a skilled professional can be much more effective than ground shooting by recreational hunters. In South Australia, for example, one helicopter marksman shot more than four times as many deer in four hours as 65 recreational hunters did in four days in a conservation reserve.

So recreational hunters have no meaningful impact on reducing feral animal populations, yet we continue to fund the Game Council by providing \$9.6 million in its first six years. The Government, in a tight budget, found another \$2.5 million for the Game Council this year. If that money was spent on feral pest control regimes, not

on funding amateur weekend cowboys out for their blood sports, the impact on reducing feral animal populations would be much greater. In relation to feral deer and pigs, hunters often compromise professional feral animal control programs. Indeed, hunters proudly put videos on the YouTube website in which they kill a sow and release the piglets. A hunter can be heard saying, "There's next year's crop". Hunters say they are doing a wonderful job so their mates will go hunting the following week. I am grateful to the Invasive Species Council for its analysis of what happens in feral deer herds. It states:

More than half of the 218 feral deer herds in Australia identified in 2000 appear to have derived from illegally translocated deer, presumably to create more hunting opportunities (there is no other likely explanation). There has been a dramatic increase in this practice in recent years, and many deer have been shifted into national parks and state forests. Thirty new locations for feral deer in NSW were observed between 2002 and 2004, probably most due to hunters. Deer can be bought cheaply from failing or struggling deer farms. In NSW national parks and state forests, deer with ear tags from deer farms located far away have been found, suggesting that hunters have bought the deer in one location and seeded them in another. Three men were recently fined in South Australia for releasing 30 fallow deer onto a property for hunting, but it is usually impossible to detect such illegal activity.

There is a direct conflict of interest between letting these amateur hunters have access to more and more public land and effectively controlling feral animal populations. No amateur hunter wants to eradicate a feral species from State forests or national parks because then they will have nothing to hunt and kill next year. That is proven by the fact that, in the 10 years the Game Council has been letting hunters loose in our two million hectares of State forest, no feral animal population in any State forest has been controlled effectively by this amateur, ad hoc, ground-based hunting. Those opposite want to expand that failed, expensive program into national parks. It is disgraceful.

The Game and Feral Animal Control Amendment Bill 2012 will not only increase access to our national parks by amateur hunters but also support a proposal to increase the weaponry that is available to hunters. I am grateful for an analysis by Samantha Lee, co-chair of the National Coalition for Gun Control. She is one of the people who best understands the complexity of firearms legislation in New South Wales and the impact of changes to the Firearms Act 1996. Her clear advice is this:

The legislation will allow the hunters to apply for a vertebrate pest animal control firearm licence, instead of a hunting licence. Currently hunters can only obtain low powered rifles. Obtaining a vertebrate licence will allow Game Council hunters to purchase the following firearms: selfloading centre-fire rifles; self-loading rimfire rifles with a magazine capacity of more than 10 rounds; self-loading shotguns with a magazine capacity of more than five rounds; pump action shotguns with a magazine capacity of more than five rounds; and any firearm to which a category C licence applies.

I would like the Government to explain why that is acceptable.

**The PRESIDENT:** Order! The constant interjections from members who have not yet spoken in the debate, and therefore will have an opportunity to contribute to the debate and respond to matters being raised about which they have some disagreement, are particularly disorderly.

**Mr DAVID SHOEBRIDGE:** The Government should explain why it wants to have more dangerous firearms in circulation in New South Wales. We know that the increasing pool of firearms held by licensed firearms holders is the main source of illegal weapons obtained by criminals in New South Wales. The Game and Feral Animal Control Amendment Bill 2012 is of concern not only in respect of inadequately addressing the problem of controlling feral animals and the public safety issue, but also for the people who work in our national parks. I will read a statement from a National Parks and Wildlife Service ranger who was too scared to put his name to it publicly because he is concerned about the ramifications for his employment. He said:

I am personally scared. The freedom that we have enjoyed to walk unthreatened in our national park estates is being stripped from us so that a minority group (less than 0.2 per cent of the population) can indulge their lust for blood sports and potentially injure innocent people and wildlife.

I am scared that it will deny 99.8 per cent of the New South Wales public freedom to enjoy some of the State's most spectacular national park estate without the fear that they will be confronted by shooters, stray bullets and injury. This Government is pandering to an exclusive club that has been granted privileged access to conduct a blood sport.

I am scared that the professionalism of what National Parks and other land management and pest management professionals have worked hard to achieve in managing feral pests will now be compromised by a vested amateur interest group that is only interested in shooting. Pest management is not a sport and it's not just about shooting to satisfy one's ego. It is a regulated and highly controlled business which should not be undertaken lightly. This is because it involves the use of dangerous weapons such as guns, controlled chemicals and the destruction of animals in accordance with humane principles and best practice methodology. If opportunistic ground shooting of feral pest animals was a viable option in New South Wales national parks it would already be implemented. Opportunistic ground based shooting is not recognised as an effective control method because it disperses animals and makes it even harder to implement the recognised effective control methods.

That is the view of the rangers who are out every day in our national parks. They do not want this legislation; they know it is ineffective. However, it is being forced upon them by a deal between the O'Farrell Government and this minor, right-wing Shooters and Fishers Party, with its pro-gun pro-hunting ideology that it has now forced upon every Liberal and Nationals member in this House. Finally, the sting in the tail of this legislation is that the Government is now trying to outlaw genuine protest. New section 55A of this bill will make it an offence to interfere with hunting. It will be an offence to interfere with people who have a hunting licence when they go out to shoot in our national parks. It is modelled on the Victorian laws—the Baillieu Government laws.

**The Hon. Robert Borsak:** It is better than those.

**Mr DAVID SHOEBRIDGE:** I hear the Hon. Robert Borsak say it is "better than those". The bill is modelled on those laws, which were designed to make protesting against duck hunting illegal in Victoria. Under the Coalition between the Government and the Shooters and Fishers Party we will see expanded duck hunting, with more and more national parks under the gun. Protesters will be criminalised because of new section 55A, which makes it a criminal offence to use one's democratic right to protest against hunting because if, in the course of doing that, one interferes with some amateur cowboys indulging in their weekend blood sports, one will be liable for criminal prosecution under this Act. Even Labor did not go that far. It is a disgrace.

**The Hon. Dr PETER PHELPS** [12.36 p.m.]: There is no one simple answer to managing the impact of Australia's most damaging species on private properties, public forests and parks across this country. If we listened to The Greens, we would think some magical solution could be introduced, a magical idea or plan that would fix the problem of introduced species. But of course The Greens do not put forward that plan. The Greens do not suggest an alternative solution; they do not proffer an idea as to how this utopia will come about. We must use all management tools available to address our wildlife management issues. The majority of wildlife managers agree that, to have an effective management regime, we need to use all the tools in the toolbox to achieve the best results. Selective shooting, in conjunction with a mix of other control methods, will enhance introduced species management efforts.

Many people across the country already participate in hunting activities. They voluntarily put their own time, money and resources into managing introduced species, such as rabbits, foxes, feral cats, goats, feral dogs and pigs. These species cause significant levels of environmental and economic damage across Australia. The "Counting the Cost: Impact of Invasive Animals in Australia 2004" report by the Cooperative Research Centre for Pest Animal Control conservatively estimated the cost of the impact of introduced species to be \$720 million per year in Australia, based on environmental and economic losses. Since that breakthrough study, a new report entitled "The Economic Impact of Vertebrate Pests in Australia 2009" by the Invasive Animals Cooperative Research Centre has calculated the direct economic impact alone to be \$743.5 million per year—three-quarters of a billion dollars per year.

Many other studies have also painted bleak pictures of ever-increasing environmental, social and economic costs. Foxes, rabbits, feral pigs and feral cats are significant contributors to all economic loss inflicted upon agriculture in this country. The "Counting the Cost" report estimated that the economic and environmental impact cost of foxes alone—I speak from bitter experience, having twice lost my entire complement of chickens to the little bastards—is some \$227.5 million per year. Rabbits accounted for \$113.11 million; feral cats, \$146 million; feral pigs, \$106 million; feral goats, \$7.74 million; and wild dogs, \$66.3 million every year. The Desert Knowledge Cooperative Research Centre recently estimated direct economic damage caused by the ever-increasing feral camel population to be in excess of \$15 million per year.

What is the alternative? The alternative suggested by The Greens, and presumably by Labor, is maintenance of the status quo. The status quo in a whole range of areas appears to be to do nothing. Ever since the Carr splurge on national parks, the basic progression in relation to national parks has been to find an area with trees, lock it up and then let feral animals and invasive species of flora run rampant within it. The National Parks and Wildlife Service has not controlled feral animals; it has not controlled invasive fauna species. Yet The Greens and the Labor Party seem to suggest that we should have more of the same. It has been an abject failure but, you know what, let us have more of the same.

What is the solution? All these introduced animals can be targeted by licensed hunters in organised control programs, in groups or individually. Such actions can be run in conjunction with other control measures currently in place to reduce impacts and populations. The cost to the community of hunter participation is actually very low because, like many thousands of people across the country each day, these hunters volunteer their time and related costs to be involved in valuable conservation activities. I support the involvement of



private recreational hunters in property-based management plans, where they develop working relationships with farmers and land managers across the country. I also support their involvement in helping to manage species in public parks and reserves across the country. Since the success of Operation Bounceback in re-establishing yellow-footed rock wallaby populations in the Flinders Ranges National Park in the early 1990s, many programs involving licensed hunters have resulted in real conservation benefits across public land throughout the country.

I turn now to volunteer hunting in other jurisdictions. Earlier this year members may have seen a report on the ABC's *Landline* program that proved volunteer conservation hunting does work. In Victoria shooters culled about 4,000 goats from Murray-Sunset National Park, which was suffering huge amounts of damage and degradation as the feral pests thrived in the massive and remote region. The conservation teamwork has been going on for more than seven years, and park rangers and shooters seem to love the program. *Landline* reported that three trials over several years to get rid of goats through trapping and other means ended in failure. Shooting was the only viable answer. As shooter Kent Goldworthy told *Landline*, "It's been proven up here now. We knew it before but it's actually been proven that shooting is the only way to cull these animals down to a realistic number." And there is no arguing with the outcome according to Parks Victoria ranger Robert McNamara, who coordinated the hunters as the ABC program followed them on the cull. He said:

I would say many, many thousands of animals were here initially and then when the guys have come on ... they've taken out over 4,000 animals now in that seven years. So you know, that's been a monumental effort from those guys.

The *Landline* program showed recovering native bush, and park ranger Mr McNamara was clearly happy with the outcome. In South Australia volunteer hunters worked successfully with the National Parks and Wildlife Service on feral goat control throughout the Gannan Ranges. And Parks Victoria allows for unsupervised stalking of sambar deer in its national parks.

What is the real reason for The Greens' and Labor's opposition? It is a virulent anti-hunting, anti-firearms ideology. That is all it is. Some people say hunting is inhumane or cruel. The first question to be asked is: If that is the case, why is it cruel for a private individual to shoot an animal but not cruel for a National Parks and Wildlife Service hunter to shoot animals? Why is it particularly cruel or inhumane? The simple fact is that hunting is not cruel. Hunters practise to refine their skills to ensure that shot placement results in a quick, clean kill. Do members know what is cruel? It is watching lambs walking around paddocks in a state of shock, treading on their own entrails after having been disembowelled and having their kidneys ripped out by feral dogs that have encroached from the neighbouring national park. That is cruel. We all know that nature is not as kind and most animals that die in the wild suffer a fate worse than being killed quickly and humanely by a hunter. Just think of a native bird being devoured slowly by a feral cat—

**The Hon. Robert Brown:** Alive.

**The Hon. Dr PETER PHELPS:**—while it is still alive—whereas the massive hydrostatic shock and blood flow disruption to the brain caused by projectile impact render insensibility prior to a rapid death. Any perception of cruelty is driven only by extreme Greens ideology, which argues that people have no right to utilise animals for food or products or undertake culling to reduce a species impact or suffering. Such perceptions use false information and deception to lure people into believing what they say is true when it is ultimately false.

Is it dangerous? The next argument trotted out by extreme Greens is that shooting in national parks is dangerous. That is nonsense. The 2009 Parks Victoria discussion paper on recreational deer hunting makes no mention of injuries or fatalities in relation to deer stalking in Victorian national parks. Remember, this is unsupervised deer stalking in a national park. The discussion paper makes no mention of injuries or fatalities. Now why do members think that is so? Why do members think the Parks Victoria discussion paper makes no mention of injuries or fatalities?

**The Hon. Rick Colless:** There weren't any.

**The Hon. Dr PETER PHELPS:** I accept that interjection. Thank you very much. This is an important point. The only example of unsupervised culls of feral animals in Australia shows no safety issues whatsoever, provided standard firearms safety rules are applied. This information does not come from the Sporting Shooters Association of Australia or the Game Council New South Wales; this is from Parks Victoria. It adduces no safety issues whatsoever provided standard firearms safety rules are applied. Nor do I buy the argument put forward by The Greens, and to a lesser extent by the Labor Party, that paid shooters will solve everything. I do

not buy the paid shooter argument that is trotted out by The Greens extremists. Even if we could afford to pay them all—remember we are talking about taxpayers' money—there simply are not enough professional shooters to go around.

**The Hon. Robert Borsak:** Or money.

**The Hon. Dr PETER PHELPS:** There is not enough money. But even assuming an unlimited budget, there are not enough professional shooters to do the job. I also point out that I know many shooters who have marksmanship skills that are at least as high as those of professional shooters, and sometimes higher. So why do the critics of non-commercial hunters insist on using only paid shooters to undertake introduced species control, especially when licensed volunteers can do the same job for free?

I believe it is much better to use and empower a willing section of our community and then use the money saved on other complementary actions to achieve the best results. We all support volunteers performing a range of jobs, and volunteer shooting is no different. We need to empower the community to become part of the solution to the feral animal problem. I support initiatives between governments, the community and licensed hunters, and I believe they should be supported across State lands in New South Wales.

**Reverend the Hon. FRED NILE** [12.50 p.m.]: The Christian Democratic Party supports the Game and Feral Animal Control Amendment Bill 2012. For the interest of members, an earlier speaker said that the bill was being rushed through Parliament. I advise that the Shooters and Fishers Party negotiated its first bill from 1998 to 2007, and this bill from 2009 to 2012. That demonstrates there has been no rush to ram this bill through Parliament, and also the patience of the Shooters and Fishers Party in trying to achieve its objectives. The bill will enable the Minister responsible for national park estate land, which includes national parks and certain other land reserved under the National Parks and Wildlife Act 1974, to make that land available for the hunting of game animals by persons who hold a game hunting licence. That licence is in addition to the regular firearms licence. The Greens incorrectly referred to "Rambo-style" individuals who will be engaged in eradicating feral animals but they will have to undergo two checks.

The bill will also specify certain national park estate land that cannot be made available for the hunting of game animals. The bill makes it clear that 38 national parks and nature reserves listed on page 11 cannot be declared public hunting land. They include national parks near metropolitan areas and towns, et cetera, such as the Blue Mountains, Brisbane Water, Georges River, Heathcote, Botany Bay, Ku-ring-gai Chase and Mulgoa. Bushwalkers and hikers have the protection that the hunting of feral animals will not occur in those areas. The bill also lists the feral animals that are the main target of the legislation. These include cats, dogs, goats, foxes, hares, rabbits, pigs, et cetera. It is important to remove those animals because they prey on our native animals, which I would have thought would be important to The Greens. The bill also will enable the list of game animals to be amended by ministerial order but it specifically excludes native animals being added by such an order.

I have received information about feral animals that shows how serious the situation is in New South Wales. For example, foxes alone number 7.2 million. It is estimated that this population consumes 190 million birds every year. Foxes threaten the survival of many Australian mammals and birds. It is estimated that licensed shooters already account for 13 per cent of fox control actions in New South Wales. According to the report entitled "Counting the Cost: Impact of Invasive Animals in Australia 2004", the cost impact nationally of 11 feral animal species totalled \$720 million per year, and feral animals cost New South Wales agriculture \$70 million a year. There are already 400 declared State forests and Crown land areas available for hunting access under the Game Council New South Wales game hunting licence system. This legislation will extend the current program to 79 of the State's 799 national parks, native reserves and State conservation areas. The Premier said:

Culling of feral animals in our national parks, including the Royal National Park, occurs already ...

At least 24,000 feral pigs, dogs, goats, foxes, cats, rabbits and deer were destroyed in national parks in 2010-11 ...

This is a logical extension of an existing policy—a sensible measure to remove these pests which damage habitat, kill native animals, kill stock, rob stock of feed and damage crops across the State.

One asks: Why are The Greens in such a frenzy to oppose this logical legislation? Hunters who wish to apply for a restrictive hunting licence to hunt on public land must be members of an Australian hunting organisation and must complete a hunter education course approved by the Games Council. The hunter education course ensures that licensed conservation hunters have relevant awareness of hunting and firearms legislation, and

animal welfare issues. Currently approximately 20,000 licensed conservation hunters are active in State forests and on private property. Last year Game Council licence holders removed 320,000 game and feral animals from more than 400 areas, on public and private land. In comparison, the New South Wales National Parks and Wildlife Service removed only 24,000 animals from nearly seven million hectares, which clearly shows the huge challenge this organisation faces. The Christian Democratic Party supports the Game and Feral Animal Control Amendment Bill 2012, which has been very carefully drafted and should receive the support of the House.

**The Hon. DAVID CLARKE** (Parliamentary Secretary) [12.57 p.m.]: When the Hon. Robert Brown introduced the Game and Feral Animal Control Amendment Bill 2012 he said it was a conservation bill that provides for a sensible, simple and practical conservation outcome. I believe he is correct. It is a conservation bill and a good bill, and I will be voting for it. This bill extends the current State's program of feral animal control to 79 of the State's 799 national parks, nature reserves and State conservation areas, and allows licensed conservation hunters to cull pest animals such as pigs, dogs, foxes, cats, goats and deer. It will not allow feral animals to be culled in or near metropolitan areas or in any wilderness or World Heritage areas, including the Blue Mountains National Park. The bill is but a natural extension of an existing policy.

Feral animals need to be culled periodically and systematically because of the damage they do. They cause scores of millions of dollars of damage every year to livestock and crops. They damage the natural environment, kill native animals, and tear apart and devour protected and rare birds. They cause havoc in our farming communities and to our State's farming economy. This is a good, positive bill that is worthy of support. We should not—and those on this side will not—be persuaded by the shrill, hysterical misrepresentations of The Greens and their sidekicks. The Greens have caused disruption and havoc to much of our nation's economy with their wild, over-the-top assertions and their ever-increasing political blackmail of non-Coalition governments throughout the nation. But we will not allow them to plunge the dagger into the back of the New South Wales farming community. We will not let them do any more harm to our farming community than they have done up to now. We will stand up for our farming community and to the political correctness that oozes from virtually every policy stance of The Greens. That is what this bill does.

The Coalition supports reasonable and productive conservation measures, which is what this bill delivers. The Greens may dictate to the Federal Government, but they will not dictate to this Government or to the people of this State. They might think they are the only true conservationists in this State, but they are not. The truth is that they damage the conservation cause. The use of trained volunteer conservation hunters in parks and reserves is already widespread in Australia. Last year in New South Wales on a total of more than 230,000 days of hunting undertaken by game hunting licence holders on public and private land not one life-threatening incident was reported. So much for The Greens' hysteria-based warnings. This bill simply extends the existing policy, and that will be good for our native flora and fauna, for our farming community and for the economy. We should ignore The Greens' misleading spin and hype. This is a good bill and it deserves our support.

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

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

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

## QUESTIONS WITHOUT NOTICE

### HUNTER EMPLOYMENT

**The Hon. LUKE FOLEY:** I direct my question to the Minister for the Hunter. The New South Wales Government's website states that 36,000 people in the Hunter work in the New South Wales public service. How many of those people will lose their jobs under the Government's statewide 15,000 job cuts detailed in the budget?

**The Hon. MICHAEL GALLACHER:** The scare campaign continues. I have a lot of time for the Leader of the Opposition.

**The Hon. Greg Donnelly:** You don't show it.

**The Hon. MICHAEL GALLACHER:** I do have a lot of time for him. However, I am aware of his ability to create fear, particularly in the Hunter. The people of the Hunter are genuine. The Leader of the Opposition knows, because the Treasurer made it very clear in the debate following the presentation of the budget and when members of the Opposition asked questions about the numbers, what is expected of directors general operating not only in the Hunter but also throughout the State in respect of meeting the Government's targets. I know that the Leader of the Opposition is aware of what the Treasurer has had to say about saving strategies to be implemented in New South Wales. Sadly, members opposite will simply incite fear in the Hunter by saying that every one of the 30,000 public sector employees there will lose their job. That is what I suspect the Leader of the Opposition is about to say. I am sure that very soon the same campaign will be launched about the Illawarra. The Minister for the Illawarra will probably be asked a similar question.

**The Hon. Steve Whan:** It is certainly coming.

**The Hon. MICHAEL GALLACHER:** The Hon. Steve Whan has just admitted that there will be scare campaign around the State. If those at the bottom of the budgie cage turn around, they will find Labor.

### HUNTER ROADS

**The Hon. JOHN AJAKA:** I direct my question to the Minister for Roads and Ports. Will the Minister update the House on roads in the Hunter region?

**The Hon. DUNCAN GAY:** It is a pity that the Leader of the Opposition did not ask a positive question rather than try to scare the people of the Hunter.

**The Hon. Luke Foley:** Point of order: Various Presidents have ruled that comparing a question with another question is debating the question and is therefore out of order. I submit that that is what the Minister is doing.

**The PRESIDENT:** Order! I did not hear all of the Minister's remarks, so I will not rule on that point of order. However, I remind all Ministers that they should not debate questions.

**The Hon. DUNCAN GAY:** The 2012-13 State budget allocates \$870 million for investment in roads across the Hunter region. This budget investment is a huge shot to the arm for the Hunter and it will ensure that work on the Hunter Expressway continues at full speed. This budget allocates a further \$530 million to the Hunter Expressway to continue major work between the F3 at Seahampton and the New England Highway at Branxton.

*[Interruption]*

The break-up is 88:12. The Hunter Expressway project is funded by the Federal Government and that ratio is in keeping with the standard funding arrangement for roads on the national highway network. Yet again, the New South Wales Government is delivering on its election commitments. This year it is delivering \$10 million to finalise planning and to start work on the—

**The PRESIDENT:** Order! There is far too much interjection from Opposition members.

**The Hon. DUNCAN GAY:** Of course there is. The Government has committed to spending \$10 million on the four-lane divided road upgrade of Nelson Bay Road between Bobs Farm and Anna Bay. It will spend \$9 million on the upgrade of the New England Highway between the hospital and railway station roundabouts at Maitland. It is hard to deliver good news to people who do not want to listen. I have not been baiting the Opposition; I have been delivering good news for the Hunter and I am copping an unacceptable barrage. Members opposite should represent their constituents properly. I will probably need a supplementary question.

**The PRESIDENT:** Order! I call the Hon. Eric Roozendaal to order for the first time. I call the Hon. Sophie Cotsis to order for the first time. I call the Hon. Luke Foley to order for the first time.

**The Hon. DUNCAN GAY:** The Government has provided approximately \$20 million in grants to local councils in the Hunter region for road improvements. These include the upgrade of Raymond Terrace-Dungog road, the upgrade of the Hunter wine country roads, the upgrade of Lemon Tree Passage Road,

the completion of the new railway bridge at Thornton and the Cardiff main street revitalisation project. In addition, this year \$5 million has been allocated to upgrade Wallanbah and Avalon roads as part of the Government's \$7.5 million commitment. Approximately \$4 million has been allocated this year for the Lakes Way upgrade— [*Time expired.*]

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

**The Hon. DUNCAN GAY:** The Government is delivering on its \$4.5 million commitment to the electorate of Myall Lakes. The budget allocates \$1.15 million for Cessnock road upgrades, which delivers on the Government's \$1.2 million commitment to the electorate of Cessnock.

**The Hon. Walt Secord:** Who is the member there?

**The Hon. DUNCAN GAY:** The electorate of Cessnock is part of this State. This Government does not single out Coalition electorates and spend money there. Unlike the former Government, this Government does not care whether electorates are held by the Labor Party, the Liberal Party or The Nationals.

**The PRESIDENT:** Order! I call the Hon. Walt Secord to order for the first time. I call the Hon. Penny Sharpe to order for the first time.

**The Hon. DUNCAN GAY:** The budget also allocates \$2.5 million for the Marlee and Duff's bridges replacement projects, which is yet another demonstration of this Government's delivering to the electorate of Myall Lakes. It is also delivering much-needed funds for existing road infrastructure upgrades, including a further \$25 million for the continuation of work on the Newcastle inner city bypass between Shortland and Sandgate and \$31 million for intersection improvements on the 13-kilometre route between the F3 and Broadmeadow associated with the building of the Hunter Expressway.

Further, \$13 million has been allocated to replace the Aberdeen Bridge over the Hunter River on the New England Highway. That project is federally funded. Local councils in the Hunter will also share in almost \$18 million to help maintain local roadworks. This region is a significant component of the New South Wales economy, which is why it beggars belief that Labor ignored this region—its so-called heartland—for so long. As everyone knows, it is no longer Labor's heartland and its lack of attention to important announcements— [*Time expired.*]

## ILLAWARRA EMPLOYMENT

**The Hon. ADAM SEARLE:** My question is directed to the Minister for Finance and Services, and Minister for the Illawarra. The New South Wales Government's website states that 30,000 people in the Illawarra work in the public sector. How many will lose their jobs under the 15,000 job cuts detailed by the Treasurer?

**The Hon. GREG PEARCE:** I am glad that the honourable member has asked me about the Illawarra and the budget. When the Treasurer handed down the budget it was part of our policy of remedying the neglect that the Illawarra, amongst many other regions, suffered under the former Government.

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

**The Hon. GREG PEARCE:** The Treasurer announced a budget focused on transport, health, housing, service delivery and infrastructure. The Illawarra, a region that was always taken for granted by the Labor Party, will never be taken for granted by the O'Farrell Government. It continues to be one of the fastest-growing areas of the State. This Government is determined to see that vital services and infrastructure keep pace with this growth. At the core of this growth is an efficient transport system. That is why the Government is investing \$148 million in the CityRail network to ensure commuters have a reliable and safe rail service to keep the region moving. The region is going to benefit from the increased number of modern and accessible Oscar train carriages.

**The Hon. Steve Whan:** Point of order: I refer to relevance. The question was specifically about public sector jobs in the Illawarra.

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

**The Hon. GREG PEARCE:** As part of the \$148 million transport access program in the budget, which impacts on the Illawarra, the Government will deliver a new station at Flinders and Kiama station will receive improved parking, with 40 additional car spaces, improved lighting and a new pedestrian crossing.

**The PRESIDENT:** Order! I call the Hon. Penny Sharpe to order for the second time.

**The Hon. GREG PEARCE:** Shellharbour will receive updated facilities as part of the transport access program. Dapto station will receive new shelters and seating, kiss and ride and taxi zones, better lights, footpaths and upgrades to the platform access ramp. Gerringong will receive funding to resurface and widen access ramps. Albion Park will benefit from more lighting and improved pedestrian access. Oak Flats will see an additional 230 car spaces and bus shelter—

**The Hon. Eric Roozendaal:** Point of order: The question was about jobs. We are getting nothing but a list of infrastructure, which is nowhere near relevant to the question asked.

**The Hon. Dr Peter Phelps:** To the point of order: Members opposite might not understand, but economic activity and the developments in the budget lead to jobs in the broader sense. I note that the Labor Party website lists Linda Burney as the Leader of the Opposition.

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

**The Hon. Luke Foley:** Point of order—

**The PRESIDENT:** Order! Does the Leader of the Opposition wish to raise a new point of order?

**The Hon. Luke Foley:** Yes. My point of order goes to relevance. The question was very specifically about the current number of public service jobs in the Illawarra, as indicated on the New South Wales Government's website. An answer that talks about future projects that may or may not in some years' time create some jobs is in no way relevant to a question about how many current jobs are at risk from this budget.

**The PRESIDENT:** Order! I cannot direct the Minister as to how he answers a question. The Minister was asked a question about jobs in the Illawarra. He is being generally relevant.

**The Hon. GREG PEARCE:** The budget supports jobs. This Government is determined to restore economic growth in New South Wales and to repair the damage caused by the mob opposite over 16 years. *[Time expired.]*

### SHOOTING IN NATIONAL PARKS

**The Hon. JAN BARHAM:** My question without notice is directed to the Minister for Police and Emergency Services, representing the Minister for Tourism, Major Events, Hospitality and Racing. Was the Minister consulted on the introduction of the shooting in national parks, nature reserves and State conservation areas, and has there been an assessment of impact on tourism—

**The PRESIDENT:** Order! I call the Hon. Trevor Khan to order for the first time.

**The Hon. Duncan Gay:** Point of order: There is a bill before the House on this topic.

**The PRESIDENT:** Order! The member's question anticipates debate on the Game and Feral Animal Control Amendment Bill 2012, which the House was debating prior to question time. I rule the question out of order.

### WATER SAFETY BLACK SPOTS FUND

**The Hon. MARIE FICARRA:** My question is addressed to the Minister for Police and Emergency Services. Will the Minister update the House on the recipients of grants under the water safety black spots fund?

**The Hon. MICHAEL GALLACHER:** Our Government, with the support of the Water Safety Advisory Council, is looking at the best ways to reduce drowning deaths in New South Wales. We are

progressing serious initiatives to help target black spots, develop effective programs and engage the community in improved water safety. The council made recommendations to me regarding the 2011-12 allocation of \$2 million to the Water Safety Black Spots Fund. The object of the fund is to reduce the rate of drowning deaths in New South Wales by funding water safety initiatives that focus on known black spots. These may be geographic locations, certain population groups or high-risk activities.

Targeted organisations with recognised expertise in water safety were invited by the Ministry for Police and Emergency Services to submit applications. An assessment panel endorsed by the council met to consider the applications, which were assessed against specific criteria. Applications were received from 11 organisations and the quality of each was very high indeed. I thank all organisations for taking the time to prepare their applications and for their ongoing commitment to water safety in New South Wales. I am pleased to outline to the House the eight successful applicants for funding.

Austswim New South Wales has received \$150,000 for training and education programs for culturally and linguistically diverse communities, Indigenous communities and disability groups, reaching out to some of the most vulnerable people who need to have a greater understanding of water safety. The Boating Industry Association has received \$194,300 to deliver the Boat Smart safe boating program to more schools in New South Wales. The existing marine studies syllabus will be expanded to four new marine education hubs for approved New South Wales high schools. The Samuel Morris Foundation has received \$50,000—

**The Hon. Sophie Cotsis:** Hear, hear!

**The Hon. MICHAEL GALLACHER:** Yes, it is an outstanding organisation. The Westmead Children's Hospital has received \$201,000. Both organisations focus on children aged 0 to 5 years. This will fund age appropriate education programs and campaigns targeted to inflatable pool safety. The Recreational Fishing Alliance has received funding for three proposals undertaken in partnership and relating to safer rock fishing—and this week we most certainly need that. The total funding will be \$321,000. The programs will engage multilingual educators, conduct workshops and undertake media projects to ensure consistent messages and issue alerts.

New South Wales Royal Life Saving has likewise submitted five proposals that have been funded for a total of \$563,000 relating to identified black spots of reducing alcohol-related drowning, reducing drowning amongst older people, reducing drowning in rural and remote areas, reducing drowning in high-risk populations, and undertaking a risk audit of open water swimming facilities. Complementary to the Royal Life Saving audit, Surf Life Saving New South Wales is undertaking a coastal public safety risk assessment and has been funded \$320,000 to complete it. The last two programs will assist in identifying black spots in the future. Surf Life Saving New South Wales has also been granted the \$1 million this Government promised to enhance its rescue capabilities.

Last, but by no means least, Surfing NSW is in the process of producing one-day certification for cardiopulmonary resuscitation [CPR] and board rescue skills, for which it will be funded \$200,000. Each organisation will be bound by a funding agreement, which will include quarterly updates on the progress of the programs for a regular audit trail. These agencies will be eligible for black spot funding only if they have fully met their funding agreement for 2011-12. [*Time expired.*]

## RENEWABLE ENERGY

**The Hon. ROBERT BORSAK:** I address my question without notice to the Minister for Roads and Ports, representing the Minister for Resources and Energy. Is the Minister aware that the Beyond Zero Emissions group estimates that it will cost \$370 billion for New South Wales to reach The Greens target of 100 per cent renewable energy by 2020? Is the Minister aware of any economic modelling to show how this green goal can be achieved without any increase in New South Wales consumer electricity bills? In the absence of nuclear power, how can a reliable supply of electricity be guaranteed without any new base-load generation?

**The Hon. DUNCAN GAY:** Only the other day I was pondering this very issue as I was sitting at my computer. I then accessed the Hansard section of the New South Wales Parliament's website—not an easy site to access, I must say—because I was wondering what some of the most important thinkers in this area considered to be the way forward. I went to the special area of Dr John Kaye—

**The Hon. Michael Gallacher:** Special Kaye.

**The Hon. DUNCAN GAY:** Special Kaye. There I got the innermost thoughts of the most learned man in this Parliament on matters to do with electricity—

**The Hon. Michael Gallacher:** Self-appointed.

**The Hon. DUNCAN GAY:** —so he indicates. I was surprised. The Hon. Jeremy—what's his name?

**The Hon. Rick Colless:** Buckingmad.

**The PRESIDENT:** Order! Members will cease interjecting during the Minister's answer.

**The Hon. DUNCAN GAY:** The Hon. Jeremy Buckingham would be surprised because within those comments, which have been made over a number of years, was incredible support for coal seam gas. In fact, Dr John Kaye indicated that we did not need an upgrade of the transmission lines to the North Coast because a new, exciting company called Metgasco was about to open up in that area. That company would provide cheap power without an augmentation of the TransGrid line. The Hon. Eric Roozendaal was in the House at that time. He would also remember Dr John Kaye's comments.

**The PRESIDENT:** Order! I call the Hon. Dr Peter Phelps to order for the first time.

**The Hon. DUNCAN GAY:** He also indicated that we did not need to extend coalfields—

**The Hon. Jeremy Buckingham:** Point of order: The Hon. Duncan Gay is misrepresenting, misquoting and misleading the House as to Dr John Kaye's position. If the member wishes to make a statement about—

**The PRESIDENT:** Order! I have the gist of the member's point of order.

**The Hon. Michael Gallacher:** To the point of order: The Hon. Jeremy Buckingham is debating the issue. He has obviously spent too much time on his sun bed at lunchtime.

**The Hon. Jeremy Buckingham:** I am angry.

**The Hon. Michael Gallacher:** Yes.

**The PRESIDENT:** Order! There is no point of order. The Hon. Jeremy Buckingham will not make debating points under the guise of a point of order.

**The Hon. DUNCAN GAY:** I was actually praising the stance taken by Dr John Kaye on this issue. He said that the best way forward in the protection of carbon and such matters in New South Wales was by way of coal seam gas supplementation of our current coal-fired power stations. I agree with the member on that—I suspect many members in this House on a combined cycle would agree with him. Obviously, The Greens have had a change of mind. As The Greens go around this State scaring as many farmers as they can it is not politically correct for them to be supporters of coal seam gas. In answer to the member's question, all these schemes will cost the consumers in the end. It is all right to have good ideas, but someone has to pay for them. Indeed, what we have seen from the Federal Government and the previous State Government is that for all these good ideas that people have to capture the green votes, the most susceptible in our society—the pensioners, the farmers and small business people—have to pay. [*Time expired.*]

### ILLAWARRA EMPLOYMENT

**The Hon. SOPHIE COTSIS:** I direct my question to the Minister for Finance and Services, and Minister for the Illawarra. Given the recent closure of public sector offices across New South Wales—such as WorkCover offices at Gosford and Regional Development offices at Goulburn—will the Minister guarantee that no government offices will be closed in the Illawarra?

**The Hon. GREG PEARCE:** We were looking at the Opposition website earlier today. I think there is a bit of a problem with job losses.

**The Hon. Michael Gallacher:** There is one job gone by the looks of it.



**The Hon. GREG PEARCE:** Yes, one job gone. Linda Burney is shown as the Leader of the Opposition. What happened to John Robertson? The Government did not want Mr 14 per cent to go.

**The Hon. Walt Secord:** Point of order: My point of order is relevance.

**The PRESIDENT:** Order! It is not immediately apparent that the Minister's answer is generally relevant to the question asked. I ask him to be generally relevant in his answer.

**The Hon. GREG PEARCE:** The question was about job losses.

**The Hon. Sophie Cotsis:** No, it was not.

**The Hon. Adam Searle:** No, it was about the Illawarra.

**The Hon. GREG PEARCE:** Actually, she was talking about Gosford.

**The Hon. Michael Gallacher:** She thinks Gosford is in the Illawarra.

**The Hon. GREG PEARCE:** Yes. Recently I have reaffirmed this Government's commitment to maintaining jobs at WorkCover at Gosford. The Government is determined to make a contribution to the Central Coast, but where is the Leader of the Opposition?

**The Hon. Michael Gallacher:** He has gone.

**The Hon. GREG PEARCE:** But what has happened to him? Have those opposite not been told?

**The Hon. Sophie Cotsis:** Point of order: My point of order is relevance. Will the Minister guarantee that no government offices will be closed in the Illawarra? Yes or no?

**The PRESIDENT:** Order! The Minister is moving away from being generally relevant to the question. I invite him to continue his answer.

**The Hon. GREG PEARCE:** I cannot guarantee that Robbo will get his job back, because I do not know the circumstances in which he lost it.

**The PRESIDENT:** Order! If the Minister does not have anything generally relevant to add, he should resume his seat.

#### **FUTUREGOV FORUM NSW**

**The Hon. MATTHEW MASON-COX:** I address my question without notice to the Minister for Finance and Services. Will the Minister inform the House about the FutureGov Forum NSW and the benefits it will provide as the New South Wales Government implements the information and communications technology strategy 2012?

**The Hon. GREG PEARCE:** What a good question from the Parliamentary Secretary. On 21 June the FutureGov Forum NSW will take place in Sydney. This conference will bring together New South Wales Government change leaders and the private sector to engage and collaborate on the future of citizen service delivery.

**The PRESIDENT:** Order! The level of noise coming from Opposition members is increasing. I remind members that interjections are disorderly at all times.

**The Hon. GREG PEARCE:** Members will be aware that the New South Wales Government ICT Strategy 2012, which I launched with the Deputy Premier on 4 May, has a clear focus on service delivery and using information and communications technology to enable better and improved services for the people of New South Wales. The strategy acknowledges the importance of early industry engagement and of talking to business about how government can improve the way it uses information and communications technology to get better value for money. Our involvement in FutureGov, and other forums of this kind, provides an excellent opportunity for business and government to come together to discuss issues and share best practice in both the government and private sectors.

Hosted by the FutureGov Asia Pacific business media organisation, the forum picks up the same themes that have been identified in the Government's strategy as priority initiatives for improving the way government does business. Overall, the strategy has at its centre long-term business transformation. The FutureGov Forum acknowledges this through its conference program, which lists the key themes for discussion as data management and sharing; information sharing; shared services; information and communications technology investment; information and communications technology governance framework; cloud services; information security and open government. The forum will hear from key government representatives, including the Director General of Finance and Services and the Executive Director of ICT policy. One key topic they will hear about is the Government's approach to open government.

Open government is central to the Government's new approach to transparency, accountability and rebuilding trust in government services. Currently, New South Wales Government services are provided at more than 500 shop fronts, 32 major call centres and more than 900 websites. There are more than 8,000 government phone numbers. Bringing together 150 government services from 16 organisations, Service NSW will make transacting with government easier and more convenient through one-stop shops, a 24-hour phone service, a single web portal and more mobile applications providing real-time information to customers. The forum will canvass all areas covered by the Government's new approach, and it emphasises to us all that information and communications technology is not about building a shopping list of new and expensive projects; rather, is about transforming the way the public sector uses information and communications technology and ensuring that agencies are using technology in a consistent manner.

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

**The Hon. GREG PEARCE:** The strategy, in collaboration with industry, will drive collaboration and innovation. We need to ensure that we are getting the best value for our information technology spend and continue to deliver, and improve our delivery of, front-line services to the community and the business sector. The information and communications technology strategy provides fresh thinking and a road map for engaging more closely with industry and leveraging the best ideas for improving service delivery. I welcome events such as Futuregov in providing the platform for an ongoing dialogue.

#### MURRAY-DARLING BASIN PLAN

**The Hon. ROBERT BROWN:** My question without notice is addressed to the Minister for Roads and Ports, representing the Minister for Primary Industries, and Minister for Small Business. Is the Minister aware that the Federal environment Minister has threatened to use the special Commonwealth intervention powers under the Water Act to force an agreement on the Murray-Darling Basin plan by the end of this year? Will the New South Wales Government bow to these threats or will it lead an eastern States withdrawal from the Federal agreement and force the Commonwealth to sit down and work out a proper solution for the basin?

**The Hon. Jeremy Buckingham:** Point of order: The question contains argument. The Hon. Robert Brown said that the Minister had made threats. I believe that is an argument and it should be ruled out of order.

**The PRESIDENT:** Order! I will allow the question.

**The Hon. DUNCAN GAY:** I have been bemused by the recent actions of the Federal environment Minister. Many members would remember him from when he was a member of this illustrious Chamber. When he was here we thought he was pretty sensible and sound.

**The Hon. Matthew Mason-Cox:** A lot of people said some good things about him.

**The Hon. DUNCAN GAY:** People did say good things. They thought he was a conservative, that he was slightly right of the middle but a sensible conservative.

**The Hon. Robert Brown:** He is actually a good bloke.

**The Hon. DUNCAN GAY:** And they thought he was a good bloke. But since he went to Canberra and entered The Greens-Labor coalition he seems to have changed. That huge change has resulted in his announcement of a new marine park that encompasses the whole of the country—

**The Hon. Jeremy Buckingham:** The whole of the country?

**The Hon. DUNCAN GAY:** It does surround the whole of the country. The announcement was supported by a discredited international greens organisation that, frankly, does not do any proper research in environmental areas. The Federal Minister is concurrently running the Murray-Darling Basin plan. Frankly, that plan is simply another appeasement for Adelaide; it does not take into account the real functions, the real changes and the real communities that live adjacent to the river. What he is trying to do to New South Wales and other States is horrendous. Thankfully, he has moved off slightly. We are blessed to have the Hon. Katrina Hodgkinson as our Minister in this area. She is tough and feisty. She is marvellous. She is so good that the Hon. Steve Whan would not go with his little mate and picket her office on the day she was there. He waited until he knew she was not there.

**The Hon. Luke Foley:** Point of order: The Deputy Leader of the Government has, not for the first time, cast aspersions on the Hon. Steve Whan.

**The Hon. DUNCAN GAY:** He has no ticker.

**The Hon. Luke Foley:** If the Deputy Leader of the Government wishes to do that he must do so by way of substantive motion, and I am sure we would be welcome to join in the debate.

**The PRESIDENT:** Order! Members have heard this story about the Hon. Steve Whan in previous answers, so I wonder how it can so often be relevant. I encourage the Minister to explore other generally relevant areas in his answer.

**The Hon. DUNCAN GAY:** I apologise. I did not intend to raise the Hon. Steve Whan's lack of ticker until he tried to mention that our gutsy, feisty Minister for Primary Industries had no ticker and I had to highlight an important thing that happened in the past. The question is important and I will refer it to my colleague for a detailed and considered response.

#### GOVERNMENT OFFICE CLOSURES

**The Hon. STEVE WHAN:** My question is addressed to the Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council. Given the recent closure of public sector offices across other parts of New South Wales, including regional development offices in Tweed and Goulburn, the Lands Department office in Hay and the world-renowned Cronulla Fisheries Research Institute, will the Minister guarantee that no government offices will close in the Hunter?

**The Hon. MICHAEL GALLACHER:** I must apologise to the House. I was instrumental in the closure of a number of offices in the Hunter. I closed the offices of Jodi McKay, Matthew Morris in Charlestown and, sadly, Robert Coombs and that bloke from Maitland, whose name I cannot remember. Whoever he was, we damn well closed his office.

**The Hon. Lynda Voltz:** Point of order: My point is relevance. The question related specifically to the closure of offices in the Hunter. The Minister has not referred to the closure of any offices in the Hunter in his response so far.

**The PRESIDENT:** Order! The Minister had made his point.

**The Hon. MICHAEL GALLACHER:** I rest my case, your worship.

**The PRESIDENT:** Order! Does the Minister have anything else he would like to add?

**The Hon. MICHAEL GALLACHER:** I do not think members opposite want any more.

#### FIRE AND RESCUE NSW

**The Hon. JENNIFER GARDINER:** My question without notice is addressed to the Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council. Will the Minister inform the House about any cutting-edge technology improvements that have been introduced by Fire and Rescue NSW?

**The Hon. MICHAEL GALLACHER:** The Government understands that a fast and effective response is critical in times of emergency and natural disaster. That is why we are ensuring that Fire and Rescue NSW is supported by cutting-edge technologies that enable firefighters to rapidly locate and respond to the scene of an incident. Last year I announced a new state-of-the-art emergency services computer-aided dispatch system, or SCAD, which was switched on by Fire and Rescue NSW on 12 June 2012. The new technology will result in a single virtual operating environment so that 000 calls from across New South Wales will be rapidly answered by available call takers, whether they are in a communications centre in Sydney or Newcastle. This will reduce the time it takes to answer emergency calls and dispatch fire crews, ultimately leading to improved public safety.

It is also crucial that our emergency services are able to communicate about incidents so that they can rapidly and effectively coordinate responses. With the introduction of the inter-cab messaging system communication has dramatically improved between Fire and Rescue NSW, the NSW Police Force, State Emergency Services, the Ambulance Service and Roads and Maritime Services. The system has enabled those agencies to better coordinate their responses. Lives have been saved by the appropriate resources having improved response times. Firefighters will also be able to monitor incidents remotely in real time with the introduction of Fire Cam.

Fire Cam is a wonderful tool that provides real-time video streaming from the NSW Police Force, Fire and Rescue NSW aircraft, Fire and Rescue incident command vehicles and portable cameras. Instead of relying on radio updates or on physically tracking an incident to gather information, incident commanders at fire scenes will be able to monitor incidents visually in real time from the command point. This means that an incident commander will be able to make strategic and tactical decisions more quickly. That is a positive improvement, given that rapid decision-making is crucial when lives hang in the balance. More senior officers will be able to monitor developments from their bases and provide any needed support more rapidly.

I appreciate that our firefighters need to be able to get on with their important jobs without being bogged down by paperwork. I am pleased to inform the Chamber that Fire and Rescue NSW is also introducing an electronic online occurrence book to replace the traditional hard copy book kept at all fire stations. Fire and Rescue NSW employees will no longer have to painstakingly copy incident information in hard copy. That information will be automatically downloaded from other systems and recorded in the online occurrence book. The e-occurrence book is just one example of the many systems and tools that Fire and Rescue NSW is introducing to simplify the work of firefighters so that they can focus on their role of keeping the community safe.

On behalf of the House I congratulate Fire and Rescue NSW on these and other technological improvements to their systems, such as the state-of-the-art finance records and human resource systems. Fire and Rescue NSW is able to make those systems available to other emergency services. Through these ground-breaking initiatives Fire and Rescue NSW is bolstering its ongoing efforts to provide the best possible service to the people of New South Wales and has become a leader in introducing new technologies for the benefit of the community.

### COAL SEAM GAS EXPLORATION

**The Hon. JEREMY BUCKINGHAM:** My question is directed to the Minister for Roads and Ports, representing the Minister for Resources and Energy. Given the announcement last year of the Minister for Resources and Energy that evaporation ponds for coal seam gas produced water would be banned, why has the Government allowed approval of a five-year wastewater storage pond in the catchment of the Shannon Brook Creek next to Casino?

**The Hon. DUNCAN GAY:** I thank the member for his question. I will resist the temptation to give him more of a dissertation on my reading from *Hansard* of the expertise of his colleague Dr John Kaye and his belief in the benefits of coal seam gas. As the Opposition spokesman I stated that we were going to ban the use of evaporation ponds for coal seam gas production and members should not be surprised that in this Government that great Minister, Chris Hartcher, has in fact done that: He has banned the use of evaporation ponds for coal seam gas production. I am advised that no coal seam gas evaporation ponds of any type have been approved by the Government since it came to power. However, I will refer the member's question to the Minister for Resources and Energy in case a previous Minister has done such a thing.

### HURSTVILLE LOCAL AREA COMMAND

**The Hon. MICK VEITCH:** My question is directed to the Minister for Police and Emergency Services, and Minister for the Hunter. Police figures show that the Hurstville Local Area Command is more than 20 officers below minimum strength. Given the recent spate of crime in the local area—including Sydney's sixty-fifth shooting, which occurred last night in Hurstville—when will you restore police numbers in the Hurstville Local Area Command?

**The Hon. MICHAEL GALLACHER:** Those opposite were waiting for it: they were all waiting for an event to occur. They must be so disappointed that the NSW Police Force in Hurstville, Liverpool, Fairfield, Gosford and Broken Hill is getting on with the job for the people of New South Wales. In the minutes I have allocated I do not have time to put on record the great work that the police are doing. Sadly, those opposite sit waiting patiently for an event so that they can again scare people by suggesting that crime is out of control and that it is a nightmare on the streets of Sydney. We are putting record numbers of cops on the streets—record numbers of cops.

We have gone further than our election commitment by making a significant improvement in police more visible on our public transport system, which those opposite only dreamt about. Everything that the Government is doing those opposite either dreamt about or did not have the guts to proceed with. The NSW Police Force is doing a good job. However, the force has to be unleashed, not shackled with red tape, bureaucracy and a lack of support as was the case with those opposite in their 16 years in government. Those opposite did not unleash the force. The fact is that operational strength in May was 96 per cent.

But where do we hear the calls of approval from those opposite? No, they have been waiting and waiting for an event to occur. There has been an event overnight but I understand from the police reports this morning that it was not bikie related; the family involved was known to police. Those opposite simply want to scare and muck rake. The member opposite likes to say that he comes from the country and talks about his pride in country New South Wales; however, he gives no recognition to the great work we have done in policing in country New South Wales or what we have done to give State Emergency Services certainty for the future. No, he just simply scours through the media, taking the instructions from his overlords.

**The Hon. Luke Foley:** Point of order: The Leader of the Government is casting aspersions on the Hon. Mick Veitch. If he wishes to do so he should do so in accordance with the standing orders, by way of substantive motion not by an ad hominem attack on the member.

**The Hon. Duncan Gay:** To the point of order: Scouring through the newspapers to find items is hardly as bad as the Leader of the Opposition would make it out to be.

**The PRESIDENT:** Order! While that is not at the robust end of the casting of aspersions on other members continuum, I remind Ministers that they should not reflect on other members during their answers.

**The Hon. MICHAEL GALLACHER:** My only suggestion would be that at a time when the Opposition is obviously scratching for questions members opposite should have a good look at what they have been dished out to ask.

**The Hon. Eric Roozendaal:** Point of order: The Leader of the Government's answer is nowhere near relevant to the question and I think it is important that he is told that he should be relevant.

**The Hon. MICK VEITCH:** I ask a supplementary question. Will the Minister please elucidate his answer with respect to the timetable to restore police numbers in the Hurstville Local Area Command?

**The Hon. MICHAEL GALLACHER:** I have had an opportunity to consider Hurstville in this wonderful moment that the Hon. Eric Roozendaal has given me. Hurstville is 96 per cent operational—96 per cent. These are remarkable figures that the Government has been able to achieve in putting numbers of police where they are needed. The Hon. Mick Veitch has probably never been to Hurstville. If he were to go through Hurstville on his way to St George—where that wonderful football team is—he would see numbers of police the likes of which he has never seen. We will not rest. We will continue to ensure that areas such as Hurstville—every suburb, every street, every community—continue to get their fair share of police. I thank the honourable member for giving me an opportunity to reflect on the fantastic numbers for Hurstville. He can be assured that we are going to continue to do better.

## CENTRAL COAST ROADS

**The Hon. NATASHA MACLAREN-JONES:** My question without notice is directed to the Minister for Roads and Ports. Can the Minister update the House on roads on the Central Coast?

**The Hon. DUNCAN GAY:** I thank the honourable member for that important question. It gives me a chance to tell the House some more good news. I am pleased to report that \$96 million will be invested in Central Coast roads in the 2012-13 State budget. The Central Coast remains one of the fastest growing areas in the State and this investment will ensure the infrastructure needed also continues to grow. Projects that will receive funding in the 2012-13 State budget include the Central Coast Highway, for which \$18 million is allocated to continue major work on the four-lane widening of the highway between Matcham Road, Erina Heights and Ocean View Drive, Wamberal. There is \$17 million for planning and pre-construction of the Central Coast Highway upgrade at the Brisbane Water Drive and Manns Road intersection at West Gosford; \$8.5 million to complete the upgrade of the intersection of the Central Coast Highway and Wisemans Ferry Road at Kariong; and \$5 million to complete the four-lane widening of the Central Coast Highway between Carlton Road, Erina and Matcham Road, Erina Heights.

Other road projects also will receive funding to continue work, including \$12 million to complete the upgrade of the F3 freeway and Wyong Road interchange at Tuggerah; \$4 million to continue planning to widen the Pacific Highway to four lanes between Lisarow and Ourimbah; and \$3 million to continue planning improvements to the intersection of Terrigal Drive and Charles Kay Drive. Additionally, as part of the Government's \$200 million package over four years to tackle congestion and safety on key routes, \$1 million is allocated this year for planning the replacement of the railway level crossing on Woy Woy Road at Horsfield Bay as part of a \$30 million commitment.

**The Hon. Greg Donnelly:** This is last week's media release.

**The Hon. DUNCAN GAY:** You do not like good news. That is your problem. That is why you go up there and create dissent. More than \$3 million is allocated this year to continue planning for the upgrade of intersections along Wyong Road, including the intersection of Pacific Highway and Wyong Road at Tuggerah, as part of an \$8 million commitment; and \$540,000 will go towards the upgrade of Wisemans Ferry Road this year as part of a \$5 million commitment.

The Government also is focused on delivering the infrastructure needed to help support employment growth and increase housing supply on the Central Coast. That is why we are providing funding towards the new intersection on Sparks Road at the Warnervale Town Centre. Roads and Maritime Services will take responsibility for planning and delivering this essential project so it can be delivered in line with development potential. Central Coast motorists also will benefit from a \$4 million investment in road safety initiatives. These road projects are extremely important for the Central Coast. They will make the area an even better place to work and live. The record roads budget is good news for the Central Coast and the rest of the State. Sadly, there is a little bit less from the Federal Government this time but, hopefully, next time it will lift its game, especially if we get a new Federal Government.

## PALLIATIVE CARE

**The Hon. PAUL GREEN:** My question without notice is to the Minister for Police and Emergency Services, representing the Minister for Health. Recent reports state that access to palliative care has been inequitable for people with non cancer-related life-limiting conditions such as kidney failure, dementia and heart failure. Given this concern, how much palliative care funding has been allocated for people with non-cancerous conditions? What review structures are currently in place to ensure that people with these conditions do not miss out on palliative care?

**The Hon. MICHAEL GALLACHER:** That is a very good question and a very serious one. It deserves a serious answer. I will refer it to the Minister for Health and get an answer to the honourable member as quickly as we can.

## ILLAWARRA HOUSING

**The Hon. HELEN WESTWOOD:** My question without notice is to the Minister for Finance and Services, and Minister for the Illawarra. Yesterday the Minister informed the House that he used the same tender

documents and the same financial assessment process as the former Government to determine the St Hilliers contracts in the Illawarra. Did the Minister mislead the House on 7 September 2011 when he said he investigated the contracts himself and that his department had performed two financial assessments of St Hilliers?

**The Hon. GREG PEARCE:** No.

### **SOCIAL MEDIA AND GOVERNMENT SERVICES**

**The Hon. TREVOR KHAN:** My question is directed to the Minister for Finance and Services. Can the Minister inform the House what action the Government is taking to deliver improved services by utilising social media?

**The Hon. GREG PEARCE:** Yes. I thank the honourable member for his question. As honourable members will recall, I recently launched the New South Wales Government ICT Strategy 2012. The strategy outlines the Government's approach to deriving better value from our investment in information and communications technology so we can deliver better services for New South Wales.

**The Hon. Lynda Voltz:** Point of order: Given that this question has already been asked I raise the issue of tedious repetition.

**The Hon. GREG PEARCE:** To the point of order: The question has not already been asked.

**The PRESIDENT:** Order! I have no recollection of the question having been previously asked.

**The Hon. GREG PEARCE:** Open government is one of the seven priority initiatives outlined in the ICT Strategy 2012 and community engagement is critical to meeting objectives in this regard. This initiative outlines how this Government will take advantage of social media platforms to better communicate to the public. As some members of this House are keenly aware, well-known platforms such as Facebook and Twitter are so widely used in the community that the Government would be foolish to ignore their importance and effectiveness. Indeed, we enjoy following various members of the Opposition on their Twitter pages. I could relate some of the very silly Twitters they make but we will save that for another day.

Many in the community now rely on and prefer to use mobile devices such as smartphones and tablets to get news and information. With this in mind it is unreasonable to restrict public sector communications to traditional channels such as letters and phone calls. If there is a faster, secure, more efficient and cost-effective way of communicating with citizens the Government should be using it. Some government departments have been better than others in adopting and using social media. The NSW Police Force routinely uses Facebook to post information about public safety and law and order. NSW Fair Trading has created a smartphone app to help consumers understand their rights when purchasing goods and services. And the 131 500 app has proved a popular way of ensuring travellers get access to public transport timetable information. By the end of the year we will deliver a whole-of-government policy that supports the use of social media for greater public engagement and more effective service delivery. The policy will be supported by guidelines for public sector employees using social media for government business.

I am pleased to advise the House that work on these actions is already underway. The Government's Social Media Reference Group has been established to provide advice on social media principles. The group brings together experts from across the Government to develop its social media policy. Our customers, the people of New South Wales, expect government information and services to be available anywhere at any time. Unlike the former Labor Government, we are going to meet those expectations with a modern approach to communicating with the residents of and investors in New South Wales.

### **BUILDING SUBCONTRACTOR PAYMENTS**

**The Hon. LYNDIA VOLTZ:** My question is directed to the Minister for Finance and Services. On 23 June 2011 the Minister criticised Housing NSW over builders failing to pass on payments to subcontractors. What provisions has the Minister made to ensure that subcontractors will be paid under the new contracts?

**The Hon. GREG PEARCE:** I criticised the failure of the former Labor Government to manage housing and Building the Education Revolution contracts during its term of office. Those criticisms are still valid, as we still see subcontractors who were engaged during the term of the Labor Party—

**The Hon. Lynda Voltz:** Point of order: My point of order is relevance. I asked specifically what provisions the Minister has made in the new contracts to ensure that subcontractors will be paid.

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

**The Hon. GREG PEARCE:** I was saying that the major thing this Government has done is what the people of New South Wales did: throw the Labor Party out of government and put us in government.

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

On a point of clarification: Do members who have been put on calls to order during question time remain on those calls for the rest of the sitting day?

**The PRESIDENT:** Order! Yes, they do.

### **TOORALE NATIONAL PARK**

**The Hon. GREG PEARCE:** On 31 May 2012 the Hon. Robert Borsak asked me a question about Toorale National Park. I am advised as follows:

It is estimated that over 150 people attended the event.

There was on bus trip from Bourke to Toorale and eight people took the bus. The cost was \$685.

No further remote area events are currently scheduled in western NSW.

**Questions without notice concluded.**

### **ASSENT TO BILLS**

Assent to the following bill reported:

Health Services Amendment (National Health Reform Agreement) Bill 2012

### **INSPECTOR OF CUSTODIAL SERVICES BILL 2012**

### **APPROPRIATION (BUDGET VARIATIONS) BILL 2012**

### **CHILD PROTECTION (WORKING WITH CHILDREN) BILL 2012**

**Bills received from the Legislative Assembly.**

**Leave granted for procedural matters to be dealt with on one motion without formality.**

**Motion by the Hon. Michael Gallacher agreed to:**

That these bills be read a first time and printed, standing orders be suspended on contingent notice for remaining stages and the second readings of the bills stand as orders of the day for a later hour of the sitting.

**Bills read a first time and ordered to be printed.**

**Second readings set down as orders of the day for a later hour.**

### **STANDING COMMITTEE ON LAW AND JUSTICE**

#### **Government Response to Report**

**The Hon. Greg Pearce** tabled the Government's response to the following report:

Report No. 47, entitled "Fourth Review of the Exercise and Functions of the Lifetime Care and Support Authority, and the Lifetime Care and Support Advisory Council", tabled 14 February 2012.

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



**STANDING COMMITTEE ON LAW AND JUSTICE****Government Response to Report**

**The Hon. Greg Pearce** tabled the Government's response to the following report:

Report No. 48, entitled "Eleventh Review of the Exercise and Functions of the Motor Accidents Authority and the Motor Accidents Council", tabled on 14 February 2012.

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

**OMBUDSMAN****Report**

**The Hon. David Clarke** tabled, pursuant to the Surveillance Devices Act 2007, the report entitled "Report under section 49 (1) of the Surveillance Devices Act 2007 for the six months ending 31 December 2011", dated April 2012.

**Ordered to be printed on motion by the Hon. David Clarke.**

**BUSINESS OF THE HOUSE****Suspension of Standing and Sessional Orders: Order of Business**

**Motion by the Hon. Robert Brown agreed to:**

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 63 outside the Order of Precedence relating to the Game and Feral Animal Control Amendment Bill 2012 be called on forthwith.

**Order of Business**

**Motion by the Hon. Robert Brown agreed to:**

That Private Members' Business item No. 63 outside the Order of Precedence be called on forthwith.

**GAME AND FERAL ANIMAL CONTROL AMENDMENT BILL 2012****Second Reading**

**Debate resumed from an earlier hour.**

**The Hon. SCOT MacDONALD** [3.35 p.m.]: I support the Game and Feral Animal Control Amendment Bill 2012. I have advocated for this policy since I was elected in March last year. I believe this policy needed to be reviewed and I said so publicly, including on radio. The subject of my very first ministerial representation to two Ministers concerned a series of wild dog attacks suffered by livestock on the property Rampsbeck, east of Armidale owned by Mr Chris Robertson. The dogs came out of Guy Fawkes National Park. I seek leave to table a photograph of the results of the wild dog attacks.

**Leave granted.**

**Document tabled.**

**The Hon. Luke Foley:** We don't need to see it. You've tabled it.

**The Hon. SCOT MacDONALD:** I think the Leader of the Opposition should see it. Opposition members make bland comments about the management of wild dogs and feral animals, paying little regard to the practical consequences for people such as Chris and Cindy Robertson, who live east of Armidale. They suffered economic loss. In that instance more than 100 sheep were killed, which was just one of a series of incidents they suffered. Other members have mentioned that many animals do not die straightaway but are left to suffer an agonising death. This bill has very real consequences and I am pleased to support it.

Members have already talked about safety issues. The Game Council records that there have been no human hunting deaths or injuries in New South Wales since it came into existence, and the same applies in Victoria, South Australia and the Northern Territory. Licensed hunters follow safe practices, and the supervision and guidelines incorporated in the regulations should ensure that this activity remains safe. Mr David Shoebridge referred to a lack of efficacy. In fact, the *Australian Journal of Wildlife Research* stated:

Sustained hunting in one area each year did appear to restrict the population density to 3.8 pigs per square kilometre compared to 43 pigs per square kilometre in nearby likely hunted area.

Similar figures are cited for sambar deer at Lake Eildon. There are practical examples. It is not true that there is no evidence. That was a flippant comment. Members have pointed out that the National Parks and Wildlife Service was responsible for 24,000 feral animal kills last year in its area of responsibility—about seven million hectares—and game hunters were responsible for 320,000 feral animal kills on private and public land. It is disingenuous to talk about kill rates; that is a matter for hunters. It has certainly never occurred to me to tote up how many animals I kill on each hunt. Some hunts are productive and some are not. I have spent days tracking animals without success. I do not believe the people who engage in this sport put a notch on their belt. They are testing themselves and their skills against feral animals. They also do not disperse the animals. Good hunters do not want to alarm the feral animal population because they do not want to traipse any further than necessary when they return.

The Hon. Dr Peter Phelps mentioned Murray-Sunset National Park. The 1 February edition of ABC Radio's *Bush Telegraph* program featured Parks Victoria ranger Robert McNamara, who clearly stated that that State's feral animal control program had been a great success. He said that the volunteer hunters and the Sporting Shooters Association were doing an outstanding job keeping parks in good condition. An adjoining jurisdiction with similar pest population pressures is dealing with the situation in a very pragmatic way. It is not applying a doctrinaire approach or adopting a lock-up-and-leave-it mentality; it is using volunteers to achieve improved environmental outcomes in the park. Mr McNamara said that vegetation had been ravaged by goats, which can climb to 1.5 metres. Apparently they climb on top of each other, although I have never seen that. He said that the improvement in the vegetation that had occurred because of the feral animal control program had led to the return of the Mallee fowl.

This is a triple bottom line win policy, which should be our goal. This measure will lead to improvements in the environment, better biodiversity, less erosion, reduced population pressure, stronger economic outcomes and better use of State Government resources. The Government will employ the goodwill of shooters and we will see better social outcomes, with improved parks and biodiversity, and hopefully people living adjacent to parks will enjoy better pest animal control. I strongly endorse the Game and Feral Animal Control Amendment Bill 2012.

**The Hon. RICK COLLESS** [3.42 p.m.]: I strongly support the Game and Feral Animal Control Amendment Bill 2012. Other members have been through the technical aspects of the bill, so I will not repeat what they have said. However, I will make a few brief comments about some of the outlandish statements made by members opposite. The Hon. Dr Peter Phelps referred to the \$700 million in losses caused each year to Australian primary producers by feral animals. Those economic losses are imposed on both the livestock and grains industries, but the simple expression of the dollar value does not describe the human and animal suffering that accompanies them.

I have been exposed to wild dog and fox attacks on sheep and cattle virtually all my life. As a very young boy I would go with my father at dawn on a frosty early spring morning to check the lambing ewes for lambs born overnight. My dad would catch the newborn lambs and tie a strip of linen around their throat in the hope that the human scent would make the foxes wary and they would leave them alone. We always carried a rifle—in those days it was an ex-military .303—because we usually shot a fox or two on our rounds. It was my job to carry the rifle. Very often we would discover a lamb that had been attacked by a fox—sometimes the lamb was still alive, although partly eaten—or a ewe that had had trouble delivering her lamb only to have a fox attack it while she was still trying to deliver it. I note that Hon. Walt Secord is laughing about this. This is a very serious issue.

**The Hon. Walt Secord:** Point of order: I was most definitely not making fun of the honourable member's contribution.

**The Hon. RICK COLLESS:** I withdraw. It is heartbreaking to see that cruelty inflicted on defenceless domestic livestock. Crossbred wild dogs, which are now a problem on virtually every property adjoining

national parks, hunt in packs and often leave the parks at night to attack adult sheep. Dogs, particularly bitches with nursing pups, attack sheep by going for the liver and kidneys to get the protein that their young require. They bring down the sheep and tear out its kidneys or liver and leave it to suffer what can be described only as a terrible death. The Greens have never seen that.

A friend of mine at Tenterfield, after finding sheep in that condition every morning, became so frustrated with the lack of action by the National Parks and Wildlife Service that he took a dead sheep to the local office at Armidale and dumped it on the front counter, stating, "This is what your dogs are doing to my sheep." Later in my childhood we owned a cattle property in the Hunter and ran about 700 breeding cows. It was not feasible to go around the cows and calves every morning, but we did ride around them once a week or so. It was common to find newborn calves with tails chewed, some mauled, kidneys gone, some already dead and some dying in agony. The Greens have never seen that.

The Hon. Steve Whan said that he could not tell the difference between a dog and a dingo. They are very similar, but they have a couple of significant differences. First, dingos breed once a year and have up to five pups. If dingoes crossbreed with a domestic dog—which breed twice a year and have up to 10 pups in each litter—the crossbred dog assumes the breeding characteristics of the domestic dog. They are the wild dogs that are now causing so much trouble for our livestock industries. Each of those bitches can produce up to 20 pups a year compared with purebred dingoes, which produce only five pups a year. The second major difference is that wild dogs are far more brazen than dingoes. Over the years I have spent many hours on a horse riding around the mountains in the Upper Hunter in what was known as the Mount Royal Ranges, where we had our family property. I saw many wild dogs in the mountains but very few dingoes. The Hon. Steve Whan said that he did not think anyone would be able to distinguish a dog from a dingo.

**The Hon. Steve Whan:** Not through the barrel of a gun.

**The Hon. RICK COLLESS:** I will deal with that later. I have no doubt that anyone who has hunted dogs would know what he was looking at, particularly through a telescopic rifle sight. Mr David Shoebridge referred to the skills of amateur hunters. I have been a shooter and a hunter since I was about 10 years old. The first thing my father taught me about firearms safety was that I should never fire the rifle unless I was absolutely sure where the projectile would end up if I missed the target. In other words, I should never fire over a ridge, into a blind valley or anywhere else if I was not sure exactly where the projectile would go. The Hon. Jeremy Buckingham said a few weeks ago that the city of Orange would be peppered with bullets fired by people shooting in the national park. That is absolute nonsense. These hunters are responsible, skilled and experienced shooters. They will do the right thing by the community in attempting to control feral animals and to prevent the damage they cause, particularly to the agricultural industry. I commend the bill to the House.

**The Hon. WALT SECORD** [3.49 p.m.]: I make a contribution to debate on the Game and Feral Animal Control Amendment Bill 2012. Members will be aware from several speeches that I grew up in a community where hunting was—and is still—very much the norm. I have already spoken in this place about our obligations as legislators to try to understand responsible gun owners and the issues they raise. I believe we should listen to the views and concerns of the 192,000 licensed shooters in New South Wales when we legislate in this policy area. That said, I will be opposing the Game and Feral Animal Control Amendment Bill 2012 and I will spell out the reasons today.

The bill amends the Game and Feral Animal Control Act 2002 to allow shooting of feral animals by recreational hunters in 79 of the State's national parks, conservation areas and nature reserves. Those feral animals include dogs, pigs, rabbits, cats and goats. The O'Farrell Government claims that it is only 79 out of a possible 799 parks. However, those 79 parks comprise almost 40 per cent of all the State's parks and reserves. They amount to close to three million hectares. To put it into perspective, the O'Farrell Government is going to allow hunting by recreational shooters in an area the size of the European nation of Belgium. That is three million hectares, or 30,000 square kilometres, which is the size of Belgium. This was the price that Barry O'Farrell paid to the Shooters and Fishers Party to privatise the State's electricity sector and to get his workers compensation changes. This deal was announced on 30 May. Make no mistake: This is a deal that the O'Farrell Government will regret.

Under the bill, hunters will be licensed by the Game Council New South Wales, which regulates recreational hunting, but access conditions will be set by the environment Minister, Robyn Parker. Now that is a real, and additional, worry. No-one in this Chamber, on either side, sincerely believes that Robyn Parker could

successfully manage this important policy. This is, after all, the same environment Minister who testified that logging in koala habitats helps koala populations. She is also the Minister who mishandled the Orica chemical spill at Stockton near Newcastle last year.

**The Hon. Matthew Mason-Cox:** Point of order: The honourable member is casting aspersions on the Minister in the other place. If he wishes to make comments of this nature he should do so by way of substantive motion, as he well knows.

**The ASSISTANT-PRESIDENT (Reverend the Hon. Fred Nile):** Order! I uphold the point of order. If the member wishes to make such comments about the Minister he must move a motion pursuant to standing orders.

**The Hon. WALT SECORD:** There is a very worrying aspect of the bill that has gone largely unnoticed in the community. It is schedule 1, item [6]. It permits the environment Minister to amend new section 3 by adding, omitting or amending the name or description of animals listed as being permissible to hunt under the Act. That is a major development. It means that the environment Minister can expand the list of animals to be hunted in our national parks at the stroke of a pen. What other animals does the Minister intend to add to the hunting list after this bill is gazetted by the Governor? Environmentalists and families across the State have spoken out against this bill.

On 14 June at a rally in front of the New South Wales Parliament some 400 people protested this bill. Environmentalists correctly state that the Premier has abandoned his pre-election commitments. They cite the Premier's 13 April 2011 comments, when he said that his Government had "no intention of doing deals with the minor parties". On the same day, he also said that there "will not be a decision to turn our national parks into hunting reserves". They are broken promises on both counts. No wonder there is growing community outrage. Earlier this month, on 12 June, Nature Conservation Council chief executive Pepe Clarke said:

The Premier has repeatedly assured the public our national parks would not be opened up to hunting. He has broken that promise.

On 7 June the Coffs Harbour-Bellingen National Parks Association said its members were "horrified" that the O'Farrell Government will be opening Dorrig National Park to recreational hunters. I have visited both Barrington Tops and Dorrig national parks. Barrington Tops is also on the list of 79 parks. It is very clear why Dorrig and Barrington Tops are World Heritage-listed areas. Dorrig, in particular, is a beautiful national park with stunning waterfalls and rainforests. It is one of those places that is truly unique within Australia—and the world, for that matter. There is no way that recreational hunters should be allowed into this pristine park. There is no way that recreational hunters should be allowed into Dorrig or Barrington Tops national parks. I concur with the Coffs Harbour-Bellingen National Parks Association, which said:

National Parks are for the protection of nature and for the enjoyment of the New South Wales public, not for blood sport.

This decision by the government shows complete disregard for public safety and for the purpose of our National Park system.

They are livid in Dorrig and they are fuming in the Sutherland shire. The National Parks Association of NSW Southern Sydney branch president, Mr Brian Everingham of the Sutherland shire, has expressed similar outrage. Mr Everingham said:

The decision of the Premier to allow recreational shooters into 79 national parks and reserves is the most retrograde step ever taken in this state by a conservative government.

The public will be appalled and will feel at risk.

I have also made contact with members of the Macarthur branch of the National Parks Association of NSW in the Campbelltown area. They are doing great work to preserve the koala and platypus habitats in south-west Sydney. Individual executive members of the organisation have publicly expressed their concerns about recreational hunting in national parks. Dr Tom Grant is a visiting fellow at the University of New South Wales School of Biological, Earth and Environmental Sciences. Dr Grant replied in an email to say that he had submitted his personal objections to his local member, Mark Speakman, the Premier and the environment Minister.

I should stress that it is not just the progressive side of politics that opposes hunting in national parks. I found some very interesting comments in the 2 June edition of the Lismore *Northern Star* under the headline, "MP shoots down hunting proposal". Similar comments were also made in the *Coffs Coast Independent* on

4 June. It seems that the Hon. Catherine Cusack has broken ranks. Ms Cusack said she wants to see North Coast national parks removed from the list of parks where recreational hunters will be allowed to shoot. She wants exemptions for Richmond Range National Park west of Kyogle, World Heritage-listed Nightcap National Park east of Nimbin, Yabbra National Park and World Heritage-listed Dorrigo National Park. While I agree with her sentiments—especially on Dorrigo and Nightcap—I do not think that electorate-by-electorate exemptions are the solution. If it is a bad policy for the North Coast then it is equally bad across the State.

There should be no recreational hunters in national parks. Those opposite know this is bad policy. They knew it was bad policy before the election—they said so—and it has not changed. What has changed is that the Government has caved in on its promise not to do deals with minor parties. This is another broken promise by the O'Farrell Government. The Game and Feral Animal Control Amendment Bill 2012 is nothing more than an overt vote deal between the Shooters and Fishers Party and the Premier. This was done to ensure the passage of the electricity bill last month. This is from the Premier who said that there would be no deals. While this bill goes to the sanctity of national parks and the safety of families who enjoy them, it is also about the integrity of the O'Farrell Government.

To give some historical background, when I worked for Premier Kristina Keneally she opposed allowing an expansion of hunting by recreational shooters in national parks. She also refused to back a moratorium as proposed by the Shooters and Fishers Party on marine national parks. Ms Keneally was clear and unequivocal with the Shooters and Fishers Party. It was a tough decision. She did not take the easy path and she did not put our national parks system at risk. It was a tough decision, but I proudly stand behind it. For the record, when the Shooters and Fishers Party lobbied the previous Government it sought 60 national parks. That is a matter of public record. It has now secured 79 national parks. It sought 60 and it got 79.

Barry O'Farrell has not only caved in, he has tossed all the chips in. He has given the Shooters and Fishers Party 19 more national parks than it sought under the previous Government. Let me repeat that: Barry O'Farrell has given the Shooters and Fishers Party 19 more national parks than it originally sought under the previous Labor Government, and which the previous Labor Government rejected. In opposition, Barry O'Farrell promised to uphold a higher standard, yet this decision represents a significant broken promise on an issue that Barry O'Farrell ruled out time and time again. After all this was the Premier who said on *ABC News* on 7 April 2011 that he did not want more speed cameras. I quote:

I can't envisage a situation where we would have more [speed cameras].

Two months later, his Government installed 109 new fixed speed cameras and 39 new mobile speed cameras.

**The Hon. Duncan Gay:** Point of order: Enjoyable as I find discussions on speed cameras and the relative merits for and against them—

**The ASSISTANT-PRESIDENT (Reverend the Hon. Fred Nile):** Order! The Hon. Walt Secord will resume his seat.

**The Hon. WALT SECORD:** Certainly.

**The Hon. Duncan Gay:** Thank you, Mr Assistant-President; there are some courtesies to be extended in this House. This bill is about shooting in national parks. One would be hard pressed to find anything to do with speed cameras in the long title of the bill. I can assure the House that I have no plans to put speed cameras into national parks.

**The ASSISTANT-PRESIDENT (Reverend the Hon. Fred Nile):** Order! I uphold the point of order. The member will remain relevant to the leave of the bill.

**The Hon. WALT SECORD:** This bill is fundamentally poor policy. It does not solve feral animal problems; it makes them worse. Effective feral management requires culling of huge numbers of animals in a short period, over a large area. Programs need to be targeted and coordinated and must use multiple approaches. For programs to be successful, they require careful consideration of target species and their habits. Harmful consequences, such as increasing rabbit numbers by reducing fox and cat numbers, need to be considered. Recreational shooting is not related to any coordinated program. It is random and ineffective. Unfortunately, too often hunters' priorities are not those of an official feral eradication program. For example, recreational hunters prefer to shoot male deer—their antlers are much sought after trophies—but reducing male deer has no impact on the overall birth rate.

The Invasive Species Council, which supports the humane and effective control of feral animals to reduce their impacts on the environment, has said this will not work. On 31 May Mr Andrew Cox, President of the Invasive Species Council, spoke against the decision. He said:

... research shows that recreational hunting is generally ineffective. It leads to the dispersal of feral animals and undermines existing professional feral animal control programs.

The regime of recreational hunting in New South Wales has been widely discredited and should not be permitted in national parks.

Ground shooting is not normally the best way to control most feral animals.

There are also serious risks that maverick hunters will introduce feral animals onto public lands to create better hunting opportunities, as has occurred with deer and pigs.

Hunters often avoid killing all feral animals in an area so that there are more feral animals for future hunting expeditions.

It is concerning that under this bill—there is no easier way to say this—there will be the risk of serious injury or death to tourists and national park staff from accidental shooting. Ms Menkit Prince from the Northern Rivers Guardians, an environmental group concerned about hunting in Nightcap National Park, gave a warning about community safety in the *Gold Coast Bulletin*. She said:

Accidents happen, and protected native species will be shot. But it is also a risk to people. You will not be able to go picnicking or camping without worrying about a stray bullet.

While I recognise that the chances are statistically low, the consequences can be ultimate. Usually in situations like this we take a precautionary principle. In that vein, I point to air safety. While the risks are statistically low, we maintain precaution because the consequences would be high. Why would we not maintain that principle in this situation? Why would we place any lives at additional risk for a sporting pursuit?

Forests NSW and national parks staff have rightly expressed concerns from an occupational health and safety aspect. On 4 June at Bathurst a delegation of national park rangers spoke with the Premier and the Minister for the Environment, and Minister for Heritage of their fears about the plan to allow hunting in national parks, but their concerns were rejected. They were also represented at the rally held outside Parliament House on 14 June. They said they were parks officers because they loved national parks and that they feared this bill would turn national parks into game reserves. National Parks and Wildlife Service ranger Kim De Govrik told that rally that hunting would jeopardise the safety of rangers and bushwalkers. NSW Public Service Association General Secretary John Cahill agreed. He cited safety concerns as another potential hazard from the proposed move. Mr Cahill said:

Opening the gate for recreational hunting in 79 national parks and other conservation areas in New South Wales poses a serious risk to the safety of park staff, visitors, wildlife and the environment.

Bushwalkers, communities and families should be similarly concerned. An independent study on visitation rates conducted by the Office of Environment and Heritage in June 2011 found that there had been 34.6 million visits to New South Wales national parks in 2010. Of those, a staggering 6.6 million visits were by children. The department said that year's visitation rates were lower than usual because of heavy rain. To put it into perspective, in 2008 there were 38 million visits to New South Wales national parks—that is a lot of people moving in and out of our national parks. The overall number one activity—some 54 per cent—was walking through the bush.

Tragically, we can look to New Zealand for alarming consequences of bills such as this. It has been reported in the media that in the past two years two accidental shooting deaths occurred in New Zealand parks—the most recent on 2 February. In 2010 a New Zealand man shot and killed a 25-year-old woman at a Department of Conservation campground. He was sentenced to two-and-a-half years jail for manslaughter. He had been spotlighting deer with friends and mistakenly identified the headlight worn by the woman as the eyes of a deer. As a result, the woman was shot in the head. One thing is for certain: that man was hunting for deer in a conservation area where tourists were camping. Had these two activities not been brought together, that woman would be alive today and that man would not now be in prison. For the reasons I have outlined, I oppose the Game and Feral Animal Control Act Amendment Bill 2012. I thank the House for its consideration.

**The Hon. MATTHEW MASON-COX** (Parliamentary Secretary) [4.06 p.m.]: It is with much pleasure that I speak in support of the Game and Feral Animal Control Amendment Bill 2012, introduced by the

Hon. Robert Brown, which seeks to amend the Game and Feral Animal Control Act 2002. Having heard the garbled rhetoric emanating, like a murder of crows in some grotesque fairytale, from the so-called Greens, I instinctively sniffed the air for the scent of sulphur and crouched upon bended knee to track the spoor of the horned beast that must be now almost upon us. Of course, upon closer inspection, I found that there was no burning sulphur, much less any horned beast—unless, perhaps, one looked forensically upon the murder of crows opposite. Again, hysterical cries of "the sky is falling in" by The Greens are just that—namely, puffs of carbon dioxide gas upon which one hopes they will shortly be taxed. But let us return to reality and the cold hard facts. As the Premier said in the other place on 30 May:

The State's feral animal control program for national parks is to be extended to allow licensed shooters to cull pests, including pigs, dogs, cats and goats in a limited number of areas and only under strict conditions.

In plain words, an existing feral animal control program is being extended. It is a logical and sensible extension. It is a sensible measure in the removal of feral animals, which damage habitat, kill native animals, kill stock and damage crops across this State. Hunting safely in national parks and reserves occurs in Victoria, the Northern Territory, South Australia and Tasmania without the added control and required accreditation system proposed by this bill. Looking back, there were many challenges in implementing the Game and Feral Animal Control Act, primarily because of a resistance to change and overcoming personal philosophies and an institutionalised culture. Today Forests NSW has a successful working partnership with the Game Council, delivering social, economic and environmental benefits to New South Wales. Control of feral animals in national parks is an important and expensive consideration for New South Wales and the benefits of investing trained volunteer conservation hunters has been demonstrated over many years in State forests.

Conservation hunting by appropriately managed and trained volunteers, in combination with existing programs, is the only realistic way to confront and limit the enormous damage caused by invasive feral animals in this State. Last year Game Council licence holders removed 320,000 game and feral animals from more than 400 areas of public land and private land. In comparison, the New South Wales National Parks and Wildlife Service removed only 24,000 animals from nearly seven million hectares. This clearly shows the huge challenge the New South Wales National Parks and Wildlife Service faces.

A comparison in the average cost per feral animal removed between New South Wales government programs and the Game Council in 2010 shows that the average cost per animal in government programs was more than \$400, while under the same costing regime utilising licensed conservation hunters through the Game Council it was a little over \$3 per animal. Since 2004 licensed conservation hunters have taken 3.2 million game and feral animals out of State forests and from public land, which is a huge benefit for the State's native flora and fauna. There can be no doubting the facts.

The bill amends the Game and Feral Animal Control Act 2002 to extend the State's current feral animal control program into a limited number of national parks out of the State's 799 national parks, nature reserves and State conservation areas, and allows licensed conservation hunters to cull feral animals, including pigs, dogs, foxes, cats, goats and deer. The culling of feral animals will not be permitted in or near metropolitan areas or in any wilderness or world heritage area, including the Blue Mountains National Park. We should not forget that feral animals are a scourge on farmers, costing farming communities across the State about \$70 million each year. This bill is a sensible approach that will give our farmers better protection. Indeed, farmers do it tough enough without also having feral animals destroying their crops and livestock. One need only witness the photographs tabled by the Hon. Scot MacDonald to see the devastation that a pack of wild dogs can inflict on sheep or other livestock in a farmer's care.

Finally, I turn to recent media reports about the Public Service Association directing New South Wales rangers to refuse to help the Government implement the policy reflected in this amending bill. That is simply outrageous; there are no other words. It represents a fundamental misconception of the respective role of government and representative bodies such as the Public Service Association. Of course, the latter has the legitimate role of representing its members and expressing their views. But this role can never be absolute. It does not extend to thwarting, overtly or covertly, the Government's legislated policy.

This Government was elected, and elected overwhelmingly, by the people of New South Wales to rid this State of the pervading malaise and inactivity of 16 years of Labor. This bill makes a significant contribution to this end. It will finally act to reduce the enormous damage inflicted by feral animals upon the unique environment protected by our national parks system. It will also finally act to better protect the livelihoods of our struggling farming communities. I congratulate the Shooters and Fishers Party on introducing this bill. Once more I hail the members of the Shooters and Fishers Party as the real environmentalists and conservationists on

this important issue. In their wake, The Greens' lies and empty rhetoric have now been exposed for all to see. The horned beast lies in smouldering ashes, yet still the shrieking from the murder of crows opposite persists. I will cast my vote in favour of good public policy and proven results. Accordingly, I strongly commend the bill to the House.

**The Hon. NIAL BLAIR** [4.13 p.m.]: Plans to amend the Game and Feral Animal Control Act to allow volunteer pest control on the national park estate are a necessary move to deal with the significant and increasing problem of feral animals in our parks, reserves and conservation areas. During the 2011 election campaign I travelled to the Monaro with John Barilaro and attended meetings of locals who were gravely concerned about the problems presented by wild dogs in the area. The major issue for the landholders was that wild dogs were taking refuge in the national park and then entering farmland and attacking livestock. This issue presents itself across the State, with the Department of Primary Industries combining with the New South Wales Farmers Association earlier this week to issue an official warning about the increasing wild dog numbers in north-west New South Wales. The department's Director of Invasive Species, Glen Saunders, said that areas including Bourke, Wanaaring, Tibooburra and White Cliffs are among the worst affected, and that it was a result of improved seasonal conditions. He further said:

"It's a cascade effect, you get good rainfall, you get good pastures, you get a production over and above normal use of rabbits and rodents," he said.

"Wild dogs feed on them, their litters survive at higher rates and you suddenly start to see larger numbers of top order predators like wild dogs in the landscape."

It is estimated that feral animals cause some \$70 million of livestock losses in New South Wales every year. Wild dogs, foxes and other feral animals affect not only livestock and agricultural production but also native fauna living in our parks and reserves. This was evident to me when I travelled to Victoria in 2011 and spent some time in the State's national parks in the high country. I was absolutely amazed to see the amount of destruction to the native grasslands and flora caused by some of the deer population in the area. As has been discussed, there are only four ways to control the problem of feral animals in national parks. The first is using biological measures—for example, myxomatosis or the calicivirus used in rabbits; the second is trapping; the third is poisoning; and the fourth is shooting.

Shooting, although labour intensive in some cases, is the least cruel and the most discriminative form of eradicating feral animals. Poison baits such as 1080 and traps can result in painful death to animals and are non-discriminative; they can target both feral and native animals. These amendments to the Game and Feral Animal Control Act will not allow a free-for-all in all national parks. Licensed shooters will be highly regulated and allowed in only 10 per cent of the 799 national parks, nature reserves and State conservation areas in New South Wales, in a manner similar to controlled volunteer shooting for pest control purposes used in Victoria, South Australia and New Zealand. I commend the bill to the House.

**The Hon. CATE FAEHRMANN** [4.17 p.m.]: I speak on behalf of The Green against the Game and Feral Animal Control Amendment Bill 2012. The Government's decision to do a deal with the Shooters and Fishers Party is significant for nature conservation in New South Wales. The Greens agree with the contributions of Government members that feral animals are a terrible problem in New South Wales. But then to hear them talk about this bill as though it is about feral animal control is absolutely disgraceful. It is almost as though Government members have taken a tablet that enables them to forget that two weeks ago Barry O'Farrell announced a deal on this matter. Barry O'Farrell did not say, "We have a problem, guys and girls. We need to control feral animals in our national parks." No. This bill is not about that; it is about the deal between the Government and the Shooters and Fishers Party to get electricity privatisation through the Parliament. Government members spoke as though this game and feral animal control legislation will have a significant impact, or any impact whatever, on feral animal numbers.

**The Hon. Matthew Mason-Cox:** It will. By definition it will.

**The Hon. CATE FAEHRMANN:** That is absolutely false; it will not. The Game Council website does not refer to the many millions of feral animals in New South Wales.

**The Hon. Robert Borsak:** How can they talk about animals they don't know about?

**The Hon. CATE FAEHRMANN:** Let us continue to talk about feral animals. Make no mistake: When the game and feral animal bill was introduced in 2002 the words "feral animals" were not in the title



because it was all about game. The Labor Party did a dodgy deal then, and the Coalition has done a dodgy deal now. However, the Coalition has put "feral animal" into that bill to try to make it look as though this bill is about feral animal control. I hope that most Government members are more intelligent than their speeches would suggest. They know that this is not about feral animal control. The Invasive Animals Cooperative Research Centre [CRC]—

**The Hon. Robert Borsak:** The Invasive Animals Cooperative Research Centre—that highly reputable organisation.

**The Hon. CATE FAEHRMANN:** This is the Invasive Animals Cooperative Research Centre, a Federal Government funded body that reported to the Howard Government in 2007 on feral animals and problems with pests across this country. It is the most reputable body in this country with respect to feral animal management. In its document entitled "Managing Feral Animals and Their Impacts", by Andrew Norris and Tim Low, it says in relation to hunting:

The sport and business of hunting is contributing significantly to Australia's feral animal problems. For example: 127 new feral deer populations are reported to have been created by hunters across Australia.

This was in 2007. It goes on to say:

The newly-created Game Council New South Wales has been given a mandate to manage Californian quail, pheasant, chukar partridge, peafowl and turkey, even though none of these species (yet) occurs in the wild on mainland Australia.

New problems are emerging as the sport changes in response to the following factors: Hunters are losing access to state forests—

but they know they now have access to State forests—

as they are converted into national parks. Hunters are losing access to private lands because of public liability concerns and bad experiences with irresponsible hunters.

The Hon. Matthew Mason-Cox can laugh, but this is the body responsible for feral animal control in Australia. It is the Cooperative Research Centre and it reported to the Howard Government. It continued:

Changes to gun laws after the Port Arthur massacre have led to many gun-owners joining the Sporting Shooters Association: hunters learn about hunting opportunities from the Association's newsletter.

Big game hunting has been promoted as a business opportunity.

Deer have become readily available because of deer farming. Hunters have responded to these changes in various ways. Because hunting access to private lands has become more difficult, deer have been released into national parks, state forests, catchment lands and other secluded places for future sport. Deer suitable for stocking have become readily available.

I ask members: Who do you want to believe on this? These guys in the Shooters and Fishers Party, who are in this place specifically for their mates who want access to all land to shoot because they enjoy it? Or the Cooperative Research Centre, which investigates feral animals, has scientists who research feral animals and advises the Federal Government about feral animal populations? Over the next hour or two members can make rousing speeches about feral animals, as though those opposite think this is going to make a difference, but it is not. Government members know that this is not going to make a difference to feral animal numbers. It is insulting that we are hearing speech after speech about feral animals as though these guys over here want to control feral animals in national parks. They do not. They like hunting. They want access to national parks because they like hunting.

**The Hon. Robert Borsak:** I take offence at being referred to in that fashion.

**The Hon. CATE FAEHRMANN:** That you like hunting?

**The ASSISTANT-PRESIDENT (Reverend the Hon. Fred Nile):** Order! The member objected to being referred to as "these guys".

**The Hon. CATE FAEHRMANN:** I will refer to the Hon. Robert Brown and the Hon. Robert Borsak as members. The document goes on to say:

Pigs are also being released into national parks and other lands to create hunting opportunities.

**The Hon. Robert Borsak:** Where is the evidence?

**The Hon. CATE FAEHRMANN:** Again members who represent shooters in this State ask, "Where is the evidence?" This is the evidence: The report that was provided by the Invasive Animals Cooperative Research Centre to the Federal Government in 2007. One cannot get much better than that. In recent weeks we have heard from rangers who work in national parks. I quote from a ranger whose comment is posted on the blog *bushwalk.com*. The ranger says:

I am actively involved in aerial feral animal control programs in various reserves as a navigator and lookout spotter and I know from first hand experience that we can kill up to 200 goats and pigs in a couple of hours flying. Depending on the terrain and the number of animals, we can cover up to 500 hectares in that time. Often this country is very rugged and ground-based shooters would not even be able to cover 10 hectares in the same time frame, let alone get into a position for a clear shot at all the feral animals. Further west, in the more open country, culling of greater numbers is possible.

This is the problem, is it not? All the feral animal management control and pest eradication programs suggest that ground shooting is one of the most ineffective methods. I would welcome the Government's response—however, am I welcoming the Government's response or that of the Hon. Robert Brown? One would hope that the Government would reassure members about the extent of this bill and what it can do. However, I do not know whether the Government has given adequate consideration to the facts. For instance, once the Minister for the Environment declares a national park public hunting land, I assume that it is then covered by the Game and Feral Animal Control Regulation 2012. That would mean that certain things would be forbidden on all declared hunting lands, including any nominated national parks. For example, there would be no aerial shooting of deer; no use of a vehicle to shoot deer; no use of baits or lures to shoot deer; no shooting of deer at night; and no use of spotlights to shoot deer. The Shooters and Fishers Party members are nodding in agreement. So there would be no use of artificial light to shoot deer and no use of a sight.

Deer are classified as a key threatening process under our State environmental laws because of the damage they cause when grazing through native vegetation. Government members have talked about the problems of feral animals. The Greens agree with the dire problem of feral animals. However, deer is a feral animal and members opposite have campaigned actively against the classification of deer as a feral animal. They do not want it to be controlled as a pest because they want to be able to continue to hunt deer. Their bill lists deer as "game". The Greens will move an amendment during the Committee stage to ensure that deer is listed as a pest, a feral animal, and is not listed as game. The way in which deer are treated blows up the whole theory of conservation hunting.

I refer members to the Game Council's website; it is interesting to remember some of the functions of the council. When one looks at the website one sees that a lot of the functions are about game hunting, not about feral animal control. There is one function that says that the Game Council needs to conduct research into feral animal control programs. Has the Game Council done any such research since its establishment? I looked for research projects on its website, but I could not find any.

I did find research into ecological deer management, remembering that deer are listed as a key threatening process under our State environmental laws. The council has done one research project, a fallow deer trail camera research project. This was all about installing cameras to look at aspects of the biology of free-ranging deer—body condition, age/sex ratio—but I did not find anything on the council's website that actually looked at effective pest and feral animal eradication. The Government and members opposite are talking as though this bill is the answer to the problems of feral animals in national parks. We do have problems with feral animals in national parks: the National Parks and Wildlife Service dedicates an enormous amount of effort and expertise to trying to deal with them. The Office of Environment and Heritage website, referring to feral pigs, says:

Medium-to-high densities of feral pigs are most prevalent in western and northern NSW. They prefer wetlands, floodplains and watercourses. About 30 million hectares in NSW is free of feral pigs with around 10 per cent of this area in national parks.

This means that NSW national parks have relatively more areas free from this pest animal than other land tenures.

Members can look at the website themselves. The situation outlined on the website is a result of all the efforts that the National Parks and Wildlife Service makes to try to eradicate feral pigs. A lot of that effort is not related to ground shooting. The effective feral pig programs that the National Parks and Wildlife Service lists as successful do not consist of a couple of people going into areas and shooting on the ground. The Game Council did one trial of feral pig population control when it went in with several two-person hunting teams using a total of up to five dogs per team. They were rostered to hunt at night in three forests. All participants were required to

hold a game hunting licence and meet other stringent control measures. The trial worked extremely well, with an overall result of 24 adult feral pigs taken, according to the council. That is the only trial of that type that I could find listed on the Game Council website.

**The Hon. Robert Brown:** Every time they hunt it is a trial because they record their take.

**The Hon. CATE FAEHRMANN:** That is not an effective feral animal eradication program that is targeted in the way the National Parks and Wildlife Service targets its programs. Hearing those opposite suddenly defending the strategy of the Game Council and its recreational hunters as being the answer to feral animal eradication is disappointing but not really surprising.

One thing I am confused about is why the Government does not propose to move more amendments to this legislation. Various groups, particularly the rangers, the Public Service Association and the Australian Workers Union have met with Minister Robyn Parker and Sally Barnes and Bob Conroy from the Office of Environment and Heritage and have spoken to them about their extreme concerns about this legislation and the unworkability of some aspects of it. They were told in those meetings that certain aspects of the bill still needed to be debated, that arrangements needed to be workable and that the Government needed to look in detail at the legislation. They were told the Minister had the final call on the implementation of the legislation, all of which implies that the Government would have tried to tone down or remove the worst aspects of the bill. The message that the Minister and the Premier were sending on the bill was, "It's all okay. We will deal with everything when the bill comes before the House."

One of the messages that Minister Parker has been sending is that this proposal is just like doing a burn-off with volunteers. I do not think it is like doing a burn-off with volunteers. We know that some hunting accidents have happened over the past few years in Australia and New Zealand—largely hunters shooting other hunters—but they have not been in national parks around people who are bushwalking. It is only a matter of time before we unfortunately will see some accidents.

**Mr David Shoebridge:** Point of order: It is almost impossible to hear the Hon. Cate Faehrmann. There is chatter all around the Chamber and she is clearly being distracted.

**The ASSISTANT-PRESIDENT (Reverend the Hon. Fred Nile):** Order! Members will reduce the level of chatter across the Chamber. I cannot hear the Hon. Cate Faehrmann.

**The Hon. CATE FAEHRMANN:** Another aspect of the bill that we found very disturbing is the original list of 79 national parks, nature reserves and State conservation areas that the Premier waved about, which I am sure is the same list that was given to him at midnight the previous night by the Shooters and Fishers Party according to all that I am hearing, is not in schedule 3A of the bill. It excludes what might be called the metropolitan national parks but does not exclude another 79 national parks. Any reasonable interpretation of that is that at some stage more national parks will be opened up. Let us remember that when State forests were opened up only 31 or so were listed. Now hundreds of State forests have been opened up. The Greens will be moving an amendment to try to get that original list included in the bill so more national parks will be excluded from the scope of the bill. I refer to comments by the Hon. Duncan Gay during the debate on the Game and Feral Animals Control Bill 2002 when he said:

The amendment is not designed to open up national parks to every person who has access to firearms—that would be absolutely stupid—and this amendment is not intended to create a free-for-all in every park across the State. Just as I would not want people roaming over my farm, I do not want hunters roaming all over national parks.

He went on to say:

This is an amendment to allow for a trial ... of controlled shooting in national parks

It is a pity that the Government did not do something like that. [*Time expired.*]

**The Hon. NATASHA MACLAREN-JONES** [4.37 p.m.]: I support the Game and Feral Animals Control Amendment Bill 2012. For too long in this State we have been losing the fight against feral animals and noxious weeds. Fortunately, thanks to the hard work of the Minister for Primary Industries we are seriously tackling the burden of noxious weeds. It is now time to deal with feral animals. The Coalition has a history of proactively dealing with feral animals and noxious weeds, and we do so humanely and environmentally. The fact is that conservative parties and conservationists are very much the same thing. We have a proven record of

implementing programs that conserve the environment, and feral animals and noxious weeds threaten our native environment. These feral pests destroy our native plants and cause land degradation, resulting in further conservation expenses. Furthermore, these pests prey on our native animals and livestock, which ultimately impacts on Australian farmers, as well as causing damage to public and private land.

It is all very well to create more national parks but when it is done to appease The Greens and without proper controls, the parks become havens for noxious weeds and destructive animal pests. There are many different species of feral animals in New South Wales: around 25 species of mammals and many birds and fish, several of which were introduced to Australia only in the past 200 years. They might have been accepted at the time but they have now become feral pests. Looking at the report "Counting the Cost: Impact of Invasive Animals in Australia, 2004" one sees that more than 95 per cent of New South Wales is inhabited by a variety of species of feral animals, including rabbits, foxes, feral pigs and feral cats, which cause the greatest burden on our economy. The fox population in Australia, estimated at 7.2 million, consumes about 190 million birds every year. It threatens the survival of numerous mammals and birds, including the western quoll, greater bilby, black-footed rock wallaby and the long-footed potoroo. A female fox can produce more than 20 cubs over an average lifetime of four years.

It is estimated there are about 23 million feral pigs in Australia. According to the Game Council pigs can eat up to 40 per cent of newborn lambs in an area. In addition, they destroy vegetation that prevents erosion, is used as nesting sites and is a food for native wildlife. Furthermore, feral pigs can have up to two litters every 12 to 15 months and can produce 10 piglets in each litter. The fact is significant damage is caused by feral animals—damage to our natural resources, not to mention the financial impact on our agricultural production—costing our farmers hundreds of millions of dollars in lost production. There is also the impact on our rural and regional families and communities that have to deal with the consequences of feral animal attacks on their stock.

Controlled hunting is currently done safely in national parks and reserves in Victoria, the Northern Territory, South Australia and Tasmania. The partnership between Forests NSW and the Game Council works well, delivering social, economic and environmental benefits to New South Wales. Last year 20,000 licensed conservation hunters in New South Wales removed 320,000 game and feral animals, compared with the 24,000 removed by the National Parks and Wildlife Service. Furthermore, the cost to remove an animal using a government program is about \$400 per animal compared with \$3 per animal when using licensed conservation hunters. The only way to provide financial security for our farmers, protect property, ensure public safety and conserve our environment is to cull feral animals in an organised manner. I commend the bill to the House.

**The Hon. MICK VEITCH** [4.41 p.m.]: My brief contribution to the Game and Feral Animal Control Amendment Bill 2012 will not be like the emotive speeches of other members. Some members know that I grew up on a farm and then lived on a farm in Kosciuszko National Park. I have also been shooting. This bill has created quite a bit of commentary in country media. Some of my relatives have told me they are in favour of this bill.

**The Hon. Niall Blair:** Name them!

**The Hon. MICK VEITCH:** I have a lot of relatives and I will not name them. Other relatives have told me they are vehemently opposed to this bill. Some of my friends are in favour of and others are not in favour of the bill. I will refer to the objects of the bill as opposed to engaging in the emotive debate that has taken place. I want to ask the Hon. Robert Brown a number of questions as I work through the objects of the bill. The first is:

- (a) to enable the Minister responsible for national park estate land (which includes national parks and certain other land reserved under the *National Parks and Wildlife Act 1974*) to make that land available for the hunting of game animals by persons who hold a game hunting licence,

Some members in this debate have focused on the current Minister for the Environment but, as with any legislation, that is a risk because other people will hold the role of Minister for the Environment. It is essential to have processes in place to ensure that that requirement will work in accordance with the intent of the bill. Concerns were raised in the Legislation Review Digest in regard to what was referred to as Henry VIII clauses that convey power to a Minister to add, amend, suspend or repeal provisions in a primary statutory instrument. Will the Hon. Robert Brown respond to the comments of the committee and in relation to the safeguards that are in this bill to ensure that the Minister of the day will administer its provisions in the way it was originally intended? The next object of the bill is:

- (b) to specify certain national park estate land that cannot be made available for the hunting of game animals,

The schedule to the bill lists certain national parks. Many members also know that from time to time the number of or names of parks are amended. What are the encroachment provisions? Is there the potential in the future to increase the number of national parks in the schedule? What does the Hon. Robert Brown envisage that process to be? We want to be clear about what will happen in the future. The next object of the bill is:

- (c) to add several species of non-indigenous birds to the list of game animals that may be hunted under the authority of a game hunting licence,

I have the same concerns as I have with paragraph (b) in relation to future additions to the list. What will be the process? What is the role of the Parliament in that process? I will not refer to each object but I refer in particular to page 2 of the explanatory note, about which I am very concerned:

The Bill also amends certain other legislation:

- (a) to enable a public or local authority to give permission to shoot on land owned or managed by the authority whether or not it is rural land, and

**The Hon. Robert Brown:** They are amending it out.

**The Hon. Duncan Gay:** There are two amendments.

**The Hon. MICK VEITCH:** I was not aware of the amendments. I have not had an opportunity to read the amendments. It is a real concern. Numerous claims have been made but will there be a review of this bill in five years as to what happens on the ground and how it has been applied and administered? I think if this bill is passed, even if amended, the people of New South Wales will expect a review of its implications and how it has worked. I am reluctant to agree in view of some of the statements made in this House. I am concerned about the intention of the Hon. Robert Brown and whether this bill enunciates and provides for that review to occur. A lot of discussion has been had about safety provisions. The Premier's response to a question at the Shires Association conference that was posed by Councillor Trina Thomson of Tumut Shire Council ruffled the feathers of the Hon. Robert Brown at that time.

It appears there is a gap about how the bill will be administered on the ground, between what this bill provides and what the Premier said. Will the Hon. Robert Brown clarify how he envisages the provisions of the bill will operate in national parks? There is confusion in the public about the intent of the bill and what the Premier said at the Shires Association. On the basis of my concerns about the bill, I will not be supporting it. I would appreciate it if the Hon. Robert Brown will address some of my concerns. I am glad that the issue concerning local councils will be removed from the bill.

**The Hon. CHARLIE LYNN** (Parliamentary Secretary) [4.49 p.m.]: I support the Game and Feral Animal Control Amendment Bill 2012. Control of feral animals in national parks is an important and expensive consideration for New South Wales, and the benefits of enlisting trained volunteer conservation hunters has been demonstrated over many years in State Forests. I state at the outset that although I grew up in the bush I am not a hunter, I have never hunted and I have no desire to ever hunt. However, I do appreciate the need to control feral animals. A statutory five-year review of the Game and Feral Animal Control Act 2002 was thorough and provided a detailed assessment of that Act. The review group agreed that game and feral animals have an impact on public health and safety, private property, agriculture and the environment, and that establishing a council to facilitate, promote and manage hunting has reduced that impact. Accordingly, it concluded that the policy objective remained valid. This bill addresses some of the recommendations for reform found in that statutory review.

The bill will allow the Minister responsible for national park estate land to declare that land under the Game and Feral Animal Control Act for the purposes of hunting game animals by persons who hold a restricted game hunting licence. The bill ensures that the intent of the legislation is consistent with the Game Council objectives, which are to provide for the effective management of introduced species of game animals and to promote the responsible and orderly hunting of those game animals and of certain pest animals on public and private land. The Game Council NSW was established as a statutory authority by the New South Wales Parliament under the Game and Feral Animal Control Act 2002 and its associated Game and Feral Animal Control Regulation 2004. One of its major objectives is to harness the efforts of licensed and accredited hunters to help in the reduction of some of the nation's worst pests, such as pigs, goats, foxes, rabbits and other feral animals.

There are an estimated 7.2 million foxes throughout Australia. They kill an estimated 190 million native birds annually and threaten the survival of many small Australian mammals. As the Hon. Robert Brown

said, The Greens do not seem to understand or appreciate that fact. According to the report "Counting the cost: A Impact of Invasive Animals in Australia, 2004", the cost impact nationally of 11 feral animal species alone totals \$720 million annually. More than 95 per cent of New South Wales is inhabited by some species of wild or feral animal, which, if left unmanaged, may adversely affect the environment and damage agricultural production.

Schedule 1 [4] and [5] amend the definition of "public land" so that it includes, rather than excludes, as is the case at present, national park estate land that includes national parks and other land reserved under the National Parks and Wildlife Act 1974. At the same time the bill lists certain national park estate land that cannot be made available for volunteer conservation hunting of game and pest animals. Under the Act hunting of game and pest animals on public land is permitted only if the land is declared to be available for hunting. Despite any legislation in place, there will always be people who will not want to accept any form of hunting. Some are genuine and some are feral. For this reason, and for their safety and the safety of hunters, schedule 1[4] extends the existing offence of obstructing, hindering or impeding an inspector to include assaulting, threatening or intimidating an inspector.

Schedule 2.1 amends the Firearms Act 1996 to enable a public or local authority to give permission to shoot on land which is owned by or under the control or management of that authority and which is not within a metropolitan area for the purpose of vertebrate pest animal control. Councils and other public land management bodies should be allowed to utilise the system of volunteer conservation hunters for vertebrate pest control on land under their authority. This bill will provide genuine, measurable benefits to the people, the economy and the environment in this State and at minimal cost to taxpayers. As the Hon. Catherine Cusack said during her visits to several national parks and seeing the impact of increased feral animal populations:

It is an emergency—we need a state-wide integrated strategy to combat this threat. It needs to be professionally managed across public and private land and everyone including the Game Council has a role to play.

I agree with the Hon. Robert Brown's statement that there is no better professional body than the Game Council and no more dedicated conservationists than the volunteer conservationists when it comes to the control of game and feral animals in New South Wales. I commend the bill to the House.

**The Hon. JEREMY BUCKINGHAM** [4.53 p.m.]: I speak on behalf The Greens and my community in opposing the Game and Feral Animal Control Amendment Bill 2012. I do not like guns and I do not like anything that promotes gun ownership in our community. I feel that way because I grew up in country Tasmania and it was nothing for us to shoot a few rabbits or other animals in the orchard with shotguns or a .22. That was accepted. However, I was on the Tasman Peninsula on 28 April 1996 when people I care about experienced the impact that guns can have if they are in the wrong hands. I was incredibly affected by the Port Arthur massacre. I want it noted that we are debating a bill that will promote an unhealthy gun culture in our community. That will be the legacy of this bill and guns will invariably end up in the wrong hands.

Why are we debating this bill? We are debating it because, as the Premier and Deputy Premier said, the Government has to sell the electricity generators, flog off other public assets and gut workers compensation pay-outs. To achieve that it has had to kowtow to the dangerous minority that is the Shooters and Fishers Party.

**The Hon. Duncan Gay:** Point of order: The reference to people in this House as a "dangerous minority" is offensive.

**The Hon. JEREMY BUCKINGHAM:** To the point of order: I did not refer to any person by name; I referred to the Shooters and Fishers Party as a collective. I do not believe there is a point of order.

**Dr John Kaye:** To the point of order: That is a bit rich coming from the Deputy Leader of the Government, who has made a pastime of slandering The Greens.

**The Hon. Niall Blair:** To the point of order: Surely a member should be in the House when a point of order is taken and not wander in from the members lounge to make a contribution.

**The ASSISTANT-PRESIDENT (Reverend the Hon. Fred Nile):** Order! Members must restrain themselves and discuss the bill before the House. They should not refer to other members as "dangerous". That is not acceptable.

**The Hon. JEREMY BUCKINGHAM:** The shooters party—its members have forgotten about the fishers—has a very small constituency. Country people regularly ask me who its members are. I believe they are urban guerrillas who are dangerously promoting a gun culture. We should have a party representing model train engineers.

**The Hon. Dr Peter Phelps:** Point of order: The Greens complained earlier today about members referring to them as terrorists. A member of that party has now used the invective of "guerrilla" against other members. I ask that the member be told to cease and desist given that The Greens regularly complain about such matters.

**The Hon. Cate Faehrmann:** To the point of order: We are talking about a bill that will allow people to shoot in national parks. Therefore, the terms "dangerous" and "guerrilla" are perfectly acceptable.

**The ASSISTANT-PRESIDENT (Reverend the Hon. Fred Nile):** Order! Such terms are not acceptable when directed at members of this House. The member was clearly referring to members of the Shooters and Fishers Party as urban terrorists.

**The Hon. Cate Faehrmann:** He didn't use the word "terrorist".

**The ASSISTANT-PRESIDENT (Reverend the Hon. Fred Nile):** Order! The member will desist from name-calling. Members should confine their remarks to the leave of the bill.

**The Hon. JEREMY BUCKINGHAM:** We should have a political party representing model train engineers. We have a tiny minority running the political agenda. The Government is determined to sell the State's electricity assets and to gut the workers compensation scheme. It was interesting to see the Hon. Trevor Khan slink into the House and announce that there would be a review of the adequacy of the administration fund for minor parties. What a kickback! What about transparent and open government? This Government is as bad as the last mob and the community knows it. The Shooters and Fishers Party has lost its funding from the National Rifle Association, Beretta or whoever else funds it, so the Government is stumping up with taxpayers' money for the yahoos at the shooting expo and now for the party's administration fund.

**The Hon. Dr Peter Phelps:** Have you ever been to a shooting expo?

**The Hon. JEREMY BUCKINGHAM:** No, I have the not. What does this bill do? It opens national parks to hunting despite the fact that Barry O'Farrell said that it would not. He also said that national parks in metropolitan areas would not be open to shooters even though Orange has national parks, State forests and Crown land bordering residential areas. Many members opposite would not be able to comprehend that, but we have State forests, national parks and State conservation areas bordering urban areas, and now we have amateur hunters out there shooting, threatening public safety, destroying the amenity of those areas, and destroying the cohesiveness of our community. The hunters come from metropolitan areas. They cannot shoot in the metropolitan area so they travel in their shiny utes with all their gear, stop off at Bullets & Bits and load up, stop off at the bottle shop, and off they go. They do not know where they are. They do not know whether they are in a State forest, on someone's land or in a national park. All they know is that they want to shoot something in the head. This bill is an absolute disgrace and it will do nothing to control feral animals.

As part of the carbon farming initiative, I think feral animals should be eradicated en masse. A key component of the carbon farming initiative is humanely destroying camels in Central Australia by aerial shooting to deal with a massive problem. But we do not have the Game and Feral Animal Council. We have the Game Council New South Wales, whose chief executive officer is being given all the council's functions—all of them. Brian Boyle is the new tsar of shooting and feral animal control. If you have a problem, go and see Brian. His absolute dictatorship is as popular as poo in the pool in Orange. On the day of the announcement the people of Orange saw Brian Boyle go up Mount Canobolas, which was shrouded in thick, pea soup fog—you could not see 50 metres ahead—and say, "Isn't it great that I will be able to shoot up here? I can let off a high-powered rifle through a thicket of bush, in the fog, with no idea who else is in the park." Inevitably, someone will end up being shot.

**The Hon. Robert Brown:** Point of order: The honourable member was making so much noise himself that I could hardly hear what he was saying, but if he was implying that Brian Boyle was going hunting on Mount Canobolas then he was misleading the House.

**The DEPUTY-PRESIDENT (The Hon. Jennifer Gardiner):** Order! The member is making a debating point, not taking a point of order.

**The Hon. JEREMY BUCKINGHAM:** There has been an announcement that the Game Council New South Wales and its tsar will have complete power. There has been no justification for this decision; no member

opposite has given any indication why we must invest Brian Boyle with all those powers. Members opposite say that it is about feral animal control. That is absolute rubbish. It is about a dodgy deal. It is a kickback to the Shooters and Fishers Party—and who knows what tranche of legislation will follow. We have seen the Government's credibility shot to pieces, and it has been shot to pieces by scientists. The Government's own Department of Primary Industries has prepared quite a good document entitled "Ground shooting of foxes". It is based on decades of research and on the science. Members opposite may be aware that foxes are a big feral pest. They destroy livestock and native animals. What is best practice when it comes to shooting foxes? You cannot shoot them at night, according to the rules laid down by the Game Council NSW. Its rules are useless. The Department of Primary Industries says:

Shooting should only be used in a strategic manner as part of a co-ordinated program designed to achieve sustained effective control.

That means not in an ad hoc, opportunistic way.

**The Hon. Dr Peter Phelps:** What is the alternative? Aerial 1080 baits?

**The Hon. JEREMY BUCKINGHAM:** It is a combination. The document continues:

Shooting is often used prior to lambing season and as an adjunct to other control methods. It is time-consuming and labour intensive and therefore an inefficient method for large-scale fox control in Australia.

Although shooting can result in a localised reduction in fox numbers, it is ineffective in significantly reducing fox populations, particularly over the longer-term. Young, inexperienced foxes, which are easily lured into the shooters range, are more likely to be killed by shooting. To compensate for this bias, the breeding and survival of remaining animals is enhanced. Also, dispersal of foxes from the area decreases whilst the rate of fox immigration from other areas increases.

The Government's own Department of Primary Industries says that ground shooting of foxes is not the way to go. This ad hoc, opportunistic, amateur proposal will do nothing. The other day I joined National Parks and Wildlife Service officers at their protest in Bathurst. It was not a construct of the Public Service Association, as the Hon. Matthew Mason-Cox suggested; it was an organic response. Most of people there were landowners and farmers. I talked to National Parks and Wildlife Service officers who are also farmers—their jobs with the service are part time. They said that shooting in State forests was driving feral animals, such as wild dogs, onto private land and into national parks thus dispersing the animals. They said that clearly this would lead to decreased safety in national parks and not the desired outcome in terms of feral animal control.

This Government has again been exposed. It has foreshadowed an amendment that will delete a whole page of the bill. The Government has been dakked—it has been exposed—and what an awful display it is. Schedule 2.1 amends the Firearms Act 1996 to enable a public or local authority to give permission to shoot. What is a public or local authority? Is it all councils or all our State authorities? What percentage of the State would it comprise? Without the Government realising, it would open up vast areas. I give the example of Gosling Creek Reserve. Gosling Creek is a small reserve with bike paths, walkways and feral animals. It is situated right in the heart of our health precinct in Orange. The provision would enable a council, if it saw fit—and thankfully Orange City Council would not be so stupid—to allow amateur hunters into Gosling Creek Reserve. If you were going to do it in Gosling Creek Reserve, why not do it in Centennial Park? If it was safe enough for Gosling Creek, why not for Centennial Park? At the eleventh hour, after the *Sydney Morning Herald*, The Greens and other reasonable people raised the issue, the Shooters and Fishers Party has had a whole page of its silly bill gutted by the Government because it has been dakked.

This is a dangerous bill. The Government's credibility has been shot to pieces. It has been exposed for the sham it is. I read onto the record the contribution of Mr David Dixon, a resident of Orange, who used to work for the Game Council NSW. He used to be its communications director. He had this to say about the Game Council and his experience with it—which is the same experience as all those who see the big men of the Game Council driving around in their flashy utes. They buy expensive guns and all they want to do is shoot some animals and have them stuffed. All that Shooters and Fishers Party members are interested in doing is mounting deer; they want to stick a deer head on their wall. David Dixon knows about the Game Council and he knows about mounting deer. He said:

But after 12 years at three government agencies, I didn't quite expect to find myself living in the hunting fraternity's ongoing fantasy of making killing animals for sport socially acceptable. It was like a continuing serialisation of *Razorback* (or was it *Wake in Fright*?)

Sadly, it is reality. Mr David Dixon continued:

Game Council NSW is not a modern government agency dispassionately fulfilling its statutory object: 'To provide for the effective management of introduced species of game animals and to promote responsible and orderly hunting of those game animals on public and private land and of certain pest animals on public land.' It is a deeply flawed, quasi-public gift to the Shooters Party, compromised by hunting factions, jobs for hunters, dominant personalities and profound and unsolvable conflicts of interests.



He worked for the Game Council. I live in Orange and this is also my experience of the Game Council. It is a little fiefdom for Brian Boyle and his Shooters and Fishers Party mates. There is a \$1 million kickback for these guys, the model train engineers party—an irrelevance and an absolute disgrace.

**The Hon. Robert Brown:** Point of order: The member knows that it is disorderly to make imputations of impropriety, or dare I say even corruption, against other members in this House. The member implied that we were taking kickbacks. I ask that you direct the member to retract his comments.

**The DEPUTY-PRESIDENT (The Hon. Jennifer Gardiner):** Order! I ask the Hon. Jeremy Buckingham to retract imputations against any other member in the House.

**The Hon. JEREMY BUCKINGHAM:** To the point of order: I am not quite clear what the imputation was.

**The Hon. Duncan Gay:** That's not our problem.

**The Hon. Robert Brown:** You pointed at me and you said—

**The Hon. JEREMY BUCKINGHAM:** I am asking the Deputy-President to direct me as to what the imputation was that I am to withdraw.

**The Hon. Dr Peter Phelps:** To the point of order: The Hon. Jeremy Buckingham said, "They have taken \$1 million in kickbacks."

**The Hon. Robert Brown:** And he pointed at me.

**The Hon. JEREMY BUCKINGHAM:** Further to the point of order: I said "they"; I did not identify the Hon. Robert Brown.

**The Hon. Dr Peter Phelps:** You pointed over there.

**The Hon. JEREMY BUCKINGHAM:** I was waving my arms around generally.

**The Hon. Robert Brown:** Further to the point of order: I do not have a thin skin but when a guy looks at you and points at you and says on the record of this House, "They took \$1 million in kickbacks", that is impugning my reputation. I ask you to withdraw it here. Unfortunately, we are in a modern era so I cannot take you outside and beat you to death.

**The Hon. JEREMY BUCKINGHAM:** Point of order: I would like it acknowledged in the House that the Hon. Robert Brown has just said, "I cannot take you outside and beat you to death." I ask the member to withdraw that comment.

**The Hon. Robert Brown:** Would you like an apology, Jeremy?

**The Hon. JEREMY BUCKINGHAM:** I will go outside anytime with you.

**The DEPUTY-PRESIDENT (The Hon. Jennifer Gardiner):** Order! The Hon. Robert Brown has taken offence—

**The Hon. JEREMY BUCKINGHAM:** I withdraw my comment.

**The Hon. Cate Faehrmann:** Point of order: The Hon. Robert Brown just said something highly offensive to the Hon. Jeremy Buckingham.

**The Hon. Duncan Gay:** He has already done that.

**The Hon. Cate Faehrmann:** No, he has not. That also must be dealt with.

**The Hon. Robert Brown:** I lost my temper. I am sorry for what I said, Jeremy. I should not have said it.

**The DEPUTY-PRESIDENT (The Hon. Jennifer Gardiner):** Order! I ask all members to be civil for the remainder of the debate on this bill.

**The Hon. JEREMY BUCKINGHAM:** It is certainly a passionate issue. The people of New South Wales are watching. It goes to the culture and nature of this organisation. That is the second time I have had a death threat from the Shooters and Fishers Party in this House. It will be interesting to see how we go with interference from the Shooters. [*Time expired.*]

**The Hon. PETER PRIMROSE** [5.13 p.m.]: The objects of the Game and Feral Animal Control Amendment Bill 2012, inter alia, enable the Minister responsible for national park estate land, which includes national parks and certain other land reserved under the National Parks and Wildlife Act 1974, to make that land available for the hunting of game animals by persons who hold a game hunting licence; to add several species of non-indigenous birds to the list of game animals that may be hunted under the authority of a game hunting licence; to make it an offence to interfere with persons lawfully hunting game animals on public hunting land; and to enable a public or local authority to give permission to shoot on land owned or managed by the authority, whether or not it is rural land. I oppose the bill, and join others in the community in condemning the deal between Premier O'Farrell and the Shooters and Fishers Party to allow hunting in our national parks.

Amateur hunting in national parks will not help control the feral animal problem in New South Wales; it may well make it worse. But I make it clear that I bear no malice towards the two members in this place who represent the Shooters and Fishers Party. I disagree with most of their policies, but they were elected on a clear platform and they are doing their best to implement it. If this bill passes, it will be solely because of the New South Wales Liberal Party and The Nationals. Premier O'Farrell went to the last election promising to oppose shooting in national parks; now he will make it law. The dedication of two million hectares of new national park was one of Labor's great achievements during its 16 years in government. State forests have multiple uses and we agreed to the shooters' demands to be able to shoot there. But Labor drew the line at our national parks—they are part of the legacy we hold in trust for future generations. I reject shooting in our national parks because it is ineffective, expensive and dangerous.

We all acknowledge that feral animals are one of the greatest threats to Australia's biodiversity. Foxes, pigs, cats, dogs, rabbits and goats are the most common feral animals, and their populations are exploding across the State. Significant funding and innovative public policy making is required to manage this problem—often both are lacking. Handing over the keys to our national parks to amateur and recreational shooters will not provide a solution to this problem. Last year recreational shooters eradicated just over 14,000 animals but it made no dent in the millions of foxes, cats, goats, pigs and rabbits that infest and undermine our landscapes. It is sport. According to the Game Council New South Wales, a total of 14,161 game and feral animals were killed by recreational hunters in New South Wales State forests last year—almost half of them were rabbits. In that period some 15,080 game hunting licences were issued in New South Wales, so on average each hunter killed less than one animal. That figure is minute compared with the total number of feral animals in New South Wales.

The most recent Commonwealth Government figures estimate that Australia has 7.2 million foxes, 2.6 million feral goats and up to 23 million feral pigs. Of the animals killed by recreational shooters in New South Wales last year, 512 were deer. Each year 300 deer need to be killed in the Royal National Park alone to reduce its population by 0.4 per cent. Effective feral control requires killing half the population each year. Unless hunters kill more feral animals than can be replaced by migration or survival of those that would otherwise die, they do not reduce populations. Effective feral management requires the culling of huge numbers of animals in a short period, over a large area. Programs need to be targeted and coordinated and require multiple approaches. They require careful consideration of target species and their habits if they are to be successful. Harmful consequences such as increasing rabbit numbers by reducing foxes or cats need to be considered. Programs must always be evaluated.

Recreational shooting is not related to any coordinated program; it is random and ineffective. There are examples where recreational hunters have helped eradicate feral animals but only as part of planned programs and as one strategy amongst others. Too often the priorities of hunters are not those of feral eradication. For example, recreational hunters prefer to shoot male deer to get their antlers as a trophy. Females are the reproductive sex. The removal of males has no impact on the birth rate in polygamous species such as deers and pigs. Do not try to justify shooting on environmental grounds. We need to be killing half the feral population each year to manage the problem. Clearly, eradicating 14,000 animals is not even a drop in the ocean. Hunting

and shooting might be enjoyable for some but it should not be dressed up as a solution to the feral animal problem. Even some hunting clubs have condemned these new laws. For example, I noticed an article in last Friday's edition of the *Mudgee Guardian*. It states:

The Cudgegong Valley Hunting Club has slammed new laws allowing hunting of feral animals in national parks, labelling the changes as "absolute madness".

"It's not a case of if but when someone gets shot that it will come back to haunt the lot of us," said club treasurer and Mudgee gun dealer, Jim Pirie.

...

"I've been involved in getting rid of rabbits, foxes and more over the years and just a few people roaming around a park with a gun isn't going to stop them," he said.

"It's got to be planned shooting or poisoning and trapping, otherwise whoever goes in there hunting them will just scatter them all over the place and make them harder to cull."

Locally, Mr Pirie said Coolah Tops was an enjoyable and pristine place to visit that he would hate to see become an "ineffective hunting playground for an elite few".

"At rifle ranges you have to have a fence all around it, warning signage, the red flag up and someone managing the day, yet they're fine to let people go into public places wandering around shooting," he said.

"It doesn't make any sense to me, and I'm a gun nut."

Nor does recreational hunting come cheap. Last year the Game Council New South Wales was given \$2.556 million in taxpayer funding and it raised licence fee income of \$974,000. Therefore, each of the animals killed by recreational hunters cost the taxpayer \$249. That is much more expensive than professionally run feral eradication programs. Even skilled shooters say that on-ground shooting of feral animals is not an effective method of eradication. Effective feral eradication requires killing large numbers over large areas in short time frames. It requires expertise, planning, multiple approaches and evaluation. It seldom focuses on on-ground shooting.

Depending on the animal, aerial shooting by a skilled marksman, mustering, baiting and trapping are more effective. On-ground shooting can often increase feral numbers by dispersing animals and making animals such as pigs more wary. Groups of recreational shooters taking pot shots in our national parks will do nothing to control the feral problem. As I have said previously, it may even make it worse. Nor is it particularly humane. To shoot an animal humanely requires a high level of skill—very limited areas of an animal's body deliver a quick and relatively painless death. There are no guarantees that recreational amateur shooters can do this. Of course, native animals will also inevitably be collateral damage of recreational shooting in our national parks.

Some recreational hunters are highly skilled but many are not, and there are no shooting competency tests to acquire a Game Council licence, only a written exam. It is apparent from the overall performance—as I said, an average of 0.7 feral animals, of which most were rabbits, were killed per hunting day in 2010-11—that many hunters are not skilled. For example, a New Zealand assessment found that fewer than 5 per cent of recreational hunters shot more than half the deer killed. The lack of skill has major animal welfare, and indeed human safety, implications. According to the New South Wales Government code of practice for the humane control of feral animals, shooting can be humane when it is carried out by experienced, skilled shooters. For deer, it is recommended that hunters be able to consistently shoot a group with no fewer than three shots within a 10-centimetre target at 100 metres.

The Game Council relies on a mandatory code of practice as the basis for claims that licensed hunters hunt humanely, but a code does not make hunters skilled. Also, according to the New South Wales Government code of practice, humaneness requires that shooting of feral animals should be used only in a strategic manner as part of a coordinated program designed to achieve sustained, effective control. Because recreational hunting in State forests often does not achieve effective feral animal control, it breaches welfare standards by promoting killing that provides no benefit other than recreational pleasure for the hunters. The significant taxpayer funding that will be necessary to administer and promote recreational hunting in national parks could be spent much more effectively on professional feral eradication programs.

Shooting in national parks is not a free service to help manage the feral problem. It costs big money from the public purse. It is an expensive drain on taxpayers that delivers no conservation outcomes. Obviously it can also be dangerous. For example—I know members have already referred to this—in October

2010 Rosemary Ives was shot in the head while cleaning her teeth in a national park camping area in New Zealand; the recreational hunter said that he mistook her for a deer. There have not been any shootings of people associated with the State forest recreational hunting program in New South Wales as yet. However, visitation numbers are much higher in national parks than in State forests. With 38 million visitors to national parks each year, the risk of human injury is very high.

Recreational hunters in New South Wales will not be allowed to shoot at night, but policing all this will be a nightmare. It only takes one rogue figure to deliver tragic consequences. Labor is also concerned about the dedicated staff in our national parks whose lives will be put at risk while managing this program. Shooting risks should not be part of a park ranger's day. In the meantime, none of us will ever again feel quite as safe as we have in the past when enjoying the natural wonders with our families in our State's pristine national parks. Of course, many will say that this issue should and will be the subject of intense debate at the next State election.

Community organisations will be able to fund campaigns promoting candidates who advocate repealing the legislation. Third party campaigners can exercise their democratic right to act collectively to seek to influence voting at the next election. But wait a minute. This House recently passed the Election Funding, Expenditure and Disclosures Amendment Bill 2011. No longer will not-for-profit, membership-based third party campaigners be allowed to pool their funds to highlight issues of joint interest to them if it involves trying to highlight issues and influence how people vote at an election. Collective action by the environment movement has been scuttled. So who did this? The O'Farrell Government proposed the bill. But who voted with the Government to get it through this place? Go back to the vote on 15 February.

**The Hon. Dr Peter Phelps:** Point of order: There are two strands to my point of order. First, electoral funding has no relationship to the long title of this bill. Secondly, the Hon. Peter Primrose is implicitly reflecting on a previous decision by this House.

**The Hon. PETER PRIMROSE:** To the point of order: The bill seeks to amend a number of Acts. As I have indicated previously, this matter was the subject of debate at the last State election. Therefore, I believe it is appropriate that I be allowed to allude briefly to the fact that this legislation may be subject to further amendments following debate in the community.

**The DEPUTY-PRESIDENT (The Hon. Jennifer Gardiner):** Order! While members are extended wide latitude during a second reading debate, I ask the member to return to the leave of the bill.

**The Hon. PETER PRIMROSE:** I propose to be brief. As I said, the O'Farrell Government proposed the bill, but who voted with the Government to get it through this place? Go back to the vote on 15 February this year. The two members of the Shooters and Fishers Party joined with the Labor Opposition to oppose the Government's amendment. However, the Liberal-Nationals won the day because The Greens supported them. The Greens voted with the O'Farrell Government, making collective campaigning by community groups against shooting in national parks at the next State election all but impossible.

**The Hon. JAN BARHAM** [5.28 p.m.]: I speak against the Game and Feral Animal Control Amendment Bill 2012. I acknowledge at the outset—I have said this in the House previously—that I have a family member who is a shooter and fisher. They are not a member of the political party but they get involved in these recreational activities. So perhaps I do not have the same hostility towards all persons who choose these recreational activities. However, I am concerned about these activities taking place in our national parks, nature reserves and State conservation areas, and being undertaken by amateurs, rather than having professional feral pest eradication.

As has been mentioned before in this House, Byron Shire Council has engaged a professional person to undertake the trapping of feral animals. On 10 May the Hon. Robert Borsak acknowledged in this House that Byron Shire Council has engaged a professional wild dog, fox and feral cat trapper to assist landholders to meet their responsibilities. The Byron Shire Council understands that feral pest management is a major issue, not only to protect the values in our nature conservation areas but also for farmers, landowners and rural property owners. It understands the concerns felt in that regard.

We have heard from a number of members that allowing amateurs to go into our protected areas under the guise of feral pest management is not a satisfactory way to move forward with these important issues. We have been told that the ad hoc recreational hunting—such as that practised in New South Wales State forests—breaches protocols in virtually every way. There are no defined control objectives, no assessment of whether

ground shooting is an effective and appropriate method for the purpose, no integration with other programs, no quality control and no monitoring. As we have heard before, that information comes from the Invasive Species Council.

I wish to talk about the important matter of our natural places. They are important for their intrinsic value as well as for their economic value in regard to tourism. In New South Wales it is acknowledged that our natural areas are important attractors for tourism as well as the other assets—such as the cultural heritage value—that exist in those areas. There are important World Heritage areas on the North Coast. We also have a Tourism Australia supported National Landscape program called "Australia's Green Cauldron"—an ancient volcanic landscape, a living Gondwanan rainforest area. Many national parks and nature reserves that are on the hit list under this bill are located in the area.

Major tourism comes to the North Coast of New South Wales and southern Queensland. We invite people from all over the world to come and appreciate the natural environment and cultural heritage in those areas, including Australia's Green Cauldron and World Heritage areas. Imagine the impact when they get there and find that it is closed. They might have three days on the North Coast, but it is closed.

**The Hon. Duncan Gay:** World Heritage sites are not going in there. Read the bill.

**The Hon. JAN BARHAM:** The Minister has said that World Heritage areas are not being interfered with in relation to this bill. I am referring to the fact that this is a World Heritage area, in the broader context. There are some areas that are specifically identified.

**The Hon. Duncan Gay:** How can they make that mistake? Silly Greens.

**The Hon. JAN BARHAM:** It is not a mistake; some people genuinely do not fully understand the nature of the World Heritage declaration. Unfortunately, the Game and Feral Animal Control Amendment Bill 2012 has identified some parts of national parks. One would have hoped that that would have been rectified if there was a genuine commitment to the science and biodiversity protection that we rely on for our tourism industry. We do not mind encouraging the International Union for Conservation of Nature conference to come to Sydney. We have taken that conference away from Victoria and we will bring the International Union for Conservation of Nature World Parks Congress to New South Wales because we have such high—

**The Hon. Robert Brown:** Is that the one in 2014?

**The Hon. JAN BARHAM:** Yes, in 2014. We are bringing the International Union for Conservation of Nature conference to New South Wales because we have such a high level of biodiversity. I quote the Minister for Tourism, who says that the congress wants to "examine the best way to run nature reserves and protect biodiversity". I know comments have been made about the conservation value of feral animal shooting in our protected areas, but I doubt that the International Union for Conservation of Nature will find much to support in the manner in which it is done.

**The Hon. Robert Brown:** Aren't you in for a surprise?

**The Hon. JAN BARHAM:** I will be very surprised if it eventuates that amateur shooters going into our nature reserves and national parks will be an effective means of feral pest management. I am also keen to understand how it is possible that the Office of Environment and Heritage will be able to undertake the practices that are required for responsible management of any eradication program. It would require a lot of work undertaken by them to plot, manage, monitor, advise, advertise and instruct those persons on where and how to operate. This is not a kids' club going into an area and saying, "Go for it". This is about science—protecting areas that contain not only endangered fauna but also endangered flora. Those areas will need to be mapped and marked to ensure that they are protected.

Members who support this bill say that the hunters are conservationists with no desire to destroy the natural values of these areas but to enhance them by removing feral pests. I am not sure whether anyone has considered the extent of work that is required to manage this sort of activity. I have served on boards for national parks management over a number of years and I know the extensive time and energy that is involved in ensuring that before any program takes place in a protected area there has to be proper consideration. Who pays for the support work that is required to allow this activity to take place? Is that cost to be borne by the Game

Council? Will we see an activity-based costings transfer from the Game Council to the Office of Environment and Heritage for the work that is involved to ensure that their operations do not devalue the natural areas that they say their activities will protect, preserve and conserve?

Many comments have been made about the safety of people going into the parks, but there is also concern for people who work in those areas. The Protected Area Workers Association membership is made up of people who work in the field of park management. They say:

... as such, we have a great deal of experience in national park management ... our collective experience tells us:

Ground shooting operations are not successful in forested and woodland eco systems; confirmation of the information provided through the Invasive Animals Cooperative Research Centre and other vertebrate pest research groups that recreational hunting does not decrease vertebrate pest populations; recreational ground shooting operations principally occur on land tenures neighbouring park.

That is an important issue, because there are great concerns about where you undertake those activities—

Recreational hunting only occurs in a very limited number of reserves in Victoria and South Australia and these programs are generally species specific; translocation of vertebrate pests is occurring in all areas where recreational hunting occurs; the majority of small vertebrate pests controlled by recreational hunting occurs around camping areas and park boundary, leading to conflict with other park user groups and reduction in park visitation and camping; an increase in vandalism, litter, rubbish dumping and illegal hunting activities is associated with recreational hunting.

A lot of assurances need to be given. I read from information that has been provided by concerned people in the Protected Area Workers Association and I think their concerns need to be put on the record. I do not think they have been read in the House before. I return to a point I made earlier about the value of tourism. I quote from the Taskforce on Tourism and National Parks in New South Wales report from 2008:

The national park 'brand' has marketing value for the tourism industry but the essence of that 'brand' is naturalness and beauty and therefore it will only have currency if the conservation values of parks and reserves are secured and enhanced.

That is a point that has been and will continue to be debated. My experience and that of others who have spent many years trying to protect these areas is that there are ways and means of doing that enhancement and protection, and they do not involve hunting by amateurs. It involves highly regulated, professional eradication work, which sometimes involves shooting. It has been said in this place before by a former North Coast member of this Chamber, Ian Cohen, that there is support for professional hunting. That continues to be supported. The idea of amateurs going into parks and undertaking that work is not supported.

One of those groups to which we owe a great debt for the protection of national parks and nature reserves is the North East Forest Alliance. I am proud to be associated with them and very proud that the North Coast is what it is today as a result of the efforts of amazing people who care enough to devote their lives to the protection and preservation of our natural wonderland and the biodiversity we are all so proud of. When it suits them, everyone becomes a conservationist; they appreciate it when our biodiversity is acknowledged as being of international standard. Many people have taken credit for it, but I know where the credit truly should be given and it usually comes back to a lot of people who live in those areas and have done the hard yards. They have blockaded and protested to stop the bulldozers and they have then come down here and made their protests known to Government. They have sought to have those areas protected when the Government was all too keen to give them away and let them be chopped down.

**The Hon. Robert Brown:** Chopped down and regrown.

**The Hon. JAN BARHAM:** Some things do not regrow. The old growth forest has been a major part of the North East Forest Alliance campaign. Those trees that are hundreds of years old can never be replaced and nor can the ecosystems that surround them. I refer to a media release on, ironically, World Environment Day when the North East Forest Alliance called on the Federal Government to intervene to exclude shooting in World Heritage areas. I know a lot has been said about those areas but Mr Pugh of the alliance made the following comment:

In the same statement announcing the 79 reserves proposed for shooting Mr O'Farrell said shooting of feral animals will not be permitted in any wilderness area of world heritage area.

Yet his announcement includes the Gondwana Rainforests of Australia World Heritage listed parks of Nightcap National Park, Richmond Range National park (in part), Gibraltar Range National Park, Dorrigo National Park, Oxley Wild Rivers National Park, and Barrington Tops National Park. Oxley Wild Rivers and Barrington Tops are also identified wildernesses.

The Federal Government needs to intervene to over-ride the State Government's announced intention to allow shooting in world-heritage properties.

This is the point. These parks are World Heritage listed in part, not in full. Who is going to define the point where a person crosses the borderline into a World Heritage listed area and not in the national park? That is my concern. Who does the work and where and how would it be costed, let alone controlled, monitored, assessed and properly recorded? People like me have seen enough of the activities that have been undertaken while people are supposedly following the rules. Later I will have the opportunity to speak to a bill that is being put forward by the Leader of the Opposition, the Hon. Luke Foley, about offences in national parks. I hope to be able to mention some eye-opening incidents that have happened over time when people believed the rules were being followed and they were not.

The rules in relation to State forest activities are not followed and I have my doubts whether they will be followed any better under this legislation by the shooters. It is all too easy when people are out of sight in the bush and there are no closed-circuit television cameras to record what is going on. I defy any amateur shooter to tell the difference between a quoll and a fox and to recognise some of our endangered species—little-known species on the North Coast—and distinguish them from feral animals. On 15 June the North East Forest Alliance stated:

The North East Forest Alliance has expressed outrage that the NSW Game Council is undertaking a misinformation campaign targeting local governments, such as Coffs Harbour and Lismore Councils, that are considering their positions in relation to amateur hunting in national parks.

We have seen Game Council representatives turn up to local government meetings and misinform those councils. The alliance went on to say:

The Game Council is telling local government that hunting occurs in National Parks in Victoria, South Australia and Tasmania. This is wrong as both Tasmania and South Australia prohibit recreational hunting in national parks. Some other conservation tenures, such as game reserves, allow game hunting, though even then feral animal control is undertaken by the land managers.

Again we are seeing a process whereby the Game Council is perhaps misinforming some people at local government level where there is a bit of a campaign going on. I have a notice of motion on my council's agenda to oppose this activity. That will be heard next week, which will perhaps be too late if this bill has been passed, but my position will still be known. On 17 June the North East Forest Alliance said in a media release titled "O'Farrell Made Fools of Us" that rather than the 10 per cent of parks that the Premier had referred to in a media release it was now clear from the bill that 94 per cent of New South Wales national parks might soon be available for shooting. It went on to say:

Premier O'Farrell's claim that shooting in national parks would be limited to supervised feral animal control programmes is also not reflected in the bill. Once approved by the Minister it is open season.

These are some of the concerns raised by members of the conservation movement, people who can claim that title because they have spent 10, 20 or 30 years campaigning to have the science about the value of our protected areas brought to public attention. They have gone to the length of blockading to oppose the destruction of our natural areas. To now have a bill that seeks to stop people exercising their democratic right to go into public areas and defend them from potential destruction is incredibly abhorrent. Proposed section 55A refers to interfering—that is what it is called now when people are trying to protect the natural values of our public estate.

**The Hon. Duncan Gay:** Are these the same people who put marbles under police horses?

**The Hon. JAN BARHAM:** This will be referred to as interfering with authorised hunting on declared public land. I note the interjection from the Hon. Duncan Gay referring to activities that I think he is implying have been undertaken by activists and campaigners. That is not true and it has been put on the public record by other people that non-violent action is the activity of conservationists.

**Dr JOHN KAYE** [5.48 p.m.]: In addressing the Game and Feral Animal Control Amendment Bill 2012 I largely echo the comments of my colleagues Mr David Shoebridge, the Hon. Cate Faehrmann, the Hon. Jan Barham and the Hon. Jeremy Buckingham. There is not a lot to add to their comments. There are five profound reasons, any one of which would be adequate, for rejecting this legislation. The first is that it does not create an effective control of feral animals. The second is that in many cases this legislation will make the feral and pest problem worse, not better.

Third, it will alienate national parks and other wilderness areas and deny passive users of those lands, on some occasions, their right to enjoy those lands in safety and tranquillity. Fourth, it will create yet another

political leverage point for the Shooters and Fishers Party to apply pressure onto the Government for the passage of other legislation. If the Government thinks it has bought itself out of trouble on power privatisation, it has not. This is not a get-out-of-jail card; it is the beginning of a long-term series of pressures. In the end, one has to pity Robyn Parker for the game she has been dealt by this legislation. Fifth, this legislation is part of a deal to pass power privatisation. The Government's support was obtained in a way that calls into question its stated belief that this legislation is about conservation. There is absolutely no independent peer-reviewed scientific evidence that supports the proposition that recreational shooting is an effective method of controlling the animal or pest population in national parks, State forests or any other area.

**The Hon. Matthew Mason-Cox:** But it will help.

**Dr JOHN KAYE:** The suggestion that it will help is very interesting. We are unlucky to have had the experience of recreational shooting in State forests. I will look at the track record.

**The Hon. Natasha Maclaren-Jones:** Brilliant.

**Dr JOHN KAYE:** You might call it brilliant, but you have a low standard. Between 2006-07 and 2007-08, 654 feral animals were killed in State forests. The total population of feral animals in State forests is hard to estimate, but we know it is much greater than 50 million animals. Even the most conservative estimates are more than 50 million animals in State forests. That means that less than 0.1 per cent of the total population of feral and pest animals in State forests were killed by recreational shooting. There is an argument that recreational shooting may have increased the population, and I will return to that shortly. The reality is that any recreational shooting program that can only kill 0.01 per cent of the total population will have no impact on the total population.

As Mr David Shoebridge pointed out, there is the concept of a doomed surplus—the number of animals that will die anyway—and all that shooting does is substitute some animals for the doomed surplus. Killing more animals will not reduce the total population. It has been estimated that unless at least half the number of animals are killed off, they are killed off at faster than the rate of replacement and will have no impact. The recreational shooting of animals just creates more space. Pest animals, by definition, have rapid replacement by breeding. It is not possible that this legislation will produce the amount of shooting in national parks that will even put a dent on the feral population.

The control of feral animal populations requires a coordinated strategy involving trapping, baiting and other lethal and non-lethal methods of control. Shooting is just one of those methods. The fundamental problem with this bill is that it puts recreational shooting in national parks and other areas as a driver of policy. Shooting is a component of policy, but it should not be the driver of policy. The way that politics is played out here, because the Coalition wanted to get its power privatisation legislation through, is that shooting in national parks becomes a driver, and recreational shooting becomes a key component.

Shooting is not cost-effective. It is claimed by some advocates of recreational shooting in national parks that shooting is free, or at least highly cost-effective. On the morning the power privatisation legislation was introduced I heard the Premier say to Linda Mottram on the ABC words to the effect, "Why would we turn down the free labour that recreational shooters would provide us with to help us control them?" The reality of free labour is that it happened in this Chamber when the Shooters and Fishers Party voted for the power legislation privatisation that evening. It is hard to measure cost-effectiveness which, of itself, is not effective. I will look at one measure, which is not a very good measure but the only one we can use: dollars per animal killed. Killing animals is not the objective. I heard the Hon. Rick Colless talk about his experiences; he said that he wanted to blast away at animals. Good for him. It might have felt good for him, but we should not kid ourselves—

**The Hon. Rick Colless:** Point of order: I do not know when Dr John Kaye heard that statement, but I did not make any comment along those lines.

**Dr JOHN KAYE:** I retract that statement.

**The DEPUTY-PRESIDENT (The Hon. Jennifer Gardiner):** Order! The Dr John Kaye has withdrawn those comments.

**Dr JOHN KAYE:** I deeply regret that I mentioned the Hon. Rick Colless; I will endeavour never to do so again. An amount of \$9.4 million of public funds and \$1.8 million of licence revenue went into the Game



Council between 2006-07 and 2007-08. With all of that effort of shooting in State forests, as allowed by the former Labor Government, 13,109 animals were killed at \$323 per animal. For the same amount of money under professional feral animal control programs far more animals would have been killed, and far greater reduction in and control of population would have resulted. If the same amount of money had been spent on what is perceived to be one of the more expensive animal control measures—that is, aerial shooting and mustering of the feral goat population—somewhere between 10 and 22 times the number of animals would be killed. Shooting is ineffective and it is certainly not cost-effective. Worse than not being cost-effective and ineffective, evidence shows that allowing recreational shooting in State forests, national parks, et cetera, will result in a spread of the feral animal populations.

I refer to hard evidence—in the form of videos posted to the web, which I understand have been taken down on the advice of the Game Council—of people boasting about releasing piglets into the wild, purely to create more shooting populations. There is strong deductive evidence of the spread of animals by shooting, not just by a lack of strategy in recreational shooting, which results in scattering the population, but also by the genetic evidence. In 2007 Spencer and Hampton conducted a study of the genomes of feral pigs in south-western Australia. They found that the genetic intermixing of pigs could not have happened without human intervention—that is, the pig population existed there because humans had intervened. Why? To create the opportunities for shooting. What does this piece of legislation do? It creates a licence for the feral end of the recreational shooting fraternity to release feral animals into national parks to justify their shooting.

It is clear that there is a driver for this legislation. Why else did the Shooters and Fishers Party—formerly the Shooters Party—stake everything on it? Its members worked hard through the former Minister, Ian Macdonald, and failed only because some people in Labor were sensible enough to put their foot down in Cabinet. The Shooters and Fishers Party has finally got its legislation through the Coalition. It has been a key issue for the party because it is choice shooting land. It is absolutely clear that some shooters will release feral animals into national parks.

The reality is that the term "conservation hunting" is an oxymoron. Only those who have signed up to the proposition that we should be engaged in social engineering in bleeding our society could accept that term as legitimate. This legislation is nothing more than the next stage in an agenda designed to spread the gun and hunting culture throughout New South Wales. Labor acquiesced to the Shooters and Fishers Party when it was in office by using public funds to promote blood sports through the Game Council, which it established. In doing that it has created a Frankenstein's monster that is now loose as a result of this legislation and escaping into national parks.

As I said, the former Government was pulled up short by wiser heads before shooting was allowed in national parks. However, the evidence was clear then and it is clearer now that the Labor Government hovered on the edge. It was being driven by the Shooters and Fishers Party to allow shooting in national parks. Now the Coalition is a willing handmaiden in the bleeding of New South Wales. This measure represents social engineering using public funds on a grand scale. Recreational hunting is not simply a pastime like stamp collecting; it is recreational activity that impinges on the enjoyment, safety and wellbeing of others. It is robbing from people their right to enjoy a passive recreation, particularly in national parks. Many members have had the experience of being in a State forest. I have had the experience of riding legally down a fire trail in a State forest and having people shooting near to me. As a result, my enjoyment of Bruthen State Forest, which is on publicly owned land, has changed forever. My right to enjoy the forest and the right of other passive recreators who do no damage and who want to enjoy the forest in a way that does not impinge on others is being impinged because we are being driven out of national parks by the Coalition. That will reflect badly on this Government.

The Hon. Matthew Mason-Cox gave a dramatic introduction to his contribution to this debate. If the Government is wondering why there is such a strong reaction from those using national parks and the environmental movement then it is clear that it has not understood the impact of recreational shooting in national parks on the passive enjoyment of those parks. It has not understood the way in which that shooting will undermine that enjoyment and the natural value of those parks. That is why the Government has bought itself into a whole mess of trouble. It is not only Robyn Parker who is sitting in the hot seat; every Liberal and Nationals member in a marginal seat now faces a potage of problems. Every person who uses national parks and every person who cares about national parks will be deeply offended by this legislation because it goes directly counter to our understanding of the role of national parks.

This legislation does not take into account the danger highlighted by the New Zealand experience of people being blown away by shooters. It is clear that recreational shooting creates the opportunity for people to be blown away. This legislation will replace enjoyment of the tranquillity of a national park with fear and apprehension of a gun going off.

**The Hon. Robert Borsak:** Well don't go there anymore.

**Dr JOHN KAYE:** I thank the Hon. Robert Borsak for that interjection. That is exactly the point I am making. This is about a takeover of national parks from those who passively recreate by those who want to shoot things. This legislation, by the Premier's and the Deputy Premier's own admission, is a product of one of the deals it entered into to ensure the passage of its electricity generation sell-off legislation.

**The DEPUTY-PRESIDENT (The Hon. Jennifer Gardiner):** Order! There is too much audible conversation.

**Dr JOHN KAYE:** If members of the Coalition think that this is a one-off deal they are kidding themselves. Every time they need the support of the Shooters and Fishers for the passage of legislation it will mean that one more national park or State recreation area is put on the agenda. Robyn Parker, or whoever succeeds her—

**The Hon. Dr Peter Phelps:** Point of order: Madam Deputy-President, please remind the member that he should refer to honourable members by their correct title.

**Dr JOHN KAYE:** The Hon. Robyn Parker, MP, Minister for the Environment and Heritage, is in a heap of trouble as a result of this legislation. Every time the Hon. Greg Pearce or the Leader of the Government wants legislation passed by this Chamber they will have to sacrifice another national park. This is the high road to hell. If the Government wants to sell Sydney Rail, that will cost one more national park; if it wants to privatise Sydney Water that will cost one more national park; if it wants to sell the poles and wires that will probably cost two more national parks. Where will this end? Will we have shooting in Hyde Park? Sooner or later the end will come, and that will be when this Government or its successor recognises the grave error that is being made in this House tonight by opening national parks to recreational shooters and, more importantly, opening up the Government to yet another vehicle of legislative blackmail.

I have been asked why The Greens did not do a deal with the Coalition to stop the Shooters and Fishers Party coming to an arrangement with the Government about the power privatisation legislation. Apart from odious immorality of horse trading about legislation, we would never have supported the privatisation of the electricity industry. We would simply not sell off 60 million tonnes of carbon dioxide, not only because it would be the wrong thing to do but also because it does not work in the long run. The Shooters and Fishers Party and the Coalition will come to understand that the deal they have negotiated will result in mutually assured destruction. They have put their teeth into each other's necks and they will go down together. They will do more and more deals that result in inexplicable votes. Suddenly the Coalition is voting for shooting in national parks and the Shooters and Fishers Party is suddenly selling out its Electrical Trades Union members in the upper Hunter. Suddenly we have politics done by deal rather than by principle. The Hon. Catherine Cusack, whose writings I admire and enjoy—although I do not always agree with them—made some telling points in the *Sunday Telegraph* two weeks ago. She wrote:

The Shooters want a "bang bang, we won" approach that sticks it to the greenies. They hand the government a shopping list of parks their members want to hunt in. It is not based on park "needs", it's all about what shooters "want"...

The Shooters dislike poisoning because it reduces targets for hunting in some parks ... Replacing it with recreational hunting will immediately escalate stock losses and result in native bird extinctions.

That is what the Liberal Party really believes, and the Hon. Catherine Cusack had the courage and honesty to say it. I challenge other members of the Coalition who know that to be true to vote against this legislation. It is bad for national parks, it is bad for the Coalition and in the end it will be bad for New South Wales. It is the next step in the publicly funded social engineering program being run through the Game Council.

**The Hon. PENNY SHARPE [6.08 p.m.]:** I oppose the Game and Feral Animal Control Amendment Bill. Before I outline why I oppose this legislation in principle and as a matter of public policy I will outline the massive breach of trust that the O'Farrell Government is committing by supporting this bill in exchange for the Shooters and Fishers Party supporting the sell-off of our electricity assets. Prior to the election the then Liberal-Nationals Opposition was keen to promise, hand on heart, that there would be no hunting in national parks, and after the election it was keen to reinforce that commitment. Members on this side of the House did not believe it so we asked the Government. On 2 August 2011 the Labor Opposition asked the Minister for the Environment whether the O'Farrell Government would allow hunting in national parks, and this is what she said:

How predictable. The policy of the New South Wales Government is clear: hunting in national parks is not permitted. I say that very slowly for the slow learner on the Opposition backbench. Parks receive over 35 million visits per year and we provide among other things facilities for visitors to our State, and I advise the member opposite that shooting is not compatible with visitations to our national parks. The member has wasted yet another question. For the benefit of those opposite I repeat that the policy of the New South Wales Government is clear: Hunting in national parks is not and will not be permitted.

It might have been predictable, but at least we did not tell barefaced lies to the people of New South Wales. The Minister's comments were further followed up by the person who should have been the Minister for the Environment in the O'Farrell Government, the Hon. Catherine Cusack. This is what the Hon. Catherine Cusack said on 5 August last year:

In St Paul's letter to the Galatians he said:

Don't delude yourself: God is not to be fooled; whatever someone sows that is what he will reap. If his sowing is in the field of self indulgence then his harvest from it will be corruption; if his sowing is in the Spirit, it will be eternal life. And let us never slacken in doing good; for if we do not give up, we shall have our harvest in due time. So then, as long as we have the opportunity let all our actions be for the good of everybody, and especially of those who belong to the Household of the faith.

The letter urges us to live ethical lives.

This is from a member of the Government. The Hon. Catherine Cusack continued:

It is also a prescription for ethical public policy. In view of some remarks made yesterday by the Hon. Robert Brown, John Robertson, the Leader of the Opposition in the other place, should read St Paul's letter in full. Last night the double dealings of the former Labor Government were exposed—namely, saying one thing to the Shooters and Fishers Party in secret deals behind closed doors and saying the exact opposite to the public. I am proud to be a member of a Liberal-Nationals Government whose leader, Premier O'Farrell, has given his word that things will change. He will not do secret deals that sell out our national parks.

And yet here we stand this evening. Labor never agreed to what is before us here tonight. We said no to the Shooters and Fishers Party. Actions will always speak louder than words. National parks have been sold out to hunters in exchange for a few pieces of silver by the O'Farrell Government. I want to go back to the words of the Government on these issues. John Jeayes in the *Macleay Argus* nailed it yesterday when he wrote:

Before the last election Barry O'Farrell told me at Port Macquarie that politicians in electoral mode will tell you what you want to hear; the trick is to get it in writing.

Apparently that doesn't work either.

During the run-up to the last State election Mr O'Farrell promised:

"We have no intention of doing deals with the minor parties, to sell out those plans. There will not be a decision to turn our national parks into hunting reserves." (The Sydney Morning Herald, April 13, 2011).

On January 28 last year, in a statement in the Lithgow Mercury, Barry O'Farrell promised to keep the State's electricity generators in public hands.

"We have absolutely no plans to privatise either the generators or the poles and wires," he said.

So it was with a sense of disillusion I read that, in a deal with the Shooters and Fishers Party brokered by Mr O'Farrell and Oxley MP Andrew Stoner to secure the passage of the Electricity Privatisation bill, the government will be opening up some national parks, nature reserves and State conservation areas to recreational hunters.

There is not just disillusion; there is anger, there is disappointment and there is dismay. Communities across New South Wales will not forget this breach of trust. I do not support this bill because it is bad public policy. I do not support this bill because it will not eradicate feral animals in national parks. The Commonwealth estimates that Australia has 7.2 million foxes, 2.6 million feral goats and up to 23 million feral pigs. The Game Council proudly tells us that last year 14,161 game and feral animals were killed by recreational hunters in New South Wales State forests. This figure is minute and, given the trade-offs that have to be made in stopping people accessing our national parks, this is not a trade-off worth making.

I do not support this bill because, given the risks, it is simply too costly to allow recreational hunters in national parks when it is cheaper to have professional feral animal eradication. For all of the Game Council's boasts, it cost New South Wales taxpayers \$249 per feral animal killed last year in our State forests. I do not support this bill because effective feral management requires culling of large numbers of animals in a small area over a long period. Programs need to be targeted and coordinated, and they need to use multiple approaches. Recreational shooting is not coordinated; it is random. Experts tell us that on-ground shooting is not effective. Depending on the animal, aerial shooting, mustering, baiting and trapping are more effective. On-ground shooting can make feral animal problems worse by dispersing the animals further. I do not support this bill because it is dangerous. There are risks to all who use national parks. This is best summed up by a person who commented on the *Macleay Argus* site today:

It is disgusting that we are so apathetic that we let our MPs straight out LIE to us at election time. Why can't we sue them? Have community values sunk so low that we accept that they can tell us anything and treat us like we are nothing once they are elected? I live adjacent to a Nat Pk ... the kids play on the fire trails, our landcare and coast care groups are working in Nat Pks, overseas backpackers hike and camp in our Nat Park. How much more do we have to put up with to appease less than 4pc of the state vote??

I am reminded too of the many homeless people who live in our national parks. These people are the most vulnerable people in our community and are at risk under this proposal. It is sad to see tonight that the passage of this legislation will open up 40 per cent of our national parks estate to become hunting grounds—all for a deal between the O'Farrell-Stoner Government and the Shooters and Fishers Party to sell off our State's electricity assets. The political cost to the O'Farrell Government should be high, especially as it is off the back of another broken promise on electricity privatisation. We also have to recognise another deal that the O'Farrell Government did, this time with The Greens in this place, to pass its changes to electoral funding laws. Because of those changes environment groups will struggle to campaign against this outrage—all because of changes The Greens supported. This too is a shame.

As a Labor member I am proud of our legacy on national parks in New South Wales. Labor added two million hectares of new national park to our State. We said no to hunting in national parks. This was the right thing to do for the people who use national parks, for the flora and fauna within national parks, and for the preservation of the environment across New South Wales. Labor cannot and will not support this bill.

**The Hon. LYNDIA VOLTZ** [6.16 p.m.]: I oppose the Game and Feral Animal Control Amendment Bill 2012, as my colleagues on this side of the Chamber have done. I note that members on the other side have consistently stated that there was no deal; this was all part of the plan. It flies in the face of everything said by members on the other side of the Chamber going into the election. Mr O'Farrell defended the deal with the Shooters and Fishers Party in the *Daily Telegraph* on 31 May. He said that it was in the greater public interest to ensure the passage of the power privatisation legislation. There is no mistake that shooting in national parks is the result of one thing and one thing only, and that is power privatisation. As Mike Baird said, "In the upper House we had to do a deal with the crossbenches." That is what Government members said. It is all about a deal with the crossbenches to pass the power privatisation bill. That is the power privatisation bill that those members opposed continuously when they were in opposition and the power assets they made commitments to the people of New South Wales not to sell. They said those assets would be retained.

It is exactly the same as the commitments given by those on the other side of the Chamber regarding shooting in national parks. In fact, on 23 February in the *Blue Mountains Gazette*, the Hon. Catherine Cusack was reported as saying that the Coalition opposed hunting in national parks "from day one". No-one on the other side of the House contradicted her. No-one on the other side got up and said, "We might not do that; Catherine Cusack is wrong." Now they walk into this Chamber and every single one of them defends hunting in national parks—not every single one of them, to be honest, because the Hon. Catherine Cusack did not. That is hardly surprising because I think when she made those commitments she honestly believed that that was going to be the Coalition's policy, and she probably believed that she would be the Minister for the Environment. Barry O'Farrell backed her up on that. He said that every shadow Minister would be a Minister in the Coalition Government. That is what Barry O'Farrell said and that is what she believed.

The Hon. Robert Brown was pretty clear in what he said about the Hon. Catherine Cusack being the Minister on the Shooters and Fishers Party website before the election when she was bold enough to categorically rule out hunting, grazing and mining in national parks. He stated:

She seems to think she is Premier of New South Wales, as Leader of the National Party. Perhaps she is simply a loose cannon in the Coalition ranks.

The National Party supports the concept of hunting feral animals in national parks, and it is something the Shooters and Fishers Party will again bring before the new Parliament after the election.

Perhaps Mr O'Farrell should look at moving her aside, because one way or another he will have to consider our Game and Feral Animal Control Bill later this year.

That is exactly what the Hon. Robert Brown said before the election. If anyone on the other side of the House supported that he or she should have said so before the election. The Hon. Robert Brown was the only one who did. Not one member from the Liberal or National parties said, "Hang on a second. We may not do that in government." On 4 April when John Robertson put it to Barry O'Farrell that the Hon. Catherine Cusack was the only thing standing between the Shooters and Fishers Party and their plans to introduce hunting in national parks and that the Premier had shown her the door, he dismissed it. Instead he said he had elevated the environment. He did that by abolishing the department. He did that by introducing a policy—despite the claims of those opposite that it had been to the Cabinet in the Labor Party—which did not get past a discussion in the Labor Party caucus because it was so widely pooh-poohed by the Labor Party.

**The Hon. Dr Peter Phelps:** So it was discussed.

**The Hon. Matthew Mason-Cox:** It was discussed. People from your side were denying it was discussed.

**The Hon. LYNDIA VOLTZ:** No, people on my side were not denying it was discussed. They said there was never a proposal before the Cabinet and there was never a proposal before the caucus. The question asked in the caucus was whether we should consider it. Many members, particularly the former members for the electorates of Heathcote and the Blue Mountains, said, "Absolutely not. This is a step too far. We will stand by our principles in regard to shooting in national parks. It is not going to happen." That is what those in the Labor Party, which those opposite claim was immoral and had no standards, said. I acknowledge that the Shooters and Fishers Party was upset about that but the party has always been upfront about its policies.

The Liberals and Nationals have not been upfront about their policies. Not only that, they sacrificed a woman who had put her heart and soul into being a shadow Minister. Those opposite allowed that member to make those commitments to the environment movement around this State, and her reward for doing that was to be dumped from the frontbench after the last election. The Hon. Catherine Cusack did a good job because the environmental movement believed her, the national parks and wildlife people believed her and the people of New South Wales believed her. Those people are now disappointed. The Government has broken yet another promise given in the lead-up to the election. Those opposite repeatedly said in the lead-up to the election that they were going to do something and since coming to office they have done the opposite. How long will it be before the Government breaks the next promise and commitment? How long will it be before the Government rolls over on the next demand when it comes to wires and poles?

**The Hon. Rick Colless:** It is tough not being in government.

**The Hon. LYNDIA VOLTZ:** I have always been in opposition, so it is not much fun for me. When it comes to wire and poles and there is a new demand from the Shooters and Fishers Party or a new demand from the Christian Democratic Party we will once again see that the Government has absolutely no backbone on any issue. The Government will roll over at every single opportunity.

**The Hon. HELEN WESTWOOD** [6.23 p.m.]: I speak against the Game and Feral Animal Control Amendment Bill 2012. Let us be very clear what this bill is about. It has nothing to do with feral animal control and it is certainly not about conservation. This bill is about securing the numbers for the O'Farrell Government's election back-flip on electricity privatisation. That is the only reason it is before us today. Interestingly, it is being dealt with before the workers compensation legislation. Just as the electors of New South Wales do not trust the Government's word on anything, the Shooters and Fishers Party are making sure the bill is passed so that the O'Farrell Government does not do the dirty on its deal with them. Our colleagues in the Shooters and Fishers Party are no fools. They have been clever enough to ensure that the bill is voted on and in the bag before the House considers the workers compensation legislation later this evening.

The Shooters and Fishers Party members have been in this place long enough to know that a number of the deals they were promised by the Government have been broken, as have a number of the promises made to the people of this State in the lead-up to election by those opposite. This bill is but one example of that. One has to admire the capacity of the Shooters and Fishers Party to see through this mob, and the people of New South Wales will also see through this mob at the next election. Those opposite can try to camouflage this issue in furs and fuzz—I understand that the Minister for the Environment and Minister for Heritage was wearing a bit of fur today. The Government will no doubt endeavour to convince us that it is in the State's best interest to allow armed individuals loose in national parks to shoot unsupervised. This is madness. Even those of the shooting fraternity think it is madness. In fact, a recent article in the *Mudgee Courier* stated:

The Cudgegong Valley Hunting Club has slammed new laws allowing recreational hunting of feral animals in national parks, labelling the changes as "absolute madness".

"It's not a case of if but when someone gets shot that it will come back to haunt the lot of us," said club treasurer and Mudgee gun dealer, Jim Pirie.

The real value of this bill is at best questionable. It is yet another clear breach of trust with the people of New South Wales. Members are painfully aware that the Premier made an unequivocal guarantee in the national media in the lead-up to the election when he said:

There will not be a decision made to turn your national parks into hunting reserves. We are not going to replace literacy and numeracy in our schools with how to dismantle a gun in 5 seconds.

I suppose we can predict what will happen next when this Government tries to sell off the next piece of State infrastructure. It does not stop with the Premier's public promise. On 2 August 2011, in a question to Minister Parker in the other place, my colleague Mr Ryan Park said:

My question is directed to the Minister for the Environment ... what assurances can the Minister give that hunting in national parks will not be reconsidered in return for the support of the Shooters and Fishers Party for her Government's legislative agenda?

Minister Parker replied:

How predictable. The policy of the New South Wales Government is clear: hunting in national parks is not permitted. I say that very slowly for the slow learner on the Opposition backbench.

**The Hon. Dr Peter Phelps:** Point of order: My point of order is that this is tedious repetition. I request the Chair instruct the member to move on to the next part of her contribution. This quote has already been given several times in this debate.

**The Hon. HELEN WESTWOOD:** To the point of order: Those are not my words. If they are tedious, the Hon. Dr Peter Phelps should direct his comments elsewhere. I am making a point.

**The DEPUTY-PRESIDENT (The Hon. Jennifer Gardiner):** Order! There is no point of order. The comment has been made previously by another member, but not by the member with the call.

**The Hon. HELEN WESTWOOD:** I continue quoting the Hon. Robyn Parker's words. She said:

Parks receive over 35 million visits per year and we provide, among other things, facilities for visitors to our State. I advise the member opposite that shooting is not compatible with visitations to our national parks. The member has wasted yet another question. For the benefit of those opposite I repeat that the policy of the New South Wales Government is clear: Hunting in national parks is not and will not be permitted.

Obviously, hunting in national parks will not be permitted unless the Liberal-Nationals need to flog off another piece of infrastructure. How clear can it be? The Coalition made unequivocal statements before and after the election, yet this bill is an absolute backflip. It is a betrayal of the commitment that was given to electors and the community of New South Wales. Under this bill, the same Minister, the Hon. Robyn Parker, will have the power to determine which national park land is available for game hunting. At the moment almost 40 per cent of New South Wales' national parks, including several containing World Heritage areas, are on the list provided by the Premier as being available for feral animal hunting. The list identifies 79 parks, conservation areas and nature reserves.

My fear is that this is not the end of the list but just the beginning. The area identified makes up about 2.6 million hectares, or almost 40 per cent, of the State's 6.8 million hectares of national parks. The list also features several parks containing World Heritage-listed areas, including Barrington Tops, Nightcap and Dorrigo. The fact that Premier O'Farrell can say in one breath that the Government will exclude World Heritage areas and in another breath identify six World Heritage-listed parks for shooting is yet another demonstration of how neither he nor his Government can be trusted. I point out that the Game Council New South Wales is inconsistent in its views about the real value of recreational hunting to control feral animals. This was outlined in a response paper produced in July 2009 by Dr Carol Booth and Tim Low of the Invasive Species Council of Australia. In that paper they point out that, on the one hand, the Game Council claims that shooting just one fox will save 26 native birds. However, the 2007-08 Game Council annual report acknowledges that hunting should be part of an "integrated" control plan of management. I quote:

Even this limited acknowledgement undermines the conservation rationale for the hunting conducted in state forests—2 million hectares of which are now open to hunters—for it is almost all ad hoc and not part of "strategic" or "integrated" or "coordinated" programs. In fact, the Game Council's computerised licensing system is designed to spread the hunters out as much as possible (at most 1 per 400 hectares), which limits their capacity to exert pressure on feral animal populations, but presumably offers the best hunting experience.

If the Government were serious about pest control it would invest more in developing an integrated pest management program for New South Wales, not making deals for political gain and then trying to spin that it is in our best interests and in the best interests of the environment. I recognise that there is a feral animal problem in this State. Some types of introduced animals inhabit more than 95 per cent of New South Wales. These wild game and feral animals include species such as foxes, feral pigs and rabbits that are well known for their

agricultural and environmental impacts. These animals also include less well-known species such as feral goats, wild deer and camels. The most recent Commonwealth Government figures estimate that Australia has 7.2 million foxes, 2.6 million feral goats and up to 23 million feral pigs.

We are all aware of the damage that can be, and has been, caused by introduced species of animals and birds. They eat native vegetation and damage sensitive environments. They destroy crops, pasture and fencing, and they can also spread parasites and disease. A number of studies show clearly that the majority of feral animals are highly mobile and very fertile, breeding quickly to replace those that are killed. The Invasive Species Council has produced several key documents that give a scientific critique of the effectiveness of volunteer and recreational hunting in controlling feral animals. One such paper entitled "Is recreational hunting effective for feral animal control?" covered these very issues. It states:

To date, it is likely that greater harm than good has resulted from recreational hunting of feral animals, with most species having expanded in range and numbers despite hunting and, in some cases, because of hunting. The evidence indicates that recreational hunting is not effective as a major or primary method of feral animal control. Where there has been a comparison, professional cullers (using the same or different methods) are far more effective.

For many invasive species, more than 50 per cent of the population must be culled each year just to maintain the status quo; for foxes in Victoria the estimate is more than 65 per cent.

In recent years best practice for feral animal control has moved beyond a simple "kill as many as possible" approach due to its repeated failures. A large cull may not reduce populations or have environmental benefits, and may even result in perverse outcomes of expanded distributions and increased densities of targeted and non-targeted feral animals.

I strongly support greater investment in whole-of-government, strategic, integrated pest management strategies. I support employing appropriate methods that may include trapping, baiting, aerial shooting and ground shooting by professional shooters under stringent National Parks and Wildlife Service conditions. However, there is strong evidence to suggest that using volunteer hunters is not an effective strategy and can actually do environmental harm. To deal effectively with this problem, previous Labor governments established a strong legislative framework to control the impact of these animals—for example, the Threatened Species Conservation Act 1995, with provisions to manage key threatening processes and help populations of threatened species recover, and the Rural Lands Protection Act 1998, with provisions requiring pest animals to be controlled.

We identified the need for trained, licensed, responsible hunters, and this was addressed by provisions in the Game and Feral Animal Control Act, which also contains provisions to regulate game hunting. The objectives of the Game and Feral Animal Control Act are to provide for effective management of introduced species of game animals, and to promote responsible and orderly hunting of those animals on both private and public land, and hunting of certain pest animals on public land. As I said, the methods employed to rid our environs of introduced pests must be undertaken in a responsible manner. As Mr Cahill from the Public Service Association rightly argued:

Recreational shooting of pest animals in National Parks is an unproven, untested, expensive and unsafe activity.

Opening the gate for recreational hunting in 79 national parks and other conservation areas in NSW poses a serious risk to the safety of park rangers, visitors, wildlife and the environment.

Our park rangers should not have to work in fear for their own safety. Our members have expressed serious concerns about the dangers to themselves and the community when shooting is allowed in bushland popular with walkers and picnickers.

Our members have been working very hard to control and manage feral animals in parks. Recreational shooting will compromise the professional and scientifically proven feral animal control programs run by national parks staff, placing native plants and animals at risk.

This move is another shot across the bow of our national parks, with the Shooters and other vested interest groups clamouring for greater access at the expense of the environment and the people who look after them.

Veteran National Parks and Wildlife Service ranger Kim de Govrik told a rally outside Parliament House that shooting in national parks would jeopardise the safety of rangers and bushwalkers. He said:

We are entitled to feel safe at work. We want our members' safety to be guaranteed and we want the safety of 35 million visitors per annum to also be guaranteed.

On 5 June the Australian Workers Union stated in a media release:

Field workers are the main interface between the general public, local residents and shooters. Their primary issue is safety of all concerned as there are too many examples of so-called 'accidental' shootings.

I am deeply concerned by reports of hunters catching feral animals and, instead of acting responsibly, releasing them as a game resource for their own entertainment. I find it abhorrent that hunters would intentionally capture feral animals and remove them to forest areas close to Sydney to create a reserve of hunting opportunities. How can this be effectively policed under the proposed new system? I have heard the argument advanced that volunteer hunting is a cost-effective method of culling feral animals. I completely reject that assertion. The Game Council New South Wales was given \$2.556 million in taxpayer funding last year and raised licence fee income of \$974,000. Each of the animals killed by recreational hunters cost the taxpayer \$249. That is much more expensive than professionally run feral eradication programs.

In comparison, only \$8 million was allocated to the National Parks and Wildlife Service in the last financial year for pest, weed and bushfire control in national parks. Visitation rates to New South Wales parks were estimated at around 38 million visits in 2010. Some 58 per cent of visits by Australians were to parks outside the Sydney metropolitan area. Whilst no figures are publicly available for State forest visitation, it would seem likely that they are far lower, given that only about 34,000 hectares of State forests are zoned primarily for visual aesthetics or recreation. That compares with the total area of national parks in New South Wales, which is 5,185,370 hectares. Visitation rates in national parks are higher than in State forests. There is a high probability that the chance of a shooting-related accident occurring in a national park is greater than in a State forest. Therefore, it is rational to conclude that a significantly increased level of risk to families, recreational park users and park workers accompanies shooting in our national parks.

Those opposite should hang their heads in shame at this bill. They have betrayed the people of this State. Those opposite have lied to the electors of this State, and they continue to lie. They are doing a deal to sell off the assets of this State in return for a practice that is going to put people at risk in our national parks. Our national parks are places where the community should feel safe and confident. They are places where people can go to enjoy the beautiful natural environment of this State. People should feel confident that they can share that space with their family and enjoy the environs and activities such as picnicking, bushwalking or birdwatching confident in the knowledge that they and their families are safe to do so. In the interest of public safety I urge every member in the Chamber not to support the Game and Feral Animal Control Amendment Bill 2012. I certainly will not be supporting it.

**The Hon. LUKE FOLEY** (Leader of the Opposition) [6.44 p.m.]: I oppose the Game and Feral Animal Control Amendment Bill 2012. This bill is a new iteration of a bill introduced by the Hon. Robert Brown in 2009 that did not gain the support of the then Labor Government. Various Government speakers today have told us that this legislation is about the eradication of feral animals. I submit that that is simply not the case. This is not about feral animals; this is about electricity privatisation. I note the media release of Wednesday 30 May 2012 from Barry O'Farrell, MP, New South Wales Premier, and Andrew Stoner, MP, Deputy Premier. In it Mr O'Farrell said:

... the Government had decided to expand the culling program to allow smooth passage of legislation to sell the State's power generators.

The infestation of feral animals across the State is a big problem that all of us involved in public policy must try to solve. Along with habitat loss, feral animals are the greatest threat to Australia's biodiversity. To manage this problem requires very large funds and dedicated public policy making, but often both are lacking. However, handing over the keys to our national parks to recreational shooters will not impact on this problem.

I note the words of the Hon. Rick Colless earlier in the debate—I listened intently to his speech. When he spoke of foxes attacking lambs it brought to mind the experience of my father-in-law, who is a farmer. I have informed this House in other debates that I am not hostile to recreational shooters. I reject the words of Mr David Shoebridge who, time and time again, describes recreational shooters as "weekend cowboys". I have observed members of my wife's family when they go out shooting in order to deal with feral animals—particularly foxes—on their farm. I am aware that their neighbours have had their sheep and lambs attacked by ferals. I know about the problem of feral animals. Speaker after speaker from The Greens today attacked the Labor Party for its establishment and support of the Game Council. I say that the Labor Party is not hostile to an outdoor way of life. The Labor Party is not hostile to recreational shooting. But we do assert, unapologetically, that there needs to be a balance, and we say that our national park estate is not a place where recreational shooters should be allowed access.

Hunting in national parks will not help control the feral animal problem in New South Wales, and may make it worse. Foxes, pigs, cats, dogs, rabbits and goats are the most common ferals and their populations are exploding across New South Wales. According to the Game Council, a total of 14,161 game and feral animals



were killed by recreational hunters in New South Wales State forests last year. I take that number from the most recent Game Council annual report. Almost half of those 14,000-odd animals killed were rabbits. In that period there were 15,080 game hunting licences issued in New South Wales. So each hunter killed less than one animal on average. Compared with the total number of feral animals in New South Wales, that figure is minute. The most recent Commonwealth Government figures estimate that Australia has 7.2 million foxes, 2.6 million feral goats and up to 23 million feral pigs. I take those numbers from the Commonwealth Government threat abatement plan for feral animals.

Of the animals killed by recreational shooters in New South Wales State forests last year, 512 were deer. Each year 300 deer are killed by professional shooters in the Royal National Park alone. That reduces the deer population in this one park by only 0.4 per cent. Effective feral control requires killing half the population each year. Unless hunters kill more feral animals than can be replaced by migration or survival of those that would otherwise die, they do not reduce populations. Effective feral management requires culling of huge numbers of animals in a short period over a large area. Programs need to be targeted and coordinated and use multiple approaches. They require careful consideration of target species and their habitats if they are to be successful. Harmful consequences such as increasing rabbit numbers by reducing foxes or cats need to be considered. Programs must also be evaluated.

Recreational shooting is not related to any coordinated program. It is random; it is ineffective. Often, too, hunters' priorities are not those of feral eradication. For example, recreational hunters prefer to shoot male deer so as to get their antlers as a trophy. Females are the reproductive sex so the removal of males has no impact on the birthrate in polygamous species such as deer and pigs. It has been documented that a small minority of rogue hunters move feral animals into areas to improve hunting prospects. I note an article entitled "Illegal Translocation and Genetic Structure of Feral Pigs in Western Australia" from the *Journal of Wildlife Management*. A small minority of rogues could not be effectively policed in the system that is proposed in the bill. That could make the feral animal problem worse as new gene pools strengthen populations. Skilled shooters say that on-ground shooting of feral animals is not an effective method of feral eradication. Depending on the animal, aerial shooting by skilled marksmen and mustering, baiting and trapping are more effective. On-ground shooting can sometimes increase feral numbers by dispersing and making animals such as pigs more wary.

I met with a number of National Parks and Wildlife Service field officers in November last year. I understand that around 800 field officers work in our national parks. That delegation told me they do not want a bar of allowing amateur shooters into our national parks. Those field officers should be listened to because they deal with feral animals in their day-to-day jobs and they deal with them professionally. They told me of their work from helicopters, engaged in targeted and professional shooting. They work with injured animals, they work with vets, and they work with Taronga Zoo. They are a flexible workforce and are not locked in their own parks—they will move to deal with the issues and problems that arise. I met with some of those National Parks and Wildlife Service field officers again last week when they joined the rally against this move to open our national parks to amateur hunters. People who are engaged in the business of fighting the feral animal plague in our parks tell us that this will not be effective.

Indeed, there are people in the firearms industry and people engaged in sporting shooting who tell us that they do not believe in opening up our national parks to amateur hunters. The Cudgong Valley Hunting Club has criticised these laws, labelling the changes as "absolute madness". In an article in the *Mudgee Guardian* last week the club treasurer and Mudgee gun dealer, Mr Jim Pirie, said:

It's not a case of if but when someone gets shot that it will come back to haunt the lot of us.

...

By its very name it's a park - a place for the public.

All you'll get is plenty of people showing up to protest on those days, so it's a no win situation.

He went on to say:

I've been involved in getting rid of rabbits, foxes and more over the years and just a few people roaming around a park with a gun isn't going to stop them.

It's got to be planned shooting or poisoning and trapping, otherwise whoever goes in there hunting them will just scatter them all over the place and make them harder to cull.

He also said:

At rifle ranges, you have to have a fence all around it, warning signage, the red flag up and someone managing the day, yet they're fine to let people go into public places wandering around shooting.

It doesn't make any sense to me, and I'm a gun nut.

Those comments were made by Mudgee gun dealer Jim Pirie, the treasurer of the Cudgong Valley Hunting Club. It is wrong to characterise opposition to this manoeuvre as simply coming from the environmental or green constituency or from the Labor Opposition. People who have spent their lives researching the problem of feral animals and its impact on our biodiversity criticise opening up our park estate to recreational shooters. People who engage with firearms and describe themselves as "gun nuts" also criticise this move.

Labor is proud to be a party of national parks. One of our great achievements in 16 years in government was to expand the terrestrial reserve system in New South Wales by three million hectares. We apologise to no-one for that; we are proud of it. Labor delivered the country's best-protected wilderness estate. Labor saved coastal forests, north and south, running from the escarpment to the sea. Labor saved the Pilliga, which sits amid the cleared plains of western New South Wales as a beacon and a refuge for nature. And of course we are criticised for it day in, day out by those opposite, but we are damn proud of it. We saved the mighty river red gums, which stand tall because of Labor. We are proud of our national park record. We rejected this proposal from the Shooters Party to our political cost because we genuinely believed that opening up our national parks to recreational shooters was not in the interest of this State. We paid a political price for it but we did what was right.

The Greens come in here and try to lecture us, the party of national parks, about what we did that they think was wrong. They talk about State forests. National parks are national parks for a reason: National parks exist to conserve nature. State forests are multi use. One of the objects of State forests at law is to promote recreational use. The purpose of reserving land as a national park is to identify, protect and conserve areas containing outstanding or representative ecosystems, natural or cultural features or landscapes. That is the purpose. I take that from the National Parks and Wildlife Act 1974. So we will not be lectured to by The Greens. There is a very good reason we say Labor is a party that is not hostile to an outdoor lifestyle. Labor, a party that recognises the legitimate role that firearms play in the lives of farmers, and indeed sporting shooters, draws the line at allowing amateur shooters access to our national parks.

We draw the line because national parks are special. Mr O'Farrell said that national parks were special and that he would not allow the shooters in them. Robyn Parker, in that quote that has been referred to by so many of my colleagues today, said national parks were special. She said that the slow learners in Labor should stop asking because her Government would never allow amateur shooters into our national parks. Now they have done it. Worse still, the provisions written into this bill crack down on and ban peaceful protest. What will people in New South Wales do when their national parks start being locked down to allow access to amateurs for recreational shooting? There were 38 million visits to national parks last year. Of course, people will be up in arms and they will want to protest. This bill, in a manner reminiscent of the bad old days under Askin, creates laws to crack down on peaceful protests.

But it gets worse. What is worse? At the next election it will be illegal for environment groups to ban together collectively and run a campaign against hunting in national parks. A campaign designed to influence citizens' votes at the next election to overturn hunting in national parks will be illegal. It is no surprise that the O'Farrell Government would devise that. Mr David Shoebridge, who attacked the Labor Party today, did not tell us about his party's role in providing five votes for that stinking, rotten piece of legislation that will make it illegal for environment groups in this State to try to knock over those laws at the next election. Why are The Greens not defending that?

The 13 environment groups that have signed up to the no hunting in our national parks website include the Blue Mountains Conservation Society, the Humane Society International, National Parks Australia Council Inc., the Total Environment Centre, Wild Walks, STEP Inc., the Central West Environment Council, Bushwalkers NSW, the Wildlife Information, Rescue and Education Service Inc., the Colong Foundation for Wilderness, the National Parks Association of New South Wales, the Nature Conservation Council of New South Wales, which has 100 member groups of its own, and the Wilderness Society.

At the next election campaign it will be illegal for all those small, struggling, community, not-for-profit organisations to pool their resources and run a large and effective campaign to influence people to vote for politicians who promise to reverse hunting in our national parks and to vote against politicians who support opening up our national parks to hunting. That is the legislation brought to us by Barry O'Farrell and The Greens. We reject that. We reject the law against peaceful protest. We reject the opening up of our national parks to amateur shooters. It will not work. It was put to us in government. We said no, to our political cost. [*Time expired.*]

[*The Deputy-President (The Hon. Natasha Maclaren-Jones) left the chair at 7.04 p.m. The House resumed at 7.35 p.m.*]

**The Hon. ROBERT BROWN** [7.35 p.m.], in reply: I will try not to use the full 20 minutes available to me, but I did take copious notes during members' contributions. I thank the Hon. Duncan Gay, the Hon. Steve Whan, the Hon. Dr Peter Phelps, the Hon. David Clarke, the Hon. Scot MacDonald, the Hon. Rick Colless, the Hon. Walt Secord, the Hon. Matthew Mason-Cox, the Hon. Niall Blair, Ms Cate Faehrmann, the Hon. Natasha Maclaren-Jones, the Hon. Mick Veitch, the Hon. Charlie Lynn, Mr Jeremy Buckingham, the Hon. Peter Primrose, Ms Jan Barham, Dr John Kaye, the Hon. Lynda Voltz, the Hon. Penny Sharpe, the Hon. Helen Westwood and the Hon. Luke Foley for their contributions to this debate on the Game and Feral Animal Control Amendment Bill 2012.

Earlier I had to apologise to Mr Jeremy Buckingham for making an outrageous statement. I now apologise to the House. The Hon. Mick Veitch asked some detailed questions, but he is not in the Chamber at the moment so I will wait to provide a response to him. The Hon. Duncan Gay said the Government believes that this is probably a suitable conservation bill. The Shooters and Fishers Party agrees that that is what it is, despite all the argy-bargy that has gone on today. This legislation has been introduced because the Shooters and Fishers Party believes it is good for conservation; we believe in what we are doing.

The Hon. Steve Whan made a number of points. Most importantly, he referred to a consolidated and coordinated pest control exercise at Wee Jasper. That exercise is held up by all agencies and most academics and scientists who understand this issue as the pinnacle of the nil-tenure model. It did not matter whether it involved the Brindabella National Park, a State forest or private property, the agencies combined their talents, the borders and tenures were removed and the wild dogs were handled. That is what this bill is all about. It is about extending a program that has been running successfully for six years in one type of reserve, that is, a State forest, into another type, that is, national parks.

The Hon. Steve Whan asked why brumbies were not included in the bill. When the former Government negotiated the original game bill, which became the Game and Feral Animal Control Bill, only certain animals were included. We then had the horrible experience of the so-called professionals blowing it in Guy Fawkes River National Park by shooting and wounding horses. The then Minister for the Environment, the Hon. Bob Debus, said that there would be no more aerial shooting of horses. As an aside, for practical reasons the same ban should apply to hunting all large animals, particularly deer. Otherwise, the Hon. Steve Whan's contribution was erudite and I thank him for it.

I will not make much comment about Mr David Shoebridge's contribution. He often says things without providing any evidence and resorts to conjecture and hyperbole. On this occasion most of what he said was plain wrong. I do not think he had done his homework. The Hon. Dr Peter Phelps spoke with passion on the bill and raised the Victorian goat cull. It is interesting that the people who organised that cull were all given awards by Parks Victoria for dreaming up the concept and then executing it in such an exemplary manner. That demonstrates how good it was.

There has been some confusion and mistakes have been made on both sides of the debate about the cost of feral animal control. The Hon. Helen Westwood was incorrect when she said that the net cost in the budget for the management of feral animals is \$8 million. It is part of a \$58 million weeds, pests and fire budget, and we think it is about \$16 million. Members talked about the number of animals that the Minister says her department took last year. Using that number and applying it to the budget, the cost is about \$640 per animal. If one applies the Game Council's full \$2.8 million budget to the number of animals it has taken out, it is less than \$200 an animal.

I thank the Hon. David Clarke for his contribution. He is quite right that 79 parks out of 799 is not just a number picked out of the air. I noticed that there were several interjections from the Labor side. When we sat down and negotiated this situation with the Labor Party, we agreed on about 60 national parks, but for the same reasons: First, national parks that are contiguous with State forests where this program is currently running; secondly, national parks where there is a high known pest population; and, thirdly, those parks likely to cause the least problem—if any—with other users.

The Hon. Scot MacDonald gave some interesting facts and figures in relation to the difference between professional culling, as it is called, and the model that the Game Council uses. The one key element that is missing from all of the arguments is the fact that when the Government does its pest control programs, that is exactly what they are. They are programs for one, two or three months and, generally, our research shows that they do not do anything further in relation to that same problem in that same location for one, two or three years.

The concept of using conservation hunters—volunteers—is that they are there all the time, week in and week out, year in and year out. To reiterate those points, it is cheaper per animal to use volunteer hunters based on the Government's own numbers and it is a continuous program, not a periodic program.

The Hon. Rick Colless spoke about the effect on agriculture and farm animals. We had some discussions with the New South Wales Farmers Association, which had a couple of problems with the bill. Once I went through the bill with the association, it understood what we were talking about. We could probably stand here today and say that we think it supports this initiative.

The Hon. Walt Secord said that it is important to listen to what the shooters say because, believe it or not, these people have intellectual capital that they can provide to this particular solution. They are not, as Mr Jeremy Buckingham perhaps implied, all urban guerrillas with their knuckles on the ground. These people are probably every bit as skilled, if not more so, than your average parks employee. I am not trying to compare them with professional shooters that are shooting 24 hours a day, seven days a week, but parks employees do not do that. In fact, they mostly use the Livestock Health and Pest Authorities [LHPA] or contractors. They have to do the work occasionally and there are parks personnel who are licensed Feral Animal Aerial Shooting Team [FAAST] shooters—the helicopter gun-shoot boys—but not many of them.

The Hon. Walt Secord made the point that parks are there for the protection of native animals. That is exactly what this bill is about. Despite disagreement from The Greens, that is what this bill is about. Despite one assertion that it is not about the numbers and the numbers you kill, it is about the numbers you kill.

**The Hon. Cate Faehrmann:** You just don't kill enough.

**The Hon. ROBERT BROWN:** We will, over a period of time. A lot of members quoted the Invasive Species Council. The Invasive Species Council should not be confused with the Invasive Animals Cooperative Research Centre [CRC]. One is a government-funded cooperative research centre; the other is a three-man or four-man "wannabe" organisation. Tim Low likes to sell books and Dr Carol Booth, I think, is Tim Low's partner. There are also a couple of others, but they are not a credible source to be quoting. The Hon. Walt Secord raised the issue of the young lady who was tragically shot in New Zealand. She was shot under a spotlight. That idiot should not have been using a spotlight and it is not lawful to use spotlights under the Game and Feral Animal Control Act in State forests or in national parks. The Hon. Matthew Mason-Cox added some valuable points, as did the Hon. Niall Blair.

*[Interruption]*

**The Hon. Dr Peter Phelps:** Point of order: I know it is straight after dinner, but the level of interjections is quite unrealistic—

**The Hon. Trevor Khan:** Unedifying, in fact.

**The Hon. Dr Peter Phelps:** Yes.

**DEPUTY-PRESIDENT (The Hon. Sarah Mitchell):** Order! I uphold the point of order. I remind members that interjections are disorderly at all times.

**The Hon. ROBERT BROWN:** The Hon. Cate Faehrmann made a fairly passionate and detailed contribution, but again relied too heavily on people like the Invasive Species Council.

**The Hon. Cate Faehrmann:** I did not rely on it; I relied on the Invasive Animals Cooperative Research Centre.

**The Hon. ROBERT BROWN:** Yes, and the bloke you quoted was the same man: Tim Low.

**The Hon. Cate Faehrmann:** No, Carol Booth.

**The Hon. ROBERT BROWN:** Like I said, Tim Lowe and Carol Booth are an item. The Hon. Mick Veitch asked a number of questions, which I will try to answer as best I can, because I put the legislation up with a belief as to the way I think it will run. However, ultimately, the Government and the Minister will decide

how it is going to be done. Is there a potential to increase the number of parks? There may well be, but it will be so long rolling out 79 of them because of the amount of work to do that I suspect we probably will not be looking at that question for another two to three years.

Mr David Shoebridge mentioned that 71 State forests have been rolled out. That was the program. In this particular program, I dare say that the Game Council and the National Parks and Wildlife Service will sit down and work out which parks they want to work on first. Probably those parks will be the ones where they have the biggest problem. I am not sure I really understood what the Hon. Mick Veitch meant by Henry VIII clauses so I might have to skip that one. The third question was about adding non-indigenous birds. It is the prerogative of the Minister to add non-indigenous—that is, pest animals.

If there is a problem with a particular species of animal or a bird in a particular location then I am sure the Minister would consider whether that species should be added to the list or whether some other method should be sought if it is a short-term problem. Bear in mind that in my second reading speech I mentioned that it was more than just State forests that utilise the Game Council. Local government has utilised it, as has a university and a gardens trust. I think that was pretty much the three questions. The Hon. Charlie Lynn got stuck in and was pretty interesting to listen to. Jeremy Buckingham—

**The Hon. Cate Faehrmann:** He got you worked up, didn't he?

**The Hon. ROBERT BROWN:** He did, actually.

**The Hon. Jeremy Buckingham:** The Hon. Jeremy Buckingham.

**The Hon. ROBERT BROWN:** Sorry, the Hon. Jeremy Buckingham made a couple of incorrect statements. He said that the workers compensation bill is a trade-off. No, he is wrong. Funding from Beretta or the National Rifle Association is not for the Shooters and Fishers Party; I correct him on that. He next raised safety issues and metro urban guerrillas. He painted a colourful picture of the way he perceived those people and I am sure those people would be a little offended by that description. Most of them have firearms licences. The firearms licence that I carry around in my back pocket says that according to the Government I am a fit and proper person, not an urban guerrilla. The Hon. Jeremy Buckingham then quoted David Dickson. David Dickson was fired from the Game Council. Members can draw their own conclusions from that.

The Hon. Peter Primrose is not in the Chamber now. He made a very erudite contribution and I thank him for the thought he has given to this issue. The game bill first went through the lower House as the Game Bill 2001. In that House the vote was 90:1. The Speaker allowed Clover Moore to have her no vote recorded. That is normally not done unless there are two votes. The Labor Party, the Liberal Party and whoever else was in the lower House voted for the bill. I am not here to denigrate National Parks and Wildlife Service employees but, from the raw numbers, they have taken out some 24,000 animals from 6.7 million hectares, yet the Game Council has taken out 14,000 animals from two million hectares.

**The Hon. Jeremy Buckingham:** They are underfunded.

**The Hon. ROBERT BROWN:** Funding of \$58 million per year for weeds, feral animals and fires is not underfunded. Somebody quoted Jim Pirie. Those members who have been around for a while would know that Jim Pirie was the Shooters and Fishers Party candidate in 1999. He failed.

**Mr David Shoebridge:** They were happy days.

**The Hon. ROBERT BROWN:** I will not use the we dodged a bullet pun. Let me just say that Mr Pirie and the party did not part company on happy terms. It was also said that there will be more risk because 34 million to 38 million people visit national parks each year. That is absolute garbage. I challenge the Government any time it likes to prove those statistics—it is crazy. As I said, this program will not be rolled out in the Royal National Park, Ku-ring-gai Chase National Park or Centennial Park. The Hon. Jan Barham said that this hunting is ad hoc. It is effective because it is ad hoc and it is continual. It is not a question of when we will have some money to hire a \$1,200 per hour helicopter, a pilot, a shooter and an observer.

I think it was the Hon. Jan Barham who raised the issue of the 2014 International Union for the Conservation of Nature [IUCN] Conference to be held in Sydney. She seemed to think the delegates would be horrified. Unfortunately, the member has not read the flyer properly because it is the Sustainable Utilisation

Group that will be holding its world conference here in 2014. In fact, in its 1992 Perth declaration the International Union for the Conservation of Nature declared support for hunting as a conservation tool. That was a bit of a whoopsy. I cannot read my writing as to what Dr John Kaye said, but I thank him for his contribution. The Government, the Opposition and The Greens propose to move amendments to the bill, which I will look at in detail.

However, I cannot say I am anywhere near coming to agreement with any of the proposed amendments other than the proposed Government amendment to remove section 12. Finally, I ask members to give this bill a go; it is a genuine conservation bill. It will have the same sort of results that have been achieved in our State forests: no safety problems, and there will be thousands and thousands of dead animals that are certifiably dead. I commend the bill to the House.

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

**The House divided.**

**Ayes, 21**

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

**Noes, 18**

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

**Pair**

Mrs Pavey	Ms Fazio
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**Question resolved in the affirmative.**

**Motion agreed to.**

**Bill read a second time.**

**In Committee**

**Clauses 1 and 2 agreed to.**

**The Hon. CATE FAEHRMANN** [8.06 p.m.]: I move The Greens amendment No. 1 on sheet C2012-102B:

No. 1 Page 3, schedule 1 [6], proposed section 5, lines 22-27. Omit all words on those lines.

Effectively, this amendment will prevent the Minister from changing the list of game animals in schedule 3 to the bill without coming back to Parliament. Proposed section 5 as it stands allows the Minister, simply by order published on the New South Wales legislation website, to add the name or description of any animal, other than a native animal, or to omit or amend any such name or description. So the list of animals in schedule 3 can be changed by the Minister literally with the stroke of a pen.

The Greens believe that the list of animals is already highly contentious, and there are strong concerns that a number of the animals that the Shooters and Fishers Party wants to include as game in schedule 3 are animals not currently living wild in established populations on mainland New South Wales, and that including such species as game animals in schedule 3 will create an incentive to illegally introduce these species for the purpose of recreational hunting. The Greens will move a further amendment to provide that the Minister must introduce further amending legislation to the Parliament to make changes to the list of animals in schedule 3. Basically, this amendment will remove the provision that enables the Minister to add to the list in schedule 3 literally with the stroke of a pen.

**The Hon. ROBERT BROWN** [8.08 p.m.]: The Shooters and Fishers Party will not support the amendment. It is simply an attempt to micro manage and I do not think it adds anything to the bill.

**The Hon. DUNCAN GAY** (Minister for Roads and Ports) [8.08 p.m.]: The Government does not support the amendment as it would result in inefficiencies in adding to or removing from the list of non-indigenous species that can be declared. The amendment would remove all game animals from the schedule and require further amendments to add game animals to the list. It would also detract from being able to make informed and responsive decisions to problems in the future. Also, it is appropriate to publish information on declared species.

**Question—That The Greens amendment No. 1 [C2012-102B] be agreed to—put and resolved in the negative.**

**The Greens amendment No. 1 [C2012-102B] negatived.**

**The Hon. CATE FAEHRMANN** [8.10 p.m.]: I move The Greens amendment No. 2 on sheet C2012-102B:

No. 2 Page 4, schedule 1 [7], proposed section 6B, lines 22-31. Omit all words on those lines.

This amendment removes the exemptions hunters would have from stop-work orders issued under the National Parks and Wildlife Act 1974 and environment protection notices issued under the Protection of the Environment Operations Act 1997. A stop-work order is issued by an authorised officer under the National Parks and Wildlife Act if the director general—it may now be the chief executive officer—of the Office of Environment and Heritage is of the opinion that an activity is, or is about to be, carried out that is likely to significantly affect a native animal, for example, protected fauna or native plants. Recreational hunters should not be above the law protecting native wildlife.

I note in any case that the National Parks and Wildlife Act already provides that a stop-work order may not be issued if the activity is already authorised under another Act—for example, by development consent or licence. Therefore, this clause is unnecessary. An environment protection notice is issued by the Environmental Protection Agency, for example, to remedy pollution incidents or require clean-ups. If such a notice is in effect it should not be overridden by hunting under a game control licence. Essentially, the recreational hunters should not be above the law. There is much in this bill that is attempting to make recreational hunters above the law in national parks and this amendment is an attempt to rein that in.

**The Hon. ROBERT BROWN** [8.12 p.m.]: We cannot support this amendment. The Minister responsible for national parks will have all the adequate controls she needs to effect any changes to a schedule of declared lands or the times or methods or people, so the amendment is not necessary.

**The Hon. DUNCAN GAY** (Minister for Roads and Ports) [8.12 p.m.]: The Government also rejects this amendment because, as the Hon. Robert Brown said, it is unnecessary. The Minister already has the power to revoke public lands available for shooting.

**Question—That The Greens amendment No. 2 [C2012-102B] be agreed to—put and resolved in the negative.**

**The Greens amendment No. 2 [C2012-102B] negatived.**

**The Hon. CATE FAEHRMANN** [8.13 p.m.], by leave: I move The Greens amendment Nos 3 and 4 on sheet C2012-102B in globo:

No. 3 Page 4, schedule 1 [8], line 33. Omit "17". Insert instead "19".

No. 4 Page 4, schedule 1. Insert after line 36:

**[10] Section 8 (2) (f1)**

Insert after section 8 (2) (f):

(f1) 2 persons appointed on the nomination of the Nature Conservation Council of NSW, and

This amendment is to appoint two persons nominated by the Nature Conservation Council of NSW to the Game Council board. The bill will pass through at some stage tonight. According to the website of the Hon. Robert Borsak, there will be recreational hunting in national parks by the end of the year. The Game Council will be a very different body from when it was first established. It is essential to have conservation representatives on that board now, when we are opening up national parks to recreational hunting.

The only representative on the board of the Game Council with any inkling whatsoever of animal welfare or conservation is the veterinary association representative. I urge the House to support the amendments. I think I know what the Hon. Robert Brown is going to say, and the Minister for Roads and Ports will simply echo his comments. This is a significant change to the Game Council, despite what those opposite say. Considering what the Government is about to do in our national parks, it is imperative that conservation representatives be appointed to the Game Council. I look forward to the members' support of this amendment.

**The Hon. ROBERT BROWN** [8.15 p.m.]: The arguments today are no different from what they were in 2001 when the Labor Party and the Opposition wholeheartedly supported the original bill. It understood that there was no need to have any people who call themselves conservationists on that council because probably 8 or 12 of those people were conservationists. The others were what I would call government functionaries who have to be there. Adding two persons appointed by the nomination of the Nature Conservation Council of NSW is totally unnecessary.

**The Hon. DUNCAN GAY** (Minister for Roads and Ports) [8.15 p.m.]: The Government also rejects the amendment. The amendment would increase the membership of the Game Council by two people appointed by the Nature Conservation Council. Whilst many members in this House would like to see how they all bumped along, the temptation is not there because the Government and the Shooters and Fishers Party have already addressed the issue. However, The Greens would not have noticed—because they are too busy spreading disinformation—that we have already added in this bill a National Parks and Wildlife Service representative to sit on the Game Council, and that is more appropriate.

**The Hon. JEREMY BUCKINGHAM** [8.16 p.m.]: I support The Greens amendment. If you believe the propaganda from the Shooters and Fishers Party and the Hon. Robert Brown—which I do not—that this is all about conservation and ecological outcomes, then the amendment makes sense. On such a large board why would you not have two representatives from the peak body entrusted with representing the views of the environment community in New South Wales? Those opposite crow about the ecological outcomes that they have guaranteed. Why then would they not want members of the Nature Conservation Council of NSW as part of the decision-making process and to herald that good news? It is because they would rather operate in the dark.

**Question—That The Greens amendments Nos 3 and 4 [C2012-102B] be agreed to—put.**

**The Committee divided.**

**Ayes, 18**

Ms Barham  
Ms Cotsis  
Mr Donnelly  
Ms Faehrmann  
Mr Foley  
Dr Kaye  
Mr Moselmane

Mr Primrose  
Mr Roozendaal  
Mr Searle  
Mr Secord  
Ms Sharpe  
Mr Shoebridge  
Mr Veitch

Ms Westwood  
Mr Whan  
  
*Tellers,*  
Mr Buckingham  
Ms Voltz



**Noes, 21**

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

**Pair**

Ms Fazio

Mrs Pavey

**Question resolved in the negative.****The Greens amendments Nos 3 and 4 [C2012-102B] negatived.****Mr DAVID SHOEBRIDGE** [8.25 p.m.]: I move The Greens amendment No. 1 on sheet C2012-104A:

No. 1 Page 4, schedule 1 [9], lines 34–36. Omit all words on those lines.

This amendment would delete the proposed change in new section 8 (2) (e), which takes away the capacity of the New South Wales Aboriginal Land Council to appoint a member to the Game Council. The bill proposes replacing the New South Wales Aboriginal Land Council as the nominator with the Minister administering the Aboriginal Land Rights Act 1983. This is yet more of the centralising approach that this Government has taken to boards, statutory authorities and other bodies across New South Wales. When one thinks about the role of the New South Wales Aboriginal Land Council in protecting Aboriginal heritage, it is essential to recognise that much of our Aboriginal heritage is found in our national park estate.

With the expanded powers being given to the Game Council to oversight hunting in national parks, it is essential that the New South Wales Aboriginal Land Council—which represents citizens in New South Wales who have a real, genuine and ongoing connection with the land; probably in many ways the strongest ongoing connection with the land in our national parks network—have a role in appointing board members to the Game Council. This should not be just another appointment given to yet another Minister of the O'Farrell Government. I commend the amendment to the House.

**The Hon. ROBERT BROWN** [8.27 p.m.]: This part of the bill is simply reacting to the reality that in all the time the Game Council has been in existence it has had a lot of trouble getting the New South Wales Aboriginal Land Council to nominate someone to the board. People have volunteered but they could not get the nomination of the Aboriginal Land Council. The Minister administering the Aboriginal Land Rights Act will allow people from the Aboriginal and Indigenous communities who are interested in doing so to volunteer to go on the board. Hopefully we will get a representative.

**The Hon. DUNCAN GAY** (Minister for Roads and Ports) [8.28 p.m.]: The Government also rejects The Greens amendment. Section 8 of the Act prescribes membership and procedures of the Game Council, which includes a person appointed on the nomination of the New South Wales Aboriginal Land Council. The Shooters and Fishers Party bill proposes to amend this section so that Aboriginal representation on the Game Council may be nominated by the Minister administering the Aboriginal Land Rights Act 1983. Frankly, this is a sensible way to proceed and The Greens amendment should be rejected. By way of explanation, the Government is supporting the Shooters' proposal because we are aware—as I am sure the Opposition is aware—that in the past the Game Council has had difficulty securing representation from Aboriginal people. The Shooters Party amendment will provide an expanded pool from which Aboriginal representation can be sourced and a decision made.

**The Hon. STEVE WHAN** [8.30 p.m.]: Labor supports The Greens amendment. It is concerning to hear that the lands council has not been providing representation but I do not think the answer is to replace the community representative with a ministerial appointment. The Game Council should try to work more closely and talk directly with the lands council to get a person on board.

**Mr DAVID SHOEBRIDGE** [8.30 p.m.]: It is utterly offensive on an ideological basis to suggest that the Minister administering the Aboriginal Land Rights Act speaks on behalf of the Aboriginal community. He does not; he speaks on behalf of the Government. He is not a representative, nor does he pretend to be a representative, of the Aboriginal community in New South Wales. If the Government wants an appointee who reflects the values and the needs of the Aboriginal community the nominating body cannot just be a Minister of the O'Farrell Government. The Game Council ought properly remain as it is. This is not some sort of radical conception of The Greens. The current law provides that the nominating body is the peak body of the Aboriginal community—that is, the New South Wales Aboriginal Land Council. I commend the amendment to the Committee.

**Question—That The Greens amendment No. 1 [C2012-104A] be agreed to—put and resolved in the negative.**

**The Greens amendment No. 1 [C2012-104A] negatived.**

**Mr DAVID SHOEBRIDGE** [8.31 p.m.]: I move The Greens amendment No. 2 on sheet 2012-104A:

No. 2 Page 5, schedule 1 [11], lines 6–11. Omit all words on those lines.

This amendment is essential for the reasonable operation of the Game Council. The amendment of the Shooters and Fishers Party in new section 13A gives the Game Council the capacity to delegate all its functions to the chief executive officer, who is currently Mr Brian Boyle. If the Game Council is to remain a genuine statutory authority with real statutory functions—I do not suggest it does it all well—to oversee the licensing of some 15,000 amateur hunters throughout millions of hectares of public land, it is meant to have a diversity of voices represented on it. Historically, the council has been dominated by pro-gun, pro-hunting voices. It has a number of vital statutory roles, most of which it utterly fails to live up to—for example, protecting any kind of genuine conservation. This amendment allows the Game Council, which is a statutory authority, to delegate a whole set of statutory powers to a single individual—

**The Hon. Duncan Gay:** It does not say "whole".

**Mr DAVID SHOEBRIDGE:** Apart from the capacity to delegate its powers—so the Minister is right. If this legislation is passed, at its next meeting the Game Council can pass a resolution to delegate all its powers to just one person: the chief executive officer. All the mythical protections that we have spoken about in terms of oversight of hunters and proper regulation of amateur hunting throughout State forests and national parks—all of those powers—will be given to just one person. That would be a one-person walking statutory authority. It is a remarkable misstep and centralisation of power that sidesteps most of the rhetoric that the Government and the Shooters and Fishers Party have been putting forward about the representative nature of the Game Council and how useful it is as a statutory authority. If this legislation is passed the Game Council will not regulate hunting in New South Wales; it will be done by one person.

*[Business interrupted.]*

## **DISTINGUISHED VISITORS**

**The CHAIR (The Hon. Jennifer Gardiner):** Order! On behalf of the Legislative Council I welcome to the gallery His Excellency Mr Duan Jielong, Consul General; Mr Zhu Hao, Vice Consul; and Mr Wang Hao, Consul of the Peoples Republic of China in Sydney. I hope you enjoy your visit to the New South Wales Parliament.

## **GAME AND FERAL ANIMAL CONTROL AMENDMENT BILL 2012**

### **In Committee**

*[Business resumed.]*

**The Hon. ROBERT BROWN** [8.35 p.m.]: The Shooters and Fishers Party does not support this amendment to delete the delegation clause. I have spent most of my life in the corporate world so I understand efficiency and good governance when I see it. In my view, the Game Council is probably one of the most efficient public authorities in New South Wales. It does its work very efficiently and this legislation is designed to increase that efficiency. The Shooters and Fishers Party does not support the amendment.

**The Hon. DUNCAN GAY** (Minister for Roads and Ports) [8.35 p.m.]: The Government does not support the amendment. In his dissertation on this amendment Mr David Shoebridge implied that all the powers could be delegated. The legislation says quite clearly that the Game Council can delegate any—not all—of its powers. The Game Council can make a choice of how many powers it delegates: It might be one or two powers, and it could be varied. The Game Council retains the power of delegation. There is no chance that the Game Council will give all its powers, except that of delegation, to its chief executive officer. That will not happen. The Greens are scaremongering.

**The Hon. STEVE WHAN** [8.36 p.m.]: I will not editorialise like Mr David Shoebridge in relation to the Game Council. However, the Opposition believes if the Game Council can delegate any of its functions it is going a step too far. I noted from the second reading speech that the Legislation Review Committee expressed concerns about the level of delegation in this legislation. I suspect it was referring mainly to the delegation to the Minister. In this case, there is very broad delegation potential that has not been justified.

**The Hon. JEREMY BUCKINGHAM** [8.37 p.m.]: I raised this issue in my contribution to the second reading debate. The tenuous argument that always causes me concern is that this delegation of powers is about the efficient operation of the Games Council. The Hon. Robert Brown, and certainly the Minister, have not allayed my concerns. If this legislation is passed it will be completely open to the Game Council to delegate all its functions, apart from that power of delegation, to the chief executive officer. The Games Council is a statutory authority that receives taxpayer funding. It has a multimillion dollar budget and it may well decide to delegate elements of that budget to its chief executive officer. I would have grave concerns if that were to happen as it would give the chief executive officer incredible power. The Game Council issues licences and performs a number of other functions but this delegation would pose a potential corruption risk. It is not about good governance, it is about creating a little fiefdom for a Game Council tsar in Orange who is too lazy to go to western New South Wales. He wants to trot out to Mount Canobolas to shoot pigs.

**The Hon. ROBERT BORSAK** [8.38 p.m.]: This measure is all about efficiency. During my period as Chairman of the Game Council of New South Wales I was aware of very real practical problems resulting from the way in which the original law was written. Those problems are long overdue for review, and need fixing. This is all about delegating some powers and, as the Minister for Roads and Ports said, perhaps taking some powers back from time to time as required. At the moment, the Game Council physically has to meet and approve every single licence it issues to every single person who applies for a licence in this State. That simply is not workable. That was one of the reasons why, even going back to my time as chairman, we asked the former Labor Government to consider an amendment of legislation along the lines proposed in this bill. The Game Council holds its powers very closely to itself, and I am sure would delegate only those powers that it absolutely needed to delegate from time to time.

**The Hon. JEREMY BUCKINGHAM** [8.39 p.m.]: The cat is out of the bag, so to speak. We have just heard from a former chair of the Game Council that the Game Council is seeking to delegate the function of issuing licences to one man. That is the efficiency that the Shooters and Fishers Party is talking about. The power to say who gets a licence, or who does not get a licence, will be delegated to one person. That is not about good governance; it is about vesting an enormous power in one man.

**The Hon. Robert Borsak**: If you want to get down to the detail, I will talk about the detail.

**The Hon. JEREMY BUCKINGHAM**: You just did.

**The Hon. Robert Borsak**: No, I did not.

**The Hon. CATE FAEHRMANN** [8.40 p.m.]: Under the Act as it stands now, the Game Council may delegate to the Chief Executive Officer of the Game Council the exercise of the function of issuing identification cards to inspectors. If that were the problem that the Hon. Robert Borsak—

**The Hon. Robert Borsak**: No, I was talking about licensing hunters.

**The Hon. CATE FAEHRMANN**: I know you were. If that were the problem the Hon. Robert Borsak was speaking about, he could have sought to amend that provision to include licences as a way of addressing the problem. But what he has done is go back to his original desire of 2002, I understand, to enable the Chief Executive Officer of the Game Council to be delegated any function of the Game Council. We do not know the intention of this provision. I do not think it is about licences. The Hon. Jeremy Buckingham talked about this as

being a fiefdom; and it is. We know the political nature of the Game Council; every chief executive officer and chair have been very close. I indicated that with "crossed fingers" for the benefit Hansard, for the Shooters and Fishers Party.

**The Hon. Duncan Gay:** Point of order: The Committee has before it a particular amendment. The rules dictate that in Committee the member must speak to the amendment before the Committee. Making a political, second reading speech is outside the commonly understood practice of discussion in the Committee stage. The member is now engaging in political diatribe, and I request that she be drawn back to the amendment.

**Dr John Kaye:** To the point of order: I listened carefully to what was said by the Hon. Cate Faehrmann. Her comments were directly relevant to the amendment. She was directly addressing the circumstances of the amendment. I cannot see how it could be argued as a point of order that the member was making a political point.

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

**The Hon. CATE FAEHRMANN:** The reason that members are speaking to the amendment is the political nature of the Game Council; this clause in the bill gives a lot of authority to one person, who traditionally has been a political figure in the Shooters and Fishers Party.

**The Hon. ROBERT BROWN [8.43 p.m.]:** That comment made by the Hon. Cate Faehrmann is simply not true. I do not know how the member can know whether the Chief Executive Officer of the Game Council is involved in politics at all—unless she has information that I do not have. To the best of my knowledge, Mr Boyle is not even a member of the Shooters and Fishers Party. The member draws a long bow by trying to paint him as a political operative. He is a very good chief executive officer, and he really knows his job. I think the member is misleading the House. Where did you actually get that information from?

**The Hon. Robert Borsak:** Like the rest, she just made it up.

**Mr DAVID SHOEBRIDGE [8.44 p.m.]:** We should be very clear about this. Mr Boyle engages repeatedly in the political dialogue that goes on in this State about the expansion of hunting. He regularly comments, for example, on the political debate about having 12-year-old kids unsupervised out in State forests stabbing pigs to death. He regularly commentates, in fact has attended political meetings—

**The Hon. Robert Borsak:** Where?

**Mr DAVID SHOEBRIDGE:** —that my party has organised in western Sydney. He attended and addressed the meeting. He engages in political debate. He attends the meetings in order to engage in political debate. And he engages regularly in political debate across the State. He is a political figure, and he is going to be basically a tsar, in charge of some \$5 million budget, standing in the shoes—

**The Hon. Dr Peter Phelps:** You communists killed the tsar, David.

**Mr DAVID SHOEBRIDGE:** Tsars actually predated the communists, for the benefit of the Government Whip.

**The Hon. Dr Peter Phelps:** You communists hate them.

**Mr DAVID SHOEBRIDGE:** Mr Boyle will be in charge of about \$2.5 million of direct grants made every year by this Government. In their lean years they will get \$2.5 million, but no doubt in coming years, after the Government has sacked another 15,000 public servants, they will have yet more millions of dollars to lavish on the Game Council, and give it to just one person to engage in his ongoing political advancement here in New South Wales. It is not by accident that the two current Shooters and Fishers Party members of Parliament find their way into this Chamber after sitting as chairs of the Game Council. It is a deeply political organisation and, unlike the Nature Conservation Council, is not a statutory body. The Nature Conservation Council is a non-government organisation and does not rely upon block grant funding, as does the Game Council; and the Nature Conservation Council does not have statutory powers, as does the Game Council. This amendment is about good governance; it is about not giving one person \$5 million and the powers of a statutory body.

**Question—That The Greens amendment No. 2 [C2012-104A] be agreed to—put.**

**The Committee divided.****Ayes, 18**

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

**Noes, 21**

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

**Pair**

Ms Fazio

Mrs Pavey

**Question resolved in the negative.****The Greens amendment No. 2 [C2012-104A] negatived.**

**The Hon. LUKE FOLEY** (Leader of the Opposition) [8.54 p.m.]: I move Opposition amendment No. 1 on sheet C2012-101A:

No. 1 Page 6. Insert after line 4:

**[18] Section 20 Declaration of public lands available for hunting game**

Insert after section 20 (4):

(4A) The responsible Minister for national park estate land must not make a declaration in respect of that land unless the Minister is satisfied that any hunting activities on that land resulting from the declaration:

- (a) will be effectively supervised and regulated, and
- (b) will effectively contribute to the control and eradication of pest animals on that land.

This amendment simply seeks to honour the Premier's commitment that access by hunters to our national park estate will be under strict supervision.

**The Hon. DUNCAN GAY** (Minister for Roads and Ports) [8.55 p.m.]: The Opposition's proposal is unnecessary because the supervision and regulation of hunting activities is already undertaken by the Game Council in accordance with the Act. The legislation also provides that the Minister may, pursuant to section 20 (6), require persons who hunt game animals to comply with various requirements, which may include additional regulation if required. Also, before making any such declaration, the Minister is already required under section 20 (4) (c) of the Act to have regard to any plan of management or other policy document relating to the use or management of the land. Not that we need any more safeguards, but the Act also provides that any declaration can be made to further the objects of the Act, which include the effective management of introduced species and game animals. For all those reasons, the Government rejects the amendment.

**The Hon. ROBERT BROWN** [8.56 p.m.]: I realise that the Opposition does not have much confidence in the current Minister for the Environment. However, I point out that the use of this tool in respect

of State forests has been exemplary. Surely if the Minister administering State forests can do the job properly in consultation with the Game Council then a competent Minister responsible for the national parks could do the same thing.

**Mr DAVID SHOEBRIDGE** [8.57 p.m.]: If what is being proposed is meant to mirror the absolute lack of public accountability and scrutiny that applies to the declarations made by the Minister for Primary Industries in regard to State forests, that is seriously concerning. At the moment a notice is published on page 44 of some State newspaper that the Minister intends to make a declaration that a State forest is to be open for hunting. There is no invitation for submissions or public comment. The Minister has privileged access to and submissions from the Game Council.

After hearing effectively only from the Game Council, and perhaps one or two statutory authorities, the Minister has progressively opened up two million hectares of State forest to hunting. Not one proposed declaration has been rejected after the public notice has been published. The State forests process is a sham. It is clear now that the Shooters and Fishers Party wants that same sham process to be applied to the opening of national parks to hunting. The representations made by the Shooters and Fishers Party add strength to the argument put by the Opposition about having at least some basic integrity in the process used by the Minister for the Environment in considering the opening of national parks to hunting.

**The Hon. ROBERT BORSAK** [8.58 p.m.]: As usual, Mr David Shoebridge is wrong. The Game Council works with the Minister in advertising the declarations. Unlike the honourable member, I cannot predict on what page of the *Government Gazette* it will appear. Numerous submissions are lodged and they are considered. There is then consultation and discussion with people who have properties surrounding the various forests. This process has been developed over many years. It is not a sham process; it is a genuine process of trying to work through the consultative process to implement government policy in a fair and even-handed manner.

**The Hon. JEREMY BUCKINGHAM** [8.59 p.m.]: This is a big issue for people in New South Wales. I think this is a reasonable amendment because proposed subparagraph (a) of section 20 (4) (4A) states, "will be effectively supervised". The key problem with the Game Council and amateur hunters in New South Wales is that there is no supervision—no-one is regulating and supervising their activities. In Mullion Range State Conservation Area it is a free-for-all; they could do whatever they want. Members have not been out there, but if they talk to the trail riders and the members of the pony club that used to use Mullion Creek and now cannot—

**The Hon. Dr Peter Phelps**: There's a pony club?

**The Hon. JEREMY BUCKINGHAM**: That's right; there is a pony club. The Hon. Dr Peter Phelps probably used to be in a pony club, but he would not be able to be in one in Mullion Creek anymore because it is unsafe. Their insurers will not insure them for that activity because there is no supervision and it will be a free-for-all in the national parks.

**Question—That Opposition amendment No. 1 [C2012-101A] be agreed to—put and resolved in the negative.**

**Opposition amendment No. 1 [C2012-101A] negatived.**

**The Hon. CATE FAEHRMANN** [9.01 p.m.]: I move The Greens amendment No. 3 on sheet C2012-104A:

No. 3 Page 6, schedule 1 [18], proposed section 20A, lines 19-23. Omit all words on those lines. Insert instead:

- (2) The regulations may amend Schedule 3A by adding the name of any national park estate land (other than land referred to in subsection (1) (b) or (c).

This amendment makes it clear that the Minister is able to add to the list of parks, reserves and conservation areas in schedule 3A only where hunting cannot take place. It prevents the Minister deleting parks, reserves and conservation areas protected from recreational hunting without returning to Parliament to amend the Act. Currently national parks that are excluded are listed in schedule 3A. We have a list—which the Premier was given in the middle of the night by the Shooters and Fishers Party and waved around at a press conference the next day—with 79 national parks, nature reserves and State conservation areas. This provision allows any of it to change at any time.

The public has no idea what parks, nature reserves and State conservation areas will be open to recreational hunting because this clause means it can change. Therefore, this amendment makes it clear that it is only the Minister who can add to the list of parks and not take any away. Clearly, there will be sufficient parks open to hunting as it is, and that it has to come back to Parliament. I think that is an absolutely fair enough amendment given that the public is concerned about this issue and wants to know for sure which national parks they can no longer go for a bushwalk in on the weekend.

**The Hon. ROBERT BROWN** [9.03 p.m.]: We cannot support The Greens amendment.

**The Hon. DUNCAN GAY** (Minister for Roads and Ports) [9.03 p.m.]: The Government opposes The Greens amendment because the removal of this provision would impact on the Minister's capacity to exercise sound judgement in making informed decisions for feral animal control and to act in an efficient, timely and responsive manner. The capacity to make amendments by regulation, as proposed by amending an Act, is considered more efficient in this instance.

**Mr DAVID SHOEBRIDGE** [9.04 p.m.]: This amendment will allow the Minister to add additional parks that are protected from shooting and hunting. It will prevent—the Government has not addressed this—the Minister from rubbing out national parks and nature reserves that are protected in schedule 3A. This is what is called a Henry VIII clause: it is delegating the power to the Minister to change the Act by delegated powers. I can see that the Hon. Robert Brown does not quite understand the clause.

**The Hon. Robert Brown:** I didn't then; I do now.

**Mr DAVID SHOEBRIDGE:** A Henry VIII clause is delegating to a member of the Executive the power, effectively, to change the legislation of the Parliament. The purpose of the Hon. Cate Faehrmann's amendment is to allow the Minister to add additional national parks and the Minister can add additional nature reserves that are protected in addition to those in schedule 3A, but the Minister cannot, by regulations, rub out the national parks and the nature reserves. Why does the Government want to give the Minister for the Environment the power to remove national parks—such as the Blue Mountains National Park or the Brisbane Water National Park—from protection under schedule 3A? Why does the Government want to let the Minister for the Environment allow hunting in Ku-ring-gai Chase National Park?

**The Hon. Dr Peter Phelps:** What about Lane Cove River Park?

**Mr DAVID SHOEBRIDGE:** Can the Minister explain why this Government wants to give the Minister for the Environment the power to rub out the protection for Ku-ring-gai Chase National Park, Blue Mountains National Park and Lane Cove National Park in the centre of Sydney? I hear the Government Whip whooping with mirth in the corner. If the Government does not want shooting in Lane Cove National Park it should not give the Minister for the Environment the power to allow it and the Government should agree to the amendment put forward by the Hon. Cate Faehrmann.

**The Hon. LUKE FOLEY** (Leader of the Opposition) [9.06 p.m.]: The Opposition does not support the amendment of the Hon. Cate Faehrmann because we have our own amendment that will be dealt with in due course.

**The Hon. DUNCAN GAY** (Minister for Roads and Ports) [9.06 p.m.]: Mr David Shoebridge indicated that this would give the Minister the power to remove from protection parks near the central business district, and he named several of them. Those parks that he named are in the Act and the Minister cannot change that. This bloke is a lawyer and he tries to tell us he is as smart as all hell, but he does not understand the bill he is commenting on.

**Mr DAVID SHOEBRIDGE** [9.07 p.m.]: I will put it in two-syllable words for the Minister. Go to page 6 of the bill and this is what section 20A (2) says:

The regulations may amend Schedule 3A ...

It cannot be any clearer. That is where the protection for Lane Cove National Park is found, that is where the protection for Ku-ring-gai Chase National Park is found and that is where the protection for the Blue Mountains National Park is found. For the benefit of the Minister, who obviously has not read the bill, section 20A (2) (b) provides that:

The regulations may amend schedule 3A:

(b) by omitting or amending any name specified in Schedule 3A.

The regulations can omit the names included in schedule 3A. The Minister is dead wrong—he is embarrassingly wrong. He does not even understand the way the legislation operates. He does not even understand that by not agreeing to the amendment put forward by the Hon. Cate Faehrmann he is giving the Minister for the Environment the capacity to allow shooting in Lane Cove National Park in the centre of city.

**Dr JOHN KAYE** [9.08 p.m.]: I am fascinated because, as Mr David Shoebridge said, section 20A (2) (b) states:

The regulations may amend Schedule 3A:

(b) by omitting or amending any name specified in Schedule 3A.

It is very straightforward. Yet we hear these howls of derision saying Mr David Shoebridge is wrong. Can somebody please point to the part in the bill that says where he is wrong? It is very clear that schedule 3A means that Lane Cove National Park, Booderee National Park or Sydney Harbour National Park could be removed by the Minister exercising her power and bringing in a regulation under section 20A (2) (b). I would like to hear from anybody who groaned earlier exactly where in the bill or any other piece of legislation—the Act itself—there is restraint on the Minister from doing so. Where is that?

**The Hon. ROBERT BROWN** [9.09 p.m.]: The answer is: under section 20A, restrictions on declaration of national park estate land.

**Dr JOHN KAYE** [9.09 p.m.]: No, it is not. That is simply incorrect. Under section 20A it says:

The regulations may amend Schedule 3A:

...

(b) by omitting or amending any name specified in Schedule 3A.

I invite the member to read section 20A and point out where it is not true.

**Mr DAVID SHOEBRIDGE** [9.10 p.m.]: The only statutory protection that lies outside schedule 3A for any parcel of public land is if it is declared land under the Wilderness Act—and Lane Cove and Sydney Harbour national parks and most of the Blue Mountains National Park are not declared under the Wilderness Act—or if it is a World Heritage property under the Commonwealth Environment Protection and Biodiversity Conservation Act. Lane Cove and Ku-ring-gai Chase national parks and much of the Blue Mountains National Park are not protected. All of those parks are open to being rubbed out of schedule 3A by a regulation being made by the environment Minister to allow hunting in Lane Cove National Park, in the centre of Sydney, to allow hunting in Ku-ring-gai Chase National Park, bordering the Premier's electorate—to allow hunting in any of the national parks and conservation areas found in schedule 3A. If the Minister wants to stand by his garbled submission that what was being put forward by The Greens is legally wrong, I would love to hear it. It was a load of rot and nonsense being put forward by the Minister, who does not understand his own Act.

**The Hon. DUNCAN GAY** (Minister for Roads and Ports) [9.11 p.m.]: The Greens will say anything. The fact that the Government specifically worked with the Shooters and Fishers Party to put exclusions into this bill is an indication that it is not going to be removing them. We put them into the Act by way of negotiation.

**Mr DAVID SHOEBRIDGE** [9.11 p.m.]: This is the same kind of promise we got from the Premier that he will not be allowing hunting in national parks. Their word is not worth the statute that it is written on.

**Dr JOHN KAYE** [9.12 p.m.]: I am going to get up early tomorrow morning because I cannot wait to read *Hansard*. We have gone from a legislated protection to a promise. What a change. One minute we have legislative protections in proposed section 20A—"There is protection there. What are you talking about? Shoebridge is wrong, Faehrmann is wrong, Kaye is wrong—we are all wrong."

**The Hon. Duncan Gay**: You are wrong.

**Dr JOHN KAYE**: No, actually they are not wrong. What is really going on is, "You're wrong because we have made a promise." This legislation gives no protection whatsoever for the Royal National Park, Sydney Harbour National Park or any of the other parks and recreation areas mentioned in schedule 3A. I think the Minister should say he was wrong and admit that there is no protection for those parks. He will not do it because he is gutless—he is gutless and wrong.



**Question—That The Greens amendment No. 3 [C2012-104A] be agreed to—put.**

**The Committee divided.**

**Ayes, 5**

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

**Noes, 31**

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

**Question resolved in the negative.**

**The Greens amendment No. 3 [C2012-104A] negatived.**

**The Hon. CATE FAEHRMANN** [9.21 p.m.]: I move The Greens amendment No. 5 on sheet C2012-102B:

No. 5 Page 6, schedule 1 [18], proposed section 20A. Insert after line 26:

- (4) Any land that is reserved, dedicated or declared under the National Parks and Wildlife Act 1974, or any land vested in the Minister administering that Act for the purposes of Part 11 of that Act, cannot be the subject of a declaration under section 20 unless the responsible Minister for that land is satisfied that:
  - (a) game animals need to be controlled on the land to protect biological diversity, and
  - (b) hunting on the land will benefit any pest eradication control program carried out by the National Parks and Wildlife Service on that land, and
  - (c) any risk to the safety of members the public using the land or in the vicinity of the land will be minimised, and
  - (d) the ability of members of the public to access the land and to experience quiet enjoyment of the land is not disrupted, and
  - (e) the closure of any Part of the land for hunting activities does not exceed 2 weeks in any one year, and
  - (f) measures are in place to ensure that members of the public are given proper notice of any proposed hunting on that land or of any closures related to hunting on that land, and
  - (g) subsection (5) and any other preconditions to the making of such a declaration as are prescribed by the regulations are complied with.
- (5) Before a declaration referred to in subsection (4) is made:
  - (a) notice of the proposed declaration must have been given in accordance with section 20 (3), and
  - (b) the public must be invited to make representations in connection with the proposed declaration within the period (being not less than 30 days) specified in the notice, and
  - (c) any such representation must be taken into account by the Minister before the declaration is made.

This amendment adds sensible criteria that must be considered before the Minister can declare a park available for recreational hunting. The criteria are designed to protect public safety and to ensure that hunting is for genuine feral animal control purposes to protect biodiversity and as part of a pest eradication program. Criteria (a) and (b) would require that a case be made that the game animals need to be controlled and that hunting will benefit any pest eradication control program being undertaken by the National Parks and Wildlife Service. These criteria would accord with the Government's assertions that this bill is about feral animal control to assist biodiversity conservation, rather than simply opening up opportunities for sport or recreational hunting.

Criteria (c) to (f) require that the Minister be satisfied on matters of public safety, for example, that proper notice will be given of when hunting takes place. Also to protect public safety, that impacts on other users of the parks be minimised and that there be limits on the time periods when other users of parks are shut out of the parks. This amendment already would be in the bill if this were a genuine attempt by the Fishers and Shooters Party to address feral animal eradication in national parks. I commend the amendment to the Committee.

**The Hon. ROBERT BROWN** [9.23 p.m.]: The Shooters and Fishers Party does not support this amendment. The Hon. Cate Faehrmann obviously moved this amendment from a place of ignorance in relation to her understanding of current practices in State forests. None of the amendments are necessary and will only overly complicate what is now an extremely efficient, effective and safe program.

**The Hon. DUNCAN GAY** (Minister for Roads and Ports) [9.24 p.m.]: The Government also rejects this amendment. It prescribes greater unnecessary detail in relation to the declaration of national park estate lands. It is only proscriptive and these provisions are implicit in the Game Council's operating plans for State forests and Crown lands. The requirement to undertake public consultation for 30 days before declaring national park estate land also will increase inefficiencies.

**The Hon. LUKE FOLEY** (Leader of the Opposition) [9.24 p.m.]: This amendment strikes the Opposition as sensible, given what occurs currently in national parks when professionals engage in feral animal control. I have spoken in detail with National Parks and Wildlife Service field officers who have taken me through the arrangements that are put in place when they are engaged in a feral cull. The measures include closing of the park, public notices and a range of other measures to ensure public safety. The Opposition supports the amendment which it regards as a sensible step.

**The Hon. JEREMY BUCKINGHAM** [9.25 p.m.]: The Hon. Cate Faehrmann's amendment is a sensible step and it is reasonable for these provisions to be inserted in the bill. I am surprised that the Shooters and Fishers Party and the Government do not recognise that at the least this amendment will reassure the community that some of the worst aspects of the bill might yet be ameliorated. For example, the provisions that require that the closure of any part of the land for hunting activities does not exceed two weeks in any one year, that any risk to the safety of the members of the public using the land or in the vicinity of the land will be minimised, that measures are in place to ensure that members of the public are given proper notice of any proposed hunting on that land or of any closures related to hunting on that land are reasonable measures. The Government has again demonstrated its belligerence in this matter, as with the previous amendment, by failing to understand that this amendment is reasonable and practical to build community confidence in this flawed legislation.

**The Hon. Duncan Gay:** So if we passed this you would support the bill?

**The Hon. JEREMY BUCKINGHAM:** If this amendment were agreed to we would not support the bill, but it would make a bad bill better. It is unfortunate that the Government does not seem to understand that.

**Dr JOHN KAYE** [9.26 p.m.]: The Hon. Robert Brown can clarify the matter if I have it wrong, but I think he said that these amendments are unnecessary because these matters are already catered for in the way in which the—

**The Hon. Robert Brown:** That is not what I said. You are paraphrasing what I said.

**Dr JOHN KAYE:** I am incorrectly paraphrasing what the Hon. Robert Brown said. As I understood it, the member made reference to what happened with regard to shooting in State forests.

**The Hon. Robert Brown:** Hunting in State forests.

**Dr JOHN KAYE:** Recreational hunting in State forests.

**The Hon. Robert Brown:** It is called conservation hunting.

**Dr JOHN KAYE:** I find it hard to call it conservation hunting because I hate dealing in oxymorons. The issue was that this set of considerations did not recognise the current practice that regulates that form of shooting.

**The Hon. Robert Brown:** You have not got the sense of what I said. I am happy to repeat it.

**Dr JOHN KAYE:** I ask the member to say it again because I did not quite follow it.

**The Hon. ROBERT BROWN** [9.28 p.m.]: What I said was that anybody who puts forward such an amendment obviously has no understanding of how safely and effectively it runs in our State forests now. It has been running in State forests for six years. That is what I said.

**Dr JOHN KAYE** [9.28 p.m.]: If that is the case I do not understand the member's objection to, for example, 4 (c) which states that any risk to the safety of members of the public using the land or in the vicinity of the land will be minimised. If the member believes that this kind of activity is so safe surely he would have no objection to paragraph 4 (c).

**The Hon. Robert Brown:** No.

**Dr JOHN KAYE:** The Hon. Robert Brown said that he has no objection to it.

**The Hon. Robert Brown:** No, that is not correct. Your assumption is wrong.

**Question—That The Greens amendment No. 5 [C2012-102B] be agreed to—put and resolved in the negative.**

**The Greens amendment No. 5 [C2012-102B] negatived.**

**The Hon. LUKE FOLEY** (Leader of the Opposition) [9.29 p.m.] by leave: I move Opposition amendment Nos 2 and 4 on sheet C2012-101A in globo:

No. 2 Page 6, schedule 1 [18], proposed section 20A. Insert after line 26:

- (4) Only the national park estate land specified in schedule 3B can be the subject of a declaration under section 20. However any such land cannot be the subject of a declaration to the extent that it is national park estate land of the kind referred to in subsection (1) (b) or (c).

No. 4 Page 12, schedule 1 [30]. Insert after line 13:

**Schedule 3B National park estate land that may be declared as public hunting land**

(Section 20A (4))

#### **National Parks**

##### **Central NSW**

Abercrombie River  
Coolah Tops  
Goulburn River  
Turon  
Warrumbungle

##### **Hunter/Mid North Coast**

Barrington Tops  
Dorrigo  
Myall Lakes  
Watagans

**New England Tablelands**

Bald Rock  
Basket Swamp  
Boonoo Boonoo  
Gibraltar Range  
Nowendoc  
Pilliga West  
Oxley Wild Rivers

**Northern Rivers**

Nightcap  
Richmond Range  
Yabbra

**Outback NSW**

Goonoo  
Gundabooka  
Mallee Cliffs  
Murray Valley  
Paroo-Darling  
Yanga

**South Coast and Highlands**

Benambra  
Brindabella  
Kosciuszko (excluding ski fields)  
Morton  
South East Forests  
Tallaganda  
Wadbilliga  
Woomargama

**Nature Reserves****Central NSW**

Macquarie Marshes  
Pilliga

**Outback NSW**

Big Bush  
Boginderra Hills  
Buddigower  
Cocopara  
Coolbaggie  
Goonawarra  
Gubbata  
Ingalba  
Jerilderie  
Kajuligah  
Kemendok  
Lake Urana  
Langtree  
Ledknapper  
Loughnan  
Narrandera  
Nearie Lake  
Nocoleche  
Nombinnie  
Pilliga  
Pucawan  
Pulletop  
Quanda  
Round Hill  
Tarawi  
The Charcoal Tank  
Yanga  
Yathong

**State Conservation Areas****Central NSW**

Mount Canobolas  
Mullion Range

**Hunter/Mid North Coast**

Barrington Tops

**New England Tablelands**

Butterleaf  
Cataract  
Pilliga East  
Mount Hyland  
Torrington  
Watsons Creek  
Werrikimbe

**Outback NSW**

Goonoo  
Gundabooka  
Nombinnie  
Paroo-Darling  
Yanga

These amendments will make it clear in the Act that access to national parks, State conservation areas and nature reserves by recreational shooters could only ever be limited to a maximum of the 79 places named in the Premier's press release of 30 May. The bill currently is structured to list 48 of the 799 parks and reserves in New South Wales and it states that hunting can never occur in those 48 parks and reserves. It was suggested in some of the earlier contributions that perhaps even those parks and reserves could be whittled down through a regulation-making capacity. The bill is silent on the best part of 700 parks and reserves that the Premier said would never be accessed, yet it will allow the Minister for the Environment, and Minister for Heritage to add to it over time. The Opposition seeks to hold the Government to the statement that was made by the Premier and Deputy Premier on 30 May—namely, that access by recreational shooters will only be in those 79 parks and reserves. That is exactly what these amendments seek to do.

**The Hon. CATE FAEHRMANN** [9.32 p.m.]: The Greens cannot support these amendments. The Premier's announcement obviously is the premise of this bill. These amendments propose to lock in those 79 national parks for recreational hunting. That is just over 40 per cent of all national parks in New South Wales, even though it is 79 of the roughly 700 national parks, nature reserves and State conservation areas.

**The Hon. Robert Brown:** It is 800.

**The Hon. CATE FAEHRMANN:** A significant number of national parks are contained in this list. It is really the cream of the crop. Many of the fantastic national parks across New South Wales are included in this list. Parks such as the Macquarie Marshes, internationally-listed wetlands, will now have recreational hunters. The Greens cannot support the inclusion in the list of 79 national parks.

**The Hon. Catherine Cusack:** It is 78, Cate.

**The Hon. CATE FAEHRMANN:** Is it only 78? If that is so, that is fine. The Greens do not support the bill because The Greens do not support recreational hunting in national parks. This list basically is the list that the Premier bandied about and The Greens do not support it.

**The Hon. DUNCAN GAY** (Minister for Roads and Ports) [9.33 p.m.]: The Government will not support these amendments because The Greens do not support them. The Government already has put those protections in under proposed schedule 3A.

**The Hon. Luke Foley:** The Coalition is back together. Change the electoral Act.

**The Hon. STEVE WHAN** [9.33 p.m.]: The same Coalition that changed the electoral Act and stopped the campaigning. The Opposition has a number of problems with what the Hon. Cate Faehrmann just said.

Tonight we voted on the second reading of this bill which, despite the opposition of Labor and The Greens, passed this Chamber. Despite the protestations by the Hon. Cate Faehrmann, it is clear that there will be legislation that will allow hunting in the national parks that were listed by the Premier. Labor is trying to move amendments to limit forever the number of national parks in which hunting can occur. The Greens are saying to all those conservationists that they are happy to leave the legislation as it is which will enable the Government to expand the numbers beyond the 78 national parks already listed.

The Greens are being softer on the Government than Labor is on this issue. Labor wants to put in place a tough no-dispute measure, a finite list, to limit it to the bars announced by the Government. The Greens want to support a position that would allow the expansion of the number of national parks in New South Wales in which hunting can occur. That is the fundamental difference. I find it quite amazing that The Greens right here, right now are about to vote to permit hunting in more than the 78 national parks that are listed.

**Mr DAVID SHOEBRIDGE** [9.36 p.m.]: Just as feral pigs go from State forests to national parks, the hunters' war will go from State forests to national parks. It is inevitable. The Hon. Steve Whan was a former Minister in the Government that set up and funded the Game Council—a government that funded the pro-hunting, pro-shooting lobby.

**The Hon. Luke Foley:** Point of order: My point of order is, firstly, that Mr Shoebridge is reflecting on the Hon. Steve Whan. Secondly, and more importantly, his remarks are in no way dealing with the Opposition's amendments.

**The CHAIR (The Hon. Jennifer Gardiner):** Order! The member will address the amendments before the Committee.

**Mr DAVID SHOEBRIDGE:** Let us be very clear: I am not suggesting that the Opposition is coming at this from a failed position of principle. The Opposition has a method by which it wants to hold the Government to account to those 78 or 79 national park estate and State conservation areas in which hunting can occur. But the way in which the Opposition wants to go about that effectively is admitting the legitimacy of having a list of 78 areas of national park estate and State conservation areas in which hunting can occur. The Hon. Cate Faehrmann will move an amendment that will set out explicitly all those national parks and State conservation areas in which hunting cannot occur. Rather than effectively accepting the argument put forward by the Premier, the Minister for the Environment, and Minister for Heritage and the Shooters and Fishers Party that hunting is legitimate in 78 or 79 national parks and conservation areas which, on one view, is the effect of including schedule 3B, a fair and preferable way of doing it would be to say that all those other national parks and State conservation areas are prohibited. That is what is proposed in the amendment to be moved by the Hon. Cate Faehrmann.

**The Hon. Luke Foley:** That is the effect of our amendments.

**Mr DAVID SHOEBRIDGE:** I am not suggesting that this is coming from the Opposition for some sort of malign purpose.

**The Hon. Steve Whan:** But you are.

**Mr DAVID SHOEBRIDGE:** No, I am not. The Opposition is going about this effectively by legitimising hunting in those 79 areas.

**The Hon. ROBERT BROWN** [9.39 p.m.]: The Shooters and Fishers Party cannot support the amendment, although I can understand why the Opposition has moved it.

**The CHAIR (The Hon. Jennifer Gardiner):** Order! Members will cease interjecting. I cannot hear the Hon. Robert Brown.

**The Hon. ROBERT BROWN:** It is a collective consciousness within this side of the Committee. The Hon. Eric Roozendaal is in the Chamber. He is probably one of the only members currently in this Parliament who is germane to the understanding we thought we had with the Labor Party. Labor used the same sort of technique when it was negotiating with us during the last Parliament: in fact, it was a bit stingier. In either case, the Shooters and Fishers Party cannot support the amendment.

**The Hon. STEVE WHAN** [9.39 p.m.]: There are a couple of key points to make. Labor, as the previous Government, rejected the proposals. We voted tonight and we have a strong record of opposing shooting in national parks. Our second reading vote goes to that point. It is completely illogical to say that this amendment in some way legitimises shooting when Labor's position is on the record. In effect the two amendments that The Greens are proposing and that we proposed are attempting to do exactly the same thing. We think that putting a finite list in place is more restrictive than the approach The Greens have advocated so far. We drafted our amendment well before we even saw this very last minute amendment moved by The Greens.

**Question—That Opposition amendments Nos 2 and 4 [C2012-101A] be agreed to—put and resolved in the negative.**

**Opposition amendments Nos 2 and 4 [C2012-101A] negatived.**

**The Hon. CATE FAEHRMANN** [9.41 p.m.]: I move The Greens amendment No. 1 on sheet C2012-109A:

No. 1 Page 6, Schedule 1 [18]. Insert after line 26:

**20B Review by NPWS of hunting on declared national park estate land**

- (1) Within 3 years of any national park estate land being declared under section 20 as public hunting land, the NPWS is to review and report to the responsible Minister for that public hunting land on:
  - (a) the hunting activities carried out by licensed game hunters on that land, and
  - (b) the effectiveness of that hunting on controlling and eradicating pest animals on that land.
- (2) Any such review and report may relate to any number of national park estate lands.
- (3) The responsible Minister, in making a declaration under section 20 in respect of national park estate land, is required to have regard to each report by the NPWS under this section.
- (4) Any report provided by the NPWS under this section is to be tabled by the responsible Minister in both Houses of Parliament as soon as practicable after the Minister receives the report.
- (5) In this section:

*NPWS* means the National Parks and Wildlife Service as referred to in section 6 of the *National Parks and Wildlife Act 1974*.

*responsible Minister* has the same meaning as in section 20.

This amendment will enable a review to be undertaken by the National Parks and Wildlife Service within three years of any national park estate land being declared public hunting land. The National Parks and Wildlife Service is to review and report to the responsible Minister about the effectiveness of hunting in controlling and eradicating pest animals on that land. One would think it would be something that the Governor would support, considering that every member who spoke during the second reading stage expressed concerns about feral animals and thought that this bill would have such a great impact on feral animals in national parks. Let us see what the result is after three years. After each national park is declared the Shooters and Fishers Party members can go in there and do their stuff, and we will see what the result is after three years. If they are so confident about this bill and its impacts on feral animals in this State they can then bring it back for review in three years time. I commend the amendment to the Committee.

**The Hon. ROBERT BROWN** [9.43 p.m.]: The Shooters and Fishers Party opposes the amendment. If the National Parks and Wildlife Service has not been able during the last approximately nine years of budget estimates to provide that type of information to the Parliament it is highly unlikely that it will be able to do that now. This amendment is just a bit of window-dressing. It is not necessary.

**The Hon. DUNCAN GAY** (Minister for Roads and Ports) [9.44 p.m.]: The Government rejects this amendment. The amendment is not required because a conservation audit and compliance committee already performs an audit role that was established under the National Parks and Wildlife Act and prepares a report at least every two years. On top of that, the Game Council also provides comprehensive annual reports on its activities. In other words, it is already happening.

**Question—That The Greens amendment No. 1 [C2012-109A] be agreed to—put and resolved in the negative.**

**The Greens amendment No. 1 [C2012-109A] negatived.**

**Mr DAVID SHOEBRIDGE** [9.44 p.m.]: I move The Greens amendment No. 4 on sheet C2012-104A:

No. 4 Page 6, schedule 1 [19], proposed section 21 (4), line 29. Omit "may". Insert instead "must".

This amendment will change the wording of proposed subsection 21 (4), which states:

The Game Council may refuse to grant a game hunting licence to a person if, in the previous 10 years, the person has been found guilty of an offence under the Firearms Act 1996 that is, in accordance with section 84 of that Act, an offence that may be (or is required to be) prosecuted on indictment.

The amendment would replace the discretionary power to refuse a licence with a mandatory refusal of licence. It would replace the word "may" with "must". It would require the Game Council to refuse a hunting licence to someone who has been found guilty of an indictable offence under the Firearms Act. Members should keep in mind that these powers could be entirely delegated to the chief executive officer because of the previously agreed provision relating to section 13A, so why would we be allowing the Game Council to permit someone who has been found guilty of an indictable offence under the Firearms Act to be hunting in national parks with high-powered hunting rifles and to be discharging firearms in national parks and State conservation areas?

If people have been found guilty of an indictable offence under the Firearms Act they could have been trading illegally in firearms, or have had three or more unregistered firearms in their premises, or they could have been illegally shortening the barrel of long-arms. Why would we allow someone who has been found guilty of a firearms offence to hunt in national parks? Why are we providing a discretion to allow that to happen? I really would like to know what the argument is for allowing a discretion to be vested in the chief executive officer or the Game Council to give someone such as that a hunting licence. It is not actually much of an ask. If they have been found guilty of an indictable offence in the past 10 years under the Firearms Act there is no way on earth they should be allowed to be out in our national parks firing away, cheek by jowl with other users of national parks.

**The Hon. ROBERT BROWN** [9.48 p.m.]: If a licensed firearm owner is indicted for an offence under the Firearms Act they lose their firearms licence—end of story.

**The Hon. DUNCAN GAY** (Minister for Roads and Ports) [9.49 p.m.]: The Government also rejects this amendment. It is interesting to hear The Greens prosecuting the case for zero tolerance and mandatory sentencing in regard to this bill.

**The Hon. Luke Foley**: Another law and order auction.

**The Hon. DUNCAN GAY**: Exactly. Here we have The Greens conducting a law and order auction.

**Mr DAVID SHOEBRIDGE** [9.49 p.m.]: Can the Minister explain the circumstances in which the Government thinks it would be permissible to allow the Game Council to use its discretion to allow someone to hunt in a national park when that person has been found guilty of an offence under the Firearms Act? Can the Government cite just one instance of someone who has been found guilty of an indictable offence and who should be allowed to run around in Morton National Park to hunt with a firearm?

**Question—That The Greens amendment No. 4 [C2012-104A] be agreed to—put.**

**The Committee divided.**

**Ayes, 18**

Ms Barham  
Mr Buckingham  
Ms Cotsis  
Mr Donnelly  
Ms Faehrmann  
Mr Foley  
Dr Kaye

Mr Moselmane  
Mr Primrose  
Mr Roozendaal  
Mr Searle  
Mr Secord  
Ms Sharpe  
Mr Veitch

Ms Westwood  
Mr Whan  
  
*Tellers,*  
Mr Shoebridge  
Ms Voltz



**Noes, 21**

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

**Pair**

Ms Fazio

Mr Gallacher

**Question resolved in the negative.****The Greens amendment No. 4 [C2012-104A] negatived.**

**Mr DAVID SHOEBRIDGE** [9.56 p.m.], by leave: I move The Greens amendments Nos 5 and 6 on sheet C2012-104A in globo:

No. 5 Page 6, schedule 1 [19]. Insert after line 33:

- (5) The Game Council must refuse to grant a game hunting licence to a person if, in the previous 10 years, the person has been found guilty of an offence under the *Prevention of Cruelty to Animals Act 1979*.

No. 6 Page 7, schedule 1 [20]. Insert after line 6:

- (b2) if the holder is found guilty of an offence under the *Prevention of Cruelty to Animals Act 1979*, or

These amendments effectively go to the same issue. Proposed new section 21 (5) in amendment No. 5 would provide that when the Game Council is considering the granting of a game licence it must refuse the application if the person has been found guilty of an offence under the Prevention of Cruelty to Animals Act. The common sense is reasonably clear. The legislation allows people to be on hundreds of thousands of hectares of public land, well away from supervision by rangers or Game Council officers for 90 per cent of the time. Persons who have previously been found guilty of an offence under the Prevention of Cruelty to Animals Act should be prohibited from being allowed in our national parks with a gun to shoot animals, because they will have privileged access to animals and native fauna in those national parks. There is no way we should be granting a hunting licence to anyone who has been found guilty of an offence under the Prevention of Cruelty to Animals Act and allowing them to hunt in our national parks.

Amendment No. 6 would add an additional provision for the suspension or cancellation of a hunting licence if the licence holder is found guilty of an offence under the Prevention of Cruelty to Animals Act 1979. The amendment is pretty simple, and we are looking for the Government's support on it. The amendment will ensure not only that native fauna is protected but also that people who have previously been found to have knowingly and wantonly been cruel to animals in breach of the Prevention of Cruelty to Animals Act are prohibited from killing feral animals in national parks.

**The Hon. JOHN AJAKA** (Parliamentary Secretary) [9.59 p.m.]: The Government rejects The Greens amendments Nos 5 and 6. In relation to amendment No. 5, section 21 (3) (a) of the Act already provides that the Game Council must refuse a game hunting licence if a person has been found guilty of an offence in New South Wales or elsewhere in the previous 10 years involving cruelty or harm to animals. On this basis The Greens amendment No. 5 is simply unnecessary. In relation to amendment No. 6, section 29 (4) (b) of the Act already provides that the Game Council may suspend or cancel a game hunting licence if the holder is found guilty of an offence in New South Wales or elsewhere involving harm to animals. On this basis The Greens amendment No. 6 is simply unnecessary.

**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** [10.00 p.m.]: The Opposition agrees with the Government on these amendments in that the existing Act, in division 4, section 21 (3), already states that the Game Council must—and it does say must—refuse to grant a game hunting licence to a person found guilty of an offence in New South Wales or elsewhere involving cruelty or harm to animals. The section also refers to personal violence, damage to property or unlawful entry to land, and a number of other matters. It would seem that the existing legislation, from my reading of it, already covers this point.

**Question—That The Greens amendments Nos 5 and 6 [C2012-104A] be agreed to—put and resolved in the negative.**

**The Greens amendments Nos 5 and 6 [C2012-104A] negatived.**

**The Hon. STEVE WHAN** [10.01 p.m.]: I move Opposition amendment No. 3 on sheet C2012-101A:

No. 3 Page 7. Insert after line 6:

**[20] Section 33 Appointment of inspectors**

Insert after section 33 (3):

- (4) Despite any other provision of this Act, an inspector appointed by the Game Council under this section is not authorised to exercise any of the functions of an inspector on national park estate land.

**[21] Section 33A**

Insert after section 33:

**33A Park rangers may exercise functions of inspectors**

- (1) In this section:  
  
park ranger means a person who is appointed as an authorised officer under section 156B of the National Parks and Wildlife Act 1974.
- (2) Subject to subsection (3), a park ranger may exercise the functions of an inspector under this Part and under section 57 and for that purpose is taken to be an inspector.
- (3) A park ranger may exercise any such functions of an inspector only in, or in relation to, national park estate land that is declared public hunting land.
- (4) A park ranger is not subject to the control or direction of the Game Council in the exercise of the ranger's functions as an inspector under this Act.
- (5) Sections 35 and 36 do not apply in relation to a park ranger.
- (6) For the purposes of the exercise by a park ranger of the functions of an inspector as provided by this section, a reference in section 40 or 52 to the Game Council is taken to include a reference to the Director-General of the Department of Premier and Cabinet.

This is an important proposal that would extend to park rangers the functions of inspectors. It would enable park rangers to undertake the supervision and inspection of people who are hunting in national parks in the same way as Game Council inspectors are able to do so at the moment in State forests. The Opposition believes this is important and goes to the commitment the Premier made to the Shires Association recently and to other public forums saying that hunting in national parks would be strictly supervised. He said words along the lines that it would be run in the same way as a hazard reduction burn in a national park, where the same sort of notifications of exclusions were put in place. To do that we have to give the park rangers the power to undertake that work and supervise activities within the parks. This amendment will provide that power.

**The Hon. JOHN AJAKA** (Parliamentary Secretary) [10.02 p.m.]: The Government rejects Opposition amendment No. 3. Rangers can already be appointed by the Game Council as inspectors under the Act. Game Council inspectors are highly trained. Their expertise should be utilised for all lands declared for hunting.

**The Hon. CATE FAEHRMANN** [10.02 p.m.]: The Greens support the Opposition's amendment No. 3. Park rangers have expressed their concerns to The Greens as well. At the moment park rangers undertake

a wide range of essential activity in parks, including feral animal eradication. Inspectors and rangers are the experts when it comes to national park management and feral animal eradication programs in parks. Park rangers are the people who keep the public safe. Park rangers are trusted by users of national parks and people who walk in national parks. I note the Hon. John Ajaka said that at the moment park rangers may be appointed. As I understand it, this amendment will ensure that park rangers may exercise the functions of inspectors.

When we have recreational hunting in national parks—which, unfortunately, it looks like we will by the end of the year—it is critical that park rangers are in control of that hunting and not Game Council inspectors or recreational hunters. Even though the Shooters and Fishers Party does not like it, national parks are still under the control of the National Parks and Wildlife Service. They are still under the control of park rangers and Game Council-licensed recreational hunters going on to that land should be under the control and direction of park rangers. The Greens support the Opposition's amendment No. 3.

**Question—That Opposition amendment No. 3 [2012-101A] be agreed to—put and resolved in the negative.**

**Opposition amendment No. 3 [C2012-101A] negatived.**

**Mr DAVID SHOEBRIDGE** [10.06 p.m.]: I move The Greens amendment No. 7 on sheet C2012-104A:

No. 7 Page 8, schedule 1 [26], proposed section 55A, lines 3-19. Omit all words on those lines.

Proposed section 55A, which would be deleted by this amendment, creates an offence of interfering with authorised hunting on declared public hunting land and provides a maximum penalty of 50 penalty units, or \$5,500. This section is obviously intended to target peaceful protesters who may wish to show their displeasure at amateur hunting on public land. They may wish to show their displeasure at the Government supporting legislation that opens up national parks and exposes the communities that rely on and recreate in those national parks to the danger of amateur hunting. National parks are and always should be public land. They should be used by bushwalkers, picnickers and hikers. Those uses are not and never will be compatible with amateur hunters with high-powered rifles. It is a sign of the concern held by the Government and the Shooters and Fishers Party about community anger in relation to the opening up of national parks that buried away in this legislation is the capacity to criminalise protests.

If the Government does not support The Greens amendment, it will be protecting people with guns from people with placards. It will be protecting arm hunters from conservation protesters with little more than signs and maybe a song of protest. It shows how one-eyed and upside down this Government's view of our public land is that it has laws that protect people wandering in national parks with high-powered weaponry from the dangers of protesters who will be carrying nothing more than placards and goodwill to protect the national park estate.

**The Hon. JOHN AJAKA** (Parliamentary Secretary) [10.08 p.m.]: The Government rejects The Greens amendment No. 7. Basically, the Shooters and Fishers Party proposed section 55A relates to interfering with authorised hunting on declared public hunting land. It creates an offence to interfere with hunting of game animals. The removal of this provision as proposed by The Greens would result in the loss of a significant deterrent and could potentially compromise public safety.

**The Hon. LUKE FOLEY** (Leader of the Opposition) [10.08 p.m.]: The Greens amendment No. 7 is an important amendment. There should be a legitimate right to peaceful protest. It is even more important because, as I said earlier, environmental groups in this State will be prohibited from joining forces in the lead-up to the next election to run a campaign to influence people's vote to get rid of politicians who have given us hunting in national parks. Those laws are brought to us by The Greens and the O'Farrell Government. That makes it even more important so that at least citizens can have a peaceful right of protest against hunting in national parks.

**The Hon. CATE FAEHRMANN** [10.10 p.m.]: I was not in the House when the Leader of the Opposition spoke in the second reading debate but I have been informed that he suggested that the support that The Greens gave to the election funding bill meant that environment groups could no longer run a joint campaign on this issue. That is simply wrong. The environment groups are already running a joint campaign on this issue. Environment groups such as the Nature Conservation Council and the National Parks Association get donations from individuals to run these campaigns. I said that in my speech in the second reading debate and

I say it again. The National Parks Association is running a campaign already on donations given to it by individuals. The Leader of the Opposition is running a scare campaign and is desperately trying to appear to environment groups as the Labor environmental warrior. It is a low blow.

**The Hon. Luke Foley:** It happens to be the truth.

**The Hon. CATE FAEHRMANN:** It is not the truth; I have just stated the truth. The removal of section 55A by The Greens amendment is important. When I attended the No Hunting in National Parks rally a couple of weeks ago, in attendance was a woman who was 80 years old. She told me that she was so upset at this bill that she was ready to protest, to exercise her democratic right and try, if she could, to defend the national parks. That is what this bill is trying to stop.

This section of the bill is also an attempt to prevent the type of protest that we have seen across the country with the introduction of duck shooting and duck hunting. That is clearly the intention of the bill because the Shooters and Fishers Party knows that the vast majority of people are appalled at duck hunting. It knows that good people will do what they can to save or protect ducks that are shot in the wing or in the body as they fall. The Shooters and Fishers Party knows full well that that happens. That section is designed to prevent protests. When recreational hunting is about to begin in Moreton National Park at Christmas time, what will happen when the people in that community want to protest and say, "No, we do not want you in our national parks"? That will happen whether this section is in the legislation or not.

The Greens amendment is all about recognising people's democratic right to freedom of protest and free expression. The community does not like this bill and will want to tell the Government and the Shooters and Fishers Party that this is an appalling piece of legislation. People will protest, whether this section is in the legislation or not. I know those opposite will not support the amendment, so I look forward to many protests.

**The Hon. JEREMY BUCKINGHAM** [10.13 p.m.]: Section 55A is probably the most appalling part of the whole bill. I know the Shooters do not get out as much as they want to in order to actually hunt, but part of hunting animals involves sneaking around, crawling around.

**The Hon. Natasha Maclaren-Jones:** How do you know?

**The Hon. JEREMY BUCKINGHAM** [10.13 p.m.]: Because as a kid I saw people fox shooting dozens of times. I shot rabbits in Tasmania in the 1980s. I used to shoot rabbits out the bedroom window, no problem. But the key point here is that hunting involves recreational hunters sneaking around in national parks with their camouflage gear, wiping the glands of deer on themselves. Hunters lurk in the bush waiting for the arrival of some poor feral animal—the animal of their dream—waiting for some deer that they want to mount. That is what hunters do, they lurk around. I give as an example The Walls picnic area in the Mount Canobolas State Conservation area. Who determines interference? A shooter is lurking in the shrubs when a family turns up for a picnic. They turn on the stereo and commence a game of cricket. Is that family interfering with the shooter? Yes, it is. The shooter might have a big prized boar in his sights which he would be able to shoot but for little Johnny chasing the cricket ball in front of him. Little Johnny has interfered. That is a silly example and I hope it would not occur, but are bushwalkers, mountain bikers—

**The Hon. Dr Peter Phelps:** Read section 55 (1) (b): it is the intention, the mens rea. There has to be an intention.

**The Hon. JEREMY BUCKINGHAM:** It says "with the intention of interfering"? Who determines that? Who is reporting that?

**The Hon. Dr Peter Phelps:** It is determined in the court.

**The Hon. JEREMY BUCKINGHAM:** That is right, but it is subjective. The shooter might say to a bushwalker, "You have just ruined my shot; you are scaring off the animals".

**The Hon. Robert Borsak:** You said that is what you are going to do.

**The Hon. JEREMY BUCKINGHAM:** Oh, that is a joke.

**The Hon. Dr Peter Phelps:** You said you were going to do it with the ducks.

**The Hon. JEREMY BUCKINGHAM:** We will, no fear. The first element to the section is stopping people's freedom to dissent. The section is designed to ensure that when a hunter has winged a mallard duck, because he cannot shoot properly, he can stagger out and get the duck without people protesting and stopping him. But it will be a nightmare because when people discover the reality of shooting in their national parks they will interfere. People will ask the hunters, "Do you mind shooting a little bit further away? Could you not shoot while we are having our cricket game?" The shooters invariably will tell them to get knotted, and whose side will the law come down on? It will come down on the side of the shooters. That is what this section is about because that is what the Shooters are about. The Shooters are about diminishing our enjoyment and destroying our freedoms. It is a ridiculous bill. The Greens amendment is a sensible one and should be supported.

**The Hon. Duncan Gay:** Before the member staggered back to his seat, he carefully made the point why this provision is in the bill. In his own contribution he said he wanted to go and interfere with the shooters. That is why the provision is in the legislation—for idiots like him.

**Mr DAVID SHOEBRIDGE** [10.18 p.m.]: It is a legitimate form of protest if, for example, the schedule of feral animals and game animals is included to allow the killing of feral animals or if the Minister for Primary Industries expands the New South Wales Game Bird Management Program—which is basically duck hunting by another name. If people obtain a licence to duck hunt under the Game Bird Management Program, it is a legitimate form of protest for people to go out into the fields and, if they think that ducks and other animals should be saved from hunting, go and scare the animals away from hunters so that they cannot be killed. It is a legitimate form of protest. This contest is regularly seen in rural Victoria where a bunch of concerned citizens—

**The Hon. Duncan Gay:** Point of order: I draw the attention of members to the long title in the leave of the bill. There is no "duck hunting" in this bill.

**The CHAIR (The Hon. Jennifer Gardiner):** Order! The Committee is considering the Game and Feral Animal Control Amendment Bill 2012. There is no point of order.

**Mr DAVID SHOEBRIDGE:** It is a perfectly legitimate protest to scare away animals that otherwise will be hunted and shot by licensed hunters under the Game and Feral Animal Control Act. That perfectly legitimate protest will be criminalised by these proposed amendments to the Act. People should be allowed to enter public lands—State forests and national parks—to scare away prey if they think that is the right protest to take against this expansion of amateur hunting on our public lands.

**The Hon. JEREMY BUCKINGHAM** [10.20 p.m.]: During my previous contribution the Hon. Dr Peter Phelps called out, "mens rea", regarding new section 55A and the intention of interfering with hunting. New section 55A (4) says that "interfere with includes prevent or hinder". What is the definition of "hinder"? Is bushwalking adjacent to hunting hindering the hunter? Yes, it is. Is carrying out some activity that potentially scares away a feral or game animal hindering hunting? Yes, it is. If I am wrong, what is the definition of "hinder" with respect to hunting? Am I hindering a hunter if I make some noise or conduct some other activity?

**The Hon. Dr Peter Phelps:** If you intend to interfere with the hunting.

**Dr JOHN KAYE** [10.21 p.m.]: This truly is the Joh Bjelke-Petersen clause.

**Mr David Shoebridge:** Unlike the Henry VIII one.

**Dr JOHN KAYE:** Yes. I guess we are making some progress, moving from Henry VIII to Joh Bjelke-Petersen. The intent of new section 55A, which this amendment seeks to remove, is to interfere with one's lawful right to exercise one's conscience. This society has made progress only because people have exercised their conscience. This amendment bells the cat on the bill's real intention. It exposes that the bill's real intention is to create a hunting State. New section 55A is the enforcement power to achieve that. This new section goes against everything that is decent in creating a fair and liberal State. This new section takes away the right for people to exercise their conscience with respect to animal rights.

**The Hon. Dr Peter Phelps:** Loosen your tie; it's cutting off blood flow to your brain.

**Dr John Kaye:** Point of order: All night The Greens have copped abuse from the Government Whip. I do not know what he ate for dinner, but it is time for him to pull his head in and stop.

**The CHAIR (The Hon. Jennifer Gardiner):** Order! I remind members that interjections are disorderly at all times.

**Question—That The Greens amendment No. 7 [C2012-104A] be agreed to—put.**

**The Committee divided.**

**Ayes, 18**

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

**Noes, 21**

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

**Pair**

Ms Fazio

Ms Cusack

**Question resolved in the negative.**

**The Greens amendment No. 7 [C2012-104A] negatived.**

**The Hon. CATE FAEHRMANN** [10.30 p.m.], by leave: I move The Greens amendments Nos 6 to 8 on sheet C2012-102B in globo:

No. 6 Page 10, schedule 1 [30], proposed schedule 3, lines 7-17. Omit all words on those lines. Insert instead:

**Note.** This Part, as inserted by the Game and Feral Animal Control Amendment Act 2012, was blank when it commenced.

No. 7 Page 10, schedule 1 [3], proposed schedule 3. Insert after line 22:

Deer (Family cervidae)

No. 8 Page 10, schedule 1 [30], proposed schedule 3, lines 30-32. Omit all words on those lines.

These amendments remove birds and deer from the category of game and allow them to be treated as any other pest or emerging pest on private land. Amendment No. 6 is proposed because we suspect that hunters in New South Wales have illegally released exotic game birds into the environment so that hunting can occur on both private and public lands. The Game and Feral Animal Control Amendment Bill 2012 increases the number of exotic birds that are classified as game birds.

**The Hon. Robert Brown:** Point of order: There is too much noise in the Chamber and I cannot hear the member's contribution.

**The CHAIR (The Hon. Jennifer Gardiner):** Order! Members who wish to engage in conversations will do so outside the Chamber.

**The Hon. CATE FAEHRMANN:** Some of these species have been assessed as having a serious to extreme threat of establishing and causing environmental and agricultural harm. If there are feral populations in New South Wales they should be eradicated rather than maintained as a hunting resource. They should be treated as feral animals rather than game animals. It is currently illegal to release game birds but legal to hunt game birds. Why make it legal to hunt species that are not yet established in the wild? Under the Game and Feral Animal Control Act 2002 a game animal includes any of the following that is living in the wild: deer, Californian quail, pheasant, partridge, pea fowl and turkey. However, there are no known feral populations of some of these birds. There was concern at the time the Act was passed that listing these birds as game birds would create a strong incentive for their illegal release.

The bill adds the following birds to that list: bobwhite quail, guinea fowl, spotted dove. Unless these birds are well established in the wild, which they are not, they should be removed from the Act because listing them as game birds will only promote the idea that these birds should be established and will hinder efforts to eradicate populations should they become established. Legitimising them as a target for hunters, which is what this bill does, will encourage the notion that they should be in the environment and will encourage releases—although of course this is illegal. Any feral populations of those species assessed as an invasive risk should be eradicated as a pest. This amendment means the Game Council would not be able to get in the way of effective animal control on private land because, make no mistake, this is what the council does: it gets in the way of effective feral animal control.

Amendment No. 7 proposes to move deer to part 2 of schedule 3. This is because they should be regarded as a damaging feral animal just like goats, pigs and foxes. They have been listed as a key threatening process in New South Wales yet are part protected as a resource for hunters for their inclusion in the special category of game animals. The effect of their inclusion in part 1 of schedule 3 of the bill is to restrict control on private properties to the detriment of both conservation and agriculture. I note that when the original game bill was debated the Coalition proposed an amendment to remove the restrictions on deer but it was defeated. The current Act exempts landholders and their household employees but anyone else has to obtain a Game Council licence to kill deer on private land, which also prevents them using the most effective and probably humane method of spotlight shooting. There is a bag limit on hog deer, for God's sake. I note that about half the deer populations known in 2002 had been illegally translocated and recreational hunters are the obvious suspects behind that.

Amendment No. 8 removes the common starling, Indian myna and feral pigeon from the list of animals for which a Game Council licence is required to hunt them on public land. This means they will be treated as any other pest. These pest animals should be treated like any other pest on public land. When you look at the Office of Environment and Heritage website and the list of animals for which it has feral eradication programs, it does not include common starling, Indian myna and feral pigeon. The time to bring those three birds into a feral eradication program is not when we are opening up national parks to recreational hunting. Yes, those birds are a problem but the moment we put them on that list we could have recreational hunters, with no science behind their eradication methods, suddenly going into national parks across New South Wales and shooting at what they think are Indian mynas and feral pigeons in trees. This is a dangerous move that should not be supported. It should be up to the Government, after a lot of research and determination, to include birds like that in the list. I commend the amendments to the Committee.

**The Hon. ROBERT BROWN** [10.35 p.m.]: The Hon. Cate Faehrmann was not in the Parliament—and neither was I—when The Greens and their fellow travellers lost these ideological arguments in 2001 and 2002. Both the Labor Government of the day and the then Opposition, which is now in government, recognised that the name of the principal Act is the "Game and Feral Animal Control Act". We cannot support the amendments.

**The Hon. DUNCAN GAY** (Minister for Roads and Ports) [10.36 p.m.]: This is a very problematic series of amendments. On the one hand, The Greens are moving an amendment to allow the hunting of deer on private land without a game hunting licence, which would put at risk our valuable deer farming industry. Frankly, that certainly deserves further consideration, to say the least. We reject that amendment. On the other hand, having opened up the deer farms to shooters, they want to reject starlings, Indian mynas and feral pigeons. Who can understand them? We reject the amendments.

**Mr DAVID SHOEBRIDGE** [10.37 p.m.]: For the benefit of the Minister, if the amendment is adopted it will actually be illegal to enter someone's deer farm and shoot their deer. It is illegal now and it will be illegal

if the amendment is passed. The Minister need not worry; he will still get his venison from his deer farm because it will still be illegal to sneak into someone else's deer farm and shoot dead their deer without their permission.

**Question—That The Greens amendments Nos 6 to 8 [C2012-102B] be agreed to—put and resolved in the negative.**

**The Greens amendments Nos 6 to 8 [C2012-102B] negatived.**

**The Hon. CATE FAEHRMANN** [10.38 p.m.]: I move The Greens amendment No. 9 on sheet C2012-102B:

No. 9 Page 12, schedule 1 [30], proposed schedule 3A. Insert after line 13:

**Other national park estate land**

Aberbaldie Nature Reserve  
 Abercrombie Karst Conservation Reserve  
 Abercrombie River State Conservation Area  
 Adelyne Community Conservation Area  
 Andrew Johnston Big Scrub Nature Reserve  
 Appletree Aboriginal Area  
 Arakoola Nature Reserve  
 Arakoon State Conservation Area  
 Arakwal National Park  
 Araluen Nature Reserve  
 Avisford Nature Reserve  
 Avondale State Conservation Area  
 Awabakal Nature Reserve  
 Baalijin Nature Reserve  
 Back Arm Nature Reserve  
 Back River Nature Reserve  
 Badja Swamps Nature Reserve  
 Bago Bluff National Park  
 Bagul Waajaarr Nature Reserve  
 Ballina Nature Reserve  
 Balowra State Conservation Area  
 Bamarang Nature Reserve  
 Bandahngan Aboriginal Area  
 Bandicoot Island Nature Reserve  
 Bangadilly National Park  
 Bango Nature Reserve  
 Banyabba Nature Reserve  
 Banyabba State Conservation Area  
 Barakee National Park  
 Barayamal Community Conservation Area  
 Bargo River State Conservation Area  
 Bargo State Conservation Area  
 Barnunj State Conservation Area  
 Barool National Park  
 Barrakee State Conservation Area  
 Barren Grounds Nature Reserve  
 Barrengarry Nature Reserve  
 Barton Nature Reserve  
 Barwon Nature Reserve  
 Barwon State Conservation Area  
 Bedooba State Conservation Area  
 Bees Nest Nature Reserve  
 Bees Nest Nature Reserve Belford National Park  
 Bell Bird Creek Nature Reserve  
 Bellinger River National Park  
 Belmont State Conservation Area  
 Belowla Island Nature Reserve  
 Ben Boyd National Park  
 Ben Halls Gap National Park  
 Bendick Murrell National Park  
 Beni Community Conservation Area  
 Berkeley Nature Reserve  
 Berlang State Conservation Area  
 Bermaguerie Nature Reserve  
 Berrico Nature Reserve  
 Biamanga National Park



Biddon Community Conservation Area  
Billinudgel Nature Reserve  
Bimberamala National Park  
Bimberi Nature Reserve  
Bindarri National Park  
Bindarri State Conservation Area  
Bingara Community Conservation Area  
Binjura Nature Reserve  
Binnaway Nature Reserve  
Bird Island Nature Reserve  
Biriwal Bulga National Park  
Black Andrew Nature Reserve  
Black Bulga State Conservation Area  
Blue Gum Hills Regional Park  
Bluff River Nature Reserve  
Boatharbour Nature Reserve  
Bobbiwaa Community Conservation Area  
Bobundara Nature Reserve  
Bogandyera Nature Reserve  
Bolivia Hill Nature Reserve  
Bollanolla Nature Reserve  
Bomaderry Creek Regional Park  
Bondi Gulf Nature Reserve  
Bongil Bongil National Park  
Boomi Nature Reserve  
Boomi West Nature Reserve  
Boonanghi Nature Reserve  
Boonanghi State Conservation Area  
Boondelbah Nature Reserve  
Boorganna Nature Reserve  
Booroolong Nature Reserve  
Booti Booti National Park  
Border Ranges National Park  
Borenore Karst Conservation Reserve  
Boronga Nature Reserve  
Botany Bay National Park  
Bournda National Park  
Bournda Nature Reserve  
Bowraville Nature Reserve  
Breelong Community Conservation Area  
Bretti Nature Reserve  
Bridal Veil Falls Nature Reserve  
Bridal Veil Falls State Conservation Area  
Brigalow Nature Reserve  
Brimbin Nature Reserve  
Brindabella State Conservation Area  
Broadwater National Park  
Broken Head Nature Reserve  
Broulee Island Nature Reserve  
Brundee Swamp Nature Reserve  
Brunswick Heads Nature Reserve  
Brush Island Nature Reserve  
Brushy Hill Nature Reserve  
Bubalahla Nature Reserve  
Budawang National Park  
Budderoo National Park  
Budelah Nature Reserve  
Bugan Nature Reserve  
Bugong National Park  
Bulahdelah State Conservation Area  
Bull Island Nature Reserve  
Bullala Community Conservation Area  
Bullawa Creek Community Conservation Area  
Bundjalung National Park  
Bundjalung State Conservation Area  
Bungabee Nature Reserve  
Bungawalbin National Park  
Bungawalbin Nature Reserve  
Bungawalbin State Conservation Area  
Bungonia National Park  
Bungonia State Conservation Area  
Burning Mountain Nature Reserve  
Burnt School Nature Reserve  
Burnt-Down Scrub Nature Reserve  
Burra Creek Nature Reserve

Burraborang State Conservation Area  
Burrall Yurrul Community Conservation Area  
Burrall Yurrul Nature Reserve  
Burrinjuck Nature Reserve  
Burwood Creek Nature Reserve  
Bushy Island Nature Reserve  
Butterleaf National Park  
Byrnes Scrub Nature Reserve  
Cadmans Cottage Historic Site  
Cambewarra Range Nature Reserve  
Camels Hump Nature Reserve  
Camerons Gorge Nature Reserve  
Camerons Gorge State Conservation Area  
Cape Byron State Conservation Area  
Capertee National Park  
Capoompeta National Park  
Captains Creek Nature Reserve  
Careunga Nature Reserve  
Carrabear Nature Reserve  
Carrai National Park  
Carrai State Conservation Area  
Cascade National Park  
Cascade State Conservation Area  
Cataract National Park  
Cathedral Rock National Park  
Cecil Hoskins Nature Reserve  
Cedar Brush Nature Reserve  
Chaelundi National Park  
Chaelundi State Conservation Area  
Chambigne Nature Reserve  
Chapmans Peak Nature Reserve  
Chatsworth Hill State Conservation Area  
Clarence Estuary Nature Reserve  
Clarkes Hill Nature Reserve  
Clybucca Aboriginal Area  
Clybucca Historic Site  
Clyde River National Park  
Cobbora Community Conservation Area  
Cockle Bay Nature Reserve  
Cocoparra National Park  
Coffs Coast Regional Park  
Colongra Swamp Nature Reserve  
Columbey National Park  
Colymea State Conservation Area  
Combaning State Conservation Area  
Comboyne Nature Reserve  
Comerong Island Nature Reserve  
Coneac State Conservation Area  
Conimbla National Park  
Conjola National Park  
Coocumbac Island Nature Reserve  
Cook Island Nature Reserve  
Cookbundoon Nature Reserve  
Cooleburba State Conservation Area  
Coolongolook Nature Reserve  
Coolumbooka Nature Reserve  
Cooperabung Creek Nature Reserve  
Coorabakh National Park  
Coornartha Nature Reserve  
Copeland Tops State Conservation Area  
Copperhannia Nature Reserve  
Coramba Nature Reserve  
Corramy State Conservation Area  
Corrie Island Nature Reserve  
Corymbia State Conservation Area  
Cottan–Bimbang National Park  
Cottan–Bimbang State Conservation Area  
Couchy Creek Nature Reserve  
Courabyra Nature Reserve  
Couradda Community Conservation Area  
Coxcomb Nature Reserve  
Crawney Pass Community Conservation Area  
Crooked Creek Community Conservation Area  
Crowdy Bay National Park  
Cudgen Nature Reserve

Cudgera Creek Nature Reserve  
Culgoa National Park  
Cullendulla Creek Nature Reserve  
Cullunghutti Aboriginal Area  
Cunnawarra National Park  
Curracabundi National Park  
Curracabundi State Conservation Area  
Currys Gap State Conservation Area  
Cuumbeun Nature Reserve  
Dananbilla Nature Reserve  
Dandry Gorge Community Conservation Area  
Dangelong Nature Reserve  
Dapper Nature Reserve  
Darawank Nature Reserve  
Davidson Whaling Station Historic Site  
Davis Scrub Nature Reserve  
Deer Vale Nature Reserve  
Demon Nature Reserve  
Deriah Community Conservation Area  
Deua National Park  
Doctors Nose Mountain Nature Reserve  
Donnybrook Nature Reserve  
Doodle Comer Swamp Nature Reserve  
Dooragan National Park  
Dowe Community Conservation Area  
Downfall Nature Reserve  
Drillwarrina Community Conservation Area  
Dthinna Dthinnawan Community Conservation Area  
Dthinna Dthinnawan Nature Reserve  
Dubay Nurahm Aboriginal Area  
Dunggir National Park  
Dural Nature Reserve  
Durands Island Nature Reserve  
Duroby Nature Reserve  
Durrigere Community Conservation Area  
Duval Nature Reserve  
Eagles Claw Nature Reserve  
Egan Peaks Nature Reserve  
Ellerslie Nature Reserve  
Eugowra Nature Reserve  
Eurobodalla National Park  
Eusdale Nature Reserve  
Euston Regional Park  
Evans Crown Nature Reserve  
Everlasting Swamp State Conservation Area  
Fifes Knob Nature Reserve  
Finchley Aboriginal Area  
Fishermans Bend Nature Reserve  
Fishermans Bend State Conservation Area  
Five Islands Nature Reserve  
Fladbury State Conservation Area  
Flaggy Creek Nature Reserve  
Flagstaff Memorial Nature Reserve  
Flat Island Nature Reserve  
Fortis Creek National Park  
Freemantle Nature Reserve  
Frogs Hole State Conservation Area  
Gaagal Wanggaan (South Beach) National Park  
Gads Sugarloaf Nature Reserve  
Gamilaroi Nature Reserve  
Ganay Nature Reserve  
Gandangara State Conservation Area  
Garby Nature Reserve  
Gardens of Stone National Park  
Garrawilla Community Conservation Area  
Georges Creek Nature Reserve  
Georges River State Conservation Area  
Ghin-Doo-Ee National Park  
Gillindich Nature Reserve  
Gilwamy Nature Reserve  
Ginghet Nature Reserve  
Girralang Nature Reserve  
Gir-um-bit National Park  
Gir-um-bit State Conservation Area  
Glenrock State Conservation Area

Goobang National Park  
Good Good Nature Reserve  
Goodiman Community Conservation Area  
Goolawah National Park  
Goolawah Regional Park  
Goonengerry National Park  
Goonoo Community Conservation Area  
Goonoo Community Conservation Area  
Goonook Nature Reserve  
Goonoowigal Community Conservation Area  
Goorooyarroo Nature Reserve  
Goulburn River State Conservation Area  
Gourock National Park  
Gulaga National Park  
Gumbaynggirr National Park  
Gumbaynggirr State Conservation Area  
Gungewalla Nature Reserve  
Gunyerwarildi Community Conservation Area  
Gurranang State Conservation Area  
Guy Fawkes River National Park  
Guy Fawkes River Nature Reserve  
Guy Fawkes River State Conservation Area  
Gwydir River Community Conservation Area  
Hartley Historic Site  
Hat Head National Park  
Hattons Bluff Nature Reserve  
Hattons Corner Nature Reserve  
Hayters Hill Nature Reserve  
Hill End Historic Site  
Hobden Hill Community Conservation Area  
Hogarth Range Nature Reserve  
Horton Falls Community Conservation Area  
Hortons Creek Nature Reserve  
Howe Aboriginal Area  
Hunter Wetlands National Park  
Illawarra Escarpment State Conservation Area  
Illawong Nature Reserve  
Illunie Nature Reserve  
Iluka Nature Reserve  
Imbota Nature Reserve  
Indwarra National Park  
Inner Pocket Nature Reserve  
Innes Ruins Historic Site  
Ironbark Nature Reserve  
Ironmungy Nature Reserve  
Jaaningga Nature Reserve  
Jackywalbin State Conservation Area  
Jagun Nature Reserve  
Jasper Nature Reserve  
Jenolan Karst Conservation Reserve  
Jerralong Nature Reserve  
Jerrawangala National Park  
Jervis Bay National Park  
Jilliby State Conservation Area  
Jimberoo National Park  
Jindalee National Park  
Jingellic Nature Reserve  
Joadja Nature Reserve  
Jobs Mountain Nature Reserve  
John Gould Nature Reserve  
Jubullum Flat Camp Aboriginal Area  
Julian Rocks Nature Reserve  
Junuy Juluum National Park  
Juugawaarri Nature Reserve  
Kalyarr State Conservation Area  
Kanangra-Boyd National Park  
Kangaroo River Nature Reserve  
Karuah National Park  
Karuah Nature Reserve  
Karuah State Conservation Area  
Kattang Nature Reserve  
Kelvin Community Conservation Area  
Kemendok National Park  
Kerraway Nature Reserve  
Keverstone National Park

Khappinghat Nature Reserve  
Khatambuhl Nature Reserve  
Killabakh Nature Reserve  
Killarney Community Conservation Area  
Killarney Nature Reserve  
Kinchega National Park  
Kings Plains National Park  
Kirramingly Nature Reserve  
Koonadan Historic Site  
Kooraban National Park  
Koorawatha Nature Reserve  
Koorebang Nature Reserve  
Kooyong State Conservation Area  
Koreelah National Park  
Kororo Nature Reserve  
Koukandowie Nature Reserve  
Kuma Nature Reserve  
Kumbatine National Park  
Kumbatine State Conservation Area  
Kwiambal Community Conservation Area  
Kwiambal National Park  
Kybeyan Nature Reserve  
Kybeyan State Conservation Area  
Lachlan Valley National Park  
Lachlan Valley Nature Reserve  
Lachlan Valley Regional Park  
Lachlan Valley State Conservation Area  
Lake Innes Nature Reserve  
Lake Innes State Conservation Area  
Lake Macquarie State Conservation Area  
Lansdowne Nature Reserve  
Lawrence Road State Conservation Area  
Leard Community Conservation Area  
Lennox Head Aboriginal Area  
Limeburners Creek Nature Reserve  
Limpinwood Nature Reserve  
Linton Nature Reserve  
Lion Island Nature Reserve  
Little Broughton Island Nature Reserve  
Little Llangothlin Nature Reserve  
Little Pimlico Island Nature Reserve  
Livingstone National Park  
Livingstone State Conservation Area  
Long Island Nature Reserve  
Macanally State Conservation Area  
Macquarie Marshes State Conservation Area  
Macquarie Nature Reserve  
Macquarie Pass National Park  
Macquarie Pass State Conservation Area  
Majors Creek State Conservation Area  
Mallanganee National Park  
Mann River Nature Reserve  
Manobalai Nature Reserve  
Mares Forest National Park  
Maria National Park  
Maroomba State Conservation Area  
Maroota Historic Site  
Marrangaroo National Park  
Marshalls Creek Nature Reserve  
Maryland National Park  
Maynggu Ganai Historic Site  
McClouds Nature Reserve  
Mebbin National Park  
Medowie Nature Reserve  
Medowie State Conservation Area  
Melville Range Nature Reserve  
Meringo Nature Reserve  
Mernot Nature Reserve  
Meroo National Park  
Merriangaah Nature Reserve  
Merriwindi Community Conservation Area  
Middle Brother National Park  
Midkin Nature Reserve  
Mills Island Nature Reserve  
Mimosa Rocks National Park

Minimbah Nature Reserve  
Minjary National Park  
Moema Community Conservation Area  
Moffats Swamp Nature Reserve  
Mogriguy Community Conservation Area  
Monga National Park  
Monga State Conservation Area  
Monkerai Nature Reserve  
Monkeycot Nature Reserve  
Montague Island Nature Reserve  
Mooball National Park  
Moon Island Nature Reserve  
Moonee Beach Nature Reserve  
Mooney Mooney Aboriginal Area  
Moore Park Nature Reserve  
Mororo Creek Nature Reserve  
Morrison's Lake Nature Reserve  
Morton State Conservation Area  
Mother of Ducks Lagoon Nature Reserve  
Mount Clifford Nature Reserve  
Mount Clunie National Park  
Mount Davies State Conservation Area  
Mount Dowling Nature Reserve  
Mount Grenfell Historic Site  
Mount Hyland Nature Reserve  
Mount Imlay National Park  
Mount Jerusalem National Park  
Mount Kaputar National Park  
Mount Kuring-gai Aboriginal Area  
Mount Mackenzie Nature Reserve  
Mount Neville Nature Reserve  
Mount Nothofagus National Park  
Mount Nullum Nature Reserve  
Mount Pikapene National Park  
Mount Pikapene State Conservation Area  
Mount Royal National Park  
Mount Seaview Nature Reserve  
Mount Yarrowyck Nature Reserve  
Muckleewee Mountain Nature Reserve  
Mudjarn Nature Reserve  
Mugii Murum-ban State Conservation Area  
Muldiva Nature Reserve  
Mullengandra Nature Reserve  
Mullengandra State Conservation Area  
Mummel Gulf National Park  
Mummel Gulf State Conservation Area  
Mundoonen Nature Reserve  
Munghorn Gap Nature Reserve  
Mungo National Park  
Mungo State Conservation Area  
Munmorah State Conservation Area  
Munro Island Nature Reserve  
Murramarang Aboriginal Area  
Murramarang National Park  
Murray Valley Regional Park  
Murrumbidgee Valley National Park  
Murrumbidgee Valley Nature Reserve  
Murrumbidgee Valley Regional Park  
Murrumbidgee Valley State Conservation Area (formerly Yanga State Conservation Area)  
Murrurundi Pass Community Conservation Area  
Mutawintji Historic Site  
Mutawintji National Park  
Mutawintji Nature Reserve  
Muttonbird Island Nature Reserve  
Myalla Nature Reserve  
Nadgee Nature Reserve  
Nadgigomar Nature Reserve  
Nambucca Aboriginal Area  
Nangar National Park  
Narran Lake Nature Reserve  
Narangarril Nature Reserve  
Narrawallee Creek Nature Reserve  
Nattai National Park  
Nattai State Conservation Area  
Nest Hill Nature Reserve

New England National Park  
Ngadang Nature Reserve  
Ngambaa Nature Reserve  
Ngulin Nature Reserve  
Nimmo Nature Reserve  
North Obelisk Nature Reserve  
North Rock Nature Reserve  
North Solitary Island Nature Reserve  
North-West Solitary Island Nature Reserve  
Nuggety State Conservation Area  
Nullamanna Community Conservation Area  
Numeralla Nature Reserve  
Numinbah Nature Reserve  
Nunguu Mirral Aboriginal Area  
Nymboi-Binderay National Park  
Nymboi-Binderay State Conservation Area  
Nymboida National Park  
Nymboida State Conservation Area  
Oak Creek Nature Reserve  
Oakdale Nature Reserve  
One Tree Island Nature Reserve  
Oolambeyan National Park  
Oxley Wild Rivers State Conservation Area  
Paddington Nature Reserve  
Palm Grove Nature Reserve  
Pambalong Nature Reserve  
Parma Creek Nature Reserve  
Parramatta River Regional Park  
Paupong Nature Reserve  
Pee Dee Nature Reserve  
Pelican Island Nature Reserve  
Penrith Lakes Regional Park  
Pilliga Community Conservation Area  
Pilliga East Community Conservation Area  
Pilliga West Community Conservation Area  
Pindera Downs Aboriginal Area  
Planchonella Nature Reserve  
Pomaderris Nature Reserve  
Pulbah Island Nature Reserve  
Queanbeyan Nature Reserve  
Queens Lake Nature Reserve  
Queens Lake State Conservation Area  
Quidong Nature Reserve  
Ramornie National Park  
Rawdon Creek Nature Reserve  
Razorback Nature Reserve  
Regatta Island Nature Reserve  
Richmond River Nature Reserve  
Rileys Island Nature Reserve  
Robertson Nature Reserve  
Rocky Glen Community Conservation Area  
Rodway Nature Reserve  
Saltwater National Park  
Saltwater Swamp Nature Reserve  
Sappa Bulga Community Conservation Area  
Saratoga Island Nature Reserve  
Scabby Range Nature Reserve  
Scone Mountain National Park  
Scott Nature Reserve  
Sea Acres Nature Reserve  
Seaham Swamp Nature Reserve  
Seal Rocks Nature Reserve  
Serpentine Nature Reserve  
Serpentine Ridge Community Conservation Area  
Seven Mile Beach National Park  
Severn River Nature Reserve  
Shark Island Nature Reserve  
Sherwood Nature Reserve  
Single National Park  
Skillion Nature Reserve  
Smiths Lake Nature Reserve  
Snake Rock Aboriginal Area  
Snapper Island Nature Reserve  
Snows Gully Nature Reserve  
Somerton Community Conservation Area

South Solitary Island Historic Site  
South West Woodland Nature Reserve  
South-West Solitary Island Nature Reserve  
Spectacle Island Nature Reserve  
Split Solitary Island Nature Reserve  
Stonewoman Aboriginal Area  
Stony Batter Creek Nature Reserve  
Stony Creek Nature Reserve  
Stormpetrel Nature Reserve  
Stotts Island Nature Reserve  
Strike-a-Light Nature Reserve  
Sturt National Park  
Sugarloaf State Conservation Area  
Susan Island Nature Reserve  
Tabbimoble Swamp Nature Reserve  
Tabletop Nature Reserve  
Talawahl Nature Reserve  
Talawahl State Conservation Area  
Tallaganda State Conservation Area  
Tallawudjah Nature Reserve  
Tapin Tops National Park  
Tapitallee Nature Reserve  
Taringa Nature Reserve  
Tarlo River National Park  
Terry Hie Hie Community Conservation Area  
Thalaba State Conservation Area  
The Basin Nature Reserve  
The Castles Nature Reserve  
The Cells State Conservation Area  
The Glen Nature Reserve  
The Rock Nature Reserve  
Throsby Park Historic Site  
Tilligerry National Park  
Tilligerry Nature Reserve  
Tilligerry State Conservation Area  
Timallallie Community Conservation Area  
Timbarra National Park  
Tinderry Nature Reserve  
Tingha Plateau Community Conservation Area  
Tingira Heights Nature Reserve  
Tinkrameanah Community Conservation Area  
Ti-Tree Lake Aboriginal Area  
Tollgate Islands Nature Reserve  
Tollingo Nature Reserve  
Tomalla Nature Reserve  
Tomaree National Park  
Tooloom National Park  
Toonumbar National Park  
Toonumbar State Conservation Area  
Toorale National Park  
Toorale State Conservation Area  
Towarri National Park  
Towibakh Nature Reserve  
Trinkey Community Conservation Area  
Triplarina Nature Reserve  
Tuckean Nature Reserve  
Tucki Tucki Nature Reserve  
Tuggerah Nature Reserve  
Tuggerah State Conservation Area  
Tuggolo Creek Nature Reserve  
Tumblong State Conservation Area  
Turallo Nature Reserve  
Tweed Estuary Nature Reserve  
Tweed Heads Historic Site  
Tyagarah Nature Reserve  
Ukerebagh Nature Reserve  
Ulandra Nature Reserve  
Ulidarra National Park  
Undoo Nature Reserve  
Upper Nepean State Conservation Area  
Uralba Nature Reserve  
Valla Nature Reserve  
Victoria Park Nature Reserve  
Wadjan Nature Reserve  
Wallabadah Community Conservation Area



Wallabadah Nature Reserve  
Wallamba Nature Reserve  
Wallarah National Park  
Wallaroo National Park  
Wallingat National Park  
Wallis Island Nature Reserve  
Wamberal Lagoon Nature Reserve  
Wambool Nature Reserve  
Wanna Wanna Nature Reserve  
Warialda Community Conservation Area  
Warra National Park  
Warrabah National Park  
Warragai Creek Nature Reserve  
Washpool National Park  
Washpool State Conservation Area  
Watchimbark Nature Reserve  
Watsons Creek Community Conservation Area  
Watsons Creek Nature Reserve  
Weddin Mountains National Park  
Wee Jasper Nature Reserve  
Weelah Nature Reserve  
Weetalibah Nature Reserve  
Werakata National Park  
Werakata State Conservation Area  
Wereboldera State Conservation Area  
Werrikimbe National Park  
Whian Whian State Conservation Area  
Wiaborough Nature Reserve  
Wianamatta Regional Park  
Wiesners Swamp Nature Reserve  
Willandra National Park  
Willi Willi Caves Nature Reserve  
Willi Willi National Park  
Wilson Nature Reserve  
Winburndale Nature Reserve  
Wingadee Nature Reserve  
Wingen Maid Nature Reserve  
Wingham Brush Nature Reserve  
Wisemans Ferry Historic Site  
Wogamia Nature Reserve  
Woggoon Nature Reserve  
Woko National Park  
Wollondilly River Nature Reserve  
Wollumbin National Park  
Wollumbin State Conservation Area  
Wombat Creek State Conservation Area  
Wombeyan Karst Conservation Reserve  
Wondoba Community Conservation Area  
Wongarbon Nature Reserve  
Woodford Island Nature Reserve  
Woodsreef Community Conservation Area  
Woollamia Nature Reserve  
Woolooma National Park  
Woomargama State Conservation Area  
Wooyung Nature Reserve  
Woregore Nature Reserve  
Worimi National Park  
Worimi Regional Park  
Worimi State Conservation Area  
Worrigee Nature Reserve  
Wullwe Nature Reserve  
Wyrrabalong National Park  
Yaegl Nature Reserve  
Yahoo Island Nature Reserve  
Yanununbeyan National Park  
Yanununbeyan Nature Reserve  
Yanununbeyan State Conservation Area  
Yaouk Nature Reserve  
Yarragin Community Conservation Area  
Yarrahapinni Wetlands National Park  
Yarravel Nature Reserve  
Yarriabini National Park  
Yarriabini State Conservation Area  
Yarringully Nature Reserve  
Yarringully State Conservation Area

Yarrobil Community Conservation Area  
 Yatteyattah Nature Reserve  
 Yerranderie Regional Park  
 Yerranderie State Conservation Area  
 Yessabah Nature Reserve  
 Yina Nature Reserve  
 Young Nature Reserve  
 Yuranighs Aboriginal Grave Historic Site  
 Yuraygir National Park  
 Yuraygir State Conservation Area  
 Yurrammie State Conservation Area

This amendment is one of the reasons we did not support the Opposition's amendment to specifically include the 79 national parks and open them up for hunting. It adds national parks, reserves, conservation areas and regional parks to the list in schedule 3A. Basically this list is the list of roughly—

**The Hon. Jeremy Buckingham:** Read it, Cate.

**The Hon. CATE FAEHRMANN:** I will not read it. The Premier did not mention in his announcement the other week national parks, nature reserves and State conservation areas. If the Premier says that hunting is only going to take place in those 79 national parks, then at the very least the Government can exclude these other areas. The community will then know they will not be added. As the Hon. Robert Brown or the Hon Robert Borsak said an hour ago, it might take a couple of years to get through the list of 79 national parks. We can be guaranteed that before the next election more areas will be opened up. This excludes all areas other than 79 national parks that the Premier announced from the list provided by the Fishers and Shooters Party in the middle of the night doing their secret and dirty deal of hunting in national parks.

**The Hon. ROBERT BROWN** [10.40 p.m.]: The Greens are not listening; it was not in the middle of the night it was two o'clock in the afternoon. Obviously the Shooters and Fishers Party cannot support this amendment.

**The Hon. STEVE WHAN** [10.41 p.m.]: The Opposition still believes the position we put earlier was the better way of doing it. The Opposition will not bear grudges over that lack of support for the Opposition amendment and we will vote in favour of this amendment.

**Question—That The Greens amendment No. 9 [C2012-102B] be agreed to—put and resolved in the negative.**

**The Greens amendment number 9 [C2012-102B] negatived.**

**Schedule 1 agreed to.**

**Mr DAVID SHOEBRIDGE** [10.42 p.m.]: I move The Greens amendment No. 8 on sheet C2012-104A:

No. 8                      Pages 13–14, Schedule 2.1, line 2 on page 13 to line 3 on page 14. Omit all words on those lines.

This amendment is to delete those provisions on pages 13 and 14 of the bill. The Greens have a number of concerns about those sections. They are opening up local government land for recreational hunting. Not only is local government land often closed to residential housing, but opportunistic ground-based recreational shooting cannot stand in for any professional pest eradication plans and programs on these lands. The Greens have concerns that this section changes the definition from "game hunter" to "invertebrate pest controller". That means those people will have access to a larger range of weapons than is intended by the bill.

This amendment will make sure that amateur hunters on council land cannot have access to semiautomatic weaponry or pump action repeat shotguns and the like. Council land can be scattered throughout New South Wales. I had understood from earlier statements by the Minister that the Government was going to support these amendments. I had understood from comments made by the Government, reported in the *Sydney Morning Herald*, that the Minister's second reading speech acknowledged that the Government was going to agree to these amendments. I would be interested to hear the Government's support for these amendments. That will go some way to allaying some concerns about this bill.

**The Hon. DUNCAN GAY** (Minister for Roads and Ports) [10.44 p.m.]: I have been paraphrased incorrectly. During my second reading speech I did not indicate that I was going to agree with The Greens

amendments. I did say that the Government would be moving amendments of its own. The Government amendment is exactly the same as the amendment The Greens have moved. The process of this House means the mover of the bill gets precedence on whose amendment is accepted first and beyond that it is the time of receipt of those amendments. The Greens amendment was received before ours and given The Greens amendment is exactly the same as the Government's amendment, we will support it. It is an important issue. It is one the Government is supportive of but it needs a lot more work and further consultation. The member did quote me correctly on that issue. The Government will be supporting this amendment.

**The Hon. ROBERT BROWN** [10.45 p.m.]: The Greens amendment does accurately mimic the Government's proposed amendment. However, the reasons put forward are erroneous. The reason the Shooters and Fishers Party has agreed that it would not object to the Government removing this section from the bill is that quite obviously the Government could not come to grips with a fairly complex arrangement of changes to the Firearms Act. It is about the definition of rural land in certain sections of the Firearms Act related to the genuine reason for the licence. A firearms licence states you are not allowed to use a firearm for which you are licensed under a particular genuine reason for another genuine reason. It is nothing to do with allowing people to use semiautomatic firearms on council land or anywhere.

**Mr DAVID SHOEBRIDGE** [10.47 p.m.]: The Greens may have a difference of opinion to the Shooters and Fishers Party about the impact of the bill. I am glad to see the Government supporting the amendment. I am glad to see the amendments to the Firearms Act being withdrawn and I commend the amendment to the House.

**The Hon. DUNCAN GAY** (Minister for Roads and Ports) [10.47 p.m.]: I indicate that the comments made by the Hon. Robert Brown completely reflect the consultation that took place between the Government and the Shooters and Fishers Party.

**The Hon. JEREMY BUCKINGHAM** [10.48 p.m.]: I know we win, but it is worth making the point. The debate so far has been completely disingenuous—as usual—from the Government. This opens up vast areas of the State.

**The Hon. Duncan Gay**: We are supporting you. Sit down.

**The Hon. JEREMY BUCKINGHAM**: The reasons why you are supporting us should be put on the record for any similar issues in the future. The schedule would open up vast areas of the State to shooting. It was snuck in there and it is only because the media, and others, have alerted the Government to it that the Government has agreed to the amendment.

**The Hon. Duncan Gay**: That is not the case.

**The Hon. JEREMY BUCKINGHAM**: Of course that is not the case. What this schedule would have done is open up huge areas of public land. It could well have been in and around urban areas. As I said in my second reading speech, it could have been in public or Crown lands or adjacent to the central business district of a city. The Government and the Minister should have recognised that. It would have opened up huge areas of Crown land to dangerous hunting and firearms.

**Question—That The Greens amendment No. 8 [C2012-104A] be agreed to—put and resolved in the negative.**

**The Greens amendment No. 8 [C2012-104A] negatived.**

**Mr DAVID SHOEBRIDGE** [10.50 p.m.]: I move The Greens amendment No. 9 on sheet 2012-104A:

No. 9 Page 14, schedule 2.2 [4], lines 13 and 14. Omit all words on those lines.

This amendment will delete lines 13 and 14 from clause 4. The amendment relates to clause 7 of the regulation, which currently provides a requirement that commercial hunters and hunting guides are licensed. Its removal will mean that the provisions of the Act would allow those hunters to be exempt from licensing. Clearly that is not in the public interest and The Greens commend the amendment to the Committee to ensure that licensing is required for that class of activity.

**The Hon. DUNCAN GAY** (Minister for Roads and Ports) [10.51 p.m.]: The Government does not agree with The Greens amendment No. 8 to clause 20 of the Game and Feral Animal Regulation, which states that proposed hunting on declared land will provide greater efficiencies in managing feral pests. It also removes unnecessary duplication because the Livestock Health and Pest Authorities will be made aware of the proposed declaration and the extensive public notice mechanisms in clause 20 (1), for example, newspaper and gazette.

**Question—That The Greens amendment No. 9 [C2012-104A] be agreed to—put and resolved in the negative.**

**The Greens amendment No. 9 [C2012-104A] negatived.**

**Mr DAVID SHOEBRIDGE** [10.52 p.m.], by leave: I move The Greens amendments Nos 10 and 11 in globo on sheet C2012-104A:

No. 10      Page 15, schedule 2.3 [2], proposed section 144 (3), lines 9-15. Omit all words on those lines.

No. 11      Page 15, schedule 2.3 [3], proposed section 145 (3), lines 16-21. Omit all words on those lines.

These amendments together would delete proposed section 144 (3), which requires the Minister to consult with the Game Council before making a pest control order declaring a game animal listed in part 1 of schedule 3 to the Game and Feral Animal Control Act 2002 to be a pest. They would limit the capacity of the Minister to do pest control and feral pest control. Before an order can be made consultation with the Game Council will be necessary. The Game Council does not have the expertise to understand what are serious feral pests in New South Wales. That is not its statutory remit, that is not where it has its skills base and that is not what it is designed to do. The statutory government bodies that are empowered with, and have the resources and the knowledge to make pest control orders are the Department of Primary Industries and the State bureaucracy outside of the Game Council. This additional consultation will cause delay and further bureaucracy before a pest control order can be made. There has never been a rationale as to why the Game Council would be allowed to be involved before a pest control order is made. It is for those reasons The Greens move amendment No. 10.

Amendment No. 11 will delete proposed section 145 (3), which is proposed to provide that an authority must consult with the Game Council before requesting the Minister make a pest control order declaring a game animal listed in part 1 of schedule 3 to the Game and Feral Animal Control Act. Before any local government authority or Catchment Management Authority can even make application to the Minister to get rid of a feral pest from their lands they have to go through an additional hoop of talking with the Game Council. What is the purpose of that? What interest does the Game Council have in being consulted before a Catchment Management Authority can get rid of feral goats on their land that might be fouling the waters in their catchment?

Why does the Game Council get this privileged access before even an application is made before the Minister? The Game Council then gets another bite of the cherry before the Minister makes the pest control order. This is not at all about facilitating feral pest management control; it is about giving the Game Council inappropriate leverage at all these points probably because it wants to have its amateur hunters hunting in preference to professional controlled hunting being done in areas like the land under the control of the Catchment Management Authority or land under the control of a local council. This is unnecessary bureaucracy, again privileging the Game Council and putting it at the heart of, in an inappropriate way, feral pest management control.

**The Hon. ROBERT BROWN** [10.55 p.m.]: These types of arguments have been presented in the past during debate on the Deer Bill, which became the Deer Act. The Shooters and Fishers Party cannot support these amendments.

**The Hon. STEVE WHAN** [10.55 p.m.]: The Opposition foreshadowed a similar amendment and it will support these amendments. As I said in my contribution to the second reading speech, it is of great concern that we should make any move that takes the decision of what is a feral pest animal away from being primarily about agriculture and the environment and onto its impact on game and availability for game. That would be very negative. I suspect this is mainly about deer, and decisions on feral pests should be made based on their impact on our environment and agriculture. The Game Council should not have an attempt at a veto of this process. When consultation is required a process has to be gone through and when the Cabinet submission comes in if there is not agreement from the different parties, it has to be resolved by somebody at a higher level, which generally takes quite a bit of time. This is quite unnecessary. We should not put agriculture and the environment in New South Wales in jeopardy, or put game needs ahead of them.

**The Hon. DUNCAN GAY** (Minister for Roads and Ports) [10.57 p.m.]: It is interesting that both The Greens and the Opposition wish to remove transparency. This is about consultation, doing things properly and talking to another sector of the government that may have expertise in this area. There is no degree of compulsion in accepting, but there is compulsion in consulting. The Government opposes both of the amendments.

**The Hon. JEREMY BUCKINGHAM** [10.57 p.m.]: Honourable members may recall a debate—

**The Hon. Duncan Gay**: Not anything you have ever said.

**The Hon. JEREMY BUCKINGHAM** [10.57 p.m.]: The Minister for Roads and Ports may recall a representation I made in this place about the declaration of threatened species as pests. The Greens moved amendments to the bill that there be consultation with the Minister for the Environment before a pest control order was declared on native species. The Greens were told then by the Minister for Roads and Ports that it was not appropriate in terms of biosecurity and that that consultation would slow down the process. Once again the hypocrisy of the Minister is laid bare.

**Question—That The Greens amendments Nos 10 and 11 [C2012-104A] be agreed to—put and resolved in the negative.**

**The Greens amendments Nos 10 and 11 [C2012-104A] negatived.**

**Schedule 2 as amended agreed to.**

**Title agreed to.**

**Bill reported from Committee with an amendment.**

#### **Adoption of Report**

**Motion by the Hon. Robert Brown agreed to:**

That the report be adopted.

**Report adopted.**

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

### **MOTOR ACCIDENTS AND LIFETIME CARE AND SUPPORT SCHEMES LEGISLATION AMENDMENT BILL 2012**

#### **SECURITY INDUSTRY AMENDMENT BILL 2012**

### **PUBLIC SECTOR EMPLOYMENT AND MANAGEMENT AMENDMENT (PROCUREMENT OF GOODS AND SERVICES) BILL 2012**

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

#### **WORKERS COMPENSATION LEGISLATION AMENDMENT BILL 2012**

#### **SAFETY, RETURN TO WORK AND SUPPORT BOARD BILL 2012**

#### **Second Reading**

**The Hon. GREG PEARCE** (Minister for Finance and Services, and Minister for the Illawarra) [11.03 p.m.]: I move:

That these bills be now read a second time.

I am pleased to introduce the Workers Compensation Legislation Amendment Bill 2012 and its cognate bill, the Safety, Return to Work and Support Board Bill 2012. The bills will ensure better protection for injured workers, save business from unnecessary premium hikes and get the scheme back in the black. The purpose of the bills

before the House is to deliver urgently needed reforms to the New South Wales workers compensation scheme. With a deficit in excess of \$4 billion, the New South Wales workers compensation scheme is unsustainable as it is currently priced. New South Wales workplaces are no more hazardous than in Queensland or Victoria, yet our workers compensation premiums cost around 20 per cent to 60 per cent more on average. Increasing premiums to address the scheme's poor experience would only exacerbate the current discrepancy, to the detriment of jobs growth. As the parliamentary committee states on page 42 of its report:

... there is nothing fair and nothing equitable about pursuing premium increases which would put so many workers out of a job.

If the Government does not act now then, based on actuarial advice to the scheme, the people of New South Wales will face the prospect of a 28 per cent increase in workers compensation premiums when the next insurance premiums order is made at the end of June in order to clear the deficit, with future premium increases likely. This is unacceptable as a premium increase of this magnitude could be expected to have a negative impact on the economy, businesses and jobs growth in New South Wales. The Workers Compensation Legislation Amendment Bill responds to the recommendations of the report of the Joint Select Committee on the NSW Workers Compensation Scheme, and gives effect to the Government's commitment to introduce legislation during the 2012 budget session.

**DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones):** Order! I remind members who have been called to order today that those calls remain in force.

**The Hon. GREG PEARCE:** While I am talking about the joint select committee, I should foreshadow that the Government will be moving an amendment to schedule 3 to the bill to address recommendation 15 of the Joint Select Committee on the NSW Workers Compensation Scheme, which was that the New South Wales Government seek to extend the Civil Liability Act 2002 to work injury damages claims. The Government has accepted this aspect of the recommendation of the joint select committee which, due to an oversight, was not included in the bill as originally drafted. I should also add that sworn police are excluded from the reforms because their own death and disability scheme has recently been reformed and because of the 24-hour nature of their duties as sworn officers.

I seek leave to have the remainder of my speech, which is the same as the speech delivered by the Treasurer in the other place, incorporated in *Hansard*.

**Leave granted.**

The Workers Compensation Legislation Amendment Bill represents a fundamental shift towards properly meeting the needs of the most seriously injured workers in the scheme while strongly incentivising return to work for those workers who have the capacity to return to work. The Government is committed to ensuring that the income, support and treatment needs of seriously injured workers are met, and the bill will increase the weekly benefits paid to the most seriously injured workers while ensuring such workers have benefits until retirement if they cannot return to work. The Government is taking steps also to ensure insurers direct more resources to support injured workers to improve their return-to-work outcomes and will focus on reducing the costs of insurers, which also are impacting on the scheme.

The joint select committee was established on 2 May 2012 and published its report on 13 June 2012. I thank the committee for its hard work. The committee held public hearings and took evidence from a wide range of interested organisations and individuals. I also thank the organisations and individuals who took the time to make submissions to the committee—over 300 submissions were received by the committee. The committee was tasked with inquiring into and reporting on the performance of the scheme in key objectives of promoting better health and return-to-work outcomes, the financial sustainability of the scheme, and the functions and operations of the WorkCover Authority. Members will recall that the Government's intention in establishing the committee was to find ways of addressing the growing deficit in the New South Wales workers compensation scheme. The Government's concern is that without further reform New South Wales businesses could face large workers compensation premium increases with adverse impact on business and jobs growth together with an inability to provide ongoing support to injured workers.

Additionally and of particular concern is that premiums paid by New South Wales employers are higher than those paid in comparable competitor States—Victoria and Queensland—and that further increases in premiums could drive New South Wales businesses and jobs interstate. The Government released an issues paper entitled "NSW Workers Compensation Scheme" with its proposed reform based on seven principles. Firstly, enhance New South Wales workplace safety by preventing and reducing incidents and fatalities; secondly, contribute to economic and jobs growth, including for small businesses, by ensuring that premiums are comparable with other States and there are optimal insurance arrangements; thirdly, promote recovery and the health benefits of returning to work; fourthly, guarantee long-term medical and financial support for seriously injured workers; fifthly, support less seriously injured workers to recover and regain their financial independence; sixthly, reduce the high regulatory burden and make it simple for injured workers, employers and service providers to navigate the system; and seventhly, strongly discourage payments, treatments and services that do not contribute to recovery and return to work.

The report of the joint select committee and these seven key principles have informed the Government's approach to reform the New South Wales workers compensation scheme. I refer now to the bill that seeks to amend the provisions of the Workers Compensation Act 1987 and the Workplace Injury Management and Workers Compensation Act 1998 with amendments ordered

in 12 schedules. Firstly, in the area of weekly payments of compensation, the bill makes important changes to the current weekly payments provisions of the Workers Compensation Act. These changes aim to provide support to workers in the initial period following an injury, and encourage them to return to work once they are recovered. The changes implement recommendation 6 of the joint select committee report and are consistent with the recommendation of the report.

Based on the Victorian model, in the initial period, that is, the first 13 weeks of the claim, workers who have no work capacity will receive up to 95 per cent of their pre-injury average weekly earnings. From weeks 14 to 130 workers who have no work capacity will receive up to 80 per cent of their pre-injury average weekly earnings. The most seriously injured workers will be better off under the bill as they will receive 80 per cent of their pre-injury earnings up to week 130 rather than the current statutory rate of \$432.50 which applies after the first 26 weeks.

The bill implements a new scheme for the payment of weekly benefits to partially incapacitated workers. Workers who have a partial incapacity and are able to work during the 13 weeks after their claim is made will receive up to 95 per cent of their pre-injury average weekly earnings. This amount will comprise the actual wages they are earning and a top-up of the benefit. Workers who have returned to work for at least 15 hours per week will continue to receive up to 95 per cent of their pre-injury average weekly earnings in total up to week 130 after their claim. Workers who can work but who are working fewer than 15 hours per week from week 14 to 130 will receive up to 80 per cent of their pre-injury average weekly earnings. This amount will comprise the actual wages they are earning and a top-up benefit.

If a worker who has work capacity is not working at least 15 hours per week by the end of the 130-week period entitlement to weekly benefits will cease. However, workers who have no work capacity will continue to receive benefits of up to 80 per cent of their pre-injury average weekly earnings. This new benefit structure will support workers while they are recovering from workplace injury or illness and provide incentive to workers who have work capacity to return to work. The bill also adopts a similar model to Victoria of calculating pre-injury average weekly earnings by basing the calculation on average weekly earnings of the worker rather than the current method of the worker's current weekly wage rate at the time of injury and removing the distinction between award and non-award workers. This method of calculation is based on what a worker has actually been earning which is inclusive of specified allowances and will result in fairer and more generous payments to injured workers, particularly in the early weeks of an injury when it is important that workers are able to focus on recovery.

It will reduce disputation in the system as this aspect of the current legislation has led in many cases to prolonged disputes. The bill provides for weekly payments to cease after five years with some important exceptions. This is in line with recommendation 7 of the parliamentary joint committee. There will be no time cap on benefits for those seriously injured workers who have been assessed at having a level of permanent impairment of over 30 per cent except for the Commonwealth retirement age, which is consistent with the scheme's support for seriously injured workers. Further, as recommended by the joint select committee there is provision for an intermediate category of workers who have a significant permanent disability. For workers with permanent impairment of more than 20 per cent the bill provides that weekly benefits will not cease after five years provided they have no capacity to work or have work capacity and are working 15 or more hours a week.

In accordance with recommendation 10 of the report of the joint select committee an integral part of the workers compensation reform is the introduction of work capacity assessments. Proposed new section 44A of the Workers Compensation Act 1987 provides for the work capacity assessment, which is based on well-established Victorian provisions and practice. Insurers will be required to conduct a work capacity assessment of an injured worker at specified points during the claim, starting from week 78 following the claim and at least every two years from that point. The work capacity assessment will be a holistic assessment that will take into account medical evidence, vocational retraining and other material specified in WorkCover guidelines. Consistent with the recommendation of the parliamentary joint committee, seriously injured workers whose whole person impairment is more than 30 per cent will not be required to have work capacity assessments. However, those workers may wish to request an assessment to explore their return-to-work options. One of the key goals of the Government is to ensure seriously injured workers receive improved benefits if they cannot work and all possible assistance and support to return to work.

Workers whose whole person impairment is more than 20 per cent who have total incapacity will receive a benefit of up to 80 per cent of the pre-injury average weekly earnings until retirement age. Seriously injured workers who are able to work more than 15 hours per week will also receive a weekly benefit that when combined with what they are earning will be up to 80 per cent of their pre-injury average weekly earnings. Established by schedule 9 to the bill to ensure that workers are treated fairly, the decision of an insurer about a worker's current work capacity can be the subject of an internal review by the insurer, merit review by the WorkCover Authority and procedural review by the proposed WorkCover independent review officer. It is also intended that any review of decisions by the Supreme Court should be undertaken by the court only once the claim has gone through review at all stages, that is, after review by the insurer, WorkCover and the independent review officer.

Schedule 1 to the bill also makes amendments to the Workplace Injury Management and Workers Compensation Act 1998 to strengthen the return-to-work obligations of both employers and workers. The enforcement of the return-to-work provisions will be enhanced by new provisions allowing WorkCover inspectors to issue improve notices to employers who fail to comply with return-to-work obligations, such as the provision of suitable work for injured workers wishing to return to work. These new return-to-work provisions will reinforce and support the regime for weekly benefits and work capacity testing, thereby assisting workers who are able to return to work.

Schedule 2 to the bill reforms the scheme for lump sum payment of compensation by removing pain and suffering as a separate category of lump sum compensation and limiting lump sum payments to workers who meet an impairment threshold of greater than 10 per cent, which will be limited to only one claim. The amendment proposes only one assessment of the level of impairment for the purposes of permanent impairment commutation and common law work injury claims and allows workers to waive their requirement to obtain legal advice before agreeing to a lump sum. These initiatives will help to reduce disputes and reduce administration costs while allowing the scheme to focus on the more seriously injured workers.

Schedule 3 to the bill makes a change to the area of work injury damages with proposed new section 151AD limiting common law claims for nervous shock suffered by a relative or dependent of a deceased or injured worker, unless the nervous shock is itself a work injury. This reflects the view that an employer's liability for psychological injury to family members does not fall

within the object of the workers compensation legislation. Schedule 4 to the bill concerns medical and related expenses. Medical expenses have been an area of increasing cost to the workers compensation scheme. Under the bill payment of an injured worker's expenses for medical, hospital and rehabilitation services will be limited to a 12-month period after the claim is made or 12 months after weekly payments cease, whichever is the earlier. However, consistent with the Government's objective of directing workers compensation benefits to the most serious injured workers, workers with a permanent incapacity of more than 30 per cent will not be subject to the new restrictions for medical and related expenses. They will continue to be eligible for benefits for medical and related treatment until retirement age.

An employer's liability for medical and related treatment and rehabilitation services will be made subject to preconditions to ensure that the treatment is appropriate and properly provided and approved. WorkCover guidelines will be able to limit an employer's liability for medical and hospital treatment and rehabilitation services. Schedules 5 and 6 of the bill make essential changes to the workers compensation scheme in the area of liability. Proposed amendments to section 10 of the Workers Compensation Act mean that journey claims will no longer be covered by the New South Wales workers compensation scheme consistent with the position in many other Australian jurisdictions. While workers who travel for work will still be covered by the scheme, employees will no longer be liable for a journey between a worker's home and his or her place of work where the risk of injury is outside the control of the employer.

The proposed amendment to section 9B of the Workers Compensation Act will have the effect that worker heart attacks and strokes will not be covered by the scheme unless the nature of the employment concerned gives rise to a significantly greater risk of the worker suffering the injury than had the worker not been employed in employment of that nature. It is considered this is a fairer and more reasonable test for employers to meet than the current test of "substantial contributing factor". Schedule 7 to the bill implements recommendation 14 in the report of the joint select committee. For the scheme to be liable in the case of a disease, as opposed to an injury, the worker's employment must be the main contributing factor in order to address cases where the workplace has only a limited connection with the disease. Schedule 8 to the bill provides for a regulation-making power which will permit insurers to commute workers compensation liabilities in cases prescribed by the regulations that do not meet the current criteria.

This is similar to the position in some other States such as Victoria which provide greater flexibility for commutations and may be able to be used for workers who do not meet the current criteria, such as workers receiving small weekly benefits who would benefit from the commutation of their claims. Schedule 9 to the bill provides for amendments to the insurance provisions of the workers compensation legislation which are intended to permit the entry of new insurers into the New South Wales workers compensation insurance market. These new insurers could include new specialised insurers that could underwrite specified industry classes. It is, however, the Government's intention that where a specialised insurer is approved they must take all of the risk in an industry and will not be permitted to pick and choose which risks are eligible, thus leaving the nominal insurer with the worst risks.

Schedule 10 to the bill amends the Workplace Injury Management and Workers Compensation Act to provide for the administrative arrangements for establishing the new WorkCover Independent Review Officer, who will have the independent review functions in relation to work capacity assessments referred to above. The WorkCover Independent Review Officer will have also the functions of dealing with complaints about insurers, inquiring into and reporting to the Minister on matters concerning the operation of the workers compensation legislation, and such other functions as may be conferred on the Independent Review Officer. The WorkCover Independent Review Officer will have the dual roles of dealing with individual complaints and overseeing the workers compensation scheme as a whole. It will be an important accountability mechanism for the workers compensation scheme.

Schedules 11 and 12 to the bill provide for various miscellaneous amendments and savings and transitional provisions. The amendment to section 74 of the Workplace Injury Management and Workers Compensation Act will reduce red tape by simplifying the notice provisions for an insurer disputing liability, while the amendment to section 341 of that Act will require the Workers Compensation Commission to order that costs follow the event in legal proceedings before the commission unless it appears to the commission that some other order should be made so as to discourage unmeritorious claims. In relation to transitional arrangements, the general principle is that many of the new arrangements for weekly payments will apply to existing claims as well as new claims.

However, there are provisions for staged implementation of the new weekly payments provisions, especially for existing claims. Changes to lump sum compensation and work injury damage will generally apply to claims from the date of the introduction of the bill. A number of the recommendations of the joint select committee that were not legislative in nature involved legislative issues requiring greater consideration or recommended referral to a parliamentary committee for further consideration. The Government is still considering its response to these recommendations. In conclusion, these reforms to the workers compensation legislation provided for in the bill represent an integrated package of reforms that will assist and encourage workers who have work capacity to return to work, while continuing to support and assist seriously injured workers.

I now turn to the cognate bill to the Workers Compensation Legislation Amendment Bill, that is, the Safety, Return to Work and Support Board Bill 2012. This bill establishes a single board to oversee the functions of the WorkCover Authority, the Motor Accidents Authority, the Lifetime Care and Support Authority and what is currently known as the Sporting Injuries Committee. It is proposed that the board be known as the Safety, Return to Work and Support Board to adequately reflect the diverse functions of the various authorities. The board will comprise seven members, including the chief executive officer. Each of the members will have skills and experience in one or more areas relevant to the functions of the authorities, including insurance, finance, investment, law, health, work health and safety, injury prevention, return to work, disability services, marketing and communications.

The three key functions of the board will be to determine the general policies and strategic direction of each relevant authority, oversee the management and performance of each relevant authority, and advise the Minister and the chief executive officer on any matter relating to the relevant authorities or arising under any relevant legislation, either at the request of the Minister or the chief executive officer or on its own initiative. Each of these functions is to be carried out properly and efficiently and with



regard to the objects of the legislation relevant to each of the authorities. The affairs of each relevant authority also will be managed and controlled by a single chief executive officer, who will be subject to the board's functions and the legislation under which each authority is constituted.

In addition, the board will determine investment policies for each of the funds administered by the authorities, which include the Workers Compensation Insurance Fund, the Lifetime Care and Support Fund, the Nominal Defendant's Fund under the Motor Accidents Compensation Act 1999, the Sporting Injuries Fund and the Workers Compensation (Dust Diseases) Fund. The board will have the ability to establish one or more common funds for the purposes of investment of any of the funds I have just mentioned in order to gain synergies and benefits obtained by jointly managing the various funds. Ownership and investment powers in relation to each of the individual funds will not be affected.

The bill also abolishes a number of advisory councils and industry reference groups which currently have a broad remit of advising the Minister and the authorities on the various schemes. Two mechanisms will replace the advisory councils and the industry reference groups. First, the board will have the power to establish committees to assist it in connection with the exercise of its functions. In particular, the board will have the power to establish a committee to advise it on matters arising under the Sporting Injuries Insurance Act 1978. The bill abolishes the current Sporting Injuries Committee and transfers to the WorkCover Authority the claims and grant determination functions under the Sporting Injuries Insurance Act. Those functions will be exercised by WorkCover under the oversight of the chief executive officer and the board.

Secondly, the Minister will be empowered to appoint advisory committees on an ad hoc basis. The functions of an advisory committee may include investigating and reporting to the Minister on specific matters arising under or in connection with the compensation and other related legislation or any other Act under which a relevant authority exercises functions. The Government has also implemented recommendation 16 of the Joint Select Committee on the NSW Workers Compensation Scheme that a committee of the Parliament conduct ongoing oversight of the New South Wales workers compensation scheme and conduct an extensive review of the scheme and have the capacity to engage actuarial expertise to assist it to perform its functions. Proposed part 4 of the Safety, Return to Work and Support Board Bill provides for this parliamentary oversight, which is expected to improve accountability for the scheme. I commend the bills to the House.

**The Hon. ADAM SEARLE** (Deputy Leader of the Opposition) [11.06 p.m.]: On behalf of the Opposition I oppose, root and branch, the Workers Compensation Legislation Amendment Bill 2012 and the Safety, Return to Work and Support Board Bill 2012. These bills together constitute the single most appalling assault on the rights of injured workers in this State's history since workers compensation was created in 1926. It has also occurred, distressingly I think, at a great hurry, in a manufactured air of crisis. On 3 February this year the Minister for Finance stated that the Government would fast-track urgent reform said to be necessary to the scheme.

It took him until 23 April to release an issues paper and to announce a parliamentary committee, saying that without substantial reform businesses could face immediate increases in workers compensation premiums to an average of 28 per cent. This was of course complete fiction, because the actuaries, PricewaterhouseCoopers, stated that the scheme could be brought back into full funding within 10 years by an average premium increase over those 10 years of only 8 per cent. That statement is not made up; it is in the executive summary of the PricewaterhouseCoopers report, on pages 2 to 3.

It was not until 2 May that the Minister moved in this place to establish a joint select committee. Of course, the terms of reference of that committee were very tight; the committee was originally meant to report in four weeks, which was reluctantly extended to six weeks. However, rather than a broad committee representative of this House, or indeed of the Parliament, the committee comprised four Government members, two crossbenchers—one from the Christian Democratic Party and one from the Shooters and Fishers Party—and only two from the Opposition. From the very outset, I think the odds in favour of the Government getting its chosen reform agenda adopted were significantly enhanced by the composition of that committee.

We agreed that there should be an inquiry on this important issue, but we preferred a broader membership. Other equivalent committees were given much lengthier periods of time in which to inquire and report: the electoral matters committee took just under three months, the Orica inquiry took nine months, and the coal seam gas inquiry took six months. We believed, and continue to believe, that the future of workers compensation in this State is a matter of no less importance to the community, and we believe this Parliament should take a proper and measured approach to the time frame. But, unfortunately, the Parliament did not agree.

On 30 May in this place the Minister confirmed that although the committee process was underway, Parliamentary Counsel had been instructed to commence drafting legislation to modify the scheme. Some 353 persons and entities made detailed submissions to the committee and some 77 persons gave evidence over three days. The range of issues raised and the oral evidence provided was detailed and informative, but the time frame imposed on the committee was wholly inadequate to do justice to the subject matter or to the substance of the submissions.

Given that the Government drafted legislation before the committee had even reported—as I foreshadowed that it would during the debate about the establishment of the committee—a cynic might suggest

that it had already decided on its options for reform and that the whole process was a sham. It is a piece of window-dressing to make stakeholders and concerned members of the public think that the Government is listening to them. We do not know when the Government commenced having legislation drafted, but not waiting for the committee to complete its deliberations demonstrates that the committee and its processes were a sham, which is disappointing but not unexpected.

The Labor members appropriately rejected the overwhelming majority of the committee's recommendations, and we did not do so lightly. Although the bill embraces a number of aspects of the committee's recommendations, it intensifies the worst aspects of potential reform measures. Neither the Minister's issues paper nor the committee dealt with a range of matters, such as how to improve the performance of the scheme in promoting better health outcomes despite the fact that that was recognised by everyone as being of paramount concern. Return to work outcomes for injured workers were recognised as being of vital importance to the scheme, but nothing in the bill addresses that point.

Despite the first reform principle in the Minister's issues paper being to "enhance New South Wales workplace safety by preventing and reducing incidents and fatalities", not one of the proposals in this bill touches on how workplaces can be made safer or how the rate of incidents or injuries can be reduced. That omission reflects very badly on the Government. We know that the halving of the rate of serious accidents over the past 10 years in New South Wales occurred in an environment of vigorous prosecution of the strictest occupational health and safety laws in Australia. That framework is arguably in the process of being undone by this Government, commencing last year with the passage of the Work Health and Safety Act.

It was three months after the Minister's February announcement that urgent reform was necessary that the Government released the discussion paper, which was thin and unpersuasive. It proposed only reductions in benefits, payments and the provision of medical services. The ideas contained in the paper and embodied in the committee's report do not address the main cost drivers in the system. The Government received actuarial advice from Ernst and Young that it was possible to arrest the deterioration in the scheme's financial position and to improve the claims management experience and the WorkCover guidelines, and that a high priority should be given to these issues. However, despite the contention of all major stakeholders and the overwhelming majority of the evidence presented to the committee that it was the role of the scheme agents—the insurance companies—which needed to be improved and which was the source of so much dysfunction, difficulty and deterioration in the cost of the scheme, the Government's issues paper, the committee's recommendations and the legislation before the House have not dealt with that important issue and there is no indication of how these issues will be addressed.

Even when employer and insurer interests indicated general support for one or more of the ideas paper, the committee's response was qualified by the need to have proposals fully developed, costed and scenario tested in terms of how they would work in the real world and how they would impact on stakeholders, the system as a whole and the people for whom the scheme was designed—the injured workers of New South Wales. That is not the view of unions or lawyers; it is the view of employer interests.

The actuaries indicated that the Government had not even asked them to cost the impact of the proposals in the issues paper, although they did so during that process. I do not have time to discuss all of the detailed ideas presented, but they are being driven by what is said to be the scheme's deteriorating financial position, including the assessment by the scheme actuary that it is in deficit to the tune of just over \$1 billion. I also note that the scheme actuary, Mr Michael Playford, accepts that those liabilities will not be paid for immediately—not as at 31 December last year—but over a period of 40 to 50-plus years. Therefore, it is not an immediate crisis. There is deterioration and it does need to be addressed, but there is no need to throw the baby out with the bathwater.

As I said, that is not to deny the fact that the scheme has liabilities or that there has been a deterioration in its financial position. However, in the past when changes to the scheme were necessary and when benefit levels have been addressed, it has always happened in the context of premiums. The ruling out by the committee and the Government of any premium movements is harsh and unfair. I note the scaremongering the Government has engaged in about premiums rising by up to 28 per cent. As I indicated, the scheme actuary said that full funding could be achieved over a decade with an 8 per cent premium increase. That must be seen in the context that since 2005 a series of premium discounts in this State has reduced collected premiums by 33 per cent. Any of the premium increase scenarios contained in the actuarial report would still leave premium collections below 2005 levels. Had such discounts not been implemented, an additional \$7 billion would have been paid into the scheme and according to the actuaries' assessment the scheme would still be about \$3 million in surplus.

Employers collectively have benefited from these reductions in premiums by about \$1 billion a year since 2005. That must have led to the creation of many extra jobs in this State because the employers had the benefit of those reductions. The committee's and the Government's decision about premiums has been fuelled by the suggestion that premiums in New South Wales, being the second highest in Australia, are "too high". What has been missing from this discussion is any proper analysis of accident and injury rates and comparable wage and cost of living and benefit levels between States or different jurisdictions. Only with such information can any meaningful discussion be conducted about the appropriate level of premiums in New South Wales. It emerged during the committee hearings that New South Wales, which has 30.5 per cent of all employees in Australia, has 34.5 per cent of all workplace injuries in this country.

During the 2009-10 financial year there were 24.3 serious claims per 1,000 workers in the manufacturing sector in New South Wales and 17.1 serious claims per 1,000 workers in the manufacturing sector in Victoria. Therefore, the serious accident rate in the manufacturing sector in New South Wales is more than 42 per cent higher than the rate in Victoria. That may well contribute significantly to the premiums in this State being higher. I note that the Minister said that the industrial sector in New South Wales is no more dangerous than the industrial sectors in Victoria and Queensland. That has not been established; we have not had the benefit of any proper analysis of the kind I mentioned examining wage levels and cost of living and accident rates to provide empirical evidence about the appropriate level of premiums for this State given the rate at which we are injuring people.

The Opposition believes that premiums should be set at an appropriate level having regard to the evidence of the rate at which workers are being injured. Employers indicated during the committee hearings that premiums should reflect the historical level of risk. Again, that is not my proposition; it was put to the committee by the Housing Industry Association and many other employer stakeholders. Only 12 per cent of employers in this State have their premium set by reference to their individual experience, and employer interests did not have much appetite for expanding that. However, they did say in a fair minded way that there definitely needed to be price signals to improve adherence to standards and to enforce and promote safety measures. Employers accepted that premiums should reflect risk even if in the next breath they said that premiums were too high. The Opposition believes that a rational approach should be taken to premium levels.

The Opposition notes the assessment undertaken by the scheme actuaries about the status of the scheme's finances and the deficit. We accept that the approach and methodologies used by scheme actuaries have been applied consistently over some time and that they have been accepted by previous governments. However, a number of the assumptions used by the scheme actuaries in their deliberations were not able to be properly explored or tested, given the way in which the evidence was taken and the extremely compressed time frame. Most of the useful evidence came through answers to questions on notice rather than through oral evidence, which was unfortunate because I think a lot of ideas emerged that needed to be explored, which I will briefly explore now.

For example, the New South Wales workers compensation scheme uses a particular actuarial standard—AASB 1023. However, the Lifetime Care and Support Scheme in the motor accidents area has its liabilities assessed using a different standard—AASB 137. The key differences in the standards are that there is no requirement to maintain a risk margin in AASB 137—which is currently set by the WorkCover board at 12 per cent or \$1.725 billion, according to the WorkCover actuaries—and the liabilities can be discounted based on an assumption as to the expected long-term rate of return rather than, as in the WorkCover scheme, a risk-free rate of return.

The scheme's actuaries stated that from an accounting perspective the Lifetime Care and Support Scheme is not treated as insurance because no policies are issued and it is funded via a levy. Given that WorkCover issues policies to employers it is difficult to see how the WorkCover scheme could be reclassified under an alternative accounting standard. But the Lifetime Care and Support Scheme levy is on insurance premiums and paid when people pay their compulsory third party insurance. That makes it part of the overall insurance agent, and that proposition was conceded by the actuaries. So the reasons advanced by the actuaries as to why we should use AASB 1023 rather than AASB 137 for the WorkCover scheme simply did not apply when one explored it a little more. It seems reasonable that a matter of policy choice is involved in the accounting standard.

I return to the issue of the discount rate. We use the Commonwealth bond rate because all the workers compensation schemes around Australia use the Commonwealth bond rate. The key factor in assessing the value of future liabilities is, of course, the use of a discount rate and the actuaries state that they should use a risk-free

discount rate. But we do not understand, because we did not have time to explore it, why the New South Wales Treasury bond rate, for example, was not risk-free and could not be used or should not be used. The Commonwealth bond rate is adopted by way of a Treasury circular; so it is a policy decision by Treasury as to which bond rate to use, and that was confirmed by the New South Wales Auditor-General. Again, I do not understand why the New South Wales bond rate is not risk-free whereas the Commonwealth bond rate is.

According to the actuaries, if the New South Wales Treasury rate, for example, were used to assess the outstanding liabilities, those liabilities would be reduced by around 7 per cent. The committee has been informed that the scheme liabilities as at 31 December were assessed at \$18.8 billion, with assets being about \$14 billion, leaving a deficit of about \$4 billion. Of course, a 7 per cent reduction in liabilities, using the New South Wales Treasury bond rate, would reduce the liabilities and the deficit from just a bit over \$4 billion to a bit over \$3 billion. Again, turning to the same approach as used in the Lifetime Care and Support Scheme and looking at not a bond rate but the average of the actual returns achieved in the scheme over the past decade—which is about 5.63 per cent—and again using the other accounting aspects of that standard, liabilities would be reduced to about \$16.99 billion and the scheme deficit would be about \$2.23 billion. Again, there is no change in the actual claims experience but simply a change in the assessments.

However, page 254 of the actuarial report states that as at 31 December scheme liabilities are estimated at \$16.104 billion. If that is used as the starting point and not the \$18.8 billion, of course that reduces the deficit to \$1.385 billion. Again, if the Treasury bond rate is used that reduces liabilities further and the deficit would be only \$257 million. What this rough calculation shows is that depending on what assumptions are used, it leads to a different landing financially on where the scheme may be at. Each approach discloses deterioration but the information places the discussion about possible reforms in a very different light. Of course, the need for reform and the magnitude of the need informs how much reform is required and the nature of that reform.

I do not claim to have any actuarial expertise or purport to give an alternative valuation of the scheme liabilities; I am merely indicating that all the evidence from the actuaries indicates that there are alternative criteria by which the scheme finances could be assessed and that the use of different criteria is a policy choice. The constraint by which the evidence was taken with a compressed time frame means we simply were not able to explore those matters further. But what is beyond doubt is that the scheme actuaries make clear—and I think everyone accepts this—that at least half the deterioration in the scheme's finances is due to external factors, and the evidence indicates overwhelmingly that the role of the scheme agents, the insurers, is a key factor in the deterioration of the scheme through claims management functions and a failure to get workers into appropriate rehabilitation sufficiently soon.

All important stakeholders and the committee accepted that there was a need for a thorough review of the scheme and the role played by the scheme agents. We believe that this should occur rather than embarking on the wholesale slashing of benefits to injured workers. We note in that regard that payments in the pockets of injured workers have fallen by almost 20 per cent from 2002 to 2010. Clearly, benefit levels actually paid are not driving the scheme deterioration. Having regard to the significant reduction in premiums over the past seven years, modest premium increases could stabilise the scheme while there was a more thorough review of needed systemic reform, such as the role played by the scheme agents and their performance.

However, having regard to the different possible levels of scheme deficit from the current \$4 billion down to a possible \$257 million—not making anything up; just using the figures provided by the actuaries and the different options provided by the actuaries—obviously, if an 8 per cent increase over 10 years could return the scheme to being fully financed, what might be needed may be much less, depending on where the scheme was in relation to its liabilities. As I indicated, the actuarial evidence was that the scheme deterioration could be arrested and reversed by improving claims management and WorkCover guidelines and that the deterioration in the performance of at least some of the scheme agents contributed significantly to the deterioration in overall scheme performance and, therefore, finances.

In the past when changes have been made all important stakeholders were asked to play a part. The evidence before the committee was that an insufficient number of employers are able to provide or do provide for injured workers to return to work, and also that premiums have been reduced by \$1 billion a year since 2005, leading to a reduction in costs for employers collectively in New South Wales by some \$7 billion. Opposition members believe it is unnecessary as well as harsh and unfair that the entire burden of scheme reform should fall on those who are most vulnerable—injured workers. Any benefit reduction, such as the cessation of benefits after some time or the ending of medical benefits, should not occur in isolation driven by the need for cost containment but should occur, if at all, only in the context of a proper discussion of how

persons who continue to be in need of support but who are permanently disabled may be graduated to other forms of social support, such as the proposed National Disability Insurance Scheme, for which the Government has made no provision in the recent budget.

One begins to know a government's character by its spending choices and its actions. In its most recent budget and in this legislation before the House this Government reveals its character in how it approaches issues of this nature—by attacking those who are most vulnerable, those who are most in need and those who need support. These issues are manifold and complex and should be addressed in a mature and considered fashion, not in a bonfire of the rights of injured workers. The Government's delay in establishing the committee and the fact that it commenced drafting legislation before the committee had delivered its report, strongly suggests that it lacks bona fides in this important area. Unfortunately, because of the way in which this legislation has come before the House it is all too clear that that is the case.

Turning to some of the concepts in the Workers Compensation Legislation Amendment Bill—which I think will take a lot longer than the time I have remaining to me but I will do my best—schedule 1 provides for amendments to weekly payments of compensation. The definition of "seriously injured worker" is a person who has been assessed as having more than 30 per cent whole-of-person impairment, a truly catastrophic level of impairment. The evidence given to the committee by lawyers and by the Australian Medical Association was that it would be around 1 per cent. I think one of the lawyers indicated that in the tail of about 42,000 persons or claims in the system, 120 people might be 30 per cent whole-of-person impaired, which is a truly high level. I know that the Government will say that these most seriously injured persons will get more than they are getting currently, which would be good if that were the case, but the sting in the tail is the fact that everybody else will take a bath; everyone else will lose significant benefits.

The first part of the definition "suitable employment" on page 4 seems fair and reasonable on one level, but paragraph (b) states that the factors in paragraph (a) shall apply regardless of whether the work or employment is available, and whether it is of a type or nature that is generally available in the employment market, the nature of the worker's pre-injury employment and his or her place of residence, which totally undercuts the nature or entire concept of "suitable employment" as provided in the bill. I refer next to enhanced weekly benefits about which the Government seems to be inordinately proud, which starts with 95 per cent of actuals.

A deductible is provided in the fairly complex formula. The value of any non-pecuniary benefit, for example, fringe benefits, is deducted, which will reduce the amount of weekly benefits that are payable. There are two cut-offs. The committee's recommendation is that if there were to be any time limit on people's benefits it should occur no less than five years later. However, on page 7 we find that after 130 weeks the Government butts people off and they will continue beyond the 130-week mark only if they have no work capacity, which is likely to continue indefinitely, or if they earn \$155 a week or work 15 hours a week. A limited number of people will make it from two and a half to five years.

On page 8 we find that after five years they continue on weekly benefits or medicals if the injury is assessed as being more than 20 per cent whole-of-person impairment, which is a high level and would exclude the overwhelming majority of persons with injuries. By way of example, an ankle fusion would give someone less than 10 per cent whole-of-person impairment. Under the AMA 5 guidelines, a worker who loses both breasts in an accident might get 10 per cent. Total foot amputation would bring someone in at 28 per cent whole-of-person impairment. A 75 per cent hearing loss might just get someone to 30 per cent. Multiple spinal fusions would get someone 25 per cent whole-of-person impairment. If someone had a four-level spinal fusion and had steel rods inserted to meet his or her needs, that person would not qualify at 30 per cent. He or she would be over 20 per cent but would not get to 30 per cent.

Often medical procedures do not last or do not work and people need repeat procedures. This bill contains a nasty element. Medical benefits continue for only a year longer than any weekly payments received. Many workers do not receive weekly benefits or are able to return to work on full pay and full duties. They do not take any weekly benefits but from time to time they need ongoing medical care and attention, ongoing treatment and sometimes ongoing surgeries, perhaps because the initial procedure did not work or because prostheses need to be replaced every five or six years. Under this bill the cap will hit and those people will no longer be supported, so they will go without replacement prostheses, they will have to dig into their own pockets, or it will fall on some other level of government and ultimately the taxpayer rather than the workers compensation system. Embedded in this bill is a wholesale transfer of the burden of cost of production from business to individual injured workers and on to the general community which we say is not

right or proper. It is the function and role of a workers compensation system for industry to assist injured workers and to pay for the unfortunate consequences of work when people are injured and need ongoing care and support.

The bill provides for review of work capacity, but there is no ability to challenge that in any type of independent court or tribunal. In the definition of pre-injury average weekly earnings we are told that means workers will no longer be assessed against an award rate. With enterprise agreements it is paid rates. But people are often paid more than an award rate. At present, if someone has to fall back to an award rate and it is less than that person's actual wage, he or she would not have loadings or penalties, and sometimes even the base wage would be much less than that person would take home. The Government said that it will be actuals so that is an improvement. However, if we look at proposed section 44C (2) (b) on page 15 and proposed sections 44C (3) (e) and 44C (5) on page 16, we see that this enhanced definition will apply only for one year. After one year, overtime and shift allowance payments will be taken out of the definition of actual pay. The stated beneficence by the Government about how it will enhance people's rates of pay while injured evaporates very quickly.

On page 19, again in the definition of pre-injury earnings, if there is a difference between a base rate of pay prescribed by a fair work instrument and an actual rate, it will take the lower rate. Again we see the Government's penny-pinching at work. On closer examination the supposed benefit increases simply disappear. There are amendments to lump sum payments. From time to time it has been proposed that section 66 benefits for permanent impairment and section 67 benefits for pain and suffering should be merged. In that discussion there is usually an increased total amount available under a single assessment. The Government proposes the abolition of section 67 altogether, reducing the payments available. In relation to section 66, where at the moment there is a 1 per cent whole-of-person impairment threshold, the Government proposes increasing that so that it is greater than 10 per cent, which is a massive and catastrophic attack on people's ability to obtain lump sum payments for permanent impairments that they have suffered.

Furthermore, it states that only one claim can be made for permanent impairment. There are parallel provisions for the work injury damages provisions. The committee turned its mind to this and said that within certain limitations where there had been ongoing deterioration of someone's condition, multiple claims—perhaps up to three claims—should be permitted for injured workers. The Government has gone further than the committee recommendation, which frankly was bad enough, and it says that there will be only one claim, which is a further attack on individuals' rights. There are amendments relating to damages for nervous shock, which were detailed in the discussion paper. According to actuarial assessment, this would result in a reduction in scheme costs of a negligible amount of money. There also is an attack on journey claims, which actuaries have assessed on page 189 of the committee report as being worth only \$93 million a year—not very much when the scheme collects \$2.6 billion in premiums. There are also provisions to take out heart attacks and strokes, unless the nature of the employment results in a significantly greater risk.

That is not what the committee recommended. The committee recommended that those things should be restricted from the status quo, but only when work is a substantial contributing factor to the condition. The actuaries said that excluding these amounts from the scheme would save only \$6 million a year, which is a very small amount of money but that would have a catastrophic effect on individuals and families who currently have those rights and they would lose them under these provisions. There are amendments to remove nervous shock, but again the amount that would be saved would be negligible.

In relation to journey claims the committee heard evidence of nurses working double shifts and driving home while fatigued, and of construction workers coming off shifts and also driving while fatigued. Of course, if you have an accident in your motor car while fatigued the chances are you will be found to be at fault, at least to some degree. Under the motor accidents scheme that means you cannot be looked after. There is a lot of discussion about the schemes in Victoria and Queensland, and in particular how this State should be more like Victoria. But of course Victoria's motor accidents compensation scheme is no fault: everyone is covered if they are injured on the road or in a motor vehicle accident. In New South Wales the scheme is fault based. If you are at fault you do not receive compensation. Many workers who are returning home after a long day at work and have accidents will no longer be covered. If they are fatally injured their families will quite needlessly be exposed to economic and social distress because the amount of money they will receive is quite small. This is just another penny-pinching attack on the rights of injured workers without any real justification or need.

Schedule 7 contains amendments relating to disease injuries. At the moment those diseases need to be a "substantial" contributing factor; this bill changes it to the "main" contributing factor to contracting the disease, which again will savagely restrict the amount of compensation available. Page 47 deals with making

commutations more liberally available, as recommended by the committee. So far so good, except the committee was clear that this should only happen where the worker has proper legal and financial planning advice. The Hon. Paul Green was concerned about that aspect, but in the bill the Government is doing away with the requirement for workers to get independent legal and financial planning advice. That is another terrible effect.

The Government says in its briefing note that insurer licensing is to admit the entry of new insurers into the New South Wales market to enhance, for example, self-insurance. So far so good, but nowhere does schedule 9 talk about expanding self-insurance. It mainly talks about the ability to transfer claims, and no doubt assets, from the scheme to a corporation, not an insurance company. Pages 48 through to 50 of the bill seem to indicate that if this bill is enacted the Government will be able to offload the scheme assets and current liabilities to insurance companies that are currently in the system or that may seek to enter the system in a situation where over the next two years, because of the time limits placed on benefits, those liabilities of the scheme will collapse. Over the next two years the scheme will very quickly be fully funded and will in fact be in surplus.

The actuaries have costed this. At the moment the scheme runs at something like 1.71 per cent of wages. I think the premiums are around 1.83 per cent. The actuaries say that in their very rough and ready calculations these reform measures, if enacted in the way the Government constructs them, will bring the cost of the scheme to 1.19 per cent of wages. That will make it not only attractive to underwriting but also attractive to offloading all of the scheme assets and liabilities to other companies or insurance companies. While not improving claims management, not getting injured workers back to work and not improving their health or return to work outcomes, those companies can just sit pat and make multimillions of dollars by benefits being turned off automatically. By the mere efflux of time those companies will make a motza. Is the Government intending to benefit the top end of the town by this provision? The multinational insurance companies already take out of the scheme nearly three times what they were getting a decade ago. Over a decade workers benefits have gone down 20 per cent while the insurers' benefits have gone from less than 7 per cent to nearly 18 per cent of the scheme's running costs. Under schedule 9 of the bill they now stand to make a lot of extra money.

A range of other problems with the bill need to be addressed, but I will go to page 59 and the change to costs provisions. Workers have been protected from costs orders in bringing claims. This will no longer be the case. Exposing injured workers to losing their house or whatever assets they have if they have the cheek and temerity to bring a claim will be a huge disincentive to workers seeking to vindicate the few rights they have left. Schedule 12 to the bill contains all of the nasty retrospective effects that the Premier denies exist. It will apply to existing claims. If you are on weekly benefits when this bill comes into law the clock will start running on your weekly benefits and medical benefits.

At page 67 the Government is trying to protect police officers and coalminers from the effects of the bill, but it does not succeed. Page 67 says that the benefits amendments as defined—that only means those provided for in schedules 1 to 7 of the bill—do not apply to police. However, the costs provision whereby costs will now follow the event is in schedule 11. Schedule 11 will apply to police and to the coalmining industry, despite the Government's stated intention of keeping them both out of the ambit of this bill. The Government's drafting has failed it because the Government has been too hell-bent on ramming the bill through the Parliament.

We started debating this bill not long after 11 o'clock at night. We are talking about the future of injured workers' rights in the State. The Government had an obligation to bring this debate forward at a better time of the day, not in the middle of the night. But, of course, the middle of the night suits Government members because they think no-one will be paying any attention and there will be no scrutiny of what happens in this Parliament or this upper House. But the Government is exposing police and the coalmining industry to costs orders in the same way that applies to every other worker. There are many other problems and difficulties occasioned by this bill and we oppose them root and branch.

I have not been able to get to the Safety, Return to Work and Support Board Bill but there are many flaws in it. For example, why would anyone bring the Lifetime Care and Support Authority, which from all reports is working well, into the mess that is WorkCover? Why would the Government do that? Yet again the Government is hell-bent on ramming this bill through without any proper consultation with stakeholders or the broader community, and without any thought as to whether the Government's claimed effects of the legislation are achieved by its drafting. As I have indicated by at least a couple of examples, it is not. Is that because the Government is lying to the people of New South Wales? Has it lied to crossbenchers about the effects of this legislation? The Government has told them not to worry about nurses on double shifts because if they are called

back to work they will be covered. That is a lie because returning to work is a journey claim and workers will no longer be covered to make that claim. I say to everybody to be very careful before you sign your name to this bill. [*Time expired.*]

**The Hon. PAUL GREEN** [11.46 p.m.]: The object of the Workers Compensation Legislation Amendment Bill is to amend the Workers Compensation Act 1987 and the Workplace Injury Management and Workers Compensation Act 1998. I will not go into such a precise dismantling of this legislation as the Hon. Adam Searle, who is obviously very gifted. The Hon. Fred Nile will speak at length on these issues. I will briefly speak about serving on the committee that examined the scheme. It heard about different workplaces, self-insurers and employers' accountability. Quite a few different concerns were raised. Those issues are not something I have been highly trained in, but I have certainly seen the other side of this issue.

I have nursed patients who were unfortunately injured in workplace accidents and I have worked with colleagues in the health system who had suffered injuries. Those colleagues would have liked to return to work but due to lack of enthusiasm on the part of the employer that did not happen. On top of that I have seen the peer pressure that is sometimes placed on employees who cannot perform their duties due to an injury. Particularly in nursing, an injured worker's duties are not picked up by an extra employee; they are divided amongst the remaining team and there is often a lot of discussion about that sort of thing.

Many significant issues were raised during the committee hearings and there were very healthy discussions. I must admit that I am happy that these bills are not the end of the matter; it is the beginning of it in terms of discussion. There is a long way to go on this. The scheme was reviewed in the late 1990s and again in early 2000. Here we are reviewing it again, so it is far from finished. Further recommendations have been made as to how it could be advanced.

There are lies, damn lies and statistics. With statistics one is always trying to work out who is telling a fib, what the actual statistic is and whether that statistic is really saying what people say it is. In this debate members have commented on actuaries and some members have been able to scrutinise actuarial information to a degree. No doubt they would have scrutinised it even further if they had been given more information. Concern was expressed about the compliance of employers who do not the right thing by injured workers and about injured workers not finding getting back to work easy or accessible. Employers who do not do the right thing should be held accountable. I am a big believer in going for the carrot before the stick. Many employers pay huge WorkCover premiums. For example, before cafes sell one cup of coffee they are thousands of dollars behind the eight ball. Employers who are ticking the boxes should not be penalised by high premiums; there should be a sliding scale that goes back the other way.

**Mr David Shoebridge:** There is.

**The Hon. PAUL GREEN:** Yes, but it is way above what it should be. Those doing the right thing should not be caned but given incentives. I note that \$1 billion in discount rates for those sorts of initiatives added up to \$7 billion over time. I do not consider that to be a loss; it is an investment. Good behaviour should be encouraged. Assessments were another area of concern. For example, how many times will workers be sent for an assessment by a professional practitioner? Some will be sent numerous times because orthopaedic surgeons and practitioners at the top of their professions will be asked by the insurers to quantify their information or to clarify something else. These little things in the system do not help in getting people back to work quickly; they complicate the situation. The longer someone is delayed in returning to work the more likely it is that he or she will lose the momentum to go back to work, and a gamut of psychosocial economical issues can flow from that.

The business chamber said that if the WorkCover premium was raised by 28 per cent it could result in the loss of 12,000 jobs. Even with the 8 per cent increase over 10 years spoken about there will still be great job loss. If small businesses cannot make a buck no-one will work. Making premiums achievable for small business is a key outcome in jobs growth. That must be achieved without compromising the needs of injured workers, who are entitled to access to medical care so they can return to work. Only a small percentage of workers do not want to return to work. In fact, some 80 per cent return to work quickly and get on with their lives. Often a person's work is who that person is. Many people, particularly men, take their identity from their work. It was suggested that many men over the age of 60 take their lives or lose their lives because of that. They go to a tough place when their world changes through retirement or work injury. Taking work away from a person can leave a very big hole in his or her life. If a worker's injury is prolonged it also impacts on his or her home life, which ripples out to cost more than just dollars and cents.



The Hon. Adam Searle expressed concern about journey claims. I am also concerned that a person with emergency skills, such as a police officer, should not be penalised for being a good Samaritan on his or her way to work. Such workers will continue to stop, they will not be penalised and they will be covered. I asked almost every witness about lump sum payments. Most were of the view that if a person was in a place and of a mind to choose to exit the work-injury cycle and take a lump sum then they should be given a way out. Other factors obviously come into that. The Hon. Adam Searle noted some other issues about that. Those who receive large lump sum payouts should have access to legal and financial planning issues. I have seen a few young people squander the money that was meant for their health on very fast cars and different things because they were not of the mind to think about their financial future. I was keen to see the bill deal with this problem. If workers are compensated for the loss of their health they should use the funds to protect their position in the long term. At the end of the day this is tough legislation. I look forward to the contributions of other members. No doubt the Christian Democratic Party will be moving an amendment or amendments to this bill in due course, as will others.

**The Hon. GREG DONNELLY** [11.58 p.m.]: I speak to the Workers Compensation Legislation Amendment Bill 2012 and the cognate Safety, Return to Work and Support Board Bill 2012. In my view these bills are very bad pieces of legislation and I condemn the O'Farrell-Stoner Government for bringing them before this Parliament. I intend to vote against these bills and I am hopeful that the majority of members in this House will join me. Before I make some specific observations about the proposed legislative changes I will comment on the way that the Christian Democratic Party and the Shooters and Fishers Party have worked with the Government to bring us to this point.

It is a truism that at the present time the O'Farrell-Stoner Government, without the support of those two parties, cannot pass its legislation through this Parliament. The effect of that is to place those two parties in a very powerful position. Being in such a position of power in New South Wales State politics provides them with opportunities to deliver a result and outcomes for constituents. For a political party, this should be taken as a given that should not surprise anyone. But in addition to the opportunities there is the burden of making sure that to the best of their ability they do not permit the Government to push laws through this Parliament that are unfair, unjust or unreasonable. That is particularly the case when the Government has such overwhelming numerical superiority in the other place that is more than three to one in its favour.

Every member in this House, including the four members of the Christian Democratic Party and the Shooters and Fishers Party, knows that the two bills before the House this evening will have a significant impact on the legal rights of injured workers and their families in this State. There is no argument or doubt about that. But it is arguable that the proposed workers compensation reforms before the House are, if not the most significant, among the most significant ever debated in this Parliament. This statement is not an exaggeration; rather, it is a matter of fact. To the best of my knowledge, the four members of the crossbench parties had not seen the two bills before the House until yesterday afternoon. Within two hours of the bills being released publicly, they were being introduced into the Legislative Assembly.

*Hansard* shows that those two most important bills were rushed through the other place, voted on and passed at 10.44 last night. The bills are now before the Legislative Council this evening for debate. The four crossbench members know that it is humanly impossible within the time that we have been provided to fully comprehend the legal impact of the bills. In the time that members have had the bills, which is literally little more than 24 hours, at best we can only piece together a shadowy image of what the new workers compensation system in New South Wales will look like. We have been denied the opportunity, along with the citizens of this State, deliberately, I might say, to closely examine and discuss the full implications of this legislation—implications, both intended and unintended. To be frank, I am dismayed at the way the four crossbench members are permitting—and it is in their hands—this matter to play out.

Legislative change of this magnitude in our democracy should be subjected to proper scrutiny. In the end result, the numbers will come down one way or another, and that is a certainty. At the very least, though, a proper process should be followed that enables people both inside and outside this Parliament to have the opportunity to comprehend fully what is being proposed and to make comments, if they wish. It must be remembered that this legislation will apply to 3.6 million people who are in the New South Wales workforce, and in a number of instances it will have an impact on their families. The four crossbench members are not inexperienced politicians. They know that legislation of this significance should be subjected to thorough scrutiny. To be sure, such legislation should be sent to a parliamentary committee for proper scrutiny and review. It is through such a transparent process that the limitations of this legislation would be laid bare.

What we have, though, is a Government that is determined to establish and then prosecute a particular strategy that has forced everyone into this most unpalatable position. Instead of limiting the establishment of a parliamentary committee to examine legislation, as we would be entitled to expect, the Government established a parliamentary committee to give itself political power to foist upon this Parliament major changes to workers compensation legislation in this State. But those who cooperated in the establishment of the inquiry into the New South Wales workers compensation scheme, the report of which was tabled only on Tuesday last week, did that with their eyes wide open. They knew what they were doing. The report is there for all who wish to read it. I take great exception to now being forced to vote on bills, the significance of which nobody disputes, without being able to properly discuss and consult with others on the details of their impact, both intended and unintended.

Yesterday afternoon, this afternoon and this evening I spoke to experienced legal practitioners and experts who have all confirmed that the scale of the proposed changes is profound. Even after re-reading the bills, many people are struggling to scope out the full implications of what is being proposed. I ask the four crossbench members: How is that fair and reasonable? In the past both crossbench parties have argued—indeed, in some instances have insisted—that a parliamentary committee either be established or be given a term of reference to examine important legislation. As they themselves have reminded this House in the past, that surely is a key function of an upper House: to review legislation. In this instance, though, it appears that not only will there be no proper review of the two bills that are crying out for scrutiny but the legislation itself is being bulldozed through this Parliament in a most unseemly manner.

I say to the four crossbench members that there is no imperative that is forcing them to do this today or tomorrow. Why can the members of this House—and in some sense, more importantly, the citizens of New South Wales—not be given the opportunity, even if it is only for a few days, to review and understand this most important legislation? And, after providing both members and citizens with that opportunity, why should this House not sit at a date in the future to debate and vote on this legislation and any proposed amendments? I say with respect to the four crossbench members that if there was ever legislation that deserves to be examined by a parliamentary committee to enable its impact to be comprehended and understood, surely the bills now before the House fall fairly and squarely into that category. I say that not as some ploy to put off into the never-never the exercise of dealing with this legislation; rather, I make the suggestions so that everybody in this House can equip themselves with the information and knowledge necessary to thoughtfully deliberate on this most important area of law in this State.

I state for the record that I wish to associate myself with the contributions, including future contributions as I am the second speaker in this debate for the Opposition, of my colleagues from the Labor Party who have sought, in the limited time available, to critique the bills. I particularly acknowledge the huge amount of work done under difficult circumstances by the Hon. Sophie Cotsis, who is the shadow Minister for Industrial Relations, and the Deputy Leader of the Opposition in this House, the Hon. Adam Searle. I will make specific observations relating to the legislation itself in the time that remains available to me. On the issue of the retrospective nature of this legislation, I make the point that despite the Premier's protests on the radio this morning this legislation impacts retrospectively on workers who currently have a claim that is being pursued under the current workers compensation laws. The Government's own briefing note states:

... the changes to weekly benefits, medical costs and duration [of payments] are to apply as soon as possible to existing claims, and changes to lump sum compensation are to apply to existing claims from the date of the legislation's introduction. The changes to weekly payments of existing claimants will be phased in, commencing in 3 months at the earliest.

The impact on weekly payments of the proposed legislation is significant. Most workers' payments will cease after two and a half years, unless there is total incapacity for work. Payments will then cease for those with total incapacity after five years, unless there is 20 per cent whole-of-person impairment. Previously, payments continued until a person could return to work or until retirement. Workers also will now receive reduced payments from day one, which will be 95 per cent, with a further drop to 80 per cent at 14 weeks. Payments remain at 80 per cent until they cut out altogether. It should be noted that the proposed 20 per cent threshold is very high. This morning when I spoke to an experienced solicitor, who practises in the area of workers compensation and represents injured workers, I was told by him that only one in 100 injured workers who come through his office door would reach the 20 per cent threshold. He told me that many of his clients who had acquired serious back injuries at work, requiring not insignificant surgery, would not meet the 20 per cent threshold—in fact, they would not come close to meeting the 20 per cent threshold.

Under the legislation lump sum payments are only available for very serious permanent injuries, defined as greater than 10 per cent whole person impairment. Lump sum payments for pain and suffering are cut

altogether. The requirement for workers to have received legal advice before signing away their rights to weekly compensation and accepting a lump sum payment is removed if the employer or insurer is satisfied that the worker has waived this right. The raising of the threshold from the current 1 per cent—this was covered in some detail by the Hon. Adam Searle—to greater than 10 per cent will exclude many workers from being able to pursue legitimate claims for injuries incurred while at work.

Under the legislation cover for work travel claims is abolished. This was also covered by the Hon. Adam Searle. For decades workers have been covered for injuries sustained on the way to or from work. This legislation takes that away. As already raised, it also opens up much uncertainty for workers who are on call, for example, or those who work from different locations. Currently the spouse, partner or direct relative of someone who has died in a workplace accident can receive some cover if they are diagnosed as having nervous shock as a result and, for example, are unable to work for a period. However, this legislation abolishes that type of claim. Under the proposed changes medical and other expenses are only paid for a maximum of one year from the date a claim is made or weekly payments cease, whichever is the longer. There is an exception for seriously injured workers. "Seriously injured" is defined as 30 per cent whole person impairment, which would apply only to a small number of the very worst workplace injuries.

Claims associated with disease will also be impacted by this legislation. Disease is only to be covered where employment is the main contributing factor, rather than previously where it could be one of a number of contributing factors. Claims associated with strokes and heart attacks will not be covered by the workers compensation legislation unless the nature of the employment gives rise to significantly greater risk. Another harsh aspect of the legislation buried at the back of the bill deals with legal costs. Schedule 11 [11] on page 59 of the Workers Compensation Legislation Amendment Bill amends section 341 of the Workplace Injury Management and Workers Compensation Act 1998 to provide that costs follow the event in proceedings in the Workers Compensation Commission as a general rule. This is a significant change from the current provision, section 341 (4), which provides:

The Commission may not order the payment of costs by a claimant unless the Commission is satisfied that the claim was frivolous or vexatious, fraudulent or made without proper justification.

I spoke to a solicitor about that matter, and he told me the provision in this legislation goes back to the second decade of the last century.

**Mr David Shoebridge:** It was 1926.

**The Hon. GREG DONNELLY:** I thank Mr David Shoebridge. I thank the New South Wales Bar Association for the briefing note, which I recommend all members read because it is most helpful in explaining some of the major shortcomings of the legislation. As the Bar Association in its briefing note explains:

The amendment constitutes a major change which was not recommended by the Parliamentary Committee, and is highly likely to create a substantial disincentive for workers to bring actions in the WCC. It is a radical difference from the way workers compensation claims have been approached from time immemorial. Injured workers must be entitled to make claims without the risk of losing their house as a result of an adverse costs order—usually the only asset available on an enforcement.

There are many other features of the legislation that I find strongly objectionable. The matters I have referred to provide a good insight into the retrograde nature of the legislation. It is designed to reduce or abolish a number of existing rights and entitlements for injured workers, and clearly it will achieve these objectives. I will conclude by moving from what some may say is an abstract discussion to a reflection on how people will be directly affected if this legislation is passed by this House. I cite four case studies, which I may not get through in the time available. The people have been de-identified but they are currently dealing with live workers compensation claims in New South Wales.

Lucy was employed in a supermarket for 10 years. She suffered an injury and has been assessed as having 13 per cent whole person impairment. She has had spinal surgery and is off work, receiving weekly compensation payments as she is totally incapacitated as certified by not only her treating doctor but also doctors from the insurance company. If the proposed changes pass the Parliament Lucy will no longer be entitled to any weekly compensation payments. She will also not be entitled to any Centrelink payments as her husband, who works at a local abattoir, earns \$35,000. Prior to the injury Lucy earned approximately \$30,000 and her husband earned \$35,000, and they have four children. Therefore their household income will go from \$65,000 to \$35,000. Lucy and her husband have a mortgage on their house and will have to rely solely on her husband's wage. It is highly unlikely that they will be able to continue to meet those repayments.

Mary is another employee who works in a supermarket. She suffered an injury to her left shoulder in March 2010. She was pulling a pallet out of a coldroom and tore tendons in her left shoulder. She was off work for a period, has had cortisone injections in her shoulder and had surgery in October 2010. Although she has returned to work doing her normal duties, she still has limitations in that she has constant pain in her left shoulder, is unable to work above shoulder height and is unable to do things around the house. She has four children. She used to enjoy tenpin bowling and social darts but has had to give up both of those activities. She has difficulty vacuuming and she must stand on a trampoline to hang washing on the line. As a result of the injury Mary has also started to suffer from depression and is taking anti-depressants. Mary has been compensated for 9 per cent whole person impairment which entitles her to \$12,375. As a result of the proposed changes Mary would not be entitled to any money.

I will not detail the third case study as it is lengthy so I turn to the fourth case study. Jacqui was also employed in a supermarket. On her way to work she had a serious car accident which left her with severe injuries, including paraplegia. As a result of the accident Jacqui's husband, Alan, has had to stop work to care for not only Jacqui but also their three children. The result of the proposed changes to the legislation would mean that Jacqui would not be entitled to any compensation. These case studies involve real people and families who will be impacted in the most egregious ways by this legislation. It is no exaggeration to say that what I have described is both significant and brutal. I will not be supporting the bills, and I hope that the majority of members of this House will do the same.

**Mr DAVID SHOEBRIDGE** [12.18 a.m.]: On behalf of The Greens I voice my party's strong opposition to these savage attacks on workers compensation by the O'Farrell Government. Just as more than 10 years ago my colleagues opposed a set of attacks on workers compensation by the then Labor Government in 2001, cutting workers compensation benefits to the bone, a decade later I am proud to voice opposition to the current Government's proposal to attack workers compensation. I make that introduction to my contribution because it highlights that workers compensation benefits in New South Wales are not generous. Workers already get marginal and often subsistence rates of weekly compensation because the current scheme does not provide overly generous benefits to injured workers.

Workers get modest lump sum payments based upon a grossly unfair whole person impairment schedule that was never intended to be used to assess the quantum of compensation under the statutory compensation schemes. The Australian Medical Association fourth and fifth edition guides that are used to assess lump sum compensation under the workers compensation and motor accidents schemes contain specific provisions that indicate these impairment assessments should not be used to assess the quantum of compensation. Yet they are routinely used to assess the quantum of lump sum compensation given to injured workers in New South Wales. Now this Government is setting them at an even harsher—indeed, almost penal—level compared with the level under the 2001 amendments.

The workers compensation schemes in place in New South Wales since 1926 have been designed to ensure that people who are injured at work through no fault of their own do not fall into poverty; that they can live a life of dignity and receive ongoing income support whilst ever they are incapacitated because of the injury they suffered as an employee of another in the service of industry in New South Wales. A comprehensive statewide workers compensation scheme was first put in place in 1926. The 1926 Act provided ongoing payments for injured workers for the whole of their working life whilst ever they were incapacitated. In 1926 we were a much poorer society than we are in 2012, yet in 1926 we had a Workers Compensation Act that provided ongoing weekly payments to injured workers and met their ongoing medical expenses for the whole of their working life whilst ever they suffered incapacity because of work-related injury. Yet we cannot provide that in 2012, when our incomes are up to 10 times greater than they were in 1926. We are a far wealthier society with even less regard for those who are injured in the service of another and, one would have thought, entitled to even greater protection from a richer society than they received in 1926 when the first Workers Compensation Act was put in place.

Under the current Act, the 1987 Act, there are ongoing entitlements to injured workers who have been injured at work and can prove ongoing incapacity. Workers receive income support and medical expenses— income support for the balance of their working lives until they hit retirement age, and medical expenses while they need them. Nobody wants to get injured at work; nobody wants an ongoing incapacity. One day people go to work and are injured by a piece of falling machinery, have a motor accident while working as a courier, injure their back while working as a nurse, fall from scaffolding as a construction worker or have an accident driving a fire engine to an emergency. Nobody wants to have an accident at work. Nobody wants to have an ongoing incapacity—an ongoing back complaint, the amputation of a foot or a significant loss of sight—because of a

work injury. Of course nobody wants that, but surely any civilised society should recognise that if someone gets injured at work that person is entitled to protection whilst ever that injury is causing them incapacity, meaning they cannot earn what they previously could have earned before they were injured.

This bill, for the first time since 1926, takes away that entitlement from the great bulk of people who are injured at work in New South Wales. It takes it away not only in respect of future injuries but also retrospectively. In 2012 we are the richest we have ever been—New South Wales citizens have the highest per capita income ever—yet we are about to get the meanest Workers Compensation Act since 1926. We are not even providing the kind of support that injured workers received in 1926, when our incomes were a tiny fraction of what they are now. What a mean, radically conservative society we have become, and what a radically ideological attack this Government is making on workers compensation.

Let us cast our minds back 80 years. We had a far poorer society then that gave workers far more. Today a false crisis has been created, largely because of a set of questionable actuarial assumptions about the workers compensation scheme. The Premier created a false crisis by saying that the legislation had to be voted on before the end of the financial year and the Minister for Finance and Services created a false crisis by saying that he had to set premiums before the end of the year and he could not adjust premiums after Parliament had considered the bill. That is rubbish. An adjusted set of premiums could be put in place at any time if this legislation were delayed. But because of this false crisis we are now considering this legislation without the benefit of a proper inquiry. We had a sham inquiry dominated by Government, right-wing Shooters and Fishers Party and Christian Democratic Party members, and now we have a deeply flawed bill that will savage workers compensation entitlements in New South Wales.

The other aspect of these cognate bills is the crunching together of the Motor Accidents Authority, the WorkCover Authority and the Lifetime Care and Support Authority into a single authority. It will inevitably be dominated by WorkCover, which is far and away the biggest of the three authorities. Yet we know one of the reasons the Government has introduced this bill is that WorkCover has not managed particularly well the statutory fund for which it is responsible. There has been a detailed ongoing parliamentary review of the Lifetime Care and Support Authority and we know that that authority has been working well, providing a particularly good service to people who are catastrophically injured in motor accidents.

What is the Government doing in response to that? Rather disingenuously, it is rolling the Lifetime Care and Support Authority into WorkCover and the Motor Accidents Authority. The one high-achieving authority will be swallowed by WorkCover. Of the statutory compensation schemes, WorkCover is probably the single largest problem in terms of oversight, yet the Government is handing WorkCover both the Motor Accidents Authority and the Lifetime Care and Support Authority. It is nonsense. I foreshadow that The Greens propose to move an amendment in Committee to protect at least the Lifetime Care and Support Authority—to separate it and not allow it to be swallowed by the statutory authority that will be created by its merging with WorkCover and the Lifetime Care and Support Authority.

Why is the scheme in notional deficit? It is not because of the amount of premiums or the amount of payments received and spent by the scheme. Since its inception in 1987 every year without fail the scheme has received more in premiums than it has paid out. That is one reason why it has accumulated assets of some \$14 billion. From 1987 through to 2012, every single year the amount of premiums recovered has been more than the entire amount paid out by the scheme. Yet we now have this actuarial assumption that it is \$4 billion in deficit. That has not been tested properly by a parliamentary committee. It has not been fully tested by any independent actuarial assumptions. It beggars belief that a scheme that every year receives more than it pays out has a \$4 billion deficit. Again, it is another false crisis created by the Government and used to justify this savage attack on injured workers benefits under the Workers Compensation Act.

One thing we do know—because it is clear from the WorkCover annual reports—is that there is a major source of the bleeding of funds from the scheme. That is the payments made to private insurers. An analysis of annual reports from 1997 to 2010 reveals that \$3.9 billion in statutory funds that were meant to benefit injured workers were paid to private insurance companies to manage the claims. Between 1997 and 2010 the amount paid to private insurers in fees grew at the staggering rate of almost five times inflation, while the pool of money used to benefit workers just kept pace with inflation. We do not hear anything from the Government about reining in this waterfall of funds exiting the scheme and going to private insurers. All we hear about is cutting benefits, cutting lump sums, chopping workers off benefits after 2½ years and cutting out medical expenses for injured workers. We never hear about cutting the funds paid to private insurers, which have been reaping hundreds of millions of dollars from the scheme through ever-escalating fees.

In the 1997 financial year the total pool of money that went to benefit injured workers—that is, weekly payments, lump sums and medical expenses—was \$1.36 billion and the money that went to private insurers to manage those claims was \$141 million. About 10 per cent of the amount of money paid to benefit injured workers was paid to private insurers to manage the claims. It was about the same in the following two or three years, but then it started to skyrocket. So in the 2005 financial year, while \$1.6 billion went to benefit injured workers, \$331 million went to private insurers just to manage the claims. The very worst year was the 2008 financial year, when \$1.6 billion went to benefit injured workers and a staggering \$649 million went to the private insurers to manage the claims. More than one-third of every dollar that went to benefit injured workers was siphoned off to fatten the profits of private insurers.

What kind of cockeyed scheme is that? The Government says nothing about reining in the amount of money going to private insurers. The last year for which we have full financial figures disclosed by the WorkCover Authority is the 2010 financial year, when \$1.9 billion was paid for the benefit of injured workers—that is, lump sums, medical expenses and weekly payments—and \$476 million went to private insurers. Basically \$1 in every \$4 that was meant to be paid to benefit injured workers was siphoned off to the private insurers just to manage the claims. They do not even accept any risk; they are just the claims agents. The committee heard evidence that the private insurers send workers time and again for further assessments, insisting that one-legged construction workers who speak only Vietnamese must fill in 12 or 13 job applications every fortnight, despite their being 60 years of age and unable to use a telephone. The insurers check to see whether the injured workers have filled in their job diaries and then they send them off to another doctor, and another one after that. Every time insurance agents do any activity on a file they send a bill to the WorkCover scheme. Instead of money being used to benefit injured workers, it is being used to fatten the profits of the private insurers who manage the scheme.

Yet the Government has said not a single word about stopping this vast expenditure of money to private insurers. All we hear about is cutting benefits to injured workers. What are those benefit cuts? Weekly payments will be savaged. Most workers will receive weekly payments for no more than 2½ years. Indeed, only workers with 30 per cent or more permanent impairment will receive weekly payments beyond five years. What kinds of workers will be chopped off benefits after five years? Whole classes of workers, such as workers with debilitating back injuries who have had back surgery, will be affected. I will give one example from the impairment tables in the fifth edition of the Australian Medical Association guide.

If an injured worker has a lower limb amputated at more than three inches below the knee—they have, say, a four-inch stump below their knee, their foot and lower limb having been amputated—does the Government define that as being seriously injured? No, it does not. A serious injury for this Government involves 30 per cent whole person impairment or more. A worker who has an entire lower limb amputated at more than three inches below the knee gets a whole person impairment assessment of only 28 per cent. After five years that worker will be thrown off the weekly payments scheme. They will get only another 12 months of medical expenses. Then when their prosthesis wears out—as inevitably it will—and they need a new artificial foot and new artificial lower limb, they will have to pay for it out of their own pocket.

**The Hon. Adam Searle:** Or go without.

**Mr DAVID SHOEBRIDGE:** Or go without. This scheme is so mean that workers who have a lower limb amputated at more than three inches below the knee are defined as being not seriously injured by this Government and this change to the Act. It is difficult to imagine a meaner and more disgraceful set of legislative changes. Changes will be made also to medical expenses so that if people make a claim and do not receive weekly payments, their medical expenses will be cut off after 12 months. As soon as a worker stops receiving weekly payments, their entitlement to medical expenses is lost 12 months later. For example, workers who have a significant back injury may get physiotherapy and take pain killers to deal with their injury and then return to work so as to not lose wages. But they need the physio and the pain killers to remain at work. Currently, they can get that treatment for as long as required to keep them at work. But under the Government's scheme after 12 months, and because they have not had a day off work, they will lose their entitlement to medical expenses. They will lose the physiotherapy and the pain killers that they require to remain at work. They will be thrown on the scrap heap by the O'Farrell Government.

The bill changes lump sum payments so that the entire class of benefits for pain and suffering will be wiped out by this Government. Government members made noises about increasing lump sum payments at some point to compensate for removing payments for pain and suffering, but the bill contains nothing at all about any increase in lump sum payments. An entire class of benefits is to be wiped out. The Government even

had the hide to remove those benefits retrospectively for many claimants. Entitlement to receive lump sum payments will be removed entirely if an injured worker's whole person impairment assessment is 10 per cent or less.

If a worker has such a significant neurological injury that their senses of taste and smell are lost entirely, they do not get to 10 per cent whole person impairment so they will get not a dollar in lump sum compensation under this new scheme. If a woman suffers an injury at some machinery and loses both her breasts, she will not get to 10 per cent whole person impairment because that injury is assessed as only 5 per cent impairment. That worker will not receive a dollar in lump sum entitlements. If an injured worker has all five toes amputated at the metatarsophalangeal joint he will not receive a dollar because that injury is assessed as 9 per cent whole person impairment. That injury is not serious enough even to warrant a dollar in lump sum compensation under this scheme. No doubt that worker will be cut off after 2½ years of receiving weekly workers compensation payments.

Widows will have their nervous shock entitlements removed. For the first time since 1926 workers will lose their compensation entitlement when injured travelling to and from work. The Government, in its munificence, will allow police to retain that journey cover. However, a construction worker who goes home knackered after working five days of 12-hour shifts—60 hours in five days—and crashes the car because of fatigue will not get a dollar in compensation. If that worker dies and the family's breadwinner is lost, his widow will not get a dollar in compensation and nor will his dependants.

The bizarre anomaly in this bill is that volunteer emergency services personnel will have their entitlements protected through savings provisions, but professional firefighters and paramedics who work alongside them will have their entitlements gutted. For the first time costs will be awarded following the event so that wealthy, well-heeled insurance companies can drag workers up hill and down dale through what remains of the litigation process under this scheme and then go after those workers for costs if the case fails. This bill contains bucketloads of retrospectivity. This is a gross bill that never should have darkened the doors of this House.

**The Hon. ROBERT BORSAK** [12.38 a.m.]: On behalf of the Shooters and Fishers Party I contribute to the debate on the Workers Compensation Legislation Amendment Bill 2012 and cognate bill. This is an important bill and probably one of the most contentious to be introduced in this term of Parliament. We have all had to deal with this issue with great urgency. Certain facts need to be faced and my background as an accountant, and indeed chairman of the joint select committee that examined the bill, puts me in a unique position to comment briefly on some issues. The truth of the matter is that the workers compensation scheme in its current form is unsustainable and needs fixing. Not everybody will be happy, regardless of the decisions the Government makes to address the financial viability of the scheme.

The previous Government knew about the problems and should have addressed these issues years ago—in the same way it should have addressed the equally unsustainable police death and disability scheme. This Government has inherited both problems and in the interests of New South Wales must take the necessary steps to address these problems. Whatever anyone says, the O'Farrell Government was elected with a massive mandate to fix the economic problems facing New South Wales. As our party has said on many occasions in this place, they will be judged on their efforts at the next election, but on this issue there is no question that action needs to be taken now.

I believe the joint select committee established to look into this matter and now criticised by Labor and The Greens did a good job in examining the issues. It looked at the facts and made judgements and recommendations about the best way forward. Some have suggested that the committee was just a sham designed to deliver the Government the outcome that it wanted. That kind of suggestion does no credit to those who make such accusations. Even though it was a short inquiry it was evidence based and comprehensive, and the committee received more than 350 submissions. The submissions were from a large variety of stakeholders, including unions, individual employees, individual employers, business groups, lawyers, doctors, insurers and injured workers.

There can be no doubt that the scheme is in deficit and that the deficit is growing due to poor investment returns and the poor performance of the scheme generally in delivering on its key objectives. As a result the committee knew that if nothing was done the Government would need to substantially increase premiums if it wanted to make the scheme sustainable within five years. Increasing premiums would have been

the easiest solution, passing the burden onto employers. But increasing premiums could in the end have a drastic effect on jobs. As we have clearly stated in our report, we do not believe that this would have been a just and equitable outcome or good for the economy of New South Wales.

Comparisons with Victoria were very telling. Whereas here in New South Wales we have a scheme that is financially unsustainable in the long term, Victoria has a system that is solvent, affordable and beneficial. The competitiveness of the New South Wales scheme needs to be looked at and addressed as a matter of urgency with regard to our major commercial competitors, particularly Queensland and Victoria. Moreover, merely increasing premiums would have ignored the scheme design factors that make for a better workers compensation system. Evidence presented to the committee also showed that the system is failing those who are the most seriously injured. Before I address some of the finer details in the bill, I am a little disappointed that the Government will not accept the recommendation to establish a permanent joint standing committee of the Parliament of New South Wales to conduct ongoing oversight of the New South Wales Workers Compensation Scheme, but rather will refer this responsibility to the Standing Committee on Law and Justice in line with similar provisions with respect to the Motor Accidents Scheme and the Lifetime Care and Support Scheme.

A permanent standing committee would have been better placed to look at the long-term viability of the scheme and, in particular, look at how the scheme is managed and administered. Irrespective of that, I believe that some method of ongoing oversight should be set up as a matter of urgency, because the joint standing committee, of which I was chair, was not tasked within the terms of reference to look at this issue. A permanent standing committee would also be well placed to identify any unintended consequences from the changes, or anomalies that may arise over time, and ensure they are addressed quickly. I hope to hear from the Minister in reply that should any anomalies arise as a result of this amending bill, workers can be confident that those properly entitled to payments will get them.

The select committee made 28 recommendations, most of which the Government has accepted. Because the Government is ultimately responsible to the people at the next election, it also chose to tinker with some of those recommendations. That is the choice of the Government. As recommended by the committee, those workers with whole person impairment of greater than 30 per cent will be covered until retirement and will not be subject to work capacity testing. They will not be subject to time caps on weekly benefits and will not be subject to caps on medical benefits. Also in line with the committee's recommendations, the bill creates an intermediate category of injury for those who have 20 per cent to 30 per cent whole person impairment. The Government's current proposal is that these workers not be subject to a cap on weekly benefits but be subject to work capacity testing. This is more generous than the committee had envisaged, since the committee had recommended that these workers be subject to a time cap on weekly benefits.

The bill also implements very important recommendations regarding the structure of weekly benefits to injured workers and problems associated with current definitions in the Act. The changes to the definition of average weekly earnings will stop the unnecessary disagreement, which is currently a feature of the controversial definition in the current legislation. Changing the structure of benefits will be an incentive to return to work by providing better benefits for those who return to work as opposed to those who have the capacity but do not return to work. In addition to encouraging return to work, the bill introduces tough new penalties for those employers who do not comply with their return-to-work obligations. This addresses the concerns raised by unions that not enough is being done to get employers to take workers on and to engage in proper return to work strategies. The bill also introduces time caps on benefits for those with up to 20 per cent whole person impairment. This recognises that the system is not an open-ended welfare system, but instead is a return to work system with compensation elements.

Consistent with the committee's recommendations the bill will bring in a strong system of work capacity testing, which recognises that the best place for an injured worker with capacity is the workplace. Evidence presented to the committee constantly reinforced this point. If a worker is able to return to work, he or she should be assisted and encouraged to do so. Recommendation 9 of the committee recommended that medical benefits be capped to one year after weekly benefits have ceased, which again recognises that the workers compensation system is not supposed to be open-ended but should be wholly focused on the return to work where that is possible. We have heard from the unions that the removal of journey claims is the most troubling part of this bill. While an employer can and should look after the safety of employees within the workplace, an employer cannot control all factors that a worker will come into contact with outside the workplace even when on the way to work.

Employers do not have any control over accidents that may occur on an employee's way to the workplace. Such exclusions have applied in other States under governments of both persuasions. Those who



travel for work, such as truck and bus drivers, will still be covered as their journey is their work, rather than being a journey to or from work. Consistent with the recommendations of the committee, the bill excludes strokes and heart attacks. This recognises that in most circumstances there are a number of health factors that can lead to a stroke or a heart attack at work, where there may well be no causation by the workplace. It does not make sense for illnesses that may have no connection to the workplace to be covered by a workers compensation system. In the event that the workplace is the main contributing factor to the stroke or heart attack, and this can be proved, then the claim should and would be covered.

The bill also implements recommendations of the committee with regard to the assessment of whole person impairment. Concerns have been raised about the number of times that workers are sent for medical assessments of whole person impairment and the amount of disagreement that this causes. The disagreement that often occurs is unnecessary. Sending injured workers off for multiple assessments is unhelpful and has no advantages in terms of return to work. It also encourages injured workers and their representatives to focus on proving impairment rather than on returning to work. Recommendation 19 of the joint select committee would have removed the entitlement of the estate of a worker to receive a death benefit where the worker had no dependents. The unions and others raised several concerns about this issue.

Non-payment of death benefits in circumstances in which there are no dependents could lead to disputes over issues of dependency, and after discussions with the Government it has opted not to proceed with this recommendation. Following further consultation, the Government will not proceed with recommendation 21 relating to "recess" claims. This would have limited the liability for injuries sustained by workers during recess to circumstances in which the employment has been the significant contributing factor. This may have inadvertently increased the number of disputes regarding liability, and therefore added further costs to the scheme. As the Shooters and Fishers Party has done with similar bills since the last election, and indeed with the former Labor Government, we have tried to secure the best possible outcome for the competing interests.

As we have said previously, not everyone will be happy with the Government's final decisions, but we are confident that whatever changes we may have managed to make to the legislation this has been the best possible compromise we could achieve. With politics being the art of what is possible, I am glad to say that the Shooters and Fishers Party has negotiated further changes by way of an amendment to the legislation, which will see this amended legislation reviewed in three years and not five years as proposed in this amending bill, and possibly sooner if the scheme returns to surplus.

The amendment the Shooters and Fishers Party will move in the Committee stage reflects the urgency of the Government addressing the financial viability of the scheme because without addressing it the scheme is at risk of failing altogether. That would be catastrophic, particularly for those workers who are severely injured or totally incapacitated. No-one wants to see that happen. The fact is that the scheme was originally set up to help people back to work. It was not set up as a retirement fund. Those who are deemed unable to return to work need all the assistance they can get. Those who can go back to work need our assistance to get them back into the workforce as quickly as possible.

On my understanding of the financial effect, the bills will yield in the vicinity of \$6 billion in savings over five years. With the changes the Shooters and Fishers Party has been able to negotiate with the Government this has dropped to \$3.5 billion but added greater protection to injured employees whilst mitigating insurance premium increases for employers, which would have posed a huge impost and reduced the competitiveness of businesses in New South Wales in respect of other States, most notably Queensland and Victoria. It could have cost up to 15,000 jobs in New South Wales. I commend the bills to the House.

**The Hon. SHAOQUETT MOSELMANE** [12.51 a.m.]: I oppose the Workers Compensation Legislation Amendment Bill 2012 and the Safety, Return to Work and Support Board Bill 2012. These bills strike at the heart of all working people in New South Wales. With these bills the Government seeks to introduce major cuts to the Workers Compensation Scheme, which will substantially undermine support for injured workers in New South Wales. At the very least it is a fundamental human right of working people. On 23 April 2012 the Minister released an issues paper that has been the subject of a joint select committee inquiry. The Minister's issue paper stated that without substantial reform New South Wales businesses could face an immediate increase in workers compensation premiums of an average of 28 per cent. That is despite the scheme actuary, PricewaterhouseCoopers, stating that the scheme could be brought back into full funding within 10 years with an average premium increase of only 8 per cent and without any other improvements to the scheme.

Premiums for employers have been reduced by 33 per cent in the past five years; that is the equivalent of \$1 billion a year since 2005 and a total of \$7 billion to date. The justification for these cuts has been attributed to the alleged deficit in the Workers Compensation Scheme and the Government's desire to return the scheme to full funding status in the short term. In short, these bills show that this Government cares more about the numbers on a balance sheet than the needs and concerns of real people, the people of New South Wales, the very people it claims to represent. I draw the attention of honourable members to a recent article in the *American Journal of Industrial Medicine* by Leslie I. Boden entitled "Re-examining workers compensation: A human rights perspective". Boden asserts:

Injured workers, particularly those with more severe injuries, have long experienced workers compensation systems as stressful and demeaning, have found it difficult to obtain benefits, and, when able to obtain benefits have found them inadequate. Moreover, the last two decades have seen a substantial erosion of the protection offered by workers compensation. State after State has erected additional barriers to benefit receipt, making the workers compensation experience even more difficult and degrading. These changes have been facilitated by framing of the political debate focused on the free market paradigm, employer costs, and worker fraud.

He continues to argue that:

A human rights approach, [to workers compensation] ... values the dignity and economic security of injured workers and their families.

While this article was written for an American audience I believe it has relevance to this debate, especially as it highlights the fact that workers compensation is a fundamental human right. Boden draws heavily from work by Jeffrey Hilgert in an article from the February issue of the same journal entitled, "Building a human rights framework for workers compensation in the United States: Opening the debate on first principles." Hilgert argues that:

The human rights approach in workers compensation means that workers are entitled to a system that functions in their best interest as rights-holding individuals. Employment injury benefits should not exist for any other purpose than to satisfy those human rights obligations owed to be workers.

By cutting compensation this Government is limiting the dignity and fundamental human rights of workers in New South Wales to be supported when injured at work. This Government is introducing yet another important piece of legislation that will adversely affect every worker, family and individual in New South Wales in one way or another. This will simply rip families apart by denying injured workers the protections they deserve while they are down. Workers deserve financial and moral support when injured. Who will pay for the injured parent to look after their family, children and dependants? Who will pay the child's education and child care, put food on the table or attend to the medical needs of the family when injury strikes? It is shameful that such legislation is proposed. Whoever came up with the idea to slash the rights and protections of injured workers must have no heart and no compassion.

Kicking injured workers while they are down is a malicious act and should be condemned. The principle of workers compensation is to compensate the injured worker, not to inundate the worker with further burdens of financial pain and suffering as is proposed in this bill. This is simply a breach of the worker's human rights and passage of these bills should not be allowed. This must be exposed as a shameful act on the part of the Government. How can members of this Government sleep at night in good conscience knowing that fellow Australians will now be denied what is a fundamental protection? These are cruel, immoral, wrong and inhumane bills. What did the Treasurer and member for Manly, Mr Mike Baird, say when he introduced these cognate bills? The Treasurer said the bills provide better protections for injured workers. He stated:

I am pleased to introduce the Workers Compensation Legislation Amendment Bill 2012 and its cognate bill the Safety, Return to Work and Support Board Bill 2012. These bills will ensure better protection for injured workers.

What an outrageous statement to make given the detrimental effect the bills will have on the wellbeing of hundreds of thousands of workers and Australian families. How will it ensure better protection for injured workers when it will abolish journey claims? How will it provide better protection when it abolishes nervous shock claims by dependants of deceased or injured workers? How will it better protect the worker when there is a time cap on weekly income? It does not make sense. How is it better for Tom Rigby? In an article in the *Daily Telegraph* titled, "Barry O'Farrell puts boots into injured workers", Alicia Wood reports Mr Rigby was injured four years ago while working on the Kurnell desalination plant. He was crushed by a 300 tonne crane. Today he is missing half his foot, muscles from his thigh and half his abdomen. He doubts he could get a job in the same

industry again. While he waits the medical costs pile up. She further reports that his regular medical bills include compression stockings, medication and a prosthesis for his foot. With the new caps on weekly benefits and medical costs the future is uncertain. Mr Rigby is quoted as saying:

If I had my accident now it would be devastating. I would have lost everything if I lost medical payments.

He also said that there is no hope for injured workers now and he is already treated like a criminal just because he is injured. I will put on record a couple of cases that Mr John Robertson referred to in the lower House. The injured individuals referred are not identified. The first example is Alana, who has had two work-related injuries. The first injury occurred in February 2009 when an eight-foot long bench top fell onto and crushed her foot.

The second injury occurred in April 2009 when Alana was involved in a car accident on her way from work. In the accident Alana fractured the same foot that had been earlier crushed. Workers compensation claims were made for both accidents. Alana needed to take 12 months off work to recover from the car accident but she is now back at work full time. Alana requires long-term medical treatment in the form of visits to a podiatrist, who has prescribed orthopaedic walking shoes. She still experiences pain from the accident, which her doctor indicates will last indefinitely. It is likely that Alana will continue to require painkillers. Alana is a single income earner and would have experienced significant economic strain if workers compensation did not cover her current or initial medical costs. As a result of these changes she will no longer be covered for her journey claim. As a result of the injury from the accident, her medical treatment is likely to extend well beyond the provisions that will be applied by these reforms.

In 2010 Kristen had an accident on her way home from work. Her car was written off and she spent five days in hospital after fracturing her sternum. She needed to take 10 weeks off work, followed by a phase-in period to return to full-time work. She is a widow and is the single income earner or breadwinner in her family. She was not at fault in the car accident and was considered lucky to have survived. The cost of specialists is not something that Kristen would have been able to afford had she not been covered by workers compensation. Her late husband had a workplace accident and was on workers compensation payments. She recalls that the payments he was receiving would not have enabled them to survive, which is why she resumed working and continued working after she was widowed. The impact on that family has been devastating.

This example illustrates the fate of those who make a journey claim and are the single breadwinner, of how a family, whether renting or paying a mortgage, will very quickly be unable to keep a roof over their heads, let alone pay the bills and put food on the table simply because this legislation, which the Government is attempting to smash through this House today, will not cover them. I will conclude with a quote from a former member of the Legislative Assembly, and former Labor Minister for Labour and Industry and Social Welfare in New South Wales, Mr John Baddeley. When introducing the Workers Compensation Act 1925, enacted into law in 1926, he addressed the same concerns by conservative politicians that we still see from the Government today, more than 86 years later. He said:

There is no subject more worthy of calm consideration than the claims of incapacitated working ... [people], and their children. Provision must be made for them irrespective of the expense involved. Honourable members opposite are anxious to know something of the expense which will be incurred. In connection with all such reforms as this, there has been talk about the expense, but it has always been found that once the laws were placed in the statute book it has been possible to finance them, and they have operated with some benefit to those concerned.

Workers deserve the dignity and human rights and support afforded by the current workers compensation system. Our priorities should be our workers. Let us not scrap them for a quick buck.

**The Hon. PETER PRIMROSE** [1.03 a.m.]: I refer to the Workers Compensation Legislation Amendment Bill 2012 and the Safety, Return to Work and Support Board Bill 2012. This is truly disgusting legislation. I will refer to the legislation that indicates something of the mindset of those who drafted it. I refer to page 37, line 15, in schedule 2 to the Workers Compensation Legislation Amendment Bill, which states:

### **2.3 Amendment of Civil Liability Act 2002 No 22**

#### **Section 26I Non-economic loss damages limited to workers compensation amount**

Omit section 26I (2). Insert instead:

- (2) When determining the total amount to which a worker would be entitled as compensation under a provision of the *Workers Compensation Act 1987*, the amount is to be determined under the provision as it was in force when the injury to the offender was received.

According to this legislation, workers with injuries are "offenders". That gives us an interesting insight into the mindset of those who drafted this legislation. No longer will non-economic loss damages be limited to the workers compensation amount for a worker, who is described as an "offender" in this legislation. Certainly this legislation is offensive, not the injured worker. The O'Farrell Government will financially and emotionally devastate injured workers and their families with its unprecedented cuts to workers compensation in New South Wales. I have heard nothing but indignation in the past couple of months from so-called family defenders against the marriage equality legislation, and how families will be destroyed by same-sex relationships, yet I have not heard one word of protest from those same family defenders about the draconian changes proposed by the O'Farrell Government to workers compensation.

Mothers and fathers who are injured while they are trying to earn a living will be financially crippled by this legislation. In some cases, families will lose their homes and be placed in poverty. Some mothers and fathers will decide they can no longer cope. The changes proposed by this legislation will apply retrospectively to injured workers and their families. Injured workers currently living week to week on medical benefits and entitlements will be left unable to support themselves and their families. Earlier today we saw the spectacle of Premier Barry O'Farrell claiming that the laws were not retrospective, and as we now know that is plainly wrong. The retrospective application of his appalling cuts is there in black and white in his own legislation. This morning on ABC breakfast radio the Premier said the changes would not be retrospective:

**Angela Catterns:** So retrospective changes, how far back?

**Premier O'Farrell:** No they are not.

This is completely at odds with the legislation. Schedule 12, paragraph 3 (1) clearly states:

- (1) Except as provided by this Part or the regulations, an amendment made by the 2012 amending Act extends to:
  - (a) an injury received before the commencement of the amendment, and

Schedule 12 to the bill also states that an insurer has 12 months to conduct a work capacity assessment of an existing recipient of weekly payments, and three months after the insurer makes that assessment the cut to weekly payment applies. Even workplace lawyers have criticised Premier O'Farrell for suggesting that the retrospectivity of these laws does not apply. On 20 June Mr Ivan Simic, a partner at Taylor and Scott lawyers, stated on the Linda Mottram ABC show:

The legislation is horribly retrospective. He is absolutely wrong. He is either telling a lie or he doesn't understand his own legislation.

The Premier has misled the public about the fact that these changes will not come into effect until the Governor signs off on them. According to the legislation, that is plain wrong. The legislation provides for some amendments to have operation on and from 19 June 2012. Medical benefits for injured workers will be cut off after one year, forcing those who do not receive surgery within one year of their injury, or those who are forced to endure ongoing treatment, into destitution. The O'Farrell Government will reduce benefits to injured workers from the day after they are injured, with a further reduction after 13 weeks of their injury.

The Premier will completely cut off benefits to large numbers of injured workers after five years, even if the injured worker is permanently injured and cannot return to work. Journey claims will be axed completely, which means a nurse finishing a double shift who is seriously injured in an accident on the way home will receive no assistance and be left completely destitute. Workplace injuries cannot be predicted. They can happen to anyone, at any point in their career, and can devastate families already struggling to keep their heads above water. These are disgraceful cuts that will hurt those who can least afford it—people who are simply unlucky enough to be injured at work, and their families.

The philosophy that has always underpinned workers compensation schemes is straightforward: someone who is injured at work and cannot work should be compensated for as long as they cannot work; and that compensation should include payment of their medical treatments and medical bills for as long as they cannot work. This philosophy includes the view that employers who have been negligent should be required to contribute their fair share to that payment of compensation so that the burden does not fall on taxpayers. Yet, ironically, the amendments in this legislation will put a greater impost on the taxpayers of New South Wales.

Premier O'Farrell's argument that workers compensation premiums will have to rise by 28 per cent if members do not allow these amendments to pass is, frankly, untrue. In the WorkCover New South Wales

executive summary "Actuarial valuations of outstanding claims ... to 31 December 2011", Michael Playford and David Wright from PricewaterhouseCoopers, the Government's own actuaries, say on page 2 that the buffer between the collection of premiums and payouts is not sufficient to return the scheme to surplus within a reasonable time. The question then becomes: What does "reasonable time" mean? Turn to page 3:

The projections indicate that (with no other changes)—

and that is the key

—aspiring to return to full funding by 5 years would require a premium rate increase in the order of 28%.

Full funding in five years "with no other changes"—but no-one is proposing that. They go on to say that aspiring to return to full funding by 10 years "would require a premium rate increase in the order of only 8%." Opposition members asked Mr Playford in evidence before the Joint Select Committee on the NSW Workers Compensation Scheme, "What would be a reasonable time?" He indicated between five and 10 years would be a reasonable time. And the premium increase is in the order of only 8 per cent, not 28 per cent as the Premier keeps claiming. Premier O'Farrell also makes no mention of the fact that in New South Wales in the past five years premiums have been discounted by 33 per cent. The threat of a 28 per cent rise in premiums is just a myth. What is true is that premiums have been discounted by 33 per cent—in the order of \$7 billion—in the past five years.

We all have to acknowledge that there are problems with the workers compensation scheme. But what are they, and what should be done to remedy them? The select committee heard from witness after witness, from submission and oral evidence right across the industrial spectrum, from people such as Garry Bracks through to Mark Lennon and from all the injured workers and insurance companies themselves, that there were problems with the scheme's agents and claims management. But not even one recommendation embodied in this legislation before us today goes to those pieces of evidence. Insurance companies were getting paid more for processing fewer claims. Allianz Australia Workers' Compensation (NSW) Limited said this about the government guidelines:

While there are guidelines and procedures available to Agents to return workers to full health and back into the work place, they are far from effectual as they are:

- Ambiguous and open to variable interpretation
- Not enforceable
- Inconsistently applied
- Not used by all parties involved in decision making regarding claims

In our experience, many claims are extended beyond the treatment of the original injury and regularly encompass related physical conditions, pre-existing or degenerative conditions, and secondary psychological conditions (such as depression and anxiety).

This is one of the insurance companies in the scheme saying that the process is difficult and untenable. But nothing in this legislation goes towards fixing up any of these problems. There were repeated instances of evidence about the difficulties in returning people to work; that employers would not give people a job after they had been injured; that people who were trying to get back to work were having quite some difficulty doing so. All of those problems have been ignored by the O'Farrell Government. There are many instances of matters that were given in evidence but which remain ignored. For example, Ernst and Young in its 2012 peer review report, while acknowledging the changes implemented in 2011, recommended that WorkCover review its overall approach to management of the scheme, and in particular the management of agents, including their remuneration, and conduct a back to basics review of that remuneration. Nothing in the legislation we have before us today addresses this concern either.

The final report of the select committee ignored the evidence that had been presented to the committee. The sham report was presented by a sham committee, stacked with four Government members and two other members who voted with Government members on 95 per cent of the recommendations, and only two Opposition members. Yet even it recommends further and ongoing review of the workers compensation scheme; in fact, it wants a joint select committee to be established to look at the way the scheme is working; and wants the New South Wales Government to review the functions, powers and behaviours available to the scheme agent. If it is so important that a joint select committee be established to extensively review WorkCover and the workers compensation scheme in New South Wales, what is the reason for the Government's headlong rush to

do one thing, and only one thing—to cut benefits to workers? All that evidence was ignored by the Government in its mad rush to reduce benefits to New South Wales workers. In submission 131 the NSW Self Insurance Corporation, the Treasury, says very clearly:

Our main recommendation is that the Committee seek to have the impact of any proposed reforms scenario tested and actuarially costed to understand the implications on the TMF [Treasury Managed Fund] before deciding on the package of reforms to be implemented.

But Premier O'Farrell is not stopping to wait for that. Treasury in New South Wales is being ignored. Under this legislation "seriously injured worker" means a worker whose injury has resulted in permanent impairment and the degree of permanent impairment has been assessed for the purposes of division 4 to be more than 30 per cent. During the select committee hearing Michael Gliksman, Vice President of the Australian Medical Association, and Peter John Burke, a medical-surgical specialist representing the Australian Medical Association and the Australian Association of Surgeons delegate to the Medico Legal Committee, the Law Society of New South Wales, were asked what their opinion was of increasing the threshold to 30 per cent. They were asked how many would make it through the 30 per cent threshold. Dr Gliksman replied:

Very few. In my experience of those I see who I feel have a genuine work-related injury less than one in 100 people would get to the 30 per cent threshold. In my opinion it would shut the system down as a means of support.

Dr Burke replied:

I agree with that. It is one in 100. It would severely damage the average person who is genuinely injured at work.

Roshana May and Timothy Concannon, members of the Injury Compensation Committee of the Law Society of New South Wales, and Justin Dowd, President of the Law Society were asked the same question: What would happen if the 30 per cent impairment level suggested in the issues paper—and now this legislation—was imposed? Mr Concannon replied:

In my experiences of working under the scheme, I have had two or maybe three workers, amongst thousands of workers I have acted for over that period, who would satisfy that requirement.

Ms May was asked whether it was true that only 100 claimants or so in the scheme were currently receiving ongoing care. Ms May replied:

Yes, I think it is more like 110; I am sorry, I do not have the figure.

She was then asked whether there were not thousands, and she replied:

There are not thousands ... The best estimate of the Injury Compensation Committee is that it would reduce lump sum payments, if you are talking about that, to more than 95 per cent of the current injured population.

I will provide the House with a few examples in the time that I have left. A 35-year-old man sustained a crush injury and had a below-knee amputation. He lost his leg and was assessed as having a 28 per cent impairment. A 25-year-old man who suffered back and thigh pain while twisting underwent a discectomy three months after the injury. He still has back pain but has been assessed as having a 10 per cent impairment. A 35-year-old man had a surgical discectomy three months after an injury and has persistent back and thigh pain, numbness along his foot, is unable to do his usual recreational activities and some household activities and has restricted lumbar motion and chronic back pain. He was assessed as having a 13 per cent impairment. Premier Barry O'Farrell has a simple message for him: No more benefits. When people experience back pain, instead of having their medical benefits paid the New South Wales Government is now telling them to sit in the emergency department at a public hospital and wait.

Many people's injuries do not reach the 20 per cent threshold, and certainly not the 30 per cent threshold. To impose those sorts of thresholds is simply cruel to them and their families. One of the cruellest provisions in this legislation is that, as I said, it will be retrospective. Those people who have been injured for 10 years who cannot work because they are in pain, even though they want to, and who have structured their lives around the benefits they receive to put a bit of money away each week for the mortgage and bills will be smashed by this legislation. There is absolutely no justification whatsoever for that. Mr Ivan Simic, a lawyer with Taylor Scott, said in his evidence to the select committee:

I think everyone has forgotten that the most important purpose of the scheme is to provide insurance for injured people so their families are not left in family ruin.

If we are going to live in a free market society, one of the great things in a free market society is insurance. WorkCover has totally forgotten it is supposed to be an insurer and look after people's families when tragedy strikes. They have just totally forgotten it and lost the plot.

Premier Barry O'Farrell has also lost the plot, as has anyone who votes for this legislation today.

**The Hon. PENNY SHARPE** [1.23 a.m.]: I oppose the Workers Compensation Legislation Amendment Bill and the Orwellian entitled Safety, Return to Work and Support Board Bill 2012. All governments have choices and every government must take responsibility for the choices it makes. The bills before the House tonight demonstrate that the O'Farrell Government has made a deliberate choice to undermine support for and the workplace rights of workers who find themselves in the terrible position of being injured as a result of simply doing their job. The choices made by this Government have nothing to do with supporting workers back to work and everything to do with reducing premiums for employers. It has taken a lazy approach. It has taken an ideological approach that makes injured workers bear the brunt of its decision to reduce costs in the scheme without making any other reforms.

Behind every statistic is a real person who has been injured on the job and who is struggling to get back to work. More than that, every statistic is a person with a family who faces losing medical and financial support, their home and even their family if this bill is passed. The Government has made the choice to ignore the advice of the scheme actuary, who stated that the scheme could be brought back to full funding in 10 years with an average premium increase of only 8 per cent. The Government set up a committee to look at the performance of the scheme in promoting better health outcomes. There is nothing in these bills that comes close to addressing that important issue. The Government also chose to ignore its own terms of reference to review the functions and operations of the WorkCover Authority. These issues are not dealt with in this bill.

The Government released an issues paper with its very first reform principle being to enhance New South Wales workplace safety by preventing and reducing incidents and fatalities. Again, there is nothing in these bills that even attempts to make workplaces safer or tries to reduce the rate of injuries or incidents at work. This bill is about the Government's decision to slash support for workers by making retrospective changes to the provisions impacting on workers who already have existing claims and capping payments to 2.5 years for most workers with very few supported for five years. Workers will no longer be covered travelling to and from work and the costs of medical treatment will be paid for a maximum of one year. Pain and suffering lump sum payments also will be abolished. If a worker has a heart attack or stroke at work, he or she will no longer be covered.

There are two special and especially cruel clauses in this legislation. If a worker makes a claim through the Workers Compensation Commission and is unsuccessful, employers and insurers will be able to claim legal costs from that worker. However, workers are prohibited from claiming legal costs from employers or insurers if a worker appeals an incorrect decision made by the employer or insurer. Who is this scheme designed to assist? Clearly it is not designed to assist New South Wales workers and their families. This bill gives the final kick to workers' families by cutting any payments for family members who may need support having suffered nervous shock as a result of their partner's workplace accident. This is one of the cruellest and most unfair bills I have ever seen introduced in this Parliament. This Government has made a choice to undermine long fought for and won conditions for workers in this State. Those conditions and that support are being torn away by the stroke of a pen.

This bill impacts on real people many of whom have contacted members begging us to not make these changes. Tonight I will share the case of just one. This morning I took a call from a very distressed mother from Milton. She followed up by sending me this email:

I am writing to you regarding the proposed changes to the workers compensation legislation. Our son Damian has been on workers compensation for some time after having an accident at work where he snapped an ankle.

Since that time he has had numerous operations including two fusions of his foot. He has been under specialists at Royal North Shore hospital and St Vincent's hospital.

The problems with his foot have resulted into ruptured discs in his back due to uneven gait when walking on crutches, this has resulted in two back operations.

The specialists can do no more for his foot and as he is in constant pain have advised him to have the leg amputated below the knee. Our son has to make this decision himself. If he goes ahead with the amputation he faces months of recuperation firstly to make sure the stump heals in the correct manner to enable a prosthesis to be fitted at a later time, this too will take months of physiotherapy and learning to walk again. It will also cause more back problems.

Our son is married and has 4 little children. His wife has had to return to work to try and make ends meet and assist with paying the mortgage. They are a young couple trying to hold it together under extreme circumstances.

We beg you that when the legislation comes before the legislative assembly that you vote against it. We dread to think what will happen to our son and his family if this legislation goes through.

We have to say that we are extremely disappointed that Barry O'Farrell, a committed Christian, can actually push this kind of legislation through the government. It goes against all the values of Jesus' Gospel. We are committed Christians and firmly believe the message of the Gospel is about justice for the poor and those in need.

Yours sincerely  
Anna

Later today I received a copy of an email Anne's son Damian had written to his local member, the member for New England. Damian told his story:

Dear Mr Torbay,

I was injured at work in 2007. I won't go into details about the nature of the accident but will mention that so far I've required five operations in Sydney and I continue to struggle with significant chronic pain and disability. The injury has left me in a situation where I will be required to undergo further surgery at some stage involving the amputation of my foot and surgery to my back.

I have four young children between 5 and 11 years old. My wife is employed part time as a school teacher. She has done this job for ten years and is still on temporary/casual employment. Even though we both have university qualifications, we live below the poverty line due to our precarious financial situation as a direct result of my injury.

Since 2007, after each operation, I returned to work on gradually increasing hours only to find that I required further surgery. Between the third and fourth operations I was back at work on full time hours, but still requiring more surgery, my employer terminated me on medical grounds. I loved my job and I was sad to have to go.

I am still receiving medical treatment and I receive a very limited income (half the wage I received whilst employed) based on a statutory rate through the current workers compo system.

The accident has put enormous pressure on my family. My wife has had a nervous breakdown already and I have been admitted to the Clark centre during this time. Our biggest concern, the centre of much of our worry, is the powerlessness we have over our financial situation. Now we learn that the NSW state government wants to reduce the benefit amount of worker's comp even more, along with a range of other draconian measures.

I understand that workers compo costs have blown out, but honestly there are other ways to fix the problem rather than punish people in unfortunate circumstances.

If the proposed changes go through parliament and benefits are cut, my family will be drastically affected. We can hardly cope as it is.

I am but one case and I'm sure there's thousands more in the New England. We will all suffer under these changes and I pity the injured workers who are yet to come into the system. If these changes go through unamended the impact will be felt by many, simply to please a few, and a message that the Government does not care at all about its injured workers will be heard loud and clear.

It's not just the workers who suffer from their injuries - their families do as well. It seems like absolute insanity to make it even harder for people who have been injured at work through no fault of their own. These people, and I can say this through personal experience, are already stretched enough as it is. What kind of a society are we living in when we don't care about the disadvantaged? These punitive changes go right to the core of morality. To inflict economic rationalism on unfortunate groups of struggling people to save money in other areas is immoral.

By all means make changes and save money but do it fairly - without punishing the disadvantaged.

I understand too that employers have to face mounting bills and premiums for injured workers but at least employers go into business knowing this and they have access to a range of insurances and tax breaks to cover such things. As well as that, they're not injured. Unless an injured worker has personal insurance, worker's compo is all there is.

I urge you please to not support the proposed work cover changes. They need to be looked at properly and not just rammed through parliament in their current form just so Mr O'Farrell and his colleagues can look good to a minority of employer groups and peak bodies.

Please do something to stop this, both for my family's sake and for the welfare of this state.

Yours sincerely  
Damian

Tonight in the wee small hours, the Liberal and Nationals parties and the Christian Democratic and Shooters and Fishers parties have made their choice. They have chosen to blame workers for the situation in which they find themselves—workers like Damian, who was just doing his job. Damian worked with people with disabilities.



He was injured and then sacked because he did not get well fast enough. Those who support this bill tonight have chosen to strip workers of protections that have been long-won. They have chosen to ignore other options and instead leave families across New South Wales in a stressful and, in many cases, parlous state. This bill should not be supported by anyone who cares about the society in which we live in New South Wales. It cannot and will not be supported by me or by anyone in the Labor Party.

**The Hon. WALT SECORD** [1.31 a.m.]: I make a brief contribution in debate on the Workers Compensation Legislation Amendment Bill 2012 and the Safety, Return to Work and Support Board Bill 2012. I formally express my opposition to these bills and note that they are being debated in the middle of the night, at almost 2.00 a.m. Make no mistake: It is no coincidence that the O'Farrell Government is taking away benefits from injured workers in the dead of night. These bills amend the Workers Compensation Act 1987 and the Workplace Injury Management and Workers Compensation Act 1998. New South Wales has a proud history of developing policies in response to workers' injuries and providing financial certainty to them. In 1926 New South Wales passed the Workers Compensation Act. The Act constituted a Workers Compensation Commission, defined its jurisdiction, powers and duties, and provided for compulsory insurance by employers in respect of injuries of workers. In short, in New South Wales as early as 1926 we were able to provide weekly payments to injured workers. Over the decades the Act has been amended several times.

Today we have the largest workers compensation scheme and market in Australia. It provides insurance cover to nearly 270,000 employers and more than three million New South Wales workers, and it collects about \$2.6 billion in premiums. The scheme receives about 80,000 new claims a year and has around 100,000 open claims at any given time. Around 42,000 of the current active claims are injured workers receiving weekly benefits due to an ongoing incapacity to work. As I have said previously in this Chamber, the O'Farrell Government is undertaking a coordinated plan to destroy hard-fought workers' rights and entitlements in New South Wales. But rather than introducing a single industrial relations bill, the O'Farrell Government is taking away workers' rights and entitlements piece by piece, chunk by chunk.

This is the latest instalment in the O'Farrell Government's sorry saga. The Government is taking this approach for one simple reason: It knows that if the community is shown the plan in full it will fully reject it. Hence the Government is removing the foundations one brick at a time. While I never agreed with WorkChoices and I proudly fought against it, at least former Prime Minister John Howard had the courage of his convictions and took his whole package to the community. He was prepared to be judged by the community and he sought a mandate for those changes. Thankfully, and ultimately, WorkChoices was soundly rejected. But Mr Howard showed the courage of his convictions, in stark contrast to his one-time staffer Barry O'Farrell.

I also point to comments on 19 June by Federal Liberal Senator Arthur Sinodinos at the Committee for Economic Development of Australia. A key Howard Government adviser, the chief of staff to the Prime Minister and now Liberal Federal Senator, Senator Sinodinos, said that industrial relations reform will be part of the Coalition's agenda. There we have it: Another conservative telling the community that the Coalition has industrial relations plans, rather than hiding or denying it. Before the election Barry O'Farrell gave assurances and made promises that the Coalition would maintain New South Wales workplace protections and the workers compensation scheme. Put simply again, the O'Farrell Government has broken its promises and it has breached its trust with the community. The O'Farrell Government does not have a mandate to strip wages and conditions or to slash workers compensation. Barry O'Farrell and his Minister Greg Pearce did not take this policy to the families of New South Wales before the last election. In fact, they did the contrary: They hid their intentions.

Slashing workers compensation payments and entitlements is contrary to the numerous explicit guarantees given by Barry O'Farrell before the election. He promised our State's workers—nurses, teachers, firefighters and the entire trade union movement—that they had "nothing to fear" from an O'Farrell Government. We see otherwise; those fears were well-founded. The workers of New South Wales were told that there would be no public service job cuts, no slashing of workers compensation and no tampering with the State's industrial relations regime, including the independent umpire. Yet all those regimes have been attacked.

Last week, New South Wales Treasurer Mike Baird announced in his budget plans to axe 15,000 public servants. But the most distressing part of the State budget is that the Treasurer said with pride—in fact, it was almost a boast—that "everyone has to share the pain in this". That pain should not extend to people injured at work—those trying to get on the road to recovery, the disabled or their families. They are already bearing a greater load and they need our support. The O'Farrell Government has decided to kick people while they are down. That is why the community will not accept the O'Farrell Government inflicting pain on injured workers and their families. That is why last week we saw thousands of workers in Newcastle, Wollongong and Sydney protesting against the O'Farrell Government's proposed workers compensation changes.

Under these bills workers will see workers compensation benefits slashed retrospectively; the loss of protection to and from work—also known as "journey claims"; benefits cut to injured workers from the day after they are injured and then a further reduction after 13 weeks; their medical expenses capped to a one-year maximum period; and their compensation cut off after five years, with the exception of injured workers with more than 20 per cent whole person impairment. Our State's nurses are particularly alarmed by the loss of protection to and from work, due to their unusual and long work hours. Journey claims have been axed completely. This means that a nurse finishing a double shift who has an accident on the way home and is seriously injured would receive no assistance and could be left destitute. The worst part is that journey claims represent less than 6 per cent of all claims made through the scheme. So we are removing a significant protection for very little savings. It will save taxpayers little, yet it will cost many their future.

While I acknowledge that there should be reform to the workers compensation scheme, it must not be at the expense of injured workers and their families. It is disgraceful that Barry O'Farrell has seen injured workers as a soft and easy target. New South Wales families are feeling the extraordinary cost-of-living pressures, including rising water and electricity prices, and now they have the financial uncertainty of getting hurt at work or on their way to work at the back of their minds. If the O'Farrell Government is serious about a strong economy it must focus on how best to get people back to work. This legislation is bad for the economy, it is bad for those who work in it and it is bad for workers. Make no mistake: Workers in New South Wales will have a dramatically reduced safety net under this bill.

These attacks are the biggest cuts to workers compensation in New South Wales in a quarter of a century. The O'Farrell Government will completely cut off benefits to large numbers of injured workers after five years, even if the injured worker is permanently injured and cannot return to work. No-one can predict a workplace injury; it could happen to anyone at any point in his or her career. But these laws can devastate families. This bill is yet another step in the wrong direction and it has the wrong target. If the O'Farrell Government is serious about reform, rather than attacking sick or injured workers it should be working with insurance companies to see how they are approaching claims management. It should be looking at insurance companies rather than attacking injured and disabled workers and their families.

Under these laws the O'Farrell Government is sending payments to insurers, not to injured workers. Further, since 1997 fees paid to private insurers to manage workers compensation claims have grown five times faster than inflation and funding paid to benefit injured workers. This is why the scheme's financial sustainability is being eroded. In addition, over the seven years from 2002 to 2010 compensation payments to injured workers have actually fallen by 20 per cent. So under this bill if you are unlucky enough to be injured at work you risk being left destitute and unable to support your family, but there is no risk to insurance companies. The bill does not tackle the main identified cost drivers in the system. Instead, it proposes only cuts to benefits of injured or sick workers. The real issue is clear. Barry O'Farrell wants injured workers to pay so that lawyers and insurance companies can keep profiting.

Unions NSW secretary Mr Mark Lennon said that the changes were "appalling" and were the "biggest attack on working people in 100 years". Mr Lennon said the majority of workers would be cut off weekly benefits after 2½ years and very few will receive any benefits five years after an injury. In these uncertain times the changes to workers compensation laws add even more uncertainty to the lives of injured workers and their families. For this and the other reasons I have outlined I oppose the bills. I thank the House for its consideration.

**The Hon. MICK VEITCH** [1.40 a.m.]: I oppose the appalling and brutal Workers Compensation Legislation Amendment Bill 2012. I would have canvassed a number of issues had they not already been eloquently articulated by a number of my colleagues on this side of the House. I will, however, explore some areas. Like many members, I have read the bill and placed some personal situations in the context of the bill to see how it would impact upon people I know. I have spoken to some respected people in the workers compensation field about these issues. Members of the House may not be aware that my father died at the age of 57. He was injured in a workplace when he was 50 years of age—my age—and he died because of that injury. I am not sure how he would have fared under the scheme proposed in this bill.

A few members would recall that nearly two years ago my brother almost died in a workplace accident at Coffs Harbour. It has taken nearly two years to work out exactly which insurance scheme he is covered by—nearly two years. That is quite a significant issue for his very young family and has impacted upon him. I have looked at my brother's situation in the context of this bill to see how he would have fared. I have spoken to the Hon. Adam Searle about my brother's situation. Admittedly, there is a complicated and complex legal scenario behind the scenes that clearly took some time to sort through, but he has only just received medical attention for many of the residual injuries resulting from the accident.

I have also looked at the bill in the context of a field that I have a little knowledge of and which I think is an area that is misunderstood, that is, shearing sheds. Shearers, by their very nature, are competitive individuals. It is the way they are paid: the more you shear, the more you are paid. You shear more than the people on the board with you so you earn more than they do. You do not give them an even break. That competitive environment, day in and day out, is very physical. I read somewhere that shearing is the equivalent of running two marathons a day. It is very physical and lends itself to workplace injuries. I have seen shearers literally lying on the floor in tears, but they will not do anything about their injuries because of the nature of the job. They have to get up the next day and work. They treat their injuries quite poorly and there is a longer-term impact on their earning capacity.

The reason I raise the shearing industry is that in schedule 1, on page 17, section 44E refers to definitions applying to pre-injury average weekly earnings—ordinary earnings. Shearers are piece rate workers, and I suggest that the definitions and arrangements in this bill for piece rate payments are flawed because shearers have down time that is not considered as part of the calculation in this formula. I think we will find that they will be paid significantly less than expected, and that will have an impact on their lifestyle.

The injuries that shearers sustain in their work are often such that they do not return to their jobs. They cannot. I have seen a significant number of shearers who have back injuries and who do not return to the shearing sheds. They are physical labourers and the rehabilitation and retraining process takes a significant time. During my time in shearing sheds one of the issues was that shearers would not take time off because there was a stigma attached to not being at work—a bit of male bravado, I suggest—that it showed weakness if they took time off. But in fact they should have taken time off for treatment of their injury.

In critiquing this legislation through those three scenarios—my father, my brother and the shearing industry—I am concerned that putting this bill through without sufficient time to analyse its impact in a number of scenarios will result in people feeling the brunt of unintended consequences. The way piece rate workers are to be treated under this bill will lead to significant issues in their occupations. I am not referring to commissioned employment; I am talking about piece rate workers. Most of those occupations tend to be agricultural and they tend to be physically hard jobs. I suggest that that is an unintended consequence of the bill and putting this type of bill through so quickly creates issues.

The Hon. Penny Sharpe raised the issue of legal costs being transferred to workers if they miss out and are not successful with a workers compensation case. That is a problem because it will take us back to the days when people would not treat their injuries properly, and that has a longer-term consequence for the workforce of New South Wales. For those reasons, and the ones articulated by my colleagues on this side, I oppose the bills.

**The Hon. JEREMY BUCKINGHAM** [1.47 a.m.]: I speak against the Government's Workers Compensation Legislation Amendment Bill 2012. I concur with the Hon. Mick Veitch. I think that this is an abysmal bill and this Government is quickly developing a reputation for being anti-worker, anti-family and anti-community. The bill shows that this reputation is well deserved. It is another short-sighted, backward move that will hurt working people and families, and it is just another chip away undermining community confidence in the idea that Australia is the place of a fair go where we look after our mates and our community. The Greens accept that the WorkCover scheme needs reform, but cutting benefits to people injured at work is not a sensible or fair solution. The administration of the scheme is far too costly and the payments to private insurers seem to be escalating well above the services and results being achieved. There is a significant opportunity to reform the scheme and to create a better system more able to address the needs of injured workers and their families as well as keeping the costs of the system at a sustainable level. It would seem that the Government is intent on letting that opportunity pass it by.

My colleague Mr David Shoebridge has outlined in detail The Greens concerns about this legislation and I acknowledge his work and that of his office with little notice to digest and respond to the bill. I will speak on just a few elements of the Government's plans from my experience and talk of the impact on working people. I come from a labouring background, first in sawmills in Tasmania and later for 15 years as a stonemason working across New South Wales. Stonemasonry can be risky work. Injuries from lifting and from cutting and hauling stone are not uncommon. As I stand here now I have a ruined back. I have four prolapsed discs in my back that will not be fixed without surgery. Dust can also impact on the health of those who work in and around this industry. One of the things that many people do not think of when it comes to stonemasonry is the long drives carting stone to cemeteries in remote communities. As we know, fatigue and driving are not a good mix.

I suffered a back injury. I did not make a WorkCover claim. I made a decision to take a year off work and, lucky for me—and for everyone here, I might add—I took the opportunity to go to university, where

I joined and got involved with The Greens. I hope we see a large tranche of people become involved in politics to contest this abysmal legislation. I was able to survive on the NewStart allowance while studying. With the support of my wife we made ends meet while I transitioned my career and largely recovered from the worst of my injury. I am very conscious, however, that not everyone has that opportunity and many people in such a situation will pursue a compensation claim. For those who want to continue in their jobs and careers, who do not want to lose their skills and need to be able to continue to support themselves and their families, there is a need for a compensation scheme that can help people get back to work as soon as possible.

While employers have a responsibility to ensure workers injured in the conduct of their employment are not left in a worse position from an injury suffered at work, they also benefit from a system that allows their trained employees to get back to work in a timely fashion and to be supported in continuing to contribute to the workplace to the greatest extent possible. Employers largely exercise this responsibility through paying workers compensation insurance premiums to meet the costs of supporting workers and their family and managing their recovery and return to work. A broad-based scheme with wide coverage clearly offers the best model to ensure premiums are kept to a minimum, workers have the widest possible coverage and families and the community as a whole have confidence that the system is sustainable and ensures that those who unfortunately are injured in the workplace will be supported.

I am particularly concerned about the plans by the Government to narrow the coverage for which compensation might be payable. Plans to remove coverage during travel to and from work is an example of the Government's failure to recognise how people live and work in the modern world. The example I gave earlier of stonemasons travelling across the State to deliver and build monuments is a case in point. While I recognise that the Government's amendments will not remove coverage during trips from the factory to the cemetery and back, after a 12- or 14-hour day, with fatigue setting in, leaving that worker exposed to a potential injury while travelling home from the factory lacks any understanding about the way in which many businesses in this State operate. Government members do not understand what it is like to be fatigued after a hard day's work. The same can be said for many shift workers, and indeed for workers in many other industries. While all employers have a responsibility to put in place management strategies to minimise these risks, our laws should not leave workers and employees exposed when circumstances intervene and a worker suffers an injury.

But journey claims are not the only way that coverage is being rolled back. Removing compensation payable for heart attacks, strokes and underlying diseases seems grossly unfair. The test for qualifying for coverage in these cases is whether or not the nature of the employment gave rise to a significantly greater risk of the worker suffering the injury. The difficulty for workers to satisfy this criterion against insurance companies trying to defend against payouts and WorkCover trying to minimise costs will be substantial. While there is evidence that dust—a significant exposure risk in stonemasonry—can be a contributor to a high personal risk of heart disease, the ability to apply the nature of employment test against other risk factors will be a lawyers' paradise. Meanwhile the worker, the family and the business owner are left with uncertainty, costs and impacts that could be addressed by a more reasonable test.

And what if as a result of a heart attack that might not be assessed as attributed to the nature of work results in a stonemason dropping a block of stone on their leg, resulting in permanent incapacity? I would like the Government to explain how, with the raft of uncertainties a provision such as this would create, a worker could be expected to be treated and compensated under this new system. At a time when the community is demanding a broadening of disability insurance to a national scheme it is astonishing that the Government is seeking to wind back coverage for employment injury. The result of course will be a greater exposure to public disability support demands outside of the workers compensation scheme and a shift of the burden back on families through lost income and, in the worst case, the need for ongoing care and support. By keeping these costs inside a workers compensation scheme the level of risk and demand is more identifiable and can be more readily worked into a model where employers rightfully, through insurance premiums—not the public purse—cover these legitimate injury-related risks.

I was interested to learn that workers in the coal industry in New South Wales will continue to be covered by a different scheme and will largely not lose many of the benefits and the compensation coverage that this bill will remove for other workers in this State. Good luck to the people working in the coal industry. There is no doubt that a mine is a dangerous workplace and I support any additional protections that will continue to be enjoyed by coal workers. But I point out that this bill will mean that workers at the Cadia goldmine and other non-coal mines across New South Wales will be left in a worse position. The Government should explain why workers digging out one type of rock will no longer enjoy the same protections their colleagues in the coal industry will. Clearly, these protections should extend across all workers regardless of the type of mineral they dig out of the ground.

This Government needs to become more creative at addressing problems in our community. There is tripartisan agreement that the workers compensation system is not delivering what is needed. There is an opportunity to sit down not in a stacked committee but with all interested parties and design a scheme to address the needs of employees, employers and the community. The model used by the Gillard Government to negotiate a price on carbon is an example of the effective use of a Parliament to deliver a good policy outcome. People from different sides of the political spectrum worked through a complex problem and came to a compromise position. Unfortunately, in that instance the rolling of the Leader of the Opposition and the installation of Tony "Just Say No" Abbott meant the Coalition would not take part. Despite tripartisan agreement on the need for action on climate change, the Opposition ruled itself out of the discussion. The Coalition Government in New South Wales does not have to take that approach. On issues as important as this there is a need for a different model and it is not too late to look at other options. I encourage those opposite to really consider how productive the process has been to date in building knowledge in the community and in the Parliament about the need for change in this area.

I draw the community's attention to the strategies used by Coalition members of the joint select committee to try to remove certain testimony from the inquiry report. I recognise that the Labor and crossbench members refused to remove much of the testimony relating to the personal experience of certain individuals, but there was some success in removing evidence from the report that clearly counters some of the arguments made by the Government to change the law. One example is the removal of any note of evidence that stakeholders presented that considered that work capacity testing was used as a mechanism to stop or cut payments to injured workers as opposed to being a tool to assist in the rehabilitation and return to work process. It is one thing to disagree with a comment or a recommendation, but to remove the simple fact that a certain opinion based on evidence was given to an inquiry really does raise the question of the real basis for many of the Government's amendments. The Greens do not support this legislation. I do not support this legislation. If it passes working people, families and the New South Wales community will be worse off.

**The Hon. STEVE WHAN** [2.00 a.m.]: I join my Labor Opposition colleagues in opposing the Workers Compensation Legislation Amendment Bill 2012 and the Safety, Return to Work and Support Board Bill 2012. Before I speak to the bills I will comment on the timing of this draconian legislation. The timing of this legislation shows the disrespect that the Government has for the workers of this State. It is also indicative of the Government's priorities on issues such as those dealt with in this legislation. For quite a few months we have heard from the Minister for Finance and Services, who is seated at the table, and the Government about a desire to change the workers compensation arrangements in New South Wales and to reform the system. Today is the second last day of sittings for this session and these bills are being debated in this Chamber at 2 o'clock in the morning. Members on this side of the House were presented with a copy of these bills only yesterday—

**The Hon. Adam Searle:** At 5 o'clock.

**The Hon. STEVE WHAN:** Yes, at 5 o'clock. Opposition members in the other House may have been presented with a copy of these bills a little earlier. But certainly within minutes of the bills being introduced, this legislation was debated and forced through the other place last night without adequate opportunity for members to look at it. That is indicative of the Government's attitude to workers and workplace safety in New South Wales. These bills are clearly driven by an ideological bent of this Government. It is rank hypocrisy from the Government. For many years I heard Government members complain about being given short notice on bills. In their terms "short notice" was a few days or a week. They would constantly complain about being given only a few days to consult with stakeholders and so on. Yet these bills are being rammed through the Parliament. Let me read this quote:

The bill in its current form is not the answer. The way that our arrogant Premier has forced it upon all of us, without discussion ... is reprehensible.

That might apply in this instance but it is a quote from the Hon. Greg Pearce in 2001. The Hon. Greg Pearce, who said those words, has the hypocrisy to push these bills through. I endorse his next comments where he said:

But the worst feature is that we will have to rely on the Minister for Industrial Relations to make the legislation work.

Now we have to trust him, which is a worry in itself. I turn now to material that was used by the shadow Treasurer, Mr Michael Daley, in his contribution to the second reading debate in the other place. The shadow Treasurer and the Hon. Adam Searle were members of the committee that hastily looked at the Government's discussion paper, which we have ascertained from questions asked in this place was something dreamed up by the Minister's office. The contribution of the shadow Treasurer demonstrated just how ideologically driven this legislation is and how the Government's focus is bent on attacking workers and not on achieving an outcome.

The shadow Treasurer referred to the assessments by the Government's actuaries, PricewaterhouseCoopers, in which they talked about the premiums. We frequently have heard the Premier and the Minister talk about premiums rising by 28 per cent, but PricewaterhouseCoopers revealed that was only if no other changes were made and had to achieve that turnaround in five years. PricewaterhouseCoopers said returning to full funding by 10 years would require a premium rate increase in the order of only 8 per cent. When questioned about that, they indicated that was with no other changes. But there are other changes that could be put in place, which the Government has not addressed. A number of Opposition speakers have highlighted that the evidence given to the committee showed problems with the scheme's agents and claims management. This legislation does not address those issues; it only attacks, in a cruel and heartless way, as we so often see from this Government, the entitlements of workers who are injured.

Over a number of years premiums have gone down in New South Wales in many cases. That means that an 8 per cent premium increase over a period, which is not a substantial amount, could be decreased if the Government tackled some of the issues with insurance agents and other aspects of the scheme. Submissions received from the Treasury's NSW Self Insurance Corporation were also revealing about the Government's ideological bent with this legislation. It recommended:

The impact of any propose reform should be scenario tested and actuarially accosted for both the TMF [Treasury Managed Fund] and the NSW WorkCover Nominal Insurer Scheme to understand the aggregate effect on the State budget before deciding on the package of reforms to be implemented.

I repeat, "before deciding on the package of reforms to be implemented". That clearly has not happened. The Government has rushed ahead with this legislation without doing its homework. On the following page of the submission the Treasury made its main recommendation:

Our main recommendation is that the Committee seek to have the impact of any proposed reform scenario tested and actuarially accosted to understand the implications on the TMF before deciding on the package of reforms to be implemented.

That was not going to slow down the Government, because it had decided as part of its regular introduction of legislation to attack workers entitlements that these bills would be part of that ideologically-driven process. It is clear that the Premier does not understand the full implication of this legislation, as we saw with the election funding legislation where the Premier gave incorrect evidence to a parliamentary committee. We also saw the bizarre situation of Premier O'Farrell on ABC radio trying to suggest that there was no retrospectivity in this legislation. Several of my colleagues have already spoken in detail about this. Suffice to say, the Premier's assertion that these laws were not in any way retrospective was contradicted by expert coverage. Indeed, I believe the Minister has acknowledged that the legislation contains elements of retrospectivity. Again, that demonstrates the haste in which this legislation has been introduced.

When legislation is brought in haste there is always potential for error. The tragedy is that errors in this case could actually cost people their livelihoods and their homes or it could cost them further psychological injury, if not aggravation to injuries that have not been properly treated. Life-threatening mistakes could occur. The only way those things can be avoided is to allow time for consultation on the legislation and give people time to consider it. Ramming this legislation through the Parliament in two or three days does not allow for proper consultation. It is a disgraceful abuse of this Parliament.

The Hon. Jeremy Buckingham mentioned that some groups are exempt from this legislation and that the coal industry has a separate scheme. The coal industry is a great example of a scheme that has been very effectively run with industry and union cooperation. Indeed, the New South Wales coal industry is the safest coal industry in the world and its scheme has had a reduction in premiums. It is a terrific example of what can happen if one works cooperatively—the opposite of what this Government wants to do. I remember the Minister for Finance and Services, in answer to a question in this place last year, praising that scheme. However, I am consistently hearing rumours that the Minister for Resources and Energy, who is responsible for that scheme, is at war with the organisations in an attempt to reduce the union influence in that process. That is very negative on his part, given the great results that scheme has achieved.

In this debate my colleagues on this side of the House have spoken about reducing the key parts of the workers compensation coverage in New South Wales. Journey claims have certainly received a lot of coverage. I have received feedback over the past few days from nurses in the Queanbeyan area, many of whom participated in a protest outside Queanbeyan Hospital whilst thousands of people protested outside this place. They are very concerned about the loss of journey claims. Members have spoken about people working double shifts, and that is a real issue for nurses, doctors and other health workers.

I was listening as Labor's shadow Minister for Health, Dr Andrew McDonald, spoke in the Legislative Assembly last night. He spoke about a personal friend of his who was killed in a car crash on the way home from work after doing a long shift. The tragedy about that is that this Government would be saying to that person's family, "You are no longer entitled to a benefit." The nurses at Queanbeyan tell me that they are very concerned about many of their colleagues who travel long distances on country roads after the completion of their shifts. Many of them are driving from Queanbeyan Hospital through the Australian Capital Territory and across to areas such as Sutton, Murrumbateman and even to Yass as well as to surrounding rural-residential areas. They are very concerned about the impact on their families should they be involved in some type of accident. They are even concerned about what may happen when they leave their workplace between shifts for a short while. They are worried that they will miss out on coverage because of this Government's draconian changes.

I am very concerned about the cut-off of treatment options, which the Premier denied on radio. He said that the Opposition and the unions are telling fibs when they talk about a 12-month cut-off for medical treatment. Well, there is a 12-month cut-off. In the worst case, that can be 12 months from when the claim is submitted. In the best case, it can be 12 months after the person has received compensation and is deemed to be fit to return to work. I am very fortunate that I do not have any personal friends or family who have had workplace accidents that require workers compensation, but the personal parallel upon which I draw is my experience with my son who, in November 2010, was involved in a car accident. He broke his back. Fortunately, due to the fantastic New South Wales medical system and the wonderful helicopter retrieval service as well as the surgeons and staff at St George Hospital, he had two rods inserted in his back and retained full movement. Twelve months later the rods were taken out.

It is now almost a year and a half since the accident, but from pretty much three months after the accident he would have been able to work, had he not been having a gap year and a break from his studies. He was fit to commence working, and commenced working during that year in a store. He also was dancing and performing in musicals. That sounds like a very active and healthy life, and it is. It is fantastic. But to sustain that active life, from the date of the accident until now and in the future he will require regular physiotherapy and exercise physiology to rebuild muscles surrounding the site of the injury. If his accident had occurred in the workplace, under this Government's scheme he would not be entitled to obtain the physical therapy he needs and will continue to need. Fortunately he was covered by the Labor Government's accidents scheme for road accident victims and he has been able to obtain assistance, which has been fantastic.

Many of my colleagues have mentioned specific cases, and I will mention a couple of examples provided by the unions. The names have been changed. A person known as Mike suffered repetitive strain that was caused by a physically demanding job. He developed arthritis in his knees and had surgery on his knees in May 2011 after the arthritis escalated and the pain had become unbearable. He lives in regional New South Wales. He is required to have another operation in 12 months time, which will be two years from the date of the initial claim. Mike will be impacted by this legislation because of the cap on medical costs. He will not be eligible for payment for his ongoing knee surgery as it will occur five years from the date of his injury. Emily, who is a nurse and who sustained a back injury while attempting to resuscitate a patient, was present at a rally recently held outside Parliament House. Anybody who listened to her speak at the rally would know, and would have been able to see, what a genuine case Emily is. Emily is concerned that if she had been assessed as being at the lower end of the injury scale, she would be cut off from weekly payments as soon as the legislation is passed. Her medical payments will continue for only one more year, even though she faces a lifetime of specialists, physiotherapy, medication and possibly surgery.

I note that the Government has decided to exempt the police—a measure we welcome—but police are not the only ones who suffer severe traumatic injuries and psychological injuries. Another example provided by the unions concerns Joanne who, after 15 years of serving the community and working with highly traumatic and disturbing cases, incurred stress-related injuries and needed to take time off work. She took five months off work followed by six months of gradual increases in duties. She has returned to work, but she needs to continue to receive long-term counselling and medical assistance. Frankly, having seen the number of psychological injuries in many other professions other than the Police Force, one of the most heartless parts of this legislation is that there will be a number of people who have psychological injuries and who simply will not be able to obtain the long-term support they need. Frankly, it will be on the heads of Government members who vote for this legislation if the psychological traumas of those people become more serious and lead to tragic results.

This legislation is another example of a Government that does not care about workers in New South Wales and that has no respect for appropriate consultation and conventions of Parliament. This Government is

prepared, in its arrogance and in its view that everything it does is right, to ram legislation through Parliament. As I stated earlier, the theme of the Premier seems to me to be, "I can do what I want because I'm not the former Government. Anything I do is okay because I am not the previous Government." That is just not good enough. The Premier needs to be able to justify these draconian legislative changes, but simply is not able to do so. The Premier is more intent on retribution and vindictiveness towards the people he thinks kept him out of office for so long, and in that category he places the unions. We see in the Premier's attitude to the issue raised by the unions—legitimate issues they raise in representing their workforce and their members—that he is completely dismissive of the concerns. That is an appalling situation for a Premier.

It is very clear that the Premier of this State—unlike previous Labor Premiers of this State who represent every category of person in this State irrespective of whether they are business owners or workers—is only supportive of the people he regards as supporters of the Coalition. This Government's ideological obsession runs right through this legislation and right through its attitude to workers. This is disgraceful legislation and it is a disgrace that, because this Government is so inefficient and so unable to manage the business of the House as well as its own Government business, we are debating it at 2.15 a.m. Despite 16 years in opposition, the Government's legislative program was so poor in the first two months of this session that there was nothing to deliberate on.

**The Hon. Dr Peter Phelps:** Who extended the reporting period of the committee?

**The Hon. STEVE WHAN:** What absolute hypocrisy from that bloke opposite, who has no interest in or contact with New South Wales workers. Every day in this place he demonstrates through his comments the complete arrogance in the way this Government operates. It is a disgrace that such people grace New South Wales Parliament when they so clearly have no idea of working people in this State. This bill is about the arrogance of this Government, its vindictiveness and its ideological obsession with attacking workers in New South Wales, and it should be defeated.

**Dr JOHN KAYE** [2.18 a.m.]: I join in debate on the Workers Compensation Legislation Amendment Bill 2012 and the misnamed Safety, Return to Work and Support Board Bill 2012. There have been a number of really excellent contributions made by people who share with me a complete revulsion for what these bills are designed to achieve and who completely oppose them. I certainly stand by the comments made by my colleague Mr David Shoebridge and his detailed analysis. I also stand by the comments made by a number of Labor members and the detailed analysis of the Deputy Leader of the Opposition. This legislation stands alongside the 2.5 per cent wage freeze and the occupational health and safety legislation that came through this place as yet another attack on working people. It is yet another ideologically motivated attempt to create wealth for the business community at the expense of workers. This is old-fashioned class warfare being waged against the working people of New South Wales.

This legislation contains a raft of far-reaching changes to workers compensation. Each change sacrifices the support provided to injured workers to hand over massive profits to the insurers and to cut premiums to the big end of town. It drives a truck through the fundamental right of workers to be compensated and supported when they are injured at their place of employment. Since 1926, with the passage of the Workers Compensation Act, there have been payments for injured workers. There has been an 86-year social contract between workers and the community that an injury at work does not mean descent into poverty or disintegration of one's personal life. An injury at work means that society will look after the injured workers. The commonly accepted provision of income and medical support for injured workers was a key component of the commitment that injured workers would not be plunged into poverty. For 86 years that commitment has been supported by governments, both Labor and Coalition. What we are seeing today is another large step towards removing that commitment to injured workers.

Indeed, it the largest step in living memory. It is even worse than the 2001 changes—and because of those changes this attack on workers' rights comes off a low base. There are long-term consequences for injured workers who will lose their livelihood. These workers, through no fault of their own, face getting sacked because they cannot continue to work. They face being chucked onto the unemployment queues after a period. Their lives will revolve around Centrelink as they will have no access to a reasonable income. They will have a life of pain and poverty; a life robbed of dignity because this Government does not care about injured workers. The Government is fixated on maximising profits for the big end of town. With the passage of this legislation, we will hear the tearing of the fabric that glues society together—the breaking of a promise between working people and the rest of society that they will be looked after if they are injured at work. The legislation embodies the false myth of neoliberalism that competition does not require a layer of protection for those who are injured



and who become vulnerable to economic circumstances. Taking away that protection for people injured at work is like taking away all other protections; it hurts not only those from whom the protection is withdrawn but all of society because it damages social cohesion.

The legislation is based on a crisis in the WorkCover scheme that simply does not exist. For as long as data has been collected, premiums have been greater than payouts. As a result, the scheme has \$14 billion of accumulated assets. Indeed, it is claimed that there is an actuarial deficit of \$4 billion. But anyone who has played around with actuarial numbers understands that they tend to be highly sensitive to assumptions, particularly the discount rate. It would seem that by changing the discount rate that \$4 billion deficit may be as small as \$2 billion. It also needs to be understood, as it has been explained to me—I thank the Deputy Leader of the Opposition for enlightening me—that the actuarial deficit means that if the scheme stopped trading tomorrow its ongoing liabilities would be \$4 billion greater than its assets, if one accepts the \$4 billion claim. For many of us, that would be true. If I stopped trading tomorrow my liabilities would probably be greater than my assets. There is always an assumption of ongoing income in any activity. I do not believe that a \$4 billion actuarial deficit is a healthy situation, but I do not believe that it means the scheme is in crisis.

The overall health of the scheme could be improved by looking more carefully at the payout to private insurers. Mr David Shoebridge in his presentation identified that the payout to private insurers was about a third of the payout to injured workers. That is a high ratio in the scheme and it needs closer examination. In effect, what is happening through this legislation is that the Liberal-Nationals are sacrificing the health and survivability of injured workers to prop up the gravy train enjoyed by the private insurers and to ensure that the big end of town does not have to fork over more money in workers compensation premiums. The legislation is complex and contains a large number of attacks on injured workers.

I will highlight just a few of them. The first one that stands out is the issue of journey claims. I have had communications from nurses who talk about the long shifts they work. When they drive home after a long shift they are extremely tired, having given their all for their patients. Nurses who have an accident on the way home from work will not be covered under this legislation. Yet their journeys to and from work are as much a part of their work as scrubbing up and other activities they do. I have also had communication from midwives and nurses who may be on call for emergencies but not necessarily on duty. Under this legislation, they are not on duty until they arrive at the hospital. So if they have an accident on the way to the hospital they will no longer be covered.

Casual teachers, particularly those in rural and regional New South Wales, travel long distances to get to teaching assignments. Yet they will no longer be covered on their trips to and from work. Community nurses who drive from house to house visiting sick individuals in their homes are not covered until they arrive at their first location. The bizarre situation for community nurses is that they are not covered when they are travelling from home to their first destination but they will be covered when they are travelling from their first destination to their second destination. It highlights the irrationality of taking away journey claims. Ambulance drivers and other emergency service workers will lose their journey claims.

My next-door neighbour is an ambulance officer; she goes to work in an Ambulance Service vehicle and is dressed in her Ambulance Service uniform. When she is wearing her uniform she is obliged to provide assistance if she sees an injured person—even when she is not on duty. She is not covered while travelling to work. However, if she sees somebody injured she is instantly on duty. It is a grotesquely unfair situation. It is unfair not only to casual teachers, nurses and emergency service workers but to all workers. Every worker needs to get to work. Taking away that coverage is simply taking away their capacity to be compensated if they are injured during an important part of their working day, which is the trip from home to their place of employment.

The second issue I highlight is the change in the definition of "disease injury". Currently, an injury is compensable if work was a substantial contributing factor. Under this legislation, the standard of proof is that work must be the main contributing factor. Nurses, childcare workers and teachers of students with physical disabilities—they do a lot of lifting—who suffer back and other cumulative injuries will find it increasingly hard to establish that work was the main contributing factor to their injuries. For example, a nurse who has a degenerative back injury and has been lifting patients is doing some work in his garden at home when his back gives way. That nurse will have difficulty proving the work he has been doing was the main contributing factor to his injury. It was easier before—it just had to be a substantial contributing factor. It will be much harder to prove that work was the main factor that caused the injury.

The third issue I wish to highlight is the mean and small-minded removal of nervous shock payments to families of workers who are killed at their place of employment. This is mean and a low blow for a family, for

example, who are told that their son has been crushed to death in a rolling mill. The son went to work believing that if he was killed or injured and his mother suffered nervous shock, she would be compensated for it. That payment will be stopped. It is another tear in the social contract between workers and employers, and between workers and our society. The fourth issue is the thresholds for access to various benefits that have been set at absurdly high—unrealistically high—levels. The 30 per cent whole person impairment threshold to continue weekly payments beyond five years is completely unreachable for people with any back injury. The highest level one can achieve with a back injury is 28 per cent whole person impairment. An individual who has had spinal fusion and suffers incapacity can only get 21 per cent whole person impairment.

A raft of people with serious, long-term, debilitating injuries will be thrown out of the scheme after five years. The 10 per cent whole person impairment threshold to get lump sums means, for example, that 90 per cent of deafness claims will fail. Most, if not all, unilateral shoulder injuries will fail; all hand injuries and 80 per cent of leg injuries will fail to attract a lump sum. Large classes of workers who may find it difficult to return to work will be shut off from lump sum payments permanently. In other States that 10 per cent threshold is set at 5 per cent to keep out small claims. The Victorian threshold of 5 per cent for deafness seems to work. The fifth area I want to highlight is the cut off for access to weekly payments. With absurdly high thresholds and substantially shorter payment periods, workers will be thrown into poverty and robbed of their dignity when their weekly payments are cut off.

The sixth issue is medical expenses. Workers will be cut off from medical payments 12 months after returning to work. Many workers take large quantities of painkillers and return to work while they are still injured. Indeed, in some cases the digestive system stabilises to cope with the number of painkillers they are taking and, by receiving treatment, they are able to stay at work. Yet workers will be cut off from workers compensation payments just because they have been back at work for 12 months. They will get no help at all. It is a perverse incentive for people not to return to work. It is unfair to those workers who do the right thing and go back to work. There are many more mean and nasty attacks on workers in this legislation. I will highlight what the bill means for the teaching profession and outline briefly the sorts of risk exposures in schools. I declare that my partner is a biology and chemistry teacher so some of this is from firsthand experience.

Many science teachers, especially chemistry teachers, are exposed to dangerous chemicals in laboratories. Photography teachers who still use dark rooms are exposed to high levels of silver and other chemicals. Teachers in technical and applied studies workshops are exposed to industrial power tools, and many TAFE teachers are exposed to industrial presses, kilns and other dangerous industrial equipment. On the athletics track teachers are at risk from javelins and other dangerous flying objects. On camps and while engaging in the Duke of Edinburgh Awards program they are exposed to natural hazards. Indeed, every teacher has had the experience of breaking up a students' fight or having a student be directly aggressive towards them.

Far too many teachers have psychological injuries as a result of that sort of exposure. Special needs and early childhood teachers are often exposed to bending and lifting injuries. Teachers are exposed to these risks and injuries on a daily basis. They accept that risk willingly because they love the job and because they have a commitment to their students and to the society their students will inherit. But that commitment must be matched by a commitment from the people of New South Wales to look after them when those risks become reality and they are injured. Deserting those teachers—leaving them without a functional workers compensation system that compensates them and looks after them when they are injured—is an unfair bargain and will damage our capacity to attract quality teachers to the profession.

The same is true of nurses, who are exposed to infectious diseases, to some very nasty chemicals, to sharps, to the psychological trauma of seeing patients in serious conditions, and who lift and turn patients. These are serious threats to the health and safety of workers in hospitals. If we want to know that nurses will be there to look after us when we go to hospital, part of the social compact is that they are looked after when they are injured. The same is true of emergency service workers; it is true of all workers. Many workers take on that risk willingly. They know that when they go to work there is a chance they will be injured. They do it because they believe there is a workers compensation system that will look after them and their families. They do it because they believe being injured at work is not a one-way ticket to poverty. Since 1926 in this State it has not been thus. But we are now rolling back the advances made in 1926 and subsequently. We are rolling them back to create a State where individuals injured at work who do not have personal means of support will be thrust into poverty, together with their families. But it is not just about the poverty, it is also about the loss of dignity. It is the loss of dignity that most workers fear the most. They believe that takes away their fundamental human right to be a respected member of the community.

It is now 20 minutes to three in the morning. This legislation was not seen by any of us until about 28 or 30 hours ago. That is simply not good enough. This legislation has far-reaching impacts for working people and for the State of New South Wales. It deserves far better scrutiny than being debated at this time of the morning after having in circulation for only a day. It should be examined far more carefully and there should have been more time to do that. The Minister claims that this legislation is necessary because he must adjust premiums before the end of the financial year. That is simply not correct. I have been told that he can adjust them in the next two or three months until this legislation, or its successor, is examined more carefully. This is vile legislation. I will be voting against it, The Greens will be voting against it, and anybody who cares about the future of this State will be voting against it.

**The Hon. LYNDIA VOLTZ** [2.38 a.m.]: It will come as no surprise to learn that I also oppose the Workers Compensation Legislation Amendment Bill 2012 and cognate bill. I come from a movement that believes not only in safe and fair workplaces but also in a more equitable society. I am a bit like the Hon. Mick Veitch when it comes to a history of injuries. My grandfather, Joseph—Joey—Voltz was a boilermaker and a union man who was trapped in a boiler more than once and was gassed and hospitalised as a result. He was not hospitalised in just any hospital but at one stage was in a mental institution after he was trapped in a boiler not just for a few hours but for days and genuinely believed he was going to die. He never recovered and over his short life—he died before he was 60 years of age—he was hospitalised in institutions many more times. There is little doubt that this workplace incident from which he and his family never recovered had a profound effect on my grandfather's life, which was changed forever.

This is just one isolated example, but few people in this country, which was built on decades of hard yakka, could not point to similar examples. I am not saying that change is a constant and I have not heard anyone argue that this State's workers compensation system could not be made better. But this Government is not suggesting change to make the system better; it is making draconian changes to make worse the lot of those who suffer workplace injuries. The bill contains no proposals dealing with the problems with agents and claim agents, no changes to the provisions under the Workers Compensation Act that dismiss injured workers after six months rather than getting them back to work, and no proposals dealing with the type of evidence the committee heard, which states:

We had a 30-year-old claims officer from the scheme agent arguing with a highly respected neurosurgeon in Randwick as to what was the best way to perform this surgery on this gentleman's back. It has been delayed for quite a while. They have finally approved it. This man has got serious problems with his back injury.

No response has been forthcoming to submissions referring to remuneration for claim agents. In 2010-11 remuneration paid to seven claims agents was \$318 million compared to the \$141 million paid in 1997. Even adjusting for inflation, that represents an increase of 226 per cent. Yet the Government continues to assert that the scheme will reach a \$4 billion deficit, according to the PricewaterhouseCoopers report. But the Minister is not telling everyone that that is a worst-case scenario; instead he ignores the most important statement in the report that that debt will result without further change. The suggested 28 per cent for five years or 8 per cent for 10 years is exactly that without change. Any changes suggested by the unions or experts involved with these schemes over decades have been conveniently ignored by the Minister. This Minister shows no compassion or understanding for injured workers except regarding the prize he believes they receive. I refer to the comments of the Insurance Council of Australia to the committee:

... we submit that a proper financial analysis should be conducted of any reform proposals, to allow the New South Wales Government and stakeholders to make informed decisions about the proposed reforms that are most likely to effectively address the deteriorating performance, and to ensure an affordable and fair scheme for all.

... By necessity, it would be a complex analysis.

Again, the Minister completely ignored that suggestion from the Insurance Council of Australia. This Government is not interested in a fair and consultative debate. No draft legislation was provided for members to peruse before the bill was introduced. Indeed, it is interesting to note that when previous workers compensation legislation amendments were proposed by the Carr Government—which amendments also were hardly a shining light of workers compensation reform—the Hon. Chris Hartcher complained at that time that he had received the Workers Compensation Bill No. 2 only 36 hours before it was introduced.

**The Hon. Adam Searle:** A luxury.

**The Hon. LYNDIA VOLTZ:** I am sure the Hon. Adam Searle and Michael Daley would have been only too happy to have had any hours before this bill was introduced. I shall remind members of some cases put

to the workers compensation committee. Sanja Budesa lost her husband five years ago, leaving behind his wife and two children aged only one and three. Her husband was a form worker who died in a car accident on the way home from work. While driving home alone in his car he ran into a concrete truck and was crushed, dying on impact. This accident happened after a long working day on site stripping formwork and moving shutters. Police found no sign of drugs or alcohol in the cause of the accident. Sanja, who had lost part of her leg in a previous accident, was left with their two children. Without journey claim provisions under the Workers Compensation Act Sanja's family would have been left destitute and forced to sell her home.

Glen Stone, a 47-year-old scaffolder, was a construction worker for 20 years. He lives in Miranda. He had never made a compensation claim in his life before he had an accident while travelling home from work. He was working on a construction site at Macquarie University and had travelled from Cronulla to the university for a couple of months. Each day he rose at 4.30 a.m. and left his home in Miranda at about 5.00 a.m. to get to work at North Ryde. Working with scaffolding is hard physical labour that involves heavy lifting and the handling of steel tubing. The job requires a lot of climbing and a good sense of balance while erecting and dismantling scaffolds. On the day of his accident Glen worked overtime as usual and finished work at 5.30 p.m. He had been up since 4.30 a.m. About 15 minutes after leaving work, while travelling south through North Ryde, Glen ran into the back of a vehicle and came off his motorbike.

He suffered multiple injuries in the accident and underwent substantial surgery on his right arm, which is essential for his work as a scaffolder. Glen will be unable to work as a scaffolder for at least a few months following the surgery. He was not covered by the New South Wales compulsory third party motor vehicle green slip scheme because no-one was at fault in this accident. Fortunately, under the current workers compensation scheme, he was covered by journey claim provisions. That will not happen under the proposed legislation. I refer to a few more issues contained in the bill, particularly the retrospectivity clause. Section 3 (1) of schedule 12 to the bill, which the Premier said is not retrospective, states:

- (1) Except as provided by this Part or the regulations, an amendment made by the 2012 amending Act extends to:
  - (a) an injury received before the commencement of the amendment, and
  - (b) a claim for compensation made before the commencement of the amendment, and
  - (c) proceedings pending in the Commission or a court immediately before the commencement of the amendment.

This morning I received a letter from someone I met in Newcastle last week. This person has been on weekly payments for 14½ years and, like many people in his situation, he is concerned about what will happen to him as a result of this legislation. Under section 3 (1) of schedule 12 obviously he will be covered. Even though his injury occurred a long time ago, there is no doubt that the provisions contained in this piece of legislation are retrospective. In his letter he asked:

Will coverage of my workers compensation medical expenses stop? Will my weekly workers compensation benefits decrease? My landlord is entitled to his rent. I don't receive Centrelink concessions. I pay full price for my use of gas, electricity and water. I pay full price for pharmaceutical medications. If I need orthopaedic surgery, where is the funding going to come from?

Injured workers under the current system will face these same issues. They have no surety and do not know where they stand. Obviously, this bill will affect them. Another huge problem with this proposal is the removal of section 67 regarding compensation for pain and suffering. Anyone who has known someone who has sustained a back injury will understand the importance of pain and suffering compensation. My brother spent 17 years working as a furniture removalist. Furniture removal is one of the hardest jobs in this country. Furniture removalists rise at 6.00 a.m. every day to go to work and do not return home until 10 o'clock at night; they work six days a week.

When my brother's back started getting bad he tried to work through it and press on, instead of accessing workers compensation. Now he cannot lie down or sit for an hour; he has to shift his body position constantly as he is in constant pain and needs constant pain management. He will be like that for the remainder of his life. His predicament occurred in his workplace, and his pain and suffering should be recognised under workers compensation. I defy anyone to say furniture removalists will not end up with any type of back injury because it is the nature of the beast. The other really important element in this is of course journey claims. There is no doubt that there are no arguments for withdrawing journey claims from the scheme. In fact Mr Goodsell, who gave evidence on the second day of the hearings, said:

From the point of view of providing a safety net to people there is an acceptance of journey claims as part of the work and if they do not blow out and cause a lot of cost in the scheme they can probably be part of it. It is where you draw the line that becomes important.

This is very important because journey claims are an aspect of workers compensation where you absolutely have to draw the line. There seemed to be a lot of potted evidence given to the committee. I note that even the Hon. Trevor Khan said at one stage:

In my mind, and I think the minds of the other Committee members, none of us have been proceeding on the basis that the section 66 threshold is to be increased from 15 per cent to 30 per cent.

Of course it is not, because the section 66 threshold is 1 per cent and it will be increased to 10 per cent under these proposals. Even those who sat on the committee and were taking evidence did not seem to have a clear understanding of what these schemes capture and what the changes will mean. I could refer to the costings of the workers compensation scheme and what it means to business but I will not do that because I know the Hon. Peter Phelps will jump up and talk about payroll tax at some stage and point out what workers compensation is as a proportion of payroll tax. I will leave that to him because I know it is one of his favourite subjects. At the end of the day there is no other way of describing this bill other than as a dog.

**Debate adjourned on motion by the Hon. Lynda Voltz and set down as an order of the day for a future day.**

### ADJOURNMENT

**The Hon. DUNCAN GAY** (Minister for Roads and Ports) [2.52 a.m.]: I move:

That this House do now adjourn.

### LOCAL GOVERNMENT INFRASTRUCTURE

**The Hon. SOPHIE COTSIS** [2.52 a.m.]: As a member of the Labor Opposition and shadow Minister for Local Government I have a duty and an obligation to question government programs to ensure that they provide the taxpayers with value for money. I support measures by State or Commonwealth governments that will enable councils to maintain and build vital local infrastructure for their communities, which increases economic activity and the value of assets and increases income that is reinvested in the community. I congratulate the Federal Government on its announcement last week that \$42 million will be provided to improve energy efficiency across community buildings and facilities, and \$200 million in round two of the five-year regional funding program, the Regional Development Australia Fund.

The Federal local government Minister stated that \$66.6 million will fund 15 projects in New South Wales to boost regional economies and create more than 2,000 new jobs before and after construction. So far the O'Farrell Government has talked the talk on supporting local communities but it has not walked the walk. It has launched five reviews, broken its promise to increase funding and added pressure on local government through cutting \$1.2 billion of State programs. Last year the Minister for Local Government announced that \$70 million of taxpayer dollars would be provided to councils to pay back the interest on loans that would be the equivalent to \$1 billion in infrastructure. I have a duty and an obligation to question the viability of the scheme on behalf of ratepayers and taxpayers. I have placed questions on notice and asked questions of the Minister for Local Government in budget estimates last year. The responses have been less than reassuring.

This week the Minister stated that the extra funding of \$30 million was being provided because of the popularity and success of applications to the scheme. But the Minister also stated that the total pool of funds, \$100 million, would unlock \$1 billion in local government projects. That is the same amount as before. How does using more taxpayer dollars unlock the same amount of infrastructure dollars? The Minister must tell the public what the total borrowings of councils will be under this scheme. How much is each council borrowing? What is the total cost of the proposed project for each council? And what is the total amount of interest the O'Farrell Government will pay for each council? It is clear that the Government has miscalculated the cost of the scheme. In September 2011 the Minister issued a press release in which he stated that the scheme would pay half of the interest on loans. The Minister repeated this claim in budget estimates last October when he said:

If you look at an interest rate of 7 per cent—and half of it is being covered by the State and half of it is being covered by the council—\$70 million gives you the capacity to borrow about \$1 billion.

But since that time the Minister has changed the rules. We started with half of the interest and then it was calculated at 3.5 per cent based on a rate of 7 per cent. But by February 2012 the Minister was offering a 4 per cent subsidy in his press releases before dropping it to 3 per cent in June.

So which is it? Is it a variable subsidy of whatever half the interest is? Or has the Minister locked the subsidy in at 3 per cent, 3.5 per cent or 4 per cent? And if it is locked in, what happens when interest rates go up? It sounds like the Minister is a little unsure, which would explain why the original estimated cost of the scheme was out by \$30 million. New South Wales Labor supports State Government funding to help councils invest in infrastructure. New South Wales Labor supports State Government cooperation with local government to deliver better infrastructure and services for the community.

I understand the rules of the scheme mean that infrastructure projects already in progress may not be eligible for funding. Councils that have started projects and then experienced a shortage of funds will not receive the help they need to finish off those projects. If they need to borrow more money to finish a project, the Government will not be assisting them with the cost of that loan. It is absurd to set up a scheme that would help a council start a new project when what it really needs is help to finish an existing one. The Government needs to provide information to councils and the public urgently on when the successful applicants for funding will be announced; details of all applications; how much each council intends to borrow; how the applications have been assessed; and the names of the members of the assessment panel.

It is still unclear how the loan process will work. At what stage in the process can councils apply for their loans? Do they go into their bank now with their application for the Local Infrastructure Renewal Scheme and ask for a loan, or will they be required to wait until the Government has assessed their application to receive the interest rate subsidy? Section 6.3 of the scheme guidelines states that the Government:

Will not guarantee any part of borrowings or other financial obligations of councils who access support under the Local Infrastructure Renewal Scheme [LIRS].

The guidelines fail to specify who will make up the shortfall if a project runs into trouble. Throughout this scheme the Government makes sure to keep itself at arm's length, pushing the risk onto the councils and onto ratepayers. The Government is prepared to pay some of the interest bill, but if unexpected difficulties arise, that same Government washes its hands of the project and says to the council, "You're on your own." As I have said before, New South Wales Labor supports infrastructure investment, but a significant number of councils are not in a financial position to participate in this scheme. Those are the councils that need to be involved in this scheme. In budget estimates last year I asked the Minister, "What should councils who can't afford to take out the kinds of loans this Scheme targets do?" I will continue to ask the Minister that question.

## ELECTRICITY PRICES

**Dr JOHN KAYE** [2.57 a.m.]: The O'Farrell Government is hiding behind the carbon tax to disguise its own policy failure in energy. On 13 June the Independent Pricing and Regulatory Tribunal released its 2012-13 prices for electricity. The Minister for Resources and Energy, Mr Chris Hartcher, put out a media release which stated:

The Independent Pricing and Regulatory Tribunal has again confirmed that Labor's carbon tax will dramatically force up household power bills with New South Wales consumers to be hit with an 18 per cent increase.

What Mr Hartcher did not say is that 8.9 per cent of that increase is carbon tax and 8.4 per cent is network charges. What he failed to admit was that one of the major drivers of that increase was not the carbon tax but the increased expenditure on wires, poles and substations. Later in his media release Mr Hartcher entirely deceptively says that 80 per cent of the price rises for western Sydney households will be caused by the carbon tax. Prices for Endeavour Energy customers will have \$208 added to the average bill, of which \$166 will be part of Labor's carbon tax. What Mr Hartcher fails to acknowledge is that the western Sydney network, uniquely, was expanded earlier than the other networks and had a far lower capital expenditure on it over the years 2008 to 2012. He further states:

Twelve months on and overwhelmingly thanks to the carbon tax New South Wales customers can expect a rise of 18 per cent.

That is not true. That is misleading. It is not "overwhelmingly"—8.9 per cent of the 18 per cent, less than half of it, was carbon.

**The Hon. Dr Peter Phelps:** It is the single biggest component.

**Dr JOHN KAYE:** The remainder came from networks and other issues. It is not the biggest single component. He does not say, "The biggest single component." The Minister said, "overwhelmingly thanks to the carbon tax." Mr Hartcher further stated:

Green schemes, including the cost of Labor's carbon tax are calculated by the Independent Pricing and Regulatory Tribunal to contribute approximately \$316 to the average household bill.

Mr Hartcher does not say that the cost of green schemes rose by only 0.3 per cent in the forecast period. Mr Hartcher also did not say that was the first bill in which the carbon price is shown. In the periods 2010-11 and 2011-12 electricity prices increased by 10 per cent and 17 per cent, a total of about 27 per cent, 90 per cent of which was from network investments and 0 per cent of which was from the carbon tax.

Indeed, with the 25 per cent increase because of networks over the previous two years, the 8.4 per cent, it is a 37 per cent increase from 2010-11 to 2012-13 as a result of network charges, and only 8.9 per cent as a result of the carbon price. The carbon price is fully compensated. For low income households it is over-compensated and for middle income households it is fully compensated. If we look at it over the previous three years, the real drivers of electricity prices are not the carbon price, but the network investment. That is not said only by The Greens. The Australian Energy Regulator, the Australian Energy Market Commission and the Independent Pricing and Regulatory Tribunal have all suggested that rising prices are due to over-spending on the part of the network.

That is happening for two reasons: first, because of a faulty regulatory system that does not allow the Australian Energy Regulator to reject gold plating applications from the wires and poles businesses and, second, because these undertakings are being fattened up for sale. The more money that goes into them, the more value they have when they are sold and the consumers will pay for that fattening up. We are already seeing increases in payments to Macquarie as there has been a 41 per cent increase in the dividend as a result of this over-investment of \$17.9 billion in wires and poles, at least one half of which was completely unnecessary. If State governments, both Labor and Coalition, got control, we would not have these rises in power bills.

## MANUFACTURING

**The Hon. PETER PRIMROSE** [3.02 a.m.]: Recently I had the privilege of hosting a seminar at Parliament House with Professor Gunter Paulo, who detailed the global successes of his concept of a blue economy. The blue economy is an approach to manufacturing that permits us to respond to the basic needs of all with what we have. As such it stands for a new way of designing business using the resources available and cascading systems where the waste of one product becomes the input to create a new cash flow. Some economists have suggested that developed countries such as Australia must find other things to do to replace manufacturing. We could just dig up our mineral resources to supply manufacturers in other countries or we could focus on the so-called knowledge industries where a product's value is in its intellectual or design content, not its material fabrication, and we can then export know-how rather than physical commodities. Ross Gittins, for instance, said:

... the knowledge economy is about highly educated and skilled workers. Jobs in the knowledge economy are clean, safe, value-adding, highly paid and intellectually satisfying.

But as Professor Chris Gibson from the University of Wollongong recently pointed out, this line of thinking oversimplifies what we mean by manufacturing. The underlying assumptions are that manufacturing work has to be intrinsically unsafe, deskilled and unsatisfying, requiring uneducated workers. But in reality Australians have become expert producers of everything from hearing aids to agricultural equipment, from saddles to metal detectors, from four-wheel-drive accessories to satellite dishes, from shock absorbers to musical instruments. None rely on cheap labour or unskilled workers. Most are made by small firms. Indeed, approximately 88 per cent of Australia's manufacturing firms have fewer than 10 employees.

I want to spend the remainder of my time referring directly to some of Professor Gibson's ideas. Australians should not be focusing simply on bread-and-butter manufacturing, and competing with low wages in Vietnam or China, that requires Australia to join the race to the bottom by cheapening labour and relaxing environmental standards. Some products, such as paint, continue to be made in Australia because they are heavy and expensive or tricky to transport. Others—such as high-tensile steel and mining equipment—are made in Australia because the construction, defence and resources sectors want customised products and ongoing support. Distance, speed and accessibility still matter despite the more integrated nature of the global economy. All countries need a certain amount of locally based production, and necessarily so when factors of production other than cost of labour are significant.

Our natural and human resources are also geographically differentiated within Australia. Skills and materials are not evenly distributed, but clustered and specialised. Thus Sydney has financial services, while Wollongong does not—and likely never will. But Wollongong has coal, steel, enormous port capacity and specialised knowledge in industrial design, machinery, operational health and safety, robotics and battery cell

technology. Professor Gibson argues that the thousands of workers who lost their jobs at Port Kembla are not likely to get replacement jobs as graphic designers, financial advisers or lawyers. To suggest that workers in specialised regions must adjust to an inevitable shift to the knowledge economy is little short of what English academic John Lovering has called a "transition fantasy". This involves calling on sacked factory workers to achieve the impossible by reinventing themselves as something they are not, or are unlikely to want to be. Meanwhile, re-educating masses of workers already skilled in something useful is inefficient and expensive.

Metalworkers' skills could form the basis of new kinds of industries geared towards solar, wind and sustainable building technologies. But if we are seriously to compete with countries such as Germany, much more is needed. Through massive public investment, others have already leapt well ahead of us. Germany now holds more than 17,000 patents for new green production technologies. The private sector often will not fund the long lead time in research and development, nor wear continual losses in the early years when new products are being developed. As Professor Gibson argues, Australia cannot compete with the offshore manufacturing model of making things cheaply, and replacing them works only if consumers throw things out before the utility is exhausted, if resources are plentiful and if labour is perennially cheap. We have choices as to whether to participate in this torrent of production and consumption, or we can choose to build an Australia without the narrow view of what constitutes the Australian economy.

### **GREENMONEY RECYCLING REWARDS PROGRAM**

**The Hon. CATHERINE CUSACK** [3.07 a.m.]: Last night the member for Coogee, Mr Bruce Notley-Smith, and I formally launched an innovative scheme called GreenMoney. It is a recycling rewards scheme created by David Catalovski and his partner, Suzannah. Randwick Council began a GreenMoney trial in March last year, with a mail-out to 10,000 homes. Over 1,200 households registered online and are now eligible for rewards from 21 local partners. It involves yellow-lidded recycling bins being fitted with radio frequency identification tags that allow the weight of the bin to be recorded when lifted. The data is used to reward households with 10 points for every kilogram of recycled material. Those who have registered for the GreenMoney program can then redeem the points for savings at local partners. These include Sushi Fusion, where 35 green points can be redeemed for a 20 per cent discount; Bloom's Chemist, where 100 rewards points can be redeemed for a \$10 discount on a \$50 purchase; and Fruitman Sam, where 50 green points can earn a \$10 discount on a \$50 medium fruit and vegetable box.

I am an avid fan of the GreenMoney project because it ticks all the outcome boxes that have befuddled environment public policy for years. In my view, the ideal policy outcomes for a strong policy will include, first, that it should be financially viable and sustainable; in other words, it does not rely on public funding or consumer cross-subsidies in order to thrive. Almost every environment policy of the former Labor Government, whether it be in the waste space or in renewable energy has failed this test. As a result, the idea of sustainability has been smeared by mismanagement and lack of financial discipline. Solar bonus is a spectacular case in point. Secondly, GreenMoney is a game-changer because it acknowledges and rewards individual improvements in recycling. Other waste programs are population-based or rely on punishment to force behaviour change. As a Liberal, an incentives program is clearly the better approach, and GreenMoney achieves exactly that. Thirdly, the performance of GreenMoney is measurable and accountable as a large-scale program as well as for individual consumers, who can monitor their own performance by accessing online data about their personal recycling accomplishments. They can track behaviour change right down to a half kilo of recyclable material.

Fourthly, GreenMoney supports local business and, again, use of the rewards cards means its impact can be exactly quantified. Reports from local retailers suggest that they are delighted with the results. Often environmental schemes claim to create jobs, but it is a vague and unmeasurable assertion and not able to be targeted, especially for larger projects where an external workforce drops in on a local community. The benefits are far more questionable in those cases. Randwick City Council's adoption of the GreenMoney scheme is a direct shot in the arm for local businesses.

Fifthly, an extraordinary outcome is the large financial savings that are accruing to Randwick ratepayers. A 2011 Randwick City Council waste audit found that the council is collecting 14,000 tonnes of recyclables each year in its yellow household bins. However, 15.9 per cent of recyclables continued to be found in the garbage stream even though the recycling bins were only 80 per cent full. In addition, 8.8 per cent of material deposited in the yellow recycling bins was non-recyclable contaminants. Therefore, there is significant scope for improvements in consumer behaviour. The current waste levy for the garbage stream is \$82.20 a tonne, so every tonne of recyclables that can be diverted away from landfill saves ratepayers money. In



2000 Randwick's diversion rate was 25 per cent and that rose to 37 per cent in 2006. In today's dollars that is an annual saving of \$575,000. This highlights how valuable a 12 per cent improvement in recycling is to ratepayers.

GreenMoney is a cost-free means of educating and encouraging consumers and it will save councils hundreds of thousands of dollars. Importantly, the entire program is voluntary. As I said, it ticks every box and it is unique in that regard. I pay tribute to my colleague the member for Coogee, Bruce Notley-Smith, who assisted during his time as Mayor of Randwick in adopting an unproven idea and implementing it in his municipality. When I first contacted him about GreenMoney he was in the heat of battle in the fight to win Coogee. It is a tribute to him that he took the time to consider the program and that he made it happen.

GreenMoney is the brainchild of David Catalovski and his partner, Suzannah—a young couple with intellect, passion, energy and vision. On the strength of his ideas, they left promising, secure and well-paid careers to make GreenMoney happen. I know I speak for Bruce Notley-Smith when I say that we are incredibly proud to have been associated with David, Suzannah and GreenMoney. If members wish to learn more about the program they should go to [www.greenmoney.com.au](http://www.greenmoney.com.au). [*Time expired.*]

### AMERICAN INDEPENDENCE DAY

**The Hon. DAVID CLARKE** (Parliamentary Secretary) [3.12 a.m.]: With 4 July American Independence Day approaching I pay tribute to the United States as the great and good nation that it truly is. Throughout the world there are those who never miss an opportunity to denigrate it, to heap abuse upon it and who with malicious intent are ever ready to highlight what they claim are its weaknesses and defects. However, when they spew out their attacks they reveal more about their own dark agendas than anything else. They invariably instead reveal their inner totalitarian streak and their hatred of democracy, freedom and human rights.

When the likes of tyrants such as Fidel Castro, Hugo Chavez, Saddam Hussein, Mao Tse Tung and Osama Bin Laden have as the object of their venom the United States there can be no better testimony to its greatness and its pivotal and central position as the defender of liberty in the world. The national anthem of the United States refers to it as the "land of the free and the home of the brave", and that it surely is in thought and in deed. The American author Peter Weddle writes:

Freedom doesn't exist unless and until we act to be free.

America has always been prepared to act in the cause of freedom. As the most powerful democracy in the world, it has time and again been prepared to ensure that those who would seek to deny freedom to others are stopped from doing so. In this cause the American people have always been prepared to put their own armed forces in the frontline. Had America not done so the Axis powers—those who initiated the Second World War—may well have triumphed. Had it not acted to defend the freedom of South Korea from North Korean aggression with the resulting loss of 36,000 of its servicemen, South Korea would not be the free nation that it is today. Had it not made clear to the regime of Mao Tse Tung that a planned invasion of Taiwan would be militarily repulsed, Taiwan would not be the beacon of prosperity and freedom that it is today.

While America's deployment in the defence of the people of South Vietnam from Communist aggression ultimately proved unsuccessful—principally due to the infamous Paris peace process—and resulted in the loss of 58,000 American troops, nevertheless through its perseverance and commitment America proved the pivotal force that ultimately led to the collapse of the Soviet empire and the restoration of freedom to the peoples of eastern Europe and the now defunct Soviet Union. It was principally America that thwarted the Soviet blockade of Berlin by airlifting supplies to the city's citizens. It was principally America that, through its military shield, protected Western Europe during the Cold War. Through its economic wealth it was principally America, via the Marshall Plan, that helped rebuild Western Europe after the devastation of World War II. It successfully short-circuited and contained Fidel Castro's subversion of South and Central America. It forced Khrushchev to back down in his efforts to install Soviet nuclear weapons in Cuba for the purpose of intimidating the peoples of the Americas.

The United States resolved that the cause of freedom necessitated nothing less than the defeat of communism. There was no other course. As Ronald Reagan, one of America's greatest Presidents, once said, "Here is my strategy on the Cold War: We win, they lose". But there have been other threats to liberty apart from communism, and these also have had to be confronted. When Saddam Hussein invaded Kuwait and threatened the peace of the entire Middle East it was the United States of America which led the coalition to end

his aggression and finally bring him to justice. When Osama bin Laden used Afghanistan as a base to launch his Islamist, globalist, terrorist jihad it was the United States of America, with the backing of many nations including Australia, that removed that threat.

It was once again the United States of America that relentlessly and painstakingly ensured that there was no place on this earth which could provide a permanent safe haven for Bin Laden to hide and ultimately brought his days of terror to an end. Can there be any shadow of a doubt that it is and has been for decades the United States of America which time and again has been the guardian of freedom and democracy and which has served to protect the world from evil ideologies and from tyrants and political gangsters who would prey upon the vulnerable?

In 1942 America gave Australia protection from an expansionist and militarist Japan at the Battle of the Coral Sea, and in 2012—some 70 years later—that protection continues through the ANZUS Treaty. What is it that has motivated the United States of America to undertake this role for freedom time after time and with such human loss of life on its own part? It is because the United States of America has a greatness of soul; it has a noble heart and a compassionate heart; it stands for good and it acts for good because its heart is a good heart. The statistics establish that its contributions to charity designate it as the most generous nation on earth, both in terms of value and as a proportion of income. The American people give annually to charity more than \$300 billion.

In 2010 American government overseas aid exceeded \$53 billion, and in 2007 the American public gave \$30 billion for overseas charitable works. For those who believe in freedom and democracy and who love liberty and the triumph of the free enterprise system over the failure of socialism, July 4—American Independence Day—is an occasion to be celebrated, an occasion to recognise the United States of America and its great service to humanity, an occasion that marks the triumph of good over evil, an occasion to celebrate the United States of America—the land of the free and the home of the brave.

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

**The House adjourned at 3.17 a.m. Thursday 21 June 2012 until 9.30 a.m. on the same day.**

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