LEGISLATIVE COUNCIL

Thursday 23 August 2012

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The President (The Hon. Donald Thomas Harwin) took the chair at 9.30 a.m.

The President read the Prayers.

CRIME COMMISSION BILL 2012

Third Reading

Motion by the Hon. Michael Gallacher agreed to:

That this bill be now read a third time.

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

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

AUSTRALIAN BALLET FIFTIETH ANNIVERSARY

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

That this House notes that:

(a) this year the Australian Ballet will celebrate its fiftieth anniversary,

(b) the Australian Ballet is the nation's leading ballet company and has performed over 7,000 shows before 12 million people, and

(c) since the Australian Ballet began in 1962, it has commissioned over 140 new works and given over 200 performances across Australia each year.

NIMMIE-CAIRA SYSTEM ENHANCED ENVIRONMENTAL WATER DELIVERY PROJECT

Production of Documents: Order

The Hon. JEREMY BUCKINGHAM [9.31 a.m.]: I seek leave to amend Private Members' Business item No. 830 outside the Order of Precedence for today of which I have given notice as follows:

1. Omit "the Department of Primary Industries, the NSW Office of Water and the Minister for Primary Industries" and insert instead "the NSW Office of Water".

2. Omit paragraph (c).

Leave granted.

Motion by the Hon. JEREMY BUCKINGHAM agreed to:

That, under Standing Order 52, there be laid upon the table of the House within 28 days of the date of the passing of this resolution the following documents in the possession, custody or control of the NSW Office of Water:

(a) all correspondence between the Government and the Commonwealth Environmental Water Holder relating to the Nimmie-Caira System Enhanced Environmental Water Delivery Project,

(b) all documents relating or referring to meetings, including dates of meetings and minutes, between the Government and the Commonwealth Environmental Water Holder relating to the Nimmie-Caira System Enhanced Environmental Water Delivery Project,

(c) all documents relating or referring to meetings, including dates of meetings and minutes, between NSW Office of Water staff and any landholder within Nimmie-Caira leading up to the proposed changes to the Murrumbidgee Water Sharing Plan, and

(d) any document which records or refers to the production of documents as a result of this order of the House.

HARRIS PARK PRESCHOOL, QUEANBEYAN

Motion by the Hon. STEVE WHAN agreed to:

That this House:

(a) congratulates the Queanbeyan and District Preschool Association on the completion of the extensions doubling the size of Harris Park Preschool, and

(b) notes that members of the association led by chairman Rod Pymont has worked consistently over many years to achieve this extension, assisted by the very dedicated staff at the preschool.

BUSINESS OF THE HOUSE

Formal Business Notices of Motion

Private Members' Business item No. 855 outside the Order of Precedence objected to as being taken as formal business.

LOCAL GOVERNMENT ELECTIONS

Motion by the Hon. STEVE WHAN agreed to:

1. That this House thanks the people putting themselves forward as candidates for the 2012 local government elections.

2. That this House notes that running for local government is a sign of real commitment to the community at an important level of government, and all candidates deserve thanks for indicating their willingness to make the commitment of time necessary for the job as a local councillor.

DETENTION CENTRE REFUGEE MENTAL HEALTH

Dr JOHN KAYE [9.36 a.m.]: I seek leave to amend Private Members' Business item No. 864 outside the Order of Precedence for today of which I have given notice by omitting paragraph 2 (c).

Leave granted.

Motion by the Hon. JOHN KAYE agreed to:

1. That this House notes that:

(a) a 29-year-old Sri Lankan refugee who is experiencing a severe psychotic episode is currently being detained in Villawood Detention Centre,

(b) prior to being detained in detention at Villawood, the patient was receiving care at the Bankstown Mental Health Service,

(c) upon the request of Bankstown Mental Health Service and Liverpool Hospital, the NSW Mental Health Review Tribunal [MHRT] issued a Community Treatment Order [CTO] on the 29 February 2012 to address the ongoing needs of the patient,

(d) the MHRT and the Department of Health agencies present at the tribunal hearing were aware that because the patient was a refugee, by issuing the patient a Community Treatment Order he would be inevitably returned to Villawood Detention Centre,

(e) the Community Treatment Order stated the patient required both short- and long-term occupational, psychological and psychiatric treatment counselling for post traumatic stress disorder [PTSD] and torture counselling,

(f) there exists avenues for detainees with mental illness to be treated outside of Villawood Detention Centre at secure health facilities that may be more conducive to return to health,

(g) the Mental Health Review Tribunal and the NSW Department of Health were provided with documentation demonstrating the serious nature of the patient's psychiatric disorder,

(h) in making a determination on the case of the patient the Mental Health Review Tribunal was in possession of studies demonstrating that immigration detention creates and exacerbates mental illness,

(i) after the patient was returned to Villawood in February 2012, reports from his lawyer and Federal government agencies suggest that his health had substantially deteriorated,

(j) on 17 August 2012, the NSW Supreme Court found that in the context of a community treatment order the term "in the community" in the Mental Health Act 2007 means "not in a mental health facility" and that the Mental Health Review Tribunal acted within the scope of the Act by approving a Community Treatment Order that transferred the patient to Villawood, and

(k) the Supreme Court found that Bankstown Lidcombe Mental Health Service had discharged its responsibilities for administration of the community treatment order by handing administration of care to an external agency, despite evidence presented by the patient's lawyers that the patient had not received the treatment prescribed in the community treatment order.

2. That this House calls on the Minister for Health, the Hon. Jillian Skinner, MP, to ensure that:

(a) the patient in question is as a matter of urgency transferred out of Villawood Detention Centre into an appropriate setting for his care, and

(b) the Department of Health ensures that the patient receives the social, psychological and psychiatric treatment he requires to return to health.

BUSINESS OF THE HOUSE

Formal Business Notices of Motions

Private Members' Business item No. 866 outside the Order of Precedence objected to as being taken as formal business.

PRIVILEGES COMMITTEE

Report

The Hon. Trevor Khan, as Chair, tabled report No. 62, entitled "Citizen's Right of Reply (Mr Brian Boyle)", dated August 2012.

Ordered to be printed on motion by the Hon. Trevor Khan.

PETITIONS

Religious Discrimination

Petition supporting the proposition that the Anti-Discrimination Act 1977 be amended to include religion as a grounds of discrimination, and requesting that the House support the amendment to the Act to make it unlawful to discriminate on the grounds of religious belief or absence of religious belief, received from the **Hon. Shaoquett Moselmane**.

Euthanasia and Palliative Care

Petition requesting that the House oppose The Greens Rights of the Terminally Ill Bill 2012 and any attempts to legalise or decriminalise the practice of euthanasia, and calling on medical practitioners to uphold the principles of palliative care and the Hippocratic Oath, received from **Reverend the Hon. Fred Nile**.

Rights of the Terminally Ill

Petition requesting that the House respect the creation of laws that protect the rights of individuals to make choices about their own end-of-life arrangement, reject arguments of anti-euthanasia campaigners that seek to impose their own moral judgements, and support The Greens Rights of the Terminally Ill Bill 2012, received from the **Hon. Cate Faehrmann**.

Identity Concealment

Petition opposing any face covering that conceals the identity of a person and prevents Australia from being an open society, and requesting that the House support the private member's bill of Reverend the Hon. Fred Nile which prohibits within all public areas the wearing of any article of clothing that conceals a person's identity, received from **Reverend the Hon. Fred Nile**.

Eggs Labelling

Petition requesting that the House support a legislated definition of free range eggs that respects the rights of laying hens to live a decent life, creates penalties for the false labelling or advertising of eggs and requires that eggs that do not meet the legislated definition be clearly labelled as barn eggs or cage eggs, received from **Dr John Kaye**.

Unborn Child Protection

Petition requesting that the House uphold the sanctity of human life, defend the fundamental right of children to be born, reject all attempts to initiate legislation that emulates the Victorian Abortion Law Reform Act 2008 and encourage ways and means of promoting to the people of New South Wales that every baby deserves to be protected and nurtured from conception, received from **Reverend the Hon. Fred Nile**.

Religious Education and School Ethics Classes

Petition opposing the newly proposed secular humanist ethics course in public schools, and calling on the Government to support the cancellation of the ethics course and express its support for scripture classes, received from **Reverend the Hon. Fred Nile**.

SPECIAL ADJOURNMENT

Motion by the Hon. Duncan Gay agreed to:

That this House at its rising today do adjourn until Tuesday 4 September 2012 at 2.30 p.m.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Order of Business

The Hon. JEREMY BUCKINGHAM [9.49 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. 814 outside the Order of Precedence relating to coal exploration activities be called on forthwith.

This is an urgent matter. The Independent Commission Against Corruption has seen the need to open a public inquiry into the actions of former Labor Ministers for Mineral Resources Ian Macdonald and Eddie Obeid in relation to coal exploration in the Bylong Valley and around Jerrys Plains. At the same time, exploration activities continue in both areas and project development plans have been lodged in relation to the Mount Penny project in the Bylong Valley and the Doyles Creek project in the Hunter Valley.

This motion should be debated because farmers face the absurd situation whereby there is a question about the legitimacy of licences and yet the licence holders are allowed to continue to impact on their farms. It would be grossly unfair to allow exploration activities to continue while a corruption inquiry is underway. If a hold were put on exploration and development applications, certainty would be provided to both the landholders and the companies involved. Companies do not want to spend money on an exploration program in an area for which an illegal exploration licence may have been issued. My concern is also with the farmers in Bylong and Jerrys Plains—including Stuart Andrews and Ian Moore—who are feeling increasingly isolated.

The Hon. Dr Peter Phelps: Point of order: The purpose of this motion is to establish urgency but the member is speaking to the substantive motion. I ask you to draw him back to the strict argument in relation to urgency.

The PRESIDENT: Order! The majority of the member's comments have been in order. However, he is starting to stray towards the substantive motion. I ask him to abide by the standing orders.

The Hon. JEREMY BUCKINGHAM: My concern is also with the farmers at Bylong and Jerrys Plains who are feeling increasingly isolated. We need time to digest the Independent Commission Against Corruption hearings and any findings would make it easier for them to plan their futures. We should debate this motion today before any further damage is done.

The Hon. DUNCAN GAY (Minister for Roads and Ports) [9.52 a.m.]: The Government does not support the motion or the granting of urgency. As the member would be well aware, in late 2011 both Houses of Parliament formally referred the granting of the Doyles Creek exploration licence EL7270 to the Independent Commission Against Corruption. Indeed, the Hon. Jeremy Buckingham supported the Government's referral in this place on 23 November 2011. Is the member seeking to second-guess the Independent Commission Against Corruption while it conducts its public inquiry? Let me remind the member of exactly what he supported in this place in November of last year: that the Independent Commission Against Corruption investigate and report with respect to—

Dr John Kaye: Point of order: The Minister is now canvassing the substantive issues rather than debating the issue of urgency.

The PRESIDENT: Order! The Minister is in order.

The Hon. DUNCAN GAY: Last year the member supported that the Independent Commission Against Corruption investigate and report with respect to:

(a) the circumstances surrounding the application for and allocation to Doyles Creek Mining Pty Ltd of EL7270 under the Mining Act 1992;

(b) the circumstances surrounding the making of profits, if any, by the shareholders of NuCoal Resources NL as proprietors of Doyles Creek Mining Pty Ltd;

(c) any recommended action by the NSW Government with respect to licences or leases under the Mining Act;

(d) recommended action by the NSW Government;

(e) whether the NSW Government should commence legal proceedings.

The matter is not urgent and the member should not seek to circumvent this independent process. It is important that the investigation currently being undertaken be allowed to run its course. I am also informed that in a media release of 7 August 2012 the Independent Commission Against Corruption announced that it would also be holding a public inquiry into, amongst other things, the circumstances surrounding the allocation of exploration licences EL7270 and EL7406, for Mount Penny and Doyles Creek respectively, notwithstanding the fact that both Doyles Creek Mining and Mt Penny Coal are conducting exploration and other studies on what are valid exploration licences. While the Independent Commission Against Corruption inquiry is underway, title holders are not precluded from undertaking approved exploration within the licensed area of land for which they have landholder consent. No matter what independent members think—we all have our particular views, and I suspect that my view may well be not too different from that of the mover of this motion—in this country there has always been a presumption of innocence until and unless guilt is proven.

The Hon. LYNDA VOLTZ [9.56 a.m.]: The Opposition also will not be supporting this urgency motion, which seeks to pre-empt the Independent Commission Against Corruption investigation that is underway. I am sure the commission will undertake its inquiry in a timely manner. A decision on the matter has already been taken by this House.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 5

Ms Faehrmann
Dr Kaye
Mr Shoebridge

Tellers,
Ms Barham
Mr Buckingham

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	Mr Moselmane	
Mr Donnelly	Reverend Nile	*Tellers,*
Ms Ficarra	Mrs Pavey	Dr Phelps
Miss Gardiner	Mr Primrose	Ms Voltz

Question resolved in the negative.

Motion negatived.

FIREARMS LEGISLATION AMENDMENT BILL 2011

Second Reading

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

NATIONAL PARK ESTATE (SOUTH-WESTERN CYPRESS RESERVATIONS) AMENDMENT BILL 2012

Second Reading

Debate called on, and adjourned on motion by the Hon. Dr Peter Phelps and set down as an order of the day for a future day.

NATIONAL PARKS AND WILDLIFE AMENDMENT (ILLEGAL FORESTRY OPERATIONS) BILL 2012

Second Reading

Debate resumed from 14 June 2012.

The Hon. PETER PRIMROSE [10.05 a.m.]: The purpose of the National Parks and Wildlife Amendment (Illegal Forestry Operations) Bill 2012 is to amend the National Parks and Wildlife Act 1974 to increase the monetary penalties for offences against that Act in connection with illegal forestry operations, and for other purposes. Section 8A of the Forestry Act 1916 defines the objects of the Forestry Commission, where it is charged with three key objectives: to deliver timber, to provide for recreation and to care for the resources it manages. This third objective requires the Forestry Commission to conserve birds and animals in State forests. The current New South Wales koala population is estimated to be around 10,000. Illegal logging is one of the main threats to the koala population and consequently the bill aims to address such issues by making amendments to the penalties for environmental offences in State forests.

The object of this bill is to amend the National Parks and Wildlife Act 1974, first, to create a new offence that involves contravening a provision of the National Parks and Wildlife Act or the regulations in the course of carrying out forestry operations, which includes activities such as logging for timber production purposes and, second, to increase the penalties applying to the offence under the National Parks and Wildlife Act of contravening any condition or restriction attached to a licence or certificate issued under part 6, licensing, of the Threatened Species Conservation Act 1995.

The new offence under the National Parks and Wildlife Act will attract a maximum penalty of 2,000 penalty units, or about $220,000, or imprisonment for two years or both, which is in most cases substantially higher than the existing penalties for contravening a provision of the Act or its regulations. The maximum

penalties applying to the offence under the National Parks and Wildlife Act of contravening any condition or restriction attached to a licence or certificate issued under part 6 of the Threatened Species Conservation Act 1995 will be increased in the case of an individual from 100 penalty units, or about $11,000, and 10 penalty units for each day that the offence continues, to 1,000 penalty units and 100 penalty units respectively; and in the case of a corporation from 200 penalty units and 20 penalty units for each day that the offence continues to 2,000 penalty units and 200 penalty units respectively.

The Australian Labor Party created the best-forested national parks system in Australia, protecting for perpetuity the most ecologically important forests. Over 16 years New South Wales Labor added three million hectares to the State's terrestrial reserve system, much of this on former State forest land. But this was only half of the equation. For the State forests left open to logging Labor designed a comprehensive set of laws and prescriptions to ensure that logging did not decimate the ecological fabric of the forests but, instead, left the building blocks of forest diversity and recovery, ensuring waterways were kept clean and animals were not robbed of their homes entirely. The integrated forestry operations approvals [IFOAs] are the detailed documents that outline forest prescriptions and the licences granted to forestry operations. Perhaps most significant are those relating to threatened species. One of the challenges with the logging of native forests is that animals require a mix of different aged trees. A clear-fell destroys the forest as a home for animals as the trees that grow back are all of the same age, creating essentially a biological desert.

Many animals specifically require big old trees. It is only after a tree is mature that it starts to drop branches and create the hollows on which many animals rely. Gliders, birds and bats require these hideouts to survive and to breed. Hollows have been called the apartment blocks of the forest and many species of fauna in Australia are hollow-dependent. The rules of the New South Wales Labor Government required a set of old trees, called habitat trees, to remain in a logged area. This is one example of the many sensible prescriptions that govern logging in State forests in New South Wales. Furthermore, under the integrated forestry operations approvals, pre-logging fauna surveys are to be undertaken by fully qualified experts and particular prescriptions have to be followed if threatened species are found to be present.

Specific numbers of hollow-bearing and recruitment habitat trees must be marked clearly, protected and retained. Feed trees, nests, roosts and den sites must be identified, marked and protected. Buffer zones must be established and clearly delineated, and dedicated staff must be on hand to ensure that no animals are in harm's way. In fact, in reality, the situation is different. For example, audits of logging operations undertaken by environmentalists on the North Coast and the South Coast over the past few years indicate the systematic breaching of virtually every threatened species prescription. On 5 May this year, Mr John Edwards delivered a speech on the specific impacts on forestry to the Nature Conservation Council. In his opening paragraph he said:

> Despite one of Forests NSW's core functions being to manage forests for biodiversity conservation, there is no system in place to measure the health or numbers of forest fauna from one logging event to the next.

I would like to canvass the other empirical detail that is partly outlined in this report. As Mr John Edwards indicated to the Nature Conservation Council, under the integrated forestry operations approvals pre-logging fauna surveys are to be undertaken by fully qualified experts and if threatened species are found to be present there should be prescriptions to follow. Those prescriptions have been outlined previously. Specific numbers of hollow-bearing and recruitment habitat trees must be marked clearly. In reality, audits of the logging operations on the North Coast have found that over the past two to three years there has been a systemic breaching of all these prescriptions: feed trees are rarely marked for retention and hollow-bearing old-growth trees are routinely destroyed for occupational health and safety reasons. I do not disagree with those reasons but they are reasons that need to be carefully examined in relation to the other requirements of the legislation. Mr Edwards has indicated that a single logged forest is yet to be found where the required number of habitat and recruitment trees has been retained.

Mr Edwards also indicated in his report that the pre-logging fauna surveys have failed to identify threatened species and endangered ecological communities. In April this year it was discovered that records of the threatened rufous scrub-birds at Styx River State Forest had been deleted from the Forests NSW database. Forests are now being logged at double the 40 per cent basal rate allowable under the integrated forestry operations approvals, leading to virtual clear-fell operations. Basal area percentage is approximately equal to canopy loss: 50 per cent basal area logging equals approximately 50 per cent canopy reduction. Forests NSW is being allowed to do this simply by earmarking some areas of the forest as an offset, which are not immediately logged, but returning a year or so later to secure the remainder. The responsible regulatory body, the Office of Environment and Heritage, has allowed this to happen because the integrated forestry operations approvals do not stipulate a minimum return period.

As previously indicated, these trees are being routinely destroyed by forestry operators, which was official policy early last century with the aim of ridding the forest of all unmerchantable trees and reducing the forest to even-aged monocultures of preferred timber species. Therefore, what was official policy is now continued as unofficial policy. For instance, the survey from the Styx River State Forest audit found that more than 100 of these old trees were cut down along 3.5 kilometres of roadsides. These solid-based trees had been standing more than 40 metres from the road in areas where logging is excluded, and although they posed no threat to anyone they were knocked over regardless of the requirements of the legislation.

This bill is about equality. In New South Wales, if a corporation pollutes a waterway, it is liable to a $1 million fine and $120,000 for each day the offence continues. If an individual illegally clears bush on his or her property, he or she is liable to a $1 million fine. If anyone contravenes the Environmental Planning and Assessment Act, he or she is liable to a $1.1 million fine and $110,000 for every day that the offence continues. If someone hurts or damages a threatened species in any context—apart from forestry—the maximum fine is $220,000 or two years imprisonment. However, if someone takes the life of an endangered species, a smoky mouse or a long-footed potoroo by contravening the threatened species licence under the integrated forestry operations approvals, the maximum penalty is merely $22,000. That is $22,000 for that action compared to the multiples of millions of dollars for the actions that I have previously outlined. This clearly is an inequity that is made even clearer when the respective penalties available for the breaches of these environmental laws are examined.

Forests NSW is failing the people of New South Wales in its obligations to manage the forests. The lack of any real incentive to stick to the rules is one important part of this problem. This bill increases the penalties for breaching the provisions of an integrated forestry operations approval tenfold. The bill amends the National Parks and Wildlife Act to create a new offence that involves contravening a provision of that Act or the regulation in the course of carrying out forestry operations. The new offence under the Act will attract a maximum penalty of 2,000 penalty units, which equates to $220,000 or imprisonment for two years, or both, which in most cases is substantially higher than the existing penalties for contravening a provision of the National Parks and Wildlife Act 1974 or the regulations.

Many analogies could be drawn. The simple facts are that it is totally inappropriate for a Legislature to pass legislation, to enunciate it clearly to the people of New South Wales, and then to ignore its breach. Simply passing a bill does not make it an Act and the Government is not saying that the mischief it is seeking to remedy has been remedied. If clear evidence is presented indicating that the mischief that the Parliament sought to remedy by passing the legislation in the first place is not being remedied, it is incumbent on this Parliament to do one of two things. Either we say we are not capable of meeting the demands that were being placed on this Parliament to address the problem in the first place, and the legislation is repealed, or the objectives of the legislation need to be investigated. I commend the Hon. Luke Foley for introducing this legislation because the objectives of the original legislation are too important to be allowed to fail. I commend the bill to the House.

The Hon. SCOT MacDONALD [10.20 a.m.]: I oppose the National Parks and Wildlife Amendment (Illegal Forestry Operations) Bill 2012 as introduced by the Hon. Luke Foley. The Opposition had more than enough time to review the forestry regulatory framework. Despite that, it has chosen to peddle a piecemeal policy while this Government has been getting on with the job of conducting a considered investigation into forestry regulation. In May 2012 the Minister for Primary Industries announced the Government's intention to corporatise Forests NSW, to conduct a review of wood supply on the North Coast and to review the integrated forestry operations approval [IFOA], which contains the licences issued to Forests NSW.

The Government has already made it clear that it will review the current forestry licences to ensure that they are based on clearly defined accountabilities to make this a modern, efficient and effective system of environmental regulation. It appears that the Opposition has not bothered to take the time to understand the current regulatory framework, particularly given the higher penalties that already exist in the National Parks and Wildlife Act 1974 for threatened offences. The National Parks and Wildlife 1974 already includes penalties of up to $220,000 or a maximum of two years imprisonment for threatened species offences.

The Opposition also proposes a new offence for all forestry operations under this bill, including those undertaken by private landholders. Do members opposite realise that this means that even small landholders could face fines of up to $220,000 or two years imprisonment for minor offences? The Opposition's proposal is indiscriminate in its approach and would result in increased penalties for threatened species offences being applied not only to Forests NSW but also to anyone who inadvertently breached the Act, including small businesses and private individuals. The bill would increase the penalties for any illegal forestry activity, including those undertaken by private landholders.

The Opposition also appears to forget that the regulatory framework established by the Labor Government regulates Forests NSW under three key pieces of environmental legislation: the Protection of Environment Operations Act 1997, the Threatened Species Conservation Act 1995 and the National Parks and Wildlife Act 1974. If the Opposition were so concerned about raising maximum penalties for licence offences in the National Parks and Wildlife Act 1974, why did it not raise them when it amended the Act in 2010? Why did it not integrate the regulatory framework more thoroughly to begin with?

Fortunately, the Government is now undertaking a review to identify these failings and to ensure that Forests NSW is regulated under a modern regime. The Government will begin to fix a problem left to it by the Labor Government. The regulatory review will include an examination of the existing penalty regime and the Government will fix this issue once and for all when the review is completed. This legislation is a demonstration of Labor at its worst. We have a complex problem in a natural system, yet its response to the challenge of weather and contract obligations is to ratchet up penalties. I will provide the House with examples of some of the problems that we confronted. The Parliamentary Secretary visited Walcha about a year ago to look at some of these issues.

The Hon. Dr Peter Phelps: And what a good Parliamentary Secretary he is.

The Hon. SCOT MacDONALD: Yes, the Hon. John Ajaka is the best Parliamentary Secretary for Roads. He saw some of the challenges that we were facing. A long period of wet weather made access to some of the coops very difficult, which creates problems with delivering on contracts. Surely the answer is to bed down the corporatisation and to ensure that we have a sustainable industry, both economically and environmentally. If there are logistics problems, we should not default to heavy penalties that could result in inadvertent mistakes. The big-stick approach that is proposed by the Opposition in this bill rarely works and it will not deliver a sustainable forestry industry. The Government rejects the bill.

The Hon. WALT SECORD [10.23 a.m.]: I support the National Parks and Wildlife Amendment (Illegal Forestry Operations) Bill 2012. I commend my colleague the Hon. Luke Foley for bringing this important matter before the Parliament. I also acknowledge his work with the North East Forest Alliance in drawing attention to illegal logging in northern New South Wales. I make particular mention of recent events about 16 kilometres south west of Casino in the Royal Camp State Forest. Last month, the Hon. Luke Foley and the North East Forest Alliance temporarily halted the illegal logging by Forests NSW of local koala habitat. In theory, Forests NSW is prohibited from logging in high-use koala areas. However, it is obvious that Forests NSW was failing in its legal obligation to protect a minimum number of koala feed trees and it did not undertake pre-logging surveys to identify and protect high-use koala areas.

Since the Hon. Luke Foley and the alliance have drawn attention to the illegal logging, the Minister for the Environment has regrettably allowed a resumption of logging. Local environmentalists and the Hon. Luke Foley observed koala scratch marks on tree trunks and stumps in an area recently logged by Forests NSW and koala scats next to trees and stumps. There was physical evidence showing the koalas had returned to the eucalyptus trees and discovered their homes had been reduced to mere stumps. I have seen the photographs and the evidence and they are heartbreaking. There are other examples of the O'Farrell Government's failure to protect koalas. Last October, the Minister for the Environment, the Hon. Robyn Parker, and the Environment Protection Authority failed to stop illegal logging of other koala habitats, including in the Boambee State Forest near Coffs Harbour and Bermagui State Forest on the South Coast.

The National Parks and Wildlife Amendment (Illegal Forestry Operations) Bill 2012 amends the National Parks and Wildlife Act 1974 to increase substantially the penalties for illegal activity in our State forests. It is a response to concerns raised in recent years by community groups that have reported increasing incidents of breaches of forestry proscriptions on the north and south coasts of New South Wales. With so many New South Wales native animals under threat from extinction, this bill is crucial. Members will recall that as recently as 15 August I have spoken in the Parliament about the plight of our iconic koala. I have spoken also about the work of Team Koala and its leader, Jenny Hayes, from the Tweed shire.

When Europeans settled Australia there were an estimated 10 million koalas in this country. Today the New South Wales koala population is estimated to be just 10,000. We have gone from millions to just 10,000 and that is devastating. Koalas have suffered due to encroaching development, attacks by pets, imported disease and road killings. Thankfully, the Federal Labor Government is responding. Earlier this year, the Federal Minister for Sustainability, Environment, Water, Population and Communities, the Hon. Tony Burke, listed the

koala as a vulnerable species in New South Wales, Queensland and the Australian Capital Territory. Further, the Minister has allocated $2 million for koala habitat and wildlife corridor protection in the Tweed-Byron area. I welcome and support Minister Burke's actions.

Monday night's *Four Corners* report by Marian Wilkinson illustrated the grave situation facing koalas in south-east Queensland and northern New South Wales. That situation is even worse in the Tweed shire. The Tweed shire has three known koala colonies at Round Mountain at Cabarita and Pottsville's Koala Beach, and the largest one is near Kings Forest, which is now the subject of a major development. A viable koala community needs a minimum of 170 koalas, and official Tweed koala numbers have been reduced to below 140. That has taken the three tiny colonies to the brink. Given that situation, and numerous others across our State, I support the Hon. Luke Foley's bill.

The object of the bill is to amend the National Parks and Wildlife Act 1974 to create a new offence that involves contravening a provision of the National Parks and Wildlife Act or the regulations in the course of carrying out forestry operations, which includes activities such as logging for timber production purposes. It also increases the penalties applying to the offence under the National Parks and Wildlife Act of contravening any condition or restriction attached to a licence or certificate issued under part 6 of the Threatened Species Conservation Act 1995. Under this bill the new offence will now attract a maximum penalty of $220,000 or imprisonment for two years, or both. That is a tenfold increase and it is welcomed.

Currently an illegal forestry operation faces a maximum penalty of $22,000. Given the scale of many of the forestry operators in New South Wales that is a paltry amount. Regrettably, it could be reconciled by some operators as an operating cost as opposed to a genuine deterrent. Just yesterday morning, 22 August, a 29-year-old Riverina man received a paltry fine of $10,500 in Deniliquin Local Court for illegally cutting down 200 trees in a national park and on Crown lands between April and July this year. Members will be aware that some of the trees in the Riverina area and the national park in that area are more than 500 years old. A fine of $10,500 is woefully inadequate for such environmental vandalism. That is the equivalent of about $53 a tree.

In June 2011 Forests NSW was convicted of destroying smoky mouse habitat by inappropriate burning on the South Coast. The smoky mouse is a native Australian rodent and there are only about 2,500 in the wild. They are on the International Union for the Conservation of Nature's red list of endangered animals. The resulting fine was just $5,600. That is a disgrace and is woefully inadequate. In June 2011, when delivering her verdict, Justice Rachel Pepper of the New South Wales Land and Environment Court spoke at length about the penalty. She said the penalty was "exceedingly low compared to penalties for other environmental offences, particularly given the seriousness with which the community has come to view environmental offences." Justice Pepper is, of course, correct.

There has been a significant shift in community expectations regarding environmental protections and our communities expect our industries to take them seriously. But, as Justice Pepper noted, her hands were tied by the existing legislation. Justice Pepper added, "However, any increase in the penalty is a matter for Parliament." I concur with Justice Pepper, and this bill goes some way to responding to her and community concerns. The current penalties for illegal logging are grossly out of step with penalties for other environmental offences. To give a comparison, for example, the maximum penalties for polluting a waterway, illegal land clearing and breaching the Environmental Planning and Assessment Act are up to $1.1 million. Communities are aware that environmental offences are sometimes committed by large and profitable industries. The community is rightly concerned that the penalties attracted can be simply be shrugged off by those with deeper pockets.

New South Wales Labor has a proud record on the environment and environmental protection. This bill continues to build on that record. Our environment achievements stretch back to New South Wales Premier Neville Wran who, in 1982, protected 90,000 hectares of New South Wales rainforest. Years later, New South Wales Premier Bob Carr reformed the New South Wales timber industry. Mr Carr struck a balance between jobs and the environment through the regional forest agreements. He created the best national parks system in Australia, protecting our unique forests forever. He expanded the national parks system from four million to 6.7 million hectares. His work has been recognised overseas. Mr Carr received the World Conservation Union International Parks Merit Award for creating 350 new national parks. For the record, I am proud to associate myself with Mr Carr's environmental achievements.

For historical purposes, I also cite the work of Kim Yeadon, Pam Allan, Bob Debus, Craig Knowles and Frank Sartor for their environmental initiatives during the Carr era. In contrast, the O'Farrell Government

has gazetted only one national park. Further, the O'Farrell Government is allowing hunting by recreational shooters in up to 751 of the State's 799 national parks. I also cite the strong stand by former Premiers Nathan Rees and Kristina Keneally against hunting in national parks. But the O'Farrell record on the environment has, thus far, been nothing short of disgraceful. The National Parks and Wildlife Amendment (Illegal Forestry Operations) Bill 2012 is an important step to helping protect our State's wildlife and unique forestry system. I commend the bill to the House and congratulate the Hon. Luke Foley on his work in this area. I also urge members of the crossbench to support this important piece of legislation. I thank the House for its consideration.

The Hon. CATE FAEHRMANN [10.34 a.m.]: The Greens support the National Parks and Wildlife (Illegal Forestry Operations) Bill 2012, introduced by the Leader of the Opposition, which addresses illegal operations of Forests NSW. The Greens believe it is absolutely necessary to increase fines for illegal operations. We know just how often Forests NSW is caught undertaking illegal activities in forests. We know that this has gone on for many years, both under the previous Government before March 2011 and under this Government. We also know how many illegal breaches our conservationists throughout New South Wales, particularly along the coast where many of our State Forests are located, have found when they go into forests.

We know about the breaches by Forests NSW because we have a large number of very dedicated people in this State who enter forests to ensure that our threatened species are protected and that logging operations, when they do occur, are conducted as sustainably as possible. When conservationists met around a table with the former Labor Government and talked about regional forest agreements [RFAs], integrated forestry operations approvals [IFOAs] and logging in State Forests, they were prepared to negotiate and compromise so long as plenty of safeguards were put in place to ensure that logging was carried out as sustainably as possible for the benefit of future generations and to protect the habitat of threatened species. But the goodwill on the part of conservationists has not been met by government and Forests NSW.

This bill is important in that it will increase the fines that apply for breaches by Forests New South Wales. As a Parliament we must send a very strong message that Forests NSW has to conduct its operations legally. Last year I, together with a large number of conservationists, visited Doubleduke State Forest on the North Coast where we saw significant breaches by Forests NSW. As members have already said in this place, those breaches are being mirrored across the State. I was shown around Doubleduke State Forest by members of the North East Forest Alliance, such as Dailan Pugh, who have dedicated their lives to conservation. I saw a sugar glider feeder tree that had not been marked to be retained and was due to be logged. We knew it was a sugar glider feeder tree because we saw the very fresh scratch marks of sugar gliders all the way down from the top of the tree.

The Hon. Dr Peter Phelps: So they were damaging the trees. Fine the sugar gliders.

The Hon. CATE FAEHRMANN: That is a basic element that Forests NSW must incorporate into its operations. The Hon. Dr Peter Phelps can mock and carry on that the sugar glider is not important. Many members of the Coalition could not give a toss about threatened species conservation, as we can see in the behaviour of the Minister for the Environment, Robyn Parker, and the Minister for Primary Industries, Katrina Hodgkinson. They do not understand that protecting and conserving threatened species is part of their responsibilities in Government. I do not think the Government understands that.

In Doubleduke State Forest I saw a sugar glider feeder tree trashed and I saw many other areas that had been listed as ecological communities logged by Forests NSW. The Hon. Walt Secord mentioned the activities in Royal Camp State Forest where conservationists had gone into Forests NSW coops that were due to be logged and found evidence of, for example, koala habitat. As in the case of Styx River State Forest, Forests NSW is happy to delete or lose records of endangered species whose habitat had previously been listed. In the Styx River State Forest the habitat of an endangered species, the rufous scrub-bird, was listed, and then suddenly that same area was no longer listed as habitat for the rufous scrub-bird. This is a very serious issue, and it has been reported in the media. I have previously commented on allegations that records of threatened species areas have been deleted, have gone missing or have simply dropped off the list. I do not know how it has happened, but it is the reality of the situation.

The Hon. Dr Peter Phelps: Maybe the species are not there.

The Hon. CATE FAEHRMANN: The Hon. Dr Peter Phelps says that maybe the species are not there. They were seen and recorded. The timber supply contracts for Forests NSW require urgent renegotiation. We know that those contracts ensure that Forests NSW is compelled, in some ways, to log forests unsustainably.

Today fewer jobs are involved in the logging operations of Forests New South Wales; logging is now highly mechanised. Machinery is now used where once people walked through the forests, marked out no-go zones and hand cut logs. I have watched a video about a logging contractor, with many years experience in our public forests, who is very worried about what is happening now. In the video he talks about the mechanisation of logging and the need to fill timber supply contracts, which encourages unsustainable logging. In fact, more and more timber workers are speaking out. I will read onto the *Hansard* a few examples of Forests NSW being accused of illegal forestry operations and being investigated and fined. The *Bega District News* on 4 February 2011 reported that the then Department of Environment, Climate Change and Water had found a spate of breaches committed by Forests NSW: rainforests were being logged, as were the habitats of endangered species and endangered ecological communities. It was reported that 23 breaches of the regulations occurred in many of the State forests in Eden and southern regions. Conservation groups at the time were reported as saying, "There's been systematic reoccurring breaches on the South Coast."

One wonders what would be going on if there were not people in those communities going into forests to investigate the logging operations of Forests NSW. It should be the responsibility of Forests NSW, the Environment Protection Authority and the Office of Environment and Heritage to have compliance officers—trained ecologists—keeping an eye on these activities. But, as members know, it is often concerned members of the local community who undertake these duties. The Greens support a call for tougher fines in order to send a clear message to Forests NSW that these breaches are not acceptable and that when they do occur Forests NSW will be fined appropriately. A paltry fine of $3,500, for example, should not apply to Forests NSW logging in a threatened species habitat. A fine much higher than that—possibly $150,000—must apply. The *Sydney Morning Herald* on Friday 9 July 2010 reported:

> Evidence of systematic damage to rainforests in northern New South Wales as a result of the government supervised logging has forced the environment department to again investigate its State-run counterpart: Forests NSW.
>
> The alleged logging of old-growth rainforest, in accurate surveys and damage to endangered species habitat in Grange State Forest, near Grafton, amounts to the third time in three months that the forestry agency has been accused of breaching its own guidelines in northern New South Wales.
>
> Damage at Grange State Forest was identified by independent research in Doubleduke State Forest—

that is the area I visited—

> near Evans Head, two weeks ago, after a Forest NSW logging operation. It is also under investigation by the environment department. The agency was also fined $1,200 in May for breaching its licence conditions and damaging the endangered ecological community in Yabbra State Forest, near Casino.

Will a fine of $1,200 really deter Forests NSW from doing that again? What a huge deterrent!

The Hon. Luke Foley: Why don't we take their driver licences?

The Hon. CATE FAEHRMANN: I acknowledge the interjection of the Hon. Luke Foley. It would be a great idea to take the vehicle licences of Forests NSW contractors so that they cannot operate the logging machines. That will be in my next private member's bill. An article in the *Grafton Daily Examiner* of Friday 28 May 2010 stated:

> A government department responsible for environmental protection of forests has been penalised and issued a warning letter over environmental breaches in the upper Clarence.

I repeat, "a warning letter".

The Hon. Helen Westwood: That would have terrified them.

The Hon. CATE FAEHRMANN: It would have absolutely terrified them. The article continued:

> The Department of Environment Climate Change and Water has issued Forests NSW with four penalty notices and a warning letter in relation to breaches of its threatened species licence in logging operations in 600 hectares of Yabbra …
>
> Between 2004/05 and 2008/09—

under a Labor Government—

> the Department of Environment Climate Change and Water identified 669 breaches of Forests NSW threatened species licences throughout New South Wales.

This is the interesting part:

> But over that time they never prosecuted Forests NSW and only issued six penalty notices.

I am pleased that Labor in Opposition has now taken up this challenge, and I hope the motion is passed. But between 2004 and 2009 under Labor 669 breaches were identified; there were no prosecutions and only six penalty notices were issued. If the motion of the Hon. Luke Foley fails, I challenge him to move it again when the Labor Party eventually returns to government. The Greens will happily support it.

The Hon. Luke Foley: I will talk to my son about that one.

The Hon. CATE FAEHRMANN: I acknowledge that interjection; that is a long time in the future. I refer now to the Clarence Environment Centre and the vulnerable rufous scrub-bird, which I mentioned before, in the Styx River State Forest. A complaint was lodged on 9 March 2012 on the Environment Protection Authority pollution line. The Environment Protection Authority Forestry Unit was contacted by email and phone. Previously, a Forests NSW ecologist identified seven locations for rufous scrub-birds. This relates to what I was talking about in terms of the missing records. That data was recorded on the New South Wales wildlife atlas, which is an important tool for mapping biodiversity and wildlife in this State. In March 2012 local conservationists found that Forests NSW had burnt the birds' habitat and was logging it.

The Hon. Dr Peter Phelps: Did these birds have wings?

The Hon. CATE FAEHRMANN: Even if the birds had gone and were not in that place on that day, what is important is that the birds' habitat was burnt and logging had then taken place. However, the most important aspect is that all records of the birds had been deleted.

The Hon. Dr Peter Phelps: It's a conspiracy.

The Hon. CATE FAEHRMANN: It is more than a conspiracy. It is an absolute disgrace. There needs to be an investigation into what happened. I will not make too many allegations about Forests NSW. Another point is that the new Environment Protection Authority has failed so far to undertake a proper investigation and has refused to stop the logging. The Environment Protection Authority was established to ensure that our State forests are logged sustainably. In the past, conservationists around the State, representing key environment groups—

The Hon. Dr Peter Phelps: You don't want any logging at all.

The Hon. CATE FAEHRMANN: No. The conservationists came to the table years ago to negotiate and compromise on a proposal they could support in relation to logging in State forests.

The Hon. Dr Peter Phelps: Rubbish. It's a one way ratchet: lock it up, lock it up, lock it up.

The Hon. CATE FAEHRMANN: The Hon. Dr Peter Phelps carries on as though conservationists do not want any logging in State forests. That is a typical neo-conservative, ill-informed comment about The Greens and conservationists. In fact, the conservationists met with the Government and forestry industry representatives to try to get a sustainable outcome.

The Hon. Dr Peter Phelps: Show me one instance where The Greens have said there should be more logging taking place.

The Hon. CATE FAEHRMANN: The Hon. Dr Peter Phelps is mincing his words. Now he is talking about more logging taking place.

DEPUTY-PRESIDENT (The Hon. Paul Green): Order! Interjections are disorderly at all times. The Hon. Cate Faehrmann will be heard in silence.

The Hon. CATE FAEHRMANN: The Hon. Dr Peter Phelps is now saying that conservationists do not want more logging. That is because the logging taking place in State forests is unsustainable. As we heard many times today, Forests NSW is ignoring the licence conditions that were established to ensure that its logging is sustainable. Does that make sense? Does that instil any faith that this department can undertake

logging? Even if we do not talk about the habitat, Forests NSW is failing to properly manage wood supply to ensure that we have a sustainable forest for future generations. This issue affects not only the State's threatened species and biodiversity but also future generations.

We need to ensure that Forests NSW is given an incentive to log sustainably. Fines of $1,200 and $1,500 are paltry when Forests NSW is logging habitat that cannot be replaced. It is all very well for members opposite to interject that not much of the threatened species habitat was lost. That habitat cannot be replaced. Perhaps we need a workshop on the meaning of the word "threatened". We need to send a strong message to Forests NSW. The Greens support the bill of the Leader of the Opposition. I congratulate him on bringing it forward. The bill is important, and I urge members to support it.

The Hon. SHAOQUETT MOSELMANE [10.54 a.m.]: I support the National Parks and Wildlife Amendment (Illegal Forestry Operations) Bill 2012. I commend my colleague the Leader of the Opposition for taking the time and effort to ensure that a reasoned, well-argued bill is introduced for consideration and support by members of this House. I know that all reasonable members will immediately support the bill; to do otherwise is tantamount to endorsing illegal activity and ensuring that penalties remain paltry and fail to act as a deterrent. The National Parks and Wildlife Amendment (Illegal Forestry Operations) Bill 2012 amends the National Parks and Wildlife Act 1974 to substantially increase the penalties for illegal activity in State forests.

The Leader of the Opposition outlined the types of illegal activities in his second reading speech, and I encourage all members and environmentalists to take a moment to read his considered speech. It is a position that continues the tradition of Labor looking after the environment and at the same time being conscious of the competing interests between farming and environmental protection. The need to substantially increase the penalties and prohibit illegal activities comes out of concern in recent years when community groups have reported an increasing incidence of breaches of forestry prescriptions on the North Coast and South Coast of New South Wales. Therefore the object of the bill is to amend the National Parks and Wildlife Act 1974 to address the need for higher penalties to deter breaches and help to preserve what flora and fauna remains in our forests.

The Hon. Luke Foley: If it were up to the Government our national parks would look like Rockdale.

The Hon. SHAOQUETT MOSELMANE: Rockdale is a nice place. The bill amends the National Parks and Wildlife Act 1974 to create a new offence that involves contravening a provision of the National Parks and Wildlife Act or the regulations in the course of carrying out forestry operations, including activities such as logging for timber production purposes; and to increase the penalties applying to the offence under the National Parks and Wildlife Act of contravening any condition or restriction attached to a licence or certificate issues under part 6, Licensing of the Threatened Species Conservation Act 1995.

Under this bill, the new offence will attract a maximum penalty of $220,000—10 times the existing penalty—or imprisonment for two years or both. Currently, under the O'Farrell Government an illegal forestry operation faces a maximum penalty of a meagre $22,000, which is a drop in the ocean to huge companies that do significant damage. A number of cases have been mentioned here and reported elsewhere. Why introduce such a bill? Are there repeated breaches of the National Parks and Wildlife Act? Is the Act too lenient on offenders? Is the enforcing agency too ineffective? Do the penalties need to be seen as a deterrent and be a deterrent? The answer to all of the above questions is yes. The Leader of the Opposition in his second reading speech compared the fines in the National Parks and Wildlife Act to those in other legislation. He said:

> In New South Wales if a corporation pollutes a waterway it is liable to a $1 million fine and $120,000 for each day the offence continues. If an individual illegally clears bush on their own property they are liable to a $1 million fine. If you contravene the Environmental Planning and Assessment Act you are liable to a $1.1 million fine and $100,000 for each day the offence continues. If you hurt a threatened species in any context—apart from Forestry—the maximum fine is $220,000 and/or two years imprisonment. However, if you take the life of a smoky mouse or a long-footed potoroo by contravening the threatened species licence under an integrated forestry operations approval the maximum penalty is a paltry $22,000.

Why are there glaring differences between the financial penalties for those offences? The answer is in the Act. The penalty is found in the National Parks and Wildlife Act 1974. The purpose of this bill is to increase the penalties and ensure that those who illegally clear forests pay the appropriate fine. In her June 2011 judgement the Hon. Justice R. A. Pepper said:

> The penalty is exceedingly low compared to penalties for other environmental offences, particularly given the seriousness with which the community has come to view environmental offences. However, any increase in the penalty is a matter for Parliament.

I commend my colleague for bringing this matter before Parliament in order that this important issue may be addressed.

The Hon. RICK COLLESS [11.00 a.m.]: I am pleased to speak today on the National Parks and Wildlife Amendment (Illegal Forestry Operations) Bill 2012. The Government does not support the private member's bill introduced by the Leader of the Opposition. The first question one should ask in this debate is: What is a forest? What is a forest that is set aside for forestry operations? I will tell members what it is. The issue was debated in this place before some of the present members were elected to this House. We have heard these comments many times. A forest that is set aside for forestry operations is a tree farm, a timber farm and the purpose of that area is to produce timber for productive purposes. I ask members to observe the magnificent timber work in this Chamber—all that timber came from forestry operations. The Opposition had 16 years to review the regulatory framework for forestry. The damage that those opposite have done to the forestry industry over those 16 years is well documented. It is easier to sit on the Opposition benches, tossing around knee-jerk policies, than it is to conduct a considered investigation into the matter.

The Government does not support the private member's bill because it has tasked itself with the revision of the regulatory framework and in addressing deficiencies in a more considered way than the piecemeal operation proposed by the Opposition. If there are problems with the way forestry operations are conducted we need to put practices in place that will address them in a proper manner. We need to review procedures and change them if something is wrong with them. We must ensure that operations are carried out properly, rather than belt the industry by imposing more fines. The Hon. Cate Faehrmann said in her contribution that we have to give the industry the incentive to do the right thing. But the only incentive those opposite understand is imposing fines—fining, fining, fining.

That is their concept—it is all about a big stick, a bigger stick and the biggest stick they can find. They want to belt the industry as hard as they can and to force it into closure. The objective of those opposite is to shut the forestry industry down altogether. They do not want a timber or forestry industry in New South Wales. If those opposite wanted a forestry industry in New South Wales they would be looking at the resources available and ensuring those resources are utilised in a sustainable fashion, rather than shutting three quarters of the industry down and then forcing the timber workers into smaller areas where they have to log harder. When that happens, they say, "Look at the environmental damage that has been done here." We need to look at the carrots, rather than the bigger sticks.

The Government has in place an act of compliance and enforcement strategy for logging on Crown land and that has been regulated by the newly invigorated and more independent Environment Protection Authority. Twenty-eight audits were conducted in State forests in 2010-11—a vast improvement on the 12 audits conducted in 2007-08 and the 11 audits conducted in 2008-09. The Environment Protection Authority has led a successful prosecution, as mentioned in the private member's bill, for potential harm done to an endangered species, the smoky mouse.

But there is more that can be done to make this a modern, efficient and effective system for environmental regulation of forestry on public lands, one that seeks to balance the environmental outcomes with sustainable forestry. State forests now are much more than just tree production or timber production areas, although that is still their primary purpose. We must now look at these areas as multiple use areas, not just areas of biodiversity. Those opposite want to lock our forests up for biodiversity; they have been doing that for years by turning them into national parks. The bits of State forests that are now left are utilised for timber production, biodiversity and community use.

The National Parks and Wildlife Amendment (Illegal Forestry Operations) Bill 2012 calls for excessive sanctions under the National Parks and Wildlife Act that would represent a tenfold hike in the penalties for environmental offences. The Opposition does not appear to understand the current regulatory framework, particularly given that higher penalties already exist in the National Parks and Wildlife Act. The Act already includes maximum penalties of $220,000 or up to two years jail time for threatened species offences, to be determined by the courts. The private member's bill creates a new offence for all forestry operations, including those undertaken by private landholders. This means that under Labor's proposal the average individual landholder could face fines of up to $220,000 or two years imprisonment for what may be a relatively minor offence.

The Hon. Dr Peter Phelps: Labor is hitting the farmers once again.

The Hon. RICK COLLESS: It is hitting the farmers once again. Given that, if there is an offence in that situation, these landowners would also be liable under the Native Vegetation Act. Too much legislation would be imposed on people who are trying to make a living and to make money for the State. Members opposite may not appreciate this, but in a lot of areas adjoining national parks the boundaries between the park and private properties are not always well defined by a clearly marked boundary or fence. For example, a landowner may have an area of bushland adjoining a national park that has not been fenced—and that is quite common. The landowner may be a beekeeper and put some beehives on what he mistakenly believes to be his land, but it is actually land within the national park area. If the parkies snoop around and find the beehives, that landowner could be up for a fine of $220,000.

The Hon. Dr Peter Phelps: Outrageous.

The Hon. RICK COLLESS: It is outrageous. The bill is premature and unwarranted, given that the Government is undertaking a comprehensive review of the forestry regulation. A previous speaker mentioned that forests are not marked, yet only a few weeks ago that member was in a State forest with me and other members of this House and observed that the forest had indeed been marked for logging. There were trees there marked with the appropriate symbols: "H" for habitat trees, "F" for feed trees—

The Hon. Cate Faehrmann: I did not say the trees are not marked.

The Hon. RICK COLLESS: I am not talking about the Hon. Cate Faehrmann; I am talking about the Hon. Peter Primrose—he made that comment. The symbol "R" was for recruitment trees. All the trees were clearly marked. That area was due to be logged within the next few weeks. The forestry operations take people in there with their fluorescent spray cans and mark the trees to be logged. That is happening. I also refer to the comment made about the number of koalas in New South Wales. The Hon. Peter Primrose said there were 10,000 koalas and I think that was confirmed by the Hon. Walt Secord. I question those figures because koalas are highly mobile populations. They do not all sit in the same tree every day; they move around and travel quite long distances in a very short time, depending on local conditions. I recall very clearly that during the debate on the shutting down of the Pilliga forests it was estimated there were 15,000 koalas living in the Pilliga alone.

The Hon. Dr Peter Phelps: How can that be right if there are only 10,000 in New South Wales?

The Hon. RICK COLLESS: I will tell the Hon. Peter Phelps why. When Bob Carr converted the Pilliga forests to national parks he said succinctly on ABC Radio one morning, "I have just saved the nation's koalas." That was heard by a car full of forestry workers who were employed by State Forests at the time. They were put in a car and told to go to Dubbo so that they could hear Bob Carr make the announcement that he had just saved the nation's koalas. The car full of foresters burst into laughter as soon as they heard that. Their comment was that as soon as the forest burnt—because it had been locked up as a national park—those koalas would be barbecued. Within two or three years of Bob Carr making that comment that is exactly what happened in the Pilliga. The Pilliga went up in smoke and the areas previously managed by the Forestry Commission were burnt and there was a great loss of koalas as a result.

Members opposite do not appreciate the concept of active land management. The Hon. Cate Faehrmann challenged me to say what the incentives were. If we had an area of forest that was actively managed it would provide an environment that would be far more conducive to koalas and native wildlife going there. If she looked at some of the actively managed State forests, which unfortunately are becoming fewer in number because more of them are being locked up as national parks, she would see that the biodiversity in some of those areas—particularly the cypress forests—is much higher than in those areas that have been locked up and left. If it is locked up and left, it burns.

Members may recall that in May 2012 the Government announced its intention to corporatise Forests NSW, conduct a review of wood supply on the North Coast and review the integrated forestry operations approvals, which contain licences issued to Forests NSW. We have already made it clear that we will review the current forestry licences to ensure they are based around clearly defined accountabilities and are attached to an appropriate compliance and penalties regime. The Opposition appears to forget that this very regulatory framework that it established regulates Forests NSW under three key pieces of environmental legislation—the Protection of the Environment Operations Act 1997, the Threatened Species Conservation Act 1995 and the National Parks and Wildlife Act 1974.

If the Opposition is so concerned about raising maximum penalties for licence offences in the National Parks and Wildlife Act why did it not raise them while it was in government when it made changes to the Act in

2010? Why did the Opposition not do it then? Now Opposition members are proposing higher penalties and it is just political grandstanding to get some of their votes back from The Greens. That is what it is all about. Fortunately the Government is now undertaking a review to identify these failings and ensure that Forests NSW is regulated under a modern, efficient and effective framework. We will fix the problems that were created by those opposite. The current regulatory review will include an examination of the existing penalty regime and the Government will fix this issue once and for all. I oppose the bill.

The Hon. HELEN WESTWOOD [11.14 a.m.]: I support the National Parks and Wildlife (Illegal Forestry Operations) Bill 2012, a private member's bill introduced by the Hon. Luke Foley. I commend him for bringing the bill to the House. The bill amends the National Parks and Wildlife Act 1974 to increase the monetary penalties for offences against that Act in connection with illegal forestry operations and for other purposes. I will give some background, which will answer some of the criticisms and inaccuracies that we just heard from the Hon. Rick Colless when he talked about forests being timber farms. He said that was their purpose. In fact, the Forestry Act defines the objects of the Forestry Commission and it is charged with three key objectives: to deliver timber, to provide for recreation and to care for the resource it manages.

This third objective requires the Forestry Commission to conserve birds and animals in State forests. They are not just timber farms, as the Hon. Rick Colless suggested. He was also critical of the contribution of a number of members who referred to the estimated population of koalas in New South Wales. In fact that information was provided by the Legislation Review Committee, which I understand is chaired by one of his colleagues. It was not information that the Labor Party provided. In its background note to this bill the Legislation Review Committee said:

> The current New South Wales koala population is estimated to be around 10,000. Illegal logging is one of the main threats to the koala population. The Bill aims to address such issues by making amendments to the penalties for environmental offences in State forests.

These were the facts that members of the Hon. Rick Colless's party signed off on.

The Hon. Rick Colless: They are not members of my party. He is a member of the Liberal Party.

The Hon. HELEN WESTWOOD: So you are not in coalition?

The Hon. Rick Colless: We are in coalition but he is not a member of my party.

The Hon. HELEN WESTWOOD: The minutes say no-one objected to it. Coalition members have accepted these facts, but then they come here and tell us it is all wrong and that it is some misinformation peddled by the Australian Labor Party. The facts say otherwise. As I said, the objects of the bill are to amend the National Parks and Wildlife Act, firstly, to create a new offence that involves contravening a provision of the National Parks and Wildlife Act or the regulations in the course of carrying out forestry operations, which includes activities such as logging for timber production purposes and, secondly, to increase the penalties applying for the offence under the Act of contravening any condition or restriction attached to the licence.

The new offence under the Act will attract a maximum penalty of 2,000 penalty units—that is, $220,000—or imprisonment for two years or both, which is in most cases substantially higher than the existing penalties for contravening a provision of the National Parks and Wildlife Act or the regulations. It certainly is a travesty when penalties and deterrents have been put in place to protect national parks and they are not being utilised for that purpose. A report by the Nature Conservation Council has found that there are systemic problems with Forests NSW compliance with the regulatory requirements established to safeguard biodiversity in forests subject to logging and other forestry activities.

Community audits have also revealed this same pattern of systemic non-compliance with our environmental laws. Native forests in New South Wales comprise 26.2 million hectares, which is over 30 per cent of the State's total land area. There are 2.4 million hectares of State forests, of which 2.1 million hectares are native forests. The New South Wales "State of the Environment 2009" report provides a snapshot of the State's flora and fauna as at that date and notes that many of our threatened species inhabit our State forests. The report states:

> A general pattern of decline in biodiversity over the longer term is evident in changes to the extent and abundance of many native vertebrate species. However, at the same time, many resilient species have maintained their distributions, while a small number of adaptable species have flourished.

In the past decade, the distribution of the many birds has declined and the prospects for sustainability of many species are at risk. Predictably, the sustainability of most threatened species that were assessed is also at risk. That should be a concern for all of us. We want our environment to be protected. As a parent and a grandparent, I want my children and my grandchildren to have the opportunity to experience the great diversity of Australia's native fauna and flora. Legislatures have an obligation to protect our environment. This is a State-owned trading enterprise that returns funds to the State. It gives us the responsibility to ensure that commercial activities are carried out and managed in a way that guarantees protection of our environment that is within the objectives of the Act. It is clear these commercial activities are not within the objectives of the Act.

Ecologist Mr David Milledge provided a detailed report to the Administrative Decisions Tribunal in the case of *Nature Conservation Council of NSW v Department of Trade and Investment, Regional Infrastructure and Services*. In the report Mr Milledge discussed the ecological values of the New South Wales public hardwood forests. He said:

> Forests are the most diverse and complex of terrestrial ecosystems. They are highly biodiverse, supporting an extremely rich array of plant and animal species and supply a range of crucial ecosystem services including the sequestration of carbon and the provision of clean water productive soils. Forests comprise one of the major life support systems of the planet.
>
> Forests are also relatively stable systems with an inbuilt resilience demonstrated by an ability to respond and adapt to disturbance. The diversity of forest-dependent species typically tends to increase with time since disturbance, and forest ecosystems are recognised as providing refuges for relictual and sensitive, specialised species. Relictual species are species that have contracted markedly in range from a formerly much more widespread distribution.

It is a detailed and technical report that is certainly useful for the bill before us today. He continued:

> NSW hardwood forests support an exceptionally rich and diverse range of plants and animals. Over a quarter of the species of eucalypts, which comprise one of the largest plant genera in Australia occur in NSW forests. North-eastern NSW hardwood forests have the highest number of eucalypt and bloodwood species of any botanical region in the State.
>
> With a substantial proportion of the NSW public hardwood resource contained in State Forests, these forests are particularly important in providing refugia for the State's eucalypt-associated flora and fauna. Species such as the Rufous Bettong, Parma Wallaby and Hastings River Mouse that have declined markedly across their NSW ranges have strongholds in these forests. Hardwood forests in State Forests are generally more productive than those conserved in the National Park estate, growing on better quality soils and consequently supporting higher densities of forest-dependent fauna when not substantially degraded.

Mr Milledge also reported:

> Examples of species with large home ranges occurring in NSW hardwood forests are the Square-tailed Kite, Sooty owl and Spotted-tailed Quoll ...

These species were identified in the audits that were conducted to provide this report to the Administrative Decisions Tribunal. Regarding the management of New South Wales public hardwood forests, he said:

> Public hardwood forests managed by Forests NSW are contained in State Forests distributed throughout NSW. Although primarily managed for timber production, State Forests are multiple-use forests—

I emphasise that point to the honourable member—

> and are also managed for other purposes including the provision of ecosystem services, wildlife conservation, apiary, protection of cultural and heritage values and recreation.
>
> In a national community survey conducted for the Federal Resource Assessment Commission's forest and Timber Inquiry, the protection of water quality, prevention of soil erosion and protection of wildlife and plants were the three most important factors that the public considered should be taken into account in the formulation of policy for managing timber production forests. This clearly identified the public interest in sustaining the ecological values of forests.

The importance of this bill should be clear to all members. The Australian community expects its people to protect the environment. The logging of timber is accepted as a legitimate commercial interest which has a multipurpose throughout both our State and our country, from construction to art and export. The jobs related to the timber industry are important. There is an expectation that the forests are managed in such a way that our environment is also protected. The regulatory system is failing by not ensuring protection of the forests. Where standards are not being met, it is imperative that those organisations that have the privilege to obtain licences to forests in New South Wales meet the standards and the expectations of our community. Mr Milledge further said:

> Recent independent audits of logging operations in a number of State Forests in the Upper North East RFA area by the North East Forest Alliance indicate that current management of public hardwood timber production forests, in this area at least, is not being undertaken in a manner that protects their ecological values.

I reiterate that these audits have demonstrated that forestry activities have not been undertaken in a manner that has protected their ecological values. He continued:

> NEFA inspections of recent and current logging and post-logging operations in Yabbra State Forest in 2009, Doubleduke State Forest in 2010 and in Girard State Forest in 2010, in all of which I personally participated, revealed practices that had destroyed ecological values and were highly detrimental to biodiversity conservation practices generally. These practices were threatening ecosystem functioning and demonstrated clearly unsustainable forest management, as elucidated in the principles of Ecologically Sustainable Forest Management incorporated in the three NSW RFAs.

This message could not be clearer. The people of New South Wales have an obligation to act. It is imperative that action takes place now and that our flora and fauna are protected. Penalties need to be substantially increased for illegal activities. It is essential that higher penalties for offences committed in the course of carrying out forestry operations be imposed. The penalties need to be brought in line with other environmental offences, especially when the breaches have long-term and profound consequences on native vertebrate fauna habitat loss. The main threats to vegetation communities and native flora is the clearing of native vegetation and incursion of invasive species.

Historically, a large part of the problem has been the lack of consequences that result from breaches. Statistics for the years 2000 to 2006 show that although there are a large number of incidents for non-compliance each year, the regulatory mechanisms used by the Office of Environment and Heritage are predominantly soft tools, including providing feedback and warning letters and sometimes requiring remedial work to be undertaken. The time for hitting them with another piece of wet carbon paper as a deterrent or penalty is long passed; we must hit them in the hip pocket. No-one would argue that Australia has a large number of unique plants and animals, and visitors from throughout the world come to see our kangaroos, koalas and plant life. A large percentage of those tourists visit New South Wales.

Last year we heard about the disgraceful illegal logging of North Coast koala habitats in the Boambee State Forest near Coffs Harbour. It was therefore doubly distressing to hear last week of the illegal logging of koala habitat by Forests NSW in the Royal Camp State Forest near Casino. The Hon. Luke Foley called for a halt to the logging following his inspection of the local area with concerned community activist members of the North East Forest Alliance. As other members have acknowledged, the Hon. Luke Foley stated following his inspection that Forests NSW is prohibited from logging in high-use koala areas but it was obvious that it was failing in its legal obligation to protect a minimum number of koala feed trees and to undertake pre-logging surveys to identify and protect koala habitat. He said that the group observed koala scratch marks on tree trunks in an area recently logged by Forests NSW and koala scats next to trees and stumps. I commend the Hon. Luke Foley for introducing this bill. As biodiversity in New South Wales continues to decline, we have obligations at a State and national level to preserve and to protect what is left for future generations. I urge all members to support this private members' bill.

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

SMALL BUSINESS COMMISSIONER AND SMALL BUSINESS PROTECTION BILL 2012

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

Second Reading

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [11.34 a.m.]: I move:

> That this bill be now read a second time.

Small businesses are the core of our economy. They are estimated to comprise some 96 per cent of all businesses and there are two million across Australia. Together, these enterprises provide half of the employment opportunities in our society. In New South Wales there are 650,000 small businesses providing employment for half of the workforce. The health of our small business sector is and should be a matter of vital concern for our Government and for everyone in public life. Small businesses face many challenges and not all of them are readily amenable to government support. Each sector of industry has its own complexities and challenges.

However, there are some themes that link small business regardless of the products and services they provide or from where they operate. Many business operators are very skilled and innovative about the product

that is their business, but not all of them have developed the business skills needed to sustain an enterprise over the longer term. Almost all small businesses experience difficulty with cash flow and management of debts and related issues involving adequacy of funds and access to affordable finance. In some of these areas governments at all levels could do more to provide encouragement and support to current and future small business operators. However, some areas will always be inherently difficult for government to address effectively.

One area of common experience for small business is the difficulties experienced when dealing with larger businesses and governments at each level. Layers of regulation could be one issue and another is the attitude and behaviour of large business towards smaller and medium size enterprises. While excesses of behaviour are often caught by trade practices legislation—the Competition and Consumer Act 2010 at the Federal level and fair trading laws at the State level—there is a large and growing gap in the law where small business is often at the mercy of bigger business without effective protection or remedy when relationships break down. The law traditionally has grown around the notion of freedom of contract or the sanctity of contract and, of course, holding to legal commitments is important. However, difficulties arise when areas of relationships have not been discussed and dealt with in any contract, where different understandings about obligations arise or where legal rights are exercised in a manner not foreseen by the parties, or at least one of them. This uncertainty has caused and continues to cause practical difficulties for the small business sector.

Of particular concern is where there exists significant inequality of bargaining power. Another area is form contracts, where the commercial relationship is offered on a "take it or leave it" basis and is not the subject of meaningful discussion or negotiation. This has long been recognised as unsatisfactory and in need of reform, at least since Professor Peden's very significant report on harsh and unconscionable contracts was handed down in October 1976. That was addressed in the Competition and Consumer Act 2010, but only for consumers and expressly not for business contracts. This continues to assume that the commercial landscape is populated only with legally sophisticated parties dealing with one another as equals. The reality is often otherwise, with the small business operator being in reality a sole trader, or a mum and dad or family operation.

In addition, we have experienced the phenomenon in the past 20 years of governments and major corporations contracting out work and people who were once employees having to form shelf companies or to trade through companies, thereby becoming small businesses when in reality they are entirely dependent on a larger business or enterprise for all their work. Although they have always been recognised as independent businesses, franchisees often fall into that category because everything to do with the business is bought by a much larger business and they are entirely dependent on that relationship while selling to the wider public. Enterprises of this character do not have a dedicated legal department or the resources to challenge proposed contractual arrangements, or even to draft contracts. Many business contracts are still made orally and many aspects of the relationship are not discussed and agreed upon in advance. That is fine until an issue arises and the parties discover that there is nothing in place, and certainly nothing in writing. Of course, relying on people's recollections can cause mistakes and create a great deal of uncertainty about the terms of the contract. This must be changed to provide better protection and certainty for small business operators in this State.

This bill seeks to achieve three aims: to provide a proper, effective legal foundation for the Small Business Commissioner—something this Government has failed to do—so that the holder of that office can act independently and with confidence to assist small business meaningfully in this State; to create a flexible legal architecture to ensure small businesses are treated fairly by other businesses and by State and local government bodies; and, most importantly, to confer on small businesses additional legal rights. A considerable body of research, as well as case law, demonstrates beyond argument that existing protections or rights for small business, whether arising at common law or under various statutes made by Parliament, are, having regard to their real-world experience, not adequate or not readily available to small businesses. For example, fair trading and trade practices legislation is designed to protect consumers.

The unfair contracts part of the Industrial Relations Act, which has been on the statute book for more than 50 years, was a major source of remedy for small businesses dealing with contracts that had become or were harsh or unconscionable. However, in 2003 the Court of Appeal in New South Wales started a process of effectively shutting down that avenue for small business by insisting that proceedings under the Industrial Relations Act had to have an industrial context or flavour. There was a great deal of criticism about that case and a variety of High Court cases—including *Old UGC Inc v Industrial Relations Commission of New South Wales* and *Fish v Solution 6 Holdings Limited*—which saw the end of that as an effective remedy for small businesses. The courts were very concerned about the commission intruding into the commercial area, which in their view was the responsibility of the mainstream courts.

The Howard Government introduced the Independent Contractors Act 2006, which is similar to the Fair Trading Amendment (Unfair Contract Terms) Act 2010, specifically for small business. However, it was very limited in that it did not deal with situations in which contracts became unfair and it was largely unavailable to small business. However, in recent Federal Court decisions in *Informax International Pty Limited v Clarius Group Limited* the court gutted that legislation of any effect in that the court found that it cannot provide a remedy for past conduct, so effectively it is now useless for small businesses. Other legislation, for example, the form contract provisions that are now in place in the Federal Competition and Consumer Act prohibits unfair terms in form contracts and makes them void. However, this protection applies only to consumers and not to businesses. So there is a real problem with small business having access to the law.

Common law equity requires more than harshness or unconscionability; it requires a person entering into a contract not to have been free to make a decision by reason either of duress or a failure to understand the nature of the contract that he or she was entering into. The tests, where they exist, are very high but there are a number of other obstacles. There is cost for litigation, difficulty in accessing through the institution of the courts and also risk—the risk of having to pay the legal costs of the other side if someone does not succeed in an action, as well as paying his or her own costs. All too often being a small business involves significant financial risks, including placing at risk life savings and the family home, often with tragic consequences. For many, taking on the added risk of legal costs is a bridge too far.

Even where there are legal rights, in a practical sense they are out of reach. But in many situations, as I have discussed, there are no legal rights. As is acknowledged on page 3 of the Government's extremely belated discussion paper on the role of a Small Business Commissioner, the issues faced by small businesses are unfair practices or unfair issues that arise in their dealings usually with larger businesses. Often this is not illegal or contrary to any commercial contract they have entered into and it is not the kind that is susceptible to remedy under existing laws. The effect of this on small business is to cause economic hardship, inhibit growth and often is anticompetitive, but not in a way that transgresses the high standards required by the Competition and Consumer Act or the Fair Trading Act.

Small businesses, which often are run by hardworking Australian families and individuals, are damaged. That creates social hardship and, in a wider sense, inhibits economic growth more broadly in our society. Simply put, this is not good enough. While advocacy and mediation are essential and often productive, their long-term success will depend on the context in which they occur. As the Government's own paper acknowledges, "Some big business and government bodies will only respond to matters raised with them by the commissioner if they are required to do so by law." Equally, it might be said that when entering into mediation or other discussions with a party with whom they are in dispute, the minds or attitudes of big business and government bodies are shaped by the exposure, if any, should there be no resolution.

Where a small business is perceived not to have any black letter legal rights, or accessing them will be considerably expensive, the degree of willingness to meet the other party halfway, as it were, often will be lacking. Consequently, the provision of additional, meaningful legal rights that are accessible to small business must be an indispensible part of any real reform. The bill also provides protection for small businesses where they simply do not have the resources to use even these new rights. At present the Small Business Commissioner appointed by the O'Farrell Government has no legal power to do anything. Repeatedly the Government has promised legislation but 17 months later it has still failed to deliver on its promise. It was not until 23 May 2012, when I gave notice of my bill, that the Government even bothered to issues its own discussion paper. Interestingly, the discussion paper is light on detail. The only definite proposal is for the commissioner to offer mediation services and to advocate for small business. A range of other matters are vaguely described and canvassed in a half-hearted way. If that is the best the Government has to offer small business in this State should be very concerned.

Before the last election the Coalition promised to create a Small Business Commissioner to advocate for small business, provide a low-cost mediation service and to cut red tape. It appointed a commissioner in May last year but neglected to provide any legislative basis for her functions. On 6 September 2011 the small business Minister promised legislation soon and an independent advocate for the State's 650,000 small businesses, but appointed the Small Business Commissioner as a public servant. In March 2012 the Minister said that the Government would release a discussion paper shortly but that did not happen until June. The Government's chief activity in the small business space has been to scrap Small Business September, MicroBiz Week, the Young Entrepreneurs Program and the Women in Business Mentoring Program. It also closed the Parramatta Business Centre, shut regional Trade and Investment offices in Broken Hill, Tweed Head, Coffs Harbour and Goulburn, and in the process blamed its own Small Business Commissioner for this decision. I refer members to the *Goulburn Post* on 16 March 2012.

In contrast, Labor proposes a comprehensive and positive plan to support small business in this State. Over a period of months I consulted with small business operators across a range of industries about the challenge that they face and how a Small Business Commissioner could help them in practical ways. The result of those discussions was the draft bill released on 23 May for further consultation. As a result of that extensive consultation some changes have been made to the bill that is now before the House. I have spoken with many chambers of commerce, individual small businesses across a range of industries, as well as some professional bodies, and strong interest has been shown in particular by those engaged in franchising, including members of the Franchisee Council of Australia and a number of its members. A number of existing and former franchise owners and operators also expressed strong and positive interest in the bill and its approach to the difficulties being faced by small businesses.

A number of former franchise owners said they had been put out of business by the inherently unfair and unworkable franchise arrangements imposed on them on a "take it or leave it" basis. They also said that if legislation such as this had been in place they would still have their businesses as they would have had backup and remedies available to them. The existing laws did not help them. The Motor Traders Association, which represents 5,000 businesses in the motor trades industry, indicated in-principle support for "the thrust of the Opposition's private member's bill to introduce fairer terms and conditions in contracts between small business operators and large manufacturers and suppliers." I note that the Motor Traders Association is having discussions with the Government about that very matter.

The draft bill has been welcomed by parts of the rural community and by industries. I refer in particular to the Riverina Wine Grape Marketing Board. I understand that the board complained to the Office of the Small Business Commissioner that some regional wineries had not been paying growers by the due date. It was advised that the commissioner had no power to take action apart from offering mediation. While growers who are not paid by the due date may have a legal right to take the matter further, depending on the terms of their contract, they are aware that such an approach carries a level of risk of damaging relationships with the wineries. For geographical and other reasons, there are a limited number of customers to whom the wine grape growers can sell their produce.

Under the provisions of this bill, if delays on payments continue to occur, an industry standard or code of practice could be developed for that industry, which would prohibit such systematic behaviours by the wineries. That code could be enforced by the commissioner thus preventing small businesses from having to wreck their own relationships with those to whom they sell. This will be a significant development as currently the region has no statutory provisions that set and enforce payment provisions for wine grapes. Strong support for the ideas contained in this bill have come also from the National Independent Retailers Association, which represents tenants in smaller shopping centres, strip malls and other locations as well as in different Australian States.

Of particular concern to that association are the one-sided leases forced on its members by shopping centre owners. I note in this regard that the previous Labor Government enacted amendments to the Retail Leases Act and inserted a section dealing with unconscionable conduct. I also note that those provisions were fiercely resisted by the industry but in practice were not well utilised and have not had the intended beneficial effect largely because they were based on the notion of unconscionable conduct, which in some circumstances is unlawful at common law and which is already regulated under the Trade Practices Act and the NSW Fair Trading Act. Clearly more needs to be done in that space.

However, the provisions in this bill would significantly change the situation for the benefit of tenants, in particular, in the case of standard "take it or leave it" contracts that often are effectively forced on tenants. The unfairness in some of those contracts relate not only to issues such as rent acceleration and the like but also to provisions linked to the renewal of leases and opening and closing hours. I understand that a common feature of these clauses is that shopping centre owners always require, sometimes unreasonably, individual shops to be open whenever the centres are open, which forces many tenants and operators to operate many more hours and days each year than they might wish to operate. That is interesting, particularly in the context of another bill before this House that proposes changes to retail trading laws.

Another area in which this bill would be of great benefit relates to all manner of independent or subcontractors whose arrangements often are oral and operate on the basis of not precisely executed legal documentation but understandings about the performance of work, amounts to be paid, regularity of pay and the like. Because most of these arrangements are not written down when things go wrong, or disputes arise, the precise terms of any contract are hard or difficult to identify, or are the subject of disputation. In addition, in the

New South Wales building industry a number of principal or large contractors have experienced difficulty or have gone out of business—Kell and Rigby, Reed Constructions and St Hilliers come to mind—and thousands of subcontractors who performed the work in good faith have not been paid and have been left out of pocket. Government responses such as endeavouring to have as many subcontractors re-engaged by new contractors are not adequate or satisfactory because the issue of payment for work that has already been done simply is not addressed even when they are re-engaged, which largely is not the case.

It also has been the case that principal contractors experiencing difficulties or simply not making provisions for their obligations go out of business and the persons responsible who are behind the enterprises walk away and start up a new company with a different name—the "phoenix" phenomenon—only to repeat the process all over again creating a situation where there is a constant stream of unpaid subcontractors. This has been a longstanding and inherent problem in the building and construction industry. The uncertainties it creates for many independent businesses operating in the building trades and for their employees and families not only is unfair and unsatisfactory but also is the cause of a great deal of hardship and economic uncertainty for the industry as well as personal hardship. In my opinion it undermines the economic performance of this important industry in New South Wales. The remedial provisions in this bill would enable subcontractors to be able to pursue those who in reality have benefited from their work and from the contract arrangements and to seek payments directly from them.

I note also the recent inquiry established by the Minister for Finance and Services into the difficulties being experienced in the finance industry. A number of legislative changes may emerge from that inquiry but legislation is periodically in need of updating and sometimes very good schemes that work effectively for a number of years can be undermined when people learn how to get around its provisions. An example of this is the security of payments legislation developed by the former Labor Government, which has worked well for a number of years. It is my understanding from those in the industry that the legislation depends on the usage of particular forms and forms of words. The feedback I am getting is that operators have learnt to give work only to those who do not insist on using that legislation. Therefore the mechanisms provided are not available when things go wrong. In order to secure the work, subcontractors do not avail themselves of the protections because they need the work and they no longer have the levers or mechanisms available to secure the payment they are owed.

Under this bill the kinds of measures that the inquiry will be examining could be implemented through the flexible mechanism provided in the codes of practice for industry. That can be done after careful consultation with those affected by the enactment of the codes of practice, which will be binding on those industries or sectors and enforceable by those who benefit from them and also by the Small Business Commissioner. It is not good enough that as things stand subcontractors are often the last in line to be paid after a company goes into administration or liquidation. Special arrangements—models for insurance trusts or mutual funds—could be provided for in the codes and updated periodically in the light of experience, without the need for multiple re-enactments of legislation. As people try to get around things the legislation can be more easily updated.

I turn now to a discussion of the provisions in the bill. The bill defines "government agency" to mean a public authority constituted under an Act or a New South Wales government agency or a division of the government service or a council within the meaning of the Local Government Act or a State-owned corporation. While the Government's discussion paper does not provide any definition of "small business", resting on the belief that small businesses can be relied upon to self-identify, the draft bill provides a wide and flexible definition—a business enterprise, whether operated by a natural person, sole trader, partnership, corporation or other entity with no more than 20 full-time equivalent employees at any one time, or an annual income or annual expenditure between $10,000 and $5 million. But it expressly does not include any government agency, so government agencies will not be able to use this for their own purposes.

The bill constitutes the office of the commissioner as an independent statutory officer appointed by the Governor for a term not exceeding five years, with eligibility to be reappointed and able to be removed only by the Governor on address by both Houses of Parliament. This will ensure that the role is independent. Often the commissioner will need to address unsatisfactory government performances. There needs to be that independence if there is to be public confidence that the role will be properly fulfilled. It is not just good enough to have a public servant in the role.

Clause 5 sets out comprehensively the functions to be given to the commissioner. The commissioner is to be an advocate for small business generally and is to receive and investigate complaints by or on behalf of

small businesses, either on an individual or a collective basis, regarding their commercial dealings with other businesses or their dealings with government agencies, and to facilitate the resolution of such complaints through measures considered appropriate such as mediation—including compulsory mediation—or making representations on behalf of small businesses. The commissioner may refer complaints received to a government agency as considered appropriate. The commissioner will assist small businesses in their dealings with other businesses or government agencies if requested to do so and also will have a role in disseminating information to small businesses to assist them in making decisions relevant to their commercial dealings with other businesses and government agencies.

The commissioner also will have the responsibility of administering any codes of practice and will monitor, investigate and advise the Minister about non-compliance with codes of practice and market practices that may adversely affect small businesses. The commissioner also will report to the Minister on matters affecting small businesses at the request of the Minister and on any aspect of the commissioner's functions. The commissioner will be empowered to take any other action considered appropriate by the holder of the office for facilitating or encouraging the fair treatment of businesses in their commercial dealings with other businesses or with government agencies and will be able to undertake any other functions conferred under the Act or any other Act.

Clause 6 provides that the commissioner may, by notice in writing, require a person to provide information within a specified time such as the commissioner requires. It will be an offence to refuse to do so but, of course, there are provisions to protect material that is commercial in confidence. The role must protect and enhance the confidence of business that legitimate commercial secrets will not be exposed. This will ensure that in investigating complaints or fulfilling other reporting functions the commissioner is able to obtain the information he or she needs. Clause 7 provides a comprehensive regime permitting the commissioner to share information with a relevant agency for the purposes of sharing or exchanging any information held by the commissioner or the agency. This does not and will not authorise the disclosure of information that is commercial in confidence. Clause 8 provides that the commissioner is to report to Parliament each year on the work and activities of the office, but also on the regulatory burden faced by small business. Any such report on the regulatory burden on small business is to include the sources and the legislative, procedural or administrative requirements of the regulatory burden and recommendations for alleviation of any burden.

Part 3 provides for the codes of practice I have already mentioned for the fair treatment of small business to be made by regulation. It provides that a code of practice may be made with respect to the fair treatment of small businesses in their commercial dealings with other businesses, whether or not small businesses, and in their dealings with government agencies. Without limiting the scope of this provision, a code of practice may provide for good faith obligations in commercial dealings. This particular aspect emerges from very strong representations made to me by franchisees and their representative bodies, as well as others such as the Independent Contractors of Australia and its director Mr Ken Phillips, representatives from the Council of Small Business of Australia and the National Independent Retailers Association. That is not to say that all codes will have to have those good faith obligations but it provides the government of the day with another tool for making the appropriate arrangements for industry. Over the years there have been a number of reviews about whether or not there should be legislative requirements for good faith obligations. I will not engage in that debate now but I thought it important to highlight the possibility that those obligations would be included in the codes.

Clause 11.3 provides that a code may not be made unless the commissioner has consulted with each body or organisation considered to be representative of an industry or business likely to be affected by the code of practice—there must be full consultation. Clause 12 provides that a person must not contravene a code of practice in trade or commerce and there will be a reasonable level of penalties but there will also be provision in a civil sense for the commissioner to enforce the codes to modify and change behaviours within the industry. Many of these concepts and their shaping have been borrowed from the South Australian legislation, which I think is the most comprehensive and best of all the different State examples. However, while the South Australian legislation provides for the codes in its fair trading legislation I thought it was important for it to be in the small business commissioner regime in New South Wales. This bill envisages a much closer relationship between the commissioner and the codes of practice.

Clause 13—a provision that I borrowed from the New South Wales Fair Trading Act and adapted to this circumstance—provides that the Supreme Court may on application by the commissioner grant an injunction if satisfied that a person has engaged or is proposing to engage in conduct that would constitute a contravention of a code or an attempt to contravene or aid, abet, procure or counsel a person to do so and it will also allow injunctions to be sought, either permanent or temporary, to prevent any person interfering with an investigation undertaken by the commissioner. As I outlined earlier in this contribution, clearly there is a need

for small business to be able to seek relief from contracts that are or have become unjust or unconscionable. The bill proposes that a small business should have access to the arrangements that are already provided in the Contracts Review Act.

This legislation has provided an unjust contract regime that has operated very well and without undermining commercial arrangements, contracts or the economy in general in New South Wales. The legislation is based on the groundbreaking work of Professor Peden on harsh unconscionable contracts. While Professor Peden's work clearly identified the need for a general law covering all kinds of contracts, the legislation, when enacted, was limited to protecting consumers and unincorporated farmers only. Despite this relatively narrow focus, a review of the cases and authorities in the 32 years since shows that this law as applied by the Supreme Court has done good and valuable work by providing relief for people from contracts that are unjust, as well as providing sensible and balanced outcomes.

Whether a contract is or has become unfair is not merely left to the discretion of the judge making a common sense judgement but has been made by principles identified by Professor Peden and are found in the Contracts Review Act. Time prohibits me from setting them out in detail, but they have been followed by the courts since then. The categories are not exclusive but they provide clear guides to the court as to the factors to be considered in determining whether a contract is or has become unjust. The bill provides that small business will have access to this regime, with some modifications. The operator of a small business may apply to the Consumer, Trader and Tenancy Tribunal for an order. The bill provides that the tribunal has all the same jurisdiction as the Supreme Court and all the powers of the court in proceedings, which it does under the Contracts Review Act.

I note that the Supreme Court may refuse to enforce any or all the provisions of a contract or make an order declaring the contract void in whole or in part or varying it in whole or in part. It may also make orders with respect to any consequential or related matters, such as orders for the payment of money, whether or not by way of compensation, to a party to the contract and orders for the supply of services. This bill does not affect the jurisdiction of the Supreme Court under the Contracts Review Act, but provides small business with an additional option because currently they cannot use the legislation. There are a range of ancillary or machinery provisions, such as protecting the commissioner and the commissioner's staff for all acts done under the Act in good faith to protect them from liability. The bill repeals the Small Business Development Corporation Act because the commissioner will take over all the functions currently undertaken by that body.

Schedule 2 provides for the amendment of other Acts consequential upon the enactment of this legislation and contains a number of important machinery provisions, such as a series of amendments to the Contracts Review Act, which are necessary to provide for access to protect small businesses. Also, some changes will be made to the nature of the relief that may be sought under the Contracts Review Act. For example, that Act is limited to contracts that were unfair at their inception. The bill comprehends contracts becoming unfair during their lifetime and also ensures that even when contracts have been fully performed or terminated there are still remedies available where, having regard to the triggers or principles contained in the Contracts Review Act, harshness or unjustness in the contract can be established.

The bill also provides that where systematic unfairness has been established, the court or tribunal may also deal with systematic contracts where providers of contracts, for example, for contracts on a take-it-or-leave-it basis, are endemic in a certain industry. If systemic contracts are found to be unfair there is the ability to say that in the future a contract in those terms will not be able to be offered in order to protect small business more generally in industry. It would be ridiculous where a court or tribunal finds a flagrant abuse of unequal bargaining power, which is inherently flawed and unfair in a particular case but is unable to provide a more general remedy. The bill also provides a section 12A that enables the small business commissioner, with the consent of an operator, to bring proceedings under the Act to protect that small business or to take over a course of action started by a small business.

I note that towards the end of June the Independent Contractors Association of Australia issued a release supporting the Government's discussion paper because the commissioner will have power to initiate or be involved in litigation on behalf of small business against large business or government. That is not provided for in the Government's discussion paper but it is provided in this bill. I say to members opposite: If they want to see meaningful provisions in the Act that protect small business they will support this bill.

Debate adjourned on motion by the Hon. Dr Peter Phelps and set down as an order of the day for a future day.

ALCOHOLIC BEVERAGES ADVERTISING PROHIBITION BILL 2012

Bill introduced, and read a first time and ordered to be printed on motion by Reverend the Hon. Fred Nile.

Second Reading

Reverend the Hon. FRED NILE [12.04 p.m.]: I move:

That this bill be now read a second time.

The Alcoholic Beverages Advertising Prohibition Bill 2012 is a straightforward bill. It almost deserves no debate because there is widespread support for a prohibition on advertising alcoholic beverages across Australia. The object of the bill is to establish the Alcoholic Beverages Advertising Prohibition Act 2012 to limit the social and personal impacts of alcohol abuse in New South Wales. One only has to look at today's *Daily Telegraph*—we are approaching Father's Day—which contains literally pages of advertisements promoting alcohol as a way to have a happy Father's Day. The newspaper contains at least four pages of advertisements promoting alcohol, which confirms that this legislation is necessary. The purposes of the proposed Act, as set out in the bill, are:

(a) the discouragement of alcohol consumption by:

(i) persuading young people not to drink and not to abuse alcoholic beverages,

(ii) limiting exposure of young people and children to persuasion to drink alcoholic beverages,

(iii) encouraging drinkers of other beverages not to start drinking alcoholic beverages,

(iv) assisting those who wish to limit or give up alcohol consumption,

(b) the reduction of alcohol-related:

(i) domestic violence—

members are conscious of the level of domestic violence in the State; police officers are often involved in combating domestic violence, which is almost always fuelled by alcohol—

(ii) death,

(iii) road accidents,

(iv) crimes and other violence,

(c) the prevention of alcohol-related illnesses (such as cirrhosis of the liver),

(d) the reduction of the harmful impact of alcohol in the home and in workplaces and industry generally.

Industry wants to undertake random alcohol testing, because it is clearly understood that workers who are influenced by alcohol can cause accidents and injuries to themselves and others. The NSW Commissioner of Police, Mr Scipione, has been speaking almost daily of his concern about the impact of alcohol in our society and the way it is fuelling the violence that occurs almost daily, particularly in but not limited to certain suburbs such as Kings Cross. The bill will prohibit advertising and other promotional activities aimed at assisting the sale of alcoholic beverages, and it will provide for the declaration of local option areas within which the purchase, sale or delivery, or the consumption in a public place of alcoholic beverages will be an offence.

The bill will establish an Alcohol Advertising Prohibition Committee, which will prepare a timetable for the removal of advertisements promoting alcoholic beverages and the termination of sponsorships related to the promotion of any such beverages, and provide for limited exemptions at the Minister's discretion. A timetable will be a requirement under the legislation, as happened with the Tobacco Advertising Prohibition Bill. I accept that a timetable is needed to allow companies to respond to the legislation; a total ban cannot be imposed tomorrow. The Alcohol Advertising Prohibition Committee can develop such a timetable. To be fair, in some cases—I am not sure what they would be—the Minister could provide limited exemptions. Those cases may relate to international events or some other activity for which an argument can be made for an exemption.

The bill is straightforward and, I believe, will have the support of the Coalition and the Opposition, as well as The Greens and the Shooters and Fishers Party. When Labor was in government, a restriction on alcohol

advertising was regularly the subject of discussion, much of it generated by the Hon. John Della Bosca when he was the Minister for Health. As the New South Wales representative at the Australian Health Ministers' Conference in Brisbane, he called for a stronger stance on the restriction of alcohol advertising. The Hon. John Della Bosca said:

> The Garling report into acute health services across New South Wales ... advises that we need to focus on prevention when dealing with the health and well-being of children and young people.

He went on to say:

> We need to avoid creating a new generation of binge drinkers and to do that we need to use preventative strategies such as restricting alcohol advertising.
>
> The cost of alcohol abuse to the community nationally is estimated to be more than $15 billion which is mostly made up of sickies, road accidents and healthcare.

The introduction of the Alcoholic Beverages Advertising Prohibition Bill 2012 is not an extreme course of action. The Hon. John Della Bosca called for restrictions on alcohol advertising, as have Coalition members over the years. It is estimated that a total advertising ban nationally would reduce drinking by 25 per cent and road fatalities by 30 per cent. It could also reduce the social cost of alcohol abuse by $3.86 billion and the social cost of road accidents by at least $960 million. Statistics by NSW Health show that since 2000 the greatest increase in alcohol-related emergency department admissions has been in the 18- to 24-year-old age group—up 130 per cent. Female admissions within that age group have risen by 200 per cent.

Restrictions on alcohol advertising have a great deal of community support. The 2007 National Drug Strategy Household Survey found that 72.2 per cent of people aged 14 or older supported a ban on alcohol advertisements before 9.30 p.m. and that 48.5 per cent of people supported banning alcohol company sponsorship of sporting events. There is no simple response in dealing with alcohol abuse because it is a complex area, but this legislation is a step in the right direction.

Alcohol advertising is one of the most sophisticated and persuasive types of advertising, and it is increasingly clear that alcohol companies are not prepared to take a responsible approach. It is time that we looked seriously at the influence alcohol advertising has on our young people, who are usually the targeted group. As I said, alcohol advertisements are being directed at the families of fathers to encourage wives and children to buy alcohol for Father's Day.

Members are aware that I was successful in having legislation banning cigarette advertising pass through both Houses of Parliament. It became law, but not without a bruising battle with the Tobacco Institute of Australia, which spent millions of dollars on advertisements in an attempt to stop that legislation. I assume, once my speech is concluded today, that interests representing alcohol will do all they can to prevent this legislation being enacted and they will put pressure on the Coalition Government not to support it. It will be a battle, and it will not be easy. But we won the battle on cigarette advertising and I believe we can win the battle on alcohol advertising.

I remember speaking to a prominent member and Minister of the former Labor Government—not the Hon. John Della Bosca—about this issue. Although he was sympathetic towards my proposal, he said something along the lines of, "We are prepared to support the ban on cigarette advertising but alcohol advertising is a different issue because the alcohol industry is so powerful." It will take some courage for the Government to stand up to that industry and support this legislation. Professor Michael Good, Director of the Queensland Institute of Medical Research and Chair of the National Health and Medical Research Council, stated:

> Australians currently enjoy near the best health in the world. Furthermore, our life expectancy continues to increase. Averaged over the last 100 years, our life expectancy is increasing at three months per year. This rate of increase shows no sign of slowing and has come about in more recent times in large part because of the reduction in smoking rates for Australians, who are now near the lowest in the world—

it is down to 14.8 per cent—

> However, other risk factors for chronic diseases in Australia are not improving relative to the rest of the world and these will slow any further gains in life expectancy and improved health.
>
> Chief among these are overweight, obesity and alcohol consumption for which Australia ranks in the lowest and middle third of OECD countries, respectively.

> The lessons from the successful anti-smoking campaign can be applied to both of these lifestyle risk factors, but it is alcohol abuse that most closely resembles smoking and for which the lessons are most easily translated. Both are addictive drugs derived from cultivated crops. Both have well accepted health-risk profiles.
>
> While deaths and morbidity attributed to alcohol are not as high as those attributed to cigarette smoking, data nevertheless show that acute and chronic alcohol abuse account for 45,000 hospitalisations in Australia per year.

When the Government looks at ways to reduce the massive expenditure on health and reduce its Health budget, it should consider this proposed legislation, which would have a major impact on achieving empty beds in hospitals. Any member who is concerned about the health of Australians and the pressure on our public health systems should support this legislation because it will reduce the 45,000 admissions to our hospitals. Alcohol contributes to foetal growth retardation and can cause foetal alcohol syndrome. It is estimated that alcohol abuse costs the Australian community in excess of $15 billion per annum. The Federal and State governments would like to have that money to spend in other areas. Professor Good, in his speech, posed this question: How can we diminish risky alcohol consumption? He said:

> The factors that were most successful in reducing cigarette smoking included public education, "denormalisation" of smoking, taxes on cigarettes, graphic labelling and bans on smoking in public places. However, the policy that was most closely associated with the drop in smoking rates was the ban on smoking advertising.

Professor Good specifically referred to a ban on smoking advertising, with which I agree. He went on to say:

> This history of risk factors associated with the decline in cigarette smoking is instructive and may provide the way to improve Australia's position in alcohol consumption from the middle third of the Organisation for Economic Co-operation and Development countries and consequently deliver Australians further gains in life expectancy, further improvements in quality of life and significantly reduced health expenditure.

If we do not learn from the past, we will squander a precious opportunity for the future. Professor Good concluded his remarks with a question, which I pose to all members of this House:

> Those who may disagree with the idea of a ban on advertising [on alcohol] should ask themselves if they would support a reintroduction of smoking advertising. No single positive thing comes from advertising either cigarettes or alcohol.

The obvious answer to Professor Good's rhetorical question about the reintroduction of smoking advertising would be a resounding "no" by all members of this House.

The Hon. Dr Peter Phelps: Not by me.

Reverend the Hon. FRED NILE: That demonstrates how public opinion has changed and even the opinions of members of Parliament have changed over the years, even if there are some exceptions. A submission from the Alcohol and Other Drugs Council of Australia [ADCA] said, in part:

> ... the national peak body for the alcohol and other drugs sector, provides a voice for people working to reduce the harm caused by alcohol and other drugs.

The Alcohol and Other Drugs Council of Australia member organisations employ approximately 2,500 people working within the alcohol and other drugs sector. They include treatment and prevention agencies, law enforcement officers, research organisations and policy bodies. The council's statement on the harmful effects of alcohol continues:

> It is estimated that in 1997-98 alone the misuse of alcohol resulted in 63,164 years of lost life (before 70 years), a total of approximately 3,290 premature deaths and over 400,000 hospital bed days ... Despite this, the alcohol industry has a privilege of almost complete self-regulation in regard to all forms of advertising and promotion. There is growing concern within both the health sector and the broader community about the sheer bulk of alcohol advertising around today and its appeal and effect on young people.

That organisation also has come out strongly calling for action. It is also very critical—and I believe the criticism is justified—of the Alcoholic Beverages Advertising Code. It said:

> The only other advertising restrictions are through alcohol industry self-regulation—namely, the Alcoholic Beverages Advertising Code (ABAC)—and through the broad standards for all advertisements that are articulated in the Advertiser Code of Ethics. The voluntary ABAC stipulates (among other things) that alcohol advertisement must not appeal to those under the age of 18 or associate alcohol with social, sporting or sexual success.

All members know that is exactly what alcohol advertisements do. That voluntary code is obviously being ignored. We cannot trust the liquor industry to regulate itself in advertising. The Alcohol and Other Drugs

Council of Australia recommends that the New South Wales Government should support the development of a national regulatory framework for alcohol advertising and bring the other States on board. If this bill is passed by Parliament, it could become the national model—as has happened in many other areas where New South Wales has led the way, such as the cigarette advertising legislation. This bill could be accepted by the Commonwealth as a model for other States to adopt so there will be uniform legislation across Australia. The Faculty of Health and Behavioural Sciences of the University of Wollongong conducted research into the question: What does alcohol advertising tell young people about drinking? The research has proved that self-regulation does not work. The report on that research says:

> Alcohol has long been known to be the cause of significant physical, emotional and social harm in our society. Given that the manufacture, distribution and sale of alcoholic products is big business all over the world, clearly the marketing, advertising and promotion of these products is essential. However, there is an ongoing debate regarding the relationship between advertising and alcohol consumption and, importantly, the influence of this advertising on harmful drinking patterns.

The report continues:

> We found that the majority of adolescents believe alcohol advertisements often include several messages which breached the Alcoholic Beverages Advertising Code (ABAC), highlighting the ineffective nature of the self- regulatory scheme.

The research included surveys of both adults and young people. From May 2004 until March 2005 television and advertising campaigns, national and regional, were monitored for alcohol products. The alcohol industry is achieving its aims through advertising, as is shown by the research. No-one would spend millions of dollars on advertising if it did not produce results. As to the results of the surveys, the research paper states:

> **Perceived messages in the alcohol advertisements**
>
> There were some strong indications that respondents see several social benefits of consuming alcohol in general … 74% of responses indicated that the advertisement contained the message that drinking the advertised product would make them more sociable and outgoing; 89.9% that the advertisement suggested that the product would help them have a great time; 69.8% that it would help them fit in; 64.9% that it would help them feel more confident; 58.9% that it would help them feel less nervous; 46.5% that it would help them succeed with the opposite sex—

that is an important motivation for young males—

> and 42% that it would make them feel more attractive.

These are surveys of the impact of advertisements on adolescents' thinking. In other words, the advertisements are successful in conveying what are all false messages, but the adolescents believe them. Of course, that increases the sales of those products and increases alcohol consumption. These subliminal messages are deliberately planned by the advertising agencies on behalf of the liquor industry to reach out to young people. These survey results provide further evidence to prohibit advertising. They show that the liquor industry's advertisements are achieving their objectives, not our objectives. We must step in to protect the youth of our society from this manipulation by the liquor industry. The University of Wollongong Faculty of Health and Behavioural Sciences report also stated:

> Results regarding the clearly demonstrated perceived social outcomes of consumption of alcoholic products are of particular importance. It must be noted that the respondents did not necessarily believe that consuming the product would lead to such social benefits, but rather (in most cases) the majority believed that the advertisement contained messages which inferred that such social benefits are likely. However, this is a very concerning finding, given that the ABAC [Alcohol Beverages Advertising Code] states that alcohol advertisements must not suggest that consumption or presence of alcohol may create or contribute to a significant change in mood or environment.

That is exactly what these advertisements do, in a very clever way devised by the advertising agencies. These advertisements are breaking the industry's own Alcoholic Beverages Advertising Code. The intention of the advertisements is to suggest that alcohol may create or contribute to a significant change, and the liquor industry would not spend money on advertising if it did not produce the desired results. I commend the faculty's research paper to all members of the House. Many other organisations have called for a ban on alcohol advertising. The Alcohol Policy Coalition, a group of health agencies that include the Australian Drug Foundation and the Cancer Council of Victoria, has demanded tougher rules for sponsorship of sporting events and teams in Australia. I am pleased that so many authoritative organisations have taken a strong stand. The Alcohol Policy Coalition, in a paper, praised the Rudd Government for many of its positive initiatives, but it went on to say that there were serious key gaps.

The Alcohol Policy Coalition criticised the Federal Government for failing to address the impact of alcohol advertising by continuing to trust the liquor industry voluntarily to protect young Australians from

alcohol advertising. I could spend a great deal more time going through all the evidence I have collated on this issue, but I believe what I have presented to the House confirms the need for this legislation. I have additional surveys and background material if any members wish to investigate this issue seriously. I assume a lot of material will be available through Google and other sources. I call on each member to support the bill. I hope the Coalition Government will seriously consider it in a future Cabinet meeting and that the Labor Opposition will consider it in its shadow Cabinet. It is a simple, straightforward bill similar to the legislation prohibiting cigarette advertising. All members would acknowledge that the legislation prohibiting cigarette advertising has been successful and has dramatically reduced cigarette smoking rates in our State and Australia. I believe this bill will have the same effect and result in a far healthier society. I commend the bill to the House.

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

ORGAN DONATION

Debate resumed from 16 August 2012

The Hon. LYNDA VOLTZ [12.30 p.m.]: On the last occasion that this motion was debated I had only just started my speech when the debate was interrupted. I mentioned the disappointing donor figures for New South Wales. In 2010 there were only 12.4 donors per million population in New South Wales, compared with Tasmania, which had 19.7; South Australia, 18.8; Victoria, 17.7; and the Australian Capital Territory, 17.3. Although the transplantation rate has improved since the introduction of a national reform agenda for organ and tissue donation in 2008, there is still room for improvement given that Spain has a rate of 28 donors per million population, and France and the Unites States have 25 donors per million population.

More than 1,800 Australians are waiting for a life-saving organ transplant, several of which are children, and 49 per cent reside in New South Wales. Twenty per cent of those waiting for a heart, lung or liver transplant will die before receiving their life-saving transplant. In 2008, 259 Australians donated organs, benefiting 846 transplant recipients, of whom 190 were patients in New South Wales. Organ donation is potentially lifesaving for people with end-stage organ failure and is only possible when the donor has been declared brain dead in a hospital intensive care unit. Organ donation may also be possible after a person's heart has stopped beating, but this is less common and there are a number of issues which impact on the clinical appropriateness of organs retrieved following cardiac death. One organ donor can save up to eight people's lives and many more can benefit from tissue donation. There is no age limit to becoming an organ or tissue donor.

Individuals who decide to become organ donors register their consent and inform their next of kin and friends of their decision to donate, which is an important step to ensure their decision to donate is carried out. Families remain central to the donation of a loved one's organs as a senior next of kin is required to authorise the retrieval of organs at the time of death. A person's decision to help others by donating organs for transplantation does not allow the removal of organs for any other purpose. The Australian Organ Donor Register allows people to register their consent to donate. In New South Wales people can register on their New South Wales Roads and Maritime Services drivers licence. In New South Wales, LifeGift NSW/ACT provides organ donation services and is part of the Australian Red Cross Blood Service. I am registered as an organ donor on my licence, and I hope that other members in this Chamber have also taken the time to fill in their licence similarly.

On 3 July 2008 the Council of Australian Governments [COAG] endorsed the Australian Government's reform agenda to implement a world's best practice approach to organ and tissue donation for transplantation. The Australian Government committed $151 million over four years to increase organ and tissue donation rates. As a result of the announced reforms, a restructure of the organ and tissue donation sector in Australia has taken place and a number of new positions have been created in New South Wales, including 10 hospital-based medical directors and 19 expert nursing staff, who attend hospitals where donors have been cared for after their death and ensure all legal, procedural and ethical requirements are adhered to.

The Federal Government's package of reforms to the organ donation and transplantation sector included: $67 million to fund dedicated organ donation specialist doctors and other staff in public and private hospitals; $46 million to establish a new independent national authority to coordinate national organ donation initiatives; $17 million in new funding for hospitals to meet additional staffing, bed and infrastructure costs associated with organ donation; $13.4 million to continue national public awareness and education; and $1.9 million for counselling for potential donor families. Other significant measures include enhanced professional education programs, consistent clinical protocols, clinical trigger checklists and data collection for organ transplants in hospitals.

In December 2011 a discussion paper was released by the Hon. Jillian Skinner seeking public comment on a range of proposals to boost organ donation and transplant rates in New South Wales. This discussion paper is intended to provide the Australian public with ideas that can make a difference to the organ donation and transplant rate in New South Wales. The discussion paper also details the implementation of the national reform agenda in New South Wales, changes to donation consent and register, assisting families considering donor consent, enhancing organ donation within Aboriginal and Torres Strait Islanders and culturally and linguistically diverse communities, and further enhancing the Living Donor Program.

On 13 December 2011 the NSW Police Force and NSW Health launched a new single-call process for police and medical practitioners to coordinate urgent organ transportation which came into effect on 1 January. Since then the NSW Police Force has been working closely with the NSW Organ and Tissue Donation Service, Roads and Maritime Services and many hospitals in New South Wales to ensure the successful coordination of emergency medical transfers. In 1984 the late Dr Victor Chang asked the NSW Police Force to become involved in the transportation of organs. His aim was to cut the time between the donor organ being harvested and transported to the recipient, enabling a greater chance of success.

I comment briefly on the donation process. A doctor's first duty is to the patient and saving his or her life. Organ donation is considered only if the patient dies, despite all medical efforts. The body is treated with dignity and respect after organ retrieval. The physical appearance of the body will not be altered and funeral arrangements, including an open casket, can proceed as planned. The Organ Donation Service in New South Wales offers a bereavement program for donor families, supporting them long after the death of a loved one. Anonymous letters can be passed from transplant recipients to donor families through the Organ Donation Service in New South Wales. Most religions allow for individual choice or support of organ donation if organs will help improve someone's life.

Finally, I would like to tell a story about an organ donor, Tim Lodder. When Tim's family received a leaflet in the mail about the number of people waiting for kidneys, they discussed organ and tissue donation. The whole family said they wanted to sign up to be donors, but Tim's mother, Margaret Wedgwood, hoped she would never have to put that discussion to the test. One evening in 1999 Tim and a friend tossed a coin to see who would drive home. Tim lost. The car he was driving spun out of control and crashed. Both men were taken to hospital with injuries. Police called Margaret and she rushed to Tim's bedside with family and friends. Tim had severe head injuries and when Margaret realised in her heart that there was no chance of Tim's recovery, she made the decision, in conjunction with Tim's family and many friends, to opt for organ and tissue donation, as was Tim's wish. Margaret said this heartfelt decision made the loss of Tim easier to bear, knowing that his wishes were being honoured. She said:

> We knew Tim's opinion on donation. He'd always said that they could take anything that could be used by someone else when he died, since he was not going to need it. It really was as simple as that to him. He had a big heart and would have done anything to help someone else.
>
> Tim's organs were donated to a number of people waiting for various organs on the transplant waiting list, saving and improving the lives of others. All his organs were donated except his pancreas.
>
> Tim always lived life to the full and wanted others to do the same thing. I'm so glad we all had the talk. It helps me know we did the right thing for Tim—and for the transplant recipients he helped give a second chance at life.

The Hon. NIALL BLAIR [12.40 p.m.]: I congratulate the Hon. Melinda Pavey on raising the issue of organ donation. I feel strongly about this issue and I am pleased to participate in this debate. New South Wales has one of the lowest rates of organ donation in Australia despite the fact that more than two million people are registered donors with Roads and Maritime Services. Last year in New South Wales only 2.25 per cent of people who died in major hospitals were suitable to become donors. Because so few people die in the right place or in a manner that allows donation of their organs, it is essential that as many people as possible are willing to donate. However, the willingness of the donor is unfortunately able to be overruled and, according to the Minister for Health, about 50 per cent of potential donors have been overruled by their families at their time of death in the past year.

The Minister, Jillian Skinner, released a discussion paper in December last year and asked for community input about the best ways to increase organ donation and transplant rates in New South Wales. I have read the report, which is entitled "Increasing Organ Donation in NSW", and I was happy with some of the recommendations, particularly those relating to encouraging family discussion about this issue. We should all make it clear to our family whether we are willing to donate our organs and put measures in place to ensure that if a tragedy occurs our wishes are honoured.

Various campaigns and events in this country are designed to raise awareness of organ transplantation. One of the most successful is the Australian Transplant Games. For eight days from 29 September this year Newcastle will play host to the games, which are a celebration of life received through organ and tissue donation. They unite all those touched by donation, including transplant recipients, donor families, living donors and those waiting for a transplant. Through sport and games, competitors benchmark their renewed health and wellness and say thank you to organ and tissue donors. The games provide an opportunity to network with others in similar situations, such as transplant recipients, those undergoing dialysis treatment, those awaiting transplantation, living donors, family members of deceased donors and supporters.

The Australian Transplant Games are Australia's largest awareness event for organ and tissue donation and they demonstrate what a difference transplantation makes. Importantly, the games promote awareness of organ donation and have resulted in the flow-on effect of increased organ donation rates in each year the games are held. To be eligible for the games, competitors must have received a solid organ, tissue or bone marrow transplant, be on dialysis or have cystic fibrosis. Living donors, donor families and supporters, both adults and juniors, are also eligible to participate in selected supporter events. Athletes are expected to attend from every State in Australia to compete in 24 events. A number of competitors from overseas will also attend the games.

Finally, I pay tribute to one of this country's most active and passionate campaigners for organ donation, retired Australian Capital Territory Police Officer David Gough from Darby's Falls. His passion for the cause was prompted by the death on Christmas Eve in 2009 of his 26-year-old daughter, Melody, in a road accident. Her donated organs helped to save the lives of three people. He travelled 8,000 kilometres on his BMW motorbike to more than 100 towns and cities advocating the importance of organ donation. However, in May this year Mr Gough was travelling to Sydney on his motorbike to plan his next ride and to examine games plans with Transplant Australia when he died in an accident. David was undergoing tests to become a live organ donor, but unfortunately he was unable to donate his organs due to the nature of his injuries.

The Organ and Tissue Authority and DonateLife described Mr Gough as a "tireless supporter and passionate advocate for organ and tissue donation". I hope that we all can learn a lesson from Mr Gough by promoting DonateLife Week in our communities. So few people are eligible to donate when they die that we must ensure that as many people as possible are registered donors. One organ donor can help up to 10 people and many more through tissue donation. I again congratulate the Hon. Melinda Pavey for raising this issue and I urge all members to get actively involved in the awareness campaign. I also encourage everyone to have that conversation with their family so that their wish to donate their organs is honoured.

The Hon. MARIE FICARRA (Parliamentary Secretary) [12.45 p.m.]: I support the Hon. Melinda Pavey's motion. DonateLife Week was celebrated between 19 and 26 February this year. Like other members who have contributed to this debate, I commend the honourable member for raising this vital issue, particularly given that about 1,600 are on the Australian organ transplant waiting list in the hope that their lives will be saved. People in this country are dying because of the shortage of donated organs that could save their lives. It is not that people do not wish to donate their organs; in fact, the Roads and Maritime Services donor register has the largest number of registered donors in Australia. However, as members have said, this State compares poorly with donation rates in other States. In 2010 in Tasmania there were 19.7 donors per million population, in South Australia the figure was 18.8, in Victoria it was 17.7, and in the Australian Capital Territory it was 17.3. The figure for New South Wales was the lowest in the country at 12.4 donors per million population.

While the transplantation rate has improved since the introduction of a national reform agenda for organ and tissue donation in 2008, we can do better. In countries such as Spain the figure is about 34 donors per million population, in Belgium it is 28 and in France and the United States it is 25. We must obviously spread the message. Perhaps people simply have not given the matter any thought. We all lead busy lives, but this is a public health message that must be heard. As the Hon. Melinda Pavey said, Australia has one of the highest transplant success rates in the world. We should thank the specialists, medical teams and paramedics who have earned us such a sterling reputation. Last year, 337 organ donors gave about 1,000 Australians a new chance of life. The number of organ donors and transplant recipients in 2011 was the highest since the national records database was established. Major organ transplants in 2011 included 570 kidneys, 231 livers, 64 hearts, two heart-lungs—which is a very complex transplant—157 lungs, 26 pancreas and nine pancreas-islets, giving a total of 1,041 transplants.

Research indicates that the majority of Australians, approximately 79 per cent, are generally willing to become organ and tissue donors. However, Australia's family consent rate is low, with less than 60 per cent of families giving consent for organ and tissue donation to proceed. As other members have said, that is probably

because that vital conversation was never had. Some people do not want to talk about certain issues, for example, their death and arrangements for their funeral. For a lot of people it is unpalatable; they do not want to think of their end or the demise of members of their family. Tragedies can occur at any time and healthy vital organs are lost. Many families later regret not having had that conversation and knowing what their loved ones wanted on this important public health issue.

I am greatly concerned that 43 per cent of Australians do not know or are not sure of the donation wishes of their loved ones. I am pleased that DonateLife ensures that every family making the decision about whether to agree to a donation proceeding is now able to receive dedicated support from the DonateLife Donor Family Support Coordinators, whether or not the donation proceeds. Australia's donor rate could be vastly improved if more people talked about organ donation and their wish to be a donor with their family. When families remember discussing donation they are more likely to consent to their loved one becoming a donor.

Often at those stressful times families are in an incredibly adrenalin-filled state. They have been contacted by police, they are trying to contact others and to get to hospital, and when they are approached for organ donor consent of their loved one it is often too traumatic for them. They do not want to talk about it because psychologically they think they are saying goodbye to their loved ones before time. Those emotional and physical issues need to be discussed. They should discuss that their consent to organ donation will not make a difference to the level of medical specialist treatment they receive.

I place on record and acknowledge the work of DonateLife Australia, which has put some excellent information on its website. In Australia organ transplantation waiting lists are kept for each transplantable organ—heart, lungs, kidneys, liver and pancreas. People are put on a transplant waiting list when they have end-stage organ failure, all other treatments have failed and their medical specialist believes they will benefit from a transplant. Waiting times depend on the availability of suitable donated organs and the allocation of organs through the transplant waiting lists. While this is usually between six months and four years, it can be even longer.

When a person is put on a transplant waiting list they receive support from a transplant coordinator, who keeps them and their family informed of developments and timelines. When a match is found, the transplant coordinator arranges for any necessary tests or scans, and coordinates the surgical team. It is usually a pretty quick and adrenalin-filled time. When an organ is found things have to happen quickly to avoid tissue deterioration. This requires very intense, specialised surgical teams and paramedical supports, and specialised ambulance support. Australia and New South Wales do it so well.

Organs are allocated to transplant recipients in a fair, equitable process that takes no account of race, religion, gender, social status, disability or age, unless age is relevant to the organ matching criteria as is the case with very young organ recipients. Waiting lists are managed by different groups according to the organ involved and the State or Territory where the recipient is located. Allocation is currently guided in Australia by protocols developed by the Transplantation Society of Australia and New Zealand and the Australasian Transplant Coordinators Association. Allocation is a complex process. When an organ, other than a kidney, becomes available for donation, a DonateLife donor coordinator passes the necessary information to transplant units in that State. If there is no suitable recipient, the organ is offered to organ donation transplant units in other States and Territories on a roster basis that is designed to promote equity. That process is done extremely quickly. Teams are on hand to treat it with utmost priority in each State.

Criteria used in considering potential organ transplant recipients include: how well the organs match the person, how long the person has been waiting for a transplant, how urgent the transplant is and whether the organ can be made available to the person in time. Organs such as the heart, lungs, liver and pancreas are matched to recipients by blood group, size compatibility and urgency. Kidneys are matched by blood group and tissue compatibility through the computerised National Organ Matching Service, administered by the Australian Red Cross Blood Service. Australia has a world-class reputation for successful transplant outcomes, both in respect of survival rates of the recipients and in the number of organs that are able to be transplanted from each donor.

Since 1965 more than 30,000 Australians have received life-saving or life-preserving organ transplants. More than 900 organ transplant operations are performed each year. Many more tissue transplants and grafts are performed, including about 1,500 corneal transplants each year, which is vital to save people's sight. Transplantation has dramatically improved the lives of recipients and enabled them to be active, healthy members of the community. There are significant cost benefits to transplants when compared with the ongoing

cost of treatment for people requiring transplants. It is cost-effective. As the Hon Melinda Pavey indicated in her motion, as a consequence of the low rate of organ donation in New South Wales, the Hon. Jillian Skinner, Minister for Health, released a discussion paper in December 2011 seeking public comment on a range of proposals to boost donation rates in New South Wales.

I am delighted to acknowledge the hard work of the Minister for Health in ensuring that New South Wales is working to improve the opportunities for donation to occur. I am pleased to note that there are now 39 specialist doctors and nurses in 22 hospitals and a central co-ordinating agency to promote donation. Following the issuing of the discussion paper in December last year on increasing organ donation in New South Wales to provide the community with an opportunity to tell the Government how it could make a difference to the organ and tissue donation rate in New South Wales, more than 75 submissions from individuals and advocacy groups in New South Wales and the Australian Capital Territory were received.

I am advised that out of those submissions, the community has given the Government a number of important messages about organ donation. First, people do not want their wishes to be overridden by their families. The best way to ensure that is to "Ask and know your loved one's wishes", which also happens to be the key message of this DonateLife Week. Research tells us that families feel reassured by knowing what their loved one wanted with regard to organ donation and that this makes the decision to donate easier for them.

Secondly, New South Wales is the only State that operates a donor registry via Roads and Maritime Services in parallel with the Australian Organ Donor Register, which is managed by Medicare. This dual registry system is causing confusion. New South Wales is being urged to consider joining all other States in a single national registry for organ and tissue donation. The New South Wales Government agrees with this stand and is currently looking at how quickly this can be best accomplished. Overwhelming, I think that the Australian population would be behind any government initiatives to better coordinate an increase in knowledge in our community. Parents and family members of all ages should at least have this vital discussion—even teenagers should be included in this sensitive discussion. A signature on an appropriate form or an indication on a drivers licence can do so much to save lives. I commend the motion to the House.

Pursuant to sessional orders debate interrupted and set down as an order of the day for a future day.

[*The Deputy-President (The Hon. Natasha McLaren-Jones) left the chair at 1.02 p.m. The House resumed at 2.30 p.m.*]

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

QUESTIONS WITHOUT NOTICE

SYDNEY DESALINATION PLANT

The Hon. LUKE FOLEY: My question is addressed to the Minister for Finance and Services. Given that the Government's lease of the Sydney desalination plant yielded net proceeds of $300 million, yet the Government forecast that the successful bidders would receive annual revenue of $238 million from the publicly owned Sydney Water this financial year and increasing every year for the next 50 years, will the Minister advise the House how the transaction is in the interests of New South Wales taxpayers?

The Hon. GREG PEARCE: We all know that the Mark Latham of the Labor Party in New South Wales has a glass jaw. However, we did not know that he also practised Mark Latham voodoo economics. I do not know who wrote the question for the Leader of the Opposition, but he clearly does not have a clue. I would have thought that even a former union official could understand that the proceeds achieved on a sale, lease, transfer or any other transaction are then used to pay off debt.

The Hon. John Ajaka: Yes.

The Hon. GREG PEARCE: The Hon. John Ajaka has bought and sold properties over many years.

The Hon. Adam Searle: Point of order: The Minister should not reflect on another member of the House.

The Hon. GREG PEARCE: What about the Deputy Leader of the Opposition? He has put his name forward to the Bar Association for Senior Counsel.

The PRESIDENT: Order! The Minister is encouraged to be generally relevant.

The Hon. GREG PEARCE: That shows the commitment of the Deputy Leader of the Opposition to his job here. Consistent with our election commitment, the Government successfully refinanced Sydney's desalination plant for $2.3 billion, which is well above book value for the plant. I do not know where the Leader of the Opposition gets his voodoo economics, but the price was $2.3 billion for the long-term lease of the desalination plant. The Leader of the Opposition was never a Minister in the previous Government. He was about the only member of the Labor caucus who did not get a run as a Minister. Did anyone else not get a run as a Minister?

The PRESIDENT: Order! I call the Minister for Finance and Services to order for the first time.

The Hon. GREG PEARCE: The refinancing of the desalination plant is a great achievement for the Government because it unlocks both cash and debt-raising capacity which can be used for priority infrastructure projects across New South Wales, such as roads, schools and hospitals. Along with the dams, recycling and water efficiency, the desalination plant is an important element in the water supply system for Sydney. It is operated in line with the 2000 Metropolitan Water Plan, which secures Sydney's water supplies to 2025 and beyond. This was the correction of an insane decision by the Iemma Government in relation to the desalination plant in the first place. The people of New South Wales will be grateful for many, many years that we were able to fix the problem.

POLICE NUMBERS

The Hon. NIALL BLAIR: My question is directed to the Minister for Police and Emergency Services. Will the Minister update the House on the Government's investment in additional police officers?

The Hon. MICHAEL GALLACHER: Nowhere is the Government's commitment to ensuring that the people of New South Wales are protected by the best resourced police force more evident that in our funding of additional police numbers. Prior to the 2011 election the Liberal-Nationals Coalition made a commitment to increase the size of the NSW Police Force to a record 16,356 positions by July 2014. When in government we added to this through the creation of the Police Transport Command, a dedicated group of officers tasked with maintaining order on our public transport network. In turn, this will see police numbers rise to 16,665 by August 2015.

Tomorrow marks the next phase of meeting this commitment, with an additional 60 authorised positions to be added to the NSW Police Force. I can advise the House that 58 positions will be added to local area commands with an identified operational need—from Wagga Wagga, where eight new positions will be added, to Oxley Local Area Command, where the ranks will be bolstered by six additional authorised positions; and 15 additional positions will be added to six local area commands in western and south-western Sydney. I can further advise the House that two of the new positions will go to the Police Citizens Youth Clubs as we move forward with establishing another eight clubs across the State. As has been the standard for a number of years, some of these will be used to formalise "overstrength-not to be deleted" positions.

I am advised that recruitment and transfers to the remaining positions will take place over the next month or so to ensure that officers are in place at their new local area commands in time for the busy Christmas season. This will also ensure the best mix of experienced officers and new probationary constables, especially in rural and regional New South Wales. The addition of these new positions coincides with the attestation of probationary constables tomorrow at the Police Academy. While the number of students attesting will not be finalised until tomorrow, I can advise the House that more than 430 new probationary constables will be reporting for duty across the State come Monday.

These students have worked hard not only over the past few months but, for many of them, for years to reach the level of fitness and competency that is required to get to this day. These more than 430 men and women have shown commitment to serving the community and to upholding the law, dedicating their working lives to keeping the people of our State safe. As we celebrate the 150th anniversary of the NSW Police Force these young officers will continue the proud traditions of the officers who came before them. I am sure I speak on behalf of all members of the House in thanking them for making the decision to become a member of the NSW Police Force.

Before I conclude, I can inform my colleagues and members opposite that in coming days the next report on the Police Force operational capacity will be released. The operational capacity shows the number of full-time equivalent officers available for policing duties in commands. Unlike what happened during Labor's term, the report does not count officers who are not available to their command because they are on long-term sick leave, extended leave, maternity leave and other forms of extended absence. [*Time expired*.]

The Hon. NIALL BLAIR: I ask a supplementary question. Would the Minister elucidate his answer on police numbers?

The Hon. MICHAEL GALLACHER: Unfortunately the combined impact of departures from the NSW Police Force by officers on long-term sick leave over the past eight months as well as changes in authorised strength figures in some commands, which will be back-filled in coming weeks—

The PRESIDENT: Order! There is far too much interjection in the Chamber.

The Hon. MICHAEL GALLACHER: —means that police will not meet the 90 per cent operational strength figure in all commands this month. Before those opposite start bleating, it is not an indictment on the NSW Police Force or the management by the Government. We have always said up-front that 90 per cent was an aspirational figure that we are striving to meet, and in the majority of cases we will meet it. Unfortunately, in some cases we will not meet that figure. However, the majority of commands will have an operational strength of more than 90 per cent, which is indeed an achievement. I congratulate all the probationary constables who will form tomorrow on the parade ground at Goulburn Police Academy. It used to be known as the "NSW Police College". but we have renamed it the "NSW Police Academy". The academy turns out the finest graduates and it will continue to turn out the finest for many years to come.

PACIFIC HIGHWAY UPGRADE

The Hon. ADAM SEARLE: My question is directed to the Minister for Roads and Ports. What undertakings has the Minister been given by the Federal Nationals leader, Warren Truss, that if the Coalition is elected to government he will keep his promise made on 24 June to divert funding from the Parramatta to Epping rail link to the Pacific Highway?

The Hon. DUNCAN GAY: Any commitment made by Warren Truss I would take as solid gold. The favourite Minister of the Deputy Leader of the Opposition is Federal Minister Albanese. They are friends, good mates; they have been formed from the same mould. Minister Albanese has $2.1 million that he has shoved in a hollow log, so no-one can use it. It is on the books, but it is not being used for anything. He pledged it to the Parramatta to Epping rail link, knowing full well that the link was not going to be built under the Labor Government and that the incoming government preferred the North West Rail Link.

This Government has put its money into the North West Rail Link. We have asked for that $2.1 million to go to the North West Rail Link to help the people of the north-west and the people of Sydney, but Albanese the Not So Good squirrelled that money away. If he had any heart and if he believed in saving lives in this State he would add that money to funding for the Pacific Highway upgrade. If he did so, I would shake the trees to find the money that would allow us to finish the Pacific Highway upgrade. I put that challenge to the Federal Government. It is a challenge that will be met by the incoming government.

DUNGOG LAND USE PLAN

Dr JOHN KAYE: My question is directed to the Minister for Finance and Services, in his capacity as the Minister responsible for Hunter Water. Given that both the Minister for Planning and Infrastructure, Brad Hazzard, and his ministerial colleague George Souris, Dungog's local member and Minister for Tourism, Major Events, Hospitality and Racing, have identified the need for a shire-wide land use management plan in the aftermath of the disastrous Tillegra Dam proposal, why is the Minister refusing to support the community's call for a land use strategy that would provide for a robust economic future for the Dungog region?

The Hon. GREG PEARCE: The member's premise is completely wrong—absolutely, utterly and completely wrong.

Dr John Kaye: Which premise—that you are the Minister?

The Hon. GREG PEARCE: No. I am strongly supporting land use—

Dr John Kaye: That is not what you told the *Newcastle Herald* yesterday.

The Hon. GREG PEARCE: Here he goes. What are you a doctor of?

The PRESIDENT: Order! The member will address his remarks through the Chair.

The Hon. GREG PEARCE: He is a special doctor, and his research is based on newspapers. Hunter Water recently called tenders for a land use study for its landholdings in Dungog shire. The study will involve working closely with Dungog Shire Council, the community and relevant government departments to develop the best plan for the future management and use of Hunter Water-owned land in the shire, which constitutes approximately 1 per cent of land in the shire. While land use planning for the shire is primarily the responsibility of local government, Hunter Water will assist Dungog Shire Council, wherever possible, to achieve its objectives. I have used every opportunity to encourage Hunter Water to assist Dungog Shire Council. I have visited Dungog Shire Council.

The Hon. Sophie Cotsis: Did they take your photo?

The Hon. GREG PEARCE: They did take my photo. They took very nice photos of me with the mayor, with some of the protestors and with a lot of interested people. They were pleased that I made a visit because they had never seen anybody from the Labor Party. They had never seen a Labor Minister. We must remember that it was the Labor Party that came up with the idea of Tillegra Dam and promoted it. We, of course, ruled it out.

The Hon. Michael Gallacher: We know why they did. There was something else happening at the time.

The Hon. GREG PEARCE: Something else was happening. That is a story for another day. I cack when I think of those stories. Hunter Water's chairman and managing director recently visited the Dungog mayor to ensure that—

The Hon. Luke Foley: How many times do you have to be warned?

The Hon. GREG PEARCE: What's up, glass jaw?

The Hon. Luke Foley: How many times do you have to be told by your leadership not to go there? How many times? There was an agreement he would not go there. It is the third time he has breached it. We won't cop it.

The PRESIDENT: Order! The Minister has the call.

The Hon. GREG PEARCE: Glass jaw, goodness me.

The PRESIDENT: Order! I call the Minister for Finance and Services to order for the second time.

The Hon. GREG PEARCE: The Hunter Water's chairman and managing director recently visited the Dungog mayor to ensure that the council's views were well understood. I understand that Hunter Water is genuinely committed to working together with the council to achieve that outcome. I have encouraged Hunter Water to work with the council in order to get the best possible outcome for the local community.

REGIONAL SERVICES

The Hon. JENNIFER GARDINER: My question is addressed to the Minister for Roads and Ports. Will the Minister update the House on the New South Wales Government's commitment to improving customer service in regional New South Wales?

The Hon. Penny Sharpe: How many motor registries are you going to close?

The Hon. DUNCAN GAY: The Hon. Penny Sharpe asks how many motor registries we are going to close. None. When you try to mislead the people of New South Wales you need to get your facts correct. I quite

properly said that there would be an amalgamation of some NSW Maritime offices with Roads and Traffic Authority offices. No Roads and Traffic Authority offices—the old registries—will be closed. Yet again, the Labor Party is scaremongering, led by Mr Cecil Hills, the Hon. Walt Secord, a man who was at the centre of 16 years of Labor's failures, fibs and neglect. In typical fashion, the merchant of fear is running. Actually, I should not mislead the House.

The Hon. Lynda Voltz: Point of order: If the Minister wants to cast aspersions on members he should do so by way of substantive motion, not in answers to questions without notice.

The PRESIDENT: Order! The standing orders state that members must not cast aspersions on other members except by way of substantive motion. Therefore, it would be out of order for the Minister to cast aspersions on another member. However, given the volume of noise in the Chamber, I did not hear what the Minister said.

The Hon. DUNCAN GAY: I wasn't within a bull's roar, Mr President.

The PRESIDENT: If the Minister was casting aspersions, he should desist from doing so.

The Hon. DUNCAN GAY: What really saddened me is that the Hon. Mick Veitch has been led astray. He is a man I would have thought understands the needs of rural communities but he has been led astray by his city masters. Frankly, I would be embarrassed to put my name to a press release with the Leader of the Opposition and the member for Lakemba criticising reforms that will improve customer service in the bush.

The Hon. Sophie Cotsis: Good on you, Mick.

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

The Hon. DUNCAN GAY: That is exactly what the Hon. Mick Veitch did. He put his name to a press release that was critical of where we are improving services. It is very sad, Mick, very sad. The New South Wales Government is improving customer service by moving to offer more services at a single location. For example, instead of having to roam all over town with screaming children in tow—

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

The Hon. DUNCAN GAY: —on a blistering hot day in Dubbo to visit a series of different government offices—

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

The Hon. DUNCAN GAY: —the well-known Peacock family of Dubbo now have the convenience—

The PRESIDENT: Order! I call the Hon. Lynda Voltz to order for the first time.

The Hon. DUNCAN GAY: —of being able to visit just one location to carry out all their transactions. Where Labor wanted people to waste time going from office to office to office we are making life easier for the customer, a concept foreign to those opposite. The New South Wales Government is making life easier for our customers. Through Service NSW we recently announced with the Premier that 210 government services will be available at 18 new one-stop shops across the State.

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

The Hon. DUNCAN GAY: Listen and you will learn. One-stop shops will be open from 7.00 a.m. to 7.00 p.m. during the week and from 9.00 a.m. to 3.00 p.m. on Saturday. This will make it easier for people to do their business with government at a time that suits them, not, as previously occurred, at a time that suited the Labor Party. [*Time expired.*]

The Hon. JENNIFER GARDINER: I ask a supplementary question. Can the Minister elucidate his answer?

The Hon. DUNCAN GAY: As part of the ongoing consolidation of Roads and Maritime Services, there are opportunities to provide one-stop shops where customers can access services both for roads and

waterways. In coming weeks, three sites—at Batemans Bay, Blacktown and Liverpool—will be among the first to offer customers this improved service delivery. It is self-evident that in communities that have both motor registries and NSW Maritime offices there is an opportunity to make life easier for customers by bringing these services under one roof, although in some of those communities it will be important to retain both offices. We are going about this in a sensible manner with a focus on delivering the best possible outcome for the customer. I emphasise again that there will be no loss of service from any community. As for the allegation that there will be a loss of jobs, as the Premier said and as I say again, contrary to the Labor assertion that there will be a loss of jobs, in fact more people will be employed. So stop lying, you miserable people.

TOOMELAH ABORIGINAL COMMUNITY

The Hon. JAN BARHAM: My question without notice is directed to the Minister for Police and Emergency Services, representing the Minister for Aboriginal Affairs. What specific programs does the State Government currently have in place to provide for the needs of the people of Toomelah? What projects have been identified for future implementation and what time frame is proposed?

The Hon. MICHAEL GALLACHER: That is a serious question and one deserving of a serious answer. I thank the honourable member for an opportunity to represent the Minister for Aboriginal Affairs in this House. I will obtain an answer from the Minister and respond to the member and the House as soon as practicable.

PACIFIC HIGHWAY UPGRADE

The Hon. PENNY SHARPE: My question is directed to the Minister for Roads and Ports. In light of the Minister's previous answer that he supports Tony Abbott's plan to divert $2.1 billion from the Parramatta to Epping rail link to the North West Rail Link and given that the Federal National Party leader, Warren Truss, has indicated on radio that if the Coalition is elected that $2.1 billion will be going to the Pacific Highway, can the Minister confirm that he prefers that money to go to the North West Rail Link rather than the Pacific Highway?

The Hon. DUNCAN GAY: I refer the honourable member to my previous answer. By way of clarification, I indicated that the Government's preference in the first instance was for that money to go to the North West Rail Link. Because the Federal Government did not put that money forward for that purpose we now have to put in our own money. If that money were freed up, if the Federal Government put its money into the North West Rail Link, the money we are putting into the North West Rail Link could be put into the Pacific Highway upgrade. It is simple economics and simple maths but the Labor Party is too simple to understand that.

ILLAWARRA WATER INFRASTRUCTURE

The Hon. MATTHEW MASON-COX: My question without notice is directed to the Minister for Finance and Services, and Minister for the Illawarra. Can the Minister update the House on the latest wastewater works in the Illawarra?

The Hon. GREG PEARCE: I thank the honourable member for his question and his interest in rural and regional New South Wales. I can inform the House that the Government's commitment to the Illawarra is continuing with a $4.5 million investment in water and wastewater infrastructure over the next few weeks. Sydney Water's work in the region will ensure a reliable water supply and wastewater services. Crews are currently undertaking a comprehensive program of work, including renewing a water main at Russell Vale, refurbishing Berkeley Reservoir, upgrading wastewater pumping stations at Primbee and Shellharbour, and renewing two valves at Port Kembla. This work will provide major water and wastewater services to thousands of homes—

The Hon. Rick Colless: How many?

The Hon. GREG PEARCE: Thousands. It is due to be completed by next month. The investment in maintaining and upgrading water and wastewater systems in the region is part of a broader $177.3 million spend across Sydney Water's water distribution systems and sewer networks for 2012-13. When completed, the work will result in vital infrastructure for one of the fastest-growing regions in the State. The investment shows the commitment of the New South Wales Government and Sydney Water to providing high-quality and reliable services to the Illawarra. Unlike the former Labor Government, the New South Wales Liberals and Nationals recognise the Illawarra has a vital role to play in the State's economy and these and other projects will ensure the

region continues to grow. This expenditure is just one part of Sydney Water's program of expenditure on essential services. In the 2012-13 financial year Sydney Water will spend more than $650 million on key projects, new urban growth and renewing critical infrastructure in its operating area, which includes Sydney, the Illawarra and the Blue Mountains.

This program will deliver great results for customers. Sydney Water is focused on achieving efficiencies while maintaining a high level of customer service. It is essential to invest in works that will maintain the reliability of Sydney Water's network of infrastructure, which includes over 45,000 kilometres of water and wastewater pipes, plus 800 pumping stations, 256 reservoirs and 38 treatment and recycling plants. We are committed to the entire State and especially to the Illawarra.

ROAD MAINTENANCE CONTRACTS

The Hon. ROBERT BORSAK: My question without notice is directed to the Minister for Roads and Ports. Yesterday the Minister conceded that the Government was going down the road to contestability for road maintenance contracts. Under this plan, will local government and shires be accorded "weighting" in their tenders for road maintenance work? If local councils do not win contracts, how many jobs losses will there be in small towns and shires?

The Hon. DUNCAN GAY: I am being careful, unlike Opposition members, not to scare local communities. We believe that the process we are going through and the policy that we will announce at the end will not affect local councils in rural and regional areas. Unlike members opposite, we believe in the people who live on the other side of the sandstone curtain. The efficiencies that this Government wants to introduce are not designed to kill local communities and local councils in rural and regional areas. We understand it is problematical for people in a regional area to tender for a contract and have a large organisation come in at a low price, win that contract and then, after a couple of years when the local council and the local contractors have gone out of business, jack it up. We are not going to be doing that sort of thing. That is what people would have expected under the Labor Party.

We are carefully putting this together at the moment. Frankly, I want to get it out sooner rather than later. Whilst we are putting it together, the purveyors of doom and gloom and dishonesty across the State are trying to weave their wicked way. Frankly, we do not need any more Walt Secord or Mick Veitch press releases scaring honest people who do not deserve to be scared. The people in rural and regional New South Wales have nothing to be scared of. Similarly, there will not be a closure of motor registry offices in any of our communities.

RESOURCES FOR REGIONS PROGRAM

The Hon. MICK VEITCH: My question is directed to the Minister for Police and Emergency Services, and Minister for the Hunter. Given that Newcastle port is the largest coal export port, will his Government reverse the decision to exclude Newcastle, Maitland and Cessnock and local government areas from funding under the Resources for Regions Program.

The Hon. MICHAEL GALLACHER: Undoubtedly we will continue to work not only with the port of Newcastle but also with the entire Hunter community to ensure that we reverse the neglect of the previous Government and, more importantly, the damage that the carbon tax will cause the Hunter community. It is evident that the Hunter will be hit while we have a Federal Government—

The Hon. Mick Veitch: Point of order: The question was about resources for regions and local government areas in the Hunter not receiving funding. I ask you to draw the Minister back to the question.

The PRESIDENT: Order! The Minister is in order.

The Hon. MICHAEL GALLACHER: They do not like the fact that we have got a community in the Hunter Valley—all the way from the upper Hunter, down to Swansea, Lake Macquarie and Port Stephens—that is worried sick about the effect of the Federal Labor Government's carbon tax.

The Hon. Greg Donnelly: Where is the evidence?

The Hon. MICHAEL GALLACHER: The evidence is the fear on the faces of the local community. Despite the concerns being raised—

[*Interruption*]

They hate what the Hunter produces for our State's economy.

The Hon. Dr Peter Phelps: Point of order: I cannot hear the Minister's answer because of the volume and the torrent of noise coming from members opposite.

The PRESIDENT: Order! While I am not finding it difficult to hear, the substantial level of interjection needs to come to a halt.

The Hon. MICHAEL GALLACHER: The Greens are whipping themselves up over this issue. This week we have heard about the new shade of green—deep green. There are fifty shades of green. Despite Mr David Shoebridge's best efforts, he is not going to gag the Hon. Jeremy Buckingham. I know he has got his eyes on him.

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

The Hon. MICHAEL GALLACHER: I can keep going if you like. The Greens are self-flagellating, no doubt tying themselves up in knots over their inability to address the issues of the Hunter. Fifty shades of green is alive and well in New South Wales, and we see evidence of it here in the division.

The PRESIDENT: Order! There are far too many interjections. The Minister has concluded his answer.

SMOKE ALARM SUBSIDY SCHEME

The Hon. CATHERINE CUSACK: My question is directed to the Minister for Police and Emergency Services. Will the Minister update the House about the Government's investment in assistance for the hearing impaired?

The Hon. MICHAEL GALLACHER: When a fire takes hold, every second counts. In less than 30 seconds a small flame can become out of control, turning into a major life-threatening fire. It is a sad fact that most fatal fires happen at night when people are sleeping, a time when we are most vulnerable to harm. Through a range of community engagement and awareness initiatives, Fire and Rescue NSW is spreading a crucial message: a working smoke alarm can save your life. Fire and Rescue Commissioner Greg Mullins advises that a working fire alarm can reduce the chance of death in a house fire by up to 60 per cent. A working smoke alarm will detect smoke and sound an alert, giving people precious time to escape. That is why it is mandatory to have a smoke alarm in every household where people sleep.

The average smoke alarm is affordable, costing less than $50. Deaf, deaf-blind or hard of hearing people need specialised smoke alarms fitted with flashing lights and vibrating under-pillow pads. Smoke alarms with this technology can cost up to $500. This Government recognises that cost should not be a factor for people not having the safety equipment to warn them of a fire. That is why we have invested $2 million in the Smoke Alarm Subsidy Scheme, which aims to give deaf, deaf-blind or hard of hearing people the same life-saving protection that smoke alarms offer others.

The scheme was launched on 1 August 2012 by my colleague the Minister for Ageing, and Minister for Disability Services. It will provide 3,500 high-tech smoke alarms to the hearing impaired. Applicants are asked to contribute $50 towards the cost of the smoke alarm, which is the cost of a standard smoke alarm. This fee will be waived for those suffering from financial hardship. The Smoke Alarm Subsidy Scheme means that deaf, deaf-blind and hard of hearing people will have the opportunity to make the same choices as everyone else about their home fire safety.

Forty of these alarms have already been installed by Fire and Rescue NSW firefighters under the first two rounds of the scheme. The scheme is a joint initiative between Fire and Rescue New NSW and the Deaf Society of NSW, with funding from Ageing, Disability and Home Care. The scheme was only made possible with the help of Fire and Rescue NSW fire stations throughout New South Wales who successfully applied for grants to purchase and install the alarms. Further information and application forms can be found on the Deaf Society's web site.

The launch of this worthy initiative has occurred during winter, the peak time for house fires. I remind the public to take extra precautions to reduce the risk of a fire occurring in the home. A straightforward way to do this is to complete a home fire safety audit, an online tool that allows families to assess their home fire awareness and to identify fire risks in their homes. It is also important to ensure that the smoke alarm is functioning properly. Smoke alarm batteries should be tested every month and, as I have informed the Chamber previously, changed at least once a year. Taking this time and following other simple steps will help everyone stay fire safe for the remaining weeks of winter.

MEDWAY MINE

The Hon. ROBERT BROWN: I direct my question to the Minister for Roads and Ports, representing the Minister for Resources and Energy. Is it a fact that the Environmental Defenders Office has lodged an injunction on behalf the Southern Highlands Coal Action Group against the Planning and Assessment Commission decision to allow the expansion of the Medway Mine? What will be the financial and employment impacts on the Wingecarribee area if the Berrima Colliery is shut down because of this action?

The Hon. DUNCAN GAY: In opposition I was often the target of the Environmental Defenders Office. It certainly had a different perspective from mine. I am unaware of the facts and quite properly I will contact my colleague the Minister for Resources and Energy to obtain an answer.

DOMESTIC VIOLENCE LIAISON OFFICERS

The Hon. HELEN WESTWOOD: I direct my question to the Minister for Police and Emergency Services. All local area commands in this State now have at least one domestic violence liaison officer. However, the Parsons review recommends that local area commands be replaced by districts. Will the Minister give a commitment that no domestic violence liaison officer will be lost as a result of any restructure arising from the Parsons review?

The Hon. MICHAEL GALLACHER: I would like to think that the honourable member asked that question because she has a genuine concern. I am sure she did. However, other people will try to cause mischief and scare the community by suggesting that domestic violence liaison officers will be removed. This Government understands the fine work that domestic violence liaison officers do. I went to Moree when I was in opposition and I will never forget the fact that despite its tragic domestic violence record the Labor Government did not allocate a domestic violence liaison officer to that area. This Government is doing great work listening to what cops tell us they need and what they see as priorities. When members opposite were in government they told cops how to do their job and where they should be deployed.

As I have indicated, this Government recognises that domestic violence liaison officers are a crucial component of the ability of local area commands to deliver much-needed support to families, women in need and also to police officers because of the expertise that they have gained as a result of experience and the investment that this Government has made in training. I assure the honourable member and anyone who tries to take advantage of her genuine question to cause mischief that this Government recognises the value of domestic violence liaison officers. It will continue to support the Commissioner of Police in his allocation of police resources. At the end of the day, the commissioner determines where resources will be deployed and sets priorities for the NSW Police Force. As the Hon. Greg Donnelly is the first to remind me, these are operational matters, and when it comes to operational matters I defer to the expertise of the commissioner.

CENTRAL SYDNEY TRAFFIC AND TRANSPORT COMMITTEE

The Hon. JOHN AJAKA: I direct my question to the Minister for Roads and Ports. Will the Minister update the House on the Central Sydney Traffic and Transport Committee?

The Hon. DUNCAN GAY: What a marvellous question. I was hoping that a member of the Opposition would ask me that question. Then again, I know that they do not like good news.

The PRESIDENT: Order! I call Mr David Shoebridge to order for the first time.

The Hon. DUNCAN GAY: Throw him out, he is hopeless.

The PRESIDENT: Order! I call Mr David Shoebridge to order for the second time.

The Hon. DUNCAN GAY: Sydney is global city and its central business district deserves a first-rate and properly functioning roads and transport system. That is why the Government has established the Central Sydney Traffic and Transport Committee, which will be responsible for developing joint plans and policies for public transport and traffic within central Sydney and making decisions on major transport issues. I am pleased to advise the House that the chair of the committee will be Les Wielinga, the Director of Transport for NSW, and the New South Wales Government representatives will be Sam Haddad, the Director General of the Department of Planning and Infrastructure—

The PRESIDENT: Order! It does not matter how many times the Hon. Mick Veitch interjects; he is not getting an early mark. However, it would be helpful if he stopped interjecting.

The Hon. DUNCAN GAY: —Peter Duncan, Chief Executive of Roads and Roads and Maritime Services and Mr Timothy Hurst, the Executive Director of the Economic Development and Transport Policy Branch of the Department of Premier and Cabinet. The City of Sydney's representatives will be Graham Jahn, Director of the City Planning, Development and Transport, Terry Lee Williams, Executive Manager of City Access and Transport, and the Lord Mayor's nominee is—wait for it—the Lord Mayor. She is self-appointed.

The committee will meet at least four times each year with members able to nominate alternatives to attend meetings. Members will be appointed for a term of three years. As the House is undoubtedly aware, local government elections are fast approaching. Indeed, we have all seen a flurry of activity and proposals from hopeful candidates. As a result, the first committee meeting will need to take place after the elections. In the interim, I have asked the chair to work with the City of Sydney to ensure that all the necessary processes and procedures are in place so that the committee can meet as soon as possible after the elections.

[*Interruption*]

Did I hear the Hon. Steve Whan endorsing candidates other than Labor candidates? The Central Sydney Traffic and Transport Committee will ensure that both levels of government are working together to deliver the best results for the State's economy and the people who use the city, whether they be residents, commuters, visitors or business owners. One of the first things I have asked the committee to examine is options to improve traffic flows along College Street between Oxford, William and Park streets. Members will be interested to note the advice that I received from Roads and Maritime Services following an onsite inspection conducted earlier this year with Peter Duncan and Craig Moran to consider the traffic impact of the College Street bike lanes. The northbound kerbside shared through and left-turn lane at Park Street has been shortened as a consequence of the installation of the cycleway and that has had a major impact on northbound traffic flow. [*Time expired.*]

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

The Hon. DUNCAN GAY: The cycleway significantly reduced the length of left lane to hold about three general vehicles and because pedestrian crossing is allowed at every light cycle, the left turn is held by a red arrow. Therefore, if there are any more than three general vehicles waiting to turn left, they can bank up and create a queue out into the single lane for through traffic, effectively blocking the northbound traffic flow. In the southbound direction on College Street the major restriction as a consequence of the installation of the cycleway is at the intersection of Francis Street. The cycleway has reduced the number of southbound lanes to two. Therefore, vehicles turning left into Francis Street, whose movements are frequently impeded by pedestrians, can reduce the number of through vehicles heading towards the Oxford Street intersection.

Traffic modelling was completed by Roads and Maritime Services for alternative lane arrangements in College Street and at William and Park streets that would have accommodated the bike lanes and improved traffic flow. The preferred option was sent to the City of Sydney but unfortunately it has not progressed the suggested improvements. If they had been implemented they would have improved the traffic flow without touching the bike lane. Because we had no luck with the Lord Mayor and her traffic taming committee, we have held back the suggestion and will submit it to the new committee. The alternative arrangements would have accommodated the bike lane and improved traffic flow. As I said, the City of Sydney did not accept those arrangements and that is why I want the committee to examine this issue as soon as possible to get the traffic in College Street moving again to relieve congestion in the city.

COAL SEAM GAS EXPLORATION

The Hon. JEREMY BUCKINGHAM: My question is directed to the Hon. Mike Galah-ger, representing the Premier, and Minister for Western Sydney.

The Hon. Duncan Gay: Point of order: No member of this House has that name.

The PRESIDENT: Order! The Hon. Jeremy Buckingham may re-ask his question if he uses the Minister's proper name.

The Hon. JEREMY BUCKINGHAM: My question is directed to the Minister for Police and Emergency Services, representing the Premier, and Minister for Western Sydney. Why has the O'Farrell Government allowed AGL to drill a coal seam gas production well within 40 metres of the Nepean River, close to homes in Menangle Park near Campbelltown, without requiring any consultation with local residents? Will the Premier go to Menangle Park to explain the situation to affected residents?

The Hon. MICHAEL GALLACHER: The Hon. Jeremy Buckingham once again confirms that one does not need a long neck to be a goose. I will take this question on notice. Given the stupidity of it, I will be amazed if the Premier even bothers to reply.

The Hon. Cate Faehrmann: Point of order: The Minister for Police and Emergency Services made an offensive comment to the Hon. Jeremy Buckingham. I ask the Minister to withdraw it.

The Hon. MICHAEL GALLACHER: If he resembles—I mean resents—that comment, I withdraw.

BUSINESS TAX

The Hon. GREG DONNELLY: My question is directed to the Minister for Finance and Services. In light of New South Wales losing 6,000 jobs since March 2011 why has the Government overturned the decision to remove business taxes, such as mortgage duty, transfer duty for non-land assets and unquoted marketable securities duty, which will cost New South Wales businesses $326 million?

The Hon. GREG PEARCE: I refer the Hon. Greg Donnelly to the budget.

The Hon. GREG DONNELLY: I ask a supplementary question. Will the Minister elucidate his answer with respect to the precise budget paper and the detail of that budget paper with respect to the removal of businesses tax that were promised by the Government?

The Hon. GREG PEARCE: I am not going to do the research that the lazy member of the Labor Party is talking about. I think his contribution today is almost equivalent to his contribution late at night in the WorkCover debate.

JOBCOVER PROGRAM

The Hon. TREVOR KHAN: My question is addressed to the Minister for Finance and Services. Will the Minister update the House on recent changes to the Government's JobCover program?

The Hon. Luke Foley: They will breathalyse you before Cabinet meetings.

The PRESIDENT: Order! There is too much audible conversation in the Chamber.

The Hon. Luke Foley: You will cop it.

The Hon. GREG PEARCE: You make me scared, Luke. Your thuggery might work in your own party, mate, but it doesn't work in here.

The PRESIDENT: Order! The Minister and the Hon. Luke Foley will desist from addressing each other across the table.

The Hon. GREG PEARCE: Members may be aware that WorkCover runs a scheme called JobCover. The JobCover program is one of several vocational programs offered by WorkCover. The program encourages

employers to hire workers compensation claimants who are unable to return to duty with their pre-injury employer. The benefits available under the program are a wage subsidy of up to $27,400, payable over 12 months, plus a discount on the employer's workers compensation premium for two years, plus protection from the cost of any claim for aggravation of the worker's compensable injury for two years.

Earlier this year the Premier received a letter from a small business owner participating in the scheme. The business owner was concerned that while his business had been very successful, its cash flow was, as with many small businesses, sometimes strained. The business owner said he had taken on board an injured employee who turned out to be an excellent all-rounder, but that what he had not understood at the beginning was that the payment of the wage subsidy to his business under the scheme would happen in arrears after 12, 26 and 52 weeks. The business owner stated in his letter that change was needed to ensure that he would receive his wage subsidy on a monthly basis.

JobCover was designed to concentrate its expenditure on generating durable return to work opportunities. Obviously, it is in the best interest of everyone when a worker returns to work. However, this Government understands the importance of helping small businesses with limited cash flow in order that they can offer genuine work opportunities. WorkCover has reviewed the program and will modify JobCover procedures to allow more frequent subsidy payments by arrangement. That will help injured workers get back to work. This will allow case managers to consider each case on its merits. If satisfied that the employer is genuine, frequent payments will be allowed. This will assist small business to participate in this valuable program and, in turn, assist injured workers return to work. I am pleased that this change has been made, which will greatly assist in the placement of injured workers into useful paid work.

M5 EAST TUNNEL VENTILATION

The Hon. CATE FAEHRMANN: My question is directed to the Minister for Roads and Ports. On 17 June 2011, more than a year ago, I asked the Minister whether the Government would consider erecting signs to warn people of the health risks of inhaling the pollution in the M5 tunnel after the previous Labor Government did not act on a 2006 recommendation by the Department of Health for motorcyclists to avoid using the tunnel and for motorists to close their windows and switch the ventilation system to recirculate. The Minister responded:

> The suggestions made in the question are valid, and I will put them to the Roads and Traffic Authority for examination. I know when I travel through the tunnel I wind up the windows and change the vehicle's ventilation system to recycling.

When the Minister put that suggestion to his department did he get agreement that motorists should be advised to wind up their windows when travelling through this tunnel? If so, what progress has been made in this regard?

The Hon. DUNCAN GAY: I concur that to the best of my recollection the Hon. Cate Faehrmann has given an accurate reflection of my answer in the House, and I stand by what I said. Currently work is underway in this area, and in the very near future I will make a far-reaching announcement.

PAYROLL TAX

The Hon. LYNDA VOLTZ: My question is directed to the Minister for Finance and Services. In February 2009 the Premier called for a reduction of the payroll tax to 4.89 per cent. In light of the announcement by Telstra of 290 jobs to be cut in New South Wales, and a rise of 0.4 per cent in unemployment since March, why has the Minister not implemented his plan to reduce payroll tax?

The Hon. GREG PEARCE: The Hon. Lynda Voltz is interested in what happened in 2009 when this State unfortunately was governed by the Labor Party. Since March 2011—I am grateful to the people of New South Wales for giving the Liberal-Nationals Government this opportunity—we have tried to repair the damage that that mob opposite did over 16 years. The O'Farrell Government commissioned an audit, amongst many of the other things it has done, of the State's finances—the Schott report. That audit was conducted by Dr Kerry Schott and chaired by eminent businessman Mr David Gonski, AC.

On 9 August the Premier and the Treasurer released the final report from the Commission of Audit. That report contains a number of recommendations in relation to many things, including tax reform. I have read the report with interest and I encourage all members to read it. The report contains 132 recommendations on how the Government can deliver improved services to the people of New South Wales in a more efficient and

cost-effective manner while providing a sustainable budget position going forward. If those opposite are interested in matters such as tax reform, I suggest they read the Government's responses to all 132 recommendations of the Schott report, which is available on the website— [*Time expired*.]

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

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

The House continued to sit.

REED CONSTRUCTIONS

The Hon. DUNCAN GAY: Yesterday the Deputy Leader of the Opposition asked me a question relating to Reed Constructions. I am pleased to be able to deliver a more detailed answer. As members know, the financial difficulties of Reed Constructions left many subcontractors without work. Roads and Maritime Services has tried, where possible, to meet with those subcontractors to determine whether they can be re-engaged to complete key projects left undone by Reed Constructions. Roads and Maritime Services invited all subcontractors to formally apply for re-engagement via a website and email process and I have figures on how many contractors were returned to jobs through this formal process.

At Alfords Point Road, 20 subcontractors were employed by Reed Constructions. All 20 subcontractors sought opportunities to finish the job but, sadly, only 12 subcontractors were required to finish the work and therefore re-engaged. On the Central Coast Highway, 42 subcontractors were employed by Reed Constructions. All 42 subcontractors expressed an interest in ongoing work. Roads and Maritime Services met with 39 of those subcontractors and 32 subcontractors were re-engaged, but more subcontracts will be let at this site. On the Great Western Highway, 49 subcontractors were employed by Reed Constructions. Roads and Maritime Services received approaches from 24 of those subcontractors. After assessment, 10 subcontractors were re-engaged on the project, with more expected to be employed. On the Shortland to Sandgate project, 29 subcontractors were employed by Reed Constructions. Roads and Maritime Services met with 26 subcontractors and offered ongoing work to five subcontractors. Work on this project restarted within the past few days and we expect to engage more subcontractors as the project ramps up.

To date Roads and Maritime Services has facilitated the re-engagement of almost 60 former Reed Constructions subcontractors. Some subcontractors approached individual project managers and may have been re-employed directly by the new primary contractors. That would mean the number of subcontractors given new work is probably higher. The subcontractors I have informed the House about registered through the Government's email system. I am pleased that the Government has been able to help those subcontractors—I wish they all could be employed but it is not possible to do so. It is very sad that so many people and so many families have been left in this situation by Reed Constructions.

Questions without notice concluded.

COMMISSION TO ADMINISTER PLEDGE OF LOYALTY

The PRESIDENT: I report that Her Excellency the Governor has issued a Commission under the Public Seal of the State authorising the Hon. Don Harwin, as President of the Legislative Council, the Hon. Jennifer Gardiner, as Deputy-President, and Reverend the Hon. Fred Nile as the Assistant-President, to administer to all or any members of the Legislative Council the pledge of loyalty.

SELECT COMMITTEE ON THE KOORAGANG ISLAND ORICA CHEMICAL LEAK

Government Response to Report

The Hon. Michael Gallacher tabled the Government's response to report No. 1, entitled "Kooragang Island Orica Chemical Leak", dated 23 February 2012.

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

ADJOURNMENT

The Hon. DUNCAN GAY (Minister for Roads and Ports) [3.34 p.m.]:

That this House do now adjourn.

YOUNGCARE AND SHEVAUNE CONRY

The Hon. JAN BARHAM [3.34 p.m.]: It is with sadness that I inform the House that Shevaune Conry passed away on 11 August 2012, at 40 years of age, after a long and courageous battle with multiple sclerosis. Shevaune shed the light on a gaping hole in our healthcare system: the inadequate provision of residential care for young people with significant care needs. Shevaune highlighted the desperate lack of care and supported housing options for young Australians with 24 hours a day, seven days a week care needs by bravely sharing her journey with the Australian public. Shevaune inspired change. It was through her work, and the work of those around her, that Youngcare was established to provide greater choice in where young people in need of care live and the quality of care they receive. As stated on the Youngcare website:

> Shevaune [was] … successful in inspiring an entire nation to stand up and say "all young people deserve to live young lives, regardless of their care needs."

According to a report released by the Australian Institute of Health and Welfare in April this year entitled "Younger People with Disability in Residential Aged Care", as at 30 June 2011 there were 6,381 people classified as "young residents" living in aged care facilities across Australia, and of those residents 2,297 were living in facilities in New South Wales—more than 2,000 younger people living in facilities designed essentially for end-of-life care. That is not good enough. I am pleased that this important issue has been recognised by government.

In February 2006 the Council of Australian Governments announced a five-year program to reduce the number of young people living in residential aged care facilities. That program was set up in July 2006. The Commonwealth Government provided $122 million and the States matched that amount—a total of $244 million nationally. In 2007 the New South Wales Government launched the Young People with Disability in Residential Aged Care [YPIRAC] program. The then State Government provided $40.1 million and the Commonwealth Government matched that amount. That program has three objectives: to move younger people with disability living in residential aged care facilities to more appropriate supported accommodation; to reduce the number of future admissions into aged care facilities for young people with disabilities; and to enhance services to younger people remaining in residential aged care facilities.

Young People with Disability in Residential Aged Care funded services were provided by a range of government and non-government organisations across the Ageing, Disability and Home Care regions of New South Wales. Packages included recreational and diversional therapy; allied health services such as physiotherapy and occupational therapy; clinically necessary equipment; participation in day programs and community access; support to visit family and friends and assistance to maintain family and social relationships; supported alternative accommodation; home modifications; and transitional case management and advocacy support.

According to an Australian Institute of Health and Welfare report, the results from the Young People with Disability in Residential Aged Care program have been pleasing. Some 250 people achieved the first objective of being moved out of aged care and into more appropriate accommodation, 244 people achieved the second objective of being diverted away from aged care facilities, and 456 people achieved the third objective of receiving enhanced services within residential aged care facilities when this was the only available suitable accommodation option.

In April this year Minister Constance opened a new purpose-built residential facility in Armidale under the Younger People in Residential Aged Care program and a similar facility was opened in May in the Riverina region. As members may be aware, the five-year initiative concluded in June last year. As the end of the program approached, the Young People in Nursing Homes National Alliance produced a report for the Department of Families, Housing, Community Services and Indigenous Affairs. The report contained 20 recommendations, the first one being to maintain the three objectives identified in the Younger People in Residential Aged Care program. It advocated strongly that governments at all levels needed to build on the strong foundation of the Younger People in Residential Aged Care 1 program.

As of today, under the National Disability Agreement signed in January 2009, a further $120 million has been allocated to continue the program. However, it is my understanding that the States have not formally committed to continue funding of the program. So I am calling on the Minister and the Government to continue the good work of which they have already been part and to commit to funding the Younger People in Residential Aged Care 2 program as outlined by the alliance. Members of Parliament are charged with the role of looking after the State's most vulnerable. The Younger People in Residential Aged Care program initiative provides a terrific opportunity to do that and to make a real difference in people's lives. We can continue the legacy begun by people like Shevaune Conry and bring genuine quality of life to young people with a disability.

KOOL KIDS CLUB

The Hon. MARIE FICARRA (Parliamentary Secretary) [3.39 p.m.]: I am pleased to bring to the attention of the House the excellent work of Weave Kool Kids Club, operating in La Perouse and surrounding suburbs in Sydney's south-east. Weave Kool Kids Club was launched in 2001 as a free community initiative aimed at targeting the limited leisure and resource availability for children aged between 7 and 13 years in the La Perouse area and surrounding suburbs of Chifley, Little Bay, Phillip Bay and Matraville. The program works with approximately 200 disadvantaged children each year. Over the past 11 years Weave Kool Kids Club has made a significant impact on the lives and wellbeing of the children who have been involved in the program's activities. The program has seen a significant improvement in the behaviours and attitudes of the children and an increase in school retention rates of those involved in the program. The activities offered to children involved in the program are designed to enrich their sense of community spirit and develop their interpersonal relationships.

Although most of the children involved in the program identify as Aboriginal, the program caters to children of all cultures and nationalities. Some of the activities offered by the program include Indigenous surfing lessons, dancing, short film production workshops, music, sports, arts and Indigenous cooking. Activities such as these not only seek to test and strengthen life skills and potential but also form a vital link between the children involved and their community. In delivering this link, the Weave Kool Kids Club provides a developmental program for the children of south-east Sydney and an early intervention and prevention outreach program for troubled youth needing improved self-esteem and reliance. By providing this much-needed assistance to children who face a troubling personal outlook, the Weave Kool Kids Club program allows children within the program to develop a more confident and secure sense of self and benefits the community by providing a haven for young people to engage with stimulating and positive resources and services.

This breeds a culture of respect and diligence amongst the children in the area and has resulted in many valued interactions with their community. The introduction of a leadership program in 2011 enabled participating children of high school age to mentor and encourage younger children to become actively involved with the program and within the community. I acknowledge and commend these mentors: Beau Foster, Trei Stewart, Kobie Duncan, Peyton Draskovic, Victoria Davidson, Maddie Ella-Duncan, Karla Brown and Carol-Lee Brown. The efforts of these role models and mentors have been exemplary. I am delighted to note that Weave Kool Kids Club opened its new building on Saturday 11 August at Fernside Skate Park, Waterloo. This new building undoubtedly will bring new facilities, new opportunities and new prospects to the children and dedicated staff of the centre.

I acknowledge the outstanding efforts of those involved in the exceptional work undertaken by the Weave Kool Kids Club: operations directors Shane Brown and Siobhan Bryson for their support for the workers of the program and their tireless efforts to deliver support and quality programs to the children involved; the coordinator of the program, Lucy Butler, for her commitment to assisting the parents and children of the Weave Kool Kids Club; and the program fundraiser, Alison Muir, for her dedication to promoting the program and networking with those who support the community efforts of Weave. I congratulate the principals of La Perouse Primary School and Soldiers Settlement School on their support and cooperation with the students and staff involved in the program. I thank Janet Kidson and Peter Swan from the Clovelly branch of Bendigo Bank for their ongoing support. Bendigo Bank has charitably donated over $100,000 to the program in the past two years. I also thank Adele Taylor and David Hannan from Allsorts Fitness and Wellbeing Centre for their generous donation of funds and equipment for the children of the program.

I commend the work of the grandmothers who care for the children and their ongoing campaign efforts, especially Marjorie Dixon and Lucy Porter, who is 80 years old and cares for four children under the age of 15. These ladies have been outstanding in their dedication for the past three years. I congratulate the Weave Kool Kids Club on its ongoing support of the youth of south-east Sydney, and the excellent programs that it has made readily accessible to young members of the community who require assistance and mentoring. Its generous contribution to the community as a whole is inspirational, and I wish it every success in its future endeavours.

GOVERNMENT BUS CONTRACT

The Hon. PETER PRIMROSE [3.44 p.m.]: At its peak, Volgren employed 150 workers at its Tomago site near Newcastle. The workers were skilled tradespeople who built buses for the New South Wales Government. The brand-new site was purpose built with the latest technology to build and maintain single- and double-decker buses in New South Wales. But last Friday Volgren let go the last of its workers. It had no work from the New South Wales Government. Another manufacturer, Custom Coaches, is located on a new site in Villawood—the middle of western Sydney. Currently it employs about 150 workers. Like Volgren, the workers are skilled tradespeople and the site is capable of building both single- and double-decker buses. In fact, the new owners of Custom Coaches specialise in building double-decker buses around the world.

Like Volgren, the workers are from a range of cultural and linguistic backgrounds, and are supporting families in an area with above average unemployment. Today the workers at Custom Coaches are sweeping the floors in their new factory. There is no new work from the State Government. Today the New South Wales Government announced that it has awarded a tender to a Queensland company to build double-decker buses for Sydney. One can imagine the surprise of Volgren and Custom Coaches, which both heard about the Government's plan—like the rest of us—on the radio. It seems that neither of New South Wales's two bus manufacturing businesses was given an opportunity to build the new double-decker buses ordered by the New South Wales Government. They did not even know about the tender.

I have not had a chance to speak with the owners of either Custom Coaches or Volgren. But, clearly, had they been successful, a contract of this size would have allowed Volgren to maintain its Tomago site and the workers at Custom Coaches would not be so worried about whether they will be able to support their families. The workers at both Volgren and Custom Coaches are represented by the Australian Manufacturing Workers Union. The union has written to both the Minister for Transport and the Premier several times asking for an opportunity to talk about what is happening in the New South Wales transport industry. They have never even received an acknowledgement, much less a meeting. The State Secretary of the Australian Manufacturing Workers Union, Tim Ayres, said about today's announcement:

> New South Wales bus manufacturing workers are gutted they haven't been given the opportunity to perform this work … it reveals the complete disregard the New South Wales Government has for local jobs and industry. New South Wales workers deserve better.

One would have thought the New South Wales Government would have something better to offer the New South Wales business community than sending major contracts interstate and overseas. The truth is that this Government has no policy to defend or promote manufacturing in New South Wales. Since the Government gained office less than 18 months ago, more than 17,000 New South Wales manufacturing jobs have been lost. Last month the Minister for Finance and Services released his manufacturing industry task force report, pledging to support and grow manufacturing in this State. In the same month the Minister for Transport announced that tendering would begin for the North West Rail Link—just like today's bus announcement—with no commitment at all to local content.

The Australian Manufacturing Workers Union and the Australian Industry Group represent thousands of manufacturing businesses and workers in this State. They know that major infrastructure projects like the North West Rail Link and South West Rail Link and the bus tender announced today have the potential to deliver enormous benefit to manufacturing in New South Wales and to the broader economy. These contracts provide real opportunities for local industry, particularly in Sydney's western suburbs and the Hunter Valley, where we have a highly skilled workforce and some of the world's best rolling stock infrastructure.

Previous bus and rail contracts have delivered thousands of local jobs, a massive injection into the local economy and a huge additional investment in innovation. Government support for manufacturing is not a question of returning to old-style protectionism; it is about supporting, rather than undermining, industry capacity, local supply chains and skills development. I ask the Minister to detail the tendering process for today's announced bus contract, including the efforts that were made to include local manufacturers in the process. Does the Government have any commitment at all to ensuring that the tendering process for the North West Rail Link will prioritise local manufacturers and suppliers? If so, what actions will the Government now take to ensure that local jobs and local manufacturers are protected?

NAROOMA HUNTING FESTIVAL

The Hon. ROBERT BROWN [3.49 p.m.]: Tonight I speak about hunters and hunting—one of my favourite subjects. The South Coast Hunters Club has lodged a development application with the Eurobodalla

Shire Council to hold a hunting festival at Narooma. It will be of no surprise that the local Green nimbys, without even bothering to see what was proposed, have stamped their feet, jumped up and down, held their collective breath, gone blue in the face and said "No"—typical behaviour from Green nimbys. I wish the South Coast Hunters Club well in its application and I hope that the council supports what could be a big money earner for the local community. I pay tribute to Mr Dan Field who came up with the idea of the festival. I hope that it gets off the ground.

It might be edifying for The Greens—none of whom appear to be in the Chamber—if I point out some facts about hunters from a survey that was done by the deer research group at the University of Queensland with the support of a number of hunting organisations and government bodies, including the Sporting Shooters Association of Australia, Field and Game Australia and the New South Wales Game Council. A similar survey was carried out in 1991 by Mr Myron Cause from the Australian Deer Association through the University of Queensland. These are not surveys that I would expect The Greens to bother to read, let alone try to absorb.

Who are the people that The Greens do not want attending a hunting festival in Narooma, or anywhere near their precious environments? The survey involved 7,770 hunters whose answers are illuminating in many ways—and I thank Mick Matheson from *Sporting Shooter* for his compilation of the relevant figures. The survey found that the typical Australian hunter was introduced to the sport by family or friends—a fairly standard answer. They get out regularly and hunt ducks, deer, pigs, foxes or rabbits, mostly using firearms, and they spend thousands of dollars a year in their efforts to help landowners control pests. As with most outdoor pursuits, hunters find that the main issues getting in their way are time, access, money and regulations. I do not think the survey included a question about the attitude of The Greens to shooting and hunting, but I would like to have seen the answers. The survey showed that almost half our hunters are aged 31 to 50, with just 11 per cent aged 30 or younger. Four in five were introduced to hunting by family or friends, and two-thirds have been hunting for at least 20 years—in my case, well over half a century. Importantly, the survey found that nine out of 10 hunters had hunted in the past year.

What motivates these hunters, the same people The Greens like to vilify at every opportunity? The survey found they were motivated, in almost equal measure, by the need to control pest animals, the joy of outdoor recreation and the desire for meat—pork, goat, rabbit and venison. The hunters also have a culturally entrenched conservation ideal. When I make such statements, The Greens almost suffer apoplexy. The survey showed that hunters are happy to pay a levy on hunting goods to help wildlife conservation, on the proviso that they have some say in where the money goes. That is exactly what I proposed to the Federal Government nearly 20 years ago. While almost everyone could see the good sense in the idea, including the Department of the Environment, Mr John Howard had it vetoed because he said it would "lead to an increase in firearms in the community".

I turn to the financial advantages for a community that stages a hunting festival. The survey showed that the majority of hunters spend up to $1,000 a year on firearms, bows or other equipment; one-third spend between $1,000 and $5,000 on their equipment each year; and about 6 per cent spend more than $5,000 a year. About 50 per cent spend up to $500 a year, and about 60 per cent of hunters spend the same amount on licences. Any community hosting a hunting festival would also have accommodation, fuel and food flow-on benefits from hunters, which the survey estimates at approximately $300 per head per day—including the figures from almost 20 years ago.

A hunting festival would benefit any community that chose to host it. It would attract people who are committed to their personal pursuits. Unlike the greenies who flocked to the Franklin Dam protests in Tasmania some years ago, hunting festival attendees would not fit into the summation of a Tasmanian Premier when he said, "The Greenies came to Tasmania with one shirt and one dollar and when they left three weeks later, they hadn't changed either one."

PAY EQUITY

The Hon. LYNDA VOLTZ [3.54 p.m.]: It is now 43 years since the equal pay case for women was won. Yet it was interesting to note that without blinking an eye the *Sydney Morning Herald* ran an article talking up the buying power of women earning six-figure salaries. New South Wales apparently is a powerhouse in this regard, as one in four women are on six-figure salaries. New South Wales is leading the nation where the national figure is one in five women. For the *Sydney Morning Herald*, these women constituted a significant driver of retail sales. Yet there appeared to be no analysis of the fact that in New South Wales 75 per cent of people earning six-figure salaries were men, and in the other States 80 per cent of people earning six-figure salaries were men.

The reality is that 43 years after the equal pay case, while things may have improved, they have not improved much. The mean adult weekly total cash earning for female employees was $863. That represents 69 per cent of the mean adult weekly total cash earnings for males, which was $1, 246. The median weekly total cash earnings for female employees was 27 per cent lower than for male employees. While the article notes that many of those on six-figure salaries, particularly in the inner city, were from the finance and insurance industries, the biggest difference between male and female mean adult weekly total cash earnings was in that industry sector. In the financial and insurance services industry, average earnings for females were $1,097, which is 44 per cent lower than the $1,948 for males, despite the fact that women made up 60 per cent of employees within this sector.

In the industries where women overwhelmingly make up the bulk of the workforce—health care and social assistance workers comprise 80 per cent of women—men working in this industry earn $10 per hour more than women. In education and training, employees are 66 per cent women and yet men in that industry earn $5 more per hour than women. This difference in salary makes a tremendous difference to the retirement benefits of women. The mean superannuation balance for males with accounts in the accumulation phase was $88,000 in 2007, while for females it was only $52,000—less than 60 per cent of their male counterparts' accumulated accounts. Between 1994 and 2004 the growth in average hourly ordinary-time earnings among full-time adult non-managerial employees was higher for males than females, resulting in a widening of the gender wage gap.

It is obvious that women are not breaking the glass ceiling at a great rate of knots and pay equity is still an unfulfilled promise. In 2009 I made the point in this House that even in the Legislative Council female members earned on average $20,223 less than their male counterparts. This was due largely to an entire front bench which consisted only of men. It was therefore interesting to note in this House last week that while female members were congratulating themselves on the various achievements of their respective parties regarding the representation of women in Parliament, the issue of equal pay did not appear to get much of an airing.

One can imagine that, with the change of government, the complete absence of any female members in this Chamber on the front bench would be a source of extreme embarrassment. It indeed ensures that the difference in male and female pay rates remains. It is a mystery how it can have escaped the notice of members of the sisterhood on the opposite benches that, of the five shadow Ministers re-elected to this Chamber, the two women were unceremoniously dumped. Perhaps some of my colleagues on the other side believe—as Margaret Thatcher did—that because they are in this Chamber, the battle for women's rights has largely been won.

CHABAD MOVEMENT

The Hon. DAVID CLARKE (Parliamentary Secretary) [3.59 p.m.]: It gives me great pleasure to highlight the growing and positive outreach for good of the Jewish faith-based movement Chabad as it continues to set new heights of achievement through its programs of service to the people of New South Wales and, indeed, in many other places throughout the world. The Chabad movement is an energising outreach movement within Judaism that emphasises an understanding and observance of Judaic religious traditions that reach back thousands of years into history. Its late leader, Rabbi Menachem Mendel Schneerson, who died in 1994 at the age of 92, was, from all accounts, a man of great charisma and spirituality and revered by many.

A gifted writer and engaging speaker, he inspired those around him and left behind an undeniable and indelible imprint on the worldwide Chabad movement, which he led. He taught that there was no conflict between science and God because all truth emanates from God, who cannot be in conflict with Himself. He emphasised that mankind should seek godliness in their daily lives and in their dealings with each other. He pointed to the seven Noahide laws given by God to Noah as a universal moral code for all mankind. To Rabbi Schneerson our daily lives should be lived with humility, joyfulness and always with a positive approach. He encouraged those who sought his counsel to promote education and charitable and humanitarian programs as a means of practising godliness. This was the vision that he encouraged within Chabad and this was the vision that it wholeheartedly embraced in thought and in deeds. It is a vision that is alive and well today.

As part of that vision Chabad operates a worldwide network of schools and teaching institutions, including here in Sydney. It conducts a multitude of humanitarian and charitable programs and initiatives that are recognised for their effectiveness and pioneering methods. These programs and initiatives reach out not only to those within the Jewish community but also to those in the wider community regardless of ethnic, cultural or religious background. The vision of Rabbi Schneerson that inspired such initiatives also touched and inspired

into action a young Chabad married couple in Sydney. Rabbi Dovid Slavin and his wife, Laya, despite a busy life which included the raising of their seven young children, had a vision to use food preparation and its charitable distribution as a means to connect with people in need of a helping hand.

In 2007 they established Our Big Kitchen, now operating as an iconic not-for-profit institution in Sydney and brought to reality in the basement of the Yeshiva Centre of the Chabad community in Bondi. They were joined by a great array of hardworking Chabad members and non-members. Almost everything was donated, not only the labour but also the equipment. Our Big Kitchen does not operate as a conventional soup kitchen where people line up to receive food donations. As Rabbi Slavin said at the beginning, "We want to give people not only meals but empower them to empower others." That is exactly what happens at Our Big Kitchen. It is a commercial grade multipurpose facility where volunteers engage in food preparation and cooking as well as in cleaning and administration work. Meals are provided to nursing homes and food care packages are donated to the emergency health services and to our Police Force in appreciation of the work they do for the community.

Young mothers suffering postnatal depression or who feel overwhelmed receive assistance through the provision of prepared meals, as do parents who may have lost their jobs or are going through other difficulties and find themselves with their backs to the wall. Senior citizens groups and others organise cooking work days at the kitchen where they prepare meals to raise funds for a wide range of worthy causes. As a means of character formation, local school groups use the kitchen's facilities to prepare meals for various charitable causes as well. Because the kitchen contains cooking facilities for the disabled, those with disabilities are encouraged to use such facilities as a means of therapy. Our Big Kitchen also operates a successful program of rehabilitation activities for inmates of some of our State's correctional institutions, with some having gone on to eventual employment in the food services industry as a result of skills acquired whilst working there.

As Rabbi Slavin says, "Our Big Kitchen is there to promote character building, to foster a sense of service to the community and to get to people before they hit rock bottom." And Rabbi Slavin leads by example. He sets an energising pace and never stops. The oversight of Our Big Kitchen is but one of his humanitarian-centred activities. He serves on the ethics committee of the Cancer Institute. He established and directs Gift of Life, a body that tests people for compatibility as potential bone marrow donors to those suffering from leukaemia. He facilitates donors to the Australian Bone Marrow Donor Registry run by the Red Cross.

The citizens of our State and the Parliament of New South Wales can be well proud of Our Big Kitchen and the fine work it does. The Governor of the State has praised its good work and the Governor-General of Australia has done likewise. Many members of this Parliament, including the Premier, the Hon. Barry O'Farrell, have observed firsthand its good work and offered praise. I have been privileged to visit Our Big Kitchen on a number of occasions and have seen firsthand its wonderful work. It is a testament to the success of faith-based organisations in providing charitable support to the community. I pay tribute to people such as Rabbi Dovid Slavin and his wife, Laya, and to the volunteers from the Chabad movement and others who put their heart and soul into this enterprise for good. It is an honour for me to be able tonight to record in our Parliament's *Hansard* this acknowledgement and thanks for the service they provide.

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

Motion agreed to.

The House adjourned at 4.04 p.m. until Tuesday 4 September at 2.30 p.m.