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# LEGISLATIVE COUNCIL

Tuesday 30 April 2013

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

**The President** read the Prayers.

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

## ADMINISTRATION OF THE GOVERNMENT OF THE STATE

**The PRESIDENT:** I report the receipt of the following message from His Excellency the Lieutenant-Governor:

T Bathurst  
LIEUTENANT-GOVERNOR

Office of the Governor  
Sydney 2000

The Honourable Thomas Frederick Bathurst, Lieutenant-Governor of the State of New South Wales, has the honour to inform the Legislative Council that, consequent on the Governor of New South Wales, Professor Marie Bashir, having assumed the administration of the government of the Commonwealth, he has assumed the administration of the government of the State.

Monday 1 April 2013

## ASSENT TO BILLS

Assent to the following bills reported:

Crimes (Criminal Organisations Control) Amendment Bill 2013  
Election Funding, Expenditure and Disclosures Amendment (Administrative Funding) Bill 2013  
Independent Commission Against Corruption Amendment (Disciplinary Proceedings) Bill 2013  
Intoxicated Persons (Sobering Up Centres Trial) Bill 2013  
Law Enforcement (Controlled Operations) Amendment Bill 2013  
Public Interest Disclosures Amendment Bill 2013  
Road Transport Bill 2013  
Road Transport Legislation (Repeal and Amendment) Bill 2013  
Road Transport (Statutory Rules) Bill 2013

## ADMINISTRATION OF THE GOVERNMENT OF THE STATE

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

Marie Bashir  
GOVERNOR

Office of the Governor  
Sydney 2000

Professor Marie Bashir, Governor of New South Wales, has the honour to inform the Legislative Council that she re-assumed the administration of the government of the State on Sunday 14 April 2013.

Sunday 14 April 2013

## ADMINISTRATION OF THE GOVERNMENT OF THE STATE

**The PRESIDENT:** I report the receipt of the following message from His Excellency the Lieutenant-Governor:

T Bathurst  
LIEUTENANT-GOVERNOR

Office of the Governor  
Sydney 2000

The Honourable Thomas Frederick Bathurst, Lieutenant-Governor of the State of New South Wales, has the honour to inform the Legislative Council that, consequent on the Governor of New South Wales, Professor Marie Bashir, having assumed the administration of the government of the Commonwealth, he has assumed the administration of the government of the State.

Monday 22 April 2013

**ADMINISTRATION OF THE GOVERNMENT OF THE STATE**

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

Marie Bashir  
GOVERNOR

Office of the Governor  
Sydney 2000

Professor Marie Bashir, Governor of New South Wales, has the honour to inform the Legislative Council that she re-assumed the administration of the government of the State on Friday 26 April 2013.

Friday 26 April 2013

**INTOXICATED PERSONS (SOBERING UP CENTRES TRIAL) BILL 2013**

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

**OMBUDSMAN****Report**

**The President** tabled, pursuant to the Community Services (Complaints, Reviews and Monitoring) Act 1993 and the Ombudsman Act 1974, a report of the Ombudsman entitled, "Report of Reviewable Deaths in 2010 and 2011—Volume 1: Child Deaths", dated March 2013, received out of session and authorised to be made public on 22 March 2013.

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

**FOREST AGREEMENTS AND INTEGRATED FORESTRY OPERATIONS APPROVALS****Amendments**

**The President** announced the receipt, pursuant to the Forestry Act 2012, of Amendment No. 2 to the Integrated Forestry Operations Approval for the Brigalow-Nandewar region dated 15 April 2013, including a statement of reasons, received out of session and authorised to be made public this day.

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

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

**Private Members' Business item No. 1144 outside the Order of Precedence objected to as being taken as formal business.**

**TABLED PAPERS NOT ORDERED TO BE PRINTED**

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

**PRIVILEGES COMMITTEE****Report**

**The Hon. Trevor Khan**, as Chair, tabled report No. 68, entitled "Possible Non-compliance with the 2009 Mt Penny Order for Papers", dated April 2013, together with correspondence and briefing notes.

**Report ordered to be printed on motion by the Hon. Trevor Khan.**

**LEGISLATION REVIEW COMMITTEE****Report**

**The Hon. Peter Phelps** tabled the report entitled "Legislation Review Digest No. 35/55", dated 30 April 2013.

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

**SELECT COMMITTEE ON THE PARTIAL DEFENCE OF PROVOCATION****Report: The Partial Defence of Provocation**

**The Clerk** announced the receipt, pursuant to standing orders, of the report entitled "The Partial Defence of Provocation", dated April 2013, received out of session and authorised to be printed on 23 April 2013.

**Reverend the Hon. FRED NILE** [2.49 p.m.]: I move:

That the House take note of the report.

I am pleased to present the unanimous support for the report of the Select Committee on the Partial Defence of Provocation. The committee was established in June 2012 following the high-profile Singh case. The motion establishing the committee received support from across the political spectrum, demonstrating the significance and urgency with which the issue was viewed by all members.

In the Singh case, Mr Singh stood trial for murder after cutting his wife's throat several times with a box cutter. Mr Singh claimed that his wife, Manpreet Kaur, provoked him by telling him she had never loved him, was in love with someone else and threatened to have him deported, and that as a result he lost his self-control and killed her. Mr Singh was convicted of manslaughter based on the partial defence of provocation and sentenced to a non-parole term of imprisonment of six years. The community outrage at the killing being described as "manslaughter" not "murder" and the length of the sentence is certainly understandable. It is difficult to comprehend how a man who kills his wife in such circumstances could be entitled to even a partial defence to murder.

A series of arguments for abolishing the partial defence was presented. In particular, the committee heard that the defence had tended to favour men and the archetypal male response to provocative circumstances. It was argued also that the defence's historical roots no longer justify retaining it as New South Wales no longer has the death penalty or mandatory sentencing provisions for murder. Perhaps the most persuasive argument is that in today's modern society we expect that citizens will maintain their self-control even in circumstances that might be provocative. It is unacceptable that the law offers a partial defence to people who kill in response to provocative circumstances which are in fact a normal part of human experience, such as being told a relationship is going to end, discovering infidelity, feeling jealous and betrayed, and so on.

However, the committee was unable to reach a consensus on whether the partial defence of provocation should be abolished. The committee has been mindful that there are some defendants, particularly women who have been victims of long-term domestic abuse, for whom the partial defence of provocation may appropriately reflect their legal and moral responsibility in circumstances where self-defence would be difficult to establish. Therefore, the committee has developed a reform model that draws on extensive consultation undertaken by the committee throughout the inquiry. The model seeks to restrict the availability of the partial defence in several ways, including by requiring that the conduct relied upon be grossly provocative and by clearly identifying a number of circumstances in which the defence will not be available or will be available only in extreme and unusual circumstances. An example of the latter includes where the deceased indicates an intention to end the relationship. I thank those who contributed to the inquiry. In particular, I extend my sincere thanks to Ms Jaspreet Kaur, sister of Manpreet Kaur, and a number of other individuals who shared their personal and moving stories with us.

Finally, the committee recommends a new "gross provocation" model. The committee has recommended a suite of reforms to the partial defence of provocation that are designed to address concerns about the way the partial defence is operating. The inquiry involved an examination of complex, technical, legal and social issues, and particular concerns were raised about the use of the partial defence in the context of intimate and family relationships and non-violent sexual advances. As I have stated, the committee was mindful that abolishing the defence might disadvantage some defendants, particularly women who have been victims of long-term domestic abuse. Committee members worked together to reach a unanimous position on the 11 recommendations in the report. In particular, the committee recommended reform to section 23 of the Crimes Act 1900 to restrict the availability of the partial defence. It stated:

The Committee has recommended that the defence be reformed to restrict its availability in a number of ways, including by "raising the bar" to require that the conduct relied upon by the defendant be "grossly provocative". In addition the Committee has identified a number of circumstances in which the partial defence should not be available or should only be available in extreme and unusual circumstances. Such circumstances include where the "provocative conduct" comprises a non-violent sexual advance, discovering a partner committing adultery, or the deceased indicating an intention to leave a domestic relationship.

The committee felt it was important to ensure that any legal reform was supported by a broad education campaign focusing on the nature and dynamics of family violence. I thank my committee colleagues for their cooperation in producing a report that was unanimous in its recommendations and all the individuals and organisations who contributed to the inquiry. In particular, I thank my committee colleagues the Deputy Chair, the Hon. Trevor Khan, the Hon. David Clarke, Mr Scot MacDonald, the Hon. Adam Searle, Mr David Shoebridge and the Hon. Helen Westwood for their commitment in working through the complexities of this inquiry. I thank the secretariat—Rachel Callinan, Vanessa Viaggio and Lynn Race—for the professional and efficient manner in which they assisted us throughout the process. I commend the report to the House and to the Government.

**Debate adjourned on motion by Reverend the Hon. Fred Nile and set down as an order of the day for a later hour.**

## **PEROOMBA INTERIM HERITAGE ORDER**

### **Production of Documents: Return to Order**

**The Clerk** tabled, pursuant to resolution of 25 March 2013, documents relating to an order for papers regarding the heritage order on "Peroomba", Warrawee, received on 8 April 2013 from the Director General of the Department of Premier and Cabinet, together with an indexed list of documents.

## **PETITIONS**

### **Tweed Shire Fire and Rescue Service**

Petition calling on the Government to maintain the existing fire and rescue service in the Tweed shire and surrounding regions, received from the **Hon. Walt Secord**.

### **Dying With Dignity**

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

### **Fernleigh Track Conservation Area Land Sales**

Petition opposing the sale of land assets adjoining the Fernleigh Track conservation area, received from the **Hon. Lynda Voltz**.

## **DISTINGUISHED VISITORS**

**The PRESIDENT:** I welcome to the public gallery five members of the Japanese Parliament, the Diet, accompanied by representatives from the Australian Political Exchange Council. I hope you are enjoying your visit to the Parliament of New South Wales today. You have come into our Chamber at a particularly disorderly time; it is not like this all the time. You are very welcome and I hope you enjoy the rest of your visit to Australia.

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

## **BUSINESS OF THE HOUSE**

### **Postponement of Business**

**Committee Reports Order of the Day No. 2 postponed on motion by the Hon. Robert Borsak.**

## **PRIVILEGES COMMITTEE**

### **Report: Citizen's Right of Reply (Mr Heath Aston)**

**Motion by the Hon. Trevor Khan agreed to:**

That the House adopt report No. 67 of the Privileges Committee entitled "Citizen's Right of Reply (Mr Heath Aston)", dated March 2013.

*Pursuant to standing orders the response of Mr Aston was incorporated.*

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On Wednesday 20 February at 6.40 pm, Shooters and Fishers Party MLC, the Honourable Robert Borsak, delivered a speech in the Legislative Council that questioned my ability as a journalist, my professionalism and my motives.

I believe the comments have damaged my standing in my profession.

Mr Borsak's claims are largely incorrect. There are significant factual errors, which I can prove.

- I am not the state political editor of the *Sydney Morning Herald*. That is Sean Nicholls.
- I have never written a story about Robert Borsak shooting an elephant in Africa. A search of the Fairfax stories library reveals no such story.
- I am not against "conservation and humanitarian programs" in Africa. In fact, I have no opinion of those programs because I know nothing about either of them and have never written about them.
- I have never "delighted in running stories about alleged perjury" by Mr Borsak. Again, there is no story written by me about Mr Borsak on this subject.
- Mr Borsak claims "Mr Shoebridge seems to be the only politician in this Parliament who speaks to Mr Aston." That is patently untrue. I can prove the opposite. If a journalist only spoke to only one person in Parliament that person would clearly be a sub-standard professional – which is the obvious imputation being made by Mr Borsak.
- Mr Borsak does state correctly that I wrote a story about the suspension of Andy Mallen from the Game Council and his subsequent reinstatement. The Minister for Primary Industries chose to suspend the two Game Council employees and I reported her decision in a story. As Mr Borsak acknowledges, I have since reported, more than once, that Mr Mallen was cleared and reinstated.

For the reasons stated above, I believe Mr Borsak's speech has smeared my character and injured me in my profession.

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## SMALL BUSINESS COMMISSIONER BILL 2013

### Second Reading

#### Debate resumed from 26 March 2013.

**The Hon. STEVE WHAN** [3.18 p.m.]: An excellent in-depth contribution to debate on this bill was made by the shadow Minister, the Deputy Leader of the Opposition. He examined some of the positive features of the legislation and parts of the Opposition's proposals that the Government has failed to include. However, most importantly, the shadow Minister identified that 26 of the clauses in the bill have been lifted almost word for word from Opposition legislation which this House considered previously. Quite rightly, the Deputy Leader of the Opposition went on to note that imitation is the sincerest form of flattery. I congratulate him on the work he did, which led to the Government being forced to finally deliver on its promise and introduce this legislation. So far in this debate we have heard some less serious contributions. I am disappointed that the Parliamentary Secretary, the Hon. Matthew Mason-Cox, is not present today. He spent a significant amount of his contribution talking about a children's television show, *Giggle and Hoot*, and comparing the Deputy Leader of the Opposition to a character in *Giggle and Hoot*.

**The Hon. Adam Searle:** Outrageous.

**The Hon. STEVE WHAN:** He outrageously compared him. I can imagine the Parliamentary Secretary, before travelling up from Queanbeyan, saying to one of his kids, "This week I am going to talk about *Giggle and Hoot* in the House. Won't that be fun?" I am sure they had a good giggle about it. His contribution did not add to any intelligent discussion on the bill. As I listened to the comparison being made to the *Giggle and Hoot* character, I thought that the Hon. Matthew Mason-Cox also could be compared to a children's character—in this case Dory from *Finding Nemo*, circling around and around and forgetting what he has been told.

Several times in his contribution the Parliamentary Secretary said that Labor's bill had been introduced just a month before. That is false and incorrect. I will put on record the dates relating to the introduction of this small business commissioner legislation. The Government came to office having promised to establish the position of small business commissioner. Labor released a consultation draft of its Small Business

Commissioner and Small Business Protection Bill on 23 May 2012. Labor then introduced its bill on 23 August 2012 and I spoke on the legislation in this place on 18 October 2012. Yet a couple of Government members have claimed that Labor introduced its legislation only when it learned of the Government's proposal. The Parliamentary Secretary, who desperately hopes to be taken seriously enough that he will replace the finance Minister, made the disingenuous comments that Labor's bill was introduced just a month ago.

Labor has set the way. In October 2012 when I spoke on Labor's bill—which went much further than the Government's legislation—I talked about the importance of small business to the New South Wales economy. Of the 706,800 small businesses 59 per cent employed no-one and 37 per cent employed between one and 19 employees. I went on to talk about the Government's poor record in relation to small businesses in New South Wales. The Liberal Party members think that they have a natural constituency in the small business sector and do not have to do anything. The Government has done very little for this sector—except abolish Small Business September. That event no longer takes place, much to the dismay of those who attended the many forums and availed themselves of training opportunities and workshops.

Indeed, the last time I spoke on the Small Business Commissioner and Small Business Protection Bill I referred to comments from small businesses in New South Wales who were disappointed with this Government's lack of attention to their sector. As an indication of the small business Minister's interest in this sector, her website has virtually no public announcements or press releases on small business for the entire year. The Government is doing very little in this area. As I said when I spoke on the Small Business Commissioner and Small Business Protection Bill, a quick search on the internet directed me to a website called the "Enterprise Hub" where a member of the public had made the following comment:

Along with many, we were disappointed with the announcement early this year—  
that is last year—

that the NSW Government had cancelled Small Business September without any prior consultation with the small business community ... the O'Farrell Government is not interested in small business.

The Government's record is plain to see. We have seen the closure of small business offices around New South Wales, including in Goulburn. At the time, the member for Goulburn suggested that the closure of the Goulburn office was the result of recommendations from the Small Business Commissioner. She tried to shift the blame by suggesting it was an independent recommendation of the Small Business Commissioner that the office in Goulburn should be closed. That could not be further from the truth. During the estimates committee hearings the Small Business Commissioner was asked specifically about this issue. She denied that she had made such a recommendation and said that she had personally written to Minister Goward in order to correct the record about her statement that she had recommended the closure of the small business office in Goulburn. The closure of the small business office in Goulburn, which was misleadingly represented by the Government as a result of a recommendation by an independent commissioner, as well as the closure of other small business offices throughout regional New South Wales was simply a case of cost cutting by the Minister for Small Business.

That small business office, which was part of the Goulburn regional development office, had proved to be a goldmine of information for small businesses in south-east New South Wales which required assistance to set up in local areas. I have represented south-east New South Wales for over a decade. When I came across businesses that wanted to establish in, say, Cooma, I knew that I could call on the experts in the small business office at Goulburn. They had the local knowledge, they knew what needed to be done, and they assisted those small businesses. The local mayor contacted me in relation to two businesses that were seeking government assistance to establish or expand operations in Cooma. I contacted the small business office in Goulburn and the office assisted those businesses. On Friday week I will have the privilege of attending the opening of the new sawmill in Bombala.

**The Hon. Rick Colless:** Will Jeremy be there?

**The Hon. STEVE WHAN:** It is softwood so perhaps even the Greens may approve of this one.

**The Hon. Dr Peter Phelps:** I doubt it.

**The Hon. STEVE WHAN:** That is right, it is a monoculture. Softwood plantations are very useful in the management of serrated tussock. The mill at Bombala has a 20-year history of false starts and attempts to get underway. One of the consistent features throughout the process which ensured that the mill got off the ground was the work of the officers from the regional development and small business office in Goulburn. They worked



continually with the various proponents to get to the stage where the mill will be opened on Friday week. During the whole process the previous Government remained focused on ensuring that the softwood resource in Bombala was processed locally. We were able to do that through the small business office which had the corporate knowledge and the local expertise. This Government, in one of its early actions, closed that small business office and others throughout regional New South Wales.

I had a rare moment of agreement with the Hon. Jeremy Buckingham when he talked about farmers as small businesses. He is absolutely right. Farmers are small businesses and they are a very important sector throughout New South Wales. This Government has massively reduced on-ground support for farming businesses, cutting 300 staff from the Department of Primary Industries. For those who want the latest information on this issue, I refer them to last Friday's front page of the *Tumut and Adelong Times*. It talks about the departure after six years in the job of the local district agronomist. He made it very clear that he would have stayed working as an independent adviser, through the Department of Primary Industries, to the farmers of the district. He made it clear that he would have applied for a position similar to his current position, but instead he was asked to apply for a more generalist position that offered less pay, was based in Wagga Wagga, not Tumut, and covered a range of duties other than the specialised area he had previously undertaken with farmers in the Tumut area. Instead, he has gone to the private sector. That is a huge loss to the area. Around 30 other State district agronomists have taken the same route because of the uncertainty created by the chaos of this Government's 300 job cuts and introduction of Local Land Services. This is another small business area hit hard by this Government's cutbacks.

The Hon. Paul Green talked about farmers and milk prices. I agree with a number of his comments. Bizarrely, Mr Scot MacDonald talked about the Opposition being envious of this Government's legislation. Let me make it absolutely clear: the Opposition's proposed legislation that those opposite voted down last year went further in protecting small businesses than this Government's bill. The Opposition's bill provided protection for small business in key areas. The Government's bill fails to provide meaningful powers to the Small Business Commissioner and fails, as the Deputy Leader of the Opposition said, to provide any legal rights for small business afflicted by entering into contracts that either are unfair from their inception or become unfair during their operation. The Government's bill gives the Small Business Commissioner just a mediation role and not the tools needed to provide protection for the State's small businesses.

As the Deputy Leader of the Opposition said, the Government has picked up a number of elements of the Opposition's bill, but has done so slowly and tardily. This bill is an example once again of the Government taking for granted the people it expects will just vote for it. The bill does not introduce additional protection for small businesses in New South Wales. The Government consistently closes off and reduces services to small business in many areas of New South Wales. The Government talks much about its program of reducing red tape, yet the previous Government took the positive approach of conducting sector by sector reviews regarding red tape, leading to specific reductions of administrative workload in particular sectors. The Government has not undertaken that most positive and proactive way to undertake red tape reductions.

The Government is clearly more interested in appearance than in providing services. It takes for granted the people it considers are its natural supporters. That is quite disgraceful. Again I commend the Deputy Leader of the Opposition for his work in introducing legislation that formed the model for some of what the Government has chosen to do. I condemn the Government for failing to introduce all the clauses contained in the Opposition's bill. I condemn this Government and the Minister for their lacklustre approach to small business, and their lack of interest in small business amply demonstrated by the Minister's website. The Minister lacks engaging with small business, particularly with positive announcements, by cancelling Small Business September, and by cutting 300 jobs in the Department of Primary Industries that affect farming small businesses.

The Leader of the Government should be embarrassed that farmers have been taken for granted and small business offices and Offices of Regional Development around country New South Wales have been closed. The Minister has cut resources and on-the-ground services for the people of regional New South Wales and centralised them in major centres.

**The Hon. Duncan Gay:** Point of order: This member cannot help bagging people. I have been very understanding, but this bill puts in place a Small Business Commissioner. We are not debating a censure motion of the Minister for Small Business. I request that you draw him back to the objects of the bill.

**The Hon. STEVE WHAN:** To the point of order: Previous speakers in this debate have raised issues dealing with farmers and small business, farmers and milk prices, and a range of things that I have covered in my contribution without having points of order taken. In fact, I do not believe I have introduced any new material into this debate.

**DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones):** Order! While second reading debates may be wide ranging, I remind the member that he must speak to the long title of the bill.

**The Hon. STEVE WHAN:** Thank you. This bill simply does not go as far as the Opposition tried to make the Government go to introduce more assistance for small businesses. This Government is more interested in placebo measures than in providing real assistance to small business. The Small Business Commissioner should have a strong impact. Mr Scot MacDonald talked about the history of introducing Small Business Commissioners. The Victorian Labor Government was the first to introduce a Small Business Commissioner. That model is worth pursuing, but the Small Business Commissioner should have proper powers. This Government's lack of interest in small business epitomises its failure to endorse and take advantage of the National Broadband Network [NBN], which many publications state is a great opportunity for regional New South Wales.

**The Hon. Duncan Gay:** It's an absolute con. It is a waste of money.

**The Hon. STEVE WHAN:** The Hon. Duncan Gay, with his great expertise in the internet, says the NBN is a con. He does not understand the importance of optic fibre cable for local businesses in New South Wales.

**The Hon. Duncan Gay:** Forty billion dollars and I will still be on satellite at dial-up speed. It is absolute crap.

**The Hon. STEVE WHAN:** The member says he will still be on satellite and dial-up. He clearly does not understand it. I am sure his house in Redfern will get optic fibre cable fairly quickly. His house in the country will get either fixed wireless connections or the new satellite service Labor is installing that will provide much higher download speeds.

**The Hon. Duncan Gay:** Point of order: The member is going well beyond the objects of the bill. The Small Business Commissioner Bill has nothing whatsoever to do with the Federal NBN.

**DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones):** Order! I uphold the point of order. The member will address his remarks to the long title of the bill.

**The Hon. STEVE WHAN:** Given the member's interjections, he knew it was a fairly cheeky point of order, but never mind. It does not worry me too much. If he wants to give me further opportunity in the future to talk about the NBN I will be delighted to oblige. I congratulate the Deputy Leader of the Opposition on the achievements contained in the Government's bill, but I urge the Government to go further in adopting more than just 20 clauses of Labor's bill. The Government should adopt the whole Opposition bill. Then small business in New South Wales will get a much better deal.

**The Hon. Dr PETER PHELPS [3.37 p.m.]:** I always express a small degree of hilarity and mirth when members opposite pretend to be interested in small business. Labor Party members go on as if they expect us to believe what they say, but years of evidence to the contrary means that their hopes ultimately are fruitless. The Labor Party pretends to care about small business but it does not. Simon Crean is a member of that same Labor Party. Simon Crean declared his definition of a small business as one with fewer than 1,000 employees. This is the same Labor Party whose leader Kim Beazley said on 2 July 2000, "We have never pretended to be a small business party." It seems now that the Labor Party is pretending. We believe Kim Beazley. The Labor Party has never been a small business party and up until at least 2000 it did not even pretend to be one.

It now appears that Labor members are pretending but in their heart-of-hearts they do not care about small business; they care about only their union mates. The Labor Party's approach to all businesses—big, medium and small—can be summed-up by this phrase: If it moves tax it, if it keeps moving regulate it and if it stops moving subsidise it. That is the Labor Party's approach to businesses—whether they are big, medium or small. If the Labor Party was serious about its concerns for small business, if it believed in small business men and women throughout Australia, it would be calling for the abolition of the carbon dioxide tax. It would be calling for the abolition of a tax which hits businesses not by \$2, \$3 or \$5 a month but \$200, \$300 or \$500 a month and in some cases thousands of dollars every month.

It was a Labor Party initiative—a Labor Party that says it cares about small business but at the same time rips the heart out of small business through excessive regulation and excessive taxes. We in this Chamber

are not fooled, the people of New South Wales are not fooled and when the Federal election occurs on 14 September the people of Australia will not be fooled. They know which party cares about small business, they know which party cares about the rights of people to produce, to create jobs, to create wealth and to give this country back the great financial future which it would have had if the Howard Government had been returned in 2007. The Labor Party and The Greens have a socialist ideal, the ideal of nationalisation of the means of production and distribution. That is what the Labor Party stands for. The Labor Party stands for the nationalisation of means of production and distribution, including small businesses. That is what it believes in, what it has signed up for, and that is why it is seen by the people of this State and Australia as the last choice if you are in small business. The Labor Party can pretend all it likes but small business is represented by this side of the Chamber, not the other side of the Chamber, and the people of this State will not be fooled.

**The Hon. DUNCAN GAY** (Minister for Roads and Ports) [3.42 p.m.], in reply: I thank all members for their contributions—some of them helpful, some of them slightly less helpful, but all interesting in their content and passion. The debate on the Small Business Commissioner Bill 2013 is important. I acknowledge the contributions to the debate by Mr Scot MacDonald, the Hon. Matthew Mason-Cox, the Hon. Jeremy Buckingham, the Hon. Adam Searle, the Hon. Paul Green and the Hon. Dr Peter Phelps.

Mr Scot MacDonald commended the utility of the bill in addressing the power imbalance that business owners struggle with when dealing with larger firms or government. This bill will mean that small business operators will have a champion in the New South Wales Small Business Commissioner. That is good. Despite a difference of views all members aspire for that to happen. Mr Scot MacDonald also highlighted the importance of the alternative dispute resolution services that are provided for in the bill. Given that litigation is costly and often acts as a barrier for small businesses seeking remedies against well-funded large businesses, this is particularly important.

The Hon. Matthew Mason-Cox pointed out that clause 19 of the bill gives the commissioner the power to refer to the Director General of the Department of Finance and Services any finding by the commissioner that a person or body has persistently engaged in anticompetitive practices that are in contravention of any law and that adversely affect the small business sector. The Small Business Commissioner Bill 2013 will establish the role of the New South Wales Small Business Commissioner as a statutory officer who will be a truly independent and strong voice for small businesses across the State. The bill will confer the necessary legislative powers so the Small Business Commissioner can effectively carry out the specified objectives, functions and responsibilities of this office. The legislation will mean that 680,000 small businesses in New South Wales will have the strongest support to date to ensure that this critically important sector can flourish. I thank all the members who participated in the debate for their insight and contributions to this very important bill. I commend the bill to the House.

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

**Motion agreed to.**

**Bill read a second time.**

#### **In Committee**

**Clauses 1 and 2 agreed to.**

**The Hon. ADAM SEARLE** (Deputy Leader of the Opposition) [3.48 p.m.], by leave: I move Opposition amendments Nos 1, 3, 5 and 6 on sheet C2013-003B in globo:

No. 1 Page 2, clause 3. Insert after line 8:

*code of practice* means a code of practice prescribed by the regulations.

No. 3 Page 6, clause 14, lines 3 and 4. Omit all words on those lines. Insert instead:

- (f) to administer codes of practice,
- (g) to monitor, investigate and advise the Minister about:
  - (i) non-compliance with codes of practice, and
  - (ii) market practices that may adversely affect small businesses,

No. 5 Page 11. Insert after line 3:

**Part 3 Protection of small businesses**

**28 Codes of practice for fair treatment of small businesses**

- (1) The regulations may prescribe a code of practice 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.
- (2) Without limiting subsection (1), a code of practice may provide:
  - (a) for good faith obligations in commercial dealings, and
  - (b) for compulsory mediation of disputes between small businesses and other businesses (whether or not small businesses) or between small businesses and government agencies.
- (3) A code of practice may not be prescribed by the regulations unless the Commissioner has, before any such regulation is made, consulted with each body or organisation that the Commissioner considers to be representative of an industry or business likely to be affected by the code of practice.

**29 Contravention of code of practice**

A person must not, in trade or commerce, contravene a code of practice.

Maximum penalty: 1,000 penalty units in the case of a corporation or 200 penalty units in the case of an individual.

**30 Injunctions**

- (1) The Supreme Court may, on application by the Commissioner, grant an injunction in such terms as the Court determines to be appropriate if satisfied that a person has engaged, or is proposing to engage, in conduct that constituted, is constituting, or would constitute:
  - (a) a contravention of a code of practice, or
  - (b) attempting to contravene a code of practice, or
  - (c) aiding, abetting, counselling or procuring a person to contravene a code of practice, or
  - (d) inducing, or attempting to induce, whether by threats or promises or otherwise, a person to contravene a code of practice, or
  - (e) being in any way, directly or indirectly, knowingly concerned in, or party to, the contravention by a person of a code of practice, or
  - (f) conspiring with others to contravene a code of practice, or
  - (g) interfering with an investigation by the Commissioner.
- (2) An injunction may be granted under this section as an interim injunction without an undertaking being required as to damages or costs or may be granted as a permanent injunction.

**31 Jurisdiction of CTTT in relation to unfair contracts**

- (1) The operator of a small business may apply to the Consumer, Trader and Tenancy Tribunal (the **CTTT**) for an order in relation to any contract (being a contract to which the small business is a party) that the operator considers to be harsh, oppressive, unconscionable or unjust.
- (2) The CTTT has, and may exercise:
  - (a) jurisdiction to determine any application made to it under this section, and
  - (b) the same jurisdiction as the Supreme Court, and all the powers and authority of the Supreme Court, in proceedings in which relief under the Contracts Review Act 1980 is sought in relation to a contract to which a small business is a party.

**Note.** Under the Contracts Review Act 1980, the Supreme Court may (among other things) refuse to enforce any or all of the provisions of the contract concerned or make an order declaring the contract void (in whole or in part) or varying (in whole or in part) any provision of the contract. It may also make orders with respect to any consequential or related matter, 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.

- (3) This section does not affect any jurisdiction of the Supreme Court under the *Contracts Review Act 1980* in relation to a contract to which a small business is a party.

No. 6 Page 12. Insert after line 22:

**31 Proceedings for offences**

- (1) Proceedings for an offence under this Act may be dealt with:
  - (a) summarily before the Local Court, or
  - (b) summarily before the Supreme Court in its summary jurisdiction.
- (2) If proceedings are brought in the Local Court, the maximum monetary penalty that the Local Court may impose for the offence is 100 penalty units, despite any higher maximum monetary penalty provided in respect of the offence.

The Opposition has consulted with small business operators across a range of industries about the challenges they face and how a small business commissioner could help them in practical ways. They have made it clear that this role needs to have real teeth and not merely be some hand-holding exercise at public expense or an expensive telephone hotline. In our view the bill should be amended to provide for codes of practice as legislative instruments under the Act to promote the fair treatment of small businesses. Clause 14 (1) (f) provides that one of the functions of the Small Business Commissioner will be "to facilitate the development of codes of practice by industry that deal with issues concerning the small business sector". Nowhere in the bill does it provide for those codes to have any legal force or effect.

The O'Farrell Government has suggested that its inquiry into construction company collapses, for example, could recommend models for insurance, trust funds or mutual funds to overcome the difficulties that have arisen in the building and construction industry. However, these would each require legislation. Each one of those options could in fact be implemented through the code-making power contained initially in the Opposition's bill, which was considered by this Chamber last year, and also in these amendments. The Small Business Commissioner could administer the codes of practice as well as ensuring compliance with them in the courts, if necessary. The codes would be able to provide a flexible mechanism for providing for the fair treatment of small businesses by larger businesses and by government agencies. These four amendments would provide that necessary architecture. They do not mandate that government must enact codes of practice; they merely provide a tool in the armoury for the Small Business Commissioner to deploy.

Many industries may not require codes of practice. Equally, there may be industries where entrenched and undesirable practices exist and after consulting with responsible and active members of the industry government may form the view that an enforceable code of practice is needed to stamp out undesirable behaviour. These amendments could certainly provide that option to be deployed judiciously and only where necessary. The Opposition believes that the bill would be significantly strengthened if the Chamber were to accept these amendments. The amendments do not mandate for codes of practice to be enacted; they merely provide an extra tool to be used as and when necessary. I urge honourable members to carefully and closely consider the Opposition's grouping of amendments.

**The Hon. DUNCAN GAY** (Minister for Roads and Ports) [3.52 p.m.]: The Government opposes Opposition amendments Nos 1, 3, 5 and 6. Industry codes are already included in the bill in very broad language that gives to the Small Business Commissioner the ultimate flexibility to use as required. The Government is of the opinion that for codes to be effective they need to be driven and embraced by industry. The Government opposes Opposition amendment No. 3 in particular in its current form. However, the Government acknowledges that the amendment is likely to be moved in another form shortly and the Government will consider that amendment at that time.

**Question—That Opposition amendments Nos 1, 3, 5 and 6 [C2013-003B] be agreed to—put.**

**The Committee divided.**

**Ayes, 19**

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

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

Mr Veitch  
Ms Westwood  
Mr Whan  
*Tellers,*  
Ms Fazio  
Ms Voltz

**Noes, 21**

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

**Question resolved in the negative.**

**Opposition amendments Nos 1, 3, 5 and 6 [C2013-003B] negatived.**

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

**Progress reported from Committee and consideration set down as an order of the day for a later hour.**

### QUESTIONS WITHOUT NOTICE

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#### NSW POLICE FORCE CHILD ABUSE SQUAD

**The Hon. LUKE FOLEY:** My question is directed to the Leader of the Government in his capacity as Minister for Police and Emergency Services. On what day was the Minister's office informed of the human resources review of the Child Abuse Squad, which stated, in part, that children will continue to be abused by offenders unless the squad is given an extra 175 officers?

**The Hon. MICHAEL GALLACHER:** Child sexual assault is a very serious issue and the dedication of the officers assigned to the Child Abuse Squad in working with victims is to be commended. The documents the Opposition is referring to were prepared by the NSW Police Force to generate internal consideration of how best to meet the demands of investigating child abuse. All police agencies across the country are facing greater demands in light of the heightened community debate about child abuse, including historical abuse, and that will continue in the wake of the royal commission. I am looking forward to receiving from the NSW Police Force a full plan of action outlining a sound, sustainable plan on how we can best assist victims of child abuse to gain justice.

Part of the human resources report discusses whether police staffing levels in the squad could be increased from 141 to 316. I understand that since the January report police have been working through its recommendations. I reiterate that work on addressing the issues in the report has been ongoing, and I am informed by Deputy Commissioner Burn that, of the 25 recommendations made in the report, 13 have already been implemented. The remaining 12 recommendations are in various stages of being reviewed by the State Crime Command, including consulting with Field Operations and Police Properties on matters that also affect them. I am informed that senior police discussed issues raised in the report in mid January after some more work had been done, and this work, as I said, is ongoing.

In the wake of that meeting of senior police a decision was made to immediately recruit into the squad 10 officers, and advertising of those positions is underway. Although the report discusses an option of an additional 175 officers and a recommendation in the report seeks to have 50 additional authorised positions provided to the squad, I am also informed that police would not be able to immediately recruit such a number into the squad. That is why the NSW Police Force has to work through the issues raised and why I have asked for a full plan of action. Police, more than anyone, recognise that there are different solutions to every problem, and by identifying the issues faced by the squad and by doing things a bit differently the same outcome for victims of crime can be achieved.

I understand from Deputy Commissioner Burn that the State Crime Command is working with Field Operations to determine if local area commands can assist the Child Abuse Squad with lower-risk cases. Those discussions are continuing. I understand that police have looked at a range of human resource practices and have

implemented strategies, including secondments, and are looking at backfilling positions within 30 days of people going off on sick leave to ensure that staffing levels are maintained. I am informed by the Police Force that reviews were conducted of the 50 briefs and that subsequent to the report all of the offenders were arrested and charged. I am assured by Deputy Commissioner Burn that no child was at risk.

Those opposite seem to be saying that by simply throwing 50, 75 or 100 police at a problem, every issue will be addressed instantaneously. Unfortunately, that is just not the case. We have to get the best choice of officers to go into the squad and we have to get it right from the start—right for victims, right for the community and, importantly, right for the officers and their families. Police officers working in the area of child abuse need to want to work in the area. Dealing with vulnerable victims and alleged and convicted offenders is tough work day in, day out. There is no light at the end of the tunnel in this work; it is victim after victim. The police officers need to meet psychological standards; they need mental resilience and the skills to cope with the mental impact of this work; and they also must be willing to work in one of the 22 locations around the State in which the Child Abuse Squad is based. [*Extension of time agreed to.*]

We need space to house a police force, and with additional police comes the need for additional desks, offices, cars and phones, and it takes time to identify and acquire those resources. Working in the Child Abuse Squad is not easy work by any stretch of the imagination; it takes a toll on officers and their families. Many of the officers who go into the Child Abuse Squad are women—highly commended women. Officers with young families can find it particularly tough. They go home at night and try to interact normally with their children whilst thinking: What if it had happened to my child? The issue of staff shortages in areas of policing is not new. Staff shortages in the area of child abuse existed under the previous Government and, unfortunately, we are facing those challenges now.

Today police are facing issues, as they did under the previous Government, attracting officers in a host of challenging areas—child abuse, traffic and highway patrol and in the transport command. Historically, police have struggled to fill such positions. It is a fact of life that senior police have to continually work to attract and retain officers who are motivated to do the job.

**The Hon. LUKE FOLEY:** I thank the Minister for his answer and I ask him a supplementary question. Could the Minister elucidate his answer with particular reference to when his office was advised of the report to which he has referred?

**The Hon. MICHAEL GALLACHER:** I apologise; I ran out of time. I became aware of the report of the human resources review of the Child Abuse Squad dated January 2013 yesterday when it became publicly available through the media.

#### STATE PROTECTION SUPPORT UNIT

**The Hon. MARIE FICARRA:** My question is directed to the Minister for Police and Emergency Services. Will the Minister update the House on the activities of the NSW Police Force's State Protection Support Unit?

**The Hon. MICHAEL GALLACHER:** I thank the honourable member for her question. The State Protection Support Unit provides specialist support to the Tactical Operations Unit of the NSW Police Force in resolving high-risk incidents in regional New South Wales. The Tactical Operations Unit is a specialist arm of the NSW Police Force that provides extraordinary assistance to operational police in high-risk situations on a domestic and counterterrorism level. Comprising part-time tactical operatives from non-metropolitan areas, the State Protection Support Unit consists of police whose primary duties cover a wide range of activities including general duties, highway patrol, investigations, and weapons training.

The members of the unit are highly trained. The types of operations that they can be called upon to undertake, in conjunction with the Tactical Operations Unit, include containing siege and armed offender situations; resolving siege and hostage situations; arresting armed and dangerous offenders, often in high-risk situations; conducting high-risk searches of premises; and escorting and providing security for internationally protected persons, heads of State and holders of high office who are assessed and determined to be at risk. The unit also provides support services for high-risk major operations.

Each year the State Protection Support Unit is involved in approximately 60 operations. These include complex, pre-planned operations and the execution of high-risk search warrants. While primarily a regional

resource, the State Protection Support Unit can be deployed throughout the State to assist the Tactical Operations Unit. A good example of this is Strike Force Durkin. That operation led to the arrest of Malcolm Naden, who had been wanted by police since 2005. Malcolm Naden's arrest is a perfect example of the hard work of officers from many commands as they worked together in some of the roughest terrain in the mid North Coast hinterland. More than 500 officers were involved in the operation, including three regional State Protection Support Units that worked alongside the Tactical Operations Unit in the search and arrest of Malcolm Naden. The operation was also supported by an extensive interagency response that included the Rural Fire Service, the Department of Land and Property Information and specialist paramedics from the Ambulance Service of New South Wales.

The ability to provide a timely and effective response to high-risk incidents in country New South Wales requires the State Protection Support Unit to be highly trained and skilled in special weapons and tactics. To achieve this, qualified operators complete 12 training days each year in addition to attending a five-day annual recertification camp. The range of skills include bushcraft and navigation, close quarter tactics, entry methods, ballistic shield operations, cordon and perimeter operations, advanced weapons training, and less than lethal tactics. The unit personnel can also be trained as tactical team instructors and field supervisors. Tactical team instructors conduct advanced special weapons training for the State Protection Support Unit, while field supervisors perform command and control functions in the determination and implementation of tactical plans to resolve high-risk incidents. Specialist operations such as the State Protection Support Unit will continue to be deployed across the State to provide the expertise necessary for a safe and secure New South Wales.

#### **NSW POLICE FORCE CHILD ABUSE SQUAD**

**The Hon. ADAM SEARLE:** My question is directed to the Minister for Police and Emergency Services. How long did it take the Minister or his office to inform the Premier of the recommendations of the review of the Child Abuse Squad?

**The Hon. MICHAEL GALLACHER:** As I indicated to the House, as soon as we became aware of the existence of this report, which was yesterday, we informed the Premier's office.

#### **CATHOLIC SCHOOL CHILD PROTECTION**

**Dr JOHN KAYE:** My question is directed to the Minister for Roads and Ports, representing the Minister for Education. In light of the widespread allegations of sexual abuse of young people and students by Catholic religious orders, what steps has the Minister and the Board of Studies taken to ensure that children in New South Wales Catholic schools are provided with a safe environment as required under section 47 of the Education Act? What changes have been made to the registration requirements and processes that will provide parents with the confidence that there will not be a repeat of the alleged failures to detect and act on these abhorrent practices?

**The Hon. DUNCAN GAY:** I thank the honourable member for his question and acknowledge its importance. I am informed that the Board of Studies New South Wales regularly monitors the compliance, requirements and registration of all non-government schools, including matters related to child protection. I am informed further that under changes to the registration requirements that came into effect in 2005 non-government schools must have policies and procedures that provide for a safe and supportive environment. This specifically includes policies and procedures to ensure that they meet their legislative obligations in relation to child protection.

#### **SPEED CAMERA REMOVAL**

**The Hon. JOHN AJAKA:** My question is directed to the Minister for Roads and Ports. Will the Minister update the House on the removal of New South Wales speed cameras that have no proven road safety benefit?

**The Hon. DUNCAN GAY:** I thank the honourable member for his question. Earlier this year the hypocrites opposite accused the Government of flooding roads with speed cameras. Their hypocrisy is breathtaking. But the people of New South Wales can judge us by our record, and that record proves the opposite. Before coming into government we suspected, along with many motorists, that some of the speed cameras installed by the former Labor Government were not fulfilling a road safety role but were just cash cows. We fulfilled a key election promise and asked the Auditor-General to conduct an independent



investigation of speed cameras in New South Wales. As a result we turned off 38 cameras that were not providing a road safety benefit. Ten of them have been removed already and seven have been placed in warning mode. Another 21 will be removed after alternative safety works are completed in July this year.

Last year we rolled out our speed camera strategy. That included the inaugural speed camera performance review, which found a handful of additional speed camera locations where further investigations were necessary. We looked into the crash data, changes in traffic volume, community feedback from organisations, including the NRMA and police, and carried out site inspections. As a result, a fortnight ago I visited western Sydney to announce that we were removing three more speed cameras.

**The Hon. Walt Secord:** You found it.

**The Hon. DUNCAN GAY:** Have I found it? I have put a poultice of money into roads in western Sydney in areas members opposite have never visited in their lives. They have the gall to ask me if I know where western Sydney is. I have crossed more roads in western Sydney than some urban explorers. The two cameras on Cowpasture Road at Green Valley and the camera on the New England Highway at Kootingal were not providing a road safety benefit. I was delighted to join our Roads and Maritime Services crew to give a few power tools a run for their money to help with the removal of the cameras.

**The Hon. Mick Veitch:** You looked a bit shaky on top of that ladder.

**The Hon. DUNCAN GAY:** I am not keen on heights. I love power tools, but I am not keen on being at the top of a ladder. But that is only part of the story. Through a major reform we created the Community Road Safety Fund, whereby all future speed, red light and heavy vehicle point-to-point camera fines will be used to pay for road safety upgrades and programs. We have also replaced the confusing "Safety camera ahead" signs with clearer signs saying "Red light speed camera ahead". The new signs are double the size of the old signs. For mobile speed cameras the number of warning signs has doubled and motorists get up to 250 metres of advanced warning. Unlike in the past, mobile—

**The Hon. Amanda Fazio:** That is an absolute lie.

**The Hon. DUNCAN GAY:** What was that?

**The Hon. Amanda Fazio:** That's a lie.

**The Hon. DUNCAN GAY:** I take offence at those comments from that person. I ask her to withdraw them.

**The PRESIDENT:** Order! As I am sure the Hon. Amanda Fazio is aware, it is unparliamentary for her to say that a member is lying. I ask her to withdraw that remark.

**The Hon. Amanda Fazio:** Mr President, I accept your ruling—that calling another member a liar is unparliamentary—and accordingly, I withdraw. However, the information given by the Minister was clearly not true. I find myself in a dilemma because I have withdrawn my comment that he is a liar, but I know that what he said was not true.

**The PRESIDENT:** Order! If the Hon. Amanda Fazio has withdrawn her comment, she should resume her seat. If the member wishes to take issue with the Minister's answer, there are other forms of the House available to her, as she well knows.

**The Hon. Amanda Fazio:** Thank you, Mr President. I will resume my seat.

**The Hon. DUNCAN GAY:** I do not accept that withdrawal because it was conditional.

**The PRESIDENT:** Order! In my view, it was not conditional.

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

**The Hon. DUNCAN GAY:** I will provide more of the home truths that Labor members hate. They just hate finding out where they were wrong. For mobile speed cameras, the number of warning signs has doubled.

Motorists now have up to 250 metres of advance warning. Unlike what happened in the past, mobile speed camera vehicles now display high-visibility markings. The company operating the mobile cameras will be paid according to the number of enforcement hours, not according to the number of motorists booked. The Government's program of 7,000 hours of enforcement each month is much less than that of Victoria or Queensland. For the information of the Labor Party and the shadow Minister for protecting law-breakers, who are pretending to be the chief advocates for motorists, the Government's program is dwarfed by Labor's 2010 plan for 12,200 enforcement hours for speed cameras. The Government has implemented a program for 7,000 hours, yet Labor Opposition hypocrites are trying to pretend that we have upped the number of hours monumentally.

### **CHILD SEX OFFENDER PENALTIES**

**Reverend the Hon. FRED NILE:** In directing my question to the Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council, representing the Attorney General, and Minister for Justice, I refer to a question I asked on 25 March 2013 and ask further: When will the Court of Criminal Appeal look at delivering guideline judgements that represent the community's abhorrence of child sex offenders' crimes? Is the Government aware that in the past decade only three of the 238 men convicted of having sex with a child under 10 years of age were jailed for what the Government set as a standard minimum term of 15 years imprisonment? Is the Government aware that one man who raped a child was behind bars for as little as nine months? When will the New South Wales Government address the leniency afforded to sex offenders and protect the most vulnerable and the most valuable members of our community, our children?

**The Hon. MICHAEL GALLACHER:** I thank the Reverend the Hon. Fred Nile for his question. I will seek a response, as requested, from the Attorney General.

### **NSW POLICE FORCE CHILD ABUSE SQUAD**

**The Hon. PENNY SHARPE:** My question is directed to the Minister for Police and Emergency Services. What period of time elapsed before the 50 known child abusers who are cited in the human resources review were arrested?

**The Hon. MICHAEL GALLACHER:** I obtained an indication from speaking to Deputy Commissioner Catherine Burn this morning when she gave a public assurance in relation to the arrest of those offenders. As to the 50 briefs that were outstanding in January 2013, under no circumstances was a child victim left in a situation of ongoing risk or harm from an identified outstanding offender. In terms of a specific time line, which is part of the member's question, I will seek advice from the NSW Police Force.

### **LOWER HUNTER WATER PLAN**

**The Hon. RICK COLLESS:** My question is directed to the Minister for Finance and Services. Will he update the House on the latest progress in developing the Lower Hunter Water Plan?

**The Hon. GREG PEARCE:** The Government is determined to create a comprehensive, robust, cost-effective, whole-of-government plan to ensure water security for the lower Hunter region. Development of the plan is being overseen by an independent panel of water experts, with ongoing input from the community. This week I am very pleased to be able to announce a short list of supply and demand options that will be further investigated as part of the plan. The shortlisted options cover a range of drinking water supply and demand categories, such as stormwater capture, recycling, demand management, water efficiency, surface water transfers, groundwater, and emergency desalination.

The demand forecast for the region is a key part of that process, and it has been revised. The most recent model shows that growth in demand is lower than previously predicted and that major augmentation of supply is not needed in the short to medium term. However, modelling also has shown that while the existing water supply system performs well in normal conditions, the region is vulnerable to severe drought. The options shortlisted for further investigation take that into account and have been selected from more than 70 initial concepts. As the Government has always said, the Lower Hunter Water Plan will look at all options, other than the previously rejected Tillegra Dam. We now have sufficient information from the modelling work done to date and the community consultation workshops conducted so far to also rule out the need for us to construct a new dam in the region as part of the plan.

In fact, three landholdings that Hunter Water had earlier acquired for the previous Government's proposal to build Tillegra Dam already have been placed on the market. While the shortlisted options are all technically feasible, that does not mean that they will all be included in the final mix of measures recommended in the plan. We need to compare the financial, social and environmental features of each option to identify resilient combinations that will meet the region's need throughout a severe drought at the least cost to the community. The options we are considering taking forward include programs to improve water efficiency and the introduction of "Water Wise Rules", as used successfully in Sydney and the Central Coast. They include new stormwater and wastewater recycling opportunities and potentially new groundwater options. There is also the potential to transfer water from nearby areas for use in the Hunter, if necessary. Those options are being investigated in close consultation with the appropriate stakeholders.

As I stated previously, the Government will not be proceeding with any proposals to construct new dams in the region. The Government fully understands that there will be strong community interest in many of those options. We are committed to giving the community every opportunity to contribute input. That is why we will be running a series of community engagement workshops over the next week. The next series of workshops will be the third undertaken since work on the plan began and demonstrates our continued commitment to community consultation. I urge anyone who is interested in the future of lower Hunter water supplies to participate in the workshops. Information about the shortlisted options is also on the Lower Hunter Water Plan website—[www.haveyoursay.nsw.gov.au/lowerhunterwaterplan](http://www.haveyoursay.nsw.gov.au/lowerhunterwaterplan). I encourage members of the community to take advantage of this great opportunity to provide input and have their say in the Lower Hunter Water Plan's processes.

### FIREARMS OWNERSHIP

**Mr DAVID SHOEBRIDGE:** In directing my question to the Minister for Police and Emergency Services I refer to last year's announcement that police were reviewing circumstances that have led to a significant number of firearm owners in New South Wales being lawfully permitted to own more than 50 firearms and, in one case, more than 300 firearms. Will he update the House on the outcome or the progress of that review?

**The Hon. MICHAEL GALLACHER:** I will seek advice in relation to the police investigation and report back to the member.

### NSW POLICE FORCE CHILD ABUSE SQUAD

**The Hon. MICK VEITCH:** My question is directed to the Minister for Police and Emergency Services. How can he claim that no child has been put at risk when page 26 of the report on the NSW Police Force's human resources review of the Child Abuse Squad states that the risk in relation to the current level of staffing is that "abuse of children as a result of reoffending could have been prevented by an earlier arrest"?

**The Hon. MICHAEL GALLACHER:** There is no doubt that any delay in investigation poses a risk, but I do not listen to politicians and members of the Opposition; I listen to the police involved in crime agencies and rely on the details provided this morning by Deputy Commissioner Burn in relation to this matter. Based on the advice I was given by the police this morning I am satisfied that no child is at risk. Of course this is an incredibly sensitive area of policing. Opposition members fail to understand that officers who are transferred to this area of policing not only need to be highly skilled and motivated but they also must want to go there in the first place. Of course, those opposite refer to the report. I refer honourable members to the first reference under the heading "Summary", which says:

In July 2012 the Child Abuse Squad formally raised concerns that its level of response to child abuse crime in NSW was inadequate due to the systemic shortfall in staffing levels over many years.

After 16 years those opposite want to walk away from their neglect. We will not let them walk away from their neglect, because it is clear that this Government is committed to ensuring that the NSW Police Force has an opportunity to look at the challenges that face many areas of the force in the future. This is a futures document. It is an internal working document. It has had the highest level of scrutiny from senior ranks of the NSW Police Force. It is an internal document and that is how it is designed. I am happy for police to be looking at the challenges across the broad spectrum. However, for those opposite to suggest that somehow we can pluck 100 officers off the parade ground at the academy on Friday and send them into this area of policing is a disgrace. I suggest that 100 officers would go in on the Monday and 95 would be off sick by the Friday. Those

opposite have no appreciation of the concerns in this area. They were in government for 16 years and they did absolutely nothing about it. This is an internal working document looking at the risks and looking at the challenges.

**The PRESIDENT:** Order! Members will not conduct conversations across the Chamber.

**The Hon. MICHAEL GALLACHER:** I spoke to police this morning. I want to see the action plan. Of the 25 recommendations, 13 have already been implemented. The others are underway. Recommendation 16 talks about police numbers in this area, the very area that those opposite show their ignorance of by suggesting just simply transferring 100 officers in—pull 100 off the parade ground on Friday, take them out of the highway patrol or somewhere else. Those opposite have no idea of the training required—

**The Hon. Steve Whan:** Point of order: My point of order is relevance. The Minister should be commenting on a report that his force should have provided him with earlier, not just berating the Opposition. He should be telling us what he is going to do about it.

**The PRESIDENT:** Order! There is no point of order. The member will resume his seat. The Minister's time has expired.

### WATER SAFETY INITIATIVES

**The Hon. NATASHA MACLAREN-JONES:** My question is directed to the Minister for Police and Emergency Services. Will the Minister update the House on water safety matters over summer?

**The Hon. MICHAEL GALLACHER:** With the passing of summer, it is timely to remind the House of the good work being done in relation to water safety and the importance of not reducing vigilance on, and in, the water over winter. Surf Life Saving NSW has reported that it conducted 1,150 rescues along the New South Wales coastline in December and January alone. For the whole swimming season there were almost 4,000 Surf Life Saving rescue incidents. The 12 coastal drowning deaths this summer were at unpatrolled beaches or after patrol hours. With the decrease in patrols over winter, swimmers need to be mindful of rips or dangerous currents along the coast.

I was pleased that a project funded under the Water Safety Black Spots Fund—Project Blueprint—was awarded the Association of Public Safety Communications Officials Australasia 2013 Public Safety Award. I look forward to the outcomes of the project, which is aiming to conduct coastal public safety risk assessments at targeted beaches across New South Wales. Information from projects such as these will contribute to the development of initiatives to reduce drowning in New South Wales. I was delighted to attend the NSW Surf Life Saving Championships in March on Umina Beach on the Central Coast. This fabulous event made a significant contribution to the local economy, with more than 8,000 athletes and 20,000 spectators attending across the week. While I congratulate the winners, I was also pleased to see the commitment to water safety, the continuing enthusiasm for lifesaving and the sun-safe approaches being promoted by the organisations.

Our beaches are not the only places where good work is being done to promote water safety messages. Over summer Royal Life Saving NSW completed 150 aquatic facility safety assessments in public swimming pools, providing an independent and comprehensive assessment of the pool's operations. The assessment is based on the guidelines for safe pool operation, Australian standards and relevant State legislation. Facility operators have an opportunity to discuss the safety inspection with the auditors at the end of each assessment. The New South Wales Government is supporting aquatic facilities to maintain the most up-to-date standards of operation to keep the swimming public safe. Royal Life Saving has also issued 300 Keep Watch @ Public Pool resource kits. The Keep Watch @ Public Pools program helps parents and carers of children to understand their responsibility at the pool, the dangers of leaving their children unattended and the role of lifeguards. The program supports staff of public aquatic facilities in water safety education and the importance of active parental supervision. Patronage at aquatic facilities exceeds two million people each year, including over the winter months, when heated pools draw large crowds.

Sadly, older people feature disproportionately in drowning statistics. Therefore, the Grey Medallion program for over 55s has been funded through the Black Spots Fund. This initiative was launched during Seniors Week and has so far equipped 25 of 50 identified facilities in New South Wales with the capacity to implement the Royal Life Saving Grey Medallion program. Each participating facility will receive training and accreditation together with promotional resources to engage the local community and develop long-term strategies.

**COMMUNITY HOUSING PROVIDERS**

**The Hon. JAN BARHAM:** My question without notice is directed to the Minister for Finance and Services. What expectations and targets have been set for the nine community housing providers who will be transferred 1,302 New South Wales Land and Housing Corporation properties, considering the number of increased social housing and affordable housing dwellings they are expected to produce and the time frame in which they are expected? What mechanisms have been put in place to ensure that the transfer of public stock to community housing providers will achieve the expected increase in the total amount of social housing stock and affordable housing available in New South Wales?

**The Hon. GREG PEARCE:** As usual, that is a very good question from the honourable member. I appreciate her ongoing interest in this area. It is an area of great concern for this Government because under the previous Labor Government several extraordinarily adverse trends were allowed to develop in relation to public housing. We all know there is a great need for public housing, but under the Labor Party housing starts overall sunk to their lowest in 50 years. Affordable housing was not available. Rental housing was not available. Labor left us with a waiting list of more than 54,000 as well as a \$300 million-plus backlog in maintenance and a series of federally funded stimulus housing projects which had been rammed through the planning system against the wishes of local communities—

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

**The Hon. GREG PEARCE:** —placing properties in inappropriate areas and in many cases with builders who had not been properly vetted. We saw builder after builder collapse, with the ultimate loss of income and loss of payments to subcontractors and suppliers. In all, it was a total and utter mess, something that only those on the other side could create, without having to try very hard to do so. We come to the properties that were to be transferred to the community housing providers. I am a great supporter of community housing providers. They are generally charities with a lot of people—volunteers and employees—who work hard to try to meet social needs. The other day I was disappointed to hear several Labor Party members criticising the transfer of properties to community housing organisations.

**The Hon. Melinda Pavey:** They weren't, were they?

**The Hon. GREG PEARCE:** Yes, they were. I will go further into that on another day. They were suggesting on radio that there was something wrong about giving properties to community housing.

**The Hon. Lynda Voltz:** Name one person.

**The Hon. GREG PEARCE:** I will—do not worry about that. I will be naming your members.

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

**The Hon. GREG PEARCE:** Let me return to the transfer of existing properties. The previous Government had arrangements with 15 community housing providers to potentially transfer properties to them. What do we get from Labor? Sloppiness and ineffective arrangements. After examining the arrangements we found that former Minister Borger had announced—I am not sure if it was 50 per cent or 60 per cent—leveraging of properties. The idea was that community housing providers could use transferred properties to be able to borrow money and raise funds to leverage—

**The Hon. Sophie Cotsis:** You can't tell if it was 50 or 60 per cent.

**The Hon. GREG PEARCE:** You should be ashamed of yourself. You do not know the figures, do you? You did not listen when you were in government, did you?

**The Hon. Amanda Fazio:** Point of order: I was not even interjecting because the Minister is too boring. He cannot accuse me of being misleading about figures.

**The PRESIDENT:** Order! I confess that I did not hear the member interject either. The Minister's time has expired.

**PENSIONER ENERGY REBATE ASSISTANCE**

**The Hon. SOPHIE COTSIS:** My question is directed to the Minister for Finance and Services. Will the Government consider automatically offsetting the full Family Energy Rebate against rents for pensioner tenants of the Land and Housing Corporation's properties?

**The Hon. GREG PEARCE:** I do not know. I will ask Minister Goward.

**CLARENCE RIVER CROSSING PROJECT**

**The Hon. SARAH MITCHELL:** My question—

**The PRESIDENT:** Order! I call the Hon. Walt Secord to order for the first time. The Hon. Sarah Mitchell is trying to ask a question and I cannot hear her.

**The Hon. SARAH MITCHELL:** My question is directed to the Minister for Roads and Ports. Will the Minister update the House on the preferred option for an additional crossing of the Clarence River at Grafton?

**The Hon. DUNCAN GAY:** For the information of the Opposition, last Tuesday the member for Clarence, Chris Gulaptis, and I had the pleasure of announcing the preferred option for the additional crossing of the Clarence River at Grafton. As members know, Grafton holds a special significance for The Nationals, being the birthplace of the great Country Party leader Sir Earle Christmas Grafton Page.

**The Hon. Steve Whan:** I thought you were going to talk about Steve Cansdell.

**The Hon. DUNCAN GAY:** Steve Cansdell was there when we announced it. Sir Earle was the eleventh Prime Minister of Australia and, to date, the second-longest serving Federal parliamentarian in Australian history: 41 years 361 days—which is longer than the Hon. Greg Donnelly has been here or even thought about being here.

**The Hon. Luke Foley:** I have read his autobiography *Truant Surgeon*.

**The Hon. DUNCAN GAY:** Have you? He was a great man and a surgeon. He won the University Medal. The preferred bridge crossing, at this stage called Option C, crosses the river immediately downstream of the existing Grafton Bridge and connects the junction of the Pacific and Gwydir highways at South Grafton with Pound Street in the centre of Grafton. Option C was identified in December last year as the recommended preferred route and community feedback was invited in early March. Option C was one of six short-listed routes investigated in detail by Roads and Maritime Services. These investigations included sophisticated traffic modelling simulations and videos, all of which have been published on the Roads and Maritime Services website. Nearly 70 submissions were received during this period, providing a variety of comments about the recommended preferred option and some suggested improvements. Importantly, public feedback did not raise any significant new issues that would alter the decision to advance with Option C, which was the preferred option.

On balance, Option C provides better and more efficient transport outcomes over the whole regional road network, including for freight movements. It also avoids impacts on the precinct around Victoria and Villiers streets. Overall, Option C presents greater value to the community, particularly because it addresses long-term road connection problems to help support Grafton as a major North Coast economic hub. I thank the Grafton community for its participation, feedback and patience during the long route selection process. It was important for the whole community to be involved and to make sure we reached the right decision. The State Government will spend \$3 million this financial year to start refining the concept design and produce a detailed environmental assessment for Option C. Both items will be displayed once again for community comment.

Any issues raised in future community submissions will be considered and, if appropriate, the proposal will be further refined to manage potential impacts. Overall, the Government has committed and spent a large part of \$20 million over four years for detailed planning for the second crossing of the Clarence River at Grafton. The timing of construction now depends on funding, but we have made a submission to Infrastructure Australia for a Federal funding contribution of up to 50 per cent of the project cost under the Nation Building 2 Program, which runs from 2014 to 2019. [*Time expired.*]

### TOORALE STATION DAM REMOVAL

**The Hon. ROBERT BORSAK:** My question without notice is directed to the Minister for Finance and Services, representing the Minister for the Environment. I note and congratulate Bush Heritage Australia on its purchase of the Naree cattle station, known as the wetlands in the outback, on the Warrego River north-west of Bourke, and look forward to its long-term conservation plan and how it tackles woody weeds and feral pigs and goats. Given that the Toorale National Park is closer to the Darling River than Naree, what progress has been made on the Government's commitment to remove hundred-year-old dams on Toorale? What is the latest cost estimate for the work?

**The Hon. GREG PEARCE:** I thank the member for that very important question and his continuing interest in this area. I will get a detailed answer from the Minister for him.

### HAWKESBURY RIVER OYSTER GROWERS

**The Hon. WALT SECORD:** My question without notice is directed to the Minister for Roads and Ports, representing the Minister for Primary Industries. When will the Government provide emergency assistance to Hawkesbury River oyster growers whose crops were wiped out by Pacific Oyster Mortality Syndrome?

**The Hon. DUNCAN GAY:** Certainly, as a former shadow Minister in this area, I understand the angst the Hawkesbury growers have experienced over a decade or more with QX and many other things happening. Growers in that particular area are some of the best in the country. Sometimes I wonder about their will and how they keep going. I admire them. Some families have been part of that industry for a long time, but one thing I know is that my colleague the Minister for Primary Industries hails from a primary industry background. I know that she will be working on this issue. I do not have the details in relation to that issue, but I certainly undertake to get an answer.

### CONSTRUCTION INDUSTRY INSOLVENCY

**Mr SCOT MacDONALD:** My question without notice is addressed to the Minister for Finance and Services. What action is the Government taking to protect subcontractors in response to the Collins report on insolvency in the construction industry?

**The Hon. GREG PEARCE:** I thank the member for that important question. Members would be aware that in August 2012 the Government established an independent inquiry into construction industry insolvency. The inquiry's task was to look at the causes of the high rate of insolvency in New South Wales and consider options that could better protect the interests of subcontractors. The inquiry, chaired by Bruce Collins, QC, delivered a comprehensive report to the Government, which was released in January this year. In response to the inquiry's recommendations the New South Wales Government is taking decisive action to address the impact of insolvency on small businesses and to protect the Government's construction program.

The reforms address long-standing practices of some participants in the industry that work to the detriment of small businesses in the sector—that is, subcontractors. A statutory trust scheme has been established to protect a subcontractor's cash retentions and is the first of its kind in Australia. The Government will legislate to deliver faster payment periods that will require subcontractors to be paid within 30 days. A new legal requirement with offence provisions will target head contractors who knowingly provide false or misleading information relating to the payment of subcontractors and there will be important reforms to government construction procurement and contracting. There will be a trial on government contracts involving trust accounts, the establishment of project bank accounts and direct payments to subcontractors. Government agencies will be required to increase the frequency of and to conduct more comprehensive financial assessments of contractors engaged to perform construction work. Government agencies will be required to share financial assessments of those companies.

At this time the Government is choosing not to go down the path of establishing statutory construction trusts. The trust mechanism proposed to the Government in the report is a key part of our response to the Collins recommendations. Trusts will be used on government construction projects through the trial of project bank accounts while subcontractor cash retentions will be held in a fund to be administered by the Office of the Small Business Commissioner. The Government's initial response has been informed by meaningful consultation with the industry and an understanding that prevailing national economic conditions have contributed to the number

of insolvencies. The reforms I have outlined strike a balance between providing greater protection to subcontractors and ensuring that additional regulation does not add unreasonable costs to industry in a challenging economic environment.

The Government has listened to the support expressed by industry for a new licensing regime and the creation of a new statutory authority to regulate the industry as recommended by the inquiry. To ensure that the full range of regulatory and other costs are considered the Government has committed to a regulatory impact assessment and cost benefit analysis before any decision to proceed on those issues. Consultation and engagement with industry will continue through the establishment of an industry advisory group whose role will be to assist in communicating reforms to the industry, to assess the impact of those reforms and to assess the industry's capacity to absorb further reform. The advisory group will develop an education campaign that will focus on helping small operators to improve their business and financial management skills. This important initiative directly addresses a need for small businesses to assess and manage their exposure to risk when competing for work on construction projects.

Finally, the Collins report highlighted the Commonwealth Government's role in the issue of insolvency. The Commonwealth Government needs to take action to address issues such as insolvent trading and illegal phoenix activity, which are practices that are detrimental to legitimate businesses in the construction industry. I will keep the House informed of future developments in this important area. I extend the Government's gratitude and thanks to Mr Collins for his very thorough and committed work in preparing this report.

#### **OFFICE OF THE ENVIRONMENT AND HERITAGE JOBS RELOCATION**

**The Hon. ROBERT BORSAK:** My question is directed to the Minister for Finance and Services, representing the Minister for the Environment, and Minister for Heritage. I refer to the regional indicators report prepared by the Department of Trade and Investment which claims that 39,000 people in regional New South Wales have entered the work force since February 2012—in other words, 39,000 additional jobs have been created in regional New South Wales since February 2012. In line with the Government's decentralisation policy, will the Minister inform the House how many Environment and Heritage jobs have been relocated out of Sydney and where they have been relocated to in regional New South Wales?

**The Hon. GREG PEARCE:** The member has asked a very good question. I am pleased to note that the regional employment increase during the last 12 months to February 2013 confirms efforts taken by the New South Wales Government to strengthen regions. According to data in the NSW Regional Labour Force Trends report, which found that more than 39,000 people in regional New South Wales gained jobs between February 2012 and February 2013, the unemployment rate in the regions as of February 2013 was 5.5 per cent, well below the 10-year average of 5.9 per cent under Labor.

**The Hon. Greg Donnelly:** Go back to federation, Greg.

**The Hon. GREG PEARCE:** What was it like, Greg? More than 60 per cent of the State's employment growth in the last 12 months has come from outside greater Sydney. Regional New South Wales work force participation continues to rise, which is a strong indicator of economic strength driven by this Government's policies and commitment to the people of New South Wales. Since this Government has introduced strong fiscal discipline in government there have been more jobs in regional New South Wales, including 1,300 nurses and 624 police officers. In the nine months to March 2013 the Government has facilitated 28 regional investment projects worth more than \$300 million that support more than 650 jobs. This Government has delivered infrastructure to regional New South Wales through securing 30 per cent from Restart NSW, more than \$1.5 million for the Pacific Highway, funding for Bridges for the Bush and more than \$1.7 billion for hospitals in places such as Tamworth, Dubbo, Wagga Wagga, Port Macquarie, Bega, Lismore and Kempsey.

The regional indicators report highlights projects supported by the New South Wales Department of Trade and Investment, such as the development of Aspen Medical's new international centre for resource health in the Hunter that is set to create 250 direct jobs for that region. Aspen Medical currently employs 450 people and is an industry leader in its field. The development by Riverina Oils and Bio Energy Pty Ltd of the 170,000 tonne oilseed crushing and edible oil refining plant in Wagga Wagga represents a \$150 million investment and is expected to create approximately 80 direct jobs, 200 construction jobs and more than 500 indirect jobs. The good news keeps coming. The upgrade and extension of the runway at Orange airport is expected to create 273 new jobs in the local community, facilitate new aviation businesses, improve the district's links with other centres and capital cities, and increase tourism business to the region. That is notwithstanding



the Hon. Jeremy Buckingham standing in front of the planes on the airport runway, trying to stop them from landing and trying to stop the miners coming into Orange to work. I will have more good news— [*Time expired.*]

### ETHANOL INDUSTRY

**The Hon. STEVE WHAN:** My question is directed to the Minister for Roads and Ports. Given the Minister's longstanding support for ethanol in New South Wales does he endorse the comments made by the member for Monaro, published in his newsletter, that claim as an achievement the Government's decision to overturn its longstanding commitment to support the ethanol industry?

**The Hon. DUNCAN GAY:** I can only take the member's comments on face value. I do not necessarily believe anything he says.

**The Hon. Michael Gallacher:** Which face?

**The Hon. DUNCAN GAY:** Yes. The member for Monaro is an absolutely outstanding member and he will be the local member for a long time. The Hon. Steve Whan will be sitting on the losers lounge for nearly as long.

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

### NSW POLICE FORCE COMMISSIONER'S CUSTOMER SERVICE EXCELLENCE AWARDS

**The Hon. CHARLIE LYNN:** My question is directed to the Minister for Police and Emergency Services. Will the Minister update the House on the NSW Police Force Commissioner's Customer Service Excellence Awards?

**The Hon. MICHAEL GALLACHER:** The purpose of the Commissioner's Customer Service Excellence awards is to recognise outstanding achievements and excellence in the delivery of customer service by NSW Police Force sworn officers and non-sworn staff, as well as specialist units and commands as a whole. The awards recognise officers, civilians and volunteers whose dedication to duty and exceptional customer service has been acknowledged by both the community and their peers.

I understand that over 130 nominations acknowledging the finest examples of customer service delivery by our officers, local area commands and other specialist commands were received from across the State as well as from within the Police Force. The customers of the Police Force are victims of and witnesses to crimes, members of the community, internal colleagues and stakeholders. Customer service should be at the heart of everything the NSW Police Force does. It is how the Police Force interacts with the public. The NSW Police Force encourages its members to provide the highest level of service to the community and should be the priority of every officer.

High standards of service to the community are expected from a profession that is tough and dangerous and can be emotionally draining. It takes compassion, patience and emotional and physical energy to face the most difficult issues in our communities and to deal with difficult customers. Good customer service is the lifeblood of any organisation. The essence of good customer service is forming a relationship with customers, ensuring that they are happy and satisfied, keeping them informed and attending to their concerns.

One of the core responsibilities of policing is building community confidence. I applaud the commitment of the Police Force to fostering community relations by officers being accessible to members of the public and available to listen to their concerns, keeping the public informed, and demonstrating their professionalism throughout their dealings with the public. As the Customer Service Charter states, the benefits of good customer service are public confidence, fewer complaints, staff recognition and the willingness of victims of crime to come forward and talk to the police.

We need to acknowledge the outstanding work done by numerous dedicated and committed people who go above and beyond the call of duty. The recipients of the Customer Service Excellence awards have demonstrated this commitment and shown exemplary contribution to the NSW Police Force and to the

community. Another initiative of the NSW Police Force to increase its customer service is through the use of social networking, including Eyewatch through Facebook, Twitter, YouTube and even Weibo to engage and best serve the community. I congratulate the NSW Police Force on its continued service to the community.

As the time for questions has expired, if members have further questions I suggest that they place them on notice.

### **NSW POLICE FORCE CHILD ABUSE SQUAD**

**The Hon. MICHAEL GALLACHER:** Earlier in question time I was asked a question by the Leader of the Opposition. The meeting with senior police in relation to the matters he raised was in mid-February, not mid-January as I stated. Further, police are looking at backfilling jobs within 45 days whereas I had erroneously indicated 30 days.

### **PROSTHETICS SERVICES**

**The Hon. MICHAEL GALLACHER:** On 26 March 2013 the Hon. Paul Green asked me a question about the provision of prosthetics services in New South Wales. The Minister for Health has provided the following response:

I refer the honourable member to the answer provided to Question on Notice 3576 in the Legislative Assembly.

### **SOUTHERN HIGHLANDS COALMINING**

**The Hon. DUNCAN GAY:** On 26 March 2013 the Hon. Jeremy Buckingham asked me a question about coalmining in the Southern Highlands. The Minister for Resources and Energy has provided the following response:

(1)-(3) As is their legal right, the title holder has sought access to land under appropriate sections of the Mining Act 1992, including sections 142 and 143.

### **PUBLIC HOUSING RENTS**

**The Hon. GREG PEARCE:** On 29 March 2013 the Hon. Sophie Cotsis asked me a question about ruling out increases to rents for pensioners in public housing. I provide the following response:

I have been advised by Minister Goward that most pensioners in public housing are eligible for a rent subsidy whereby they only pay 25 per cent of their household income as rent with New South Wales taxpayers paying the remainder.

Public housing subsidies are reviewed twice a year to take account of changes in Centrelink payments. As has occurred since 2005, under the former Labor Government, 25 per cent of any increase is payable as rent by most public housing tenants.

The median weekly rent for a two bedroom flat in greater Sydney is \$470 per week.

If a public housing tenant pays around \$100 per week in rent they receive a subsidy from the New South Wales taxpayer of \$370 per week.

### **DEFERRED ANSWERS**

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

### **NATIONAL PARKS FERAL ANIMAL CONTROL**

On 26 February 2013 the Hon. Robert Borsak asked the Minister for Roads and Ports, representing the Minister for Primary Industries a question without notice regarding licensed conservation hunters. The Minister for Primary Industries and Small Business provided the following response:

Game Council NSW does not hold information regarding pest control programs operated by the National Parks and Wildlife Service.

The Minister for the Environment will be best placed to answer this question.

**MENINDEE LAKES WATER SUPPLY**

On 26 February 2013 the Hon. Robert Brown asked the Minister for Roads and Ports, representing the Minister for Primary Industries a question without notice regarding Lake Menindee water storage. The Minister for Primary Industries and Small Business provided the following response:

The Commonwealth has agreed in principal to infrastructure works at Menindee Lakes including:

- a regulator to isolate Lake Menindee from Lake Cawndilla; and
- a new larger outlet regulator from Lake Menindee to the Darling River.

The proposal includes use of aquifers located near Menindee to provide a supplementary drought security supply for Broken Hill. This is not an alternative water supply and Broken Hill would continue to draw water from the Darling River for its normal use.

The proposed package of works including infrastructure and proposed operational changes would achieve average evaporation savings of around 80,000 ML per annum.

**WOLLONGONG COAST SHIPPING**

On 26 February 2013 the Hon. Greg Donnelly asked the Minister for Roads and Ports a question without notice regarding Wollongong Coast shipping. The Minister for Roads and ports provided the following response:

I am advised:

- From time to time, due to a number of seasonal or market factors, the number of ships in the anchorage off the coast north of Wollongong can noticeably grow.
- Trading vessels regularly anchor in the waters off the coast of Newcastle and Port Kembla prior to entering the respective ports. However, the vast majority of these vessels anchor in Commonwealth waters which lie outside the jurisdiction of the State.
- As there is no suitable anchorage ground off the coast of the Sydney ports, vessels bound for Port Botany or Port Jackson tend to use the anchorage areas to the north or south of the Sydney area prior to entering port.

**DOMESTIC GAS RESERVATION POLICY**

On 26 February 2013 the Hon. Jeremy Buckingham asked the Minister for Roads and Ports, representing the Minister for Resources and Energy a question without notice regarding the domestic gas policy. The Minister for Resources and Energy provided the following response:

(1)-(2) Given New South Wales is currently producing just 6 per cent of its gas needs, I would be interested to know exactly what the member is suggesting be reserved.

**THIRLMERE LAKES AND MINING**

On 27 February 2013 the Hon. Cate Faehrmann asked the Minister for Finance and Services and Minister for the Illawarra, representing the Minister for the Environment and Minister for Heritage a question without notice regarding Thirlmere Lake. The Minister for the Environment provided the following response:

I received the final report from the Independent Committee—Thirlmere Lakes Inquiry on 24 October 2012 and referred it to the NSW Chief Scientist and Engineer for review in November 2012.

I received the review by the NSW Chief Scientist and Engineer on 8 March 2013, and am now considering its findings.

**TRANSPORT BRAND STRATEGIES**

On 27 February 2013 the Hon. Lynda Voltz asked the Minister for Roads and Ports a question without notice regarding the whole of transport cluster branding strategy. The Minister has provided the following response:

The approved budget for developing a whole of transport brand strategy is \$35,000.

**ORANGE WATER SUPPLY**

On 28 February 2013 the Hon. Robert Borsak, MLC, asked the Minister for Finance and Services and Minister for the Illawarra, representing the Minister for the Environment and Minister for Heritage a question without notice regarding the Orange water supply. The Minister for the Environment provided the following response:

I am advised as follows:

The Office of Environment and Heritage [OEHL] made a submission on the environmental assessment for the Macquarie River to Orange pipeline.

The Office of Environment and Heritage's role in this matter is advisory only. The decision on whether the assessment is adequate is a matter for the consent authority, which in this instance is the Planning Assessment Commission.

### MINING INDUSTRY

On 28 February 2013 the Hon. Robert Borsak asked the Minister for Roads and Ports, representing the Minister for Resources and Energy, a question without notice regarding the mining industry. The Minister for Resources and Energy provided the following response:

- (1)-(2) New South Wales produces a diverse range of minerals including coal, gas, metallic and industrial minerals and construction materials. The total value of these products were valued at over \$23 billion for the 2011-2012 financial year.

Mining brings significant economic benefits and employment opportunities to people living in regional and rural areas of the State.

An immediate cessation of all mining in New South Wales would have the following dramatic impact on this State:

- Current and planned infrastructure and services including schools, hospitals, road, transport, et cetera, would be impacted due to the loss of the State's income from royalties collected from minerals mined. During 2011-2012 the NSW mining industry contributed approximately \$1.46 billion in royalties to the State's income.
- The jobs and incomes of over 120,000 people will be in jeopardy. The New South Wales mining industry employs around 35,000 people directly and more than 85,000 people indirectly through the provision of both mine and non-mine related services. The majority of these jobs are in regional areas.
- The minerals industry is a major contributor to exports from New South Wales. New South Wales mineral and metal exports were worth more than \$21 billion in 2011-12, with coal being the single largest export by value from the State.
- Coal is also the source of more than 80 per cent of the State's electricity supply. The immediate cessation of mining in New South Wales would lead to massive ongoing blackouts not just in New South Wales, but in all States connected to the National Electricity Market as New South Wales's coal-fired generators represent 25 per cent of the total generation capacity in the National Electricity Market.

- (3) I would be very interested to hear how The Greens and the Hon. Jeremy Buckingham intend to create over 120,000 new jobs to replace those directly or indirectly associated with the mining industry.

I would also be interested to learn how The Greens and the Hon. Jeremy Buckingham propose to raise revenue to supplement the shortfall in the State's budget due to their desire to see New South Wales suffer a loss of \$1.46 billion in royalty income.

### DOMESTIC GAS RESERVATION POLICY

On 28 February 2013 the Hon. Jeremy Buckingham asked the Minister for Roads and Ports, representing the Minister for Resources and Energy, a question without notice regarding domestic gas. The Minister for Resources and Energy provided the following response:

- (1)-(2) I do not comment on newspaper reports.

### HUNTING IN NATIONAL PARKS

On 28 February 2013 the Hon. Luke Foley, MLC, asked the Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council, representing the Hon. Barry Robert O'Farrell, MP, Premier and Minister for Western Sydney a question without notice regarding the Amateur Hunting Program. The Premier and Minister for Western Sydney provided the following response:

I am advised:

The New South Wales Government has commissioned a review of the Game Council to ensure that the statutory requirements of the Game and Feral Animal Control Act 2002 are being met.

The supplementary pest control program in national parks will not commence until the completion of this review and the announcement of the Government response.

### CATHOLIC CHURCH AND CHILD SEXUAL ABUSE

On 28 February 2013 Mr David Shoebridge, MLC, ask the Minister for Police and Emergency Services a question without notice regarding the Catholic Church and child sexual abuse. I provide the following response:

The NSW Police Force has advised me:

The officer's participation on this committee some eight years ago was supported by the NSW Police Force and the NSW Ombudsman as it was considered important that an organisation as large and complex as the Catholic Church had in place appropriate processes to respond to matters including serious allegations of child sexual

assault. The issue of a potential conflict of interest was considered and both police and the Ombudsman were satisfied that appropriate processes were in place to manage the risk. No conflict of interest arose during the time the officer participated in the Professional Standards Resource Group.

In accordance with privacy guidelines, it is common practice to suppress the names of individuals involved in cases when their identities are not necessary to the deliberations of a meeting. However, all other relevant information on the alleged perpetrator, including any previous complaints and whether their current position involved any practising ministry, for example, was provided to the meeting. The exchange of information between the NSW Police Force and the Catholic Church in New South Wales occurred separately to the deliberations of the Professional Standards Resource Group. It is considered that the involvement of the officer was transparent, appropriate and in the best interests of all stakeholders.

#### **CATHOLIC CHURCH AND CHILD SEXUAL ABUSE**

On 12 March 2013 Mr David Shoebridge asked the Minister for Police and Emergency Services a question without notice regarding Sergeant Beth Cullen and sexual abuse in the Catholic Church. The Minister for Police and Emergency Services provided the following response:

I refer the member to my response on 4 April 2013 to his previous question on this matter.

#### **MUNDARLO BRIDGE PROPOSAL**

On 12 March 2013 the Hon. Robert Borsak, MLC, asked the Minister for Finance and Services and the Minister for Illawarra a question without notice regarding the Mundarlo Bridge. The Minister for the Environment provided the following response:

I am advised as follows:

The Office of Environment and Heritage has no plans to raise the height of the Mundarlo Bridge.

The Upper Murrumbidgee Environmental Flow Enhancement Project is a Commonwealth-funded feasibility study under the Environmental Works and Measures Program. The Commonwealth, therefore, is the decision-maker on the project.

#### **MURRAY-DARLING BASIN PLAN**

On 12 March 2013 the Hon. Robert Brown asked the Minister for Roads and Ports, representing the Minister for Primary Industries a question without notice regarding the Murray-Darling Basin. The Minister for Small Business and Primary Industries provided the following response:

The New South Wales Government position remains that we will not agree to implement the Commonwealth's basin plan until a number of key issues have been addressed.

New South Wales has long sought a proper commitment from the Commonwealth that it will now focus on infrastructure and environmental works and measures over the expedient but socially and economically costly approach of simply buying back water licences.

No such commitment has been forthcoming. Therefore, on 15 January 2013 I implemented by way of an order a limit on buyback for environmental purposes in New South Wales of 3 per cent of extractions per valley per decade. This will ensure sufficient time for rural communities to adjust to the removal of water from agricultural production and to the flow-on effects to other businesses in rural communities.

The position of the New South Wales Government remains that while we have no ability to stop the basin plan, we will not be signing any intergovernmental agreement on the basin plan until our concerns have been addressed.

#### **STATE RECORDS AUTHORITY ARCHIVES**

On 13 March 2013 the Hon. Adam Searle asked the Minister for Finance and Services a question without notice regarding the State Records Authority. The Minister for Finance and Services provided the following response:

The question relates to the previous year's budget process, as commented on in the State Record Authority 2011-12 Annual Report.

Requests for funding to support the Digital State Archive in future financial years remain under consideration.

#### **CONTAINER DEPOSIT SCHEME**

On 13 March 2013 the Hon. Paul Green asked the Minister for Finance and Services, representing the Minister for the Environment a question without notice regarding container deposits. The Minister for the Environment provided the following response:

The New South Wales Government supports the national approach under way and is the nominated lead jurisdiction in the process to prepare a Decision Regulation Impact Statement [DRIS] on Packaging Impacts. The DRIS will analyse the costs and benefits of 10 options to increase packaging recycling and decrease litter, including through the introduction of national container deposit schemes. It is due to be delivered to Australian environment Ministers by the middle of the year.

The New South Wales Government is waiting for the outcomes of the DRIS. The New South Wales Government is committed to making an evidence-based decision on this issue and remains open to all the options as long as they are cost effective and do not increase the cost of living burden on the community.

**MINING-AFFECTED COMMUNITIES ECONOMIC ASSESSMENT**

On 13 March 2013 the Hon. Mick Veitch asked the Minister for Police and Emergency Services and Minister for the Hunter a question without notice regarding the economic assessment of mining-affected communities. The Minister for Regional Infrastructure and Services provided the following response:

Distribution of funds under the Resources for Regions Program was determined by the 2012 Economic Assessment of Mining Affected Communities. This was conducted by a working group of senior officials, chaired by NSW Trade and Investment, with representatives from the Office of Resources and Energy, Department of Premier and Cabinet, Department of Planning and Infrastructure, NSW Treasury, Department of Finance and Services and Roads and Maritime Services NSW. An independent auditor, Hill Rogers Spencer Steer, was appointed to identify and report any issues which could compromise the integrity of the assessment. No issues of material concern were identified.

The report, which includes detailed methodology, is publicly available at:

[www.business.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0019/27154/economic\\_assess\\_mining\\_comms\\_20130227.pdf](http://www.business.nsw.gov.au/__data/assets/pdf_file/0019/27154/economic_assess_mining_comms_20130227.pdf).

All local government areas, including those in western New South Wales, will again be considered in next year's assessment.

**BLACKTOWN LOCAL ENVIRONMENTAL PLAN**

On 13 March 2013 the Hon. Fred Nile asked the Minister for Finance and Services a question without notice regarding the Blacktown local environmental plan. The Minister for Local Government provided the following response:

The issues you have raised relate to strategic land use planning and fall outside of my portfolio responsibilities. Such issues are properly matters to be directed to my colleague the Hon. Brad Hazzard, MP, in his capacity as Minister for Planning and Infrastructure.

**MINING-AFFECTED COMMUNITIES ECONOMIC ASSESSMENT**

On 13 March 2013 the Hon. Peter Primrose asked the Minister for Roads and Ports a question without notice regarding mining-affected communities. The Minister for Roads and Ports provided the following response:

I am advised:

Distribution of funds under the Resources for Regions Program was determined by the 2012 Economic Assessment of Mining Affected Communities. This was conducted by a working group of senior officials, chaired by NSW Trade and Investment, with representatives from the Office of Resources and Energy, Department of Premier and Cabinet, Department of Planning and Infrastructure, NSW Treasury, Department of Finance and Services and Roads and Maritime Services NSW. An independent auditor, Hill Rogers Spencer Steer, was appointed to identify and report any issues which could compromise the integrity of the assessment. No issues of material concern were identified.

The report, which includes detailed methodology, is publicly available at:

[www.business.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0019/27154/economic\\_assess\\_mining\\_comms\\_20130227.pdf](http://www.business.nsw.gov.au/__data/assets/pdf_file/0019/27154/economic_assess_mining_comms_20130227.pdf)

**MINING ROYALTIES FOR REGIONS**

On 13 March 2013 the Hon. Robert Borsak asked the Minister for Roads and Ports, representing the Minister for Resources and Energy a question without notice regarding the economic assessment of mining-affected communities. The Minister for Regional Infrastructure and Services provided the following response:

Distribution of funds under the Resources for Regions Program was determined by the 2012 Economic Assessment of Mining Affected Communities. This was conducted by a working group of senior officials, chaired by NSW Trade and Investment, with representatives from the Office of Resources and Energy, Department of Premier and Cabinet, Department of Planning and Infrastructure, NSW Treasury, Department of Finance and Services and Roads and Maritime Services NSW. An independent auditor, Hill Rogers Spencer Steer, was appointed to identify and report any issues which could compromise the integrity of the assessment. No issues of material concern were identified.

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All local government areas, including those in western New South Wales, will again be considered in next year's assessment.

**COMBAT SPORTS INSPECTORS AUTHORISATION**

On 13 March 2013 the Hon. Lynda Voltz asked the Minister for Police and Emergency Services a question without notice regarding combat sports. The Minister for Police and Emergency Services provided the following response:

I am advised by the NSW Police Force:

There are no police officers who are currently or previously authorised to exercise functions of combat sport inspectors. It should be noted that police have certain powers to act without this authorisation in relation to combat sports.

In accordance with clause 45 of the Combat Sports Regulation 2009 any police officer on duty at a professional combat sport contest has the power to direct the referee to stop the contest if the officer considers that the combatant is exhausted, injured, unable to defend themselves or unable to continue the contest. Other situations where a police officer may direct the referee to stop the contest include if a disruption occurs and the police officer considers that the contest should be stopped, or in circumstances of a kind determined by the Combat Sports Authority.

#### **LOCAL GOVERNMENT TREE MANAGEMENT POLICY**

On 13 March 2013 the Hon. Paul Green asked the Minister for Finance and Services, representing the Minister for Local Government a question without notice regarding tree safety. The Minister for Local Government provided the following response:

Councils have a range of existing powers to manage trees in their areas.

Under the Environmental Planning and Assessment Act 1979, councils may order the preservation of a tree or trees. Additionally, under the Local Government Act 1993, councils may issue an order to the owner or occupier of land to take action to ensure that the land is kept in a safe condition.

Under the Local Government Act, councils are established as largely independent bodies. The Act does not empower me as Minister for Local Government to direct councils in relation to the management of a tree or trees.

Nuisance or risk to public safety presented by trees on private land is generally a civil matter between the affected parties which may be resolved via negotiation or civil action under the Trees (Disputes Between Neighbours) Act 2006. The Act, which commenced in 2007, provides a cost-effective mechanism for resolving disputes such as these.

#### **LOCAL GOVERNMENT BOUNDARIES REVIEW**

On 13 March 2013 the Hon. Sophie Cotsis asked the Minister for Finance and Services a question without notice regarding council boundaries. The Minister for Local Government provided the following response:

The Independent Local Government Review Panel is an independent body with responsibility, under its terms of reference, for managing the review process and determining consultation requirements. The panel has not yet released its Future Directions Paper and is not scheduled to do so until late April.

Over the past year, I understand that the panel has undertaken two rounds of community and stakeholders consultation. This included 14 regional community forums, as well as the opportunity for members of the public—residents and ratepayers—to make written submissions on the future needs of their communities and the case for local government reform.

I am advised that the panel has indicated, in a press release issued on 8 March 2013, that it intends to hold further regional meetings with community members following the release of the Future Directions Paper.

#### **ALBION PARK RAIL BYPASS**

On 13 March 2013 the Hon. Shaoquett Moselmane asked the Minister of Roads and Ports a question without notice regarding the Albion Park Rail Bypass. The Minister for Roads and Ports provided the following response:

I am advised:

Roads and Maritime Services is in the process of reviewing the corridor included in Wollongong and Shellharbour Councils local environmental plans for the future alignment of Princes Highway between Yallah and Oak Flats.

The study involves reviewing the corridor to ensure that it meets current road design standards, updating the traffic modelling and investigating other potential constraints to the corridor being used for the future route.

The results of this study are expected to be finalised mid-2013.

#### **ILLEGAL FIREARMS AMNESTY**

On 13 March 2013 Mr David Shoebridge asked the Minister for Police and Emergency Services a question without notice regarding illegal firearms. The Minister for Police and Emergency Services provided the following response:

I am advised:

The Firearms Act 1996, the Act, provides that a person surrendering a firearm to police does not commit an offence under any other provision in the Act by doing so.

Provision is also specifically made for the executor or administrator of a deceased estate of a person that owned firearms to take up to six months to make arrangements for the firearms lawful disposal.

A broader amnesty remains an option available for the NSW Police Force to recommend if at any time the force considers it would assist in removing illegal guns from the community.

### LEICHHARDT FIRE STATION

On 14 March 2013 the Hon. Adam Searle asked the Minister for Police and Emergency Services a question without notice regarding the Leichhardt fire station. The Minister for Police and Emergency Services provided the following response:

I am advised by Fire and Rescue NSW:

Leichhardt fire station was temporarily taken off line for short durations on three occasions in the specified period. Leichhardt fire station was taken off line on 2 and 9 March for part of the day and on 14 March Leichhardt fire station was required to provide cover at Warragamba for the day. Nevertheless, these arrangements have minimal impact on the response times or fire services to the community and are no different to arrangements that have been standard practice for over 100 years.

The area was protected during these short periods by other fire crews located at Glebe, Newtown and Ashfield.

### NATIVE VEGETATION LEGISLATION

On 14 March 2013 the Hon. Robert Brown asked the Minister for Finance and Services and Minister for the Illawarra a question without notice regarding native vegetation. The Minister for the Environment provided the following response:

- The Native Vegetation Act 2003 is not being reviewed.
- The Native Vegetation Regulation 2005 is being reviewed.
- The regulation is scheduled for staged repeal under the Subordinate Legislation Act 1989 on 1 September 2013.

The Government will make announcements about the review outcomes before that date.

### KANGAROO POPULATION

On 14 March 2013 the Hon. Robert Borsak asked the Minister for Finance and Services, representing the Minister for the Environment and Minister for Heritage a question without notice regarding the kangaroo population. The Minister for the Environment provided the following response:

Surveys undertaken in 2012 using well-established methodologies indicate that the total population of red, eastern grey, western grey kangaroos and common wallaroos in the commercial harvest zones of New South Wales, generally west of the Great Dividing Range, is more than 11 million. Populations have increased each year since the breaking of the drought in 2009-10. Systematic, broadscale surveys are only conducted in areas of the State where commercial harvesting is undertaken.

The Scientific Committee is an independent organisation that accepts submissions from the public on a large range of matters in respect to nominations. Surveys undertaken by the Office of Environment and Heritage are also made available to the Scientific Committee. Comparisons with submissions to the Scientific Committee have not been made by the Office of Environment and Heritage.

### POLITICAL LOBBYING

On 14 March 2013 the Hon. Jeremy Buckingham asked the Hon. Barry O'Farrell, Premier and Minister for Western Sydney a question without notice regarding political lobbying. The Minister for Police and Emergency Services provided the following response:

The Government is committed to transparency in relation to lobbying across all portfolios. The New South Wales Government Lobbyist Code of Conduct therefore provides that all lobbyists who act on behalf of third party clients, irrespective of the department or Minister with whom they are dealing, must be registered with the Department of Premier and Cabinet before they can lobby Government representatives. The Register of Lobbyists is a public document that contains information about lobbyists, including their business registration details and the names of their clients. Lobbyists are also required to comply with the ethical principles set out in the code when engaging with Government representatives.

### UNTREATED WASTEWATER RELEASES

On 14 March 2013 the Hon. Greg Donnelly asked the Minister for Finance and Services a question without notice regarding wastewater. The Minister for Finance Services provided the following response:

No sewage was discharged to the environment untreated between 1 and 4 March 2013.

### DEPARTMENT OF PRIMARY INDUSTRIES FLOOD RESPONSE MANAGEMENT

On 14 March 2013 the Hon. Shaoquett Moselmane asked the Minister for Roads and Ports, representing the Minister for Primary Industries a question without notice regarding primary industries flood response management. The Minister for Primary Industries and provided the following response:

Fruit flies on the North Coast are endemic. Fruit flies are treated as a production issue and are controlled by growers. Fruit fly populations continue to vary depending on climatic conditions, as they have done for decades. The Department of Primary Industries continues to provide fruit fly control advice to growers and urban residents.



### **NARARA VALLEY HIGH SCHOOL PARTNERSHIP AGREEMENT**

On 14 March 2013 Dr John Kaye asked the Minister for Roads and Ports, representing the Minister for Education a question without notice regarding Narara Valley High School. The Minister for Education provided the following response:

On 5 March 2013 Narara Valley High School was informed that the school's application for a \$10,000 Doyles Creek mine community grant was successful. The school was one of four 2013 recipients of this publicly advertised grant opportunity.

The school plans to use the grant to assist in raising the numeracy levels of students in years 7 to 9 by updating teaching programs to ensure their relevance to real life in the local community, within the bounds of the current New South Wales curriculum.

Currently there is no other form of partnership or agreement between the school and NuCoal. Should the school's exploration of ways to further improve student learning outcomes and to better place students for future career opportunities lead to any formal arrangement in the future, this would be subject to approval within the guidelines of the Department of Education and Communities' normal processes.

Departmental policies and guidelines that ensure appropriateness of any school industry partnerships include: Workplace Learning Policy for Secondary Students in Government Schools; Sponsorship Policy and Guidelines; and Commercial Arrangements—School-Based Activities Policy and Guidelines.

### **COLO HEIGHTS FIREFIGHTING OPERATIONS**

On 19 March 2013 the Hon. Jeremy Buckingham asked the Minister for Police and Emergency Services a question without notice regarding Colo Heights fire operations. The Minister for Police and Emergency Services provided the following response:

I am advised by the NSW Rural Fire Service [RFS] that Rapid Aerial Response Teams and Remote Area Firefighting Teams from both the NSW Rural Fire Service and the National Parks and Wildlife Service did attend a Tinda Creek fire, which was active between 12 and 15 January 2013 in the Mellong area, which is in the Colo Heights Rural Fire Brigade service area.

An initial water source for water bombing of the Tinda Creek fire was identified in a disused sand mine, however this was not used as it would have necessitated the closure of Putty Road to enable aircraft to cross with buckets. A second water source on a private property was identified and then used for water bombing. After the fire, I am advised that rumours circulated in the local area that the property owner stored water from coal seam gas fracking. The Rural Fire Service district officers subsequently visited the property and confirmed that the dam water used was normal water.

In my response on 19 March 2013, I indicated that I understood health checks had been performed on the personnel some months ago and I understood there was an internal investigation. My recollection was of an incident that occurred on 6 November last year when a helicopter mistakenly dropped secondary treatment water near fire fighters. All 29 fire fighters were decontaminated by Fire and Rescue NSW and they were checked by paramedics at the scene. As a precaution, each firefighter was provided with further medical follow up. The NSW Rural Fire Service subsequently launched an investigation into the incident last year.

### **WASTE LEVY**

On 20 March 2013 the Hon. Paul Green asked the Minister for Finance and Services and Minister for Illawarra a question without notice regarding the waste levy. The Minister for the Environment provided the following response:

I am advised as follows:

In accordance with the Subordinate Legislation Act 1989, the Protection of the Environment Operations (Waste) Regulation 2005 is due to be remade by 1 September 2013. As part of this process, the Environment Protection Authority in consultation with stakeholders will be reviewing all provisions and requirements within the regulation, including the use of waste and other materials for operational purposes at landfills. A draft regulation and regulatory impact statement are expected to be released for public consultation shortly.

### **TAFE FINE ARTS COURSES**

On 20 March 2013 Dr John Kaye asked the Minister for Roads and Ports a question without notice regarding the TAFE fine arts courses. The Minister for Education provided the following response:

The New South Wales Government will consider its response to task force recommendations when the final report is completed in the middle of the year and will respond to each and every recommendation.

### **PUBLIC SCHOOLS BUDDHIST SCRIPTURE CLASSES**

On 20 March 2013 Reverend the Hon. Fred Nile asked the Minister for Roads and Ports, representing the Minister for Education a question without notice regarding Buddhist scripture classes. The Minister for Education provided the following response:

According to the Buddhist Council of New South Wales, the approved provider for Buddhist scripture classes in New South Wales public schools, there are at least 60 public schools awaiting a Buddhist scripture teacher and many more schools that have to cap classes due to a lack of availability of Buddhist scripture teachers.

Enrolment data for 2013 shows an increase of over 500 students identifying as Buddhist from 2012. In the Sydney region 2, 200 students identify as Buddhist. This represents 13 per cent of Buddhist students in New South Wales public schools. The majority, 58 per cent, of Buddhist students in Sydney are in the south-western Sydney region.

According to the Australian Bureau of Statistics, Buddhism is the second largest religion after Christianity in Australia and is the third fastest growing religion, with an increase of 48 per cent since 2011. This growing diversity is also reflected in New South Wales public schools.

#### **PUBLIC HOUSING TENANCY SUCCESSION**

On 20 March 2013 the Hon. Jan Barham asked the Minister for Finance and Services a question without notice regarding the public housing. The Minister for Family and Community Services and Minister for Women provided the following response:

People under 16 years are not eligible for social housing and are not eligible for succession under either the previous or the new policy.

Children of a household whose parents have had to leave can remain in the property under the care of a legally appointed guardian or custodian.

Under the new policy, other household members, including spouse or de facto partners under the age of 55, young persons of 16 or 17 and carers, may be eligible for recognition as a tenant, succession, if they meet the eligibility criteria for priority housing assistance.

If these clients do not meet the criteria, they may be eligible to receive assistance to move into the private rental market.

These changes will ensure that household members who do not have a priority housing need do not jump the queue ahead of people, including homeless people, who are already approved for priority housing. They will also encourage people to resolve their housing need on the private rental market.

#### **SPEED CAMERA SITES**

On 21 March 2013 the Hon. Adam Searle asked the Minister for Roads and Ports a question without notice regarding speed camera sites. The Minister for Roads and Ports provided the following response:

I am advised:

The Safer Roads website was upgraded on 1 June 2012 to enable the community to nominate a location for a speed camera. Since then, 601 nominations have been submitted statewide.

All nominated locations are assessed to determine if they are suitable for speed camera enforcement. New locations will be progressively published on the Centre for Road Safety website.

Red-light speed camera enforcement has been installed at the intersection of Lane Cove and Cocks Road, North Ryde, and will be operating from mid-April. This location received the highest number of nominations on the Safer Roads website for a single intersection.

#### **INDIGENOUS HEALTH**

On 21 March 2013 the Hon. Jan Barham asked the Minister for Police and Emergency Services a question without notice regarding Indigenous health outcomes. The Minister for Health and Minister for Medical Research has advised the following response:

Discussions regarding the expiration of the National Partnership Agreement on Closing the Gap in Indigenous Health Outcomes are underway between all jurisdictions in Australia, including the Commonwealth.

The New South Wales Government is committed to the continuation of efforts regarding closing the gap in Indigenous health. A wide range of programs have been supported, through partnership arrangements with a range of Aboriginal health organisations, including initiatives to tackle smoking, support justice health and injury prevention, environmental health programs, dental health, and several workforce development initiatives.

In addition to continued commitment to closing the gap, the New South Wales Government released the NSW Aboriginal Health Plan 2013-2023, which provides a vision, goal and strategic directions for the health system in New South Wales to meet the challenges of closing the health disparities between Aboriginal and non-Aboriginal people.

#### **MINISTERIAL OFFICE ACCOMMODATION**

On 21 March 2013 the Hon. Robert Brown asked the Premier and Minister for Western Sydney a question without notice regarding ministerial accommodation. The Minister for Police and Emergency Services provided the following response:

I am advised:

Since coming to office the Government has been consolidating government office space in the central business district to ensure taxpayers' interests are protected as well as seeking to relocate staff and government functions outside the central business district under its Decade of Decentralisation policy. The relocation of Parliament

from the central business district has not been considered for several reasons, including the historical significance of the current site, which has been the home of the New South Wales Parliament since 1829 and the costs of constructing a new facility.

#### **LOCAL GOVERNMENT FINANCE REVIEW**

On 21 March the Hon. Sophie Cotsis asked the Minister for Finance and Services, and Minister for the Illawarra, representing the Minister for Local Government, a question regarding council finances. The Minister has provided the following response:

The report will be released on Friday 19 April 2013.

#### **MALE TEACHERS**

On 21 March 2013 the Hon. Paul Green asked the Minister for Roads and Ports, representing the Minister for Education a question without notice regarding male primary school teachers. The Minister for Education provided the following response:

Teacher quality is widely recognised as the single greatest in-school influence on student engagement and outcomes. The focus of the Department of Education and Communities is on attracting and retaining quality teachers, both male and female, in New South Wales public schools.

The department implements a range of strategies to attract high-quality high school and university graduates to teaching as a career, with both men and women positively depicted in a variety of teaching contexts.

Under the Great Teaching, Inspired Learning initiative, the department will be pursuing strategies to ensure that teaching will attract more of the brightest and motivated school leavers and career changers, both male and female, and best develop them to support quality teaching and learning in New South Wales schools.

#### **RENEWABLE ENERGY ACTION PLAN**

On 25 March 2013 Dr John Kaye asked the Minister for Roads and Ports, representing the Minister for Resources and Energy a question without notice regarding renewable energy. The Minister for Resources and Energy provided the following response:

Submissions to the Renewable Energy Action Plan are being considered and the final report will be released shortly.

The honourable member can be assured that, as with the draft Renewable Energy Action Plan, all wasteful green schemes will be excluded from the final plan.

#### **CHILD SEX OFFENDER PENALTIES**

On 25 March 2013 the Hon. Fred Nile asked the Minister for Police and Emergency Services a question without notice regarding child sex penalties. The Hon. Greg Smith provided the following response:

I am advised:

The New South Wales Law Reform Commission [LRC] is currently undertaking work to finalise its review into the Crimes (Sentencing Procedure) Act 1999. The Government anticipates receiving the Law Reform Commission's final report on sentencing shortly. The final report must be tabled within 14 sitting days of being received by the Attorney General.

#### **NATIONAL PARKS**

On 27 March 2013 Mr Borsak asked the Minister for Finance and Services, and Minister for the Illawarra, representing the Minister for the Environment and Minister for Heritage provided the following response:

I am advised as follows:

The total area of the six new parks is 11,284 hectares, including Dharawal and Berowra Valley national parks, and Wianamatta Nature Reserve. The total area of additions to existing parks is 11,237 hectares, including the addition to Goulburn River National Park. Malabar Headland National Park was the subject of an earlier announcement, with a total area of 18 hectares.

#### **MACQUARIE MARSHES NATURE RESERVE**

On 27 March 2013 Mr Brown asked the Minister for Finance and Services, and Minister for the Illawarra, Representing the Minister for the Environment and Minister for Heritage, provided the following response:

I am advised as follows:

1. Two feasibility studies are being conducted to assess options for improvements in water management infrastructure in the Macquarie Marshes:
  - The Southern Marshes Stream Restoration Scoping study, funded by the Australian Government's Water for the Future program, is evaluating options to reinstate overbank flooding and restore a more natural flooding regime, within the constraints of river regulation.

- Under the Basin Pipe project, a feasibility study is being conducted to investigate water efficiency gains that could be made from piping stock and domestic water supplies to landholders on the lower Macquarie River.
- 2. Feral pig control in the Macquarie Marshes Nature Reserve and State Conservation Area is undertaken by the Office of Environment and Heritage, Livestock Health and Pest Authorities and landholders on adjacent private lands. The Macquarie Marshes Nature Reserve is also being assessed for inclusion in the supplementary pest control program.

**Questions without notice concluded.**

## **DEATH OF SENIOR CONSTABLE TONY TAMPLIN**

### **Ministerial Statement**

**The Hon. MICHAEL GALLACHER** (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [5.03 p.m.]: On behalf of my colleagues on this side of the House, the Commissioner of Police, members of the NSW Police Force and members opposite I extend my sincerest sympathies to the family of Senior Constable Tony Tamplin following his sudden death in the Hunter Valley yesterday. I know that Tony will be greatly missed by his much-loved wife, Sonia, and their six children. Tony was on duty yesterday morning when he suffered a heart attack and subsequently died. His colleagues performed cardiopulmonary resuscitation but, sadly, were unable to revive him. The Police Force has lost a great mate and the Hunter region has lost a much-loved community figure.

Tony commenced duties at Chatswood in 1978 but was placed on restricted duties in 1984 after a serious motorcycle accident. For the next 29 years he served in the Hunter region as a media liaison officer. Most locals saw him as the face and voice of policing throughout the Hunter and Central Coast regions. He was also well known in the region for his charity work and as a qualified celebrant. Those who knew him will never forget pictures of him dressed as Elvis presiding over many significant moments in the lives of local families. He was an outstanding character and representative of the NSW Police Force. As both the Minister for Police and Minister for the Hunter I had the great pleasure and honour of knowing Tony. He really was a larger than life personality and he literally infected everyone with his good humour and enthusiasm.

It was only two weeks ago on 17 April that his family and workmates came together to celebrate Tony's 35 years of service with the NSW Police Force. His death yesterday will leave an enormous gap in the lives of everyone who knew him. Tony will be farewelled with a full police funeral. He will be greatly missed by his family, his police mates and the wider Hunter community.

**The Hon. LUKE FOLEY** (Leader of the Opposition) [5.06 p.m.]: On behalf of Labor members I join the Leader of the Government in mourning the death of Tony Tamplin and extending our sympathies to his family. Senior Constable Tony Tamplin leaves behind not only a wife but also six children. He was on duty yesterday morning when he suffered a heart attack. As the Minister said, he will be widely mourned by the police community and the people of the Hunter region. He was a very significant community figure in the Hunter. His 35 years in the NSW Police Force were a tremendous service to his fellow citizens, to the people of the Hunter and to the people of New South Wales. I am happy to join the Leader of the Government in extending our condolences to Tony Tamplin's family.

## **GENERAL PURPOSE STANDING COMMITTEE NO. 5**

### **Report: Budget Estimates 2012-2013**

**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.**

## **COMMITTEE ON THE OMBUDSMAN, THE POLICE INTEGRITY COMMISSION AND THE CRIME COMMISSION**

### **Reports**

**Debate resumed from 19 February 2013.**

**The Hon. CATHERINE CUSACK** [5.08 p.m.]: As chair of the Committee on the Ombudsman, the Police Integrity Commission and the Crime Commission I am pleased to have this opportunity to comment on

five of the committee's annual report reviews that were tabled in December 2012, namely, the Report on the Seventeenth Meeting with the NSW Ombudsman, the Report on the First General Meeting with the Conveyor of the Child Death Review Team, the Report on the First Meeting with the Information and Privacy Commissioner, the Report on the 13th General Meeting with the Police Integrity Commission, and the Report on the Twelfth General Meeting with the Inspector of the Police Integrity Commission. This committee is a current joint statutory committee, established on 4 December 1990 and re-established on 22 June 2011. The committee has the statutory authority oversight of the bodies I have just mentioned. The committee monitors and reviews the work undertaken by those bodies through the review of annual reports and other publications as well as through general meetings.

The committee's role under part 4A of the Ombudsman Act 1974 includes the monitoring and review of the exercise of the New South Wales Ombudsman's legislative functions. Over the past year the committee reviewed the past two annual reports of the New South Wales Ombudsman and discussed several matters of interest to the committee at the June 2012 general meeting with the Ombudsman's office. The committee heard from the Ombudsman that although there has been a substantial growth in the responsibilities of his office over the past two years, the allocated budget has not kept pace. The committee recognises the fiscal restraint exercised by the Office of the Ombudsman during the reporting period.

Other important issues discussed during the general meeting included the Ombudsman's investigations into asbestos in schools and taser use by the New South Wales Police Force. The committee looks forward to the Ombudsman's finalisation of these investigations. The committee was particularly interested in the use by the Ombudsman's office of software supplied by the New South Wales Police Force and discussed this issue in detail, as well as examining various licensing agreements. The committee thanks the Ombudsman and the Deputy Ombudsman for their time during the general meetings and commends them for the achievements of their office in circumstances of limited resources.

The committee's oversight of the New South Wales Ombudsman also includes oversight of his role as the convener of the Child Death Review Team. The meeting in June 2012 was the first occasion that the committee has met with the Ombudsman in that capacity. This function was transferred to the Ombudsman's office in February 2011, and the Ombudsman took the time and trouble to give our committee a very comprehensive and useful history of that matter. The committee heard that since assuming responsibility for the Child Death Review Team the Ombudsman has faced considerable challenges in relation to proper resourcing, as well as issues relating to technological platforms, data collection and data integrity. However, progress is being made towards addressing those concerns.

As an aside, I indicate that the Ombudsman is not the only one of our important New South Wales watchdogs that is struggling with technology issues. I foreshadow that it may be an issue that the committee will spend more time on to ensure that these officers, who perform an important job, have the basic tools required at their disposal, particularly in relation to child deaths. The significance of the historical data that are contained in that very unstable technology platform was of concern to the committee. I understand that the Ombudsman has successfully negotiated a solution to the problem. I regret that it was so difficult to resolve that issue but I am very relieved that the Ombudsman has done so. There are lessons to be learned there.

The general meeting provided the committee and the Ombudsman with an opportunity to discuss concerns about cross-jurisdictional reporting of child deaths. It is clear that there are discrepancies in the way the deaths of children who die in a different State to their home State are reported, and that affects the overall analysis that is underpinned by this data. It is clear that information relating to New South Wales children who die interstate or whose deaths are recorded interstate is not being captured by the New South Wales Child Death Review Team. This situation occurs in my region of the Northern Rivers. The nearest teaching hospital is in Brisbane and it is common for a child, even a drowning victim, in the Northern Rivers to be transferred by helicopter to Brisbane hospital in a desperate attempt to revive the child. We raised that issue with the Ombudsman. I appreciate his responses and the concern that everybody shows to ensure that the database is comprehensive. The death of any child in New South Wales is a tragedy and the function of the databases in informing government policy is very important. I thank the Ombudsman for recognising that. I acknowledge that it is a very complicated issue, but it is an ongoing issue of concern to the committee.

The Ombudsman is also in the process of conducting a project examining sudden unexpected death in infancy. The project is expected to be finalised this year. The committee thanks the Ombudsman for his time during the general meeting and commends him for the achievements of the Child Death Review Team, as I have

said, in circumstances of limited resources. The committee has oversight of the Information and Privacy Commission, as specified in the Government Information (Information Commissioner) Act 2000 and the Privacy and Personal Information Protection Act 1998.

The committee met with the Information Commissioner, Ms Deirdre O'Donnell, and the Privacy Commissioner, Dr Elizabeth Coombs, in May 2012. It was the first general meeting since the merging of the Information Commission and the Privacy Commission in January 2011. The commissioners outlined to the committee their ideas about the strategic direction for the new agency and the objectives they aim to achieve. For example, one of the key projects the Information and Privacy Commission is currently undertaking is improving information sharing between government agencies in New South Wales.

I commend the approach that is being taken by both commissioners, who have experience of being in small agencies, in this very important set-up phase of a new approach to information and privacy. They face enormous challenges in just establishing an office, but they are very much attuned to the compliance challenges that face other small agencies. They have gone about assisting government departments and agencies in a way that streamlines the requirements and makes it much simpler for officers in other agencies who are charged with responsibility for information and privacy policy to be able to quickly understand what the requirements are and to be able to more easily comply. As a person who abhors red tape, both external and internal, I cannot speak highly enough of the efforts of the commissioners in accomplishing that goal. It would be nice to see more of it in government.

Another key challenge discussed with the committee was the fact that while technology can greatly assist data storage and analysis it also presents issues relating to information security and the privacy of personal information. Concerns such as identity theft and cyber bullying alongside the growth of social media were discussed, as well as the implications of privacy and information guidelines for the use of closed circuit television [CCTV] cameras. The committee thanks both commissioners for their frank and comprehensive discussion about the important work of the Information and Privacy Commission.

I take this opportunity to note that subsequent to my tabling the report, the Information Commissioner, Ms Deirdre O'Donnell, informed us of her intention to retire in order to move back to Victoria with her family and fulfil family responsibilities. It was with considerable sadness that all members of the committee, and I think also the staff assisting the committee, received this news. She has been an absolutely outstanding public servant not only in her role as Information Commissioner but in the many roles that she has had in a very distinguished career. She was very highly qualified for her position. But over and above all her qualifications and expertise, most outstanding was her personality and a determination to work collaboratively with her staff and with the Privacy Commissioner, Dr Coombs—who I know valued her highly as a colleague—to achieve the best possible outcome for policy and for the people of New South Wales. I cannot speak highly enough of her dedication to public service and of her insights and the mentoring she shared within her organisation and with her staff.

I am sure there is a tremendous sense of sadness and apprehension that it will not be possible to replace Deirdre O'Donnell in that role. However, we look forward to a new commissioner, and the committee of course looks forward to working with the new commissioner. I put on the record what a wonderful asset she has been and how fortunate we have been to have her establish this platform in difficult economic circumstances—circumstances that are pressing for every public servant in the State. She was charged with the responsibility of setting up a new and innovative agency and the way she met that challenge has been a source of great admiration to the committee. In the past the committee has had concerns about the relationship between the Police Integrity Commission and its oversight body, the Inspector of the Police Integrity Commission. The general meeting was undertaken at a time when the commissioner and the inspector were both newly appointed and it presented an important opportunity to discuss any outstanding issues regarding the relationship. The committee is satisfied that the new relationship established between the inspector and commissioner has a positive basis and looks forward to appropriate ongoing cooperation between the two parties.

In a situation where the inspector is oversighting the police integrity agency there will always be the potential for tension in the relationship. Nevertheless, it is essential that there is at least a working relationship between the two bodies. All parties, all areas of government and the public want to see that. While I am not privy to the details of past events, I think it is fair to say that the working relationship had completely broken down to the detriment of both institutions. I congratulate the Government and the Minister for Police and Emergency Services on the new legislative architecture that seeks to resolve unproductive conflict between the agencies. The new relationship comes as a result of the positive appointments of two distinguished former justices who were willing to work together. Those men will form the basis of a productive future relationship. It is apparent to the committee that we now have the essential pieces in place for that to occur. I thank both gentlemen for their endeavours in that regard.

Task Force Emblems has been a topical issue. The committee took the opportunity to discuss the establishment of this investigation in some detail with the commissioner. The committee thanked the commissioner and his executive officers for their time during the general meeting and for their frankness and instructiveness. The committee also commended them for their achievements. As this was the first meeting of the committee with the new inspector of the Police Integrity Commission it provided the committee and the inspector with an opportunity to discuss resourcing and plans for the future as well as finalising a discussion with respect to the previous working relationship between the inspectorate and the Police Integrity Commission.

A key task before the inspector was the review of the Task Force Emblems matter, and the circumstances of this were discussed in some detail. The committee has since heard that the inspector has finalised his work with Task Force Emblems and looks forward with interest to hearing updates from the Ombudsman in relation to his work on the matter. The committee thanked the inspector for his time during the general meeting. I thank the members of the committee staff who worked on these reports, including Clara Hawker, Jacqui Isles, Emma Matthews and Rachel Simpson. I thank the members of the committee for their contributions, including the Hon. Adam Searle, the Hon. Sarah Mitchell, Mr Lee Evans, Mr Kevin Anderson, the Hon. Paul Lynch and Mr Ryan Park in the other place. I commend the reports to the House.

**The Hon. SARAH MITCHELL** [5.23 p.m.]: As a member of the Committee on the Ombudsman, the Police Integrity Commission and the Crime Commission I will speak on the five reports before the House. I thank the chair of the committee, the Hon. Catherine Cusack, for the great job she does. I also thank the other members of the committee. The committee works well together. We meet frequently and have a heavy workload. That is to the benefit of not only the members of the committee but also to the Parliament. I also thank the committee staff for their help and their hard work. They do a great job in their role.

Before these reports were published the committee held a series of hearings. Initially the committee was joined by the Ombudsman, Mr Bruce Barbour, in his capacity as the convener of the Child Death Review Team, Ms Monica Wolf, the director of systematic reviews, and Mr Jonathan Gillis, the deputy convener. I thank those three people for attending the meeting and for answering our questions. When the Ombudsman took responsibility as the convener of the Child Death Review Team the technological platforms and data integrity issues were a major concern. It was evident that the way in which the data was presented when he commenced his role as convener only allowed for a limited analysis to be formed.

Following their recognition of these issues the Ombudsman made changes to the team's reporting process. The committee was informed by the Ombudsman that he had conducted a review of the way in which the Child Death Review Team reported on patterns and trends. Since tabling the report last year only 15 responses were received and all of them were mainly positive. The meeting also heard about cross-jurisdictional problems when reporting child deaths. It is clear that there can be and often are significant issues with the way in which deaths are recorded. The primary issue is that the child's death is included in the records of the State where the record is made but not necessarily where the child died. The committee considered this in great detail. We recognised that it was a complicated issue, but we were determined to ensure we could have it resolved in the near future.

The committee also held meetings with the information and privacy commissioners in order to review the work of the Information and Privacy Commission in carrying out its legislative functions. We were grateful to hear from Ms Deirdre O'Donnell, who appeared in her dual capacity as chief executive officer of the newly established Information and Privacy Commission and as the Information Commissioner. We also heard from the Privacy Commissioner, Dr Elizabeth Coombs. The Information and Privacy Commission was established on 1 January 2011 and merged the previously separated agencies of the Office of the Information Commissioner and the Office of the Privacy Commissioner. In refining the role of the newly established agency, the commission undertook a planning session in March 2012 which identified seven key areas on which to focus. These were the merger of the two offices, relationship and stakeholder engagement, legislation and policy, systems, employees, clients, and corporate governance.

Another major area of investigation is the sharing of information. Ms O'Donnell explained to the committee that the Information and Privacy Commission had recently been involved in developing an information and communications technology strategy for New South Wales government agencies in order to store and analyse data to its full extent. That is a great achievement by Ms O'Donnell during her leadership. The Hon. Catherine Cusack mentioned that unfortunately Ms O'Donnell is leaving her position. I echo the comments that the Hon. Catherine Cusack made in her contribution. The committee members will miss having Ms O'Donnell in that role. She has been a wonderful advocate and is passionate about what she does. We wish her all the best for the future.

In May 2012 a general meeting was also held with the inspector of the Police Integrity Commission. As this was our first meeting with the inspector it was a worthwhile opportunity for the committee to discuss the resourcing and plans of the commission. The inspector informed the committee that his main objective while in office would be to assess the current governance structures with a view to ensuring that these structures work efficiently and that the system is monitored by an appropriate gatekeeper. A key task before the inspector was the review of the Task Force Emblems matter, and the circumstances around this were discussed in some detail during the general meeting. Again I note that the Hon. Catherine Cusack covered that well during her contribution. The committee also supported the inspector in the fulfilment of his duties in relation to this matter.

On 18 June 2012 the committee conducted a general meeting with Bruce Barbour, the New South Wales Ombudsman, and Ms Linda Waugh and Mr Christopher Wheeler as deputy ombudsmen. A number of challenges were raised during this meeting, including the effectiveness of the Ombudsman's governance structure and the interrelated concerns of ongoing budgetary constraints. It was important to have this conversation so that members of the committee were fully able to understand the potential problems and work towards a solution. It was also useful for committee members to ascertain clarification from the Ombudsman on a media story about the use and distribution of software in the New South Wales public service where concerns had been raised in relation to the licensing of that software. The committee was informed that a confidential settlement had been reached with the software company involved.

The use of tasers by the New South Wales Police Force was also raised. At the time of the meeting the investigation was underway. It had analysed more than 1,600 incidents where tasers were used and involved a detailed review of a further 632 cases. As members would be aware, the report on taser use by the New South Wales Police Force was handed down by the Ombudsman in October 2012. The findings supported the ongoing use of tasers. The Ombudsman also explained the new responsibility for his office—establishment of the public interest disclosures unit, which will be responsible for raising awareness of the Public Interest Disclosures Act 2003. The committee also learnt that the Ombudsman's office had provided educational materials and delivered training to more than 5,000 staff members across New South Wales.

The Committee also met with the Hon. Bruce James, QC, who is the Commissioner of the Police Integrity Commission, and his executive officers—Mr Andrew Nattrass, who is the Assistant Commissioner and Director of Operations, Mr Allan Kearney, who is the Director of Prevention and Information, and Ms Michelle O'Brien, who is the commission's solicitor. The meeting was undertaken at a time when the Commissioner of the Police Integrity Commission and the Inspector of the Police Integrity Commission both were newly appointed. It gave the committee members an opportunity to cover any issues following the newly separated relationship.

The committee heard about Operation Winjana, which investigated the conduct of certain members of the New South Wales Crime Commission staff and New South Wales Crime Commission officers as well some practices and policies of the New South Wales Crime Commission related to the Criminal Assets Recovery Act. This report was handed down in October 2012. The New South Wales Police Force had a number of critical incidents, including the death of an individual following the discharge of a police taser and the shooting of a juvenile following a police car chase. Members of the committee received clarification from the commissioner regarding the Police Integrity Commission's role in relation to critical incidents and overseeing police investigations.

The commissioner confirmed that the Police Integrity Commission does not have the resources or structure to enable it to investigate police critical incidents. Finally, the commissioner outlined his general understanding of the history and processes of Taskforce Emblems to the committee, which was also very worthwhile. I conclude my remarks by once again thanking all those who have been involved in the committee process, particularly those engaged in compilation of the five reports. It is certainly a valuable committee and I enjoy being a member of it. I look forward to participating in our ongoing work.

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

#### **COMMITTEE ON THE OMBUDSMAN, THE POLICE INTEGRITY COMMISSION AND THE CRIME COMMISSION**

**Report: Report on the Use of Anti-personnel Spray and Batons by Police Integrity Commission Officers**

**Debate resumed from 19 February 2013.**

**The Hon. CATHERINE CUSACK** [5.32 p.m.]: As Chair of the Joint Standing Committee on the Ombudsman, the Police Integrity Commission and the Crime Commission I will make some remarks about the



committee's recently tabled report on the inquiry into the use of anti-personnel spray and batons by Police Integrity Commission officers. Following a referral from the Premier the inquiry was established by resolution of the committee on 24 October 2012 to report on whether legislation is needed to enable Police Integrity Commission officers to use anti-personnel spray and batons to bring practices into line with those of New South Wales Police Force officers. During the inquiry the committee heard evidence of the administrative difficulties that the Police Integrity Commission investigators faced in relation to accessing equipment that is operationally necessary for the commission's important and sometimes dangerous work.

Given that the principal function of the Police Integrity Commission is to detect, investigate and prevent police corruption and other serious police misconduct, the committee was concerned to hear of cumbersome administrative burdens that are a hindrance to the commission's statutory functions. The work of the Police Integrity Commission is essential for the good governance of New South Wales. From time to time it is dangerous work. Risk management is an essential aspect of the work of the commission. The committee heard evidence during its inquiry that risk management features prominently in all operational work undertaken by the commission. However, the committee also understands that, in order to ensure that the commission's investigators have access to appropriate firearms and weapons, managing risk has resulted in serious ongoing administrative inconvenience. In fact, the inquiry found that the administrative requirements put in place to mitigate risk around the issue of weapons to investigators have led to circumstances that increase risk—the risk of compromising the identity of officers undertaking undercover operations.

The committee heard that in response to this heightened risk special procedures have been implemented to protect the commission's investigators. This is an extraordinary situation in which the risk management system is itself being risk managed. To minimise the administrative burdens that currently exist the Police Integrity Commission recommended to the committee that its investigators be provided with access to anti-personnel spray, batons and magazines for semiautomatic pistol ammunition and that this access be provided in a manner that does not involve licensing and permits. The committee supported this recommendation. The committee called for a clear legislative statement on the provision of appropriate firearms and weapons as outlined in the following recommendation:

The Committee recommends that section 124 of the Police Integrity Commission Act 1996 be amended to clearly provide 'approved former police officers' and other appropriately trained investigators of the PIC with the authority to possess and use firearms and weapons in a manner consistent with NSW Police Force officers, by including in section 124 (2) a list of approved weapons.

The committee's report also recommended that when officers of the commission are required to provide personal details to the New South Wales Police Force in relation to licensing and permits for firearms and weapons consideration be given to permitting those applications to be provided on an unidentified basis. The commission recommended that as an interim measure the Weapons Prohibition Regulation and the Firearms Regulation be amended to provide commission investigators with an exemption under the Weapons Prohibition Act and the Firearms Act with respect to anti-personnel spray, batons and magazines for semiautomatic pistol ammunition. The committee hopes that its recommendations for a simplified regulatory process will assist the Police Integrity Commission to discharge its important duties in a more expeditious and effective manner. Given that many of those administrative burdens were falling on the firearms registry, the registry had to go to extraordinary lengths to process the applications with only one officer. I commend the registry for the extraordinary lengths to which it went to comply with what had become a fairly irrational situation in the legislation. I believe that staff of the firearms registry will find relief in the recommendations as well.

I thank members of the committee staff who have worked on the report and the inquiry—Jackie Isles, Emma Matthews and Rachel Simpson. I also thank members of the committee for their contributions: the Deputy Leader of the Opposition, the Hon. Adam Searle and the Hon. Sarah Mitchell from the Legislative Council, and the member for Heathcote, Mr Lee Evans, the member for Tamworth, Mr Kevin Anderson, the member for Liverpool, the Hon. Paul Lynch, and the member for Keira, Mr Ryan Park from the Legislative Assembly. In thanking those members I add that one of the issues that was alarming to the committee was that prior to the Premier's referral this really untenable situation had been dragging on for a number of years—at least two years since the initial proposal that something had to be done. The difficulties that accumulated as other legislation changed but was not updated to incorporate new weapons meant that the firearms registry and the Police Integrity Commission have been wrestling with the difficulties for a very long time. Committee members were unable to understand why the process was allowed to become circular over such a long period.

The cross-party cooperation of all members of the committee enabled the reference to be dealt with almost in record-breaking time. We focused very much on the specific matter at hand and immediately moved to

establish a timetable. The assistance of staff was absolutely invaluable in ensuring that we could at least show some leadership in terms of a timely response to this matter. The Premier has since corresponded with the committee to indicate the Government's general support for the committee's recommendations. The Premier also is moving expeditiously to act on the recommendations made by the committee. I thank the Premier very much for that. I commend the report to the House.

**The Hon. SARAH MITCHELL** [5.39 p.m.]: I will make a brief contribution to this debate as a member of the committee. The chair, the Hon. Catherine Cusack, has covered the subject matter quite well. It is true that all the committee members were in total agreement that the work of the Police Integrity Commission is so important that we need to be doing all we can to protect it, given that from time to time it can be dangerous work. One of the things that came through clearly during the inquiry was that the administrative requirements and burdens that had been put in place for what seemed like such a simple solution had been there for far too long and were far too onerous, particularly for the firearms registry, as the Hon. Catherine Cusack alluded to in her contribution, particularly given that it had to implement special procedures to protect the integrity of those investigators so no identities were revealed that were not supposed to be.

The committee reviewed the recommendations of the Police Integrity Commission, which were basically that the investigators be provided with access to antipersonnel spray, batons and magazines for semiautomatic pistol ammunition and that this access be provided in a manner that did not involve licensing and permits. The committee supports this recommendation, and that was the genesis of the recommendations in this report. As the committee chair, the Hon. Catherine Cusack, said, there are five recommendations, all of which are sensible and go a long way towards alleviating this issue that has been around for far too long. It is pleasing, as a committee member, to know that the Premier and the Government are, in the main, supportive of the work the committee has done.

Interestingly, during the round table hearing the committee held we did not hear any evidence or receive any submissions that did not support the Police Integrity Commission's proposal. That is a further example of how necessary this inquiry and these changes were for members of the Police Integrity Commission. I commend the Government for bringing this matter to the urgent attention of the committee. The chair is right, the committee took the terms of reference seriously and proceeded swiftly and efficiently with the inquiry and dealt with the issue as quickly as it could. I thank the chair again, the committee members and also the staff, who enabled us to complete this inquiry and table a report in a timely manner.

**Debate adjourned on motion by the Hon. Sarah Mitchell and set down as an order of the day for a future day.**

## **GENERAL PURPOSE STANDING COMMITTEE NO. 1**

### **Report: Budget Estimates 2012-2013**

#### **Debate resumed from 21 February 2013.**

**Reverend the Hon. FRED NILE** [5.42 p.m.]: I am pleased to speak briefly on the General Purpose Standing Committee No. 1 report, Budget Estimates 2012-2013. During the week of 8 to 12 October 2012 the committee held four hearings, receiving 14 hours of evidence and examined the portfolio areas of Finance and Services, the Illawarra, Planning and Infrastructure, Treasury, Industrial Relations, Premier and Western Sydney. A supplementary hearing for the Treasury portfolio was held on Monday 26 November 2012. A brief summary of the issues raised during the hearings is included in our report on page 3.

Dealing with Finance and Services, questions were raised concerning Sydney Water's projected capital expenditure, water meter replacement program and estimated bills for Sydney Water customers. Issues raised during the committee's examination of the Illawarra included the long-term lease of Port Kembla's facilities, a \$100 million investment in the Illawarra region under the guidance of Infrastructure NSW, and questions were raised concerning public housing in Bomaderry, Warrawong and Claymore. In examining the portfolios of Planning and Infrastructure issues raised included Infrastructure NSW, public transport, strategic regional land-use policy, local government involvement in development and planning, the green paper A New Planning System for New South Wales and development reform, especially interaction between enterprise zones and local environment plans.

The hearing into Treasury and Industrial Relations was held on Tuesday 9 October. Issues raised during the committee's examination of the Treasury portfolio included Restart NSW, windfall revenues,

long-term lease of the Sydney desalination plant and Waratah bonds. It also included the distribution of GST revenue to New South Wales by the Commonwealth. Concern were continually expressed that New South Wales was not getting its just share based on the State's population. Questions were also asked about the appointment of the chair of Networks NSW, the Cobbora coalmine, electoral transactions, and financial measures, including reform of taxes and improving fiscal effectiveness across the New South Wales Government. With regard to the industrial relations portfolio the committee raised issues related to negotiations with public sector employees and the Public Service Association, funding wage increases for community sector workers, work undertaken by the New South Wales Office of Industrial Relations and leave for victims of domestic violence.

When the committee met with the Premier a number of matters were raised and questions were directed to the Premier to seek clarification concerning the State's financial position, the redevelopment of Barangaroo, investment in western Sydney, including the widening of the M5, WestConnex and the north-west and south-west rail projects, in relation to which a great deal of interest was taken by committee members. Questions were also asked about dividends from electricity companies, the State's housing market and strategies to open additional land and stimulate investment. Questions were also asked about the controversial decision to allow shooting in national parks and the appointment of Roger Massy-Greene as chairman of Networks NSW.

Following the committee meeting it was decided to hold a supplementary hearing into the Treasury portfolio on Monday 26 November as there were still some outstanding issues committee members were concerned about. They included the New South Wales Auditor-General's financial audit into the budget papers, which showed a large number of accounting errors that resulted in a \$1 billion improvement to the budget bottom line and which was not really accurate, and the role played by the Auditor-General in preparing State audits. Again, questions were asked about Networks NSW, including appointments to the board and executive remuneration. Finally, there was a great deal of concern over the closure of the Cronulla Fisheries Centre of Excellence. Committee members were disappointed about that decision and the lack of satisfactory evidence justifying it.

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

## **JOINT STANDING COMMITTEE ON ROAD SAFETY**

### **Report: Report on Driver and Road User Distraction.**

**Debate resumed from 27 March 2013.**

**The Hon. RICK COLLESS** [5.48 p.m.]: I am pleased to speak on this report. The topic of driver and road user distraction is very important to road safety. It is something we have all been exposed to in one way or the other over the years since many electronic devices have become popular. Electronic devices such as mobile phones, GPS, iPods and various other appliances are used by virtually all of the population. The younger generation is particularly savvy with these devices and uses them daily almost continually. My long-held view is that road users are responsible for their actions when using these devices. Anyone in control of their locomotion—driver, cyclist, pedestrian, skateboard rider or user of another form of locomotion—should not be using any device that distracts them from concentrating on what is happening around them. Of course, not all devices are bad. Many new vehicles have fixed in-car GPS systems and there are after-market versions that are affixed to the windscreen. When I was a young driver, which is not all that long ago—

**The Hon. Charlie Lynn:** The Ford T model had no electronic devices.

**The Hon. RICK COLLESS:** That is true. I learnt to drive in a small country town where a GPS was not needed to find my way around the streets because I knew every street like the back of my hand. When I came to the city I had no idea where I was going. The first thing a young driver from the bush did was buy a Gregory's or UBD street directory. In those days we used to sit the directory on our lap, flick the pages and follow the street with a finger while driving along. It was an extremely dangerous activity and very distracting while driving a car. A GPS allows the driver to enter the destination, turn on the voice and then not take their eyes off the road while listening to commands. Some devices contribute to road safety greatly. I am concerned when I see a young driver wearing earphones listening to their iPod and I can hear the boom! boom! of the

music. We need to be aware of that problem. The committee's inquiry focused almost 100 per cent on some of those issues. The terms of reference were to examine the role of distraction in crash casualties as it affects all road users with particular reference to:

- (a) The nature and extent of distraction as a contributor to crash casualties on NSW roads;
- (b) Current rates and future trends in take-up of electronic devices, both by road users and vehicle manufacturers;
- (c) Regulatory means of enforcing harm minimisation caused by such devices;
- (d) Technological solutions to managing the harmful consequences of distraction;
- (e) Other solutions to reduce information overload for road users;

The committee made 21 recommendations that broadly fall under a number of headings. The first general heading was "Definition and Data Collection". The first recommendation referred to the need for a standard definition of "distraction" so that the Council of Australian Governments Standing Council on Transport and Infrastructure can define the meaning and incorporate a specific category set to distinguish distraction from fatigue and inattention. The second recommendation states:

that Transport for NSW, in collaboration with NSW Police, investigate legislative means to enable the collection of mobile phone data from vehicles at crash sites to determine their possible contribution to the crash outcome.

On a number of occasions police have checked mobile phones after a crash and discovered that the driver was actually using the phone at the time of the crash. Such data needs to be more easily obtained. The second general heading was "Electronic Devices", to examine the various types and their risk profile on various road users. This means not only the actual device—mobile phones, GPS devices et cetera—but also its location within the cabin of the vehicle, its accessibility and whether it should be touched while the vehicle is moving. I am sure we all understand or have experienced that most in-car GPS devices now available become unresponsive to attempts to change settings once the vehicle is moving. The driver has to stop the vehicle to reset the device.

**The Hon. Marie Ficarra:** Preferably.

**The Hon. RICK COLLESS:** Many systems will not allow the driver to adjust it while the car is moving.

**The Hon. Charlie Lynn:** Is there a way of bypassing that?

**The Hon. RICK COLLESS:** I do not think there is. The committee made five recommendations under that heading relating to enforcement standards for the location and installation of devices within vehicles. Recommendation 4 states that Australian Design Rule 42/05 needs attention to clarify the status of a driver's aid to limit driver distraction from any vehicle electronic devices. The next category heading is "Regulatory Remedies and Enforcement". The committee supported the view of the National Road Safety Council that targeting at-risk groups in the driving population is likely to be more effective in reducing crash risk and therefore recommended that the current prohibition on mobile phone use by P1 drivers be extended to cover P2 drivers. Recommendation 9 states that Transport for NSW progress its work with the NSW Police Force to develop an enhanced enforcement approach to mobile phone use while driving. Consideration should be given to increasing the penalties applying to second and repeated offences for the use of hand-held mobile phones by vehicle drivers. Regardless of the extent of publicity, people still drive while using a mobile phone. People riding pushbikes also use mobile phones. I have seen someone riding a bicycle with one hand on the handlebars and one holding the phone. One day I saw a bloke on a bike using both hands to text a message.

**Mr Scot MacDonald:** That is multitasking.

**The Hon. RICK COLLESS:** Multitasking it may be, but it is absolute stupidity with respect to safety. That pushbike rider could not have been paying any attention to what was happening around him with respect to other road users et cetera. The next category heading is "Roadside Advertising Signage". While there was a lot of discussion about in-car distractions, many outside distractions exist in the form of digital signage, moving signage and signs that change regularly. Dwell times for variable message sign changes and those sorts of things can increase a driver's distraction from the road he or she is supposed to be concentrating on. The committee recommends that Transport for NSW finalise as a matter of urgency its review of variable message signs in order to provide greater certainty for drivers and the outdoor media industry concerning the safe operation and location of such signs.

The committee recommends that research be carried out into the impact of digital billboard signage and the way in which it interacts with electronic devices within vehicles to determine the safety risks associated with its increasing use. Within the taxi industry some vehicle despatch system monitors can distract drivers substantially while they are looking for their next fare. The committee recommends a review of those mounted units to ensure that they comply with the standards to limit taxi driver distraction. The committee recommends that Transport for NSW examine the increasing use of those unauthorised systems by passengers and drivers and the potential to compromise road safety.

The next heading within the report relates to road safety education. One of the recommendations was the introduction into the school syllabus specific material on road safety distraction. It should cover all age groups but focus particularly on young people in a variety of road user categories such as pedestrians, passengers, wheels users—which includes cyclists, motor cycles and skate boards—or anything that puts kids on the road. Education needs to be delivered concerning the potential dangers of distraction by those devices.

Media campaigns is the penultimate heading in the report. The committee recommends that Transport for NSW develop a campaign to alert drivers to the optimal use of mobile phones while driving to reduce the potential for driver distraction. Such a campaign should highlight the potential consequences of distraction that may result in serious injury and fatality. The final recommendation involved vulnerable road users and that Transport for NSW should commission specific research into the impact of distraction on vulnerable road users, specifically examining the age-related and gender-related effects with a view to devising appropriate interventions and countermeasures to minimise the impact on this group of vulnerable road users.

It is a comprehensive report. The committee received 40 submissions, held several days of hearings and made recommendations that will focus issues such as a driver's need to concentrate on the road and not electronic devices in order to make the roads safer. I offer my thanks to the committee staff, all of whom contributed to the inquiry, the committee members and, in particular, the chair, Mr Greg Aplin, the member for Albury. I commend the report to the House.

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

## **ADJOURNMENT**

**The Hon. MARIE FICARRA** (Parliamentary Secretary) [6.02 p.m.]: I move:

That this House do now adjourn.

## **NSW RURAL FIRE SERVICE AWARDS**

### **GUNNEDAH AND SOMERTON ANZAC DAY SERVICES**

**The Hon. SARAH MITCHELL** [6.02 p.m.]: Last week I had the pleasure of representing the Minister for Police and Emergency Services, and Minister for the Hunter at a ceremony in Armidale to celebrate the many years of service to the community by the volunteers of the Dangarsleigh, Guyra and Wollomombi rural fire brigades. I was joined by Chief Superintendent Bruce McDonald, representing Commissioner Shane Fitzgibbons, Councillor Jim Maher of Armidale Dumaresq Council, Councillor Hans Hietbrink of Guyra council and Chief Superintendent Lance Rainey, representing the region north manager.

It was an honour to see service medals awarded to the 38 recipients on the day. Thirteen of those recipients had given more than 30 years of service to the Rural Fire Service, five recipients had given more than 40 years of service and three had given more than 50 years of service. That is an outstanding milestone. One volunteer had dedicated nearly 60 years of his life to serving his community and the Dangarsleigh brigade. Peter Elliott has served as a member of the Rural Fire Service for 58 years and is an inspiration to all Rural Fire Service volunteers. It was wonderful to see that exceptional service recognised.

The time that volunteers spend with their brigades is time away from work, businesses, farms and families. It was an honour to convey to them that their work is appreciated. There are not too many organisations where we still see the level of commitment that I saw last Saturday. Rural Fire Service members across the State often have more than 20, 30, 40, 50, and sometimes even 60, years of service behind them. Among the medal recipients on Saturday was a combined total of almost 1,000 years of experience and service—a truly remarkable achievement.

Members of the 45 brigades in the New England zone protect around 40,000 residents from the ravages of fire. These brave volunteers often face challenging conditions, including fighting bushfires, conducting hazard reduction burns or attending motor vehicle accidents. It is fantastic to see that community spirit on display. Without the volunteers in the New England region areas such as Armidale, Guyra, Uralla and Walcha would not be as safe as they are today. The tasks the Rural Fire Service volunteers face every day are often challenging but are equally rewarding, and it takes the backing of family and loved ones for them to do their job well. I thank all the Rural Fire Service volunteers for their hard work, dedication and commitment to the community and to the Rural Fire Service.

I had the honour of attending various Anzac Day services in my region to pay respect to our service men and women. I was fortunate to attend two services and to represent Kevin Anderson, the member for Tamworth. I attended the Gunnedah and Somerton Anzac Day services. I am pleased to report that there were strong numbers at both services. At Somerton the day began at the public school with a march down the main street, followed by a service at the memorial hall. Somerton is a village of approximately 600 people. I was overwhelmed by the number of people who attended to support and commemorate our service men and women. People gathered from all across the region joined together in honouring our Anzacs. I had the privilege of presenting a new flag to the school that is to be used in future Anzac marches and also to lay a wreath.

In attending the Somerton service I was fortunate enough to hear from the guest speaker, Mr Erik Dekkers. Erik lived in Manilla for 45 years and worked as an inspector of stock with the Rural Lands Protection Board. He was elected to Manilla Shire Council and served on that council for 22 years, including a period of time as the mayor. Mr Dekkers was invited to be the guest speaker because during the war he and his mother were interned in a concentration camp in Java, where they lived at the time. His father was forced by the Japanese to work on the Burma-Thailand railway as well as in the coalmines in Japan.

It is only through these services that stories such as Erik's continue to be told and passed down. Members of the community become aware that war is not something that happens to people hundreds of thousands of kilometres away but affects people in their communities who are living with the after-effects of their experiences. I thank and commend Erik for sharing his story. I also thank the master of ceremonies, Wayne Chaffey, and Reverend David Fisher, Henry Cameron and Betty Core, who were part of the service. I extend a special thanks to Oscar and Marie Roach, who were instrumental in organising the service.

I was fortunate to attend my home town Anzac Day services in Gunnedah and to lay a wreath. I was particularly proud to see my six-year-old nephew Oscar wearing our grandfather's medals in the march. Whilst he may have been a little lopsided with the weight of the medals on his chest he was proud to participate in the parade and represent my grandfather Ken Smyth, who served in World War II. It is important that the youth of Australia continue the tradition of Anzac Day to honour into the future the sacrifices made by our service men and women.

### SCOTIA SANCTUARY

**Mr SCOT MacDONALD** [6.07 p.m.]: The New South Wales State of the Environment 2012 report released by the Minister for the Environment, the Hon. Robyn Parker, MP, is a sobering document. While it records some improvements in our natural resources, the fate of our native fauna and flora continues to be challenging. The report states:

Currently 989 species of plants and animals, 49 populations and 107 ecological communities are listed as threatened in NSW legislation, and 45 key threatening processes have been identified. These numbers continue to rise.

In New South Wales 12 of 452 bird species, one reptile of 230 species, 33 plants of 4,677 species, three invertebrates and 25 of 138 mammals have become extinct over the past two centuries. Proportionally and in total our mammals have fared worse. Professor Tim Flannery noted in *Quarterly Essay 48*, "After the Future, Australia's New Extinction Crises", that all the evidence points to an accelerating species decline. Professor Flannery made some assertions in his essay with which I disagreed, notably that conservative State governments were rolling back protections for nature. Nevertheless, I saw common ground on many points and valuable proposals for private-public partnerships to preserve biodiversity.

I engaged with Professor Flannery and the Chief Executive Officer of the Australian Wildlife Conservancy, Atticus Fleming, and arranged to visit one of the sanctuaries of the Australian Wildlife Conservancy, Scotia. Scotia is located midway between Wentworth and Broken Hill and its western boundary is the New South Wales-South Australian border. It is an aggregation of two pastoral properties, making up

65,000 hectares in the Murray-Mallee subregion of the Murray-Darling Depression Bioregion. The original properties in the unincorporated area were purchased by Earth Sanctuaries Limited in 1994 and were acquired by Australian Wildlife Conservancy with assistance from the Howard Government.

I visited the area in mid April to see the Scotia endangered species recovery project. The goal of the project is to reintroduce six mammals that have become extinct in New South Wales and one that is endangered in Central Australia. These mammals are in the critical weight range of 35 grams to 5.5 kilograms. They are the bridled nail-tail wallaby—Scotia has 80 per cent of the remaining world population—the bilby, the boodie, the woylie, the greater stick-nest rat, the mala and the numbat. I was fortunate to see four of the seven during spot lighting or morning drives. To see a species on the brink of extinction was humbling and truly a privilege.

Australian Wildlife Conservancy has built on and developed from the work of Earth Sanctuaries. There are two 4,000-hectare enclosed parks. Their boundaries are two-metre high netting with electrified wire fences. These structures are designed to repel foxes and feral cats, and are patrolled every two days. The public are excluded to prevent accidental incursions of pests. Fire management is an important part of returning the vegetation to a condition that replicates the original habitat of these mammals. A comprehensive program of baiting and trapping foxes and cats outside the enclosure is in place to reduce pressure on the sanctuary. There is clear science that cat and fox predation has led to the extinction of these mammals. However, changes to vegetation are a key threatening process. Goats have been a significant contributor to vegetation changes that destroy refuge for the small mammals. The National Parks and Wildlife Service is making good inroads into the goat numbers on parks and reserves and is working with private landholders, including Australian Wildlife Conservancy.

I accord respect to and admiration for those working on Scotia. It is an arid, remote environment. I saw camera recordings of 50 degrees Celsius ground temperature only a couple of months ago. There is no mobile phone coverage, limited landline service and the bitumen gives out hours before reaching the property. It is off the grid, with power coming from solar and a diesel generator. Gas is trucked in and water is limited. In these conditions, staff and volunteers are trapping, identifying, monitoring, collaring and tracking. They are maintaining assets, including the critical feral-proof fence and, most importantly, they are measuring and reporting on ecological health. I strongly agree that any conservation program must have goals and timely data if it is to be useful.

We have much to learn from these well-run private conservation organisations. Their focus and methods are heavily reliant on fieldwork rather than back-office management. They measure their success against targets for conservation. Their governance and cost structures have the hallmarks of a private enterprise. These disciplines and expertise are making a measurable difference to our threatened species. I thank the Chief Executive Officer of Australian Wildlife Conservancy, Atticus Fleming, and the board for allowing me to visit Scotia. In particular, I thank Sanctuary Manager Joe Stephens and Wildlife Ecologist Dr Leah Kemp for giving me some of their valuable time and for giving me an insight into their very important work. I record my gratitude to the local member, Mr John Williams, MP, for his guidance prior to my visit. I can only admire the resilience and tenacity of John and his Federal colleague Sussan Ley, MP, for representing these vast electorates and remote communities.

## POPULATION GROWTH

**The Hon. ROBERT BORSAK** [6.12 p.m.]: Tonight I speak briefly on a significant milestone reached by this country. A week ago Australia's population reached 23 million, reflecting an accelerating growth rate in recent years where we now have twice as many births as deaths, creating a population increase of 150,000 per year. Population growth is probably not something that everyone thinks about every day, but we should. It rests with the major parties that generally form the Federal Government to put forward policies to show voters what their view of an Australia in 50 years will look like. I would have thought that The Greens would have been jumping up and down about this problem, but curiously they remain silent despite the fact that uncontrolled population growth and viable environments are not really compatible.

An interesting article in the Fairfax press, not by The Greens but by the Stable Population Party, caught my eye. I am sure anyone who read it would have been prompted to consider just where we are going in this country. Apart from our natural growth rate—births versus deaths—we have a net overseas immigration rate of about 200,000 a year, which means this country is growing now at the rate of about a million people every three years, which is comparable to adding a city the size of Adelaide every three years or, breaking it down further, adding more than 1,000 people to Australia's population each day.

The question is: What is our Government doing to prepare for such growth by way of infrastructure, facilities and, more importantly, food? Indeed, I wonder whether Canberra is even aware of the issue, given its propensity for leadership challenges, carbon taxes, mining taxes and the failure of its border protection policies. We are facing a serious situation because at the present rate of growth of 1.7 per cent a year Australia will have 40 million residents by 2050 and just 50 years after that it is expected to reach 100 million. In fact, by 2028 there will be more Australians aged over 60 years than under 20 years of age. By way of comparison, we are told that the world population is growing at the rate of 1.1 per cent, the United States is growing at the rate of 0.9 per cent and Great Britain is growing at the rate of 0.6 per cent.

Australia is renowned as being the driest continent on earth. How will 40 million people be fed and housed, let alone 100 million? Population growth increases all environmental impacts, including environmental degradation, water scarcity and finite agricultural land. Our resources need to be used sustainably, and rapid population growth is incongruous with that principle. But then population growth is not inevitable. The Australian Parliament could make decisions to start to address this issue. Two that come quickly to mind are the paying of bonuses to have babies and immigration. Demographers say migration, rather than an elevated birth rate, is the main driver of Australia's population growth.

Last year almost two-thirds of permanent arrivals were on some kind of working visa, another 30 per cent were on family visas and 7 per cent were on humanitarian visas. For far too long the debate on Australia's population has been dominated by extreme politics which, rather than help resolve the issue, tends to create division. The Shooters and Fishers Party does not advocate division or extremist views. We are simply trying to point out what should be obvious to those in Canberra. They all need to start looking at the future of Australia rather than winning or not winning the election in September.

### INDIGENOUS SERVICE PERSONNEL

**The Hon. AMANDA FAZIO** [6.17 p.m.]: Last Thursday Australia stopped to commemorate Anzac Day, a day when we remember those who fought and died in war so that we can live in peace. Anzac Day goes beyond the anniversary of the landing on Gallipoli in 1915. It is the day we remember all Australians who served and died in all wars, conflicts and peacekeeping operations. Tonight I want to talk about a group of Australians who have served their country well but are often neglected when we think about the spirit of Anzac. Aborigines and Torres Strait Islanders have contributed to Australia's military forces for many years. Exact numbers are not known, but Aboriginal trackers served in the Boer War and approximately 400 to 500 served in the First World War.

In the Second World War as many as 6,000 Aboriginal and Torres Strait Islander peoples served as enlisted servicemen, members of irregular units or in support units. The Second World War Torres Strait Light Infantry Battalion had around 745 Indigenous Australians in August 1943. The Northern Territory Special Reconnaissance Unit was one of several irregular forces raised.

They are the forgotten story of our Anzacs. There are up to 7,000 Aboriginal and Torres Strait Islander veterans and war widows in the Australian community today. More than 800 Aboriginal and Torres Strait Islanders are currently serving with distinction in the Australian Defence Forces. When war broke out in 1914 many Aboriginal and Torres Strait Islanders who tried to enlist were rejected on the grounds of race, while others managed to enlist by pretending to be Italian or Maori or were allowed to join under an informal protocol of "don't ask—don't tell". By October 1917 recruits were increasingly harder to find and restrictions were marginally loosened. A new military order stated:

Half-castes may be enlisted in the Australian Imperial Force provided that the examining Medical Officers are satisfied that one of the parents is of European origin.

Aboriginal and Torres Strait Islanders were allowed to enlist for service at the beginning of World War II. However, in 1940 the Defence Committee decided that enlistment of Aboriginal and Torres Strait Islanders was "neither necessary nor desirable"—in part due to White Australians objecting to serve alongside them. This was changed with the entering of Japan into the war. The need for manpower forced the loosening of enlistment restrictions and allowed Indigenous recruits to serve on the front line as soldiers. During this time the Australian Army employed whole Aboriginal communities in Northern Australia in defence work—work that included construction, army butcheries, farming, hospital aids and general labour. Those employees were given rations, housing and sanitation, and access to medical treatment through army hospitals and they worked fixed hours.

Returned Aboriginal and Torres Strait Islander soldiers came back to Australia but were brought back under the Aboriginal Protection Acts. They were given no recognition for their role in the war and they had no



ability to vote or be a citizen until 1967. Many Indigenous returned soldiers did not receive entitlements that were due to returned soldiers. A great many of these soldiers were refused access to returned and services leagues clubs and returned services support. Far too many found upon their return that their children had been taken away and had been placed into institutional care—forming part of the Stolen Generation.

Captain Reg Saunders, MBE, is perhaps Australia's best known Aboriginal soldier, being the first Indigenous Australian to be commissioned as an officer into the Australian Army in 1945. In Korea he served as Officer Commanding, "C" Company, 3 RAR. In the Second World War, Reg Saunders and his brother Harry both served in the army. Harry was killed in action in New Guinea. Reg was shot in the knee in a separate action, but returned to the 2/7th Infantry Battalion after his recovery. When he joined up again for service in Korea, Reg led his company through fierce fighting, including the battle at Kapyong in April 1951. He was the first Aboriginal serviceman to command a rifle company, and he was respected and popular with his men.

At the Australian War Memorial in Canberra the Aboriginal and Torres Strait Islander Commemorative Ceremony is held after the Anzac Day Dawn Service at the Aboriginal Memorial Plaque on the side of Mount Ainslie. The ceremony is conducted to remember those Indigenous Australians who have served in the Australian forces since 1901. It is hosted by members of the Aboriginal and Torres Strait Islander Veterans and Services Association Australia, an Indigenous veterans advocacy group, and it is open to all members of the public.

Locally the Aboriginal and Torres Strait Islander community annually holds the Redfern Anzac Commemoration Day, which was established in 2006 by Pastor Ray Minniecon to celebrate the war efforts by Indigenous Australians. This year the commemoration was held with a focus on an issue that has not gained widespread publicity: Aboriginal prisoners of war. Little is known about Indigenous prisoners of war either in regard to where they were taken prisoner or by whom. The commemoration allowed a beginning for these service men and women to be remembered and to have their stories shared between surviving families.

Anyone in the community who has stories of Aboriginal and Torres Strait Islander people serving for Australia—be it on the front line, in support roles or as a prisoner of war—is encouraged to share them with Gary Oakley at the Australian War Memorial. The Australian War Memorial has a good publication entitled, *Too Dark for the Light Horse—Aboriginal and Torres Strait Islander people in the defence forces*. For far too long we have allowed the effort and service of Aboriginal and Torres Strait Islander peoples in wartime to be overlooked. Let us make a stand to honour these brave men and women.

## HOMELESSNESS AND RENTAL AFFORDABILITY

**The Hon. JAN BARHAM** [6.22 p.m.]: Two reports released this week underscore the continuing crisis we face with housing affordability and homelessness. Wesley Mission has released its "Homelessness and the Next Generation" report, which highlights the changing face of homelessness over the past two decades. Although homelessness might once have been viewed as an issue mostly for older males, and perhaps associated largely with substance abuse or mental health issues, homelessness has come to affect a broader cross-section of our society; increasingly, it affects women, families, children and young people. According to the 2011 Census, from 2006 the number of homeless persons in our State had risen by more than 20 per cent.

That trend should not affect the priority we give to attempting to tackle homelessness. It has always been a challenge that deserves our greatest efforts to eliminate, but it highlights that there are new pressures and risk factors causing the rise in homelessness. One in every five people who seek Wesley Mission's support with homelessness identifies domestic violence as the main cause; others identify relationship and family breakdown. The report highlights the reality that for many of the people who access homelessness services, homelessness is seen as a safe option. The Wesley Mission report highlights that more must be done to provide support to families and individuals to ensure they live in a safe and stable home and that action must be taken to prevent and deal with violence and abuse.

The report emphasises that the impact of homelessness can be long-lasting and can have intergenerational consequences. But in many cases the roots of homelessness can be in extreme financial stress and unemployment. People's inability to afford a stable home is the extreme and most alarming consequence of our housing affordability crisis. Anglicare's 2013 Rental Affordability Snapshot, released yesterday, gives the latest evidence about how dire the affordability problem has become, particularly in Sydney. Its snapshot found that of the nearly 13,000 private rental properties available in greater Sydney a couple of weekends ago, only 208 were affordable and appropriate for a family earning two minimum-wage incomes. For single people on the minimum wage only 34 affordable properties were available.

The snapshot showed that the prospects in greater Sydney are even worse for those relying on income support payments. Only 23 properties were affordable and appropriate to those households. Single parents relying on parenting payment with two children, couples on Newstart with children and people on the disability support pension were each reduced to only two suitable properties each. The snapshot found there were no suitable properties for single people on Newstart or receiving the youth allowance. In some regional areas the prospects for rental affordability are also grim. In those areas reasons can include the limited availability of properties, limited and often casual employment, and the upward pressure on rentals that can come from industries such as mining and tourism.

Faced with this drastic shortage of available affordable rental accommodation, where can these people go? They go onto the waiting lists for social housing, which are already failing to meet the demand. The one-year extension of the National Partnership Agreement on Homelessness is positive, but homelessness services remain uncertain without ongoing funding. The New South Wales Government must lock in a transition arrangement with the Commonwealth Government and seek a long-term Federal partnership to ensure that our homelessness services sector is able to deal with its ongoing demands.

There must be concerted action from State and Commonwealth governments to ensure people can afford housing that is appropriate to their household's family, transport and employment needs, and that age-related or disability-related requirements are addressed. As the Anglicare report noted, reforming the National Rental Affordability Scheme and increasing income support payments such as Newstart would help to make renting more affordable. But the shortfalls in our housing supply must also be addressed. Senator Scott Ludlam, the Australian Greens spokesperson on housing, has offered a creative initiative with the Convert to Rent concept, which suggests converting unused buildings and empty spaces into affordable rental dwellings. The Urbis consulting firm noted this policy's similarity to successful adaptive reuse approaches in Canada and the United Kingdom and said that "ideas such as 'Convert to Rent' are worthy of serious consideration and debate".

The New South Wales Government must make planning and delivering affordable and social housing a priority. It can draw on the lessons of urban renewal around the world, in cities such as New York and London, to create more liveable, sustainable and affordable communities. There should be greater support for local governments to foster new, innovative and locally appropriate solutions to ensure that fewer people are struggling to maintain a roof over their heads.

#### **WESTERN ARMENIA STUDY TOUR**

**The Hon. WALT SECORD** [6.27 p.m.]: As the deputy co-chair of the New South Wales Parliamentary Friends of Armenia I will speak on my recent study mission to western Armenia. On 23 April I had the honour and privilege to attend the ninety-eighth anniversary of the Armenian genocide commemorative service in Chatswood. Last year I attended the commemoration in three capacities: first, as the deputy co-chair of the New South Wales Parliamentary Friends of Armenia; secondly, as a proud Australian who was born of Mohawk-Ojibway Native American ancestry, a race that has known genocide in North America; and, thirdly, as the first Australian parliamentarian to publicly visit Nagorno-Karabakh. But this year I added a fourth dimension to my exploration of the Armenian story.

In late December 2012 I had the privilege and honour of visiting Armenia for a second time. On this trip I visited the northern Armenian city of Gyumri, the Armenian region of Javakhk and its administrative centre of Akhaltsikhe in Georgia, which is struggling for autonomy, and Georgia's capital, Tbilisi. I also spent a week in Istanbul and Gallipoli. Significantly for the Armenian community, I spent a week exploring the ancient ruins and sites of Kars, Van and Ani in western Armenia. As I have said on many occasions, I have come to appreciate that detached observation can only get you so far. Some things need to be seen to be understood. Sometimes you just have to be there. That is why visiting Armenia, Nagorno-Karabakh and western Armenia is the best education for any political leader interested in trying to understand Australia's Armenian community.

Primarily my trip to western Armenia was to continue my exploration of the Armenian genocide, but I also wanted to see modern Turkey within the context of the interaction between Islam and the West. I have to admit that I have complex and contradictory views on Turkey. While Turkey has to face and acknowledge the Armenian genocide, we in the West have an interest and responsibility in supporting democratic Islamic countries such as Turkey and Indonesia. Incidentally, I was in Istanbul on the week of the sixth anniversary of the assassination of Hrant Dink, the Armenian editor murdered by a Turkish nationalist because of his outspoken views on the Armenian genocide and Turkey's failure to recognise its past. I have to say that my visit to western Armenia was the most interesting study tour I have undertaken in my life.

I saw and travelled up to Masis and Poker Masis—Mount Ararat and Little Mount Ararat. I got to walk amongst the ancient ruins, streets and churches of Ani, which has been described as the Armenian Pompeii. I explored Kars and Van. I travelled by boat on Lake Van to Akhtamar and saw the Church of the Holy Cross, a masterpiece of Armenian sculpture and architecture from the ninth and tenth centuries. In Kars, Armenian architecture and Armenian history were everywhere, but there are no Armenians. I discovered a city of Armenian ghosts. I also visited the spot where the Soviets handed western Armenia to Turkey, signing away Armenian rights. I climbed Van Fortress where the ancient Armenian city of Aygestan once stood below—that is, until the genocide. Today it is an empty field of holes and tiny rolling hills where Armenian homes and their foundations once stood.

In Igdir I also visited the Turkish national denial museum, a truly offensive institution run by Turkish authorities. Even its name is offensive. They have called it the "Monument and Museum Dedicated to Fallen Turks". It denies the Armenian genocide, erroneously claims Armenian terrorism, and attacks Dashnaksutjun for so-called atrocities. I know that all sensible people and historians would be disgusted by it, but I felt it was important to see it firsthand. My tiny Armenian translator was physically shaking as we walked through the so-called museum. Incidentally, during my visit, on five separate occasions local Kurds asked our travelling party if we were Armenians from the diaspora looking for our grandparents' family jewels hastily hidden during the genocide. This shows the massive gap between official denials of history versus the real history that is whispered behind closed doors in rural Turkey.

Of course, official denial is a vital component of oppression and genocide. This is why I will never apologise for my inquiry into the Armenian story or my support for the Armenian community. As I have said in Yerevan, in the Parliament of New South Wales and on many other occasions, it is repugnant for Turkey to deny the deaths of the 1.5 million Armenians. One day in the future I sincerely hope that Turkey accepts responsibility for the Armenian Genocide. In the almost 23 months since I became a member of Parliament, my relationship with the Armenian community has grown and continues to grow. I look forward to returning to Armenia in July on a formal parliamentary delegation with my parliamentary colleagues for my third visit to Armenia.

In conclusion, I take this opportunity to thank the Armenian National Committee of Australia for assisting with my visit to western Armenia, particularly the executive director of the Armenian National Committee, Vache Kahramanian, and the chairperson, Greg Soghomonian. I thank Mr Varant Meguerditchian and Mr Sassoon Grigorian for their advice and suggestions. Further, I thank Mr Zorro Keverian for allowing me to give a private briefing in his home recently to senior members of the Armenian community. For the record, I paid for all of the flights but the Armenian National Committee provided local transport and accommodation in Georgia and western Armenia. I thank the House for its consideration.

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

**Motion agreed to.**

**The House adjourned at 6.32 p.m. until Wednesday 1 May 2013 at 11.00 a.m.**

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