

ADJOURNMENT	20030
ASSYRIAN NEW YEAR FESTIVAL.....	19990
BLACK CAVIAR THOROUGHBRED RACEHORSE.....	19992
BULGA MINING OPERATIONS	20034
BUSINESS OF THE HOUSE	19993
CASINO TO MURWILLUMBAH RAIL LINE	20032
COOMA PUBLIC SCHOOL SESQUICENTENARY	20031
COONABARABRAN BUSHFIRES	20015
DATA CENTRE REFORM PROGRAM.....	20015
DEPARTMENT OF PRIMARY INDUSTRIES AGRONOMIST POSITIONS	20011
DISTINGUISHED VISITORS.....	19989
FIRE SERVICES LEVY	20005
GENERAL PURPOSE STANDING COMMITTEE NO. 1	20021
GENERAL PURPOSE STANDING COMMITTEE NO. 5	20018
GREEK INDEPENDENCE DAY	19990, 19991
HAWKESBURY RIVER OYSTER GROWERS	20033
HAY SHIRE COUNCIL NATURAL DISASTER ASSISTANCE	20016
HEAVY VEHICLE ROAD SAFETY	20014
HERITAGE PROTECTION PROJECTS	19992
HOMELESSNESS	20012
HUNTER CHILD SEXUAL ABUSE SPECIAL COMMISSION OF INQUIRY	20011
IRREGULAR PETITION	19993
JOINT STANDING COMMITTEE ON ROAD SAFETY	20026
LEGISLATION REVIEW COMMITTEE.....	19993
LIONS CLUB INTERNATIONAL CAMPAIGN DINNER	19989
LITHGOW RURAL CLINICAL SCHOOL.....	19990
LOCAL GOVERNMENT FUTURE DIRECTION PAPER.....	20015
NATIONAL DISABILITY INSURANCE SCHEME	20008
NORTHERN BEACHES HOSPITAL	20007
NSW POLICE FORCE NEWLY ATTESTED OFFICERS.....	20006
NSW POLICE FORCE RECRUITMENT	20009
"OUR MATES, OUR FAMILIES" CHARITY WALK.....	20012
PAKISTAN DAY TROPHY CRICKET TOURNAMENT	19989
PEROOMBA INTERIM HERITAGE ORDER	19993
PETITIONS.....	19993
PILLAR SUPERANNUATION ADMINISTRATION CORPORATION	20010
PORTS LONG-TERM LEASE.....	20007
PRIVILEGES COMMITTEE.....	19994
QUESTIONS WITHOUT NOTICE.....	20005
SCHOOL ASSETS SALE.....	20017
SELECT COMMITTEE ON THE PARTIAL DEFENCE OF PROVOCATION	20028
SESSIONAL ORDERS	19994
SHANNONS FLAT-YAOUK RURAL FIRE SERVICE	20031
SMALL BUSINESS COMMISSIONER BILL 2013.....	19989
SNOWY HYDRO LIMITED	20006
TRAIN TUNNEL MOBILE DEVICES COVERAGE	19992
TWEED-BYRON POLICE STAFFING	20013
VILLERS-BRETONNEUX ANZAC DAY SERVICE.....	20031

LEGISLATIVE COUNCIL

Tuesday 7 May 2013

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.

SMALL BUSINESS COMMISSIONER BILL 2013

Message received from the Legislative Assembly agreeing to the Legislative Council's amendment.

DISTINGUISHED VISITORS

The PRESIDENT: I welcome into the President's gallery His Excellency Ziyad Baroud, Minister of the Interior and Municipalities in Lebanon from 2008 to 2011. I also welcome Mr Marcel Ghanem, a leading journalist with the Lebanese Broadcasting Corporation. They are both guests of the Hon. John Ajaka.

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

LIONS CLUB INTERNATIONAL CAMPAIGN DINNER

Motion by the Hon. AMANDA FAZIO agreed to:

1. That this House notes that:
 - (a) on Saturday 6 April 2013, the Lions Club International Campaign Dinner was held at the Emperor's Garden Restaurant to promote the campaign for Barry J. Palmer, AM, for International President Elect 2013-2014,
 - (b) Mr Barry Palmer, AM, is the first Australian Lion to hold the position of First International Vice President and has been supported strongly in his campaign by the Lions Club of Sydney Chinese Inc, the New South Wales Parliamentary Lions Club and the Australian Council for the Promotion of Peaceful Reunification of China, and
 - (c) present at the dinner were eight members of the New South Wales and Federal parliaments, including the Hon. Greg Smith, MP, and the Hon. John Robertson, MP, and many other dignitaries. Over \$46,000 was raised on the night which will be used for charitable purposes.
2. That this House thanks Ms Pearl Lin and the other members of the International Vice President's Promotional Committee for organising this event and wishes Barry Palmer, AM, every success in his campaign for International President.

PAKISTAN DAY TROPHY CRICKET TOURNAMENT

Motion by the Hon. AMANDA FAZIO agreed to:

1. That this House notes that:
 - (a) Young Pakistan Association of Australia held the Annual Pakistan Day Trophy, a tapeball cricket tournament, on Sunday 17 March 2013 at Croydon Park Oval. Many young Pakistani Australians from across Sydney participated in the day-long tournament which began at 10.00 a.m. with the last games finishing 5.00 p.m. and
 - (b) the awards ceremony commenced at 5.00 p.m. and speeches were made by Kashif Amjad, Ammaar Mirza, David Morris (National Director of the Australian Republican Movement), H. E. Azam Mohammed (Consul General of Pakistan), Ifitkhar Rana and Abbas Al. One minute's silence was observed for those who have died as the result of sectarian violence in Pakistan,

2. That this House congratulates the Young Pakistan Association of Australia and all the teams and players who participated, especially:
 - (a) Young PAA XI – Champions,
 - (b) Where u live XI – Runners Up,
 - (c) Hasnain "Huskii" Jafri – Man of the Match,
 - (d) Saqib Qadeer – Best Batsman and Player of the Series, and
 - (e) Ali Cheema – Best Bowler.

GREEK INDEPENDENCE DAY

Motion by the Hon. AMANDA FAZIO agreed to:

1. That this House notes that:
 - (a) Greek Independence Day was celebrated across Sydney on Sunday 24 March 2013 in order to bring Greek history, language and culture to the wider Australian community, and
 - (b) one of the largest celebrations was held by the Greek Orthodox Archdiocese of Australia and the Greek Orthodox Community of NSW at the Cenotaph at Martin Place followed by a march to The Domain where tens of thousands of Greeks and Australians celebrated.
2. That this House notes the significant contribution made to Australian society by Greek Australians and that Greek and Australian service personnel served together in many wars.
3. That this House congratulates the Greek Orthodox Archdiocese of Australia and the Greek Orthodox Community of New South Wales and particularly Jack Passaris, OAM, and Harry Danalis on organising this important celebration.

LITHGOW RURAL CLINICAL SCHOOL

Motion by the Hon. AMANDA FAZIO agreed to:

1. This House notes that:
 - (a) on Friday 22 March 2013 the blessing and opening of the Lithgow Clinical Rural School of the School of Medicine Sydney of the Notre Dame University took place,
 - (b) the Rural Clinical School at Lithgow was blessed by Reverend Father Patrick O'Regan, VG, Dean of St Michael and St John's Cathedral, Diocese of Bathurst, and declared officially open by Matt Thistlethwaite, Senator for New South Wales. The new training facility for Notre Dame's medical students is also a resource for health care professionals to assist in their ongoing professional development,
 - (c) the construction of the Lithgow Rural Clinical School was enabled by a capital works grant from the Department of Health and Ageing. The building includes a 120-seat lecture theatre, clinical consulting rooms, student training spaces, staff offices and student accommodation. NSW Health provided support with the lease of land for the facility which is co-located with Lithgow Hospital,
 - (d) students studying at Notre Dame's Sydney School of Medicine can now undertake rural training in specialised Rural Clinical Schools in Wagga Wagga, Ballarat and Lithgow. The rural Schools work in conjunction with Notre Dame's medical schools in Sydney and Melbourne and aim to produce health professionals who are knowledgeable, skilful, dutiful and ethical and have a genuine understanding of rural health, and
 - (e) the Lithgow community has embraced Notre Dame staff and students and the completion of the school has further demonstrated of Notre Dame's commitment to the town of Lithgow and to educating doctors to work in areas of greatest need, including in rural and Indigenous communities.
2. That this House congratulates the University of Notre Dame, the Federal Department of Health and Ageing, and NSW Health on working cooperatively to establish this important facility.

ASSYRIAN NEW YEAR FESTIVAL

Motion by the Hon. DAVID CLARKE agreed to:

1. That this House notes that:
 - (a) the Assyrian New Year 6763 was celebrated on 1 April 2013 at a festival held at Fairfield Showground, organised by the Assyrian Universal Alliance and the Assyrian National Federation, and attended by more than 10,000 members of the Assyrian-Australian community,

- (b) those who attended the festival's official opening included:
 - (i) Mr Andrew Rohan, MP, State member for Smithfield, representing the Premier of New South Wales, the Hon. Barry O'Farrell, MP,
 - (ii) Reverend the Hon. Fred Nile, MLC, Assistant-President of the New South Wales Legislative Council and Leader of the Christian Democratic Party,
 - (iii) the Hon. David Clarke, MLC, New South Wales Parliamentary Secretary for Justice,
 - (iv) Mr Guy Zangari, MP, State member for Fairfield, and New South Wales shadow Minister for Citizenship and Communities,
 - (v) Mr Nick Lalich, MP, State member for Cabramatta,
 - (vi) Councillor Ninos Khoshaba, representing the Mayor of Fairfield City Council,
 - (vii) Councillor Zaya Toma of Fairfield City Council,
 - (viii) Mr Craig Kelly, MP, Federal member for Hughes, representing the Leader of the Federal Opposition, the Hon. Tony Abbott, MP,
 - (ix) the Hon. Chris Bowen, MP, Federal member for McMahon,
 - (x) Mr Chris Hayes, MP, Federal member for Fowler,
 - (xi) Inspector Tony Mitchell, Duty Officer from Fairfield Police Local Area Command,
 - (xii) Superintendent Ray King, Liverpool Police Local Area Commander,
 - (xiii) Superintendent James Johnson, Green Valley Police Local Area Commander,
 - (xiv) representatives of the Greek, Armenian and Coptic Communities, and
 - (c) a major theme of those who spoke at the official opening was the continuing persecution and intimidation of the Iraqi Assyrian Christian community by religious extremists in Iraq and the necessity for greater efforts to bring such a grievous situation to an end.
2. That this House extends its greetings and best wishes to the Assyrian community on the occasion of the 6,763rd Assyrian New Year.

GREEK INDEPENDENCE DAY

Motion by the Hon. DAVID CLARKE agreed to:

1. That this House notes that:
 - (a) on 25 March 2013 a function in remembrance and commemoration of Greek National Independence Day was held at the Greek Community Club, Lakemba, hosted by the President, Mr Harry Danalis, and the Board of Directors of the Greek Orthodox Community of NSW and attended by members and friends of the Hellenic-Australian community, and
 - (b) those who attended as guests included:
 - (i) the Consul-General for Greece, Mr Vassileious Tolios,
 - (ii) Reverend Father Steven Scoutas representing Archbishop Stylianos of the Greek Orthodox Church,
 - (iii) the Hon. David Clarke, MLC, New South Wales Parliamentary Secretary for Justice, representing the Premier of New South Wales, the Hon. Barry O'Farrell, MP, and the Hon. Victor Dominello, MP, Minister for Citizenship and Communities,
 - (iv) Mr Guy Zangari, MP, representing the New South Wales Leader of the Opposition, Mr John Robertson, MP,
 - (v) Mr Michael Christodoulo National President of the Cypriot Community of Australia,
 - (vi) leaders and representatives of many other Hellenic cultures and social organisations.
2. That this House:
 - (a) commends the Greek Orthodox community of New South Wales on 115 years of service to the Hellenic-Australian community and to the State of New South Wales, and
 - (b) congratulates the Greek Orthodox Community of New South Wales and the entire Hellenic-Australian community on the occasion of the 192nd anniversary of Greek National Independence Day.

TRAIN TUNNEL MOBILE DEVICES COVERAGE

Motion by the Hon. MARIE FICARRA agreed to:

1. That this House notes that:
 - (a) on Monday 15 April 2013, the Hon. Gladys Berejiklian, MP, Minister for Transport, announced the installation of a new infrastructure that will facilitate train commuters to maintain mobile phone and internet coverage inside train tunnels on the City Circle Line,
 - (b) the O'Farrell Government has worked with Optus, Telstra, and Vodafone to install more than 10 kilometres of cabling,
 - (c) 400,000 train commuters will soon have uninterrupted mobile coverage,
 - (d) the service will also allow commuters better access to six new train apps, providing accurate time information, and
 - (e) this infrastructure will be introduced on the Eastern Suburbs Line, with installation of 18 kilometres of cable between Erskineville and Bondi Junction.
2. That this House acknowledges the Minister for Transport, the Hon. Gladys Berejiklian, MP, Optus, Telstra and Vodafone on their achievement in providing better mobile phone and internet coverage for train commuters along the City Circle Line.

BLACK CAVIAR THOROUGHBRED RACEHORSE

Motion by the Hon. MARIE FICARRA agreed to:

1. That this House notes that:
 - (a) on Saturday 13 April 2013, the thoroughbred Mare racehorse, Black Caviar, won her twenty-fifth race at Royal Randwick Racecourse,
 - (b) this was Black Caviar's fifteenth Group 1 win, breaking the great Kingston Town's record,
 - (c) Black Caviar is trained by Peter Moody, and was ridden by jockey, Luke Nolan,
 - (d) Mr Moody and Mr Nolan have both helped Black Caviar achieve awards such as: World Thoroughbred Racehorse Ranking's World Champion Sprinter in 2010, 2011, and 2012, Australian Racehorse of the Year in 2011 and 2012, European Champion Sprinter in 2012, and Australian Champion Sprinter in 2011 and 2012,
 - (e) in February, the Lightning stakes changed its name to Black Caviar Lightning in respect of Black Caviar, the sprinting superstar, that broke the course record of 25 years,
 - (f) Black Caviar was inducted into the Australian Racing Hall of Fame, being only the second ever active competitor to be honoured, and
 - (g) on 17 April 2013, it was announced that Black Caviar would retire from racing.
2. That this House acknowledges Black Caviar, Peter Moody and Luke Nolan for their extraordinary racing efforts and congratulates them on Black Caviar's twenty-fifth straight win.

HERITAGE PROTECTION PROJECTS

Motion by the Hon. MARIE FICARRA agreed to:

1. That this House notes that:
 - (a) on 16 April 2013, as part of heritage week, the Government announced \$5.9 million in funding will be used to protect the local heritage of communities across New South Wales,
 - (b) the \$5.9 million will be used to fund projects in the in the financial years between 2013 and 2014, and 2014 and 2015 to fund the restoration, repairs and care of local historic buildings, landmarks and Aboriginal heritage sites, and
 - (c) local councils across New South Wales are encouraged to apply for funding grants until the closing date on 3 June 2013.
2. That this House acknowledges that the funding will provide:
 - (a) \$400,000 for Aboriginal heritage places,
 - (b) \$103,600 for community, youth and seniors heritage projects,

- (c) \$2.5 million for State Heritage Register listed places, including \$2.2 million for major works and \$200,000 for emergency works, and
 - (d) \$1.8 million for local heritage places.
3. That this House acknowledges that this funding will help to preserve, repair and maintain the unique Indigenous and post-colonial heritage across communities in New South Wales, ensuring that the legacy of past generations are not lost and are accessible to future generations.

LEGISLATION REVIEW COMMITTEE

Report

The Hon. Dr Peter Phelps tabled the report entitled "Legislation Review Digest No. 36/55", dated 7 May 2013.

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

PEROOMBA INTERIM HERITAGE ORDER

Production of Documents: Return to Order

The Clerk tabled, pursuant to resolution of 1 May 2013, documents relating to an order for papers regarding the heritage order on "Peroomba", Warrawee, received on 7 May 2013 from the Director General of the Department of Premier and Cabinet, together with an indexed list of documents.

Return to Order: Claim of Privilege

The Clerk tabled a return identifying documents for which privilege is claimed and which are available only to members of the Legislative Council.

IRREGULAR PETITION

Leave granted for the suspension of standing orders to allow Mr David Shoebridge to present an irregular petition.

Bowraville Murders Royal Commission

Petition requesting that the House support a royal commission into the handling of the Bowraville murders investigation, the failed prosecutions and the manner in which applications for referral to the Court of Criminal Appeal were assessed and rejected, and consider whether the double jeopardy changes introduced in 2007 have had their intended effect, received from **Mr David Shoebridge**.

PETITIONS

Thompson Square, Windsor

Petition opposing an application to replace Hawkesbury River Bridge at Windsor and upgrade adjacent intersections and approaches on the grounds it will have an irreversible, detrimental and unacceptable impact on the heritage, visual aspect and socio-economic nature of the historic Thompson Square precinct and will not solve long-term traffic issues, received from **Mr David Shoebridge**.

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

1. That this House notes the findings and recommendations of the Privileges Committee in Report No. 68 entitled "Possible non-compliance with the 2009 Mt Penny order for papers", dated 30 April 2013.
2. That the Privileges Committee inquire into and report on the failure to provide documents in the return to order tabled in the House on 26 November 2009 concerning the Mt Penny mining exploration licence and tender process, including documents identified in the document comparison matrix provided by the Commissioner of the Independent Commission Against Corruption and tabled in the House on 14 March 2013, and in particular:
 - (a) the reasons for and circumstances leading to the failure to provide documents in the return,
 - (b) whether other documents held by offices identified in the resolution passed by the House on 12 November 2009 and captured by the terms of the resolution were not provided in the return,
 - (c) any deficiencies in processes or policies of a Minister, ministerial office, department or other agency regarding the identification of documents captured by orders for the production of documents under Standing Order 52, or the inclusion of documents in a return,
 - (d) the identity of the person or persons whose actions resulted in the failure to provide documents in the return,
 - (e) any further action the House should take in relation to this matter, including:
 - (i) whether a person or persons should be adjudged guilty of contempt,
 - (ii) the scope of sanctions that may be imposed,
 - (iii) any possible further involvement by the Independent Commission Against Corruption,
 - (f) guidelines and policies for the process by which Ministers, ministerial offices, departments and agencies respond to orders for the production of documents under Standing Order 52, in light of current guidelines and policies, and
 - (g) any other related matter.
3. That in order to ensure procedural fairness, natural justice and the protection of witnesses before the Committee, the Committee shall observe the procedures laid down in the standing orders and the practices and procedures of the House, and may adopt and report to the House any additional procedures as the Committee sees fit.
4. That in conducting its inquiry, the Committee may utilise the services of an appropriately qualified adviser or advisers.
5. That notwithstanding anything to the contrary in the resolution establishing the Committee, for the purposes of this inquiry:
 - (a) the Committee consist of eight members, and
 - (b) the additional member be Mr Buckingham.

SESSIONAL ORDERS**Written Questions**

The Hon. DUNCAN GAY (Minister for Roads and Ports) [2.57 p.m.]: I move:

1. That during the present session and unless otherwise ordered:
 - (a) members other than the Leader of the Opposition may lodge not more than nine written questions each per sitting week, and
 - (b) the Leader of the Opposition may lodge not more than 12 written questions per sitting week.
2. That the Procedure Committee review and report on the sessional order for written questions after it has been in operation for six months.

The Hon. Eric Roozendaal: Shame.

The Hon. Walt Secord: Shame. Duncan the chopper.

The PRESIDENT: Order! Members will have an opportunity to contribute to the debate.

The Hon. DUNCAN GAY: I note the contribution of the Hon. Eric Roozendaal, and I will return to that.

The Hon. Walt Secord: Unlimited time limits—what a fit up.

The PRESIDENT: Order! While members may have unlimited time in which to make their contributions, they do not have unlimited calls to order.

The Hon. DUNCAN GAY: This is a sensible change because of the Opposition's actions. It will help the House run smoother and more efficiently and, frankly, it will stop our hardworking public servants—

The Hon. Walt Secord: Hardworking—that's why you are getting rid of them.

The Hon. DUNCAN GAY: The Hon. Walt Secord questions the work ethics of the public servants in this State.

The Hon. Walt Secord: Point of order: The Hon. Duncan Gay is misrepresenting me. I said that he is slashing hardworking public servants.

The PRESIDENT: Order! The member knows that that is not a point of order. If members take frivolous points of order they will be called to order.

The Hon. DUNCAN GAY: Point of order: The honourable member did not refer to me appropriately and I ask him to withdraw.

The Hon. Walt Secord: Members would be very well—I will withdraw.

The Hon. DUNCAN GAY: Those opposite, interestingly, have been whinging and carping with their usual hypocrisy, and the greatest hypocrite of all has been leading it, over something they did—

The Hon. Greg Donnelly: Point of order: The honourable Minister, who is a very experienced member of this House, knows that he was directly reflecting on a member in this House and knows that he should not do that. He knows the standing orders very well. He knows that he should not be reflecting on a member and by calling him a hypocrite he is doing that directly. I ask that he withdraw that reflection.

The Hon. DUNCAN GAY: I did not name anyone.

The PRESIDENT: Order! I did not hear the Minister name anybody. I did not hear anything or see any particular gesture that would enable me to make a ruling under the standing orders. I counsel all members—it is going to be a long afternoon—to try to participate in the debate in an orderly fashion.

The Hon. Catherine Cusack: Point of order: In making his point of order the Hon. Greg Donnelly looked at Mr Walt Secord and therefore identified him as allegedly being a hypocrite. I would suggest that it should be the Hon. Greg Donnelly who makes a withdrawal of that gesture, which quite clearly reflected poorly on Mr Walt Secord.

The Hon. Greg Donnelly: To the point of order: The position is that the Hon. Duncan Gay himself nodded at the Hon. Walt Secord, indicating directly who he was intending to refer to as a hypocrite. Mr President, I accept your ruling that you did not see that yourself; however, that is precisely what the honourable member did.

The PRESIDENT: Order! Does the Deputy Leader of the Government wish to add anything on the point of order?

The Hon. DUNCAN GAY: No.

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

The Hon. DUNCAN GAY: As I indicated, those opposite have been whinging and carping with their usual hypocrisy over something that they did while they were in government. In fact, it is one of the few things that they actually did do. They had a reputation for doing nothing, but this they did.

Dr John Kaye: No, that is not true: they did a lot, but most of it was bad.

The Hon. DUNCAN GAY: There were the other matters as well, but this was something that actually happened in Parliament. When they occupied the government benches in the State's lost years, the missing 16 years, they limited the number of questions on notice that we, as the Opposition, could ask in the other place, and they limited them in the same way that we are suggesting in the motion. So the rules they put in place there they do not want us to put in place here. We took it well. They had caught us out: We had been pushing the envelope a little bit. There was no whinging and whining from us. We were big about it. We sucked it up and took it on the chin, not like some opposite, some who are hypocrites. There was no gnashing of teeth—

The Hon. Eric Roozendaal: Point of order: I noted the previous ruling in relation to the point of order over the use of the word "hypocrite". Again the honourable Minister has used it and directly gestured to a member on this side of the House. It is disorderly and unparliamentary for him to do that.

The PRESIDENT: Order! I did not hear the Minister refer to any member of the House as a hypocrite, and I certainly did not see it.

The Hon. DUNCAN GAY: Because it did not happen, Mr President. There was no gnashing of teeth or protest or screams of injustice from us when they did it, but now all they can do is bleat and scream like a petulant child who has had their ice cream taken away.

The Hon. Greg Donnelly: Point of order: I take offence at being referred to as a petulant child.

The PRESIDENT: Order! The member will resume his seat. I did not hear the Minister refer to him as a petulant child. There is no point of order.

The Hon. DUNCAN GAY: Hypocrisy, as we have noticed, runs rampant in Labor's ranks. Those opposite have been abusing the system, flooding the Government with up to 300 questions each a week. Some of the questions are so inane they are designed just to clog up and slow down our departments. Those questions are taking departmental staff hours to answer, preventing them from doing the work that they usually do and are meant to be doing. They are stopping hardworking public servants from serving the public. They instead spend their time and waste taxpayers' money answering Labor's frivolous and inane questions. All we are doing is trying to make the system work better by spreading out the questions so as not to overwhelm departmental staff on a single day.

The Hon. Luke Foley: Wait until you see what we do after you have carried this, Duncan.

The Hon. DUNCAN GAY: I acknowledge the threat from the Leader of the Opposition, who has come in like a bully boy from the Labor Party in Sussex Street, fresh from his victory over Sir Lunalot, to try to threaten democracy in this House.

The Hon. Eric Roozendaal: Point of order. My point of order is two-fold—I like to do double-barrelled ones. Firstly, the member is making unparliamentary comments about a member of this House and he knows that if he wants to do that he should do that by way of substantive motion. Second is the issue of relevance. He is now way off the track from anything to do with the procedural motion he is putting forward. I suggest that he be brought back to the motion in front of him.

The PRESIDENT: Order! I shall deal with the second point first. The Minister was being entirely relevant. As to the first point, having reflected upon the words, I do not consider them to be unparliamentary. I again remind members that it is contrary to the standing orders for them to reflect on individual sitting members.

The Hon. DUNCAN GAY: As we saw over the last 16 years, those opposite are not particularly interested in good government; they are just spoilers who want to make life difficult for a Government left to pick up the pieces of the extended period of Labor's wasteful and woeful neglect. The spoilers on the other side say that this is an attack on democracy, so let us talk about abuse of democracy by those on the other side. In

2008 Labor trampled democracy when it rang the long bell in this House to prevent debate on plans to sell the State's electricity generators. It was a shameful day in this Parliament. Former member and Leader of the House Tony Kelly called for the doors to be locked. This had all the hallmarks of Walt—the great democrat—Secord's fingerprints all over it.

The Hon. Lynda Voltz: Point of order: The Minister himself has raised the subject of addressing members by their correct title within this Chamber. I ask that he show the same courtesy to members on this side of the Chamber.

The Hon. DUNCAN GAY: I accept the point of order and refer to him as the Hon. Walt Secord, the great democrat.

The PRESIDENT: Order! The Minister has accepted that he was in breach of the standing order so I will not rule on the point of order. If the Hon. Greg Donnelly has a new point of order I am happy to take it.

The Hon. Greg Donnelly: My point of order is that the Minister's comments were a direct reflection on an honourable member on this side of the House.

The PRESIDENT: Order! I heard the words, "the great democrat". There is no point of order. The member will resume his seat.

The Hon. DUNCAN GAY: As we all know, democracy is not alive and not very well in the New South Wales Labor Party. Who could ever forget former Premier Keneally proroguing Parliament three months early, in December 2010, before the election, just so her dodgy Ministers, including the Hon. Eric Roozendaal, could dodge appearing at an inquiry into the deal to sell the State's electricity assets.

The Hon. Greg Donnelly: Point of order: With respect, Mr President, you cannot miss the point that to refer to dodgy Ministers and then immediately refer to the Hon. Eric Roozendaal is reflecting—

The Hon. DUNCAN GAY: Well, Eddie Obeid, Ian Macdonald.

The Hon. Greg Donnelly: They are the Minister's words, "dodgy Minister", and then he referred to the Hon. Eric Roozendaal. With due respect, that is a reflection.

The PRESIDENT: Order! I thank the member for his point of order. I did not hear that part of what the Minister had to say, but I repeat my earlier ruling: It is always disorderly for members to reflect on other members.

The Hon. DUNCAN GAY: The Labor Party talking about democracy is akin to the Corleone family talking about charity work. What do they say quietly and privately, and now publicly from the Leader of the Opposition, "We will flood you with even more questions if this goes through"? They put the threats—

The Hon. Greg Donnelly: Point of order: The Minister has completely misrepresented what the Leader of the Opposition in this House said. He did not say what the Minister claims he said.

The Hon. DUNCAN GAY: Yes, he did.

The PRESIDENT: Order! The Hon. Greg Donnelly will resume his seat. I have counselled all members that if they take frivolous points of order they will be called to order. I warn the member that he is making a debating point, not taking a point of order. All members will have an opportunity to contribute to the debate. If the Hon. Greg Donnelly is unhappy with the substance of the comments of the Deputy Leader of the Government he should take notes and make a contribution later in the debate.

The Hon. DUNCAN GAY: They have said publicly and privately that they will flood us with questions. Frankly, we are not concerned about that. We rate that a hollow threat because that would involve much too much work for this lazy lot opposite. The reality of extra questions is that, like others, members opposite have been looking at the polls. The polls indicate the probability of the Labor Party getting only five seats in the upper House at the next election.

Given that there are nine sitting members opposite contesting these five positions, even without any renewal amongst their ranks, this is more about self-preservation—getting a few questions on the record—than a

genuine interest in the affairs of this State. Given that they are so concerned about their questions and the quality and importance of the questions, let me give the House some examples of the so-called important questions they have asked on notice. The first one that deserves an honourable mention comes from my friend the Hon. Peter Primrose. He asked the Minister for Roads and Ports, representing the Minister for Primary Industries, and Minister for Small Business, this important question:

Minister, since becoming a Minister how many official photographs of the Minister for Primary Industries, and Minister for Small Business have been placed in the departments or agencies within the Minister's portfolio?

That is one that will bring the State to its knees, one that people in the electorates have been waiting to find out the answer to! It is a very important question! Here is another, from the Hon. Walt Secord to the Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council, representing the Premier, and Minister for Western Sydney:

Minister, following the response provided by the Minister for Police to the Legislative Council question on notice 199 asked on August 2 would the Government provide the list of those individuals who attended the Lady Gaga concert with the Premier?

Once again, what a dopey question. Walt Secord is asking silly questions and they are taking up the time of our public servants in New South Wales. But there is more.

The Hon. Walt Secord: Point of order: It was a simple question. I wanted to know who the Premier took to the Lady Gaga concert.

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

The Hon. DUNCAN GAY: It was a simple question from a simple man. There is more: The Hon. Walt Secord to the Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council, representing the Premier and Minister for Western Sydney. Here is another question that really hits at the importance of New South Wales.

Minister, has the Government expressed a view on Northern Territory statehood? If so, what is the Government's view? Has the Government made any submissions or corresponded with the Northern Territory Government on the issue of Northern Territory statehood?

This shows the importance, the gravitas, of the questions that come from this lot opposite. The Hon. Peter Primrose asked this question of the Minister for Roads and Ports—an excellent Minister—representing the Minister for Education:

In accordance with the requirements of emergency management planning, on what days were trial emergency evacuations conducted at Stockton Public School in 2012?

We wasted taxpayers' money researching that. It is just unbelievable. He asked another question of the excellent Minister for Roads and Ports, representing the Minister for Education:

Since becoming a Minister how many official photographs of the Minister for Education have been placed in departments or agencies within the Minister's portfolio?

This is really rocket science! This is what those opposite are about. This is what they are wasting their time on and wasting our time on. The Hon. Peter Primrose asked me this question:

How many bicycle education programs were run at Carrington Public School in 2012? What was the general nature of the programs? How many students at the school participated?

He is the one that gets it wrong the most. He asked me, as Minister for Roads and Ports:

How many breath tests were conducted in the Baulkham Hills electorate over the Australia Day double demerit period in 2012? How many breath tests were conducted in the Baulkham Hills electorate over the Australia Day double demerit period in 2013?

The Hon. Walt Secord: Good question.

The Hon. DUNCAN GAY: "Good question", Walt says. I know everyone on my side knows where it is wrong. Roads and Maritime Services does not do breath testing; the police do breath testing. Everyone in the State knows that except the Hon. Peter Primrose. These are the sorts of stupid, frivolous questions that we have

to put up with from those opposite. He also asked what was the total number of parking offences in school zones in the Riverstone electorate and what were the most frequent offences, which, of course, is a question for the Minister for Finance and Services. As a former Minister he should have known that.

He has often asked the same question 20 and 30 times but, as with this one, has just changed the electorate. On each occasion every one of them is wrong, because it is directed to the wrong Minister. When he puts these 20, 30, 50, 300 questions in at one time it takes up the expertise and time of staff. We continually get asked about specific school flashing light locations. Every time we get asked one of those questions the standard response is that the flashing light locations are on our website.

The Hon. Dr Peter Phelps: No! You mean he is too lazy to look up a website?

The Hon. DUNCAN GAY: Not only is he too lazy to look up the website; it is a clear indication that he is not looking at the answers to the questions. If he had, the question would not have been asked again. This is a clear indication that Labor members want to waste the time of staff within the departments. In the motion we have asked that the number of questions be limited on a particular day. I do not believe it will limit the total number of questions that the Opposition will be able to ask or to put on notice.

The Hon. Adam Searle: So why do it?

The Hon. DUNCAN GAY: We are doing it for the reasons that I have indicated: so we do not have a barrage on a particular day that makes it impossible for our staff. The Labor Party introduced it in the lower House and it has worked well. It is the same procedure that is operating in the lower House but, in generosity and common sense, we have requested a review by the Procedure Committee after six months.

The Hon. Penny Sharpe: Oh, you are so generous!

The Hon. DUNCAN GAY: The Opposition deserves it, even though it would not have done it for us, but we are much nicer.

The Hon. Penny Sharpe: It should not be done at all so do not pretend to be generous.

The Hon. DUNCAN GAY: We are doing exactly what the Opposition did. The hypocrisy of the Labor Party is just palpable. It is all right when Labor members do it; it is not all right when someone else does it. This is a sensible move to make sure that we regulate the time and delivery of the Opposition's pedantic questions. It would not be as bad if they were questions of merit. As we have seen from some of the examples I have indicated, there are very few, if any, questions of merit. I commend this excellent motion to the House.

The Hon. AMANDA FAZIO [3.22 p.m.]: I oppose the sessional order on written questions proposed by the Deputy Leader of the Government. There was no prior discussion or consultation about this matter before introducing it into the House. In fact, it reverses the usual procedure that a matter be considered in a detailed manner by the Procedure Committee and then reported to the House. This is yet another attack on democracy in New South Wales. Tellingly, it is introduced by the same member who was responsible for the gagging of debate on Government bills.

On 3 August 2011 he successfully rammed through a change of sessional orders to introduce time limits for debate on Government bills. It was the first time such a draconian gagging of debate was deemed necessary in the long and proud history of the Legislative Council. He was then responsible for the unsuccessful attempt, in May 2012, to limit the number of notices of motion lodged by individual members, which is a proposal that was wisely not proceeded with by the Procedure Committee. His actions raise this question: What is this Government so afraid of that it has tried to hobble the Legislative Council in its role as a House of review?

The Hon. Duncan Gay: Point of order: The honourable member is misleading the House.

The Hon. AMANDA FAZIO: That is not a point of order, so why don't you sit down? You have had your chance to speak.

The Hon. Duncan Gay: The honourable member indicated I was responsible for that motion. Whilst I was a supporter, I was not responsible for it.

The PRESIDENT: Order! The member will resume his seat. There is no point of order.

The Hon. AMANDA FAZIO: He is a representative of the very Government that in the 2011 election campaign directly mailed a contract to every household in New South Wales that promised to improve accountability and openness in government, which is the exact opposite of what it has done since it was elected. To justify this change the Hon. Duncan Gay has quoted what he perceives to be wrongs that have occurred in the past. There is an old saying that rings very true: Two wrongs do not make a right. Attempting to hobble the Legislative Council does not change anything that has happened in the past; it only reduces the accountability of the Legislative Council in its role as a House of review.

In its 16 years in government the Labor Party made no attempt in the Legislative Council to limit the number of questions that members could place on the notice paper. That is simply because we respected the role of the Legislative Council as a House of review. Members sitting on the Government benches claimed also to have the same respect when they were in opposition, but they have shown scant regard for this since they were elected to government. They have not only limited democracy in New South Wales, particularly freedom of speech and the right to accountability and openness in the Legislative Council, but have also set about significantly reducing the amount of funding that is given to the Opposition. We never did this when we were in government.

Again, the Government has no respect for giving people a fair deal. It has no respect for openness and accountability, and it has very little regard for democracy. That can be seen through the range of legislation that has been put through, including changes to electoral funding laws. The Government has set out to destroy any opposition in New South Wales and to hobble the Opposition in its activities through limiting times on debate and through limiting the funding that the Opposition receives. It is now trying to stop Opposition members from asking legitimate questions for which we need answers to enable us to do our jobs effectively, particularly shadow Ministers.

The Government is showing its true colours. It is disgraceful. The Hon. Duncan Gay claimed that it was reasonable to do this because he—wrongly—stated that when the Australian Labor Party was in government it limited the numbers of questions on notice in the Legislative Assembly. What he did not say was that that measure was originally introduced in 1990 by Nick Greiner when he was Premier. That rule in the Legislative Assembly continued, but it never applied in the Legislative Council. That is because the roles of the Legislative Council and the Legislative Assembly are fundamentally different. The Legislative Council is a House of review. Representatives from minor parties have no opportunity to put questions other than on the *Notice Paper*. Even though they might have 4 per cent, 5 per cent or 10 per cent support in the community, the only place they get to put questions on notice is in the Legislative Council. That is one of the fundamental differences between the Legislative Council and the Legislative Assembly that this Minister seems unable or unwilling to recognise or acknowledge.

Two of the most important roles of the Legislative Council under the Constitution are legislating and scrutinising the actions of the executive government. This is a real instance of the arm of executive government reaching into the operations of the Legislative Council and saying, "We are tired of being held to account. We are tired of being given questions to answer. We do not want to give you this information. We do not want to be accountable." Executive government is dictating what the Legislative Council can do. This is a most abhorrent interference by executive government into the functions and independence of the Legislature. The sad thing is that a member who has been in this place for more than 25 years does not understand that. That says one of two things: It is either a sad reflection on their capacity to truly understand why they are here or they will put the needs and wants of their Government before the longstanding traditions of this House. That is shameful.

Putting questions on notice is one of the important procedures we have to scrutinise the actions of the Executive. Limiting the number of questions that can be lodged by individual members is an affront to the role of the Legislative Council as a house of review and a severe reduction in its role of scrutinising the actions of the Executive. In fact, I believe that it is an outright attack on our democratic system. I am sure other members will talk about the role of the Legislative Council as a house of review. It is a role that we in the Labor Party recognise; it is a role that the people of New South Wales expect the Legislative Council to undertake; and it is a role that I believe we should be fighting to preserve. If this motion is passed, we will be saying that we do not care about the proud history of the Legislative Council as a house of review.

One of the reasons the Hon. Duncan Gay attempted to use to justify this proposed draconian sessional order was that he did not like the questions being asked and he did not believe they were appropriate. I have

some advice for the honourable member: Members on this side of the House do not believe that the answers we get to questions we ask during question time are good enough; in fact, they are dreadful. Ministers never answer the questions we ask and they avoid the specific topics. The only way we can get the information we need is to put questions on notice.

What happens when we ask a question on notice of this Government? I have put a number of questions on notice to the Minister for Roads and Ports about WestConnex—very specific questions about the slot proposal and whether one side or both sides of Parramatta Road will be demolished. I also asked how much waste material would need to be removed and how many truck movements there would be. I asked those questions because people who live in the inner western suburbs have serious concerns about these issues. People buying apartments off the plan that will be constructed along Parramatta Road want to know whether their apartment building will be bulldozed. They asked those questions and I put them on notice. Did I get a detailed answer? No, I did not. The Minister referred me to the WestConnex website, which contains a vague concept plan but no specific details. It did not answer one of the questions I put on notice. That happens time and again and that is why Labor members and members of the crossbench put so many questions on notice. If we put 10 questions on notice we might get half an answer to one. It is not that we are wasting time by putting questions on notice; we are simply trying to get information from Ministers, who are becoming the masters of bluff. They do not want to tell anyone anything.

I remind the Deputy Leader of the Government that this is a democracy and that he is accountable to the people of New South Wales, to the Opposition and to this Chamber. That is why Ministers should be honest and forthright in answering questions, they should not mislead the House and they should answer questions put on notice. If that happened more frequently the number of questions put on notice would reduce, but unfortunately it does not and that is why we are in this bind.

The asking of parliamentary questions is part of the Westminster system, which is the basis of our parliamentary democracy. The principle of parliamentary democracy is responsible government and that means Ministers—the Executive Government—are answerable to the Parliament. While modern parliamentary democracy has seen a gradual weakening of that philosophy, within the parliamentary process members can seek information from Ministers through a range of procedures, including putting questions on notice. That is one of the few tools we have left. The Minister mocked some of the questions put on notice. However, if members are approached by a constituent, a community organisation or a local government representative in their area or one of the many duty areas that they represent asking them to put a question on notice to obtain some information—

The Hon. Duncan Gay: Which one asked about Lady Gaga?

The Hon. AMANDA FAZIO: —that member has a responsibility to ask that question.

The PRESIDENT: Order!

The Hon. AMANDA FAZIO: That is our role; it is part of our job as an opposition to hold the Government accountable.

The Hon. Dr Peter Phelps: Which one asked about flashing school lights?

The Hon. AMANDA FAZIO: If the Government Whip thinks that asking questions about flashing school lights is a joke, shame on him. Just about every school community that does not have flashing lights wants to know about them.

The Hon. Lynda Voltz: Point of order: It is very difficult to hear the member while the Government Whip is yelling across the Chamber.

The PRESIDENT: Order! I uphold the point of order.

The Hon. AMANDA FAZIO: Thank you, Mr President. The value of placing questions on notice as a legitimate way to scrutinise ministerial responsibility cannot be underestimated; it is very important. Members opposite took advantage of that procedure during the 16 years that they were in opposition.

The Hon. Rick Colless: But we did not abuse it.

The Hon. AMANDA FAZIO: I acknowledge that interjection. Many members of the Opposition choose to format their questions differently from the way that members opposite formatted their questions. It is easy to check those questions because they are on the parliamentary website. Some members will ask one question about a topic with 40 sub-questions and others will ask 40 separate questions covering the same topic. It is fallacious to say that the member asking 40 separate questions is imposing a greater workload on the public service, and if the Minister were smarter he would know that.

Why is this change being made now? It is not as though the number of questions being put on notice is vastly different from the number asked elsewhere. It is not unusual for members of the Victorian Legislative Council to put more than 300 questions on notice on any one day. That is the role of a house of review and it is something with which Government members must come to terms. It is part of the responsibility of being in government. Government members do not simply get numerous staff and a car with a driver; they are also required to answer questions, to be accountable, to adhere to ministerial guidelines and to be honest with the public and this House. That is all part of the package. Ministers do not get the big salary, the white car with a driver, a flash office in Governor Macquarie Tower and more staff than they can poke a stick at for nothing. Some responsibilities come with being in office. One of those responsibilities is answering questions on notice and members opposite will have to come to terms with that. Their attempt to thwart democracy and to thumb their nose at the proud role of the Legislative Council as a house of review is unjustified and, frankly, disgusting.

Ministerial scrutiny in Parliament is integral to the Westminster system. It ensures that we have checks and balances and that we do not have tin-pot dictatorships. We should all be proud of that and we should defend it; we should not be tempted to change it because we are annoyed about the number of questions asked. Being personally annoyed as a Minister is not a good reason to change public policy. Having 24-hour clearways on the weekend on certain roads because a Minister has been held up in a traffic jam is not good public policy. Consultation before change is part and parcel of good public policy and the members opposite should be prepared to accept that.

We should never be ashamed of standing up for accountability and openness in government. It is something that the people of New South Wales expect, it is something that they want, and it is a very important part of the democratic system that we have enjoyed in New South Wales. I find it breathtaking that this Government wants to trash the proud history of the Legislative Council by moving this sessional order. I also will be very disappointed if the crossbenchers, who are elected as part of an electoral system that ensures broad representation in order to have accountability in government, support this motion. This motion is not worthy of our support. I conclude by saying that when I researched this matter I found on the web page of the New South Wales Parliament a paper in relation to the separation of powers. It states:

A tension between separation and concentration of powers will always exist, and the greatest danger will always lie with the executive arm—not judges or legislatures—because in the executive lies the greatest potential and practice for power and for its corruption. Preventing this in our system relies as much upon conventions as constitutions and the alarm bells should ring loudly when government leaders dismiss or profess ignorance of the concept.

We should say "no" to the arm of executive government reaching in and messing up the sessional orders of the Legislative Council. We should reject that concept; we should reject these sessional orders. If the Government wants to pursue this matter it should do so by way of the usual procedure. Therefore, I formally move:

1. Insert before paragraph 1 "That the Procedure Committee inquire into and report on the following proposed sessional order:".
2. Omit paragraph 2.

The Hon. CATHERINE CUSACK [3.41 p.m.]: It is a pity that the research of the Hon. Amanda Fazio did not extend to the terms of the motion before the House. One could be convinced by listening to the Hon. Amanda Fazio that questions on notice will not be allowed in the Legislative Council and democracy as we know it has been shut down. I draw members' attention to the words of the motion which do not limit the number of questions that may be placed on the *Notice Paper*. This motion limits the rate at which questions can be placed on notice—and it is not a daily rate, it is on a weekly basis. Members can place nine questions on the *Notice Paper* on the third day of the sitting week if they choose. If today members want to place nine questions on notice, according to these sessional orders that would be fine. If the Leader of the Opposition on the Monday wants to put 12 questions on the *Notice Paper* that would be fine. We are just saying to keep it to 12 for that week.

The Government wants the members opposite to learn, prioritise and manage and not engage in an orgy of indulgence by throwing paper not only at the Government but also at the staff of the Parliament. I feel for the Legislative Council staff, who have to work into the wee hours of the morning and type up all this rubbish that has been pouring unabated onto the *Questions and Answers* paper. I draw the attention of the House to this tome that I have before me. The *Questions and Answers* paper No. 138 dated 30 April 2013 extends from page 3579 to page 3875 and deals with questions 3240 to 4327. A question from the Opposition asked of the Minister for Roads and Ports states:

1. How many breath tests were conducted in the Menai electorate over the double demerit period of December 2011 to January 2012?
2. How many breath tests were conducted in the Menai electorate over the double demerit period of December 2012 to January 2013?

First, that question is misdirected. So the answer is simply, "This is a matter for the Minister for Police and Emergency Services". The member who asked this question was too lazy to even work out to whom the question should be directed. I do not want our police to have to spend days counting up numbers for the benefit of the Opposition for no discernible purpose. The Opposition asks such questions electorate by electorate for each financial year so it does not have to do its own research. Police officers, who have far better things to do in order to protect the public, are supposed to conduct research for Opposition members who are too lazy to do it themselves.

The PRESIDENT: Order! The Hon. Amanda Fazio was heard in almost silence, except for a short period. I ask members to extend the same courtesy to other speakers in the debate.

The Hon. CATHERINE CUSACK: Mr Walt Secord asked question 2083, which relates to planning and infrastructure catering expenses, as follows:

For the 2010-11 financial year, what was the Planning and Infrastructure sub-clusters expenditure including total, and broken down by departments and service groups on:

- (a) Entertainment,
- (b) Food,
- (c) Function,
- (d) Special events,
- (e) Venue hire,
- (f) Other related costs.

On his word processor Mr Walt Secord copied and pasted the entire question, changed the financial year from "2010-11" to "2011-12", and placed that question on the *Notice Paper*. He did so for no discernible reason, as no problem has been alluded to. Every year the Planning and Infrastructure department holds thousands of consultations in the community on issues ranging from the planning of roads to draft plans. This department is constantly in the community, and the Opposition wants it to account for every cup of coffee it has served during those community meetings. It is an utter waste of time and shows the arrogance of Mr Walt Secord to expect the Government to drop everything and do his research.

Tragically, the motion moved by the Minister does not preclude Mr Walt Secord from continuing to pour such rubbish onto the *Questions and Answers* paper. The Government is not stopping him from doing so; it is simply limiting the deluge to nine such ridiculous questions a week. That is all the Government is doing. We are just slowing down the deluge. This motion is moved in the interests of the efficient use of taxpayer resources in this Parliament. The Hon. Amanda Fazio claimed that the former Government did not introduce this sort of reform because it respected democracy.

The former Government which supposedly respected democracy is the same government that prorogued Parliament in order to avoid an inquiry by the Legislative Council. It is the same government that for more than two decades gave us Eddie Obeid and Ian Macdonald and is now tying up even more taxpayer resources in inquiries conducted by the Independent Commission Against Corruption. The commission has conducted three inquiries so far and counting. On 30 April 2013 the Legislative Council Privileges Committee

reported that the Keneally Government's possible non-compliance with a return to order in relation to Mount Penny included at least 124 documents, as identified by the Independent Commission Against Corruption. Yet members opposite tell us that they respected democracy when they were in government.

The reason the former Government did not need to introduce this reform is because the former Opposition did not abuse the House's questions and answers process. Now we are faced with an absolutely farcical situation. The Government obviously respects the democratic right of the Opposition to ask questions but we are simply trying to contain the farce to manageable proportions. I point out that Opposition members have numerous opportunities to ask questions. They asked thousands of questions during the estimates process. They can ask any question they like about the relevant portfolio during estimates hearings.

Those opposite ask questions without notice every sitting day. Let there be no misunderstanding, I am not suggesting they are good questions, but they continue to ask them. They ask questions with and without notice during estimates hearings. They also ask any number of questions when they write to Ministers. In fact, it is a simpler and more efficient process for incorrectly addressed correspondence to be forwarded by one Minister to another than it is for questions directed to incorrect Ministers to be dealt with under the House's questions and answers process. Those opposite also have rights under the Freedom of Information Act and they can, and do, issue calls for papers.

The Hon. Amanda Fazio: Point of order: The member is misleading the House. It cost me \$405 to get a few documents under a freedom of information request.

The PRESIDENT: Order! There is no point of order. The Hon. Amanda Fazio is making a debating point.

The Hon. CATHERINE CUSACK: Those opposite abuse the provisions of free speech and democracy in this House, as they do the questions and answers process and the taking of points of order. Each day those opposite abuse every tradition and privilege in this House. This motion will ensure that the Government will limit written questions to a more manageable rate. No longer will we be derailed by fishing exercises, laziness and incompetence in the misdirection of questions, which has resulted in an utter waste of taxpayers' money in this Parliament. Members opposite should carefully reflect on the way in which the processes in this House are being abused and support the motion.

Members will be permitted to lodge nine written questions each per sitting week while the Leader of the Opposition will be permitted to lodge 12 written questions per sitting week. I note that the Hon. Peter Primrose has asked 809 questions on notice over the past two years—738 of those questions were asked in the 15 sitting days prior to this week. That is ludicrous and unmanageable; it is an abuse. Hopefully the capping of questions will mean that those opposite will take greater care when addressing their questions to Ministers and that the questions will relate to issues of substance. In fact, I will be surprised if any of them use their allotted number of questions per sitting week.

The Hon. LYNDIA VOLTZ [3.52 p.m.]: The Hon. Catherine Cusack has made an interesting contribution. Apparently a question on notice is only deemed important if it complies with the standards of those opposite. Let us have a look at some of the questions asked by those opposite when they were in opposition. For instance, the Hon. Catherine Cusack asked the Minister for Roads and Minister for Housing:

What is the Roads and Traffic Authority's recommended route for traffic exiting Hospital Road and wishing to access the south bound lanes of the Eastern Distributor?

The Hon. Catherine Cusack was seeking the assistance of ministerial staff on how to get from Hospital Road to the Eastern Distributor. She did not need to write to a Minister to find out how to do that. All she has to do is turn left out of Hospital Road onto Bent Street, then right at the corner of Macquarie Street and head towards the Conservatorium of Music where there is a turning bay. She then comes back and joins the southbound lanes of the Eastern Distributor. Any licensed driver in this Chamber could tell the Hon. Catherine Cusack that one cannot do an illegal U-turn at traffic lights—I am sure the Minister for Roads and Ports will correct me on that if I am wrong. That might be a frivolous question, but the Labor Government considered that members should be free to ask whatever questions they wished in this Chamber. For instance, the Hon. Duncan Gay asked the Minister for Roads, and Minister for Commerce:

Given the Federal Government's commitment in April 2007 of \$10 million to construct a grade separated interchange or flyover at the Myall Lake intersection on the Pacific Highway, will the Department match that funding and commit to that project?

In that question the Hon. Duncan Gay is asking about 50:50 funding for the Pacific Highway. No doubt the shadow Minister for Transport will correct me if I am wrong. I am sure at that time the Labor Government did not consider that to be a frivolous or inappropriate question but that the Hon. Duncan was being genuine in asking if the Federal Government put up \$10 million would the State Government match it 50:50.

The Hon. Duncan Gay: Is that it? Is that as good as it gets?

The Hon. LYNDIA VOLTZ: The Hon. Duncan Gay wants to shout the Opposition down because his questions on notice demonstrate exactly the points made in the past. These are not frivolous questions; they are questions on notice that members appropriately ask in this Chamber to elicit information from the Government.

The Hon. Duncan Gay: I think my questions stand the test of time.

The Hon. LYNDIA VOLTZ: I am sure the Hon. Duncan Gay will tell us in a minute that the Government will provide 50:50 funding. He has never talked about providing 50:50 funding—except for his questions on notice. The Hon. Duncan Gay also asked why it is important to know about the Northern Territory statehood. That is a frivolous question except for the impact it will have on GST and the New South Wales revenue bases. Those on the opposite side of the Chamber may consider that to be a frivolous question but it is important to the Opposition. Members opposite might also consider asking about Lady Gaga tickets to be frivolous; it is not frivolous to Miss Anastasia who was desperate to go. Those opposite have also asked questions about events and ticketing. It is all about accountability and a transparent and open government. Members do not always ask questions of the correct Minister. For instance, the Hon. Duncan Gay asked the Minister for Primary Industries:

Are local Trial Bay residents concerned that the illegal mooring of long liners to safety buoys at Trial Bay has occurred? If so, has the Department of Primary Industries (Fisheries) taken action to investigate these concerns? If so, what have been the findings of those investigations? ...

The Hon. Duncan Gay, now the Minister for Roads and Ports, well knows that that question should not have been asked of the Minister for Primary Industries. What did the Minister for Primary Industries do? He referred the matter to the Minister responsible for the New South Wales Maritime Authority. That is not the only example of questions asked by Coalition members, who are now members of the Government, to the incorrect Minister. I asked a question of the housing Minister through the Minister for Finance and Services about when housing constructed under Federal Government funding would be occupied. I was told that the question should have been asked of the Minister for Finance and Services. Under the Labor Government if the Minister who was asked the question in the first place was the responsible Minister then that Minister would have answered the question.

But these Ministers could not answer those questions. These Ministers create more work for departments time and time again because Opposition members must rewrite questions and again put them through the departmental process. During the budget estimates on 22 September 2005 the Hon. Duncan Gay—this is one example of how crazy the system gets—asked 25 questions. If I look at some of those questions, for example, question 2,610 had 38 questions within the one question; question 2,608 contained 17 questions; and question 2,612 contained 13 questions.

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

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

QUESTIONS WITHOUT NOTICE

FIRE SERVICES LEVY

The Hon. LUKE FOLEY: My question is directed to the Minister for Finance and Services, representing the Treasurer. Given that fire services in New South Wales have been adequately funded for more than 100 years, why is the Government placing a new \$300 tax on 800,000 households to fund these services?

The Hon. GREG PEARCE: The Leader of the Opposition has not read the newspapers, for a change. As requested I will refer the question to the Treasurer and get a detailed answer.

NSW POLICE FORCE NEWLY ATTESTED OFFICERS

The Hon. CATHERINE CUSACK: My question is addressed to the Minister for Police and Emergency Services. Will the Minister inform the House about the newest recruits to the NSW Police Force?

The Hon. MICHAEL GALLACHER: On 3 May it was a great pleasure to attend the attestation ceremony for class 318 at the Goulburn Police Academy, and I can assure the House that the calibre of probationary constables coming through the academy to pursue a challenging and rewarding career as a New South Wales police officer remains high. All attesting officers have made it through physical and academic tests, and, most importantly, they have demonstrated the commitment and character of people prepared to ensure the safety and security of the community they will serve. The 202 probationary constables who attested have joined a police force now boasting a record authorised strength of 16,176.

As members opposite know full well, we have been increasing the authorised strength of the NSW Police Force since we took office. After the further increase this month of 80 positions from the May class, we have boosted the authorised strength by 370, and we are on our way to increasing the force by a total of 859 positions, to a record authorised strength of 16,665 officers in August 2015. This month 50 additional positions were added to the Police Transport Command, bringing its authorised strength to 401. We have also added 30 positions to the authorised strength of the Traffic and Highway Patrol Command, bringing it to 1,295. That makes an increase of 50 new authorised positions to this command, and that is halfway to our commitment to increase the strength of the command by 100.

While another 202 probationary constables have been drawn to this career, I am equally pleased with how many officers stay in this exciting and rewarding profession. Indeed, there is such demand for a career in policing that the NSW Police Force has implemented a freeze on new applications. Members opposite have mischievously tried to claim that this is a sign of cuts to the Police Force. That is as far from the truth as members opposite could possibly get. Thanks to the Government making the necessary reforms to the Death and Disability Scheme set up by members opposite and restoring the confidence of serving police officers by ensuring that they will have the back-up they need, I am advised that attrition within the Police Force is currently averaging about 40 officers a month, down from the average of 70 under the previous administration. Therefore, it stands to reason that if fewer officers are leaving the force, fewer replacements are needed.

Under Labor, the NSW Police Force was faced with more than 800 officers on long-term sick leave and officers leaving the force at such a rate that police could not recruit fast enough to plug the holes. Placing a temporary freeze on new applications will ensure that potential applicants do not need to spend application fees, which easily total \$500, including on such items as medical certificates, when there is a substantial wait before their application can be considered. We are getting on with the job of ensuring that the NSW Police Force is better resourced, better equipped and better supported than ever before.

Members opposite are peddling misinformation and seeking to undermine the community's confidence in a police force experiencing record numbers. A number of the new police officers deserve special mention. The winner of the Robert Brotherson Award for the highest level of academic achievement was Probationary Constable Thomas Stillwell. The winners of the Steven Roser Memorial Award for the highest male and female achievers in physical training were Probationary Constable Adam Splithof and Probationary Constable Caitlin Billingham. The Juan Carlos Hernandez Award, given to the student with the highest marksmanship score, went to Probationary Constable Matthew Skellern. [*Time expired.*]

The Hon. CATHERINE CUSACK: I ask a supplementary question. Will the Minister elucidate his answer?

The Hon. MICHAEL GALLACHER: I am sure that all members would like to hear about these outstanding young probationary constables, including Probationary Constable Nathan Dechaufepie, who was the recipient of the Simulated Policing Acquiring Confidence Award. These officers can be proud of their achievements. Their families can be proud of them and, most importantly, their communities are proud of them. I am sure that the House will join me in wishing our newest police officers all the very best for their careers in the NSW Police Force.

SNOWY HYDRO LIMITED

The Hon. ADAM SEARLE: My question is addressed to the Minister for Finance and Services. Is the Minister's asset sales task force considering a future privatisation of Snowy Hydro?

The Hon. GREG PEARCE: No.

NORTHERN BEACHES HOSPITAL

Dr JOHN KAYE: My question without notice is directed to the Minister representing the Minister for Health. What guarantees will the Minister provide to the residents of the northern beaches that the private hospital model being pursued for the northern beaches hospital will not result in a reduction in the quality of services or in the same compromised patient care that Labor's disastrous public-private partnership did at Royal North Shore Hospital? Given that the Minister for Health has declared that the northern beaches hospital will be the model for future public hospital development in New South Wales, what protections will exist for patients and communities across the State that profit and market will not be given precedence over the quality of care for public patients?

The Hon. MICHAEL GALLACHER: As requested, I will refer the question to the outstanding Minister for Health, which the State is fortunate to have, from whom I will get an outstanding answer.

PORTS LONG-TERM LEASE

The Hon. JOHN AJAKA: My question is directed to the Minister for Roads and Ports. Will the Minister update the House on the long-term lease of Port Botany and Port Kembla?

The Hon. DUNCAN GAY: According to members opposite, we are complaining about their inability to put questions on notice. For the third week since resuming after the Easter recess members opposite have not asked one question about the long-term lease of Port Botany. I have often said to this Chamber that members opposite hate good news. Well, news does not get much better than this; this was simply exceptional news. Frankly, it is hard to imagine any circumstances under which the long-term lease of Port Botany and Port Kembla would have been possible under Labor's management. Last month when the Treasurer announced the successful leasing it was an outstanding result for the people of New South Wales. The 99-year-lease of these State-owned port assets has been awarded to the New South Wales Ports Consortium for \$5.07 billion—a result that exceeded even our best expectations.

[Interruption]

What was that, Penny?

The Hon. Amanda Fazio: Point of order: The Minister knows it is not within the standing orders to refer to the shadow Minister for Transport by her first name. He should refer to her as the Hon. Penny Sharpe.

The PRESIDENT: Order! I uphold the point of order.

The Hon. DUNCAN GAY: I also apologise. The Hon. Penny Sharpe was muttering and saying things about the lease, but when I asked her to put it on the record there was silence. Silence was the response. It is rats and mice stuff. They want to chatter in the background, but even the member knows that we scored a goal on that one, and a real goal for New South Wales.

The Hon. Greg Donnelly: Point of order: I was sitting directly behind the Hon. Penny Sharpe and I could not hear what she said, so there is no way in the world that the Minister could possibly hear and verbal what she said.

The PRESIDENT: Order! I have ruled on the matter. The member will resume his seat.

The Hon. DUNCAN GAY: Did she say nothing, Mick? This outstanding financial return for the State follows a six-month competitive bidding process with net proceeds of about \$4 billion to be invested in the New South Wales Government's infrastructure fund, Restart NSW. It is the largest ever New South Wales government transaction in terms of net proceeds and it is a great shot in the arm to the New South Wales Government's record \$61.8 billion four-year infrastructure program and two successive record roads budgets worth more than \$10 billion. Thirty per cent of the funds allocated to Restart NSW are reserved for rural and regional projects, including \$135 million for Bridges for the Bush and a further \$100 million towards infrastructure projects in the Illawarra.

[Interruption]

I cannot hear the shadow Minister because her colleague said that she is not saying anything. There will be \$1.8 billion to start the game changing project for Sydney, WestConnex, and \$403 million will go to the Pacific Highway.

The Hon. Penny Sharpe: That is not the 50 per cent contribution you are supposed to be giving.

The Hon. DUNCAN GAY: Mr President, they have dived into it again. [*Time expired.*]

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

The Hon. DUNCAN GAY: I thank the honourable member and I acknowledge the contribution from the Opposition spokesperson talking about the 50:50 funding.

The Hon. Lynda Voltz: Point of order: I have two points of order. The Minister should be referring his comments through the Chair and not at members opposite. The other point of order relates to relevance.

The PRESIDENT: Order! I uphold the first point of order. There is no point of order in respect of the second matter raised.

The Hon. DUNCAN GAY: Those opposite mentioned the 50:50 and the 80:20 funding arrangements. Interestingly, in the last month the 80:20 arrangement that could not be maintained for our Government in New South Wales has just been implemented in Queensland for the Bruce Highway. I leave it for the people of New South Wales to make a judgement about what is happening up there.

Funding of \$403 million will go to the Priority 2 projects between Port Macquarie and Coffs Harbour. They include the Oxley Highway to Kundabung, Kundabung to Kempsey, Frederickton to Eungai, Warrell Creek to Nambucca Heads and Nambucca Heads to Urunga. Some \$170 million will go to the Princes Highway. This means the entire Foxground and Berry bypass, worth more than \$500 million, will be delivered under one major contract and will be completed by 2018. Members opposite are quiet on that one. Further projects to be funded will be determined in line with Infrastructure NSW priorities. Sydney Ports Corporation will retain a significant maritime security and emergency response role as part of government, including the functions of harbour master, Sydney Harbour sea pilots, navigation— [*Time expired.*]

NATIONAL DISABILITY INSURANCE SCHEME

Reverend the Hon. FRED NILE: I wish to ask a question of the Minister for Finance and Services, representing the Treasurer. What is the overall cost of the National Disability Insurance Scheme for the trials and when will the trials conclude? How will this affect our State budget? Does the Government support the increase of the Medicare levy from 1.5 to 2 per cent, with an average annual payment of \$350 per household, and how will this impact on families?

The Hon. GREG PEARCE: I thank Reverend the Hon. Fred Nile for that question, and I am sure all honourable members would join with me in congratulating him on the wonderful personal news that has just been made public. On 6 December 2012 the New South Wales and Australian governments reached an historic agreement that will ensure a full roll-out of the National Disability Insurance Scheme in New South Wales by July 2018. The New South Wales Government strongly supported the National Disability Insurance Scheme as proposed by the Productivity Commission.

New South Wales reached an agreement with the Australian Government on arrangements for the Hunter launch site on 1 August 2012. The key elements of that agreement were that the launch site is to commence in 2013-14; about 10,000 people with significant and profound disabilities, their families and carers will be covered by the trial; Hunter local government areas include Newcastle, Lake Macquarie and Maitland; the scheme will be needs assessed; individual care and support packages will be a feature of the trial with choice and control of care and support; and there will be assistance by local coordination. The agreement was that New South Wales would provide \$585 million for individual care and support in the Hunter launch site over the period of the launch. The Australian Government is to fund the operation of the National Disability Insurance Scheme Launch Transition Agency.

On 6 December 2012 the New South Wales and Australian governments reached that initial historic agreement to ensure the full roll-out of the National Disability Insurance Scheme in New South Wales by July

2018. The agreement provides for care and support to around 140,000 New South Wales residents with significant disability, and it provides coverage in the event of disability to nearly one-third of Australians. It will provide peace of mind to people with a disability, their families and carers. People with disability will be at the centre of the system with full choice, control and direction over the care and support they need to live a decent, dignified life.

Under the agreement for a full roll-out of the then National Disability Insurance Scheme in New South Wales, New South Wales agreed to provide a capped and fixed contribution of \$3.133 billion in 2018 towards the cost of individual packages and other supports for people with disability. The Commonwealth initially agreed to provide funding of \$3.32 billion in 2018 to cover the administration of the scheme and contribute to the cost of individual care and support packages and other supports for people with disability. The O'Farrell-Stoner Government remains committed to the National Disability Insurance Scheme. New South Wales, as I said, was the first State to sign up.

Mr David Shoebridge: Do you support the levy?

The Hon. GREG PEARCE: We have already put in our share and now the Federal Government needs to get its house in order. As the Premier has said, each government has to be held accountable for its decisions to manage its own expenditure before putting up taxes. As I said, we are already transforming disability services in New South Wales, and New South Wales is currently spending \$2 billion. We are proud that the National Disability Insurance Scheme trial will be held in New South Wales. By July this year the Hunter will be the site of the National Disability Insurance Scheme trial, to which the New South Wales Government has committed \$585 million.

NSW POLICE FORCE RECRUITMENT

The Hon. PENNY SHARPE: My question is directed to the Minister for Police and Emergency Services. In light of the shortages faced in some areas of the police force such as the Child Abuse Squad and the Police Transport Command, and the spate of shootings in western Sydney, how will the Minister fill vacancies when acceptance of new applicants to the police force is no longer occurring?

The Hon. MICHAEL GALLACHER: Again members opposite fail to recognise the importance of attracting experienced police officers, particularly in the area of child abuse. This is not about attracting probationary constables into that area; it is not about thrusting newly designated police officers into an area such as child abuse. It is about seeking experienced police officers who want to work in such areas. Of course, the transport command is a new innovation. Those opposite failed to address the obvious community concern and that of the New South Wales Police Force by establishing a transport command. The new command is in the process of being built substantially. That is about attracting police officers who want to go to a particular area.

The Hon. Penny Sharpe: That's not going very well, is it?

The Hon. MICHAEL GALLACHER: It is going exceptionally well despite the best efforts of the Opposition, particularly the shadow Minister for Transport, to talk it down. That is the problem: those opposite are always talking things down. The member's interjection is clear evidence of that, as are interjections referring to rising gun crime in south-western Sydney. By making such interjections and using such language about rising gun crime, members opposite are perpetuating fear in the community.

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

The Hon. MICHAEL GALLACHER: Despite Dr Weatherburn's observations—for which he was subjected to the closest scrutiny—that there had been a significant slump in the number of drive-by shootings in south-western Sydney and that it is safer to live in the Sydney metropolitan area today than it has been for many, many years, members opposite continue to perpetuate a climate of fear. They are all about political posturing. They are not about telling the public the truth about what is happening as a result of the concerted efforts by the New South Wales Police Force to put behind bars those responsible for this activity. Nor are they about assuring members of the public, whether in south-western Sydney or any other part of this State, that police are focusing on community concerns. Those opposite are simply focused on perpetuating a climate of fear to assist their Federal colleagues and their own political opportunities in the years ahead. They are not about recognising the arrests that police have made. They are not about recognising, as Don Weatherburn has, the significant slump in drive-by shootings in south-western Sydney. No, the language of members opposite is all about perpetuating fear.

I draw the attention of members to comments made by the Leader of the Opposition only a week and a half ago when he said that the Government needed to focus on gangs given the violence that had occurred in the days preceding his comments. Overwhelmingly the majority of that violence was interpersonal relationship-based or domestic-based, but what did we hear from those opposite who continually talk about domestic violence? There were domestic violence deaths and there were deaths arising from interpersonal relationships but those opposite said absolutely nothing. Instead they elected to perpetuate the myth that the deaths were gang crime related. They are an absolute disgrace. Not one of the members on the Left opposite stood up to speak about domestic violence. They never said a damn word, not one damn word. They are gutless when it comes to standing up for the truth. They are an absolute disgrace on that issue.

PILLAR SUPERANNUATION ADMINISTRATION CORPORATION

The Hon. MATTHEW MASON-COX: I will give members opposite a moment to collect their thoughts. My question is directed to the Minister for Finance and Services, and Minister for the Illawarra. Will the Minister update the House on what is being done to secure Pillar Administration's future as a provider of administration services?

The Hon. Penny Sharpe: This is a recycled question. Couldn't you get something new?

The Hon. GREG PEARCE: No, this is a very important question from a very good Parliamentary Secretary. It is just a pity that I have to share him with the Treasurer. But he has the capacity to work for both the Treasurer and me, and that is fantastic. Pillar is the trading name for the Superannuation Administration Corporation. It provides administration services to a number of superannuation funds including complex defined benefit schemes. Pillar is a State-owned corporation and employs around 800 staff, most of whom live in the Illawarra. Members will be happy to know that last year I visited Pillar's Wollongong operation and met workers at the site, saw their workplace and their new building, and spoke with staff about the business.

Pillar faces a number of challenges. It operates in a highly competitive and low-margin market and its cost base, especially its staff cost, is comparatively high. As I have previously advised the House, because of the bad managerial decisions that were made under the previous Labor Government, Pillar made a significant loss of \$2.2 million in 2011-12 and a further loss of \$2.239 million in the six months to December 2012. That is Labor for you. Those opposite, including the Hon. Eric Roozendaal—who is not actually opposite at the moment—

The Hon. Rick Colless: Where is he?

The Hon. GREG PEARCE: The Independent Commission Against Corruption is sitting today so he is probably there watching it.

The Hon. Greg Donnelly: Point of order: I submit that that was a direct reflection on a member of the Opposition who is not even in the House.

The Hon. GREG PEARCE: He is not a member of the Opposition. He is suspended from the Labor Party.

The Hon. Greg Donnelly: It is completely improper for the Minister to reflect on the honourable member in the way that he did and I ask that he withdraw that imputation.

The PRESIDENT: Order! Imputations or reflections made by any member at any time are disorderly. I counsel all members and Ministers to bear that in mind in the remarks they make.

The Hon. GREG PEARCE: I have previously announced that it is the Government's intention to encourage Pillar to improve its performance and operate in a more efficient manner, because without significant changes to Pillar's operating model and performance its future is not looking good. I am pleased that a key step in improving the performance of Pillar has been taken with the appointment of a new chairman, Mr Nicholas Johnson. Mr Johnson has extensive experience in financial sector business management gained from roles overseas and in Australia. He has worked with the governments of New South Wales, Western Australia and Victoria advising on a variety of transactional work. He has worked with the Hong Kong Government on road and tunnel pricing routes and funding strategies for Hong Kong International Airport.

Mr Johnson has previously worked for major Australian and international banks and finance institutions. He has considerable experience in delivering financial decisions on asset sales and purchases and has implemented successful investment banking strategies in the financial sector. I believe that Mr Johnson has the right experience with government and in the private sector to guide Pillar as it embarks on a revision of its strategy and as it undergoes renewal at the board and senior management levels. One of the first responsibilities Mr Johnson will have is the appointment of a new chief executive officer. This is a key appointment and I am confident that a new chair and chief executive officer will help Pillar establish a new course after recent difficulties.

As Minister for the Illawarra I am keen to see Pillar remain a provider of quality jobs in the region. As Minister responsible for administering the State's superannuation Acts I have a strong interest in the provision of quality and robust superannuation services for the State's current and former public sector employees. Securing Pillar's future will help achieve both of these aims and I believe that Mr Johnston's track record shows that he has the ability to help Pillar make its way through this period of reform.

HUNTER CHILD SEXUAL ABUSE SPECIAL COMMISSION OF INQUIRY

Mr DAVID SHOEBRIDGE: My question without notice is directed to the Minister for Police and Emergency Services. What actions has the Minister taken to ensure that police who are requested to appear as witnesses before the Hunter special commission of inquiry on child abuse will in fact attend the inquiry given the fact that a significant number of police who have been asked to attend have taken sick leave and therefore avoided, or will be avoiding, giving evidence to this important inquiry?

The Hon. MICHAEL GALLACHER: I would have thought that that was a matter between the special commission of inquiry and the Commissioner of Police. No-one has raised anything of that nature with me.

Mr David Shoebridge: Half a dozen.

The Hon. MICHAEL GALLACHER: The member makes an assertion or an assumption about half a dozen. I am sure the special commission of inquiry would take whatever steps were available to it to ensure that those witnesses appear.

Mr DAVID SHOEBRIDGE: I ask a supplementary question. Will the Minister consult with the Commissioner of Police to ensure that every reasonable step is taken so that there is full and ongoing cooperation between the police and the inquiry, including if necessary asking the commissioner to give a direction so that police attend?

The Hon. MICHAEL GALLACHER: That is clearly not a supplementary question.

The PRESIDENT: Order! Was that the Minister's answer or a point of order?

The Hon. MICHAEL GALLACHER: It was a point of order.

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

The Hon. MICHAEL GALLACHER: The attendance of police officers at any court is not a matter for the Minister; it is a matter for the Commissioner of Police.

DEPARTMENT OF PRIMARY INDUSTRIES AGRONOMIST POSITIONS

The Hon. MICK VEITCH: My question is directed to the Minister for Roads and Ports, representing the Minister for Primary Industries. Given his commitment, as spokesperson for Primary Industries before the last election, that no front-line services would be cut, why has his Government sacked local agronomists in Glen Innes and Inverell?

The Hon. DUNCAN GAY: That is an important question from the honourable member, and one for which I will seek an answer from the great Minister for Primary Industries, Katrina Hodgkinson—

[Interruption]

The one that the honourable member would not show up to see—he went to protest outside her office on the day that she was not there.

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

"OUR MATES, OUR FAMILIES" CHARITY WALK

The Hon. TREVOR KHAN: My question is directed to the Minister for Police. Will the Minister inform the House on the fundraising walk undertaken by police to support Police Legacy and the family of Senior Constable David Rixon?

The Hon. MICHAEL GALLACHER: At 6.00 a.m. on Monday 25 February more than 150 members of the NSW Police Force and supporters took part in the 350-kilometre Our Mates, Our Families relay-style walk from the Central Coast to Tamworth. The walk raised funds for the NSW Police Legacy and the family of the late Senior Constable David Rixon. As all members remember, on 2 March 2012 Senior Constable Rixon, a Tamworth highway patrol officer, was fatally wounded in a shooting after pulling over a motor vehicle. The walk is a concept based on the 1915 Cooee walk from Gilgandra to Sydney to encourage recruitment for World War I.

I extend my congratulations to Superintendent Dave Swilks, commander of the Tuggerah Lakes Local Area Command, who conceived the idea of Our Mates, Our Families walk. He worked tirelessly to coordinate the walk, which was an outstanding success. The community support for the walk was impressive. As part of the walk, officers and civilians, many of whom came from Tuggerah Lakes and Brisbane Water local area commands, crossed through six other local area commands on their way to Tamworth to raise money for Our Mates, Our Families. I congratulate my colleague Chris Spence, the member for The Entrance, and Superintendent Swilks, who, in relay, walked the entire 350 kilometre route. I am told that Chris Spence walked 202 kilometres, which is a phenomenal commitment.

David Rixon's daughter, Probationary Constable Jemma Galea, joined a team that worked together to complete the entire distance. I attended a benefit night in support of this great initiative that was organised by my colleagues the member for Charlestown and the member for Newcastle. I thank my colleague the member for Tamworth, Kevin Anderson, who represented me at the completion of the walk on Saturday 2 March and also attended the unveiling of the David Rixon Memorial at Tamworth police station. Almost \$80,000 was raised for Police Legacy and the family of the late Senior Constable David Rixon.

In addition to raising funds, the focus of the walk was about raising awareness on the supportive culture in the NSW Police Force and the impact that those who die on duty have on the whole organisation. More than 40 police and support officers departed from the new Wyong police station, which I was pleased to open, for the first of five legs to Tamworth police station. These officers were joined along the way by colleagues at each command. The completion of the walk at 8.00 a.m. on 2 March 2013 coincided with the first anniversary of the death of Senior Constable Rixon. There was a minute's silence and the flag was lowered to half-mast when the walkers arrived at the memorial. The plaque commemorating Senior Constable Rixon's sacrifice was then unveiled at Tamworth police station in the presence of the Commissioner of Police, senior police and, more importantly, the Rixon family.

I add my support and thanks to all the walkers for their determination and endurance, for donating their time and energy to raise awareness of the risks that police face every day, and for raising funds for surviving families. Superintendent Dave Swilks and Superintendent Clint Pheeney, who hosted the memorial event, deserve high praise for their commitment and the pride they bring to the police force. Clint Pheeney, who is the commander in Tamworth, has done an outstanding job building up the morale and support of his personnel following the tragic death of Senior Constable Rixon. The command was suffering greatly and Clint Pheeney showed great leadership and compassion not only with the police force but also with the Rixon family and the greater police family. I understand local communities, such as the Murrurundi township and public school, came out to the road to make donations and encourage the walkers. Senior Constable Rixon's family participated in the walk. I congratulate everyone who was involved in this outstanding event.

HOMELESSNESS

The Hon. JAN BARHAM: My question without notice is directed to the Minister for Finance and Services, representing the Minister for Family and Community Services. A report entitled, "Homelessness and

the Next Generation", which was released last week by the Wesley Mission, noted that families make up one-third of those seeking help for homelessness. The research found that stakeholders indicate that much of the housing stock in New South Wales is single or partnered in nature, being a studio or one bedroom apartment, and most felt that there were few options for medium to large families. What action is the Government taking to address this gap in larger emergency and social housing and to ensure that families do not face the prospect of being split up to avoid homelessness?

The Hon. GREG PEARCE: I thank the honourable member for the question. Although I have not seen the study, I have seen some of the media reports emanating from it. It is interesting. It shows the challenge of dealing with social housing needs. What I can say for certain—and we have talked about this previously—is that the housing stock left to us by the Labor Party was deteriorating after 16 years of neglect. The previous Government left us with a \$300 million-plus backlog on maintenance and it left us with an acknowledged waiting list of more than 54,000.

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

The Hon. GREG PEARCE: We are taking a close look at the mix of properties. Interestingly, in the recent past the trend was that single people needed accommodation, particularly elderly people and younger people with mental illness and other problems. Those issues have been considered. We are aware of the disgraceful treatment of families who needed emergency accommodation under the Labor Party. I am sure we all remember seeing those terrible pictures. I visited the young mother and her five children who were accommodated in a dreadful motel in Katoomba. It was bound on an island with traffic all around and there was nowhere for the kids to go.

Under the Labor Party the family was given emergency accommodation for only a week at a time. Every Friday she would have to pack up the five kids, put all their belongings in plastic bags and get the train from Katoomba to Penrith, and then sit there all afternoon to be reassessed. That is the way in which the Labor Party treated families in need. That is why this Government has changed the way that it deals with these issues. We have not one but two housing Ministers, and the Minister for Family and Community Services is looking after clients instead of treating them callously. Work is continuing on the legacy that was left by the Labor Party. We are aware of the significant issues that we face and we are working as hard as we can to try to improve social housing availability.

TWEED-BYRON POLICE STAFFING

The Hon. WALT SECORD: My question without notice is directed to the Minister for Police and Emergency Services.

The Hon. Greg Pearce: What about me?

The Hon. WALT SECORD: Your time will come. Will the Minister advise whether 17 Tweed-Byron Local Area Command officers are being sent to other parts of the State to undertake duties by the Sydney-based Traffic and Highway Patrol Command?

The Hon. MICHAEL GALLACHER: I can only assume that we are about to see the latest scare campaign from the Hon. Walt Secord, but it has nothing to do with Cecil Hills on this occasion. As I have said, the Traffic and Highway Patrol Command now has a centralised command structure that gives personnel respect and recognition for the specialist skills they possess and a career path. It also demonstrates to a constable joining the highway patrol at Tweed Heads that one day, after steady work, study and a good performance, he, too, could become an assistant commissioner. Members opposite are not interested in that. I suspect that they do not want to listen because scaring people is more important than telling the truth.

Highway patrol officers at Tweed Heads and elsewhere around the State, even though they are members of the Traffic and Highway Patrol Command, are still based today where they were based yesterday and a year ago. The commissioner determines the numbers and they are still deployed around the State in exactly the same locations that they were previously. They might be moved to a new building in the same local area, but they are still attached to their local area command. To suggest that they will be redeployed sounds like yet another scare campaign conducted by the Hon. Walt Secord. I suspect he is about to suggest that 17 police

officers are about to be stripped out of Tweed Heads. The honourable member should not conduct yet another scare campaign and he should not perpetuate more myths. He should realise what has happened. He issued a press release from the chairman's lounge as he jetted up and down to Tweed Heads with scant regard for the truth.

The Hon. Steve Whan: Point of order: My point of order relates to relevance. I have been listening carefully to the Minister and he has spent a long time debating the Hon. Walt Secord's motives for asking the question. He should assure the House that he is aware of the question and he should answer it.

The Hon. Catherine Cusack: To the point of order: Mr Walt Secord was interjecting on the Minister saying, "I sent out the press release. The press release has gone out." While I understand that Ministers have been counselled against replying to injections, the member was interjecting and interrupting the Minister's answer.

The PRESIDENT: Order! The Minister was being generally relevant. However, I remind all members that it is disorderly to respond to interjections.

The Hon. MICHAEL GALLACHER: It is also questionable to issue a press release making an assertion before asking a question. Rather than conduct a scare campaign, the Hon. Walt Secord should spend more time concentrating on the work the Hon. Shaoquett Moselmane is doing to get the numbers to ensure his removal from the Legislative Council. I will back Shaoq because he knows how to get the numbers. While the Hon. Walt Secord is out making up Walt Disney fairytales the Hon. Shaoquett Moselmane is gathering the numbers. It is only a matter of time. The Hon. Walt Secord should spend less time in the chairman's lounge and more time doing the numbers. [*Time expired.*]

HEAVY VEHICLE ROAD SAFETY

The Hon. NIALL BLAIR: I direct my question to the Minister for Roads and Ports. Will the Minister update the House on the latest heavy vehicle enforcement operation known as Operation Steel 3?

The Hon. DUNCAN GAY: No government has done more to crack down on rogue elements in the heavy vehicle industry than the O'Farrell Government. It continues to work closely with the heavy vehicle industry to come up with safe and sensible working parameters. If operators step outside those parameters, the message is clear that the Government will come down hard on them. Since coming to office, the O'Farrell Government has conducted an unprecedented series of high-profile and sustained enforcement and compliance campaigns, notably in relation to combating speeding trucks and a minority of rogue operators who tamper with speed limiters. Operation Steel 3 was carried out in Sydney three weeks ago with police officers and officers from Roads and Maritime Services inspecting more than 402 heavy vehicles at locations in Botany Bay, Wetherill Park and along the M5 at Kingsgrove.

It is disappointing that we found serious causes for concern with more than 161 defect notices being issued to truck drivers in less than two days. Officers issued 110 penalty notices for breaches including excessive load dimensions, worn tyres and defective brakes, all of which pose major threats to the safety of other road users. They included notices issued to drivers of five trucks that had defective speed limiters that allowed the vehicles to exceed the 100-kilometre an hour speed limit that applies to trucks in New South Wales. A truck that exceeds the speed limit or one with an inadequately restrained load is a threat to human life. One truck inspected at Botany was found to have a defective speed limiter that allowed it to travel 93 kilometres an hour over the 100-kilometre an hour speed limit. A driver was ordered off the M5 at Kingsgrove after it was discovered that his truck had a major brake defect. Another was stopped for a severe load breach because the helicopter it was carrying significantly exceeded the width restriction for truck loads. A flatbed tow truck was stopped on Foreshore Drive, Port Botany, because the dilapidated car parts that it was carrying were not secured.

The Government is working with trucking companies to examine maintenance procedures and to reduce the level of defects in their fleets. My message to them is that, first and foremost, well-maintained trucks are safer for the operator and other road users. It is also good business to operate well-maintained trucks because they cost less to run and do not incur the costs associated with enforcement. Operators should remember that we will be back again and again until the small number of rogues in the industry is brought into line.

COONABARABRAN BUSHFIRES

The Hon. ROBERT BORSAK: I direct my question to the Minister for Police and Emergency Services. I refer to the bushfires that occurred earlier this year at Coonabarabran, which are estimated to have caused \$50 million worth of damage. Did the local council or any other group request the combat agency to use a helicopter to drop water on the fire at the early stages of the incident, which could have extinguished the fire quickly? Was that request refused?

The Hon. MICHAEL GALLACHER: I understand that the police are conducting an investigation into the Coonabarabran fire. I will seek an answer with regard to that specific issue and report back to the honourable member.

LOCAL GOVERNMENT FUTURE DIRECTION PAPER

The Hon. SOPHIE COTSIS: I direct my question to the Minister for Finance and Services, representing the Minister for Local Government. A consultation schedule for the Future Direction of Local Government discussion paper was released on 24 April this year. Given that consultations will commence this Thursday in Bellingen, why were venues for the meetings not made public until today?

The Hon. GREG PEARCE: What a surprise for the Labor Party—this Government consults.

The Hon. Michael Gallacher: We consulted, but they insulted.

The Hon. GREG PEARCE: That is a good line. What a surprise—not only do we consult but we also advertise inviting people to attend consultations. What an extraordinary thing to do. I know that the Hon. Sophie Cotsis, like many other members of the Labor Party, has been given notice of a very important event. People sometimes give notice of something happening and then provide the details later.

The Hon. Sophie Cotsis: Point of order: The Minister should be brought back to the question. If he does not know the answer, will he ask the Minister for Local Government for an answer?

The PRESIDENT: Order! I take it the member's point of order relates to relevance. The Minister was being generally relevant.

The Hon. GREG PEARCE: How unusual is it to give advance notice of the date? Has the Hon. Sophie Cotsis got an advance date for her preselection? I notice that as shadow Minister for Housing the Hon. Sophie Cotsis has not asked me a question for ages because she is too busy canvassing for her preselection. That is what this is all about: she is going to and will seek that one Labor vote in Bellingen.

The Hon. Steve Whan: Point of order: The Minister is referring directly across the Chamber to a member of the Opposition and not through the Chair. The Minister is reflecting on the Hon. Sophie Cotsis by suggesting that she is not taking an interest in her shadow portfolio; I assure the House that she is.

The PRESIDENT: Order! I uphold the first point of order but do not uphold the second point of order.

The Hon. GREG PEARCE: This Government is consulting and giving advance notice of the date and—surprise, surprise—it is giving out all the other details. I am sure that the Hon. Sophie Cotsis is looking for advance notice of that date for that big preselection after yesterday's numbers. John Robertson, Mr 20 Per Cent—

The Hon. Lynda Voltz: Point of order: Obviously, my point of order is relevance. The comments of the Minister are not relevant to the question that was asked.

The PRESIDENT: Order! I uphold the point of order. The Minister had concluded his answer.

DATA CENTRE REFORM PROGRAM

The Hon. SARAH MITCHELL: My question is addressed to the Minister for Finance and Services. Will the Minister update the House on the progress of the Government's data centre reform program?

The Hon. GREG PEARCE: Unfortunately, I note that my answer is only three minutes long so I will have to add to it. The Government operates about 130 older-style data centres that are reaching the end of their economic and operational life.

The Hon. Amanda Fazio: What do you want to do, privatise them?

The Hon. GREG PEARCE: The Hon. Amanda Fazio's preselection is looking pretty rough. I would be careful about some of that.

The Hon. Amanda Fazio: Point of order: I believe that the Minister is flouting your previous ruling. You advised him to remain relevant to the questions asked of him and to not roam off onto other topics. I ask you to again direct the Minister to be relevant to the question asked of him.

The PRESIDENT: Order! I apologise to the House: I was in conversation about the business of the House and did not hear the Hon. Amanda Fazio. I remind Ministers that their answers must be generally relevant to the questions they are asked.

The Hon. GREG PEARCE: The data centre reform project provides the capacity to consolidate these data centres into two purpose-built and highly energy-efficient facilities, which will have Uptime Institute accreditation and a National Australian Built Environment Rating System five-star rating. Additional benefits will flow from within the facilities by rationalising infrastructure, platforms, reusing software applications, mitigating risks associated with increased costs, expensive power supplies, system and service failures, and ad hoc capacity sourcing. In addition, the reform program is creating opportunities to provide private cloud offerings within the secure envelope of the government data centres. This will mean that agencies will be able to take advantage of as-a-service offerings as soon as they migrate into the new facilities. The data centre project combines a market-based approach with new technology, delivering to government agencies the kind of innovative services that were simply not possible under the old arrangements under the Labor Party.

Metronode has been contracted to provide the new data centres in Silverwater and the Illawarra, generating employment and delivering economic benefits to both regions. Metronode is financing and building the centres, and will operate the facilities when completed. The Silverwater centre is expected to open in July 2013 and the Illawarra centre is expected to open in August 2013. All agencies are to move their data centres into these new facilities within four years of them opening. Anchor tenant agencies—which include the Department of Finance and Services, the Ministry for Health, the Department of Education and Communities, and Corrective Services NSW—are progressing well in preparing to migrate to the new facilities.

In February 2013 Leighton announced that it had entered into exclusive negotiations for the sale of the Leighton Telecommunications assets, which include Metronode, to Ontario Teachers' Pension Plan. An announcement of conditional agreement with Ontario Teachers' Pension Plan for the sale was released to the market on 28 March 2013, with completion subject to conditions including third party approvals. The proposed sale involves establishing a new holding company with Leighton retaining 30 per cent stake in that entity. The sale process is expected to be concluded with Ontario Teachers' Pension Plan by mid 2013. The New South Wales Government has been keeping a close eye on this and has been advised by Leighton that the sale should not impact on delivery of the data centres and all contracts and agreements will be honoured. Metronode remains committed to the project, and work continues unaffected and on schedule for delivery in July and August 2013.

HAY SHIRE COUNCIL NATURAL DISASTER ASSISTANCE

The Hon. ROBERT BROWN: My question is directed to the Minister for Police and Emergency and Services and relates to the March 2012 flooding around Hay. Is Hay Shire Council seeking reimbursement for emergency earthworks—that is, levees—which prevented the town being inundated by floods in March last year? Is it true that the Government is refusing to pay because the council did not have a direction in writing from the consent authority prior to commencing those emergency works?

The Hon. MICHAEL GALLACHER: I will take that question on notice and seek some advice in relation to it.

SCHOOL ASSETS SALE

The Hon. LYNDIA VOLTZ: My question is directed to the Minister for Finance and Services. Given that the Minister commissioned a report into the space required by high school students, which recommends the reconfiguration and rationalisation of under-utilised assets across high schools, will the Minister inform the House whether the land asset sales will include school sports ovals or open space of current New South Wales schools?

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

The Hon. Rick Colless: But it is his birthday.

The Hon. GREG PEARCE: Yes, it is the Hon. Dr Peter Phelps' birthday.

The Hon. Lynda Voltz: Point of order: My point of order is relevance. I have asked a very important question and I ask you to bring the Minister back to the question.

The PRESIDENT: Order! I uphold the point of order.

The Hon. GREG PEARCE: I will speak at length about the property asset utilisation task force and what it has been doing. I have to say that it is a bit of a disappointment that the Hon. Lynda Voltz is sour because she is facing preselection against so many of her fellow frontbenchers.

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

The Hon. Duncan Gay: That is an awful thing to say to them; they are sad enough without that.

The Hon. GREG PEARCE: I will not respond to that interjection.

The PRESIDENT: Order! I call the Hon. Mick Veitch to order for the first time.

The Hon. GREG PEARCE: I have noticed that the Hon. Walt Secord has bumped you from your seat.

The PRESIDENT: Order! The Minister should not respond to interjections.

The Hon. GREG PEARCE: The O'Farrell Government has been a truly reformist government. Naturally the Government had to respond to the 16 years of neglect by the former Government. We have to look right across government to see how we can improve service delivery and our financial position and deal with the difficult financial circumstances in which we find ourselves. One of the key things I undertook in my portfolio was a new look at how we deal with our property assets. The Government was greatly concerned by the culture of the Labor Government whereby property assets were not properly maintained or depreciated and it did not allow for their replacement. Instead, a building would get to the end of its life and that mob over there would pack up and leave.

The Labor Government knew that its irresponsible Treasurers, under the weight of tens of billions of dollars of unbudgeted excess revenues received over 10 to 12 years, would sign-off on whatever capital was asked for by agencies to construct buildings. The first thing the O'Farrell Government did on coming to office was to call on prominent businessman Mr Geoff Levy, AO, to chair a review of the utilisation of our property assets—not just a private sector review. Mr Levy headed a task force, with the directors general or their representatives of most of our senior agencies, and Mr Louise Byrne, a barrister with expertise in planning and property matters, which set about looking at how we should rationally utilise our property assets. The first principle the task force looked at was that a government should own property only if it is essential for service delivery. [*Time expired.*]

The Hon. LYNDIA VOLTZ: I ask a supplementary question. Will the Minister elucidate his answer as to the Government's improved financial position in the utilisation of property assets such as school sporting ovals for open space in current New South Wales schools?

The PRESIDENT: Order! The question is out of order.

The Hon. MICHAEL GALLACHER: The time for questions has expired. If members have any further questions, I ask that they put them on notice.

Questions without notice concluded.

Pursuant to sessional orders debate on committee reports proceeded with.

GENERAL PURPOSE STANDING COMMITTEE NO. 5

Report: Budget Estimates 2012-2013

Debate resumed from 30 April 2013.

The Hon. CATE FAEHRMANN [5.02 p.m.]: I speak to report No. 36 entitled, "Budget Estimates 2012-2013" of General Purpose Standing Committee No 5. I wish to comment in particular on the performance of the Minister for the Environment at the estimates hearing when I asked her about recent changes to the Government's coastal policy and sea level rise guidelines. I hear the predictable scoffing by the Government Whip. I was trying to get a simple admission from the Minister that sea level rise is occurring, that it is being impacted by anthropogenic global warming and that the Government is taking it seriously. The Minister did not do that but I can inform the House that many other governments are taking it seriously.

The Hon. Matthew Mason-Cox: What did you get?

The Hon. CATE FAEHRMANN: I acknowledge the interjection of the Hon. Matthew Mason-Cox. I got some very worrying responses by a Minister who is supposed to be the Minister for Environment. The Minister told me that she gets her climate change science and information about sea level rise from the papers. She told me that there are different viewpoints on sea level rise and that the science is always changing.

The Hon. Dr Peter Phelps: Yes, it is going down all the time.

The Hon. CATE FAEHRMANN: I do not think the science is going down all the time. In an article appearing in the *Guardian* on 28 November 2012 titled, "US Coastal Cities in danger as sea levels rise faster than expected, study warns", it states that sea level rises are occurring much faster than scientists expected and that satellite measurements over the past two decades have found global sea levels rising 60 per cent faster than the computer projections issued only a few years ago by the United Nations Intergovernmental Panel on Climate Change. The article further states that earlier this year scientists had found sea level rise had already doubled the annual risk of historic flooding across a widespread area of the United States.

Mr Scot MacDonald: Point of order: Is this an opportunity for the member to make a campaign speech or prophesy on her beliefs or are we talking about the estimates hearings?

DEPUTY-PRESIDENT (The Hon. Sarah Mitchell): Order! The member is being generally relevant.

The Hon. CATE FAEHRMANN: The Minister for the Environment was doing everything she could to avoid putting onto the record that she believes that anthropogenic global warming is impacting on sea level rise. This is a significant issue for the people of New South Wales. The O'Farrell Government has decided to leave it up to landowners, people with beachfront properties, and councils to fend for themselves and to get rid of the sea level rise guidelines. It has essentially sent a message to the people of New South Wales that it is a Government run by climate sceptics and climate denialists. Clearly, the Minister for the Environment is finding it difficult to say the most basic of facts—namely, that climate change and human-induced global warming are occurring. It is the responsibility of the Minister for the Environment to protect this State's environment and she should step up and show some leadership.

The research I was quoting from before I was interrupted was published in the Environmental Research Letters. It was stated that global sea level is rising at a rate of 3.2 millimetres per year, compared to the best estimates by the Intergovernmental Panel on Climate Change [IPCC] of two millimetres per year, or 60 per cent faster. My questions to the Minister during the budget estimates hearing were based around the fact that New South Wales Chief Scientist Mary O'Kane had issued a report titled "The assessment of the science behind the NSW Government's sea level rise planning benchmarks". It is probably a bit rich to say that the Minister was misquoting the Chief Scientist but she certainly seemed to misunderstand the main points of the report. The

Chief Scientist agreed that the science is always changing and evolving but she said, given the current level of knowledge, that the way the science has been used to determine benchmarks is adequate. That is the critical letter behind her report.

Nowhere in the report does the Chief Scientist suggest that the sea level rise planning benchmarks should be dropped—I asked the Minister about that. She said that the science behind the benchmarks was adequate and that knowledge was always evolving. Nowhere in the report is there any sense that the science is not adequate and that the Minister should scrap the guidelines. This Government will use anything it can to justify its stance to deny what the huge majority—98 per cent or so—of every credible scientist around the world is saying: global warming is happening.

That is the usual response from this Government, and it is disappointing. I asked the Minister several times whether she would put anything on the record. Clearly, I was trying to get her to reassure the people of New South Wales that she believes that anthropogenic global warming is causing sea level rise. I might have asked the question in many different ways, and she did everything within her power to avoid it. It is disappointing for the people of New South Wales that the environment Minister is doing that.

The Hon. Dr Peter Phelps: Who would you rather see as environment Minister?

The Hon. CATE FAEHRMANN: I like to give people the benefit of the doubt. I am rather generous in these committee hearings. Last year I said that the treatment of the Minister by Opposition members was bordering—

The Hon. Matthew Mason-Cox: They were bully boys. Disrespectful. Bullying.

The Hon. CATE FAEHRMANN: I was feeling uncomfortable and I said so. But enough is enough. When we are trying to get basic information from somebody in her portfolio—it is like my questioning the Minister for Health and the Minister saying that she does not believe in chemotherapy as a cancer treatment.

The Hon. Dr Peter Phelps: That's no analogy. That's ridiculous.

The Hon. CATE FAEHRMANN: Yes, it is. For people who have spent their life campaigning for conservation and environmental protection, to have suddenly in this State—

The Hon. Dr Peter Phelps: Admit they were wrong.

The Hon. CATE FAEHRMANN: —a Minister who did everything she could to avoid talking sensibly about climate change and global warming. When United States Government officials are being briefed on the danger of an ice-free Arctic in the summer within two years and NASA's chief scientist is briefing United States officials about security implications it is a sorry state of affairs that the environment Minister cannot even admit that sea level rise is caused by anthropogenic global warming. [*Time expired.*]

The Hon. Dr PETER PHELPS [5.12 p.m.]: As a member of General Purpose Standing Committee No. 5 I will say a few brief words about the report and then talk about the budget estimates process more generally. First, I congratulate the committee staff, who do a wonderful job, and the Hansardians who follow us around the countryside and turned our questions into something vaguely intelligible and the answers into something even better. I also congratulate the Hon. Robert Brown on his chairing of the committee. He does an excellent job. He is fair, impartial, reasonable and nice towards witnesses—much nicer than I think I would be. I will say a few things in relation to the estimates process more generally before I get to the report of General Purpose Standing Committee No. 5. First, I repeat what I have said on other occasions: I do not believe that the current estimates process is adequate. I know it is unusual for a Government member to say this, but, having worked for many years in another Parliament where much more time was devoted to the original estimates hearings, the subsequent supplementary hearings and the additional supplementary hearings, I think the only terms that can be used for the time allocated for estimates in this Parliament is "woefully inadequate".

We go through the pretence of asking a whole range of things. I do not blame the Leader of the Opposition—Comrade Foley—for attempting to get one-line grabs because, given the time constraints, basically one-line grabs are the only thing that will be of any use to him in terms of media outcomes for that day. For example, in the Senate, the standard budget estimates last for two weeks. In the Australian Senate budget estimates hearing start at 9.00 a.m. and continue through often to 11.00 p.m. and, in some cases I recall, well

into the wee small hours of the morning. Of course, there are breaks for morning teas, lunches, dinners and things like that, but the basic principle remains that there is much more time to question Ministers. The Opposition and the crossbenchers ask the overwhelming majority of questions, and it is accepted by governments of all persuasions that basically estimates hearings are held for the Opposition and the crossbenchers.

The process is not liked by government but then very few parts of legislative oversight are liked by the Executive. There are few questions available for Government members, and generally they are of what one might call the Dorothy Dixier variety. The New South Wales Parliament is not a second-rate Parliament, we are not second-rate members of Parliament and we should not have second-rate institutions. Another important factor about the Senate estimates hearings is that lower House Ministers do not appear in the Senate. In many cases they are represented by Ministers in the Senate who accept their role to represent a lower House Minister in Senate estimates hearings. They face hours of questioning on their own matters but also on matters with which they are not intimately familiar and with which they are expected to become familiar in a short period so that they can give a good showing.

The Hon. Robert Brown: Do they have ministerial advisers available?

The Hon. Dr PETER PHELPS: Ministerial advisers are available. Ministerial staff are available, although they do not sit at the table, but departmental officials can fill in. What I find surprising, certainly in this Parliament, is that Ministers answering for their own portfolios, with which they are expected to be intimately familiar, do not seem to be able to allocate a comparable amount of time that Ministers in the Senate representing lower House Ministers can. This situation may simply have developed through usage in this Parliament, but I do not think it is a good look. I do not think it is a good view. The idea of allocating one-third, one-third and one-third for questions is a bit silly if members simply use their third to ask Dorothy Dixers or, alternatively, to have one-third of the time, which could be used for crossbench and Opposition questioning, essentially expunged.

I know I will make absolutely no friends whatsoever in the Executive with this, but I think it is a fair and reasonable thing to ask. Should not more time be allocated for the one time of the year, apart from supplementary estimates—our supplementary estimates hearings are a pale imitation, a pale shadow, of Senate supplementary estimates hearings—when Ministers have to front up as an Executive and answer the Legislature's questions? I think there is a case for allocating more generous amounts of time for questions from those who are not part of the governing parties.

The other thing I want to say relates to something that the Hon. Cate Faehrmann raised earlier regarding the change of sea level. We know that the Intergovernmental Panel on Climate Change [IPCC] has had various things to say about the change of sea level over the years, but each new Intergovernmental Panel on Climate Change report has consistently reduced the expected change of sea level—in other words, reduced the level of hysteria; reduced the level of ridiculous assertion—to lower and lower levels. For example, in 1996 the panel said that the sea level rise in the twenty-first century would be between 20 and 86 centimetres. In 2002 the third assessment report stated the rise would be 20 to 70 centimetres. Finally, in the fourth and last Intergovernmental Panel on Climate Change report the rise was stated to be between 18 and 59 centimetres. So the argument that the science is settled on this is debunked by the panel's own report.

If you were to draw a lineal graph looking at what the Intergovernmental Panel on Climate Change has been saying—hardly a sceptical organisation, I would posit—you would find that it has consistently revised down its extremist and alarmist arguments. Why has it done this? It has been mugged by reality. The simple fact is that the science is not settled on these matters. The simple fact is that there is no point in instituting a wide range of onerous, and in many cases prohibitive, recommendations at a State level for something which it appears may exist or may not exist—or if it does exist is certainly becoming less and less of an issue over time, as observational records debunk the original alarmist nonsense. I congratulate the Government on being a little more reasonable and rational on the issue of sea level rises than its Federal counterparts are, and certainly the previous Government was. In conclusion, in the remaining time I have, I congratulate the Ministers on showing up. They all did a very good job and I hope to see more of them in the future.

The Hon. ROBERT BROWN [5.22 p.m.], in reply: I thank all of the speakers who made a contribution to the take-note debate on the budget estimates report of General Purpose Standing Committee No. 5. The Hon. Dr Peter Phelps raised a couple of issues in relation to the usefulness of budget estimates hearings as they are currently formatted. Every year we have a discussion, usually brought on by the Opposition of the

day, trying to extend the time available. We then have a counter position taken, usually by the Government of the day, trying to limit the time available. Generally, governments argue that Ministers are far too busy to spend time justifying their budget decisions and various portfolio issues before a House other than the House in which most of them sit. This is not the Federal Senate; it is the State Legislature.

Over the years I have been impressed—having sat on budget estimates hearings on General Purpose Standing Committee No. 5 under the previous Government when Ian Cohen was the chair and as the chair in my own right during this Government's tenure—with the willingness of the governments of both persuasions to allow their own questions to be withheld, thus giving more of the very limited time to the crossbench and the Opposition. It may well be that we could put a case to this House, and certainly to the Ministers and the Government, that the dates and times could be extended. We have a committee of chairs running at the moment, hosted by the President, and that is probably a subject that we could look at. With budget estimates committees, unlike general inquiries, there is not the ability to have external expert advice. You have the Minister before you at the table and the Minister's advisers and, generally speaking, because of limited time, the questions need to be sharp, good questions.

It is interesting to see how well and how thoroughly various Ministers handle budget estimates hearings. Some Ministers who have had a bit more experience seem to be quite capable of handling themselves and give quite full answers. Other Ministers, who perhaps have not had quite as much experience, sometimes struggle a bit. The exchanges are quite robust at times. I would not suggest that female Ministers, such as the Minister for the Environment, need any protection in those estimates hearings. They are Ministers of the Crown and, when not in committees, generally spend their working days—most of them in the other House—defending themselves and putting forward their positions in quite a robust manner. However, sometimes things can get out of hand. I am pleased to say that, generally speaking, the Opposition, crossbench and Government representatives on General Purpose Standing Committee No. 5 conduct themselves in a parliamentary manner of which this House should be proud. I commend the work of the members of the committee. I also commend the untiring and difficult work of Hansard in trying to interpret some of the questions and answers that are given. I commend the budget estimates report to the House.

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

Motion agreed to.

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

Reports

Debate resumed from 30 April 2013.

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

Motion agreed to.

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

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

Debate resumed from 30 April 2013.

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

Motion agreed to.

GENERAL PURPOSE STANDING COMMITTEE NO. 1

Report: Budget Estimates 2012-2013

Debate resumed from 30 April 2013.

The Hon. WALT SECORD [5.29 p.m.]: I will make a contribution to the debate on the budget estimates report of General Purpose Standing Committee No. 1. I commend Reverend the Hon. Fred Nile for

chairing the committee. By way of background, during the week of 8 October to 12 October 2012 the committee held four hearings. It heard 14 hours of evidence. It examined the Minister for Finance and Services, the Treasurer and the Premier, as well as their respective portfolio areas. There was also a supplementary hearing for the Treasury portfolio on 26 November. The estimates process shone the spotlight squarely on the arrogance and waste that has crept into the O'Farrell Government. It is a government with the wrong priorities. It is a government so out of touch that it does not consult or talk to the community.

Through its hard work, General Purpose Standing Committee No. 1 has revealed how the O'Farrell Government is slashing the jobs of 15,000 workers, cutting \$1.7 billion from local schools, ripping \$3 billion from hospital budgets, ignoring the homeless, stripping the budget of community services, reducing benefits for injured workers, and cutting \$70 million from Fire and Rescue NSW. It also revealed the O'Farrell-Stoner Government has limited the wages and conditions of 400,000 front-line workers. But all the while the perks and jobs for the Liberal Party's mates and members flow freer than ever. For example, the estimates process revealed that the O'Farrell Government does not impose the same restraint on the greedy Deputy Premier or his corporate mate Roger Massy-Greene.

The Hon. Matthew Mason-Cox: Point of order: The member well knows the standing orders of this place. He is reflecting on the Deputy Premier in the other Chamber and I ask you to ask him to desist and to withdraw.

DEPUTY-PRESIDENT (The Hon. Cate Faehrmann): Order! Does the Hon. Walt Secord agree to withdraw the statement?

The Hon. WALT SECORD: Yes, I do. The Treasurer holds the dubious honour of being the first Minister in almost 20 years to appear before a supplementary hearing. That honour goes to Mike Baird. The Treasurer necessitated that extraordinary hearing as a result of billion-dollar errors in the budget. At the 26 November hearing we saw the Treasurer stumble along trying to explain the litany of errors by his officials. We sought to get the Treasurer to table a document detailing which departments were responsible for \$1 billion worth of errors in the State's accounts in the previous financial year. We grilled him about 37 multimillion-dollar mistakes identified by the Auditor-General, which mistakes prompted the Auditor-General to remark, "New South Wales is a multibillion-dollar business; it is not a school tuckshop." That was news to Mr Baird, who was forced to admit that he had had the list of errors for three weeks, yet he still fell back on using the bureaucracy for cover.

In relation to the Treasurer's portfolio we examined Restart NSW, windfall revenues, the long-term lease and de facto fire sale of the Sydney Desalination Plant and his failed Waratah Bonds scheme. We also got into the murky world of jobs for the Liberal Party's mates with the appointment of Roger Massy-Greene as Chairman of Networks NSW. It was a sordid affair and to this day we have not received an adequate explanation from the Premier or the Treasurer as to why he was appointed. We know three things about Roger Massy-Greene. First, he receives a \$600,000 package. Second, despite this extraordinary remuneration there was no executive search. Third, his only experience in the electricity industry extends to using a toaster. The Treasurer was unable to explain the merits or the process of the appointment. My colleague the Hon. Greg Donnelly made a compelling case that the Treasurer may have breached the ministerial code of conduct by failing to declare a conflict of interest in the appointment process.

The Hon. Matthew Mason-Cox: Point of order: The member is really into dreamtime now. This is very much misleading the House and I ask you to bring him back to the leave of the motion.

DEPUTY-PRESIDENT (The Hon. Cate Faehrmann): Order! I cannot hear the member's point of order. The member was being generally relevant.

The Hon. Matthew Mason-Cox: He is not being relevant to the budget estimates. He is having a little prance down the bottom of the garden with a bunch of fairies.

DEPUTY-PRESIDENT (The Hon. Cate Faehrmann): Order! The member was being generally relevant.

The Hon. WALT SECORD: My comments related directly to evidence before the committee. The original hearings occurred before I became the shadow Minister for Water. However, General Purpose Standing Committee No. 1 in the estimates process canvassed the O'Farrell Government's approach to Sydney Water such

as its water meter replacement program and its estimation of water bills. The O'Farrell Government has since been forced to admit the problems and then discount bills for more than 3,000 water users after Sydney Water miscalculated their water usage. Eighty per cent of these customers read their own meters and discovered they were being charged for water they were not using. With families facing cost-of-living pressures and living on tight budgets, it is unfair for them to be paying for water they are not using.

It is neither fair nor prudent for Sydney Water to slash funding for its water saving programs. By getting rid of water saving programs Sydney Water is putting profits ahead of the environment and its customers. The fact is that their profits are predicated on getting people to use more water. This is a clear conflict of interest. Make no mistake, this is all about driving up the profits of Sydney Water and Hunter Water so that privatisation cannot be far away. It is clear the O'Farrell Government has plans to outsource or franchise many of these functions. It is blocking freedom of information requests and suppressing documents relating to Sydney Water assets and services. It is clear the Government is doing so because these documents discuss the possibility of outsourcing, franchising or privatising Sydney Water wastewater treatment plants.

In conclusion, the Stoner-O'Farrell leadership team promised better and fairer public service, higher standards and greater transparency. We got none of that. What it has delivered is perks for the Deputy Premier, big packages for its mates in cushy jobs, massive job losses, cuts to services in rural and regional areas, closures of government outlets and reduced coverage for Fire and Rescue. While the Premier, the Treasurer and the Minister for Finance and Services are heartlessly squeezing the pay and conditions of nurses, teachers, firefighters and ambulance drivers, they tried to gift an 18 per cent increase to the Deputy Premier.

I am looking forward to examining the State's finances through the estimates process later this year. However, we all know that the Treasurer will be much better trained and managed than he was last year or the year before. The Premier will not allow a repeat of last year's revelations or the woeful performance by the Treasurer. The Treasurer will be coached extensively. I predict that at this year's estimates process the Treasurer will be so well trained that if he sees a sign in the parliamentary foyer saying "wet floor" he will do it. I thank the House for its consideration.

The Hon. MATTHEW MASON-COX (Parliamentary Secretary) [5.37 p.m.]: Boom, boom! That sums it up. That really was a wonderfully grubby contribution from the Hon. Walt Secord and it reflected his performance at the General Purpose Standing Committee No. 1 estimates hearing. I was a member of General Purpose Standing Committee No.1 for the term of the previous Parliament and I have never seen such an appalling performance of playing the man without any reference to the budget.

The Hon. Walt Secord: Point of order: You ain't seen nothing yet.

DEPUTY-PRESIDENT (The Hon. Cate Faehrmann): Order! The Hon. Walt Secord will address his remarks through the Chair, not to the other side of the House. That is not a point of order.

The Hon. MATTHEW MASON-COX: It was a point of punctuation. It punctuates the point I was making. What an appalling display it was during those estimates. I thought it might be worthwhile for members to understand what happened in the real estimates hearings rather than the imaginary one that the honourable member seemed to attend. The real estimates hearing before the committee and involving the Ministers mentioned by the honourable member was a well-conducted hearing under the chairmanship of Reverend the Hon. Fred Nile. Reverend the Hon. Fred Nile was tested a number of times by the appalling conduct of Labor members, in particular their questioning of the Treasurer in relation to the appointment of Mr Massy-Greene to Networks NSW.

It was quite a display. The Hon. Walt Secord was like a peacock on heat. His feathers were fanned and he had the media flocking there for his one-liners. They went down just as well on that day as they did in this Chamber tonight. There were audible groans from all those present as the member strove for that five-second moment. That is what it was all about: "Can I get my five seconds in the media?" What did they do? The members walked in and cast baseless allegations at the Treasurer, which were completely unconnected with the budget estimates. The Treasurer said, "I thought I was coming in to deal with serious budget issues and that you guys might have serious questions for me." He received baseless, groundless muck from the member opposite, which was appalling. It was all done in vain for a five-second grab. It was not done for any economic accountability, which is the purpose of the budget estimates. It simply wasted the committee's time.

The issue of Mr Massy-Greene was raised. Subsequent to the hearing I met Mr Massy-Greene and I can say that he is a fine, upstanding gentleman who has an impressive business pedigree. He has taken on the

responsibility of Chairman of Networks NSW, which has had a \$2.5 billion turnaround in the past 12 months. When this Government said it would establish Networks NSW to replace three boards with one it thought it would find \$400 million of savings. In fact, \$600 million of savings was found in operating expenditure alone. In addition, \$1.9 billion was found in capital expenditure savings. As a result of responsible management, the savings in Networks NSW has increased by a factor of six. Well-honed business skills have been introduced to ensure that the business is focused on providing value to the people of New South Wales.

The honourable member also raised budget errors. The honourable member may be blind to this but errors have occurred in many budgets over the past 10 years. There will always be errors in the budget, which happen as a result of the financial systems and estimates of agencies. It is a matter of record for every budget, which the member would realise if he did some research to understand how budgets work. In this case, the financial systems let the Government down. The Treasurer has acted quickly in this regard and acknowledged that there were errors in the budget that should not have occurred. The Treasurer has asked the Auditor-General to participate in a review and procedures have been put in place to upgrade the financial systems of all agencies that were found to be deficient in the preparation of the budget. No doubt there will be a more focused approach to deliver more accurate estimates. It is hoped that the errors that occur in budgets from time to time will be minimised as a result of this process.

The other issue I address is the manner in which the member misconstrued how the supplementary estimates hearing was agreed to by the committee. It is not unusual or extraordinary for supplementary estimates hearings to be conducted. The member has been in this place for only two seconds and does not understand the history. Before this supplementary estimates hearing was held, there was a slight reshuffle in the Government's portfolios and the Treasurer was made responsible for the Industrial Relations portfolio. As a result, a motion was debated in the House about the allocation of portfolios to Ministers and a decision was made to adjust the normal processes to enable General Purpose Standing Committee No. 1 to conduct further questioning of the Industrial Relations portfolio. That is the fact of the matter.

As the committee minutes concerning the supplementary estimates hearing show, there was further discussion as to whether the Treasurer had sufficient time to address those issues. At the same time, errors in the budget were raised by the member. The committee, by majority vote, decided to hold a supplementary estimates hearing to further consider these issues. It was an issue of contention and the committee did not unanimously agree. This is a normal course of events during budget estimates. Again, the member sought to mislead the House.

It was a comprehensive process, particularly the questioning from The Greens and elements of questions from the Opposition. The vast majority of the hearing was simply an attack on the Treasurer and his credibility and a personal attack on Mr Massy-Greene, which went nowhere. There were few grabs in the media. The member opposite failed in his mission for his five seconds of fame. It is sad to see the estimates process reduced to such grubby politics. I know that the Reverend the Hon. Fred Nile was disappointed in the behaviour of the Opposition members. Indeed, the members opposite sought a further supplementary estimates hearing to continue their attack on the Treasurer and Mr Massy-Greene. That request was wholeheartedly rejected by the committee. If the members opposite continue with such attacks, I doubt that the committee will entertain supplementary estimates hearings next time. The Parliament and the estimates process were brought into disrepute by the grubby tactics of the members opposite.

I commend the committee secretariat for the work they did in relation to the report. I commend Hansard staff for their wonderful work in deciphering the gibberish of those members opposite. I also commend Reverend the Hon. Fred Nile for conducting himself with dignity when dealing with the extraordinary and unparliamentary questions from members opposite during the difficult committee hearings. I commend the report to the House.

Dr JOHN KAYE [5.47 p.m.]: I also address the "Budget Estimates 2012-2013" report of General Purpose Standing Committee No. 1. I add my voice to the comments on the experienced and impartial chairing by the Reverend the Hon. Fred Nile. He and I are not natural fellow travellers on any issue. However, I appreciate that in a parliamentary democracy two people from diametrically opposed parts of the spectrum can treat each other courteously and have the capacity to recognise the few areas in which they find themselves in agreement. I thank the Hon. Greg Pearce, Treasurer Mike Baird and the Premier for attending and attempting to answer questions. I have attended past budget estimates when Mike Baird's predecessor was present and never answered a question.

The Hon. Matthew Mason-Cox: He just abused everyone.

Dr JOHN KAYE: As the Hon. Matthew Mason-Cox says, he was a maestro of abuse. While I am handing out bouquets, I hand out a big bouquet to Mike Baird. He is a man with whom I am generally in disagreement, but he has finally divested New South Wales of investments in the tobacco industry.

The Hon. Lynda Voltz: The bromance is on.

Dr JOHN KAYE: The bromance is not on. In the past 12 months 5,000 people have died in New South Wales as a result of tobacco. Also, 50 per cent of people who use tobacco in the manner in which it is recommended will also die as a result of their tobacco use. There is no argument for this State to have any investment in tobacco. It has been a long campaign by organisations such as Action on Smoking, the Department of Health and the Cancer Council to get New South Wales to divest itself of tobacco. Finally, after a hard-fought battle, the O'Farrell Government has taken tobacco out of New South Wales. I hope that is permanent and that it extends to the State Superannuation Board.

The Hon. Dr Peter Phelps: What about sugar?

Dr JOHN KAYE: The honourable but not very well informed Government Whip asks about sugar. It is not true that 50 per cent of the people who use sugar will die and it is not true that it is addictive. I note the disbelieving look on the Hon. Paul Green's face. He may have an issue with sugar but it is not addictive for most of us. There is a difference between sugar and tobacco. I accept that sugar plays a role in obesity and therefore can cause early death, but it is a different substance. That being said, the Government could not answer a number of the questions raised during the hearings. The most important issue of concern was the Treasurer's inability to answer questions about the electricity transaction. He was unable to explain to the committee how one can sell an income-earning asset and be wealthier in the long term. That will not work unless one finds an entity silly enough to purchase a State-owned asset or the entity purchasing it is prepared to do something that the State would not be prepared to do because it would be unconscionable.

Indeed, the State will receive less in bulk return compared to the net present value it would have received over the next 20 years. Deputy-President (The Hon. Cate Faehrmann), you in particular know about the 60 million tonnes of carbon dioxide that the generators emit every year that we are handing over to the private sector. You are also aware of the likely impact of privatisation on the workforce. These issues were put to the Treasurer, but he could not come up with a satisfactory answer. Members also asked questions about the Cobbora coalmine. As I have said previously in this place, the Treasurer was one of the great critics of that coalmine when he was in opposition. However, as the saying goes, it does not matter who we vote for, the Government always ends up in government.

Once the member became Treasurer he suddenly decided that it was not such a bad idea. I note that between the committee's hearings and now the coalmine has progressed to the next stage of the planning assessment process. When he appeared before an upper House inquiry in early 2011 as shadow Treasurer, the Hon. Mike Baird made it clear that he thought Cobbora was the worst possible economic deal for New South Wales. It would cost the State a large amount in terms of both risk and providing fuel at below market price to the State's coal-fired power stations. He now says that although he does not like it he is locked into the deal.

We simply do not accept that there is no way to get New South Wales out of this appalling deal by renegotiating the coal contracts with the existing coal-fired generators, beginning the process of reducing this State's dependence on coal and thereby reducing greenhouse gas emissions, mitigating the \$5 billion of health impacts that coal causes across Australia, and reducing our exposure to an extremely difficult international market. The Premier was asked questions about the redevelopment of Barangaroo. He continued to claim that Mr Packer's Crown casino would deliver \$1 billion for the economy of New South Wales without quoting a source. When challenged he was unable to provide a source and we are still relying on the \$1 billion myth. We understand that Mr David Murray is a fundraiser for the Liberal Party.

The Hon. Charlie Lynn: He is very honourable.

Dr JOHN KAYE: He well may be, but whatever assessment he produces will be challenged automatically because one cannot not be said to be independent while at the same time raising funds for the Liberal Party. If he does determine that Mr Packer's proposal is good—

The Hon. Dr Peter Phelps: But Tim Flannery can give money to The Greens.

Dr JOHN KAYE: I am not aware whether Tim Flannery has donated money to The Greens. I doubt that he has, but that is not relevant. The point is that once Mr Murray says it is a good proposal, the inevitable allegation will be that he did so to avoid embarrassing the Premier by saying it was not a good idea. The supposed independence of the process has been comprehensively undermined. The Premier again refused to release the Deloitte report into Mr Packer's proposal for Barangaroo, which challenged Crown's assumptions and was supposed to provide an additional assessment of the proposal. The people of New South Wales are being asked to trust that the Government will do the right thing by them.

Given some of the things that have happened in this State over the past two decades they have every right not to trust the Government. They should be able to see the reports and make their own decisions. The Treasurer was unable to justify the privatisation of ports in the same way that he was unable to justify the privatisation of the State's electricity assets. He relied on assertions about the capital that will be made and brushed aside our concerns about the future of the lifeline between the economy of New South Wales and the rest of the world and the fact that it will now be developed for the benefit of a private investor. I conclude by once again thanking Reverend the Hon. Fred Nile for the excellent job he did in chairing the committee. I also thank the committee staff for running excellent committee hearings.

Mr SCOT MacDONALD [5.57 p.m.]: I am not a member of General Purpose Standing Committee No. 1, so I do not have great insight—

Dr John Kaye: That has never stopped you contributing to debates in the past.

Mr SCOT MacDONALD: I do have enough insight to know that when members are devoid of policies and substance they attack the person. That was the basis of the diatribe from the Hon. Walt Secord. I cannot let this occasion pass without noting the member's lack of economic credentials. I remind him that Moody's has today confirmed New South Wales' triple-A credit rating. It stated:

New South Wales' ratings reflect its diverse economic base, considerable budget flexibility, and secure and predictable grants from the Commonwealth. The ratings also take into account the state's commitment to achieving budgetary redress over the medium term through a reduction in expenditure growth.

The Treasurer responded by saying:

While our tough decisions have not been popular, they have enabled us to put more jobs on the frontline, to invest in the infrastructure needed across this state, and to prioritise funding for major reforms like the NDIS and Gonski.

When the Hon. Walt Secord attends the next budget estimates hearings he should concentrate less on personalities and more on the substance—that is, the state of the New South Wales economy, which is looking better and better. If he does he will learn that New South Wales is in good financial hands.

Reverend the Hon. FRED NILE [6.00 p.m.], in reply: I thank all members for their cooperation on what the secretariat called the smiling committee, which represented all sides of Parliament. The secretariat said that it is the only committee whose members are smiling all the time. I thank the secretariat.

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

Motion agreed to.

JOINT STANDING COMMITTEE ON ROAD SAFETY

Report: Report on Driver and Road User Distraction

Debate resumed from 30 April 2013.

The Hon. WALT SECORD [6.02 p.m.]: I will make a brief contribution to the debate on the Joint Standing Committee on Road Safety—Staysafe—report entitled, "Report on Driver and Road User Distraction", report No. 2/55. This was the second Staysafe committee inquiry under the O'Farrell Government. The Staysafe committee received 40 submissions from private citizens, local governments, non-government organisations, academics and government agencies. It took evidence over two days at public hearings last year. I thank the safety experts who took the time to lodge submissions and to provide evidence to the committee. I also thank the secretariat staff—particularly Mr Bjarne Nordine—for their work in drafting the report.

Further, I cite the work of our chair, the member for Albury, Mr Greg Aplin, and his loyal deputy, the Hon. Rick Colless. I note that Mr Aplin and the Hon. Rick Colless treat their duties on the Staysafe committee with a high level of professionalism, impartiality and independence. I welcome the addition of my colleague the member for Keira, Mr Ryan Park, who is shadow Minister for Roads, to the committee as a replacement for the member for Lakemba. I look forward to working with Mr Park, who already has the Minister for Roads and Ports, the Hon. Duncan Gay, on the run.

The Staysafe committee launched an investigation into distractions and their impact on the safety of drivers, passengers, cyclists and pedestrians. Specifically, it investigated possible distractions including hand-held electronic devices; in-vehicle navigation, audio and video equipment; passenger behaviour; and external visual displays and traffic signs. Electronic devices such as mobile phones, GPS units, MP3 players and various other appliances are used by virtually all members of the population. We are part of a generation that can barely keep up with the changes in technology. The Hon. Rick Colless is correct when he says anyone in control of any vehicle—driver, cyclist or pedestrian—should not be using any device that distracts them from concentrating on what is happening around them. Their choice of technology does not make them any less responsible for their actions.

Since the inquiry I have become acutely aware of driver distraction. In recent months I have seen drivers reading newspapers in traffic on Parramatta Road, women putting on make-up when travelling on Syd Einfield Drive and, as recently as last night, a man texting on a motorcycle as he moved along Elizabeth Street. The National Road Safety Strategy 2011-20 cited driver distraction as a significant contributor to crash casualties—hence the committee's strong interest in this issue. As part of its deliberations, the Staysafe committee produced 21 formal recommendations for the Minister for Roads and Ports, the Hon. Duncan Gay.

The committee's main recommendation was to consider extending the existing mobile phone restrictions from P1 to P2 drivers. Research has demonstrated that this group of drivers are at greatest risk of crashing due to their use of mobile technology. Such an approach has recently been adopted by the Victorian Government, which in February introduced a similar ban on mobile phone use by P2 drivers. The committee suggested the creation of a standard definition of "distraction" so as to define the meaning and the incorporation of a specific category to distinguish "distraction" from "fatigue and inattention".

Other committee recommendations include increasing penalties applying to second and repeated offences for the use of hand-held mobile phones by vehicle drivers; creating a separate offence category for the use of mobile devices for sending or receiving non-voice based communication during driving, such as emailing and texting; strengthening the compliance regime for the use of digital signage on private property that is aimed at road traffic; and investigating allowing Transport for NSW, in conjunction with the NSW Police Force, to collect mobile phone data from vehicles at crash sites to determine their possible contribution to the crash outcome. At the moment there is very little data in this area, but on occasion police said they have checked mobile phones after a crash and discovered that the driver was using the phone at the time of the crash. This is not just a New South Wales issue. I note that last week the United States of America Department of Transport released guidelines to minimise in-vehicle distractions. The department's guidelines establish specific recommended criteria for electronic devices installed in vehicles at the time of manufacture that require drivers to take their hands off the wheel or their eyes off the road to use them.

Further, it is not just about drivers. Distraction has become a new area of debate on pedestrian injuries too. On the weekend research showed that 164 pedestrian deaths have occurred on Australia roads between March 2012 and March 2013. During the same period about 2,900 pedestrians were injured. While there is no specific Australian data, north American research has found that one in three pedestrians was distracted by his or her mobile phone while crossing a road or street. We can only regard that as logical and recall how phones have rapidly gone from something one listens to, to something one reads. In Seattle a survey of 1,000 people crossing 20 roads found 11 per cent were listening to music, 7 per cent were texting and 8 per cent were having conversations on their phones. On the committee I cited the work of Harold Scruby of the Pedestrian Council of Australia in this area. I do not know whether we can take up his call for national laws to allow police to penalise people for talking on a mobile while crossing a road or intersection but I salute his interest and activity in the field of road safety.

It is not a surprise that most of the Staysafe committee deliberations related to mobile phones and I urge the Minister to consider our recommendations. That said, there needs to be a balance between education and simple revenue-raising by this Government. I am concerned about this Government's push to use penalties and, in particular, speed cameras to raise revenue. For example, in the area of mobile phones there was little

communication with the community about the new penalties. In the period from November 2012 until March 2013 New South Wales police booked 11,211 motorists for illegal mobile phone use. That amounted to \$25,166 a day in revenue for the State Government.

I agree with the shadow Minister for Roads and the member for Keira, Ryan Park, who said that a large portion of those infringements should have been revoked as New South Wales motorists were not given adequate warning about the new laws. This partly defeats the safety purpose of the regulations. Further, people did not have time to purchase phone cradles in time to avoid the fines. The shadow Minister for Roads has said that there should have been a promotional campaign so people knew about the law change, and I agree. It is something the Minister should bear in mind as he moves forward with the committee's latest recommendations. I commend the report to the Minister.

Debated adjourned on motion by the Hon. Walt Secord and set down as an order of the day for a future day.

SELECT COMMITTEE ON THE PARTIAL DEFENCE OF PROVOCATION

Report: The Partial Defence of Provocation

Debate resumed from 30 April 2013.

Reverend the Hon. FRED NILE [6.09 p.m.]: I will conclude my remarks on the Select Committee on the Partial Defence of Provocation report. I am pleased that the seven members of the committee from all the political parties in this Chamber were able to work together and to produce a unanimous report with unanimous recommendations. The change from partial provocation to gross provocation was the main outcome of the report. This will make it almost impossible for anyone to give an excuse for murdering another person. I do not believe that murder can ever be justified. However, particularly in the battered wife syndrome, there may be some circumstances in which a wife or partner is pushed to the limit of their emotional ability and a tragic event may follow. For that reason the committee did not recommend the complete abolition of the defence of provocation. Also included in the report is a list of exemptions or practical issues that cannot be used to justify provocation—for example, if someone's wife is caught in bed with a next door neighbour. This will make it clear that if a wife says she is leaving her husband there can be no reason for her husband to vent his anger or hatred towards her and murder her.

It was pleasing that the committee achieved this consensus. The positive response of all the stakeholders when the report was tabled was also pleasing—I am not aware of any negative response. The media was also positive in its response to the report, which does not always happen with the tabling of a committee report. Indeed, this positive response by both the stakeholders and the media was a reflection of the hard work of the committee. I can inform the House that I have received informal advice—not written advice—that because the report was unanimous it has been forwarded to Parliamentary Counsel for legislation to be drafted. So the report will gather no dust and there will be an amending bill before this House. I again thank all committee members for their hard work. In particular, I thank the committee secretariat for its high standard of work in studying the legal material involved and making comparisons with other countries such as the United Kingdom.

Mr SCOT MacDONALD [6.12 p.m.]: I commence my contribution by commending Reverend the Hon. Fred Nile, the chair of the Select Committee on the Partial Defence of Provocation. Initially the committee found it difficult to get to the gist of the problems; those of us on the committee without a legal background struggled for a little while.

Reverend the Hon. Fred Nile: Four out of the seven committee members were lawyers.

Mr SCOT MacDONALD: I acknowledge the interjection of Reverend the Hon. Fred Nile. The inquiry arose as a result of community angst over some difficult judgements made in recent times. I acknowledge the Hon. Trevor Khan and the Hon. Helen Westwood for bringing that matter to the attention of the House. It is fair to say that some committee members had a preconceived idea about the committee's outcome and at first appearances it seemed that the partial defence of provocation would be abolished. However, it was soon obvious that there was no simple answer. One of the reasons for that change of view was because it became evident that the unintended consequence of the abolition of the partial defence of provocation would be that women suffering from battered wife syndrome could be disadvantaged.

It was ascertained early in the process that those women would be faced with a charge of murder rather than manslaughter and would therefore face a longer sentence if found guilty. It was also found that in some situations self-defence was not applicable and provocation was probably the only means to put the case of those women before the court. Instead of facing a sentence of five years or seven years, or even a non-custodial sentence, they would necessarily be faced with a double digit sentence; that caused the committee to stop and think.

I take this opportunity to commend the committee secretariat for its hard work. The secretariat developed option papers as the evidence was heard and the evidence was received. The Hon. Trevor Khan and the Deputy Leader of the Opposition also deserve credit for assisting in the development of those papers, which were nuanced and made accessible to those members without a legal background. The committee rejected the option of outright abolishment because of the problems it would create for those in the community whose voices are not well represented: victims of domestic violence. It was sobering to hear the evidence of the assistant commissioner that quite often police first encounter incidents of domestic violence after 24 such incidents, and too often they come across a deceased person. It was a very complex inquiry but in the end I think we got it about right. Importantly, under the stewardship of the chair, the option papers and the goodwill of everyone around the table we ended up with a unanimous report. I do not know how often that happens.

Reverend the Hon. Fred Nile: And no dissenting statements.

Mr SCOT MacDONALD: There were no dissenting statements. We took heart from the fact that a very considered inquiry is going to the Attorney General and the Executive of the Government. There is no political gain in this for anyone. In fact, some committee members may feel that they are presenting a report that was not envisaged in the first place and that that might be difficult for some of their constituency. The committee's report contained 11 recommendations; it will now be gross provocation. Recommendation No. 7 covers the circumstances of a separation, a breakdown of a relationship and talk of different sexual partners. Those things can no longer be used to support the partial defence of provocation; it will need to be gross provocation. Self-induced intoxication and homosexual advances have also been ruled out.

The report is reflective of our modern community and, hopefully, we will not see a repeat of the situation in the Singh case where the defendant was able to access the self-defence of provocation because of a breakdown in a relationship because of other partners and the threat of deportation. People will need to show gross provocation, and I think that is where it should be. I am happy with the recommendations, and I hope the Government takes them forward. Mr David Shoebridge is not here.

The Hon. Trevor Khan: No, but I am.

Mr SCOT MacDONALD: Sometimes I can mistake them.

The Hon. Trevor Khan: We'll talk about that later.

Mr SCOT MacDONALD: I have given the Hon. Trevor Khan many compliments in my contribution. I say again for the member's benefit that he did a sterling job. I approached him on a couple of occasions for some informal advice on the matter and he was forthcoming each time. I commend the report and, once again, I congratulate the chair.

The Hon. TREVOR KHAN [6.20 p.m.]: Obviously I support the recommendations in this report. I commence my contribution by thanking Reverend the Hon. Fred Nile for his chairmanship of this committee. Not only should Reverend the Hon. Fred Nile be congratulated on the way that he chaired the committee which, in his normal way, he did with aplomb, but he should also be congratulated because the inquiry was challenging in a variety of ways. I have referred to this in another context. In matters such as this, sometimes some of us come into this place with expectations as to how particular members will view particular matters, that they will, in the stereotypes that we wish to place upon people, take a view that they are not open-minded in their approach, that they will come to a conclusion that is adverse to a particular group.

In this context one matter that we had to deal with was the decision of *R v Green*, relating to the homosexual advance defence. No doubt people in the community and, indeed, members in this Chamber would have said of Reverend the Hon. Fred Nile that he would take an adverse view, reject the issue out of hand and in that sense be unsympathetic to the plight of young homosexual men in particular who are beaten or beaten to

death. Let me make it plain—and I say this deliberately—that at every stage of this matter Reverend the Hon. Fred Nile was unshaken in his view that no-one deserves to be beaten or killed, irrespective of their sexuality. I thank him unreservedly for the manner in which he approached this matter.

I believe this report will be a legacy to Reverend the Hon. Fred Nile's time in this place. He deserves credit for the way in which he approached the inquiry. I have spoken with groups such as the Gay and Lesbian Rights Lobby on that matter and they were not, in terms of the executive, of the view that Reverend the Hon. Fred Nile would be dismissive of the issue of *R v Green*. They had had communications with him many years ago with regard to some issues and, although there has been considerable change over time in terms of the executive, they remembered the way in which he approached those issues. So while they have considerable disagreements with Reverend the Hon. Fred Nile on other issues, on this matter there seemed little doubt that he would approach it in a respectful and positive way, and they were right in absolute spades in that regard.

With those preliminary comments, let me make this observation: This committee would not have achieved the outcome it did without the absolute profound assistance of the secretariat that it received on this occasion. The committee was dealing with difficult legal problems. It was not a matter on which we simply needed assistance with the preparation of the report and the collation of evidence; we needed expert advice. And from the likes of Rachel Callinan and Vanessa Viaggio we received that detailed and technical assistance in spades. This was a true example of the secretariat and the Legislative Council working together to achieve an extraordinary outcome. The committee received evidence from the legal profession. Certain members, and one or two witnesses who gave evidence, were sceptical about our capacity to grapple with such complicated issues. I believe we have put the absolute lie to their scepticism. We demonstrated that the members of this House are capable of putting together a substantial, credible and intellectually robust report, which the Government cannot ignore.

I do not intend to go through all the recommendations in the report. The inquiry was established, in truth, through a cooperative effort across the Chamber. However, one must acknowledge that the motion establishing the inquiry was moved by the Hon. Helen Westwood. She was a significant contributor to the inquiry. Apart from anything else, her role was in a sense to ground the various committee members with legal backgrounds who at times sought to control discussion and debate. She always brought us back to the need to ensure that women in our community are protected from domestic violence and protected from being murdered by jealous, enraged husbands; and that we needed to protect women who, confronted by years of domestic violence, take what can only be described as the absolute regrettable option of killing their partner because they see no other way out. The Hon. Helen Westwood also deserves recognition for her continuing support of women in those circumstances.

I pay tribute to the Deputy Leader of the Opposition. The member and I had many opportunities for discussion on this matter. I came into the inquiry on the basis that without question the defence of provocation should be abolished. But through my discussions with the Deputy Leader of the Opposition, he did two things. First, he explained to me the diversity of circumstances which we needed to confront, and we talked in great detail about the law. Second, in his decidedly calm manner, as opposed to my manner, he emphasised the absolute need for us to reach a consensus in the report; that the strength of the report would come through a unanimous report. I thank him unreservedly for his efforts in that regard. I believe that what we ended up with a strengthened outcome and, as I said, an outcome that the Government cannot ignore because of that unanimity of view.

I will conclude by making this observation. We cannot allow one further outcome to occur where a man who kills his wife is allowed to get off a conviction for murder on the basis of provocation. We cannot allow another circumstance where a man is acquitted of murder and convicted of manslaughter on the basis of a non-violent sexual advance. Those are true travesties of law; they are true travesties of common sense; they are true travesties of living in a civilised society. This report provides us the opportunity of preventing those terrible injustices from occurring again. I thank all for their work on this report.

Debate adjourned on motion by Mr David Shoebridge and set down as an order of the day for a future day.

ADJOURNMENT

The Hon. CHARLIE LYNN (Parliamentary Secretary) [6.30 p.m.]: I move:

That this House do now adjourn.

VILLERS-BRETONNEUX ANZAC DAY SERVICE

The Hon. RICK COLLESS [6.30 p.m.]: This evening I bring to the attention of the House the wonderfully moving dawn service that I had the honour of attending at the Australian War Memorial, Villers-Bretonneux, France, on Anzac Day this year. Villers-Bretonneux is a small French village with a population of some 4,000 people. It is 25 kilometres from the larger provincial centre of Amiens, located in the Picardie region of northern France. Amiens has a population of 1.8 million people. The Somme River drains to the west. The Somme is a well-known name to Australians who lost relatives in World War I and to students of the Great War. The Battle of the Somme commenced on 1 July 2016 and is still remembered today as the battle where the greatest loss of life occurred, particularly of British soldiers, with some 58,000 casualties on the very first day of the battle, 20,000 of whom were killed, many unable to be found.

Another big battle that occurred in the Somme was the Battle of Pozieres Ridge, which was launched on 23 July 1916. Pozieres is a small village on the road between Albert and Bapaume. There was a lot of Australian activity in that particular battle. The Australian divisions, which were the remnants of the Anzac Corps, being principally the 1st and 2nd divisions, were primarily given the task of capturing Pozieres Ridge, which had in fact been intended for capture on the first day of the Somme offensive. The Australians succeeded in doing this by 4 August, having launched their offensive almost two weeks earlier, at 1.30 a.m. on 23 July, only two days after their arrival in the Somme. The Windmill Memorial stands in remembrance of the Battle of Pozieres Ridge. A plaque at that memorial states:

The ruin of Pozieres windmill which lies here was the centre of the struggle in this part of the Somme battlefield in July and August 1916—It was captured on August 4th by Australian troops who fell more thickly on this ridge than on any other battlefield of the war.

That memorial is only a few miles from the Australian National War Memorial in France, which stands at Hill 104 between Villers-Bretonneux and the village of Corbie. Villers-Bretonneux itself was the site of the first battle between two tank forces: three British mark IVs against three German A7Vs. The Germans took the town on that day, but the next day it was recaptured by the 4th and 5th divisions of the Australian Imperial Force at a cost of over 1,200 lives. Seven hundred and seventy of those killed are now buried at the national memorial at Villers-Bretonneux. It was at that site that the Anzac Day memorial service was held.

This year it was a peaceful, calm, misty spring morning on Anzac Day beneath the imposing Australian National Memorial. Some 4,000 people were at the service and, as dawn broke and the light changed, the view of the memorial was just something to behold—it really was. As the service progressed and the *Last Post* sounded from the parapet high in the memorial, as dawn was breaking and the birds were beginning to sing, I think it struck everybody that this now peaceful place was a place where such violence and bloody battles occurred in 1916. I think every Australian needs to go to an Anzac service overseas and see just how much respect Australian soldiers are paid in towns such as Villers-Bretonneux and others throughout the western battlefields. Thank you, Anzacs. Lest we forget.

COOMA PUBLIC SCHOOL SESQUICENTENARY

SHANNONS FLAT-YAOUK RURAL FIRE SERVICE

The Hon. STEVE WHAN [6.35 p.m.]: Today I highlight a couple of things that have happened in the Cooma region in the last few weeks. On 27 April I had the very pleasurable experience of attending the 150th anniversary—the sesquicentenary—of the Cooma Public School. It was quite an amazing event. Many former students came to have a look around their old school: indeed, I think four former and current principals came, as well as people who were in the fifth generation of families that had attended the school, including two school captains, both fifth generation students, which is an amazing achievement for those families and shows their confidence in public education in the Monaro.

The school celebrated its anniversary in great style. There were events on 26 and 27 April. It was celebrating its foundation and the work being completed in April 1863 at a total cost of £1,038, of which 346 had been paid by public subscription by the local community, which was a pretty impressive achievement for the Cooma community at the time. The school opened on 22 April 1863 with Mr Edmund Hewison in charge as principal. It had a single classroom and, for a number of years, a single class of up to 160 pupils on occasion until, as the current principal tells the story, the principal contacted the department and said unless they sent him a second teacher he was going to sack 60 students. They did.

The school has done great things. It had a high-time peak of 876 students in 1971. Now there are 187 students. That is because, as the Snowy scheme started, a high school was built in Cooma North, along with another public school, which changed the school from being a central school to a primary school. But it was a great achievement for the area. It was great to see 96-year-old Agnes Murphy cutting the cake with five-year-old Kane Maurie, the oldest and youngest of the school's students. It was terrific to hear from the principal, Mr Mayhew, that he had received a phone call on the morning of the celebration from a lady who informed him that she had been a student at the school one century before—more than 100 years before. She was having her 106th birthday the following week and was apparently very lucid in telling him what a wonderful school it was and what great memories she had of the school from the year 1913. Congratulations to Cooma Public School, the committee that organised the celebration and all those who continue to work to present fabulous public education in the Monaro. It is great to see the wonderful quality of public education that we have and the continuing 150-year tradition in the Monaro.

I also note tonight a report in the *Cooma-Monaro Express* that the Minister for Emergency Services had provided a cheque for \$4,000 to the Shannons Flat-Yaouk Rural Fire Service to supplement the money it had received from the Commonwealth in a Federal equipment grant to assist it with the purchase of a radio repeater. That is very welcome news. The area has a number of black spots for notifying members of call-outs. The cheque from the New South Wales Government, presumably from the Minister's discretionary fund, is very useful. It was certainly nice to see the *Cooma-Monaro Express* reporting that the cheque had been presented by the local member. I thank Minister Gallacher for providing that. I wrote to him quite some time ago asking him to provide the funding to Shannons Flat-Yaouk Rural Fire Brigade to assist it to make use of their Federal grant. Unfortunately, he did not have the courtesy to respond to my letter, but I am pleased he responded by handing over a cheque to the current local member to give to the brigade. It is good to see the fire service get a result, however that might happen.

The Rural Fire Service volunteers on the Monaro do a fabulous job. It was great to see them supported with that Federal equipment grant via their Federal member, Mike Kelly, and then have it backed up with the grant from the Minister for Police and Emergency Services. I met and chatted to the Shannons Flat-Yaouk teams that were helping fight the bushfires in January this year. They worked very hard on that occasion and they said at the time they were hopeful of getting that grant to assist them to complete their project.

CASINO TO MURWILLUMBAH RAIL LINE

The Hon. CATE FAEHRMANN [6.40 p.m.]: The rail line which connected the town of Casino with Lismore, Byron Bay and Murwillumbah opened in 1894 and was finally suspended after a century of service in 2004. Members of the Far North Coast community have actively been trying to get the line reopened ever since. They were promised a reinstatement of the line by the current Government before it came to power, but that promise, like so many others, has been broken. In 2007 Geoff Provest, the member for Tweed, was happy to be photographed wearing a red T-shirt that said:

The Nationals. Yes, you can have your trains back.

The photo was published on a postcard promoting Geoff's plan for Murwillumbah to Gold Coast trains with an integrated public transport plan. Clearly, colleagues thought it was a good idea too as Don Page, Jenny Gardiner, Andrew Stoner and others donned the same red T-shirt and appeared in the photo. So what has happened? The red T-shirts now appear like a red rag to a bull as local community members once more realise they have been conned by politicians not living up to an election promise.

The long-awaited report on the costs of reinstating the Casino to Murwillumbah line has finally been released by Transport for New South Wales, but typically the terms of reference were restricted so that the Government got the answer it wanted. This report estimated it will cost some \$900 million to reinstate the line, whereas in 2004 PricewaterhouseCoopers estimated it would cost \$30 million. Thirty-fold inflation in less than 10 years is quite frankly unbelievable, even with some additional degradation of the line. The usual pattern of understating the potential of public transport and overstating the costs has played out yet again. The report says that the \$900 million is an upper limit cost profile of expected reinstatement costs. Publishing costs only for reinstating the line to XPT standards means that the highest possible costs are presented. So is it any wonder that buses were the favoured solution?

Many rail lines throughout the country can be used for more than 100 years, as was this line. But the report chose to calculate costs based on a 15- to 20-year time frame. Should we be surprised to see that these

costs seem unbearable? As we know from the parliamentary inquiry into rail infrastructure project costing that I initiated on behalf of The Greens, rail projects cost some 15 per cent more in New South Wales than in the rest of Australia. Is it any wonder when consultants who are engaged to report on projects choose the maximum possible cost they can get away with, and that Governments shy away from providing a public service and fail to future-proof this State against the growing cost burden of car ownership? This report noted:

The Northern Rivers has proportionally the highest number of people not in employment in New South Wales.

This is concerning given that the number of people who can afford to drive will only diminish as fuel prices continue to rise faster than the cost of living. Students often have to get lifts, not always with people they know. Parents worry about their children getting home safely. The report raises other problems. Only 75 of 187 bridges were inspected, representing an incomplete picture of the line's true state of repair, compared with PrincewaterhouseCoopers inspecting every bridge in 2004. The 2007 Southern Cross University patronage study, which found that 2,875 people would use a light rail every day, was ignored. A rail shuttle service—deemed more suitable by this report than light rail—could capture the same number of passengers.

The growth in tourist visits from south-east Queensland to Byron Bay has meant that road traffic can reach gridlock on any summer's day. A 10-minute car journey from the highway into Byron can easily extend to 45 minutes. Buses would be similarly afflicted. Extending the rail line to the Gold Coast airport means that many visitors could convert from car travellers to train travellers. Insufficient account was taken of this when calculating patronage growth. It is far better to encourage tourists to travel to Byron by train and provide bike hire service in town than destroy the very thing tourists are seeking by continuing to encourage car travel. At the behest of some special interest groups the report also looked at converting the disused line into a rail trail. That almost 3,000 tourists a day would cycle along a specialist rail trail, thus competing numerically with the university rail patronage estimates, is somewhat fanciful. It is important to encourage tourism and the jobs it brings but greater rewards would be had from the tourists carried by rail than by cyclists using a rail trail.

This report provides somewhat curious train travel times. Modelling assumed a train would take 129 minutes from Casino to Murwillumbah. At 61.4 kilometres per hour that would be slower than any other regional rail line in the State. XPTs from Sydney to Dubbo are slowest at 70 kilometres per hour. If the train line is not reinstated then North Coast residents will be forced to use buses, which can become totally unreliable in summer. Getting to a job on time by public transport will become a nightmare. Bus rapid transit was ruled out by this report, so road sharing with cars will continue. All the advantages of train travel will be lost and any convenience will be lost alongside it, not to mention that the opportunity for freight transport along the line will also be lost. The age of oil is drawing to a close but this Government's lack of long-term vision will condemn the residents of the Northern Rivers to a second-class transport system for many years to come.

HAWKESBURY RIVER OYSTER GROWERS

The Hon. WALT SECORD [6.45 p.m.]: As the shadow Minister for Water I draw attention to the plight of the oyster farmers on the Hawkesbury River. The oyster industry is Australia's oldest aqua-farming activity and predates European settlement. Oyster growing occurs in 32 New South Wales estuaries on 2,400 leases from the Tweed River to the Victorian border. In 2011-12 the industry was worth \$34.97 million to the State economy and employed 4,500 direct and indirect workers. But it is facing tough times, especially on the Hawkesbury River. Last month I visited operations at Broken Bay in Mooney Mooney and met with oyster farmer Mr Rob Moxham of C. E. and Y. Moxham Pty Ltd. I have also made contact with Steve Jones of Mattamatta Oysters Trust and John Stubbs, who previously served as their president. Sadly, Mr Stubbs has now left the industry. He told me he had to "pull the pin". He sold his home and relocated to the Central West. His story is a microcosm of how this great Australian industry is now on its knees.

It is not that long ago that Mr Stubbs was not just an oyster farmer but a leader in his community. Mr Stubbs and his organisation were instrumental in coordinating a massive clean-up of the Hawkesbury River. They brought together oyster growers, local councils, the National Parks and Wildlife Service, tourist operators, the catchment management authority and members of the community. They removed tonnes of rubbish, improved signage to alert boaters to their responsibilities and fixed toilet facilities on the river. Thus was their dedication to both farming and to the Hawkesbury. This is the same river that Mr Stubbs now had no choice but to leave. Mr Stubbs's recent interview with ABC radio broadcaster Simon Marnie, who has a long association with the New South Wales oyster industry, was nothing short of heart wrenching. This is a fourth generation oyster grower leaving the industry and leaving the Hawkesbury. And Mr Stubbs is not alone. I found Broken Bay almost a ghost town, with many operations completely shut. Some operators, like Rob Moxham, are struggling to hold on and they want to continue the family tradition. But it is a battle. He has reduced his workforce to a staff of two.

The Hawkesbury oyster growers are holding on because they have secondary incomes or are living on savings or resorting to selling assets. But they are finding it almost impossible to continue. This year's crop—some 10 million oysters valued at up to \$6 million—has been wiped out by an imported disease, Pacific oyster mortality syndrome. I understand that the disease, which I must stress does not affect humans, started in France and made its way to New Zealand and then Australia. This is the second time in a decade that the Hawkesbury oyster growers have been hit. In 2005 they were affected by an outbreak of QX parasite, which destroyed the Sydney rock oyster crop. In response to that outbreak Hawkesbury growers switched to Pacific oysters, which makes this year's disaster doubly cruel. In response these farmers—again, many of them fourth generation growers—have sought emergency assistance from the State Government. They are not seeking a handout; they are simply seeking no-interest or low interest loans so they can restock mid-year and meet ongoing expenses. They are trying to keep alive what is arguably one of our oldest primary industries.

Yet from the Minister for Primary Industries, Katrina Hodgkinson, they have heard nothing. Neither have I. On 30 April I asked the Government when it would provide emergency assistance to Hawkesbury River oyster growers. In reply the Hon. Duncan Gay said:

... 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.

Since then the oyster growers have heard nothing. The Primary Industries Minister's only response is to try to blame Treasury officials. She says they say oyster farmers should not qualify for assistance because a widespread virus is not a "natural" disaster. That is an understanding of biology that could only be reached by accountants. It is not an excuse for the Minister's inaction. I believe that there is a clear precedent for assistance that Treasury has overlooked. Seeing that the Minister refuses to assist, Premier Barry O'Farrell must intervene.

The precedent was in 1999 when financial assistance was provided to the poultry growers on the Central Coast hit by Newcastle disease. This is a direct parallel to the plight of our oyster farmers and one that our Premier could use to assist them. I therefore appeal to the State Government to show common sense and decency, defend the work of our oyster farmers—not the pedants in the bureaucracy—and provide emergency assistance to the Hawkesbury oyster growers so they can restock. As I said on 20 April, it would be a national tragedy if oyster growing disappeared from the Hawkesbury River. The State Government has the power to stop this from happening. It can step in, and it should. I thank the House for its consideration.

BULGA MINING OPERATIONS

The Hon. JEREMY BUCKINGHAM [6.50 p.m.]: Tonight I speak on the issue of the battle for Bulga. Now calm down, the Hon. Charlie Lynn, I am not talking about the Battle of the Bulge. The battle for Bulga is the battle to save the Warkworth Sands and the community of Bulga from Rio Tinto's massive Mount Thorley coalmine. I have raised this subject on previous occasions in adjournment speeches, but also through notices of motion, questions without notice and questions on notice. To refresh the memories of honourable members, the boundaries of the Mount Thorley Warkworth mines were set in 2003 when the New South Wales Labor Government gave Coal and Allied permission to expand westwards and keep operations going until 2020.

When then Premier Bob Carr announced the deal he trumpeted its strict environmental conditions: the mining company had signed a legal agreement promising to set aside 755 hectares as a "permanent" conservation zone, including a ridge that hid the mine several kilometres from Bulga. In August 2009 residents were furious when the company finally admitted that it was planning to expand the mine through the conservation zone to within 2.6 kilometres of Bulga. Coal and Allied, owned by Rio Tinto, lodged an application to extend its mining lease at Warkworth into the Hunter Valley.

In October 2011 the Department of Planning approved the expansion, ruling that the original deal was flawed because the conservation zone contained coal. In February 2012 the Planning Assessment Commission rejected the community's pleas against the mine, along with the objections of the shire council and the Department of Health and many other reasonable people. Approval was given to mine bushland next to the town that had been set aside as an offset a decade ago. It included a section of heritage-listed Wallaby Scrub Road and would have involved the destruction of 574 hectares of woodland, which is home to the endangered squirrel glider.

The community of Bulga would not take this lying down. I visited the fantastic people of Bulga in the Hunter Valley, which is a great community. Those people rallied together, routinely meeting in the pub.

Through their local community group, the Bulga-Milbrodale Association, they challenged this approval in the Land and Environment Court. These people are the heroes—not the 101st Airborne Division, but they are just as brave. Historically, on 15 April 2013 during the battle of Bulga the Land and Environment Court upheld the community's appeal and disapproved the project. In a scathing judgement Preston J. criticised the Government's approval of the proposed Warkworth mine, which he said could damage Bulga's sense of place. He said it would have significant and unacceptable impacts on biology diversity, including an endangered ecological community, noise impacts and social impacts. Preston J. said he was not persuaded by the economic analysis offered by the company. This is the historic precedent. He stated:

The project's impacts would exacerbate the loss of sense of place, and materially and adversely change the sense of community, of the residents of Bulga and the surrounding countryside. I am not satisfied that the economic analysis relied on by Warkworth and the Minister have addressed these environmental and social factors adequately.

This shows that Rio Tinto—"the pack"—and in fact the Government are out of touch with community sentiment. Rio Tinto said that the ability of the community to challenge the Government's decision was significantly obstructing investment and job creation in New South Wales. Today it has been reported that it has sought leave to expeditiously challenge this decision. Rio Tinto is holding the jobs of hundreds of people over a barrel. That company should have foreseen this situation. It was not saying that when the original mine was approved. This is a massive victory for the community. Some of the quotes from the community include:

Everyone on the progress association is over the moon. It's a massive relief.

We've got a lot of happy people who were born and bred in Bulga.

The pub was right in the acquisition zone of the mine so it would have had to have been sold up.

It would have been, which would have been a disaster.

The town would have been fairly uninhabitable, and would have been cut off from Jerrys Plains and Denman.

This shows that the economical modelling that undermines big coalminers does not stack up. The days when king coal could brush aside communities and the environment is drawing to a close. It is over. The community has won the bottle of Bulga.

KOKODA TRAIL HERITAGE PROTECTION

The Hon. CHARLIE LYNN (Parliamentary Secretary) [6.55 p.m.]: I express my concern over the desecration of a significant wartime historical site along the Kokoda Trail by the Australian Government. The site I refer to is an abandoned mortar position adjacent to Lake Myola about halfway across the trail. I found the position approximately 10 years ago whilst I was investigating this particular area with a local landowner. It was off the side of a remote track that was used by local hunters. It was part of an ammunition storage system that supported the mortar baseplates out on the lakebed of what is called Little Myola. The mortars would have been positioned to support the Australian hospital and logistic support bases on Big Myola.

The position comprised a large ammunition storage pit and a large quantity of live two and three inch mortars, M36 grenades, clips of .303 ammunition, detonators and fuses. Lying around the area were rotted army boots and a couple of rusted shovels. The ammunition was stacked in rows beside the pit and covered in moss that had gathered over the past 60 years. This gave the position a haunting appearance in what is known as the moss forest. I reported the discovery to the Papua New Guinea Kokoda Track Authority but at that stage it was operated by an expatriate manager and a part-time secretary and there was little interest in the preservation of historically significant sites along the Kokoda Trail.

It was not until a public outcry over the threat to mine a large part of the trail in 2006 that the Australian Government finally took more than a token interest in the area. Unfortunately, the Howard Government miscalculated and allocated responsibility for the preservation of the Kokoda Trail to the Department of Environment, Water, Heritage and the Arts, most probably because the Heritage Division was responsible for the List of Overseas Places of Historic Significance to Australia. The status of heritage has since been dropped from what is now the Department of Sustainability, Environment, Water, Population and Communities. Arts has recently been added to the Minister's responsibilities but does not yet rate a mention in its acronym.

Since 2008 Kokoda has been used as a subterfuge for the department to pursue an environmental agenda in Papua New Guinea. Its guise was to embed staff in the Papua New Guinea Department of

Environment and Conservation to assist Papua New Guinea in developing a case for a World Heritage listing for the Owen Stanley Ranges, which includes the Kokoda Trail. A joint agreement with an emphasis on global warming was signed with great fanfare. Terms relating to military heritage did not rate a mention. One can only speculate how "joint" the agreement was in the framing process. Highly paid Canberra envirocrats with tax-free salaries and generous allowances were dispatched to advise and assist the Papua New Guinea Government to save the Kokoda Trail. For most of those involved, it was their first trip to Papua New Guinea and the trail quickly became a lucrative honey pot for a coterie of anointed consultants who came, saw, held talkfests, produced five-point plans and left with a wallet full of booty.

The results speak for themselves. When the envirocrats arrived in 2008, 5,621 Australians had trekked Kokoda. After three years of assistance resulting in a ten-fold increase in staff, a conga line of consultants and more than \$20 million of taxpayers' money, the numbers have decreased by almost half to 2,914. Projects initiated without any reference to Papua New Guinea authorities or the trekking industry included the construction of massage parlours, a failed \$3 million Village Livelihood Project and a dysfunctional management structure. The Australian managers and staff engaged during the period 2008 to 2012 have left the Papua New Guinea Kokoda Track Authority without any management protocols. There is no master plan to protect and develop sites of military historical significance, there is no legislation to support their authority, there is no campsite booking system, there is no credible trek operator licensing system, and there is not a single sustainable outcome from their ill-conceived Village Livelihood program.

The only winners thus far are those who received generous tax-free salaries and even more generous overseas living allowances, the consultants they engaged to solve problems they did not understand and a bevy of aid-funded non-government organisations who continue to reinforce local beliefs in cargo cults. The wartime historical integrity of the Kokoda Trail is now facing the same level of threat as that posed by the establishment of a goldmine in 2006. The integrity of the mortar position at Lake Myola has been destroyed forever by the senseless decision to build a steel-wire cage and lock all of the ammunition in it. Trekkers now have no need to visit the site and the local custodians have been denied the opportunity to earn a respectable income from it.

I have always argued that the Kokoda Trail should be developed as a model for a wartime tourism industry in Papua New Guinea because the local people are the custodians of battle sites sacred to our military heritage. Unfortunately, our attempt to assist Papua New Guinea in this regard since 2008 has been an unmitigated failure. I am happy to debate this statement with anybody in any forum. I believe that responsibility for the protection and development of the wartime heritage of the Kokoda Trail should be transferred to the Department of Veterans' Affairs at the earliest opportunity. We need to start again with a management plan that acknowledges Kokoda as a wartime pilgrimage for most Australians and not an environmental levitation for eco-trekkers or a bottomless pit of booty for aid-funded consultants and non-government organisations.

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

Motion agreed to.

The House adjourned at 7.00 p.m. until Wednesday 8 May 2013 at 11.00 a.m.
