

ABORIGINAL COMMUNITIES AND BUSHFIRE RISK	21780
ADJOURNMENT	21797
APPROPRIATION (PARLIAMENT) BILL 2013.....	21779
APPROPRIATION BILL 2013	21779
BARTON HIGHWAY UPGRADE.....	21791
BUSINESS OF THE HOUSE	21740, 21755
BYRON SHIRE CENTRAL HOSPITAL	21785
CAMPBELLTOWN ROAD UPGRADE AND BARDIA BARRACKS.....	21792
CHILD PERSONAL FLOTATION DEVICES	21791
CHILD SEXUAL ABUSE	21797
COAL INDUSTRY	21798
COBBORA COAL PROJECT	21784
COMPULSORY THIRD PARTY GREEN SLIP INSURANCE PREMIUMS	21780
DOMESTIC VIOLENCE VICTIMS PROSECUTIONS	21789
HOLOCAUST DENIER MR FREDRICK TOBEN	21781, 21792
HUNTING IN NATIONAL PARKS	21799
INSPECTOR OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION.....	21755
LENNOX BRIDGE PROPOSAL.....	21790
LOCAL GOVERNMENT AMENDMENT (EARLY INTERVENTION) BILL 2013	21797
LOCAL LAND SERVICES BILL 2013	21755
MINISTER FOR FINANCE AND SERVICES, AND MINISTER FOR THE ILLAWARRA.....	21780, 21782, 21783
NATIVE FOREST WOODCHIP INDUSTRY	21800
NEWCASTLE URBAN RENEWAL STRATEGY	21782
NORTH WEST RAIL LINK.....	21801
NSW POLICE BAND	21788
NSW POLICE FORCE TECHNOLOGY ENABLED CRIME OFFICER PROGRAM	21782
NSW SELF INSURANCE CORPORATION AMENDMENT BILL 2013	21793
OMBUDSMAN.....	21793
PETROL TANKER ROAD SAFETY.....	21785
PUBLIC HEALTH AMENDMENT (VACCINATION OF CHILDREN ATTENDING CHILD CARE FACILITIES) BILL 2013.....	21742
QUESTIONS WITHOUT NOTICE.....	21780
RETIREMENT OF MARK FAULKNER, EDITOR OF DEBATES	21740
RURAL AND REGIONAL SCHOOL BUS SAFETY	21785
SPECIAL ADJOURNMENT	21793
ST STEPHANOS GREEK ORTHODOX PARISH THIRTIETH ANNIVERSARY.....	21740
STATE BUDGET AND CENTRAL COAST ROADS	21781
STATE BUDGET AND EDUCATION.....	21789
STATE BUDGET AND FREIGHT INFRASTRUCTURE	21784
STATE BUDGET AND INFRASTRUCTURE.....	21786
STATE BUDGET AND PUBLIC TRANSPORT.....	21786
STATE BUDGET AND ROAD SAFETY.....	21790
STATE REVENUE AND OTHER LEGISLATION AMENDMENT (BUDGET MEASURES) BILL 2013	21779
STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL 2013	21797
TABLING OF PAPERS.....	21793
TEMPORARY CHAIR OF COMMITTEES	21740
THE GREENS.....	21787
WASTE LEVY.....	21782
WESTCONNEX MOTORWAY	21788

LEGISLATIVE COUNCIL

Thursday 20 June 2013

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

The President read the Prayers.

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

BUSINESS OF THE HOUSE

Formal Business Notices of Motions

Private Members' Business item No. 1363 outside the Order of Precedence objected to as being taken as formal business.

ST STEPHANOS GREEK ORTHODOX PARISH THIRTIETH ANNIVERSARY

Motion by the Hon. SOPHIE COTSIS agreed to:

1. That this House notes that:
 - (a) on Thursday 20 June 2013, the Greek Orthodox Archdiocese of Australia will be celebrating the 30-year anniversary of St Stephanos Greek Orthodox Parish, Hurlstone Park,
 - (b) the Parish of St Stephanos was established in 1983 and has played a vital role in the spiritual life of the local community since,
 - (c) St Stephanos, the Patron Saint, has blessed parishioners with a wealth of memories spanning the humble history of this Church,
 - (d) one of St Stephanos's successes is the St Stephanos Child Care Centres, which are also part of the Greek Orthodox Archdiocese of Australia,
 - (e) the child care centres have been providing care for children since 1995 and welcome families from all cultures and backgrounds,
 - (f) St Stephanos parish and child care centres respectfully acknowledge the Cadigal Wangal people who are the Traditional Custodians of the land,
 - (g) the centres reflect the diversity and richness of the local and extended communities that the children, families, educators and parish leaders belong to, and
 - (h) St Stephanos has a very active parish committee, a ladies auxiliary, a well-organised afternoon Greek School program, a Sunday School, a Parish Greek Dancing Group and a fellowship program.
2. That this House:
 - (a) congratulates the parish, parish volunteers, and the community on reaching their pearl anniversary, and
 - (b) acknowledges the spiritual leadership of His Eminence Archbishop Stylianos, the Primate of the Greek Orthodox Church in Australia, and Father Stavros Ivanos.

TEMPORARY CHAIR OF COMMITTEES

Appointment

The PRESIDENT: According to standing order, I nominate the Hon. Trevor Khan to act as Temporary Chair of Committees during the remainder of the present session of the Parliament.

RETIREMENT OF MARK FAULKNER, EDITOR OF DEBATES

The PRESIDENT: On 9 August 2013 Mark Faulkner, Editor of Debates, will retire after 29 years of service in the New South Wales Parliament. Mark was appointed to the position of reporter on the New South

Wales Hansard staff in 1984. In the years since, he has held every position on the New South Wales Hansard staff having been Senior Reporter in 1991, Subeditor in 1992, Senior Subeditor in 1994, Deputy Editor in 1996 and Editor of Debates in 2011. During Mark's period of service in Parliament he has seen nine Premiers, six Speakers and seven Presidents, and witnessed considerable change in Hansard, particularly in relation to technology. He has been instrumental in introducing new initiatives, such as the Parliament's first computerised *Hansard* production system and the use of voice recognition technology to assist in transcription. Mark has exceptional knowledge of parliamentary procedure and parliamentary reporting and has provided the Parliament with exemplary service over many years. He will be missed and I know I speak on behalf of all members when I say we wish him all the very best in his future endeavours.

All members: Hear, hear!

The Hon. DUNCAN GAY (Minister for Roads and Ports) [9.36 a.m.]: Mr President, I take this opportunity to associate myself with your comments about Mark. He has been here for 29 years. The remarkable thing is that he seems to have maintained his sanity after 25-plus years of tidying up and improving my contributions to this place.

The Hon. Steve Whan: That is testing.

The Hon. DUNCAN GAY: It would be a huge test. Interestingly, I am the father of the Parliament, having been here for 25 years. Some have served a little longer, but they sneaked away and returned, and therefore lost the title. That means that Mark is the true father of the Parliament. We know he operates but we hardly see or hear him and, given what can at times be a very controversial job and position, that is testimony to the professionalism and decency that he has brought to his role. He is unmistakably a bloke. There are degrees of blokeship: there is the first bloke, there is another bloke and then there is the good bloke, which is someone at the top of the tree. Mark certainly is that. I wish him and his wife well. I know there will be a hell of a lot of bad golf strokes happening for him over the next few years. He is moving on to a different part of his life—something he and his wife well and truly deserve. The professionalism Mark has brought to the reorganisation and operation of Hansard during his period has been just terrific. I know every member appreciates him. Even in the toughest times his wry smile is there. Thank you, Mark.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [9.38 a.m.]: On behalf of the Labor Opposition I rise to associate myself with the comments made by you, Mr President, and the Leader of the House. It is a real art form to be able to turn our musings in this place into poetry—at least of a kind. That would take real skill, particularly given late-night sittings and croaky voices and the sometimes difficult-to-understand interjections. We can only hope that exposure to these extended working conditions will not require Mark to have therapy in the future. We do very much appreciate his hard work, his professionalism and the leadership he has given his team and, of course, the role he has played in modernising this place is very much appreciated. On behalf of the Opposition, we wish Mark and his family all the best for the future.

Dr JOHN KAYE [9.39 a.m.]: On behalf of The Greens, I wish to associate myself with the remarks of the President, the Deputy Leader of the Opposition and the Leader of the House. I wish Mark and his wife the very best for his retirement. Members of this Parliament and those who watch the Parliament on the internet will be aware that I am a prime example of creating bad sentence structure; it is often difficult to locate a verb in my sentences let alone a full stop at the end or a capital at the beginning of them. People who read *Hansard* today and into the future will not know that about me. I am, along with a number of members who may wish to identify themselves—but I shall not do so—eternally grateful to Mark and his staff for their efforts to hide from future generations of people who read *Hansard* the challenges I face with the spoken word.

The Hon. Steve Whan: And how easily you are distracted by interjections.

Dr JOHN KAYE: And how easily I am distracted by interjections. Mark, we are all extremely grateful for your work and what you have done for this Parliament. We wish you the very best. In particular, we thank you for the standard of professionalism that you have created and perpetuated in this place—and that thanks is extended to the rest of your excellent staff. Thank you very much indeed.

Reverend the Hon. FRED NILE [9.41 a.m.]: On behalf of the Christian Democratic Party and my colleague the Hon. Paul Green, I am pleased to support the comments in acknowledgement of Mark Faulkner's service to this Parliament. In 2010, Mark's distinguished career was recognised when he was awarded the New South Wales Service Medallion for 40 years of public service in New South Wales. He has helped to develop

computerised technology and voice recognition applications as they relate to parliamentary reporting. Voice recognition probably works for most of the members, although it may not work for me because I am told I have a broad accent. When I was at college I did an ABC voice training course in an effort to put a plumb in my mouth. After three months the teacher said, "I have given up on you, Fred. You still sound like an Australian, not like a BBC announcer." It is a challenge for the Hansard staff to cope with all of our different backgrounds, accents and nationalities and to interpret what we say to produce the parliamentary record, which is always so accurate. Mark has had a wonderful period of service, having served the Parliament for 29 years. I am just beating him with my 32 years of service, but 29 years is a long period. On behalf of the Christian Democratic Party I thank him for his service and leadership of the Hansard staff of the New South Wales Parliament.

The Hon. ROBERT BROWN [9.43 a.m.]: On behalf of the Shooters and Fishers Party and my colleague the Hon. Robert Borsak, I wish to add some comments to those that have already been made. In doing so, I bring forward good wishes from the Hon. John Tingle, a former member of this House. He wishes Mark well. When I first came into this place, Mr Tingle's advice to me was, "Robert, you ensure that you look after Hansard and they will look after you. And if you ever get into any trouble, ask Mr Faulkner." Good luck, Mark.

Pursuant to resolution Government business given precedence.

PUBLIC HEALTH AMENDMENT (VACCINATION OF CHILDREN ATTENDING CHILD CARE FACILITIES) BILL 2013

In Committee

Clauses 1 and 2 agreed to.

Dr JOHN KAYE [9.45 a.m.]: I move The Greens amendment No. 1 on sheet C2012-088B:

No. 1 Page 4, schedule 1 [4], lines 21–23. Omit all words on those lines. Insert instead:

belief that vaccination for specified vaccine preventable diseases should not take place because there is no, or insufficient, scientific evidence to justify vaccination and there is scientific evidence that vaccination constitutes an unacceptable health risk to the child,

The impact of this amendment is to limit the grounds on which parents could seek to exempt their child from vaccination. Currently the intention of the Government is to rely on the Medicare immunisation exemption conscientious objector form. Part 7 of the form notes that a parent or a guardian can declare that they have:

... a personal, philosophical, religious or medical belief involving a conviction that vaccination under the National Immunisation Program should not take place. On this basis, I choose not to have my child immunised.

The exemptions to be contemplated are personal, philosophical, religious or medical beliefs. The Greens have grave concerns about a number of those avenues for exemption. The fundamental benefit of this proposed legislation is that it provokes parents who are not vaccinating their children to have a conversation with a medical professional. In this case it is either a doctor or a person prescribed by the regulations. That conversation cannot be meaningful if the grounds for exemption are on the basis of a philosophical, religious or personal belief. A medical professional cannot address a matter of religious or personal belief.

The Greens amendment No. 1 limits those grounds to a belief purely about medical science. A general practitioner can engage in a conversation if an individual says to them, "I do not believe the evidence that vaccination will protect my child", or, "I believe that there is a health impact which is not justified by the benefits that might be gained." The medical professional can say, "Here is the great body of evidence." Yesterday in debate somebody mentioned—and I am struggling to remember who it was—www.science.org.au, which is a fantastic website that can partly provide medical professionals with the information needed to engage in such a conversation. It is appropriate for a medical professional to have a conversation based only on scientific evidence. The proposed legislation allows a broader class of exemptions such as philosophical or religious beliefs and, if passed, it will open the floodgates. People will front up to their medical professional and say, "I belong to a particular church or religious organisation which is opposed to vaccinations. Therefore, I do not have to do this."

The Hon. Dr Peter Phelps: They can only realistically say, "I belong to a bogus church."

Dr JOHN KAYE: I acknowledge that interjection. The Greens searched for a church that currently has a genuine objection to vaccinations. People suggested to us that perhaps the Jehovah's Witnesses do, but they do not. Every organised religion, with two exceptions, has a fixation on looking after children, enhancing the health

of children and protecting children. As one would expect from religions that promote ethics, they look at the vulnerable and ask, "How can we protect the vulnerable?" Of the two exceptions the first is the Taliban. It seems from the recent behaviour of the Taliban that it has withdrawn its opposition to vaccination. The second was a religion that was active in the United States of America during the 1940s and 1950s but is currently inactive. I will withdraw The Greens amendment if one member can convince me that there is a religion that has a genuine objection.

The Church of Conscious Living was established in Queensland five years ago and holds that the human body is a sacred space and, like the planet itself, should not be contaminated by external toxic forces. It is an argument that is hard to refute. But when you dig deeper into the religion you find that the two women who started this church made it clear in their public statements that they were establishing the church purely to protect themselves against compulsory vaccination. The establishment of such a religion not only undermines the integrity of the vaccination program but it also is an attack on organised religion. I am not a member of an organised religion. This church damages the authority and respectability of organised religion by creating a bogus organised religion.

The promoters of the Australian Vaccination Network have been actively engaging with and encouraging parents to join the Church of Conscious Living. They are using the religious exemption in the bill as a loophole. This amendment seeks to close that loophole and make the bill more meaningful. There are good people of good will who have been on the internet and have read and accepted the argument that vaccinations are ineffective, that the herd immunity effect is a myth or that vaccinations are more dangerous than would be justified by the benefits. They are genuine in their belief and I would not in any way encourage or support anybody who criticises these people. I strongly believe those people have been badly misled by websites that are a combination of malicious and ill-informed.

The Hon. Melinda Pavey: Dangerous.

Dr JOHN KAYE: And as a consequence they become dangerous. That is my personal opinion. I want to make it clear that I am not attacking those who have received that information and are acting accordingly. I am attacking the websites; they are appalling. They create a substantial amount of misinformation. The great virtue of this bill and a large part of my enthusiasm for it is that it encourages respectful conversation about the concerns that those parents have, addresses those concerns and facilitates those parents into seeing the peer reviewed science that has been around since Edward Jenner created the smallpox vaccination in the middle of the eighteenth century. That science has only grown in strength and has not been refuted. I believe that encouraging those parents into that debate is important. It is a significant public health gain.

I do not believe that there is a public health gain when people can say, "Look, it is my religion, you cannot argue with me." We do not want general practitioners or any other medical professional arguing with someone on the basis of that person's religion. It is a difficult, unnecessary and irrelevant conversation. The only relevant conversation that is necessary is about the science. If the general practitioner cannot convince the parent through science, then this Parliament has failed and it needs to go back and work out why it has failed. That should be the only failure this bill admits. The way that the bill is written and the intention to use the Federal Australian Childhood Immunisation Register form will allow philosophical and religious beliefs as exemptions. I anticipate that the response from the Government will be that it wants to rely on the Federal Government's form, and I can understand why the O'Farrell Government would want to do that. I am not critical of the Government for doing that.

I do submit that in some parts of New South Wales there are low immunisation levels. The O'Farrell Government has acknowledged that. I offer congratulations to the Government, the Opposition and those working towards addressing that issue. The Greens are concerned that the bill will not address that issue as long as there is a religious and philosophical exemption. The Greens are concerned that for the sake of the New South Wales Government producing one separate form the problems in those communities will not be addressed. I do not believe it is beyond the wit and the capacity of the excellent Department of Health, which is led by two or three of the most internationally respected public health leaders, to produce a form that mimics the Medicare form but leaves out references to "philosophical" and "religious." I believe that there are real benefits associated with doing this.

Every member I have spoken to online and off line has said to me how concerned he or she is about the vaccination issue. I believe that every member in this Chamber—from the Hon. Melinda Pavey and the Minister she is representing to the crossbenchers and the Hon. Paul Green, as a health care professional in his former life,

and The Greens—is deeply concerned by this issue. We all support this bill and the rights of parents who genuinely hold a founded conviction. But this proposed amendment is about being able to address those convictions and bring about the consensus that is needed to lift the overall vaccination rates. I believe members have thought seriously about the issue and I hope that we can now concentrate on making the bill more effective by closing the loophole. This amendment does not in any way go towards 100 per cent compulsory vaccination. That is a separate argument. This amendment aims to facilitate respectful informed conversations that I believe are necessary to bring about a higher rate of vaccination so the herd immunity effect can work not only for the children of parents who currently do not vaccinate but for all children. I commend the amendment to the House.

The Hon. MELINDA PAVEY (Parliamentary Secretary) [9.58 a.m.]: The Government does not support The Greens amendment No. 1. The Greens amendment would expressly allow parents to enrol their unvaccinated children in childcare in two circumstances only. The first is if there is a medical contra-indication, which is appropriate and is already contained in the bill. However, the second circumstance under The Greens proposed amendment is if parents believe that vaccination should not take place because there is insufficient scientific evidence to justify vaccination.

Those proposed amendments would create a duplicate process in New South Wales for dealing with parents who choose not to vaccinate their children. Currently in order to receive family tax payments parents who choose not to vaccinate their children must fill out a Commonwealth form in which they certify that they have a conscientious objection to doing so, and a medical practitioner must certify that they have explained the risks and benefits of vaccination to them. The proposed amendment would mean that New South Wales could not rely on the Commonwealth forms and would create a duplicate administrative arrangement for doctors and parents that may jeopardise the success of the bill. Dr John Kaye did acknowledge the issue of the duplication of the form and that process. This is the important part. In supporting the legislation the important factor for the Australian Medical Association was that administrative burden on general practitioners was not increased. The Greens amendment would create a dual-track process for clinicians and double the administrative burden.

The amendment is also opposed because it would actually give legislative support to the erroneous belief that the scientific evidence does not support vaccination. One of the main problems for vaccination programs today is that certain groups in the community peddled the lie, as has been acknowledged, that vaccination is not safe and effective and that science behind vaccination cannot be trusted. Having an express provision in the Public Health Act that people can hold a view that there is a scientific objection to vaccination would fuel these misleading beliefs. For this reason the amendment is not supported by the Government.

The Hon. WALT SECORD [10.00 a.m.]: Labor does not support The Greens amendment No 1. In fact, we strongly disagree with it. Labor disagrees with The Greens phrase of "scientific belief". There is no such thing as scientific belief; there is scientific fact. That said, we believe it is absurd not to allow religious or personal beliefs as well as valid grounds to restrict exemption but then allow scientific belief to be acceptable. Further, we believe that the amendment is unworkable and we oppose it.

The Hon. PAUL GREEN [10.01 a.m.]: I thank Dr John Kaye for his comments. We can do no more important thing in this Chamber than think about our kids, their future and their wellbeing. We have concerns and would very much like for there to be 100 per cent compulsory coverage—but what happens to those kids who are not covered and through no fault of their own have parents who have made a decision which means that suddenly the children are rejected by a childcare centre? In light of all the discussions we think the Government has probably got the legislation right at this time but it will need further work. I place on the record that the Christian Democratic Party are greatly concerned that people are forming a church to avoid something as important as immunisation. It makes a mockery of the church, everything it stands for and the good outcomes the church seeks to achieve. We are disgusted that someone would try to find a loophole in this way. It is simply not necessary when there is so much information publicly available. People can be informed and seek advice about immunisation from medical practitioners: there are many good people who know a lot about immunisation. Indeed, the State and Federal governments do a great job in trying to update and provide accurate information.

Parents will always experience some anxiety when the doctor is just about to inject that substance into their children. There is always some risk, and that is documented, but most of the time it is okay and our kids are protected into the future. There might be a little rash, a slight temperature and some small adverse effects but it is for the common good. This preventative measure of immunising our kids is an investment in their future health. It will inoculate them against those terrible diseases that we heard about last night: measles and pertussis. This is the right way to go and I congratulate all members on being in agreement with this. However, we must

make sure that we review the legislation in six months, because a day care manager should not be placed in the position of having to make the decision of which child can or cannot attend a centre. That is not their role. It is a matter of governance and it is for the Parliament to iron out these matters.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [10.04 a.m.]: The Opposition understands the concerns that give rise to this amendment. It is certainly the case that parents who do not vaccinate their children should be encouraged in the strongest terms to look at the evidence and have a conversation with the medical profession. However, we have grave concerns about the notion of scientific belief that informs this amendment. Any person who has done any reading, for example, on the history and philosophy of science, particularly the work of Karl Popper, knows that to be scientific a proposition must be able to be tested. As a matter of logic a proposition is either scientific and is derived from observation and discernible effect in the real world through testing of propositions or is a belief. A belief is a matter of faith. It is impervious to external information. It comes from within. It is not necessarily dependent on a logical process of weighing up and evaluating information that is externally available. The concept in this amendment rests on a belief that there is no or insufficient scientific evidence.

Dr John Kaye: That's different from scientific belief.

The Hon. ADAM SEARLE: I acknowledge that interjection, but a belief that there is no scientific evidence means that people can set themselves against the overwhelming mass of scientific consensus simply because they have a belief. The internal contradiction in that notion—and I am not being disrespectful when I say that—is so strong as to create a massive loophole that I think would undermine the public policy that underpins this legislative proposition that we are all here today supporting. For these good and cogent reasons we cannot support the amendment.

Dr JOHN KAYE [10.06 a.m.]: I thank honourable members for engaging with this amendment. I appreciate that it is probably not going to become part of the bill. That is fine, but I shall address some of the issues that were raised. I acknowledged when I moved the amendment that it involves dual process and there is a paperwork burden associated with it. The question that exercises my mind is: What price are we prepared to pay for a young child not getting whooping cough? Are we prepared to pay the price of an additional form? Personally I think it is worthwhile. I accept that that is not the Government's point of view, and I do not mean that disrespectfully.

As many members have said, and the Hon. Paul Green said it very eloquently, we need to watch this legislation and check its effectiveness. In 12 months or two years time we have to decide whether it has worked and ascertain the number of religious exemptions. I encourage the Government to keep track of the exemptions. This will be difficult because, unfortunately, the Medicare form lumps the different types of exemptions together. The Hon. Walt Secord, the Deputy Leader of the Opposition and the Hon. Melinda Pavey all referred to a scientific belief. I am not sure whether I used those words in moving the amendment. I may have, and if I did I misspoke. I am a firm rationalist and there is no such thing as a scientific belief. However, it is complete foolishness to deny the fact that there are beliefs about scientific evidence. They are totally and completely different things. For the benefit of the Chamber I will read the amendment. It states:

... belief that vaccination for specified vaccine preventable diseases should not take place because there is no, or insufficient, scientific evidence to justify vaccination and there is scientific evidence that vaccination constitutes an unacceptable health risk to the child,

At no time does it refer to scientific belief. It is a belief about science. I am not happy with such beliefs. I have spent the last 15 years trying to address what I believe are misled beliefs across a range of areas. I have worked hard in that area and I have copped some abuse in this Chamber for doing so. However, one must acknowledge that people hold beliefs about what the science says and does not say and beliefs about what the evidence does and does not say that are different from those held by scientists, the medical profession and, I believe, by every member of this Chamber.

The Hon. Trevor Khan: In other words they are wrong.

Dr JOHN KAYE: They may well be wrong. I acknowledge that helpful interjection by the Hon. Trevor Khan. In fact, in my opinion, they are very wrong, but they are beliefs that are held. There is nothing involved in putting this into the legislation that would give justification to the idea of a scientific belief. That is the reality. The Minister and the Parliamentary Secretary have acknowledged this and we have all

acknowledged that a percentage of people do not believe what the science is telling them or they have a different interpretation of it. Acknowledging those people and talking to them and attempting to address their beliefs about the science are extremely important.

The third issue, which was raised by the Hon. Walt Secord, is the issue of religions that oppose vaccination. I said when I moved this amendment that if somebody can name for me a religion that opposes vaccination, other than the Taliban—and I do not believe that is a religion, but that is a debate for another day—or the Church of Conscious Living, or an analogue of the Church of Conscious Living, I will withdraw the amendment. If it in any way traverses the rights of an accepted religion I will withdraw the amendment right now and move on to the next amendment. But nobody can name such a religion, because one does not exist.

As the Hon. Paul Green quite properly said, the Christian Democratic Party holds concerns about religions being established specifically to use the provisions that this bill, without The Greens amendment, would adopt because of the terms of the immunisation exemption conscientious objection form. The terms of the form will encourage the growth of religions that are not religions—religions that are religions in name only, religions that are purely there for the purposes of exploiting the loophole that this bill creates without this amendment.

I am sympathetic to the arguments that the Government put forward about the additional form. I understand them but I do not accept them, because I think the public health benefit of closing these loopholes is greater than the administrative cost of doing so. I am not sympathetic to the arguments that the Labor Party put forward in relation to this amendment playing with non-science. It does not. It acknowledges the reality, and that it is an important point. It acknowledges the reality of what people believe and what people do in their lives. By doing so we are not saying it is correct; we are saying it is a reality. To not do so is to deny a reality that there are people out there, good and decent people, who have been badly misled by malicious and silly websites that have led people into a mistaken belief about the science. We will never get to the source of that and be able to have those respectful and powerful conversations about their belief about the science as long as they can hide behind a religious exemption.

What this amendment is trying to do is strip away the excuses and get down to the meat of that debate with those objectors and take it head on, have that conversation. I should say parenthetically that, of course, this is not about young people for whom vaccination would be medically contraindicated; that is a separate issue. But unless we can strip away all those other excuses we cannot get down to addressing the real issue of what the objectors think the science says and does not say. This amendment is about acknowledging the validity of how those parents are living their lives and about attempting to engage them in a serious conversation about the science and addressing that. To that extent I do not accept the objections raised and I commend the amendment to the Chamber.

Reverend the Hon. FRED NILE [10.14 a.m.]: One important issue has been raised in the debate on the amendments. It is important for the Government to give some assurance that it will try to monitor the records as to the categories of exemptions so that if we are going to review this legislation we can say in two years time so many people have used religious reasons, so many people have used philosophical reasons and so many people have used personal reasons. Then we may see where there is a need for some response by the Parliament. I know that may create some paperwork but the Department of Health may be able to set up some administrative way of monitoring the actual reasons that are given for a child not being vaccinated.

Dr JOHN KAYE [10.15 a.m.]: Reverend the Hon. Fred Nile raises an extremely important point and I ask the Parliamentary Secretary to respond to it.

The Hon. Melinda Pavey: I will do that after the second amendment has been moved.

Dr JOHN KAYE: I acknowledge that. It may well be that I am chasing a very small number of parents, which does not justify the production of a new form. What Reverend the Hon. Fred Nile has raised is at the heart of the Government's concerns and there are tricky issues associated with that.

Question—That The Greens amendment No. 1 [C2013-088B] be agreed to—put and resolved in the negative.

The Greens amendment No. 1 [C2013-088B] negatived.

Dr JOHN KAYE [10.16 a.m.]: I move The Greens amendment No. 2 on sheet C2013-088B:

No. 2 Page 4, Schedule 1 [4]. Insert after line 34:

(4) **Policy not to accept enrolment on vaccination grounds**

The principal of a child care facility may implement a policy of refusing to enrol any child, or to permit the enrolment of any child, at the child care facility who is the subject of a certificate referred to in subsection (2) (b) and who is not age appropriately immunised for a vaccine preventable disease referred to in that certificate. This subsection does not limit the ability of any person to refuse the enrolment of a child at a child care centre for any other, or any related, reason.

This amendment addresses the situation of a community in which a relatively large number of parents are not vaccinating their children. But in every such community at least 50 per cent of parents would be vaccinating their children. This amendment goes largely to the rights of those parents who do vaccinate their children. It goes to their rights to say, "We have done the right thing by our children and we have done the right thing by all other children. However, we do not believe it is fair that our children are then put into a childcare centre where the rate of immunisation is below the herd immunity threshold", which we spoke about in the second reading debate. Even though they have done the right thing and their children are vaccinated, as we know, vaccinations do not provide 100 per cent resistance to diseases and those parents who have done the right thing are then confronted with the possibility of an epidemic within the childcare centre population of whooping cough, measles and other diseases.

This amendment is about respecting the rights of parents who do vaccinate their children. This amendment is about ensuring that their rights are protected and that they have the right of choosing a childcare centre where other parents have made the same decision they have. It is not about compulsory vaccination and it is not about changing the parameters of the bill. It is purely about giving a childcare centre operator the right to say to their community that they will only take vaccinated children, with of course the caveat that they will still take children who are not vaccinated by reason of medical contraindication, which is only fair. One might ask whether that undermines the herd immunity argument. It does not, because the percentage of children in a population for whom vaccination is medically contraindicated is low enough that they would not bring any childcare centre down below the herd immunity threshold.

This fairly simple amendment just says that the principal of a childcare facility may implement a policy which says that the facility will only take children who are immunised. The flexibility in the amendment is that if a childcare centre operator takes all children and then realises that the immunisation rate is falling to a level which poses a threat because it is getting below the herd immunity threshold they can then implement a policy which acknowledges that they are at the herd immunity threshold and they will not take any more children who are not vaccinated. It creates flexibility for childcare centre operators who are concerned that the prevalence of unvaccinated children will become so great that it will compromise herd immunity. This is about creating a choice for childcare centre operators and for parents who have protected their children by having them vaccinated and wish to avoid sacrificing them to the free riders who do not vaccinate but travel on the back of herd immunity. I commend the amendment to the Committee.

The Hon. MELINDA PAVEY (Parliamentary Secretary) [10.20 a.m.]: The Government does not support The Greens amendment No. 2. The amendment would allow a principal of a childcare facility to refuse to enrol at the facility a child who is not age appropriately vaccinated. Allowing childcare facilities to adopt their own policies and refuse enrolment to unvaccinated children is not supported by the childcare industry peak bodies. Public health experts, including the National Centre for Immunisation Research and Surveillance, have strong objections to such an ad hoc approach. The legislation aims to protect not only children in childcare centres but the wider community by improving vaccination coverage amongst those families that support vaccination but have dropped behind on the schedule. This increases herd immunity, and that means that infants too young to be vaccinated or people with immune problems are less likely to be exposed to vaccine-preventable diseases anywhere in the community, not just in childcare centres.

The Greens amendment could have the perverse effect of creating pockets of unvaccinated children mixing together in childcare settings, exacerbating the risk of creating outbreaks that then spread to susceptible people in the wider community. Further, the proposed amendment would open childcare facilities that instituted such a ban on enrolment of unvaccinated children at the facility open to claims that the facility is in breach of the Commonwealth anti-discrimination law. We have just received some more information from Child Care NSW. It is concerned about this amendment and has stated:

Child Care NSW agree with the Department of Education and Communities, as well as the Ministry of Health—this is a public health issue, and child care centres do not want to be the judge and jury on immunisation, and certainly do not want further administrative burdens placed upon services.

There is no evidence to suggest that excluding these families will bring about better public health outcomes. A 'hard line' stance is divisive—denying children an early childhood education based upon their parents' choices. We support a bill focusing on education, not exclusion.

The Australian Medical Association is also not supportive of The Greens amendment. It has clearly stated:

The main concern is the likelihood of the development of pre-schools or childcare centres actively promoting non-vaccination enrolments. Our other concern is that excluding children because of the decisions of their parents punishes the child, without having a sufficient community benefit. AMA NSW and the experts believe the best way to promote vaccination is to ensure parents are required to seek expert advice from their doctor and that they are encouraged to participate actively in their community to be educated on the benefits of vaccination to both their own child and the broader community. We accept that a small number of parents will always choose to make the poor decision of not vaccinating their children, however, this is likely to remain a small minority if the medical profession, the government and the community can focus on providing appropriate information and support to the majority of concerned parents who are simply seeking additional advice or reassurance or who have not made the time to vaccinate.

It is for this reason that AMA NSW does not support legislation to require childcare centres to consider excluding children.

The Hon. HELEN WESTWOOD [10.23 a.m.]: I support The Greens amendment. I will reiterate the points I made last night in the second reading debate on this bill. The Liberal Party talks about choice, and that is what this is about. It is important for parents of vulnerable children to know that the childcare centre they send their children to has full rates or herd immunity rates of vaccination. That is not an unreasonable request for families of vulnerable children. As I said last night, take the situation of a premature infant born at 26 weeks. It may be in neonatal intensive care for months. When the baby is taken home it will be immunosuppressed and very vulnerable. The parents will want to know that their other children who go to childcare centres will not bring home illnesses.

It is not unreasonable to request the Government to consider this, because I would argue that this also is important for children who are critically ill. Children who are suffering from cancer and undergoing chemotherapy or who have another life threatening illness are vulnerable. The parents of those children have the right to know that the childcare centre that their family uses has high rates of vaccination. I know that some members on the other side support this. The Hon. Catherine Cusack made an excellent contribution last night and I know that other Government members also see this amendment as reasonable. Members in this Chamber have had seriously ill family members and they know how at risk some children are. As legislators we have an obligation to protect those children.

It is not unreasonable for parents of at-risk children to have a choice about the childcare centre that their family will use. As the Hon. Catherine Cusack said last night, we are preventing women with at-risk children from returning to work if they wish to do so. In families with at-risk children it primarily is women who are prevented from returning to the workforce because of childcare issues. I do not see how that position aligns with the philosophy of the Liberal Party or The Nationals. I ask each Government member to search their conscious. I think that they are making a mistake by not supporting this amendment.

I heard the Parliamentary Secretary make the argument about the childcare centre being the judge and jury. That is nonsense. If we legislate for this the childcare centre is not making a choice; it has the backing of the law. That is important. Particularly in regional communities, where there is not a lot of choice, parents want to know that the childcare centre that they use is safe for their family. I urge members to reconsider their position on this amendment. I again make the point I made last night that we should review the situation after a reasonable time to ensure that the legislation is meeting its objectives. All members agree on the importance of vaccination and the difference it has made to public health. We know that it saves the lives of children. I commend The Greens for their amendment. It should be supported. I remind members on the other side of the Chamber that this is about the right of families to choose safe child care for their vulnerable children. I urge members to support the amendment.

The Hon. Dr PETER PHELPS [10.28 a.m.]: As a strong supporter of choice and the right of individuals to exercise individual and personal freedom I have a great deal of sympathy with the amendment put forward by the honourable member. Quite frankly, it would seem to be a no-brainer for people to say that they wish to have their child placed in a certain environment with certain conditions. We do that all the time when we select where we will send our children to preschool or school and which sporting clubs they will join. We exercise that choice all the time as parents. I strongly support the spirit in which this amendment is presented; however, there is a problem, and I would like Dr John Kaye to address this point.

If this were to become New South Wales law it may well give the owners of such facilities a false sense of security. They would feel that they could exclude children on the basis of non-vaccination. I have been told that legal advice is available to the Government that indicates the exclusion would put the owner of the childcare centre immediately in breach of the Federal Disability Discrimination Act. I am no great legal mind—certainly not as good as the Deputy Leader of the Opposition—but I do know that where there is a distinction or

a contradiction between a Federal Act and a State Act the Federal Act would override the State Act. Based on that legal advice to the Government, what happens in a situation of the principal of a childcare centre being given the false comfort of being able to exclude a child and subsequently that child's parent challenges the decision? Let us face it: such parents are notoriously litigious. Can we not expect an immediate challenge to that decision on the basis of discrimination under the Federal Disability Discrimination Act?

The Hon. Adam Searle: What—the absence of vaccination is a disability?

The Hon. Dr PETER PHELPS: Yes.

The Hon. Adam Searle: What a ridiculous proposition.

The Hon. Dr PETER PHELPS: The Government has received legal advice that for a principal of childcare facilities to discriminate against a child's placement on the basis of the child's absence of vaccination would constitute discrimination under the Federal Disability Discrimination Act. I am not a lawyer so I do not know, but that is advice that I and other Government members have received. I would like to have some confidence that we would not be giving a false sense of comfort to the owners and proprietors of childcare facilities. We do not want to let them fall into a trap of our making.

I am entirely in agreement with the principle behind the amendment, but I do not think that I can support it at this time because of the point that we would be providing a false sense of security. If The Greens or the Opposition have legal advice to the contrary—that the Disability Discrimination Act would not be able to be applied in this instance—I would love to hear it. But, as this amendment currently stands, I am gravely concerned that what it would do is set up the principals, owners and operators of these facilities for a very nasty legal fight in which we know the Federal Act will have primacy.

Dr JOHN KAYE [10.32 a.m.]: I will address a number of issues that have been raised. I thank honourable members for engaging with this issue. I thank the Labor Party for its support. In response to the Parliamentary Secretary's comments about this being ad hoc policy I say this: It is not ad hoc, it is flexibility. I think there is a difference between ad hoc and flexibility. If this is indeed ad hoc that means every time we allow a provider of services to do something different to the provider next door to them then we are involved in ad hocery. I cannot accept that argument on flexibility.

The Parliamentary Secretary also referred to comments by the Australian Medical Association. The Australian Medical Association said it would not support a position in which childcare centres had to exclude every unvaccinated child. I understand that position. I think it is probably a sensible position. But that is not The Greens' proposition. What we are saying is that childcare centres can make a choice to exclude children who are not vaccinated, other than those who are not vaccinated by reason of medical contraindication. That is not unreasonable. One circumstance in which I acknowledge that becomes more constraining is in a small rural or regional town where there is possibly only one provider of childcare centres. I acknowledge that is a concern.

But in that situation the childcare centre operator is very likely to be the local government because nobody else would be able to afford to do it. In that situation we can expect that the local government will be responsive and responsible and will deal with it by way of engaging with parents and saying, "Look, we are at the point of making this decision. We are worried about the number of children not vaccinated. Please can you reconsider?" Indeed, what that does is greatly strengthen in parents and in communities with one childcare provider the arguments in favour of vaccination. It goes to increasing the strength and intent of the bill—and we all signed off on the intent of the bill—to create a vaccinated population of children.

The Government Whip, the Hon. Dr Peter Phelps, raised a very important point—the issue of the Federal Disability Discrimination Act. I have been engaged in a lot of conversation about the action of the Disability Discrimination Act in a world in which The Greens amendment becomes law. I have spoken to a number of lawyers in this place and all of them have said that it is very unlikely that the Disability Discrimination Act would have that effect. I am not a lawyer and I do not want to present evidence to this Chamber that I am not confident in what at least is hearsay evidence, and I shall not do so. But I encourage members of this Chamber, who have referred to the Federal Disability Discrimination Act and its impacts on a principal that chooses to apply The Greens amendment to examine and address what that situation would be and whether we are indeed exposing those principals to litigation. I would not have moved this amendment if I had not been persuaded by what I had been told, which is that that is not the case. The Government may have separate advice and this may come down to lawyers at 20 paces, but I still believe it is not the case.

Mr DAVID SHOEBRIDGE [10.36 a.m.]: I have been listening to this debate and I have generally appreciated the exchange of views and issues that have been raised by the Government Whip and the Parliamentary Secretary about whether or not preventing someone who may in the future have a disability in the form of a disease could amount to disability discrimination for the purposes of the Federal Act. I can see an argument where that could be said. The important issue that I have not heard canvassed is a key provision in the Commonwealth Act, which is section 48. In relation to infectious diseases and whether all of the matters for which anyone would receive inoculation or vaccination would fall within the definition of an infectious disease, section 48 states:

This Part does not render it unlawful for a person to discriminate against another person on the ground of the other person's disability if:

- (a) the person's disability is an infectious disease; and
- (b) the discrimination is reasonably necessary to protect public health.

That is the key provision in the Disability Discrimination Act. Even if that provision was not there—and perhaps a legal argument could be advanced that it does not have a full flow-on effect to the whole of the Disability Discrimination Act, upon which I would like to hear the Government's view—we then have to confront the issue of what would happen if we passed a law that was read to be in breach of a provision of the Federal Disability Discrimination Act.

A New South Wales law would be of no effect only to the extent that it conflicted with the provision of the Federal Disability Discrimination Act. If someone can mount an argument that that doctrine does not apply to this type of law, if someone can mount an argument to suggest that this legislation would be a breach of the Federal Disability Discrimination Act, which would be very difficult, the worst that would happen is that this part of the proposed New South Wales Act, this amendment, would be read down and would be of no effect. One would then hope that we would get some law reform at a Commonwealth level that clearly would exempt this type of action—standing up for public health to deal with infectious diseases—and make it abundantly clear that the provision that I have just read, section 48 of the Commonwealth Disability Discrimination Act, would cover and exempt any action this State took to protect people from infectious diseases.

It cannot be the case, based on other actions we take. We isolate people in certain circumstances. Public health officials have the power, if there is an appallingly infectious disease in our society, to isolate people and discriminate against them on the basis that they have an infectious disease. If someone came into New South Wales with the Ebola virus our public health officials could isolate them and prevent them from going to, amongst other places, childcare centres or on the streets. We already have the power for public health officials to discriminate against people for good and proper reasons if they have a deadly, infectious disease. I have never heard an argument that the Federal Disability Discrimination Act stopped actions in support of public health. Yet the argument is now made that it can be applied when dealing with unvaccinated children in childcare centres.

The Hon. Dr Peter Phelps: But doesn't section 48A apply if you have got the disease?

Mr DAVID SHOEBRIDGE: I note the interjection from the Government Whip. "Disease" is defined in the Act to be not only a disease that you do have but which you have the possibility of gaining in the future. I could read onto the record the definition of "disease", if you like.

The Hon. Dr Peter Phelps: I have read it.

Mr DAVID SHOEBRIDGE: It includes both having a current disease or disability and the possibility of obtaining a disease or disability in the future. I would like to hear the Government's response about that clear exemption in section 48. I would like to hear also the Government's response to the fact that other public health actions are legitimate and lawful. I gave the rather extreme example of someone walking down George Street with Ebola virus. We have the power to discriminate against that person for quite proper and lawful public health reasons and remove him or her from the public. That is no less discriminatory; in fact, it is a far more overt intervention in a person's rights and liberties than to permit a childcare centre to elect not to accept children who are unvaccinated.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [10.41 a.m.]: I believe that concerns that a problem could be occasioned by the Disability Discrimination Act are misplaced. The definition of

"disability" in the Act means a total or partial loss of a person's bodily or mental functions or a total or partial loss of part of part of the body, or—and these two propositions are important in this context—the presence in the body of organisms causing disease or illness or capable of causing disease or illness, or the malfunction, malformation or disfigurement of part of a person's body. There are other definitions that are not presently relevant. With inoculation or vaccination, the proposition relating to the presence of organisms that either cause illness or are capable of causing illness is not necessarily relevant.

Section 48, as Mr David Shoebridge has indicated, states that discrimination is permitted if the disability is an infectious disease and the discrimination is reasonably necessary to protect public health. That gives a complete answer: there is exemption. Any honourable member in this place who has a skerrick of doubt should go back one section and read section 47. Section 47 permits discrimination if it is done with statutory authority, including statutory authority permitted by a law of the Commonwealth or of a State or Territory. If this amendment were passed and it was considered that there was some conflict with the Disability Discrimination Act, section 47 would give complete exemption from the operation of the Disability Discrimination Act, even before we engage section 48—which, in any case, also provides a complete answer.

The idea that the Disability Discrimination Act might occasion a practical problem for this proposition is misplaced. It is wrong in law, in my view, and any advice the Government has received to the contrary I would like to understand the basis of. Turning my mind to the Disability Discrimination Act, I cannot see any difficulty.

The Hon. CATHERINE CUSACK [10.43 a.m.]: I support the amendment, perhaps for slightly different reasons. Dr John Kaye spoke about herd immunity and its impacts on a childcare centre. I explained last night that herd immunity is a population-wide health theory. It is of no protection or effect inside an individual childcare centre. A child attending the centre could be on an immunisation plan and another child could enter contagious with whooping cough. Many of these diseases are contagious well before the symptoms present themselves, so excluding children from childcare centres offers no protection. An infected child could be at a centre for weeks, infecting everyone, before it became apparent that the child needed to be excluded.

Further, as the immunisation schedule is sequential over a number of years, younger children can only ever be partially immunised. Therefore, they are always going to be vulnerable in a childcare centre. The only way we can assure their protection is to require everyone to be on an immunisation schedule. Through contact with siblings, every baby in a centre is connected with every child at every school and every member of every family in the region. That is why I believe it is essential that parents who favour immunisation are given the opportunity to choose the safest environment for their child.

The herd immunisation theory does not work because it takes only one child to introduce an infection. The herd theory is a population-wide policy. The objective of the department is to stop unimmunised children from congregating. That is the basis of the herd theory. It means that all immunised children dilute the risk that is created by the unimmunised children. Families who try to do the right thing are unwillingly used to mitigate the risk posed by families who do the wrong thing. That argument is fine if we are talking about 92 per cent across the population. Health authorities say they want to prevent pockets of low immunisation. The problem is there are already pockets of low immunisation, such as on the far North Coast. What is being done about it? In my community hundreds of children in my community who have been immunised have been infected with life-threatening diseases and disabling illnesses as a result of the immunisation rate falling below 50 per cent in the Byron shire.

If the Department of Health had a plan for my community I would give it a go. I have been discussing this problem for weeks. I have stated this position to Parliament and I have stated it in my party room, and I am well in possession of my rights to take the position I am taking today. If parents were even informed of the low immunisation rates in the centres I would give it a go, but there is no plan. The problem, which I have raised repeatedly, has met with no response. If anything, the legislation worsens the position on the far North Coast because it will make it easier for parents to obtain an exemption by expanding the number of categories of medical professionals who can give exemptions.

Currently, an exemption can only be obtained from a doctor through Medicare. It will be expanded to include nurses, the reason being that the Department of Health is concerned that some vaccine refusers are having trouble obtaining an exemption. That is what this legislation does, and it can only worsen our problem on the North Coast. The Hon. Helen Westwood raised the issue that the ability of childcare centres to require immunisation is being weakened, not improved, because this legislation enshrines the right of vaccine refusers to access a centre based on a photocopy of the Medicare family payment form.

As to the Federal Disability Discrimination Act and its coverage, I state unequivocally that I have no confidence in the advice that Government members have received on this matter. I do not believe vaccine refusers fall into the definition of "disabled". No convincing case has been made and no legal opinion has been produced. Convenient assertions are being made and I am frankly insulted and offended that the entire case is being pinned on such a spurious assertion with no evidence whatsoever. The amendment moved by The Greens provides choice. It respects the rights and wishes of families who choose immunisation. Childcare centres are not compulsory, so this amendment does not make immunisation compulsory. Vaccine refusers can keep on refusing but those who choose vaccination will also have their right respected—that is, the right to choose the safest environment for their children.

The Hon. WALT SECORD [10.49 a.m.]: Labor agrees with and supports the amendment. The amendment is close in spirit to the private member's bill introduced by the Leader of the Opposition, John Robertson. The amendment is about choice and informed decisions for parents and childcare operators. Parents will know the immunisation rate of the childcare centre and that in good faith it is safe to enrol their children. Last night the Hon. Catherine Cusack truly shocked me when she revealed that a childcare centre on the North Coast had an immunisation rate as low as 50 per cent. As a parent I find that horrible. I congratulate the Hon. Catherine Cusack on her tough and principled stand on this issue: putting children first. The amendment enables parents and childcare centres to have access to information, and tackles the so-called free riders by stopping unimmunised children attending some childcare centres. The Opposition seeks a response from the Government after a year or 18 months regarding the number of parents taking up the exemptions proposed to determine if the process is being abused. Once again, I congratulate the Hon. Catherine Cusack on her principled stand.

The Hon. MELINDA PAVEY (Parliamentary Secretary) [10.50 a.m.]: I am advised that on the issue of protection, section 48 of the Commonwealth Disability Discrimination Act dealing with discrimination against those with infectious disease will face problems as paragraph (b) states that "discrimination reasonably necessary to protect public health" will be determined by the level of risk. Clearly, a child with a vaccine-preventable disease poses a risk to other children. However, an unvaccinated child poses the risk in the future. The risk is that a court will not find a refusal to enrol an unvaccinated child is reasonably necessary to protect public health. This amendment will leave childcare centres open to challenges from parents who claim discrimination against their child. Exemptions under a Commonwealth or State law apply only to actions taken in direct compliance with the prescribed law. The New South Wales Public Health Act is not a prescribed law under the Commonwealth Disability Discrimination Act.

I point out also that the Public Health Act is due for statutory review in 2015. We will consider vaccination provisions, including the new provisions, as part of that process. At that time the opportunity will be taken to examine in detail the effectiveness of these changes. Reverend the Hon. Fred Nile asked about the review. We have written to the Commonwealth asking it to amend the conscientious objection form so that data can be collected on specific categories of exemption claimed. We will go through the important process of trying to get that form changed so that section 7 identifies whether the exemption is on medical, religious or other grounds. We then will get proper analysis when general practitioners begin providing those forms. We have also given an absolute commitment for the Ministry of Health to monitor vaccination rates constantly. We have started important discussions with the Department of Education and Communities to determine the direct impact of these changes on vaccination rates.

As members have rightly pointed out, North Coast vaccination rates are absolutely appalling. I can give the House a commitment that we will monitor those rates closely as soon as these provisions come into effect. As members, we have raised important issues in that region. I congratulate The Greens particularly on raising this issue. I have said to them privately that many concerns within our region are perhaps because people have an alternate view of society and arrangements. It is honourable for The Greens, who have a strong vote in many regional areas, to put forward such a strong position. We all have a big part to play in improving vaccination rates and challenging the diabolical myths and lies perpetuated on the internet and within anti-vaccination groups.

I encourage members to think about the substantial changes we are making with this law. We are making parents attend a general practitioner and have an honest conversation about their position on immunisation. It is incumbent on us to allow that change to settle in and work, and then see what happens. We have given an absolute commitment to monitor that data through the Department of Education and Communities and the Ministry of Health and to keep a close record of what happens once the Commonwealth starts receiving those forms. We need to examine the adoption of those changes and how the data has changed the situation before we can revisit the law. As I have pointed out, the Act will undergo statutory review in 2015.

The Hon. MATTHEW MASON-COX (Parliamentary Secretary) [10.55 a.m.]: I was not going to speak in this debate, but I have some serious issues regarding the operation of this amendment, despite being sympathetic to what it seeks to achieve. My concern relates primarily to the position of the childcare centre operator. Let us put ourselves in that person's shoes for a moment. Under this amendment, a childcare centre operator may implement a policy—the key word is "may"—to exclude. The childcare operator has to make a decision: Do I exclude a child who has or has not been vaccinated? I now put myself in that position to work through the consequences. I arrive at the childcare centre with my child, who is not vaccinated. The childcare centre makes a decision about its policy and excludes or does not exclude. The problem is that if the childcare centre excludes my child it may be subject, according to advice we have received, to potential action under the Disability Discrimination Act. Whether that legal advice is right or wrong, frankly I am not in a position to judge at this particular point in time. That is most unsatisfactory. We should have clear and categorical advice from the Attorney General on this issue. But we do not.

That is unsatisfactory, but it does not defeat the argument. The reality is that if the childcare centre operator then makes the decision to allow that unvaccinated child into the childcare centre, what happens to the properly vaccinated children in that centre who then contract whooping cough or some other disease? This is a very serious issue. Putting myself in the shoes of a parent of a vaccinated child in that childcare centre who contracts whooping cough, I would be outraged and would seek to impose an obligation on the operator of that childcare centre. I am sure some people will be placed in that position. Indeed, I would think that the childcare centre operator would be in breach of its duty of care to me as a parent and to my child, who has been properly vaccinated. What I am saying is that the childcare centre operator is in an invidious position. If they accept the unvaccinated child into the childcare centre, they may be subject to an action for a breach of duty of care to that child and parent, who subsequently is subjected to a disease arising from those circumstances.

Whereas, if the childcare centre did exclude a child there may be a breach of the Anti-Discrimination Act 1977 and therefore the childcare centre operator may well be liable. That is a hopeless situation for a childcare centre operator. I very much appreciate why childcare centre operators do not support this amendment. The problem is the word "may." In this place we should not introduce grey pieces of legislation that are not clear as to the obligations of small business operators, in this case childcare centre operators. The Government must be sure of the public health objectives of the bill and clearly articulate those objectives rather than put people in situations that are hopeless and will subject them to legal consequences.

Mr DAVID SHOEBRIDGE [11.00 a.m.]: The last point that was raised by the Hon. Matthew Mason-Cox suggests that allowing a childcare centre discretion to develop a policy is putting it in an uncertain situation. I suggest the opposite will occur. This amendment is about allowing childcare centres the opportunity to develop a policy or not in relation to the bill. It is about giving them choice. I had always understood that the philosophy of the Liberal Party was about giving people choice and allowing them to make informed decisions and develop that policy.

The Hon. Dr Peter Phelps: Come on.

Mr DAVID SHOEBRIDGE: There is a philosophical element to what the Hon. Matthew Mason-Cox raised, which is a law that allows choice creates uncertainty when it comes to public health. The opposing philosophical point is to introduce laws that allow for choice. The second point is the argument that I have heard, perhaps not in contributions in the House but during discussions concerning the bill, concerning a town that has only one childcare centre that adopts a policy of vaccinated children only. The question is: Would that not be terribly unfair to the unvaccinated children in that town who do not have another option? It would be unfortunate for the children but the most unfortunate matter is that they are not vaccinated which is probably the greatest misfortune the child will suffer.

Child care is not compulsory and if a parent chooses not to vaccinate their child that comes with obligations, which include caring for the child during hours where otherwise that child could be mixing with other children at a childcare centre. If as a parent you choose not to vaccinate your child you accept the consequences of that decision and look after your child. It would occur in a minority of situations where there is only one childcare centre in a particular town. The other option is to travel however long is required to go to another childcare centre because as a parent you have made the choice not to vaccinate your child and leave your child as a public health population risk.

I appreciate the manner in which the Hon. Melinda Pavey and the Government have engaged on this issue, but I do not have a great deal of appreciation for the relatively flippant level of legal advice that has been provided to the Parliament on what is a really difficult issue. I would have thought that this debate would benefit

from a short adjournment so that more considered legal advice could be obtained from the Attorney General about matters that have come to a head only in the recent past. The clear and absolute defence in schedule 1 [4], section 87 and the actions by Government to take steps that are reasonably necessary to protect public health one can only hope would be arguable in a court on the merits.

The Hon. Adam Searle: Of course it is reasonably necessary.

Mr DAVID SHOEBRIDGE: I note that interjection.

The Hon. MELINDA PAVEY (Parliamentary Secretary) [11.04 a.m.]: The level of concern, debate and passion for this bill is commendable. In response to a comment by Mr David Shoebridge, I can inform the Committee that the advice from the Attorney General is not flippant. The advice from NSW Health with regard to the legal issues is genuine. The Hon. Matthew Mason-Cox commented that the Parliament needs to consider childcare centre operators and the risk they will endure if The Greens amendment is supported. It is a genuine concern that should be considered by the House. Child Care New South Wales, as a peak body, does not support The Greens amendment. Members should respect their views and listen to what they are saying.

The Government is introducing substantial changes and members should pause and look at the impact that the changes will have before they travel down a path that is opposed by Child Care New South Wales. Parliament should listen to that peak childcare body and the Australian Medical Association concerning this issue. The Parliament will look at the impact that this substantial change to how children are accepted at childcare centres in New South Wales is felt by the community. It will listen to feedback and look at how the change is accommodated. The Government will look at vaccination rates and consider the views of Child Care New South Wales, the Australian Medical Association and the public health department in New South Wales. It is necessary to review the changes created in the law and the effects that the debate will have on the North Coast, in particular, where the rates of vaccination are low.

I thank The Greens for their honest, decent contribution to the debate on this bill. It will have a genuine impact on the North Coast communities that are opposed to vaccination. It will encourage those communities to sit up, listen and look at the risk that they are placing their children under. Those matters must be considered before another step is taken that may move one step past what the community and childcare centres are ready for. After listening to and accepting advice from stakeholders, the Government will not be supporting this amendment.

Question—That The Greens amendment No. 2 [C2013-008B] be agreed to—put.

The Committee divided.

Ayes, 16

Mr Buckingham	Mr Primrose	Mr Whan
Ms Cotsis	Mr Searle	Mr Wong
Mr Donnelly	Mr Secord	
Ms Fazio	Mr Shoebridge	<i>Tellers,</i>
Dr Kaye	Mr Veitch	Ms Barham
Mr Moselmane	Ms Westwood	Ms Voltz

Noes, 19

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

Pairs

Mr Foley	Mrs Maclaren-Jones
Ms Sharpe	Mr Pearce

Question resolved in the negative.

The Greens amendment No. 2 [C2013-008B] negatived.

Schedule 1 agreed to.

Title agreed to.

Bill reported from Committee without amendment.

Adoption of Report

Motion by the Hon. Melinda Pavey, on behalf of the Hon. Michael Gallacher, agreed to:

That the report be adopted.

Report adopted.

Third Reading

Motion by the Hon. Melinda Pavey, on behalf of the Hon. Michael Gallacher, agreed to:

That this bill be now read a third time.

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

INSPECTOR OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION

Report

The Deputy-President (The Hon. Sarah Mitchell) tabled, according to the Independent Commission Against Corruption Act 1988, the report of the Inspector of the Independent Commission Against Corruption entitled, "Report of an audit of applications for and execution of search warrants by the Independent Commission Against Corruption", dated June 2013, received and authorised to be made public this day.

Ordered to be printed on motion by the Hon. Duncan Gay.

BUSINESS OF THE HOUSE

Postponement of Business

Government Business Orders of the Day Nos 2 to 6 postponed on motion by the Hon. Duncan Gay.

LOCAL LAND SERVICES BILL 2013

Second Reading

The Hon. DUNCAN GAY (Minister for Roads and Ports) [11.18 a.m.]: I move:

That this bill be now read a second time.

It is with a sense of pride that I introduce the Local Land Services Bill 2013. The reforms contained within this bill are the most significant in more than 60 years and they will reform the way our farmers and land managers access government agricultural advice, biosecurity and natural resource management services. The Local Land Services Bill 2013 will create a regionally based structure known as Local Land Services to deliver an integrated suite of services to farmers and landholders. These services will relate to agricultural production, biosecurity management, including animal and plant pests and diseases, natural resource management [NRM] and, importantly, emergency management. It will establish local boards for the purposes of devolving the operational management and planning functions to regional levels.

Local Land Services will provide improved coordination of activities and a single point of contact for its users within the regions. It will work closely with communities and make the best use of local knowledge and expertise to address regional priorities in the most effective and pragmatic way, and it will engage the community. Each Local Land Service will be required to develop local strategic plans that reflect local priorities and to report annually on the delivery of outcomes of their investment and activities. To provide assurances to ratepayers, farmers and the community that they are getting value for money, each Local Land Service will have its performance audited by an independent body. The Natural Resources Commission will be asked to be the independent performance auditor of Local Land Services for natural resource management activities in the first instance—as they do now for catchment action plans. Following consultation, I foreshadow that the Government will be moving some amendments. I commend the bill to the House and seek leave to have the balance of my second reading speech incorporated in *Hansard*.

Leave granted.

It is with a great sense of pride that I have introduced the Local Land Services Bill 2013.

The reforms contained within this Bill are the most significant in more than 60 years to the way our farmers and land managers access government agricultural advice, biosecurity and natural resource management services.

Legal explanation of the Bill

The Local Land Services Bill 2013 will create a regionally based structure known as Local Land Services to deliver an integrated suite of services to farmers and landholders.

These services, which will be known as Local Land Services, will relate to agricultural production, biosecurity management including animal and plant pests and diseases, animal welfare, natural resource management (NRM), chemical residue management, travelling stock reserves, other matters relating to stock, related services and programs and importantly, emergency management.

It will establish local boards for the purposes of devolving the operational management and planning functions to the regional levels.

Local Land Services will provide improved coordination of activities and a single point of contact for its users within the regions. It will work closely with communities and make best use of local knowledge and expertise in relation to the provision of local land services.

As a regionally based organisation, Local Land Services will be in a position to address regional priorities in the most effective and pragmatic way and engage the community, for example, through Local Community Advisory Groups established to support each Local board.

Local Land Services will be created through the amalgamation of the 11 Catchment Management Authorities (CMAs), the 14 Livestock Health and Pest Authorities, and the extension services of the Department of Primary Industries (DPI).

It will bring together the contemporary planning, governance and accountability framework of the CMAs with the landholder relationship and regional representation strengths and biosecurity management of the LHPAs.

The legislation that currently governs the CMAs and LHPAs will be repealed when the Local Land Services Act commences on 1 January 2014.

The Local Land Services Bill 2013 is designed to create the new Local Land Services framework and to carry forward those provisions of the *Rural Lands Protection Act 1998* and the *Catchment Management Authorities Act 2002* that will still be relevant under the Local Land Services system.

These include mechanisms for the charging of rates, levies and contributions on landholders and fees for services. One of the bill's objectives is to provide a framework for financial assistance and incentives to landholders—this means the current provisions for issuing grants under the *Catchment Management Authorities Act* will also continue.

The Local Land Services Regulation, which is attached as a schedule to the Bill, will largely remake the *Rural Lands Protection Regulation 2010* and the *Catchment Management Authorities (Hunter Central Rivers) Regulation 2010*.

I will now describe the main provisions of the bill.

The bill establishes Local Land Services as a statutory corporation that will act through a board to be known as the Board of Chairs. Local Land Services will represent the Crown, as the CMAs currently do.

Staff of Local Land Services will be employed through a division of the Government Service, but they will not form part of the NSW Public Service.

The State will be divided into 11 regions, each having its own local board. Each of the local boards will have a Chair who will also be a member of the Board of Chairs.

The Board of Chairs will comprise the eleven chairs of local boards and an independent Chair.

The bill provides the Minister with discretion to appoint additional members if a specific area of expertise is required by the Board of Chairs however, these people will have no voting rights.

The Board of Chairs will oversee the implementation of the functions of the Local Land Services as prescribed in the bill and referred to earlier. All of these functions can be delegated to members of the local boards for practical development and implementation. For example, functions relating to rates, programs, advisory services and training and education programs can be delegated for delivery at the local level.

At the same time as delivering locally, Local Land Services will need to be aware of the state and national context within which it operates. It will be imperative that when Local Land Services functions are exercised they are informed by state and national priorities. For example national priorities in relation to biosecurity and emergency such as the National Livestock Identification System (NLIS) and the Intergovernmental Agreement on Biosecurity or state priorities such as the state wide standards and targets for natural resource management issues.

In their role as a member of the Board of Chairs, each local Chair will be required to take a State perspective when developing the State Strategic Plan, as opposed to advocating for local issues and priorities – these can be addressed in the Local Strategic Plans for their region.

The Chair of the Board of Chairs, will be appointed as the Division Head of the Local Land Services Division under the *Public Sector Employment and Management Act 2002*. This means that he or she may exercise the employer functions on behalf of the government in relation to Local Land Services staff. The Chair of the Board of Chairs can delegate these employer functions on a regional basis and to the local level to ensure efficiencies in operation.

All local boards will have seven members—three elected by the ratepayers of the Local Land Services region and four appointed by the Minister, except for the Western region where the ratio will be 4:5. The Minister will appoint the Chair of the local board.

Local board members will be able to serve two consecutive three-year terms. If however the person is chair of the local board they may serve three consecutive terms, but only two of those can be as chair.

This will allow for continuity and succession planning while minimising the risk of ideas and strategies becoming stale and complacency developing in relation to implementation and compliance with policies and procedures.

Each local board will have a general manager to drive day-to-day operations.

I will now outline the functions to be performed by the local boards.

The role of the local boards is to deliver identified priority services at the regional and local level, and to give effect to State and national policies.

The local boards, through the general managers, will ensure that agreed Local Land Services programs are delivered and that adequate staffing and resources are available and accounted for.

Staff will deliver services relating to: agricultural advice, animal and plant biosecurity, livestock traceability, chemical residues, animal welfare and invasive species management, emergency response capabilities, and NRM support services to farmers, landholders and local communities.

It is important to note that during an emergency response where government action is required, Local Land Services officers can be directed to take action by the Director General of the Department of Trade and Investment. This is consistent with current provisions and practices under the Rural Lands Protection Act.

Some Local Land Services staff will also have a compliance function and be appointed as authorised officers. The compliance provisions in the bill have also been carried forward from the Rural Lands Protection Act, including in relation to the ability for authorised officers to effect compliance with a Pest Control Order made by the Minister.

The Minister, the Local Land Services and the Director General of the Department of Trade and Investment will have the power to appoint authorised officers under the Local Land Services Act.

Local Land Services will also have a key planning role, building on the Catchment Action Plan model.

The Board of Chairs will be responsible for developing a ten-year State strategic plan, which will set the overarching vision and priorities for local land services across the State.

The plan will detail the outcomes expected to be achieved within defined time frames. The plan must have regard to any State priorities for Local Land Services including statewide targets, any national or State priorities such as those agreed through intergovernmental agreements, provision of any environmental planning instruments, any existing NRM plans and the need for engagement with the community including the Aboriginal community.

Each local board will develop one or more five year local strategic plans, which will include the vision, priorities and strategies in respect of the delivery of local land services to achieve the appropriate social, economic and environmental outcomes for their region.

The content of the local strategic plan will be broadly aligned with the State strategic plan but with a stronger focus on local priorities. It may also include provisions that relate to water quality or other non-regulatory water management issues in the region.

To start with, the Catchment Action Plans recently finalised by the CMAs will be adopted as local strategic plans. However, the Catchment Action Plans only deal with natural resource management functions, so comprehensive local strategic plans addressing all Local Land Services' functions for a region will have to be prepared as soon as practicable after the Local Land Services Act commences.

The bill provides that the State strategic plan and the local strategic plans will be publicly exhibited, providing an opportunity for community input. All these plans must be approved by the Minister, and once approved must be published so that they are readily accessible to the community.

Approval of the natural resource management components of the plans will require the concurrence of the Minister for the Environment.

Before approving a plan, the Minister must seek the advice of any person or body engaged to carry out an independent audit of the activities of Local Land Services. It is proposed to ask the NRC to continue their auditing function in relation to the NRM or CAP component of the plans.

Public exhibition of draft strategic plans is not the only way in which the community can input into their Local Land Services.

The bill includes a requirement for each local board to establish a local community advisory group. These groups will typically have between six and 12 members representing the community, key regional businesses and stakeholder groups.

Members will be selected by the local boards. Membership will not be restricted to Local Land Services ratepayers, but will consist of those persons the local board considers suitably qualified and representative of the local community and stakeholders in the region.

The local board will be required to develop a terms of reference for the community advisory group/s in their region so that there is a clear focus and understanding of expectations and roles.

Ideally, this group should meet at least twice a year.

The bill contains several provisions designed to make the mechanics and the performance of Local Land Services transparent and accountable.

As would be expected, Local Land Services will be required to produce an annual report including a financial report, performance against the State strategic plan, progress in achieving compliance with state priorities, community engagement and resources expended and revenue received by Local Land Services and the management of programs in each region. The Minister may also request reports into other relevant issues.

As well as these provisions, there is a requirement for an independent audit to be carried out at least every five years, to consider whether the functions of Local Land Services are being carried out effectively and efficiently and in accordance with State and local strategic plans.

The Minister may also at any time, arrange for an audit of the exercise of all or any particular functions of Local Land Services.

I will now outline the funding arrangements for Local Land Services.

The bill provides powers for Local Land Services to impose rates, levies and contributions on rateable land or other prescribed land in a region.

A new rating methodology is being developed in consultation with IPART, which is expected to be finalised within two years. It will be implemented via an amending Regulation in due course.

In the meantime, both the current Rural Lands Protection rating system and the catchment contribution system for the Hunter-Central Rivers CMA will continue, except that Local Land Services will now have the power to make rates.

The most recent notional carrying capacity assessments undertaken in accordance with the Rural Lands Protection Act will continue to be used as part of the rating formula to determine rates—until new provisions are made following the IPART review.

Any outstanding rates or contributions owing to the CMAs and LHPAs will be payable and recoverable by the Local Land Services. In addition, any tagged assets from the LHPAs or CMAs will flow to the appropriate new Local Land Services region.

Most money received by the Local Land Services, including grant funding, will be paid into the central Local Land Services Fund and then redirected as required to the accounts of the relevant local board.

The bill carries over large parts of the Rural Land Protection Act and the Catchment Management Authorities Act, amended to reflect the Local Land Services structure. Parts carried over from the Rural Lands Protection Act include:

Part 6—Travelling stock reserves and public roads

Part 7—Stock watering places

Part 8—Impounding of unattended and trespassing stock and abandoned articles

Part 9—Transportation of stock by vehicle

Part 10—Pests

Part 11—Powers of authorised officers

Part 12—Enforcement provisions

Part 13—Administration of functions of Local Land Services or local board

The bill also includes a number of miscellaneous provisions, for example, relating to delegations, acquisition of land, proceedings for offences and regulation-making powers.

There is also the usual requirement for a statutory review of the Act to commence five years after implementation.

There are also provisions to protect the Minister, board members and Local Land Services staff from liability for acts or omissions carried out in good faith for the purpose of executing the Act.

I will now outline the Schedules to the Act.

Schedule 1 provides for the Local Services Regions—as I have advised there will be 11 regions:

1. Western
2. Murray
3. Riverina
4. South East
5. Central West
6. Central Tablelands
7. Greater Sydney
8. North West
9. Hunter
10. Northern Tablelands
11. North Coast

Schedule 2 provides for the constitution and procedures of the Board of Chairs and the local boards. These are essentially machinery provisions relating to filling vacancies and procedures of the boards.

Schedule 3 reflects provisions of the Rural Lands Protection Act in relation to charges on land for unpaid amounts.

Schedule 4 provides machinery provisions in the case where the Minister may have appointed an administrator to Local Land Services or a local board.

Schedule 5 again reflects a rollover of provisions from the Rural Lands Protection Act in relation sale of land for unpaid money.

Schedule 6 includes saving, transitional and other provisions including the transfer of assets, rights and liabilities of State Council, LHPAs and CMAs to Local Land Services.

Schedule 6 also provides for the establishment of interim local boards and an interim Board of Chairs prior to the commencement of the Act, so that Local Land Services can 'hit the ground running on 1 January 2014.

Interim local boards will comprise four ministerially appointed members, except for Western region where there will five members. One of these members will be appointed as interim chair and consequentially as a member of the interim Board of Chairs.

These members will be appointed until 1 January 2014 after which time they may be reappointed to the statutory local board for a period not exceeding four and a half years. This time frame will allow for membership of elected and appointed members of local boards to be staggered so that there is continuity on the boards.

Again for continuity, the chair of the interim local board may be appointed as the chair of the statutory local board and as a member of the Board of Chairs.

The independent chair of the interim Board of Chairs will be appointed under provisions of the Public Sector Employment and Management Act and will become the chair of the statutory Board of Chairs.

The role of these interim bodies will be to carry out such functions as directed by the Minister relating to the administration of the Act—for example, commencing with the development of the strategic plans, operational policies and delegations.

This Schedule also explicitly provides for the continuation of the Catchment Action Plans that are currently in force.

Schedules 7 and 8 provide for consequential amendments to other Acts, regulations and statutory instruments.

Schedule 9 will become the Local Land Services Regulation.

Parts 1-3 of Schedule 9 rollover provisions of the Rural Lands Protection Act with regard to rates and annual returns.

As noted earlier, the current methodology for making and collecting rates will remain unchanged for now. Rates will continue to be calculated based on LHPA districts, however, the funds collected will be distributed proportionally to the new Local Land Services regions.

By enabling Local Land Services to make rates without requiring approval from the Minister, Local Land Services will be able to take greater ownership and stewardship in the delivery of Local Land Services functions.

Part 4 of Schedule 9, rolls over the provisions relating the levying and collection of the Hunter-Central Rivers catchment contributions and other matters relating to the making of catchment contributions.

The Hunter-Central Rivers catchment contribution will be allocated to the Hunter Local Land Services region for defined natural resource management activities.

Parts 5-10 and 12 are rollover provisions relating to travelling stock reserves and public roads, stock watering places, impounding of stock, transportation of stock by vehicle, pests, authorised officers and stock identification as are provided for in Parts 6-13 of the bill.

Part 11 deals with eligibility for nomination and election or appointment of members to local boards.

An appointed member of a local board must, in the opinion of the Minister possess knowledge skills or expertise in at least one of the following areas:

- Leadership, strategic planning and management,
- Community participation, regional service delivery and working with industry, government and other partners,
- Audit, financial control, reporting and risk management,
- Primary industries or providing services to support this sector
- Contemporary biosecurity programs in animal and plant health, pest and weed management
- Emergency management especially biosecurity and natural disaster emergencies
- Natural resource management and biodiversity conservation
- Working with aboriginal groups and communities and or
- Local government.

When appointing a member to a local board, the Minister should have regard to the principle that the person should, if possible, reside within the region.

Elected members to the local board however must reside in the region, unlike the current process where eligibility is determined based on being an owner or occupier of rateable land.

Now, any appropriately qualified person who resides in the region may stand for nomination and election to a local board. This will provide a broader base from which members can be elected and will result in well qualified local boards who will make a difference at the local level.

Voting rights will remain linked to rateable land.

Schedule 9 also prescribes how elections are to be held.

Participation in elections will be voluntary.

The Schedule provides for an election to be held via a postal or electronic system. It is anticipated that as Local Land Services establishes, more efficient ways of conducting business will be pursued.

The current paper based election system currently administered by the LHPA is inefficient and costly to ratepayers.

The principles associated with the conduct of elections remain unchanged—that is, notice of the election must be made, rolls will be established and objections may be lodged with respect to any names appearing on the roll.

Candidates must provide information on their eligibility for nomination and election including how they satisfy the knowledge skills or expertise criteria required for appointed members.

The only other change proposed to the election process at this time is that only one person may be nominated for or vote in an election with regard to a rateable holding.

A person may not nominate for or be elected to multiple regions.

The election process will be reviewed following receipt of the IPART report and consideration of a new rating system.

This bill will provide a streamlined, efficient framework for the delivery of services relating to agricultural production, natural resource management, biosecurity and emergency management.

Through Local Land Services, landholders will have access to a network of resources and specialist advice to help them improve productivity and protect their properties from pests, weeds and diseases.

Advice provided by Local Land Services on natural resource management will enable them to pass their properties on to future generations in better condition.

The establishment of a single legal entity makes sense for landholders, government and the broader community.

For 16 years, Labor Governments progressively trimmed, cut and slashed the Department of Primary Industries without any actual strategy for how services could be delivered more effectively. It cut hundreds jobs out from the Department during this period.

As many have mused, DPI was 'hollowed out' to the point of being simply a shell of its former glory.

At the same time, the former government conducted a wholesale, top-down re-arrangement of the Rural Land Protection Boards into the Livestock Health and Pest Authorities.

We also saw the emergence in 2004 of Catchment Management Authorities to specifically deliver natural resource management.

This bill exemplifies the fundamental difference between our side of politics and those opposite when it comes to delivering relevant, contemporary services to our farmers and landholders.

In October 2012 when the formation of Local Land Services was announced, it was done so under the goals articulated by the O'Farrell-Stoner team when we came to Government in 2011.

The goals are to:

1. put customer service at the heart of service design;
2. devolve decision-making to the community; and
3. restore accountability and transparency and give the community a say in the decisions which affect them.

Local Land Services delivers on the NSW Government's commitments by:

1. Giving our communities the power to make decisions which influence what services are delivered where, and how
2. Acknowledging that farmers and landowners know how to improve the productivity of primary industries and manage our land and water assets
3. Knowing that land managers and community groups are best placed to better manage pests, weeds and diseases and to sustain our land and water assets

We subscribe to the view that truly empowering those who have a commercial and social interest, and who have the local knowledge and expertise, is the most efficient way to help those farmers and landholders solve their challenges and realise opportunities.

In short, we believe these people know best how to solve their problems, not central government.

There is virtually no area of the NSW Government more overdue for reform than how we service our farmers and landowners.

The Department of Primary Industries' extension model was developed in the early 1940s; since then it has had only one major redesign, which was in 1981 by the then ALP Primary Industries Minister, Jack Hallam.

Since the 1940s and even 1981, farmers have seen a huge transformation in both the sources of advice and how it is delivered.

In addition to the traditional State and Federal departments of agriculture, we now have a thriving industry of private, independent consultants offering agronomic, financial, livestock, crop, pasture and farm management advice.

We also have a maturing 'retail' advice network through the distribution channels of the major seed, chemical and fertiliser companies.

The Grain Research and Development Corporation (GRDC) recently estimated that in NSW alone there were more than 700 private sector crop advisers. More than 240 of these were "independent"—meaning they did not receive any commissions from a reseller.

Notwithstanding this private sector advisory market, farmers are today now paying several times over to support multiple government service delivery agencies:

- Agriculture NSW advisory services [DPI extension]
- Livestock Health & Pest Authorities [LHPAs]
- Catchment Management Authorities [CMAs]
- Weeds County Councils
- Wild Dog Destruction Board
- Research and Development Corporations
- CSIRO

... to name the key ones.

Through a plethora of taxes, levies and rates they are paying for all of these services—at a time when the infamous "cost-price" squeeze is being felt the hardest by our farmers whether as a result of unprecedented appreciation in the Australian dollar or the imposition of Ms Gillard's carbon tax.

Last year, market research was commissioned into what our "customers" (farmers and landholders) and employees wanted from their government service providers. We were told that this "novel" idea—which is in fact standard corporate practise—had never been considered under the former government.

The employee and farmer surveys found that DPI and CMAs needed to change.

Over half the producers surveyed (54%) felt that the DPI needed to change to meet the needs of rural producers.

In the same period, over 70% of DPI employees surveyed recognised the need to improve the coordination of Agriculture NSW services with other DPI services.

75% of respondents also said that services of CMAs could be better integrated with those who provide other services to farmers.

Mr Terry Ryan, economist was also asked to undertake a review of the Livestock Health and Pest Authorities. One of the many findings he made was that:

"...there are opportunities for greater administrative efficiency and improved services to landholders from LHPAs participating with other agencies in joint compliance and advisory functions on pest animals, animal and plant biosecurity ..."

Alarmingly, under the former government, it was not noticed that the LHPAs had failed to submit annual audited financial accounts since their inception.

Think about this for a moment.

This is an organisation which is in the privileged position of being able to collect rates from landholders—more than \$35 million per annum, yet it did not submit accounts that could be signed off by auditors.

It was rating farmers and landholders—businesses that are expected to submit annual tax returns each year—yet this organisation, under the watch of the former government, could not provide due and proper accountability to government or landholders.

For this key reason, among others, it is unfortunately little wonder that LHPA ratepayers have steadily disengaged from the services provided by the LHPAs.

But it is telling that the Minister of the day—in this instance the Shadow Minister, the Honourable Steve Whan MLC—could not even discharge the most basic of duties by ensuring the organisation accounted for its finances.

I look forward to the shadow Minister perhaps providing an explanation as to why this was allowed to eventuate.

The Ryan Review of Livestock Health and Pest Authorities cast light on the issue and suggested a way forward; and the support for a better way of doing business continued to come from all quarters.

Chairman of Landcare NSW Robert Dulhunty has said:

"The pendulum swings in Natural Resource Management policy over the last twenty years has made life difficult for landcare groups. The role of landcare has oscillated between being highly valued by government to being seen as a competitor by government agencies. These reforms present an opportunity to get the balance right."

President of the NSW Farmers' Association Fiona Simson said:

"We are pleased a new vision for the delivery of services to farmers has been provided. We believe this vision has the capacity to provide the stability needed to meet long term challenges faced by our farmers—something more than just the cuts we have seen in Victoria and Queensland,"

It is almost unanimously recognised that the time for reform in this space is due and that is what we have done.

The NSW Government does not pretend for one moment that change of the required magnitude will not cause anxiety and concern for employees, farmers and landholders; but we have sought to make these changes in close consultation with those for who these reforms are intended to most benefit.

When Local Land Services was announced in October last year, not all of the detail was known or confirmed. That was consistent with our belief that we wanted to consult with our farmers and landholders in order to build this organisation with them—it is intended to be their organisation.

That is why I assembled the Stakeholder Reference Panel, led by two eminent and respected thinkers in Australian agriculture and natural resource management, Dr John Keniry and Mick Keogh, of the Australian Farm Institute.

The Stakeholder Reference Panel represented the diversity of existing arrangements and land uses in rural, regional and coastal NSW:

- Livestock Health & Pest Authorities;
- Department of Primary Industries;
- Catchment Management Authorities;
- NSW Farmers' Association;
- Greening Australia;
- Landcare NSW; and
- NSW Local Government & Shires Association.

Since October 2012, we have undertaken extensive consultation:

- 22 consultation meetings, 1,500+ attendees, 2,000+ submissions via *Have Your Say* website

Farmers and landholders have expressed:

- strong views on boundaries;
- a desire for boards to be comprised of local people who understand agriculture and NRM, specifically skills based boards;
- that there are great opportunities for better coordination of service delivery by Local Land Services;
- the need for ability for local boards to effectively manage employees;
- no "cost shifting".

We were told by participants at these meetings that plant and animal biosecurity services are of the highest importance, followed by emergency response services, then productivity-related services, and finally natural resource management services.

Local Land Services will deliver agricultural and biosecurity advice, administer natural resource management grants and projects, and assist with emergency and disaster preparation, assessment, response and recovery.

This means delivering valuable services like:

- delivering advice and extension services through PROFarm courses, workshops and field days;
- working with DPI and other R&D providers to ensure farmers have the latest results or can observe or take part in trials;
- providing livestock health, traceability and animal welfare services;
- coordinating programs for declared pests and nuisance animals;
- managing Travelling Stock Reserves; and
- helping to plan, deliver training and other activities to help communities prevent, prepare, respond to and recovery from emergencies

Local Land Services puts farmers and land managers back at the centre of service delivery.

It is hard to fathom how, over a period of 16 years, the former government failed to see the need for better service delivery.

One can only speculate as to why they did not act in the best interests of our farmers and land managers. It has been suggested that when you look at who were the agriculture and primary industry Ministers, a reason emerges. The bottom line is, for too long, the former government resisted making logical reforms because their loyalties rested with their union mates. They resisted any change that involved changes to the status quo in fear of upsetting bureaucracy, and the web of ALP factions and union allegiances.

The benefits of Local Land Services to farmers and landholders are extensive.

We now have an organisation that is unashamedly focused on the needs of local famers and land managers. It will deliver substantially **improved customer service** by providing one point of contact for a range of expertise.

No longer will we have the DPI extension service officers arriving on the Monday, the LHPA vet on Tuesday, the CMA officer on Wednesday, all seeing the same property owner but not knowing the services the other agencies have provided.

Interactions with farmers and landowners will be coordinated.

Local Land Services and DPI will provide a stronger local presence through a network of 139 retained local offices.

Local Land Services will provide a **simplified, modern governance** model.

There will be one set of boundaries, and a reduced number of board members—a reduction in directors from 202 to 80.

It will provide accountable, local boards through increased transparency measures. Where it was virtually impossible to understand at a local level how much was being collected in LHPA rates and how it was being spent, Local Land Services will now report annually at the local level and independent auditing will be undertaken of their respective performances.

To ensure that the Local Land Services and its local Boards are accountable to, and serving the needs of farmers and communities, it is essential that good governance, transparency and accountability are front and centre.

An additional benefit of Local Land Services is that it is a financially secure organisation—more so than any of its three founding organisations (LHPA, CMAs and DPI extension).

I am proud to announce that Local Land Services is fully funded.

Over the next four years, Local Land Services will have revenues of more than half a billion dollars. It will have net assets in excess of \$130 million.

There will be no cost shifting to ratepayers, unless the local boards and ratepayers see value and wish to pay for additional or new services by the Local Land Services.

For the first time in almost 20 years, Local Land Services will enable additional resources to be provided for agricultural extension services.

Through the removal of duplication, savings of approximately \$5m per annum in the first full year of operation will be achieved.

New Local Land Services Board of Chairs will be instructed that these savings will be used for frontline services—to either hire more employees, form new partnerships or acquire services from independent private sector advisers.

If Local Land Services boards were to choose to employee addition extension service officers, this could equate to near 50 new extension services positions.

Local Land Services employees, farmers and landholders can look forward to a confident and secure future, as I am pleased to be able to announce the creation of the *Local Land Services Future Fund*.

The \$35 million Local Land Services Future Fund will consolidate the cash reserves of the Livestock Health & Pest Authorities (LHPAs) and Catchment Management Authorities (CMAs) and the annual interest will be made available to the Local Land Service boards to meet local needs and priorities.

These funds have accumulated over many years and the capital will now be managed to maximise earnings for the local boards.

This is the first time in NSW that our farmers and land managers will have had access to such a fund to underpin their agricultural advice, extension services and natural resource management.

The benefits to farmers and landowners as a result of these comprehensive Local Land Services reforms are virtually unprecedented in the history of agriculture and natural resource management in NSW.

The Local Land Services boundaries have been a source of much contention amongst all stakeholders. Previously LHPAs operated their 14 authorities on local government boundaries, while CMAs divided their 11 authorities into river catchments.

The principles underpinning the boundaries for Local Land Services were three-fold:

- agricultural production zones;
- natural geographic and topographical considerations; and
- communities of interest.

While I understand the level of passion and commitment that maps and 'lines on maps' generate, we have been at pains to stress that these are administrative boundaries.

The challenges to be faced by our farmers and land managers today, and into the future, are of a magnitude of complexity that lines on maps reflecting organisational boundaries cannot address.

Local Land Services boards will need to be flexible in order to manage these challenges, which will mean working across administrative boundaries on a daily basis and in an atmosphere of collaboration with neighbouring Local Land Services regions.

Local Land Services will have 11 regions.

This final map is an amalgam of the options presented to me by the Stakeholder Reference Panel.

The major decisions were:

- creation of an amended Central Tablelands region.
- The Western Local Land Services region largely follows the Western Division boundary—but there is the need for further flexibility in the future given the current reviews into Crown Lands review and Local Government.
 - o Wentworth & Balranald Shires are retained in Western
 - o Walgett Shire, including Finch County, as a whole goes into North West
- South East Local Land Services extended to include Yass Valley, Boorowa, Upper Lachlan, Goulburn Mulwaree, Wingecarribee, Wollongong LGAs
 - o Goulburn Mulwaree Council suggestion largely adopted
 - o Wingecarribee Shire maintains strong links south
 - o A number of Have your Say respondents support Illawarra into South East
 - o This maintains a strong farming base in Monaro, the Southern Tablelands & Upper Lachlan areas to balance out smaller landholdings along the coast
- Greater Taree moves into Hunter
 - o This keeps the Mid-Coast Water authority region together
 - o It is supported by Northern Rivers CMA; LGSA and Hunter Rivers CMA
- North West includes Gwydir and Walgett Shires to keep similar agricultural land uses together
- Riverina incorporates the whole of the Coleambally Irrigation Area plus Lockhart & Harden LGAs

Many, many hours of discussion and negotiation have gone into the governance arrangements for Local Land Services.

At the centre of these deliberations have been a series of principles:

- local representation;
- accountability;
- equity; and
- the need for skills based boards.

I firmly believe the governance arrangements reflected in this legislation is honest to these principles and balances out the strength of divergent opinions.

To the first principle of local representation—all elected members of the Local Land Services board must reside in the Local Land Services boundary and government appointments will be sensitive to this principle. This is reflected in the legislation.

Accountability is essential in the Local Land Services model and is a key lesson from the governance arrangements of the LHPAs and CMAs. All board members, whether elected or appointed, will be accountable to local ratepayers, farmers and landholders.

The principle of accountability is also linked to equity. For the foreseeable future, the funding contributions to Local Land Services will be funded substantially from State and Federal taxpayers. As such, Ministers need to be accountable for the expenditure of these funds and therefore this is reflected through the composition of the local Boards.

It is important to note that being a government appointee to the board is not mutually exclusive to the principle of local representation or accountability, quite the contrary.

There have been strong representations made to me citing the principle of equity, and specifically in the instance of any possible reduction in taxpayer funding to the organisation at some future point. While there is no, repeat, no intent for this at this time, it cannot be ruled out as a future scenario.

Hence, we have put on record that reviews of the Act should also consider the matter of board appointments so that they are reflective of the principle of the main funders of the organisation—taxpayers or ratepayers—being appropriately represented. I believe this is well founded and future Ministers and ratepayers of Local Land Services should be mindful and protective of this aspect.

Finally, as mentioned, Local Land Services will be a statutory corporation with a series of local statutory bodies with considerable and unprecedented financial resources, managing complex challenges. It is essential that we have skills based boards and provide a culture of attracting the best credentialed individuals in our regions.

As someone who has seen the actions, motivations and outcomes of agri-politics, I am cautious and vitally concerned that Local Land Services neither becomes politicised, nor become a platform for personal politics.

It has been continuously put to us that our best commercial farmers, natural resource managers and industry administrators will shy away from seeking a board position on Local Land Services should they be required to run for election or sense that it is agri-political. The role of government appointments to the Local Land Services board are very important and their integrity and status should be protected by all who have an interest in the well-being of Local Land Services. These appointments are an essential balance to ensure the right geographical representation from within the Local Land Services region and to ensure the right mix of skills on the board.

As noted by Dr Allan Glassop, recently retired district vet from the Mid Coast LHPA, in *The Land* on 23 May 2013: *"Directors whose main motivation is self-interest and self-importance will certainly not help the new Local Land Services system—the 'snout in the trough' mentality is still alive and well in some districts, and amateur agri-politicians is the last thing the system needs."*

It is for these reasons, so pointedly phrased by Dr Glassop, that I strenuously believe the balance of elected versus appointed is right, given the current funding arrangements and in the infancy of the organisation.

Local Land Service Boards will be comprised of 3 ratepayer-elected members and 4 Government appointments.

Western Local Land Services, given its sheer geographic spread, will have two additional directors—4 elected and 5 government appointed.

The Board of Chairs will be comprised of the Local Board Chairs, plus an independent chair, appointed by the Government.

Local Boards are responsible for working with their local communities to ensure services and programs are delivered according to local needs. They will deliver:

- local strategies.
- local actions, and
- local reporting

Local Boards will, under delegated authority, have the authority to set rates and fees-for-service in consultation with their ratepayers.

Each chair of the Local Boards will sit on the Local Land Services Board of Chairs. The Board of Chairs will be responsible for state-wide policy issues; promoting a consistent and coordinated approach across all Local Boards; and annual, aggregated reporting of services delivered, revenue received and community engagement.

In the event of a statewide issue, such as a biosecurity event, the Director General retains the power to direct the activities of the regions.

As I have outlined, reforms of this scale impact on large numbers of people across the entire State and they cannot be achieved successfully without good will and hard work by a very large number of people.

It is simply not possible to list all the people in the Department of Primary Industries, the Livestock Health & Pest Authorities, Catchment Management Authorities, Landcare NSW, NSW Farmers' Association, Greening Australia, local government or the thousands of people who attended meetings or provided submissions.

However, it would be remiss to not mention the tremendous work of the following people:

- Chairman of the Local Land Services Reference Panel, Dr John Keniry AO—John has literally travelled the length and breadth of the State and conducted the meetings in a manner respectful of all points of view. His Chairmanship of the Reference Panel has also been invaluable.
- Mick Keogh—from the Australian Farm Institute—there are not too many people in Australia who have a better understanding of this sector and the challenges confronting it, than Mick. I have enormously valued Mick's input into the design of Local Land Services.

Local Land Services Reference Panel members

- LHPA—Ian Donges and Tim Johnston and the State Management Council of the LHPAs
- CMAs—Tom Gavel and Jessica Brown, but additionally all the CMA Chairs and their executive teams—they have embraced the change and sought to always work constructively with the reform group. Thank you.
- LGSA—Ray Donald and Geoff Hudson
- Landcare NSW—Rob Dulhunty and Tim Beshara

- NSW Farmers' Association—Fiona Simson and Matt Brand
- Greening Australia—Chris Andrews
- DPI—Dr Richard Sheldrake, Director General
- Secretariat: Carolyn Raine
- Department
 - o Director General of Department of Trade, Investment, Regional Infrastructure and Services, Mark Paterson
 - o Michael Bullen—Director of Agriculture NSW
 - o Bruce Christie—Biosecurity NSW
 - o Dianna Watkins
 - o Cathy Warburton and Alex O'Mara—legal
 - o Working Group teams

Natural Resources Commission [NRC]

- Bryce Wilde
- Mr Terry Ryan and his colleague Mr Greg Martin who started this reform process with the review of the LHPAs

Parliamentary Counsel

- Don Colagiuri, Marion Pascoe, Richard Hurford and team
- My Parliamentary colleagues—always supportive and genuinely interested in getting the best long-term outcome for their farmers and land managers. They have again proven to be one of the best sources of timely advice and feedback. Thank you.
- Parliamentary Secretary, Member for Dubbo, Troy Grant—one of the first tasks I asked of Troy was to look at weeds and from his work, the founding principles of Local Land Services were formed—a 'regional service delivery organisation—RSDO (as Local Land Services was internally known for many months) that would take the lead, be regionally based, locally owned and driven by those that had a commercial interest and knew the answers; and that was responsible for co-ordinating across state government, local government and private sector to ensure our limited resources were used most effectively.

The Primary Industries Ministerial office

- Chief of Staff—Tim Scott
- Policy Adviser—David Dawson
- Communications Adviser—Fiona Dewar
- Departmental Liaison Officer—Anna Ferguson from Hunter Rivers CMA

Local Land Services, is an organisation that will be flexible, have clear access to financial resources, but most importantly will devolve decision making to the local farmers and land managers.

It is their organisation, and I urge all farmers and land managers to forget the silos or demarcations of the past—whether it be CMAs, LHPAs or DPI—whether it was 'green' or 'brown' or 'tweed'—it is now your organisation to shape the culture and character.

But most importantly, to all farmers and land managers in NSW, be vigilant and make sure that Local Land Services always delivers relevant, valuable services that best helps you to meet your challenges and grasp the opportunities that will enable your businesses to prosper in a manner which is sympathetic to our limited natural resources.

The Hon. STEVE WHAN [11.21 a.m.]: The Local Land Services Bill 2013 is a combination of a process the Government has been going through over the past year. I differ from the Minister for Roads and Ports in several aspects of his initial comments on this bill. Reform and change are not always positive. The fact that the New South Wales system, particularly of extension officers working with farmers, was 60 years old—having been put in place in the 1940s—is not necessarily a bad thing. The system had been working well and it had been providing valuable independent—and "independent" is a critical word in describing this process—assistance and advice to farmers for a long time. The Government has decimated that system. I will return to that issue later.

This bill had its genesis in a single-page press release from the Minister for Primary Industries last year when she announced that Local Land Services would be formed, that catchment management authorities, livestock health and pest authorities would be abolished, and that extension functions would be rolled in from the Department of Primary Industries. As the Minister said, it was a historic reform. She said it was going to make services more efficient and that it was responding to concerns from farmers about the duplication of services. While I have never been a complete fan of livestock health and pest authorities and the model that we put in place after an independent review of them, I have never heard complaints from farmers about extension officers or the availability of extension officers, and I have not heard a desire for change expressed.

The Minister made a couple of statements to try to justify the major cuts to services that we see in this bill. She said that the Government had done a survey and that it revealed people thought there was a duplication of services and too many bureaucrats. When one looked into it one saw that that survey was a pretty dodgy piece of work: it was a very small sample of the people involved and the questions were leading, at best, or were designed to get people's superficial assessments. Anyone on the street who does not have an in-depth knowledge of the area would say that there should not be too many bureaucrats or that there is a duplication of services, whether or not that is factual. Farmers are no exception. If farmers are asked whether they think the extension officer from Cooma, the district agronomist or the sheep and livestock officer are needed they would say yes, they are very valuable. When they say they believe there are too many bureaucrats they do not include those people. Unfortunately, the Government did, and with this bill we are seeing the biggest decimation of services to farmers in the history of New South Wales.

During the Committee stage the Opposition will move a number of amendments to the bill. I was interested to hear the Minister foreshadow Government amendments to the bill, which have not been provided to the Opposition for any discussion. Government amendments have certainly not been provided to my office. I provided my amendments to the Minister in the last couple of days when they were completed. It is rather disappointing that we have not had advance notice of Government amendments, if it is serious about wanting this legislation to pass in a cooperative manner.

I have a fundamental concern about the model of this bill and for that reason the Opposition will be opposing it, but we will move amendments as we go through. I have just been handed the Government amendments, which I will be able to peruse after I finish speaking. This bill is lengthy. It effectively tops and tails a combination of existing legislation. Some aspects of the bill do not cause concern and those aspects are the ones which, essentially, bring over, lock, stock and barrel, some previous provisions from the Catchment Management Authority Act and the previous rural lands protections bills. Those aspects are essentially the same in many cases, although I will come back later to one aspect relating to pest orders.

As I said, the Minister announced this legislation last year. At the same time, she undertook a process of cost cutting in the Department of Primary Industries. Those two things have served to make this an extremely difficult process for everybody involved. We saw the Minister appoint a consultative board, which undertook a number of consultations around the State. But the feedback that I received from many of those consultations was that in many cases there was no opportunity for people to have input in those consultations, particularly in relation to resourcing. For instance, people consulted were not able to have any real input into the basic structure of moving extension officers over to the livestock health and pest authorities and they were not able to have any real input into a number of fundamental questions. The most fundamental of those questions is whether it is considered that the roles that the catchment management authorities undertake and the roles that livestock health and pest authorities undertake go together. Can a board meet the combined objectives of those two organisations? I do not believe it can.

There are some fundamental objectives of catchment management authorities on the catchments overall and some environmental objectives, which are not necessarily going to be the same priorities that the livestock health and pest authorities have had. In my view, the structure that the Minister has put forward with elected and appointed members is going to become factionalised very quickly and in many cases—I hope not in all cases—it will become extremely unwieldy and difficult. The elected board members, who are ratepayers under the old livestock health and pest authorities structure—which for the moment is staying with the 10-hectare minimum on rates and the same rating structure until a report comes from the Independent Pricing and Regulatory Tribunal—will have quite different objectives from those appointed directors by the Government. In my view, that is a fundamental flaw in this whole model.

Another flaw in the model is that it has not taken the opportunity to look closely enough at the alternatives for the livestock health and pest authorities in combining their functions with the weeds functions

that are currently undertaken by weeds county councils and local councils. It would have been a smaller move and a move that certainly would not have yielded as much in savings, as the Minister has pointed out, but I believe it would have created a more natural harmony with its operations. The bill raises a number of issues. The Opposition has circulated some amendments that we will deal with in Committee, but I will outline the objectives of those amendments now. I have had discussions with some interested bodies. Landcare and the NSW Farmers Association have made a number of comments and I have also had discussions with extension officers and former extension officers around the State.

The Opposition amendments would make some small changes to the objectives to ensure that communities are involved in decision-making and seek to ensure that these organisations work with organisations with similar objectives, including groups such as Landcare. The amendments also seek to ensure that the need to adhere to environmental legislation is mentioned and they will clarify a number of details in that area. Changing the constitution of the local boards is another important objective. I am sure The Nationals are aware that the NSW Farmers Association has lobbied for equal numbers of elected and appointed members. The Labor Party also believes an Aboriginal person should be one of the appointed members on the board, as was the case on the old Catchment Management Authority boards.

The proposal is to change the current proposed boards of three elected and four appointed members to a chair appointed by the Minister, four members elected by the ratepayers and four members appointed by the Minister. The chair would still have the casting say, but there would be an equal number of elected and appointed members as ordinary board members. I can see some of the logic behind why the Minister has chosen to have the majority of the board made up of appointed members. The Opposition amendment retains the ability for that to happen, but it would be through the chair rather than the appointed members. An Aboriginal board member is specifically mentioned because although the Act makes a number of references to the importance of consultation with Aboriginal communities it does not specify that a member of the board needs to represent Aboriginal communities. That representation is important given the land management aspects of this and, in particular, the strong interest that Indigenous communities have in land management and things such as travelling stock reserves and remnant vegetation.

The Opposition also will move amendments that specify roles less generally than the Government has proposed. The top and tailing done by the Government in combining the old legislation is very general in a number of areas, particularly in the objectives and the roles. It is important to be more specific in highlighting some of the traditional roles of these groups and some of the roles that are important for the new organisation to undertake in rural communities.

In the strategic planning, which the Minister mentioned, I am concerned that there is no specific reference to catchment action plans. My fundamental concern is that these new bodies, which will be responsible for what catchment management authorities did with catchment action planning, have now moved away from following catchment boundaries. Many of them cover multiple catchments or share catchments with other areas. In the Opposition's view it is still important to specify the work that needs to be done in a catchment action plan. It is still important to bring in and continue to work with the appropriate statewide standards currently set in that area by the Natural Resources Commission, which the Government is trying to eliminate.

It also is important that to specify that the catchment action plans are able to cross over boundaries. In other words, one of these new boards should be able to work cooperatively with another board to develop a catchment action plan for a catchment. They can choose whether they will do that. They might choose to work together on a catchment action plan or share a plan in some way. That seems logical to me and it would ensure that much of the work that has already been well done in many catchments by catchment management authorities in consultation with their communities can continue. The week before last I attended the regional communities conference in Narrabri. We heard that some of the best work undertaken in that area was done by the local Catchment Management Authority in consultation with the community.

The Opposition also suggests that the local strategic plans should specify that they must include plans to meet animal welfare, emergency biosecurity and pest control issues. It might be a single plan or a plan that is separate to the other one I just mentioned. I will suggest that they specifically include mention of vertebrate pest control. This includes wild dog strategies that say that best practice is to look at nil tenure approaches to wild dog management. It is also important to include in this legislation specific reference to travelling stock reserves and stock watering places. That comes back to the previous references in bills to the role they play as habitat. The legislation should recognise that the management of those reserves needs to include appropriate stocking

practices, conservation of wildlife—including the conservation of critical habitat and threatened species—and protection against soil erosion and diminution of water quality. Those things existed in the previous Rural Lands Protection Act and are valuable to include in the requirements for strategic planning.

References to a role for the Natural Resources Commission also need to be reintroduced in this legislation. The Natural Resources Commission had a strong role in the previous Acts, including the Catchment Management Authorities Act, in setting statewide standards for natural resources management. Its models have been used effectively by catchment management authorities to consult with communities and structure their planning. The Government has made a fundamental change and now the Minister will be able to approve a strategic plan from a local board without reference to any information from or consultation with the Natural Resources Commission. The Minister will only be obliged to consult with the Minister for the Environment. Given the Opposition's concerns about the Minister for the Environment, which have been mentioned many times in this place, that change takes away a valuable level of input.

The Opposition would like the Minister to be obliged to have regard to the Natural Resources Commission and its advice in the areas where it is relevant, which will be specified in the Opposition's amendments. The commission should go back to playing a role in the preparation of catchment action plans and other relevant matters. Those other relevant matters include things such as the management of travelling stock routes. The Opposition will also propose subsequent amendments relating to the Natural Resources Commission Act, and to some definitions.

The NSW Farmers Association has made a number of comments on this legislation including, as I mentioned, on the make-up of the boards. It would also like the board to elect the local chair. It has made a number of comments about advanced notice and permission obtained from landholders before people enter properties to undertake work. Further, it has raised some concerns about interim boards, which I will highlight. The Opposition will not move amendments to that aspect of the bill, but I hope the Government will note and respond to association's concerns. The manner in which interim boards will be set up essentially consists of chairs being appointed well before the elected members are appointed. In last weekend's newspapers the Minister advertised for the chair of chairs position and the chairs of local board positions.

The Hon. Duncan Gay: You already have a job.

The Hon. STEVE WHAN: I have to say that the position of chair of chairs did look appealing, and I am sure the Minister looked at it and thought it looked quite interesting as well. But the Minister is right: I have a job and I am quite happy with it, thanks very much—although I want to be on the Government side of the Chamber.

The Hon. John Ajaka: When you pointed, did you mean the other House?

The Hon. STEVE WHAN: The Hon. John Ajaka can take it however he wants to. I am sure the Minister would acknowledge the serious concern in relation to this issue. The concern expressed by NSW Farmers and a number of other people is that when an interim board is appointed it will take the first steps towards developing the priorities and direction of the new board. The interim board also will take the first steps to establish the culture that the board adopts. When elected members are appointed after that stage it is more difficult for them to have, as they would see it, equal influence in the culture establishment process. By that stage the interim board will have set some directions with the employed staff of the organisation and a number of planning aspects already would be underway. NSW Farmers are quite right to point out that in the long term, if we want these structures to be successful with a combination of elected and appointed members, they should begin on an equal footing that gives them equal access to the process.

In the time frame sense that will be difficult because the Minister wants the boards to commence from the beginning of next year and the elections will take time to arrange. I hope the Minister during his reply will address the NSW Farmers concern about initial steps that will be taken by the interim board. NSW Farmers also raised a change in this legislation to interest rates that apply to overdue rates. The existing system is that the Minister sets a rate of interest at 2 per cent higher than the Commonwealth Bank's overdraft rate. I have not foreshadowed an amendment but I ask the Government to examine consistency in legislation. Later we will consider a bill introduced by the Minister for Resources and Energy.

The Hon. Jeremy Buckingham: Maybe.

The Hon. STEVE WHAN: Yes. That bill suggests that the Government will change to a system in which the Minister decides the rates. I suggest that the Government should adopt a consistent approach. In the Government's move to set a rate of interest in accordance with a commercial rate of interest or a rate set by the Reserve Bank—I do not know which would be more appropriate—there should be consistency across portfolios. Two pieces of legislation, with which this House will deal either this week or next week, show that the Government is adopting two different approaches, but it should adopt a consistent approach. Landcare has raised issues with the Opposition and the Government.

I have not had an opportunity to examine the Government's amendments but I hope some of Landcare's issues have been addressed. Landcare wants changes to the objects of the proposed Act. On behalf of the Opposition I have suggested amendments to the objects that do not encompass all those suggested by Landcare. Some of the Opposition's amendments and Landcare's amendments overlap. Landcare also raised issues related to auditing, such as more frequent audits and snap audits. I hope the Minister will address those issues also during his reply. In relation to the concern of NSW Farmers about interest rates, section 202 (3) of the Rural Lands Protection Act states:

The rate of interest is that set by the authority or person concerned but must not exceed the rate specified for the time being by the Minister by notice published in the Gazette.

Section 566 (3) of the Local Government Act states:

The rate of interest is that set by the council but must not exceed the rate specified for the time being by the Minister by notice published in the Gazette.

As I stated earlier, the Government should adopt a consistent approach overall. However, more generally, I have been extremely critical of the manner in which this process has been undertaken, such as announcing a major change by press release while at the same time transferring staff, advertising for positions and cutting resources. It has been absolutely chaotic. I believe the process has been handled appallingly by the Minister and the Government. That has resulted in the loss of extremely valuable extension staff throughout New South Wales. Members know that on numerous occasions I have warned of the consequences of the loss to farmers throughout New South Wales of some critical long-term experience. More than 30 communities in rural areas have lost district agronomists as a result of the process, and not because they were about to retire, were no longer interested, or decided that better opportunities exist in the private sector.

More than 30 communities have lost district agronomists who have gone because the new positions in local land services were generalist positions. There no longer were specialist positions for the matters they were engaged in previously; moreover, the positions offered lower pay and had lower qualification requirements. That sent a strong message to specialists who had been working in districts for many years that their skills were not valued by this Government. I am very well aware from widespread feedback of the concern expressed over the loss of specialist staff. All members witnessed the awful process associated with the departure of Paul Parker from Young and how he was treated, which is an example of the lack of thought that went into this process and the lack of oversight by the Minister.

I give the Minister credit by suggesting that she would not have wanted Paul Parker to have been treated in such a manner that private investigators were sent to investigate what were described as leaks—he had spoken to the local newspaper—and were wandering around the streets of Young, interviewing people at the local newspaper and putting pressure on people for information. Because that was all pushed off and given as a responsibility to the head of the department, the actions I have described are exactly what happened. Paul Parker was treated very poorly. I know that Government members agree with me. I also know that many Government members have been embarrassed by the manner in which he was treated. Paul Parker still deserves to receive a formal apology from the Minister. But that is just one case of a specialist deciding to leave his position because he felt he was not valued.

The same situation arose in Cooma. Luke Pope, a district agronomist who has been an incredibly valuable resource for the Cooma community, decided not to take the risk and left to join the private sector. I worked with Luke during a number of bushfire outbreaks and can say firsthand that he provided incredibly valuable assistance to farmers by advising them on how to care for their stock and obtain fodder. He had been working with landholders over a long period in relation to serrated tussock and African lovegrass and was

intimately involved in strategies that had been implemented to tackle weeds infestation. He also provided advice to farmers in relation to the management of native grasses in the Cooma district. He is a person of immeasurable value, who was happy to accept public sector wages—all members know that they often are lower than wages in the private sector—because he was continuing with work that was so valuable to the community. He left because of the process that has been applied to district agronomists. Responsibility for the loss of such valuable staff is attributable to the process and is down to the Minister.

The other extension officer in Cooma has expressed his absolute dismay at the way the process has unfolded. In future there will be far fewer extension officers on the ground in various communities throughout New South Wales. I have received information from people who do not want to be named, but it is accurate information, about where the department is now going with extension officer services. The Minister claimed money is going to the new boards so they can employ additional extension officers. She says there is \$35 million in the Local Land Services Futures Fund, which will earn \$1.5 million in the first year. The information I have from someone very closely involved says that this gives each board about \$110,000, which will pay only the remuneration and travel fees of four appointed directors as an equivalent example.

The \$5 million for extension is an efficiency dividend. It is not clear how long that will continue. The estimate from the Minister is that each staff member will cost about \$100,000. This person's estimate is that they are more likely to cost around \$200,000 if they are going to do their jobs well and have their vehicles and the information and education material that they need. The Department of Primary Industries new advisory services continue to go further and further towards breaking the link between research and advisory services. The information I have received from this very well-placed person is that in horticulture, for example, 19 advisory staff have been reduced to six; 14 leaders have been reduced to three; and there has been no change to senior management, which they thought was outrageous. They gave me as an example the fact that there are now in a number of commodity areas statewide commodity advisers: Rather than having local people who can get to know local farmers, there will be statewide commodity advisers. The example they gave was there will be one blueberry adviser for the State who, I understand, is actually a stone fruit expert.

The Department of Primary Industries funding cuts that have accompanied this have been really severe for rural communities. We have seen cuts to the resources that go to catchment management authorities and staff cuts to catchment management authorities. We have seen the loss of support jobs around the State, and that is directly against The Nationals' promises on rural jobs and the Decade of Decentralisation. We have seen cuts to biosecurity staff as well, and that impacts on a number of areas. Albury, Bega, Berry, Casino, Cooma, Coonabarabran, Coonamble, Cootamundra, Cowra, Deniliquin, Dubbo, Finley, Forbes, Glen Innes, Goulburn, Grafton, Griffith, Gunnedah, Hay, Inverell, Lockhart, Moree West, Narrabri, Nyngan, Orange, Scone, Taree, Trangie, Tumut, Wagga Wagga, Wellington, West Wyalong, Yanco and Young all lost agronomists because of the way the Government has handled this process. It should be an embarrassment to every Nationals member in this place.

Concerns have been raised with me that have not been addressed in these changes and which, unfortunately, are too complex for me to address by amendments. Concerns were not addressed in the consultation process about the effectiveness of pest orders and the difficulties in imposing pest orders, particularly for dogs and other vertebrate pests, when those pest animals can move so rapidly between properties. I put on record that if the Government wants to address that in more detail later I would, as shadow Minister, be happy to support further investigation into whether more effective action can be taken in that area.

We have seen a number of very upset clients during this process. The mayor of Bombala expressed his great displeasure with this model and the boundaries of the model. There are still some issues with the boundaries, although I suspect they are slightly better than the original ones. Farmers in some areas, as noted on *ABC Rural*, said they will boycott some of these local land services. I am not sure how they will manage to do that, but that demonstrates the disgust they feel. We have seen headlines in newspapers in Tumut, for example, that the local agronomist has decided to resign and move rather than apply for one of these positions, which are generalist. That means that this vital fruit-growing area will not get the specialist advisory services it has had in the past.

This has been an appalling process. The Government, particularly The Nationals, should be embarrassed about the way it has been conducted. It was embarrassing to see The Nationals members in the other place—instead of making serious contributions to this bill—just parrot the Minister's lines claiming it was a great achievement. Interestingly, it was mainly the first-term Nationals members. Those more experienced

Nationals members in the other place kept fairly quiet about this. Richard Amery, a very long-serving agriculture Minister, spoke for the Opposition in the other place. Some Nationals members, instead of making positive contributions about this issue, threw insults at the member. For example, Troy Grant, the member for Dubbo, suggested the member for Mount Druitt was a fool. I would suggest that the member for Mount Druitt knows an awful lot more about the agriculture industry in New South Wales than the member for Dubbo at this stage, although he will learn.

The member for Murray-Darling got closer to the point when he said, "I believe the reforms will create a great deal of angst amongst farmers and key stakeholders." He is right. I do not believe the consultation process that occurred was in reality a consultation process that had the flexibility and ability to give the guidance and direction needed. This model was essentially put in place for cost cutting. This is not a model about better service; it is about cost cutting, about sacking a large number of staff from the Department of Primary Industries. While I hope the objectives being outlined in this legislation are able to be successfully achieved in the long term, I am very concerned that the structure puts together two sets of objectives that are not necessarily at all times complementary. There are opportunities to improve the bill but it is not a bill that deserves the support of this place. As I said, the Opposition will move amendments and will oppose the bill at the second reading.

The Hon. JEREMY BUCKINGHAM [11.57 a.m.]: I speak this morning on the Local Land Services Bill 2013 on behalf of The Greens and the people of New South Wales. Perhaps to the Government's surprise, after wide consultation with people involved in natural resource management, agriculture, pest and weed management, The Greens will support the bill. We will also consider some of the Opposition's amendments, supporting some but not others, and we will support the Government's proposed amendments. There is an inclination to believe the motivation for the bill would be cost cutting and slashing services—and that may be a motivation. But overall we need to set aside our scepticism and look at the opportunities that this model may bring.

As someone who has studied agriculture and lives regionally, I believe there are synergies that are important to facilitate and promote between natural resource management—how we deal with weeds and pests—and agricultural extension. The two are interconnected. The people managing our land for agricultural production could increase productivity by talking to those who maintain and enhance the health of our natural resources, our catchments and biodiversity. This Local Land Services model may go a long way to achieving that. I was sceptical; in last year's budget estimates hearings I might have given the Minister a hard time about the time frame.

The Hon. Marie Ficarra: No, not you.

The Hon. JEREMY BUCKINGHAM: I did, but I stand corrected.

The Hon. John Ajaka: You are being too hard on yourself.

The Hon. JEREMY BUCKINGHAM: I believe it was an ambitious program, but consultation on this type of reform will never please everyone. An adequate balance has been struck in these reforms regarding boundaries, board structure and objectives. Without doubt, this is an ambitious bill, which sets a foundation for regional government in this State. We need to consider that because the future role of Local Land Services may be expanded to incorporate other things, such as weeds, water and sewerage. What does this bill do?

The Hon. Matthew Mason-Cox: What do you actually do?

The Hon. JEREMY BUCKINGHAM: What do I do? I stand up for country people at every opportunity. This bill establishes Local Land Services and repeals two significant Acts: the Rural Lands Protection Act and the Catchment Management Authorities Act. Local Land Services will have significant functions in the management of pests. I hope, as would the people of New South Wales, that Local Land Services in the future suggests the declaration of deer, fox and other species as pest species.

The Hon. Duncan Gay: That is what the shooters have been trying to say for some time.

The Hon. JEREMY BUCKINGHAM: They do not say that. The Greens want a declaration of pest species. Certainly the Shooters and Fishers Party is calling for that, and we would support it. The bill sets out a number of functions and priorities for agricultural production, biosecurity, animal pest disease, plant pest disease prevention and a range of ambitious activities, but different stakeholders in the consultation process expressed consternation. The Government admits that this bill was only eight months in the making—a short

period for such sweeping agricultural reforms. As the Minister admits, this is one of the largest reforms of agricultural services in living memory. Therefore, the Government should continue with trepidation and caution, be willing to adjust to stakeholders' suggestions and criticisms, and respond accordingly. To be fair, I think the Government has done that, as reflected in some of the latest amendments. We cannot predict whether this bill will do the job it sets out to do. We have to be mindful of the objectives and undertake the reviews to make sure that if this legislation is passed—which no doubt it will be—Local Land Services operates appropriately and delivers results.

Farmers and rural communities already feel the pressure of increased input prices, transportation costs, extreme weather caused by a warming climate—nothing from Peter Phelps—and the downward pressure on farmgate prices caused by the supermarket duopoly and the historically high Australian dollar. Therefore, this reform comes at a critical time. It creates a single organisation to administer, deliver and fund programs and services associated with agricultural production, biosecurity, natural resource management and emergency management. We will see whether other services are incorporated. This is no small task. The challenge of this reform to combine separate organisations into a single one-stop shop has some benefits. That was evidenced by the Ryan review of the failure, dysfunction and inherent unsustainability of livestock health and pest authorities [LHPA]. It is time for reform. This is an opportune time to improve service delivery, but it must be done correctly if the Government is to address the slow decline in agricultural services.

Obviously, this is not the intention of the bill. I note the contribution of the Hon. Steve Whan outlining the loss of key extension services across broad areas of the State. We would like to see that stopped. We want increased funding in agricultural extension services and more people employed in that critical area as we seek to feed ourselves and the world. Some key players were involved in the stakeholder reference panel: the Natural Resources Commission, Mick Keogh from the Australian Farm Institute, the Department of Primary Industries, catchment management authorities, livestock health and pest authorities, NSW Farmers, Landcare NSW, Greening Australia, and the good people on Local Government NSW. Local Land Services replaces 14 livestock health and pest authorities, 13 catchment management authorities, and advisory services of the Department of Primary Industries and includes travelling stock routes [TSR], which are an important land tenure for agricultural production, biodiversity and threatened species—one of the largest interconnected networks of reserve in the State.

The Hon. Rick Colless: So you agree you can have cattle running on them and still maintain biodiversity?

The Hon. JEREMY BUCKINGHAM: Absolutely. There has never been any doubt about that. The name suggests it. That is just common sense. I do not know where you have been or why you would be thinking cattle could not be there. Clearly, livestock health and pest authorities are the front line of public and animal health services in New South Wales. It will be interesting to see whether these boards can balance the needs of biosecurity with the other services that Local Land Services have to deliver and whether the people contributing the rates to these boards are willing to fund the biosecurity measures we need because they may not be served by those services. Overall, it is in all our interests to make sure we have a robust biosecurity regime. Another key question of the bill is assisting landholders in providing advice and assistance in eradicating declared pest species and managing travelling stock routes. Those routes provide pasture reserves for travelling or grazing stock. These reserves can be beneficial in times of drought, bushfire or flood, and also are incredibly important for public recreation, apiary sites and conservation. New South Wales has more than 6,500 travelling stock routes, covering an area of approximately 740,000 hectares.

We will support the Opposition's amendment to include the clause that indicates clearly the role of travelling stock routes to the conservation of threatened species in this State. Clearly, this State has issues about how catchment management authorities have worked with landholders. It has not been the best relationship. I hope that combining agricultural extension with catchment management authorities, which really is one of the key elements of this synergy in Local Land Services and the reason The Greens support it, will benefit the productivity and biodiversity of this State. We need to make sure that they work together.

The Greens will be supporting the Opposition's amendments, which ensure that draft strategic plans include catchment action plans. It is important that is explicit within the bill. Extension services are important. The Greens join Fiona Simpson, President of the NSW Farmers Association, in being cautiously optimistic about the impact of the bill. Landcare NSW is a group I have worked with closely and I sought its guidance on the bill. It has had concerns about the role of natural resource management and achieving a balance of representation on the boards. They will be skills-based boards and natural resource management must be

reflected in the membership of those boards. It all comes down to money, and funding must be maintained for those programs that ensure we have a healthy and sustainable environment. It will come down to the quantum of funding for those boards.

I will turn to the constitution of those boards. The Government has proposed four members be appointed by the Minister, with three members elected by ratepayers. There has been a lot of discussion about that. The Opposition has proposed amendments to increase that to a nine-member board. The Greens will not support that amendment. The Greens believe money that would go to a nine-member board would be better spent on natural resource management, biosecurity and the provision of services rather than on board members. The four appointed members and three elected members will provide the skills base needed for the board. It is recognised that there will be a reduction in regions, which will benefit the State, such as, the livestock health and pest authorities regions reducing from 202 to 80 under Local Land Services. That is something to be mindful of.

The Greens are keen to ensure that, even though there is recognition of the need for a broad skills base on the board, the boards actually reflect that skills base. The Greens await the Government's appointments in good faith to see whether they reflect the natural resource management view. The nature of these boards is that there will be a strong representation from the farming community in the elected positions, and that needs to be balanced by a diverse view provided by the appointees. That is reflected in section 27 of the regulations, which provides for the criteria to determine whether a person is eligible for the appointment. Schedule 9 sets out the required skills. Those boards will be influential bodies in this State; they will set agendas and have an enormous impact on the State. The Western region, which has a large board of four appointed and five elected members, will be making decisions of huge significance to the State.

The Greens welcome schedule 9 and the introduction of electronic voting. It will increase participation and enhance community engagement and support for the Local Land Services because more people will be voting and democratically have their say. With the livestock health and pest authorities and catchment management authorities that was not happening at all. The community will hold these boards to account and be mindful of how their rates money is used. In relation to funding, the Independent Pricing and Regulatory Tribunal is undertaking a review of the rating framework and the complementary service pricing system for the Local Land Services.

The terms of reference of the review include the Independent Pricing and Regulatory Tribunal advising on efficient funding options to pay for Local Land Services as part of developing a funding framework, including a fee for service, rates, levies, grants and other government funding. The Greens would like these boards to become bodies that generate their own revenue stream. The Federal and State governments will have to contribute to those boards in order to ensure that they provide the services; otherwise we would be privatising an important part of service delivery in New South Wales. The Greens believe the review must recognise that different land uses need different rating structures. We need to move to a system of incentivising biodiversity conservation. As I stated in the *Land* newspaper today, we should be recognising those people.

The Hon. Rick Colless: Marijuana growers should be exempt from tax.

The Hon. JEREMY BUCKINGHAM: I have said that. Very courageous I must say. We will see how that goes. Landowners who run cattle or who are involved in intensive agriculture should have a different rating system because they clearly require extension, biosecurity, and weed and pest management services more than someone—

The Hon. Duncan Gay: Do you pay more or less for hydroponics?

The Hon. JEREMY BUCKINGHAM: I do not know how much the Minister pays for his hydroponics; I do not pay anything for hydroponics. I grow organic outdoor tomatoes and I recommend them to the Minister. He should stop consuming so much hydroponically grown food; it is not good for him. We need to incentivise the system so that those who enter into covenants and set aside land for ecosystem services and conservation are recognised by a reduction in their rates. That sends a clear message and it is something The Greens would like to see occur. The Greens support the Local Land Services Bill 2013. The Greens will be supporting some of the Opposition amendments and all of the Government amendments. We are cautiously optimistic that this bill will provide good reform, and I commend the Minister and the Government for undertaking this major change.

The Hon. RICK COLLESS [12.17 p.m.]: I commend the Local Land Services Bill 2013 to the House. It is a fantastic new concept for rural and regional New South Wales. The Department of Primary Industries was developed in the early 1940s and has only had one major design change since 1981. It is time for change and the Liberal-Nationals Government will deliver it. New South Wales has more than 42,000 farmers and landscape managers and the Government is aiming to make their lives easier with the creation of a modern, effective and efficient service delivery model. One of the main aims of the Local Land Services is to reduce the duplication of services that currently exist throughout the State.

Local Land Services will replace the livestock health and pest authorities and the catchment management authorities, as well as the Department of Primary Industries advisory services. Bringing these agencies together in one organisation means that programs and advice can better be tailored and delivered to meet the needs of our farmers and of our precious environment. Local Land Services was not an overnight decision. Extensive consultation was undertaken with those who would be most affected, the farmers of New South Wales. Local Land Services undertook extensive consultations over 18 months.

The stakeholder reference panel engaged widely with the community, with 22 statewide workshops attended by 1,500 people that received more than 2,000 online and written submissions. All those who attended these meetings and provided submissions have helped to formulate the structure of Local Land Services. The Ryan review of livestock health and pest authorities was also given serious consideration by the stakeholder reference panel and 21 of its 25 recommendations have been adopted. Local Land Services will consist of 11 regions across the State, which will mostly be aligned with local government areas. The 11 regions are Greater Sydney, Central West, Riverina, Murray, South East, Central Tablelands, North Coast, Western, Northern Tablelands, North West and Hunter. Having 11 region-specific centres will improve services within these areas and deliver expert assistance. The 11 regions will be managed through 11 local boards across the State. Each board will consist of seven members—with the exception of the Western region, where there will be nine—who will manage and oversee the delivery of services within their respective areas.

Three local board members will be elected by ratepayers and four will be appointed by the Minister. Elected members must have their primary residence within a region and will not be limited to just ratepayers. In appointing the remaining members, if possible the Minister should select people who reside in the region. Local board members should hold particular skills and experience in areas such as leadership, strategic planning and management, community participation, biosecurity, natural resource or emergency management, and financial control and risk management so that they contribute effectively and constructively to the activities of the board and the needs of stakeholders.

The Local Land Services board, to be known as the Board of Chairs, will develop a State strategic framework for Local Land Services that will help guide the local boards in their strategic planning and operational activities. The Board of Chairs will also drive performance and ensure that uniform policies, procedures and processes are implemented across the State, especially those required under national or State imperatives such as the management of biosecurity risks. Members of the Board of Chairs will include the chair of each local board and an independent chair. The board will be answerable to the Minister and will be subject to a robust governance, reporting and auditing structure. This will promote transparency and accountability in the activities of Local Land Services, giving landholders the confidence that their levies are being used effectively and efficiently.

Breaking down the State into 11 regions will ensure that there is a local presence across the region that will provide services specific to local industries and needs. Local Land Services will provide advice on agriculture, agronomy, livestock, mixed farming, horticulture and irrigation. It will be able to discuss plant and animal biosecurity, veterinary and pest management and natural resource management. Local Land Services will assist with emergency management and preparedness through assessment, recovery and preparation. Local Land Services will have links with Department of Primary Industries research and industry development. The staffing of each regional centre will be managed by a general manager, who will be responsible for operational performance.

I address some of the comments of the Hon. Steve Whan in his introductory address. The Australian Labor Party presided over the gradual hollowing out of the Department of Primary Industries over 16 years, yet he chides the Government over staff numbers. The news for the Hon. Steve Whan is that, with the savings from reducing the duplication of boards, general managers and other back-office functions and the ability to use other funds, Local Land Services can employ more advisers than we have now, as inherited from the former Labor Government.

The Hon. Steve Whan: There won't be more advisers; you know that.

The Hon. RICK COLLESS: That is the case; you do not fully understand. As a first step, Local Land Services will be able to use \$5 million worth of savings to engage agricultural advisers as required and determined at the local level. The boards will determine that, not the Government or the Hon. Steve Whan.

The Hon. Steve Whan: How many will they employ? Will they be contractors or permanent employees?

The Hon. RICK COLLESS: This \$5 million could translate to an extra 50 positions across the State in the first instance. That is an extra four or five per region over and above what is currently there. People have left the Department Primary Industries for as long as I have been in this industry. Over the years many of them have left the department and gone into private industry. The question is: What drove them to do that? I was an employee of the Government. I was an extension officer and I left the department because of the Labor Government's policy at the time, which tried to turn me from an extension officer into a vegetation policeman. There are many policies that drive people out of their employment.

The Hon. Jeremy Buckingham: You were a vegetation policeman? Shame on you.

The Hon. RICK COLLESS: No, I was not. I resigned. I had the strength to take leave from the department and start my own business—and I did very well at it, I have to say. The board of each region is responsible for the hiring and retention of staff, yet members opposite do not seem to understand that. The public will be able access staff at key sites and there will be flexibility to meet priorities of both the clients and the local board. Local Land Services will be a return to a customer service focus whereas the previous Labor Government had a legislative focus.

Local Land Services will allow regional communities to take back the decision-making for their own areas, tackle issues and implement responses best suited to them. The funding for Local Land Services will come from ratepayers and the New South Wales and Federal governments. The funding will be allocated for specific purposes, for example, biosecurity or natural resource management projects. Local boards will be responsible for the performance of organisations. The formation of Local Land Services has given the Government the ability to create a \$35 million future fund, with a further reinvestment of \$5 million per year for agricultural advisory services. The \$35 million is the combination of the cash reserves of the livestock health and pest authorities and catchment management authorities.

The amalgamation of these services is expected to see revenues of \$500 million in a four-year period. The large amount of money that will be flowing through Local Land Services requires highly trained, expert individuals to be involved in the running of the organisation, and this is the calibre of individuals who will be in charge. The Government's time line has Local Land Services operational from January 2014 in more than 139 towns in New South Wales, reaching more regional communities than before, with an increase of 22 locations throughout New South Wales by bringing livestock health and pest authorities into the network. Local Land Services will provide a streamlined approach to the delivery of services and is an example of the Government's commitment to strengthening the economy of the State and helping our primary industries to prosper and grow. I commend the bill to the House.

Mr SCOT MacDONALD [12.27 p.m.]: I welcome the appointment of the Hon. Trevor Khan as Deputy-President. The Local Land Services Bill 2013 is an important evolution in the stewardship of our land and the industries that rely on it. Very little had changed in this area for over half a century and I do not believe the old structures of livestock health and pest authorities, government advisory services or even the more recent catchment management authorities were up to the task. I attended the first Local Land Services consultation meeting in Yass and I think it would be fair to say the consensus was that the old structures were overdue for reform. As someone who has used many of their services for more than two decades, I can attest to their value but also to their complexity, the silo mentality, the unresponsiveness and from some quarters the lack of understanding about agriculture.

Successful land management requires equally important social, environmental and economic strategies and the Local Land Services model delivers on that framework. Social acceptance will come through three elected directors across each of the 11 Local Land Services regions to ensure community ownership. In the Western region there will be an extra elected director to allow for the size of the Local Land Services. Critically, the Landcare movement was a member of the reference panel that developed the Local Land Services model. I am sure the new boards will recognise that a prominent role by Landcare will go a long way to ensuring community trust and confidence in their services.

Economic efficiencies will accrue from reducing 25 livestock health and pest authorities and 11 catchment management authorities to 11 Local Land Services regions. The number of directors in the old bodies was 202; that will reduce to 80 under Local Land Services. Ratepayers will benefit from the removal of duplicated structures amounting to around \$5 million per annum and the Minister foresees those savings being returned to frontline functions. Possibly the greatest part of the reform will be recalculating the rating formulae. The Independent Pricing and Regulatory Tribunal has been tasked with recommending a fair and effective funding structure.

The Minister has noted the new Local Land Services has a secure financial future, with more than \$500 million in revenue in its first full four years of operations. The challenge for the Independent Pricing and Regulatory Tribunal, Government, landholders and the wider community is to settle on what is a fair burden for ratepayers and general taxpayers. In the past we have paid lip-service to concepts such as private good and public benefit. The Independent Pricing and Regulatory Tribunal is now asking us exactly who should pay for what functions. This will be a difficult task, but the transparent consultation process the Minister has initiated is the fairest approach.

The catchment management authorities have been a key platform for delivering State and Federal government environmental programs. They have done their best to build community confidence, but they have struggled with the perception of not being simpatico with productive industries in regional New South Wales. Now they will share offices and a mission with advisory officers, who have come across from the Department of Primary Industries, and the very hands-on livestock health and pest authorities. I think every farmer and every serious environmentalist knows sustainable agriculture and protection of natural resources are complementary. One cannot succeed without the other. That is why this reform is so important. For the first time, Local Land Services truly brings together the concurrent goals of improving agricultural productivity with sound environmental stewardship. With 85 per cent of New South Wales land use committed to agriculture and forestry, environmental management that does not partner effectively with our primary industries is doomed to failure. I am very hopeful the incoming boards and their organisations will have this uppermost in their minds.

In conclusion, I congratulate Minister Hodgkinson, her staff—notably Tim Scott and David Dawson—Parliamentary Secretary Troy Grant, the Department of Primary Industries, the Natural Resources Commission, the reference panel led by Dr John Keniry, and all the organisations and individuals who contributed to the development of Local Land Services. For too long we have danced around this issue and put up with incremental changes. Our farmers and the environment have not been served as well as they should. It will be challenging for industry as the true cost of services, including biosecurity, is exposed, costed and in future borne by the beneficiary. But this is the right structure to go forward and I commend the bill to the House.

The Hon. DUNCAN GAY (Minister for Roads and Ports) [12.32 p.m.], in reply: I thank all members for their contributions to debate on the Local Land Services Bill 2013 and for their general support of the bill. New South Wales has some of the world's finest primary industries and they are an important part of our economy. Our primary industries are a key source of employment for the people of regional and rural New South Wales and they generate billions of dollars for the economy of this State. [*Quorum called for.*]

[*The bells having been rung and a quorum having formed, business resumed.*]

Local Land Services will help to strengthen the productivity and sustainability of our valuable food, fibre and fishing industries. Local Land Services will do this by delivering quality advisory services to our landholders and the community on issues such as natural resource management, animal and plant health, emergency response and biosecurity. Local Land Services will combine the knowledge and expertise of these agencies into the one organisation, allowing the members of our regional and rural communities to access the programs, information and advice they require from the one convenient source.

In relation to the point raised by the Hon. Steve Whan, I can assure the House that catchment action plans are well and truly built into the model. The bill allows for strategic plans to address catchment areas through the State strategic plan and local strategic plans. It also allows local boards to work with each other to deliver services and programs in catchments across interlocking regions. In relation to elections, it is important to get interim boards established so we can hit the ground running in January. It is proposed to conduct elections early next year, and I can advise the House that a lot of work is currently being undertaken in relation to the change process and the building of appropriate staffing and cultures across Local Land Services. The bill allows for elected members to be appointed as chairs of local boards; the Opposition's amendments do not. I assure the House that the bill provides for snap audits if needed.

The provisions relating to pest control orders from the Rural Lands Protection Act have been carried across without changes. These provisions will be reviewed as part of the biosecurity legislation project currently underway. Local Land Services is a positive step towards improving the delivery of services to our regional and rural communities. Our farmers make an important contribution to the economy of this State, and Local Land Services is an important step in helping our primary industries prosper and grow. I commend the bill to the House.

Question—That this bill be now read a second time—put.

The House divided.

Ayes, 23

Mr Ajaka	Ms Ficarra	Mr Mason-Cox
Ms Barham	Mr Gallacher	Mrs Mitchell
Mr Blair	Miss Gardiner	Reverend Nile
Mr Borsak	Mr Gay	Mrs Pavey
Mr Brown	Mr Green	Mr Shoebridge
Mr Buckingham	Mr Khan	<i>Tellers,</i>
Mr Clarke	Mr Lynn	Mr Colless
Ms Cusack	Mr MacDonald	Dr Phelps

Noes, 12

Mr Donnelly	Mr Secord	<i>Tellers,</i>
Mr Foley	Ms Sharpe	Ms Fazio
Mr Moselmane	Mr Veitch	Ms Voltz
Mr Primrose	Ms Westwood	
Mr Searle	Mr Whan	

Pairs

Mrs Maclaren-Jones	Ms Cotsis
Mr Pearce	Mr Wong

Question resolved in the affirmative.

Motion agreed to.

Bill read a second time.

Consideration in Committee set down as an order of the day for a later hour.

APPROPRIATION BILL 2013

APPROPRIATION (PARLIAMENT) BILL 2013

STATE REVENUE AND OTHER LEGISLATION AMENDMENT (BUDGET MEASURES) BILL 2013

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

Motion by the Hon. Duncan Gay agreed to:

That these bills be considered urgent bills.

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

[The President left the chair at 12.48 p.m. The House resumed at 2.30 p.m.]

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

QUESTIONS WITHOUT NOTICE

MINISTER FOR FINANCE AND SERVICES, AND MINISTER FOR THE ILLAWARRA

The Hon. LUKE FOLEY: I direct my question to the Minister for Police and Emergency Services. In light of the Minister's failure yesterday to provide an unequivocal vote of confidence in the Minister for Finance and Services, and Minister for the Illawarra will he do so today?

The Hon. MICHAEL GALLACHER: For the second day in a row I will show my support for the Minister for Finance and Services, and Minister for the Illawarra. The quicker he returns to this place, the better. We are all awaiting his return. God speed his return.

ABORIGINAL COMMUNITIES AND BUSHFIRE RISK

The Hon. JENNIFER GARDINER: I direct my question to the Minister for Police and Emergency Services. Will the Minister update the House on initiatives being implemented in rural New South Wales Aboriginal communities to ensure that they are informed about and prepared for bushfire risks?

The Hon. MICHAEL GALLACHER: That is an excellent question. The bushfire resilience project for Aboriginal communities in New South Wales is now entering its second phase. It is a joint initiative of the New South Wales Rural Fire Service and the New South Wales Aboriginal Land Council. It is aimed at increasing the resilience of identified Aboriginal communities to the threats posed by fire. Phase one was completed in late 2012. I spoke about phase one in this House in October last year. It achieved some important outcomes, including the completion of bushfire risk assessments and reports for more than 30 Aboriginal communities across the State. The report contains numerous recommendations for measures to better prepare Aboriginal communities for the threats posed by bushfire.

Typical recommendations include the establishment of asset protection zones, strategic hazard reduction burning, the introduction of community education and engagement programs, and the establishment of neighbourhood safer places. Many of these recommendations have been or are being implemented. To build upon this work the Rural Fire Service has applied for further funding for phase two, which recently commenced and will run over the next two years. Funding of \$600,000 will be provided for phase two by the New South Wales Aboriginal Land Council, which is a generous increase on the \$330,000 provided in phase one. It is a testament to the success of the project. Phase two will include the employment of two project officers: One will be attached to the Rural Fire Service and the other to the New South Wales Aboriginal Land Council. The recommendations from the bushfire risk assessment reports will continue to be implemented.

Other goals include establishing neighbourhood safer places, increasing the number of bushfire survival plans, assisting with the smoke alarm program, undertaking priority hazard reduction activities, training and preparing properties for bushfires, training and initiatives to involve community leaders in bushfire management committees and embedding ongoing and future hazard risk treatments into each local Aboriginal land council business plan. The project has involved, and will continue to involve, extensive consultation with community leaders, members and organisations. The NSW Rural Fire Service and the New South Wales Aboriginal Land Council have developed a strong partnership since this project commenced. The Government strongly commends both organisations for delivering this important initiative to rural Aboriginal communities.

COMPULSORY THIRD PARTY GREEN SLIP INSURANCE PREMIUMS

The Hon. ADAM SEARLE: I direct my question to the Minister for Police and Emergency Services, representing the Minister for Finance and Services. Given the O'Farrell Government announced yesterday via press release that it will not be pursuing compulsory third party reform at this time, will it reverse the decision of the Minister for Finance and Services to increase the cost of green slips by 15 per cent?

The Hon. MICHAEL GALLACHER: No wonder you are choking on those words, you do not believe them yourself. Members are criticised for many things in Government but being criticised for ongoing consultation is amazing. The Government will not step back from that decision. That is the difference between the Labor Party and this Government: We consult, they insult.

HOLOCAUST DENIER MR FREDRICK TOBEN

The Hon. ROBERT BORSAK: I direct my question to the Minister for Police and Emergency Services. Will the Minister inform the House whether the NSW Police Force was alerted by the New South Wales Greens of the pending visit by a Neo-Nazi holocaust denier, Mr Fredrick Toben? The Greens invited Mr Toben to a fundraising event. Will the Minister advise the House whether the Government is aware that Mr Toben served a prison term in Germany in the 1990s for holocaust denial?

The Hon. MICHAEL GALLACHER: I am surprised that The Greens members are not present in the House. They are probably out fundraising as we speak. I thank the honourable member for his question. They really are quite a bizarre old party, The Greens. They show mock outrage when Geert Wilders comes to Australia and state how disgraceful it is, yet they support those that are prepared to disrupt, intimidate and I suspect even try to destroy small businesses such as Max Brenner with a connection to a community because they do not agree with them. The way The Greens conducted themselves in that situation was disgraceful.

The Greens are happy to accept dirty lucre from Mr Toben at fundraising events but condemn those who do not believe in climate change. The Greens accept money from holocaust deniers but condemn those who disagree with the concept of climate change, which is environmental science. There is no science associated with the holocaust; it occurred. The Greens should apologise to the House and the people of New South Wales for having any involvement they have had with people such as Mr Toben.

STATE BUDGET AND CENTRAL COAST ROADS

The Hon. JOHN AJAKA: I direct my question to the Minister for Roads and Ports. Will the Minister update the House about funding for Central Coast roads in the 2013-14 New South Wales budget?

The Hon. DUNCAN GAY: I thank the honourable member for his question. It would be fruitless to wait for a question from the Opposition about the budget. Opposition members will not ask one because it is too good. The Central Coast remains one of the fastest growing areas in the State and is expected to grow by over 30 per cent in the next 20 years. That is why the Government is investing nearly \$100 million in 2013-14 alone to deliver the infrastructure needed for the coast to grow. This is in addition to the nearly \$200 million allocated to the Central Coast by this Government over the last two years. I am thrilled that as part of the budget we are getting on with the job on Wyong Road, with \$5.6 million to plan and start upgrades for key intersections at Mingara Drive, Enterprise Drive and the Pacific Highway. The Opposition would not know where those places are.

People on the Central Coast asked Labor for this and as usual Labor did nothing. At the election we said we would deliver an interim solution for Wyong Road to provide relief but, thanks to those great members Chris Spence and Darren Webber and the absolutely fantastic Minister Chris Hartcher, responsible management of the budget and prioritising investments has meant that the Government can now invest in full upgrades to these intersections, building for the future on the Central Coast. This is a substantial achievement for the Central Coast. It shows what electing Liberal and Nationals members of Parliament can achieve for communities: we get stuff done. In 2013-14 funds have also been provided for other key upgrades for the Central Coast Highway, such as \$17 million to start work on the upgrade to the Central Coast Highway at Brisbane Water Drive and Manns Road at West Gosford and \$9 million to complete work on the four-lane widening between Matcham Road and Ocean View Drive.

The Pacific Highway has also been allocated funding to progress planning on a number of projects, including \$4 million for the future upgrade of the intersection of the Pacific Highway and Wyong Road at Tuggerah and \$2 million for the future upgrade of the Pacific Highway through Wyong town centre. This is in addition to the major highway upgrades. Funding has been allocated for smaller but equally important projects such as \$10 million to complete planning and start work on a new intersection on Sparks Road to support the Warnervale town centre, \$7 million for the replacement of a railway level crossing on Woy Woy Road at Horsfield Bay and \$2.2 million to contribute to the Wisemans Ferry Road upgrade, another key election commitment delivered. These projects are extremely important for the Central Coast. They will make the area an even better place to work and live. The Government is committed to delivering the infrastructure needed to boost productivity, create jobs and build and support a vibrant economy and community on the Central Coast.

The Hon. Greg Donnelly: Thanks to the shadow member for the Central Coast.

The Hon. DUNCAN GAY: The real reason he is the shadow member and not the member is that we have great members up there and he is not in government. [*Time expired.*]

WASTE LEVY

The Hon. PAUL GREEN: My question is directed to the Minister for Roads and Ports, representing the Minister for the Environment. Given that the State Government has increased the level of fee for waste going into landfill by 16 per cent to \$107 a tonne, given this rise has caused councils to increase tip fees and given that a number of local councillors have expressed real concerns that people will dump dangerous and toxic waste into bushland areas simply to avoid these increased tipping fees, what steps is the Government taking to ensure that illegal dumping does not take place as a result of increased tipping fees, and when will the Government be reducing these fees and giving local government and ratepayers a fair go?

The Hon. DUNCAN GAY: I thank the honourable member for his question. It is important to acknowledge that under the reallocation of portfolios Environment is in the safe hands of The Nationals in the upper House. People will sleep soundly in this State. It is a very important question with a great deal of detail and I will refer it to the acting Minister for a detailed response.

MINISTER FOR FINANCE AND SERVICES, AND MINISTER FOR THE ILLAWARRA

The Hon. STEVE WHAN: My question is directed to the Minister for Police and Emergency Services and Leader of the Government. Did the Premier consult with him as Leader of the Government in the Legislative Council before announcing that he was not taking formal action against Minister Pearce for breaching the ministerial code of conduct?

The Hon. MICHAEL GALLACHER: I do not intend to traverse with the House conversations that I have with the Premier.

NSW POLICE FORCE TECHNOLOGY ENABLED CRIME OFFICER PROGRAM

The Hon. SARAH MITCHELL: My question is addressed to the Minister for Police and Emergency Services. Will the Minister please update the House on the work undertaken by the NSW Police Force's technical enabled crime officers?

The Hon. MICHAEL GALLACHER: I thank the member for her question. In July 2012 the NSW Police Force commenced a pilot of its Electronic Evidence First Responder Program. Since that time approximately 50 police have been trained in, and subsequently met the requirements of, the NSW Police Force's Technology Enabled Crime Officer Program. The program instructs operational police on how to identify, preserve, review and present electronic evidence in support of police investigations. Technology enabled crime officers, or TECOs as they are more commonly known, are proficient in the use of automated digital forensic tools that enable them to access, review and present evidence from mobile devices, including mobile phones, tablets and global positioning systems [GPS]; computers, desktops and laptops; and data storage devices such as USB drives, external drives and secure digital [SD] cards. The evolution of technology enabled crime officers is reflective of the fact that we live in an increasingly digital age and, unfortunately for some, modern technology is a vehicle to commit crime. The skills of a technology enabled crime officer can be utilised in the investigation of serious, major and organised crime as well as corruption investigations.

Using digital forensic tools that were rolled out through the NSW Police Force's Electronic Evidence First Responder Program, technology enabled crime officers can establish links between documents of interest and their point of origin, for example on a suspect's computer; determine the dates certain items were created and link them to any dates of an alleged offence; establish whether any searches had been conducted by suspects in relation to crimes on their computer, for example possible legal repercussions in relation to offences suspects are alleged to have committed; and corroborate the statements of the victim. For example, a search of a suspect's computer may return evidence that supports the victim's statement of the offences alleged to have been committed against them. These are examples of the importance of training and providing specialist services and equipment to police in front-line commands. Put simply, it improves the capacity of our police to respond to crimes committed in the modern day.

NEWCASTLE URBAN RENEWAL STRATEGY

Reverend the Hon. FRED NILE: I ask the Hon. Michael Gallacher, Minister for Police and Emergency Service, and Minister for the Hunter a question without notice. Is it a fact that the Government

expects to spend \$340 million to revitalise the Newcastle area through the Newcastle City Renewal Project? Will the Minister elucidate the practical applications of this \$340 million and how will this money impact and benefit the 830,000 residents of the Newcastle region?

The Hon. MICHAEL GALLACHER: It comes as no surprise that I have been a strong advocate for the revitalisation of Newcastle and the effect that it will have on the wider Hunter community. Whilst in opposition, I sometimes felt like the lone voice in Newcastle. Only those who saw common sense and had a dream of the future could see the potential for Newcastle. Of course, members opposite wanted to keep Newcastle in the broken down, ignored and dysfunctional state in which it had been for generations.

The Hon. Duncan Gay: Like the Labor Party.

The Hon. MICHAEL GALLACHER: Yes, very much like the Labor Party. Report after report called for revitalisation of the city and the need to once and for all make a decision about the rail line.

The Hon. John Ajaka: And what did they do?

The Hon. MICHAEL GALLACHER: They refused to accept that there was a problem in the city. I will give credit to one former Minister, Michael Costa.

Dr John Kaye: Boo!

The Hon. MICHAEL GALLACHER: We hear the moans of The Greens once again. Michael Costa was someone who spoke the truth about Newcastle within the Labor Party. He said, "The railway line needs to go." He was the one who said it needs to go to open up the city, the community and the region. Of course, he was howled down, particularly by left-wing members of the Labor Party. Of course, despite everything they said in opposition, the people of Newcastle and indeed the people of the wider Hunter region spoke loud and clear in March 2011. Nowhere was there more evidence than on the front page of the *Newcastle Herald*, which stated "This is our time".

The Hon. Amanda Fazio: Point of order: The Leader of the Government well knows that it is out of order to use props in the House. I ask you to direct him to put the document down that he is using as a prop.

The PRESIDENT: Order! While it permissible for members to quote from a document, it is not permissible for them to use it as a prop. I believe the Minister was just quoting from it.

The Hon. MICHAEL GALLACHER: That is not a prop; this is a prop: "This is our time".

The PRESIDENT: Order! I call the Leader of the Government to order for the first time.

The Hon. MICHAEL GALLACHER: Three hundred and forty million dollars on top of the money that, under the Liberal-Nationals Government, has already been poured into the city of Newcastle. As I told the Hunter Valley Research Foundation yesterday: Get down to Newcastle and take a photograph of the city now. Walk around and take as many photographs as you can because it will be the last time you will see it looking like it is now, because we are going to get rid of that broken-down city that looks like the Labor Party. It is going to look like a modern twenty-first century city. It is going to again take its rightful place as the second-biggest city in New South Wales.

The Hon. Jennifer Gardiner: We're going to put its heart back in.

The Hon. MICHAEL GALLACHER: We are going to put the heart back into that city. We are doing something that for 100 years Labor did not do: we are acknowledging the need to invest in that city and in that region. We are going to create jobs—not jobs in Hunter Street, Sydney, but in Hunter Street, Newcastle.

MINISTER FOR FINANCE AND SERVICES, AND MINISTER FOR THE ILLAWARRA

The Hon. STEVE WHAN: My question is directed to the Minister for Police and Emergency Services. In light of the Minister's previous answer, will the Minister tell the House whether he recommended to the Premier that he sack the Hon. Greg Pearce?

The Hon. MICHAEL GALLACHER: In light of my earlier answer I refer the member to my earlier answer.

STATE BUDGET AND FREIGHT INFRASTRUCTURE

The Hon. CATHERINE CUSACK: My question is directed to the Minister for Roads and Ports. Will the Minister update the House on funding for freight infrastructure in the 2013-14 New South Wales budget?

The Hon. DUNCAN GAY: As the Minister responsible for Ports, my portfolio covers a lot of things related to rail freight, and last year I had the pleasure of announcing a significant investment of \$277 million over five years to maintain and upgrade the State's 996 kilometres of grain rail lines. Not only is this Government delivering record roads budgets for the bush—more than \$11 billion in three years—but we are also delivering record budgets for grain rail lines in regional New South Wales. Someone remarked to me the other day that 16 years of State Labor will be remembered as the lost and wasted years of delivering critical infrastructure in New South Wales.

The Hon. Amanda Fazio: Someone? It was probably one of your stupid colleagues. It wouldn't be a member of the public, that's for sure.

The Hon. DUNCAN GAY: I wish I had a voice to do justice to responses to comments from those muppets opposite.

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

The Hon. DUNCAN GAY: I am delighted to say that \$386 million has been allocated in the 2013-14 budget to continue ramping up the development and upgrade of the State's freight rail network. Much of the investment will be made in rural and regional New South Wales on long-overdue upgrades to grain lines, as well as on game-changing projects, including the northern Sydney freight corridor and development of freight rail infrastructure between Wyong and Newcastle. The expected doubling of the freight task in New South Wales over the next 20 years highlights the need for investment in the rail freight network and, in part, drove the development of the first-ever New South Wales Freight and Ports Strategy—something Labor never envisaged doing.

The New South Wales Liberal-Nationals Government is determined to improve the condition and reliability of country grain lines to attract more bulk freight onto rail and, in the process, help to ease pressure on regional and local roads owned and managed by councils. As such, in the next financial year we are providing \$177 million towards the maintenance of the country regional network. Of this, more than \$48 million will be allocated for work on grain lines. The work in 2013-14 will include replacing 89,000 timber sleepers with modern steel sleepers, including works on the Wee Waa to Burren Junction, the Bogan Gate to Tottenham and the Griffith to Hillston lines; resurfacing 306 kilometres of track; upgrading eight level crossings, including several crossings between Wee Waa and Burren Junction; and replacing or upgrading eight rail bridges and culverts, including a major upgrade at Culgoora on the Narrabri to Burren Junction line. On grain lines this financial year we have already replaced more than 56,000 old timber sleepers—

The Hon. Steve Whan: I can think of some old sleepers to replace as well.

The Hon. DUNCAN GAY: —replaced 13 old culverts, upgraded 13 level crossings, resurfaced 188 kilometres of track and refurbished 62 kilometres of old worn rail. If the Labor Party removed all the old sleepers over there we would be in a lot better situation too. People who read this will not know there has been all this chatter going on amongst Labor Party members on the other side of the House. They were not interested in hearing about the improvements in infrastructure in regional New South Wales; they just do not give a damn. [*Time expired.*]

COBBORA COAL PROJECT

Dr JOHN KAYE: My question without notice is directed to the Minister for Police and Emergency Services, representing the Treasurer. Given that the 2013-14 budget committed no new capital funding for the development of the Cobbora coalmine, stating that the Government is "exploring options including alternative supplies", will those landowners who are still there cease to be under pressure to sell their land and will those who have already sold be given the option to purchase their land back?

The Hon. MICHAEL GALLACHER: I will refer the question to the Treasurer as requested in that question.

RURAL AND REGIONAL SCHOOL BUS SAFETY

The Hon. PENNY SHARPE: My question is directed to the Minister for Roads and Ports, representing the Minister for Transport. After the Government set up an inquiry into rural and regional school bus safety and after having received a comprehensive report on the options for putting seat belts into school buses in regional New South Wales, why does the budget fail to allocate one additional dollar to implement any of the 35 recommendations put forward by the School Bus Safety Committee?

The Hon. DUNCAN GAY: The Opposition cannot keep up with our Minister for Transport. Our Minister for Transport is just outstanding. This is the first question we have had on the budget relating to transport. The shadow Minister is here in our House but she is scared of the Minister for Transport, who is doing such a good job.

The Hon. Penny Sharpe: Point of order: While it is very difficult to hear the Minister, he is debating the question and not answering it.

The PRESIDENT: Order! I think all members would admire the fortitude with which the Minister is trying to answer questions in the circumstances, but I ask the Minister to speak into the microphone as much as possible. I am afraid I did not hear whether the Minister was debating the question. The Minister has the call.

The Hon. DUNCAN GAY: I apologise. I will speak into the microphone, because I know the Opposition has very selective hearing.

The Hon. Penny Sharpe: We can't actually hear you.

The Hon. DUNCAN GAY: You only hear what you want to hear: that is your problem. I will take the question on notice and refer it to my colleague, the great Minister for Transport, for a detailed answer.

BYRON SHIRE CENTRAL HOSPITAL

The Hon. JAN BARHAM: My question without notice is directed to the Minister for Police and Emergency Services, representing the Minister for Health. Will the Minister explain the reason planning to review health services for Byron Shire Central Hospital in the budget has been identified as commercial-in-confidence? Is this an additional announcement to the one made on 11 December 2012 regarding the allocation of \$500,000 for the development of a master plan and business case, or is it new money?

The Hon. MICHAEL GALLACHER: In December the Minister for Health joined the Parliamentary Secretary for Regional Health, together with the member for Ballina, Don Page, to announce \$500,000 for the next stage of planning for the Byron Shire Central Hospital. In the budget the Government delivered on its commitment by allocating half a million dollars for planning for Byron Bay. However, planning has been progressing since the announcement in December and the Northern New South Wales Local Area Health District completed the clinical service plan in March this year.

Functional briefing has also been completed. It includes extensive user and clinician consultation and will form the next stages of the design and development. The document contains the proposed models of care, how services are to be delivered and the spatial area requirements for the units. The document also contains an outline of how functional areas relate to one another, including, for example, which areas of the hospital must be located near one another to best achieve the model of care. The functional brief forms part of the project definition plan and can also contain technical and equipment requirements of the unit.

This week tenders open for architects and project managers. Health Infrastructure expects to award contracts by the middle of July 2013. These consultations will develop the site master plan and business case for the Byron Shire Central Hospital. Once these steps are completed the project business case will be subject to a Treasury gateway review for consideration of further funding to progress the project to the implementation stage. Planning will be completed by the end of this year. An estimated total cost for the hospital cannot be known until the planning process has been completed.

PETROL TANKER ROAD SAFETY

The Hon. RICK COLLESS: My question is directed to the Minister for Police and Emergency Services. Will the Minister update the House on what action the NSW Police Force takes to ensure the safety of petrol tankers when it conducts heavy vehicle and traffic operations?

The Hon. MICHAEL GALLACHER: I thank the honourable member for his question. As members are aware, police and Roads and Maritime Services officers have targeted heavy vehicles for the past year or so. Officers have targeted speeding, heavy vehicle standards and drug and alcohol use. They also look for evidence of speed limiters being tampered with. They will conduct specific operations such as Operation Steel 3, which my colleague the Minister for Roads spoke about on 7 May, and Operation Barton, which I spoke about a few weeks ago. They also will respond to circumstances and situations as they arise.

During the Anzac weekend, for example, traffic operations police detected a petrol tanker exceeding its 100 kilometres per hour speed limit. An inspection revealed evidence that the speed limiter may have been tampered with. As a result of that incident police and Roads and Maritime Services inspectors quickly activated their joint heavy vehicle task force for a responsive operation focusing on petrol tankers. Inspection stations were set up at Botany and Silverwater and tankers were intercepted as they left or entered the terminals. They then were escorted into Roads and Maritime Services facilities for mechanical inspections and to have their engine control modules [ECMs] downloaded. Engine control module downloads help identify whether speed limiters have been tampered with.

During this impromptu operation 39 tankers were intercepted and inspected. Five appeared to have had their speed limiters tampered with, and further action will be taken against them. In addition, 24 other vehicle defects were identified and four penalty notices were issued. The information obtained by officers involved in these operations was shared with police and road agencies in other States and Territories as part of Operation Austrans, which was also held recently. Police and Roads and Maritime Services are undertaking some follow-up work with the petrol companies and their transport operators to improve road safety awareness among drivers and operators. The volatile nature of petrol tanker cargo means that tanker drivers carry an extra burden of responsibility when using our roads. I congratulate the police and the Roads and Maritime Services officers on their quick and proactive response to this incident.

STATE BUDGET AND INFRASTRUCTURE

The Hon. SOPHIE COTSIS: My question is directed to the Minister for Police and Emergency Services, representing the Treasurer. How can the Government claim it is delivering the infrastructure that this State needs when it has cut \$2.1 billion in planned infrastructure spending in this year's budget?

The Hon. MICHAEL GALLACHER: Members opposite are infrastructure deniers. It is amazing. They just want to keep talking down the economy and talking down the need to invest in infrastructure. They continue to talk the State down, but, thankfully, we now have a Government that is looking forward to rebuilding the State's confidence after 16 years of neglect. If the honourable member had listened she would know that a few moments ago I spoke about Newcastle as just one example. Labor held that city for nearly 100 years. It has now gone from its grasp and is never to return. That city will be rebuilt with our \$340 million investment as well as the money that will go into roads, schools and hospitals. Newcastle will finally see on its skyline what it has lacked for many years: cranes. Cranes represent growth and jobs and a non-Labor period in our State's history.

STATE BUDGET AND PUBLIC TRANSPORT

The Hon. MARIE FICARRA: My question is directed to the Minister for Roads and Ports, representing the Minister for Transport. Will the Minister update the House on funding for public transport in the 2013-14 budget?

The Hon. DUNCAN GAY: I was hoping the Opposition would ask that question. The Opposition spokesperson is here, but we have not heard a question. I am pleased to have the opportunity to update the House on the Government's progress on public transport infrastructure. We are getting on with the job in an area where members opposite failed for so long. Labor promised 12 railway lines during its 16 years in government. How many of those 12 railway lines did it deliver? Not one. Labor built half a railway line, and it cost twice what it said it would. In contrast, this year's budget backs up our commitment to public transport with cold, hard cash, much as it does for roads. The 2013-14 budget includes an investment of \$6.4 billion over four years on the big six public transport infrastructure projects, which are set to generate unprecedented levels of construction over the coming years.

The Hon. Amanda Fazio: And disruption to the community.

The Hon. DUNCAN GAY: There is Labor's contribution. They probably did nothing for 16 years because that kind-hearted, soft soul the Hon. Amanda Fazio did not want disruption to the community. Even the Hon. Walt Secord would be proud of that spin that they did not do anything because they did not want to disrupt the community. The community understands that slight discomfort is the price of progress. The community wants progress.

The PRESIDENT: Order! I call the Hon. Greg Donnelly to order for the first time. I call the Hon. Amanda Fazio to order for the first time.

The Hon. DUNCAN GAY: More than 5,000 direct jobs and significantly more indirect jobs will be created per year during construction of the projects—jobs the Labor Party did not want. For this year alone, the budget delivers \$806 million for the North West Rail Link. The Government is in the process of demolishing approximately 90 properties along the corridor. The Government also is preparing for the first tunnel-boring machine to be in the ground next year.

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

The Hon. DUNCAN GAY: A massive \$4 billion over four years has been allocated to the North West Rail Link. Last Sunday the Premier, in the company of the absolutely outstanding Minister for Transport, the Hon. Gladys Berejiklian, and some very happy local members of Parliament, announced that the total cost of the project is \$8.3 billion and that people will be riding in the trains in late 2019.

The Hon. Walt Secord: Gladys's staff wrote this speech. It sounds like Gladys wrote this.

The Hon. Penny Sharpe: She said that this week, word for word.

The Hon. DUNCAN GAY: I can hear chatter, particularly from the shadow Minister, but never a question.

The Hon. Michael Gallacher: White noise.

The Hon. DUNCAN GAY: The Minister for Police and Emergency Services is right, it is white noise.

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

The Hon. DUNCAN GAY: Local members of Parliament are happy because the Government is delivering what Labor promised but did not deliver.

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

The Hon. DUNCAN GAY: The Government always has said that the project would cost between \$7.5 million and \$8.5 million, excluding rolling stock. I am very pleased that the project cost, \$8.3 million, includes modern, high-capacity rapid transit trains. This Government has done its homework, unlike Labor which did its transport planning on the back of an envelope. [*Time expired.*]

THE GREENS

The Hon. ROBERT BORSAK: My question is directed to the Leader of the House in the Legislative Council, the Hon. Duncan Gay, who was first elected to this House in 1988. In the interests of transparency during the 2013 Federal election and to allow The Greens candidate, Ms Cate Faehrmann, to properly inform the people of New South Wales about how successful The Greens have been in the past 18 years—even now, with five members—I ask: Is it a fact that The Greens have not had a single bill passed into law in that time?

The Hon. Luke Foley: That is not true. They owned the election funding bill jointly with the Liberals.

The Hon. DUNCAN GAY: I think the Leader of the Opposition is correct, but I am not absolutely certain.

The Hon. Dr Peter Phelps: They tried to invite Gilbert and Tobin but they could only get it half right.

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

The Hon. DUNCAN GAY: I cannot remember anything that The Greens have done on their own.

The Hon. Michael Gallacher: They have just destroyed.

The Hon. DUNCAN GAY: They have destroyed a lot of things in coalition with the Labor Party. It is like Lee Rhiannon and her mates in Canberra—destroying the country step by step. The Greens still have not condemned the placing of cameras on private property in the piggeries at Young, which is absolutely appalling. The Greens stand on corners talking about protecting the rights of people to privacy. Yet they are totally silent over the planting of closed-circuit television cameras in a piggery, thereby breaching the privacy of people who are operating a legitimate and honest business. The Greens pretend to be supporters of farmers, but when we scratch the surface we find they are just career terrorists in koala suits. The Government is not aware of The Greens being successful in passing any of their bills.

WESTCONNEX MOTORWAY

The Hon. SHAOQUETT MOSELMANE: My question is directed to the Minister for Roads and Ports. Can the Minister guarantee that the WestConnex project will include dedicated public transport lanes?

The Hon. Michael Gallacher: And an intergalactic space station.

The Hon. DUNCAN GAY: Yes and an Australian Labor Party branch headquarters. This question comes from the Labor Party, which is not a supporter of WestConnex. This question has been asked by a member of the Labor Party which is doing everything it possibly can, in coalition with its Federal colleagues, to ensure that WestConnex does not happen. Currently, a business plan is being developed. When the plan is published, it will provide full details on where the integrated public transport fits in.

The Hon. Amanda Fazio: Dedicated transport lanes? We want an answer.

The Hon. DUNCAN GAY: Just listen to the Julia clone. There they were in Canberra, but they did not want to put any money towards the project. They forecast expenditure for 2019, 2020 and 2021—years after the work has started.

The PRESIDENT: Order! I call the Hon. Amanda Fazio to order for the second time.

The Hon. DUNCAN GAY: They wanted to add \$8 billion worth of costs. They wanted to make sure it did not happen.

The Hon. Penny Sharpe: The question was about dedicated transport lanes.

The Hon. DUNCAN GAY: There she is, the squawker, who does not ask any questions in this House dealing with public transport and gets her mates to protect her.

The Hon. Amanda Fazio: Point of order: It is inappropriate for the Minister to refer to an Opposition member as "she" and "squawker". If the Minister for Roads and Ports wants to refer to members on the Opposition side of the Chamber, he should do so by using their correct titles, or refrain.

The PRESIDENT: Order! Previously I have ruled that the word "squawking" is offensive and should be withdrawn. The Minister was pointing to a member and identified her gender. Clearly, the Minister was referring to the Hon. Penny Sharpe. I require the Minister to withdraw.

The Hon. DUNCAN GAY: Mr President, I withdraw the comment "squawker", as it offends the honourable member. The clear fact is that public transport is integral to the Government's project. Public transport and easing congestion for the people of Sydney is about having plans and building, something the Labor Party would not have a clue about.

NSW POLICE BAND

The Hon. CHARLIE LYNN: My question is directed to the Minister for Police and Emergency Services. Will the Minister update the House in relation to the NSW Police Band?

The PRESIDENT: Order! I remind the Hon. Amanda Fazio that she is on two calls to order.

The Hon. MICHAEL GALLACHER: As members may be aware, the NSW Police Band is the longest serving concert band in Australia, having served the State and the people of New South Wales since its establishment in 1895. The band is a full-time unit of the NSW Police Force and comprises four police officers and 29 professional musicians, who are currently employed as special constables.

The PRESIDENT: Order! I remind the Hon. Penny Sharpe that she is on two calls to order.

The Hon. MICHAEL GALLACHER: The NSW Police Band supports community and multicultural-based policing activities throughout New South Wales, helping to forge stronger links between the police and local communities. The band has been engaged in high-profile activities, including many royal occasions, two papal visits and visits from heads of State and dignitaries from a wide range of countries. The talent within the NSW Police Band recently was affirmed when the lead singer, Special Constable Belinda Adams, was a contestant on the popular television show *The Voice*. Belinda's performance of the Jennifer Hudson song *I am Changing* had all four judges pitching their heartfelt reasons for wanting Belinda on their team. Ricky Martin, an artist who, I am told, has sold more than 70 million albums—and one of Duncan Gay's favourites—said to Belinda, "I believe that you can do anything you want with that voice". Before Belinda's appearance on *The Voice*, she had performed on television and sung the national anthem at the 2012 City to Surf.

The Hon. Lynda Voltz: They must have pulled this one out of the dixer's bottom drawer.

The Hon. MICHAEL GALLACHER: The Hon. Lynda Voltz is a bit of a singer. Belinda said her experience on *The Voice* was exhilarating, nerve wracking and exciting. Unfortunately, Belinda did not make it to the finals, but to get as far as she did in the competition is a great achievement. I extend my thanks and the heartfelt thanks of all members of this House to Belinda and to all the members of the NSW Police Band for the wonderful work they do. While it is proposed under legislation before the other place that the designation of NSW Police Band members as special constable will change, they will remain within the NSW Police Force, continue to wear the NSW Police uniform and also remain an important part of the NSW Police Force family, as well as its interaction with the community.

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

DOMESTIC VIOLENCE VICTIMS PROSECUTIONS

Mr DAVID SHOEBRIDGE: My question without notice is to the Minister for Police and Emergency Services. Noting the recent cases where victims of domestic violence have been prosecuted by police solely on the basis they have retracted a domestic violence allegation previously made to police, can the Minister inform the House what advice has been received from the police on this matter and whether he has sought advice on requiring as a policy that such matters are referred to senior police or to the Office of the Director of Public Prosecutions for a decision on whether charges are laid?

The Hon. MICHAEL GALLACHER: The NSW Police Force has advised that it will only prosecute someone for making false representations when it can be established that the original allegation was untrue. I am advised that the NSW Police Force provides guidance to its officers to not rely solely on admissions made by victims when deciding to proceed with such charges. The NSW Police Force remains committed to encouraging victims of domestic violence to report abuse and to building the confidence of victims of violence in the justice system. Accordingly, the NSW Police Force has proposed to review the adequacy of the existing standard operating procedures to consider whether it is desirable to escalate the level of approval for such prosecutions, and whether to require officers to first consult with specialist domestic violence liaison officers before proceeding with such prosecutions. I have asked to be kept informed of the outcomes of this review.

Mr DAVID SHOEBRIDGE: I ask a supplementary question. Can the Minister advise the House whether there is any proposed time line or period in which he expects a response to that review? Will he inform the House when he receives it?

The Hon. MICHAEL GALLACHER: I will consult with the Police Force about the time line and will consider the recommendations or advice I receive from them in that regard.

STATE BUDGET AND EDUCATION

The Hon. GREG DONNELLY: My question without notice is to the Minister for Police and Emergency Services, representing the Treasurer. If the Government is committed to providing a better education for young people in New South Wales, why has it cut the recurrent budget for high school education by \$20 million?

The Hon. MICHAEL GALLACHER: I will take that question on notice and ask the Treasurer to respond in the normal manner.

STATE BUDGET AND ROAD SAFETY

Mr SCOT MacDONALD: My question is directed to the Minister for Roads and Ports. Will the Minister update the House on funding for road safety in the 2013-14 budget?

The Hon. DUNCAN GAY: Honourable members will remember that on Tuesday the Hon. Walt Secord asked me a question about road safety.

The Hon. Walt Secord: And a supplementary.

The Hon. DUNCAN GAY: And a supplementary. He claims that we cut road safety funding—

The Hon. Walt Secord: I can't hear the member.

The Hon. DUNCAN GAY: Well, if you shut up you might.

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

The Hon. DUNCAN GAY: He claimed we cut road safety funding by \$32 million in this year's budget. He was wrong. His friend downstairs, the shadow Minister, was also wrong. Let me make this clear. In the 2013-14 budget the New South Wales Government has not cut road safety funding. In fact, we have increased funding by \$7 million. Last year we set up the Community Road Safety Fund to ensure speed, red light and heavy vehicle point-to-point camera revenue went directly into improving road safety. Funding from the New South Wales Government in 2012-13 was \$231 million. We also received a funding contribution from the Federal Government of \$39.6 million in 2012-13. This makes a total of \$270 million, the figure that was quoted by Labor on Tuesday. In this year's budget the New South Wales Government contribution has been increased by \$7 million to \$238 million but, sadly, the contribution from the Federal Labor Government has fallen to \$35 million. This represents a decrease in the Federal Government's funding of road safety. I thank the Hon. Walt Secord for enlightening the House on that point.

Given the Opposition's concern about road safety funding, I encourage the Hon. Walt Secord to maintain the rage and campaign against Julia and Kevin to make sure they reinstate the funding that is missing from New South Wales. Had the Hon. Walt Secord not highlighted this in the House it might have gone unnoticed. Walt got one part wrong but he got the other part right. I thank him on behalf of the people of New South Wales for highlighting this outrage that the Federal Government has cut road safety funding to New South Wales.

LENNOX BRIDGE PROPOSAL

The Hon. LYNDIA VOLTZ: My question is to the Minister for Roads and Ports. Given that a conservation report compiled by Roads and Maritime Services in July 2012 regarding Lennox Bridge at Parramatta described it as a "rare piece of architecture", can the Minister inform the House how many alternative proposals were considered before the integrated development application was lodged?

The Hon. DUNCAN GAY: I have read the brief on Lennox Bridge because Lennox has a particular affinity to my family, or my wife's family. My wife is Katherine Margaret Lennox Gay. The eldest of the children in her family has always had that name. Lennox was the great bridge builder in Governor Macquarie's time in New South Wales, and that is why I pay particular attention to Lennox Bridge.

The Hon. Luke Foley: I never doubted that you married up in the world.

The Hon. DUNCAN GAY: I thank the Leader of The Opposition for allowing me to put on the record that I am batting well above my weight, and my weight has improved substantially. Parramatta City Council, the owner of Lennox Bridge, has developed a proposal to drill portals into the historic bridge to create a riverside cycleway and walkway. The Roads and Maritime Services maintains the deck and the structure of the bridge and has provided Parramatta City Council with a conservation management plan which outlines the best way to look after this heritage structure.

I understand there are differing views in the community and some very strong views amongst heritage experts as to whether the proposed portals would diminish or enhance the bridge's heritage value and

functionality. It is a difficult question. The bridge will be altered to fulfil a twenty-first century role, yet technically the structure will be changed. If Lennox were building it today, would he have added an extra portal? We do not know, but we can make assumptions. The Roads and Maritime Services does not support the drilling of portals into the bridge, and this is outlined in the conservation management plan. As Lennox Bridge is owned by Parramatta City Council, the final decision on which option to pursue rests with the council.

BARTON HIGHWAY UPGRADE

The Hon. TREVOR KHAN: My question is directed to the Minister for Roads and Ports. Will the Minister please update the House on plans for the Barton Highway?

The Hon. DUNCAN GAY: I thank the member for his question and acknowledge the concern of the Yass community and council, which have organised a large petition about the Barton Highway. This highway is part of the National Land Transport Network, which is defined under Commonwealth law. As such, the Federal Government has a responsibility to provide appropriate levels of funding towards its upgrade. I am advised that under the five-year Nation Building Program to mid-2014 the Australian Government has committed \$40 million for safety improvements and corridor reservation for the future duplication of the Barton Highway. The bulk of the Nation Building funding work has been completed with several small-scale safety improvements still to be carried out. The future duplication is around 33 kilometres and includes a bypass of Murrumbateman, but that could also be part of a staged project. I am advised that the cost estimate in 2012 dollars is in excess of \$800 million—it is a pretty large project.

The New South Wales Government would expect the Australian Government to fully fund the duplication of the Barton Highway. Compared with State governments, the Commonwealth has a huge revenue base, including about \$15 billion collected in fuel excise annually. Despite New South Wales having more than 30 per cent of Australia's population, delivering more than 30 per cent of the nation's gross domestic product, bearing more than 30 per cent of the country's total traffic congestion costs and carrying more than 60 per cent of Australia's national road freight task, it receives only a fraction of the revenue generated by fuel tax. I know all members share that angst.

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

The House continued to sit.

The Hon. DUNCAN GAY: Best estimates indicate that New South Wales motorists fork out \$4 billion to \$5 billion in fuel taxes each year, yet in 2012-13 New South Wales received only \$1.1 billion in roads funding, or about 7 per cent of the national fuel excise from the Gillard Government. I note recent statements from Federal Labor that it needs New South Wales to prioritise this work before it can act. The last time I looked, the Prime Minister did not need my permission to allocate Federal money to one of its infrastructure projects. If the Federal Labor Government chooses to fully fund the Barton Highway duplication, we certainly would move to make that a reality. I commend the efforts of regional mayors who advocated for the Federal Government to address the long-term solution for the Barton Highway—a project that is long overdue.

The Hon. MICHAEL GALLACHER: The time for questions has concluded. If members have any further questions, they should place them on notice and they will be addressed in the normal manner.

CHILD PERSONAL FLOTATION DEVICES

The Hon. MICHAEL GALLACHER: Yesterday in question time Mr Scot MacDonald asked me a question about flood safety measures for children. At the commencement of my answer I indicated that my Parliamentary Secretary had attended a launch of the new child personal flotation devices on 14 June. Unfortunately, I jumped the gun. The launch will be held next Monday, 24 June. While the date may have been incorrect, as I indicated to the House, the good news is that around 690 kits will be distributed to all New South Wales State Emergency Service regions and unit vehicles across the State.

The Hon. Amanda Fazio: Where is it being held?

The Hon. MICHAEL GALLACHER: I indicated that yesterday. Each kit will contain three child life jackets in a range of sizes. I would like to elucidate my answer but, sadly, my time has concluded.

CAMPBELLTOWN ROAD UPGRADE AND BARDIA BARRACKS

The Hon. DUNCAN GAY: On 19 June the Hon. Lynda Voltz asked me a question regarding consultation with the community concerning Denham Court Road. I provide the following answer:

Roads and Maritime Services is proposing to widen Campbelltown Road between Camden Valley Way and Denham Court Road to two lanes initially in each direction, with the capacity for three lanes in each direction as future traffic growth requires.

The Campbelltown Road upgrade will provide an essential link to improve road safety and increase capacity for traffic expected from the South West Growth Centre precincts, while minimising impacts on residents and the heritage of the area, such as historic Denham Court House.

The Campbelltown Road upgrade has been shown on plans since 2002. The upgrade is consistent with, and supports, New South Wales planning strategies, including the State Infrastructure Strategy and the Long Term Transport Master Plan.

The upgrade corridor has also been confirmed through the Campbelltown Local Environmental Plan 2002.

Throughout May 2013, Roads and Maritime Services has sought community comment on the Review of Environmental Factors for the proposed upgrade.

Roads and Maritime Services extended the time frame for feedback until Friday 28 June after listening to community concerns, with many residents wanting extra time to understand the scope of the project.

Consultation includes four community sessions, a community mail-out, a specially developed web page and 11 weeks of consultation.

Community information has been delivered to residents to clarify areas of concern, including that neither the Brooks Road intersection with Campbelltown Road nor reopening the ramps between Brooks Road west and the M31 Hume motorway are in the project scope.

Community submissions help Roads and Maritime Services balance all aspects of the project, including managing traffic capacity, access arrangements, environment, heritage and construction.

Roads and Maritime Services has assessed the heritage impact of the project, and a copy of the Statement of Heritage Impact has been included in the Review of Environmental Factors.

Roads and Maritime Services advises a local community group has approached the Heritage Council to request an interim heritage order for Campbelltown Road. I am advised the Heritage Council is assessing the application and Roads and Maritime Services will provide advice on this order.

Roads and Maritime Services will respond to all written feedback received during the consultation period in a formal submissions report, which will be published on the project website in the coming months.

Questions without notice concluded.

HOLOCAUST DENIER MR FREDRICK TOBEN

Personal Explanation

Mr DAVID SHOEBRIDGE, by leave: Today in the *Australian* a story referred to my decision to refuse permission to Holocaust denier Fredrick Toben to attend an event I organised to support Palestinian rights. This morning on ABC Radio I said:

Probably the most offensive view you can have in relation to the issue of Israel and Palestine is to be a Holocaust denier.

A broadcast email about the event was inadvertently sent from my office to Mr Toben. He was put onto a distribution list by a staff member who was unaware of who Toben was. As soon as we became aware of who we were dealing with, we immediately withdrew the invitation and blacklisted him from further communication. Toben's offensive views on the Holocaust are completely incompatible with any engagement with my office or any political office. The *Australian* chose not to print the fact that we made it very clear to Mr Toben that he was not welcome specifically because he is a Holocaust denier. I, The Greens and everyone in my office strongly condemn anti-Semitism and Holocaust denial. I have stated this position repeatedly and publicly. I repeat it today.

Today the police Minister, in answer to a question on this issue, stated that I had received "Mr Toben's filthy lucre." This statement is both false and offensive. Not only did I utterly reject Mr Toben's request to attend the event, I never received and would reject absolutely any money that came from him or any source associated with him. I find those uninformed and false slurs on my name deeply disappointing coming from a Minister of the Crown.

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

That this House at its rising today do adjourn until Tuesday 25 June 2013 at 11.00 a.m.

TABLING OF PAPERS**The Hon. Duncan Gay** tabled the following paper:

Annual Reports (Departments) Act 1985—Report of the State Emergency Service for year ended 30 June 2012, together with a statement of reasons for lateness.

Report ordered to be printed on motion by the Hon. Duncan Gay.**OMBUDSMAN****Report**

The Hon. David Clarke tabled, pursuant to the Surveillance Devices Act 2007, a report of the Ombudsman entitled, "Report under Section 49(1) of the Surveillance Devices Act 2007 for the 6 months ending 31 December 2012", dated June 2013.

Ordered to be printed on motion by the Hon. David Clarke.**NSW SELF INSURANCE CORPORATION AMENDMENT BILL 2013****Second Reading**

The Hon. MATTHEW MASON-COX (Parliamentary Secretary) [3.38 p.m.], on behalf of the Hon. Greg Pearce: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The NSW Self Insurance Corporation Amendment Bill 2013 makes two changes that are designed to extend cover to non-government entities that work closely with government in certain circumstances.

The bill enables the NSW Self Insurance Corporation [SICorp] to cover principal arranged construction insurance that extends to non-government contractors for certain major capital works projects undertaken by or on behalf of the State or an authority of the State.

Principal Arranged Insurance [PAI] provides substantial benefits to Government over insurance arranged by the contractor. In particular, it removes the opportunity for the contractor to load the contract price with an inflated insurance premium.

New South Wales is entering a period where a number of large capital projects are being initiated. Construction insurance for major projects can be complex reflecting size, cost, engineering issues and risks. Insurance covering the construction period can either be a contractual requirement of the contractor, or arranged by agencies as Principal Arranged Insurance.

The Government has mandated the use of Principal Arranged Insurance for all future capital works projects undertaken by government agencies with an estimated total cost of \$10 million or more. The NSW Self Insurance Corporation will arrange Principal Arranged Insurance on behalf of agencies.

The NSW Self Insurance Corporation was established in 2005 and they manage a number of government-managed funds for the purpose of managing the liabilities of the State. Extending these arrangements to include principal arranged insurance is a sound decision.

One of these government-managed funds, the Self Insurance Fund, is not of itself insurance but rather a fund which, in accordance with the policies established by NSW Treasury, is made available for the purposes of meeting liabilities of the State and of authorities of the State.

Principal Arranged Insurance cover provided through SICorp will only be available where a State entity is a party to the contract, member of a partnership, joint venture or other arrangement. This condition will ensure that the Self Insurance Fund can only be used in circumstances where the State has an interest.

By its nature Principal Arranged Insurance provides a level of cover to contractors, and who are non-government entities. Principal Arranged Insurance does not relieve the contractor of responsibility for any loss or damage, merely the requirement to insure. The NSW Self Insurance Corporation will apply current commercially available Principal Arranged Insurance excess conditions to ensure contractors have a financial risk at stake.

The bill also confirms that the NSW Self Insurance Corporation may provide protection on an individual basis to "eligible State officials" for claims made against them with the exercise of their functions.

The bill proposes that persons described as "eligible State officials" will more expressly have the benefit of protection from the government-managed fund schemes and hence the Self Insurance Fund.

In particular, the NSW Self Insurance Corporation may provide indemnities or enter into agreements or arrangements with eligible State officials to protect them from various liabilities or risks that arise from the exercise of their powers and functions. These indemnities, agreements or arrangements will be a liability of the NSW Self Insurance Corporation, which will be enforceable against the NSW Self Insurance Corporation.

The NSW Government encourages the involvement of non-government representatives from the community to participate in various government boards and committees. Currently, there are approximately 4,000 government boards and committees with approximately 10,000 members. Historically individuals have always been covered, however with the passage of time, more adequate arrangements to provide protection are needed.

This change will not in any way alter the cover that directors and officers of NSW Treasury Managed Fund agencies have received since the inception of the NSW Treasury Managed Fund in 1989.

The NSW Government is taking positive steps to respond to matters that can reduce unnecessary expenditure across the State and to make doing business with Government more efficient.

I commend the bill to the House.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [3.38 p.m.]: The NSW Self Insurance Corporation Amendment Bill 2013 provides amendments to the NSW Self Insurance Corporation Act 2004. The Opposition will support this legislation. The New South Wales Self Insurance Corporation [SICorp] is a not-for-profit statutory corporation constituted by the NSW Self Insurance Corporation Act 2004 and is a part of New South Wales Treasury. The NSW Self Insurance Corporation's function is to administer the New South Wales Government's managed funds schemes. The main managed funds scheme, known as the Treasury Managed Fund, is the NSW Government Self Insurance Scheme. The Treasury Managed Fund protects the insurable assets and liability exposures of all general government sector agencies and a number of State owned corporations that have joined the scheme such as Sydney Water, Barangaroo Delivery Authority and Forests NSW amongst others. In addition to the Treasury Managed Fund, the NSW Self Insurance Corporation administers the Home Warranty Insurance Fund and a number of other government insurance schemes that have now closed.

On 1 July 2010 NSW Self Insurance Corporation became the sole home warranty insurer in New South Wales following the collapse in the home warranty market amongst private insurers in New South Wales. The Home Warranty Insurance Scheme is a comprehensive consumer protection regime for home owners undertaking residential building projects in New South Wales where the contract price exceeds \$20,000. Where a builder is unable to honour his commitments under a contract due to insolvency, death or disappearance, home warranty insurance provides a safety net for homeowners.

In the same way as the NSW Self Insurance Corporation provides protection as a part of the Home Warranty Insurance Scheme the Government now wishes to extend the activities of the NSW Self Insurance Corporation to provide construction insurance for certain major capital works projects undertaken by or on behalf of the State or an authority of the State. New section 8C provides that the NSW Self Insurance Corporation will deliver principal arranged construction insurance with respect to major capital works in New South Wales. Major capital works are the construction of a building, road, tramway, railway, bridge, tunnel or other capital works where one or more of the principals that are a party to the contract or a member of a partnership joint venture or other arrangement are the State or an authority of the State.

The bill provides for the establishment of a Construction Risk Insurance Fund in the special deposits account of the Treasury and the investment of money in the funds. Premiums paid by principals will be paid into the fund and payment of the claims on insurance will be paid out of the fund. The fund will be administered by the NSW Self Insurance Corporation. In his second reading speech the Treasurer stated:

The NSW Self Insurance Corporation will be able to provide the same level of cover at a significantly lower cost compared with individual private contractors insuring themselves directly in the market.

It would appear then that the driving principle behind this aspect of the bill is to save the Government money when securing insurance contracts for its major capital works. The bill also provides that the NSW Self Insurance Corporation may now provide protection on an individual basis to certain eligible State officials for

claims made against them in connection with the exercise of their function. In the same way as directors of corporations are protected from liability by means of directors' and officers' liability insurance certain State officials—whether employees or officers, members or directors, or other officers of State authorities such as State owned corporations—are covered by an indemnity provided by the State Government. I assume the speech that the Hon. Matthew Mason-Cox incorporated into *Hansard* contained the statement made by the Treasurer in his second reading speech:

More adequate arrangements are needed to enable the NSW Self Insurance Corporation to confirm the protection that is available to these individuals.

The bill provides that in exercising its functions to arrange insurance for eligible officers the NSW Self Insurance Corporation may not insure them directly but may only enter into contracts of insurance to arrange the necessary coverage. It would appear that the bill is relatively uncontroversial. I will ask a question of the Hon. Matthew Mason-Cox. It is an honest query. Is this legislation motivated by or does it arise in any way out of the Collins inquiry into collapses in the building and construction industry? I note there was some controversy where builders that financially collapsed when contracting on State Government jobs left a situation where subcontractors had not been paid, creating a dilemma for Government.

I am wondering whether some of the arrangements in the bill are to protect the State from any potential liabilities that might arise therefrom. I assume not, given if it had been part of the Collins inquiry report the Government response would have said so. I wanted to make that clear; only if there are any liabilities that have not been met. With that one query the Opposition will be supporting the NSW Self Insurance Corporation Amendment Bill 2013. I understand the answer to my question is no.

The Hon. PAUL GREEN [3.45 p.m.]: The Christian Democratic Party supports the NSW Self Insurance Corporation Amendment Bill 2013. I note the objects of the bill are:

The object of this Bill is to amend the NSW Self Insurance Corporation Act 2004:

- (a) to confirm that the NSW Self Insurance Corporation may provide protection on an individual basis to eligible State officials (in addition, or as an alternative, to cover for authorities to which they belong) for claims made against them in connection with the exercise of their functions, and
- (b) to enable the NSW Self Insurance Corporation to provide principal arranged construction insurance that extends to non-government contractors for certain major capital works projects undertaken by or on behalf of the State or an authority of the State.

The Christian Democratic Party notes that the Hon. Adam Searle spoke to those points. This amendment bill seeks to give New South Wales taxpayers better value for their dollar with risk management of major projects. The Christian Democratic Party notes that the goal of the amendment is for the State to access lower costs where possible when securing contracts on major projects. The Christian Democratic Party supports the bill.

Dr JOHN KAYE [3.46 p.m.]: I indicate from the outset that The Greens support the NSW Self Insurance Corporation Amendment Bill 2013. The Greens circulated an amendment earlier but will not be proceeding with it. I thank the Treasurer's office for its usual courteous behaviour when dealing with The Greens. I find myself in furious disagreement with the Treasurer on a whole range of policy issues but his office and staff are a model of courtesy—it is a model that other Ministers might wish to replicate in respect of the smooth operation of this Parliament. His office engaged with our amendment in a way that was entirely constructive and intelligent. His staff did not snow us but came up with genuine answers, by which I am persuaded. I thank the Minister and his office for doing that.

This bill confirms that the NSW Self Insurance Corporation can provide protection to eligible State officials being an employee or officer of the State or employer, member, or director of an authority in respect of claims made against them. One suspects it is already the situation, but it is a sensible arrangement, that officers of the State who have a claim made against them are protected in the functioning of their duty by the NSW Self Insurance Corporation. That is a sensible outcome and one which The Greens support. It enables the NSW Self Insurance Corporation to provide principal arranged construction insurance to non-government contractors for capital works projects.

This is a situation where insurance is arranged by the principal, which in this case would be the State, to cover not only the principal but the contractors in respect of the risk associated with the contract work. The

provision of principal arranged construction insurance will in general be cheaper than the provision of commercial insurance. Therefore, it makes sense for the State to extend that cheaper insurance rate to its contractors, the benefit of which will be returned to the State in respect of cheaper contract bids. In principle the State gets the benefit of providing cheaper insurance.

The third aspect of the bill is that it establishes the Construction Risks Insurance Fund, which will receive funds from premiums for principal arranged construction insurance issued by the NSW Self Insurance Corporation and will pay out claims. To my understanding, it is like a subset of the NSW Self Insurance Corporation. The corporation itself, of course, is a branch of the Budget and Financial Management Directorate of NSW Treasury. I do not need to explain self-insurance; it is cheaper for large entities to absorb their own risk by setting aside funds that would otherwise go into an insurance fund. In effect, the State receives the benefits of not only the premium but also the profit that a private insurer might make. It is a sensible arrangement for the State to do this itself; it is a good thing.

The only concern The Greens have is with the NSW Self Insurance Corporation providing principal arranged construction insurance to non-government contractors. We are keen to ensure that the provision of that insurance is not done at the market rate—that would defeat the whole purpose for doing this because it would inflate the cost of the project—but at a rate that reflects the marginal cost to the State, that is, the incremental costs impacts on the self-insurance funds to ensure that any risk is fully compensated for.

We are persuaded by our interactions with the Treasurer's office that that would be a difficult calculation and might not be meaningful in that whatever benefits are given to contractors are least in principle returned to the NSW Self Insurance Corporation by way of lower bids. Therefore, it does not make a lot of sense and is a bit like a dog chasing its own tail. I am reasonably convinced that is true but will monitor this issue over the coming years as the arrangement plays out. The information given to our office was sensible. It was delivered in a way that we understood and has persuaded us not to proceed with the amendment. That being said, I thank the Minister's office and commend the bill to the House.

The Hon. MATTHEW MASON-COX (Parliamentary Secretary) [3.52 p.m.], in reply: I thank the Deputy Leader of the Opposition, the Hon. Paul Green and Dr John Kaye for their contributions to debate on the NSW Self Insurance Corporation Amendment Bill 2013. In answer to the question raised by the Deputy Leader of the Opposition, the bill has nothing to do with the Collins inquiry into the building construction industry. As stated in the second reading speech, the bill deals with two principal areas: principal arranged insurance and cover for eligible State officials. With respect to the first area, adopting a whole-of-government policy mandating principal arranged insurance provides substantial benefits to the Government over insurances arranged by the contractor. It provides comfort that adequate insurance arrangements are in place with a reputable insurer.

It removes the administrative burden of ensuring contractor policies remain current as well as complex issues surrounding who may be responsible for a loss or liability that occurs at various stages of the project. Most importantly, it removes the opportunity for the contractor to load the contract price with an inflated insurance premium. This has been a problem in the past in government and based on industry advice from Aon Benfield, savings to government of 30 per cent to 40 per cent of the insurance premium are likely. That is a significant saving, particularly when one considers the infrastructure projects to which the Government is committed. It also provides improved risk management through a rigorous risk assessment, providing greater transparency of aggregated risk profiles for major capital works.

I note that a contribution will be payable by the agency to cover the risk, similar to the way in which NSW Treasury Managed Fund contributions are calculated. The Self Insurance Corporation [SICorp] will apply current commercially available principal arranged insurance excess conditions to ensure contractors have a financial risk at stake. Principal arranged insurance cover is available only where the State is a party to the construction contract or arrangements are of a similar nature. I note in particular that the NSW Self Insurance Corporation is experienced in this area and runs this area on behalf of government agencies. Indeed, it has done so for some time, having been introduced under the Greiner Government.

With respect to the second area—cover for eligible State officials—increasingly some directors and officers are not satisfied with being offered directors and officers indemnity through the Treasury Managed Fund; they require cover and conditions equivalent to what is being offered by the insurance market, including a policy document noting them as a party to the insurance contract. In this litigious world that is a requirement the Government has seen fit to make. The bill enables the Self Insurance Corporation to provide enforceable

indemnity to individuals that protects them in exercising their functions. I note that these changes do not in any way alter the cover that directors and officers of NSW Treasury Managed Fund agencies have received since the inception of the NSW Treasury Managed Fund in 1989. Accordingly, I commend the bill to the House.

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

Motion agreed to.

Bill read a second time.

Leave granted to proceed to the third reading of the bill forthwith.

Third Reading

Motion by the Hon. Matthew Mason-Cox, on behalf of the Hon. Greg Pearce, agreed to:

That this bill be now read a third time.

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

LOCAL GOVERNMENT AMENDMENT (EARLY INTERVENTION) BILL 2013

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL 2013

Messages received from the Legislative Assembly agreeing to the Legislative Council's amendments.

ADJOURNMENT

The Hon. MATTHEW MASON-COX (Parliamentary Secretary) [3.55 p.m.]: I move:

That this House do now adjourn.

CHILD SEXUAL ABUSE

The Hon. JAN BARHAM [3.55 p.m.]: Mr John Saunders is a resident of Byron shire and I am proud to provide this opportunity for his words to go on the record of the New South Wales Legislative Council. John was a victim of child abuse in his Catholic schooling and has wrestled with the impacts of his early life experiences. John is a very brave and inspirational individual who has been willing to stand up and speak out. This has led to the publication of his "Sexual Abuse Survivor's Handbook" and his "Duty of Care" document, which has been sent to the Australian royal commission to assist victims of child abuse and help create organisational change. John writes the following in deep frustration that is totally understandable. He states:

I have been going over old ground for over 17 years and lived through 17 years of cover-up. Do I have to be 'a professional' to be heard as a human being, my testimony to be taken seriously, acted upon now and not in another 17 years? My life and thousands of others have been devastated by events that could have been avoided.

I cannot even mount a 'Duty of Care' case against the Roman Catholic Church now, as my lawyers and I tried to do in 2000. Why? Because the church and their lawyers and insurers withheld my Psychiatric report in 2000, so we could not mount a claim! Now over 12 years has passed and they have released the report, knowing the passage of time destroys that litigation case even further. I feel sick because I have been treated as if I am not a human soul by an institution that is supposed to represent the human soul and proclaims that it is a compass for its growth towards god. I have been accessed like a car involved in an accident and written off. You may all laugh and that is okay, however we all know it is closer to the truth than we care to admit to.

The protection afforded to the Roman Catholic Church against vulnerable children through to their adulthood and the insurmountable odds against getting justice has broken my heart many times over. And I am just like any other man you may pass in the street. If only protection of children was as insurmountable to an abuser and those that collude in these crimes, as the above has been to so many victims.

I am so sorry for my children, as they missed out on me being a Dad to them from my withdrawal, out of fear of abusing them and being so bloody self-conscious. For the things I never got to share with them for fear of showing them I loved myself (I didn't) and reveal that to them in our life together, to increase their self esteem. I instead struggled with the fear that life would take love from me once again. I live with this challenge on the surface of my life every day. But you would not know that just looking at me.

I, like so many others, wrestle with the idea of ending my life in the hope of escaping the pain of "living out loud" and being abused again. Feeling different from the rest, insecure, fear of giving and receiving innocent human love are common themes for most survivors. However, the more these isolating events are destroyed, by the sharing of them with others that have experienced similar and those that have not been abused, the more the loss of my innocence is mourned and forgiveness reached. Through sharing, I find out what life is like for people who have not been abused and take small steps towards "living out loud". That life is good.

Introducing sexual acts to children is illegal in every society. It severely disrupts the maturation of a child's soul causing deep insecurity. This can take a lifetime to heal, if at all. In many instances victims take their own life so they do not have to live with the pain.

So what is my government waiting for?

Abuse of a child is a horrific crime! "The initial act", "the act of covering up", "the creation of a safe harbour" by an individual or organisation for these criminals to continue abusing children and avoid our justice system is a criminal offence under Australian law and punishable by serving a prison term.

My request is the Roman Catholic Church be required by Australian law to set up a trust fund for victims of child abuse, so that realistic compensation is paid to them for the lifelong damage caused by these horrific crimes.

Please do your best to not judge me as weak. It was these events that were deliberately visited upon my life that changed me. And as you know there are thousands of us in Australia alone.

I acknowledge John Saunders' bravery in speaking out alongside all those people who have survived child sexual abuse and have taken on the role of supporting others. I also acknowledge those who have not survived and are no longer with us; as we know, there are many who could not live with the pain and, in some cases, the shame. We owe all these people an apology, but for now we must support them.

COAL INDUSTRY

Mr SCOT MacDONALD [4.00 p.m.]: The Australian Labor Party does not understand the economy of New South Wales. On Sunday 19 May the Leader of the Opposition, John Robertson, said at a conference held at Kurri Kurri called "Beyond Coal and Gas Gathering":

Coal needs to be phased out. The Labor Party agrees coal needs to be phased out and the plan to do that is being developed. Luke is working on the plan.

Twelve days later the NSW Trade and Investment indicators report confirmed that coal is this State's single biggest export, worth \$13.9 billion in 2012. Coal accounts for around 80 per cent of New South Wales' mining by value. It is worth reminding the electors of this State what the consequences are of the Australian Labor Party outsourcing its policy platform to The Greens and Front Line Action on Coal. Mining provides New South Wales with around 85 per cent of its electricity; mining directly employs 80,000 people across New South Wales and coal accounts for over 21,000 of those jobs; mining indirectly employs another 280,000 men and women; mining contributes \$1.5 billion annually in royalties to the people of New South Wales; and mining companies spend over \$9.30 billion with local business and on wages each year.

But let us drill down to the economic regions so that the people of New South Wales can appreciate what are the consequences of the Opposition turning its back on the coal industry. The majority of people in New South Wales employed in mining are based in the Hunter—more than 17,000. The northern, north-west and central west areas have nearly 9,500 employees. The Illawarra, south-east and Sydney region have 5,000 workers in mining. A lot of people and their families have been dismissed by the Australian Labor Party. Former Prime Minister Ben Chifley would be turning in his grave. That Labor icon stood up for the coal industry and drove the communists out of its ranks. His entire maiden speech was devoted to the value of the New South Wales coal industry and the conditions of its workers. The current New South Wales Labor leader is inviting the modern day equivalents of the communists to dictate their policy on coal, and that policy is to shut down the industry.

I take this opportunity to correct a mistake made by Dr John Kaye in our debate on The Greens' support for unlawful activities. Dr John Kaye said that New South Wales extracts 145 million tonnes of coal each year and I interjected that that was about 5 per cent of the world. Dr John Kaye responded, "That is not true. The member's statistics are totally out, but never mind." So what is the truth about New South Wales coal? In its latest figures for 2011 the World Coal Association states that the total world production was 7,678 million tonnes. Australia is the world's fourth largest producer at 414 million tonnes, which is 5.3 per cent—hence, my assertion of 5 per cent. But I overstated the case, because of course New South Wales is only part of this country's production. New South Wales produces 1.9 per cent of global volumes. I apologise to the House for

overclaiming our contribution. I think the figure is actually closer to 2 per cent, because the Minerals Council quotes production of saleable coal in New South Wales as 157 million tonnes in 2010-11. In that year we exported just over 121 million tonnes.

In other words, if New South Wales coalmines shut down, as the Australian Labor Party and The Greens hope, the world would have to fill a gap for less than eight days. More than likely that eight-day shortfall would quickly be made up by keen competitors, such as the world's largest exporter, Indonesia, whose low calorific product will almost certainly not improve world carbon emissions. Aside from the irresponsible, populist meanderings of the Labor Party or the irrationality of The Greens, what I find most offensive is the complete disregard for the most disadvantaged people on this planet by the Opposition and their Greens partners.

According to the World Bank, 1.2 billion people still do not have access to electricity; 2.8 billion people use wood for cooking and heating; and 3.5 million women and children die each year from respiratory diseases related to those fumes because it is women and children who are caught indoors. These deaths outnumber malaria and HIV-AIDS combined. It is remarkable to think that connecting those 1.2 billion people to the grid would add only 1 per cent to world emissions.

The Labor Party and The Greens can repudiate coal in this State, but I do not and the New South Wales Liberal Party and The Nationals do not. We stand up for coal and communities such as the Hunter, Illawarra, Bathurst, Orange, Tamworth and Barwon; we stand up for jobs and opportunity. We do have rigorous environmental regulatory safeguards. I hope to see coal exports grow. I hope to see those 1.2 billion people dragged out of abject poverty. I hope to see the end of intellectual dishonesty from The Greens and the Australian Labor Party.

HUNTING IN NATIONAL PARKS

The Hon. LUKE FOLEY (Leader of the Opposition) [4.05 p.m.]: As each month goes by New South Wales witnesses yet another assault on our precious national park estate, courtesy of the Liberal-Nationals Government. This Government has moved to allow amateur hunting in New South Wales national parks. This Government has moved to allow grazing in some New South Wales national parks. This Government has exercised its numbers on the Legislative Council inquiry into the management of public land in New South Wales to contemplate an increased range of activities in New South Wales national parks, a number of which will severely damage the environmental values in our national park estate. Those activities include timber cutting and grazing as well as recreational hunting.

In 2006 the Liberal-Nationals Coalition signed a memorandum of understanding with peak horseriding stakeholders, which seeks to provide more horseriding opportunities in national parks, including in wilderness areas and nature reserves. Since coming to office the Government has moved to honour that commitment by releasing a document entitled, "Strategic directions for horseriding in NSW national parks". The document notes:

There are currently over 110 national parks across New South Wales where people can enjoy horse riding. The NSW Government is committed to increasing the level of access to allow horse riders the opportunity to experience a wider range of national parks.

The Minister for the Environment, Robyn Parker, is in charge of determining how recreational hunting will be regulated in New South Wales national parks. The Government has moved to allow amateur hunting and to extend horseriding in national parks. I advise the House that, under the risk assessment presided over by Minister Robyn Parker, the firing of a gun from the back of a horse will be allowable in New South Wales national parks. I respectfully suggest that discharging a firearm from the back of a horse is unsatisfactory from a safety perspective.

The Hon. Rick Colless: Who told you that, Luke?

The Hon. LUKE FOLEY: For the information of the Deputy Government Whip, I repeat: There is nothing in the Office of Environment and Heritage risk assessment which would prohibit hunting on horseback in a New South Wales national park. The Government has moved to both extend horseriding and allow amateur hunting in national parks. We know that the performances of the Minister for the Environment have been calamitous, but this truly makes Robyn Parker the Calamity Jane of New South Wales.

The PRESIDENT: Order! The honourable member will resume his seat. The honourable member is now reflecting on a member of the other House and is out of order and he knows it. He should not reflect upon a member in that way without making a notice of motion to censure the Minister.

The Hon. LUKE FOLEY: There is nothing in the Office of Environment and Heritage risk assessment that prohibits the firing of a gun from the back of a horse in a New South Wales national park. Perhaps the Minister aspires to be Annie Oakley, splitting an ace of spades nailed to a tree with a single shot. I call on the Minister for the Environment to move immediately to prohibit the carrying of a gun—never mind the firing of a gun—on the back of a horse in any New South Wales national park.

NATIVE FOREST WOODCHIP INDUSTRY

Mr DAVID SHOEBRIDGE [4.10 p.m.]: Forestry in New South Wales has been under pressure for some time. Unsustainable wood supply agreements have led to the clear-felling of forests and frequent breaches of threatened species licences and consistent financial losses have rightly led to calls for an urgent review of Forests NSW, now known as the Forestry Corporation. Boral is one of the main players in this industry. It has operations across the State including, until this week, export woodchipping of native forests on the North Coast. Woodchipping native forests is an idea whose time has well and truly passed. It has been one of this State's most damaging industries. It has been responsible for the clear-felling of native forests to produce only minimal profits to the company involved, despite ever-larger taxpayer subsidies of logging operations.

As well as substantial reductions in demand, there has been a global move towards preference for wood products that come with ecological accreditation, which has had an ongoing impact on the woodchipping industry. Boral has struggled with low demand and low prices for a long time now. As a last ditch resort it applied to the Forest Stewardship Council for "controlled wood" certification of its products. Many consider it unlikely that fair audits of its operations would allow the awarding of such a certification, but we know that yesterday Boral made an announcement via a media release on its website that said:

Boral will exit the residue and woodchip export business and sell the associated processing plant and equipment based at Tea Gardens and at the Port of Newcastle, in NSW.

Environmentalists, conservationists and forestry activists across this State have celebrated that announcement. Boral also said as part of its explanation:

Boral Timber will exit the residue and woodchip export business at the end of June 2013 due to a substantial fall in demand driven principally by deterioration in price competitiveness due to the high Australian dollar.

Boral forgot to mention that an ongoing fact of the market is that mixed woodchip from unsustainably harvested forests obtains a very low price on the international market because that market is rejecting the kind of mixed, non-sustainable and ecologically damaging woodchip product that is produced from New South Wales native forests. While the outcome of Boral's application to the Forest Stewardship Council is not yet known, we can suspect that Boral believes it has minimal chance of gaining certification because it has made a decision to sell its export arm and end woodchipping on the North Coast. That shows that Boral does not consider that its operations would meet even the relatively modest requirements for controlled wood certification in the Forest Stewardship Council accreditation scheme.

Forestry activists and organisations such as the North Coast Environment Centre have played an important role in exposing the damaging practices of Boral and other logging companies in our North Coast forests. They also have exposed how little attention the Office of Environment and Heritage or Forestry NSW has paid to persistent breaches of licensing and logging conditions. That has included logging that damages some of our most iconic and vulnerable species such as the koala. Environment groups continue to closely monitor the actions of these companies and expose repeated breaches of threatened species licences and other environmental protections.

The native forestry sector in New South Wales receives an extraordinary amount of taxpayer money, and continues to operate at a loss. The proper response to such a situation is not to expand its operations with more taxpayer money or to let it move into national parks and other protected reserves. The proper response is to immediately take steps to minimise the negative ecological, environmental and financial impacts of this sector. Rather than heeding the Shooters and Fishers Party call to open national parks to logging in order to prop up this failing industry, the Government should read the writing on the wall. Conservationists have long argued that woodchipping operations are financially and ecologically unviable as an ongoing industry. Now, by their

actions, logging companies including Boral, which is one of the biggest in this State, are saying the same thing. The truth is that our precious native forests will always be worth more in economic, environmental and social terms if they are left standing rather than being clear-felled for woodchips.

NORTH WEST RAIL LINK

The Hon. PENNY SHARPE [4.15 p.m.]: All sides of politics agree that the North West Rail Link should be built. The question has become: When is a rail link a rail link, and when is it a private, separate shuttle that will never be able to develop elsewhere in Sydney? The Labor Government committed to building the North West Rail Link, but that rail link was to be heavy rail that was fully integrated with CityRail and would provide a direct link to the Sydney central business district. The only difference in the position between the Liberals and the Labor Party was the time frame for the commencement of construction.

Labor's plan also included the city relief line to provide additional capacity on the western line trains, and new underground platforms at Redfern, Railway Square, and city west near Town Hall and Wynyard. As a result of Federal funding becoming available the Parramatta to Epping rail link project was added and was given priority over the North West Rail Link. The Liberal-Nationals Coalition took to the election a commitment to build the North West Rail Link, with construction commencing in the first term after it was elected to government. That commitment included a fully integrated double-deck public CityRail service with direct connection to the central business district. That commitment was made many times—not anymore.

Two years into the O'Farrell Government the North West Rail Link has morphed into a privatised single-deck service that is little more than a shuttle from Rouse Hill to Chatswood. It will have no direct link to the city until 2030 at the earliest. Despite Minister Berejiklian recently saying on radio that she did not break promises, she has broken promise after promise on the North West Rail Link. Broken promise number one is that the Government promised a direct rail service to the central business district. The North West Rail Link has become a shuttle service to Chatswood that will have no direct link to the city for decades, if ever. The Government report suggests that 40 per cent of commuters will be unable to get onto trains in peak hour in Chatswood. Another 15 per cent will be unable to get onto the next two trains on the North Shore line.

Broken promise number two is the Government's promise that the North West Rail Link would be run by CityRail. The North West Rail Link will be a privatised service that is separate from the rest of the CityRail network. This decision is the equivalent of the decision made centuries ago in Australia to build rail lines with different gauges in every State. Broken promise number three is that the Government promised that the North West Rail Link will use CityRail double-deck trains. The North West Rail Link will use single-deck trains that are not compatible with the rest of the Sydney network. Two-thirds of passengers will have to stand for their journey. More than two-thirds of passengers get a seat on double-deck trains.

Broken promise number four is that the Government promised that the North West Rail Link would improve travel times for commuters in the north-west. After the rail link is built a trip to the central business district for people in Beecroft, Cheltenham and beyond will take at least 15 minutes longer and require two changes of trains. Modelling from the University of Sydney shows that beyond Cherrybrook it would be faster to catch a bus than catch the train, but the Government refuses to rule out cutting direct bus services to the city. Broken promise number five is that the Government promised that the North West Rail Link trains would have drivers. Recently the Minister for Transport announced that trains on the North West Rail Link will be driverless. Putting driverless trains on the longest proposed rail tunnel in Australia is a cost-cutting measure that will compromise passenger safety. Safety and rail experts already have raised concerns that the planned tunnels will not be wide enough to evacuate passengers with mobility issues if something goes wrong.

Broken promise number six is that the Government promised the North West Rail Link would future-proof Sydney's rail network, yet the decision to bore tunnels that are too narrow for double-deck trains means that the North West Rail Link never will be able to be integrated into the rest of the Sydney rail network. Fifteen kilometres of tunnels will be 40 centimetres too small to run double-deck trains in the future. The *Northern District Times* nailed this issue in its editorial on 20 March 2013. It asked:

... why would anyone spend up to \$8.5 billion building Australia's longest and deepest rail tunnels too small for the double deck carriages running on the rest of the CityRail network?

With the tunnels too small, the North West Rail Link never will be able to be joined to the Richmond line, and the Parramatta to Epping Rail Link is unlikely to be built. If the decisions being made now are implemented they will not be able to be reversed and they will cut off future options for the further development of the

Sydney rail network. Surely that is one of the most short-sighted decisions of the Government. Today the Minister also was unable to say whether she had received advice that the tunnels for the North West Rail Link could be built to accommodate double-deck trains at no extra cost to the project. If the Minister has this advice, why is she ignoring it?

The privatised North West Rail Link is one of the most expensive rail projects in the history of New South Wales, and already there are worrying signs of cost blowouts. The tender documents from the O'Farrell Government already show that before a single metre of track is laid the project will be \$35 million over budget. That is unacceptable, it comprises the rest of the rail line, and is worrying for the future. The Government is ploughing ahead with more 45 announcements and the costing of this project. The Government will build the rail line at all costs. In the meantime, every other commuter will wait for improvements that will never come. [*Time expired.*]

VINNIES CEO SLEEPOUT

The Hon. NIALL BLAIR [4.20 p.m.]: This evening I, along with over 300 New South Wales chief executive officers, the Deputy Premier, Andrew Stoner, the Hon. Malcolm Turnbull, MHR, and the shadow Minister for Housing, Sophie Cotsis, will brave the winter chills of Sydney for the annual Vinnies CEO Sleepout. The Vinnies CEO Sleepout was first held in 2006 in Parramatta as a local community venture. It has a twofold objective: first, to raise vital funds to support the great work of the St Vincent de Paul Society; secondly, but just as importantly, to raise awareness of homelessness throughout Australia. Nationally more than \$3.5 million already has been raised for the 2013 event, with New South Wales participants well over halfway towards reaching their target of \$2 million. I applaud Ms Holly Kramer, who is the chief executive officer of Best & Less and who almost has reached her target of \$120,000 for the charity. Well done!

On any given night more than 100,000 people across Australia will find themselves homeless with almost half of them being women and a quarter of them under the age of 18. Regional communities in New South Wales also contribute to this overwhelming statistic with an estimated 8,000 men, women and children impacted by the hardship of homelessness. Tonight upon arrival the chief executive officers and other participants in the group will be issued with a piece of cardboard and will be shown to a space in which we will spend the night. We also will have a very simple meal of a bowl of soup, and then we will have the chance to listen to the St Vincent de Paul Society members who will tell us about their work for homeless people. The group also will be addressed by a number of people who are faced with homelessness and we will hear their stories. By contributing to this charitable event I hope to highlight this concerning issue, particularly in our regional areas.

I also mention a much smaller project that has been instigated by a young girl from Goulburn, Hayley Olsson. *Project Warm Heart* is a short film that is intended to highlight the great work being done by organisations throughout Sydney that help to combat homelessness. Her short film follows the journey of wool that began by being produced on her family's farm at Goulburn and ended with its being made into blankets that are distributed in Sydney to people who are sleeping rough. With the support of her family, hard work and dedication Hayley has drawn attention to this important issue of homelessness. When the film is released Hayley is hopeful that it will have national coverage on community television networks.

In conclusion, I congratulate the St Vincent de Paul Society on its fantastic work. The society will use the money raised from the Sydney CEO Sleepout to assist with funding new projects that will be added to existing homelessness services and allow Vinnies homelessness services to expand their programs. I remind all members that it is not too late to sponsor me or the Hon. Sophie Cotsis for the CEO Sleepout tonight. If members would like to support the Vinnies project they should go to www.ceosleepout.org.au. I expect tonight's sleep-out to be uncomfortable, I expect tonight to be cold, I expect to be hungry, but it is only once that I need to do this—and I am choosing to do it. There are people in our society who do not get to choose to do it, and they have to do it every night. They do not have a choice. I expect to have a very uncomfortable night, but it is a very small price to pay to try to prevent others in our community from experiencing sleeping out, and quite often not by their choice.

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

Motion agreed to.

The House adjourned at 4.25 p.m. until Tuesday 25 June at 11.00 a.m.
