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LEGISLATIVE COUNCIL AND LEGISLATIVE ASSEMBLY

Wednesday 21 August 2013

JOINT SITTING TO ELECT A SENATOR

The two Houses met in the Legislative Council Chamber at 3.50 p.m. to elect a senator in the place of Senator Matt Thistlethwaite, resigned.

Mr BARRY O'FARRELL: I move:

That Donald Thomas Harwin, President of the Legislative Council, act as President of the Joint Sitting of the two Houses of the Legislature for the election of a senator in place of Senator Matt Thistlethwaite, resigned, and that in the event of his absence the Hon. Shelley Elizabeth Hancock, Speaker of the Legislative Assembly, act in that capacity.

Mr JOHN ROBERTSON: I second the motion.

Question—That the motion be agreed to—put and resolved in the affirmative.

Motion agreed to.

The Hon. Don Harwin took the chair.

Mr BARRY O'FARRELL: I present proposed rules for the regulation of the proceedings at the joint sitting, which have been printed and circulated. I move:

That the proposed rules, as printed and circulated, be now adopted.

Mr JOHN ROBERTSON: I second the motion.

Question—That the motion be agreed to—put and resolved in the affirmative.

Motion agreed to.

The PRESIDENT: I am now prepared to receive nominations with regard to a person to fill the vacant place in the Senate caused by the resignation of Senator Matt Thistlethwaite.

Mr JOHN ROBERTSON: I propose Mr Sam Dastyari to hold the place in the Senate rendered vacant by the resignation of Senator Matt Thistlethwaite and I announce that the candidate is willing to hold the vacant place if chosen. Senator Matt Thistlethwaite was, at the time he was chosen by the people of the State, publicly recognised to be an endorsed candidate of the Australian Labor Party and publicly represented himself to be an endorsed candidate of that party. Mr Sam Dastyari is a member of the same political party.

The Hon. LUKE FOLEY: I second the motion.

The PRESIDENT: Does any member desire to propose any other person to fill the vacancy? There being no other nominations, the question is: That Mr Sam Dastyari be chosen to hold the place in the Senate rendered vacant by the resignation of Senator Matt Thistlethwaite.

Question resolved in the affirmative.

The PRESIDENT: I declare that Mr Sam Dastyari has been chosen to hold the place in the Senate rendered vacant by the resignation of Senator Matt Thistlethwaite.

Mr BARRY O'FARRELL: I move:

That the President inform Her Excellency the Governor as soon as practicable that Mr Sam Dastyari has been chosen to hold the place in the Senate rendered vacant by the resignation of Senator Matt Thistlethwaite.

The Hon. MICHAEL GALLACHER: I second the motion.

Question—That the motion be agreed to—put and resolved in the affirmative.

Motion agreed to.

The PRESIDENT: I now declare the joint sitting closed.

The joint sitting closed at 3.53 p.m.

LEGISLATIVE COUNCIL

Wednesday 21 August 2013

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

The President read the Prayers.

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

JEANNIE FERRIS CANCER AUSTRALIA RECOGNITION AWARDS

Motion by the Hon. MARIE FICARRA agreed to:

- (1) That this House notes that:
 - (a) in April 2013, the inaugural Jeannie Ferris Cancer Australia Recognition Awards were presented in honour of former South Australian Senator, Jennie Ferris, who was diagnosed with gynaecological cancer in October 2005 and sadly passed away in April 2007;
 - (b) the Jeannie Ferris Cancer Australia Recognition Award is comprised of categories that recognise individuals, health professionals and researchers for their contributions to reducing gynaecological cancers in Australia;
 - (c) Professor Neville Hacker, AM, of Sydney has been bestowed and made the inaugural winner of the Health Professionals and Researchers category for his clinical and research work in gynaecological cancers, establishment of the Gynaecological Cancer Centre at the Sydney Royal Woman's Hospital, of which he served as director for 27 years, and work in raising \$3 million for gynaecological cancer research; and
 - (d) Mr Simon Lee of Melbourne has been bestowed and made the inaugural winner of the Individual Contributions category in recognition of his work as one of the first advocates in Australia for increasing gynaecological cancer awareness due to the death of both his mother and wife, Sheila, from gynaecological cancer, and his work in establishing the national consumer organisation Ovarian Cancer Australia, where he served as chair for 10 years.
- (2) That this House congratulates and commends Professor Neville Hacker, AM, and Mr Simon Lee for their outstanding contributions to the community and on being the recipients of the inaugural Jennie Ferris Cancer Australia Recognition Awards.

DR LEONIE THERESE CROTTY, RSM

Motion by the Hon. MARIE FICARRA agreed to:

- (1) That this House notes:
 - (a) the passing of Dr Leonie Therese Crotty, RSM, at Sacred Heart Hospice, Darlinghurst, Sydney, on 17 May, 2013 at 3.40 a.m. following a prolonged battle with cancer at age 62; and
 - (b) that Leonie's life was celebrated on 22 May 2013 at St Marys Catholic Church, Concord, and a memorial mass was held on 24 May 2013 at All Saints Catholic Church, Kempsey, followed by her burial at East Kempsey Cemetery.
- (2) That this House notes:
 - (a) that Dr Leonie Therese Crotty, RSM, was born on 25 August 1951 in Kempsey on the New South Wales mid North Coast;
 - (b) that Dr Crotty was the loving daughter of James Vincent (now deceased) and Theresa Margaret Crotty (nee Hargreaves), loving sister of Marcia and Kerry, sister-in-law of Mario Majarich and Geoff George, treasured aunt to David and Anna, Catherine and Len, Peter, James and "Onie" to Harry;
 - (c) Dr Crotty's achievement of receiving a Doctorate of Education from the University of Sydney;
 - (d) Dr Crotty's 15 years of service to Sydney Catholic schools between 1993 and 2007, during which time she was a strong advocate of Catholic life and identity;

- (e) that, as a leader in religious education, Dr Crotty was responsible for developing and implementing an accreditation process for religious education teachers, establishing the year 6 religious education test, implementing the development and review of the kindergarten to year 12 religious education syllabus, heading the review team of republished second edition textbook series *To know, Worship and Love*, reaffirming the role of the religious education coordinator, and her work in developing the Higher School Certificate Studies in Religion Examination papers;
 - (f) Dr Crotty's service on the Religious Education Committee of the National Catholic Education Commission [NCEC];
 - (g) Dr Crotty's work with the Catholic Institute of Sydney and the Australian Catholic University in the provision of post-graduate certificate and degree courses; and
 - (h) Dr Crotty's dedication to the Catholic Church and the community as a Sister of Mercy.
- (3) That this House acknowledges the enormous contribution of Dr Leonie Therese Crotty, RSM, to Catholic Education and conveys its sympathy to her family, loved ones and friends on her loss.

SELECT COMMITTEE ON THE AGISTMENT OF HORSES AT YARALLA ESTATE

Extension of Reporting Date

Motion by the Hon. TREVOR KHAN, on behalf of the Hon. ROBERT BORSAK, agreed to:

That the reporting date for the Select Committee on the Agistment of Horses at Yaralla Estate be extended to Thursday 19 September 2013.

NORTHERN BEACHES WOMEN'S ACHIEVEMENTS

Motion by the Hon. MARIE FICARRA agreed to:

- (1) That this House notes that on Sydney's Northern Beaches there have recently been major firsts achieved by women involved in their community and sporting organisations, including:
 - (a) Mrs Veronica Hopley and Mrs Lynne Moore have been elected co-presidents of the Rotary Club of Manly, becoming the first females to be elected to the positions since the club was founded in 1936;
 - (b) Ms Kate MacDonald has become the first female to be elected as president of Palm Beach Surf Life Saving Club since the club's inception in 1921;
 - (c) Ms Tracey Hare-Boyd has become the first female to be elected as president of North Steyne Surf Life Saving Club in the club's 106-year history; and
 - (d) Ms Naomi Flood became the first female to be awarded life membership of Manly Life Saving Club, which was founded in 1903.
- (2) That this House:
 - (a) congratulates and commends Mrs Veronica Hopley, Mrs Lynne Moore, Ms Kate MacDonald, Ms Tracey Hare-Boyd and Ms Naomi Flood on their achievements; and
 - (b) calls upon all community and sporting organisations to recognise the value of women in leadership roles and encourages organisations to promote and encourage female participation in such roles.

DOGS NSW

Motion by the Hon. MARIE FICARRA agreed to:

- (1) That this House notes:
 - (a) that this year marks the twentieth anniversary of Dogs NSW;
 - (b) the work of the Royal NSW Canine Council, also known as Dogs NSW, for its excellent work as a professional association promoting responsible breeding and welfare of purebred dogs in New South Wales by providing the community with information on purchasing, caring, breeding and organising canine sporting activities;
 - (c) the work of the Dogs NSW public relations committee members Mrs C. Mann, Ms R. Britten, Mrs M. Parker and Mrs P. Bentham; and

- (d) that on 15 June 2013, Dogs on Show was held at the Bill Spilstead Complex for Canine Affairs, Erskine Park with dignitaries including:
- (i) Dr Andrew Cornwell, MP;
 - (ii) Mr Bart Bassett, MP;
 - (iii) Mr Ray Williams, MP;
 - (iv) Mr Andy Rohan, MP;
 - (v) Ms Noreen Hay, MP.
- (2) That this House congratulates Dogs NSW on its twentieth anniversary.

BUSINESS OF THE HOUSE

Formal Business Notices of Motions

Private Members' Business items Nos 1414, 1417 and 1418 outside the Order of Precedence objected to as being taken as formal business.

UNPROCLAIMED LEGISLATION

The Hon. Duncan Gay tabled a list detailing all legislation unproclaimed 90 calendar days after assent as at 20 August 2013.

PETITIONS

Public Libraries

Petition stating that libraries are a fundamental part of the educational and cultural vibrancy of the community, providing lifelong learning and opportunities for social interaction and that total funding has decreased, shifting the burden to local government, and calling on the Government to recognise the social and economic benefits provided to the community by public libraries and to increase funding to reinstate the previous percentage level of contribution, received from the **Hon. Jan Barham**.

BUSINESS OF THE HOUSE

Order of Business

[During the giving of notices of motions]

The PRESIDENT: Order! Honourable members will have an opportunity to speak about the motion of the Hon. Charlie Lynn on another occasion. The House is dealing with notices of motion and the Hon. Sophie Cotsis has the call.

BUSINESS OF THE HOUSE

Postponement of Business

Business of the House Notices of Motions Nos 2 and 3 postponed on motion by the Hon. Adam Searle.

Government Business Notice of Motion No. 1 postponed on motion by the Hon. Duncan Gay.

TEMPORARY CHAIR OF COMMITTEES

The PRESIDENT: I nominate the Hon. Jan Barham to act as Temporary Chair of Committees during the remainder of the present session of Parliament.

**INDUSTRIAL RELATIONS ACT 1996: DISALLOWANCE OF THE INDUSTRIAL RELATIONS
(PUBLIC SECTOR CONDITIONS OF EMPLOYMENT) AMENDMENT REGULATION 2013**

The PRESIDENT: Pursuant to standing orders the question is: That Business of the House Notice of Motion No. 1 proceed as business of the House.

Question put.

The House divided.

Ayes, 19

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

Noes, 18

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

Pairs

Ms Sharpe	Mr Clarke
Mr Veitch	Mrs Mitchell

Question resolved in the affirmative.

Motion agreed to.

Motion by the Hon. Adam Searle agreed to:

That the matter proceed forthwith.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [11.31 a.m.]: I move:

That, under section 41 of the Interpretation Act 1987, this House disallows the Industrial Relations (Public Sector Conditions of Employment) Amendment Regulation 2013, published on the NSW Legislation website on 28 June 2013.

The Opposition moves this disallowance for three principal reasons. Firstly, it is bad policy. We opposed root and branch the legislation that facilitated the 2.5 per cent wages cap being implemented in the first place. We do not think that public sector wages should be regulated by way of an arbitrary regulated cap. We believe that working people should have access—

The Hon. Robert Brown: Point of order: Because of the number of private conversations taking place in the Chamber I cannot hear the member, even though the member is speaking into the microphone.

DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones): Order! I uphold the point of order. Members who wish to have private conversations should leave the Chamber. The member will be heard in silence.

The Hon. ADAM SEARLE: This is bad policy. The Labor Opposition thinks all working people should have access to an independent and impartial umpire adjudicating wages on the basis of evidence rather

than an externally imposed cap. Secondly, we believe that the Government has changed its policy in a way that it was not up-front about, and that it should be held to account in that regard. Thirdly, we believe the Government misled, whether deliberately or not, public sector workers when entering into the wage settlement reached in February this year in the matter that was the subject of proceedings in the Industrial Relations Commission. The commission, in its decision handed down on 25 June 2013, found against the Government's construction of its wages cap regulation. The Government determined to bypass that decision by making this regulation, which was published on 28 June, three days after the independent umpire's decision and, of course, the day after the Parliament rose for the winter break.

When the Government brought forward the legislation enabling it to promulgate a regulation declaring a policy that binds the Industrial Relations Commission in fixing remuneration and other conditions of employment, no policy was included in that legislation. Indeed, before the election the then shadow Minister for Finance had indicated that the Coalition had no plans to change the role of the Industrial Relations Commission. But, of course, not long after its election the Coalition Government brought forward, and the Parliament enacted, the Industrial Relations (Public Sector Conditions of Employment) Bill, which permits the Executive to make a regulation to create a policy and declare it binding on the Industrial Relations Commission.

There is no other guidance or limitation in the legislation, and that was a point I made during the debate on that bill. I said it was effectively a blank cheque, a Henry VIII clause by which the Government could reduce conditions of employment or change its policy without further recourse to the Parliament. However, the Government—in the form of the then Minister for Finance, the Hon. Greg Pearce, MLC, and the Treasurer, who is now of course the Minister for Industrial Relations—stated that the intention was to implement its wages policy. Each of those Ministers made statements about how the Government intended to use the power given to it by the Parliament. I quote from the speech of the Minister in the other place:

Our policy and legislative response will be to ensure that wage increases of 2.5 per cent are available each year to our hardworking public sector employees.

I quote further:

Public sector wage increases are limited to 2.5 per cent.

The Minister also said:

Increases in excess of 2.5 per cent will be available but will be required to be funded through employee-related savings.

It is quite clear that the theme running throughout the Government's statements in that debate was that this was about wages. However, the policy enacted, in the form of the regulation, limits any increases to increases in remuneration and other conditions of employment to 2.5 per cent per annum. Clearly the Government, once it was given the power, made a regulation that was not in accordance with wages policy—it was a remuneration policy, a remuneration cap. It is quite clear applying the cap to remuneration and other conditions of employment went beyond wages and salaries.

However, very importantly, the original clause 6 of that regulation made it clear that that policy and that cap were subject to the paramount policies set out in clause 7 of the regulation. One of those paramount policies guarantees, as a minimum condition of employment, "employer payments to employer superannuation schemes or funds being the minimum amount prescribed under the relevant law of the Commonwealth." So it is quite clear from the Government's own regulation that federally mandated superannuation did not count towards the overall 2.5 per cent cap—and that was the basis upon which the current Minister and the Public Service Association reached agreement on wages and conditions earlier this year.

There were competing applications before the Industrial Relations Commission. The Public Service Association had an application seeking increases in pay and conditions of more than 2.5 per cent. The Government, on the other hand, had an application to reduce or strip away many conditions in the Crown Employees (Public Sector Conditions of Employment) Award. A further application was also proceeding: an unfair contract was on foot. As part of an overall agreement each side downed tools, as it were, and withdrew their applications, and the outcome was an agreement. That outcome was recorded in correspondence between the parties. I will go to the Minister's press release of 12 February:

The Treasurer, and Minister for Industrial Relations Mike Baird has welcomed the Public Service Association's acceptance of a wage increase of 2.5 per cent for 80,000 Crown employees under the Government's wages policy.

It was clear that the increase did not relate to wages and other conditions of employment; it was a wage increase. In fact, similar words were used in correspondence with the Public Service Association, although I think that referred to a 2.5 per cent increase in salary. "Wage" and "salary" are concepts that are well known and understood and they do not include superannuation. It was clear that the Government regulation did not include federally mandated superannuation.

In April the Minister answered a Dorothy Dixier in the other place. In his answer it was flagged, for the first time, that in the Government's view the Federal increase in superannuation due to take effect on 1 July would count towards the cap. This matter was litigated in proceedings before the Industrial Relations Commission in relation to the construction of the regulation and what it meant. The independent umpire, the commission, delivered its decision on 25 June, finding against the Government's construction. The Government, rather than abiding, as it ought, by the decision of the independent umpire, moved the goalposts and changed the regulations, promulgating a new regulation.

Mr Scot MacDonald: It clarified.

The Hon. ADAM SEARLE: It did not clarify. It was quite clear. If clarity were needed, it had been provided by the decision of the commission. But the Government, rather than accepting the independent umpire's ruling, decided to claw back from public sector wages the increase in superannuation, and it did so by means of this amendment regulation. It did so the day after Parliament rose for the winter recess, which meant not only that the Government sought to get around the independent umpire's decision but that the decision of the Government could not be scrutinised until this House returned from the winter recess. This is the first opportunity that this House has had to consider this matter, which we say constitutes a significant change in the Government's policy. It is not, as the Government would maintain, a clarification. It is now the case that some 300,000 public sector workers who are subject to this policy will be funding increases in superannuation from their own pockets. I know the Government is fond of saying, "Where did occupational superannuation come from? It came from a wages trade-off in the 1980s."

Mr Scot MacDonald: Paul Keating.

The Hon. ADAM SEARLE: And Paul Keating. That is where occupational superannuation, as it is now understood, arose. But it was not just part of a wages trade-off; it was part of an overall social package involving a range of conditions of which wages and superannuation were merely constituent parts. It was part of the accord process. So the utterances of the Government in trying to defend its actions in clawing out of public sector workers' pockets the increase in superannuation does not avail them. It is quite clear that the Government has been caught out changing its policy. If it needed to change its policy then it should have done so in a manner that was clear and transparent and it should be up-front and take it to the House.

Mr Scot MacDonald: At the time.

The Hon. ADAM SEARLE: I acknowledge that interjection. The Government should have done so at the time that this legislation was enacted, because by enacting the legislation in the way it did, without us seeing the policy, the Parliament took the Government—

The Hon. Robert Borsak: On faith.

The Hon. ADAM SEARLE: I acknowledge that interjection. The Parliament took the Government on faith that it would implement the policy it outlined. From day one it did not quite do that, because the Government's policy was not only about wages but about total remuneration. We accept that includes a whole range of conditions, including decisions about superannuation by State government bodies. But it did not include federally mandated superannuation, and now the Government has been caught out trying to move the goalposts and claw back, out of public servants' pockets, that increased superannuation.

The Government should not be permitted to do so. It is not the policy it said would implement. It should be held to its commitment to the Parliament. It should also be held to what I believe was the commitment to public sector workers when the wage deal was reached in January-February this year. There was no mention of the federally mandated superannuation being part of that 2.5 per cent settlement. The Treasurer used the words "wages" or "salaries" only. I acknowledge that he did mention the Government's wages policy, but the settlement was about an increase of 2.5 per cent in wages and salaries only.

The Hon. Robert Brown: Semantics.

The Hon. ADAM SEARLE: I acknowledge that interjection. Perhaps it is semantics, but the Treasurer, I think, is a smart man. This gives rise to two possibilities. Either the Treasurer, his office and the whole of the New South Wales Treasury in reaching this arrangement forgot for a moment about the increase in superannuation that was to occur on 1 July, or—and I think this is much more likely—they used a form of words that everybody would understand but in so doing, whether deliberately or not, misled public sector workers.

The Hon. Robert Brown: They certainly misled the workers who they were negotiating with.

The Hon. ADAM SEARLE: I acknowledge that interjection by the Hon. Robert Brown. I believe that the workers were misled as to the nature of the deal they were entering into. What should have been a fairly straightforward consent application to the Industrial Relations Commission in April this year to change the award to reflect the deal became a pitched battle over the meaning of the clause and the award. The matter was resolved against the Government but the Government retained the levers to change the outcome in a way that disadvantaged working people, who are the employees.

In so doing it made an instrument that was subject to disallowance in this place. For the three reasons that I have outlined—it is bad policy; the Government changed policy without taking the House or the Parliament into its confidence; and it has the potential for a lack of good faith with the public sector workforce—this House should disallow this instrument.

The Hon. MATTHEW MASON-COX (Parliamentary Secretary) [11.46 a.m.]: The hypocrisy from those opposite is breathtaking. Let us consider, for a moment, the argument that has been put by the spokesman for the Opposition. He makes three points in favour of disallowance of this motion. The first one is that it is bad policy. Let me remind the members opposite that it was their policy when they were in government. A 2.5 per cent wages policy has been a consistent policy of the Labor Government. That was their policy when they were in government only 2½ years ago and for a number of years before that. I will come back to that in more detail.

The second point the member opposite made was that the Government changed its policy. That could not be further from the truth. The Government has been consistent from day one in relation to its policy. Nothing has changed. All the Opposition wishes to do is to twist the Government's words. I will come back to that in a moment as well. The third reason the Opposition puts forward for moving this disallowance motion is that the Government misled government sector workers in February this year, as evidenced, apparently, by the decision of the Industrial Relations Commission in June this year. Again, that is a full flight of fantasy from those members opposite.

Indeed, we have heard a tortuous argument from the spokesman for Industrial Relations. It turns on one question. The very simple question is: When is superannuation not an employment-related expense? The answer to that is very simple: only when the Labor Party says so. That is when it is not an employment-related expense. The common understanding in relation to—

Mr David Shoebridge: Point of order: This member is casting aspersions on the independent determination by the Industrial Relations Commission. The Industrial Relations Commission made a determination on the interpretation of the regulation, which this member is seeking to cast aspersions on.

The Hon. Matthew Mason-Cox: Point of order: The member—

The PRESIDENT: Order! A point of order is before the Chair. There is no point of order.

The Hon. MATTHEW MASON-COX: When is superannuation not an employee-related expense? When the Labor Party and those opposite say so. It is as simple as that. It has been a widely held and orthodox view for many years that superannuation is an employee-related expense, and that is at the heart of this Government's policy. Let us look at the history of superannuation, because it bears closer examination. The history is redolent of a whole range of Labor icons from way back.

The PRESIDENT: Order! The Deputy Leader of the Opposition was heard in relative silence. I am sure other members will want to be heard in silence when they address the House and I ask Mr David Shoebridge to stop interjecting. The Parliamentary Secretary has the call.

The Hon. MATTHEW MASON-COX: I just ignore him. The New South Wales wages policy that Labor introduced in 2007 defines superannuation as an employee-related cost and came within its 2.5 per cent cap at that time. Page 4 of that policy states:

The net 2.5 per cent limit covers all employee related expenses—including wages, allowances, superannuation and other conditions.

This Government has clarified the regulation linked to the wages policy so that we can continue to deliver our wages policy, otherwise savings equivalent to almost 8,000 jobs would need to be found within the budget. We need to consider those 8,000 jobs when it comes to employee-related expenses. While the Industrial Relations Commission upheld a submission by unions on the wages policy, it also agreed that superannuation is an employee-related cost and therefore within the 2.5 per cent cap. The Industrial Relations Commission also suggested ways the regulation could be reworded to ensure it had the scope to take superannuation into account. It is interesting to note that the way we are treating the increase in superannuation is completely consistent not only with New South Wales Labor's wages policy from years ago but also with the Federal Labor Party's wages policy. Paul Keating—the architect of superannuation—said in a speech relating to superannuation in 2007:

The cost of superannuation was never borne by employers. It was absorbed into the overall wage cost.

That was the centrepiece of the wages accord reached at that time, which the Hon. Adam Searle referred to in his contribution. The Federal Minister for Financial Services and Superannuation, Bill Shorten, confirmed this in 2012 when he said:

The increases to superannuation will be absorbed as part of people's pay rises.

Again, that confirms that superannuation is an employee-related cost and it is verified by the Federal Labor Party's own Minister of the time. Indeed, the Federal Government's submission to Fair Work Australia's annual wage review, dated 28 March 2013, states on page 16:

The Superannuation Guarantee increases are expected to be absorbed into future wages growth.

That is what has occurred historically for many years. If one were to walk into a workplace in the private or public sector and ask the employees about their wages package, they would acknowledge that superannuation is part of their wages package. That is common knowledge. To think otherwise is simply a flight of fancy, and that is what the Opposition has embarked upon in relation to this disallowance motion. The New South Wales Opposition agrees that our approach complies with the wages policy it introduced. On 17 May 2013 Workforce NSW stated:

Shadow IR minister Adam Searle said counting super towards the cap "absolutely complies with the policy".

The Hon. Dr Peter Phelps: Who said that?

The Hon. MATTHEW MASON-COX: The Hon. Adam Searle said that. It was very interesting when we brought that to his attention in Treasury estimates. The Treasurer quoted that statement and the retort from the Hon. Adam Searle was, "Did I say that?" The Treasurer produced the document and handed the information to the Hon. Adam Searle, who silently reflected on those comments for some time. He was found out on his own words. His own words came back to haunt him as they now come back to haunt him in this debate.

The truth of the matter is that if the superannuation increases were not absorbed into the existing wages policy, as I mentioned earlier, costs would increase by \$800 million over the forward estimates and \$758 million per year when fully implemented. I note again the sobering statistic that that is equivalent to almost 8,000 public sector jobs. If this disallowance motion were successful it could have a direct impact on public sector jobs. This is, essentially, a reckless response from the Opposition. The Opposition does not care about the consequences, it does not care about undermining the people it pretends to represent; the Opposition only cares about making a political point, whatever the consequences might be economically for this State.

If the Labor Party says that it does not want superannuation within the 2.5 per cent cap it is saying that it does not care about the consequences for public sector jobs in this State. The 2.5 per cent cap was selected as it is the average inflation rate for the Reserve Bank. That is well understood. Currently the Reserve Bank expects inflation to be lower than that; its forecast is 2 per cent in December 2013. In the context of a low-inflation environment our policy is relatively generous: we are talking about wage increases above the forecast rate of 0.5 per cent. In bringing this disallowance motion the Opposition is displaying economic recklessness.

While the New South Wales Government is being disciplined on expense growth—and we have seen that expense growth driven down over the last two budgets by the Treasurer—front-line services could be eroded by the reckless economic actions of those opposite. Essentially, the Opposition's disallowance motion flies in the face of a range of key historical facts. It flies in the face of the Opposition's own policy when it was in government. It flies in the face of its own icon, the architect of superannuation, the Hon. Paul Keating, the former Prime Minister they speak about in hallowed tones. It flies in the face of statements by the Federal Labor Party and the Minister responsible at the time, the Hon. Bill Shorten, and it flies in the face of the statements of the spokesman for Industrial Relations who has put this motion before the House today. It is the height of hypocrisy, it is economic recklessness—which has become the hallmark of the Australian Labor Party—and it strikes at the heart of the people whom those opposite pretend to represent in this place. For those reasons, the Government opposes this disallowance motion.

The Hon. ROBERT BROWN [11.58 a.m.]: I congratulate the Parliamentary Secretary on having a nice try, but he accuses the Opposition—and I notice he failed to mention the rats on the crossbench, the Shooters and Fisher Party—of being hypocrites and then uses the argument that this disallowance motion will cost 8,000 jobs. It is his Government's policy to save money by cutting the public service. Does this not simply aid the Government to do that? In private discussions with the Treasurer we have a little side bet running. We think that the Government is going to get more than \$1 billion for the port of Newcastle, not \$700 million. So there is another \$300 million in the pot that has not been taken into account.

The Hon. Robert Borsak: That all should go to Newcastle.

The Hon. ROBERT BROWN: We say that the lot should go to Newcastle. In relation to the sale of the Port Botany terminal, the realised profit was way ahead of the amount put in the forward estimates. In reality, when we discussed this with the Government, our expectation and that of the workers who spoke to us was that 2.5 per cent means 2.5 per cent on their wages in their pay packets, not 2.25 per cent plus 0.25 per cent in their superannuation.

So we have to agree with the proposition put forward by the Deputy Leader of the Opposition that there was either a misinterpretation or a deliberate misleading. Irrespective of whether it was deliberate or not, the expectations of the people on the other side of the negotiating table at that time—that is, the workers—and people such as the members of the troublesome Shooters and Fishers Party expected that 2.5 per cent meant 2.5 per cent in the pay packet. We will support the disallowance motion.

Mr DAVID SHOEBRIDGE [12.01 p.m.]: On behalf of The Greens I indicate that The Greens will be gladly supporting this disallowance motion to strike down yet another underhanded attack by the O'Farrell Government on working people in New South Wales. There are several reasons that the Government's attempt to take yet another 0.25 per cent from the wages of public sector workers is deeply unprincipled. The first is the Government's own rationale for its cap on public sector wages. In questioning in estimates, the Treasurer accepted that the Government has imposed a cap of 2.5 per cent on public sector wages because that is what it expects the long-term inflation average to be. For the past 16 years that has been the long-term outcome, and it is the Reserve Bank's target going forward.

Therefore, the Government has said—I do not accept this rationale as it is an appallingly narrow economic rationalist approach to wages, but it is the Government's argument for putting the cap at 2.5 per cent—that that is what it expects inflation to be over time. The second reason it is linked to inflation is that it retains the purchasing power of public sector wage packets. People have enough money to pay the power bill, buy groceries, register the car and cover ordinary living expenses. But people cannot register their car or buy groceries with their superannuation. When I put that proposition to the Treasurer in the budget estimates hearing he ducked and weaved, and said, "Well, when they retire they can use their superannuation."

The PRESIDENT: Order! Mr David Shoebridge has the call.

Mr DAVID SHOEBRIDGE: The Treasurer said, "When they retire they can use their superannuation to pay their power bills and pay for their groceries." That is a disgraceful answer to the hundreds of thousands of public sector workers who expect some decency in their wage outcomes from this Government. So the proposition is deeply unprincipled, even on the Government's narrow terms. The Government said that the 2.5 per cent cap will meet cost-of-living increases, yet it wants to nibble back 0.25 per cent to put in superannuation when it knows that workers cannot pay their bills with their superannuation. The Treasurer's attempt to defend the proposition under questioning in the estimates hearing was barren and stank of desperation.

The second reason is that it is a lack of good faith. The Public Service Association, on behalf of hundreds of thousands of public sector workers, sat down with the Government. The negotiations were difficult. Would the Public Service Association accept or challenge the 2.5 per cent? Would it look for other ways to exceed the 2.5 per cent through changes in work practices and the like? The Public Service Association consulted its membership. Earlier this year the Public Service Association spoke with the Government and struck a deal for a wages increase of 2.5 per cent. Correspondence shows that the O'Farrell Government agreed to a wage increase of 2.5 per cent.

When the Public Service Association made that agreement it did so in light of the regulation that had been issued by the former finance Minister, the Hon. Greg Pearce. As we now know in unambiguous terms from the Industrial Relations Commission, the agreement did not include superannuation. So the Government negotiated with the Public Service Association, one assumes in good faith, and struck a good faith agreement with the Public Service Association on 2.5 per cent. However, when the award was to be registered, suddenly out of the Government's back pocket came this cunning argument that it does not have to pay for superannuation; the Government can take 0.25 per cent out of the wage increase for superannuation.

The Hon. Robert Brown: You're not saying that skunked them, are you?

Mr DAVID SHOEBRIDGE: Indeed I am. These were appallingly bad faith negotiations with public sector workers in New South Wales. The Government said one thing in negotiations but at the last minute it pulled out this trump card and tried to take another 0.25 per cent off public sector workers. And when the independent umpire, the Industrial Relations Commission, which heard the arguments of the Public Service Association and the Government, told the Government that it could not do so the Government tried to change the ground rules retrospectively. It wanted a retrospective change to the deal it struck with the Public Service Association.

The Hon. Robert Brown: That's untrustworthy.

The PRESIDENT: Order! Conversations between members are orderly only if they are not audible. I encourage members who wish to converse to do so quietly. Mr David Shoebridge has the call.

Mr DAVID SHOEBRIDGE: Members of this House should—and I am pleased to see that they will—not allow the Government to get away with that kind of double-dealing. It should not allow the Government to say one thing when it is negotiating with the Public Service Association but then change the ground rules on the Public Service Association by making retrospective changes to the regulation. This House, the House of review, needs to keep an eye on the Government. If there is proof positive that we need a House of review to keep an eye on the Executive and the Government when it tries to cut underhanded deals, underhanded approaches to public sector wages and to dealing with hundreds of thousands of public sector workers, the proof positive that we need an independent House of review in New South Wales is exactly the kind of behaviour we have seen from the O'Farrell Government. The Greens will be lending their support to this disallowance motion, and we say good riddance to this regulation.

Mr SCOT MacDONALD [12.06 p.m.]: I support the Parliamentary Secretary with his wise words and I oppose the disallowance motion. From day one the Government has been entirely consistent in the negotiations of proposing the 2.5 per cent increase that was put to the Public Service Association.

The Hon. Robert Brown: You weren't there; you wouldn't know.

Mr SCOT MacDONALD: I followed the debate. This goes as far back as 2007 when the Labor Government of the day said, "The net 2.5 per cent limit covers all employee-related expenses, including wages, allowances and superannuation." The Coalition Government has been consistent with the words of Bill Shorten, who said, "The increases to superannuation will be absorbed as part of people's pay rises." It goes back to the consistency of the superannuation proposed by Paul Keating, who said at the time, "The cost of superannuation was never borne by employers. It was absorbed in the overall wage cost increase."

There has been debate about what was said and who said what to whom in the Public Service Association. I heard the interjection from the Hon. Robert Brown. I was not part of the negotiations. But the Government's consistent approach has been that the 2.5 per cent increase offered to the public sector was close to inflation at the time and was considered affordable. If we step outside that, as the Parliamentary Secretary noted, we will be looking at a cost to the budget of about \$750 million to \$800 million, which will lead to

pressure on the Government's ability to afford public sector jobs. So this is the purity of the impotence across the Chamber. No doubt if members opposite pursue this they will be responsible for public sector job losses. I reject the disallowance motion.

The Hon. PETER PRIMROSE [12.10 p.m.]: The best way to describe the Government's actions in this matter is simple, that is, a lack of good faith. Unless this regulation is disallowed, nurses, teachers, firefighters, disability workers and other public sector workers in New South Wales will have to pay for superannuation increases out of their own wage packets. It is effectively a pay cut. Unless this regulation is disallowed, the 0.25 percentage point increase in superannuation that began on 1 July will be absorbed into the 2.5 per cent cap on wage increases, effectively giving public sector workers only a 2.25 per cent increase. This regulation allows the O'Farrell Government to put its hand into the pockets of every public servant in the State.

Premier Barry O'Farrell's regulation is nothing more than a sneaky move that sought to circumvent the ruling by the industrial umpire, the New South Wales Industrial Relations Commission, which found that the mandatory superannuation increases did not have to be absorbed under the Government's 2.5 per cent wages cap. Labor did not agree with the wage cap. Labor did not agree with the legislation. But the O'Farrell Government gained the support it needed, and its bill became law. So all we are arguing for now is that the Government stick to its own rules. The Government made the policy; the Government told that Parliament what it would do, so now it should live with it. The Government should not break its undertakings to the Parliament and seek to move the goalposts after the event. It never let on to anyone that it would try this tricky move when it was asking for support during the debate in this House.

Superannuation is a basic condition that should never be used to offset the guaranteed 2.5 per cent wage increase that public sector workers were promised. The Industrial Relations Commission ruling was a victory for the 300,000 public sector workers. It found that they were entitled to both their pay rise and the quarter per cent superannuation increase. The O'Farrell Government argues that by paying less, it will be able to employ more people. Perversely, on this logic, if it paid nothing it would be able to employ lots of people. With this view, I wonder which side the Premier would have been on if he had been around at the time of the Civil War in the United States of America. Someone has to harvest that cotton and tobacco on the plantations, don't they, Mr Premier?

The O'Farrell Government has shown an appalling lack of good faith in overturning the Industrial Relations Commission's decision. The Government has lost its moral compass when it comes to its employees. The Government has also trashed proper process. How does this Government think it is going to attract nurses, teachers, police, firefighters and workers who work with those with disabilities that this State needs when wages are effectively stagnating or going backwards? If the Government does not intend to live by the decisions of the Industrial Relations Commission it ought to refund the tens of thousands of dollars that workers and their representatives have to spend in legal fees fighting such odious decisions. I support the disallowance motion.

The Hon. LYNDIA VOLTZ [12.12 p.m.]: I also support the disallowance motion. Government members have made much of a 2.5 per cent wage cap that it argues the Labor Party introduced. It did not mention that the Labor Party has never introduced legislation to overturn a decision of the Industrial Relations Commission, and that is our point. The Industrial Relations Commission has made a decision based on what the Government said it was doing in relation to wages policy. The commission said it was a wages policy of 2.5 per cent. Further, on 19 September 2012 the Treasurer said in the Legislative Assembly that "245,000 public sector employees have accepted this wages policy". He also said that some people could receive salary increases above the 2.5 per cent wage policy. For example, workers at the Sydney Cricket Ground turned off the hot water heaters, which made savings and got a 3.68 per cent wage increase—not superannuation or entitlements. The Treasurer also said that the workers at Pillar, which has 500 employees, have a 3.85 per cent wage increase—not superannuation or entitlements.

Those increases are far beyond the 2.5 per cent cap that he said this superannuation must include. Workers are getting increases of 3.68 per cent at the Sydney Cricket Ground and 3.85 per cent at Pillar, and 4,184 bus drivers at State Transit are getting an increase of 3.25 per cent. There was no mention of superannuation. Quite rightly the Industrial Relations Commission made a decision based on what the Treasurer said on 19 September and when he introduced this legislation that he was talking about wages and not superannuation. Superannuation is not to be included within that onerous wage cap. The Labor Party abided by the decision of the independent umpire. In relation to this matter an independent umpire has made a decision, based on the Treasurer's own words. As soon as the House rose for the winter recess the Treasurer put in a regulation to overturn that decision, which no-one could deal with for two months. This regulation should certainly be disallowed.

Dr JOHN KAYE [12.15 p.m.]: I associate myself with the words of Mr David Shoebridge in supporting this disallowance motion. The Industrial Relations Commission (Public Sector Conditions of Employment) Amendment Regulation 2013 seeks to overturn the Industrial Relations Commission's finding that the employer's contribution to superannuation is not wages for the purposes of the 2.5 per cent wage cap. The Government has sought to argue that every public sector worker in New South Wales ought to have understood that a 2.5 per cent wages cap was, indeed, also a cap on their superannuation.

To be absolutely clear, if that were the case any increase in superannuation, as mandated by the Federal Government, was to be paid for in New South Wales by a concomitant decrease in wages. That takes the incremental portion of the employer's contribution to superannuation and makes it an employee contribution to superannuation that completely subverts the intent of the Federal legislation and undermines the commonly held understanding of superannuation. It changes superannuation from being an employer contribution to being an employee contribution. It is very clear that this is a mean and tricky way for the O'Farrell Government to prop up its budget edifice at the expense of public sector employees. The police, firefighters, ambulance drivers, paramedics, teachers, that is, the people who keep this State educated and healthy and operating, are those whose conditions the O'Farrell Government is prepared to hack into.

This Government is prepared to give a \$300 million tax break to large registered clubs in New South Wales; it is prepared to spend \$230 million on consultants; and it is prepared to give \$1 billion a year to private schools, some of which are extremely wealthy. The priority of this Government is with those who it sees as being its constituents, not with the people of New South Wales. This Government wants to change the very meaning of superannuation to become an employer paid for insurance scheme, rather than a joint effort by the employer and employee to secure the quality of living of public sector workers when they retire.

If the best the O'Farrell Government can do to argue for the inclusion of superannuation increases into the wages cap is to rely on a policy that was never properly implemented by the former Labor Government, the words of the Federal Labor Government or, worse still, the words of Paul Keating, then we know it is struggling. I know the Hon. Matthew Mason-Cox is not an evil man, but he knows deep down the implications this regulation will have on teachers and nurses.

Like me, the Hon. Matthew Mason-Cox may well have listened to a background briefing on the weekend and heard the stories about a number of nurses and teachers who have reached retirement age without superannuation and a home, and who are homeless. That is effectively what this regulation does; it takes away retirement savings from public sector workers and impoverishes them when they are retired. What future is that for the public sector in New South Wales? What future is that for young people thinking of taking up teaching or nursing as a profession? What future is that for the health sector recruitment efforts of the Department of Education and Communities when prospective public sector workers know that their superannuation entitlement can be converted into something they have to pay for? Wages for teachers and nurses are not really flash as it is.

Mr Scot MacDonald: The highest and second highest in the country.

Dr JOHN KAYE: I acknowledge the interjection of Mr Scot MacDonald. Yes, they are the highest in the country, but what Mr Scot MacDonald did not say and he should have said is that this is in the State with the highest cost of living in the country and wages should reflect the cost of living. We have had massive increases in the cost of electricity and housing, combined with a dysfunctional housing market.

The Hon. Sophie Cotsis: They do not have a house, Minister.

Dr JOHN KAYE: I acknowledge the interjection of the Hon. Sophie Cotsis as to the dysfunctional housing market about which this Government is doing nothing and cannot do anything because it does not even bother to have a housing Minister. What future is there for young individuals who are thinking of taking up these professions or for our State when talented young people seeking to be teachers, paramedics, nurses or firefighters cannot afford to do so because the Government has made it financially impossible by penny pinching against their superannuation and wages? The Greens strongly support this disallowance. We call on the Government to drop the 2.5 per cent wages freeze and introduce wages for public sector workers that genuinely reflect not only the cost of living and difficulty of living in New South Wales but also the urgent need to recruit quality individuals into our public sector.

The Hon. Dr PETER PHELPS [12.22 p.m.]: I speak against the disallowance of the Industrial Relations (Public Sector Conditions of Employment) Amendment Regulation 2013. I have often spoken in this

House about the problems occasioned by vertical fiscal imbalance in this nation, the imbalance in the relationship between the revenue powers of the States and the Federal Government. There is also a problem of cross-subsidisation and the passing on of costs to the State. I take us back to the Federal Government's role in the matter we face today and that is that the Federal Government has decided to increase the superannuation guarantee levy.

The question we have to ask ourselves is: What would happen if the Federal Government had increased the level to 18 per cent, 21 per cent, 25 per cent, 30 per cent or 33 per cent? If one were to take the logic of members opposite, the State Government would have to wear those costs above and beyond any wage rise that was factored in through the State agreement. Members should contemplate that for a moment. The State Government would have to pay for an element over which it had no power whatsoever. I ask members opposite whether that would be a fair outcome. If we try to implement a program of fiscal stringency yet we are compelled by circumstances completely beyond our control to have to pay this extra amount above and beyond a wages rise, would that be a fair and reasonable outcome?

We already know what the outcome is going to be for New South Wales because of this. We know that it will cost roughly \$800 million and then \$750 million or so each year in the out years to implement. I have heard what the Shooters and Fishers Party have said about asset sales but asset sales are only, of their nature, a one-off. One of the problems we have in this State is that for too long the former Labor Government instituted asset sales and used the money not to produce new investment-bearing assets or to drive down our debt but for recurrent expenditure.

The Hon. Amanda Fazio: Point of order: My point of order is that the Hon. Dr Peter Phelps is not addressing you as the Chair; he is addressing the gallery. That is improper and he is in breach of the standing orders.

The PRESIDENT: Order! There is no point of order. The Hon. Dr Peter Phelps has the call.

The Hon. Dr PETER PHELPS: The problem we have in this State is that for too long the former Labor Government used one-off assets sales and simply fed that into recurrent expenditure. It is like selling off one's house and spending all that money on McDonald's. That may be great; one might get McDonald's for two or three years but in the end one is overweight and homeless. If we would not behave like that as individual citizens, why should we behave like that as a government? As I said, if this regulation is disallowed it represents hundreds of millions of dollars to this State.

It will come as no surprise to members in this Chamber that I am not a fan of big government, but the implications of this are serious. The implications of this will result in hundreds of millions of dollars that otherwise could have gone towards disposing of State debt, for the building of infrastructure and for the employment through recurrent expenditure of people such as doctors, nurses, police officers and teachers. This is what we are effectively giving up if we disallow this regulation today. The Federal Government made clear what its changes were about. The Hon. Bill Shorten made it absolutely clear when he said, "The increases to superannuation will be absorbed as part of people's pay rises". Indeed, the Federal Government's own submission to Fair Work in March this year states unequivocally that, "The Superannuation Guarantee increases", which is the reason for this disallowance motion today, "are expected to be absorbed into future wages growth".

It is absolutely clear what is being put at stake and why it is being put at stake. Moreover, I note the attempts by the Labor Party to try to suggest that this is different. I seem to recall a very long and healthy debate about this legislation when it was first introduced into the Parliament. A great deal of time was spent by this side of House reminding members opposite that this was the legislative enactment of their policy. The NSW Public Sector Wages Policy 2007 states:

The net 2.5 per cent limit covers all employee related expenses – including wages, allowances, superannuation and other conditions.

The Labor Government's policy was explicit on this point. Of course, it did not enact it because the Public Service Association was drawing it along by the nose like a show bull. The difference between a show bull and the Labor Party is that show bulls are generally virile and productive, whereas the Labor Opposition is best headed towards the knackery. Labor's policy was implemented by this Government because Labor did not have the courage to stand up to the Public Service Association. The legislation included wages, allowances, superannuation and other conditions within the 2.5 per cent limit. This disallowance motion should be defeated today and I urge all members to give it due consideration and to vote against it.

The Hon. SOPHIE COTSIS [12.31 p.m.]: I support this disallowance motion and acknowledge my colleague the Hon. Adam Searle for bringing this issue to the attention of the House. I also acknowledge and congratulate the crossbench members on their support. Like the Labor Party, they understand that thousands of public sector workers are struggling and that this Government has not been fair dinkum. More than two years ago this House had a very long debate during which this Government's hypocrisy became clear. First, it did not have an industrial relations policy leading up to the 2011 election; nobody knew what it was.

If the Hon. Dr Peter Phelps were to read the 2011 legislation he would find that he is wrong. The Government guaranteed a 2.5 per cent wage increase. The Labor Party rejects that; it does not support it. The Labor Party has always stated that the Industrial Relations Commission is the independent umpire. During the four-day debate the Labor Party predicted that if the Government did not agree with the Industrial Relations Commission it would use these draconian industrial relations laws—which it tried to ram through—to introduce a regulation to counteract its decision, and that is exactly what it has done.

The O'Farrell Government committed to a 2.5 per cent wage increase for nurses, teachers, firefighters and other public sector workers. When the Government introduced this regulation, which will see the superannuation increases of the State's 300,000 public sector workers absorbed under the 2.5 per cent wages cap, do members know whom it hurt the most? It has the greatest impact on female public sector workers. I raised a number of these issues with the Minister for Women last week during the budget estimates hearings, but the Minister was not concerned. The Labor Party is concerned that female public sector workers will be affected by what the Government is doing. It is well known that women's retirement savings are much less than those of men. It is a big problem that is projected to worsen over the next 15 to 20 years. This Government, through this regulation, will make it a lot worse. For the Government's information, 87 per cent of part-time employees in the New South Wales public service are female, and they will be adversely affected by this policy.

The Government should read the 2011 legislation and note what it states. The Government is wrong and it is trying to fool public sector workers who are working tirelessly for the State. This Government has ripped 15,000 workers from the New South Wales public service and \$3 billion from the health system, affecting social workers, sexual assault workers, speech pathologists and paediatric staff—the front-line staff. It is unfair. Every time the Government does not like the independent umpire's decision it introduces a regulation. The Labor Party will fight the Government on this and on other regulations it introduces. The Labor Party has a consistent position. The Government should stop vilifying public sector workers. They are the most important workers of this State, they are Crown employees and they carry enormous responsibility. They abide by the many pieces of legislation that this Parliament enacts and they are accountable to the people of this State. The Government should respect the service that they provide.

One year ago the Minister who had carriage of this legislation applied to the Industrial Relations Commission to change a range of public service conditions such as allowances, entitlements, long service leave and leave entitlements that workers had accrued over many years. One of my concerns at the time was the amendments to the domestic violence clauses that would particularly affect women in the public service. I understand that after a campaign and after the Opposition had questioned the new Minister the Government withdrew that application. That demonstrates that this Government does not understand its own public service employees and has no idea about what they do on a day-to-day basis. That is evident from the speeches made by Government members today. I ask members to support the disallowance motion.

Reverend the Hon. FRED NILE [12.38 p.m.]: The Opposition has moved this motion to disallow the Industrial Relations (Public Sector Conditions of Employment) Amendment Regulation 2013 that was published on the New South Wales legislation website on 28 June 2013. The regulation was introduced to circumvent a decision of the Industrial Relations Commission stating that its interpretation of the wage increases limited by 2.5 per cent per annum did not cover any new or increased superannuation employment benefits. Clause 6 (1) (a) of the regulation introduced in June states:

... not increased by more than 2.5% per annum as a result of the increases awarded and of any new or increased superannuation employment benefits provided (or to be provided) to the employees since their remuneration or other conditions of employment were last determined.

There has been debate about what the policies meant from the beginning, and statements that superannuation increases should be treated as part of pay rises. The Government has argued that budget expenditure would increase by perhaps \$700 million or \$800 million as a result of the Industrial Relations Commission decision that superannuation not be included in the cap on wages and salaries of 2.5 per cent per annum. Until that matter is clarified, the Christian Democratic Party will support the disallowance motion. The Government will have to review its policies in this area.

The Hon. AMANDA FAZIO [12.40 p.m.]: I support the disallowance motion moved by the Labor Opposition. This is typical of the behaviour that we have come to expect of Liberal-Nationals governments. They will undercut conditions and wages for government workers at any opportunity they get. They are not satisfied with slashing the number of government employees, thereby increasing the pressure on those who still have jobs; they enact legislation providing for a 2.5 per cent cap on wages which the Labor Party had as an aspiration. But the Industrial Relations Commission awarded pay rises in excess of that cap.

The Hon. Duncan Gay: So it is an aspiration now.

The Hon. AMANDA FAZIO: We had accepted the independent umpire's decision. The Government went to the Industrial Relations Commission to try to back up its mealy-mouthed, mean-spirited, penny-pinching decision to add in superannuation increases when applying the 2.5 per cent wage cap. The Industrial Relations Commission told the Government, "No, that is not in accordance with the agreement you struck with the Public Service Association." So what did the Government do? It waited for Parliament to go into recess before putting forward the regulation, which seeks to overturn the decision of the Industrial Relations Commission and short-change every hardworking public servant in New South Wales. The Government expected, because Parliament was not sitting for a couple of months, that it would perhaps get away with this sleight of hand.

The Government was wrong. It was wrong on this as it is wrong on so many issues relating to industrial relations and workers' rights. The Labor Opposition will not sit by and watch this Government punish public sector workers anymore. We will do what we can to ensure that public sector workers in New South Wales get adequate remuneration and that they get their superannuation increases above and beyond the 2.5 per cent wage cap. The Government has shown its form on this sort of issue. The workers of New South Wales should be aware that if a Federal Liberal-Nationals Coalition is elected they will see more of this sort of sleight of hand, more slashing of jobs, more slashing of wages and conditions, and more slashing of superannuation for workers.

Mr Scot MacDonald: Point of order: The House is not debating a bill. The member should confine her remarks to the motion.

The Hon. AMANDA FAZIO: To the point of order: I was referring to attacks on workers in New South Wales, and that substantively is what the regulation equates to. I believe my comments are in order.

The PRESIDENT: Order! The member's comments to this stage have been in order.

The Hon. AMANDA FAZIO: I believe we have to look at the form. This Government has form in attacking the rights of workers. That has been demonstrated not only in terms of the salary cap, or the attempt by this regulation to cut back superannuation entitlements, but also in a range of other ways. It is about time the Government came clean, stopped pretending to be concerned about economic management when it is throwing money away on all sorts of crazy projects, and admitted what it is—a government which represents industry groups and employers and which will take every possible opportunity to screw over the workers of New South Wales, whether they are in the public sector or the private sector. It is time this House of review said that it respects government employees in New South Wales and that members of this House believe those workers have a right to a living wage and adequate superannuation.

As my colleague the Hon. Sophie Cotsis said, this applies particularly to women workers, because we all know that there is a huge deficit in the retirement incomes of women workers because of their lack of access to superannuation over decades. This regulation could only exacerbate that problem. So I urge all fair-minded members of this Chamber to say to this Government, "No, you have done enough to harm the workers of New South Wales so far. You are not getting away with this sneaky regulation, which will do more harm to their retirement incomes in future." We should disallow this regulation and tell this Government to start being fair dinkum and treat the workers of New South Wales in an honest and respectful way.

The Hon. GREG DONNELLY [12.45 p.m.]: I will be brief and will not repeat points that a number of members have made. I support the disallowance motion. In doing so, I will focus on one point: the separation of powers. We have independent tribunals as part of the democratic system of the Commonwealth and this State. Those tribunals have the integrity of being independent. The Government's attempt to overrule, undermine or circumvent decisions of independent tribunals or courts should be seen for what it is—a reprehensible act. We enjoy the benefits of living in a liberal democracy. It is very important that our institutions determine matters independently of the government of the day, without fear or favour.

I do not intend to recite examples of this Government's attempts to circumvent the New South Wales Industrial Relations Commission on industrial relations matters, and this regulation is the most recent example of that. The people of New South Wales, slowly but surely, are becoming aware that this Government will try to get its own way by whatever means it can, whether by fair means or foul. An attempt to dictate a wage cap on incomes by treating a superannuation increase as a wage increase for the purposes of the wage cap is a foul approach by this Government. I fully support the disallowance motion moved by the Deputy Leader of the Opposition.

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [12.47 p.m.], in reply: I make four points: firstly, the Parliamentary Secretary placed great reliance, as did other Government speakers, on the previous Labor Government's wages policy. That policy did talk about 2.5 per cent of wages. However, that was a commencement point for negotiations between industrial parties, the State as employer and its workforce. And if agreement could not be reached, either party had the right, time honoured for more than a hundred years, to go to the independent umpire and argue their case on the evidence. That was the previous Labor Government's wages policy.

This Government implemented something very different—a legislated arbitrary wage cap of 2.5 per cent. That was not only a starting point; in effect it was the ending point, because to achieve anything more requires public sector workers to give up so much of their employment conditions, and not only in an overall and impressionistic way but also in a dollar-for-dollar way. That is, the workforce would have to buy every dollar of increase over the 2.5 per cent by giving up something. Never before have wage negotiations in this State been reduced to such a monetary transaction, in effect reducing labour to just another commodity. But that is what this Government has done, and that is a very different thing.

The second point I wish to make is that, again, the Government places great reliance on the words of the former Prime Minister and architect of modern superannuation, Paul Keating, and the current Minister for Workplace Relations and Superannuation, Mr Bill Shorten. Mr Keating was talking in the context of the award. In order to drive down inflation in Australia, future wage increases were given away in exchange for superannuation. Medicare was also introduced. A range of circumstances led to that situation. Mr Shorten was referring to over-award payments—that is, increased superannuation could be absorbed into over-award wages and conditions. It did not apply to the awards we are discussing; that is, awards set by the Industrial Relations Commission.

I thank the Parliamentary Secretary for drawing attention to my quote in relation to the workforce because it is reflective of what is in his own Government's regulation. Clause 8 does include superannuation in the definition of "employee-related costs", but there is one important exception. The original clause 6—the clause that sets out the cap—provides that the cap does not apply to the guaranteed minimum conditions in clause 7. One of those guaranteed minimum conditions, along with maternity leave and all the other leave entitlements, is federally mandated minimum superannuation payments. So, the Government's own regulation, designed by NSW Industrial Relations—whose executive director is in the gallery—and no doubt scrutinised carefully by the Crown Solicitor's Office and the Solicitor General, is as clear as day: any movement in Federal superannuation is not covered by the cap.

Finally, I would like to address the issue of costings. The Government has a bit of a hide here. The Treasurer says that if this regulation is disallowed it could cost \$800 million and 8,000 jobs. But, interestingly, he cannot point to where that is mentioned in the budget. Is it not interesting that as recently as 9 August in the Industrial Relations Commission, legal representatives of government agencies, including the secretary of the Treasury, could not tell the commission how much all of this would cost? They clearly have not worked it out. Also, interestingly, despite the fact that this superannuation increase from 1 July is 0.25 per cent, the Government has agreed that, in fact, it is only 0.23 per cent. It does not know how much it will cost, but it does know that it is 0.23 per cent. We do not know where this \$800 million figure comes from, but Budget Paper No. 2, page 5-11, under the heading "Employee expenses", states:

Superannuation expenses are projected to increase in line with non-salary costs, plus changes in the federally legislated rate of contribution.

So it is clear that the Government factored the Federal superannuation increase into its budget. Total expenditure on employees is about \$65 billion this year, and it increases over the forward estimates to \$66 billion, \$68 billion and then \$70 billion. The budget papers disaggregate employee costs before and after

superannuation. If we assume that the superannuation increase we are talking about is 0.25 per cent of employee costs, the cost will be about \$76 million this year, \$78 million next year, \$80 million and then \$83 million. It comes to about \$318 million over the forward estimates.

However, that is based on the figure of 0.25 per cent. If we base it on 0.23 per cent, the figure reduces to \$290-odd million. That is a considerable amount of money, but it is still less than the tax breaks this Government gave to the operators of poker machines in its first budget. As this Government well knows, superannuation is not paid on every dollar of employees' earnings; it is paid only on ordinary-time earnings. So, again, the real figure would be significantly less over the forward estimates. The alarmist figure bandied around by the Treasurer has no basis in rationality or fact because his own lawyers appearing for the secretary of the Treasury in the Industrial Relations Commission could not say how much all of this would cost. They simply had not done the work.

In order to stave off a humiliating defeat on this issue, the Government is simply resorting to scare tactics—8,000 jobs are to go. That is a bit rich coming from a government that has already slashed 15,000 positions over the forward estimates from the public sector workforce. This is the same Government that has said in Treasury memos, and even otherwise, that there is no limit on this and that we can expect more of this to come. This is simply the Government sabre-rattling because it has not done its homework. Whether it intended to or not, the Government certainly misled the public sector workforce in the most recent wage settlement. Again, the Government has been caught out changing policy without being upfront and saying, "We have to make some policy adjustments for certain reasons. This is why we are doing it." The Government has been caught out doing this and now members opposite are squealing because they are being held to account by this House of review.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 21

Ms Barham	Mr Green	Ms Westwood
Mr Borsak	Dr Kaye	Mr Whan
Mr Brown	Mr Moselmane	Mr Wong
Mr Buckingham	Reverend Nile	
Ms Cotsis	Mr Primrose	
Mr Donnelly	Mr Searle	<i>Tellers,</i>
Dr Faruqi	Mr Secord	Ms Fazio
Mr Foley	Mr Shoebridge	Ms Voltz

Noes, 16

Mr Ajaka	Mr Gay	Mrs Pavey
Mr Blair	Mr Khan	Mr Pearce
Ms Cusack	Mr Lynn	
Ms Ficarra	Mr MacDonald	<i>Tellers,</i>
Mr Gallacher	Mrs Maclaren-Jones	Mr Colless
Miss Gardiner	Mr Mason-Cox	Dr Phelps

Pairs

Ms Sharpe	Mr Clarke
Mr Veitch	Mrs Mitchell

Question resolved in the affirmative.

Motion agreed to.

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

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

QUESTIONS WITHOUT NOTICE

SPEED CAMERA AUDIT

The Hon. LUKE FOLEY: My question is directed to the Minister for Roads and Ports. As the annual audit of speed cameras in New South Wales is now almost two months overdue for public release, when will the audit be publicly released?

The Hon. DUNCAN GAY: It will be released as soon as I have had a chance to look at it. Interestingly, it arrived in my office on Friday afternoon and it is going through the process—

The Hon. Walt Secord: You're a very slow reader.

The Hon. DUNCAN GAY: I have a lot to read in my office. So much good news comes across my desk that it takes a long time to get through it. However, it is interesting that as soon as something comes into my office, members opposite ask me to release it immediately. We do not do knee jerk; we do careful consideration to ensure that everything is done right and appropriately. Once I have had the requisite amount of time to look carefully at the audit and digest it, there is bound to be good news in there. Once I have had a chance to read the audit I will release it. It is a little like WestConnex. Members opposite are looking for us to release details about WestConnex. I must tell them that it is a little like Christmas: There are a couple more sleeps to go before the good news on WestConnex is released for them to look at, admire—

The PRESIDENT: Order! There is far too much audible conversation coming from members on both sides of the Chamber.

The Hon. DUNCAN GAY: —and envy the fact that we were able to put together something damn fantastic, particularly for Western Sydney.

GUN CRIME

The Hon. CHARLIE LYNN: My question is directed to the Minister for Police and Emergency Services. Will the Minister update the House on the ongoing efforts of the NSW Police Force to tackle gun crime?

The Hon. MICHAEL GALLACHER: I am pleased to advise the House of the commencement of Operation Talon by the NSW Police Force. Operation Talon will focus on tackling gun crime and will bring together all the work previously undertaken by various operational teams and strike forces on this issue under one united banner. Operation Talon will be overseen by the Deputy Commissioner, Field Operations, Nick Kaldas, in his new capacity as head of both local area commands and the State Crime Command. The realignment of resources will enable officers to work from a single funnel of criminal intelligence, bringing together various threads such as suspects, victims, forensic evidence and criminal behaviour, thereby making it easier to draw these threads together as a basis for effective investigation.

The unification of strength from across the Police Force will provide the best possible opportunity to assess all available intelligence, and respond quickly to issues and opportunities as they emerge. We know that there is no single source of gun crime violence. Indeed, police identify organised crime, outlaw motorcycle gangs, drug dealers and petty thieves as all trading in and using firearms in their activities. So the central placement of Operation Talon within the Police Force makes sense. However, it is also important to take stock and recognise what has been achieved so far. Police took more than 9,000 firearms, including 729 pistols, off our streets last year. That is an amazing achievement. Between Strike Force Raptor, Operation Apollo and Operation Spartan, police have charged just under 3,500 individuals with a variety of offences.

We also know, based on data from the Bureau of Crime Statistics and Research, that public place shootings tend to rise and fall in cycles, and we know that in a historical context we are not seeing an increase in these types of shootings, which is welcome news. However, there is no acceptable level of gun crime in our community. As ever, a key element in tackling gun crime will be a constant focus on disrupting the activities of outlaw motorcycle gangs—the so-called one-percenters. Police officers will continue to use every tool at their disposal to make it difficult for criminal enterprises to continue their work. For example, the most recent operation, Operation Spartan, which commenced on 7 August 2013, resulted in 1,318 charges being laid for a

range of offences, 742 arrests, 7,383 person searches and more than 2,500 intelligence reports being generated. The message that police want criminal groups to get loud and clear is: Never feel comfortable. Despite your boasts, you are not above the law. The Government will continue to ensure that police have the powers and resources they need to combat gun crime and disrupt the work of outlaw motorcycle gangs and other criminal groups in New South Wales.

I wish Deputy Commissioner Kaldas and his team every success for Operation Talon. I look forward to updating the House on this important work in the near future. It is important for me to recognise that in the past 24 hours another operation with police and Customs has commenced. It shows that Customs is working with police. It is important to recognise the hard work of Customs, despite the fact that it has had more than \$60 million cut from its budget this year alone. This time we have seized various parts of AR-15 and M-15 assault rifles, body armour, hundreds of rounds of ammunition, an improved explosive device, three hand grenades, a Claymore mine, a shortened shotgun, rifles and revolvers. The bleating of members opposite shows that they have total disregard for the work the police do in this area. They should listen to the news of this fine work. [*Time expired.*]

DEPARTMENT OF FAMILY AND COMMUNITY SERVICES CASEWORKERS

The Hon. ADAM SEARLE: My question is addressed to the Minister for Ageing, and Minister for Disability Services, representing the Minister for Family and Community Services.

The PRESIDENT: Order! I cannot hear the question. The Deputy Leader of the Opposition will start again.

The Hon. Duncan Gay: You're not missing much.

The Hon. ADAM SEARLE: I will thank the Minister for Roads and Ports not to interject.

The PRESIDENT: Order! The Deputy Leader of the Opposition has the call.

The Hon. ADAM SEARLE: My question is addressed to the Minister for Ageing, and Minister for Disability Services, representing the Minister for Family and Community Services. What briefings has the Minister received from the Minister for Family and Community Services, her staff or her department in relation to the number of caseworkers in Family and Community Services?

The Hon. JOHN AJAKA: I thank the member for that question. I am not aware of having received any briefings whatever from the Minister or her staff.

YOUNGER PEOPLE IN RESIDENTIAL AGED CARE

The Hon. JAN BARHAM: My question is directed to the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra. I congratulate him on his appointment as Minister. Recently the media has reported on a number of incidents of abuse and neglect in Australia's aged care facilities. Of the New South Wales aged care facilities that provide accommodation for young people with disabilities, how many may be eligible for transfer as part of the Younger People in Residential Aged Care Program, how many have met Federal accreditation standards after review audit and what programs does the agency provide for younger people in aged care facilities?

The Hon. JOHN AJAKA: I am pleased to inform the House that my department, Ageing, Disability and Home Care, is working with the Commonwealth to address some of the issues that have been raised by the Hon. Jan Barham. The Young People in Residential Aged Care Program is a joint five-year program with the Commonwealth Government that commenced in 2007 in response to concerns about younger people living in, or at risk of, entering residential aged care. In 2012-13, \$18.6 million was spent on accommodation under the Young People in Residential Aged Care Program.

The Young People in Residential Aged Care Program will provide 121 supported accommodation places to relocate young people with disability to more age-appropriate living arrangements. Of the 66 people within the program who expressed an interest in moving out of residential aged care, one has consented to move into a vacancy and the transition process is due to commence. The remaining people will move only when suitable vacancies arise. It is impossible to advise when this may be as it relies on people currently in supported accommodation either moving on to more independent living or moving out in other circumstances.

In 2012-13 Young People in Residential Aged Care relocated 21 people out of residential aged care and into Young People in Residential Aged Care funded supported accommodation. A further three people were supported to move out of residential aged care and into accommodation not funded by Young People in Residential Aged Care. A further 26 people will move out of aged care into more age-appropriate purpose-built accommodation in the next 12 months. Responsibility for aged care facilities falls under the Commonwealth Government Department of Health and Ageing and, as such, Ageing, Disability and Home Care does not have direct access to data of younger people living in aged care facilities. In relation to the Commonwealth's accreditation standards, this is clearly an issue for the Commonwealth but I will seek advice and obtain more information.

HUNTER INFRASTRUCTURE

The Hon. MELINDA PAVEY: My question is addressed to the Minister for Roads and Ports. Will the Minister update the House on how the Government is improving infrastructure in the Hunter?

The Hon. Robert Brown: Talk about bridges.

The Hon. DUNCAN GAY: I will. Recently I had the pleasure, together with the member for Newcastle, Tim Owen, and the member for Port Stephens, Craig Bauman, to announce \$50 million in funding for the upgrade of the Tourle Street Bridge. It was fortunate that I was in Newcastle last Thursday—

The Hon. Walt Secord: Unfortunately for you.

The Hon. DUNCAN GAY: Unfortunately for Albo. He was not expecting me to be there that day but we are always out in the regions in the Hunter and the Illawarra. I was there when he sprung the announcement of the Federal Government's funding for the Tourle Street Bridge.

The PRESIDENT: Order! Opposition members who wish to have private conversations should do so more quietly.

The Hon. DUNCAN GAY: Mr President well remembers the fiasco with the former Labor Government in New South Wales in relation to the Tourle Street Bridge when, just like the M5 East, it built something that was totally inadequate.

The Hon. Michael Gallacher: Out of date from the day they built it.

The Hon. DUNCAN GAY: It was out of date before it was opened. A two-lane bridge was built when a four-lane bridge was needed. That lot over there on the loser's lounge were hopeless. This Government put a submission to the Federal Government into Nation Building 2 and offered to fix it 50:50 with the Federal Government. When the Federal Government handed down its budget I carefully looked for this project, but it was not included. Not even Albo the Good could include it. Lo and behold, once the Labor Federal Government entered the caretaker period the money mysteriously appeared, a little like a magic pudding.

The funding was announced two nights after Albo was sighted at the Bavarian Bier Cafe. We could not find the funding in the budget, but we reckon Thommo's credit card might have been the source of all this money. Health workers beware: Albo has an eye on the money. This Government had put \$50 million aside, and if funding from the Federal Government appears from its unallocated funds for important Nation Building 2, which is more about building Albo's vote across the State, we will put it in and Tourle Street Bridge will be funded. That is the best result for the people of Newcastle, who are blessed to have a couple of fantastic members to look after them.

GUN CRIME

The Hon. ROBERT BORSAK: My question is addressed to the Minister for Police and Emergency Services, representing the Premier. Will the Premier advise why an owner of a dog that bites someone can go to jail for five years or be fined \$77,000, yet gangsters who shoot up the suburbs, or each other, get off without any additional penalty for using a firearm in the commission of a crime? Does that mean the Government considers certain dog owners to be more dangerous than armed gangsters?

The Hon. MICHAEL GALLACHER: I will take this question on notice, as it could go to any number of Ministers, and provide an answer.

SOUTHERN REGION DISABILITY SERVICES

The Hon. STEVE WHAN: My question is directed to the Minister for Disability Services. Given that his department has removed disability support co-ordinators from Queanbeyan, Goulburn, Yass, Shoalhaven and Batemans Bay why has he left families and people with disabilities with fewer services in those communities?

The Hon. JOHN AJAKA: In 2006 Minister John Della Bosca changed the face of Disability Services in New South Wales by introducing Stronger Together, which was a bipartisan approach embraced by the then Opposition. I personally congratulated John Della Bosca on that reform plan to meet the growing demand for services for people with a disability that was fully supported by all members of the Chamber from all parties. In 2011 the newly elected Coalition Government, under the great work of my predecessor Minister Constance, introduced and funded Stronger Together 2, which was also accepted by all parties, particularly the Labor Party, on a bipartisan basis. For the first time in New South Wales people with disabilities were able to access services that were provided according to their choice, that is, a person-centred approach. The Opposition spokesperson for Disability Services, Barbara Perry, MP, was briefed on all of our vital reforms and she supported them. The Federal Government introduced the National Disability Insurance Scheme, which is a great scheme.

The Hon. Duncan Gay: It was Andrew Constance's idea.

The Hon. JOHN AJAKA: Yes, they adopted the person-centred approach of Andrew Constance. The National Disability Insurance Scheme was again accepted on a bipartisan basis and was embraced by the O'Farrell Government in New South Wales, which was the first State to sign up to it.

The Hon. Amanda Fazio: Point of order: My point of order is relevance. I have given the Minister, because he is new, at least two minutes to try to outline the background to his answer to the question. He has failed to come anywhere near the question, which was specifically about the removal of disability support coordinators in Queanbeyan, Goulburn, Yass, Shoalhaven and Batemans Bay. I ask that you direct the Minister to answer the question he has been asked.

The PRESIDENT: Order! The Minister might be slow in coming to the point, but he is nevertheless being generally relevant to the question asked. The Minister has the call.

The Hon. JOHN AJAKA: Sadly, yesterday and today those opposite want to play games rather than continue with a bipartisan approach, which is supported by both the State and Federal governments. I am a new Minister and I am happy to admit that I was nervous. There is no doubt that I was nervous and I am happy to admit that I am still nervous. The reason I am nervous is that I do not want to play games with those who suffer a disability. I say to members opposite, "Shame on you. Why don't you go back to the approach of John Della Bosca, who had the right approach in this House?" I am not prepared to play games. [*Time expired.*]

The Hon. STEVE WHAN: I ask a supplementary question. Will the Minister elucidate his answer, demonstrate his grasp of his new portfolio and explain why the commitment made by the Government 18 months ago to replace the disability support coordinators, whose positions have been abolished with the new Ability Links program, has not been fulfilled?

The Hon. Dr Peter Phelps: Point of order: That is a completely new question.

The Hon. STEVE WHAN: To the point of order: The question I asked originally was about disability support coordinators and the supplementary question was to ask the Minister to elucidate the commitment that was made to fill those positions. Just because the Minister did not go within a bull's roar of it within his answer—

The PRESIDENT: Order! The Hon. Steve Whan has made his point of order and I shall now rule on it. In fact, it was not a new question, it was the same question re-asked; therefore the question is out of order.

DISABILITY SECTOR CULTURAL AND LINGUISTIC DIVERSITY

The Hon. MATTHEW MASON-COX: My question is addressed to the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra. Will the Minister outline the cultural and linguistic diversity work undertaken by Ageing, Disability and Home Care?

The Hon. JOHN AJAKA: From the outset I congratulate the staff and management of Ageing, Disability and Home Care on their achievements in relation to cultural and linguistic diversity over the past few years. Their work will serve as a foundation to ensure there is strong capacity in the service system to support access and equity for people with a disability from culturally and linguistically diverse backgrounds as we transition to the National Disability Insurance Scheme.

The Hon. Sophie Cotsis: Most of them are women from non-English speaking backgrounds.

The Hon. JOHN AJAKA: I would have thought that someone who is interested in the Greek community would listen to this. In May 2013 the Chairperson of the Community Relations Commission wrote to the Chief Executive of Ageing, Disability and Home Care and stated:

Ageing, Disability and Home Care is assessed as leading the public sector in implementing the principles of multiculturalism.

The success of Ageing, Disability and Home Care in this important area of responsibility has been detailed and highlighted in that Community Relations Report 2012. The Community Relations Commission assessment particularly recommended evidence of Executive leadership and oversight of multicultural initiatives, increased accountability for multicultural implementation to business units and Ageing, Disability and Home Care regions, and a stronger feedback loop for collecting and analysing client data. Ageing, Disability and Home Care has always provided an important service to people with disability, their families and carers from culturally and linguistically diverse backgrounds, and again I congratulate them.

What is notable is the way in which a comprehensive and strategic approach has been built in recent years. It can certainly be claimed that cultural diversity is core business in Ageing, Disability and Home Care. I take this opportunity to highlight a few specific examples of how Ageing, Disability and Home Care has succeeded in progressing the cultural diversity agenda. In 2012-13 Ageing, Disability and Home Care allocated almost \$3.6 million to non-government organisations delivering services specifically targeting people with disability, their families and carers from culturally and linguistically diverse backgrounds and it is also working to increase access to mainstream services.

The Intensive Family Support program has an allocation of 108 places per annum for people from culturally and linguistically diverse backgrounds. Ageing, Disability and Home Care produced the *Transition to Work* DVDs, which assist people with disability and their families in choosing employment. They were made accessible in 52 languages other than English. The Vietnamese and Arabic reference groups of Ageing, Disability and Home Care in metro south regional are the basis for ongoing working partnerships. Membership includes key stakeholder organisations, bilingual regional staff and community members, including parents of people with disabilities. The reference groups actively identify priorities to improve engagement and access to services.

Looking to the future and building upon this progress will not simply be a matter of doing more of the same. Ageing, Disability and Home Care operates in a rapidly changing environment. In preparation for the full implementation of the National Disability Insurance Scheme cultural diversity planning has to be sophisticated and proactive. A number of major initiatives are underway to inform and guide this process into the future. One is the evaluation of Ageing, Disability and Home Care's Cultural Diversity Strategic Framework 2010-13, another is the development of a cultural competency strategy, which will build the capacity of organisations, and strategic planning is underway to support access to effective models for different languages. [*Time expired.*]

GUN CRIME

The Hon. ROBERT BROWN: My question is directed to the Minister for Police, representing the Premier. Following on from the previous question asked by my colleague the Hon. Robert Borsak and in light of comments made today by the Commissioner of Police, Andrew Scipione, supporting mandatory minimum jail sentencing for gun crime, will the O'Farrell Government now support legislation that provides for an additional sentence for the use of a firearm in the commission of a serious offence here in New South Wales, should that legislation show up somewhere?

The Hon. MICHAEL GALLACHER: I am not aware of the commissioner making those statements today and I think it would be a very brave man to verbal the police commissioner. I will consider the comments that the member has made. However, in light of that, we have never shied away from the fact that a healthy, democratically elected government is prepared to consider advice given by all government departments to

address concerns or issues that affect the Government and thereby affect the community. If the commissioner has said that today, then I will most certainly have a look at those comments to see if he has said what has been indicated to the House.

Again I make the point that we have never shied away from the fact that in government we are prepared to debate the issues and give answers that we believe are required on issues that affect New South Wales, whether it be mandatory sentencing, reforms to other laws or encouraging police or any government department on any raft of things the community tells us needs to be changed. Again, this Government does not shy away from it and never will. I will look at the comments of the commissioner and consider what he has said in light of what the member has indicated to the House.

PUBLIC HOUSING BED TAX

The Hon. SOPHIE COTSIS: I direct my question to the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra. Will the Minister inform the House what is being done to assist thousands of pensioners, particularly war widows and veterans, affected by the new public housing bed tax that will begin in the Shellharbour region?

The Hon. JOHN AJAKA: Clearly the O'Farrell Government has serious concerns in relation to the welfare of the aged and ensuring that all services are made available. I will take the specific aspects of the question on notice.

RURAL FIRE SERVICE COMMUNITY PROTECTION PLANS

The Hon. NIALL BLAIR: I direct my question to the Minister for Police and Emergency Services. Will the Minister update the House on the progress of the development of community protection plans to assist New South Wales communities to manage bushfire risk?

The Hon. MICHAEL GALLACHER: I am pleased to update the House on the community protection plan program, which is one of many initiatives the NSW Rural Fire Service has introduced to help New South Wales communities become more prepared, resilient and safer when it comes to bushfire risk. A community protection plan incorporates a range of aspects relevant to bushfire risk management into a map-based plan that is prepared at the community level. This enables bushfire safety options to be tailored to the needs of the individual communities and provides meaningful and specific information to that community, land management agencies, Rural Fire Service staff and brigades. Community protection plans are now an integral part of the bushfire risk planning framework in New South Wales.

To date 39 plans have been completed across New South Wales and a further 44 are underway. The plans are prepared by the Rural Fire Service with direct input from Rural Fire Service brigades, community groups, residents, land managers and other key stakeholders. This combined effort promotes a shared responsibility for community resilience and the community has responded exceptionally well to the opportunity to contribute to this initiative. Community protection plans provide a valuable forum for understanding, communicating and managing bushfire risks across the landscape. The program empowers community members to develop individual bushfire survival plans and have a better understanding and ability to implement mitigation measures on their own properties.

The program has proven very successful, enabling individuals to exercise choice and responsibility and to develop local and tailored solutions to their bushfire risk. Community protection plans are so successful because they are the outcome of consultation involving a combination of community engagement, the latest fire science and operational knowledge. The community protection plan program has provided an opportunity for the community to participate more in the evaluation of local bushfire risk and the mitigation strategies to be employed to reduce it. The Government commends the Rural Fire Service for delivering this excellent initiative, which is extremely important to the protection of the bushfire risk prone communities throughout New South Wales. It will only be a matter of weeks before once again we start to head towards the commencement of a bushfire danger period.

MINING STATE ENVIRONMENTAL PLANNING POLICY

The Hon. JEREMY BUCKINGHAM: I direct my question to the Minister for Roads and Ports, representing the Minister for Resources and Energy. As there is considerable community concern with the

Government "resource significance" mining State environmental planning policy amendments—which put the economic value of a mining project ahead of any social or environmental impacts that project may have—will the Minister acknowledge to the House the community concern and commit to withdrawing the State environmental planning policy? If not, is the Minister abandoning the Government's 2011 election promise to implement a triple bottom line approach to decision making?

The Hon. DUNCAN GAY: The reality in the member's mind is that the only concern is The Greens concern. The Greens are out there in the koala suits trying to con farmers into believing that they are warm, cuddly and nice. The Greens still want to bring back wealth tax and get rid of farming from New South Wales. The member is the only non-vegetarian in The Greens and the only bloke in The Greens who has a real love for sheep. The rest of them want to fight the sheep to eat the grass. The Greens do not care for farmers, but they care for the Labor Party. The Greens are very close to the Labor Party. There are a heap of jobs in the old Coal and Allied mine, managed by Rio Tinto, in the Hunter Valley that The Greens and their fellow travellers from the Labor Party want to get rid of.

I suspect that the voters in the Hunter will be watching the acts of The Greens and their fellow travellers over the next few weeks. They will be watching very carefully. They will be watching with their votes and they will be watching the boats because there is a concern about boat people in the Hunter: it is a very big concern. That results from The Greens-Labor alliance. One of the member's friends from Orange council has just entered the public gallery. He does not acknowledge the member because he understands the same people in the Parliament walk past him. The Government has not gone past its triple bottom line. More than any other government in this Commonwealth we protect the triple bottom line, but it must be done rationally. That means that the Government does not always agree with the member.

BENDEELA WOMBAT COLONY

The Hon. WALT SECORD: I direct my question to the Minister for the Illawarra. What steps are being undertaken by the Government to rehabilitate and restore the Illawarra's largest wombat colony at Bendeela, which was destroyed in July by subcontractors employed by the Sydney Catchment Authority?

The Hon. JOHN AJAKA: It is a real pity that after what I said earlier in relation to Ageing and Disability that those opposite —

The Hon. Amanda Fazio: Point of order: The Minister is debating the question; he is not answering the question. I ask you to direct the Minister to cease debating the question and to answer it.

The PRESIDENT: Order! There is no point of order. The Minister was not debating the question. I will listen carefully to ensure that the Minister does not debate the question, but if he does he will be called to order.

The Hon. JOHN AJAKA: Clearly, the O'Farrell Government cares about the people of the Illawarra. As Minister for the Illawarra, I care about the people of the Illawarra. Let us look at what this Government has done in relation to the Illawarra. Let us look at the \$195 million allocated to fund the transport access program.

The Hon. Walt Secord: Point of order—

The PRESIDENT: Order! There are far too many interjections from both sides of the Chamber. The Hon. Walt Secord has the call.

The Hon. Walt Secord: My point of order is relevance. The question was about wombats—the Minister is not within a bull's roar of wombats.

The PRESIDENT: Order! It is hard to see how the Minister was being generally relevant. The Minister must be generally relevant to the question.

The Hon. JOHN AJAKA: I am surprised that the honourable member, knowing I have been a Minister for only two weeks, would honestly believe that I have memorised every aspect relating to every street, wombat, or drainage and sewerage plan in the Illawarra. I have not yet done that. I am happy to talk about the Illawarra. I am happy to talk about the great work that this Government is undertaking in relation to the Illawarra. However, those opposite do not want to hear it.

The Hon. Amanda Fazio: Point of order—

The PRESIDENT: Order! I remind Opposition members that it is hard for their Whip to consider her point of order when they are drowning her out with interjections.

The Hon. Amanda Fazio: My point of order is on relevance. If the Minister has general comments about the Illawarra, he should get a Dorothy Dixier from his backbench. The question was in relation to remediating harm done to wombat colonies in the Illawarra. I suggest that the Minister, if he cannot give a relevant answer, take the question on notice and provide a response later.

The PRESIDENT: Order! The Minister should not canvass other matters in relation to the Illawarra. However, I do not believe the Minister had started to do so.

The Hon. JOHN AJAKA: I am happy to take the question on notice. It would assist me if the honourable member could advise whether we are talking about the hairy-nosed wombat or the bare-nosed wombat—but we can discuss that later.

The Hon. WALT SECORD: I ask a supplementary question. In light of the answer, will the Minister give a commitment to visit the site with local residents and see the carnage firsthand?

The Hon. Duncan Gay: Point of order: The Minister indicated that he would take the question on notice. I find it hard to accept that the question is supplementary when the Minister indicated he would take the question on notice.

The Hon. Amanda Fazio: To the point of order: I argue that the supplementary question is in order because the Minister, after saying he would take the question on notice, then sought additional information from the Hon. Walt Secord to allow him to correctly answer the question.

The PRESIDENT: Order! The question asked by the Hon. Walt Secord did not seek elucidation of any aspect of the Minister's answer. On that basis, it is a new question and is out of order.

SAFER DRIVERS COURSE

Mr SCOT MacDONALD: My question is directed to the Minister for Roads and Ports. Will the Minister update the House on the delivery of the Safer Drivers Course?

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

The Hon. DUNCAN GAY: I thank the honourable member for his question. The Leader of the Opposition does not care about this issue. Just last week I announced the second round of tenders for the rollout of the Safer Drivers Courses across New South Wales, after a strong start to registration by young drivers. The course has been taken up at a considerable rate. I am delighted that more than 500 learner drivers have registered to undertake the Safer Drivers Course since the start of July. Locations range from Nowra, to the western suburbs of Sydney, to northern New South Wales. Because the course is being gradually rolled out in New South Wales providers are not currently available in all areas, but training providers who have been waiting for another opportunity to participate can now head to the New South Wales Government tenders website to apply for the delivery of the Safer Drivers Course during 2014 to 2016.

This course is aimed at making life easier for learner drivers and their parents, providing learner drivers with the flexibility to choose what driver training they do. If they take part in the Safer Drivers Course and take professional driving lessons they will have to undertake only 80 hours of supervised driver training. New South Wales is leading the way in delivering a course that provides learner drivers with knowledge about speed management, gap selection, hazard awareness and safe following distances, and prepares them for when they drive unsupervised on their P-plates. The most dangerous time for young drivers is the six months after they begin driving independently on their P-plates. The Safer Drivers Course addresses this high-risk period and provides the practical and theoretical training that will help create a new generation of safe drivers.

The course involves two modules: a three-hour group discussion with other L-platers, for drivers to learn how to manage risks on the road, and a two-hour in-vehicle coaching session with a coach and another learner so drivers can learn a range of practical safe driving behaviours. The course has been kept at affordable

levels for young drivers, with a cost of \$140 which is subsidised by the Community Road Safety Fund—to which there are contributions by those naughty people who are going through traffic lights and driving too quickly, which we totally discourage. We have set up the Community Road Safety Fund to ensure that every cent raised from speeding and red light camera fines goes to funding road safety initiatives—to improve safety on our roads.

This is good news for parents and for young people. With this course, the New South Wales Government is delivering a long-term investment in road safety. Once upon a time in a faraway land, when the Labor Party was in government, whenever there was a problem on the roads the young people copped the blame. Whenever there was an accident anywhere, all that Government did was increase the hours, burdening the young people and their parents.

The Hon. Dr Peter Phelps: Labor hates young people.

The Hon. DUNCAN GAY: They tried to make criminals of young people. They do not care for the State and they do not care for young people. We care for the young people, and that is why we are trying to put in place a much better system.

RECREATIONAL FISHING RULES

The Hon. PAUL GREEN: My question without notice is directed to the Minister for Roads and Ports, representing the Minister for Primary Industries. Today's *Sydney Morning Herald* carries a report in which the President of the Australian National Sportfishing Association, New South Wales branch, described a review of recreational fishing rules for New South Wales as "lazy" and lacking in solid science by recommending a broad 50 per cent reduction in recreational fishing bag limits. Will the Minister state how many scientific surveys have been conducted to support a 50 per cent reduction in the fishing bag limits, what were the sample sizes in the survey, and confirm whether the review addressed community concerns about commercial fishing activities, such as the netting of estuaries?

The Hon. DUNCAN GAY: I thank the honourable member for the question. I saw those quotes in the paper. Frankly, I was disappointed to see those quotes. As to the particular parts of the question, I will make it my business to ask the Minister what is the background to that issue, because I was surprised by those, given that the whole basis of what we are doing is putting science behind fishing in New South Wales.

The Hon. Steve Whan: You sacked the scientists.

The Hon. DUNCAN GAY: You forfeited the right to comment on this at all.

The Hon. Steve Whan: So who is doing the work?

The Hon. DUNCAN GAY: You are sitting on the losers lounge because you used political science. You used The Greens to put your fishing policy in place.

The Hon. Lynda Voltz: Point of order: I have a two-part point of order. First, the Minister knows full well that he should direct his comments through the Chair. Second, my point of order is on relevance. The question was specifically about the science that backs the cut in bag limits.

The PRESIDENT: Order! The Minister was responding to interjections, which I encourage him not to do. There is no point of order.

The Hon. DUNCAN GAY: I thank the member for her point of order because it has allowed me to get a note.

The Hon. Steve Whan: Read it.

The Hon. DUNCAN GAY: Opposition members ought to read what the people of New South Wales are saying. We are talking about science. Those guys were using political science based on the ideology of The Greens.

The Hon. Lynda Voltz: Point of order—

The PRESIDENT: Order! There is no need for the member to speak to the point of order. The Minister has been encouraged before, and is encouraged again, not to respond to disorderly interjections by the Hon. Steve Whan.

The Hon. DUNCAN GAY: I am informed by this note that the Department of Primary Industries has recently called for submissions on changes to various bag and size limits, along with changes to gear and effort used to undertake recreational fishing. Submission papers are widely available at most bait and tackle shops and Fisheries offices throughout New South Wales. Online submissions can be made through the department's website. Given the popularity of recreational fishing, it is important that we get feedback from as many individuals and groups as possible before making any decisions on changes to recreational fishing rules. Now we get to the important part.

Submissions were due to close on 31 July 2013. However, given the importance of the issue, the Minister has extended the closing date until 31 August. So any decisions that people think may have been made have not been made, because the submissions have not closed and will not close until 31 August. I was surprised at the question because this Minister for Primary Industries allowed beach fishing to take place again. Members will remember that in the Dark Ages, when the Hon. Steve Whan was on the Cabinet benches, that that Government stopped beach fishing. A bloke and his son, a mother and her daughter, a grandfather and his granddaughter, could not go out and drop a line off the beach. Members opposite stopped it. That is why the people of New South Wales tossed them out like berley.

GRANVILLE STATION PEDESTRIAN SAFETY

The Hon. LYNDIA VOLTZ: My question is directed to the Minister for Roads and Ports. How will he ensure pedestrian safety when the median strip, which was built to provide a pedestrian refuge for residents of Harris Park and Rose Hill alighting from Granville Station, is removed from Parramatta Road for his left-hand turn bay into Rowell Street?

The Hon. DUNCAN GAY: I thank the honourable member for her question. I will give her the benefit of the doubt because every now and again she comes into this House with genuine community concerns. This may well be one of those situations. One of the conflicting problems we sometimes face is enabling traffic to move and removing congestion, as opposed to protecting pedestrians. The key thing we need to have up front—we will continue to have it up front—is pedestrian safety. This is a matter that we are currently looking at, and I will get an up-to-date answer and come back to the House.

UNIVERSITY CHAIR IN INTELLECTUAL DISABILITY MENTAL HEALTH

The Hon. MARIE FICARRA: My question is addressed to the Minister for Ageing, Minister for Disability Services and Minister for the Illawarra. Will the Minister outline the reasons for the extended funding to the University Chair in Intellectual Disability Mental Health?

The Hon. JOHN AJAKA: I thank the honourable member for a very good question. The prevalence of mental illness, which includes psychiatric and neuro-behavioural disorders in people with intellectual and development disability, is reported to be in the order of 30 per cent to 40 per cent. This is triple the prevalence rate for the general population. Older people with intellectual disabilities have earlier onset and higher rates of dementia than the general population. People with Down syndrome have high rates of early-onset Alzheimer's disease, increasing by 50 per cent in their sixties. Almost a quarter of people with other intellectual disabilities over the age of 65 have dementia.

Funded under Stronger Together 1, the University Chair in Intellectual Disability Mental Health was established at the University of New South Wales in 2009 to research, teach and provide clinical services to people with intellectual disability with a mental illness. The university chair is held by Associate Professor Julian Trollor, who heads the Department of Development Disability and Neuropsychiatry at the University of New South Wales. The professor's team has developed a number of projects, including the eLearning website *idhealtheeducation.edu.au*, which provides free training in intellectual disability and mental health. More than 1,800 professionals throughout the health and disability sector have registered to date and are working through the eight modules currently available.

The University Chair in Intellectual Disability Mental Health also focuses on the further development of the workforce through, firstly, training psychiatrists to treat people with intellectual disability who have

mental illness; secondly, developing the tertiary curriculum for undergraduate medicine and nurse training in the area of intellectual disability and mental health; and, thirdly, developing core competencies of staff in the mental health and disability sectors. The university chair is conducting research projects that will include projects on the mental and physical ill-health of older people with intellectual disability; the health and wellbeing of rural families who are supporting elders with intellectual disability; carer stress; burdened service use; and the prevalence of early-onset dementia in people with intellectual disability.

The University Chair in Intellectual Disability Mental Health has recently secured a National Health and Medical Research Council Partnership for Better Health grant titled, "Improving the mental health outcomes for people with intellectual disability". This partnership involved the Commonwealth Department of Health and Ageing and many New South Wales departments and agencies. The university chair's clinical work involves conducting various clinics for people with intellectual disability and complex mental health needs, such as the assessment of neuropsychiatric disorders and adult tuberous sclerosis, and the service development of community mental health clinics within local health districts.

The University Chair in Intellectual Disability Mental Health has generated substantial research and project funding that is improving the outcomes for people with intellectual disability who have mental health needs. To support this work, Ageing, Disability and Home Care, through the Clinical Innovation and Governance Directorate, has provided further Stronger Together 2 core funding to 2015. The Clinical Innovation and Governance Directorate is in the process of negotiating a co-funding arrangement with the Ministry of Health, who are key partners in the work of the University Chair in the Intellectual Disability Mental Health. I am sure all members will look forward to further updates on the good work of the university chair.

COBBORA COAL PROJECT

Dr JOHN KAYE: My question is directed to the Minister for Roads and Ports, representing the Treasurer. Given that the New South Wales Government has sensibly purchased back the coal contracts on the Cobbora coalmine development, and that the Treasurer has announced that the Government has no intention to develop the mine in the public sector—another sensible decision—why is Cobbora Holdings continuing to purchase land in the Cobbora area?

The Hon. Amanda Fazio: Point of order: I believe that the use of comments such as "as is sensible" in the question equates to debate. Therefore, I contend that the question is out of order.

The PRESIDENT: Order! I will allow the part of the question that did not contain arguments.

Dr JOHN KAYE: With the leave of the House, I will read the question again for the Minister. My question is directed to the Minister for Roads and Ports, representing the Treasurer. Given that the New South Wales Government has purchased back the coal contracts on Cobbora, and that the Treasurer has announced that the Government has no intention to develop the mine in the public sector, why is Cobbora Holdings continuing to purchase land in the Cobbora area?

The Hon. DUNCAN GAY: There is division in The Greens, obviously, because the shadow Minister for coalmines has not asked that question. But it is a good question.

[Interruption]

Dr John Kaye should keep calm. I am not going to take him out, like his coalition colleagues. Two out of three ain't bad. There have been two lots of praise. I am going to go home feeling that something is wrong. The member and I shared many moments, when we were in Opposition, in heated agreement over the issues—

Dr John Kaye: That was in the past.

The Hon. DUNCAN GAY: It was in the past. We have not shared many moments in heated agreement in recent times. Every now and again it happens, and I just heard two occasions of praise. Congratulations go to the Government, which picked up what was an absolute mess. Those members sitting on the losers lounge privately would know what the problem was: it was suss, it was a dud deal and the former Government left New South Wales in an appalling situation. The leaking of Cobbora into the gentrader was absolutely disgraceful. To his credit, Dr John Kaye dropped his baggage from The Greens and pragmatically pursued the matter. Every now and again an element comes out of Dr John Kaye—

The Hon. Michael Gallacher: He shafted The Greens. Excellent.

The Hon. DUNCAN GAY: No, he left the North Korean faction, just for a moment. Ultimately, there is a mining lease in that area and it needs to be examined properly. We quite properly said that it is not an issue for the Government, but many people in the community in that area are very keen for it to go ahead. There are also quite a few people who are not that keen for it to go ahead. It is one of the assets that were left that quite properly should be examined and—as Dr Kaye's colleague would say—using that triple-A bottom line, because we have to be very careful with the community and with the environment in what we do. There is a lot of interest in the Orange, Wellington and Mudgee areas, particularly in the development of roads and jobs. I thank Dr Kaye for his praise on the first two issues. In answer to his question: The reason that it was left there is that it is an asset that needs to be carefully examined, and it will be.

The Hon. MICHAEL GALLACHER: Sadly, the time for questions has expired today. If members have further questions they should place them on notice.

Questions without notice concluded.

TWENTY-FIFTH ANNIVERSARY OF THE MODERN COMMITTEE SYSTEM

Motion by the Hon. DUNCAN GAY agreed to:

- (1) That, notwithstanding anything to the contrary in the standing or sessional orders, on Thursday 19 September 2013, debate on the motion of Mr Gay commemorating the twenty-fifth anniversary of the modern committee system take precedence of all other business on the *Notice Paper* until 1.00 p.m.
- (2) That each member speaking to the motion may not speak for more than 10 minutes.

SENATE VACANCY

Joint Sitting

The PRESIDENT: I shall now leave the chair. The business of the House will be suspended during the joint sitting. The House will resume at the conclusion of the joint sitting following the ringing of the bells.

[The President left the chair at 3.31 p.m. The House resumed at 4.01 p.m.]

The PRESIDENT: I report that at a joint sitting this day Sam Dastyari was chosen as senator in the place of Senator the Hon. Matthew Thistlethwaite. I table the minutes of proceedings of the joint sitting.

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

ENTERTAINMENT INDUSTRY BILL 2013

Bill received, read a first time and ordered to be printed on motion by the Hon. Michael Gallacher.

Motion by the Hon. Michael Gallacher agreed to:

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

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

POLICE LEGISLATION AMENDMENT (SPECIAL CONSTABLES) BILL 2013

Second Reading

Debate resumed from 20 August 2013.

The Hon. STEVE WHAN [4.03 p.m.]: Before I was interrupted I was going through some of the provisions and objects of the Police Legislation Amendment (Special Constables) Bill 2013 and was explaining why this legislation was being introduced. The logic behind this legislation, which is difficult to escape, is that special

constables will be people who have a direct line of reporting and appointment back to the Commissioner of Police. I will refer in a moment to issues raised by the United Services Union on 20 August 2013 regarding special constables who work with local councils, for example, rangers. A number of groups have been special constables, for example, the Police Band, but they will no longer be categorised as such under this legislation. We value the work done by the Police Band and it is important that we maintain the traditions and institutions in the NSW Police Force.

Officers with other agencies are also special constables, for example, those who operate under the Prevention of Cruelty to Animals Act and who check on animal welfare issues for various organisations around New South Wales and local councils. The bulk of the powers exercised by those officers are covered in their relevant Act and not in this legislation. The Prevention of Cruelty to Animals Act gives officers of the RSPCA and other animal welfare organisations the power to access properties to check on the health of animals and to issue notices when required. This legislation will not remove those powers to prevent cruelty to animals; it will simply change their status from special constable to officers or inspectors under the relevant Act.

The United Services Union has been doing a lot of work on this legislation. I declare that I am a member of the United Services Union, which represents local government workers around the State. The union has raised a number of concerns about the Police Legislation Amendment (Special Constables) Bill 2013 of which the Minister is aware and which I will read onto the record. The Minister indicated to me yesterday that he will respond to some of those issues in his speech in reply. The union states:

The USU refers to the above bill, which passed the Legislative Assembly on Wednesday 15 August 2013.

The USU continues to have concerns about the bill. The key issue we are concerned about is the safety of rangers. The 2009 USU survey of rangers, which received 254 responses, found that:

- 11.5 per cent had experienced major psychological assault
- 42.5 per cent had experienced minor psychological assault
- 81.7 per cent had experienced threatening or intimidating behaviour
- 78.2 per cent had experienced verbal threats of violence
- 98 per cent had experienced verbal abuse

These are significant statistics that show that rangers face a high level of danger whilst undertaking their duties.

Whilst the survey also found that Special Constable status did not provide enough protection for rangers, a number of our members have explained that it assists when dealing with violent or aggressive members of the public.

Concerns and comments our members have raised with us include:

- *Rangers are involved with the detection and enforcement of fraudulently used disabled [parking] permits. This is a responsibility that the RMS delegated to Councils and is a function that the RMS does not undertake itself. This is a very important role that we undertake and it has inherent risks as the stakes are high and the driver of a vehicle is an unknown quantity. The powers afforded as a Special Constable including the production of a suitable authority card and badge has assisted significantly with difficult and aggressive offenders. The ability for a Special Constable to advise a customer that the matter can be actioned as a criminal (Benefit by Deception) offence has resolved many potentially serious situations.*
- *Unarmed enforcement at street level results in the more aggressive and resistant offenders simply getting away with offences. The primary example of this occurs when one or two Authorised Officers approach a person for immediately having committed an offence and the offender simply walks off. Worse, the offender offers a spoken threat of violence and then walks off. The options for the Authorised Officer is either pursuit on foot whilst calling for further back up, or arrest on the spot with all the associated problem and potential violence. Removing the Office of Special Constable from Authorised Officers will simply lead to even softer target enforcement as most of the above "walk offs" are addressed by the presentation of the Office and Warrant Card upon first contact with the suspected offender.*
- *Wearing ID that indicates that someone is a Special Constable can be a deterrent with some aggressive people.*
- *Rangers now do a lot of what was traditionally police work (issuing fines and deducting demerit points on driver's licenses, enforcement of alcohol free zones) without police protections. The status of Special Constable provided at least some protection and recognition of this.*

It was stated in parliament by the Hon. Geoff Provest on 14 August 2013 that:

"I understand that some councils now have officers working in pairs to address those risks, and that is a sensible occupational health and safety response. The requirement to work in pairs recognises the risks that those employees may face and the occupational health and safety requirements incumbent upon their employers to minimise those risks."

There is no legal requirement that rangers must work in pairs. The New South Wales Local Government Rangers and Parking Patrol Officers Taskforce on Safety (which includes the USU, WorkCover, LGNSW and ranger representation bodies) have recommended that *"Where a risk assessment identifies an increased or immediate risk to a worker's health and safety, where possible due consideration to be given by the council to enable officers to work in pairs."* Whilst some councils have adopted this recommendation, there are still many that have not, and many council rangers have to deal with aggressive and violent situations on their own.

Because of the above, the USU is concerned about the impact of removing the office of Special Constable status on our members. Our key reason for opposing this bill is to ensure that our members do not lose anything that may provide them with some protection from aggressive or violent people whilst carrying out their duties.

We understand that the bill will be introduced into Legislative Council this coming week and we ask that the Labor Party vote against this bill until union concerns have been addressed.

We also request an urgent meeting to discuss our concerns.

The letter is signed by Graeme Kelly, General Secretary, and was addressed to Nathan Rees, shadow Minister. It was also copied to the Hon. Sophie Cotsis and me. The union met yesterday with Nathan Rees. The Opposition seriously notes the concerns outlined by the union but does not feel that voting against the bill is the answer to the issues raised. However, we acknowledge that more work is needed and the Labor Party urges the Government to continue discussing the problems with the United Services Union, rangers and local government bodies to ascertain ways in which the problems can be overcome.

I understand that the shadow Minister has indicated to the United Services Union that the Opposition would be happy to talk to the union about any of its proposals to work with local government to strengthen safeguards and workplace safety for officers involved in this sort of activity and, if necessary, where that involves consideration of legislation to become proactively engaged. This is a serious issue and I commend Graeme Kelly and his team for their work in this area. As I mentioned when reading out the union's letter, the United Services Union has undertaken surveys of its members which have identified real fears experienced by the members.

All members would acknowledge that the parking inspector's task of enforcing the law is not particularly pleasant at times and unfortunately results from hostile responses from some members of the community. All members hope that people who have done the wrong thing and park illegally would accept their mistake, if it was a mistake, with good grace and the fine that goes with it, and hopefully not do it again, but that is not always the case. We have probably all witnessed examples of people making unreasonable comments to parking inspectors and council enforcement officers in those situations.

The Hon. Melinda Pavey: What did you say?

The Hon. STEVE WHAN: I don't park illegally. I am very careful about these things and I am always very polite to people.

The Hon. Melinda Pavey: Never stayed at a meeting longer than you should have?

The Hon. STEVE WHAN: Do you want to make an admission across the Chamber? Is that what you are about to tell us?

DEPUTY-PRESIDENT (The Hon. Natasha Maclaren-Jones): Order! The Hon. Steve Whan will direct his comments to the leave of the bill.

The Hon. Michael Gallacher: He is not always polite to us, though.

The Hon. STEVE WHAN: Politeness only goes so far. The union has raised serious concerns and I hope the Minister will address those in his reply. I commend the United Services Union for its work in this area. I assure the union that the Opposition is keen to continue to discuss this matter with the union and its officers in the future. However, the amendments in this bill enable appropriate standards to be put in place for those who remain a special constable, including things like drug and alcohol testing and various measures to ensure we have the right people who will undertake their duties responsibly and without influence of any inappropriate substances and so forth.

The bill contains important measures for special constables who remain in that role and who are under the direct responsibility of the Commissioner of Police, including the very valuable special constables who

undertake their duties in Parliament House. I commend them for their security work around this building and other government offices that require security services. The Opposition will support the bill but I acknowledge the concerns raised and look forward to the Minister addressing those concerns in reply.

The Hon. PAUL GREEN [4.16 p.m.]: On behalf of the Christian Democratic Party I speak briefly to the Police Legislation Amendment (Special Constables) Bill 2013. First and foremost, I acknowledge the great work performed by our special constables and thank them for their professionalism and protection. The objects of the bill are to repeal the Police (Special Provisions) Act 1901 so as to abolish the office of special constable under the Act; to amend the Police Act 1990 to establish non-executive administrative officer (special constable) positions in the NSW Police Force and to provide for the transfer of certain employees to non-executive administrative officer (special constable) positions or other non-executive administrative officer positions; and to make consequential and minor amendments to the Police Act 1990 and other legislation.

Special constables are officers who assist in law enforcement, security and other related duties. This bill has come about through enactment of the Law Enforcement (Powers and Responsibilities) Act 2002 and clarification regarding powers. The Minister advised that appointing special constables as non-executive administrative officers under the Police Act 1990 will create a more consistent management framework across all areas where NSW Police Force special constables are employed. The bill will amend the Police Act 1990 to clarify that a special constable has all the powers of a police officer with the rank of constable. Similarly, special constables will be subjected to the same integrity testing. The bill will amend the Local Government Act 1993 to give council law enforcement officers the power to give directions relating to public places, such as enforcing alcohol-free and alcohol-prohibited zones. I note that in the other place Mr Provost stated:

The bill proposes to amend the Local Government Act 1993 to give council law enforcement officers the power to give directions relating to public places—that is, if a council law enforcement officer has reasonable grounds to believe a person's behaviour or presence in a place is obstructing another person or persons or traffic. An example of how this power would be used by council law enforcement officers is enforcing alcohol-free and alcohol-prohibited zones. This power will be subject to section 201 of the Law Reform (Powers and Responsibilities) Act 2002 safeguard—supplying officers' details and giving warnings—and will apply to council law enforcement officers in the same way as it applies to NSW Police Force special constables and sworn police officers.

When I was mayor of Shoalhaven the powers of law enforcement officers hired by council caused some confusion. Law enforcement officers will now be empowered to move people on and enforce alcohol-prohibited and alcohol-free zones. Members of the public may not have been aware that this was not possible prior to this bill. The bill will tighten up that area and reduce confusion at a local government level. The bill amends the legislation to allow RSPCA and Animal Welfare League inspectors to demand the name and address of an individual facing an offence or when a suspected offence occurs. Inspectors will be able to carry handcuffs and extendable batons.

The Christian Democratic Party notes that this exemption will ensure that inspectors are able to continue to carry handcuffs and extendable batons under the Weapons Prohibition Regulation 2009. The Christian Democratic Party believes that this bill will tidy up red tape and give clarification to law enforcement at the grassroots level. Policing can be a tough job. The bill will ensure that the powers of special constables are not contestable in a court of law, which will enable officers to get on with their job. The Christian Democratic Party commends the bill to the House.

Mr DAVID SHOEBRIDGE [4.10 p.m.]: On behalf of The Greens I speak to the Police Legislation Amendment (Special Constables) Bill 2013. The bill essentially does three things. First, it repeals the Police (Special Provisions) Act 1901 and in doing so abolishes the position of special constable under that Act. Secondly, it amends the Police Act 1990 in relation to non-executive administrative officers, members of the Police Band and the like. Thirdly, it makes a series of other consequential and minor amendments to the Police Act 1990 and related legislation, including the Local Government Act, which is necessary as a consequence of abolishing the office of special constable.

Special constables are unsworn officers who, under section 103 of the existing Act, have the same powers as officers of the rank of constable. Special constables carry out a range of duties. Very few members of the public would be aware of the range of people who have the status of special constable or the powers of special constables. Currently special constables include council law enforcement officers, RSPCA officers and other animal welfare organisations, and certain Police Force officers in the Security Management Unit, the Police Band and the Special Services Group. If my memory serves me correctly, the security officers who service the Parliament are special constables under the Act.

Under existing section 101, people can be appointed as special constables if it is considered necessary for the preservation of the peace, and magistrates and justices of the peace may appoint special constables as and when the need arises. That has been a traditional power reserved for magistrates and justices of the peace in certain circumstances and is designed to deal with, for example, periods of substantial social disorder. I think there have been occasions in the past, in the nineteenth and twentieth centuries, where it was viewed as a power to appoint special constables under emergency powers and used against what might be seen as socially progressive forces. It is not necessarily a glorious history. In other circumstances and necessary instances the powers were used to stop broad and unruly social unrest.

The Hon. Dr Peter Phelps: They were also used against the new guard, remember?

Mr DAVID SHOEBRIDGE: I note the Government Whip from personal history talks about when they were used against the new guard. Schedule 1 of the bill adds section 82L to the Police Act 1990, which allows non-executive administrative officers of the NSW Police Force to be appointed as special constables. That is said by the Government to be necessary to simplify arrangements. Under the current system some officers, including the Police Band, are appointed under the Constitution Act 1902 and others are appointed under the Police Act 1990. I accept the Government's argument that this simplification of the appointment of and statutory provisions for special constables is a step forward and The Greens support those aspects of the bill.

Those officers will have the Commissioner of Police as their employer and they will have the usual rights of appeal that police have in relation to employment matters to the New South Wales Industrial Relations Commission. The bill also introduces the important aspect of police oversight in that all special constables will be within the jurisdiction of the Police Integrity Commission and all special constables will be subject to the integrity testing that the NSW Police Force now regularly undertakes. That integrity testing has been a major step forward in terms of police accountability over the last two decades and any statutory arrangement that extends it to all persons exercising the powers of constables or special constables is welcomed by The Greens.

Once this bill is enacted, only NSW Police Force special constables will retain the title of special constable. Schedule 2.6 of the bill repeals the existing Police (Special Provisions) Act 1901 and that will provide that only NSW Police Force special constables retain the title. Schedule 2.6 also inserts a new section 680A into the ever more unwieldy Local Government Act 1993. That schedule provides that authorised persons may give directions relating to public spaces. The directions must be reasonable and for the purpose of reducing or eliminating an obstruction, or the like.

It is intended to give sufficient power to persons, such as council rangers, who are authorised to exercise the necessary powers that they had in their office as special constable. As I read the bill, it does achieve this. The penalty for failing to comply with the direction of an officer such as a council ranger exercising those powers is only two penalty units, but that penalty gives some statutory force to the giving of directions by the council officer. It clearly makes the powers of council officers subject to section 201 of the Law Enforcement (Powers and Responsibilities) Act 2002, which means they must provide their details and give warnings before they exercise a direction under the Law Enforcement (Powers and Responsibilities) Act 2002.

Schedule 2.7 amends the Protection of Cruelty to Animals Act 1979 to create a new definition of officer for animal welfare organisations. Again, those people will no longer have the rank of special constable but they will have the power to request a person to prove their identity and to question persons, and they can give evidence-in-chief about any offences they encounter in their duties. The bill gives them a limited package of powers that relates to their work as animal welfare officers without the other powers that accrue to special constables and are not relevant to their duties as animal welfare officers.

The bill comes with an exemption from the requirement to hold a permit under the substantive Act to allow those persons who are special constables to carry handcuffs and extendable batons in their enforcement activities. Exemptions were granted as a matter of routine practice prior to this bill. Given that special constables will only be police officers in the Police Force who are subject to the oversight of the Commissioner of Police, the exemption for handcuffs and batons makes administrative sense. The bill also amends the Firearms Act 1996 to enable animal welfare officers to hold firearms licences and establishes that animal welfare is a genuine reason for holding a firearms licence for the purpose of the Firearms Act 1996.

The Greens have consulted with a number of entities in relation to this bill, as has the Government. When we spoke with animal welfare groups, including the RSPCA and the Animal Welfare League, to find out whether they are satisfied with these legislative changes, they indicated that they had spoken with the

Government and were satisfied with the changes. They thought this legislation gave them sufficient powers, and they were grateful for the clarification of the definition "genuine reason" under the Firearms Act to enable them to buy firearms for the purpose of their animal welfare work.

In a very short summary of why they require a firearm, officers such as those from the animal welfare groups, Wildlife Information Rescue and Education Service [WIRES], Friends of the Koala up north and the RSPCA, often are called out and see seriously distressed and terminally injured animals. These are animals that have been hit on roads or are suffering terrible burns following bushfires or have been grossly mistreated by their owners and cannot be saved. In those distressing circumstances, those members of animal welfare groups need a firearm to euthanase those animals. That clearly is a genuine reason to have a firearm, and it is good that this legislation clarifies that. The Greens were also approached by the United Services Union, which directed some correspondence to our offices. I will read onto the record some of the concerns it expressed in its correspondence of 30 April 2013 to my office:

You will be aware that over recent years there has been a broad range of powers and responsibilities added to existing law enforcement and compliance capabilities of the local government. For example, increased responsibilities relating to the enforcement of alcohol, smoking in public places and pool safety in private yards.

I editorialise by saying that the list could go on and on to include health inspection and other regulatory duties.

The Hon. Sophie Cotsis: Dangerous dogs.

Mr DAVID SHOEBRIDGE: Yes. But I return to the correspondence received from the United Services Union:

Some additional responsibilities have increased the safety risks faced by council officers in their dealings with the public. Risks can be heightened in a number of circumstances, for example, if council rangers are working alone, in areas where groups of people are consuming alcohol, and at night time. Council rangers and parking patrol officers are often subjected to verbal abuse by members of the public and exposed to unacceptable levels of aggression, threats of violence and actual violence.

Some of the council officers who have special constable status say that they feel their public standing is improved by having special constable status and this brings increased protection for them. For these officers, the status provides a source of confidence when working in the community.

I pause there. The correspondence sets out some of those concerns in more detail. Council rangers, council parking officers and other compliance officers in local government perform essential roles, and they should be respected by this House, by politicians of all political colours and by the public. Sadly, too often, particularly council parking officers and rangers are subject to abuse, threats and intimidation as they go about their daily duties. That is totally unacceptable where a council officer, whether a parking officer or ranger, is engaged in the exercise of their duties. I personally have felt deeply unhappy about getting a parking fine. But when council officers issue a parking fine, they are doing a job asked of them by their local community through their local council. When a ranger directs a person to stop engaging in antisocial activity—I note, I have not been directed in that regard by a council ranger—

The Hon. Trevor Khan: As a Green you have not been directed to cease antisocial activity?

Mr DAVID SHOEBRIDGE: I have not been the subject of a direction from a ranger. But when a council ranger directs someone to stop engaging in antisocial activity, they deserve to be treated with respect and courtesy. They never deserve to be threatened, intimidated, humiliated or abused in the course of their duties. There seems to have been a genuine lack of public concern for the kind of stressful work that these officers do. I place on the record The Greens' support for their work, and acknowledge the tough and necessary job that they do. If The Greens were of the view that this legislation, by removing rangers' status as special constables, would lead to them to being the subject of more abuse, or more intimidation or harassment, we would not support the bill.

I do not believe the general public would have an understanding about whether a ranger or other council compliance officer is acting in the role of a special constable or acting under the statutory powers that are granted under this Act and referenced under the Law Enforcement (Powers and Responsibilities) Act. Clearly, as a Parliament, we should keep a very close eye on the operation of this legislation. We have an obligation to ensure those officers that we send out to do this tough and often confronting work have our respect and that they have sufficient protection.

The United Services Union has not raised this as a recent, last-minute campaign. This has been an ongoing campaign by the United Services Union, particularly by those officers responsible for the industrial

rights and protections of rangers. I have gone to a number of their campaigns. They launched a substantial campaign a little over 12 months ago to protect rangers. I would urge everyone to go to the website of the United Services Union and have a look at the campaign, get on board and support rangers. I note the concerns of the United Services Union; they are valid concerns. For the reasons I have mentioned, I do not believe those concerns warrant not supporting the bill, which otherwise modernises the role of special constables and modernises the powers of those regulatory officers who are the subject of it.

The Hon. SOPHIE COTSIS [4.35 p.m.]: I speak on the Police Legislation Amendment (Special Constables) Bill 2013. I place on record my congratulations of special constables for the fantastic work that they do to protect our community. I, too, add my voice to the support of the many parking rangers and law enforcement officers who do a fantastic job to enforce many regulations that this Parliament has made and shifted onto council workers; but I will come to that in a moment. This bill seeks to provide clarity to legislative provisions that relate to special constables. Special constables have been a feature of the New South Wales law enforcement landscape since the inception of the Police Force. Initially they were an addition to the efforts of the Police Force.

These amendments to the Act seek to do a number of things. The objects of the bill are to repeal the Police (Special Provisions) Act 1901 so as to abolish the office of special constable under that Act, to amend the Police Act 1990 to establish non-executive administrative officer (special constable) positions in the NSW Police Force, to provide for the transfer of certain employees currently holding office as special constables and performing security duties or Police Band duties to non-executive administrative officer (special constable) positions, and to make other consequential and minor amendments to the Act. In these sorts of matters transitional arrangements are always of critical importance to those who are special constables or the equivalent. The special constables that many of us in this place deal with most frequently are, of course, the security officers at Parliament House. Special constables also exist in the local government sector, where we know them as parking rangers or enforcement officers, and in the context of animal protection through the actions of some RSPCA officers.

Of the existing special constables who are not members of the Police Force but are performing security duties subject to the day-to-day direction of the Commissioner of Police, the Minister may specify those that are transferred to the Police Force and appointed to the position of non-executive administrative officer (special constable). Of those existing special constables who are not members of the Police Force but are performing functions as members of the Police Band, the Minister may specify those who are transferred to the Police Force and appointed to the position of non-executive administrative officer (special constable). These arrangements envisage the exemption of a person appointed as a non-executive administrative officer (special constable) from committing an offence under the Weapons Prohibition Act 1998 and will exempt an officer under the Prevention of Cruelty to Animals Act 1979 from requiring a permit under the Weapons Prohibition Regulation 2009 to possess and use handcuffs and extendible batons when acting in the course of the officer's duty.

There has been some attempt to clarify the arrangements as they relate to both weapons and enforcement objects, but there remain a number of concerns that have been expressed by my colleague the Hon. Steve Whan and the shadow Minister responsible, Nathan Rees. Many Government members and the Attorney General, who had responsibility for this bill in the lower House, received correspondence from the United Services Union. I understand the United Services Union has also been in contact with the Minister responsible in this Chamber, Minister Gallacher. The union has raised a number of concerns, and those have been mentioned in the speeches on this bill made by the Hon. Steve Whan and Nathan Rees.

I was present at the meeting last night that shadow Minister Rees attended with United Services Union officials. Those officials expressed their concerns about the changes to the special constable status. A number of officers from the United Services Union—in particular Lyn Fraser—were involved in producing a document in 2009 entitled, "Moving on For Safety: The experiences and perspectives of ranger and parking patrol officers in New South Wales local government". If anybody wants a copy of this document I am happy to get one. It is very comprehensive. It relays the experiences of many council rangers and outlines the many functions that they perform. As members know, when we pass legislation in relation to many of these Acts, it affects many rangers—whether they handle dangerous dogs, swimming pools or parking—who perform important duties ensuring that compliance and enforcement are dealt with.

These officers cop abuse. Aggressive members of the public verbally abuse them and attack them. The United Services Union has provided us with some statistics. Out of 254 responses to the United Services Union survey, 11.5 per cent had experienced major physical assault, 42.5 per cent had experienced minor physical

assault, 81.7 per cent had experienced threatening or intimidating behaviour, 78.2 per cent had experienced verbal threats of violence and 98 per cent had experienced verbal abuse. These are significant statistics that show that rangers face a high level of danger while undertaking their duties. The United Services Union has expressed concern that, while the survey found that special constable status did not provide enough protection for the rangers, a number of members explained that the status assists when dealing with violent or aggressive members of the public.

I had a short conversation with the Minister. I raised these concerns about the powers with him. My concern was that these powers should not be removed and that the special constable status supported them, particularly in instances where members of the public were aggressive. I know that the Minister is going to look into some of the concerns we have raised. Hopefully, he will provide us with some information that will allay the concerns of the United Services Union and the members involved.

The United Services Union and a number of other unions have set up a task force called the NSW Local Government Rangers and Parking Patrol Officers Taskforce on Safety. There are a number of task force members, including the Australian Institute of Local Government Rangers; Australian National Parking Steering Group NSW; CouncilSafe; Local Government and Shires Associations of New South Wales; Statecover; the United Services Union and WorkCover, as well as rangers and parking patrol officers from various councils such as the City of Sydney, Lake Macquarie City Council, North Sydney Council, Pittwater Council, Ryde City Council, Sutherland Shire Council and others.

There is a website—www.localgovernmentsafetytaskforce.com. The task force has produced a document which was revised in May 2012: *10 steps toward safety*. It is a very important document. As I said, we have passed a number of laws recently in my area of local government, which these law enforcement officers, parking rangers and dangerous dog officers, will have to deal with. They are on the front line so it is important that their safety is not compromised and that we listen to their issues.

Next week representatives of the United Services Union are bringing a delegation of rangers to meet with me. I will ensure that my Labor colleagues listen to what the rangers have to say. There are parking rangers and rangers dealing with enforcement and compliance with respect to dangerous dog legislation. For months I have been calling on the Minister for Local Government to stop sitting on a report that he has had since February and to act on the 16 recommendations the Companion Animals Taskforce has provided him. Finally, after enormous pressure from the media and the community the Government is acting. I would like to see the Government accept all the recommendations.

I would like the Government to take a coordinated approach. There are some very good recommendations in that report in terms of a cross-agency task force between the Attorney General's Department, the NSW Police Force, the Division of Local Government and animal welfare organisations. After having this report on his desk for six or seven months I do not think the Minister has done anything. He needs to bring those organisations together. We must make sure that community safety comes first. We do not want to see any children die because of another dangerous dog attack. We need to work together. I have been calling on the Government—

The Hon. Dr Peter Phelps: Point of order: The honourable member is straying a long way from the substance of the bill. Other dog-related activities are taking place elsewhere. I suggest that the honourable member restrain herself until such time as any such legislation comes before this House, and to confine herself to the remit of the matter before us.

The Hon. SOPHIE COTSIS: To the point of order: This is part of the bill. These dangerous dog inspectors have a lot of work to do. The Government is proposing legislation. I am only outlining the important work that they have to do. I will continue to outline that work.

The Hon. Niall Blair: To the point of order: I fail to see how the report that the Minister has in his office relates to the important work—

The Hon. SOPHIE COTSIS: You guys are embarrassed.

The DEPUTY-PRESIDENT (The Hon. Jennifer Gardiner): Order! The Hon. Niall Blair has the call.

The Hon. Niall Blair: As I was saying, referring to the report in the Minister's office is straying a long way from the bill that we are debating. It is a long stretch to suggest that this bill relates to that report. Even though they may both involve rangers at some stage, the report is a long way from this bill. It is a long stretch. The member should return to the leave of the bill.

The DEPUTY-PRESIDENT (The Hon. Jennifer Gardiner): Order! I uphold the point of order. I remind the member to speak to the long title of the bill.

The Hon. SOPHIE COTSIS: As I said, next Thursday I will be meeting with a delegation of rangers who perform a number of law enforcement duties. They include officers who handle dangerous dogs, swimming pool inspectors and parking rangers. I acknowledge the good work of the United Services Union officials in bringing these issues to our attention. The shadow Minister has indicated to the union that we will follow this issue very closely. We will listen to their concerns and if there are any issues regarding the legislative changes, we will be bringing them forward and speak to the relevant Minister or ministers. Again, I acknowledge Graeme Kelly, who is a very strong advocate on behalf of his members. Next time we see parking rangers or inspectors we should say, "G'day" because they do a very important job. They walk the streets and enforce the very important laws that we pass in this place. I thank them and I thank the House for the opportunity to contribute to this debate.

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [4.49 p.m.], in reply: I thank all members for their contributions to debate on the Police Legislation Amendment (Special Constables) Bill 2013. Council law enforcement officers presently derive their powers from two main sources: the Local Government Act 1993 and the Law Enforcement (Powers and Responsibilities) Act 2002. Council law enforcement officers also perform certain roles under a number of other Acts, such as the Companion Animals Act 1998, the Prevention of Cruelty to Animals Act 1979 and the Fisheries Management Act 1994. Council law enforcement officers have specific law enforcement duties, but their work is distinct from that of police. Unlike NSW Police Force special constables, they do not directly support the work of sworn police.

The proposed reforms, which have been debated in this place today, have been the subject of considerable consultation since the discussion paper was first released in 2010. Portfolios that were consulted as part of this review include Health, Transport, Industry and Investment, Local Government and Attorney General. I understand also that a working group was established to develop policy options for NSW Police Force special constables. Meetings were held with organisations, including Unions NSW and the United Services Union, to discuss policy solutions for special constables employed by agencies other than police.

In examining proposals for council law enforcement officers, the review took into account a survey of local councils by the then Local Government and Shires Associations, a survey by the United Services Union, submissions, consultations and council ranger position descriptions. The United Services Union's survey of local government rangers and parking patrol officers entitled, "Moving on for Safety", considered the level of physical assaults that were experienced by officers with special constable status compared with those who did not have that status. The survey found that of the 92 officers who had identified themselves as having special constable status, 37 per cent had experienced physical assault. This compares with 151 officers without special constable status, 36.4 per cent of whom experienced physical assault. The survey ultimately concluded that having special constable status made very little difference to the number of physical assaults.

I am also advised that the survey undertaken by the then Local Government and Shires Associations asked councils what tasks are undertaken by council law enforcement officers that could not be undertaken but for their being appointed special constables. Councils' responses included the power to stop, detain and arrest persons for a serious matter, such as malicious damage to council property, and the power to detain and arrest persons under suspicion, not merely if the officer has witnessed an offence and has not lost sight of the offender. The review found that the perceived benefits of appointing special constables as council law enforcement officers, together with the nature of their duties, do not justify the breadth of powers that they ostensibly have through the Police (Special Provisions) Act 1901. For example, the use by council law enforcement officers of the power to arrest without a warrant generally falls outside the scope of their compliance responsibilities.

With respect to the introduction of proposed section 680A (6), section 201 of the Law Enforcement (Powers and Responsibilities) Act 2002 applies to the exercise of a power under section 680A by an

enforcement officer in the same way as that section applies to a police officer. This proposal, which was introduced into the bill as the powers provided for in section 680A—specifically the power for a council law enforcement officer to give a direction to a person in a public place if there are reasonable grounds to believe that the person's behaviour or presence in that place is obstructing another person or traffic—is the equivalent of a police power; hence the application of section 201. In relation to council law enforcement officer safety concerns, I am advised that the United Services Union referred to section 108 of the Police (Special Provisions) Act as being of benefit to its members. Section 108 provides that where a person resists or assaults a special constable, or promotes, incites or encourages any other person to do so, he or she will be liable to a penalty not exceeding two penalty units or to imprisonment for any term not exceeding six months.

I am advised that additional protection is already provided for council law enforcement officers pursuant to section 21A of the Crimes (Sentencing Procedure) Act 1999. Section 21A (2) of that Act provides that offences committed against a council law enforcement officer may be considered to be an aggravating factor in sentencing. I note the reference to the term "council law enforcement officer" in the Crimes (Sentencing Procedure) Act and the proposal put forward by the United Services Union to replace the term "enforcement officer" with the term "compliance officer". As the Crimes (Sentencing Procedure) Act uses the term "council law enforcement officer", amending the term "enforcement officer" in the bill may have an impact upon the application of section 21A.

Officers performing certain duties, such as parking patrol duties, face risks. Some councils have implemented a system of working in pairs to mitigate this risk. The requirement to work in pairs recognises the safety risks that these employees may face and the work health and safety requirements incumbent upon employers to minimise those risks. Work health and safety issues, such as working in pairs, are matters that can best be addressed by local government. While the issues raised in submissions relating to the safety of council officers are valid, they fell outside the scope of the review. However, I undertake to write to the Minister for Local Government to highlight the concerns raised in this debate by the United Services Union with regard to council rangers working in pairs.

Mr David Shoebridge referred to certain special constables carrying firearms, particularly those working in the Animal Welfare League and the RSPCA. I assume he is talking about firearms other than category H firearms, which are, in effect, handguns. The Hon. Robert Brown has drawn to my attention that these officials have not been using such firearms for many, many years. I once again thank all members for their contributions and 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. 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.

BUSINESS OF THE HOUSE

Postponement of Business

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

JOINT SELECT COMMITTEE ON SENTENCING OF CHILD SEXUAL ASSAULT OFFENDERS**Establishment**

Consideration of the Legislative Assembly's message of 15 August 2013.

Motion by the Hon. MICHAEL GALLACHER agreed to:

- (1) That this House agrees to the resolution of the Legislative Assembly's message of Thursday 15 August 2013 relating to the appointment of a Joint Select Committee on Sentencing of Child Sexual Assault Offenders.
- (2) That the time and place for the first meeting be Thursday 29 August 2013 at 1.45 p.m. in room 1136.

Message forwarded to the Legislative Assembly advising it of the resolution.

MARINE PARKS AMENDMENT (MORATORIUM) BILL 2013**Second Reading**

The Hon. DUNCAN GAY (Minister for Roads and Ports) [5.00 p.m.]: I move:

That this bill be now read a second time.

The Marine Parks Amendment (Moratorium) Bill 2013 amends the Marine Parks Act 1997. The New South Wales Liberal-Nationals Government is taking a different approach to protecting the New South Wales marine estate. This comes after years of political interference by the former Labor Government and decisions based on poorly understood or incomplete information. As a result, the credibility of marine parks and our fishing industry have suffered. A five-year moratorium was imposed in 2011 that prohibited, first, the creation of additional marine parks; secondly, the alteration or expansion of sanctuary zones; and, thirdly, a review of zoning plans while an independent scientific audit of marine parks in New South Wales was carried out. On coming to Government we made it clear that we would immediately commission an independent scientific audit of marine parks in New South Wales. That report was released in February 2012, and in March 2013 the Government released its response to the audit, supporting the principal recommendations, including the need for change.

This independent audit was a direct response to the concerns expressed by stakeholders in relation to how the State's six marine parks were established and managed by the former Labor Government. This bill removes some of the restrictions put in place during the term of the moratorium, such as reviews of zoning plans for marine parks. Once again the preparation of review reports will be permitted under section 17D of the Marine Parks Act 1997. The moratorium will also be lifted to allow the making of regulations under section 17B of the Marine Parks Act 1997, which alter the boundaries of sanctuary zones or classify new areas as sanctuary zones. However, the moratorium on the declaration of new marine parks will remain in place until further advice on this issue is received from the Marine Estate Expert Knowledge Panel. These amendments to the Marine Parks Act 1997 will permit some initial reforms to marine park management as part of the Government's new integrated, adaptive and evidence-based approach to managing the entire New South Wales marine estate.

Further, reform may be adopted based on the expert advice from the Marine Estate Expert Knowledge Panel chaired by Dr Andrew Stoeckel and guidance from the authority chaired by Dr Wendy Craik. This new approach, developed in response to the marine parks audit, will enable the management of marine parks to be better aligned with a more integrated and holistic approach to managing the entire New South Wales marine estate. I will provide some background on our marine parks. Currently New South Wales has six marine parks, which are located at Cape Byron in the north, Solitary Islands on the Coffs Coast, Port Stephens-Great Lakes in the Hunter region, Jervis Bay, Batemans Bay on the South Coast and the unique waters surrounding Lord Howe Island. The first park was established in 1998 and these marine parks cover about 345,000 hectares or almost 35 per cent of the New South Wales marine estate, including 6 per cent currently in sanctuary zones.

Marine parks are managed for the conservation of biodiversity. Importantly, these parks and the marine estate are also iconic areas used and enjoyed by our communities in many ways. This balance between conservation and use is reflected in the objects of the Marine Parks Act 1997. Marine parks sustain our commercial fishing industry, which contributes a total of \$80 million annually to the New South Wales economy from wild caught species. Marine parks also support our recreational fishing community, which injects

more than \$550 million annually into the New South Wales economy, often into regional coastal communities. Recreational fishing is also a leisure pastime important to many fishing families and is often passed down from generation to generation. Marine parks support Indigenous cultural practices. They support our coastal tourism industry, including charter fishing and whale and dolphin watching, as well as snorkelling and scuba diving.

Marine parks are essential to our scientific research community and offer important education experiences to school groups, volunteers and the community. Of course, they support the New South Wales community more generally, including families that enjoy swimming, surfing and other leisure activities. The objects of the bill are, first, to allow regulations to be made under the Act within the current five-year moratorium period to alter the areas of existing sanctuary zones or to classify areas as new sanctuary zones within marine parks. This will allow changes to be made to sanctuary zones in marine parks where appropriate and in consultation with the community. Frankly, that is totally unlike the former Labor Government, which declared marine parks with the wave of its wand, basing its decisions on poor or incomplete science and simply for political gain.

This means that any changes identified as a result of the recently announced assessment of recreational fishing access to beaches and headlands in marine park sanctuary zones can be put in place. This is consistent with the new approach, that is, management is based on a threat and risk assessment. Secondly, the bill allows for reviews of zoning plans to be carried out at the direction of the Minister for Primary Industries and the Minister for the Environment. It is clear that the community expects marine park management to be reviewed and for that to be done in new and improved ways. In response to the marine parks audit, the Government committed to a common-sense marine parks policy and to developing a better approach to the way marine parks are reviewed. In reviewing zones, we will more effectively meet social and economic objectives while continuing to conserve our important environmental assets.

We will draw on the best available science and knowledge to identify key threats, risks and mitigation strategies. We will promote multiple use and appropriate access, with restrictions on activity proportionate to the risk. We will also improve stakeholder and public participation by promoting genuine and open consultation. The New South Wales Liberal-Nationals Government also committed to better incorporating local Indigenous knowledge and developing a performance assessment system for marine parks. These amendments will allow for marine parks zoning rules to be reviewed so that marine parks are managed efficiently and effectively, the way our stakeholders expect. Thirdly, the bill permits the authority to conduct reviews of or take other action in relation to zoning plans for marine parks during the moratorium period. This will allow the Government to take action and get on with doing what it said it would do in response to the marine parks audit.

The bill does not alter the moratorium on declaring new marine parks. The New South Wales Government remains committed to the prohibition on creating new marine parks, subject to advice from the Marine Estate Expert Knowledge Panel. That independent, non-statutory panel is being established to drive key initiatives under the new approach to managing the New South Wales marine estate that was announced in March 2013 in response to the Independent Scientific Audit of Marine Parks in New South Wales. The panel will ensure that the authority has direct access to independent expert advice spanning ecological, economic and social science disciplines to support evidence-based decision-making and address key knowledge gaps.

I am pleased to update the House about the newly appointed members of the Marine Estate Expert Knowledge Panel. Dr Kate Brooks is a specialist in social science research with extensive experience in planning for sustainability through management systems and policy. Dr Brooks' key fields of specialisation are in social impact assessment, community capacity, community networking, and government and community interactions. Dr Neil Bryon is an economist specialising in the fields of economics and policy analysis, particularly as applied to environmental management, natural resources and development planning. Dr Bryon has a national and international reputation as an environmental economist and policy analyst and is an adjunct professor at the University of Canberra.

Dr Rick Fletcher has technical expertise in ecology, risk assessment and the development of practical governance frameworks. Currently working for Western Australian Fisheries, Dr Fletcher is experienced in developing and implementing holistic risk-based governance frameworks at the fishery and regional level and is knowledgeable about ecological processes and interactions that affect aquatic resources. Associate Professor Emma Johnston is an expert in human influence on the ecology of marine and coastal systems. Associate Professor Johnston has extensive research experience in New South Wales waters and brings to the panel expertise in marine ecology and biology, stressor interactions, ecotoxicology, invasion biology, estuarine health

assessment and biomonitoring. Associate Professor Johnston is director of the Sydney Institute of Marine Science Sydney Harbour Research Program and was a member of the New South Wales Marine Parks Independent Scientific Audit Panel.

Mr Peter McGinnity has more than 30 years' experience leading marine and integrated coastal planning and management reforms for the Great Barrier Reef Marine Park Authority. Mr McGinnity will contribute skills and technical advice in the application of risk-based approaches and has experience with management strategy evaluation and vulnerability assessment methodologies applied to climate change, biodiversity conservation and coastal ecosystem assessments. The newly appointed members will sit alongside the chair, Dr Andrew Stoeckel. Those members were identified through a competitive and open process, which demonstrates how rigorous this Government has been in choosing the right people for the job. This advice will be crucial to support evidence-based decision-making, to guide threat and risk assessments and to address key knowledge gaps. The Marine Estate Expert Knowledge Panel will report directly to the Marine Estate Management Authority. A key aspect of the panel is its ability to draw on other experts to make sure we have the best people to inform better management of the marine estate.

The Government is committed to reducing red tape for industry, stakeholders and the community. These amendments to the Marine Parks Act 1997 will allow the Government to start the review process in the move towards a single and simpler statutory management plan for each marine park. This will be part of broader changes that will be made to the regulation of the marine estate which are being developed and which will be the subject of another bill. The threat and risk assessment model recommended by the audit panel was developed as a result of extensive consultation by the audit panel through workshops, interviews and submissions. To ensure this was a rigorous and transparent process, a further opportunity was provided to the public to make comment in relation to the audit panel's recommendations. Those comments directly influenced the development of the Government's response and new approach to how the New South Wales marine estate, including the State's six marine parks, will be managed in the future.

In summary, this bill repeals two aspects of the current moratorium so that once again marine park zoning plans can be reviewed and, where appropriate, changes can be made to sanctuary zones. This will allow the Government to apply a new consultative and evidence-based approach, taking the politics out to deliver better balanced outcomes for all stakeholders. This is one of the first steps towards improving management of our parks, which are one component of the marine estate and one of our greatest natural assets. This holistic new approach to our marine estate reforms will deliver long-term benefits to New South Wales, its people, regions and industries and bring science back to the heart of all decisions. This is not an insignificant piece of work and it is what distinguishes this Liberal-Nationals Government from the previous Government. Our vision is for a clean, safe, healthy and productive marine estate that can be enjoyed, valued and sustainably managed now and in the future. I commend the bill to the House.

The Hon. LUKE FOLEY (Leader of the Opposition) [5.17 p.m.]: I thank the Minister for Roads and Ports, the Leader of the House, for taking us through the Government's reasons for introducing the Marine Parks Amendment (Moratorium) Bill 2013. Perhaps the most pertinent observation made in the report of the Independent Scientific Audit of Marine Parks in New South Wales was that there has been an international trend of personalising what should be a courteous discourse between those with contending interpretations. The truth is that debate about marine parks in New South Wales is not new; it has been taking place for many years. There is a genuine policy disagreement between the Australian Labor Party and the Coalition parties.

The Opposition will oppose this bill just as it opposed the bill that imposed a five-year moratorium on the creation of new marine parks. That has been a point of policy dispute between the major parties in New South Wales for many years. Both major parties have genuine views about the merits or otherwise of marine parks. I do not think that the accusations that are so often levelled at the Labor Party about its motivation for legislating for marine conservation are warranted. I have said in speeches previously that Government members often accuse us of having created marine parks in the interests of a preference deal with The Greens. The truth is far worse than that. The truth is we did it because we believe in it. We believe the case for marine conservation is strong and that action had to be taken in New South Wales.

The DEPUTY-PRESIDENT (The Hon. Jennifer Gardiner): Order!

The Hon. LUKE FOLEY: Madam Deputy-President, I listened to the Leader of the House in silence for the entirety of his speech. I ask that he extend me the same courtesy. Labor is proud of its record on marine conservation. About two weeks ago I sat on a panel with the Minister for the Environment, Robyn Parker, in the

theatrette of this Parliament during a forum organised by the National Parks Association. It was a very courteous evening where we all got on well. However, in answer to a question on marine parks I made the point that I believed marine conservation is advanced under Labor governments and reversed under Liberal-Nationals governments in New South Wales. This bill, which will be passed by the House, is yet another reversal of Labor's strong actions in the area of marine conservation.

What does this bill do? A moratorium on the creation of new marine parks and alteration or creation of sanctuary zones within existing marine parks is now imposed under the Marine Parks Act 1997. As I said a few moments ago, that moratorium was imposed for a period of five years and that occurred earlier in the life of this Parliament. The proposition for a moratorium was advanced by the Hon. Robert Brown in both the last Parliament and this Parliament. The then Labor Government did not support the moratorium proposed in the last Parliament, but one thing we know about the Hon. Robert Brown is that he is a persistent fellow. He bided his time and put the proposition to this Government and was successful. Nevertheless, Labor has been consistent in both government and opposition in not supporting a moratorium on marine parks. The bill essentially addresses what I would describe as an overreach in the moratorium bill that passed earlier in the life of this Parliament because implementation of the moratorium has effectively precluded any alteration of sanctuary zones within existing marine parks.

The Hon. Robert Brown: That is correct.

The Hon. LUKE FOLEY: The Hon. Robert Brown, as the author and sponsor of that moratorium, acknowledges that the statement I have made is correct. It should be understood that this bill will allow the Government not simply to impose a moratorium on new marine parks but to wind back protection zones or sanctuary zones within the existing six marine parks in New South Wales. That is why I deliberately used the word "reversal".

The Hon. Duncan Gay: Or increase if it is scientifically indicated.

The Hon. LUKE FOLEY: This is a reversal of marine conservation initiatives implemented by former Labor governments. There are six marine parks in New South Wales located at Cape Byron in the north of the State, Solitary Islands near Coffs Harbour, Port Stephens-Great Lakes, Jervis Bay, Batemans on the South Coast and also in the waters surrounding Lord Howe Island—which was the first park established under a Labor Government in 1998. These six marine parks cover about 345,000 hectares, which is about 34 per cent of the New South Wales marine estate, including 6 per cent that are sanctuary zones. That is an important point to make.

Often opponents of marine parks advance the argument that the right of Australians to dangle a line, to fish for recreational purposes, is off limits in a large portion or perhaps the majority of New South Wales waters because of marine parks. That is just not true. Six per cent of the New South Wales marine estate takes the form of a sanctuary zone. Marine parks are managed for the conservation of biodiversity. I point to an important statement on page 44 of the Report of the Independent Scientific Audit of Marine Parks in New South Wales, which states:

The Audit Panel therefore believes that no-take zones are important in the context of biodiversity conservation where the aim is to preserve habitats free from extractive human impacts.

It is misleading for government representatives to claim that the Report of the Independent Scientific Audit of Marine Parks in New South Wales demolishes the case for marine parks. It certainly did not do that. Perhaps from the Government's perspective the problem with the report by the NSW Marine Parks Independent Scientific Audit Panel was that the panel was independent and delivered a report that the Government could not be comfortable with. Indeed, following the report the Government had to order a review of its review to come up with the answer it was looking for. I believe that the audit confirmed Labor's case for the protection of our fragile marine environment. Recommendation (R2) of the Independent Scientific Audit of Marine Parks in New South Wales states:

The Audit Panel is of the further opinion that the current system of marine parks established in NSW be maintained and mechanisms be found for enhancing the protection of biodiversity in the identified gaps, namely within the Hawkesbury and Twofold Shelf marine bioregions.

I do not believe that the vigorous anti-marine park campaign run by The Nationals over several terms of the former Labor Government was vindicated by the report of the NSW Marine Parks Independent Scientific Audit

Panel. As the Minister outlined in his address to the House, the Government promised an independent scientific audit during the last election campaign and it has conducted one. It is my contention that the NSW Marine Parks Independent Scientific Audit Panel gave a tick—not an unqualified tick but a tick—against Labor's record on the creation of marine parks. This brings me to the question of sanctuary zones. I am convinced that this bill is designed to allow the Government to permanently de-zone beaches and headlands from sanctuary zones. I think there is no doubt about that. The comment I heard a few moments ago from the Government benches that it may lead to additions to sanctuary zones does not pass the credibility test.

The Nationals have run a vigorous campaign against the concept of marine parks for about 15 years, if not longer. The Government has supported a moratorium on the creation of further marine parks. Indeed, it argues that the Hon. Robert Brown should not take credit for the moratorium and that it was the Government's idea. The Minister for Primary Industries has made announcements about an amnesty on enforcing the rules that prohibit recreational fishing on beaches and headlands in marine park sanctuary zones. For Government members to argue that this bill may well lead to an increase in sanctuary zones does not pass the credibility test. We all know that this legislation is designed to allow the Government to contract the sanctuary zones. That is the purpose of this legislation.

The entire purpose of the five-year moratorium, which was sponsored by the Hon. Robert Brown, embraced by the Government and carried by this Parliament in the face of opposition from the Labor Party, is to reduce the sanctuary zones within the six existing marine parks in New South Wales waters. This legislation will allow the Government to permanently remove beaches and headlands from sanctuary zones. It may lead to a push for either removing sanctuary zones altogether or changing the rules covering them so that recreational fishing is permanently allowed within those zones. Of course, that would defeat the purpose of sanctuary zones, which exist as no-take zones for the purpose of biodiversity conservation and replenishing fish stocks in areas where we say the science has shown there is a threat to the abundance of marine life.

The Minister has pointed out that the moratorium on the declaration of new marine parks will remain in place until further advice is received from the Marine Estate Expert Knowledge Panel. That begs the question: Why tinker with the moratorium if the Government's logic is not to declare any new marine parks or to add to the size of existing parks until the panel does its work? Based on that logic, there should be no changes to the sanctuary zones within the existing marine parks until the panel can do that work. There is an inconsistency in an argument that says we can neither establish any new marine parks nor alter the boundaries of any of the existing six marine parks because we need the experts to undertake the scientific work, but it is okay for us to change the sanctuary zones within the existing marine parks. That is inconsistent.

Once again I return to motive. The motive is clear; that is, to strike another blow against marine conservation and to drive back or reverse Labor's marine conservation achievements. That has been done first by the moratorium, secondly by the announcement of an amnesty that allows line fishing from ocean beaches and headlands in sanctuary zones, and thirdly by this bill, which loosens the moratorium provisions to allow the Minister for Primary Industries to get on with permanently removing beaches and headlands from sanctuary zones. I can accept the argument for letting scientists engage in scientific study. The independent audit made some very strong arguments about attempting to depoliticise what is a much-politicised debate with genuinely held positions on both sides by allowing scientists to engage in scientific study free from political heat.

The Labor Government took that approach to the assessment of threatened species in this State, so I will not oppose it when it comes to the assessment of fish stocks. I see the logic and I can support it. However, to interfere with the marine park estate as it now exists by allowing the Minister for Primary Industries to engage in the political act of decreasing and contracting the existing sanctuary zones will clearly compromise the baseline data. It will impede the ability of the expert knowledge panel and the scientists to engage in a serious scientific study of the current arrangements in respect of the New South Wales marine park estate and the impact those arrangements have on marine life and biodiversity.

In summary, the Opposition opposes this bill. That will come as no surprise to anyone in the House. There is a genuinely held difference of views between our major political parties on the question of marine conservation. The Labor Party supports marine parks, strong government action to conserve our fragile marine environment and steps taken to replenish fish stocks. The Labor Party is proud of its record. The Labor Government made difficult decisions about the establishment of a network of marine parks. Some of those decisions were politically costly and some were used by our political opponents in electorates such as Port Stephens to hurt the Labor Party. However, the Labor Government did the right thing; it had the courage of its convictions. Our opponents will argue that we did it to secure a Greens preference deal. In a former life as a

party official I had a bit to do with preference discussions with numerous political parties. I do not recall ever making a preference deal based on the question of marine parks. The truth is far worse than that; the truth is that the Labor Party established marine parks because it believes in them.

The Government, unsurprisingly, is taking what I think is now its third concrete step in reversing strong government actions on marine conservation taken under Labor. The first was the moratorium itself, the second was the amnesty on fishing on beaches and headlands, and the third is today's bill, which will certainly lead to a permanent contraction of sanctuary zones within the New South Wales marine park estate. At present, those sanctuary zones comprise only 6 per cent of New South Wales waters. They are not overbearing. They are not some unreasonable attack on the rights of citizens to dangle a line. Labor worked long and hard to hear from all sides of the debate, to take decisions based on scientific evidence. These things are always subject to ongoing review and refinement, but under this Government the moves are far stronger than a refinement; they are a wholesale assault on the marine conservation achievements of the former Labor Government, and as such our party will oppose this legislation.

Dr JOHN KAYE [5.41 p.m.]: On behalf of The Greens I address the Marine Parks Amendment (Moratorium) Bill 2013. From the outset I say that The Greens will be vehemently opposing this legislation. This legislation is not just bad because it will permanently damage the marine park estate of New South Wales; it is a victory of cheap political power and cheap political ploys over science. If the O'Farrell Government were to show real leadership, it would have taken the path of greater resistance. Instead of pandering to the reactions of the initial creation of marine parks, it would have said: "We will talk about the science; we will talk about the reality that less than 6 per cent of New South Wales marine estate is in no-take zones; we will talk about the science that says without marine parks and without no-take zones there will be no recreational fishing within a generation." Without marine parks, without no-take zones, the commercial fishing industry is doomed; it is destined to die out at the hands of overfishing.

If the O'Farrell Government were to show real leadership, it would have said: "We will talk to the community and explain the science." Instead, it played the cheap shot. It got on board with the Shooters and Fishers Party and The Nationals and refused to stand up for the science. It played to the revolt against marine parks and the small number of fisher folk who found that their favourite fishing spot was inside a no-take zone. At the 2011 election the O'Farrell Government was prepared, and remains prepared through this legislation, to sacrifice the future of recreational fishing and commercial fishing for cheap political advantage. It is still riding the beast it created, and does so in the legislation before the House this afternoon.

The Government cannot argue that its audit panel said there should be fewer marine parks. Nothing in any of the 16 specific recommendations contained in the report of the audit panel—a report that the Government had late last year and refused to release until quite recently—went anywhere near the idea that no-take zones should be removed or that marine parks should be rezoned. Yet this legislation gives the Minister the capacity to remove no-take zones. As the Leader of the Opposition has said, it allows the Minister to remove existing sanctuary zones from being sanctuary zones. It allows the Minister to review the zoning plans for marine parks. And while the moratorium on new marine parks remains in place, it would allow the Minister—a Minister who has proved herself hostile to the science around marine parks, and proved herself hostile to marine science in general—to destroy marine parks.

The review suggested some sensible reforms to marine national parks. But those reforms are not what this legislation does. This legislation hands over to the Minister the capacity to devastate marine national parks. Other speakers from The Greens will speak in greater detail on this matter when the bill is discussed in Committee. I summarise my contribution by saying that The Greens oppose this legislation. I look forward to the next speaker with great enthusiasm.

The DEPUTY-PRESIDENT (The Hon. Jennifer Gardiner): As this is the first speech in this place of Dr Mehreen Faruqi, I ask that members extend the normal courtesies.

Dr MEHREEN FARUQI [5.45 p.m.] (Inaugural Speech): I will begin by acknowledging the traditional custodians of the land on which we are gathered, the Gadigal people of the Eora nation, and pay my respects to their elders past and present. This land always has been and always will be Aboriginal land. Whether we arrived with the First Fleet or in the two centuries of immigration since, it is important to remember that most Australians come from migrant families and that the soil on which we stand belongs to someone else.

I believe my story is one that belongs to many Australians. I am one of the 5.5 million Australians who were born overseas. I am proud of my heritage, but I am also deeply connected to the nation I now call home.

Australia is richly multicultural, and this diversity brings a vibrancy that is hard to match anywhere else in the world. My inclusion in this Parliament reflects the promise that brought my family and millions of families like ours to this country: an inclusive, democratic, pluralist society which seeks to provide opportunity for all who live here; a society in which our achievements may only be limited by the scale of our determination, and the scope of our imagination.

It is a tragic moment in our history though that a land as diverse and prosperous as ours, which owes so much to its migrant heritage, may be tarnished by fearmongering and dog whistling over refugees and migrants. I am proud of my party, The Greens, for denouncing this rhetoric; our party which values inclusive multicultural societies and democracies and having them remain that way. Before I say anything else, I would like to take this opportunity to thank the thousands of Greens NSW members who are here today and who took part in our democratic preselection and appointed me to be their representative in Parliament. It is this practice of grassroots decision-making that most inspires me about The Greens. I am incredibly honoured and humbled by the support I have received from across regional and metropolitan New South Wales.

This all seems though quite far removed from the Pakistan that I grew up in, where the notion of democracy was still so far from our grasp. Although Pakistan was formed as a secular democratic State, for much of the 66 years since its independence it has been dominated by martial law, oppression, and inequality. When I was 15, a military dictator came to power in Pakistan and brought in dogmatic religious laws that took away the rights of women and minority groups. It decimated the democracy my grandfather helped create through massive people's movements and a revolt against the British Empire. This was my awakening to activism and politics; this is why I am so passionate about reversing inequalities.

When I was growing up, my dad would often recite a poem by the great philosopher and poet Allama Iqbal. Though it was written a world away, a century ago, its significance to my life—both where I grew up and where I am now—is not lost on me. I would like to share a few lines from this poem with you.

Sitaron se aage jahan aur bhi hain
Abhi ishq ke imtehan aur bhi hain
Gaye din ke tanha tha main anjuman mein
Yahaan ab mere raazdaan aur bhi hain

This poem is about pushing boundaries, about reaching beyond what we may feel or be told we are capable of. It is about looking beyond the short term and thinking instead about the challenges that lie on the horizon, about how when we join with others, we may have the hope and power to face whatever those challenges may be. Reflecting on it, I feel as though I have taken many of these themes to heart, much to the despair of my parents sometimes. I was influenced strongly by my boundary-pushing aunt, who was always speaking out for gender equality in a patriarchal society. I followed my dad into engineering and was for a time one of the few practising women engineers in Pakistan.

If I am honest with myself, my decision to study civil engineering was more an act of defiance against a male-dominated society and profession than a burning passion to become a structural engineer. I had grand ambitions of breaking down the barriers which oppressed the women in my community. I will be the first to admit that instead of tearing those walls down I caused one mere dent. But what are social movements if not thousands of individual dents, collectively bringing down old structures?

When I left Pakistan, I arrived in Australia with just my husband, my one-year-old son, and two suitcases. In a familiar migrant story, we arrived in the middle of a recession, and my wonderful husband spent our early months in Australia driving cabs to make ends meet until we could find jobs in our respective professions. I was able to continue my postgraduate studies, and then went on to work in research, local councils and consulting firms, before finding myself having come full circle as an associate professor of business and sustainability with students of my own to teach. I know that it was only through the love and support of my husband and my two beautiful children that I was able to do that. Omar, Osman, Aisha, I cannot thank you enough for the strength and sustenance you provide me.

I know that none of this would have been possible had I not received a good education. Though my father is no longer with us, my mother made the journey to be with me tonight. I would like to thank her both for my formal education and for perhaps the more valuable lessons I received watching her example as I grew up. She is the centre point of our extended family, and all who come in contact with her bear witness to her love and wisdom.

I also know that not all girls and women from Pakistan are so lucky. For me, education has been a way of life, but for the inspirational Pakistani heroine Malala Yousafzai, the battle for that right almost cost her her life. At point-blank range, extremists used terrible violence with the intention of suppressing a girl and her "dangerous" ideas. Instead, the bullets fired to silence her caused her voice to reverberate around the entire globe. On her sixteenth birthday, she spoke in front of thousands at the United Nations, and in front of millions more watching from their homes and schools across the world. "Let us pick up our books and our pens," she said, "They are our most powerful weapons. One child, one teacher, one book, one pen can change the world. Education is the only solution." And she is right. Education is the tool by which we may push over boundaries, reach beyond our capabilities, see those horizons in the distance and then go charging towards them. Education is not just about information. It grows our society and economy, and it creates industries that we have not even imagined yet. It is a way out of generational poverty and towards security, out of bigoted ignorance and towards peace. Education today creates the teachers, artists, builders and leaders of tomorrow.

But what example will we be setting for these new leaders? After recent revelations of past activities in the New South Wales Parliament, what we do here has been met with derision. Our Parliament, and others like it, has become contaminated in the minds of its citizens with corruption, cynicism and stagnation. When the work we do is shadowed in such a way, how may we inspire the best and brightest of this generation to join our ranks? As a parent of two very switched-on children, and an educator of hundreds more, I know that there is no fooling them. With their future at stake, they are the ones that demand and deserve our best service.

We must remember why we are here. I am here because I believe in The Greens principles of social justice, ecological sustainability, peace and non-violence, and the power of grassroots democracy. I am here because we must speak out for those unjustly treated, whether they were born here or are fleeing persecution and seeking refuge on our shores. I am here because we must act when the State has jurisdiction to remove discrimination over who you can love, or whether you can make choices for your own body. I am here because I know the responses to the great challenges of this century will not be framed with money as the only measure of success, but by how we simultaneously meet our social, environmental and economic needs. I am here because I believe that we live in a nation where one person can make a difference, but where we can do so much more when we work together.

It is this view to the future that makes me so proud to be a Green, and prouder still of my Greens colleagues. When I joined The Greens, we had just three members in the New South Wales Parliament, and genuine political leaders like Bob Brown in Tasmania and Lee Rhiannon here in New South Wales inspired me to take an interest in the party. I signed up because of our strong stand on the environment, climate change, animal welfare, workers' rights, compassion for refugees, and removing discrimination from the law. While our stance on those issues remains resolute, we have since grown to six members, and are always ready to welcome the next one.

Regardless of the size of the team, The Greens have always been a force in the community for equality, justice and environmental protection. I join a terrific team of members of Parliament whose experience and knowledge has been vital to my transition to Parliament. I am particularly proud to arrive in the wake of two strong Greens women in New South Wales Parliament—Cate Faehrmann and Senator Lee Rhiannon—who preceded me in this House. I am excited to be working closely with all my Greens colleagues in New South Wales and across the country to fight for the rights of our people and our planet.

In a professional capacity, I have been very fortunate to collaborate with and be guided and supported by many of you here tonight. To my students and colleagues from the University of New South Wales, my colleagues from Mosman Council and Port Macquarie Council, and those from my consulting days, you have been critical in shaping my engineering and environmental work, which includes delivering infrastructure projects, building cycleways and stormwater recycling plants, and rehabilitating rainforests. The skills I have learnt prior to my involvement in politics are the skills I use every day to further strengthen the work of Greens members of the State Parliament, who have been standing up against education cuts, against the privatisation of public assets and for stopping coal seam gas mining.

My priorities during my time here will probably be familiar to those who know The Greens' vision for our society. They may not make me a lot of friends here but they have been shaped by my own experiences and values and my commitment to social justice. As the tenth Greens member of Parliament to serve in the New South Wales Parliament, I want to build on the strong foundations of all my predecessors by being a strong voice for public education, a strong voice on environmental protection, a strong voice on the rights of working people, and a strong voice on issues of discrimination against women and members of the lesbian, gay, bisexual, transgender, intersex and questioning [LGBTIQ] community.

I have been lucky to find a team of staff who are also passionate about these priorities and have been working tirelessly with me to make sure we use every minute of our time here for public good. Thank you for your support. My first few weeks in Parliament have been made so much easier by the dedicated parliamentary staff. It has been a real pleasure to work with all of you, and I look forward to working with you in future. Regardless of what we achieve inside these walls, it pales in comparison to what can and will be achieved by the people outside them.

It is the passion, knowledge and determination of the people of New South Wales that can and will drive the great changes, as it always has been. Increasingly, the way forward will be for small, local movements to come together and become more daring and resolute in their advocacy. This transformation will come through consensus from the bottom up rather than top-down authority. Of course, we should be proud of what has been achieved and celebrate this, but there is much more to be done, both here and globally. I believe that we can only change the world by changing the way we do things in our local communities. We do not have to wait for the whole world to agree to change before we do.

The challenges we face in the twenty-first century are complex and do not have straightforward, clear-cut solutions. They require long-term thinking, innovation and creativity and the courage to challenge dominant world views and business-as-usual thinking and doing. We need new models of leadership to forge solutions through shared and collective processes. I do not believe that political leadership is purely about those of us in this building. It is instead the process of collaboration, which relies on working with and mobilising people in the community to lead the change through inclusive processes that generate trust and consensus. It is this approach to leadership that will deliver the responses to solve the problems we face today.

It is often said that the future is uncertain. We all have the privilege of shaping the future for New South Wales and to lead the way, both in Parliament and in our communities. But rather than waiting for a future that we do not want, I want to work with you all to shape one that we do want—a future in which our environment is healthy, our economy is green and the diverse communities of our State are meaningfully represented and included in their Parliament. Thank you.

The PRESIDENT: Before members congratulate Dr Faruqi on her very fine inaugural speech, I would like to acknowledge the presence in the President's gallery of Dr Faruqi's family, particularly, as she mentioned, her mother, who has travelled from Pakistan, and also the Consul General of Pakistan, Mr Abdul Aziz, the Consul, Mr Shifaat Kaleem, and Counsellor of the Mission, Mr Balakh Sher Khosa. I thank them for attending and I congratulate Mehreen.

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

ADJOURNMENT

The Hon. DUNCAN GAY (Minister for Roads and Ports) [6.05 p.m.]: I move:

That this House do now adjourn.

ENVIRONMENT PROTECTION AUTHORITY CONTAMINANT TESTING

The Hon. LUKE FOLEY (Leader of the Opposition) [6.05 p.m.]: Mr Barry Buffier is the Chair and Chief Executive Officer of the Environment Protection Authority of New South Wales. Last week he appeared before a parliamentary estimates committee where I asked him questions concerning the investigation by the Environment Protection Authority into contaminated soil in the Sydney suburbs of Botany and Hillsdale. Since concerns were raised in the *Sun-Herald* last month regarding the Environment Protection Authority's actions, Mr Buffier has waged an aggressive campaign against those who have dared to question the actions of the Environment Protection Authority.

At the parliamentary estimates committee hearing Mr Buffier used parliamentary privilege to launch an assault on both an independent mercury expert, Mr Andrew Helps, and on Fairfax Media Limited journalist Natalie O'Brien. These attacks are part of a pattern by Mr Buffier of assaulting anyone who dares question the actions of the Environment Protection Authority under his leadership. Many questions have been validly asked

by environmental experts, members of the Botany community, journalists and members of this Parliament concerning the testing of contaminated soil at Botany. Those questions relate to issues such as the averaging of the 15 samples taken by the Environment Protection Authority.

When a child ingests soil, usually through their fingernails after playing in dirt, they do not ingest an average sample of soil, they ingest one piece of soil. At Botany, testing revealed hotspots where levels of toxic chemicals were above a health investigation level that should have required notification to the community and follow-up activity by the Environment Protection Authority. I am talking about polychlorinated biphenyls [PCBs], lead and mercury. These are serious matters. It also appears that the Environment Protection Authority moved away from what it said in its May 2013 press release, that sample results were compared with health-based investigation levels for residential land use, to now saying that a weaker standard—recreational C—applies. The Environment Protection Authority argues that nature strips in front of a residential block do not form part of the residential block and therefore residential standards do not need to apply. I do not believe that argument would find favour with members of the community.

At the same time as the most senior executive in the Environment Protection Authority bullies those who have questioned the authority's work at Botany, the Environment Protection Authority has been humiliated at the Land and Environment Court, withdrawing from its prosecution of chemical giant Du Pont Australia Limited. A herbicide destroyed vegetation throughout the Western Sydney suburb of Girraween and hundreds of trees, shrubs and other plants were destroyed. The Environment Protection Authority commenced prosecution proceedings against Du Pont after conducting, according to Mr Buffier, "probably the largest and most exhaustive investigation we have done for an environmental incident".

In a letter to the residents of Girraween, the Environment Protection Authority boasted that the commencement of the prosecution followed eight months of intensive investigation, including hundreds of hours of gathering evidence from local residents and businesses, chemical sampling and analysis, and weeks of complex forensic work. The Environment Protection Authority withdrew the charge and dropped the case. The Environment Protection Authority botched the charge, allowing Du Pont the defence— [*Time expired.*]

ARMENIAN, ASSYRIAN AND GREEK GENOCIDES

Reverend the Hon. FRED NILE [6.10 p.m.]: I wish to speak on the genocide of the Indigenous Assyrian, Armenian and Hellenic Greek populations of the Ottoman Empire. Part of this adjournment speech is a response to the Hon. Charlie Lynn's previous adjournment speech. I take this opportunity to clarify or go into more depth on the Australian historical sources from which I have drawn my conclusions. The term "genocide" was coined by Polish jurist Raphael Lemkin in 1943, drawing heavily on the experiences of the Armenians, Assyrians and Hellenic Greeks. As Lemkin stated in a radio broadcast on 23 December 1947, "History and the present are full of genocide cases. Christians of various denominations, Moslems and Jews, Armenians and Slavs, Greeks and Russians, dark skinned Hereros in Africa and white skinned Poles perished by millions from this crime." Writing in *Gallipoli Mission* two decades earlier, Charles W. Bean noted "the attempts by some Turkish leaders to exterminate this people, and the dreadful means used before and during the war".

Almost 300 Anzacs were taken prisoner by the Ottoman Empire during World War I. Approximately 67 were captured around Anzac Cove. In addition, there were the 30 crew members of the Australian submarine HMAS *AE2*, which sunk on 30 April 1915, and approximately 200 others from the battle fronts in Sinai, Palestine and Mesopotamia. There are published and unpublished repatriated prisoner-of-war statements, diaries and letters from Anzac records, witnessing and hearing about atrocities committed against the Indigenous Hellenic Greek, Armenian and Assyrian peoples of the Ottoman Empire. The diary of Private Daniel Bartholomew Creedon of the 9th Battalion, AIF, is but one example of material in the Australian War Memorial relating to the genocides. Captured on Gallipoli on 28 June 1915, Creedon recorded how in the Ankara region he was held at different times "in an old Monastery" and "in the church". On 2 February 1916 Creedon made the following entry:

The people say the Turks killed one and a quarter million Armenians.

Private Daniel Creedon died in Angora, or Ankara, on 27 February 1917, aged 23 years. Without a known grave, he is commemorated on Memorial 49 in the Baghdad (North Gate) War Cemetery, Iraq. The Dunsterforce was a small British army including 22 Australians that "was despatched by the War Office to hold the Turks back from Persia and the Indian frontier". In his unpublished memoir, the original of which is kept in the Australian War Memorial, Captain—later Lieutenant-General—Stanley George Savage wrote:

The unfortunate women folk were so overcome at the sight of the first party of British that they wept aloud. They would call down upon us the blessings of God and rush across and kiss our hands and boots in very joy at the sight of their first deliverance from the cruel raids of the Turks. We could not save them all ... with lumps in our throats we ignored the cries of the helpless in our endeavour to save as many as we could.

In a 1919 interview with Sydney's *Sunday Times*, Captain J. M. Sorrell, M. M., said:

It was almost a hopeless task as the road for a hundred mile was thick with refugees. The suffering was very great, and in spite of all that our people could do thousands succumbed to starvation, disease and exhaustion. It was a ghastly business, and the trail was well marked with bodies of human beings and all kinds of animals.

The crux of this debate is the individual and collective right to memory. Since when is remembering the past hate speech? Is it hate speech to speak of the Aboriginal resistance to British colonisation of Australia? Is it recalling hatreds, real or imagined, to commemorate the Shoah, the Jewish Genocide, or Timorese or Papuan suffering under the Japanese in World War II? Historical debate often involves offence being taken by individuals, especially when entrenched positions are being undermined. When the Armenian genocide commemorations can be openly held within the Republic of Turkey, it is conciliation, not "ideological and religious hatred" that is being fostered. The mayor of the major city of Diyarbakir in the country's south-east invited Armenians and Assyrians to return to the city built by their ancestors to attend a commemoration on 23 April this year in the city's Metropolitan Municipality Theatre. In closing, I quote the Premier of our great State, the Hon. Barry O'Farrell, MP, on the recognition of the genocides of the Armenian, Assyrian and Hellenic Genocides:

... such historical events is to ensure that, as a community, we work to prevent any repeat of such incidents in the future.

NATIONAL DEBT

The Hon. RICK COLLESS [6.15 p.m.]: Tonight I will discuss what I consider to be the most important issue facing Australia as we approach the 7 September Federal election, that is, the national debt. I will discuss it from a gross national debt perspective and a net national debt perspective. First, from a gross debt perspective, it is widely accepted that the gross national debt will be in the vicinity of \$300 billion by the end of this year. This is supported by Treasury as outlined by PolitiFact when it testified before a Senate committee. I quote:

On Wednesday June 5, Treasury officers testified before a Senate committee exploring issues of economic management. In their evidence, the officers tabled a document spelling out the Treasury's expectations for the face values of Commonwealth Government Securities—Treasury bonds etc—that make up gross debt.

A table attached to the document points out that the gross debt by the end of 2013-14 will be \$290 billion, is expected to peak in December 2013 and to rise to some \$240 billion by December 2015. That is \$300 billion that accrues interest. It is also \$300 billion that eventually needs to be repaid to those financial organisations that made the capital funds available in the first instance. The current bond rate at about 2.5 per cent would indicate that Australia is accruing interest to the tune of \$7.5 billion annually, equivalent to \$20.5 million each day of the year. From an individual Federal electorate perspective, these numbers crystallise into the sinister facts that they really are. There are 150 Federal electorates in Australia so the simple maths shows that each Federal electorate, on average, is foregoing \$50 million per year so the Treasurer can pay the interest on our gross national debt.

What would the Federal electorates of Page, Richmond, New England, Lyne, Hunter, Riverina, Parkes, Calare, Cowper and Throsby, as well as every other electorate in Australia, do with an extra \$50 million per year? Imagine the boost to social services, roads, hospitals, schools, and water and sewerage that would result if each of those electorates was to receive an extra \$50 million per year. If we assume that this debt must be repaid within a 10-year time frame, the capital repayment is \$30 billion per year. Again, distributing this across the 150 Federal electorates, it will cost each electorate \$200 million each year in capital repayments. So the real debt, the real cost to each Federal electorate, is \$250 million per electorate for the next 10 years. Thank you, Kevin and Wayne; thank you, Julia and Wayne; and now thank you, Kevin and Chris, for plunging Australia into an almost unrepayable debt level.

The second scenario is to rejig those figures using net national debt, described as the gross national debt less the financial assets held by the Federal Government. The net national debt is widely regarded to be in the vicinity of \$200 billion, with many commentators suggesting that the net national debt should be used when debating the problem of debt. The current Treasurer, Chris Bowen, stated that it is no different to having a housing loan while owning a second investment property; one simply deducts the net value of the investment property from the outstanding loan to give the net debt. What one has in that regard is a loan-value ratio, and the total asset value to the total liability; value also commonly calculated as equity.

This argument falls down when an individual investor, a business, a State Government or a Federal Government is still required to repay the loan on the value of the gross debt, not the net debt. So the debt

repayment schedule that I described earlier applies. The real damage will be done as the debt increases and the Federal Government begins borrowing more money simply to pay the interest, rather than borrowing money to invest in national infrastructure projects, which, in fact, invest in the future of the nation and pay dividends in future years. Borrowing money to hand out to the public in tough economic times does not pay a future dividend, particularly when the handouts were expended on short-term consumable items rather than invested in the future.

It is no secret that successive Australian Labor Party State and Federal governments have plunged this State and this nation into almost unmanageable debt. It is no secret that successive Coalition conservative governments have repeatedly rescued the States and Australia through better financial management, and while New South Wales is now well on the road to financial recovery, it is absolutely imperative that a Liberal-Nationals Government be elected on 7 September to put Australia back on the road to financial recovery.

VICTIMS OF CRIME COMPENSATION

The Hon. ADAM SEARLE (Deputy Leader of the Opposition) [6.20 p.m.]: I will make some short observations about an impact of the Government's recent changes to victims rights and victims compensation that I believe was not fully canvassed to any significant degree in debate on that legislation. I do not reflect on any decision of the Parliament, but simply point out some facts.

The Hon. Trevor Khan: We will see.

The Hon. ADAM SEARLE: I acknowledge that interjection. It is a statement of fact that the changes, including the new time limitations, will impact particularly victims of domestic violence, child abuse and also historical child sexual assault. The time limits mean that many victims who now may bring forward claims, including those who may go the Special Commission of Inquiry or the Royal Commission into Institutional Responses to Child Sexual Abuse could be excluded from victims compensation in New South Wales from this point forward. Of course, as was put on the record even by government speakers, some 23,000 existing claims were brought from the old system into the new system and were impacted retrospectively. What did not get any real air time during the parliamentary debate was the fact that women are disproportionately represented amongst the pool of domestic violence victims.

[Interruption]

I acknowledge that interjection of the Hon. Paul Green. I was disturbed in recent estimates hearings to learn that the Government has not learned what amount of money is calculated to be saved by those victims no longer being able to claim. More disturbingly, the Government has not done any particular analysis of the impact of its changes to victims' compensation on women victims in particular. It seems to me that because women comprise the majority of claimants in many of those areas that make claim on the Victims Compensation Fund that these changes may well, perhaps unintentionally, have a disproportionately adverse effect on women victims of crime. The Government does not appear to have turned its mind to that matter when it was framing its legislation, and even subsequently, up until the recent estimates hearings.

I am reminded of a furore that occurred in Great Britain only a couple of years ago, not long after the Coalition Government in that country was elected. The Government made a number of sweeping changes to many areas to reduce government expenditure. The Government was caught with the difficulty that many of its cuts to funding and programs that it had implemented adversely and disproportionately affected women citizens. The Government was taken to task for that, not just in a political and moral sense, but many of its decisions were even subject to judicial review, which is available in that system now.

Now that the Government has put this new scheme in place in New South Wales, some work really needs to be done to look at whether, unwittingly, the Parliament and the Government have made a law that disproportionately and adversely harms women victims of domestic violence. If that is the case it would be an even worse travesty than what has occurred, and would be something that should be rectified as soon as possible. I think some significant research needs to be done in this area because if the Government's legislation has adversely harmed women in these victims claims, the Parliament has legislated in a way that is certainly not consistent with the principles of the Anti-Discrimination Act. It would at least be indirect sex discrimination, albeit one authorised by the New South Wales Parliament. This matter raises the interesting question about whether the legislation, if that be the case, has led to at least indirect discrimination against women victims of domestic violence for the purposes of the Federal Sex Discrimination Act. I will keep a close eye on this matter.

HOMELESSNESS

The Hon. PAUL GREEN [6.25 p.m.]: I will speak about homelessness. This winter a number of organisations have hosted a sleep-out event to fundraise and to raise awareness of the experience of those who sleep on the streets on a regular basis. Mission Australia has provided the following statistics on its website: more than 17 per cent of Australia's homeless are under 10, one in every 39 children aged under four sleeps in a homeless shelter, 33 per cent of children accommodated in homeless shelters are fleeing domestic violence, and family groups are the most likely to be turned away when seeking immediate accommodation for the first time, and of those 67 per cent are individuals with children. A number of factors contribute to homelessness, including a shortage of affordable housing. Under the Australian Bureau of Statistics definition, a person is homeless if that person does not have suitable accommodation alternatives and the person's current living arrangement is in a dwelling that is inadequate, or has no tenure, or if the person's initial tenure is short and not extendable, or does not allow the person to have control of and access to space for social relations.

According to the key homelessness estimates from the 2011 Census, 105,237 people counted in the census are classified as being homeless on census night, up from 89,728 in 2006; the homeless rate was 49 persons for every 10,000 persons enumerated in the 2011 Census, up 8 per cent from the 45 persons in 2006 but down on the 51 persons in 2001; the homelessness rate rose by 20 per cent or more in New South Wales, Victoria, Tasmania and the Australian Capital Territory; most of the increase in homelessness between 2006 and 2011 was reflected in people living in severely crowded dwellings, up from 31,531 in 2006 to 41,390 in 2011; the number of people spending census night in supported accommodation for the homeless in 2011 was 21,258, up from 17,329 in 2006; 17,721 homeless people were in boarding houses on census night in 2011, up from 15,460 in 2006; and the number of homeless people in improvised dwellings, tents or sleeping out in 2011 was 6,813, down from 7,247 in 2006.

Those statistics demonstrate that homelessness is on the rise. This is an urgent need that must be addressed. We owe it to the people of New South Wales. The National Housing Supply Council estimated in its updated 2011 State of Supply report that from July 2010 to June 2011 there was an underlying demand of 42,000 dwellings in New South Wales. In the same year the adjusted net supply was 27,000 dwellings, leaving a shortfall of 15,000 dwellings. The Auditor-General's report, "Making the Best Use of Public Housing", dated July 2013, states:

New South Wales has the largest social housing portfolio in Australia, comprising over 150,000 dwellings. LAHC [NSW Land and Housing Corporation] owns the bulk of these with about 134,000 dwellings valued at around \$32 billion. The vast majority of LAHC's dwellings are public housing, for which HNSW [Housing NSW] provides tenancy management services.

About 214,000 people are currently living in public housing. There are a further 55,000 eligible households (representing about 120,000 people) on the waiting list for such accommodation.

New South Wales is facing significant challenges in providing access to public housing now and into the future. These include a growing demand for housing by single person households with very low income and complex needs; and ageing and inappropriate dwellings.

The imbalance between the supply and demand for public housing makes it crucial that appropriate procedures and controls are applied to make the best use of public housing, in accordance with the legislative objectives in the Housing Act 2001.

Such a shortfall in available housing in New South Wales drives up rent and sale prices of homes, and with so many families dealing with financial struggles it is a recipe for disaster. We need to work to close the gap between supply and demand in order to help keep people and families off the streets. I thank and commend all the individuals and groups that work towards alleviating the needs of people who are homeless. If it were not for their great efforts, these statistics would be much higher.

TRIBUTE TO CHARLES COPEMAN, AM

The Hon. NATASHA MACLAREN-JONES [6.30 p.m.]: This evening I pay tribute to a distinguished Australian, Mr Charles Copeman, AM, who passed away peacefully on 27 July 2013. It was Charles' courage during the power switch episode at Robe River in the 1980s that helped to define industrial relations in Australia. Charles Copeman, AM, then Chief Executive Officer of Peko-Wallsend Limited, found himself in an untenable position with a union-dominated workforce that threatened iron ore production and distribution in Western Australia. Charles joined Peko in 1980 and became chief executive officer in April 1982. In December 1983 Peko took over Robe River Limited and with it a 35 per cent interest in the Pilbara-based iron ore mining and shipping joint venture. Following an assessment of employment levels within Robe

undertaken by Peko, it was found that a large disparity existed between workforce numbers and output being generated. With more than 200 restrictive work practices in place, extraordinary concessions were being made to meet union demands to prevent shipping delays, with little regard for cost control and productivity.

On 28 May 1986 a substation fault caused electricity to the Pilbara power grid to be temporarily cut, impacting on local towns and company operations. A powerhouse superintendent decided to flick the switch to restore power, an act he was qualified to carry out and had done in the control room on many occasions. This simple and safe act triggered an extraordinary reaction from the unions, resulting in suspension of the superintendent and subsequent strikes by the Electrical Trades Union on the grounds that only an Electrical Trades Union tradesperson could flick the switch. After five months the industrial dispute had caused major disruptions to production, prompting Charles to take the historic step of replacing the union-controlled management at Robe with a small team from within Peko. On the same day that management changes were made, all staff and award employees were informed that "unofficial site practices" would end. They were to work as directed within the registered awards and agreements and all restrictive work practices would cease.

This act of dismantling the union and political stronghold at Robe ended the convention in Australia of peace at any price by conceding to unreasonable union demands that many businesses were forced to endure for so many years. Despite a bitter campaign spearheaded by union leaders and Labor politicians, Charles succeeded in reforming Robe River's productivity. In making these tough decisions, but more importantly following through, Charles paved the way for a modernised industrial relations system in Australia. Without doubt he was driven to break the stranglehold that unions had within the mining sector, which had a flow-on effect to many other industries and employers across the nation. He recognised that union domination was holding Australia back from the necessary productivity gains the country so desperately needed.

Charles was a distinguished Australian. He was appointed a member of the Order of Australia in 1999 for his achievements in the mining industry. More recently he was inducted into the Australian Prospectors and Mining Hall of Fame in Western Australia. Charles was the youngest of five children of Arthur and Ellen Copeman. His father was a country teacher who rose to be head of Brisbane State High School. After attending rural primary schools and Toowoomba Preparatory School, Charles went on to Churchie—Anglican Church Grammar School—in Brisbane and then to St John's College at the University of Queensland to study mining engineering, graduating with first class honours. In 1953 Charles went on to study politics, philosophy and economics as a Rhodes Scholar at the University of Oxford and then went on to Harvard Business School. Charles married Alison in 1957 and together they had three children: Arthur John, Michael and Elizabeth. His mining career took them to Broken Hill, Sydney, Quebec, London and Iran.

Prior to Peko, Charles was an executive officer of Rio Tinto Zinc and Consolidated Gold Fields Australia Limited. Over the years he served as director of Sims Group and QBE Insurance Group, President of the Australian Mines and Metals Association and Vice-President of the Australian Mining Industry Council. In 1990 Charles stood as the Liberal Party candidate in the then Federal electorate of Phillip but unfortunately he was unsuccessful. Charles was also one of the founders of the HR Nicholls Society and the man after whom the Copeman medal is named. In recent years he was the Director of Australian Farmers Fighting Fund, Mosaic Oil Company and the Australian Doctors Fund and since 1992 he has been Chairman of the Firearm Safety and Training Council. Whilst we have lost a courageous pioneering Australian in Charles Copeman, he will long be remembered for what he did in driving change to industrial relations in Australia. It is this legacy that helped ensure the continued prosperity in the mining industry, from which all Australians benefit today.

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

Motion agreed to.

The House adjourned at 6.35 p.m. until Thursday 22 August 2013 at 9.30 a.m.
