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# LEGISLATIVE COUNCIL

Thursday 27 March 2014

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

**The President** read the Prayers.

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

## BUSINESS OF THE HOUSE

### Formal Business Notices of Motions

**Private Members' Business items Nos 1671, 1673, 1674, 1692, 1704, 1722 and 1754 outside the Order of Precedence objected to as being taken as formal business.**

### AUSTRALIAN FOSHAN ASSOCIATION INAUGURATION DINNER

**Motion by the Hon. AMANDA FAZIO agreed to:**

- (1) That this House notes that:
  - (a) the Australia Foshan Association Inc. held an inauguration dinner on Sunday 9 March at the Eight Restaurant at Haymarket at which the Hon. John Robertson, MP, and the Hon. Ernest Wong, MLC, were represented by the Hon. Amanda Fazio, MLC;
  - (b) the Australia Foshan Association, which was founded in 2011 by Mr Amen Lee, OAM, JP, the founding president and honorary life president, now has nearly 300 members, has a number of groups including the youth group, kung fu group and Chinese opera group; and five branches, one for each of Foshan's five districts;
  - (c) Foshan, a city in central Guangdong province in southern China and the prefecture area under the city's jurisdiction, has a population of 7.2 million and is famous for ceramics and Wing Chun, and as the birthplace of both Chinese opera and martial arts expert Bruce Lee; and
  - (d) the mission of the Australia Foshan Association is to strengthen and to promote friendship, cultural, technological, and economic and trade exchanges between Australia and Foshan.
- (2) That this House notes:
  - (a) the service of the outgoing committee that served from 2011 to 2014, namely:
 

Mr Amen Lee, OAM, JP—founding president  
 Ms Brenda Chan—committee chairman  
 Councillor Jack Au—deputy president  
 Mr Peter Ching—deputy president  
 Mr Raymond Leung—senior adviser  
 Ms Celia Fountain—vice president  
 Mr Bill Jiang—vice president  
 Mr John Luo—vice president  
 Ms Johanna Lam—secretary  
 Ms Flora Zhao—secretary  
 Ms Michelle Kong—treasurer  
 Ms Doris Law—treasurer  
 Ms Shirley Chan—committee  
 Ms Krisit Feng—committee  
 Mr Khanh Van Mach—committee  
 Ms Rita Wong—committee; and
  - (b) congratulates the incoming committee for 2014-2017:
 

Ms Brenda Chan—president  
 Mr Peter Ching—deputy president  
 Mr Bill Jiang—deputy president  
 Ms Celia Fountain—vice president  
 Mr John Luo—vice president

Ms Johanna Lam—secretary  
 Ms Flora Zhao—secretary  
 Ms Michelle Kong—treasurer  
 Ms Doris Law—vice treasurer  
 Ms Krisitie Feng—committee  
 Ms Belinda Lee—committee  
 Ms Sandy Ho—committee  
 Mr Allen Dong—committee

- (3) That this House further notes the work of the patrons Mr Frank Chou, OAM, JP; Mr William Chiu, JP; Mr Lam Fai Yuen; the honorary president, Ms Mamie Jones; the patron advisor, Mr Raymond Leung; and the honorary advisers the Hon. Helen Sham Ho, OAM, JP; Ms Josephine Lam; Mr David Liu; Councillor Annie Tang; Mr Henry Tong; Dr Peter Wong; Mr Stephen Huang, JP; Miss Cherie Kam, JP; and Mr Nelson Chau.

### **HOLI MAHOTSAV FESTIVAL**

#### **Motion by the Hon. AMANDA FAZIO agreed to:**

- (1) That this House notes that:
- (a) the Bharatiya Vidya Bhavan held the twelfth anniversary of Holi Mahotsav, the Indian festival of colours, friendship and harmony, at Tumbalong Park in Darling Harbour from 21 to 23 March 2014;
  - (b) during the festival around 1,000 artists and performers from India and other parts of the world provided entertainment including Indian traditional dances and music, as well as multicultural performances for other groups;
  - (c) the festival is free for everyone and is supported by the Australian Government, the City of Sydney, the Community Relations Commission for a Multicultural NSW, the Sydney Harbour Foreshore Authority and Indian Tourism;
  - (d) on Sunday the traditional practice of colour-throwing took place in the designated area in multiple sessions throughout the afternoon and was immensely popular;
  - (e) this joyful activity brought many people of different cultural backgrounds together and was celebrated with happiness and harmony among the participants; and
  - (f) the festival was addressed on Sunday by the following dignitaries:
    - (i) Mr Shanker Dhar, Chairman Bharatiya Vidya Bhavan;
    - (ii) Mr Felice Montrone, Deputy Chair of the Community Relations Commission;
    - (iii) the Hon. John Robertson, MP, Leader of the Opposition; and
    - (iv) the Hon. Amanda Fazio, MLC.
- (2) That this House further notes:
- (a) the good work of the Bharatiya Vidya Bhavan Australia, which was established in Sydney in August 2003;
  - (b) Bhavan Australia is a chapter of Bharatiya Vidya Bhavan, which has a worldwide presence;
  - (c) as one of the largest non-government organisation's in the world, the Bharatiya Vidya Bhavan (the Bhavan), literally meaning the House of Indian Knowledge/Wisdom, has more than 180 centres in India and the Sydney centre is its first in Australia with the Bhavan having its headquarters in Mumbai, India;
  - (d) the organisation has been playing a crucial role in educational and cultural interactions in the world, holding aloft the best of Indian traditions and at the same time meeting the needs of modernity and multiculturalism; and
  - (e) as well as holding the Holi Mahotsav Festival, the Bhavan also holds the following events:
    - (i) the International Day of Non-Violence, commemorating the birth anniversary of Mahatma Gandhi on 2 October every year, which has been declared by the United Nations as the International Day of Non-Violence from 2007;
    - (ii) interfaith prayer meeting every year on 30 January at Parliament House, Sydney;
    - (iii) essay competition "The Relevance of Mahatma Gandhi philosophies today in the context of: social responsibility, or world peace, or environment", with the main prize a return ticket to India and the competition is open for all Australian university students and the judges are the professors from major Australian universities.
- (3) Further, that this House congratulates Bharatiya Vidya Bhavan and especially Mr Gambhir Watts on staging the Holi Mahotsav Festival, and commends all the volunteers and sponsors who contribute to the success of the festival.

**PAKISTAN ASSOCIATION OF AUSTRALIA GALA DINNER****Motion by the Hon. AMANDA FAZIO agreed to:**

- (1) That this House notes that:
- (a) the Pakistan Association of Australia held a gala dinner on Sunday 23 March 2014 at the Himalaya Restaurant at Granville to celebrate Pakistan Day;
  - (b) Pakistan Day marks the formal demand to the then British rule of India to accept the establishment of a separate land to be called Pakistan and took place in Lahore at the National Conference of the All India Muslim League on 23 March 1940. Pakistan Day and Independence Day are two of the most important days in the Pakistani calendar.
- (2) That this House commends the Pakistan Association of Australia and the president, Mr Shadid Iqbal, and the secretary and public officer, Dr Syed M. Abbas Rizvi, for their good work in "Bringing the communities together".

**RSL ANZAC ART AWARDS****Motion by the Hon. CHARLIE LYNN agreed to:**

- (1) That this House acknowledges that:
- (a) on Friday 21 March 2014 RSL ANZAC Art Awards 2013 winners were announced;
  - (b) the competition is in its fourth year since its official launch in 2011;
  - (c) last year's competition generated more than 500 entries received across the State with 28 gold awards, 75 silver awards, 139 bronze awards;
  - (d) divisional and award winners came from all sectors of the school community including public, private and home school sectors; and
  - (e) the success of this competition is due to its sponsors and supporters who are:
    - (i) the Governor of New South Wales, Her Excellency Professor Marie Bashir;
    - (ii) Mr Patrick Medway from ANZAC Arts Council and the judging panel;
    - (iii) ASAP Press Printing;
    - (iv) LOUD Advertising;
    - (v) RSL LifeCare;
    - (vi) Photopause Agency;
    - (vii) Air Niugini; and
    - (viii) Bondi-Waverley RSL Sub Branch.
- (2) That this House:
- (a) commends NSW RSL state president, Mr Don Rowe, OAM; state secretary, Mr Chris Perrin; and RSL corporate communications officer Mr Mark Lee for their continued commitment to ensuring future generations understand the sacrifices and services of our service men and women through initiatives such as these; and
  - (b) congratulates and acknowledges 2013 RSL ANZAC Art award winners:
    - (i) Jack Pham from Condell Park High School;
    - (ii) two young brothers from St Augustine's Narromine, Zayden Berger (Year 1-2) and Zarek Berger (Year 3-4) divisions;
    - (iii) home school student Kuuman Lee-Maple from Mullion Creek (Year 7-8) division;
    - (iv) Falkenmire Award winner Conner Tan; and
    - (v) Reddam House Bondi for the school division.

**ST JOSEPH'S MARONITE CATHOLIC CHURCH HOLY MASS****Motion by the Hon. GREG DONNELLY agreed to:**

- (1) That this House notes that:
  - (a) on 15 March 2014 the St Joseph's Maronite Catholic Church, Croydon, held its parish barbeque;
  - (b) more than 400 parishioners, their families and friends attended the event enjoying traditional food, music and dancing; and
  - (c) on 18 March 2014 a Holy Mass was held at the church in honour of its patron, St Joseph, with almost 800 parishioners attending the Holy Mass.
- (2) That this House further notes that:
  - (a) His Excellency Bishop Antoine-Charbel Tarabay was the special guest at the parish barbeque and presided over the Holy Mass;
  - (b) other guests at the events included Consul-General of Lebanon in Sydney, Mr George Bitar Ghanem, and the President of the Maronite Catholic Society, Mr Toufic Kairouz;
  - (c) also present were Mr Charles Casuscelli, MP, member for Strathfield, the Hon. Greg Donnelly, MLC, Councillor John Faker, Mayor of Burwood Council, and Councillor Tony Doueihy; and
  - (d) a number of priests, both serving and retired, assistant priests and sisters were present at the two events.
- (3) That this House acknowledges and congratulates Father Elie Nakhoul, the diocesan visitor of St Joseph's, and his pastoral council on their outstanding work in organising the two events and offers its best wishes to the whole community.

**TABLING OF PAPERS**

**The John Ajaka** tabled, pursuant to the Community Services (Complaints, Reviews and Monitoring) Act 1993, the report of the Official Community Visitors for the year ended 30 June 2012.

**Ordered to be printed on motion by the Hon. John Ajaka.**

**AUDITOR-GENERAL'S REPORT**

**The Clerk** announced the receipt, pursuant to the Public Finance and Audit Act 1983, of the Auditor-General's Financial Audit Report entitled "Volume One 2014: Areas of Focus from 2013", dated March 2014, received and authorised to be printed on 27 March 2014.

**PETITIONS****Dutton Lane Car Park**

Petition requesting an investigation into Fairfield City Council's handling of the reclassification of the Dutton Lane car park in 2003, received from the **Hon. Charlie Lynn**.

**BUSINESS OF THE HOUSE****Withdrawal of Business**

**Business of the House Notice of Motion No. 1 withdrawn by the Hon. Mick Veitch.**

**BUSINESS OF THE HOUSE****Postponement of Business**

**Private Members' Business item No. 6 in the Order of Precedence postponed on motion by Dr John Kaye and set down as an order of the day for a future day.**

**SELECT COMMITTEE ON THE SALE OF THE CURRAWONG PROPERTY AT PITTWATER****Membership**

**The PRESIDENT:** I inform the House that the Clerk has received advice from the Leader of the Opposition that the following Opposition members have been nominated for membership of the Select Committee on the Sale of the Currawong Property at Pittwater:

The Hon. Amanda Fazio  
The Hon Adam Searle

**Message sent to the Legislative Assembly advising it of the nominations.**

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

That the House at its rising today do adjourn until Tuesday 6 May 2014 at 2.30 p.m.

**SESSIONAL ORDERS****Cut-off Date for Government Bills****Motion by the Hon. MICK VEITCH agreed to:**

That, during the present session and notwithstanding anything contained in the standing or sessional orders and unless otherwise ordered, the following procedures apply to the passage of Government bills:

- (1) Where a bill is introduced by a Minister, or is received from the Legislative Assembly:
  - (a) after 29 May 2014 [Budget Session], debate on the motion for the second reading is to be adjourned at the conclusion of the speech of the Minister moving the motion, and the resumption of the debate is to be made an Order of the Day for the first sitting day after the winter recess;
  - (b) after 13 November 2014 [Spring Session] debate on the motion for the second reading is to be adjourned at the conclusion of the speech of the Minister moving the motion, and the resumption of the debate is to be made an Order of the Day for the first sitting day in 2015.
- (2) However, if after the first reading, a Minister declares a bill to be an urgent bill and copies have been circulated to members, the question "That the bill be considered an urgent bill" is to be decided without amendment or debate, except a statement not exceeding 10 minutes each by a Minister and the Leader of the Opposition or a member nominated by the Leader of the Opposition, and two crossbench members not of the same party and not exceeding five minutes each. If that question is agreed to, the second reading debate and subsequent stages may proceed forthwith or at any time during any sitting of the House.

**BUSINESS OF THE HOUSE****Suspension of Standing and Sessional Orders: Order of Business****Motion by the Hon. Mick Veitch agreed to:**

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 7 in the Order of Precedence, relating to the Transport Administration Amendment (Rail Trails Community Management) Bill 2014, be called on forthwith.

**Order of Business****Motion by the Hon. Mick Veitch agreed to:**

That Private Members' Business item No. 7 in the Order of Precedence be called on forthwith.

**TRANSPORT ADMINISTRATION AMENDMENT (RAIL TRAILS COMMUNITY MANAGEMENT)  
BILL 2014**

**Bill introduced, and read a first time and ordered to be printed on motion by the Hon. Mick Veitch.**

**Second Reading**

**The Hon. MICK VEITCH** [9.51 a.m.]: I move:

That this bill be now read a second time.

I am excited to introduce the Transport Administration Amendment (Rail Trails Community Management) Bill 2014. Members well know that I have been a keen supporter of the rail trail concept for some time. Rail trails

have the capacity to unlock economic and social opportunity for rural and regional communities. This is an opportunity for governments of all persuasions to stimulate regional economies. In a broader sense, rail trails are also great for the physical and mental health of all New South Wales residents. One has only to visit other States in Australia or travel to New Zealand, Canada or the United States of America to witness the rail trail phenomena. This is a real growth activity and regional and rural communities in this State should be able to access the benefits and advantages of rail trails. The Brisbane Valley Rail Trail plan defines a rail trail as:

A multi-user recreation trail using a disused rail corridor (public land) for non-motorised outdoor recreation.

The rail trail movement began in the United States in the mid-1960s. The Bristol and Bath Railway Path, which was one of the first rail trails in the United Kingdom, commenced construction in 1979. In Australia there are more than 30 established rail trails across all jurisdictions except New South Wales. Our regional communities are missing out on valuable dollars. South Australia has the Riesling Trail. This 27-kilometre track offers spectacular views of the Clare Valley. One can ride a horse, pushbike or walk the full length of the trail. Victoria has the Lilydale to Warburton Rail Trail. This rail trail passes wineries, cafes, pubs and restaurants, and others have opened stalls along the way to make a dollar. But the Victorian rail trail I admire most, and the one I have traversed, is the Murray to the Mountains Rail Trail. This rail trail goes through Beechworth. The entire surface of this 97-kilometre track is sealed. As the Hon. Steve Whan said to me, it is the Rolls-Royce of rail trails in Australia.

The Victorian Government has actively enabled rail trail conversions, and they are very popular. It has developed the Victorian Trails Strategy 2005-2010. Victoria has 18 rail trails, which traverse 463 kilometres, and another four were under construction when I last checked. What are the economic benefits of rail trails? In Western Australia the Railway Reserves Heritage Trail in the shire of Mundaring is estimated to generate \$15 million annually. In South Australia the Riesling Trail is estimated to generate approximately \$1.1 million annually. In Victoria it is estimated that each visitor on the five-star Murray to the Mountains Rail Trail contributes \$472.96 per day. Why should New South Wales not be a part of that economic and social activity?

Yesterday my colleague the Hon. Steve Whan and I joined Coalition members from both Houses at the Fountain Court in Parliament House to help launch Rail Trails for New South Wales. On display were several potential rail trails from across New South Wales. Representatives of Tumbarumba shire were advocating for the creation of a Tumbarumba to Rosewood rail trail—the Hon. Penny Sharpe and I inspected this non-used rail corridor in 2011. It has real potential and would make a wonderful addition to the beautiful Tumbarumba community. My friends from the Gundagai shire were advocating for the creation of a rail trail from Coolac to Tumblong, another beautiful part of south-western New South Wales. The people from Wagga Wagga were advocating for the creation of the Ladysmith Rail Trail—an outstanding opportunity to drive economic and social benefits to the communities from Wagga Wagga to Ladysmith.

At the launch the Minister for Local Government, Mr Donald Page, spoke about the proposed Northern Rivers rail trail. His presentation detailed the journey that has been undertaken by his community in progressing a business case for a Northern Rivers rail trail. Some I spoke to at the launch were advocating for a New England rail trail through Guyra—I note that Mr Scot MacDonald is nodding in agreement. All present at yesterday's launch were committed to turning non-used rail corridors from a liability, and often an eyesore, into an asset. A booklet was distributed at the launch. I quote from the section titled "Why are rail trails so popular?" which states:

Following the route of the railway, Rail trails cut through hills, over embankments and across gullies and creeks.

As they were designed in the Steam Train era, the steepest grade of a railway line is seldom more than 1 in 30. This means **no sharp rises and falls, no sharp bends, just sweeping curves and gentle undulations**. Visibility ahead and behind is usually very good. This is why abandoned railway lines make such superb and safe pathways for walkers, runners, riders of all ages and those simply strolling...

**Many rail trails take you to otherwise inaccessible places.**

**Rail Trails provide a window into the past**, to a time when railways opened up the country. Historic buildings and equipment can be seen and provide opportunities for cafes, souvenir shops and other services.

Towns and villages along the way offer **refreshments, meals and accommodation**.

The time I spent on the Murray to the Mountains Rail Trail highlighted to me how we can turn these often derelict and non-used rail corridors into viable assets for our local communities. The railway station at Beechworth has been turned into a camping area. The toilets have been turned into an amenities block so people can shower. People can even store their pushbikes at the railway station and then walk to Beechworth to enjoy its historic delights. These rail trails are a significant contributor to the Victorian economy. One of the criticisms



levelled at rail trails often comes from the farming fraternity because they do not want people traversing through properties. To some extent that is a valid concern. However, in a question on notice to the Minister for Police and Emergency Services I inquired about criminal activity along the only comparable walking trail in New South Wales: Hume and Hovel Walking Track. The Minister replied that since its inception there had been no reported criminal activity on that fantastic walking track.

My bill is essentially an enabling bill. Minister Page's contribution at the launch pretty well articulated why this bill is necessary. The Northern Rivers community has undertaken a consultation process, obtained funds to develop a business plan for the creation of a rail trail and that business plan is now being checked before presentation to the Government. My bill talks about a community consultation process and the development of a business case to be put to the Minister for Transport, who can then enact a rail trail corridor. It talks about turning non-used corridors into viable assets for local regional communities. My bill talks about creating rail-trail agreements. It talks about maintaining the ownership of the land with Transport for NSW, which is very important. So it is not talking about the transfer of Crown lands. The main reason for that, and this is how it is done in other States, is that if at some stage in the future the rail corridor is needed for freight again the rail trail can be converted back to a railway line.

**The Hon. Dr Peter Phelps:** We might run out of petrol and have to go back to steam trains.

**The Hon. MICK VEITCH:** The Government Whip is right; we may well have to go back to some other mode of transport. The critical thing here is that the rail corridors can be converted back to active rail line at some stage in the future if required. They are not being sold off and lost to the people of New South Wales. I am very keen to have community management of the rail trails. I am keen to adopt a model similar to that of the reserve trusts under the Crown Lands Act, where there are representatives from local government and the local community, in particular the local business community. They can actually guide the future direction of the rail trail.

This bill represents a significant step forward for New South Wales and for regional development. It is about stimulating the economy in regional New South Wales. I am excited about the concept of rail trails, and I am certain that a number of other members in this place will join me in supporting this proposal. The Hon. Steve Whan has been badgering me for years about the potential of a wonderful rail trail at Captains Flat. I met with residents of Guyra yesterday. They are very keen on their rail trail. Members will be able to identify areas suitable for rail trails. A large amount of money could be injected into regional economies through local rail trails. I commend the bill to the House.

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

## **BUSINESS OF THE HOUSE**

### **Suspension of Standing and Sessional Orders: Order of Business**

#### **Motion by Mr David Shoebridge agreed to:**

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 283 outside the Order of Precedence, relating to the Roman Catholic Church Trust Property Amendment (Justice for Victims) Bill 2014, be called on forthwith.

#### **Order of Business**

#### **Motion by Mr David Shoebridge agreed to:**

That Private Members' Business item No. 283 outside the Order of Precedence be called on forthwith.

### **ROMAN CATHOLIC CHURCH TRUST PROPERTY AMENDMENT (JUSTICE FOR VICTIMS) BILL 2014**

**Bill introduced, and read a first time and ordered to be printed on motion by Mr David Shoebridge.**

**The Hon. Dr Peter Phelps:** Point of order: Does the title of the bill contain argument by using the words "justice for victims"? As such, does it need to be amended by the Clerks?

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

## Second Reading

**Mr DAVID SHOEBRIDGE** [10.04 a.m.]: I move:

That this bill be now read a second time.

I note at the outset that we have present in the President's gallery both Anthony and Chrissie Foster, who are campaigners in this area and who themselves have a long personal history with the failings of this aspect of the law, and indeed the failure of the church. I also pay my respects to the campaigners in the public gallery, survivors of abuse and campaigners for justice in this area of the law. A core principle of any modern, responsible democracy is that no individual or organisation is to be beyond the law. Tragically, this principle has not been applied when victims of sexual abuse by Catholic clergy, or other officials of that church, have pursued civil claims. This means that victims of abuse by members of the Catholic clergy are barred from an important means of obtaining justice; and the organisation responsible for their pain and suffering, and their losses, escapes accountability.

Given the historical failure of the church to address claims of abuse, and the mounting evidence of mismanagement within the organisation, it is essential that lawmakers close the legal loopholes that enable the church to escape accountability on technicalities. In consultation with victims and survivors—support groups, lawyers, and other stakeholders—The Greens have drafted the Roman Catholic Church Trust Property Amendment (Justice for Victims) Bill 2014. This will allow victims to sue the church's property trust. This will mean that civil claims against the church by victims of sexual abuse will be decided on their merits and not on a legal technicality.

The provisions of the Roman Catholic Church Property Trust Act date back to 1936, and are such that victims of abuse are barred from an important means of obtaining justice. This is done by placing the church's assets in statutory trusts, which are effectively immune from claims by victims of abuse. This has particular importance for the Catholic Church, which as an unincorporated association is not a legal entity and cannot be sued in its own name. With the perpetrators, often priests, having no assets, the church unable to be sued, and the trust's assets protected from claims, the end result is that many victims have no recourse to justice. This is a matter of justice that extends beyond those who were abused and the families and friends of those who suffered abuse. There are people of goodwill within the church, as well as a growing support base outside the church, who are demanding change. I urge all members of the House to closely review and then support this legislation. It will force the church out of the shadows and into the light, where it can face real justice and genuine accountability.

I turn now to a brief discussion of the case that has highlighted these concerns. It is called the case of Ellis. In a 2007 decision of the New South Wales Court of Appeal, which was affirmed on appeal to the High Court, John Ellis was denied compensation for sexual abuse he suffered at the hands of an assistant priest at Bass Hill Parish between 1974 and 1979. Mr Ellis could not sue the deceased assistant priest, and neither could he sue the church. Mr Ellis therefore sued the current church leadership in the form of Cardinal Pell and the property trust, which at all times had held the church's assets. I pause here to note that Mr Ellis is in the visitors' gallery today. In court the church did not base its defence on denying that Mr Ellis had been abused. We now know that the church was in possession of evidence that overwhelmingly supported Mr Ellis's claims. Instead, it persuaded the court that the present leaders of the Catholic Church could not be held responsible for breaches of care by former members of the unincorporated association that is otherwise known as the Catholic Church.

The church also argued, and the court agreed, that the property trust could not be sued by victims of abuse because the trust was solely responsible for property matters and therefore not liable for any sexual abuse by members or officials of the church. Had Mr Ellis been injured by a falling rafter in a church hall then the trust would have been responsible, but because his injury was caused by a sexual assault by an assistant priest the trust was said not to be responsible. The result was that Mr Ellis's case was dismissed—not only that; he was ordered to pay the legal costs of the Cardinal and the trust. Mr Ellis was left with no legal remedy. Victims and the church now simply refer to this case as the Ellis defence.

I turn now to the more specific provisions of the bill. The justice for victims bill aims to do a very simple thing; that is, to allow victims of sexual abuse to sue the property trusts as though they were the church. It aims to force the church to defend the sexual abuse claims on their merits, not on legal technicalities. In doing so, the bill attempts to level the playing field and to give those victims a real and viable legal remedy. The long title of the bill describes its intentions and functions:

An Act to amend the Roman Catholic Church Trust Property Act 1936 to provide for the ability of victims of sexual abuse where the abuser is found to be a member of the Catholic clergy and or another official and or officer in the Church to satisfy judgments awarded against such abusers as a judgment debt payable from the assets of the Trust and for other related purposes.

The bill amends a longstanding Act passed by this Parliament—the Roman Catholic Church Trust Property Act 1936—to insert into the Act a new part 3 regarding sexual abuse claims paid from trust funds. Clause 18 provides that:

- (1) The plaintiff in civil proceedings relating to sexual abuse or negligence by a member of the Church's clergy, a Church official or a Church teacher in relation to a person who was, at the time of the sexual abuse or failure to exercise reasonable care and skill, under the care of the Church, may join as a defendant in those proceedings:
  - (a) the body corporate established under this Act for the diocese in which the abuse or failure, or the majority of the abuse or failure, is alleged to have occurred; and
  - (b) the Bishop, and the Diocesan Consultors, of the diocese in which the abuse or failure, or the majority of the abuse or failure, is alleged to have occurred, in their capacity as trustees of Church trust property in that diocese.

In other words, both the trust and the trustees may be joined to the proceedings in those circumstances. Clause 18 (2) provides for liability as follows:

- (2) In respect of any such proceedings, the relevant body corporate and its trustees are jointly and severally liable as if they were the member of the Church's clergy, the Church official or the Church teacher against whom the proceedings were also brought.

The corporate entity that holds the trust and the trustees stands in the shoes of the member of the clergy, of the church official, and indeed of the church. They have available to them every defence, every legal remedy that other defendants would have. But they also carry with that a genuine liability that if a breach of duty of care is proven, if a claim is made out that abuse occurred and there was a breach of duty of care by persons who are members of, or closely associated with, the church the trust is liable. It is the trust that holds the funds. The trust is the only defendant that is not a straw man in these proceedings. Clause 17 provides the following definitions. It defines an "official" to mean any person who acts as a representative of the church and includes:

- (a) an official, officer or member of staff of the Church or of a diocese;
- (b) a lay assistant for the Church or for a diocese of the Church; or
- (c) a volunteer for the Church or for a diocese of the Church.

There is a definition of "church teacher". There is also a definition of "member of the church's clergy", which includes archbishops, bishops, priests, sisters, nuns, brothers, monks and other members of religious orders of the church. "Sexual abuse" is defined to mean:

... sexual conduct, or conduct that includes sexual conduct (whether or not there was apparent consent to that conduct and whether or not that conduct would at the time of the relevant conduct constitute a sexual offence) perpetrated by a person who was, at the time of the relevant conduct, a member of the Church's clergy, a Church official or a Church teacher, while acting in his or her capacity as such a member or official.

To overcome a serious lack in the law as to fiduciary duty in this jurisdiction—a lack, I might say, that has been overcome in other jurisdictions such as the United Kingdom and the United States—clause 17 (2) provides:

- (2) For the purposes of this Part, a person was under the care of the Church if the person was owed a duty of care or fiduciary duty by the Church, a member of the Church's clergy, a Church official or a Church teacher and includes, but is not limited to, having been owed such a duty in the following capacities:
  - (a) as a member or parishioner of the Church,
  - (b) as a nun, monk or seminarian of the Church ...

It goes on to list other categories. The bill also provides that where the plaintiff intends to make use of this provision he or she must give notice of that within 28 days of the filing of any statement of claim. Proposed section 19 provides that where a person is owed money as a result of a judgement based on a finding in relation to sexual abuse by a member of the clergy, a church official or a church teacher he or she can seek to recover that debt from the Roman Catholic Church property trust or the bishop, diocesan consultors or the body corporate under the Roman Catholic Church Communities' Lands Act 1942.

Importantly, the bill also provides for a suspension of the operation of the Limitation Act 1969 for a period of two years from the date of commencement of this bill. Increasingly, we are seeing in jurisdictions around the planet—common law jurisdictions in particular, such as British Columbia in Canada and an array of State jurisdictions in the United States—a move to entirely remove or suspend the statute of limitations for historical child sexual abuse claims. The purpose of the two-year suspension proposed in this bill is to

allow victims of clergy abuse who might not have brought their claim due to the existence of the Ellis defence, but whose claim is not statute barred, an opportunity to seek fair compensation without having to seek leave.

We know that the average delay for victims of childhood sexual abuse to bring a claim is greater than 20 years. The standard statute of limitations for these claims is just three years from the time the victim turns 18. The practical result of this is that the great majority of claims are statute barred. Therefore, the survivor of abuse must obtain the court's leave to proceed out of time. This leave to proceed is a serious hurdle for many victims to overcome. It places unfair bargaining power in the hands of the church from the very commencement of the claim or proceedings. This bill, as a starting point, proposes a two-year suspension of the statute of limitations for historical child sexual abuse claims where the victim was under the care of the church. This is a modest but real step forward to level the playing field in this fraught area of litigation. It should be the start of a conversation and a direct move in this Parliament to entirely remove the statute of limitations for historical child sexual abuse claims.

Recently we have seen the church seeking to justify, defend and explain its actions in the matter of Ellis. From the time that John Ellis entered and then left the Towards Healing process that had been established by the church, and for the course of his subsequent civil case, George Pell was Archbishop of the Archdiocese of Sydney. Recently the archbishop, now cardinal, gave evidence before the Royal Commission into Institutional Responses to Child Sexual Abuse. Cardinal Pell was questioned about his involvement in the Ellis case, and in particular the aggressive court response that created the Ellis defence precedent in the courts of this State. Cardinal Pell acknowledged that he was archbishop at the time that Mr Ellis's complaint was received by the church. He further advised that he had a large number of discussions about the case at the time, but he maintained that he was guided by his advisers, his lawyers and church officials, rather than being the key decision-maker.

On the treatment of Mr Ellis during the church's internal process and the legal proceedings, a number of officials who appeared at the commission advised that Cardinal Pell knew about Mr Ellis's compensation request, including his offer to resolve the matter for the very modest sum of \$100,000. The cardinal claimed that he thought the figure was \$750,000, that that was too high and that there was no point in negotiating, and he refused mediation. It is worth remarking that the church spent well in excess of \$1 million in legal defence of this matter and that the case finished costing the archdiocese approximately \$1.5 million, including a significant ex gratia payment to Mr Ellis. It was rightly suggested by counsel assisting the commission, Gail Furness, that it was "inconceivable" that the cardinal was not aware of the details of Mr Ellis's claim and to that he responded:

It is not a question of what's conceivable or logically possible. The fact is that I was not. I was not informed about any of this.

But the cardinal does admit that he endorsed the decision not to enter mediation at the commencement of proceedings, claiming that he did not recognise the "wounded-ness" of Mr Ellis, despite his evidence to the commission. In his statement to the commission of just 24 February this year, the cardinal admitted that he explicitly endorsed the major strategies of the defence—that is, the aggressive defence of the civil claim from John Ellis. He testified that this defence was intended to serve as a warning to other plaintiffs who might be considering action against the church that, in the words of the cardinal, "They should think clearly."

Last week the cardinal's private secretary, Dr Michael Casey, told the royal commission that the cardinal had directly ordered the legal team to pursue an aggressive cross-examination, including bringing into question whether Mr Ellis had in fact been abused, despite the fact that they had such overwhelming evidence and that the fact of abuse had been accepted even within the church's own Towards Healing process. While Cardinal Pell admits in retrospect that the litigation went too far, he also distances himself from any responsibility for that occurrence. Given his position at the time of the litigation, that is remarkable. The cardinal also stands by the approach in the case that resulted in Mr Ellis's case failing on the legal technicality of the Ellis defence, saying, "Mr Ellis sued improper parties who defended inappropriate proceedings against them." His statement renders these callous and damaging tactics, taken against a victim of horrific abuse, as follows:

I would now say, looking back, that these legal measures, although effective, were disproportionate to the objective and to the psychological state of Mr Ellis as I now better understand it.

Prior to this week's hearings in the royal commission the church and Cardinal Pell robustly defended the use of this legal strategy that is widely known as the Ellis defence to the point at which they have attempted to deny the obvious truth. In a statement published on the website of the Catholic Archdiocese of Sydney, they have previously stated:

There is no such thing as the "Ellis defence". The Ellis decision did not create new law. It did not create a shield to protect church parties from legal action. Church parties can and have been sued.

After Mr Ellis lost his court case, he received several hundred thousand dollars in financial assistance from the Archdiocese. In addition, the body corporate of the Archdiocese did not require Mr Ellis to pay its costs of the case—even though the court had ordered Mr Ellis to do so.

The suggestion that the Church cannot be sued by victims of sexual abuse is incorrect.

It further states:

Church officials and Church entities responsible for abuse in the Church either directly or by their negligence can be and are sued.

Ellis stands for nothing more—

so the cardinal says—

than the commonsense proposition that you cannot be liable for wrong doing of others unless you are directly or indirectly responsible for supervising their conduct.

That statement by the church wraps a large lie around a small and irrelevant truth. Yes, it is true that the case of Ellis does not say, "You cannot bring proceedings against the trustees, the trust or the current bishop for the abuse suffered in the past." That much is true. But what the church omits to say is that the case of Ellis loudly and unambiguously states that if a victim does bring such a claim he or she inevitably will lose because none of these entities is liable at law. The use of the Ellis defence has been an extremely successful legal strategy for the church. Recent evidence given in the commission has shown that it is estimated that the Sydney Archdiocese alone has more than \$1 billion in assets. We have known since 2001 that under Cardinal Pell's management the archdiocese paid out only \$8 million to 82 separate victims' claims. To establish some perspective on the wealth of the church, reference can be made to a 2005 *Business Review Weekly* analysis, which states:

If the Catholic Church were a corporation, it would be one of the top five in the country.

According to the *Business Review Weekly*, the Catholic Church in Australia was not only the biggest religious group in the country in financial terms but also the richest non-profit organisation with an annual turnover in 2005 of some \$16.2 billion. I refer to the report of the *Business Review Weekly* because the church has no obligation to provide its accounts for scrutiny to anyone: It never has, and it never will, unless it has been ordered to do so such as we have seen in recent days in the commission. As the Australian Lawyers Alliance said in a statement just yesterday:

The most serious concern is that the church remains wedded to protecting its treasure ahead of children in its care.

The Church gives its clergy great authority over their victims, appointed and dismissed them and determined how they carried out their duties. When asked by Justice McClellan why the Church should not be liable for the consequences, Cardinal Pell simply asserted his duty to protect the Church's assets.

It is now clear that the apparent concessions emanating from Cardinal Pell from Francis Sullivan, of Truth Healing and Reconciliation, are simply empty gestures not intended to help past victims, and which will help very few future victims.

Legislation to deal with unjust limitation periods, and make the Trustees of the Church ... able to be sued, making them responsible for the priests that the church appoints, should now be recommended and pursued in all Australian states and territories.

Cardinal Pell said that it would be unfair to treat the Catholic Church different from other organisations. The Australian Lawyers Alliance agrees.

The Catholic Church is the only major organisation in Australia claiming immunity from suit and no responsibility for its clergy. It is time to end the legal abuse of victims superimposed upon sexual abuse by clergy.

I could not agree more. It is for this reason that I introduce this bill today and look to support from this Parliament. I note that this bill did not just appear as a result of last week's hearing. It is the product of years of consultation and years of careful consideration. It has broad support among survivors and victims and advocates who are demanding some form of balance and justice. We cannot simply wait years for the royal commission to finally report. At best we are likely to see recommendations fixing the matter prospectively by moves to incorporate the church or to put in place a procedure for dealing with claims in the future. However, the thousands of victims who have approached the royal commission and the thousands of victims of past sexual and historical abuse require their elected representatives to take this strong step, to establish a level playing field and to deliver justice for victims, not only in New South Wales but also in States and Territories across this country. I commend the bill to the House.

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

**BUSINESS OF THE HOUSE****Suspension of Standing and Sessional Orders: Order of Business****Motion by the Hon. Melinda Pavey agreed to:**

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 1716 outside the Order of Precedence, relating to International Women's Day 2014, be called on forthwith.

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

**Order of Business****Motion by the Hon. Melinda Pavey agreed to:**

That Private Members' Business item No. 1716 outside the Order of Precedence be called on forthwith.

**INTERNATIONAL WOMEN'S DAY 2014****Debate resumed from 20 March 2014.**

**The PRESIDENT:** Order! The House resolved on 20 March 2014 that the time for debate on Private Members' Business item No. 1716 would be extended by one hour.

**The Hon. MELINDA PAVEY** (Parliamentary Secretary) [10.29 a.m.]: It is with pleasure that I participate in debate on the motion moved by the Hon. Marie Ficarra regarding International Women's Day which was held on 8 March. This motion has encouraged important debate, dialogue and recognition of women across New South Wales. International Women's Day is a great event that recognises the progress of women not only in Australia but also around the world. There is no doubt that many of the problems we face are First World problems compared to the serious challenges being faced by women in the developing world such as just being able to provide food for their children on a daily basis. It is important to strengthen the role of women across the world. My contribution today will focus on the stronger role that women need to play at a corporate and political level to ensure that we reach our fullest potential and are able to encourage and support neighbouring nations such as Melanesia and the Asia-Pacific region.

We have some wonderful role models. I would like to acknowledge a number of women from regional New South Wales who were mentioned in the motion of the Hon. Marie Ficarra. In particular I acknowledge Councillor Sharon Cadwallader, outstanding regional woman of the year in local government, and join the Hon. Sarah Mitchell in recognising Sharon's contribution. Sharon, a former mayor and current councillor of Ballina council, was the winner of the Elected Representative Rural or Regional Council Award and has been instrumental in and passionate about establishing the Ballina Shire Bypass Ready Taskforce in response to community and business concerns. Over the years Sharon has fought hard for the Pacific Highway bypass and prepared for that great moment when the bypass opened so that the business community and the local tourism industry could seize any opportunities that arose and face any challenges that came with them. She also has been an incredibly strong advocate for women in local government, especially through her work with the Australian Local Government Women's Association of which she is currently the country vice-president. I understand that the association held a conference in Broken Hill over the weekend which is particularly exciting.

I also mention Lifetime Achievement Award recipient Councillor Esme Martens of the Mid-Western Regional Council. I had the privilege of meeting Esme 25 years ago—the first female engineer I had ever met—when I was working for former Deputy Premier Wal Murray. Esme Martens, a Fellow of the Institution of Engineers in Australia, has been a stalwart in the region and truly deserves recognition for her more than 40 years of work. She has advocated for more women to become senior staff members and councillors, and her strong passion has often resulted in aggressive opposition which she combated with dignity and reason, as stated in her award citation. I also acknowledge the award given to Kristie, a Coffs Harbour City Council worker who is worthy of recommendation. Kristie is the council's first ever female trades waste officer and in her day-to-day role she liaises mainly with men. She hopes to show through her success that women can succeed anywhere and in any role. I take my hat off to Kristie.

Liz Campbell, Mayor of Kempsey, was recognised for her dedication to the community through volunteering and for her support for an array of sporting, business and community organisations. I have worked

with Liz Campbell on a number of issues, including the redevelopment of Kempsey Hospital. She is an absolute champion for Kempsey and, with her grassroots approach, is doing incredible work in that community. Liz should be acknowledged for the work that she has done. I endorse the remarks made earlier by the Hon. Sarah Mitchell relating to Narelle Burke of Tamworth. Narelle has an incredible footprint in the Tamworth community and in partnership with her husband, Bede, runs a magnificent modern egg farm in Tamworth. Narelle is very deserving of an award. I also acknowledge Trudy Taylor from Queanbeyan. I have worked with Trudy over the years and have seen how she inspires her community. She received the Local Woman of the Year award for her support for community organisations, including the Rotary Club, Queanbeyan Park Tennis Club and Queanbeyan Show Society. Faye Urquhart, a respected Coffs Harbour resident, was recognised for her work on behalf of older community members, as well as outstanding community leadership.

Joan Treweeke, a special lady from the Barwon electorate, was recognised for her exceptional work with the Royal Flying Doctor Service. Joan is a member of the Western NSW Local Health District Board—a passionate supporter of outback and rural communities who advocates for more access to country towns such as Lightning Ridge, her home town. Joan has been quick to remind us that Australian Bureau of Statistics population figures for Lightning Ridge are not accurate as many people living on the ridge, in mines and on tenements are not recorded in any government data and need local health services. I understand that Joan is taking up a position with Royal Far West, an organisation dedicated to assisting country kids. Joan, an eloquent and spirited woman, is dedicated to improving health services in western New South Wales. I commend her contribution to our community.

When researching my contribution to debate on this motion I was impressed by Elizabeth Broderick, Sexual Discrimination Commissioner of Australia, who has done a good job in launching Male Champions of Change, with the support of some real leadership in the corporate community. We need such leadership. In October last year the COAG Reform Council presented a report entitled "Tracking equity: Comparing outcomes for women and girls across Australia." The good news is that key findings in that report highlight that girls and young women have achieved equity or surpassed boys and young men in school literacy, as well as year 12 and higher qualification attainment. However, despite these achievements gaps still remain in workforce participation and representation in leadership roles, which has economic implications for women such as lower overall pay and smaller superannuation savings. On average, women reach retirement age with \$87,000 less superannuation than men. In addition to these areas of continuing gender inequality, in most industries women are not well represented at decision-making levels. Fifty-one per cent of the New South Wales population are women but only 27 per cent of local councils in New South Wales have female councillors and 11 per cent have general managers.

As at June 2012 women comprised 39.2 per cent of the senior executive service classification in the Australian public service. As at 21 November 2013 the number of women on ASX 200 boards was 16.8 per cent and in 2012, 38.5 per cent of ASX 200 companies had no women as board directors. Women account for 20.7 per cent of board positions in the FTSE 100—up from 12.5 per cent in 2011. However, 48 new women appointments are needed to meet the 25 per cent target for 2015. There are still two all-male boards on the FTSE 100—miners Glencore Xstrata and Antofagasta—while on the FTSE 250 there remain 48 all-male boards. The Australian Government made a commitment to achieve a target of at least 40 per cent women and 40 per cent men on all government boards by 2015. As at 30 June 2013 women held 41.7 per cent of government board appointments. In 2013 women comprised 20 per cent of equity partners in the legal fraternity. In the Federal Court of Australia there were 10 female judges in 2013, or 21.7 per cent.

Around Australia, large parts of the building sector, engineering, project management, architecture and construction law—the whole of the industry—are still dominated by men despite growing awareness that we can better contribute to those industries by the involvement of more women. Even as the proportion of men to women across the nation's overall workforce has shrunk from 1.6 to 1.2 since 1984, when Australian Bureau of Statistics records on the subject began, that ratio in the construction sector has barely moved and remains stuck at almost 8:1. The National Association of Women in Construction [NAWIC] chief executive officer Laurice Temple said:

Challenges facing women in the industry today remain similar to those in the past, including a lack of students, both men and women, going into maths and science-related courses and a dearth of role models for other women to look up to.

Much of Australia's education and corporate system is still based around industrial-revolution era structures, and the responsibility for change on the ground rests with everybody.

"To keep on par with the rest of the world, we've really got to start looking at the way we are doing business" she said. "What are our set of values? How are we going to make a difference in the worldwide platform?"

Her voice resonates far and wide. Gayle Peterson, an associate fellow of Said Business School, University of Oxford, and co-director of its Women Transforming Leadership program, said:

A major part of the problem is that despite positive-sounding developments in recent years, the corporate mindset of top-down, command-and-control leadership has remained unchanged since the mid-nineteenth century.

A World Economic Forum survey shows that the problems are global, complex and interconnected. No single model or heroic leader is going to be able to solve them: they can be addressed only by collaboration, experimentation, and doing more of what seems to work and less of what clearly does not. A growing body of academic research argues that these particular ways of working are characteristic of women's natural leadership styles. In a range of studies, senior executives around the world and across industries put qualities such as creativity, flexibility, empathy, patience, humility and balance right at the top of the list of crucial leadership characteristics for the future. Companies that wish to survive and thrive would be well advised to bring women in to help them navigate this world of problems.

Women in leadership positions benefit individual companies in the short term as well, and not just according to soft measures. A report by McKinsey and Company entitled "The business of empowering women: Where, why, and how" shows that gender-balanced executive committees have a 56 per cent higher operating profit than companies with male-only committees. Companies can become 56 per cent more profitable with more women involved. McKinsey found also that companies with three or more women in top positions scored higher than their peers in an index of organisational health. Female leaders are looking increasingly like the answer for companies and society as a whole. But, as we know, one thing that has not changed over the years is the number of women able to exercise these invaluable characteristics from formal leadership positions. No single strategy, whether it is women-only shortlists, boardroom quotas or women themselves leaning in, will make a difference here.

A variety of approaches will be needed to create a profound and systemic change. It will take time but, inevitably, it will go hand in hand with a broader re-examination of our leadership expectations and how we develop leaders. As I mentioned earlier, Male Champions of Change was established in 2010—the brainchild of Elizabeth Broderick—and comprises 21 of the country's most powerful and influential chief executive officers, department heads and non-executive directors from across business and Federal Government: Telstra, Qantas, Commonwealth Bank, Australian Securities Exchange and Woolworths as well as the Chief of Army, Lieutenant General David Morrison. Male Champions of Change is an action-orientated result-driven group and its main message is that gender equality is about leadership.

Four themes emerge for leaders wanting to attract and advance more women and capitalise on the advantages of a gender-balanced organisation: stepping up as leaders, creating accountability, disrupting the status quo and dismantling barriers for carers. Last year Male Champions of Change released its report "Accelerating the advancement of women in leadership: Listening, Learning, Leading", which is the culmination of 18 months work. One initiative launched in the telecommunication industry is that from 2014 all roles will be advertised for a flexible work arrangement. Commissioner Broderick has said:

The significance of the Male Champions of Change as a group could be summed up by a statement from the report Acting Together will help our Country reap the productivity performance and innovation and advantage that we know diversity delivers.

Diversity brings success. One sponsor in one important section of the New South Wales Government's awards announced by Pru Goward is Katie Page who, with her husband, Gerry Harvey, is behind the success of Harvey Norman. Katie also sits on the New South Wales Public Service Commission. Recently I had the pleasure of sitting with her at a table while she championed women in retail. She is an amazing role model and support for women throughout the retail sector and the greater New South Wales and Australian communities. Katie is a country girl hailing from rural Queensland. Her passion, drive, commitment and work ethic make her a champion. She also has been involved in the New South Wales Rugby League and I recognise that the Canterbury Bulldogs team has the New South Wales Rugby League's first female chief executive officer in Raelene Castle, a girl born in Wagga Wagga, and who spent much of her time in New Zealand. I suspect that Katie Page's involvement with the New South Wales Rugby League had a little to do with that. I acknowledge her role and that of women across New South Wales and Australia. I commend the motion to the House.

**The Hon. LYNDIA VOLTZ** [10.45 a.m.]: I acknowledge International Women's Day and particularly the feminist movement to which it is so intricately linked. Many people across Australia, and perhaps in this Chamber, argue that we no longer use the word "feminism" but that would be an affront to the very ideals of International Women's Day. Language matters and, of course, language is a male discourse. That is why the



word "feminism" matters. It is a word of empowerment for women, and to denigrate it is to take women's rights backwards. Recent media debate questioned whether young women call themselves feminists. I associate with many young women much of the time and without doubt they call themselves feminists. Recently, I gave a speech at my old school about my time there and spoke of growing up as the first generation behind the women's movement, the writings of Germaine Greer and Anne Summer, and the encouragement of our teachers to break down the barriers. The biggest cheer I got was when I said that we did not knock politely on the door, but set about kicking it down.

Young women are and call themselves feminists because they know it empowers them, yet some argue that such an empowering word should fall into disrepute. Perhaps those same people argue that using the term "bitch" is appropriate for a female Prime Minister. Rather than that word being just an insult, it was aimed particularly at the Prime Minister's gender—a term for a female dog with all its implied and associated inferences. Insults attack women's gender on many levels. Yesterday I was surprised while reading a friend's Facebook page—someone who absolutely would call herself a feminist—to see she used the term "dickless wonder" as an insult that was aimed directly at the masculinity or femininity of the person she was offending. Insults that play on gender are about disempowering women, just as the derogation of the word "feminism" is about disempowering women. As I said, language matters and International Women's Day gives us the opportunity to reflect on the fact that language remains a male discourse.

**Mr SCOT MacDONALD** [10.47 a.m.]: I shall be brief but I will touch on two points. I thank the House for the opportunity to support this motion. On Tuesday night I attended the Rural Industries Research and Development Corporation Rural Women's Award gala dinner, hosted and emceed by the Minister for Primary Industries, and Minister for Small Business, the Hon. Katrina Hodgkinson. It was a wonderful night. The two finalists were exceptional people in regional and rural New South Wales showing leadership: Edwina Beveridge from Young and Pip Job from Cumnock. Edwina and her husband were early adopters of technology, investing millions of dollars in agriculture during the past few years, doubling the size of their pig farm and expanding their sheep, cattle and cropping enterprise in Young. Edwina has been very much a leader in the animal welfare space rebutting much of the extremist nonsense from some groups. The other finalist was Pip Job, a landholder from Cumnock in central western New South Wales. Pip has a vision for agriculture where family farming businesses are profitable and increase the ecological wealth of the land they manage.

I did not envy the judges having to choose between those two ladies. I could not have done it. Pip Job won the award and will be a fantastic advocate and representative for rural women across New South Wales. On the night we heard what last year's winner had done. I commend the awards, the event and the people who sponsor it, including Westpac, the Country Women's Association, ABC Rural radio, Outback magazine, the Royal Agricultural Society, NSW Department of Primary Industries and NSW Farmers. The President of NSW Farmers, Fiona Simpson, was present. We had a wonderful night and I will attend the event next year.

I listened to the speeches but was particularly interested to hear about women's position in society. When we celebrate International Women's day we tend to focus on First World problems. I do not wish to place a lesser focus on First World problems but I cannot help wondering about women in the developing world. There are 1.6 billion people who have no access to electricity and three billion people at the lower rungs of the energy ladder who use crop waste and wood for cooking and heating. The World Health Organization estimates that between two million and 3.5 million people die every year from respiratory diseases and mostly women and children are represented in that number. That is more than the 1.2 million people who die from malaria and more than the 1.6 million people who die from tuberculosis each year. The main focus of International Women's Day must be education, safety, health, equality, institutional robustness, economic opportunity and things such as reliable, centralised electricity—

**The Hon. Dr Peter Phelps:** Cheap electricity.

**Mr SCOT MacDONALD:** Cheap electricity, that is correct. If people have those basic resources they can cook their food and heat their homes without killing themselves. They should have access to basic resources so that women, in particular, do not have to walk many kilometres to collect sanitised water and do not have to worry about being assaulted while doing so. I think it is a wonderful motion and a wonderful award but surely we have to focus on what really matters. Of course First World problems matter and we want to maximise opportunities within society, but two million deaths a year is more of a concern than who deserves the corner office.

**The Hon. CATHERINE CUSACK** [10.52 a.m.]: I join other speakers in congratulating all the winners of the International Women's Day awards and the Women in Local Government Awards. I congratulate

Minister Goward and Minister Page on hosting these important events. I was particularly pleased to see that the work of Councillor Sharon Cadwallader was acknowledged when she won the Elected Representative Regional and Rural Council Award. I have known Sharon for a decade and consider her to be a friend. Prior to the 2004 local government elections, in order to encourage more women to nominate for our local councils she hosted a training event for women in Ballina to attract potential candidates across the region. I was happy to be invited to present at the event where I met an impressive businesswoman from Iluka that Sharon was encouraging to run for Clarence City Council. I am pleased to say 10 years later that Councillor Karen Tom has been a wonderful representative for her community and she is someone I also hold in high regard and consider to be a friend. In addition to all that Sharon has done for her Ballina constituents, I thank her for her leadership and for engaging with and promoting women.

The Women in Local Government Awards was held at Parliament House on a sitting day so it was wonderful to see an outstanding body of women streaming through its front doors. I have asked Minister Page's office to consider in future years inviting female members of Parliament to join our local government colleagues at this important event. Women councillors and female members of Parliament would appreciate the opportunity to be together on such an occasion. Many speakers have made excellent points in this debate so I will endeavour not to be repetitive. However, I wish to comment on an issue raised by the Hon. Amanda Fazio concerning female representation in Parliament. She correctly pointed out that her party has a higher proportion of women and she attributes this, in part, to quotas.

**The Hon. Lynda Voltz:** We don't have quotas. She could not have attributed it to quotas.

**The Hon. CATHERINE CUSACK:** What would she have attributed it to?

**The Hon. Lynda Voltz:** There are no quotas. There is a weighting to women in the vote.

**The Hon. CATHERINE CUSACK:** There are no quotas. Perhaps the Liberal Party loosely thought of that as a quota. I will use the term "affirmative action" if that is more accurate. I thank the Hon. Lynda Voltz for her guidance. Liberal Party members have always opposed this issue and we are not alone in our opinion. The Australian business sector in general opposes quotas and in particular the Australian Securities Exchange, which overlooks the Government's arrangements for all our large public companies, argues that it mitigates against merit promotion, quotas and affirmative action. Merit promotion is essential to maximising performance. The Liberal Party is concerned about fairness. Quotas are perceived as a blunt tool which may result in some unfair outcomes for men. Being fair to women and thus being unfair to others is philosophically problematic for us. However, as the years have passed and women are continually overlooked for appointments on boards and in Parliament, two issues that are at the heart of our opposition to affirmative action and quotas are being called into question.

The first is the assumption that we have a merit selection and promotion system. In relation to politics, I do not think one can assume that political decision-making is an exclusively merit-based system. Indeed many other factors are involved in the time-honoured process of achieving numbers to get ahead. In relation to boards, corporate Australia and, increasingly, active shareholder representatives are questioning company performance and the lack of diversity on boards, which has been identified not so much as unfair to women but as a huge management risk in respect of good governance. Questions are being asked as to whether merit appointments are being made. Secondly, in relation to the concept of quotas and affirmative action, our political and corporate systems of governance are already riddled with quotas and affirmative action.

For example, the Liberal-Nationals Government allocates a quota of frontbench positions to The Nationals, which is proportionate to their representation in the party room. This has been an effective system that has worked well for many years, but it is definitely an affirmative action quota system, which is supported. We have quotas that represent numbers between the Legislative Council and the Legislative Assembly, and it would be honest to say that all parties have quotas to fairly represent the factions. If the quota system becomes unbalanced it is quickly and vehemently pointed out. We need to bear in mind the truth about the dynamics of quotas and affirmative action. I am not being critical but we could be more consistent in our approach.

**The Hon. Lynda Voltz:** Maybe quotas for Ministers?

**The Hon. CATHERINE CUSACK:** I acknowledge that interjection. I temper the comment by pointing out that Premier O'Farrell is to be commended for appointing a large number of women to his Cabinet, which exceeds our percentage within the Parliament. He also has appointed female Ministers to non-traditional areas for women. Jillian Skinner is the second female Minister for Health and Gladys Berejiklian is the first

female Minister for Transport. The Nationals have nominated Katrina Hodgkinson as the first female Minister for Primary Industries, and Minister for Small Business and Shelley Hancock is the first ever female Speaker in the lower House. Although these appointments are significant firsts for this Government more needs to be done about the female proportionality in Parliament. Not for one moment am I saying that quotas are the way to go, but it is simply untrue to say that we do not believe in them or like them. Indeed, it is untrue to say that we do not have quotas because we have lots of them but not when it comes to women.

A number of members raised the important issue of domestic violence. I congratulate Minister Goward on her passion and determination in pushing legal and service reform. I was asked recently by a woman from Holland who has emigrated to Australia why we have a separate category of violence called family violence or domestic violence. I must admit I was a bit stumped for an answer to her question. Her concern was that violence is violence and assault is assault wherever it occurs. Use of the adjective "domestic" may imply it is a lesser form of violence. I suggest that we should all give some thought to that interesting point.

Governance is a topical issue in New South Wales, as inquiries conducted by the Independent Commission Against Corruption continue to expose instances in our political system where power has been or may have been abused. Interestingly, in Peru and Mexico the Government was battling huge endemic corruption amongst its traffic police. The solution to the problem was to sack all male police and have only female traffic police. An immediate improvement was noticed; motorists no longer complained about being asked for bribes to avoid fictitious traffic offences. There is a theory that women are less prone to corruption than men because their personal goals at work are different. I will not go into the detail of that because there is another theory that women are less corrupt because they have less opportunity, and if there were more equality perhaps it would be the same.

**The Hon. Lynda Voltz:** And we do not have time.

**The Hon. CATHERINE CUSACK:** And we do not have time. But there is a sense that greater equity for women could improve standards and be an effective anti-corruption measure. Interestingly, other countries have experimented with that idea. In conclusion, depending on the final outcomes of the recent elections held in Tasmania and South Australia, there are approximately 180 women members of Parliament in Australia. We have a Commonwealth Womens' Parliamentary Steering Committee. I am now the New South Wales nominee for chair of that steering committee, and that election is underway. I take this opportunity to thank members of the New South Wales Parliament, my colleagues in this Parliament across party lines, who have encouraged and supported me in this endeavour. I do not know what the outcome of that ballot will be, but I am giving it my best shot. I acknowledge the friendship and support extended to me by my female colleagues. I have been stunned by it and I thank them for that empathy.

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

**Motion agreed to.**

#### **STATE REVENUE LEGISLATION AMENDMENT BILL 2014**

**Bill received from the Legislative Assembly, and read a first time and ordered to be printed on motion by the Hon. Matthew Mason-Cox, on behalf of the Hon. Duncan Gay.**

**Motion by the Hon. Matthew Mason-Cox, on behalf of the Hon. Duncan Gay, 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.**

#### **BUSINESS OF THE HOUSE**

##### **Postponement of Business**

**Private Members' Business item No. 4 in the Order of Precedence postponed on motion by Reverend the Hon. Fred Nile and set down as an order of the day for a future day.**

**Private Members' Business item No. 9 in the Order of Precedence postponed on motion by the Hon. Trevor Khan and set down as an order of the day for a future day.**

**DEPUTY-PRESIDENT (The Hon. Trevor Khan):** The Clerk will read the order of the day.

**The Hon. Jeremy Buckingham:** Mr Deputy President—

**The Hon. Natasha Maclaren-Jones:** Mr Deputy President—

**The Hon. Jeremy Buckingham:** Mr Deputy President—

**DEPUTY-PRESIDENT (The Hon. Trevor Khan):** Order! A degree of decorum is to be maintained in this Chamber. I warn the Hon. Jeremy Buckingham that further action will be taken against him if he behaves in that manner again. The honourable member will control his behaviour.

## **BUSINESS OF THE HOUSE**

### **Suspension of Standing and Sessional Orders: Order of Business**

**The Hon. NATASHA MACLAREN-JONES** [11.07 a.m.]: I move:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 1709 outside the Order of Precedence, relating to Youth Week, be called on forthwith.

**Question put.**

**Division called for.**

**DEPUTY-PRESIDENT (The Hon. Trevor Khan):** Order! It has been pointed out to me that the Hon. Natasha Maclaren-Jones sought the call on a matter for which she had not given a contingent notice of motion. The bells were rung to call for a division. The bells were then stopped to call off the division because the motion is out of order.

**Division called off.**

## **BUSINESS OF THE HOUSE**

### **Suspension of Standing and Sessional Orders: Order of Business**

**The Hon. JEREMY BUCKINGHAM** [11.12 a.m.]: I move:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Member's Business item No. 1726 outside the Order of Precedence, relating to an order for papers regarding the Narrabri Gas Project, be called on forthwith.

I have moved this motion because this is a very urgent matter. The people of New South Wales are shocked and horrified to learn that an aquifer in northern New South Wales has been contaminated with uranium, strontium, radon and other elements. They want to know how this breach of environmental laws and this pollution occurred at the Narrabri gas project. The testing occurred a year ago. People were informed of the results of the testing only on 18 February this year—that is, a year after the first testing indicated that there had been an incidence of pollution. Local farmers want this matter dealt with urgently. There is a suggestion that local farmers and Eastern Star Gas employees have been exposed to this pollution.

**The Hon. Duncan Gay:** Point of order: This debate is about urgency. The member has been in this place for long enough to know that he must establish a case as to why this matter is more urgent than any other legislation on the *Notice Paper*. The member is talking to the content of the motion rather than setting out why this matter is more urgent than any other matter on the *Notice Paper*.

**DEPUTY-PRESIDENT (The Hon. Trevor Khan):** Order! The Hon. Jeremy Buckingham is sailing very close to the wind. I ask the member to direct himself to the matter of urgency. The Hon. Jeremy Buckingham has the call.

**The Hon. JEREMY BUCKINGHAM:** As I was saying, this matter is urgent because the community needs to know now what the Government knew and when it knew it. The community is particularly concerned that this matter be dealt with now because the Deputy Premier, the Hon. Andrew Stoner, signed a memorandum of understanding with Santos just two days after it was revealed on the Environment Protection Authority website that this pollution had occurred. The community wants this matter dealt with urgently. The community

wants to know whether the Deputy Premier of this State knew that an aquifer in Narrabri had been contaminated by coal seam gas before he signed that memorandum of understanding. The community is shocked and outraged.

**DEPUTY-PRESIDENT (The Hon. Trevor Khan):** Order! By simply adding the word "urgency" to his remarks does not mean that the member is confining his comments to the question of urgency. I ask the member to either confine his remarks to the question of urgency or resume his seat.

**The Hon. JEREMY BUCKINGHAM:** It is urgent that this matter be dealt with now because the community wants to know what the Government knew and when; and it wants to know now—that is the key element. There is a lot of uncertainty in the community right now, especially in the areas around the Pilliga. People are wondering whether their livestock and whether they, especially the employees of Eastern Star Gas, have been exposed. Those people want to know right now what the Government knew and when it knew it. That is why this call for papers under Standing Order 52, to reveal what the Government knew about the Narrabri Gas Project and this pollution, should be dealt with immediately. This is the most important business of the House. I know the Government is suggesting that we debate a matter to do with youth. I can advise the House that right now the youth in country areas are concerned about the future of their water supplies and the health of their livestock. Country areas are in uproar. Meat and Livestock Australia and the Cattle Council of Australia, which are very conservative groups, are concerned about what our farming community has been exposed to under this Government.

**The Hon. Duncan Gay:** Point of order: I am probably one of the most generous people in this House. But the Hon. Jeremy Buckingham is nowhere near the argument required to establish why this matter should be given urgency.

**Dr John Kaye:** You may as well talk out the remaining time.

**The Hon. Duncan Gay:** A colleague of the honourable member is telling me to talk for the time remaining in this debate. That is not something I had contemplated doing. That request from his colleagues shows how highly they rate him.

[Time expired.]

**Question—That the motion be agreed to—put.**

**The House divided.**

**Ayes, 17**

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

**Noes, 20**

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

**Pairs**

Ms Sharpe	Ms Ficarra
Mr Wong y	Ms Pavey

**Question resolved in the negative.**

**Motion negatived.**

**BUSINESS OF THE HOUSE****Suspension of Standing and Sessional Orders: Order of Business**

**The Hon. MATTHEW MASON-COX** (Parliamentary Secretary) [11.27 a.m.], on behalf of the Hon. Natasha Maclaren-Jones: I move:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 1709 outside the Order of Precedence, relating to Youth Week, be called on forthwith.

**The Hon. LYNDIA VOLTZ** [11.27 a.m.]: The Opposition opposes this motion. The Opposition is expecting a debate on the National Broadband Network, which is the next item in the Order of Precedence. We have started that debate and we would like to continue it. The Government has put up no argument as to why this matter is any more urgent than the matters that are already in the Order of Precedence. Therefore, the Opposition opposes the motion.

**Question—That the motion be agreed to—put.**

**Division called for.**

**Call for a division, by leave, withdrawn.**

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

**Motion negatived.**

**NATIONAL BROADBAND NETWORK****Debate resumed from 6 March 2014.**

**The Hon. HELEN WESTWOOD** [11.33 a.m.]: I support the motion moved by the Hon. Steve Whan and I thank him for bringing this important issue before the House. The National Broadband Network is the largest infrastructure project that has ever been rolled out in this country. I am proud to say that it was, again, a Labor Government that had the vision and determination to provide the vast majority of Australians with superfast, ubiquitous and future-proof broadband coverage, which brings with it benefits for business, existing infrastructure and society in general. I believe the Abbott Coalition Government will now put this in jeopardy. The National Broadband Network is a critical piece of infrastructure.

I am certainly no technocrat, but I do know that the National Broadband Network that Labor was proposing to install, involving fibre to the premises, would replace Australia's archaic copper network with high-speed fibre optic cable. Labor's National Broadband Network plan is a far superior option with an eye towards the future. I cannot fathom the Coalition's logic in running fibre to the node and then running copper wire to premises for the last-mile connections when the current copper network system delivers an inferior performance. It is certainly old and rotting. I know that the Senate committee that is inquiring into the National Broadband Network has received evidence to that effect, particularly from small businesspeople in regional Australia.

In an online article in the *Guardian* Australian edition in August 2013, an information technology academic from the Australian National University, Tom Worthington, compared the difference between the Labor and Coalition plans as the difference between a Lexus and a 10-year-old Camry. To put it bluntly, the Coalition's fibre to the node proposal will cost money to roll out, have a short useful life, and cost more money to remove and replace. Running fibre to the node provides very little, if any, value; nor will it reduce the cost of a future upgrade to a fibre to the premises system, so it is essentially money down the drain. An ABC technology and games online article by Richard Chirgwing on 26 July 2012 states:

... around half of Australian households are more than 1.5 KM from their nearest exchange - and about 35 per cent of households are more than 2 KM from their exchange. In the context of an FTTN rollout, ... distance matters.

I will not deal in detail with statistics on upload and download times for fibre to the premises versus fibre to the node because I believe those matters were well covered by the Hon. Steve Whan. It is widely recognised that fibre provides clear performance benefits over copper wire and will cater for the massive increase in future

broadband traffic that will outstrip the performance limitations of copper and wireless within the next several years while also providing a future-proof infrastructure that will endure into the next century. Fibre is also far more resilient and chemically stable than copper and costs a fraction to power and maintain. That has made it the obvious choice to replace copper the world over. We are not talking only about the Australian context; international practice is to move to fibre.

To my mind, investing in more copper with fibre to the node is like building the equivalent of the Sydney Harbour Bridge with just two lanes instead of the initial six, which was an example of forward planning—something that the Federal Coalition Government has been shown to significantly lack. Another point I wish to make relates to access and competition. The current copper network overwhelmingly is owned by Telstra, which is in competition with the industry to which it supplies copper infrastructure, and that has created a monopoly. The National Broadband Network Co., which is the government-owned company that is rolling out the fibre, will not compete with its customers, the carriers or the internet service providers that it will supply. This would resolve a longstanding problem with the structure of Australia's telecommunications industry. In theory, all retailers should have a level playing field in the same way that all households and businesses should have the best available access to technology, despite their geography.

The replacement of copper with fibre brings with it wide-reaching social benefits and huge efficiencies for existing infrastructure, such as health, education, power distribution, et cetera, plus enormous potential for businesses of all sizes. I will highlight some of the businesses that would benefit. Telehealth is one area that would be advantaged by the National Broadband Network, especially in regional and remote areas of New South Wales. I must say that I am surprised that so many Government members of this House who are from regional areas are not speaking with a louder voice on this issue for the community.

The National Broadband Network will make a significant difference to health care in regional areas of the State, and particularly in remote areas. Members who claim to represent regional and non-metropolitan constituencies have pretty much been silent while the Federal Coalition Government has rolled back the National Broadband Network rollout. I am astounded by that and disappointed. I know that they have been lobbied. I have spoken to people in the regions, particularly those who work in health, and they are very disappointed about the poor representation—indeed silence—that they have witnessed from members of the State and Federal Liberal and Nationals governments on this issue.

Some health services already use nurses to check on patients in their homes, but using existing phone lines limits performance and functionality is very limited. Nurses and doctors will use the National Broadband Network to conduct natural video consultations with remote patients, monitor life-sustaining medical equipment in patients' homes and run live procedures remotely. They will also conduct therapy and exercise sessions with rural patients who will no longer have to travel hundreds of kilometres to capital city specialists. I would have thought that was something that regional members of Parliament would be advocating. In fact, I would have thought they would be banging down the doors of the Federal Government and the Federal Minister and demanding that regional and remote residents in this State and around Australia have access to this technology because it will make a significant difference to their lives, particularly those with chronic illnesses. But again we have silence.

Remote learning is another inherent benefit that readily comes to mind. Many schools have fibre connections, but sharing them amongst 1,000 or more users means glacial-speed internet that often leaves teachers struggling to access online resources and then giving up. The National Broadband Network will speed overall school performance and facilitate students participating in far-away classes using interactive whiteboarding and videoconferencing from their homes. This may sound like a given in city areas, but in rural areas where small schools cannot offer many essential classes because they do not have enough students to justify a teacher, virtual classes will link students across large distances and make otherwise unviable classes possible. This will open up a whole world to them in terms of their education, the choices they can make and the experiences they can have, but on the Government benches we again have silence.

I have already mentioned videoconferencing, but the National Broadband Network will put it within reach for the vast majority of people. Skype is well known and offers video over the internet for free, but quality and bandwidth varies online and those depending too heavily on Skype are often disappointed. The National Broadband Network's increased bandwidth and guaranteed quality of service will ensure a better result, whether people are running Skype or using videoconferencing as part of other services. This opens up tremendous possibilities, such as communicating with loved ones, learning a new language with a native speaker and conducting corporate board meetings without the cost and bother of travelling to a central location.

Smart homes will not be here overnight, but the technology is around and is being expanded. Smart meters—those much discussed expensive boxes that will track energy usage in real time—will also provide permanent links to the outside world. Remote-controlled dishwashers, off-peak washing machines and controlling how electricity is used will become necessities. We will also be logging into our home's security system to view our home while we are interstate, to video the person who just made off with our car, or simply to turn off the lights or perhaps the iron that we left on as we were rushing out the door. The National Broadband Network's ubiquitous connectivity will make these sorts of uses commonplace and easy. It will certainly change the way our daily lives are structured. It will enable us to do many more things in our very busy days and to ensure that residents are able to stay connected to their homes, which is often very important for workers who must spend many hours away from their homes commuting. The National Broadband Network has real potential to make a great difference to our daily lives and to make things a lot easier. Those of us who have very busy lives with many demands on our time would agree with that.

Working from home has become a reality for many people and more and more of them are finding that adequate broadband helps them to work more effectively. They can participate in team meetings via videoconferencing as if they were at the office. Whether people are staying home to look after a sick child or running a small business from home, the National Broadband Network will facilitate fast access to information and enhance business activity and productivity. The National Broadband Network would offer small businesses in remote and regional centres the same internet advantages as those in larger towns and cities. People would not be disadvantaged simply because of geography.

It is worth mentioning a case that was presented to the Senate Select Committee on the National Broadband Network. A Central Coast based animation company that has been working to restore some of the missing early episodes of *Dr Who* has said that it will have to move to the United Kingdom if it cannot access faster and cheaper broadband. In fact, Austen Atkinson, the head of Planet55, which is highly regarded for the quality of its work, told the Senate select committee late last year that the animation process requires it to move 30 gigabytes of data per day. He said that after Telstra was slow to repair ADSL lines in his area, the company installed fibre to its premises and is paying \$1,600 per month for a 50Mbps down-50Mbps up link. He said the upload speed was more important than the download speed and, while fibre was the best option for the company, even 50Mbps was not enough. He said that the company was looking to relocate to Cardiff. Because of the slowness of the system we will lose to the United Kingdom a creative company that is bringing work to the Central Coast.

The select committee heard a great deal of evidence about copper being totally inadequate; it is rotting and breaking down. There is simply no justification for the position that the Federal Government has taken. We already know that internet protocol television will bring services like Foxtel and FetchTV to all Australians, but that is not the end of the entertainment-related bonanza that the network will deliver. On-demand movie services will allow people to stream high-definition movies to their television in real time; better upload speeds will push content to our smartphones at high quality; hosted music services will stream and play any song anywhere; multiplayer online games hosted on remote servers may be played; and videos and images may be shared with family and friends without having to wait hours while they upload. Bandwidth will simply no longer be an obstacle. I commend the Hon. Steve Whan for moving this motion and call on the O'Farrell Government, especially The Nationals, to pressure the Federal Government to roll out the full fibre to the premises model as proposed. [*Time expired.*]

**The Hon. PAUL GREEN** [11.48 a.m.]: I speak on behalf of the Christian Democratic Party to the motion moved by the Hon. Steve Whan on the National Broadband Network. The Christian Democratic Party would not like to act as apologist for either party. Having said that, the last Federal election pretty much decided the fate of the National Broadband Network and how it would be rolled out. The people of Australia decided that the Coalition was to be in power. We understood that the Coalition's election commitment was to complete the National Broadband Network and, in its own words, to do so quicker and cheaper than Labor could.

Under a Federal Coalition Government, the National Broadband Network will be rolled out "using a mix of technologies that will provide high speeds at a reasonable cost". The Federal Coalition claimed that the policy put in place by Federal Labor relied primarily on fibre to the premises for the rollout, except for remote and regional areas, where satellite or fixed wireless would be used instead. The previous Federal Government estimated the cost of the rollout to be \$43 billion. Of course, the Coalition suggested it could provide it cheaper for about \$29.5 billion as a fibre to the node model rather than a fibre to the premises model, and both models included a wireless facility. Obviously, different streaming speeds were a contentious point: Labor promised line speeds of one gigabyte per second by the end of 2013 for connected fibre to the premises sites—an increase



from the current 100 megabytes down to 40 megabytes per second; and the Coalition promised a minimum of 25 megabytes per second by 2016, and, by 2019, 50 megabytes per second up to a maximum of 100 megabytes. No upload floor speed was stated. Labor's estimated completion date was 2021 and the Coalition's was 2019.

As is always the case in politics, both sides portray the other as being incompetent in some way; that is the nature of politics. However, if we examine the actual technology behind each proposal, much can be said for both because they both have pros and cons. We should not forget also the promise of a potential wireless National Broadband Network. Originally, Labor called for fibre to the premises in 93 per cent of cases for connections to premises. This represents about 12 million or so connections. The remaining 7 per cent would have a planned fixed wireless service. Fibre to the premises would run optical fibre from a point of interconnect directly to one's place of work or business using gigabit passive optical network fibre sharing. Using fibre for every part of the connection ensures fewer failure points and a more consistent data path than a mixed mode connection. This means that while outages due to large-scale accidents impacting the cables remain feasible, the behaviour of optic fibre is well understood and should mean a more reliable service overall.

Building fibre to the premises except to the most remote areas also allows for much more regional service building. Professions that do not require on-site staff could relocate or telework with greater reliability and speed. That is good for linking remote communities and improving general business productivity, and allowing business to be conducted offsite remotely. Once installed, fibre technology also allows for optimisation, which provides a good future upgrade path without requiring serious work on the fibre. Current research suggests that existing fibre may be able to reach speeds up into the petabyte range with consistency. That is a serious advantage for cables that should be expected to last a century. However, the downside to fibre to the premises is that laying fibre to 93 per cent of the population is a huge job and leads to two sets of problems. First, speed of the rollout is a huge issue to consider. Again, it is difficult to remove politics from the equation when talking about the National Broadband Network rollout, but NBN Co's own rollout estimates have been revised over the years and the trial period took much longer than expected, as did negotiations with Telstra to use exchanges and pits. NBN Co's estimates suggested that construction would be completed by the end of 2021.

The second issue is the labour cost of laying out that much cable and infrastructure, not the cost of the technology. That problem was aggravated when it appeared that Telstra subcontractors might not have been handling asbestos material properly, leading not only to delays but also very costly ones. Implementing fibre to the premises cannot be done simply; if cable has to run past every premise in the nation, trained and paid staff will be required every step of the way. On the other hand, the Coalition's fibre to the node solution uses the existing copper infrastructure. Theoretically, this can save serious money and make the rollout a little faster. Fibre to the node is the Coalition's proposed alternative technology for National Broadband Network connectivity to roughly 75 per cent of the population.

Fibre to the node still uses optical fibre connections, but does not run to the ultimate end point of every connection. Where fibre to the node is to be rolled out, it will terminate in a street-level cabinet before then being shared out via the existing copper phone line network currently used for providing ADSL and ADSL2+ services. Fibre to the node can achieve higher real-world speeds than straight ADSL2+, primarily through using vectoring noise-cancelling technology. Provided the distance from the node is not that great, this allows for VDSL connections, which offer greater speeds than those capable on ADSL. There are a few good things to say about a fibre to the node network. It requires less to build because a reasonable proportion of the network exists already in the form of the existing copper network. Most current plans call for the copper network to terminate no further than around 800 metres from premises in order to maximise the speed benefits of the fibre beyond that point.

That has benefits from a speed-of-build perspective, because one does not have to install the last 800 metres or so for around nine million premises across Australia. The Coalition's National Broadband Network proposal suggests a completed fibre to the node rollout by 2019, two years earlier than the current projected completion date for a fibre to the premises rollout. However, it is worth noting that the Coalition proposal includes elements of fibre to the premises as well, which is a plus for those premises. Building less reduces the cost of labour markedly. The Coalition's policy suggests a cost of \$29.5 billion compared with fibre to the premises—NBN Co's estimated cost is \$43 billion. That is another positive thing. When push comes to shove, a fibre to the node rollout should be cheaper than a fibre to the premises rollout. Of course, the big concern with mass asset investment is that at the end of the day the consumer—the whole demographic cross-sector of mums and dads, and aged consumers who need affordable access to these systems—will pay for it one way or another.

However, fibre to the node also has a few issues. What the copper infrastructure can achieve now and, from looking at the research, into the future has a number of practical limitations. Certainly, using fibre to the node to increase Australia's generally poor broadband standards is feasible, but only to levels of around 100 megabytes per second, at which point copper pretty much maximises its potential, which assumes also that the copper infrastructure is perfect. Telstra has declared at times that the copper infrastructure is nearing the end of its life but might be good for up to a century. I note the knowledgeable Hon. Malcolm Turnbull admits that he does not know the exact cost of replacing damaged copper in the existing Telstra network. He said:

You don't really know until you actually get in there and see what is there.

If there are any issues with the copper network they are likely to have a significant impact on the performance of a fibre to the node connection—a big unknown factor in any fibre to the node rollout. If we replaced the whole system with fibre the problems would be wiped out by the new infrastructure, but it would be significantly more expensive. Vectoring technology can add speed boosts to the ability of copper wires to deliver broadband services and it has been successful overseas in dense urban areas. However, a big unknown factor is that nobody has tried to roll it out on the scale required by the Australian broadband network. There are also power issues. Fibre to the premises cabinets are unpowered and each cabinet requires a permanent power connection. Upload speeds remain a significant issue for fibre to the node users and the network is likely to have poor upload speeds.

For the remaining 7 per cent of remote and rural users there is no difference between the proposals of either party—remote users will get National Broadband Network access. In a nutshell, Labor's National Broadband Network proposal might technically be faster and future-proof, but unfortunately it is significantly more expensive and it will take longer to build. One has to be economically responsible as well as plan for the future. The Christian Democratic Party will be following the Coalition's ongoing rollout with much interest, particularly when we hear about the Federal debt. When this Government came into office the Hon. Barry O'Farrell said it would live within its means. I believe we will have a surplus this year. The Treasurer was hopeful that in the final years before an election we would have a surplus, so we are looking forward to this year's budget. At the end of the day people in rural areas still do not have broadband.

I moved seven kilometres out of town and I am still on an asymmetric digital subscriber line [ADSL]. It all happens at my place. I have six kids who play multiple games, use Facebook, watch YouTube and use the short message service at the same time as watching television, recording other programs and speaking to their friends on their phones. We definitely need a multiuse system. Once again, there is no silver bullet solution to this problem. The fibre to the premises network needs to have different capacities to deliver what customers expect from their providers. There is nothing worse than a heavy user downstream who sucks all the resources from the ADSL.

**The Hon. Melinda Pavey:** Like your children.

**The Hon. PAUL GREEN:** Like my children. I wonder whether my neighbours are able to use the ADSL, but that is a prime example of why this network is needed. It is a forward step to link every house to the system. It will be rewarding once we receive it and it will be looked upon fondly.

**The Hon. Dr PETER PHELPS** [12.03 p.m.]: Let us remember what we are talking about. We are talking about Labor's botched plan—

**The Hon. Melinda Pavey:** Was that a plan?

**The Hon. Dr PETER PHELPS:** It was a plan. Maybe it was a thought bubble that took on the appearance of a plan. Labor's plan was to complete a network that would deliver fibre to the premises of 93 per cent of the population. What were the other 7 per cent of the population going to get? Using Labor's own terminology, they were going to get a second-rate service, and 7 per cent of the population lives in rural and regional New South Wales. Opposition members have the temerity to talk about justice and fairness when they were prepared to dump people in rural and regional New South Wales into what they now describe as a second-rate service, which is outrageous.

It is typical of the Labor Party's attitude and it is indicative of why people not only in rural and regional New South Wales but also in rural and regional Australia have comprehensively dumped the Labor Party in every election in recent times. People in rural and regional New South Wales understand what a bogus option

they are being given by the Australian Labor Party and its so-called plans. Apparently members opposite have forgotten that there was a Federal election in 2013. The Coalition's National Broadband Network policy, which was broadcast online as early as April last year—five months ahead of the election—was clear. It was part of our policy platform, which we espoused, and guess what? We won the election. It was part of our policy platform to do what we are now doing.

I understand there is an online petition, but Labor Party members and the promoters of this idea that we can go back to the bad old National Broadband Network days are saying that we should ignore the lengthy public debate on the National Broadband Network that preceded the election and also ignore the election result. So much for democracy! These are the same people who attended the March in March demonstration and who voiced their clear views about democracy. They are not interested in democracy; they are interested in their own little power plans. The promoters of returning to Labor's proposal for the National Broadband Network believe that we should ignore the lengthy public debate and walk away from one of the most well-debated, well-understood and prominent policies. I do not think so.

For those who do not have time to read the Coalition's policy, are too lazy or cannot understand it—perhaps even the Hon. Steve Whan—there are a few important things to bear in mind. We do not regard technology as an ideological issue; we are technologically agnostic. We want to ensure that all Australians have very fast and affordable broadband as soon as possible. At present the National Broadband Network project is running over budget and way behind schedule. At the current rate of progress it would cost close to \$100 billion and take decades to complete. The Labor Government was not honest with the public about the National Broadband Network. Why are we surprised about that? It did not conduct a cost-benefit analysis and at every turn it sought to conceal the fact that the project has been failing to meet its targets for years. The Coalition Government brought the public into its confidence and opened the books on the National Broadband Network. It has called for a strategic review of the National Broadband Network, which is to be conducted by a prominent individual and which will show how long it will take, how much it will cost to complete on current specifications and what it means to both taxpayers and consumers.

The Federal Coalition Government also set out what its options were to complete the project sooner and more effectively and, again, what that will mean in regard to affordability and the cost of service levels. Many of the fibre to home supporters say that they do not care what it costs nor do they care how long it takes; they want fibre to homes regardless. That is typical of the attitude of all Labor governments. Labor does not care what it costs because it is only taxpayers' money, which can be spent willy-nilly. We saw that with pink batts, school halls and a host of fatuous projects undertaken by the former Federal Government in its attempt to buy electoral support in the absence of any genuine economically responsible policies.

What did this attitude give us? It did not give us a National Broadband Network. It gave us hundreds of billions of dollars of Federal Government debt that we, our children and our children's children will have to pay off due to the economic incompetence of the socialists of the Labor Party and their Bolshevik allies in The Greens. Every public infrastructure project has to be carefully and honestly analysed so that governments and citizens can weigh up the costs and benefits. It would have been great if the New South Wales Labor Government in its 16 years in office had done proper cost-benefit analyses of its spending. But that did not happen because as long as one of Eddie's mates was getting a contract they were all for it.

It is vital that the public be informed about the study that is being undertaken. The Federal Government's redesign of the project will also be informed by its results. The National Broadband Network debate is not over, but we on the conservative side of politics, the fiscally responsible side of politics, will make sure that from now on the debate is fully informed of the true costs and benefits of undertaking various options. Labor believes that money springs forth from rainbows and that unicorns poop gold bullion. Its understanding of fiscal responsibility is not to worry about money and to rack things up on the national credit card. Labor members believe that debt should be left to future generations, but they have the "feels" and the "feels" say that we should have fibre to the home, not because they have any rational business case for it but because they feel that way.

It will not even be fibre to every home; it will only be fibre in urban areas. It will not be fibre to homes in country or remote New South Wales but fibre to the homes of the inner city elitists. Those cosmopolitan latte drinkers will be able to go online and order their fair trade coffee direct from the socialist collective in Nicaragua and their fair trade cigars from Havana. So those inner city elitists, wearing their black skivvies, will be able to kick back in inner city elite Sydney and enjoy their macchiatos with high-speed broadband while people in rural and regional New South Wales, and indeed Australia, are left with dial-up or ADSL1. Labor

does not care about rural and regional New South Wales; it only considers policy prescriptions that benefit the left-wing cosmopolitanism elite in inner city areas. Labor is not focused on ordinary Australians. That is why time and again ordinary Australians have comprehensively rejected Labor and its allies The Greens.

This is an attempt to salvage Labor's reputation, which has been completely destroyed by years of economic mismanagement and wilful and mindless spending for the sake of spending. That is the crux of this issue. This is an attempt to justify a position that was never justifiable. It was never justifiable from a business case or from an economic point of view, but basically to make Labor members feel good about themselves. That is what is wrong with so much of the Labor Party's policy these days. Sadly, it is all about the "feels", the emotion and the optics of something. There is no substance to it. It is as shallow as a rainbow: It might look good, but if one reaches out to touch it there is absolutely nothing there. Once upon a time members of the Labor Party used to care about policy, but now it is spin city on that side of the Chamber to try to make them look good.

But that is not what the Coalition Government is about. The Coalition Government is about putting in place proper policies for all Australians that will provide real benefits. The Coalition Government also is economically responsible and shows a degree of fiscal rectitude, which the Labor Party has completely abandoned. Labor has thrown the Keatingesque treasury days on the scrapheap. Labor has thrown Paul Keating onto the funeral pyre and said, "We don't need him anymore. We don't need that sort of thinking anymore because we are going to return to the bad old days of blowing money on any old cause."

**The Hon. David Clarke:** Like the pink batts scheme.

**The Hon. Dr PETER PHELPS:** I note the interjection of the Hon. David Clarke. Exactly, like pink batts or school halls or any other examples that we can name of ridiculous overwrought expenditure all in the name of publicity, public relations and political spin. This motion should be opposed.

**The Hon. SHAOQUETT MOSELMANE** [12.16 p.m.]: The contribution just made by the Government Whip was a load of hogwash. I urge members with time to waste to read that speech because it was nothing but a waste of time. I speak in support of this motion and commend the Hon. Steve Whan for moving it. I note at the outset that the Labor Party is the party of infrastructure. It is the party of nation building. I am honoured to be a member of such a progressive party, a party of vision and a party of the future. In moving this motion the Hon. Steve Whan spoke about the Labor Party's rollout of electricity in the middle of the twentieth century, which the Liberal Party opposed. Around the same time the Labor Party also rolled out the sewerage system for the residents of Western Sydney. On a larger scale, the Snowy Mountains Hydro-electric Scheme, Sydney Opera House and Sydney Harbour Bridge are but a few examples of projects that were spearheaded by the Labor Party.

In 2007 Labor did it again with the National Broadband Network—Australia's information super highway of the twenty-first century. This piece of infrastructure will revolutionise education, health and services for regional Australia. Dark Ages Prime Minister Tony Abbott has dismissed the National Broadband Network as a way to download movies faster. How out of touch is our Prime Minister? The Liberal Party of Australia is in a coalition with The Nationals. On the face of that one would assume two things: that the Liberal Party would have an insight into the needs of regional Australia and that The Nationals would fight for the needs of regional Australia. Neither assumption is true. The Liberal Party does not know or care about regional Australia and The Nationals are not fighting for regional Australia. That is why we have Country Labor.

I take this opportunity to acknowledge the work and commitment of Country Labor to the wellbeing of regional New South Wales. For decades, Labor was the true voice for country New South Wales. Today Country Labor continues to advocate for rural and regional Australia, supporting the rollout of the National Broadband Network and maintaining its campaign for increased investment in rural and regional infrastructure and services. For that I acknowledge and congratulate NSW Country Labor. Cuts to the Pacific Highway and cuts to regional health budgets are just a couple of examples of where the Liberal Party historically has let down the bush.

We can now add the National Broadband Network to that list. The National Broadband Network is a great project; and its impact is even more profound in regional Australia, as the Hon. Steve Whan outlined. The Liberal-Nationals Federal Government's plan will create the haves and the have-nots when it comes to broadband, based purely on geography. Those lucky enough to live in areas where contracts have been signed will get the best technology on offer. Those who do not will be waiting years to get technology

from the last century. No-one, not Liberal Party members and not even Tony Abbott himself, could argue that the Snowy Mountains Scheme was not a good idea or that building the Sydney Harbour Bridge was not a good idea.

**The Hon. Steve Whan:** But they opposed that as well.

**The Hon. SHAOQUETT MOSELMANE:** No-one could argue that the rollout of electricity and sewerage was not a good idea. Yet the Liberal-Nationals Coalition argues that the National Broadband Network is not a good idea based purely on its cost, and because it may not be fully utilised at the moment. The Liberal Party forgets—and I note that the Hon. Helen Westwood made mention of this—that when the Sydney Harbour Bridge was built there were only a few hundred cars in New South Wales. The Sydney Harbour Bridge has nine lanes. If the Liberal Party applied its same logic it would be arguing that the Sydney Harbour Bridge should have only one or two lanes—that is, based on the need at the time and based on cost. The Liberals would have argued that the Harbour Bridge was not a good idea.

The Coalition would have built a one- or two-lane bridge and then, 20 or 30 years later, they would have had to build a second bridge or demolish and rebuild the original bridge to accommodate the extra cars. And that is exactly what will happen with the National Broadband Network. The Coalition will finish building the inferior product. In the short term, it will save the budget money. But in 10 to 20 years its substandard product will be out of date and the taxpayers of Australia will have to spend more money to replace it and to upgrade it to the standard to which it should have been built in the first place.

The Liberals and Nationals have a populist view of infrastructure and the budget. The future will show them for the fools that they are in this area. No doubt it will be up to the Labor Party to fix the cyber divide that this Liberal-Nationals Federal Government is creating. As I said, the motion moved by my colleague is primarily about the impact on regional Australia of the cancellation of the National Broadband Network. This cancellation also will have an impact on metropolitan areas in New South Wales. I am from Sydney's south—the Rockdale and Kogarah region. This is another part of New South Wales that will be divided into the haves and the have-nots.

I have seen the maps which show geographically where neighbours will be pitted against each other across the broadband divide—some will have the National Broadband Network and some will not. At the moment, the National Broadband Network's fibre network is rolling out to more than 8,900 homes and businesses in Rockdale and Brighton-Le-Sands. But that is where it will stop. Some 62,400 homes and businesses in areas such as Kogarah, Carss Park, Bexley, Earlwood, Arncliffe, Wolli Creek, Bardwell Park and Banksia will miss out on super-fast National Broadband Network fibre broadband under the Liberals.

**The Hon. Steve Whan:** Shame!

**The Hon. SHAOQUETT MOSELMANE:** I acknowledge the interjection of the Hon. Steve Whan. This is an absolute shame. The people who live in the areas I have mentioned work extremely hard and deserve to have the best possible broadband network. If this were not such a serious issue the situation would be absurd. What is even more absurd is the solution proposed by Malcolm Turnbull—that is, if households and businesses missing out on the National Broadband Network want to have access to it, and want to enjoy what their neighbours have in areas where the National Broadband Network has reached, they can pay \$5,000 for the privilege. What an insult!

**The Hon. Steve Whan:** Or they can move—that is what he has suggested.

**The Hon. SHAOQUETT MOSELMANE:** Yes, he has also said that those residents can move. What a disgrace. The Government is supposed to serve the community. This is not public service; this is selling out the public. For those unlucky enough not to have Labor's National Broadband Network, they will have two choices—either battle on using the copper network from last century or fork out \$5,000 to have fibre connected to their home or business. Or they could move. They would have had the fibre connected for free under a Labor government. Access to world-class infrastructure should not depend on the geographic luck of the draw or one's bank balance. What is good for some in New South Wales should be good for all.

For regional communities, battling with drought and other concerns, this is a further insult. For regional communities, the National Broadband Network is not a luxury; it will be essential in making businesses prosper and ensuring regional communities are connected for health care and education. I will quote an ABC online

article written by Nick Ross, from ABC technology and games, entitled "The vast differences between the NBN and the Coalition's alternative". This is written by someone who is independent; I do not know Nick Ross. He says:

In just about every case the Coalition's alternative compares unfavourably to the current plans—and usually in dramatic fashion. That's based upon the facts and the information currently available in the public domain.

He goes on to make the point that the Coalition broadband policy is a failure on a number of signification points, and he highlights them in the article to which I have just referred. The behaviour of the Federal Government when it comes to the National Broadband Network is disgraceful.

**The Hon. Amanda Fazio:** It is atrocious.

**The Hon. SHAOQUETT MOSELMANE:** It is atrocious. It continues the tradition of the Liberals and Nationals of underinvestment in infrastructure and of abandoning nation building. I fully support this motion, and say to the Federal Government we should construct the National Broadband Network once, do it right and do it with fibre.

**The Hon. PETER PRIMROSE** [12.26 p.m.]: The National Broadband Network has the potential to transform the economic and social opportunities of the people of New South Wales. Any State government that had the interests of the people of New South Wales at heart would rush to endorse it and would kick up a fuss to make sure that New South Wales gets it. Unfortunately, this Government is simply too ideological and too loyal to its Liberal-Nationals masters in Canberra to demand what is obviously a benefit to New South Wales. When every jurisdiction in the world is trying to come to terms with technological change and global competition by boosting innovation through better education and infrastructure, the Abbott Federal Government and its subsidiaries in the New South Wales Government are turning their backs on the very thing that will be the key to prosperity in the twenty-first century and beyond.

New South Wales is a relatively large jurisdiction, with widely spread population densities. We are distant from many of the markets where we want to sell our goods and services. The advantages of having very fast broadband in that situation are obvious. The disadvantages of the past—the tyranny of distance—can be overcome by putting in place this essential infrastructure. We are talking about not only commerce but also the exchange of ideas, culture, language and entertainment. It takes someone spectacularly lacking in imagination to fail to see that very fast internet can open up a world of opportunities for all the citizens of this State. Sometimes one hears from Liberal-Nationals members of Parliament, in defending their inadequate broadband plan, statements such as, "The network we will build will be sufficient for the average family to do the things they would want to do with the internet." That statement would be laughable if it were not so dangerous and so limiting. It presumes that the ways in which we use the internet will stay static—that the bandwidth needed will be about the same or will grow incrementally over time.

In fact, many of the applications for which the internet will be used have not even been invented yet. The way we use the internet changes over time the devices on which we use it. Let us take for example the devices on which we now access the internet. The iPhone first arrived in Australia in mid-2008, less than six years ago. I am pleased to see members of this House taking the opportunity even as I speak to look up things online. I am sure they are checking some of the facts and reviewing the matters I am raising in this Chamber on their iPhones and computers.

Until 2008, only a minority used handheld devices to access the internet regularly. Today they are almost ubiquitous, both in the community and in this Chamber. People use their smartphones, whether iPhones or other brands, to access the internet at home, at school, at work and in between. It is not unusual for five or six members of the same household to access the web simultaneously on different devices. A couple might be on their phones, checking social media; one might be watching a movie on an iPad; one might be doing some research on a laptop; and one might be using iView on a smart TV to catch up on a quality ABC documentary, drama or news program. This change has occurred in the last five years.

That is just devices; what about applications? The website YouTube was founded on Valentine's Day 2005. It is less than a decade old. Many people would struggle to remember what life on the internet was like before YouTube. These days, every minute, 100 hours of video is uploaded to YouTube. From protests in Cairo captured on phone cameras to cat videos and everything in between, it is recording the history of humanity and this planet like nothing else before it. We rightly celebrate the invention of the printing press. In terms of the amount of information stored and preserved, the entire written works of humanity are dwarfed every day on one website.

An equally revolutionary adaptation of the potential of the internet was the development of Facebook, which was launched in February 2004 and has just passed its tenth birthday. But it was not widely available until a few years later, depending on where you lived. I know many members in this place who would have regarded themselves as technophobes, if not luddites, just a couple of years ago now regularly update their constituents and networks via the wonders of social media. These days Facebook has more than 1.3 billion active users. Perhaps of most interest for those of us who care about jobs and prosperity for the people of New South Wales, is that it now employs well over 6,000 people. Those 6,000 jobs create thousands more jobs indirectly in the development of applications and games that are used on Facebook. Then there are the jobs, estimated at five for every tech job, providing services—housing, education, health care and so on—to the people employed by Facebook and Facebook-associated companies. Why should New South Wales not have a share in those sorts of jobs?

It is absolutely critical that we implement the National Broadband Network, because it provides a wonderful opportunity for people who currently have to commute from the suburbs every day into central Sydney for work. In metropolitan Sydney, two million people live west of Parramatta. The jobs are going east; the houses are going west. If we can create a system that enables people to work from home or from a centre with a computer and operating system located close to where they live, they will not have to travel into town every day of the week. This is not a novel idea. It has been proposed by many and is under active consideration by governments throughout the world. It requires an operating system like the National Broadband Network.

None of the uses, neither the devices nor sites like YouTube and Facebook, were possible with internet speeds available in 2000. Now we are seriously considering limiting the citizens of New South Wales to 2015 internet speeds because Tony Abbott and Malcolm Turnbull believe that is all they are likely to need. It is preposterous. It is akin to building the Sydney Harbour Bridge as a two-lane crossing because that was what the people of Sydney needed in 1930. We know that the internet has changed incredibly quickly in 10 years with the development of just these two websites—two kinds of the one application, in fact. Many other applications could be developed.

We forget that browsing and having pages or websites are not the only things the internet can be used for. Email, the original "killer application", was adapted to make use of internet technology. Almost nobody would recall what the internet was like before email, or email before the internet, but it is barely more than 20 years old as an internet-based service. The development of email revolutionised and, in many ways, shaped and created the internet as we know it. Similar developments will occur again. More "killer apps" will revolutionise the way we use the net. What possible applications could be developed in the future? One thing is certain: they will emerge, but not in New South Wales.

Governments and the community make innovation a priority by investing in the required infrastructure and education, which the current Liberal-Nationals governments of Australia and New South Wales refuse to do. If New South Wales does not have the highest internet speeds possible, with the ability to increase those speeds—which fibre to the home provides but fibre to the node does not—then the innovators, geniuses and entrepreneurs will emerge in other countries, and the jobs will follow them. That would be a tragedy for communities throughout New South Wales.

The effects will be felt hardest in places that are most in need, places that have seen job losses in traditional industries, such as Newcastle. Newcastle has the potential to be a jobs powerhouse, a place of innovation and growth. It has a rich history of using its natural advantages to create jobs and to produce wealth. But it has never done so in isolation, without any intervention or impetus from Government decisions. It needs that impetus now. Instead, it is bearing the brunt of the Federal Government's decision to stop the rollout of the National Broadband Network. Visiting Newcastle recently, shadow Minister for Communications Jason Clare said:

Unfortunately, Newcastle is one of the biggest victims of Tony Abbott's decision to pull the plug on the NBN ... under Labor, 93 per cent of the country was going to get superfast broadband, now only 24 per cent will [get it] and no-one in Newcastle will get that technology.

Newcastle's Federal member of Parliament, Sharon Claydon, expressed the disappointment her constituents felt about this short-sighted decision:

Groups across the spectrum of the community feel completely cheated, some people have made business decisions based on the fact they would have access to high-speed broadband and now that is not going to happen, they have to make some serious reassessment of how they are going to do business and whether that will be in Newcastle.

Where is the local State Liberal member? The Liberal Party is silent, unable and unwilling to stand up for its constituents against the Abbott Government. The question has to be asked: Why not? Why does the O'Farrell Government—in particular, those members of Parliament who supposedly represent regional New South Wales, where the National Broadband Network would be an undeniable boon to jobs growth, education and healthcare services—not stand up and say to the Federal Government that New South Wales wants and needs fast internet services? Is it because it is slavishly following the lead of its social betters in the Federal Parliament, Tony Abbott and Malcolm Turnbull? Is it ignorance and fear of change and the possibilities that come with it? Is it because the internet is shaking the foundations of the media empires that have long preferred conservative governments?

Those opposite claim it is because the National Broadband Network is an expensive investment, but the network would be sold to private enterprise once completed and the costs would be recovered. Some say it is because members opposite dislike government monopolies, but the National Broadband Network is not a monopoly. It would provide a level playing field for different service providers to compete for customers. If anything, it is like a freeway, a platform on which companies can compete for business based not on the quality of the road on which they all travel but on their service once they are the carrier. Some opposed to the National Broadband Network claim cost overruns or construction cost blowouts.

It seems that most of them are much exaggerated, but is that a good reason to scrap the entire project and to reduce coverage to 24 per cent of all Australians? Inefficiencies or problems in the development of a system do not require the whole system to be scrapped. It seems that the conservative parties are looking for an excuse to withdraw from providing this essential infrastructure. They want to exacerbate the digital divide, where some are connected and empowered and the great majority are left out. The best reflection of that recently has been the return to the 1950s: knights, dames, black-and-white television, pounds and shillings—all the things that Robert Menzies represents to conservative parties. We know all of the quotes, "I did but see her walking by ...". But this is the twenty-first century. We need fast broadband in the country. We need fast broadband in New South Wales.

**The Hon. MICK VEITCH** [12.39 p.m.]: I support the motion moved by the Hon. Steve Whan and commend him for it. I also commend the Hon. Peter Primrose for his outstanding contribution to this debate. Most of the matters I wish to canvass in this debate have been covered already by my colleagues and I will not reiterate the points they have made. However, there are a couple of points I wish to state for the record. Prior to the 2011 State election the Hon. Steve Whan and I were fortunate to attend a regional development conference in Armidale. At that conference a session was presented by the then shadow Minister responsible for rollout of the National Broadband Network and communications, the Hon. Luke Hartsuyker. At the conference, Mr Hartsuyker spent approximately 30 minutes trying to sell the Coalition's proposal for broadband.

**The Hon. Dr Peter Phelps:** Where was this?

**The Hon. MICK VEITCH:** It was in Armidale. He was asked a number of questions about the Coalition's rollout proposal. At the conference it was very difficult to find a person representing industry and across all political persuasions who supported the proposal he put forward. It was quite enlightening to hear some examples of what people thought would happen under the Coalition's proposal for broadband. Subsequently the election was held and we now have the Coalition implementing its failed high-speed National Broadband Network across the country. A businessperson spoke at length about his relocating to country New South Wales on the back of Labor's National Broadband Network. He said that he no longer required any of his employees to be located in Sydney. They could all be employed in country areas of New South Wales—anywhere the National Broadband Network was—and not necessarily in the same office. All of his employees could work from their homes and be part of a virtual office. That is quite exciting and goes to the heart of why the Labor Party wants to roll out high-speed broadband across the country.

The other gathering where the National Broadband Network issue was discussed was the recent Bathurst Jobs Summit where the topic Central West job losses was also discussed. The Hon. Steve Whan and I attended the summit. The small business representative from the Bathurst Business Chamber spoke at length about the need for the National Broadband Network and his desire to have the Labor Party's proposal because he felt that Bathurst would be left behind without it. He compared Bathurst to Armidale, which is a university city, and said that Bathurst had lost its competitive edge against Armidale and was being pushed behind in the race to generate new high-tech jobs. No-one can deny that there is a jobs issue in the Central West and that restructuring is taking place in a number of industries, particularly the manufacturing and food processing industries.



The representative spoke at length about the impact that was having and the need for governments of all political persuasions to show leadership and to try to generate new industries in new sectors. His request was that parliamentary representatives examine high-speed broadband as a catalyst for new jobs. It was very difficult to walk away from the summit unconvinced by his argument, which was very compelling. It is outrageous that Bathurst will have lower speed broadband capacity compared to that of Armidale. The people of Armidale, where I spend a lot of time, are excited not only by their high-speed broadband but also by the potential it delivers to that community. We are creating haves and have-nots in regional New South Wales based on the capacity to access high-speed broadband for business, job creation and personal requirements.

The Hon. Peter Primrose referred to the introduction of email. As most members of Parliament know, it is the bane of our lives when we receive upwards of 500 emails daily. I do not know whether it was such a good thing for us to get email. But all jokes aside, we live in a modern society and we need it. Members of the Labor Party support and want high-speed broadband across country New South Wales because of the significant revenue generated by emerging industries in creative enterprises, such as people building apps and developing technology for school students. We should recognise that people are doing that not in Sydney but in country areas of New South Wales. That means jobs for country New South Wales and revenue for regional economies. If there is any principle for which all members of Parliament should stand, it is job creation in country areas and increased revenue for regional economies. Labor's National Broadband Network would have delivered that. I commend the motion to the House.

**The Hon. STEVE WHAN** [12.45 p.m.], in reply: I thank members who contributed to debate on the National Broadband Network, particularly those who took the trouble to prepare well-researched speeches.

**The Hon. Dr Peter Phelps:** You're welcome.

**The Hon. STEVE WHAN:** I intended to exclude from that group the Government Whip. It is important for the people of regional as well as city areas of New South Wales to know who is standing up for them when it comes to connectivity on the internet. The Hon. Helen Westwood gave a fantastic example of a Central Coast animator whose company, Planet 55, is re-creating an episode of *Dr Who* and who said that he will have to move his business to the United Kingdom if the company cannot get better connection speeds on the National Broadband Network. The business employs people on the Central Coast.

**The Hon. Mick Veitch:** You are a *Dr Who* fan.

**The Hon. STEVE WHAN:** I am very definitely a *Dr Who* fan. The Hon. Paul Green made a very well-researched speech and surprised me with his knowledge of this topic. However, in the end he came to the wrong conclusion, despite the very interesting technical details of his speech. He outlined the manner in which fibre to the home could future-proof a network, which is a very important point to note. Unfortunately, the Hon. Dr Peter Phelps did not do any research for his contribution to the debate and instead referred to a cosmopolitan elite. He forgot to mention that the people to whom he referred as the cosmopolitan elite—because they will get fibre to the home under the National Broadband Network—are people who live in Young, Queanbeyan, Orange, Bathurst, Wagga Wagga, Tamworth and many other places. He did mention the 7 per cent who will get access to other solutions, including the two new satellites that Labor scheduled to launch. Fortunately, the Federal Government has not abandoned that project. Those people will receive vastly improved internet connection speeds from that facility. However, if we load everyone onto wireless and satellite connections, the speeds will diminish significantly. I made that point in my speech at the outset of this debate.

The Hon. Shaoquett Moselmane highlighted the digital divide in Rockdale and Kogarah where, in common with many other areas, there are places that will receive Labor's rolled out National Broadband Network and, because the Federal Government will not reinvest, their next-door neighbours will not. That leads to the very revealing comment made this week by the Hon. Malcolm Turnbull, who responded to somebody who complained about buying a house that would not get the National Broadband Network by saying, "Just curious, but if connectivity was so vital to you, why did you buy a house where there was no broadband available?" Malcolm Turnbull's solution is that if people want the National Broadband Network, they should move to a place where Labor has already built it. That was his answer.

**The Hon. Dr Peter Phelps:** I bought a home in Queanbeyan and I don't have beach views. Come on!

**The Hon. STEVE WHAN:** I acknowledge that interjection.

**The Hon. Mick Veitch:** It is a bit strange.

**The Hon. STEVE WHAN:** It is a very odd interjection. It is entirely reasonable that the house in Jerrabomberra recently bought by the Government Whip should have the National Broadband Network. Under Labor, he would have had optic fibre to the premises, but under his Federal Coalition Government, he will not. In Queanbeyan we have the amazing example of the city being taken off the National Broadband Network rollout maps by the Coalition Government. Recently the Federal Coalition Government reannounced with great fanfare that part of Queanbeyan will get fibre to the home—exactly in the areas already getting the National Broadband Network under a contract authorised by Labor—whereas the remainder of Queanbeyan will miss out. It is yet another scenario of the haves and the have-nots.

As the Hon. Mick Veitch said, the National Broadband Network was the top issue for discussion at a recent jobs summit held in Wagga Wagga and in Bathurst. They know that two brand-new suburbs in Bathurst will get the National Broadband Network, but the remainder of Bathurst will miss out. The Hon. Peter Primrose asked why the O'Farrell Government will not stand up for New South Wales. It wants instead to go along with its masters in the Abbott Government simply so that it does not disagree with its colleagues in the Liberal Party. That is the essence of this motion. This Government should be standing up for the people of New South Wales.

**The Hon. Dr Peter Phelps:** You don't know The Nationals if you think that.

**The Hon. STEVE WHAN:** I acknowledge that interjection from the Government Whip, who says I do not know The Nationals if I think that. Of course, it also would not dare to stand up against its coalition mates on this. It is very revealing that not a single Nationals member has spoken in this debate about communications for rural New South Wales. Not one Nationals member has stood up to speak about the National Broadband Network and its importance to rural communities. This is a party that, from its position in the last century, would have been happy to accept the continuation of bullock drays rather than train lines because they would have been cheaper and quicker to deliver. The Nationals should be embarrassed by the disgraceful position it has taken on this motion. [*Time expired.*]

**Question—That the motion be agreed to—put.**

**The House divided.**

**Ayes, 17**

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

**Noes, 20**

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

**Pairs**

Ms Sharpe	Ms Ficarra
Mr Wong	Mr Harwin

**Question resolved in the negative.**

**Motion negatived.**

[*Deputy-President (The Hon. Natasha Maclaren-Jones) left the chair at 12.58 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

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### GREY NURSE SHARK PROTECTION

**The Hon. LUKE FOLEY:** My question is directed to the Minister for Roads and Ports, representing the Minister for Primary Industries. Will the Minister update the House on the resources allocated by the Department of Primary Industries to ensure compliance with the Government's new protection regime for the critically endangered grey nurse shark?

**The Hon. DUNCAN GAY:** There is some conjecture in the House about how endangered are they, but I will let that go.

**The Hon. Steve Whan:** Are you saying the grey nurse shark is not endangered?

**The Hon. Dr Peter Phelps:** Country Labor is endangered.

**The Hon. DUNCAN GAY:** Not as endangered as the Hon. Steve Whan. The member sitting on the loser's lounge has already lost his seat in regional New South Wales, yet has not learned anything. The question seeks detail from my colleague the Minister for Primary Industries. I will refer to the question to the Minister and come back with a suitably detailed answer.

### SYDNEY CONGESTION TAX

**The Hon. MELINDA PAVEY:** My question is directed to the Minister for Roads and Ports. Is the Minister aware of any plans for a Sydney congestion tax?

**The Hon. DUNCAN GAY:** Who would have such a thing? Walt? Oh, no—an Australian Labor Party document that has just fallen off the back of a truck has revealed that Labor plans to replace vehicle taxes with a Sydney congestion charge. The truth has finally come out. Members opposite have a secret plan to increase the amount of tax every New South Wales motorist pays. The document, which is a survey of Australian Labor Party members, states:

If ALP members had their way, they would impose a Sydney congestion tax, which would hit every single motorist in the State.

Welcome to Walt's world: a big, fat, new tax for every motorist in Sydney. Thank you Walt, and thank you Australian Labor Party. It cannot be clearer: The Labor Party wants to slug every New South Wales driver with a new, big, fat tax. Typically, the Labor Party keeps secret its plans to slug motorists more and more. It is the only party considering this sort of cruel treatment—with the exception of The Greens—of the State's drivers. Let me make it clear: The New South Wales Liberals and The Nationals have always said no to a congestion tax and will continue to say no. The clear difference is that our party says no to a congestion tax; those opposite say yes to a big, fat, new tax on every motorist in New South Wales. We have always said that a congestion tax was unfair to those who live in areas where public transport was not as good as it could be. The Labor Government through the then roads Minister, Michael Daley, is the only Government to impose a congestion tax on Sydney by introducing it on the Sydney Harbour Bridge.

This is just madness from the Labor Party. Clearly, it thinks nothing of slugging working people getting on with their lives. The Labor Government failed the public by providing no public transport; now it wants to impose a big, fat, new tax on those same people it failed. Labor should explain to the people of New South Wales exactly why it wants to slug motorists just for driving on our roads. Motor vehicle taxes are expected to raise \$2.4 million in the 2015-16 financial year. To achieve that amount from the Sydney motorway network, tolls would have to rise astronomically. The Sydney Harbour Bridge and tunnel toll would increase from \$4.00 to \$15.50, the Eastern Distributor toll would increase from \$6.17 to \$23.90, the M5 toll would increase from \$4.40 to \$17.10 and the M7 toll—*[Time expired.]*

**The Hon. Luke Foley:** Point of order: Pursuant to Standing Order 56 I move:

That the document from which the Minister for Roads and Ports was quoting be laid upon the table of the House.

**The PRESIDENT:** Order! Under the terms of Standing Order 56, a document relating to public affairs quoted by a Minister may be ordered to be laid on the table unless the Minister states that the document is of a confidential nature or should be more properly obtained by order.

**The Hon. DUNCAN GAY:** I have absolutely no trouble in tabling this, provided the Hon. Walt Secord agrees with it because it is a Labor Party document. Come on Walt, yes or no document entitled "NSW Labor Policy Forum: Jobs and the Economy Policy Commission".

**The PRESIDENT:** Order! The Minister has agreed to table the document.

**Document tabled.**

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

**The Hon. DUNCAN GAY:** I thank the member, because there is some important information that I have not been able to tell the people of New South Wales. I said that the toll on the Sydney Harbour Bridge and tunnel would go from \$4.00 to \$15.50, and that the toll on the Eastern Distributor would go from \$6.17 to \$23.90. The toll on the M5 would go from \$4.40 to \$17.10; the toll on the M7 would go from \$7.46 to \$28.90; the toll on the M2 would go from \$6.11 to \$23.70; and the toll on the Lane Cove Tunnel would go from \$3.00 to \$11.90. Can members get the drift of what will happen? The toll on the Cross City Tunnel would go from \$5.00 to \$19.40.

**The Hon. Steve Whan:** Do you want to see my policy too? I will leak it to you.

**The Hon. DUNCAN GAY:** The Hon. Steve Whan would not know. People used to vote for him. The cost of going from Rouse Hill to the airport would go from \$15.98 to \$62.00. That is what will happen under the Hon. Walt Secord's wonderful plan—a new big fat tax. I call on every member opposite to rule it out immediately. The Hon. Walt Secord, the Hon. Adam Searle and the Hon. Luke Foley should say no. We do not want the new big fat tax that Labor wants to introduce on our roads. It is a disgraceful thing to do to the people of New South Wales. Labor would be better to get rid of the Hon. Walt Secord and the tax. [*Time expired.*]

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

### OUTLAW MOTORCYCLE GANGS

**The Hon. ADAM SEARLE:** My question is directed to the Minister for Police and Emergency Services. Yesterday the Minister told the House that this Government had introduced "some of the toughest powers to crack down on outlaw motorcycle gangs". Will the Minister advise the House when the Government will use these laws and move to have bikie gangs declared illegal?

**The Hon. MICHAEL GALLACHER:** Yesterday I detailed extensively the initiatives that this Government has introduced. Now Opposition members say they want a declaration. In answer to that, I refer to the wonderful answer given by the Attorney General in the other House because he has carriage of the matter, as members would know. They should read his answer to be fully informed on the subject. The laws that this Government has passed in relation to dealing with not only outlaw motorcycle gangs but also gangs in general have been remarkable. Even members opposite who are the strongest critics of police have to admit that police officers are using the new powers and that they are getting on with the job.

Police are making a substantial number of arrests, they are seizing a substantial number of drugs, they are taking drugs off the streets, they are taking money away from crooks and they are making it tougher for gangs to operate. Despite that, we have not once heard Opposition members congratulate the cops who are doing that work. We hear "ahs" from members opposite, but when was the last time any Opposition member said that cops are doing a great job of getting in the face of motorcycle gangs in New South Wales? If we were to believe the Hon. Walt Secord's criticism of police on the North Coast, bikies would be flooding over the border.

**The Hon. Walt Secord:** They are.

**The Hon. MICHAEL GALLACHER:** Once again he cannot help himself. He goes back to his lines and repeats them—like a dog, as Prime Minister Keating once said. It is not true.

**The Hon. Walt Secord:** It is not true. Say it again, please.

**The Hon. MICHAEL GALLACHER:** Are you having trouble hearing?

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

**The Hon. MICHAEL GALLACHER:** Each time he criticises the North Coast and each time Opposition members criticise the hard work of police it creates a clear distinction between members on this side of the House and members on the crossbench who support police and members on the other side who do not. Nowhere was that more evident than in this House yesterday when they watered down mandatory sentences for violent offenders in New South Wales. No wonder they are so quiet; they know they have been caught out. Opposition members were given an opportunity yesterday to admit that they got it wrong, to admit that they have been playing politics. There was an opportunity for them to correct the record but, in support of the crossbench, Opposition members dug in their heels and made sure that legislation that was designed to take violent offenders off our streets was watered down. Those members have a hide coming into this Chamber and suggesting that they are doing anything serious about violent offenders on our streets.

### **CALTEX KURNELL REFINERY OIL SPILL**

**The Hon. ROBERT BORSAK:** My question is directed to the Minister for Roads and Ports and relates to Monday's oily water discharge from the Caltex Kurnell Refinery. Is the Minister aware of reports from witnesses that staff from Sydney Ports spent only one hour cleaning up the bulk of the spill and departed the scene at 6.45 p.m., leaving two tide changes to spread and disperse the oil? Is it true and is it an appropriate response to a public health incident given that the tides have now dragged the oily water out to sea? Who is tracking the oily water down the coast?

**The Hon. DUNCAN GAY:** I thank the member for his important question. It is totally unfair that The Greens insult the member. I am advised that late in the afternoon on Tuesday 25 March 2014, Sydney Ports received reports of possible oil on the water between North Head and South Head at the entrance to Sydney Harbour. Investigations that evening continued until darkness forced a halt. At 6.45 a.m. on Wednesday 27 March 2014, Sydney Ports vessels found a diesel oil sheen inside the harbour in the vicinity of the western channel between Middle Head and South Head. At 7.10 a.m., Sydney Ports received reports of pollution in the vicinity of the Manly ferry wharf. The pollution was a heavy sheen of light diesel which, in some cases, is mixed with organic plant matter thus giving off an odour.

The pollution was broken up during the day by nine boats from three different government agencies. There were no reports of the pollution reaching the shore or wildlife being affected. The pollution could have been the result of run-off from recent heavy rains and was not thought to have come from a ship. Investigations continue and samples have been sent to the Environment Protection Authority for analysis. Sydney Ports was the responsible agency for this incident and officers advised this morning, 27 March 2014, that they have thoroughly searched the waterside and no evidence of pollution has been found, but they will continue to monitor the situation. From memory, the member suggested that Sydney Ports officers were there for only one hour. I will take that part of the question on notice. I will forward it to Sydney Ports and will get back to the member with a detailed answer. I note that the answer that I have been given concerns a spill in Sydney Harbour and not one in Port Botany. I will take that question on notice and will come back to him with a detailed answer.

*[Business interrupted.]*

### **DISTINGUISHED VISITORS**

**The PRESIDENT:** Order! I welcome to the public gallery a delegation of young political leaders who are elected officials in the Philippines, led by Vice Governor, the Hon. Esteban Evan Contreras, and accompanied by a representative of the Australian Political Exchange Council. Today they have had a full program of information gathering about how we conduct the New South Wales Parliament. We hope they have had an informative day and enjoy their visit to Sydney.

## QUESTIONS WITHOUT NOTICE

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[*Business resumed.*]

### SMOKE ALARMS

**The Hon. MARIE FICARRA:** I address my question to the Minister for Police and Emergency Services. Will the Minister inform the House about the importance of people remembering to change their smoke alarm battery when they change their clock as daylight savings comes to an end on 6 April?

**The Hon. MICHAEL GALLACHER:** I thank the member for her question. It is that time of the year again.

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

**The Hon. MICHAEL GALLACHER:** Seniors Week might have finished on 23 March, but when daylight saving ends in the early hours of Sunday 6 April, Fire and Rescue NSW encourages all of us, especially the over-65's, to change our smoke alarm batteries when we turn our clocks back. This is because last year Fire and Rescue NSW attended more than 4,000 residential fires—an average of 77 per week—and, tragically, 21 people died. One-fifth of all house fires involve seniors or those over 65, with one-third of all preventable deaths from fires occurring in New South Wales in this age group. Tragically, this year we have seen four people over 65 die in house fires. Fire and Rescue New South Wales is working hard to educate the community about fire safety, and is particularly engaging with our elderly citizens on this issue.

Fire and Rescue NSW's special program: Smoke Alarm and Battery Replacement for the Elderly encourages people aged over 65 and immobile residents to contact their local fire station to arrange for firefighters to come to their home to change and maintain their smoke alarm batteries. There are also specialised smoke alarms with flashing lights and vibrating under-pillow pads to alert people who are deaf, deaf-blind or hard of hearing to a fire. These can cost up to \$500. However, through the Smoke Alarm Subsidy Scheme, people who are deaf, deaf-blind or hard of hearing can have the same protections that regular smoke alarms provide. The NSW Government invested \$2 million in this scheme to allow Fire and Rescue NSW, Ageing, Disability and Home Care and the Deaf Society of NSW to subsidise 3,500 of these high-tech smoke alarms.

Fire and Rescue NSW also runs fire safety workshops. These are designed to help seniors learn some important home fire safety tips, including how to test smoke alarms and use fire blankets and extinguishers. Firefighters will also use a kitchen fire simulator to demonstrate fire safety in the kitchen. Tomorrow, for example, Mascot Fire Station and Botany Bay City Council will hold a home fire safety workshop for seniors, and on 4 April Broken Hill Fire Station and Home Care Broken Hill will be doing the same for their local seniors. A fire can take hold in less than three minutes and fill your home with deadly smoke, and then all it takes is a few breaths of smoke before you are unconscious. A working smoke alarm gives you vital seconds to get out before being overcome by the smoke. The message is simple: Only working smoke alarms save lives. If a fire does break out, do not fight the fire. Get out, stay out and call 000. From Botany to Broken Hill and beyond, Fire and Rescue NSW wants everyone to change their smoke alarm battery, as well as their clock, when daylight saving ends on 6 April.

### CALTEX KURNELL REFINERY OIL SPILL

**The Hon. ROBERT BROWN:** My question is directed to the Minister for Disability Services, representing the Minister for the Environment. I make it perfectly clear that my question relates to the Kurnell oil spill. Given the lessons hopefully learnt from the Orica disaster, has the Environment Protection Authority simply accepted as fact Caltex's self-report on Monday afternoon's "oily water discharge" incident at Kurnell? Has the Minister asked Caltex, given that it was a planned spill, why it did not deploy oil booms in the water outside the refinery before opening the valves? Was the Ministry of Health immediately informed of the oil spill by the Minister's office or by the Environment Protection Authority in accordance with the protocols developed after Orica?

**The Hon. JOHN AJAKA:** I thank the member for his question. I indicate at the outset that a large part of the answer the Minister for Roads and Ports gave to the previous question in fact related to the oil spill at Kurnell.

**The Hon. Duncan Gay:** It went out and it came back.

**The Hon. JOHN AJAKA:** As the Minister said, it went out and it came back. However, I will refer the question to the Minister for the Environment and report back to the House.

### WOMEN'S REFUGE FUNDING

**The Hon. SOPHIE COTSIS:** I direct my question to the Minister for Ageing, and Minister for Disability Services, representing the Minister for Family and Community Services. I have been contacted by a number of women's refuges that are seeking funding through the Government's Specialist Homelessness Services tender process. These women's refuges are concerned that they will be disadvantaged in seeking funding through this process because, unlike some other service providers, women's refuges cater only for women. Will the Minister guarantee that women's refuges, which provide services to victims of domestic violence and sexual assault, will not be disadvantaged relative to other service providers in seeking funding through the Government's Specialist Homelessness Services tender process?

**The Hon. JOHN AJAKA:** I thank the member for that very specific question. If the member was contacted about those issues I hope she directed them to the Minister for Family and Community Services, the Hon. Pru Goward, and is waiting for an answer. But just in case she has not done that, and she has simply sat on this, I will direct the question to the Minister and report back to the House.

### NATIONAL DISABILITY INSURANCE SCHEME

**The Hon. DAVID CLARKE:** I address my question to the Minister for Ageing, and Minister for Disability Services. Will the Minister update the House on how the Government has communicated with its staff in relation to the National Disability Insurance Scheme (NSW Enabling) Act and its implications for their employment conditions?

**The Hon. JOHN AJAKA:** I thank the member for his question. As members are aware, a persistent scaremongering campaign is being conducted by the Public Service Association about the National Disability Insurance Scheme. The Government recognises the unique mix of skills and expertise required by staff working in the disability services field. They care for the most vulnerable people in our society, and all members will agree that we owe them a great debt of gratitude. It was for that very reason that the Government, through the National Disability Insurance Scheme (NSW Enabling) Act, has protected the continuity of employment, pay and conditions for skilled employees who move into the non-government sector. We must all acknowledge that great social reforms like the National Disability Insurance Scheme require some things to change. I understand that any decline in membership dues must be very challenging for the Public Service Association.

However, as a government we must deliver what is best for people with disabilities. Throughout this process my department and I have continued to keep staff up to date with information about the Act and what it will mean for them. This communication has included all-staff messages, employee fact sheets, a fortnightly National Disability Insurance Scheme e-bulletin sent to Department of Family and Community Services staff, information sessions conducted throughout Department of Family and Community Services districts and Ageing, Disability and Home Care business streams, email and intranet updates with a range of questions and answers, as well as information relating to the union consultative forum. It is my understanding that staff have also been able to directly email the secretary and the chief executive officer of Ageing, Disability and Home Care to seek answers.

In addition, I sent messages to all staff as well as a video message about the National Disability Insurance Scheme (NSW Enabling) Act as soon as the legislation was passed. Many questions have been asked by staff and unions, as staff try to understand what the Act means for them—and, more importantly, how it affects services for people with a disability. Some questions about what the Act means and the future direction can be answered now—and have been—but some cannot be answered at this stage as we are continuing with scoping and consultations. They will be answered at a later stage. We are working through the details to respond to questions about how and when, and we are working through a practical and staged approach to the rollout of the National Disability Insurance Scheme.

The fundamental fact about the National Disability Insurance Scheme for Ageing, Disability and Home Care employees is that they will be in hot demand when the scheme is fully rolled out. An additional

25,000 workers will be required by the non-government sector to meet the demand created by the National Disability Insurance Scheme by 2018. I can assure the House that Ageing, Disability and Home Care staff possess the experience, skills and capabilities to join the existing 35,000 disability workers already working in the non-government sector. Ageing, Disability and Home Care staff are well placed to benefit from these opportunities that will exist in the non-government sector in continuing their careers in the disability sector. I advise the House that my department and I will use every measure available to keep staff informed as the National Disability Insurance Scheme is rolled out from now until 2018.

#### **NATIONAL DISABILITY STRATEGY NSW IMPLEMENTATION PLAN**

**The Hon. JAN BARHAM:** My question is directed to the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra. In response to a question I asked the Minister on 27 August 2013 I was told that the baseline report outlining the progress of the implementation of the National Disability Strategy NSW Implementation Plan 2012-14 was being finalised and would be made available on the Family and Community Services website in 2013. Can the Minister provide an update on when the baseline report will finally be available and whether the time line for the release of the consolidated New South Wales progress report, which was due to be released in early 2014, has been updated?

**The Hon. JOHN AJAKA:** Much information has been updated in relation to all the matters raised by the member and the website will be continually updated as new and further information is available.

#### **COMMERCIAL FISHING INDUSTRY**

**The Hon. STEVE WHAN:** My question is directed to the Minister for Roads and Ports in his capacity as Minister representing the Minister for Primary Industries. In a pre-election fisheries policy, the Minister promised a structural reform program which would be voluntary, which would be about better environmental outcomes and which would be better for the fishing industry. Fishing business owners are now expressing concerns that they will be forced to adopt a share management system, which will impose an unrealistic economic burden—in some cases possibly forcing them to purchase eight times their current shareholdings to maintain their viability. Will the Minister give a commitment that the Government will only agree to a system that will not impose an unreasonable financial burden on active operators within the New South Wales fishing industry?

**The Hon. Melinda Pavey:** How dare the member ask such a question after what the Labor Party did to the fishing industry.

**The Hon. DUNCAN GAY:** I thank the Hon. Melinda Pavey for her interjection and acknowledge her comments because they are pertinent to this question. The member opposite lives in a parallel universe. He has forgotten the hatred the fishing industry feels about the disintegration of the industry that occurred under his watch. We made commitments for a better industry and the Minister is putting them in place. The member talks about promises but he does not want to accept the promises—

**The Hon. Steve Whan:** Point of order: For the past 45 seconds the Minister has debated the question. Mr President, I ask that he be brought back to the leave of the question and that he answer a question on this important issue for commercial fishers in New South Wales.

**The Hon. DUNCAN GAY:** There were two key points to the question asked by the Hon. Steve Whan. One was about election promises and the other was about what the Minister is doing. I had answered one part of the question and I was about to talk about the other part. The Hon. Steve Whan asked a question about election promises. If Australian Labor Party members had their way, we would pay for this with increased overall tax take and some more debt.

**The Hon. Steve Whan:** Point of order: My point of order relates to relevance. My question was clearly about commercial fishing reforms in New South Wales. The Minister has gone off on a tangent, in his bombastic way, and is making comments unrelated to my question. I asked that he be brought back to the leave of the question.

**The PRESIDENT:** Order! The Hon. Steve Whan should resume his seat. He is making debating points in his point of order.



**The Hon. DUNCAN GAY:** The Hon. Steve Whan talked about election promises. If the Australian Labor Party had had its way there would have been many promises made and we would be paying for them with an increased overall tax take and some more debt. Stamp duty would have been replaced with a progressive broad-based land tax.

**The Hon. Lynda Voltz:** Point of order: My point of order relates to relevance. The question asked was about the Government's pre-election fisheries policy and when the Government is going to implement that policy. I ask that the Minister be brought back to the question.

**The PRESIDENT:** Order! It does seem that the Minister is starting to stray from what is generally relevant to the question he was asked. The Minister has the call.

**The Hon. DUNCAN GAY:** In response to the independent report into commercial fisheries policy, management and administration, commissioned by the New South Wales Liberals and Nationals Government in 2011, a comprehensive reform program was developed. The key components of our reform program include, first, structural adjustments to address the problems of poorly-defined fishing rights and excess capacity. This will ensure that ownership of fishing entitlements is better linked to the level of access to the resource.

Secondly, reform of the consultation approach to deliver effective processes and structures that will promote coordinated advice, communication and feedback between government and industry, and, thirdly, reform of the governance arrangements to achieve a proper balance of responsibilities and accountabilities within government and industry to build confidence in decision-making. These changes are essential for the long-term viability and profitability of the industry as a whole. The Government is willing to make the hard decisions that need to be made in order to secure a more effective long-term future for the industry. There is nothing different in all of that from what we took to the last election.

**The Hon. STEVE WHAN:** I ask a supplementary question. Will the Minister elucidate his answer, in particular, to give fishers a reassurance that in moving to a share-linked fishery they will not suffer because of underutilised shares that at the moment are forcing active fishermen to purchase many more shares to continue in the industry?

**The Hon. DUNCAN GAY:** Is that question in order, Mr President? I am just asking.

**The Hon. Lynda Voltz:** Point of order: If a member wants to question the validity of a question he or she should take a point of order on the question asked.

**The PRESIDENT:** Order! In deference to the Deputy Leader of the Government in the Legislative Council, he is quite right in pointing to the fact that the President is entitled to rule on whether a question is within the standing orders without a point of order being taken. Nevertheless, that does not derogate from what the Hon. Lynda Voltz has said—which is that there was no point of order before the Chair. It is sometimes a little difficult for the Chair to assess whether a supplementary question is seeking the elucidation of part of an answer that was given or whether in fact it is a new question. On this occasion I will give the member the benefit of the doubt. If the Minister wishes to answer the question, it is his prerogative to do so.

**The Hon. DUNCAN GAY:** I am more than happy to answer the question. I am informed that, turning to share linkage, a consultation process involving all shareholders has been undertaken to consider how shares should be linked to resource access. There have been several meetings with working groups to look at options and engagement by industry has been constructive. Final options currently are being drafted and will be open for comment by all shareholders and the public shortly. The member has been out scaremongering again and putting his own spin on it. It is no wonder that they voted him out in Monaro and he ended up on the other side of the Chamber on the losers lounge. [*Time expired.*]

### LIFESAVING EXCHANGE PROGRAM

**The Hon. SARAH MITCHELL:** My question is addressed to the Minister for Police and Emergency Services. Will the Minister inform the House about the Lifesaving Exchange Program of Surf Life Saving New South Wales?

**The Hon. MICHAEL GALLACHER:** The Lifesaving Exchange Program is an important annual event run by Surf Life Saving New South Wales. The program is aimed at new patrol captains between the ages of 18 and 30 who have limited to moderate experience. It enables them to broaden their lifesaving

experience and develop surf lifesaving skills. It provides new experiences and increases the lifesaving standards of volunteer lifesavers throughout New South Wales. The Lifesaving Exchange Program is designed to provide experience of an urban patrol for young patrol captains from country beaches by rostering them on busy Sydney city patrols such as Bondi, Coogee and Maroubra over a weekend. Members from the Sydney and northern beaches branches receive a regional lifesaving experience by visiting Byron Bay, Ballina and Lennox Head.

Participants gain knowledge of the different support services that the branches have to offer, such as the offshore rescue boat, the Ballina jet boat and the Westpac Life Saver Rescue Helicopter. The country to city exchange provides the opportunity to expose talented lifesavers to the way clubs are run in different areas of the State. Participants are given firsthand experience in operating and crewing an inflatable rescue boat, performing board rescues, driving an all-terrain vehicle, searching for lost children, conducting roving patrols, performing basic first aid and observing Surfcom operations. Surfcom is the central communications hub for the Sydney branch and coordinates the flow of information and resources to emergency situations on behalf of all beach patrols and support services such as the Westpac Life Saver Rescue Helicopter.

The program provides an opportunity for people to challenge their skills by participating in surf lifesaving activities in a new environment and to identify initiatives that can be implemented in their home clubs. Country lifesavers learn strategies and receive practical experience on how to manage the high-intensity patrolling situations to which they are not traditionally exposed on their home beaches. In contrast, city patrol captains get an opportunity to mentor country members and assist with the implementation of new strategies and ideas. The program also acts as a way for Surf Life Saving New South Wales to reward those young, outstanding young lifesavers who tirelessly volunteer many hours each season to keep the public safe.

The annual program is having another successful year in 2014, with eight city and 11 country participants. Surf Life Saving New South Wales hopes that the experience and chance to expand their knowledge will inspire these members to continue to be involved in the surf lifesaving movement. This Government is very supportive of the essential work undertaken by Surf Life Saving New South Wales. The work of volunteer lifesavers is critical to the safety of beachgoers in New South Wales. In 2012-13, volunteer lifesavers and lifeguards in New South Wales participated in more than 9,000 rescues. This Government's election commitment to provide \$4 million in funding to Surf Life Saving New South Wales over four years is well on track, with \$3 million allocated to date. This funding is intended to assist Surf Life Saving New South Wales to increase its rescue capabilities. It assists Surf Life Saving New South Wales to undertake important programs such as the Lifesaving Exchange Program to increase the lifesaving standards of volunteer lifesavers throughout the State.

### **WOMEN'S REFUGE FUNDING**

**Dr MEHREEN FARUQI:** My question without notice is directed to the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra, representing the Minister for Women. I understand that at least two women's refuges are currently being closed down in Sydney as a result of not being eligible to tender for the current round of Family and Community Services funding. Can the Minister confirm this and provide details of how many other women-only homelessness services are to be closed down?

**The Hon. JOHN AJAKA:** As the question is specifically directed to the Minister for Women, I will forward it to her, obtain a response and come back to the House.

### **WAKEHURST PARKWAY FLOODING**

**The Hon. GREG DONNELLY:** My question without notice is directed to the Minister for Roads and Ports. What advice has Roads and Maritime Services or Transport for NSW provided to the Government about regular flooding of the Wakehurst Parkway and its impact on emergency vehicles, especially ambulances, associated with the new northern beaches hospital facility?

**The Hon. DUNCAN GAY:** That is one of the better questions from the Opposition. Frankly, there have not been many good ones. That question is sensible and relevant. I do not have the exact details with me. But the member raises an important point. The issue is one of a list that we are looking at in the development of the road structure associated with the placement of the new hospital. We have done work; there is information. I will come back to the member with a detailed answer. It is a good question that deserves a proper answer.

## ROADS CLEARWAY STRATEGY

**The Hon. CATHERINE CUSACK:** My question is addressed to the Minister for Roads and Ports. Will the Minister update the House on the introduction of weekend clearways on Victoria Road at Rozelle?

**The Hon. DUNCAN GAY:** Once again, it is disappointing to see that the Opposition has absolutely no interest in this issue and has not asked a question to find out what is happening.

**The Hon. Lynda Voltz:** Point of order: My point of order relates to relevance. The question was specifically about clearways on Victoria Road. It was not about questions asked by the Opposition.

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

**The Hon. DUNCAN GAY:** As part of the New South Wales Government's clearways strategy to reduce congestion, new weekend clearways will be in operation from Saturday 29 March on Victoria Road at Rozelle between The Crescent and Iron Cove Bridge.

**The Hon. Steve Whan:** We should not have asked the question about the new hospital; we should have asked about the clearway instead.

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

**The Hon. DUNCAN GAY:** This is the first extended clearway to be put in place as part of our commitment to reduce congestion on Sydney's roads. Clearways can help to reduce congestion, for more reliable and efficient travel, with improved traffic flow, reliable travel times for buses and freight vehicles and a safer road network. Victoria Road is one of five priority clearways for the State Government, designed to improve traffic flow, particularly on Saturdays and Sundays. More than 15 million trips by car are made across the city each weekend. Roads and Maritime Services has carried out extensive consultation with the community on the introduction of a clearway on Victoria Road, which is one of Sydney's busiest road corridors. Roads and Maritime Services staff will be on site this weekend to provide information about the clearway introduction and alternative parking. No vehicles will be towed this weekend.

Work to install appropriate signage on Victoria Road was carried out on Tuesday 25 March for the clearway to be operational this weekend. As part of our commitment to support local businesses in this process, we have also contributed \$1.27 million to Leichhardt Council for alternative parking solutions in the area. A free car park with a two-hour limit between 8.00 a.m. and 8.00 p.m., seven days a week, has been provided at 85 Victoria Road, Rozelle, with unrestricted parking outside those hours. To support the implementation of the clearway strategy, we have created a \$21 million fund to help identify alternative parking across all proposed clearways for the next four years.

No clearway will be put in place unless alternative parking is identified. The Government is getting on with easing congestion through immediate measures such as the \$246 million Pinch Point Program and the clearway strategy. At the same time, we are delivering vital infrastructure for the State, which the Opposition was incapable of doing in the 16 years it was in government. Community members can still have their say on the four other priority clearway sites. Submissions close tomorrow, Friday 28 March. The other priority locations are King Georges Road, Lane Cove Road, Mona Vale Road and the Princes Highway. The New South Wales Liberal-Nationals Government is delivering measures to ease congestion and provide safer roads for drivers and commuters in Sydney.

## HOMESCHOOLING

**The Hon. PAUL GREEN:** My question is directed to the Minister for Disability Services, representing the Minister for Education. In an answer dated 30 January 2014 in relation to the number of homeschool students either withdrawing or being refused application, the Minister for Education stated:

The frequency of applications being refused or withdrawn is low.

Given that the response is generalised and does not provide detail, for the years 2010-11 and 2012-13 what are the actual numbers of homeschooling applications that were withdrawn versus those rejected by the Board of Studies? For those specific cases, what was the reason for the withdrawal or rejection? What precise number of applicants received six-month or three-month registrations?

**The Hon. Luke Foley:** The precise number, John—"precise".

**The Hon. JOHN AJAKA:** I thank the Hon. Paul Green for his question. As indicated by the Leader of the Opposition, a precise number is required. I will refer the question to the Minister for Education to obtain that precise number. I will come back precisely to this House with a response.

### **BIGOTRY**

**The Hon. LUKE FOLEY:** My question is directed to the Minister for Ageing, and Minister for Disability Services, in his capacity as the Minister representing the Minister for Citizenship and Communities. How is it that his Premier can bring himself to denounce bigotry, but he cannot?

**The Hon. JOHN AJAKA:** I do not know where the Leader of the Opposition was on the numerous occasions that I answered that question and clearly indicated to this House my stance in relation to bigotry and prejudice. I have made very clear my stance in relation to those issues so I am very surprised that the Leader of the Opposition could possibly ask such a question. For the benefit of Opposition members who were not listening, I suggest that they closely read *Hansard*. I again state in *Hansard* that I stand on my record in relation to those matters.

**The Hon. Duncan Gay:** Read what the Premier said today.

**The Hon. JOHN AJAKA:** I know and I am sure the Leader of the Opposition is well aware of what the Premier said today. I really find extraordinary the fact that Opposition members asked me a question relating to bigotry. It is an extraordinary question from the Opposition. Perhaps I should sit down and discuss it with Opposition members but, better still, I will tell the House now what I know about bigotry.

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

**The Hon. JOHN AJAKA:** I know about bigotry from when I was a young boy—an Australian Lebanese young boy—growing up in this country. At the age of 10 I would go home crying because of bigotry. Opposition members want to tell me what bigotry is when for my entire life I have had to fight bigotry, and I have had to fight harder than most.

**The PRESIDENT:** Order! I call the Hon. Shaoquett Moselmane to order for the first time. I call the Hon. Peter Primrose to order for the first time.

**The Hon. JOHN AJAKA:** Are Opposition members aware of what it meant to me as a young boy, who had been prejudiced against and who had witnessed bigotry throughout his life and the honour it was for me to take my oath in this Chamber? Opposition members know full well because they were present during my inaugural speech. They also know what I said in relation to bigotry. They will not dare to tell me that I do not stand up in relation to those issues.

**The PRESIDENT:** Order! I call the Hon. Peter Primrose to order for the second time. I call the Hon. Lynda Voltz to order for the first time. I call the Leader of the Opposition to order for the first time.

### **ABILITY LINKS NSW ABORIGINAL LINKERS**

**Mr SCOT MacDONALD:** My question is addressed to the Minister for Ageing, and Minister for Disability Services. Will he update the House on the Ability Links NSW Aboriginal positions?

**The PRESIDENT:** Order! I call the Hon. Matthew Mason-Cox to order for the first time. I call Mr David Shoebridge to order for the first time. I call the Hon. Sophie Cotsis to order for the first time.

**The Hon. JOHN AJAKA:** Ability Links NSW is a new initiative that has been created to support the ongoing reforms of the disability service system across the State. It is the New South Wales Government's approach to local area coordination and will ensure that people with disability can participate in their local communities, outside the traditional disability service system. An annual total of \$27.9 million, based on 2013-14 figures, has been committed to establish 248 linkers across the State. Twenty-seven of those positions will be Aboriginal identified. Aboriginal linkers will work locally with individuals and communities to identify

and support Aboriginal people with disability as well as their carers and families to build informal and formal networks, plan for the future, enhance their participation within the community and enhance their overall wellbeing.

Ageing, Disability and Home Care has focused on community engagement with Aboriginal stakeholders and community to help to raise awareness and to help the community connect with the intent of the Ability Links NSW program. In response to feedback from early consultations, Ageing, Disability and Home Care developed a three-stage procurement process to include culturally respectful practices. Aboriginal non-government organisations that are invited to the select tender stage are offered procurement and mentoring support from external contractors to assist them in preparing competitive tenders. Additionally, in recognition of the oral tradition in Aboriginal culture, Aboriginal non-government organisations are given the opportunity to have a discussion with the tendering committee to address the selection criteria. The procurement approach that has been adopted is targeted at working in partnership with and building the capacity of Aboriginal non-government organisations to deliver Ability Links NSW.

To further support capacity development of the Aboriginal non-government organisations and partnerships appointed as Ability Links providers, Ageing, Disability and Home Care is offering the opportunity for an independent review of governance structures. The review will include recommendations for development of and improvement to governance structures and short-term assistance will be available to help to implement the recommendations, where appropriate. The Barkuma Neighbourhood Centre has been appointed as the Ability Links NSW Aboriginal provider for the Central Coast and Hunter New England districts. Barkuma currently is establishing its service, and recruitment activity is underway. I was able to visit the centre and see firsthand its commitment to its clients and its work. A procurement process currently is underway to engage auspices for the remaining 23 Aboriginal linkup positions statewide. It is expected that providers will be identified for all positions by 1 July 2014.

#### **POLICE WORKERS COMPENSATION SCHEME**

**Mr DAVID SHOEBRIDGE:** In directing my question to the Minister for Police and Emergency Services, I refer to our previous discussions and point out that many police officers, who suffered psychological injuries as a result of serving the people of New South Wales, and a number of family members of those officers contacted my office to express very real concerns about their treatment at the hands of NSW Police and its insurers, especially Metlife Insurance, and I ask: Given the vulnerability of those police officers and the needs of their families, what action is the Minister taking to address their concerns?

**The Hon. MICHAEL GALLACHER:** I thank Mr David Shoebridge for his question and for the opportunity to place on the record the considerations currently underway in relation to this issue. Of course the psychological and physical wellbeing of police officers and former police officers are matters that are of concern to all members of this House. As a result of comments made by Mr David Shoebridge during a radio interview, we have discussed not only the handling of those cases by the particular insurer but also the issue of suicide or attempted suicide of police officers. I took an opportunity to meet with the State Coroner to discuss the issues with him. He already had commenced an examination of literature that was available to him. As a result of our discussions, I proposed the formation of a working group comprising the NSW Police Force, the Police Association of New South Wales and the Office of the New South Wales State Coroner to examine the issue of police suicides.

It is worthy of some examination to ensure that, where we can, we have an understanding of some of the challenges that confront police officers. I congratulate the NSW Police Force, and a number of its members particularly under the guidance of Deputy Commissioner Dave Hudson who recently brought out Dr Kevin Gilmartin from the United States. Dr Gilmartin is a world-recognised behavioural scientist, as he refers to himself, specialising in law enforcement. As his book says, it is all about emotional survival for law enforcement. His book does not just apply to law enforcement. Members would find reading it worthwhile because it talks about job stresses. The important thing about Dr Gilmartin is that for 20 years he was a police officer in Tucson, Arizona, so he gets it, and I understand that quite a significant number of police officers have participated in his presentations. To assist the honourable member, I am also concerned about the issues in relation to Metlife's handling of matters involving former police officers.

I am currently in the process of identifying the most appropriate body or process to examine the practice of Metlife in handling these cases. I know that the honourable member has on the *Notice Paper* a motion to conduct a parliamentary inquiry into Metlife's handling of these matters. I am not convinced that in

this case a parliamentary inquiry is the correct avenue to examine the conduct of an insurance company. I am not worried about the insurance company; I am worried about the potential impact on police officers or former police officers, and indeed their families, who will be dealing with difficulties that have come about as a result of their years of experience in the Police Force, coming before a parliamentary inquiry and perhaps being subjected to cross-examination in relation to their claims or cases. I am not convinced that that is the right way to go, but I am genuinely looking at a process by which Metlife's conduct in relation to these matters can be at least considered in light of the allegations that have been raised with the Hon. David Shoebridge, and I thank him for the opportunity to elucidate. If members have further questions I suggest they place them on notice.

### **WAKEHURST PARKWAY FLOODING**

**The Hon. DUNCAN GAY:** Earlier in question time I was asked a question on Wakehurst Parkway and, further to the answer that I gave, Roads and Maritime is developing a proposal to improve the intersection of Wakehurst Parkway and Warringah Road along with other nearby intersections to support the new Northern Beaches Hospital. In the 2013-2014 budget \$6.5 million was allocated for planning and improvements. The funded improvements aim to facilitate efficient access to the Frenchs Forest Business Park precinct. A strategic aim is to support Wakehurst Parkway as a key arterial road connection between the beachside suburbs of Sydney's north and Chatswood and the Sydney central business district while reducing the risk of crashes.

Roads and Maritime has developed a series of broader road improvement work packages to support the proposed hospital and surrounding precinct. Roads and Maritime will investigate opportunities to reduce the impact of flooding on motorists using Wakehurst Parkway, including improving information to motorists when the route is affected. This project is part of Roads and Maritime's commitment to be the leader in the management and delivery of safe, efficient and high-quality services and infrastructure to the community and businesses of New South Wales. The Centre for Road Safety is also including Wakehurst Parkway in a trial of the new Australian road assessment model, which is a nationally proposed methodology for identifying optimal road safety treatments for a section of road.

**Questions without notice concluded.**

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

**The House continued to sit.**

**Pursuant to sessional orders Government Business proceeded with.**

### **SELECT COMMITTEE ON THE SALE OF THE CURRAWONG PROPERTY AT PITTWATER**

#### **Membership**

**The PRESIDENT:** I inform the House that the Clerk has received advice from the Leader of the Government that the following Government members have been nominated for membership of the Select Committee on the Sale of the Currawong Property at Pittwater:

The Hon. Trevor Khan  
Mr Scot MacDonald

**Message sent to the Legislative Assembly advising it of the nominations.**

### **TABLING OF PAPERS**

**The Hon. John Ajaka** tabled, pursuant to the Annual Reports (Statutory Bodies) Act 1984, the following reports for the year ended 30 June 2013:

- (1) Independent Liquor and Gaming Authority, together with a statement for reasons of lateness.
- (2) Responsible Gambling Fund Trustees, together with a statement for reasons of lateness.

**Reports ordered to be printed on motion by the Hon. John Ajaka.**

## ADJOURNMENT

**The Hon. DUNCAN GAY** (Minister for Roads and Ports) [3.37 p.m.]: I move:

That this House do now adjourn.

## ST VINCENT DE PAUL SOCIETY

**Reverend the Hon. FRED NILE** [3.37 p.m.]: The St Vincent de Paul Society was founded by a 20-year-old student named Frederic Ozanam in 1833. It was established by like-minded individuals who wished to put their faith into action. This compassionate outlook, enthusiasm and vision continue today in Australia. Every day thousands of people share their time and energy, and care for humanity to make a difference in the lives of disadvantaged people all around Australia. Each and every day, the St Vincent de Paul Society in New South Wales helps people experiencing disadvantage through its 5,000 volunteer members and services. The society does this because it cannot see injustice and let it go unchallenged.

The St Vincent de Paul Society NSW provides compassionate and respectful support to the community's most vulnerable people, including those at risk of or experiencing homelessness. In the last financial year the St Vincent de Paul Society provided almost \$20 million worth of financial assistance to people experiencing disadvantage around New South Wales. In addition to this assistance, the St Vincent de Paul Society NSW manages 36 homeless and addiction services across the State that provide assistance to men, women and children. The society's homeless and addiction services across the State provided 274,145 bed nights and 692,785 meals in 2012-13. The St Vincent de Paul Society runs 98 services that aim to meet the demand of individuals and families in the communities in which they live.

Many of these services prevent people from falling into deeper crisis and include the provision of food, financial assistance, counselling, referral services, long-term subsidised housing, carers and holiday respite, care and assistance centres, community services, and financial budgeting and loan programs. With approximately 250 Vinnies shops and a presence in most cities and towns in Australia, for many people Vinnies shops are the well-known and loved face of the St Vincent de Paul Society. In the last financial year, Vinnies shops provided close to \$2 million worth of assistance to people experiencing disadvantage at no cost. Last year close to 9,000 volunteers undertook more than 1.9 million hours of voluntary service at Vinnies shops.

The St Vincent de Paul Society assisted more than 470,000 people in New South Wales in 2012-2013 and will continue to do so by providing person-centred care to some of the most vulnerable people in society by respecting people's dignity, sharing hope and encouraging people to take control of their own destiny. One such person is Melissa, who turned to the St Vincent de Paul Society when she had no-one else to turn to. The society has helped Melissa in numerous ways over the years, including providing financial counselling, assistance with bills, advocacy, food and Christmas hampers, and even holiday respite for her family. More recently, Melissa has received help with back-to-school costs. These supplies mean that Melissa's children will not feel like they are different or worse off than other children at their school. Melissa says she does not know where she would be without the help of the St Vincent de Paul Society. She said:

I am so grateful and just hope that the support continues to be there for families like ours and for people who are in need.

This is a further example through the St Vincent de Paul Society of the faith-based organisations in New South Wales that provide help outside that provided by governments and why it is important for the New South Wales and Federal governments to maintain this close working relationship with faith-based organisations in our State.

## YOUNG NATIONALS ANNUAL STATE CONFERENCE

**The Hon. JENNIFER GARDINER** [3.42 p.m.]: Last month I had the pleasure of attending the tremendously successful and impressive Annual State Conference of the New South Wales Young Nationals, which was held at the Western Plains Zoo, Dubbo. I have not counted the number of Young Nationals conferences that I have attended—

**The Hon. Steve Whan:** Are you still eligible?

**The Hon. JENNIFER GARDINER:** I am actually, because they gave me life membership, which means they also have bestowed upon me eternal youth—for which I am eternally grateful. The 2014 conference was one of the best, both in attendance and quality of the standard of debate on a wide range of policy proposals.

**The Hon. Trevor Khan:** I was there too.

**The Hon. JENNIFER GARDINER:** Indeed, the Hon. Trevor Khan was present. I will refer to him shortly. Under the chairmanship of Felicity Walker of Gunnedah, who completed the maximum two consecutive years as State Chairman, the conference debated motions covering policy areas including resources; energy; primary industries; health and mental health; education; tourism; trade and investment; social, community and legal affairs; and finance and budgetary affairs. Motions ranged from constitutional recognition of Indigenous people, health and education to a proposal to regionalise the New South Wales Parliament.

For the third consecutive year, there was spirited but very good-humoured debate as zone teams competed for the battered but soon to be splendidly refurbished Miriam—Mim—Hunt teams debating trophy. Mim Hunt has a very special place in the history of the Young Nationals. Her husband, Ralph Hunt, was the Chairman of the Australian Country Party, New South Wales branch, when there were younger sets, as they were called, of the Country Party across the State. Mim suggested to Ralph, who later became the member for Gwydir and Deputy Leader of the Federal parliamentary national Country Party, that perhaps they should establish an organisation called the Young Australian Country Party. So it was that the organisation was formed.

The teams debated again this year for that trophy. The southern region team, which won last year, was defeated this year in the final, which former Young Nationals State Chairman, the Hon Sarah Mitchell, and I adjudicated. The topic of the debate was "Ignorance is Bliss". I had the honour also of presenting a new award—Young National of the Year—to a Young Nationals member who had demonstrated exceptional service to the party over the previous year. The nominees were all worthy recipients, but the inaugural winner was Zac Lederhose from Wagga Wagga, a fine young leader in the State's south-west.

On the Saturday evening a terrifically well organised conference dinner was held at the Old Dubbo Jail, from which the Hon. Trevor Khan was released. Many local Nationals members joined in to support the Young Nationals. The keynote speaker at the Dubbo conference was Brendan Maher of the Clontarf Foundation, which undertakes inspiring work with young people, including Indigenous people across Australia. On the second morning of the conference, all members were able to participate in electing office-bearers for 2014-15. Dominic Hopkinson of Wagga Wagga was elected unopposed to be Felicity's successor as State Chairman. Felicity's list of achievements as State Chairman, not the least of which is to preside over a year-on-year increase in membership for three consecutive years and the same phenomenon in attendance at the last three consecutive Young Nationals conferences, is something about which she can be proud.

Felicity's capacity to drive projects through from conception to implementation is a key factor in the resurgence of the Young Nationals in New South Wales. Whether it is membership growth, the commencement of a project to update the Young Nationals Constitution and Rules or the creation of an annual scholarship to be awarded to help a regional student who must move away from home to further his or her studies, Felicity has been a true leader. I look forward to assisting the Young Nationals with that project, as are many other Young Nationals alumni.

Nearly all of the offices were contested. Felicity was a very worthy successor as State Chairman to the Hon. Sarah Mitchell, and Dom will prove to be a terrific successor to Felicity. The three of them have built a critical mass of current and recent office-bearers and members, who are making a significant contribution to The Nationals generally, not the least of which is taking Young Nationals policies to the national conference. In recent times, 15 Young Nationals policies have been embraced by The Nationals Conference and so become part of The Nationals Federal and New South Wales policies. Along with all my parliamentary colleagues, especially the member for Parkes and the member for Dubbo, I congratulate all the delegates and office-bearers on the success of the 2014 conference.

### COMMERCIAL FISHING INDUSTRY

**The Hon. STEVE WHAN** [3.47 p.m.]: Commercial fishing reform is a complicated and complex process that started under the former Labor Government. When I was the Minister, the process operated under the Pymont Pact and we allocated \$20 million in structural adjustment. This Government came to office on a promise to make the process voluntary and environmentally sound, and economically sound for the industry. After yet another review, the process has continued. However, the industry is concerned that the process is moving in a direction with which many commercial fishers are not happy. I was disappointed to hear the Minister's answers to questions today. Essentially, he said once again that the Government is taking a hands-off approach. We will have to wait until all committees have reported and then see what the result is.



The industry would like reassurances from the Government about the way share linkages will work. This process is particularly difficult because each fishery has a different history; different ways that shares were issued; and different ways in which quotas, if they exist, or effort have been allocated. Many professional fishers are concerned that they may end up with a linkage system, to quote the Ocean Trap and Line Share Linkage Working Group draft outcomes from its December meeting, where one option that will be presented is a linkage system based on controlling fishing effort via a day's regime allocated on the basis of existing shareholdings. The comment in the minutes of the meeting states:

(Not supported by the working group because currently active fishers would be severely disadvantaged)

Fishermen are concerned that if the Government proceeds down the path of allocating fishing days based on current shares, it will severely disadvantage those who are more active with their shares and allow those with inactive shares—perhaps not using them and currently not actually catching an amount of fish—to simply sell them off for a profit to those active fishermen. Today I asked a question that suggested the fear was that some people may have to buy eight times their current shareholding just to continue in the industry. That concern exists in the Ocean Trap and Line Fishery, and across other fisheries. I have had contact from people in estuary and ocean fisheries. They would rather have a system in which the linkage is based on controlling fishing effort via a day's regime allocated on the basis of existing shareholdings and recent participation weighted 20 per cent to shareholdings and 80 per cent to recent participation/catch history. That is quoted from the Ocean Trap and Line Share Linkage Working Group meeting.

The working group supports that because it recognises inactive entitlements but also reflects current fishing effort. It is an important issue for the fishing industry because many have gone through a number of restructures and have outlaid significant amounts of money to purchase equipment and upgrade boats. Now they face the prospect of ending up with a decision they do not like: an even allocation in those fisheries that may have to outlay again a significant amount of capital to continue at their same level of activity. It was disappointing that the Minister dismissed my question today by saying I was scaremongering and that people in the fishing industry were not expressing this concern. If the Minister reads the comments of the Ballina Fishermens Co-op in the *Northern Star*, which said the fishing industry will sink, as well as comments by the Professional Fishermen's Association, by others in the *Narooma News* and the *Bay Post*, fishermen in the Illawarra and Sydney, and even in representations to people such as Mark Speakman, he would find significant concern. Fishermen would appreciate the Government giving some reassurance about the direction.

Fishing businesses also want reassurance about what role the Ministerial Fisheries Advisory Council will play in the final decision. The industry representatives have expressed their concern that the Ministerial Fisheries Advisory Council will be advising the Minister on the final decision. In question time Government members accused me of being overly political in this process; I am not. I am seeking reassurance for industry participants from the Minister and the Government about the direction this is going. It is not good enough for members to put up their hands and say, "Someone else is looking at it." This is ultimately a decision for the Minister. These businesses need direction from the Minister about what is possible and what will not be accepted in this process.

## MINING ENVIRONMENTAL IMPACTS

**Dr MEHREEN FARUQI** [3.52 p.m.]: In February this year I had the fortune of joining front-line activists in Leard State Forest and the Pilliga. Campaigners from across Australia came together to try to stop the massive Maules Creek coalmine and the largest coal seam gas mining project in New South Wales. The Maules Creek coalmine will dig up and ship out 12 million tonnes of coal every year, contributing massively to global greenhouse gas emissions and the disastrous consequences of climate change. Burning this coal will emit the same amount of greenhouse gas emissions that the whole of New Zealand emits in a year. At a time when we most need to curb carbon emissions, our governments are sanctioning the exact opposite.

One thousand coal seam gas wells across the Pilliga will lead to forest fragmentation, water pollution and land degradation. Local farmers, environmentalists and the community are united in their deep concerns about the impacts that coal seam gas mining will have on agricultural land, biodiversity and water. These projects will have a devastating effect on the quality and quantity of our limited water resources. The Pilliga is a vital recharge area for the Great Artesian Basin, and Maules Creek coalmine will lower the water table in the surrounding fertile Liverpool Plains. Leard State Forest also holds many Aboriginal cultural and sacred sites of the Gomeroi people and these are in danger of being built on. In addition to impacts on water and cultural heritage, our precious biodiversity is under extreme threat. Trends show that we are losing our biodiversity mainly due to habitat loss because of land clearing.

In New South Wales half of the mammal species and about one-third of all native birds and amphibians are listed as threatened. Maules Creek coalmine will clear hundreds of hectares of critically endangered white box-gum woodlands as well as thousands of hectares of old-growth forest, which is home to a large number of threatened species and ecological communities including koalas, bats and glossy black cockatoos. The biodiversity offsets proposed by Whitehaven Coal Limited have been heavily criticised by a number of ecologists who have pointed out that the area set aside for offsetting is not white box-gum woodland. The dominant trees are stringybark, New England blackbutt, orange gum and Bendemeer white gum. This was not represented in the mapping of offset areas and clearly shows that this is not an equivalent replacement for the biodiversity that will be destroyed by this coal project.

Another example is the offsets for the fourth Newcastle coal terminal, T4, which is proposed to be built on the edge of the Hunter Wetlands National Park. To facilitate building this terminal, 18.5 hectares will be removed. The Hunter estuary is an internationally recognised wetland protected by the Ramsar Convention. First, it is not appropriate for these wetlands to be considered replaceable either through biodiversity offsets or credits. Secondly, the proposal to acquire habitat areas at Brundee near Nowra and Ellalong Lagoon near Cessnock does nothing to offset impacts on species living in the Hunter estuary because they are not directly comparable. The proposed Ellalong Lagoon offset area, the proposed Brundee offset area and the proposed Tomago offset area will not be the same habitats as the area that will be destroyed. They are also located between 40 and 250 kilometres away, which means there will be little ability for affected fauna to migrate to the new areas even if they were directly comparable.

Proponents of biodiversity offsets argue that it results in no net loss of biodiversity but this is a complex issue and there is much doubt about the capacity of an offset system to lead to good conservation outcomes. For example, it is not possible to assure that biodiversity in two locations is the same or equivalent in quality. Biodiversity offsets are not established before the impacts occur. In fact, it could take hundreds of years before an offset replaces a destroyed ecosystem, if ever, and often enforcement and monitoring of offsets fall by the wayside. Indeed, big business and developers are becoming creative with offsets and there does not seem to be any oversight by the State or Federal governments.

I commend my Federal colleague Senator Larissa Waters for successfully moving to establish a Senate inquiry into the appropriateness and effectiveness of environmental offsets and the Maules Creek Coal Project offsets will be investigated during this inquiry. The environmental damage caused by mining developments such as the Maules Creek coalmine, the Pilliga coal seam gas mining project and the T4 coal terminal will be irreversible. Destroying our cultural heritage, our environment and our precious biodiversity to lock us into a fossil fuel future should not be acceptable to any of us.

#### **AUSTRALIAN BROADCASTING CORPORATION**

**The Hon. DAVID CLARKE** (Parliamentary Secretary) [3.57 p.m.]: Late last year I raised the longstanding and ingrained hard left bias of the ABC. It appears that in 2014 we will see a continuation of this bias as was evidenced by two major ideologically driven campaigns that were generated in the past few weeks. First, we have seen the ABC's enthusiastic publicising of email leaks by Edward Snowden, a former US national security agency contractor. He is now a traitor to his country. His overall purpose seems to have been to undermine the western alliance in its fight against international terrorism.

Allegations of spying by Australia against Indonesia have been amongst the Snowden leaks. While this spying was supposedly authorised by a former Labor Government, the ABC used the leak to target the new Abbott Coalition Government, embarrass Australians and create a division between Indonesia and Australia. At the same time it underplayed allegations that Indonesia had been engaged in spying operations against Australia. When Prime Minister Abbott commented that the ABC seemed to take delight in broadcasting these spying allegations in a way that was detrimental to Australia, the ABC cheer squad shrieked "persecution". Friends of the ABC spokeswoman Glenys Stradijot said the Prime Minister was trying to intimidate the broadcaster. David Hill, former Labor candidate, left ideologue and one-time chairman of the ABC chimed in and called Abbott's criticisms dangerous.

The second major campaign undertaken by the ABC this year has been its efforts to undermine the Government's successful Operation Sovereign Borders targeting the illegal boat people smuggling trade. In particular, the ABC could not contain its missionary zeal in showcasing claims by a few Somali boat people seeking illegal entry into Australia that they had been tortured by Australian Navy personnel by being forced to hold hot engine pipes thus sustaining burns to their hands. Tim Palmer of the ABC's current affairs radio

program *AM* asserted that video footage existed that backed the Somalians' claims of mistreatment by Navy personnel. However, when eventually the video footage was produced it proved nothing of the sort. In fact three of the Somalian men denied that they had been tortured and confirmed that their minor injuries had been caused accidentally. In addition, an Indonesian local police chief who supposedly backed the torture allegations was not produced and was found subsequently not to have existed.

The ABC's attempts to undermine the Australian Government's efforts to stop the illegal boat people trade took a further hit when video footage showed some Somalian boat people posing for the camera and giving the upturned forefinger sign as an act of contempt for Australia. In addition they were filmed mouthing sentiments that if ever Australia suffered a September 2011-style terrorist attack, it would be well deserved. Subsequently leaked emails between journalists revealed that from the beginning some senior ABC personnel had doubted the truth of the Navy torture allegations. How right Defence Minister David Johnston was when he accused the ABC of besmirching the Navy's reputation, and despite Foreign Minister Julie Bishop calling on the ABC to apologise for its promotion of false allegations against the Navy, it refused to do so. The most it was prepared to do was issue a begrudging statement that the ABC's initial reporting should have been more precise.

There is also the statement by ABC Managing Director Mark Scott. Whilst it is anything but an apology, it offers regret that the ABC news reports led anyone to mistakenly assume that the ABC had ever supported the torture allegations in the first place. From his statement one has the impression that the ABC considers that it is the aggrieved party in this whole sordid affair. One also gets the impression that if anyone thought that the ABC was accusing the Navy then they have arrived at that conclusion through their own error, misunderstanding and lack of intelligence.

A particular culprit spreading false allegations against the Navy has been the ABC's Asian broadcasting unit: Australia Network. While the network's charter requires it to promote Australia overseas in a positive way, its record has been one of putting the boot into Australia whenever it can. Invariably it is negative to our country and always with a left-wing slant. During Labor's term in government a tender was put out for offers to run the Australia Network—a 10-year contract worth \$223 million. Initially the Government decided to award the contract to Sky News International, but then reversed its decision and awarded it to the ABC in perpetuity, despite two independent public service tender panels recommending it go to Sky News International. Subsequently, the Commonwealth Auditor-General condemned the Government's backflip in scathing terms.

The whole episode became even murkier when it came to light that inappropriate approaches to Labor Ministers had been made by ABC executives touting for the contract. In the end, the Government was forced to pay Sky News International \$2 million in damages—no doubt the hard Left would find damages of \$2 million in taxpayers' money good value because Sky News International was dumped. This will mean that the ABC Left collective, through its stranglehold in perpetuity of the Australia Network, will continue to do in the future what it has done in the past—that is, to sell out Australia and, as Prime Minister Abbott put it, take everyone's side except Australia's. The record of the ABC in denigrating—[*Time expired.*]

## WORKCOVER SCHEME

**The Hon. ADAM SEARLE** (Deputy Leader of the Opposition) [4.02 p.m.]: I make a brief contribution on the recently announced improvements to the finances of the WorkCover scheme. Only a couple of years ago it was said that as at 31 December 2011 the scheme was in deficit to the tune of \$4.1 billion, which necessitated a radical reform that was overseen by the former Minister for Finances and Services, the Hon. Greg Pearce, who I note is present in the Chamber. In fact, the majority of the deterioration in the scheme's finances was due to matters that had nothing to do with the underwriting experience. It was the result of a decline in investment returns and other external factors. It was said that the scheme required radical surgery and a parliamentary inquiry was undertaken.

One of the things that informed that inquiry was reports from the scheme's actuaries, PricewaterhouseCoopers. Among other things, PricewaterhouseCoopers noted that it would not require massive increases in premiums to bring the scheme back into balance, and that modest increases over the medium to longer term could achieve that. Importantly, PricewaterhouseCoopers noted also—and this was not taken up the committee or by the Government in its legislation—that a much better and longer lasting way of improving the scheme finances would be to improve the performance of scheme participants, in particular the licensed insurers, or the scheme agents as they are called, and medical practitioners, rehabilitation providers and the like. This reflected evidence received during the committee process from rehabilitation providers and others that one of the big drivers of scheme costs was the time it took to get injured workers into appropriate rehabilitation or

medical treatment. The shorter the time frames, the much lower the scheme costs; consequentially, the longer it took to get people into appropriate rehabilitation the more the scheme costs exploded. This was the backdrop to the significant reforms that saw benefits slashed, harsh time limits imposed, including on the provision of medical benefits and the like, and an overall deterioration of legal rights and other rights of injured workers to compensation.

The PricewaterhouseCoopers report, which is dated 20 March 2014, looked at the performance of the scheme and two things became immediately apparent. From 1 January 2012 to 30 June 2012—and I pause to say that this is prior by some months to the implementation of the scheme reforms passed by this Parliament—there was a significant boost of \$3.2 billion as a result of what is called an improvement of the underwriting result—that would presumably be medical benefits paid out, claims made and the like. However, there was some deterioration from external factors that offset that, as well as an improvement on investment returns, creating a net benefit to the scheme or an improvement in overall scheme finances of \$2.6 billion. This would seem to confirm the advice of PricewaterhouseCoopers that over the medium to longer term the scheme could be brought back into balance other than in the manner ultimately chosen by the Government.

When we look at the scheme's performance from 1 July 2012 to 30 June 2013 we see that there was a further improvement in scheme finances and, interestingly, it covers the period of the gradual implementation of the Government's reform program—a program that involved workers compensation benefits being slashed and subjected to harsh time penalties, particularly for the provision of medical benefits and other supports. In that 12-month period there was a scheme improvement of only \$1.2 billion, which was driven partially by an improvement in investment returns and economic assumptions. However, the only tangible improvement from the underwriting result was \$700 million. So, before the reform there was a turnaround of \$3.2 billion, which had nothing to do with the reform process undertaken by the Government, and after the reform—after the creation of utter misery for injured workers and the removal of their legal rights and entitlements to benefits, including medical support and services that they need—the turnaround was a measly \$700 million. Hopefully the Government thinks it was worthwhile.

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

**Motion agreed to.**

**The House adjourned at 4.07 p.m. until Tuesday 6 May 2014 at 2.30 p.m.**

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