

LEGISLATIVE COUNCIL

Tuesday 20 October 2009

The President (The Hon. Peter Thomas Primrose) took the chair at 2.30 p.m.

The President read the Prayers.

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

ASSENT TO BILLS

Assent to the following bills reported:

Crimes (Appeal and Review) Amendment (Double Jeopardy) Bill 2009
 Liquor Amendment (Temporary Licence Freeze) Bill 2009
 Local Government Amendment (Planning and Reporting) Bill 2009
 Occupational Health and Safety Amendment (Authorised Representatives) Bill 2009
 Road Transport (General) Amendment (Consecutive Disqualification Periods) Bill 2009
 Shop Trading Amendment Bill 2009

OMBUDSMAN

Report

The President tabled, pursuant to the Ombudsman Act 1974, a special report entitled "The Death of Ebony: The Need for an Effective Interagency Response to Children at Risk", dated October 2009, received out of session and authorised to be made public on 6 October 2009.

Ordered to be printed on motion by the Hon. Tony Kelly.

POLICE INTEGRITY COMMISSION

Report

The President announced the receipt, pursuant to the Police Integrity Commission Act 1996, of a report entitled "Report to Parliament: Operation Lantana ", dated October 2009.

The President announced further that it had been authorised that the report be made public.

Ordered to be printed on motion by the Hon. Tony Kelly.

NATURAL DISASTERS

The PRESIDENT: I inform the House that following the recent natural disasters I have written to representatives of the Kingdom of Tonga, Samoa, American Samoa, the Philippines and the Republic of Indonesia to express to the families of the victims of those disasters my sympathies and condolences and those of members of the Legislative Council.

BUSINESS OF THE HOUSE

Formal Business Notices of Motions

Private Members' Business item No. 226 outside the Order of Precedence objected to as being taken as formal business.

TABLED PAPERS NOT ORDERED TO BE PRINTED

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

AUDITOR-GENERAL'S REPORT

The Clerk announced the receipt, pursuant to the Public Finance and Audit Act 1983, of a performance audit report of the Auditor-General entitled "Government Licensing Project: Department of Services, Technology and Administration", dated October 2009, received out of session and authorised to be printed on 7 October 2009.

LEGISLATION REVIEW COMMITTEE

Report

The Clerk announced the receipt, pursuant to the Legislation Review Act 1987, of a report entitled "Legislation Review Digest No. 13 of 2009", dated 19 October 2009, received out of session and authorised to be printed on 19 October 2009.

MEMBER FOR BANKSTOWN, THE HONOURABLE TONY STEWART

Return to Address to the Governor

The Clerk tabled, pursuant to resolution of 2 September 2009, correspondence from the Acting Official Secretary to Her Excellency the Governor regarding an Address to the Governor for papers concerning Mr Tony Stewart, MP, received 28 September 2009. The Clerk announced that the matter was considered by the Executive Council on 23 September 2009 and on the advice of the Executive Council the Governor refused the request on grounds outlined in the letter.

BUILDING THE EDUCATION REVOLUTION PROGRAM

Production of Documents: Return to Order

The Clerk tabled, pursuant to resolution of 23 September 2009, documents relating to an order for papers regarding the Building the Education Revolution Program received on 7 October 2009 and 14 October 2009 from the Director General of the Department of Premier and Cabinet, together with an indexed list of documents.

Production of Documents: Claim of Privilege

The Clerk tabled a return identifying those documents received on 7 October 2009 and 14 October 2009 that are claimed to be privileged and should not be tabled or made public. The Clerk advised that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

M4 EAST EXTENSION

Production of Documents: Return to Order

The Clerk tabled, pursuant to resolution of 23 September 2009, documents relating to the M4 East Extension received on 7 October 2009 from the Director General of the Department of Premier and Cabinet, together with an indexed list of documents.

BADGERYS CREEK PLANNING

Production of Documents: Return to Order

The Clerk tabled, pursuant to resolution of 24 September 2009, documents relating to an order for papers regarding land in or around Badgerys Creek received on 8 October 2009 from the Director General of the Department of Premier and Cabinet, together with an indexed list of documents.

Production of Documents: Claim of Privilege

The Clerk tabled a return identifying those documents received on 8 October 2009 that are claimed to be privileged and should not be tabled or made public. The Clerk advised that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

DOUBLE BAY DEVELOPMENT**Production of Documents: Return to Order**

The Clerk tabled, pursuant to resolution of 24 September 2009, documents relating to an order for papers regarding a Double Bay development received on 8 October 2009 from the Director General of the Department of Premier and Cabinet, together with an indexed list of documents.

Production of Documents: Claim of Privilege

The Clerk tabled a return identifying those documents received on 8 October 2009 that are claimed to be privileged and should not be tabled or made public. The Clerk advised that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

PETITIONS**Marine Parks, Sanctuaries and Habitat Protection Zones**

Petition requesting a moratorium on the creation of all new proposed marine parks, sanctuaries and habitat protection zones and rejecting extensions to existing parks, sanctuaries and zones that further restrict fishing activities and removal of the National Parks Association report "The Torn Blue Fringe" for consideration by the Parliament, received from the **Hon. Duncan Gay**.

Unborn Child Protection

Petition requesting that the House uphold the sanctity of human life, defend the fundamental rights of unborn children and reject all attempts to initiate legislation that emulates the Victorian Abortion Law Reform Act 2008, received from **Reverend the Hon. Fred Nile**.

Northern Rivers Rail Expansion

Petition requesting that the Government introduce regular local passenger trains on the Casino to Murwillumbah rail line, develop an integrated and sustainable plan for meeting the current and future transport needs of the Northern Rivers region, commence planning for a rail link from Murwillumbah to the Gold Coast and promote the expansion of rail freight, received from **Ms Lee Rhiannon**.

Abortion Decriminalisation

Petition calling for the decriminalisation of abortion and referral of the matter to the New South Wales Law Reform Commission for inquiry, received from **Ms Lee Rhiannon**.

BUSINESS OF THE HOUSE**Withdrawal of Business**

Private Members' Business items Nos 37, 38 and 79 outside the Order of Precedence withdrawn by the **Hon. Helen Westwood**.

BUSINESS OF THE HOUSE**Postponement of Business**

Business of the House Notice of Motion No. 1 and Government Business Orders of the Day Nos 1 to 5 postponed by the Hon. Tony Kelly.

Business of the House Notice of Motion No. 2 postponed by Ms Sylvia Hale.

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

The Hon. JENNIFER GARDINER [2.43 p.m.]: I move:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 227 outside the Order of Precedence, relating to an order for papers regarding agricultural high schools in New South Wales, be called on forthwith.

All members of the House are well aware of the great community concern over the future of the Hurlstone Agricultural High School and agricultural high schools generally. This motion seeks the production of papers for the purpose of ensuring transparency in the debate about the report of the inquiry that has been conducted by the Government. With the assistance of the additional information referred to in the motion the community will be able to make its judgement on the content of the report when it is published.

My understanding is that the report has been almost completed. I inform the House that, having regard to the Government's desire not to cause the school community any distress during Higher School Certificate [HSC] assessments, any delay in the publication of the Government's final report is respected by the Opposition. The intent of the motion is not to gain early access to the final report: rather, the Opposition seeks to obtain documents related to the formulation of the report.

The shadow Minister, Mr Adrian Piccoli, has given an undertaking to the Government that the Opposition will not seek to gain access to the report, either under freedom of information legislation or through an order for the production of documents, until Higher School Certificate assessments conclude. The resolution of the House will not affect that undertaking. It would be helpful for people in communities throughout New South Wales, who have been very closely following the issue, to have access to the information sought. I commend the motion to the House.

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

Motion agreed to.

Order of Business

Motion by the Hon. Jennifer Gardiner agreed to:

That Private Members' Business item No. 227 outside the Order of Precedence be called on forthwith.

AGRICULTURAL HIGH SCHOOLS**Production of Documents: Order**

The Hon. JENNIFER GARDINER [2.46 p.m.]: I move:

That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of the passing of this resolution the following documents in the possession, custody or control of the Minister for Education or the Department of Education and Training [DET] in relation to the Government's inquiry into the future configuration of Hurlstone Agricultural High School, including the examination of the facilities provided at other agricultural high schools:

- (a) any document which relates or refers to the establishment of the inquiry including any briefing provided by DET, or the Minister, to members of the inquiry,
- (b) any document relating to the establishment of the terms of reference for the inquiry,
- (c) any document which relates or refers to the costs associated with the inquiry including costs for consultants and salary of inquiry members,
- (d) any document which relates or refers to the funding of the inquiry,
- (e) any document which relates or refers to the purchase of land relating to Farrer Memorial Agricultural High School,
- (f) all correspondence between Farrer Memorial Agricultural High School, DET and the Minister's office in relation to the purchase of land relating to Farrer Memorial Agricultural High School,

- (g) all correspondence from DET and the regional DET office in relation to the inclusion of girls at Farrer Memorial Agricultural High School,
- (h) any document, created since January 1999, which relates or refers to funding of Farrer Memorial Agricultural High School, Yanco Agricultural High School and Hurlstone Agricultural High School,
- (i) any document created by a consultant to the inquiry, and
- (j) any document which records or refers to the production of documents as a result of this order of the House.

Question put.**The House divided.****Ayes, 20**

Mr Ajaka	Ms Hale	Mrs Pavey
Mr Brown	Dr Kaye	Mr Pearce
Mr Clarke	Mr Khan	Ms Rhiannon
Mr Cohen	Mr Lynn	Mr Smith
Ms Ficarra	Mr Mason-Cox	<i>Tellers,</i>
Miss Gardiner	Reverend Dr Moyes	Mr Colless
Mr Gay	Reverend Nile	Mr Harwin

Noes, 15

Mr Della Bosca	Mr Robertson	Ms Westwood
Ms Griffin	Mr Roozendaal	
Mr Hatzistergos	Ms Sharpe	
Mr Kelly	Mr Tsang	<i>Tellers,</i>
Mr Macdonald	Ms Voltz	Mr Donnelly
Mr Obeid	Mr West	Mr Veitch

Pairs

Ms Cusack	Mr Catanzariti
Mr Gallacher	Ms Fazio
Ms Parker	Ms Robertson

Question resolved in the affirmative.**Motion agreed to.****BUSINESS OF THE HOUSE****Suspension of Standing and Sessional Orders: Order of Business**

Dr JOHN KAYE [2.54 p.m.]: I move:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 226 outside the Order of Precedence, relating to a further order for papers regarding Tillegra Dam, be called on forthwith.

This motion is urgent because the environmental assessment report has been published and comments on it are being sought. This motion seeks to evince documents from the Department of Environment, Climate Change and Water relating to comments about Tillegra Dam that were made after March 2007. It is extremely important that the comments and analysis made by the community are informed by the expertise of the Department of Environment, Climate Change and Water. I commend the motion to the House.

The Hon. TONY KELLY (Minister for Lands) [2.55 p.m.]: Once again the member is seeking to bring on an issue that is not urgent. Public exhibition of the environmental assessment report for Tillegra Dam is underway. This comprehensive report documents the benefits that the dam will bring to the community as well as a package of measures to offset any potential environmental aspects of the dam. The public exhibition period will run for 16 days, until 13 November 2009. This provides the community and members of the House with the

opportunity to consider seriously and comment on the important proposal. The report contains further information about the project, including jobs, water security, mitigation of impacts, recreational access and protection of the Williams River. Furthermore, Tillegra Dam has been on the books since the 1950s, and Hunter Water has been actively buying land in Dungog since the 1980s.

Dr John Kaye: Point of order: I believe that the Minister is debating the substance of the motion rather than the matter of urgency. I am only sorry that the Hon. Amanda Fazio is not here to help us explain why that is the wrong thing to do.

The Hon. TONY KELLY: I apologise, Mr President, but I was only following Dr John Kaye's lead.

The PRESIDENT: Order! I remind members of my previous rulings, and those of former Presidents, on this issue, which relates to relativity. At this stage members must confine their comments to arguing whether this item of business is more or less important than other items of business on the *Notice Paper*. The Minister may proceed.

The Hon. TONY KELLY: As I said, Tillegra Dam has been on the books since the 1950s. That in itself is sufficient explanation for why this matter is not urgent; it could have brought it on earlier in the year. Tillegra Dam is a vital part of the New South Wales Government's plan to secure the future water supply for the Lower Hunter region. Hunter Water's integrated water management plan, known as the H250, includes unprecedented recycling water conservation initiatives. The Hunter needs the increased water security provided by Tillegra Dam. The Hunter has been extremely fortunate; it has not been as adversely affected by the drought as other parts of Australia have. It has relatively small water storages that can drop quickly and are vulnerable in drought, and in the past some of those storages have fallen from 100 per cent to 32 per cent capacity in just 18 months. As I have said, we are in the process of exhibiting the environmental assessment report and the House should wait until after that process concludes on 13 November before considering the matter.

The Hon. RICK COLLESS [2.58 p.m.]: The Opposition supports this matter being accorded urgency. We are not opposed to the construction of dams—far from it. However, we are opposed to the knee-jerk reaction of announcing dam proposals without proper research and planning. This motion seeks the tabling of drill logs, test data and so on that should have been available in the run-up to the proposal being properly planned. At the time of the change of government in 1995 the Coalition had researched many dam sites in New South Wales, and we were well advanced in identifying those sites that had the potential to be developed as water storages. We would be much better off focusing on some of those sites rather than on this one. This motion will lay on the table research that will identify the depth and extent of the background site research and geological investigations that occurred prior to the announcement of the proposed Tillegra Dam. That is something we need to look at.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 20

Mr Ajaka	Ms Hale	Mrs Pavey
Mr Brown	Dr Kaye	Mr Pearce
Mr Clarke	Mr Khan	Ms Rhiannon
Mr Cohen	Mr Lynn	Mr Smith
Ms Ficarra	Mr Mason-Cox	<i>Tellers,</i>
Miss Gardiner	Reverend Dr Moyes	Mr Colless
Mr Gay	Reverend Nile	Mr Harwin

Noes, 15

Mr Della Bosca	Mr Robertson	Ms Westwood
Ms Griffin	Mr Roozendaal	
Mr Hatzistergos	Ms Sharpe	
Mr Kelly	Mr Tsang	<i>Tellers,</i>
Mr Macdonald	Ms Voltz	Mr Donnelly
Mr Obeid	Mr West	Mr Veitch

Pairs

Ms Cusack	Mr Catanzariti
Mr Gallacher	Ms Fazio
Ms Parker	Ms Robertson

Question resolved in the affirmative.

Motion agreed to.

Order of Business

Motion by Dr John Kaye agreed to:

That Private Members' Business item No. 226 outside the Order of Precedence be called on forthwith.

TILLEGRA DAM

Dr JOHN KAYE [3.07 p.m.]: I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of the passing of this resolution the following documents created between March 2007 and January 2009 and excluding any maps, plans or engineering details, in the possession, custody or control of the Minister for Water, the Department of Environment, Climate Change and Water, relating to the proposal to construct a water supply dam at Tillegra near Dungog:

- (a) any document relating or referring to the need for the construction of Tillegra Dam as a watersupply for the Lower Hunter and/or the Central Coast,
- (b) any document relating or referring to the advisability of Tillegra as a supply option,
- (c) any document relating or referring to the cost and environmental impacts of Tillegra, and
- (d) any document which records or refers to the production of documents as a result of this order of the House.

I commend the motion to the House.

The Hon. TONY KELLY (Minister for Lands) [3.07 p.m.]: Climate change experts tell us that we may experience greater seasonal variation in rainfall and may be subject to more prolonged droughts. To prepare for those impacts, and to meet increased demand from the 16,000 more people forecast to move to the region, Hunter Water must increase its water storage. At the same time as planning for Tillegra Dam, the Government is also encouraging important, alternative approaches to water management, such as rainwater tanks. But they alone will not provide drought security during prolonged dry periods. Tillegra Dam will also provide certainty of supply for businesses and jobs, and a range of recreational opportunities for the people of the Hunter. Work carried out by Monash University shows that Tillegra Dam will increase aggregate investment in the Hunter by \$588 million and gross regional product by approximately \$1.18 billion over a 25-year period. The dam will provide about 280 direct construction jobs and at least 1,850 jobs in total. If supported by the community, it will be possible to go swimming, boating, fishing, waterskiing and canoeing on the reservoir. On 9 April 2009 in an interview on ABC radio conducted by Carol Duncan, Professor Garry Willgoose from the Centre for Climate Impact Management at the University of Newcastle said:

When you look at the cost efficiency of delivery of water, Tillegra is the best option in that regard ... when you look at dollars for litres delivered, it's the best option.

He said that it is still cheaper to build Tillegra than to install rainwater tanks. He continued:

We would have been in dire trouble if this current drought we have right around New South Wales impacted Newcastle the same way it has impacted Sydney. We've gone through a relatively small drop off in rainfall, relatively small to what Sydney went through.

The arguments for Tillegra are persuasive. The public exhibition of the environmental assessment report continues for 60 days and will conclude on 13 November 2009. That comprehensive report documents the benefits that the dam will bring to the community as well as a package of measures to offset any potential environmental impacts of the dam. The environmental assessment report is a nine-volume work and includes 22 chapters, seven appendices, 16 working papers and five annexures. The documents detail socioeconomic,

water quality, landscape, heritage and geology issues as well as reasons for the project. The \$26 million environmental offset package includes the establishment of 1,800 hectares of native vegetation, creating biodiversity corridors for native fauna and ensuring that there is no net loss in vital riparian vegetation.

The hydroelectric turbine on the dam will create clean, renewable energy equal to the amount required to power more than 500 homes. More than \$80 million will be spent on building new local roads and bridges. The dam will be open to recreational uses such as fishing, boating and swimming, and facilities such as walking trails, camping grounds and picnic areas will be installed, attracting tourists and cementing the Hunter's role as one of New South Wales's finest tourist destinations. In short, everything a responsible government should document—

The Hon. Duncan Gay: Point of order: The Minister is speaking to a motion that is not before the House. The Minister is speaking about the merits of having Tillegra Dam, but there is not a motion before the House in that regard. The House is debating a motion for a call for papers. I ask you, Mr President, to draw the attention of the Minister to the standing order of relevancy.

The Hon. TONY KELLY: To the point of order: I was getting to the point that all this information is in the public domain and is freely available to all who wish to access it. It has been prepared by the consultants, not by the Government. It is open for comment to all those who want to comment on it.

The PRESIDENT: Order! The contributions of members must be relevant to the question before the House. However, by tradition debate in this House may be broad ranging.

The Hon. TONY KELLY: The next step is that the Department of Planning will consider the report and any comments received from the public, including those from members opposite should they wish to contribute in a meaningful way to the public debate. The Hunter is vulnerable to drought. In the last severe drought, between 1979 and 1981, storage levels plummeted from 100 per cent to only 32 per cent in just 18 months. The Government will not allow the Hunter to run out of water. This big infrastructure project will create hundreds of jobs, improve water security and ensure that the region continues to prosper and develop into the future. It deserves serious treatment and sober assessment. The Government is committed to securing the water supplies for the Hunter for generations to come. With 160,000 more people forecast to live in the Hunter by 2031, Tillegra Dam will secure the future of water supplies for the region for the next 50 years. Although members opposite say that Tillegra Dam is not needed, the Hunter business community understands its potential benefits. Therefore, I urge the House to oppose the motion and allow the current sober, sensible, proper process to run its normal course without undue political interference.

The Hon. RICK COLLESS [3.14 p.m.]: The Coalition will support the motion. If what the Minister says is correct, why is the Government so concerned about the release of the papers?

Reverend the Hon. FRED NILE [3.14 p.m.]: During debate the Deputy Leader of the Opposition said that the House was not debating whether there should be a dam. Would the mover of the motion, Dr John Kaye, advise whether he supports the construction of the dam or whether his long-term purpose is to stop construction of the dam?

Dr JOHN KAYE [3.15 p.m.], in reply: I will not address the issues raised by the Minister for Lands in respect of his defence of Tillegra Dam because they are not relevant to the motion. However, I point out to the House and to Reverend Fred Nile that I have made a large number of speeches in the House in which I recorded a range of concerns in respect of Tillegra Dam. But that is not the issue the House is debating. The issue we are debating is—

Reverend the Hon. Fred Nile: Would you take a few words to state your position? It would just take 50 seconds.

Dr JOHN KAYE: I acknowledge the interjection of the reverend gentleman. I state quite clearly that I am opposed to the dam; the Greens are opposed to the dam. I do not see the relevance of that. There is a whole range of issues—

Reverend the Hon. Fred Nile: For the benefit of the Coalition.

Dr JOHN KAYE: If it is for the benefit of the Coalition that is excellent. I hope the Coalition benefited from your interjection, Mr Nile.

The Hon. Duncan Gay: We listen when we are here, and we read *Hansard*.

Dr JOHN KAYE: I would have thought by now that the Opposition would know where the Greens and I stand on Tillegra Dam. I will make one comment in respect of process: the Minister said that this matter is to be considered by the Department of Planning, which will make a decision. The Minister said that the environmental assessment report comprised nine volumes. As far as I can see, in all those nine volumes not one single input is in any way critical of the dam. The report comprises nine volumes of propaganda in favour of the dam. In the Hunter there has been hot debate on this issue, and members in this Chamber support either side of that debate. No-one in this Chamber ought to be afraid of further, and critical, information. If there is a reason why the Government is genuinely afraid of the information that will be distributed in the documents that is even more reason for supporting my motion. I commend the motion to the House.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 19

Mr Ajaka	Dr Kaye	Mr Pearce
Mr Clarke	Mr Khan	Ms Rhiannon
Mr Cohen	Mr Lynn	Mr Smith
Ms Ficarra	Mr Mason-Cox	
Miss Gardiner	Reverend Dr Moyes	<i>Tellers,</i>
Mr Gay	Reverend Nile	Mr Colless
Ms Hale	Mrs Pavey	Mr Harwin

Noes, 15

Mr Della Bosca	Mr Robertson	Ms Westwood
Ms Griffin	Mr Roozendaal	
Mr Hatzistergos	Ms Sharpe	
Mr Kelly	Mr Tsang	<i>Tellers,</i>
Mr Macdonald	Ms Voltz	Mr Donnelly
Mr Obeid	Mr West	Mr Veitch

Pairs

Ms Cusack	Mr Catanzariti
Mr Gallacher	Ms Fazio
Ms Parker	Ms Robertson

Question resolved in the affirmative.

Motion agreed to.

REAL PROPERTY AMENDMENT (LAND TRANSACTIONS) BILL 2009

Second Reading

The Hon. TONY KELLY (Minister for Lands) [3.24 p.m.]: I move:

That this bill be now read a second time.

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

Leave granted.

The Real Property Amendment (Land Transactions) Bill 2009 makes a small but significant amendment to the Real Property Act to enable a Notice of Sale to be lodged electronically prior to, or in conjunction with, the lodgement of certain land dealings. The amendment will allow for the implementation of a new electronic system, developed by Land and Property Information, which will provide benefits for the Department, rating agencies and the conveyancing industry.

By way of background, let me give the members of the House some information relating to the history and purpose of the Notice of Sale.

A Notice of Sale form, known as a NOS form, is required to accompany all transfers and other dealings that change the ownership of land. The NOS Form contains details of the transaction, such as the settlement date and any sale price and provides an updated address for service of notices on the new owner. The information is used by rating agencies, such as local councils, water authorities, and the Livestock Health Protection Authority, as well as the office of State Revenue and the Valuer-General. Given the importance of this data for the proper assessment and collection of rates and taxes it is vitally important to ensure that the information collected is accurate and that it can be disseminated in a timely manner.

Prior to 1992 a purchaser's solicitor was required to give written notice of a change of ownership to each of the various rating agencies following the sale or transfer of a parcel of land. The rating agencies would use this information to update their records to ensure that rate notices were sent to the current owner of the land.

As a consequence of improvements in technology, and a desire to receive the information from a single source a centralised system commenced in 1992 and the NOS form was introduced. The system was administered by the then Land Titles Office (now Land and Property Information).

Whilst the current Notice of Sale system is a vast improvement on the previous ad hoc procedure it is still a manual system. The present Form cannot be downloaded from the website as it contains shaded areas for data capture and scanning purposes. As a consequence, information has to be inserted manually, often by hand, increasing the chance of error.

Land and Property Information has developed an innovative new product that will enable electronic preparation and lodgement of the Notice of Sale. The system has a number of enhancements that will assist with the accuracy of data. Once an address or title reference is inserted into the form by a user further information on the form can be pre-populated with data from information held by Land and Property Information.

The NOS form will be available on the Department's website and through the Information Brokers.

The electronic Notice of Sale system will have a variety of benefits for both Government and industry.

For the Department, there will be savings through the elimination of the need for data entry. This will reduce delays and enable the information to be distributed sooner.

For the conveyancing industry, the availability of an electronic form will enable industry to integrate the form with their existing internal systems. As some information will be pre-populated from information provided by Land and Property Information there will be improvements in the quality of data provided, reducing the possibility of error. This in turn will reduce the likelihood of errors and delays in registration of the accompanying dealings.

The benefits for rating agencies and the Office of State Revenue are obvious. Important ownership information will be provided faster and with a greater degree of accuracy.

Turning to the legislation, section 39 of the Real Property Act currently provides that the Registrar-General may refuse to accept a transfer or other dealing that would change the name of the owner of land unless the dealing is accompanied by a fully completed Notice of Sale form. The proposed amendment provides that this requirement for dealings to be accompanied by a NOS form will be satisfied if, before the dealing is presented for registration, a related notice is lodged electronically.

Given the importance of the information contained in the Notice of Sale and the reliance that will be placed on it by a variety of agencies, a new provision is to be inserted requiring certification of the information in the Notice of Sale form.

Section 129 of the Real Property Act is to be amended to clarify the circumstances in which compensation may be payable from the Torrens Assurance Fund in relation to the information provided in a notice of sale.

This move to electronic use of the Notice of Sale form assists all parties in conveyancing transactions. It is also a small but vital step in the transition to an electronic conveyancing system and demonstrates New South Wales's commitment to the National Electronic Conveyancing system.

These new reforms will continue this Government's commitment to ensuring the integrity of accuracy of land records held by the State, its agencies and authorities.

I commend the bill to the House.

The Hon. GREG PEARCE [3.24 p.m.]: The Coalition does not oppose the Real Property Amendment (Land Transactions) Bill 2009, which will enable a notice of sale to be lodged electronically prior to or in conjunction with the lodgement of land dealings, such as transfers and other dealings that change the ownership of land, and to facilitate the implementation by Land and Property Information [LPI] of a new electronic system for lodging notice of sale forms. The bill also specifies when the Registrar General may require a notice of sale to be certified for correctness, whether or not it is an electronically lodged notice of sale, and clarifies when compensation may be payable from the Torrens Assurance Fund in relation to information provided in a notice of sale.

Notice of sale forms are required by law to accompany all transfers and other dealings that change the ownership of land. The notice of sale contains details of the transaction, such as the settlement date and sale

price, and provides an updated address for service of notices on the new owner. This information is used by rating agencies such as councils, water authorities, the Valuer General and the Office of State Revenue as a basis for assessment and collection of rates. The current system is still a manual system involving significant manual data entry with associated potential for error and delay. The Land and Property Information service has developed a new product that will enable electronic preparation and lodgement of the notices of sale. The new electronic system has enhancements to assist with accuracy of data and will eliminate the need for manual data entry. In eliminating the need for manual data entry of notices of sale the amendment should reduce the likelihood of errors and delays in registering land dealings. Apart from allowing electronic lodgement of notice of sale forms in place of written forms, thus facilitating the rollout of the LPI's new electronic lodgement system for land dealings, the amendments make no changes to the land transfer system. The Coalition does not oppose the bill.

Ms SYLVIA HALE [3.26 p.m.]: The Greens support the Real Property Amendment (Land Transactions) Bill 2009. The bill allows a notice of sale form, where land changes ownership, to be lodged electronically. The form will be able to be downloaded and submitted online. The department is putting secure access systems in place to allow access to information via a unique identifier and passkey. The bill also limits the liability of the Torrens Assurance Fund except in cases where a loss arises from transcription errors made by the Registrar General. This is an extension of legislative changes the Government made in a recent bill.

Reverend the Hon. FRED NILE [3.27 p.m.]: The Christian Democratic Party supports the Real Property Amendment (Land Transactions) Bill 2009. The main features of this bill include that the notice of sale form may now be lodged either manually or electronically. It is a requirement that when any change of ownership of land or the names of owners of land occurs it must be accompanied by a completed notice of sale or transfer of land form. This must be lodged with Land and Property Information. The information provided on the notice of sale form is to be certified as correct by the person completing the form. Also, the Torrens Assurance Fund will not pay compensation for losses resulting from information supplied on the notice of sale form except when the loss arises from a transcription error made by the Registrar General. All individuals involved in the electronic notice of sale lodgement need to be aware of that. We support the bill.

The Hon. TONY KELLY (Minister for Lands) [3.28 p.m.], in reply: I thank members for their support for the Real Property Amendment (Land Transactions) Bill 2009. The conveyancing industry is an important sector of the New South Wales economy. Every year thousands of parcels of land are transferred and the transfer system provides an enormous amount of support for the economy in New South Wales. I thank members who have supported this bill, which will bring this system into the twenty-first century.

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

Motion agreed to.

Bill read a second time.

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

Third Reading

Motion by the Hon. Tony Kelly agreed to:

That this bill be now read a third time.

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

MAJOR EVENTS BILL 2009

Second Reading

The Hon. TONY KELLY (Minister for Lands) [3.29 p.m.]: I move:

That this bill be now read a second time.

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

Leave granted.

Major events bring significant economic and community benefits to New South Wales and this Government has worked hard to ensure that New South Wales continues to be a leading global events destination.

In recent years, New South Wales has demonstrated its ability to successfully host enormous sporting and cultural events, including the Sydney 2000 Olympic Games and the 2003 Rugby World Cup.

Most recently, Sydney hosted World Youth Day in July 2008, which brought more than 200,000 people to the mass celebrated by the Pope at Randwick Racecourse.

Major events increase tourism, create jobs and can contribute millions of dollars to the New South Wales economy.

New South Wales dominates tourism in Australia, receiving over 50% of all international tourists to Australia and over 30% of domestic visitors.

Tourism is enormously important to the New South Wales economy and injects around \$24 billion into the State economy every year.

The New South Wales tourism industry directly generates approximately 156,000 jobs, which is about 5% of the NSW workforce.

An example of the benefits that major events can bring to NSW is the Australian round of the World Rally Championship, which was held in the Northern Rivers region of New South Wales earlier this month.

Events New South Wales has estimated that the rally will generate more than \$100 million in direct economic benefits for New South Wales over the life of the ten year agreement covering the event. It is boosting tourism and creating jobs in regional New South Wales.

In October, Sydney will host the Sydney 2009 World Masters Games, which will bring over 30,000 people from more than 90 countries to compete at more than 70 venues throughout Sydney.

This event will bring both:

- economic benefits to NSW—with an estimated \$48 million boost to the economy, and
- social benefits—by promoting friendships between people from all over the world and participation in sport by people of all ages.

These types of events involve enormous amounts of planning, coordination and logistical support from Government agencies, including transport and traffic management, health, police and emergency services, crowd management and use of venues.

The events, in turn, bring increased international and domestic tourism to New South Wales, economic benefits, jobs and an enhanced international profile. Special legislation has often been enacted to facilitate the conduct of particular major events in New South Wales. Most recently this occurred in relation to the World Rally Championship.

Special legislation was also enacted to facilitate the Sydney 2000 Olympic Games, World Youth Day 2008, V8 Supercars motor racing at Homebush and the Sydney 2009 World Masters Games.

Over time, a standard set of provisions has been developed for major events legislation. Although the types of events have varied widely, many of the legislative provisions necessary to support the events have essentially been the same.

To increase certainty for event organisers, and to further encourage the economic investment produced by the staging of events in New South Wales, the Government is introducing the Major Events Bill 2009.

The bill collects together the provisions that have regularly been used in such special legislation and allows specified provisions to be applied to an event that is declared in regulations to be a major event for the purposes of the legislation.

An event can only be declared to be a major event after consideration of:

- the nature of the event,
- the number of people expected to attend or participate in the event, and
- whether it is in the public interest for the event to be declared a major event.

Generally, only events that are anticipated to be of a large scale with a large number of participants or spectators would be declared as major events.

The regulation that declares an event to be a major event will also declare which components of the bill will apply to the event, and specify the period of time that those provisions apply.

Not all components of the bill will be relevant to every major event.

Sometimes, the scale of the event will mean that it will be necessary to set up a special Government agency to co-ordinate Government support for the event, as was done for World Youth Day 2008 and the Sydney 2000 Olympic Games.

On other occasions, it will not be necessary and existing arrangements will be sufficient.

For these events, the Department of Premier and Cabinet's Community Engagement and Events Division will generally continue to be responsible for the central coordination of operational planning and logistical support by Government agencies for special and major events.

The bill contains a number of components that can be activated by regulation for a declared major event:

A specially constituted agency may be established, or an existing Government agency or official may be designated, as the "responsible authority" for the event.

The responsible authority may coordinate the delivery of Government services and Government agencies may be required to cooperate with the responsible authority to support the event.

The responsible authority may coordinate special transport services, and will be able to plan and coordinate integrated road and transport services, in consultation with the Roads and Traffic Authority.

General traffic management powers may be applied to a declared major event, including powers to allow for the closure of roads, the designation of special lanes and clearways for the event and the removal of vehicles from those areas, and offences for illegal car parks.

- Advertising and marketing controls may be applied to a declared major event, including restrictions on the use of airspace, aerial advertising and advertising on buildings and structures in and around specified major event venues and facilities, and protection of special event titles and insignia.
- Safety and crowd management provisions may be applied to a declared major event, including offences relating to dangerous, offensive or nuisance conduct and provisions for the appointment of authorised officers with powers relating to the issuing of penalty notices, directions to leave venues and the authority to request a search of articles or electronic search of persons as a condition of entry to venues.
- The liability of the Government and others may be limited, including the civil liability of agencies and staff when exercising their functions in good faith in relation to the event, and the protection of persons from liability in nuisance in relation to the staging of an event. The Government can still, however, be liable in relation to acts or omissions that cause personal injury to a person or the death of a person.

The bill allows for the modification of the application of the *Environmental Planning and Assessment Act 1979*, *Local Government Act 1993* and the noise provisions of the *Protection of the Environment Operations Act 1997* to a major event. The bill does not, however, modify the application of the *National Parks and Wildlife Act 1974*.

The bill also contains provisions that apply generally to a declared major event, including provisions allowing court proceedings to be brought for an offence against a provision of the Act or regulations and the issuing of identification cards to authorised officers.

Many of the provisions in the bill are similar to the provisions which applied during the Sydney 2000 Olympic Games and World Youth Day 2008.

For example, the restrictions on advertising in the bill applied during both of those events.

Restrictions on advertising may be necessary for a major event in order to prevent ambush marketing and to provide "clean venues", free of advertising, to event organisers.

Ambush marketing cashes in on media attention relating to the event, where the advertiser has not contributed to or sponsored the event.

The provisions, if applied to a particular major event, will also protect the official titles and symbols associated with the major event. This will prevent persons from making false claims that their products or services are associated with the event.

The restrictions on advertising ensure that event organisers can protect important commercial relationships with their business partners and event sponsors.

Not all of the components of the bill will be relevant to every declared major event, but the use of uniform provisions will increase transparency, certainty and consistency in relation to the way in which major events are regulated.

The bill will also remove the need to enact special legislation for some major events altogether, and will reduce the need to enact special legislation for other major events.

Other jurisdictions, including Victoria, Queensland and New Zealand, use generic major events legislation.

This bill will ensure that New South Wales maintains a competitive advantage in attracting and staging major national and international events.

The bill demonstrates the Government's continued commitment to attracting major events to New South Wales and to providing coordinated Government support to those events.

I commend the bill to the House.

The Hon. CHARLIE LYNN [3.30 p.m.]: The Opposition does not oppose the Major Events Bill 2009, the overview of which states:

The object of this Bill which is to attract, support and facilitate the conduct and holding of major events in New South Wales. In particular, the Bill:

- (a) provides for the declaration of major events, and the designation of authorities responsible for those events ... by regulation, and
- (b) enables statutory authorities that manage, coordinate or regulate major events to be established by regulation ... and
- (c) facilitates the conduct and holding of major events by:
 - (i) providing that responsible authorities for major events may give directions to government agencies involved in the provision of transport and other government services relevant to ensure a coordinated approach to the provision of those services, and
 - (ii) enacting specific provisions in relation to major events and major event venues and facilities to deal with traffic management, commercial and airspace controls and safety and crowd management, and
 - (iii) ensuring that activities and land uses associated with major events can be carried out despite the requirements of other legislation such as the Environmental Planning and Assessment Act 1979 and the Local Government Act 1993.

The bill will establish a single agency, such as a Coordinator General agency, to coordinate various government agencies to provide assistance with, collaborate on and contribute to a declared major event. The legislation does not create a single agency as such; rather it creates a single coordinating agency. This legislation arises after the lessons learned from the hosting of the Olympic Games in 2000, the Rugby World Cup in 2003, and the World Masters Games that have just been completed. The question that the Opposition asks is: What has taken the Government so long? The Olympics were held almost a decade ago. At that time the shadow Minister in the other place said that Sydney was a natural catchment area for all major events—be they sporting events, conventions, conferences or major theatrical events.

People want to come to Sydney. We have many natural attributes in this State to host these events. However, the things we are missing are vision and leadership. The power of vision and leadership is illustrated by looking at Victoria's experience. In the mid-1990s, at the end of the Cain-Kirner Government era, Victoria was almost a basket case. When Jeff Kennett was elected he inherited horrendous debt, low morale, and terrible weather. Through the power of vision he energised Victoria. I recall that the first slogan to be put on Victorian number plates was "Victoria on the move". Up until then every part of Victoria had been stagnant but after that time it was on the move. Jeff Kennett captured major events. He created a mindset towards the pursuit of a major events calendar that took into account the seasons—the seasons applicable to conferences and conventions, the seasons applicable to sport, and the seasons applicable to major musical and theatrical events, to name but a few.

Victoria poached events from New South Wales while we were resting on our laurels. We assumed that people would automatically come to New South Wales and we rested on our laurels. When Victorians came to New South Wales the first thing they did was to take from us the 500CC Motorcycle Grand Prix, one of the major events in western Sydney. Western Sydney was the first area in New South Wales to feel such a loss as a result of the Government not anchoring and securing that event for the future. I give as another example the Victorian Tennis Open. New South Wales has the weather and facilities for tennis but Victoria aggressively pursued the Australian Tennis Open and locked it away onto its agenda. It will be many years before New South Wales has an opportunity to tender for it.

Let us examine the Victorians' approach to Australian Football League. It would be almost sacrilege for the Australian Football League Grand Final to be played anywhere other than the Melbourne Cricket Ground. In the days of Kennett it was called Victorian Football League but it is now called Australian Football League, with a couple of sides in Western Australia, South Australia and Queensland. The Australian Football League grand final has become a national event. Victoria has to be prepared for the possibility that that major event will be played in another State in the future. However, Victoria aggressively guards the events that it has and has locked away the grand final in Melbourne until 2037. New South Wales will not have an opportunity to tender for that event for decades.

Victorians have an aggressive approach to special events because they realise their tourism and economic value. The shadow Minister in the other place advised the House that David Gallop, Chief Executive

Officer of the National Rugby League, made an announcement at the start of the season that he had been in communication with the Premier of Queensland regarding the future staging of a rugby league grand final. I imagine that people in New South Wales would be as horrified as Victorians if the rugby league grand final was poached from this State and it went to Queensland. It has been eight or nine months since David Gallop made that announcement but no action has been taken by the New South Wales Government to ensure that it is locked away and remains in Sydney.

New South Wales has lost virtually every musical or theatrical premiere season to Victoria. In the current crop, the premiere seasons of *Wicked*, *Jersey Boys*, *Avenue Q* and *Mary Poppins* have been lost to Victoria. The last example, *Mary Poppins*, was lost to Victoria after New South Wales had won the bid and it had been announced that the premiere would be in Sydney. Once Victoria heard that announcement it could not believe it had missed out, it went all-out to get it, and it snaffled it from New South Wales. It was only when people in the New South Wales Government read it in the newspaper that they realised they had lost not only an event but one that they had supposedly won.

The same thing applies to conventions and conferences. John O'Neill, who was appointed by former Premier Morris Iemma to conduct a review of conventions and conferences, reported that New South Wales had lost 494 major conference events in the past four years because of inadequate convention and exhibition space, a loss that had cost New South Wales \$218 million. The New South Wales Government has done nothing about it. The New South Wales budget for this area is reported as being \$85 million over a three-year period. When we divide that to get an annual figure we find that it is somewhat embarrassing compared to the Victoria budget of \$69 million per annum.

Victoria is able to outspend us, outbid us and out-organise us in attracting people to a State that has facilities that are far inferior to those available in New South Wales. I refer to this State's inability to host conferences and conventions in the past. I am sure all members have heard of Jeff's Shed in Victoria—a project that was mocked by all in the community because of Kennett's big spending to support his big vision. That project was considered to be well ahead of its time. Anyone visiting Melbourne now will find next to the shed the Melbourne Convention and Exhibition Centre.

The Hon. Duncan Gay: An even bigger shed!

The Hon. CHARLIE LYNN: It is quite an extraordinary shed and a superb facility thanks to his wisdom, foresight, energy and leadership, with a commitment by his Government of between \$300 million and \$400 million. It is a major facility and represents a major contribution to the Victorian economy. What do we have in Sydney? We have the entertainment centre, which is in receivership. The New South Wales Government has the opportunity to determine whether, in order to attract delegates to Sydney, it should apply to our exhibition and convention centre some of the vision Jeff Kennett supplied to Melbourne. Melbourne is looking forward to hosting up to 14,500 delegates for an upcoming world diabetes conference. The shadow Minister spoke of the embarrassment that Clubs NSW held its annual conference at the marvellous Gold Coast Convention Centre because New South Wales does not have a venue big enough. Last year I attended the annual convention on the Gold Coast, which attracts people from all over the world. People would love to come to Sydney, but we do not have the facilities.

As I have said, we do not oppose the bill. The shadow Minister raised some questions about the bill concerning jurisdiction over airspace, the user-pays principle, terminology, the definition of the declaration of a major event, et cetera. This bill is a first step—it should have been introduced years ago—but it lacks the energy and vision required to get New South Wales on the move. I am pleased to say that New South Wales will be stagnant only for about another 18 months before we will be on the move under Premier Barry O'Farrell.

Ms SYLVIA HALE [3.41 p.m.]: I lead for the Greens on the Major Events Bill 2009. The Greens oppose this bill. The stated aim of the bill is to bring together provisions that have been used regularly in special legislation for major events in the recent past, and to allow specified provisions to be applied to an event that is declared by regulation to be a major event. Since 1969, when the then Askin Liberal Government established the Sydney Convention and Visitors Bureau—the purpose of which, according to a recent Parliamentary Library paper, was "to identify, and secure bids for, business events to be held in Sydney"—New South Wales governments have focused on attracting major events to New South Wales, and particularly to Sydney. Since that time, governments in this State, in Australia and in other countries have poured millions of taxpayer dollars into attracting and underwriting various events, asserting that they are of benefit to the local economy.

Moreover, governments have instituted special legislation to facilitate the special events. This bill picks up many of the issues concerning planning, commerce and public security that have been addressed in other legislation.

Most special events justify their claims to special government support on the grounds that the event will boost both internal and external tourism. The Greens recognise the benefit to human knowledge and experience that travel can bring and appreciate that exploring foreign parts can develop in both the traveller and in the destination communities an understanding of the richness and diversity of human societies around the world. The Greens also support cultural exchange and experience for their ability to develop and foster important links between differing cultures and people. However, the potential and usually unsubstantiated economic benefits that may derive from major events must not come at the cost of undermining civil liberties, environmental protection and fundamental protections for good planning outcomes.

In a society that proclaims itself democratic and just, recent major events legislation has become a threat to political freedoms. Who could forget the legislation introduced last year for World Youth Day that was so broad it made it a crime to annoy any World Youth Day participant? A successful appeal to the full bench of the Australian Federal Court on 15 July had that provision declared invalid. The Attorney General was a recent contributor to a University of Sydney Law Society journal called "Dissent 09", which was devoted to human rights issues. The Attorney General challenged the need for a charter of human rights or a bill of rights on several grounds, one of which stated:

Likewise the NSW Parliament's Legislative Review Committee—

rather than the Legislation Review Committee—

scrutinises all bills and many regulations introduced to NSW Parliament. I suggest that such parliamentary committee schemes fulfil in a more democratic way, the task expected of courts and judges in making declarations of incompatibility under a human rights act.

In effect, he says that our Legislation Review Committee guarantees everybody's rights. Significantly, the committee's report on the bill was distributed several weeks ago. The committee drew attention to problems in the bill. The committee rightly expressed concern at the "broad and ill-defined scope of the bill", noting that it is oppressive and that it "may trespass unduly ... on individual rights and liberties" and have "unintended impacts on rights of free speech and right to ... assembly". This bill is so broad and so vague as to forbid the possession of a "prohibited thing". The bill allows for the policing of this prohibited thing by people who may have no training or skills in crowd management. It also allows such people to remove anyone possessing prohibited things by use of reasonable force. The Legislation Review Committee report stated:

27. However, the Committee is concerned with the scope of clause 46 (4) (e), concerning the person who "*is about to contravene* a provision of this Act or the regulations" but who has not already contravened a provision or is not contravening a provision yet.
28. The Committee, therefore, holds concerns that clause 46 (4) (e) of Part 4, could appear oppressive and may trespass unduly on individual rights and liberties, with the potentially unintended impact on the right to free speech and the right to peaceful assembly, when the person has not yet contravened a provision. Accordingly, the Committee refers this to Parliament.

The committee referred to the Parliament quite a few other issues with the bill. If the Attorney General is so convinced of the efficacy of legislation review committees, I am sure he will be in this Chamber in a flash to support the Greens' proposed amendments to the bill seeking to introduce the protection the Legislation Review Committee recommends. All members of this House and their parties claim to support a free and democratic society, yet we are being asked to support legislation the end result of which will be a diminution of the democratic rights of our fellow citizens to participate in an active, vibrant and democratic society. Australia has no serious history of political violence. While there have been moments of confrontation, it is not unreasonable to expect our democracy to embrace dissent or to support the right to peaceful dissent.

This legislation fails a fundamental test of a free society—that legislation should not inhibit the democratic rights of its citizens. This legislation will undermine our democratic rights and freedoms and, as such, the Greens cannot support it. Nevertheless, we have prepared amendments that will ameliorate the worst aspects of the bill, should it pass.

The Greens are concerned that the bill prevents scrutiny by the Parliament of events that may be declared to be major as well as the opportunity for the Parliament to express an opinion on whether an event that

has been declared by the Minister to be a major event is worthy of the protection and the investment of taxpayers' dollars that the bill will confer. We should all be alarmed by the increasing tendency of government to govern by regulation—all the more so when that involves the expenditure of significant government money and overrides a range of important democratic freedoms, environmental protections and planning requirements. It is only proper that the Parliament retain its role of oversight and review.

I now come to a key claim underlying the bill and the rationale for major events generally—that they attract additional money to the local economy. This claim is dubious in the extreme. Any search for papers on the cost benefit of major events usually will produce woolly, unsubstantiated statements on the supposed benefits, feel-good factors and assertions about the likelihood of return visits by attendees. The relevant papers I have seen imply that such events are a financial success, but the authors are unable to quantify the assertions. Effectively we are asked to take on trust the assertions that major events represent money well spent. Fortunately, however, we do have interesting factual analysis of recent major events.

The Auditor-General's report to Parliament in 2008 on the World Youth Day Co-ordination Authority states that "the initial cost estimate for the event was \$20 million" in 2003, with the final cost coming in at approximately \$120 million. The report also notes that this is likely to be an understatement, as some government agency costs were not charged to the authority. Whereas we more or less know the costs of World Youth Day, the assessment of economic benefit is a much more difficult task. The Auditor-General's report notes in an economic impact analysis of October 2006 which "estimated the gross total direct and flow-on value added" that that was possibly \$152 million. This estimate came with the qualifier that State Government costs "were unable to be confirmed with sufficient confidence, and it was hard to measure intangible costs such as business disruption". I am glad the report was clear about that!

The second event that we should note is the V8 car races in Canberra. The costs and benefits paper from the Australian Capital Territory Auditor-General's Office of July 2002, which is one of the few that is available and actually spells out clearly the impacts of special events, offers a damning summary of the event. The report states that "the conduct of the 2000 and 2001 races had two significant negative economic results for the ACT" and warned of the overstatement of economic benefits, and the higher costs than predicted in running the event. The papers that I have been able to read on major events all tell the same story of events held throughout the world—overly optimistic claims of benefits, and no clear indication of the effectiveness of major events in generating continued tourism and related economic growth.

In the years following the Sydney Olympic Games, the number of domestic visitors to Sydney peaked in the year or two after the Games, and then went into serious decline. This gives the lie to the claims made in many cost-benefit reports—that major events have long-term flow-on effects. International visitor numbers to Sydney have been more variable, with declines in 2002 and 2003 and increases since then. If the increase is attributable to the Sydney Olympic Games, how do we account for the decrease in the years immediately following the Sydney Olympic Games? What we can say is that, with effective underwriting of major events by the taxpayer, the only indisputable winners from major events are promoters of the events. From the perspective of the taxpayer, the only irrefutable outcome is that lots of money was spent. Whether that money would have been better spent elsewhere is a moot point.

One of the more interesting and positive aspects of recent Olympic Games has been demands by the International Olympic Committee that the events be green—in other words, that the games encourage improved environmental outcomes. The Greens welcome that. But this bill, which allows the Minister to override environmental and planning law, can expose residents living near an area that will be used for a major event to the blasting noise of motor engines, public address systems and so on. The bill removes from communities appropriate opportunities to raise their concerns and for those concerns to be discussed and addressed. The bill does not guarantee that the natural environment will be protected: the proof of that is the recent running of a Repco car rally through World Heritage listed forests. Surely car races are inappropriate in heritage-listed forests. At the site of the world's "greenest Olympics" at Homebush, the Government has authorised the cutting down of hundreds of trees so that cameras will be better able to film the V8 car race—the same race that the Australian Capital Territory Government assessed as being such a waste of taxpayers' money.

In summary, the Greens oppose the bill because it will override local government input and controls, undermine environmental legislation, suspend democratic rights, and result in the loss of parliamentary oversight of the expenditure of millions of dollars of taxpayers' money, and because it represents failure by the Government to establish the economic benefits it claims will justify the legislation. The Government clearly is making a major event of the Major Events Bill; but, like so much else that this Government does, the bill will be a costly fizzer for the people of New South Wales. The bill deserves to be defeated.

Reverend the Hon. FRED NILE [3.56 p.m.]: The Christian Democratic Party supports the Major Events Bill 2009 and opposes the position adopted by the member who preceded me in this debate, Ms Sylvia Hale, who represents the Greens. The Greens are opposed to all major events and somehow want to turn back the clock in New South Wales. It is very sad that the Greens have adopted such a negative attitude and will do all they can to sabotage major events. I believe it is important to attract major events to New South Wales; therefore, it is important for legislation to be introduced to deal with major events. I was closely involved with the 2000 Olympic Games in Sydney. I conducted two inquiries that I believe added to the success of the 2000 Olympic Games. We have all seen the results of that success. The Sydney 2009 World Masters Games recently concluded, and that major event also was a great success. There is no doubt, contrary to assertions made by Ms Sylvia Hale, that there has been evidence of increased revenue for the State from major events.

Ms Sylvia Hale: Where is the evidence? There is no evidence anywhere.

Reverend the Hon. FRED NILE: Major events stimulate the New South Wales economy when thousands of visitors make purchases throughout the Sydney region, especially in the central business district of Sydney, and when international visitors bring other forms of additional revenue to New South Wales that is so urgently needed. The Federal Labor Government has sought to stimulate the economy artificially, but major events stimulate the economy in a more pragmatic manner by deriving revenue from expenditure by participants, spectators, and tourists. There is no doubt that the publicity surrounding major events assists in attracting international visitors to Sydney as well as other part of New South Wales and Australia. Recent downturns in the numbers of international visitors can be explained by the worldwide economic recession. The global financial crisis is the reason that many Australians have not travelled overseas during the past two or three years. Many Australians restricted their holiday expenditure to destinations in this State, which has been of benefit to the New South Wales economy. It is beneficial to New South Wales to have families now holidaying in New South Wales rather than travelling overseas.

No-one can question the success of previous major events held in New South Wales. I believe it is important to have a bill like the Major Events Bill, particularly when attempts are made to obstruct the actual event. If the authority organising a major event is not clear-cut, there is confusion and people who wish to prevent an event from proceeding have further avenues by using the court system and misusing the legislation to oppose the event.

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

QUESTIONS WITHOUT NOTICE

MEMBER FOR BANKSTOWN, THE HONOURABLE TONY STEWART

The Hon. MICHAEL GALLACHER: My question without notice is addressed to the Attorney General, and Minister for Industrial Relations. In view of the Premier's announcement yesterday that Mr Tony Stewart has settled his Supreme Court action against the Government and will in accordance with the statement "pay the defendant's costs", will Mr Stewart pay the whole of the defendant's costs? Will the Minister guarantee that taxpayers will not be out of pocket as a result of the settlement?

The Hon. JOHN HATZISTERGOS: I thank the honourable member for this important question. On the issue of costs I am advised that the Premier is happy to release the Crown Solicitor's correspondence to the Department of Premier and Cabinet received today. That correspondence outlines the settlement negotiated and recommended by the Crown Solicitor. I think costs are an important issue. Unfortunately there is a lot of misunderstanding in the community about costs, when courts order costs and when costs are agreed to. Indeed, I am a little distressed that costs are not taught as a subject in law schools these days; they should be. Instead, the emphasis is placed on human rights, charters of rights and bills of rights.

We should be dealing with basic concepts such as costs, which are part and parcel of every day legal practice, so that people can understand them. I raise that in the context of today's commentary; I notice that one newspaper stated that taxpayers would be paying the majority of the costs, and another newspaper stated that Mr Stewart would pay the majority of the costs. This misunderstanding is typical of the misunderstanding that broadly applies in cases where people do not properly understand what costs mean.

HOUSING AND CONSTRUCTION SECTOR

The Hon. HENRY TSANG: My question is directed to the Treasurer. Will the Treasurer update the House with the latest information on the New South Wales housing and construction sector?

The Hon. ERIC ROOZENDAAL: I thank the honourable member for his ongoing interest in these important matters. Over the past few weeks we have seen the emergence of green shoots of recovery in the New South Wales economy. We have some way to go but there is some good news in the New South Wales housing and construction sector, which is a vital part of the New South Wales economy. Members will be pleased to know that the New South Wales housing sector is getting back to 2007 levels—pre-global financial crisis levels—when property sales last peaked. Property and land sales in New South Wales increased by more than 37 per cent last month, compared with September 2008. In September 2009 there were 17,810 property transactions—the highest number of transactions for the month of September for the last five years.

This is a 37.7 per cent increase on the 12,938 transactions in the same period last year and a 10.8 per cent increase compared with September 2007. This is great news and it looks like we are starting to turn the corner. The New South Wales and Federal governments' first homebuyer grants, the New South Wales stamp duty exemptions and the stimulus measures targeted directly at residential housing construction have clearly had a positive impact. Recent figures released by the Australian Bureau of Statistics [ABS] show a boost in the value of New South Wales residential building work done. New South Wales recorded a 5.8 per cent increase in the June quarter on the previous quarter—up \$123 million to a total of \$2.24 billion. That is \$123 million back in the New South Wales economy.

The Australian Bureau of Statistics figures for August on the purchase and construction of investment properties are also reassuring and provide more evidence of a recovery for New South Wales. In New South Wales investor housing finance approvals were up by 41.1 per cent on a year ago, which is significantly higher than the 18.6 per cent figure Australia wide. This data on lending for the purchase and construction of investment properties is a positive forward indicator of likely conditions in the investor housing market. When the worldwide financial crisis struck, the New South Wales Government reacted quickly to stimulate the economy and boost the housing industry.

An increase in the amount of finance approved for investment properties is good news for the New South Wales housing sector. Things are clearly beginning to pick up. The Australian Bureau of Statistics reports that New South Wales also recorded the strongest growth in residential building approvals of all States for August 2009 compared with July. Residential building approvals were up by 19.7 per cent, seasonally adjusted, and they were up by 7.4 per cent compared with August 2008. Members opposite always want to talk down the economy. Every time there is good news they start shifting uncomfortably in their seats because they do not like to hear good news about the New South Wales economy. Stop talking down this State!

It is worth comparing residential building approvals in New South Wales, which were up by 19.7 per cent, with those in the other States: minus 9.4 per cent in Victoria, 1.7 per cent in Queensland and minus 0.1 per cent for Australia. That is the comparison members opposite should be looking at. Members opposite should stop talking down this State. The Australian Bureau of Statistics reported that 2,474 residential buildings were approved in August in New South Wales. [*Time expired.*]

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

The Hon. ERIC ROOZENDAAL: These indicators build on other positive news, including the fact that the number of New South Wales first homebuyers who received benefits last month almost doubled, compared with the same period a year ago, with 6,079 grants handed out in September 2009 and only 3,423 in September 2008. That is a stark contrast. First homebuyers in New South Wales received \$92.98 million in grants in September 2009, compared with just \$26.18 million for the same period in 2008. Some \$57.71 million worth of stamp duty was waived for New South Wales first homebuyers in September 2009, compared with \$33.76 million in September 2008. And it goes on.

Despite these economic indicators displaying such positive news, it is still important to remember that we are not out of the woods yet. That is why the New South Wales Government will not be winding back its job supporting infrastructure stimulus measures. We will continue to resist the calls of Barry O'Farrell and Malcolm Turnbull to wind back the stimulus strategy. We will continue to invest \$62.9 billion over the next four years in real infrastructure in New South Wales, supporting about 160,000 jobs.

SOLITARY ISLANDS AND JERVIS BAY MARINE PARKS

The Hon. DUNCAN GAY: My question is addressed to the Minister for Primary Industries. Is it correct that the reviews of the Solitary Islands Marine Park and the Jervis Bay Marine Park were completed and the report handed to the Minister for Primary Industries and the Minister for Climate Change and the Environment more than four months ago? Given that both Ministers have a responsibility to direct marine parks authorities on what to do within three months of receiving the report, will the Minister explain why he has failed to do so?

The Hon. IAN MACDONALD: I make it clear to the Deputy Leader of the Opposition that I do not have carriage of the Marine Parks Act 1997. I suggest that he direct his questions to the Minister responsible.

FOX STUDIOS AUSTRALIA INDUSTRIAL OPERATIONS

Reverend the Hon. Dr GORDON MOYES: My question is directed to the Minister for Lands, representing the Minister for Planning. Is the Minister aware that Fox Studios Australia plans to increase its industrial operations by building a 4,000 square metre workshop to accommodate such activities as spray painting, powder coating and fibreglassing? Is the Minister aware that residents in Moore Park Road, Cook Road and Poate Road have suffered from asthma and skin problems, such as rashes and infections, as a result of adverse air quality? In particular, is the Minister aware that one resident who lived opposite the post production buildings, Mr Kevin Winter, required two sinus operations as a result of living near Fox Studios? Given that occupational health and safety legislation requires that notices be placed between a heavy industrial site operation and a publicly accessed site, will the Minister indicate if notices will be attached to the perimeter fences of Fox Studios to warn people of health and safety dangers?

The Hon. TONY KELLY: No, I am not aware of the operations in that area. I will undertake to forward the member's question to the Minister and obtain an answer in due course.

COASTAL EROSION

The Hon. KAYEE GRIFFIN: My question is directed to the Minister for Climate Change and the Environment. What action is the Government taking to protect communities and the environment in the face of rising sea levels and coastal erosion?

The Hon. JOHN ROBERTSON: I thank the member for her question about this important issue. New South Wales coastal communities and local councils are facing difficult issues associated with coastal erosion along the New South Wales coastline. Storms in May this year highlighted the need to have coastal hazards understood and planned emergency responses in place for all hot-spot areas along the New South Wales coast. The CSIRO tells us that sea levels will rise by up to 40 centimetres by 2050, and extreme weather events, including more destructive storms, are becoming increasingly common along the New South Wales coast. It is clear that we must act now to deal with coastal erosion and rising sea levels. There are no fewer than 19 hot spots in New South Wales where coastal erosion is severe, the coast is actively receding and properties are under threat. Those locations run from Batemans Bay in the south up to Belongil Beach to the north and everywhere in between.

The Central Coast and northern beaches each have their fair share along with the mid North Coast and the South Coast of the State. The Government has been working for many years to help local communities respond to the impacts of coastal erosion. Through the New South Wales Coastal Policy and Coastal Protection Act the Government has provided funding and technical support to councils to prepare coastal zone management plans with their local communities. But it is clear that new tools and approaches are required. Some councils have been struggling with their coastal management plans for over a decade—and meanwhile the pressure on our beaches and coastal landholders builds each year. This week the New South Wales Government acted swiftly and decisively to address the challenges associated with sea level rise. The Premier announced that new measures will be introduced before the end of this year to assist local councils and communities to better respond to the impacts of coastal erosion. This new plan will clarify the rights of councils and property owners and minimise the risk to taxpayers from continuing sea level rise.

The reform package consists of a number of elements, including a new code of practice setting out measures that can be used to protect properties under immediate threat from coastal erosion, while balancing the need to protect our beaches; requiring councils to prepare emergency storm plans for hot-spot areas, with

funding assistance from the New South Wales Government; additional council and ministerial powers to stop unapproved works, backed by increased penalties; new legislation to facilitate cost sharing among affected residents and protect New South Wales taxpayers; and setting up a framework for property owners to apply to fully fund their own works where environmentally feasible and sustainable. I stress that the key feature is where it is environmentally feasible and sustainable.

The Government is committed to protecting the State's precious and iconic beaches. To that end, these reforms will include stringent engineering and environmental assessments to prevent work from being undertaken that will exacerbate coastal erosion or impact negatively on access to public beaches. Councils and landowners will be consulted over the coming weeks and months as the legislative changes and details of the code are finalised. This is a balanced response to a very complex issue—an issue that will continue to challenge and test coastal communities not just here in New South Wales but across the globe. This package of reforms will better equip the State, local councils and landowners with the tools needed to deal with the challenges of coastal erosion and sea level rise.

WINDOW SECURITY STANDARDS AND CHILD SAFETY

Reverend the Hon. FRED NILE: My question is addressed to the Minister for Climate Change and the Environment, representing the Minister for Fair Trading. Is the Government aware that a report by the Injury Prevention Reference Group for the Commission for Children and Young People has stated that since 2005 there has been a 30 per cent increase in the number of young children being admitted to hospital as a result of falling out of windows? Does the Government acknowledge community concern that existing provisions in law provide inadequate protection for young children concerning windows? Does the Government acknowledge that the Tenants Union of New South Wales has been calling for legislative reform with regard to building and tenancy laws? When will the Government take urgent action to remedy the situation, introduce mandatory safety standards in relation to children and all commercial and residential windows?

The Hon. JOHN ROBERTSON: I thank the member for this very timely question. The Minister provided me with an answer because of recent events. I know members of this House and the community at this time extends their deepest sympathies to the Mostafa family at this difficult time. At this point it would be premature to draw conclusions about the specific circumstances surrounding this tragedy. I am advised that a working party established by the Rees Government is currently examining how to better prevent these accidents. The group of experts is chaired by Professor Danny Cass, Director of Trauma at the Children's Hospital at Westmead, and includes planning and health officials, the New South Wales Commission for Children and Young People, and representatives from manufacturers and suppliers of child safety products.

The Government will obviously carefully consider any recommendations from the task force on whether further measures are needed to help parents ensure their homes are as safe as possible. Under the Residential Tenancies Act 1987 a number of provisions require landlords to provide and maintain locks and other security devices. For example, section 29 specifically addresses the issue of locks and other security devices, and makes it a term of every residential tenancy agreement that "the landlord shall provide and maintain such locks or other security devices as are necessary to ensure that the residential premises are reasonably secure". Tenants should also be advised that under section 29 (5) of the Act they can apply to the Consumer, Trader and Tenancy Tribunal for an order authorising them to alter or add any lock or other security device, if the tribunal is satisfied that the request is reasonable. We encourage landlords to cooperate with tenants in addressing these matters.

I am further advised of a number of low-cost, simple options available from hardware stores that can secure windows without modification to premises. Such devices do not require the landlord's permission to install, and I encourage tenants who are concerned about safety in this area to investigate those options. There is nothing in the Residential Tenancies Act that prevents a tenant improving the safety of their windows in this way. While the current Act does provide for the installation of locks and security devices, the Government has previously agreed to consider whether these provisions are adequate, as part of the current review of the Residential Tenancies Act. We will also consider any specific recommendations in this area from the task force. Parents should be aware of the existing advice from child health experts: move furniture away from windows and balustrades on balconies and decks, alter windows so they cannot be opened more than 10 centimetres and make sure children are supervised by adults in and around the home.

GOVERNMENT AGENCIES RESTRUCTURE

The Hon. GREG PEARCE: I direct my question to the Treasurer. Will the Treasurer explain why only one unsigned, undated and unreferenced document has been produced in response to the order of the House

for production of papers on the Treasury modelling of the government agencies restructure, which showed savings of up to \$85 million in 2009-10, \$180 million in 2010-11, \$270 million in 2011-12 and \$380 million in 2012-13? Is that indeed the only modelling by Treasury considered prior to the announcement of the agencies restructure? Does the Treasurer stand by the savings figures outlined in the document?

The Hon. ERIC ROOZENDAAL: My advice is that the order for papers has been met.

COURT SECURITY

The Hon. IAN WEST: What is the Government doing to address the increase in security incidents in New South Wales courts?

The Hon. JOHN HATZISTERGOS: Courts are places for the orderly resolution of disputes. The safety and wellbeing of judges, magistrates, court staff and clients is paramount to the integrity of our justice system. As Premier Rees said at the weekend, people have a right to feel safe in courthouses, and any attempt by persons to influence a proceeding by behaving in a threatening manner must be resisted. That is why the Government is conducting a review of security procedures to make courts safer. I am concerned that some matters involving high profile defendants have attracted persons to courts who behave antisocially and show disrespect for the judicial process. We have all seen television images of persons scuffling with the media outside courthouses. Of concern is also what sometimes happens inside.

According to statistics supplied by the Sheriff's Office, the average number of courthouse security incidents each month in New South Wales has increased to 300, up from 220 in the past financial year. Threats against judges and magistrates have doubled, rising from 10 to 20 in the past financial year. In one case last year a defendant made a threat to kill the presiding magistrate. Sheriff's Officers were alerted and the matter was transferred. A month later a magistrate received a letter containing a newspaper clipping about a case he was involved in. Handwriting on the clipping was obscene and threatening.

The Government's review will examine the standing operating procedures used by sheriff's officers. Those procedures, contained in the Sheriff's Officers Manual, need to be updated to reflect emerging threats and new legislation. The review will be conducted by the Sheriff's Office and will seek input from both front-line staff and management. Union officials also will be involved. The review will look at issues including improving judicial officer security, intelligence gathering, incident reporting and handling of high-risk security matters. A report is due in December.

Sheriff's officers already carry batons, pepper spray and handcuffs. They have the power to confiscate prohibited items, such as weapons. They can give directions, make arrests and use reasonable force when necessary. Moreover, major courts now have metal detectors and mobile security screening equipment can be deployed to any courthouse in New South Wales in anticipation of a high-risk matter. But if the report identifies that sheriff's officers need more help to carry out their duties, the Government will act upon those recommendations. One thing I can assure the House that we will not be doing is asking court registrars and clerical staff to intervene in dangerous security incidents or giving them the power to use force. That was the suggestion made last weekend by the member for Epping. On Sunday the member for Epping told Channel 9:

There's not as many counter staff or other staff who could get in and help if there is trouble.

In other words, he suggests that if an incident occurs in a courthouse the counter staff would jump over the counter, arm themselves with a few pamphlets and knock someone on the head. The member for Epping has made some interesting contributions, but that one was the most interesting. Clearly he did not raise it with the Public Service Association. John Cahill, the General Secretary of the Public Service Association, had this to say about the proposal made by the member for Epping:

The appropriate staff to deal with violence in our courts are court escort security officers and sheriffs officers.

Greg Smith's proposal for registry staff to intervene in violent incidents is fundamentally dangerous and would expose those staff to serious injury.

SCHOOL BUS SEATBELTS

Ms LEE RHIANNON: I direct my question to the Treasurer. Is the Treasurer aware that in 2005 the former Western Australian Premier, Geoff Gallop, adopted a policy change requiring a 10-year phase in of

seatbelts on school buses and made a budget allocation to achieve that important safety measure? Is the Treasurer aware that last year the Northern Territory Government invested \$3.6 million to put seatbelts on school buses? Considering that by far the majority of New South Wales school buses, particularly those in rural and regional areas, do not have seatbelts, what has the Treasurer done to ensure that a budget allocation is made for similar programs to fit seatbelts to school buses and so help protect students from accidents that could result in serious injuries or death? When the next school bus crash occurs what will be the Treasurer's position in the chain of accountability that reflects responsibility for decision making on allocating funding for seatbelts on buses?

The Hon. ERIC ROOZENDAAL: I will take that question on notice and refer it to the Minister for Transport for an appropriate response.

CLIMATE CHANGE ACTION PLAN

The Hon. CATHERINE CUSACK: My question is directed to the Minister for Climate Change and the Environment. Minister, how can the Government claim to have any environmental credibility given that it has been 586 days since the Government promised, and has still failed to deliver, on its Climate Change Action Plan—

The Hon. Greg Donnelly: Point of order: The question contains argument and should be struck out.

The PRESIDENT: Order! I ask the Hon. Catherine Cusack to complete her question in order that I may rule on it.

The Hon. CATHERINE CUSACK: And during those 586 days there have been three changes of Minister and greenhouse gases have increased by the equivalent of 600,000 extra cars on the road?

The PRESIDENT: Order! I will allow the question.

The Hon. JOHN ROBERTSON: The Government is getting on with the job of dealing with climate change with a number of initiatives, including implementing the landmark Climate Change Fund. That fund is targeted at helping families, businesses and communities take practical action on climate change. The Government has established the Sydney Carbon Market Taskforce to advise on a strategic plan to reinforce Sydney as the carbon market hub of the Asia-Pacific region and capitalise on the job opportunities that will be involved. The Government has demonstrated its commitment to improving energy efficiency with the rollout of the \$150.5 million New South Wales Energy Efficiency Strategy and the commencement of the New South Wales Energy Savings Scheme. The energy savings scheme will help reduce future rises in household electricity bills by an average of up to \$50 each year and will cut greenhouse gas pollution by reducing the household consumption of electricity. The Government does not need to justify its green credentials; its credentials are there for all to see.

The Hon. Matthew Mason-Cox: Yes it does.

The Hon. JOHN ROBERTSON: The member would like us to. The Government has the rungs on the ladder on those issues, whether it is implementing those funds setting up the Sydney Carbon Market Taskforce, or being a world leader in introducing a greenhouse gas reduction scheme, which is still the second largest in the world only to that of the European Union. The Government's track record is there for everyone to see. The Government has led when it comes to dealing with climate change. The Government is not a denier of climate change. Members on this side of the Chamber recognise that climate change is real, whether through a sea level rise of up to 40 centimetres by 2050 as outlined by the CSIRO or dealing with coastal erosion. The Government is dealing with issues in an environmentally feasible and sustainable way. The Government's track record is there for all to see.

The Hon. CATHERINE CUSACK: I ask a supplementary question. Minister, when will the Government release its Climate Change Action Plan?

The Hon. JOHN ROBERTSON: When the plan is finalised and I have had a chance to go through it. After only three weeks in the portfolio, I have an idea, unlike those opposite who do not have a clue. The policy will be released when I have had time to go through it and make sure that it meets the objectives of the Government in dealing with climate change and that it is consistent with all the other initiatives on environmental issues that the Government has implemented over the past 14 years.

STATE PARKS

The Hon. MICHAEL VEITCH: My question is addressed to the Minister for Lands. Will the Minister update the House on how the Government is supporting the New South Wales State parks network?

The Hon. TONY KELLY: Last Sunday I travelled to the Coffs Coast State Park at Park Beach, Coffs Harbour, to open the annual State Parks Conference. The Coffs Coast State Park is set on a beautiful coastal strip next to the beach and the Solitary Islands Marine Park. The annual conference provides a time for staff and boards of the 17 State parks to come together, compare notes and discuss better ways of managing and promoting their parks. And, they are doing a great job! The State parks network ensures a balanced approach to public land management, and it protects environmentally sensitive areas and encourages public recreation. Certainly New South Wales State parks provide working families with access to a wonderful range of outdoor activities including barbecues, camping, swimming, canoeing, water sports and bushwalks in the most naturally beautiful areas of the State.

It is important that these environmentally sensitive locales are maintained for future generations, and that is the job of the Land and Property Management Authority in collaboration with local communities. For State parks to flourish they need the support of the State Government as well as initiatives to generate their own funding. The Rees Government is committed to providing the community with access to these pristine locations while protecting important conservation areas and endangered habitats now and for the future.

While I was in Coffs Harbour I was pleased to announce \$1.5 million in investment in State parks to guarantee the upkeep of these key environmental reserves and tourist drawcards. This investment provides for ongoing running costs and helps parks provide infrastructure such as plant and equipment. This year we have provided \$272,000 for Killalea State Park; \$180,000 for my local State park at Lake Burrendong, as the member mentioned; \$393,000 to Wyangala Waters and Grabine Lakeside; \$157,000 for Lake Glenbawn; \$226,500 for Lake Keepit; and \$160,000 for Copeton Waters, near Inverell.

The Hon. Duncan Gay: What about Grabine?

The Hon. TONY KELLY: I referred to the provision of \$393,000 for Wyangala Waters and Grabine Lakeside combined. They are two different parks but they are on the one waterway. And last but not least, the Hon. Mick Veitch will be pleased to know that his local park, Burrinjuck Waters, will receive \$102,000 to support and promote its many excellent camping and walking tracks. This funding has been provided to not only ensure the viability of the parks themselves, but also to continue to support jobs across New South Wales.

The investment will help State park trusts supplement their income. The Rees Government is working with State Parks to also attract additional visitors and generate additional income through a campaign to highlight the wide variety of activities on offer. The State Parks website, www.stateparks.nsw.gov.au, has been enhanced to make it easier for people to check out fun and affordable holiday options in our State parks. The site provides information about upcoming events, local attractions, activities, directions and more, as well as accommodation. Most parks offer low-cost accommodation, and that makes them ideal for family holidays.

State parks are just one example of the Rees Government's dedication to protecting our natural environment while also providing a boost to regional economies. I recommend our State parks as a great opportunity for families to take affordable holidays in some of the most beautiful spots in New South Wales, while at the same time enjoying some of our State's unique natural environment.

COASTAL EROSION

Mr IAN COHEN: My question is directed to the Minister for Climate Change and the Environment. Has the Minister considered the submission by Emeritus Professor Bruce Thom to the Inquiry into Climate Change and the Environmental Impacts on Coastal Communities? Professor Thom states that in order to achieve coastal sustainability in Australia we should consider "the need to maintain as part of Australian coastal culture access to and along the foreshore often at the expense of private property interests". Will the Minister guarantee in his response to coastal recession that communities can continue to experience one of the most important elements of Australian culture, the Australian coastline and guaranteed public beach access?

The Hon. JOHN ROBERTSON: I thank the member for his question. I can say, firstly, that I am meeting Professor Thom next week as part of my responsibilities in this portfolio.

Mr Ian Cohen: I organised it.

The Hon. JOHN ROBERTSON: I know. I acknowledge the interjection of the member that he organised the meeting. I say for the record that I agreed happily to meet Professor Thom because he is a stakeholder who deserves to be met on this issue. I will repeat what I said earlier about coastal erosion. The measures that this Government is proposing to introduce are about protecting our iconic beaches. We will not compromise the beaches of New South Wales with any of these particular reforms. We want, firstly, to clarify the rights of landowners and councils because for some time there has been great confusion about them. These reforms are about providing councils with powers that they do not currently possess, such as having the capacity to issue stop work orders if a landowner is carrying out unlawful work or work that is likely to increase coastal erosion. Such powers do not currently exist for councils. The reforms will give councils the opportunity, if they undertake works to stop coastal erosion, to levy the beneficiaries of those works. In other words, landowners who may be the beneficiaries of any works that councils undertake will now be able to be levied by councils—a power that is not available to councils now.

We want clarity of rights and responsibilities with regards coastal erosion. The key point, and it needs to be made time and again, is that this Government will not compromise the iconic beaches of New South Wales as a result of this policy. Its focus is on clarity of rights for landowners and councils without putting taxpayers at risk of having to fund any of this work, and making sure we have iconic beaches, such as those we have today, for the people of New South Wales well into the future.

Mr IAN COHEN: I ask a supplementary question. I thank the Minister for his response and note that he said earlier he would undertake action where it was environmentally feasible and sustainable. If it is not, would the Minister direct the removal of houses in certain areas in certain circumstances or is private coastal property guaranteed by him come hell or high water?

The Hon. JOHN ROBERTSON: I know where Mr Ian Cohen is coming from in relation to this matter; he has an ongoing interest in it and he has some issues about landowners at Belongil. I make the point again that we are not going to allow any works to be carried out that will compromise the ongoing viability of the iconic beaches of New South Wales. Frankly, it would be inappropriate and a complete waste of this Government's time if it were to protect homes at the expense of beaches. I will say it one more time: Where it is environmentally feasible and sustainable to do so, those works will be allowed to be carried out.

COASTAL EROSION

The Hon. MELINDA PAVEY: My question, which is on the same issue as that raised by Mr Ian Cohen, is directed to the Minister for Climate Change and the Environment. Further to the Minister's inclusion of Lake Cathie in Port Macquarie as one of the 19 hot-spot beaches listed in the Government's coastal erosion defence plan, will he revise the guidelines being used for local planning purposes? Will the Minister specifically ensure that the Administrator of the Port Macquarie-Hastings Council is given the clear message that publicly owned land, such as parks and beaches, and assets such as roads should be defended in the interests of public access to our beaches and preservation of residential amenity and property rights?

The Hon. JOHN ROBERTSON: The Hon. Melinda Pavey is right to say that Lake Cathie is one of the 19 hot spots that have been identified on the coast. A number of locations on the coast, including Belongil, Old Bar, Woolli, Lake Cathie, Norah Head, Narrabeen and Collaroy, are under threat. I say for the record that the location with the most real estate at risk is Woolli, where 27 houses currently are under threat because of coastal erosion. The Government takes this matter very seriously. We will be consulting all the relevant local councils to ensure that they have an opportunity to make a contribution to the code of practice on this matter. The councils and I, as the Minister responsible, will have the capacity under these reforms to issue stop work orders.

I make the point again that these reforms are about clarity of rights and responsibilities of councils and landowners. The major feature of this proposal is that we are keen to ensure that we do not compromise the iconic nature of our beaches up and down the coast, and that obviously includes access to those beaches.

DROUGHT ASSISTANCE

The Hon. PENNY SHARPE: My question is addressed to the Minister for Primary Industries. What effort is the New South Wales Government making to support the State's drought-weary farmers?

The Hon. IAN MACDONALD: I thank the member for her question. While rain has been falling in the city and coastal areas in recent times, drought continues to wreak havoc on rural and regional communities in New South Wales. The latest official drought figures reveal that 67.7 per cent of New South Wales is now drought declared, and that is up from around 66 per cent last month. Most of our farmers are feeling the full brunt of this record-breaking drought with 27.4 per cent of New South Wales now considered marginal and just 4.9 per cent of the State considered satisfactory.

The State's water storage is at about 30 per cent capacity and harvest estimates for the 4.3 million hectare winter crop are being revised downwards. Around 57 per cent of the land area of New South Wales is currently declared for the purposes of exceptional circumstances assistance. These figures illustrate the dire situation facing our rural and regional communities. I believe that this will be a long and hard summer. In some cases failed winter crops have been opened to grazing livestock and, in the worst situations, farmers will not have a harvest at all. The drought is unrelenting. For example, parts of West Wyalong have been declared satisfactory for only four months since December 2001. Most of New South Wales received only average rainfall in September, and that is not enough after months of poor rain.

These are tough conditions, but our farmers are equally as tough. They are resilient and determined to prosper again. That is why our commitment to New South Wales farmers remains rock solid. The New South Wales Government has dedicated around \$500 million in assistance since this drought began. Farmers in drought-affected areas have access to a 50 per cent subsidy for the transport of fodder, stock and domestic water and stock to sale or slaughter. The drought transport subsidy is a crucial assistance measure. In fact, since 2002 the State Government has processed more than 140,000 claims. I am pleased to inform the House that the State Government has extended the drought transport subsidy and has announced an additional \$7 million in funding. That is another \$7 million for our farmers in drought-declared parts of New South Wales, which currently comprises two-thirds of the State.

Drought workshops and farm family gatherings are also well received. Since 2002, 143,152 people have attended 2,874 events coordinated by Industry and Investment NSW drought support workers. Our drought hotline has handled 16,784 calls in the same period, directing farmers, property managers and farm families to information and assistance outlets. Last month we were reminded that the drought is far from over with much of the State and Sydney blanketed in red dust. Sydneysiders and people in many parts of regional New South Wales woke up to images that they are likely never to forget—red streets and towns, a red Sydney Harbour Bridge and a red Sydney Opera House.

Closer to the source of the storm major damage occurred. Large amounts of highly abrasive fine sandblasted vegetation covered infrastructure and destroyed stock. In this area \$318,000 in stock losses have been reported, with the death of 2,330 sheep and 30 cattle. Repair costs to excavate sand from water points, troughs, stockyards and fences are expected to be at least \$439,000. Last week the State Government announced that Western Division farmers affected by the severe dust storm can apply for natural disaster assistance in the form of low interest loans from the New South Wales Rural Assistance Authority. These loans are for the repair or replacement of property and infrastructure. I encourage affected farmers to investigate their eligibility for this assistance and other assistance made available by this Government.

METROPOLITAN SPECIAL PROGRAMS CENTRE LOCKDOWN

Ms SYLVIA HALE: I direct my question to the Minister for Corrective Services. On 22 September I asked the Minister whether the general manager of the Metropolitan Special Program Centre, Mr Peter Maa, had sent a memorandum to staff stating:

Effective from 9 October 2009 the structured lockdown procedure for MSPC Area 3 will change to a full day lockdown consistent with the procedure being implemented in MSPC areas 1 and 2.

I asked the Minister whether he would ensure that any lockdown regime was consistent with regulation 53 of the Crimes (Administration of Sentences) Regulation 2001 which states:

Each inmate is to be allowed at least 2 hours each day for exercise in the open air.

I also asked the Minister whether he would find out from Commissioner Woodham why he denied the existence of this lockdown regime when I asked about it during budget estimates. The Minister took the question on notice, yet this is the second occasion within the past three months on which he has shown his indifference to this House and failed to provide an answer. Will he do so now?

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

COURT DOCUMENTATION AND INFORMATION

The Hon. GREG DONNELLY: My question without notice is addressed to the Attorney General. What is the latest information regarding how court documentation and information is provided to the community in New South Wales?

The Hon. JOHN HATZISTERGOS: The Government is committed to the principles of open justice and improving the ability of the public to understand what takes place in courtrooms. To that end, a draft bill granting greater access to court documents has been released for a final round of consultation and will be introduced in Parliament in coming weeks. The Court Information Bill 2009 is designed to overhaul the complex system governing the release of court information and will improve access to transcripts, affidavits and other information from court proceedings. Currently, different rules operate in the Supreme Court, the District Court and the Local Court, which generally rely on judicial discretion to grant or deny access to information contained in court records.

To enable fair reporting of cases and to ensure greater public understanding of the judicial system it is important to provide a more transparent and clear basis on which decisions regarding access to documents are made. Members will recall that a recent Bureau of Crime Statistics and Research [BOCSAR] report indicated that the majority of the community wished to learn more about the justice system. This is another way in which the Government is working to achieve that. The bill simplifies the release of court information by creating just two categories of document—open access and restricted. Documents classified "open access" would be available to journalists and the public and may include police fact sheets, evidence transcripts, affidavits and pleadings.

Those documents classified "restricted", such as medical and psychiatric reports, would be available only if the court granted leave or the statutory provision conferred a right of access. Currently, these types of documents are not normally released. Protections afforded to victims and other vulnerable people have also been strengthened in the bill. The rights of sexual assault victims and children involved in care proceedings not to be identified will continue. The bill will also provide greater protection for victims of domestic violence. Personal information such as tax file numbers and home telephone numbers listed will be removed from documents before release.

The objective of the bill is to ensure that the greatest possible amount of information will be open to the public. The media will even be entitled to transcripts of evidence received in proceedings held in closed court. The representatives of parties will be entitled to court information that relates to the proceedings unless the court orders otherwise. These clear guidelines will simplify the process of applying for court documentation and in doing so will make more information readily available to the public. The public, in turn, will be given a better understanding of the courts.

This issue has recently been the subject of intensive consultation and it follows the release last year of the "Report on Access to Court Information", which first put forward the recommendations contained in the bill. In addition, the draft bill has now been released to the Bar Association, the Right to Know campaign, the Press Council and the courts, and we look forward to all their responses. Anyone else wishing to comment can get a copy of the bill from the Department of Justice and Attorney General via the website www.lawlink.nsw.gov.au.

SOLITARY ISLANDS AND JERVIS BAY MARINE PARKS

The Hon. DUNCAN GAY: I direct my question to the Minister for Primary Industries. Does the Minister recall my earlier question regarding marine parks and a report that both he and the Minister for Climate Change and the Environment would have received? The Minister said that he did not have responsibility for marine parks. I draw the Minister's attention to documents in the Allocation of Administrative Acts No. 351 and No. 467, both of which indicate that the Minister has joint responsibility with the Minister for Climate Change and the Environment. Will the Minister now answer the question? If it proves helpful, I would be more than happy to repeat the question. If the Minister believes that he cannot answer the question, will he ask his colleague to do so and apologise for misleading the House?

The Hon. IAN MACDONALD: I have not misled the House. Opposition members should get their words right. I answered the question quite correctly. I do not have carriage of this bill in a lead sense; the Minister for Climate Change and the Environment has carriage of the bill. The Marine Parks Authority, which operates under the bill, comes wholly within the Department of the Environment. I have a concurrence role.

The Hon. Duncan Gay: That was one of my questions.

The Hon. IAN MACDONALD: The Deputy Leader of the Opposition did not ask me about my concurrence role; he asked me about a report and where it was going. The Minister for Climate Change and the Environment leads in this matter. In April 2007 there was a change of arrangements. The Marine Park Authority, in a lead sense, no longer rests with the Department of Primary Industries; it now rests with the Department of Environment, Climate Change and Water, and the Minister for Climate Change and the Environment is leading it. The Deputy Leader of the Opposition is quite free to ask that Minister a question about where he is taking the matter. Over time I consider any issues that are raised with me, and when a matter requires deliberation I put my views to the relevant Minister. Clearly, it is being led—

[Interruption]

The Deputy Leader of the Opposition well knows that the lead responsibility rests with the Department of Environment, Climate Change and Water.

THE HONOURABLE HENRY TSANG

Dr JOHN KAYE: My question is directed to the Treasurer. Has the Treasurer taken steps to acquaint himself with the relationship between his Parliamentary Secretary on Trade and Investment, Mr Henry Tsang, and the construction company Hightrade, its directors and its affiliates? Is the Minister aware that High Trade's affiliates are under investigation—

The PRESIDENT: Order! The member will resume his seat. The question is out of order. It contains imputations.

STATE ECONOMY

The Hon. MATTHEW MASON-COX: My question is directed to the Treasurer. Given that the CommSec report entitled "State of the States" released last week confirmed New South Wales as the worst performing of all States and Territories across eight indicators over the past 10 years, ranking behind even the economic powerhouses of the Northern Territory and the Australian Capital Territory, will the Minister now admit that his green shoots hypothesis really is only a figment of his fertile imagination?

The Hon. ERIC ROOZENDAAL: The consistent message I bring to question time for those opposite is to stop talking down the economy. I cannot decide whether the Hon. Matthew Mason-Cox is ill informed or is being deliberately misleading. I will leave that to the House to decide. I do not want to pre-empt the House. The CommSec report to which the member so benignly refers in fact was an analysis comparing the performance of each State with its previous performance over the past 10 years. To give the member some understanding I remind him that this the same report rated the economic powerhouse of Tasmania as number one! That gives the House an idea of what the report actually reflects.

The Hon. Matthew Mason-Cox: What does it reflect, Eric?

The Hon. ERIC ROOZENDAAL: It is taking the performance of each State and comparing it with the 10-year average.

The Hon. Matthew Mason-Cox: And where do we rate?

The Hon. ERIC ROOZENDAAL: The member should remain quiet. He had his chance. Of course, we know that the global financial crisis [GFC] has impacted most dramatically on New South Wales. The members opposite are climate change and global financial crisis deniers. They also believe that the earth is flat. They do not believe in anything. We understand that. Of course, New South Wales was hit harder than other State because it is the financial capital of Australia—and that is not surprising. I have said all along that New South Wales would be hit first and hardest by any global financial crisis. However, the indicators show that we will in fact be the first to come out of the global financial crisis. And what are those indicators? They are the green shoots of recovery. Rather than digging through the dirt to find ways to talk down the economy, we are building it up with green shoots.

Let us compare our performance today with that of the other States. New South Wales investment housing approvals are 41 per cent up, year on year. This shows improved confidence in the New South Wales

housing sector. We have done that with the green shoots of recovery and great retail sales results. Unemployment in New South Wales is the second lowest in the country. Just look at how depressed those opposite are to learn that we have the second lowest unemployment rate in the country.

The Hon. Don Harwin: You're taking all the credit, are you?

The Hon. ERIC ROOZENDAAL: The Hon. Don Harwin wants to challenge that. He wants us to have higher unemployment. We know what Barry O'Farrell's and Malcolm Turnbull's plan is about that.

The Hon. Don Harwin: Are you taking all the credit for it?

The Hon. ERIC ROOZENDAAL: I am certainly pleased to say that our economy is improving while the Hon. Don Harwin and the Hon. Matthew Mason-Cox talk it down. The results are here for all to see. What else has occurred in the middle of a global financial crisis? While credit ratings around the world have plummeted and many of our trading partners have gone into recession, what has happened in New South Wales? Our triple-A credit rating has been confirmed and improved and we have been taken off negative outlook. The doomsayers opposite kept saying, "Oh, if we don't protect the triple-A, it's the end of society." Not only did we protect it, we improved it. The proof is that New South Wales is coming out of the worst position and leading the country into recovery. And let us not forget our record investment in infrastructure: we are spending \$62.9 billion and supporting 160,000 jobs every year. That is critical evidence of how this State is going. That is why I say to the doomsayers opposite, to Barry O'Farrell and his mates, stop talking down this State and this country. We know that New South Wales is turning the corner. It has the second lowest unemployment rate in the country, below the national average. How can we not welcome and embrace this sort of information to show that we are improving?

STATE ECONOMY

The Hon. EDDIE OBEID: My question is addressed to the Treasurer. Will the Treasurer update the House on the latest key economic indicators for New South Wales?

The Hon. ERIC ROOZENDAAL: The Hon. Matthew Mason-Cox should take a lesson from the positive question asked by the Hon. Eddie Obeid wanting to know what is going on and not talking down the State, as the Hon. Greg Pearce does. I have more good news and that, of course, is our unemployment rate, which fell earlier this month by 0.5 per cent from 6.1 per cent to 5.6 per cent. Members may be interested to know that nationally the unemployment rate fell by 0.1 per cent to 5.7 per cent. This means that the New South Wales unemployment rate now is below the national average, below that of Queensland and Western Australia. New South Wales now has the second lowest unemployment rate.

This is a very good sign, but more work needs to be done. Along with Premier Rees, the Cabinet and everybody in the Labor Party, I am committed to doing everything I can to support the green shoots of recovery in New South Wales. That is exactly why now is not the time to remove the stimulus measures, despite Barry O'Farrell's repeated demands for the stimulus to end. Of course, we remain committed to our \$62.9 billion infrastructure building package and to supporting around 160,000 jobs each year. The good news for the New South Wales economy will continue. The recent New York world economic forum report showed that Sydney is emerging as the global financial services powerhouse. That independent financial development report ranks 55 of the world's leading financial systems

The Hon. Matthew Mason-Cox: Is that what the CommSec report states?

The Hon. ERIC ROOZENDAAL: The member missed this report because it is good news. He is a serial offender about bad news. This independent financial report shows that during the global economic crisis Australia jumped from eleventh in the world to second, passing the United States. That is great news for the New South Wales economy because, as I have told the House on many occasions, Sydney is the financial services capital of Australia and a key financial sector in the Asia-Pacific region. The report talked about the robust performance of our financial system in the face of the extreme instability of the past year. Sydney is the head office location of the Reserve Bank of Australia, the Australian Stock Exchange, the International Banks and Securities Association of Australia, and the Australian Financial Markets Association.

Just yesterday we heard more good news for the State economy from Access Economics—another report that the serial offender opposite deliberately overlooked. This week Access Economics reported

positive forecasts for New South Wales. Access Economics increased significantly its forecast for New South Wales's gross state product for positive growth in 2008-09 and 2009-10 of 0.1 per cent and 1 per cent respectively. Access Economics states that in 2010-11 our gross state product is forecast at 2.3 per cent, similar to the New South Wales budget forecast of 2.25 per cent. Access Economics believes that the fastest population growth in New South Wales in the 1980s and the demand for housing will be driving factors for growth and enough to compensate possible increased interest rates. To quote its latest business outlook report, demand will simply have an almost unstoppable momentum behind it. No doubt we are seeing the green shoots of recovery and this Government is committed to seeing those shoots grow to ensure economic prosperity for this State.

KOALA HABITAT PROTECTION

The Hon. RICK COLLESS: My question is directed to the Minister for Climate Change and the Environment, and Minister for Energy. Is the Minister aware that the proposed Dumaresq to Lismore TransGrid 330 kilovolt transmission line development intersects considerable areas of known koala habitat and that koalas recently have been observed and recorded along the proposed route? In his role as Minister responsible for the Environment, and Minister for Energy, what action will he take to prevent the desecration of koala habitat and the destruction of known koala populations along the proposed route?

The Hon. JOHN ROBERTSON: It is a shame the Hon. Rick Colless has such difficulty with the term "climate change"—he needs to say it more often. TransGrid is building the Dumaresq to Lismore transmission line to maintain standards of reliability for North Coast areas. Without the line, reliability standards for the North Coast will fall below those of other major centres in New South Wales. Peak demand is forecast to increase by 40 per cent over the next 10 years in the region.

The Hon. Rick Colless: That is not the question I asked.

The Hon. JOHN ROBERTSON: I know, but I will tell the Hon. Rick Colless why the line is being built. An upgrade to electricity supply in the Far North Coast is required within the next three years to ensure that current levels in reliability of supply are maintained. TransGrid has undertaken a regulatory consultation process in accordance with National Electricity Rules and has published a detailed report on meeting the future electricity needs of northern New South Wales. Its assessment was reviewed in detail by the Australian Energy Regulator.

The consultation process sought submissions and investigated alternative proposals, such as local generation and demand management. The final report concluded that the most efficient way to meet the reliability requirements of northern New South Wales is to construct a 330,000-volt transmission line between substations near Bonshaw and in Lismore. TransGrid's assessment was that, given the obligation to address the supply limitations in the area and provide certainty to customers, a demand-side solution simply would not be sufficient to maintain reliability.

As far back as 1999, TransGrid made public in its annual planning statements and annual planning reports that, due to the high demand growth in the far north of New South Wales, it would be necessary to reinforce the transmission network. At that time, six options were listed for meeting the need, including local generation and alternative energy-saving arrangements. TransGrid supports implementing demand-side solutions when possible. Recently it implemented a demand-side solution for the Newcastle, Sydney and Wollongong areas during the summer of 2008-09—the largest of its type ever delivered in the national electricity market.

However, the North Coast region requires 90 megawatts of additional capacity by 2012. At this stage the gas-fired plant in Casino that has been referred to is a proposal only. It has not received planning approval and, in any case, is not proposed to supply the level of electricity that is required. The people of New South Wales need a safe and reliable electricity supply. The New South Wales Government is not prepared to place reliability at risk. In regard to the koalas, if the Hon. Rick Colless has any information on that matter he can forward it to my office and I will seek further advice.

The Hon. JOHN HATZISTERGOS: If members have further questions, I suggest that they place them on notice.

DEFERRED ANSWERS

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

JINDABYNE HEALTHONE CENTRE PROPOSAL

On 2 September 2009 the Hon. Melinda Pavey asked the Minister for Health a question without notice regarding the Jindabyne HealthOne centre proposal. The Minister for Health provided the following response:

In order for the HealthOne initiative to progress in Jindabyne the participation of a General Practitioner is required. To date there have been difficulties in securing the participation of a GP.

The Greater Southern Area Health Service will continue discussions with local health providers in order to get the Jindabyne HealthOne up and running.

DEPARTMENTAL LIAISON OFFICER GOVERNMENT CREDIT CARD USE

On 2 September 2009 the Hon. Marie Ficarra asked the Minister for Public Sector Reform a question without notice regarding departmental liaison officer government credit card use. The Minister for Public Sector Reform provided the following response:

Following an investigation into allegations of inappropriate expenditure of public funds, and having regard to advice from the Independent Commission Against Corruption, Department Liaison Officers are not to be issued with agency credit cards and are not to exercise any agency financial delegations.

If any member has information regarding the misuse of credit cards by a Department Liaison Officer they should report their allegations to the appropriate authorities.

BULLI HOSPITAL EMERGENCY DEPARTMENT

On 2 September 2009 the Hon. John Ajaka asked the Minister for Health a question without notice regarding the Bulli Hospital emergency department. The Minister for Health provided the following response:

Emergency Departments in the Illawarra region have, like all Emergency Departments across the State, seen a very busy winter period. This has been largely due to the additional pressure the H1N1 influenza 09 has placed on our health system.

Services across the South Eastern Sydney Illawarra Area Health Service are networked to ensure that appropriate contingency plans are always in place to maintain access to services and patient safety. In keeping with normal contingency plans, during peak demand the Area Health Service medical staff are concentrated in the region's major hospitals at Wollongong, Shellharbour and Shoalhaven.

The contingency plan to divert patients from Bulli Hospital ensures patients across the Illawarra get the safest and most clinically appropriate care. This strategy is proven to be effective and ensures patients are seen as quickly as possible, and that our hardworking and dedicated medical and nursing staff have the support they need.

While Bulli Hospital provides important health services, and will continue to do so, it does not take ambulance presentations, and has not for more than five years. Under this plan it is ensured that those patients with more serious conditions are treated in major hospitals where advanced equipment and high dependency care is available.

KU-RING-GAI PLANNING

On 2 September 2009 Reverend the Hon. Dr Gordon Moyes asked the Minister for Lands, representing the Minister for Planning, a question without notice regarding Ku-ring-gai planning. The Minister for Planning provided the following response:

By the year 2036, the NSW population will exceed 9 million according to the recent projections released by the NSW Government. By 2036, Sydney's population is projected to be 40% higher than it was in 2006, or 6.0 million in 2036 compared with 4.3 million in 2006. 69% of this growth will be driven by natural increases in population, with net migration comprising the remaining 31%.

To manage and accommodate increasing population, the NSW Government has developed the Metropolitan Strategy as a long term strategic plan which provides overarching direction for the growth and development of Sydney. It sets the policy framework to coordinate planning efforts and infrastructure delivery across State Government agencies and local government.

Currently under review in light of new population data, its continued emphasis will be on planning for more employment in centres with housing located close to public transport, providing access to a range of jobs, services and cultural facilities across Metropolitan Sydney.

During the planning process, careful consideration is given to provision of servicing and transport infrastructure. The protection of environmentally sensitive areas and the provision of open space for recreation are also paid close attention. Detailed information of this nature is provided in the Department of Planning's draft Subregional Strategies which can be accessed at www.planning.nsw.gov.au or as part of each Local Governments Local Environmental Plan which are generally available on each Councils website.

In regard to the amenity of residential flat building the Department of Planning's SEPP 65, Residential Flat Design outlines specifications on height, depth, setbacks and design standards to encourage development of high quality multi-storey residential developments and urban environments.

Sydney is a very low density city by world standards. The decision to locate most new development within walking distance of centres well served by public transport is a result of consideration for residents who benefit from convenient access to services and employment. Using the land near transport nodes in the existing urban area, with high quality urban design for more intense renewal remains important to contain the urban footprint to protect valuable agricultural, bushland and significant natural environment.

It should be noted that Local Council's Development Control Plans (DCPs) also play a key role in the design of individual developments and the preservation of neighbourhood amenity.

THE WONDER OF LIFE (BEFORE BIRTH) PROGRAM

On 8 September 2009 Reverend the Hon. Fred Nile asked the Minister for Health, representing the Minister for Education and Training, a question without notice regarding the Wonder of Life (Before Birth) program. The Minister for Education and Training provided the following response:

Mr Bruce Coleman of Choices of Life Inc made an application to have his presentation The Wonder of Life (Before Birth) authorised as a Performance for Schools. Mr Coleman was subsequently authorised by the Department's Performances for Schools Coordinator.

In June this year, the Deputy Director-General, Schools had brought to his attention irregularities in the processing of Mr Coleman's application. He consequently had The Wonder of Life (Before Birth) presentation removed from the Department's Authorised Performances for Schools website pending a review of the process which led to the authorisation of the presentation. The Deputy Director-General, Schools informed Mr Coleman of his decision and his reasons.

The Department has received no complaints about The Wonder of Life (Before Birth) presentation in the last 12 months.

The decision to remove the posting of The Wonder of Life (Before Birth) presentation from the Department's Authorised Performances for Schools website and the commissioning of the review were departmental decisions. The Department's review will be permitted to make its findings and recommendations prior to any further action being taken in relation to this matter.

GAME COUNCIL ANNUAL REPORTS

On 8 September 2009 Ms Lee Rhiannon asked the Minister for Primary Industries a question without notice regarding the Game Council annual reports. The Minister for Primary Industries provided the following response:

The required information has been published as an addendum on the Game Council's website and will be included in this year's Annual Report.

UNFLUED GAS HEATERS

On 8 September 2009 the Hon. Marie Ficarra asked the Minister for Health, representing the Minister for Education and Training, a question without notice regarding unflued gas heaters. The Minister for Education and Training provided the following response:

I am advised that there have been no reported instances of ill health effects in NSW government schools caused by properly maintained and operated unflued gas heaters. The unflued heaters currently used in the Department of Education and Training's schools are specifically designed for school use and are low emission, low nitrogen oxides (NOx) and are compliant with National Environment Protection Measures, which are ambient air quality guidelines developed by the National Environment Protection and Heritage Council.

The Department of Education and Training is responding to concerns regarding the use of unflued gas heaters in schools by working with NSW Health to jointly sponsor research being undertaken by the Woolcock Institute of Medical Research. The Woolcock Institute of Medical Research is one of Australia's leading independent respiratory health and sleep research organisations.

This research will investigate any possibility of health effects that may arise from the use of low NOx unflued gas heaters in NSW government schools. The results of this study will be reported in a peer reviewed scientific journal.

Any decision regarding the continued use of unflued gas heaters in government schools will be made after the results of this research are reviewed.

SPECIAL NEEDS AND DISABLED STUDENT SERVICES

On 8 September 2009 Reverend the Hon. Dr Gordon Moyes asked the Attorney General, representing the Minister for Education and Training, a question without notice regarding special needs and disabled student services. The Minister for Education and Training provided the following response:

I am aware of the report by the Public Schools Principals Forum.

The Government is spending a record \$1.106 billion on special education this financial year, which represents more than 11 per cent of the Education budget and is an increase of more than \$50 million on last financial year.

Students with disabilities can be integrated into mainstream classes, educated in support classes in mainstream schools or attend special schools. These choices are guided by the choices parents make about how and where they want their child educated.

Students with moderate to severe disabilities across NSW enrolled in regular classes are supported by an allocation of more than \$94.6 million through the Integration, Funding Support Program.

Students with learning difficulties, including students with a mild intellectual disability, are supported through the \$134 million Learning Assistance Program. This program provides 1,378 specialist support teachers to support students with learning difficulties.

In schools with support classes for students with special needs, staffing levels are determined on the basis of the educational needs of each student with a disability. Principals are able to form classes to support the differing needs of students.

Each support class has a teacher and a school learning support officer. This means there are two adults in every support class which range in size between 6 and 18 children.

In the November 2008 mini-Budget the NSW Government approved an additional \$9.3 million to support students with special needs and their teachers. These funds have provided the equivalent of an additional 80 full time specialist teacher positions in 265 schools across the State in 2009. These specialist teachers are providing support for students with complex additional learning needs, including students with autism and other learning and behavioural difficulties.

The Department of Education and Training is considering expanding this initiative, to build on its strengths, together with the strengths of the Learning Assistance Program, to create a new model of support for students with additional learning needs and their classroom teachers.

The proposal for the School Learning Support Program has been the subject of extensive and on-going consultation with principal, parent and community, advocacy and union groups.

The consultation will continue until the middle of next year. This next phase of the consultation will include a trial of the program. The Department will also disseminate information to school groups during this period about the indicative amounts of funding that they would receive under this proposed model.

No decisions about the program will be made until further feedback from parents, teachers and principals has been considered and the Department has assessed the outcomes of the trial.

CANOLA HANDLING CHARGES

On 9 September 2009 Mr Ian Cohen asked the Minister for Primary Industries a question without notice regarding canola handling charges. The Minister for Primary Industries provided the following response:

I am advised there will be no differential charges applied to GM or non-GM Canola.

I understand GrainCorp rely on declarations from growers at the point of receipt as to the GM or non-GM status of the Canola delivered.

These declarations will be backed up by routine sampling and testing of received grain at GrainCorp's expense.

GrainCorp also have the ability to cross check receipts against details of approved GM Canola growers.

MENTAL HEALTH SERVICES

On 9 September 2009 the Hon. John Ajaka asked the Minister for Health a question without notice regarding mental health services. The Minister for Health provided the following response:

I am advised:

A tender process is currently underway that may see the transfer of the Garrawarra Centre, to the non-Government sector. Such a transfer will only occur if non-Government operators can prove they can deliver the same or even higher quality care for residents and positive outcomes for staff and the health system.

Continuing, priority will be given to ensuring minimum disruption to the Garrawarra Centre residents and ensuring that families, carers and guardians are fully briefed about any changes. Communication with all stakeholders has been and will continue to be undertaken on a regular basis throughout this process.

PORNOGRAPHY EXPOSURE

On 9 September 2009 Reverend the Hon. Dr Gordon Moyes asked the Attorney General a question without notice regarding pornography exposure. The Attorney General provided the following response:

The sale of X-rated material is strictly prohibited under NSW Law. Section 24 of the Classification (Publication, Films and Computer Games) Enforcement Act 1995 (NSW) prohibits the sale or showing of X-rated material to minors. This offence is punishable by up to \$16,500 or two years imprisonment for an individual, and \$33,000 in the case of a corporation.

The issue of establishing programs in NSW schools to educate high school children about the dangers of pornography is matter for the Minister for Education.

GET THERE BUS IT PROGRAM FUNDING

On 10 September 2009 the Hon. Charlie Lynn asked the Minister for Police a question without notice regarding the Get There Bus It program funding. The Minister for Police provided the following response:

The NSW Police Force has advised me that the Camden Liquor Accord is currently considering the provision of safe transport options for young people in the Camden area, particularly on Friday nights.

RABBIT MEAT HEALTH STANDARDS

On 10 September 2009 the Hon. Rick Colless asked the Minister for Primary Industries a question without notice regarding rabbit meat health standards. The Minister for Primary Industries provided the following response:

Any harvesting of wild rabbits for human consumption must be done in accordance with the Australian Standard for the Hygienic Production of Wild Game Meat for Human Consumption.

The Standard requires rabbit harvesters, their vehicles, field storage depots and rabbit meat processing facilities to be licensed.

The processing facilities are also inspected and audited for compliance.

The NSW Food Authority enforces compliance with these requirements and has investigated three recent complaints.

Any information relating to the illegal sale of rabbits to abattoirs should be directed to the NSW Food Authority.

Questions without notice concluded.

MAJOR EVENTS BILL 2009

Second Reading

Debate resumed from an earlier hour.

Reverend the Hon. FRED NILE [5.02 p.m.]: In response to injections made earlier in the debate by the Greens questioning whether there is any value from tourism associated with major events in the State, I point out that tourism alone injects \$24 billion into the New South Wales economy each year and that the 2009 World Masters Games held in Sydney recently provided a \$48 million boost to the State's economy. That is the evidence of benefit derived from holding major events.

I ask the Government to clarify the structure of the Major Events Authority. The bill states that the authority may be governed by a chief executive, or by a board with management and control exercised by a chief executive. My concern arises from some controversy associated with legislation that set up other major events. I ask the Minister to address in his reply the manner in which the Government will enforce policy decisions regarding which major event the Government will sponsor. A few years ago controversy arose over whether the Gay Games, Mardi Gras or the Sexpo convention could be declared to be major events. It is important for the Government to state a clear policy on declarations and to have the power to veto some events that are not held in the public interest of the State. I ask the Government to indicate how it will apply a veto to operations of a chief executive or a board acting as the authority, or whether the authority will have free reign in deciding whether to sponsor events. Clause 44 of the bill states:

A person must not do any of the following at a major event venue or facility:

- (a) use indecent, obscene or threatening language,
- (b) behave in an offensive or indecent manner,
- (c) cause serious alarm or affront to a person by disorderly conduct ...

I am pleased that that provision has been included in the bill. I note also that clause 43 (7) deals with a "prohibited thing"—and apparently the Greens have a thing about that. Clause 43 (7) (g) provides for the clause to apply to "any other thing prescribed by the regulations", and the use of that wide provision is justified to avoid listing a thousand items to which the provision could apply and to retain some flexibility. Some factors that come to my mind, which perhaps are not included in the legislation, include a homemade bomb, a hand

grenade, a smoke bomb, a laser and even a taser stun gun, or jagged steel poles that have been used by some protest groups. Having made those comments, I conclude my remarks by expressing the support of the Christian Democratic Party for the Major Events Bill 2009.

The Hon. KAYEE GRIFFIN [5.06 p.m.]: Major events can be of enormous economic and social benefit to the State. The bill will assist in attracting major events to New South Wales and will facilitate the holding of those events. The bill brings together standard provisions that have commonly been used in special legislation for major events held in New South Wales—for example, the World Youth Day Act 2006 and the Olympic Arrangements Act 2000. By gathering together standard provisions in one piece of legislation, the bill will remove the need to enact special legislation each time a major event is being held in the State.

In addition, by using uniform provisions, the bill will increase certainty, transparency and consistency in relation to the regulation of major events. This is important both to the community in general as well as to organisers who wish to hold events in New South Wales. Some other jurisdictions, including Victoria and New Zealand, have enacted generic events legislation. The Major Events Bill 2009 is an important way for New South Wales to demonstrate its continued commitment to attracting and staging major events in this State. The availability of generic events legislation will also make New South Wales an attractive venue for event organisers, giving New South Wales a competitive edge in securing major events. The desirability of that has been mentioned on a number of occasions during the debate.

The bill is aimed at major events that are anticipated to be on a large scale and involve a great number of participants or spectators. The events can be of a sporting, cultural or other nature, such as international football matches, festivals or conventions. World Youth Day, which was held in Sydney in July 2008, is one example of a particularly large major event involving hundreds of thousands of participants and spectators. The Sydney 2000 Olympic Games is another example. The bill is modelled on the provisions of special legislation enacted for World Youth Day and for the Sydney 2000 Olympic Games.

Typically, major events are likely to be logistically complex because of the large number of participants or spectators attending, and those events will need government coordination of services in relation to roads, transport, police and health services. The Major Events Bill 2009 has many different provisions that may be applied to special events. However, these provisions do not have to apply to all major events. Instead, the legislation provides flexibility by allowing different provisions to be individually activated and applied to a particular declared major event by regulation.

Not all the provisions of the bill will be relevant to every major event. For example, the bill sets out optional provisions for creating a special government agency to coordinate government support of an event. It will not always be necessary to create a special government agency, so the bill also allows for an existing government agency or official to be designated as the responsible authority for the event, rather than a new specially created agency. The Government's decision on which provisions will apply to a particular major event will be set out in regulations made under the bill, along with the period of time that those provisions are to apply. The regulations will be made by the Governor with the advice of the Executive Council. Parliament also has a role in the making of regulations, as either House of the Parliament may, within certain time frames, vote to disallow a regulation.

One question that has been raised about this legislation is whether special legislation may still be required for some major events. The Major Events Bill 2009 will remove the need for special legislation altogether for some major events. However, due to the circumstances of a particular major event, special legislation may still be required to address specific issues for that event. The bill will, however, reduce the number of provisions in special legislation required for a particular event because at least some of the standard provisions contained in the bill are still likely to be relevant to the event. Other jurisdictions have enacted generic major events legislation covering some of the areas in the bill. Recently Victoria passed the Major Sporting Events Act 2009, which incorporates into one Act three previous Victorian pieces of legislation relating to ticketing, crowd management and aerial advertising for major events and also includes provisions relating to advertising, roads and the modification of other legislation.

Queensland has enacted provisions for major events or venues in a number of different pieces of legislation, including provisions for preserving safety for declared special events in the Police Powers and Responsibilities Act 2000 and controls on advertising in the Major Sports Facilities Act 2001 and the Motor Racing Events Act 1990. In addition, New Zealand's Major Events Management Act 2007 contains provisions for controls on advertising and marketing for declared major events, including protecting event emblems and

words. The bill before the House today is the result of careful consideration of New South Wales special legislation enacted for previous major events and the legislation used by other jurisdictions. It will ensure that New South Wales keeps its competitive edge in attracting events to this State and can continue to provide coordinated government services to major events.

Mr IAN COHEN [5.12 p.m.]: I want to add a few thoughts on the Major Events Bill 2009, which Ms Sylvia Hale has already comprehensively covered for the Greens. I do so because, having been involved recently in the Repco Rally on the ground, I am concerned about legislation made in this place, how it is translated and how it affects people. In this House we make legislation, often with the best intention, that has significant impacts that are not foreseen or, more likely, the alienation of our lifestyle here means that we do not care so much. When there are significant events, be it the Pope's visit or the Repco Rally, such legislation should be debated in the Parliament and we should be able to discuss these matters; provisions should not be packed in one major bill as a convenience. This debate is about a bill that is designed for business certainty. Unfortunately, that is at the expense of cultural diversity and environmental concerns, particularly in the case of the Repco Rally.

The recent example of the Repco Rally held in and around a world heritage listed biodiversity hot spot is a lesson in how much damage can be done when decisions on special events are made outside the community of interest and in contravention of existing planning and regulatory instruments. This bill will permanently enshrine the right of the State to exclude local communities from having a say in what kind of tourism and cultural events happen in their area. I am talking about minority rights. Obviously, many people support these types of events. During the rally I was on the ground with other protestors and I saw people coming in, mainly from a distance, with a very different attitude from those who lived in the area—those who had deliberately made these beautiful environmental areas their home. The tourists saw the area as a racetrack and acted accordingly, and there was a great deal of friction as a result. The people whom I represent in this instance, those who are concerned about their community and environment, felt like they had been overruled.

From now on special events will be declared by regulation, rather than following consultation. As well as environmental damage, the Repco Rally caused a great deal of animosity in the community—and the damage done cannot be measured. The Repco Rally organisers promised community consultation. When the few consultations proved how unpopular the event was amongst the locals, the New South Wales Government, at the request of the International Automobile Federation based in Paris, announced that it was preparing special events legislation simply to ensure that the rally went ahead. This legislation will not take into account the appropriateness of any event. The Repco Rally is a perfect example of this. For many people who choose to live on the North Coast because of its natural beauty, the event is completely out of step with that lifestyle choice. I have raised this matter in the House previously, and there is no need to go into further detail.

Certainly, tourism on the North Coast is largely made up of people coming to see the natural beauty of the place. By regularly staging an event that brings a different kind of tourist to the area, the feel of the place is altered and the event is purgatory for those who must endure an invasion by people who do not have the same sensibility as residents of the area. The rally cars travelled on tiny dirt roads and sometimes people lived just metres from those roads. They are beautiful, picturesque country roads in forested areas. After the rally cars went through I had a look at the roads. Native animals were killed. I think I mentioned previously that I had to save a snake—that might be a joke to some people, but it was a difficult task—that had been run over; we took the snake to a carer.

The Hon. Rick Colless: There were snakes hiding in trees and throwing rocks on the road.

Mr IAN COHEN: I acknowledge the interjection by the Hon. Rick Colless. They were not throwing rocks, and I will come to that in a minute. That was a beat-up by the organisers, and after the event the police agreed that the protesters were not throwing rocks. That sort of thing occurs; people like to beat up the image of those who have a right to protest in a so-called democracy, yet somehow when they do that peacefully the authorities take any opportunity to misconstrue the situation. That misinformation was spread through the international media and, as with many other situations, there was no redress because once the event was over the damage had been done.

This bill will ensure that people who have an interest in what goes in their area have absolutely no power to protest. Speaking of protests, this bill takes away the common law rights of assembly and the freedom to protest. The Repco Rally bill turned off key environment and land use planning legislation; the National Parks and Wildlife Act, the Environmental Planning and Assessment Act, the Threatened Species Conservation

Act, the Forestry Act, the Water Management Act, the Fisheries Management Act and the Local Government Act were all switched off by the Repco Rally legislation. The bill gives extraordinary regulation-making powers to the Minister to allow him to accommodate any requirements of event organisers. Given the tendency of this Government to flog the assets of this State for the sake of a quick buck, I am concerned about where this regulated events regime will take us.

I saw the beautiful Far North Coast of New South Wales ravaged by cars carving through it at speeds of up to 160 kilometres an hour. I have already discussed in this House the other impacts of such events, including copycat driving in these areas and the danger that presents for wildlife and people. However, that argument seems to have fallen on deaf ears in this House. This bill will effectively see other government agencies in the service of private companies that are staging events. For example, the local police in the Tweed and Murwillumbah shires were pressed into service at the rally and used in a media campaign against protestors. Members of the public order and riot squad arrived from the city in their imposing black four-wheel drive vehicles. These police were trained in riot squad techniques, not in how to deal with general protestors.

So it became a very oppressive situation. After arranging with a group of police to stay behind a line at one point, the riot squad police very aggressively made people stand further behind the line. I complained publicly that that was not appropriate in view of the earlier agreement about where to stand. The head riot squad police officer then approached me and told me in a very threateningly manner that I would be arrested for affray if I did not shut up. As a member of Parliament that would certainly get me into great trouble, so I withdrew without comment. But it was an extremely tense situation.

Building from that, the rally organisers told police that so-called protestors threw rocks at the cars. The police reiterated that publicly to local and international media, thereby negatively branding the peaceful protestors and taking away from the real offence, which as far as I am concerned was the Government-sanctioned rally—which would have been illegal on many fronts were it not for the special legislation. The rock-throwing incident was hearsay as the drivers said they knew nothing of it. The police admitted the same—but only after all the international media had gone home and of course the damage to locals was done. This bill will create more of these unholy alliances. It makes me think of the Pope's visit—and I was interested to hear the comments of Reverend the Hon. Fred Nile—

The Hon. Duncan Gay: You are against the Pope as well, are you?

The Hon. Greg Donnelly: It was not an unholy alliance.

Mr IAN COHEN: I appreciate the interjection that it was a holy alliance but I see it a little differently. We all have that right in this House. I still have a picture in my office, which members are welcome to view, of a big lion's head. I wonder what sort of reaction I would have got if I had stood up in front of many thousands of Christians. It is my right to do that, nevertheless one would have to be a brave soul—and I use the word advisedly—to withstand the hordes of Christians. It is a beautiful picture of a lion with the caption "Sponsor a lion—100,000 Christians, one stadium". Some people have a different perspective on humour, but I see those types of things at protests time and time again. We are labelled as some sort of rock-throwing fanatics and violent radicals when in actual fact we are pretty good at sending up the system.

But unfortunately the system is often not flexible enough to deal with those circumstances. That lack of flexibility then means that legislation such as this must be enacted because the Government cannot cope with protests and complaints against it. Fortunately, I am protected by the amenity of this establishment in expressing myself, but that same level of expression is not necessarily granted to many people in the community who oppose these events, particularly with the support of this type of law. It means that public opposition will be far more limited and I believe human rights will be violated in the future under this law. New South Wales is a beautiful place with much to offer locals and visiting international guests. It will inevitably be said that I am against events per se and that the Greens are anti-fun. Yet nothing could be further from the truth.

But why do we support holding car races in inappropriate places, for example? That is a very specific case. Why not break through the idea that the inner city is the only place for an art scene and take events to the suburbs and regions? The Byron Bay Writers Festival in my hometown brings local and international guests to the area. It generates an enormous amount of revenue for the region every year, and people love it. Inclusive cultural and sporting events held in places where people want them do not require special legislation. Sydney

Festival events can be held in local council areas because the majority of people are happy to be part of them. This legislation gives the kind of certainty that commercial interests love, but what it rips from the community is unacceptable. It should not be allowed.

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

ADJOURNMENT

The Hon. TONY KELLY (Minister for Lands) [5.25 p.m.]: I move:

That this House do now adjourn.

EXECUTIVE REMUNERATION

The Hon. MICHAEL VEITCH [5.25 p.m.]: Late last year when fears about the impact of the global financial crisis were at their highest Federal corporate law Minister, Nick Sherry, said:

Unrestrained greed in the financial sector has led to the biggest global recession since World War II.

"Unrestrained greed" could quite easily be another term for the money, bonuses, pay, stocks, shares, golden handshakes, golden parachutes, and even golden hellos, that have been, and still are, freely and extravagantly handed out to executives. The fact that the base salary of an executive is up to 150 times more than the amount an average worker receives is not the worst of the problem, but the effect of such massive wealth being in so few hands is a real threat to jobs. Recently in Gladstone, Queensland, it was revealed that Aluminium Division head Dick Evans would receive a payout close to \$16 million whilst 600 Rio Tinto Alcan workers faced unemployment. When Paul Moore, the chief executive officer of Pacific Brands, left the company he received a \$3.4 million payout after moving work offshore, closing factories and leaving almost 2,000 people unemployed in rural Australia.

In addition, last year when Telstra Corporation head Sol Trujillo left the company he received in total \$33 million for four years work. His annual salary was \$13.4 million, which equates to \$25,800 a week. That is only \$5,000 less than many Australians make in one whole year. During his time as head honcho he axed 10,000 jobs and the company's share price dropped drastically. It was quite a success really! I could go on to list many more examples of unrestrained greed. Charles Handy, a prominent management writer, claims "Big valedictory payouts have made ineptitude as a senior executive the shortest route to instant millionaire hood".

Women are at a disadvantage too. The Equal Opportunity for Women in the Workplace Agency census entitled "Women in Leadership", which was drawn from 2008 census data, says, "the pace at which women are advancing into senior leadership roles in corporate Australia is glacial." The census goes on to summarise that women chair only four boards and hold only 8.3 per cent of board directorships, which is down from 8.7 per cent in 2006. Women hold four chief executive officer positions and held only 10.7 per cent of executive management positions in 2008, compared with 12 per cent in 2006. That is appalling when women make up 45 per cent of the workforce in Australia. The other conundrum is the difference in pay. Whilst out of reach of the average worker, female executive remuneration is still nowhere comparable to that of their male counterparts. There are some arguments that the whole culture of the corporate world needs to be overturned; that the whole sector is based on risk-taking behaviour and that is what gets rewarded. National Secretary of the Finance Sector Union, Leon Carter, says:

Australia can't afford a finance sector that answers only to itself.

Creating a sustainable financial sector depends on rooting out the sales-and-bonus culture.

Sharan Burrows from the ACTU believes the wages are not justified, and says:

This is not the kind of corporate leadership that Australia needs. Executives have to stand up for decency and take a hit for their pay.

But there is good news. The Rudd Government has been inquiring into the issue of executive pay. In March this year a law was introduced to put a cap on golden handshake deals. It also allows shareholders to step in and have a say. The previous laws allowed intervention only when the bonus exceeded seven times the yearly wage of the executive. They can now question the decision if a package exceeds one year's salary. Also announced in

March was a public inquiry by the Productivity Commission into executive remuneration in Australia. A draft report was released in September this year and outlines many suggestions to amend the situation, such as improving board capabilities, reducing conflicts of interest, improving relevant disclosure, introducing well-conceived remuneration policies, barring executives from sitting on remuneration committees, requiring that remuneration consultants report to boards independently of management, prohibiting directors and executives voting for their share options, and any undirected proxies on remuneration issues. When executives explain why they deserve such gigantic remuneration they say it is because they have taken high-risk, high-pressure jobs.

FORBES RENAL DIALYSIS

GREATER WESTERN AREA HEALTH SERVICE UNPAID ACCOUNTS

DUBBO BASE HOSPITAL PATIENT TREATMENT

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [5.30 p.m.]: I raise the concerns of the Forbes community in relation to local dialysis treatment. I have been contacted by several families and carers of those being forced to travel to Orange for dialysis who are both emotionally and physically strained at having to make the return trip to Orange three times per week. Some patients travelling from as far as Condobolin are forced to travel up to 1,000 kilometres each week. This is made worse because many patients bypass their local hospital to do so—they actually drive past their local hospital. The long distances on top of their dialysis treatment means that some patients endure an 11-hour day, three times per week. Although I have called on the Government to provide additional shifts at the Forbes Dialysis Unit, I am concerned those shifts will be forgotten, given we now have our fifth Minister for Health in four years.

Last month I called on the former health Minister, the Hon. John Hatzistergos, to provide two more shifts at the Forbes unit—those shifts are crucial. Patients requiring renal treatment should not be forced to travel long distances purely because they live in the bush. The current Minister for Health, the Hon. Carmel Tebbutt, must take serious action as a matter of urgency. I will not give up on this issue until a more efficient program is put in place to cater for the needs of dialysis patients in regional New South Wales. The Government must seriously consider providing an additional two shifts per week to cater for at least eight patients in the Forbes region who are struggling to travel that long distance to Orange.

It took two years for former health Minister, Reba Meagher, to deliver on her promise to set up a dialysis unit at Forbes, and that was only after ongoing pressure from the Opposition and local patients. The people of Forbes and further west certainly do not want such a long delay this time around. In March this year, the Forbes Dialysis Unit received extra chairs—after two years of constant pressure from me and my colleague the shadow Minister for Health, Jillian Skinner—which have made a huge difference for local dialysis patients. We now need to help the others.

On another issue, I relate to the House the seriousness of issues relating to the Greater Western Area Health Service. It is certainly no secret that the Government's inability to pay its bills on time is crippling many businesses and leaving innocent members of the community to bear the brunt of Labor's financial mismanagement. I have put pressure on the Government in relation to this issue since the first report of an unpaid bill emerged in August last year. It is now over 12 months on and not so long ago we heard that the New South Wales Labor Government has racked up \$69 million in unpaid bills across New South Wales, including \$9.8 million owed by the Greater Western Area Health Service.

In addition to the Government's inability to pay its bills on time, there have been several serious cases of apparent misdiagnosis at the Dubbo Base Hospital. On 3 September 2009 I asked former Minister for Health, the Hon. John Hatzistergos, the following series of questions:

With regard to Dubbo Base Hospital, can you explain why an 18-year-old girl who is now at the Royal Prince Alfred Hospital with fluid on her brain and a spinal drip was turned away from Dubbo Base Hospital three times, after being told she had a mental health problem? Will the Minister give a guarantee that a formal internal investigation will be conducted into the matter? Given that this is the third case of this nature in under a month, can the Minister explain what steps he will take to make sure this type of situation does not happen again?

In a visit to Dubbo two weeks ago the family of the young girl advised me that they are still no further ahead in getting answers as to why this happened in the first place. This family needs answers. This type of incident

cannot be ignored. The Minister cannot indicate that the family will be contacted and an inquiry will be conducted when the Government has not yet contacted the family. I await an outcome of the specific steps put in place by the Government to ensure this type of situation does not happen again. I look forward to hearing that the family has been contacted. I hope that the Government adheres to its word, unlike the Hon. John Della Bosca, who said that the benchmark had been established and will be met on payment of the bills. [*Time expired.*]

TRANSGRID POWER LINE CONSTRUCTION

Dr JOHN KAYE [5.35 p.m.]: New South Wales electricity system owner and operator TransGrid is bulldozing through a quarter of a billion dollar high-voltage power line from Bonshore on the Queensland border to Lismore. That 330-kilovolt transmission link is hotly opposed by the Tenterfield community and by environmentalists concerned about the impacts of the 60-metre wide biodiversity dead zone that will cut through important woodlands, forests, riparian zones and farmlands. TransGrid claims that the line is essential to supply the growing population of the North Coast and to provide additional supply security. Neither of those claims would survive careful scrutiny, nor do they reflect the reality of a modern greenhouse-constrained electricity industry. In its May 2009 project update TransGrid claimed:

The population of Far North NSW is expected to grow by at least 23 per cent, or around 60,000 people by 2031. Consequently, peak demand for electricity in the region is expected to grow by more than 40 per cent over the next 10 years, which is significantly higher than the NSW average.

Without challenging those statistics, simple mathematics show that that claim could be true only if new residents to the North Coast supply region contribute 40 per cent more to the peak load than existing residents contribute. That is nonsense. Even if it were true, it would be a stinging indictment of building energy efficiency codes. The majority of new residents arriving on the North Coast will live in newly constructed dwellings that will be more energy efficient, not less. Therefore, their contribution to the peak load will be less, not more, than existing residents. Clearly TransGrid has inflated its forecast of the need for that line in order to justify building it.

Further evidence is provided by the peak load growth forecast graphs that were provided with the documentation for the project. The historical records show that the load flattens out and in some cases trends downwards, partly because people are becoming more energy efficient and more concerned about their energy consumption. Despite the flattening and indeed downward trend of peak load forecast graphs, TransGrid continues to project an upward straight-line forecast of about 100 megawatts additional summer peak load growth over the next four years—that is, on a straight line going off to eternity. Despite the evidence provided by the historical record, and despite the evidence provided by international experience, TransGrid continues to provide forecasts that will not stand the test of time. It forecasts pure fiction, but a pure fiction that is highly dangerous because it will support the construction of the transmission line that TransGrid wants to build.

There is no doubt that there is population growth on the North Coast, but TransGrid wants to lock in the people of the North Coast to the coal-fired power stations of Queensland. Along the way TransGrid will increase power bills to pay for the line, expand the carbon footprint of North Coast residents and kill off the future economy for renewable energy, demand management, energy efficiency and local generation. With it, thousands of new jobs and new economic opportunities will be lost. This is 2009. We should not be using last century's solutions but should look for solutions that are jobs rich and are better for the environment, better for reliability and better for the economy.

Each and every one of those solutions points to local generation alternatives, those that include demand management, making sure that every new appliance is fitted to the smart grid, making sure that every new dwelling is highly energy efficient, and making sure that every new dwelling has in it equipment that does not use massive amounts of energy, as in the past. TransGrid is engaged in an act of power without purpose. It is breaching the social contract between the public and a public enterprise. It is time for the shareholding Ministers, Minister Tripodi and Minister Roozendaal, to step in and reinstate that social contract, by making sure that TransGrid does not get away with building a power line that New South Wales does not need and certainly the North Coast does not need.

The Ministers should make sure that our power line does not cut through absolutely crucial biodiversity zones that would be destroyed once and for all by a 60-metre wide swathe being cut through those areas. This is an important issue not only for the people of northern New South Wales but for all people in New South Wales who are concerned about an economically successful future.

LABOUR DAY

The Hon. KAYEE GRIFFIN [5.40 p.m.]: Tonight I would like to make mention of the significance of Labour Day, commemorated in New South Wales in October each year. Celebrated in Australia, New Zealand, Canada and the United States of America, Labour Day recognises the immense contribution of workers towards their nation's economy and the historic struggle to improve the rights of the working class.

For us in New South Wales, Labour Day specifically commemorates the successful campaign for the eight-hour working day for Australians and marks the early struggles of workers campaigning for better working conditions in the early days of the colony. Labour Day is an excellent opportunity for all Australians to reflect upon the rights, entitlements and safety nets that Australian employees enjoy today. We are extremely lucky in this respect and as the resounding rejection of the Howard Government's WorkChoices demonstrated, to this day Australians still recognise that the rights of workers are worth fighting for.

In Australia in the 1800s skilled workers generally worked upwards of a 60-hour week. For unskilled workers it was longer and child labour was not uncommon. In 1876, for example, the New South Wales Coal Mines Act was passed to ban the employment of children under the age of 13 in mines and limit the working week for boys aged 13 to 18 years to 50.5 hours per week. The legacy of political agitation and protest in Britain during the 1830s and 1840s, which mobilised the working class to fight for social and political reform, reached the Australian colonies during the 1850s. In what is widely regarded as a world first, stonemasons on building sites in Sydney campaigned against their long hours and poor conditions by demanding the introduction of the eight-hour working day. Stonemasons were in a unique bargaining position at this time. As skilled tradesmen trained in a specific craft they were well organised and in high demand during the building boom of the 1850s that followed the discovery of gold in Australia. Workers on two Sydney sites went on strike and subsequently won the eight-hour day in 1855.

At the same time Melbourne workers were very proactive in mounting their own eight-hour day campaigns and similar successes soon followed across the nation. These successes are proudly celebrated as some of the greatest ever victories of the Australian workers and the first occasion that workers were able to clearly demonstrate that it was possible to effectively organise, mobilise and agitate in order to exercise significant control over their working conditions. The five-day, 40-hour week was achieved almost a century later, in 1948.

It is interesting to note that the workers were not striking about wages, but rather were seeking a better quality of life. The stonemasons who believed in eight hours work, eight hours recreation and eight hours rest, even made it clear to employers resisting the move that a pay cut proportionate to the change in hours would be agreed. The notion that each day should provide eight hours work, eight hours rest and eight hours recreation was a progressive way of thinking for the time. The idea that working people deserved the opportunity to enjoy and improve their lives and have some element of control over their working conditions was deemed to be radical by employers opposed to the plan.

Shorter working hours appeared problematic for employers and the State alike, with concerns about decreased wealth production, and the fear that workers who had more leisure time would use this to congregate, educate and socialise, which presented the danger of a challenge to the status quo and in turn posed a risk to the civility of the colony. One popular argument widely promoted by opponents against granting a decrease in working hours was that masons would "indulge to excess in intoxicating drink" if their leisure time was increased. Churches however supported the eight-hour day, in the hope that more family time and increased recreation time would improve workers' spirituality and provide the opportunity for increased religious observance. Workers persevered with their push for improved conditions and more than a century on we commemorate their success on Labour Day, observing the historic recognition of the importance of a work-family balance.

These early victories saw the birth of Australia's proud trade union movement as we know it, and to this day our unions continue to promote the principles of fairness and equality in the workplace and the importance of a work-family balance. In 1871, Sydney unions organised a procession, followed by a picnic, to mark the campaign for an eight-hour day, and that developed into a holiday in 1885. Today various Labour Day activities are held across the nation in celebration of organised labour's achievements on behalf of the worker.

This October, officially the 154th anniversary of Labour Day as we know it, is an excellent opportunity to reflect on the struggles of many generations before us who stood up for the conditions and wages they deserved. I am proud that we as a State and Australia as a nation still observe Labour Day, commemorating the importance of this movement in improving the rights and entitlements of workers.

BUSHFIRE HAZARD REDUCTION

The Hon. MELINDA PAVEY [5.45 p.m.]: Based on recent figures from Labor's annual report of the Rural Fire Service [RFS], at the rate this Government is going it will take approximately 214 years to hazard reduce all fire-prone land in New South Wales. On top of this, in 2008-09 New South Wales Labor failed to complete 30 per cent of planned hazard reduction works. What these two shocking statistics prove is that in some communities across New South Wales fuel loads are still at dangerous levels. In the wake of the Victorian bushfires, this demonstrates that New South Wales Labor is not seriously tackling the issue of hazard reduction in this State.

After 10 years of drought combined with accumulated fuel loads and a failure to carry out hazard reduction, we face a frightening prospect as we approach what has been claimed will be a very dangerous fire season. Fuel is the friend of fire, and unless New South Wales Labor carries out adequate fire prevention measures New South Wales will continue to be at risk of bushfires that may threaten both property and life across our State. This is why I will be launching a website called "No fuel no fire" at www.nofuelnofire.org. I want to hear from firefighters and concerned locals across the State about their community and their preparedness or otherwise for the upcoming fire season, whether it relates to hazard reduction or blocked fire trails. In this way the public can help pressure the New South Wales Labor Government to take its responsibilities for bushfire hazard reduction seriously.

After inspecting the dangerous fire that nearly took out the village at Brooms Head near Grafton last week, I understand more than ever the need for preparedness as we approach the fire season. The 200-strong community was up in arms as the fire came within metres of many properties, and the locals' perspective is that part of the problem can be attributed to the lack of hazard reduction and fire trail maintenance around their community. Local volunteers reported that there were issues relating to mismanaged fire trails and public land management, which contributed to the severity of the fire. Many say that if it had not been for a late change in the wind the community itself could have been destroyed. Whilst the community was saved, it can be mostly attributed to the efforts of the RFS and the volunteers on the ground tending the fire throughout the night. I fear that without them the consequences may have been catastrophic.

Due to the diligence and hard work of the volunteers, there has not been any loss of life or property around the Brooms Head community. But almost 10,000 hectares of beautiful country—scrubby but nevertheless beautiful and environmentally protected country—has been devastated by these fires. On behalf of the Liberals and Nationals I would like to express our sincere thanks to the RFS and volunteers for their outstanding efforts to stop the fires reaching the doors of homes around Brooms Head. However, this time we may have been lucky and I believe that we need a full and frank review of the land management surrounding the village and other affected communities.

The Brooms Head fire is unfortunately just a taste of what is to come in the fire season. Having met with a number of concerned locals and volunteers and having received correspondence from people in fear of fire, I think we can safely assume that these problems are not unique to the community of Brooms Head. One of the areas of greatest concern is on the North Coast, given that the mid North Coast floods have left the region more volatile than ever, as there has not been any substantial rain for months now and the fuel loads have continued to accumulate without being treated. Given that last year New South Wales Labor failed to complete almost 50 per cent of planned hazard reduction work and 30 per cent has not been completed this year, fuel loads have continued to accumulate. I have reports of fuel loads of up to 40 to 50 tonnes around the Blue Mountains. While there has been a slight improvement in the percentage of hazard reduction works completed, the fact remains that the latest figure for the number of hectares treated, which we estimate from sources around New South Wales at 124,000 hectares, equates to a meagre 0.4 per cent of the State's fire-prone land. Fire-prone land in New South Wales stands at 30 million hectares out of the total State area of 80 million hectares.

The Government and Minister Steve Whan will not release the hazard reduction achievement figure. However, our best estimate, which has not been refuted by the Minister, is that last financial year 124,000 hectares were hazard reduced. In light of the recommendations of the Victorian Bushfires Royal Commission about being prepared, it is clear that New South Wales is not as prepared as it should be. [*Time expired.*]

COALMINING

Ms LEE RHIANNON [5.50 p.m.]: Many rural residents and more recent tree changers are finding their lifestyles disrupted and often destroyed by coal industry operations. At Blackmans Flat trucks roar down

the Castlereagh Highway carrying the coal that powers the Mount Piper electricity plant, which keeps Sydney ablaze with light. But for the residents of this tiny settlement on the outskirts of Lithgow, Mount Piper and the local coalmines cast a menacing shadow. Mount Piper's cooling towers rise over the 15 houses strung out along the main street and the village is hemmed in by two open-cut coalmines and a 65-hectare fly ash dump from the plant.

The noise of heavy machinery rumbles over the village and coal dust and ash settle on roofs and in carpets and curtains. Blasting at the mines—with estimates of 110 explosions in the past two years—has broken windows and cracked walls. For the people of Blackmans Flat the coal industry has come too close to their homes, making life almost unbearable. These issues are also troubling people in the Hunter Valley, the Central West and southern Sydney as coalmining creeps ever closer to local settlements. Michelle Vincent, a resident in Blackmans Flat, who moved there nine years ago with her husband, Wayne, who drives a coal truck, said:

I don't know how much more we have to go through to let them know we just can't keep going.

We like it here—we don't want to move but that is our only option.

A campaign by residents for compensation so far has achieved nothing. Despite lobbying from the Greens and local State member of Parliament Gerard Martin—I understand that Mr Duncan Gay also spoke on this issue at a meeting with Frank Sartor when he was Minister for Planning—no agreement has been reached about who should pay to move the families. The Government is using the excuse that no consent conditions would force mine owners to compensate residents. The Upper Hunter and surrounding areas have also become collateral damage for the coal industry. Communities such as Gloucester, Gunnedah, Mudgee, Denman, Broke, Awaba and Merriwa will join the communities of Muswellbrook, Singleton, Camberwell, Glennies Creek and Warkworth whose environments have been trashed and their air quality diminished, and where land values have hit rock bottom.

These areas were once associated—and in some cases they still are—with wonderful lifestyle qualities and rural attributes. The pressure is now on. In Scone there are increasing difficulties about handling an increase in coal trains en route from the expanding Gunnedah Basin to Newcastle. Plans to increase the size of coal trains from 42 to 72 wagons would create 1.6-kilometre long trains—about the same length as Scone from north to south. The trains would occupy both the town's level crossings at the same time and a proposal to increase the number of coal trains on the line to 20 a day would isolate essential services on the eastern side of the tracks from the western side of the town where many educational institutions are located, where there is access to the airport, and where many other facilities are located. It is estimated that that isolation would occur for four hours in every 24 hours.

Scone requires an overpass to be built but every effort made by council and State and Federal roads and transport Ministers has come to nothing. This issue is urgent as coal trains are about to increase in size and people in Scone need a bypass. Wambo Coal, owned by the mining giant Peabody, lodged an application for an exploration licence that would take in several rural properties in Jerrys Plains and a small part of the village itself. The first residents knew of the exploration licence being lodged was when an advertisement was published in the classified section of the *Singleton Argus*. If a mine went ahead people in the town would not be compensated for having a mine right next to their properties.

People in Camberwell can relate similar sad stories. Twelve years ago Larry and Josefa Burgess bought 10 hectares of land just outside the village of Camberwell near Singleton. At the time there was only one mine, Camberwell Coal, which was scheduled to close in 2010. That company is carrying out feasibility studies on two potential new mines. Mine operations have been disruptive, combining open-cut and underground operations. Constant battles over noise, dust, bright night lights and explosions from the mine have driven these people out. In 2006 they put the land on the market and a year later, after no buyer interest, they moved back to Newcastle. They approached Integra Coal to buy them out. The company sent out an assessor who valued the property at \$300,000 because of its rough track and its "proximity to mines". It did not want to purchase the property at that time due to the possibility that an expansion of the mine might not be proceeded with. This exercise has been for the benefit of only the mine. The locals have lost their property values and their lives are tough. [*Time expired.*]

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

Motion agreed to.

The House adjourned at 5.55 p.m. until Wednesday 21 October 2009 at 11.00 a.m.
