LEGISLATIVE COUNCIL

Wednesday 7 May 2008

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The President (The Hon. Peter Thomas Primrose) took the chair at 11.00 a.m.

The President read the Prayers.

PRIVATE LUKE WORSLEY

Motion by the Hon. Lynda Voltz agreed to:

1. That this House extends its condolences to the family of Private Luke Worsley, who was buried on Tuesday 4 December 2007.

2. That this House pays tribute to his courage and his service to the Australian people whilst in Afghanistan.

NORTH WEST METRO LINK

Production of Documents: Order

Motion by the Hon. Michael Gallacher agreed to:

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:

(a) all documents in the possession, custody or control of the Treasurer, NSW Treasury or the Department of Premier and Cabinet relating to the proposed $12.5 billion dollar metro-link to the North West announced by the Premier on 18 March 2008 including, but not limited to:

  (i) concept formulation and cost-benefit analyses,

  (ii) analysis of impacts on existing and future public transport infrastructure projects,

  (iii) costings for the project,

  (iv) feasibility studies and engineering reports,

  (v) expert advice received,

  (vi) global case studies,

  (vii) advice received from other State Government agencies,

  (viii) communication and advertising plans, and

(b) any document which records or refers to the production of documents as a result of this order of the House.

DR GRAEME REEVES APPOINTMENT

Production of Documents: Order

Motion by the Hon. Don Harwin agreed to:

That, under Standing Order 52, there be laid upon the table of the House within two days of the date of the passing of this resolution all documents in the possession, custody or control of the Minister for Health or the Department of Health relating to the appointment in 2002 of Dr Graeme Reeves to the Southern Area Health Service and any document which records or refers to the production of documents as a result of this order of the House.

LANCE CORPORAL JASON MARKS

Motion by the Hon. Lynda Voltz agreed to:

That this House:

(a) extends its condolences to the family of Lance Corporal Jason Marks, killed in action whilst fighting on behalf of the Australian people in Afghanistan, and

(b) pays tribute to his bravery and courage whilst in Afghanistan.

UNPROCLAIMED LEGISLATION

The Hon. Ian Macdonald tabled a list detailing all legislation unproclaimed 90 calendar days after assent as at 6 May 2008.

PETITIONS

Electricity Industry Privatisation

Petition opposing electricity industry privatisation, received from **Dr John Kaye**.

FISCAL MANAGEMENT

Adjournment (Standing Order 201)

The PRESIDENT: I have received from the Hon. Greg Pearce a notice under Standing Order 201 of his desire to move the adjournment of the House to discuss the following matter of urgency:

> The requirements of the Fiscal Responsibility Act 2006—projections in the 2006-07 budget and in the 2007-08 budget and the likely impacts on the State's budget and economy.

The Hon. GREG PEARCE [11.13 a.m.]: It is urgent that this House does not condone breaches or anticipated breaches of the requirements of the Fiscal Responsibility Act by the Government as projected in the 2006-07 budget and the 2007-08 budget. It is urgent that it calls upon the Government to comply with its legislative fiscal policies or to update its fiscal policies after openly and adequately explaining the reasons for any changes, and the impacts of those changes, in the State budget and economy.

This motion is urgent because the Government has breached certain of the fiscal targets and principles contained in the Fiscal Responsibility Act in the 2006-07 budget and 2007-08 budget, and the Government anticipates further breaches in the forward estimates period as disclosed in the 2007-08 and the mid-year review published in December 2007. It is urgent because the breaches of the Fiscal Responsibility Act in the 2006-07 budget were perpetrated even before the current international financial uncertainty and the sub-prime prices in the United States and inflationary pressures in Australia became apparent. The further breaches and anticipated breaches in the 2007-08 budget have been perpetrated in the absence of an analysis and reporting of the impacts on the New South Wales budget position and government performance as a result of the international and national economic conditions.

It is urgent also because the State's budget for 2008-09 is being completed and will be presented in June following non-compliance with the Fiscal Responsibility Act for the first five years of its ten-year horizon. It is urgent because the Government is treating the Parliament and this House with contempt in breaching or ignoring the legislation. The Parliament has a duty to seek compliance with its own legislation. This motion is urgent because at a time of international economic turmoil it is essential for confidence and management of government in New South Wales that the Government clearly states its fiscal policies and complies with those policies.

The Government's fiscal targets and priorities are not merely an aspirational policy statement but are legislated in the Fiscal Responsibility Act. The key targets are general government net financial liabilities at or below 7.5 per cent of gross State profit [GSP] by June 2010 and 6 per cent by June 2015, general government sector net debt as a share of gross State profit at or below June 2005 of 0.8 per cent and four-year average annual growth in net costs of services and expenses at or below the long-term average growth in revenues.

Various targets and principles were breached in 2006-07 and ongoing breaches are anticipated in the 2007-08 budget for the budget estimates period right up until 2010-11. The motion is urgent because everywhere I go people tell me that the New South Wales Labor Government is the worst State Government in living memory. After 13 years of record revenue but declining service performance and crumbling infrastructure the State's budget continues to be manipulated by an arrogant and erratic Treasurer to achieve his 2007 election fixes, without any regard for the longer term consequences of mismanagement and a continuing failure to address expenses.

This motion is urgent because so far Treasurer Costa has shown a complete inability to forecast budget revenues or results, a refusal to embrace any form of accountability and a complete disregard for legal and

political norms in breaching his own Government's Fiscal Responsibility Act, which sets out targets for the sustainable management of the New South Wales budget. Treasurer Costa sat on the budget committee of Cabinet in 2005 when it concluded the fiscal strategy for the next 10 years, which was legislated by this Parliament as the Fiscal Responsibility Act 2006. This Act sets out the Labor Government's strategy for a sustainable debt level for the State and for other principles of fiscal management and budget control. It allows for some flexibility and temporary breaches of the targets, essentially to even out the budget in economic downturn and pressure on revenues, and permits countercyclical fiscal policy to deal with these problems.

This matter is urgent because in Mr Costa's first term as Treasurer, and Minister for Infrastructure he abandoned the fiscal targets in order to get a quick fix for the 2007 election by bringing in a panicked, catch-up infrastructure plan to address the Labor Government's failure to maintain and renew infrastructure in this State. With that, Treasurer Costa abandoned any pretence of compliance with his own Government's Fiscal Responsibility Act, leaving the State at risk of fiscal pressure caused by his governance and the possibility of reduced revenues in a down time. After all, he is the Treasurer whose claim to fame is that he cannot fund base load electricity generation capacity.

New South Wales has been a beneficiary of the long world economic boom and, notwithstanding the blame shifting and whingeing of the Labor Government, has received a growing and steady flow of revenue from the Federal Government in GST and other grants. This flow of funds is the foundation of New South Wales' triple-A standing and masks the risk inherent in New South Wales' reliance on property taxes and the buoyancy of the economy. The consistent flow of record revenue has not been invested by the Labor Government in the future, either in infrastructure or reserves, but has been squandered on undisciplined expenditure by Labor Ministers at the expense of New South Wales' standing as the number one economy in Australia—while Queensland and Western Australia boom from their resources, and even Victoria is growing at a greater pace than this State is.

The Hon. Greg Donnelly: Point of order: The honourable member is taking his argument to substantive matters in his presentation—matters that are associated with a full debate. To establish urgency he should be focusing his comments and his attention specifically on the grounds for urgency. There is no requirement for him to examine substantive aspects during his presentation; indeed, he ought not do so. I also note that his gratuitous comments about the Treasurer are inappropriate in the context of establishing urgency.

The PRESIDENT: Order! I uphold the point of order. I ask the member to address the issue of urgency.

The Hon. GREG PEARCE: Let the record show that the Treasurer had to rely on the whip hand of the Hon. Greg Donnelly.

The Hon. Greg Donnelly: Point of order: I find it quite extraordinary that before I had time to resume my seat the honourable member had flouted your ruling. In such circumstances the standing orders and rulings of past Presidents are very clear. The member should be advancing arguments to substantiate his motion for urgency and he should abide by your ruling.

The PRESIDENT: Order! The Hon. Greg Pearce is a well-respected parliamentarian and I ask him to abide by the standing orders.

The Hon. GREG PEARCE: This matter is urgent because Parliament's role is to scrutinise the expenditure of public funds by the Government and hold the Government accountable. When legislation is breached by government, even when there are no specific sanctions in the legislation itself, serious questions emerge about the credibility of the government and its political commitment to a sound legal economic framework for the State. This matter is urgent because this House must not condone 2006-07 breaches and anticipated breaches projected in the 2007-08 budget of the Fiscal Responsibility Act by the Government.

This matter is urgent because the New South Wales Labor Government is blundering ahead, with its fiscal policy in tatters, in breach of its own legislated target and principles. This matter is urgent because the 2008-09 budget is imminent. The Government must comply with its own legislation, or, if the Treasurer cannot comply, it must update its fiscal policies after openly and adequately explaining the reasons for any changes and the impact of the changes on the State's budgets and economy. The Treasurer has proved he cannot forecast, he cannot manage, and he cannot comply with his own legislation.

The Hon. MICHAEL COSTA (Treasurer, Minister for Infrastructure, and Minister for the Hunter) [11.22 a.m.]: This matter is not urgent. The Government opposes urgency largely because the matters referred to by the Hon. Greg Pearce were dealt with in last year's budget. This year's budget, which is slightly less than a month away, will deal with what the member has asked for. The Government has indicated its commitment to its fiscal targets, but there are pressures on the budget and the economy that have led to the Government not setting a long-term fiscal target, as I forecast when I delivered the previous budget. However, this year's budget will certainly provide an explanation of the State's fiscal position. Therefore, the matter is not urgent.

Question—That the matter is urgent—put and resolved in the negative.

Urgency negatived.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Order of Business

The Hon. MICHAEL GALLACHER (Leader of the Opposition) [11.24 a.m.]: I move:

> That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Member's Business item No. 119 outside the Order of Precedence, relating to an order for papers regarding a report on occupational health and safety legislation by the Honourable Paul Stein, AM, QC, be called on forthwith.

The Hon. JOHN DELLA BOSCA (Minister for Education and Training, Minister for Industrial Relations, Minister for the Central Coast, and Minister Assisting the Minister for Finance) [11.24 a.m.]: I oppose the motion moved by the Legislative Council's Leader of the Opposition. The key priority of this Government is to ensure that all workers return home safely to their families at the end of the working day and to allow employers to get on with the business that they do best. On previous occasions I have reported to the House that WorkCover's Statistical Bulletin for 2006-07 shows the Government is performing that task very well. The WorkCover Authority and the framework that the Government has put in place are delivering for New South Wales workers and employers.

In 2006-07 there was a 3 per cent reduction in the total number of workplace injuries. Since the scheme commenced its operations in 1987 the incident rate of workplace fatalities has been halved, and has been reduced by 6 per cent according to last year's figures. That shows that WorkCover's re-emphasis on a range of strategies, alternative and parallel to simple enforcement and based on education, promotion of safety, rewards and positive facilitation of safety in the workplace, is paying huge dividends for workers and employers. Traditional high-risk areas such as agriculture, forestry, fishing, transport, storage and construction have also experienced reductions in injury rates.

Modern occupational health and safety laws were introduced by the Wran Labor Government in 1983 and were good enough to survive the Greiner and Fahey Coalition governments. Changes to the laws introduced by the Carr Government in 2001 provided additional economic incentives for good safety practice, and further strengthened our regulatory framework. The State's employers have been the beneficiaries of performance by the Labor Government. Although it is not proper to pursue such matters now, I point out that the New South Wales occupational health and safety system, while highlighting incentives and requiring high performance in occupational health and safety, allows employers very widespread avoidance of so-called red tape. I point out for the benefit of those who do not necessarily understand that that is the way the New South Wales framework operates.

Many members, including the Legislative Council's Leader of the Opposition and the Leader of the Opposition in the other place, persist in dropping comments into debate on this issue without understanding what the debate is about. It is all but impossible to prosecute in New South Wales simply for a breach of the code. To warrant enforcement a breach of duty of care under the statute must have occurred. Employers are given very wide latitude to work within the framework that WorkCover has established and are encouraged to adopt innovations in safety as well as better management practices. There is an economic incentive for the adoption of safer work procedures and practices in New South Wales, and that incentive is working.

We are proving to employers by results that occupational health and safety is one of the best investments they can make in better management systems, and that becomes a long-term benefit to the State's economy. Moreover, that has resulted in a reduction in prosecutions. Ironically, some of the rhetorical nonsense we hear from Opposition members about an arbitrary, vexatious and draconian workplace authority is simply

wrong. The prosecution rate is down, but safety is up. Let us also not forget about the deficit of the scheme. All the improvements have been achieved at the same time as improved benefits have been provided to ensure that a much better occupational health and safety result is achieved for injured claimants in the workers compensation system.

There is no crisis. There was a review of the Occupational Health and Safety Act as a part of the regular cycle of statutory review. Since that time a number of events have overtaken us, including the election of a Rudd Labor Government, which has taken a sensible approach to national harmonisation around key workplace issues. For all the reasons I have outlined, I contend that there is no crisis. There is no need for us to treat any of the matters raised as urgent. The motion is simply a naked attempt at political opportunism by the Leader of the Opposition in this House and an attempt to derail a good process that is designed to ensure achievement and retention of the best possible occupational health and safety framework.

The Rudd Government is determined to work with the Iemma Government and other State governments to achieve cross-border harmonisation on key issues. One of the key issues, if not the key issue, is the liability of duty holders. Large multinational companies and large global employers who come to operate in Australia would like to see not so much harmonisation around the general operational issues concerning occupational health and safety, but what the short-term, long-term and immediate liabilities for operating in our State's environment entail. In that respect the Commonwealth Minister has announced her intention to achieve harmonisation. I simply make the point that there is no need to debate the motion as a matter of urgency. The only element of this debate warranting comment is the trickery of the Leader of the Opposition, who engages in nuisance to derail a very good federalism process.

Ms LEE RHIANNON [11.29 p.m.]: The Greens support the motion. The Minister seems to be trying to make a case that the report should not be released at this time. Obviously the Greens have a strong commitment, as all members in this Chamber would have, to improving occupational health and safety in the State. The Greens are prepared to listen if a case can be put as to why the report should be released now or released at another time to improve occupational health and safety. We certainly support bringing the matter on for consideration.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 23

Mr Ajaka	Mr Gay	Ms Parker
Mr Brown	Ms Hale	Mrs Pavey
Mr Clarke	Mr Kaye	Mr Pearce
Mr Cohen	Mr Khan	Ms Rhiannon
Ms Cusack	Mr Lynn	Mr Smith
Ms Ficarra	Mr Mason-Cox	*Tellers*
Mr Gallacher	Reverend Dr Moyes	Mr Colless
Miss Gardiner	Reverend Nile	Mr Harwin

Noes, 18

Mr Catanzariti	Mr Macdonald	Mr West
Mr Costa	Mr Obeid	Ms Westwood
Mr Della Bosca	Ms Robertson	
Ms Fazio	Mr Roozendaal	
Ms Griffin	Ms Sharpe	*Tellers*
Mr Hatzistergos	Mr Tsang	Mr Donnelly
Mr Kelly	Ms Voltz	Mr Veitch

Question resolved in the affirmative.

Motion agreed to.

Order of Business

Motion by the Hon. Michael Gallacher agreed to:

That Private Members' Business item No. 119 outside the order of precedence be called on forthwith.

OCCUPATIONAL HEALTH AND SAFETY LEGISLATION REVIEW REPORT

Production of Documents: Order

The Hon. MICHAEL GALLACHER (Leader of the Opposition) [11.36 p.m.]: I move:

1. That this House notes that following the tabling in May 2006 of the report on the review of the Occupational Health and Safety Act 2000, the Minister for Industrial Relations requested the Honourable Paul Stein, AM, QC, to review the proposals arising from the report, to consider whether these, or any changes, were required to the occupational health and safety legislation to better secure the health, safety and welfare of people at work, and to consider the impact of these proposals, having regard to best practice solutions that will remove unnecessary regulatory burdens on business, without compromising safety.

2. That, under Standing Order 52, there be laid upon the table of the House within 7 days of the date of the passing of this resolution the following documents in the possession, custody or control of the Minister for Industrial Relations, WorkCover New South Wales, the WorkCover Authority of New South Wales or the New South Wales Office of Industrial Relations:

   (a) the report submitted by the Honourable Paul Stein, AM, QC, to the Minister for Industrial Relations during 2007 as a result of the review of the Occupational Health and Safety Act 2000 and the Occupational Health and Safety Amendment Bill 2006,

   (b) any draft report submitted by the Honourable Paul Stein, AM, QC, prior to the submission of the final report, and

   (c) any document which records or refers to the production of documents as a result of this order of the House.

I gave a commitment to the crossbenchers this morning during our normal Wednesday morning briefing that I would not speak for very long on this matter. For that reason I will not labour the point. It is fairly obvious that the Government is going to oppose the release of this very important report. I am disappointed that the Government wishes to put this within the framework of not being urgent. When is it urgent to discuss death and safety in our workplace? I would have thought every day it is urgent to discuss death and safety in our workplace. It is worthwhile putting on the record for all honourable members, including Government members, to consider what we are hoping to achieve: an understanding of what Mr Stein has found.

The report is required to consider any changes that were necessary to occupational health and safety legislation to better secure the health, safety and welfare of people at work, to consider the impact of these proposals having regard to best practice solutions, and to remove unnecessary regulatory burdens on business without compromising safety. At the end of the day there is not one person in this House—if there were that person should not be here—who is not concerned about workplace safety and ensuring that in New South Wales we do absolutely everything we can to protect workers and their families.

The Stein report, which the Government has had since 2006, is the result of a thorough examination of occupational health and safety issues. The tabling of the report will ensure that every member of the House is well versed in the knowledge contained in the report, so that future deliberations by the House on occupational health and safety issues are conducted on a level playing field. I commend my motion to the House.

The Hon. JOHN DELLA BOSCA (Minister for Education and Training, Minister for Industrial Relations, Minister for the Central Coast, and Minister Assisting the Minister for Finance) [11.39 a.m.]: As I indicated earlier during the debate on urgency, the matter is not urgent because our occupational health and safety framework is working well. The Government looked at a whole range of issues and improved the framework some time ago. However, the national process has overtaken the framework, which is dealing with a range of issues, in particular, the responsibilities, liabilities and sanctions of duty holders. The national process is trying to resolve the fairly wide gulf between the practice that has evolved in the Queensland jurisdiction, which is similar to ours, and the more extreme Victorian system, which I would describe, although technically it is a disputable description, as a codified common law approach to the liabilities of duty holders.

The Stein inquiry and report dealt with that issue and a number of other issues. The report is still under formal Cabinet consideration in New South Wales and has become part of the Commonwealth debate for

determination on the framework. The process would be compromised if the findings of the Stein inquiry were put in the public arena at this time and bandied about. I believe that is the reason the Leader of the Opposition has moved the motion. The Government has no intention to permanently secrete the Stein inquiry or any of its results in the government archives. Obviously, at an appropriate time, it will be made public.

The Hon. Duncan Gay: When—20 years, 30 years?

The Hon. JOHN DELLA BOSCA: It will be made public soon. The Commonwealth and the States, under the leadership of the Commonwealth Minister, have publicly indicated that the Commonwealth review will conclude before Christmas.

The Hon. Duncan Gay: Which Christmas?

The Hon. JOHN DELLA BOSCA: Christmas 2008. This matter is not urgent. There is no crisis.

The Hon. Duncan Gay: You promised us last Christmas.

The Hon. JOHN DELLA BOSCA: The Deputy Leader of the Opposition wants to play politics with people's lives. I want results. I want to make sure that fewer people are injured. I want the best possible safety regime in New South Wales.

The Hon. Duncan Gay: We want you to tell the truth. You are all about cover-ups.

The Hon. JOHN DELLA BOSCA: There is no cover-up. Again the Deputy Leader of the Opposition is showing the level of his ignorance. Documents are prepared for Cabinet on a wide range of issues, such as, occupational health and safety, workers compensation, industrial relations and education, which relate to my portfolios, and matters that relate to portfolios represented by other Ministers and shadow Ministers in this place. The Deputy Leader of the Opposition knows full well the nature of documents that are prepared for Cabinet deliberation. The Stein report is part of that process. I am not keeping the report secret. We are following the process under the Westminster system.

The report has now become part of the Commonwealth Government's deliberations on an effective way to work in harmony with the jurisdictions, which is very important for economic prosperity. The State jurisdictions and the Commonwealth must find common ground and harmony through model legislation or some other method as to duty holder responsibilities, liabilities and sanctions. It is critical that those issues be dealt with, and it would not advance the process to have them considered in the broad realm of the media. I hope that honourable members see the sense of my position.

In my view, the Stein inquiry and report fall broadly under the protection of Cabinet. However, I will not make that decision, others will. The matter has been prepared for the consideration of the New South Wales Cabinet. It is now under consideration by the Commonwealth Cabinet through the Council of Australian Governments and the ministerial council, which met and made recommendations to the Commonwealth Minister. The outcomes of the ministerial council are relevant to these issues. The Commonwealth Minister and I have made formal statements about this matter. There are no secrets; there is no trickery.

At an appropriate time, all the elements of the Stein report will be in the public arena, together with the appropriate actions to be included in either State or Commonwealth legislation. For that reason, I reiterate the comments I made in the earlier debate that there is no crisis and this matter is not urgent. The Opposition has not established any public benefit from forcing the outcome of the Stein inquiry into the public arena. I am willing to give individual members a broad outline of the Stein outcomes. Most honourable members are aware generally of the type of framework recommended by Mr Justice Stein. We are talking about a regulatory framework that protects many workers. The Leader of the Opposition and the Coalition are playing games with people's lives.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 23

Mr Ajaka	Mr Gay	Ms Parker
Mr Brown	Ms Hale	Mrs Pavey
Mr Clarke	Dr Kaye	Mr Pearce
Mr Cohen	Mr Khan	Ms Rhiannon
Ms Cusack	Mr Lynn	Mr Smith
Ms Ficarra	Mr Mason-Cox	*Tellers,*
Mr Gallacher	Reverend Dr Moyes	Mr Colless
Miss Gardiner	Reverend Nile	Mr Harwin

Noes, 18

Mr Catanzariti	Mr Macdonald	Mr West
Mr Costa	Mr Obeid	Ms Westwood
Mr Della Bosca	Ms Robertson	
Ms Fazio	Mr Roozendaal	
Ms Griffin	Ms Sharpe	*Tellers,*
Mr Hatzistergos	Mr Tsang	Mr Donnelly
Mr Kelly	Ms Voltz	Mr Veitch

Question resolved in the affirmative.

Motion agreed to.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Order of Business

Ms LEE RHIANNON [11.52 a.m.]: I move:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 123 outside the Order of Precedence, relating to the proposed Southern Highlands Regional Shooting Complex at Hill Top, be called on forthwith.

This is a matter of urgency because the Southern Highlands Regional Shooting Complex, which is a part 3A project, could be given approval by the Minister at any moment. The House must consider this matter today as there is no justification for the project being classified as a project of State significance and it is that classification that leaves objectors to this project with no way to effectively engage in the approval process.

When the Minister is all-powerful, as is the case with part 3A projects, the House has a responsibility to consider a project when there is strong community opposition to it. It is necessary that this motion be considered today as the New South Wales Parliament has a clear responsibility to give voice to the concerns of the people of the Hill Top region. The motion should be given immediate attention as a matter of urgency because the Hill Top shooting complex project could be approved despite the fact that it does not meet the key location criteria listed in the NSW Police Force Range Users Guide and no noise impact studies have been undertaken on this proposal as required by the Department of Arts, Sport and Recreation.

This is a matter of urgency because the proposed shooting complex is having a negative impact on house prices in the area. People do not want to live close to a shooting range and they should not have to suffer because the Minister for Planning has complete power to decide the fate of this project. The motion must be considered today so that the Minister is aware of the many problems with the project and the widespread opposition to the project from local residents, the Wingecarribee Shire Council, the National Parks Association, the Colong Foundation for Wilderness and also the local member and shadow Minister for the Environment, Ms Pru Goward.

This is a matter of urgency because the House has a responsibility to consider a project that will dramatically increase shooting activities in the Hill Top region with the proposed complex catering for 120 shooters at any one time compared with the existing single range that at present caters for 12 shooters. The complex would operate seven days a week and on some nights it would be open until 10.00 p.m. This House has a clear responsibility to consider today a project that would have such an enormous impact on a local public

school, with students being exposed to shooting noise. That alone should be enough reason for the House to debate the motion in full today. Young people at school should not have to listen to the sounds of shooting not very far away during their lessons.

The National Parks and Wildlife Service lists the site as a high fire danger zone that should be kept as a buffer for the surrounding villages. The House should urgently consider any project that could compromise safety in such a way. An independent panel of respected expert environmental consultants that reviewed all aspects of the environmental assessment provided to the Department of Planning by the Department of Arts, Sport and Recreation found that the information collected and the analysis undertaken are deficient and in some cases grossly inadequate.

The Hon. Robert Brown: Point of order: The member is clearly debating the substantive motion and not speaking to the urgency of the motion. I ask you to rule that she address the question of urgency.

The PRESIDENT: Order! I uphold the point of order. Ms Lee Rhiannon should address whether standing and sessional orders should be suspended to allow her item of business to be called on forthwith.

Ms LEE RHIANNON: This is a matter of urgency because reports undertaken by the Department of Arts, Sport and Recreation show that the proposed site is already heavily contaminated with dangerous levels of toxins from lead and heavy metals associated with the 20-year use of the site and these reports recognise the need for remediation of the current contamination. This issue is urgent and must be debated today because more than 2,500 local residents would be impacted by increased traffic movements if the shooting complex were to be built at Hill Top. It is estimated that on a weekend day an extra 400 cars would drive through the single main street of the village of Hill Top, representing a 40 per cent increase on present traffic numbers.

As a matter of urgency the House should consider this motion today so that alternative suitable sites away from residential communities and on non-conservation value land that is not within the Sydney water catchment area can be found for the shooting complex. Surely we can work together to find a location for such a shooting complex that does not undermine our environmental standards and the requirements of local communities.

The Hon. TONY KELLY (Minister for Lands, Minister for Rural Affairs, Minister for Regional Development, and Vice-President of the Executive Council) [11.58 a.m.]: The Government opposes the motion. The matter is not urgent; it has been in the public arena for at least two years. I believe the Hon. John Tingle, who has since retired, raised the issue, which has been around for a long, long time. Suddenly, just because it happens to be in the papers in the Southern Highlands in recent times, the Greens decide they will make it a bit of a political issue. The matter was discussed in the House more than two years ago. This is just a political stunt. The matter is not urgent and the Greens should wait for the normal time for private members' business.

Question—That standing and sessional orders be suspended—put.

The House divided.

Ayes, 4

Ms Hale	*Tellers,*
Ms Rhiannon	Mr Cohen
	Dr Kaye

Noes, 34

Mr Ajaka	Ms Griffin	Ms Robertson
Mr Brown	Mr Hatzistergos	Mr Roozendaal
Mr Catanzariti	Mr Kelly	Ms Sharpe
Mr Clarke	Mr Khan	Mr Smith
Mr Colless	Mr Macdonald	Mr Tsang
Mr Costa	Mr Mason-Cox	Mr Veitch
Mr Della Bosca	Reverend Dr Moyes	Ms Voltz
Ms Fazio	Reverend Nile	Ms Westwood
Ms Ficarra	Mr Obeid	
Mr Gallacher	Ms Parker	*Tellers,*
Miss Gardiner	Mrs Pavey	Mr Donnelly
Mr Gay	Mr Pearce	Mr Harwin

Question resolved in the negative.

Motion negatived.

QUESTIONS WITHOUT NOTICE

ERARING ENERGY HYDRO POWER STATION ASSET TRANSFER

The Hon. MICHAEL GALLACHER: My question is directed to the Treasurer. Will the Treasurer confirm that Treasury documents reveal that a hydro power station, land and other assets have been transferred from the Sydney Catchment Authority to Eraring Energy? Can he provide to the House details of exactly what has been transferred to Eraring Energy and what valuation assessments were made of these assets prior to their transfer? Can the community be assured that upon the completion of the sale or lease of our State's electricity assets the full value of the assets transferred to Eraring Energy will be returned to taxpayers? If not, why not?

The Hon. MICHAEL COSTA: I can confirm that the story written by that great journalist Simon Benson is reasonably accurate.

WORKPLACE INJURIES AND FATALITIES

The Hon. PENNY SHARPE: I direct my question to the Minister for Industrial Relations. Will the Minister update the House on the incidence of work-related injuries in New South Wales?

The Hon. JOHN DELLA BOSCA: I thank the member for her question and her ongoing interest in this very important policy area. Deaths and serious injuries in the workplace are tragedies that end and ruin lives, and we must do all we can to prevent them. I preface my response by saying that one death or injury is one too many. However, it is encouraging that work-related injuries in New South Wales have fallen to their lowest levels since the WorkCover scheme commenced in 1987. The latest Workers Compensation Statistical Bulletin reports a decrease in the number of workplace injuries and fatalities during 2006-07—a total of 140,203 workplace injuries were reported during that period. That is still too many, but it is a 3 per cent reduction.

The incidence rate of workplace fatalities has declined by 57 per cent over the past two decades. This represents a tragedy of 137 deaths in New South Wales in 2006-07, a 6 per cent reduction on the previous year. Of the fatalities in 2006-07, 69 were due to a trauma at work; 39 occurred away from the workplace—for example, car accidents while travelling to or from work—and 29 were due to diseases initially contracted or aggravated in the workplace. Men accounted for 67 per cent of claims for injuries and 90 per cent of the fatalities. Serious workplace injuries requiring more than five days off work fell by 7 per cent, with a 9 per cent decrease in their incident rate.

The number of workplace injuries resulting in permanent disability declined by more than 20 per cent, which is an excellent result. Major occupational disease claims fell by 5 per cent. The cost of compensable injuries in 2006-07 to the WorkCover scheme was more than $800 million, a decrease of $53 million since last year. Importantly, fatalities among young workers aged under 25 reduced by 14 per cent since the previous year. This is an important statistic. Fatalities resulting from occupational diseases increased during 2006-07; however, there is no evidence of a trend, and new claims fell by 5 per cent. It is encouraging to see that injury rates in agriculture, forestry and fishing, construction, and transport and storage industries fell over the past year. Reductions indicate more people are getting home safely and more families remain intact, without having to cope with the trauma of a serious workplace accident, injury or death. That is what we are all trying to achieve. These results indicate that New South Wales is on track to achieve the national target of a reduction in workplace injuries by 40 per cent and fatalities by 20 per cent by June 2012.

While the trends are generally good, the incidence of work-related injuries and fatalities remains too high. We should not underestimate the importance of workplace safety. WorkCover's new focus on education, information and assistance has helped reduce workplace injuries to their lowest levels in 20 years. Safe workplaces are productive workplaces and they help to further reduce the pressure on workers compensation premiums. The Iemma Government has reduced WorkCover premium rates by 30 per cent in the past two years, giving businesses and the New South Wales economy a $785 million annual boost. The continued reduction in injuries demonstrates the success of working collaboratively with industry and other jurisdictions to save lives and improve occupational health and safety. The 2006-07 WorkCover New South Wales statistical bulletin is available from the WorkCover website or by calling WorkCover on 131050. [*Time expired.*]

ELECTRICITY GENERATORS DEBTS AND LIABILITIES

The Hon. DUNCAN GAY: My question without notice is directed to the Treasurer. In the case of Eraring Energy, Macquarie Energy and Delta Energy, what is the current debt level of each generating entity? What other liabilities, including, if any, unfunded superannuation liabilities, exist for each generating entity? Will the Treasurer confirm that the Government will, from the proceeds of any sale or lease, discharge all outstanding debts and liabilities of each generating entity?

The Hon. MICHAEL COSTA: Professor Owen provided that information in his report.

AUSTRALIAN WOOL BOYCOTTS

The Hon. EDDIE OBEID: My question is addressed to the Minister for Primary Industries. Will the Minister please update the House on the latest attempts by European fashion retailers to boycott Australian wool?

The Hon. IAN MACDONALD: I thank the Hon. Eddie Obeid for his very timely question. This is an extremely important issue.

[*Interruption*]

I know it is not an important question for The Nationals on the eastern seaboard of New South Wales, but it is important for New South Wales and the entire Australian wool industry. For many years, extremists from the animal liberation movement have used a range of measures to misinform wool manufacturers, the fashion industry and indeed the general community about the role and impact of mulesing on the sheep industry.

[*Interruption*]

I am wearing a good Australian sports coat. We have seen European retailers including Benetton, the Danish-based IC Companies, Sweden's H&M, and, more recently, Germany's Hugo Boss swept along by misleading information on this issue. The latest international fashion retailers who have been influenced by this misinformation campaign are AB Lindex and RNB Retail and Brands. These major European companies, which together have almost 800 stores across Europe, have boycotted Australian wool from mulesed sheep because they claim, "There are more humane methods to protect sheep from flystrike." Unfortunately, the harsh reality is that currently more than three million sheep could die annually if mulesing is not carried out. Being eaten alive by maggots is not a good way to die. Even members opposite would have to agree with that.

Flystrike is one of the most serious issues affecting our wool industry. That is why our wool industry is working overtime to develop alternatives to mulesing that provide our sheep the same protection from flesh-eating maggots—and we have set a target of 2010. Independent bodies, such as the Australian Veterinary Association, are evaluating these alternatives. Both the State Government and the New South Wales Farmers Association stress that the European retailers should base any commercial decision upon the facts and not what they may hear from animal rights groups. These latest boycotts are a major threat to our hardworking New South Wales wool producers. It is a concern for the entire industry, especially when millions of dollars and many years of research have already been invested into developing non-surgical alternatives, such as breech clips. Industry and government bodies are working hard together to deliver these alternatives by 2010. As yesterday's *Daily Telegraph* rightly points out:

> Struggling graziers have been kicked in the guts by foreign animal rights activists trying to shut down one of our iconic national industries.

I assure fellow members that the New South Wales Government will do all it can to prevent this from happening. Last month German fashion giant Hugo Boss announced it would boycott Australian wool from farms that performed mulesing, including the current main alternative—clip mulesing. I, together with the President of the New South Wales Farmers Association, Jock Laurie, personally invited representatives from Hugo Boss to visit sheep farms in New South Wales, in a bid to stop the boycott. I am confident that if Hugo Boss representatives visit the hardworking farmers of our State, they will see for themselves that farmers are doing their best to prevent flystrike.

Last week, Thursday 1 May, I met with Australian representatives of Hugo Boss to outline the New South Wales Government's commitment to ensuring that the industry is allowed to work to the 2010 time frame. I am pleased to say that this meeting was a step in the right direction.

[*Interruption*]

I made it very clear to the company that our wool industry is working hard to identify an alternative to mulesing. The representatives from Hugo Boss agreed with the importance of allowing the 2010 time frame to stand. [*Time expired.*]

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

[*Interruption*]

The Hon. IAN MACDONALD: If I had not received so many frivolous interjections from those opposite on this important issue, I would have completed the answer in time. The representatives from Hugo Boss agreed to work with the Government if further pressure is placed upon them. The company stressed that they will continue to buy Australian merino wool because they, like many experts, agree it is the best wool in the world. I have written to both Lindex and RNB Retail and Brands asking them to reconsider their positions. The Department of Primary Industries will continue to monitor progress towards the 2010 target and maintain close contact with industry to facilitate the transition from mulesing, in accordance with industry's undertakings with its overseas customers.

Last Saturday, in between other things, I had the opportunity over a cup of tea to talk to the Federal Minister, Tony Burke. We are making a bit of a kickback on this issue because it is important. The current approach is based on lack of facts and information in Europe. We are not going to bend towards it. I am sure the members of The Nationals have never bent over in relation to wool.

ROAD RAGE

Reverend the Hon. Dr GORDON MOYES: Is the Minister for Roads aware of research conducted by Australian Association of Motor Insurers [AAMI] which found that 93 per cent of Australian motorists have been subject to antisocial behaviour or road rage of some type, particularly with regards to rude gestures, drivers being tailgated, drivers being forced off the road and, alarmingly, one in 20 drivers saying that they have been physically assaulted? I note that the Minister yesterday spoke about road rage involving teenagers. On Monday two men armed with a pistol led to a shooting in broad daylight at Werrington in Sydney's west. While graphic and powerful advertising campaigns target speed and drink driving, can the Minister indicate what educational programs and measures are in place or will be established by the Roads and Traffic Authority to educate all drivers, regardless of age, concerning road rage? [*Time expired*.]

The Hon. ERIC ROOZENDAAL: I thank the honourable member for this important question. Indeed, the particular incident that the honourable member refers to in St Marys is one that the police are still investigating. If anyone has any information about that matter, they should contact St Marys police. Apparently a gun was fired at a car in a road rage incident. Road rage is a global problem in all cities because of the number of vehicles on our roads. Since 1995 an added one million vehicles travel on New South Wales roads. Obviously that presents a great challenge but the Government is aware of road rage and people should stay calm in their vehicles.

There are a number of ways to address the challenge. Obviously, the $3.6 billion record Roads budget each year means that the Government is substantially improving the network, which helps to alleviate driver stress. We are not just focusing on roads; we have a dual responsibility. We must improve public transport also. We are improving the bus network—we have 43 priority bus corridors around New South Wales. We are improving the new north-west metro and rail transport. We need a combination of factors to address urban congestion that is found in all global cities.

The Roads and Traffic Authority has a number of programs in place for training young drivers. It is worth noting that it takes a young driver four years from the day of obtaining a learners permit to gain a full licence. That time allows them to mature and hopefully discourages them from antisocial behaviour, road rage or the car hooning behaviour we see from time to time. Recently the police conducted yet another anti-car hoon campaign and confiscated a number of vehicles. This included a very expensive classic Ford GT worth somewhere in the vicinity of $200,000. The driver had been caught car hooning for the second time. I am not sure whether it was a Ford XY or Ford XW GT, but I will find out. It is worth noting that police are cracking down on car hoons.

ELECTRICITY INDUSTRY PRIVATISATION

The Hon. TREVOR KHAN: I direct my question to the Minister for Energy. Can the Minister confirm that amongst the assets to be sold or leased as part of the privatisation of Eraring Energy the following are to be included: Kangaroo Valley and Bendeela pumping stations, Burrinjuck hydro power station, Keepit Dam hydro power station, Warragamba hydro power station, the Brown Mountain hydro power station and the Hume hydro power station? Can the Minister advise the House what water licences attach to each of the power stations, the annual megalitres allocation and any conditions that are attached to each of these water licences? Can the Minister advise the House whether any assessment of the value of each water licence has been undertaken? What are the implications for downstream irrigators and for environmental flows from the transfer of these hydro power stations and associated water licences if they are transferred from public ownership into the hands of the private sector?

The Hon. IAN MACDONALD: I thank the honourable member for his question. Obviously he has done a little bit of work, or someone has, in writing up a whole lot of questions relating to the sale.

The Hon. Duncan Gay: Try to answer them. You should know the answers.

The Hon. IAN MACDONALD: I point out to honourable members opposite that my colleague the Treasurer is in charge of privatisation issues and I suggest that the Hon. Trevor Khan recast his question and direct it to the Treasurer.

SOUTH-WESTERN SYDNEY ROADS UPGRADE

The Hon. LYNDA VOLTZ: My question is addressed to the Minister for Roads. Can the Minister provide the House with the latest information regarding upgrades to Cowpasture Road and Hoxton Park Road?

The Hon. ERIC ROOZENDAAL: I thank the honourable for her question and interest in this important project. I am pleased to inform members of this House that two milestones were recently reached in the Iemma Government's program to enhance road safety and improve traffic flows in south-western Sydney. I joined the hardworking local members Andrew McDonald, the member for Macquarie Fields, and my good friend Paul Lynch, the member for Liverpool, on a site in Hinchinbrook, to award the contract for the upgrade of Cowpasture Road between Camden Valley Way and Main Street and to call for tenders to construct the final section of the Hoxton Park Road upgrade at Liverpool. The Iemma Government is investing millions on upgrading and building new roads in south-western Sydney to improve traffic flow and road safety.

The Hon. Charlie Lynn: Who wrote that?

The Hon. Jennifer Gardiner: Paul did.

The Hon. ERIC ROOZENDAAL: Jenny does not go outside of Glebe, so she is not interested in Western Sydney. We know that. Liverpool is one of the fastest growing local government areas in Sydney; 32,000 vehicles use Hoxton Park Road every day and Cowpasture Road has grown from a semi-rural road to a major arterial route carrying over 25,000 vehicles every day. That is why we are committed to improving road infrastructure in the area, to ease traffic congestion, particularly in the morning and afternoon peak hours. Work on the next section of Cowpasture Road will begin this month and involves widening the existing two lanes to four lanes along a 1.4 kilometre section of road, with the provision of upgrading it to six lanes in the future. As part of the upgrade, new traffic lights will also be installed at the intersection of Cowpasture Road and Green Valley Road to improve traffic management and road safety.

Cyclist and pedestrians will also benefit from these upgrades with a new shared pedestrian and cycle path that has been constructed on the upgraded sections of Cowpasture Road to improve safety. This upgrade delivers on the Iemma Government's commitment to provide four lanes—that is two lanes in each direction—on Cowpasture Road between the Horsley Drive at Wetherill Park and Camden Valley Way at Leppington. Work started on this commitment in 1995 and the New South Wales Government has since spent $108 million in the area. The construction of the final section of the Hoxton Park Road upgrade at Liverpool involves widening Hoxton Park Road from two lanes to four lanes between Cowpasture Road and Banks Road and includes the construction of twin bridges over Hinchinbrook Creek.

The project is fully funded by the Iemma Government and also includes upgrading the traffic lights at the intersection of Hoxton Park Road and First Avenue and Whitford and Illaroo roads. Traffic lights will also

be installed at the intersection of Hoxton Park Road and Glen Innes Road. The work includes a new access road between First Avenue and Dorrigo Avenue to improve access to shops and residential estates and bus stop bays, which will be installed along Hoxton Park Road at Glen Innes Road, Dorrigo Avenue, First Avenue near the Good Samaritan Catholic College and Whitford Road. A shared pedestrian and cyclist pathway will also be constructed on the northern side of Hoxton Park Road, which will link Cowpasture Road with the M7 shared pathway at Wilson Road.

Both projects have widespread benefits for the local community and road users. They are great examples of the Iemma Government getting on with the job of delivering new, better and safer roads. These projects will provide significant benefits for the local community and go a long way to improving road safety and easing traffic congestion in Sydney's south-west. I look forward to continuing to update the House on these important road projects.

ELECTRICITY INDUSTRY PRIVATISATION

Dr JOHN KAYE: My question is directed to the Treasurer. Given conflicting media reports regarding the Government's intention, will he confirm that the Government will introduce specific legislation to seek the approval of both Houses of Parliament to sell, lease or otherwise dispose of the main undertakings of any of the State's energy services corporations? Specifically, will he confirm that changes to the ownership or management of the energy services companies, including leasing the generators or selling the retailers, will not proceed without enabling legislation being passed by both Houses of Parliament?

The Hon. MICHAEL COSTA: I am not aware of any conflicting media reports.

Dr JOHN KAYE: I ask a supplementary question. Can the Minister say whether ownership or management of the companies will change without enabling legislation being passed?

The Hon. Michael Costa: Point of order.

The PRESIDENT: Order! The Treasurer does not need to take a point of order. Clearly the supplementary question is out of order as it seeks information additional to that referred to in the Minister's answer.

ELECTRICITY INDUSTRY PRIVATISATON

The Hon. MELINDA PAVEY: My question is directed to the Chair of the Legislative Council Standing Committee on State Development. What discussions has he had, as Chair of the Standing Committee on State Development, with the Minister for State Development seeking a ministerial reference to the committee to inquire into the impact of the privatisation of electricity in New South Wales, given that the Government has not prepared a regional impact statement? What plans does he have for the committee to deliberate on this issue?

The Hon. TONY CATANZARITI: I have not had any discussions whatsoever.

NUCLEAR POWER PLANTS

Reverend the Hon. FRED NILE: I ask the Treasurer, and Minister for Infrastructure a question without notice. Did the outgoing head of the Australian Nuclear Science and Technology Organisation, Dr Ian Smith, say yesterday that Australia must keep open the option of developing nuclear energy? Did Dr Smith say that nuclear power already was a non-emitting energy alternative, producing 20 per cent of power in the industrialised world, and that it must remain as part of the research effort? Will the Government keep open the option of a nuclear power station instead of the proposed new $1 billion coal-fired greenhouse gas-emitting power station? Will the Government fund research concerning the establishment of a safe non-emitting nuclear power station in New South Wales?

The Hon. MICHAEL COSTA: These matters are more appropriately directed to the Federal Government. At the State level, we do not have the ability, even if we had the desire—and I state categorically that we do not—to pursue the introduction of nuclear power stations. That matter is not within the purview of the State; it is a matter for the Federal Government. However, I am able to confirm part of the question. One of the reasons the Europeans are in a position to meet their Kyoto targets and their trajectory relating to greenhouse

matters is that they rely on nuclear energy. A number of nuclear power stations are on the drawing board for the European Union, but this country has a great deal of coal, a great deal of gas and, as we know from the Greens, a great deal of hot air. I am sure we will be able to find alternatives to nuclear power generation.

CRIME PREVENTION

The Hon. HENRY TSANG: My question is addressed to the Attorney General, and Minister for Justice. What is the latest information on Government initiatives to prevent crime?

The Hon. JOHN HATZISTERGOS: The Government is determined to keep driving down rates of crime in the State. While 16 out of the 17 major crime categories are already decreasing or stable, the Government has made further commitments through its State Plan to reduce by 15 per cent the incidence of property crimes against households by 2016, and by 2016 to reduce the incidence of violent crimes against individuals by 10 per cent. We make no bones about the fact that these are ambitious targets and they require us to adopt new and innovative approaches to preventing and reducing crime.

New South Wales already has the strongest sentencing regime in Australia and was the first jurisdiction to introduce standard minimum sentencing. Our courts are more likely to send serious offenders to prison than are the courts of any other State. But while we are maintaining our tough approach to punishing and deterring criminals, we recognise that prevention is better than cure, and that is especially so when it comes to crime. While the Iemma Government already has a strong commitment to crime prevention, demonstrated by the Government's provision of almost $2 million per year for community-based crime prevention projects, we also recognise that technological changes can have a significant impact on reducing crime. For example, the introduction of telephone cards has reduced the number of payphones that are damaged and robbed, and car engine immobilisers have had a dramatic impact on the number of cars stolen each year.

Evidence suggests that over the past 10 years the items most commonly stolen changed with the introduction of new technology. There is little doubt that innovative designs and clever ideas can be effective in preventing and reducing criminal activity. Encouraging such innovation is a new weapon that the Iemma Government has added to its armoury in the fight against crime. On this note I am pleased to announce to the House today that the Government will be providing $450,000 to establish a Designing Out Crime Research Centre at the University of Technology, Sydney. The new centre will be opened in coming months and will bring together experts in criminology and design to develop new concepts and products for reducing and preventing crime. The centre's priority research areas will be determined on the basis of data sourced from the New South Wales Bureau of Crime Statistics and Research. It will regularly report on its progress directly to the Attorney General's Department, the Bureau of Crime Statistics and Research and the New South Wales Police Force.

The Designing Out Crime Research Centre will be based in the internationally renowned School of Design at the University of Technology, Sydney, and will be headed by Professor Kees Dorst, who is one of the world's leading figures in design research and methodology. Professor Dorst will have a minimum of 30 full-time students working under him on various projects. They will be given the opportunity to showcase their designs in mini-exhibitions that will be held quarterly throughout the year, and at a major annual exhibition. I am pleased to report that even before the centre has opened its doors officially, Professor Dorst already has put forward several innovative design ideas for the centre to pursue. One is the text message bomb—a message sent by police to a stolen mobile phone that fries the phone's microchip, rendering it useless. Another is the safety catch bracelet, which could be worn by police and others who do dangerous jobs. The bracelet would appear to the untrained eye to be a fashionable jewellery accessory, but when broken sends a distress signal.

Innovative new urban and industrial designs such as those will build on the Government's good record of cracking down on crime. By encouraging innovative design aimed at preventing and reducing unlawful activity, the Designing Out Crime Research Centre will make us even better at outsmarting criminals, and help us to prevent crime even before it happens. [*Time expired.*]

ELECTRICITY INDUSTRY PRIVATISATION

The Hon. TREVOR KHAN: My question is directed to the Treasurer. Can he confirm that among the assets to be sold or leased as part of the privatisation of Eraring Energy, the following will be included: Kangaroo Valley and Bendeela pumping stations, Burrinjuck Hydro Power Station, Keepit Dam Hydro Power

Station, Warragamba Hydro Power Station, Brown Mountain Hydro Power Station, and the Hume Hydro Power Station? Can he advise the House of the water licences attached to each of the power stations, their annual megalitres allocation, and any conditions that are attached to each of the water licences? Can he advise the House whether any assessment of the value of each water licence has been undertaken? What are the implications for downstream irrigators and environmental flows from the transfer of hydropower stations and associated water licences if they are transferred to the private sector?

The Hon. MICHAEL COSTA: The honourable member's question is based on a false premise. I have never seen a proposal from the Government to privatise Eraring. Although quite clearly the question is nonsensical as it is based on a false premise, it gives me an opportunity to refresh the list of Liberal Party people that are supporting the Government strategy. Yesterday I went through a whole—

The Hon. Duncan Gay: Why don't you answer the question?

The Hon. MICHAEL COSTA: I did answer the question: we are not privatising Eraring. As I said, this is an opportunity for me—

The Hon. Don Harwin: Point of order: The Minister has answered the question—and he stated that he has answered the question—but he now seeks to bring in new material that is not even generally relevant to the question.

The PRESIDENT: Order! The standing orders provide that Ministers must not debate questions asked of them and their answers must be generally relevant to those questions. Provided the Minister adheres to those requirements he will be in order.

The Hon. MICHAEL COSTA: As I was saying, a number of people have come out in support of the Government's electricity reform strategy. Yesterday I read an article by Paul Keating on the subject, and I also referred to support from a number of Liberal Party "luminaries"—I use that term in inverted commas of course. The House will remember that yesterday I pointed out that Nick Greiner, Malcolm Turnbull, Brendan Nelson and Geoff Kennett support the strategy. Barry O'Farrell was all over the place—

The Hon. Michael Gallacher: Point of order: It is a very sensible question. We are asking for details so the public has an understanding of what has been proposed. The Minister is referring to only one small aspect of the question by talking about Eraring, but there were other quite detailed aspects in the question.

The PRESIDENT: Order! The Minister will be generally relevant.

The Hon. MICHAEL COSTA: I was going through the list of Liberal Party leaders who support the privatisation. I can advise the House further that today Joe Hockey—a future Leader of the Opposition in this State—said the following on Radio 2UE:

> The Liberal Party believes that it is not up to Government to run businesses—

And is the Opposition ready for this:

> —and I agree with Paul Keating.

I say again that the Opposition cannot get its questions right. Members of the Opposition not only do not understand the questions they are asking but also they do not realise that they are factually wrong. The Opposition is out of touch with its national leadership. Its members are in policy confusion: half of them are opposed to the strategy and the other half do not know what their position is. Their national office holders, including a future Leader of the Opposition of this Parliament, support the Government's strategy and, in fact, supports Paul Keating.

SOUTH COAST CROWN LANDS INFRASTRUCTURE

The Hon. KAYEE GRIFFIN: My question is directed to the Minister for Lands. Can the Minister update the House on the Government's plans for infrastructure on South Coast Crown lands?

The Hon. TONY KELLY: I thank the honourable member for her question and for her ongoing interest in the South Coast. The Iemma Government is rolling up its sleeves and getting on with the job of securing

investment, jobs, and a more vibrant future for the people of the South Coast. On the boil are a number of significant projects from Wollongong harbour down to the fishing port of Eden, close to the Victorian border.

Last week I visited the South Coast and announced a number of projects to ensure that coastal infrastructure along the South Coast is maintained and improved. First cab off the rank was a call for expressions of interest for the redevelopment of Ulladulla harbour. I made the announcement while inspecting some of the improvements funded by the Iemma Government through work valued at $352,000. As members would be aware, Ulladulla is the second largest working harbour on the South Coast and is one of the major suppliers to the Sydney fish markets. This is a once-in-a-generation opportunity for interested parties to transform the harbour into a major tourist, social and civic hub for the town, with expressions of interest closing on 30 June 2008. Before the Greens jump out of their trees and go off concocting another conspiracy theory, I can assure the House there will be plenty of opportunity for the local community to express views about any of the proposals submitted.

The next day I announced similar forward-looking plans for another important harbour along the South Coast—Bermagui. Plans to revitalise that harbour have already commenced, following a recent review of master planning for the harbour precinct that looked at more opportunities for public access, tourism and maritime facilities, and other community and commercial uses. The first stage of the revitalisation will see the replacement of existing moorings along the northern break wall, funded through a $500,000 commitment by the Iemma Government.

Besides these plans for the future, the Iemma Government is providing funds to cater for the immediate needs of the South Coast. Over the last week I have also announced a $1.45 million package for Shoalhaven council for two great caravan parks at Huskisson and Lake Tabourie. I also inspected progress on the restoration of the Warden Head lighthouse just south of Ulladulla, and the $66,000 worth of works for the Kiama lighthouse. A company from Dubbo has been responsible for work completed at the Kiama lighthouse and for works in progress at Warden Head lighthouse.

I then announced the provision of almost $250,000 to repair and maintain two critical breakwaters on the South Coast—Moruya North and Narooma South. These are practical improvements to public assets along the coast, maintaining critical infrastructure, boosting jobs, and helping attract even more tourists to the wonderful South Coast.

The Greens instinctively oppose any effort to improve the lives of country and coastal communities. We know they are opposed to investment, opposed to jobs, and would rather leave coastal and country communities in some sort of Dark Age. The anti-country attitude of the Greens is hardly surprising. What astonishes me is that the Opposition has gone missing when it comes to our plans to secure greater investment in coastal communities. I am yet to see any positive support for these proposals from the Coalition of our plans to maintain and improve our coastal infrastructure. Its members would rather nitpick and engage in phoney scare campaigns than acknowledge the good work of the Government. As with electricity reform, the Opposition has no plans and no policy—or perhaps more accurately put, it has many policies but it cannot work out which one to use. Fortunately, the Iemma Government is getting on with the job of delivering tangible benefits for country and coastal backing and improving outcomes of public land.

SOMERSBY SAND MINE

Ms LEE RHIANNON: My question is addressed to the Minister for Education and Training, and Minister for the Central Coast. Is the Minister aware that New South Wales planning laws prohibit hotels or brothels near schools but will allow the construction of a massive sand mine creating unacceptable dust, noise and disruption and resulting in a mass exodus of students from schools located near such mines? Considering the widespread concern of people on the Central Coast about a part 3A application for a sand mine only 260 metres from Somersby Public School, what representations has the Minister made to the Minister for Planning, Mr Frank Sartor, on behalf of the people of the Central Coast to refuse the part 3A application?

The Hon. JOHN DELLA BOSCA: I thank the member for her question, which is a good one.

The Hon. Don Harwin: Have you made any representations?

The Hon. JOHN DELLA BOSCA: I will answer the question that the member has just asked me.

The Hon. Duncan Gay: It is a supplementary question.

The Hon. JOHN DELLA BOSCA: A supplementary question cannot be asked before I have answered the original question.

The Hon. Duncan Gay: The Minister has acknowledged him, and the answer is on the record.

The Hon. JOHN DELLA BOSCA: I am happy to polish up and embellish my remarks for the benefit of the Hon. Don Harwin but Ms Lee Rhiannon is only ever interested in the facts so I will get straight to them. I share the local community's concerns regarding the proposed sand mine on land adjoining Somersby Public School from two perspectives. Firstly, as Minister for Education and Training I have certain duties and responsibilities to all public schools in relation to their environment and attractiveness. Secondly, I live not too far from Somersby Public School—and I think Ms Lee Rhiannon is aware of that. Consequently I know many people in the local community and have had the opportunity on a number of occasions to speak with parents who have children attending that school.

The Hon. Michael Gallacher: Haven't we all.

The Hon. JOHN DELLA BOSCA: The Leader of the Opposition has said that he has as well—that is very interesting. I do not know any who have spoken to the Leader of the Opposition, but he may know some with whom I have spoken.

The Hon. Michael Gallacher: Those I have spoken with are good people.

The Hon. JOHN DELLA BOSCA: They are all good people. I have not come across anybody who is not a good person from the parent community at Somersby Public School or the community at large. The Iemma Government is committed to providing a safe, enjoyable and appropriate learning environment for all students and staff, not only at Somersby but at all State primary schools. The Department of Education and Training has written a submission to the Department of Planning outlining the concerns of the school community and recommending that dust emissions, noise pollution, transport and the protection of the water table be taken into account when considering approval of the proposed sand mine. The department will continue to seek assurances to safeguard the health and amenity of staff and students at Somersby Public School. I will ensure that my department continues to assist the school and the school community in all matters relating to the project, including relevant objections to and concerns about the proposed sand mine development.

ELECTRICITY INDUSTRY PRIVATISATION

The Hon. MARIE FICARRA: My question without notice is addressed to the Treasurer. Can the Treasurer guarantee that if he fails to sell off New South Wales electricity, he will be able to deliver the services that his Government has promised in the past and will promise to the people of New South Wales in the lead-up to the next election? How will he deliver his Government's infrastructure program, which is currently based on a high degree of borrowings, without the proceeds of the New South Wales electricity sale? What is his response to criticisms in the market that he is selling at a globally economic bad time and jeopardising a return on assets of the people of New South Wales?

The Hon. Greg Donnelly: Point of order: A careful assessment of the question shows that it seeks an opinion from the Treasurer and poses a hypothetical situation, and that is in contravention of Standing Order 65. The question should be ruled out of order.

The Hon. Don Harwin: To the point of order: The question in no way seeks an opinion. It asked for an assurance, not an opinion. The word "guarantee" was used.

The PRESIDENT: Order! During question time I am reluctant to intervene to stop members asking questions or Ministers answering questions. Clearly the question seeks an announcement of government policy, and on that basis it could be ruled out of order. However, I note the Treasurer's eagerness to respond to the question. Accordingly, should he wish to do so, I will allow him to proceed.

The Hon. MICHAEL COSTA: I thank the Hon. Greg Donnelly for taking the point of order because he was absolutely right: the question is based on a false premise. The Government is not selling Eraring Energy. I am in a time warp. This is the second time Opposition members have asked me the same question about

whether the Government is selling electricity outlets. Earlier they asked me whether we are selling Eraring Energy and now they have me whether we will privatise our generators. They are wrong. We are not doing that. I can advise the House that the budget forward estimates do not include in the capital program any proceeds from any government electricity reform strategy.

I am glad the Hon. Marie Ficarra has taken such a great interest in global economic conditions. However, the major problem that Australians face at the moment is not any consequence of the global economic conditions but rather as a consequence of the performance of the failed Howard-Costello Government. The inflationary pressures we face are a result of the mismanagement of the national economy by the Howard-Costello Government. Howard and Costello left the economy in such a mess that we now face interest rate rises one after another. The problem at the moment is the interest rate environment, which places pressure on our budget. The Hon. Marie Ficarra would do better explaining to the House her party's position on electricity privatisation. When I have spoken on this issue, I have pointed out that Brendan Nelson, Malcolm Turnbull and, today, Joe Hockey have given support to the Government's strategy. Their support is based on the fact that the strategy is correct. Malcolm Turnbull said, "Businesses of this kind are better run by the private sector."

[*Interruption*]

I note the interjection of the Hon. Marie Ficarra that it is about time we did it. The Opposition is politically bankrupt. Its Federal leadership is going in one direction and the State Opposition is in disarray. Malcolm Turnbull, Brendan Nelson and Joe Hockey support the strategy.

The Hon. Lynda Voltz: Point of order: I would like to hear the Treasurer's answer, and I am sure that Hansard cannot hear him.

The PRESIDENT: Order! I uphold the point of order and ask all members to be silent.

The Hon. MICHAEL COSTA: The Opposition is in disarray. The Opposition at the Federal and State levels have different policies. The national leadership of Malcolm Turnbull, Brendan Nelson and Joe Hockey have argued in favour of the position, as outlined in yesterday's *Sydney Morning Herald*, and the State Opposition is confused. One side supports the strategy, and the other side does not know what it is doing.

SKILLS TRAINING PLACES

The Hon. GREG DONNELLY: My question without notice is addressed to the Minister for Education and Training. Can the Minister advise the House about the introduction of new vocational training places to address the national skills shortage?

The Hon. JOHN DELLA BOSCA: The Iemma Government's commitment to vocational training is unparalleled. TAFE New South Wales is Australia's premier training organisation, and a growing number of trade schools provide vocational training for secondary students. The Iemma Government is introducing additional training places to provide newly arrived migrants and refugees with the skills they need to enter the workforce and providing new arrivals with the tools they need to find employment. To help reduce the national skills shortage, the Government will provide training in skill shortage areas to 500 newly arrived migrants and refugees. We are targeting migrants and refugees who want to train or retrain. Further, we will provide vocational training linked to English language support. By combining the courses, we can move new arrivals into the workforce more quickly to ease the pressure in high demand industries.

The new strategies include the establishment of an Employment Linkage Unit to provide advice to newly arrived migrants and refugees about training and employment and to develop partnerships with industry to promote overseas qualifications and experience to employers. A range of one-stop-shop services will be set up to link newly arrived migrants and refugees to training and employment. The program also includes the establishment of a Linked Skills Group in the Department of Education and Training to increase skills provision across the New South Wales Adult Migrant English Service, TAFE and Adult and Community Education providers, the delivery of linked skills training in community settings and institutional settings, and increased provision of online English language courses to support specific professional groups. For example, the Adult Migrant English Service currently has online language courses for job seeking, nurses, doctors and business.

The Government has laid the foundations for these new strategies by using the resources of the New South Wales Adult Migrant English Service, TAFE and the Adult and Community Education sector. These

foundations already have trained more than 100 new arrivals who are now in the workforce. Other strategies that are in place to move new arrivals into employment include incorporating fieldwork into courses where students are introduced to the Australian workplace as part of the vocational training, incorporating English for job seeking and workplace communication into courses, and bringing recruitment agencies into the classroom towards the end of courses to facilitate pathways into employment.

The Government will continue to assess the needs of new arrivals who are willing to enter the workforce in skills shortage areas so that we can tailor programs to meet their needs. New South Wales is training the nation. The last decade has seen an increase in TAFE enrolments of 73,000 students. TAFE is engaged with industry and is responding to its demands. More than 83 per cent of New South Wales employers are satisfied with the quality of apprenticeship and traineeship training provided by TAFE NSW, which is nearly five points above the national average. These new training places will assist both workers and employers and it is another measure the Iemma Government is taking to further strengthen our State's growing economy.

FOREST LAND STATE FOREST LOGGING

Mr IAN COHEN: My question is directed to the Minister for Primary Industries. What action will the Minister take about the failure of Forests NSW to uncover database and mapping irregularities of Forest Land State Forest, south-east of Tenterfield, which caused the breach of logging rules and the removal of high-conservation areas? Will the Minister acknowledge the work of the local community in drawing attention to the illegal logging of a spotted-tail quoll exclusion zone, which has halted further illegal logging? Given that Forests NSW has admitted that the logging occurred as a result of an error in its database dating back to 2004, will the Minister push for an independent investigation to identify and compensate for any areas that have been logged illegally?

The Hon. IAN MACDONALD: I am advised that on 16 April 2008 an interested party raised with Forests NSW an apparent intrusion of a harvesting operation into an exclusion zone drawn around a quoll latrine site in compartment 197 in Forest Land State Forest near Tenterfield. Less than two hours after receiving the report Forests NSW stopped the operation and ground-truthed the boundary of the exclusion zone. Forests NSW confirmed that the boundary of an exclusion zone drawn around the quoll latrine site in compartment 192 extends into the adjacent compartment, 197.

Forests NSW advised that the intrusion arose from a mapping error attributable to a change in the planning database software demarcating the two compartments, and hence 12 hectares of the exclusion zone failed to be shown on the harvest plan for compartment 197. Forests NSW immediately redrew the exclusion zone boundary for compartment 197 and enlarged it to include 35 hectares of contiguous unlogged preferred quoll habitat, more than compensating for the 1.7 hectares that were subject to the harvesting operation. This incident demonstrates that Forests NSW is responsive to credible concerns raised by interested third parties. I thank the members of the public who drew attention to the matter and Forests NSW for devising an improved environmental outcome.

ELECTRICITY INDUSTRY PRIVATISATION

The Hon. MATTHEW MASON-COX: My question is directed to the Hon. Tony Catanzariti—sorry, the Treasurer. Does the Treasurer recall his answer to the question asked yesterday by the Hon. Trevor Khan concerning the proposed leasing terms for generators when the Treasurer stated:

> We have made no decisions about lease terms. Therefore, the question is hypothetical.

Does this mean the Treasurer's policy to lease electricity assets is also still hypothetical? When does the Treasurer expect to get approval from the unions so he can finally put a clear position to the people of New South Wales on what the Government intends to do with the State's energy assets?

The Hon. MICHAEL COSTA: I thank the Hon. Dr Nick—sorry, Matthew Mason-Cox for his question.

Dr John Kaye: That is outrageous! It is most insulting.

The Hon. MICHAEL COSTA: It is an insult. I apologise, Dr Nick. Having not made a decision on a lease term is not the same as having made a decision about leasing or selling. We have made a decision to lease. The term of those leases and the conditions of the leases will be made available when the final sale strategy is announced.

SNOWY MOUNTAINS CLOUD-SEEDING TRIAL

The Hon. TONY CATANZARITI: Will the Minister for Primary Industries please update the House on the latest developments in the cloud-seeding trial in the Snowy Mountains?

The Hon. IAN MACDONALD: How long have I got?

The Hon. Michael Gallacher: About 2½ years.

The Hon. IAN MACDONALD: I am happy to take it. Cloud seeding is a project of major significance to the Murray-Darling Basin and is one that all stakeholders—from irrigators to environmentalists—are watching with interest. The trial is being conducted by Snowy Hydro Limited and aims to determine the effectiveness of cloud seeding for increasing natural snowfalls and, as a result, inflows to storages of the Snowy Mountains Scheme. Snowy Hydro has invested $20 million over the life of the trial. Cloud seeding commences when suitable climatic conditions occur over the mountains from May to September each year.

The method used in the current trial involves dispensing very small amounts of silver iodide and an inert tracing agent into winter storm clouds. This causes changes to occur within the cloud resulting in additional snowfall that would otherwise not have fallen. The cloud-seeding machinery is removed from sites in and around Kosciuszko National Park during the warmer part of the year. This trial is showing great potential to benefit the people of New South Wales, the environment, irrigators and skiers. Importantly, cloud seeding shows promise in helping to address the national water crisis.

The Hon. Duncan Gay: Why don't you do it elsewhere as well?

The Hon. IAN MACDONALD: Over Crookwell? I bet you want to have a bit over Crookwell.

The Hon. Eddie Obeid: He doesn't go to Crookwell!

The Hon. IAN MACDONALD: Sorry, Redfern. While rain is the only real solution to the drought, initial cloud-seeding studies may help increase water flows and deliver obvious associated benefits. Snowy Hydro has been conducting successful cloud-seeding operations within the New South Wales Snowy Mountains for the past four winter seasons and the results to date are very encouraging. That is why the Iemma Government last week announced its intention to extend the trial to 2014. The extended duration of the trial will provide more time to build, set up and test new equipment to undertake a more statistically significant experiment.

Not only are we extending the duration of the trial, we will also increase the target area by approximately 1,000 square kilometres. This represents a doubling of the size of the trial area to about 2,250 square kilometres. The Government's decision to extend the cloud-seeding program has been based on solid physical evidence showing that the current cloud-seeding operation is having an impact at a time when the worst drought on record is impacting the Snowy Mountains region and irrigators downstream. While preliminary data indicates positive results, the drought has had an impact on the trial to date. An expanded area will ensure that Snowy Hydro can maximise any additional precipitation and improve the scientific reliability of the trial.

The Hon. Duncan Gay: Hear! Hear!

The Hon. IAN MACDONALD: I note the interjection—not quite an interjection this time—from the Deputy Leader of the Opposition. The House will not be surprised to hear that Snowy Hydro Limited is excited by the prospect of extending the trial. Results of a recent survey of local residents in the Snowy Mountains echo the support we are receiving for this trial. A survey of 500 local residents found 89 per cent were aware of the cloud-seeding trial and 78 per cent supported an expansion of the project. Those opposite surely agree that this represents a large amount of interest and support from the local community.

The Hon. Rick Colless: What about the Northern Tablelands? Is it being done up there as well?

The Hon. IAN MACDONALD: I believe this trial will show a significant increase. The difference is that this is a different type of technology. You have to understand the technology. It involves dispensing dry ice—or frozen carbon dioxide—as well as silver iodide into the clouds as they hit the western fall. It is precisely

this type of methodology that is designed to create snowfall utilising the orographic effect. It is a trial specifically used on mountains higher than those in the Northern Tablelands. [*Time expired*.]

The Hon. JOHN DELLA BOSCA: I suggest that if honourable members have further questions, they place them on notice.

Questions without notice concluded.

[*The President left the chair at 1.08 p.m. The House resumed at 2.30 p.m.*]

CONSUMER, TRADER AND TENANCY TRIBUNAL AMENDMENT BILL 2008

Bill received from the Legislative Assembly, and read a first time and ordered to be printed on motion by the Hon. Tony Kelly, on behalf of the Hon. John Della Bosca.

Motion by the Hon. Tony Kelly agreed to:

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

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

ELECTRICITY INDUSTRY PRIVATISATION

Personal Explanation

Dr JOHN KAYE, by leave: In question time yesterday, the Treasurer alleged that in a media release last week I used selective statistics to say the Iemma Government was selling off the entire industry when it proposed a particular deal with the unions. This is incorrect and based on a deliberately perverse misinterpretation of the word "privatisation". I pointed out that the offer made by the Iemma Government would see only one half of Eraring Energy and one half of Country Energy remain under public control. Each of these undertakings represents 23.9 per cent of their respective sectors, so the Government's offer would see only 11.9 per cent of retailing and generation remain under public control. The remainder of both sectors would be privatised, that is, placed under private control.

The Hon. Christine Robertson: Point of order: The process in this House is that personal explanations relate to specific personal issues. I believe we are currently hearing a debate, and that is out of order.

The PRESIDENT: Order! Are you withdrawing leave?

The Hon. Christine Robertson: Yes.

Leave withdrawn.

GENERAL PURPOSE STANDING COMMITTEE NO. 5

Report: Budget Estimates 2007-2008

Debate resumed from 9 April 2008

The Hon. MELINDA PAVEY [2.34 p.m.]: General Purpose Standing Committee No. 5 revealed many interesting statistics and facts on how New South Wales is falling behind other leading States of Australia. The fact that economic growth in New South Wales was the slowest of all States and Territories in 2005-06 at 1.4 per cent, and that New South Wales has been growing more slowly than the Australian economy for the past five years—by 0.7 per cent, and 2.6 per cent behind the Australian economy—is again reflective of the current sad State of New South Wales and the appalling administration it has had for the past 13 years. According to Australian Bureau of Statistics figures, New South Wales had the lowest rate in both 2004-05 and 2005-06, and over the past five years New South Wales economic growth has been lower than Australia's gross domestic product. Morris Iemma's saviour, the State Plan, states:

It is critical that efforts continue to attract emerging industries and to bolster existing industries in regional areas.

It has been almost a year since the publication of the State Plan and I am still unaware what is being done to deal with these negative indicators. We must bolster our expenditure on regional development and revamp our image in country New South Wales as a place to migrate to and to do business in. We are falling behind quickly, and our position will not recover by maintaining the current approach, which is ineffectual. Housing is another topic raised by General Purpose Standing Committee No. 5 during budget estimates. One of the actions that the State Plan says the Government has already been committed to is strategies to help keep Aboriginal families together and improve access to safe and affordable housing.

If that is the case, why do a number of public houses in these communities house two to three families under the same roof? The problems of overcrowding in indigenous communities must be resolved in order to close the gap between indigenous and non-indigenous people, as that leads to a plethora of other problems that have become endemic across the population. A recent freedom of information application from my office to the Department of Aboriginal Affairs reveals that in relation to the Aboriginal Housing Department, 49 per cent of Aboriginal housing providers do not meet the key performance indicators.

The Hon. Robyn Parker: It is almost half.

The Hon. MELINDA PAVEY: Half of the Aboriginal housing companies are not doing as they should, according to the key performance indicators. As we have travelled through regional New South Wales, and in parts of Sydney and Redfern, we have all seen the overcrowding and the dysfunction that causes within Aboriginal communities. With regard to overcrowding, the Breaking the Silence report states:

> The Department of Housing does not currently have a strategy to address it. However they reported that they would be conducting research into the issue of indigenous overcrowding within the next year, as a basis for developing a strategy to address it.

One would think that the time for strategies is over and it is action that is required. There must be a full audit of the current Aboriginal housing stock in New South Wales. That message came through to us clearly last year during a tour of western New South Wales by New South Wales Nationals looking at some of the problems in indigenous communities.

The Hon. Christine Robertson: You are wonderful.

The Hon. MELINDA PAVEY: I thank the Hon. Christine Robertson for her acknowledgement that we are wonderful. I appreciate her bipartisan support. I know she does some incredible work behind the scenes as well. I just wish that the Government would listen to her more.

The PRESIDENT: Order! Interjections are disorderly.

The Hon. MELINDA PAVEY: Furthermore, people on the North Coast of New South Wales are experiencing a number of problems in relation to the housing industry, including the skills shortage, housing stress, planning reforms and competition from the economic boom in Queensland. There are currently considerable pressures on the North Coast housing market, especially with the high rental demand experienced across the entire spectrum of the rental market. The North Coast is currently facing a serious rental shortage, which is exacerbated by the ongoing skills shortage throughout New South Wales and the lack of people available for work. According to a recent front page of the *Port Macquarie News*, at least 60 young people in the Port Macquarie area are seeking accommodation, and with great difficulty. It is a problem not just for the young. The increasing value of many coastal properties is forcing rents up. [*Time expired.*]

The Hon. MARIE FICARRA [2.39 p.m.]: I was pleased to serve on General Purpose Standing Committee No. 5, which gave me the opportunity to examine government expenditure relating to climate change, the environment and water. One could be quite cynical about what the State Government is doing to tackle the problem of climate change. The lack of a comprehensive plan reflects the bitter division in State Government over the issue. We all know that the Treasurer is a proud climate change sceptic and has publicly flagged the idea of diverting funds away from what he calls bogus policies in relation to climate change. At the same time the Premier is saying, "Climate change is real and it's here, and it's time that we all faced up to that".

The contradiction between the Premier and Treasurer is astonishing. Such division within the Labor Party has resulted in terrible decisions on expenditure to deal with climate change. It is all very well and good for the Iemma Government to preach about climate change and to say that we must face up to it, but during the committee's hearing we learned that the Government is doing very little on a practical level. I had a chance to

ask the former Minister for Climate Change, Environment and Water about the practical measures his department has taken to use energy and water efficiencies when half a million dollars was spent refurbishing his ministerial office in Governor Macquarie Tower.

[*Interruption*]

I inquired about his health and where he smoked. Instead of the Minister outlining how his department was at the forefront of fighting climate change at a practical level and leading by example, the former Minister shrugged off most of these questions as a matter for the Premier's Department and took other questions on notice. I have not yet received a response to these questions, which are still relevant, despite there now being a new Minister. For example, in 2002 a question was asked about the Minister for Land and Water Conservation setting up a joint project between his department and the University of New South Wales for the School of Microbiology and Immunology to examine the toxicity of blue-green algae present in the State's waterways at that time. The problem has worsened since, especially in the hot summer months. The information would have been important in managing future algal blooms. Six years later we still do not know what the Government learned from the project and whether any of the recommendations have been implemented.

It is incredibly important that the Government lead by example and ensure that departments use energy and water saving efficiencies. I hope that the Minister for Climate Change and the Environment will lead the charge. For Government members to preach about efficiency savings but not to practise them does not go down well with the community. Considerable concern has been expressed about the Government's decision to allocate $11.7 million in grants to big business for climate change projects. These grants would have been useful for small businesses, but instead some of Australia's largest and most profitable companies are being given millions of taxpayers' dollars for climate change programs that many have already implemented through their own initiatives.

One wonders if Kellogg's, a company with an annual world turnover of $11 billion, really needed $444,000 of taxpayers' money for a new efficient energy system at its Botany factory. Coles Myer, which made a profit of $747 million last year and plans to invest in its energy efficient capital works, was given a grant of $90,000 from the Government to help with a water saving project. Bunnings was given more than $1 million to install a new lighting system in 16 stores and Sara Lee was given more than $100,000 for energy improvements. It is important for businesses to become more energy and water efficient, but the Iemma Government seems to give handouts to companies that could afford these improvements themselves.

Although I have concerns with the Government's accountability and policy direction, I value the opportunity to have been involved in the budget estimates process. The committee also examined tourism. We should all be concerned about the negative flow-on effects to small business in New South Wales caused by the decline in tourism market share. For example, the number of overnight visitors has fallen from 33 million in 2000 to approximately 27 million in 2006. In dollar terms this resulted in a drop of $2 billion in spending by overseas visitors to New South Wales. New South Wales is the premier State and should do better. It is up to the Government to be more proactive in supporting the tourism industry.

The New South Wales Government spends less per visitor on tourism than any other State or Territory in Australia. For example, Queensland spends $2.80 per visitor and Victoria spends $2.70 per visitor and has increased its market share, while this Government spends only $2 per visitor and has lost its market share. Through the budget estimates we were unable to deduce what the Government has been doing to increase New South Wales visitor spending, which has fallen by 14 per cent since 2000. Increasing the number of visitor nights to 10 million would have created an additional 20,000 jobs and $1.8 billion in tourism spending in New South Wales.

Furthermore, for the second year in a row, Sydney has slipped in its ranking of world cities in the annual survey of world travellers conducted each year by the highly respected *Travel & Leisure* magazine. Sydney is the only Olympic city to go backwards in visitation rates, yet the Government has cut promotion expenditure. This cannot possibly be justified. A KPMG report has revealed that the tourism industry is in serious trouble as a direct result of years of neglect by the New South Wales Labor Government. Since 2000, New South Wales visitor expenditure has fallen by 14 per cent, the tourism budget has been slashed by 11 per cent and the tourism budget is now the lowest of all States and Territories. However, other States like Western Australia and Victoria have increased their tourism funding in real terms by 45 per cent and 44 per cent respectively. The New South Wales budget allocation has declined by 11 per cent. New South Wales has lost its market share to Queensland, Western Australia and Victoria.

Tourism in New South Wales should be a vibrant industry, but it is struggling under the Labor Government. It is a $23 billion industry that directly employs more than 172,000 people across the State—40 per cent in regional New South Wales. Slashing the tourism budget over the past five years has been irresponsible and has damaged the New South Wales tourism industry. The Government must inject an extra $20 million a year into promoting New South Wales and developing a whole-of-government strategy to promote tourism.

The strategy should include, but not be limited to, delivering and upgrading the convention and exhibition space, more promotion of New South Wales' wonderful assets in Australia and overseas, better signage, greater consumer protection and a changed attitude by Treasury to the tourism sector. This should be a wake-up call for the New South Wales Labor Government: unless it begins to take tourism seriously, we will see more job losses and more struggling small businesses, which rely on a vibrant tourist economy for their survival. I thank the Chair, Mr Ian Cohen, and my fellow committee members for their patience and persistence. I hope the Government heeds my comments.

The Hon. Michael Veitch: We are heading in the right direction.

The Hon. MARIE FICARRA: The Government may be heading in the right direction, but it has a hell of a long way to go.

Mr IAN COHEN [2.49 p.m.], in reply: I thank members for their contributions to the debate, particularly the Hon. Melinda Pavey for her eloquent address and the Hon. Marie Ficarra for her enthusiastic and valuable contribution.

The Hon. Marie Ficarra: Extremely valuable, thank you.

Mr IAN COHEN: It has been an extremely valuable exercise. I appreciated being chair of a committee that asked many forthright questions of Ministers who hold portfolios that are of interest to us all, and certainly that are of great interest to me. I appreciate that the Hon. Melinda Pavey referred to the effect of housing issues on indigenous and non-indigenous people—an issue that must be given far greater attention. Often the reality that Australia's greatest proportion of indigenous people resides in New South Wales is overlooked. People have the impression that the majority of indigenous people are in the Northern Territory, Queensland or Western Australia, but New South Wales has a significant indigenous population that has specific, as well as basic, needs, such as adequate housing. I am pleased that the housing issue was well ventilated during debate.

One only has to read headlines about sky-rocketing rents for city properties to realise the difficulties faced by people who need housing and to understand a significant cause of homelessness. Honourable members referred to the lack of affordable housing in areas along the New South Wales coast. While regional areas benefit greatly from tourism, it certainly imposes great pressures on the availability of housing. Even people who work in the tourism industry cannot afford to work and live in the same area. They have to commute to areas that are quickly becoming tourist enclaves. While I am certainly in agreement with much of what was said by the Hon. Marie Ficarra about encouraging tourism, a balance must be struck. Along the New South Wales coastline, tourism places significant pressure on limited rental accommodation. Illegal holiday letting not only has reduced available housing for people who have a legitimate need for rental accommodation but also has made holiday rental accommodation scarce for legitimate tourist operators who pay their taxes and meet their obligations to the State. Tourism operations also have been suffering from the failure of the State Government to pay sufficient attention to the issue and properly regulate rental practices.

To a great extent the noticeable decline in visitors in many coastal areas is due to inadequate attention being given to planning by the State Government. The Minister for Planning goes to great lengths to support some elements in society, but also dedicates enormous time and energy to condemning others, such as Byron Shire Council, despite the council recently having won a Local Government and Shires Associations award for regional tourism associated with the production of the *East of Everything* television series in the shire. Filming of the series in the Byron Bay area provided employment for local people, provided an incredible boost for the local economy, and showed a reasonably sensitive use of facilities in the local area, yet the State Government knocked the efforts of the local council. Condemnation flows freely from State Government Ministers, but they fall strangely silent about a very successful local production. Local people have told me it is the first time for some months they have been able to work on a production and sleep in their own bed at night.

My understanding is that *East of Everything* is the only Australian production that was filmed entirely in a region. When the series first screened on television at 8.30 on Sunday nights on the ABC, it had immediate success and won 24 per cent of the audience. The sixth and final episode was screened last weekend and the success of the series has been so great, with assistance from people in the local area and Byron Shire Council,

that another series, a prequel, is planned for later this year. The combination in the series of the creativity of local artists with the acting prowess of stars such as Richard Roxburgh has led to great success. The Greens certainly support successful regional ventures, including tourism, because they benefit local economies, local artists and local creativity. Unfortunately, certain members of the State Government fail to recognise that support, preferring instead to attack the Greens for being antitourism and antidevelopment—which, of course, is absolute rubbish.

An acute problem affecting the North Coast region is the lack of public transport. The virtual non-existence of public transport in the region is criminal. It particularly affects young people because it prevents them from visiting local towns and local attractions. Young people are forced to hitchhike along North Coast roads, and everyone knows how dangerous that activity can be. It is not an appropriate form of transport for young people. Just as the provision of public transport is a priority in cities, so should it be a priority in the North Coast region.

I compliment the Hon. Marie Ficarra on addressing climate change issues that highlight the clear divisions between the policies of the State Government and the ideas of other parts of the community. It is astonishing that on the one hand we have a Treasurer who is a climate change sceptic and on the other hand we have a Premier who extols the environmental values of his Government while proceeding with construction of another coal-fired power station and mickey mouse carbon sequestration, even though operators in the United States have declared that it is not viable. It would be great if the Government could construct a solar thermal power station. The technology and talent are available currently, although much of that is going overseas owing to insufficient interest on the part of Australian governments in green technology. We should support innovative technology. The Greens would certainly support such projects as solar thermal power stations.

It is not so much a case of the Greens being against development as it is an issue of the quality of development. If the Government approved a solar thermal power station with a baseload operational capacity that is capable of resolving the power generation problems in the State for the foreseeable future, the Greens would applaud it. But, no, creativity is at an all-time low and the Government is still inextricably attached to the coal economy. Another issue that concerns me is the absence of transparency in Government decisions. A number of times I have asked the Minister for Energy how much the operators of aluminium smelters in the Hunter, which consume approximately 24 per cent of the State's electricity, pay for the electricity that the State Government provides. I have tried to get that information many times, but I still do not know the answer. Taxpayers are subsidising aluminium smelters that consume 24 per cent of the State's electricity. When that is considered in conjunction with the desalination plant that will soon come online, it makes a mockery of the State Government's assertion of adherence to a greenhouse gas reduction policy. The State Government persists with inappropriate policies at the expense of both the taxpayer and the environment.

A factor associated with the strong export market of the aluminium industry is its amelioration of production costs by purchasing cheap electricity—at the expense of New South Wales consumers. While I welcome the Government's energy and water saving initiatives, it seems to take one step forward and two steps back in its business dealings. This year I look forward to questioning the Minister for Climate Change and the Environment on the impact of the desalination plant and the marine ecology in waters surrounding Kurnell Peninsula. I await detailed information on the impacts of the project, which are estimated to be great. Just because the impacts cannot be seen beneath the water, it does not mean that the project will not have a massive impact on amenity and the environment, even before piping infrastructure is constructed. I could say much more, but time is short. In conclusion, I thank all the members of the committee for their creativity and cooperation. I also thank the Ministers who, by and large, were open and forthcoming about providing responses. [*Time expired.*]

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

Motion agreed to.

COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION

Report: Review of the 2005-2006 Annual Report of the Inspector of the Independent Commission Against Corruption

Debate resumed from 26 February 2008.

Reverend the Hon. FRED NILE [3.00 p.m.]: As one of the longest serving members in this House it is a pleasure to speak on report No. 2/54 of the Committee on the Independent Commission Against Corruption

entitled "Review of the 2005-2006 Annual Report of the Inspector of the Independent Commission Against Corruption, incorporating transcripts of evidence, answers to questions on notice and minutes of proceedings", dated December 2007.

I take the opportunity to congratulate the Independent Commission Against Corruption [ICAC] on its ongoing role in identifying corruption in the State and taking appropriate action in that regard. Over the past few months we have heard about ongoing investigations by the ICAC in Wollongong. The commission has been successful in bringing a number of key people from the Wollongong region who appear to have been involved in corrupt conduct before it for questioning. The success of the ICAC is due both to the efficiency of its investigators and appropriate financial resources to enable it to gather evidence in its investigations with the use of the latest surveillance equipment.

On one of the committee's visits to the ICAC members had explained to them the techniques used to interview persons suspected of being involved in corrupt conduct. Initially most suspected persons deny accusations put to them during questioning with responses such as, "No, I never said that. No, I never did that. No, I never met that person." The look of shock and disbelief on their faces after being shown a video of meetings or hearing recorded telephone conversations with persons of interest is something to behold. They cannot believe that they have been so caught out. I congratulate the ICAC on carrying out the role for which it was established by this Parliament. Even though it is a major expenditure item in the State budget I believe such funding is well justified and should be increased in real terms year by year.

The report deals with the annual reports to Parliament of the Inspector of the Independent Commission Against Corruption, whose role is similar to that of the Inspector of the Police Integrity Commission. It is a new position and the committee conducts interviews with him to assist him to carry out his role. The Committee on the Independent Commission Against Corruption is a joint House committee concerned with the administrative arrangements supporting the inspector's capacity to perform his functions and the practices and procedures by which the inspector carries out his functions, as well as the commission's responses to recommendations and requests by the inspector. In other words, the committee is concerned that the inspector is receiving the wholehearted cooperation of the commission, whose activities are being oversighted.

The committee focused its questioning of the inspector on matters relating to his functioning, particularly problems associated with his office at Redfern, which is certainly not an ideal location for the inspector's office. The committee heard reports that his staff is not comfortable about leaving the premises for a walk during lunch breaks because of fears of harassment. The committee shared that concern and recommended the relocation of the office. Alternative and cost-effective arrangements for accommodation for the inspector and his staff with another government department should be investigated immediately. The committee encouraged the inspector to discuss the relocation of his office with the Premier, who is the relevant Minister. We will be advised in due course of the success of that discussion.

In carrying out his duties the inspector has to deal with complaints against the ICAC, the purpose of which is to deal with complaints of corruption. Even members of this House have been known to refer matters to it. The inspector deals with complaints made to him about the performance of the organisation itself, or its staff, related to allegations of maladministration. I do not anticipate—and hopefully it will never happen—any allegations of corruption will be made against the staff of the ICAC. The inspector's main task is to ensure the efficient operation of the commission.

The inspector is concerned only with matters of administration. We know from media reports that recently in Wollongong that two people claiming to be officers of the ICAC were seeking bribes in return for stopping ICAC investigations. It turned out that the two individuals were not officers of the commission at all and that the claims they had made were fraudulent. We do not ever anticipate charges of corruption being laid against the staff of the commission but we know, human nature being what it is, that nothing is impossible. The selection criteria of the commission with regards to its staff are very strict and such allegations would not be expected.

The inspector reported to the committee that on two occasions he had experienced problems obtaining information from the ICAC. The reason on both occasions was the commission's inability to locate relevant documents. That raises questions about the efficient operation of the commission, but we also understand that the ICAC deals with a large volume of complaints and it would not be impossible for there to be a delay in locating relevant documents. One would hope, however, that such documents can be located, filed correctly and made available when requested. The inspector questions the commission when he receives complaints about its administration, and it would not be helpful to him if the commission is unable to find documents relevant to his investigations; he would be prevented from carrying out his duties in the way intended.

I refer to an issue that arose from the audit of the commission's compliance. Section 12A of the Independent Commission Against Corruption Act provides that the commission is "to direct its attention to serious and systemic corrupt conduct". The committee inquired whether the commission interpreted the section to mean serious "or" systemic corrupt conduct, rather than serious "and" systemic corrupt conduct. The Inspector confirmed that the commission interpreted the section flexibly to mean corrupt conduct that was serious or systemic or both. That section of the Act is a grey area. Although the Cabinet Office has concurred with the commission's interpretation, the committee has recommended that section 12A be amended so that the meaning is beyond doubt. I believe the section should be amended to read "serious or systemic corrupt conduct". Such an amendment would make the section more workable and assist the commission in carrying out its duties.

Prior to a hearing with the Inspector of the Independent Commission Against Corruption, the committee provided the inspector with questions on notice. At the hearing the committee referred to the questions on notice and sought further information relating to the operation of the Office of the Inspector of the Independent Commission Against Corruption, such as, how many complaints were received and how they were dealt with. The committee asked the inspector about the workload of the Office of the Inspector. The number of complaints received during 2005-06 proved to be higher than expected. The committee inquired into the need for increased funding for the Office of the Inspector of the Independent Commission Against Corruption. Subsequently, increased funding was granted. The committee sought information as to the office's process for the management of complaints. The inspector indicated it was a simple assessment process.

Complaints are acknowledged by way of a standard letter. All evidentiary material is reviewed, including the complaint, material supplied by the complainant, ICAC records, the assessment panel report, correspondence with the complainant and case notes. The executive officer of the Office of the Inspector of the Independent Commission Against Corruption prepares and submits written advice, which includes draft correspondence and recommendations, together with the complaint file to the inspector for review and determination. Finally, the office implements the inspector's directions and amendments and finalises correspondence for signature. It is a simple but important process.

The new role of the Inspector of Independent Commission Against Corruption assists the ICAC to perform its tasks more efficiently. The committee asked the inspector about the criteria used to determine when the office investigated complaints. With the possibility of vexatious complainants—complaints without substance—the inspector faces the challenge of sorting the wheat from the chaff. The inspector said that his office had received 26 written complaints and 9 oral complaints. Oral complaints are more difficult to investigate, as written complaints generally include details, references and reasons for complaint. The committee is assisting the inspector in undertaking his functions effectively and expanding his knowledge in this regard. The position of Inspector of the Independent Commission Against Corruption is a valuable asset to the State's campaign against corruption in all its forms.

The Hon. JOHN AJAKA [3.14 p.m.]: Pursuant to the Independent Commission Against Corruption Act, the Committee on the Independent Commission Against Corruption reviews the annual report of the Inspector of the Independent Commission Against Corruption and makes recommendations to assist the inspector in undertaking his functions in the most effective manner. In speaking to the review of the 2005-2006 annual report of the Inspector of the Independent Commission Against Corruption, I thank the inspector for his assistance and cooperation during the review process. I thank the committee chair, Mr Frank Terenzini, for his conduct of meetings in an open and transparent manner, and also the secretariat staff, who provided all necessary assistance and resources.

The committee made two main recommendations, as noted in the report. The first recommendation is that the inspector discuss with the Premier, as the relevant Minister, the feasibility of funding the relocation of the Office of the Inspector of the Independent Commission Against Corruption to a more appropriate and centrally located area. The inspector advised the committee that his office is currently located in the same building as the Redfern Police Station. This raises a number of concerns, in particular, security issues and isolation of the location. I was surprised that the Office of the Inspector of the Independent Commission Against Corruption was located in the premises of the Redfern Police Station. It would be more appropriately located in the Sydney central business district area within close proximity to the offices of the Independent Commission Against Corruption.

I believe that consideration should be given to locating the Office of the Inspector of the Independent Commission Against Corruption within the premises of the Independent Commission Against Corruption. This would eliminate loss of time in relation to meetings and other forms of communication between the Office of

the Inspector of the Independent Commission Against Corruption and the Independent Commission Against Corruption staff and may increase the synergy and joint utilisation of resources of the Office of the Inspector of the Independent Commission Against Corruption and the Independent Commission Against Corruption.

The inspector informed the committee that a number of employees did not feel safe in the Redfern area and that, on occasions, one or more of the employees had been harassed. It is a sad state of affairs when people feel that the Redfern Police Station building is not a safe place of employment. The inspector also raised the problem of recruitment and retention of staff. He said that the current location of the office at Redfern was a detriment to recruiting staff, but also indicated it was difficult to recruit and retain suitable staff due to limited career advancement possibilities. Small staff numbers provide limited opportunity for promotion and advancement. I raised with the inspector the possibility of employees being seconded for short periods from other departments.

For example, employees could be seconded from the Director of Public Prosecutions, the Crown Solicitor's Office or the Local Court in order to give employees an opportunity to work with the Office of the Inspector of the Independent Commission Against Corruption for, say, 12 months and then return to their original department. This would assist the advancement of employees up the career ladder without creating any prejudice by their having to resign from their current positions to join the Office of the Inspector of the Independent Commission Against Corruption. The inspector indicated that he had considered secondment of staff and was a great believer in it. I strongly recommend that the Government implement the necessary procedures to encourage secondment of staff.

The second recommendation of the committee relates to the definition of "serious and systemic corrupt conduct" in section 12A of the Act. The committee was informed that notwithstanding the words "serious and systemic corrupt conduct", the Independent Commission Against Corruption Commissioner and staff interpreted Section 12A as serious and/or systemic corrupt conduct. The inspector indicated that the commissioner considered the appropriate interpretation of Section 12A was that the conduct, to be deemed corrupt, could be either serious or systemic and did not have to be both. In response to a question by me, the inspector indicated that he was not aware of any cases where this interpretation had been tested in the courts.

Clearly, this is a grey area. The courts may require both limbs in Section 12A, namely serious and systemic corrupt conduct, in order to be satisfied that the commission has complied with the Act. As the Independent Commission Against Corruption has proceeded on the basis that either limb, that is, serious or systemic corrupt conduct, is applicable, I ask that the Government act on the recommendation of the committee without delay. Parliament should specify with complete clarity what is intended. That is, either limb or both limbs must be satisfied. The Independent Commission Against Corruption should not operate on what it perceives is the correct interpretation if that interpretation is not what was intended by the Parliament.

The only other issue I wish to raise briefly relates to the memorandum of understanding between the Independent Commission Against Corruption and the Director of Public Prosecutions. It is noted that the committee has made no recommendation in this regard due to the fact that the inspector confirmed that he had met with both the Director of Public Prosecutions and the Independent Commission Against Corruption in March 2006 to discuss the arrangement between both agencies in regard to the new memorandum of understanding. The inspector indicated that he had no statistical information in relation to any anticipated or actual reductions in the time taken to refer and assess briefs for prosecution from the Independent Commission Against Corruption to the Director of Public Prosecutions.

I was a little surprised to hear that issues still exist between the Director of Public Prosecutions and the Independent Commission Against Corruption in relation to delays between the Director of Public Prosecutions receiving an initial brief from the Independent Commission Against Corruption to receipt of the final advice from the Director of Public Prosecutions and the actual laying of charges. It is noted from the committee's review of the 2005-2006 annual report of the Independent Commission Against Corruption that there were delays of 11 to 1,508 days between receipt by the Director of Public Prosecutions of the initial brief from the Independent Commission Against Corruption and the provision of the final advice by the Director of Public Prosecutions. That is a seriously long period of time: it is more than four years.

I cannot understand why it would take four years for the Director of Public Prosecutions to provide a final advice to the Independent Commission Against Corruption. I would hate to think that these matters are hitting the too-hard basket and simply gathering dust. It would be a very strange situation for charges to be laid and proceedings to be commenced in relation to matters that had been reported four or five years earlier. I ask

the Government to give serious consideration to these matters also and to encourage the Independent Commission Against Corruption and the Director of Public Prosecutions to agree on a realistic and thorough memorandum of understanding.

The Hon. GREG DONNELLY [3.23 p.m.]: This report by the Committee on the Independent Commission Against Corruption is the result of a detailed examination of the 2005-06 annual report of the Inspector of the Independent Commission Against Corruption. It is the inspector's first annual report to Parliament on the operations of his office. The committee's report also includes an examination of the inspector's annual report for 2006-07, which was tabled in the weeks preceding the public hearing held with the inspector on 1 November 2007. The committee will examine that report in greater detail in May 2008.

In keeping with its statutory functions, the committee took evidence from the inspector on a wide range of matters affecting the inspector's office. But in preparing its report the committee has elected to draw to the attention of the New South Wales Parliament the following: the administrative arrangements supporting the inspector's capacity to perform this function; the practices and procedures by which the inspector carries out his functions; the Independent Commission Against Corruption's responses to recommendations and requests by the inspector; and issues concerning the ambit of the Independent Commission Against Corruption's jurisdiction. Given that the inspector's office is still in the relatively early stages of development, the committee has made a number of observations in its report on areas that it will continue to monitor and have an active interest in, rather than reach major findings and conclusions based on a limited period of operation.

I will now turn to some of the main issues covered by the committee's report. The first recommendation contained in the report is that the inspector discuss with the Premier, as the relevant Minister, the feasibility of funding the relocation of the Office of the Inspector of the Independent Commission Against Corruption to a more appropriate, centrally located office space. The committee was concerned about certain funding and administrative arrangements affecting the operation of the inspector's office, particularly problems associated with the location of the office in Redfern. The inspector advised the committee that the office's isolated location and related safety concerns have made the recruitment of a permanent staff member difficult and have also resulted in temporary staff leaving the office.

The committee feels that the relocation of the office to a more centrally located office space would be cost-effective in the long term with regard to the employment of staff and would improve the accessibility of the office to complainants, while also allowing the inspector's staff easier access to the Independent Commission Against Corruption. Consequently, the committee has recommended that the inspector discuss the feasibility of the relocation of his office with the Premier, as the relevant Minister. The committee will follow up developments on this issue when it meets with the inspector in May.

In the performance of his functions during the 2005-06 reporting year, the inspector assessed 35 complaints about the Independent Commission Against Corruption, which mostly raised allegations of maladministration. While the majority of the complaints were found not to warrant investigation, the inspector made certain recommendations to the Independent Commission Against Corruption regarding the latter's assessment of evidence. The committee has noted that the inspector believes that the Independent Commission Against Commission's management of complaints assessment has since improved but that some aspects of the inspector's recommendations were not implemented.

During the 2005-06 reporting period the inspector received two complaints, which he referred back to the Independent Commission Against Corruption with recommendations for action. The first complaint alleged maladministration by the Independent Commission Against Corruption on the basis that Independent Commission Against Corruption officers were unreasonable in failing to assess evidence supplied by a complainant in support of his or her original complaint. The inspector noted that an assessment of the complaint showed that it warranted investigation, leading him to recommend that the Independent Commission Against Corruption assess the evidence the complainant had provided. The inspector further recommended that the Independent Commission Against Corruption develop an explicit policy for staff about the standard of effort required to access evidence that might, at first instance, prove difficult to access.

The second complaint alleged maladministration by the Independent Commission Against Corruption in relation to a complaint concerning the conduct of councillors in a local government election. Once again, the complainant alleged that the Independent Commission Against Corruption had been unreasonable in its assessment of the evidence, particularly in failing to speak to certain key witnesses. The inspector assessed the complaint as being within jurisdiction and, following an assessment of the material supplied by the complainant and relevant electronic records of the Independent Commission Against Corruption, recommended that the commission reconsider its decision not to investigate the complaint as there were issues of both process and

substance. The inspector also suggested that the adequacy of the Independent Commission Against Corruption's assessment reports should be generally examined as he held concerns about the accuracy of matters being reported by assessment officers, in this case to the Operations Review Committee, which has since been disbanded.

The response of the Independent Commission Against Corruption to the first complaint was that it did not need to develop a specific policy on the standard of effort required to assess evidence as this issue could be addressed in the staff induction process. With regard to the second complaint, the Independent Commission Against Corruption recognised the issues raised by the inspector about the adequacy of reports to the Operations Review Committee and the commission's assessment procedures. The inspector was informed that the Independent Commission Against Corruption would consider the issues raised.

The committee noted that the process adopted by the inspector for evaluating whether or not complaints about the assessment of evidence by the Independent Commission Against Corruption warranted further action or raised procedural or systemic issues necessitates the inspector's office undertaking a further assessment of the commission's original complaint assessment. The committee intends to seek advice from the inspector on further developments or specific policy initiatives taken by the Independent Commission Against Corruption in this area, and whether the commission's assessment of evidence provided in support of the complaints made to it is a matter that warrants further monitoring and review.

On two occasions during the 2005-06 reporting period the inspector experienced difficulties in obtaining information from the Independent Commission Against Corruption. Given the large volume of complaints processed by the Independent Commission Against Corruption, these instances may not be unreasonable. However, the committee believes that the provision of information by the Independent Commission Against Corruption to the inspector is essential to the performance of his functions and it will continue to monitor this area. Given the large volume of complaints processed by the Independent Commission Against Corruption, these instances may not be unreasonable. However, the committee believes that the provision of information by the Independent Commission Against Corruption to the inspector is essential to the performance of his functions and this matter will continue to be monitored.

Shortly before taking evidence from the inspector the committee finalised and adopted its report on its examination into the annual report of the Independent Commission Against Corruption for 2005-06. One of the matters covered by the committee in that report was the operation of the memorandum of understanding between the Independent Commission Against Corruption and the Director of Public Prosecutions. Having identified certain difficulties with the provision of admissible evidence to the Director of Public Prosecutions arising from an Independent Commission Against Corruption investigation, the committee foreshadowed that it would conduct an inquiry in this area if the Independent Commission Against Corruption and the Director of Public Prosecutions were unable to remedy the problems.

On raising these matters with the inspector, the committee was reassured to hear that he had given consideration to the arrangements between the Director of Public Prosecutions and the Independent Commission Against Corruption and that the Independent Commission Against Corruption had kept the inspector informed of recent developments in relation to the memorandum of understanding. Significantly, the inspector noted that neither agency had provided statistical information on anticipated or actual reductions in the time taken to refer and assess briefs for prosecution. The committee will be pursuing the progress made in the negotiations between the Independent Commission Against Corruption and the Director of Public Prosecutions about the memorandum of understanding.

The second recommendation is that the Premier, as the Minister with responsibility for the administration of the Independent Commission Against Corruption, consider introducing an amendment to the Independent Commission Against Corruption Act to put beyond doubt that the reference to "serious and systemic corrupt conduct" in section 12A is to be interpreted as a reference to either serious and/or systemic corrupt conduct. The provision has been made the subject of a compliance audit by the inspector in relation to the commission's assessment of complaints, and the committee will examine the inspector on that audit report soon. I thank my fellow committee members for their contributions to the review and for their bipartisan approach to the committee's work. I also thank the inspector and his staff for their full cooperation throughout the review. The committee was ably supported—as it always is—by the excellent work of the secretariat. I support and commend the report to the House.

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

GENERAL PURPOSE STANDING COMMITTEE NO. 2

Report: Inquiry into the Operations of the Home Building Service

Debate resumed from 26 February 2008.

The Hon. ROBYN PARKER [3.33 p.m.]: The General Purpose Standing Committee No. 2 report on the Office of Fair Trading Home Building Service makes 21 recommendations to improve the regulation of home building in New South Wales. The inquiry was unusual in that it was commenced by General Purpose Standing Committee No. 4 and was completed by General Purpose Standing Committee No. 2. General Purpose Standing Committee No. 4 established the original inquiry into the operations of the Home Building Service of the Office of Fair Trading on 27 September 2006. Following the re-establishment of the general purpose standing committees in the fifty-fourth Parliament responsibility for the Fair Trading portfolio was transferred from General Purpose Standing Committee No. 4 to General Purpose Standing Committee No. 2. The inquiry was re-established effectively with the same terms of reference on 27 July 2007.

I extend my thanks to the members of General Purpose Standing Committee No. 4, and in particular the chairperson, the Hon. Jenny Gardiner, for the work they undertook in hearing evidence and dealing with a large number of submissions and for the ground work they did. It was difficult for members of General Purpose Standing Committee No. 2 to pick up an inquiry about which they had very little knowledge. Committee members almost arrived at consensus with regard to this report and they worked very hard to achieve outcomes that would lead to real improvements. A dissenting report was presented, and I will deal with that later.

The New South Wales home building industry generates in excess of $19 billion a year and employs approximately 250,000 people. In 2005-06 the industry built 32,000 new homes and undertook 21,500 major renovations and 1.6 million minor building works. The committee has concluded that consumer protection for homebuilders and renovators in this State should be improved. Although some consensus was achieved, one should never assume that this report is a lightweight report. It is not; it certainly makes strong recommendations. I will enjoy telling the House about those recommendations.

Pursuant to standing orders business interrupted and set down as an order of the day for a future day.

BUSINESS OF THE HOUSE

Postponement of Business

Government Business Notices of Motions Nos 1 and 2 postponed on motion by the Hon. Henry Tsang.

PUBLIC SECTOR EMPLOYMENT AND MANAGEMENT AMENDMENT BILL 2008

Second Reading

Debate resumed from 2 April 2008.

The Hon. GREG PEARCE [3.35 p.m.]: Ordinarily the Coalition would support measures designed to modernise and improve efficiency, management and cost-effectiveness in the public sector. However, under this Labor Government the public sector has become a harbour for jobs for the boys, favouritism and inefficiency. Confidence in the public sector has been undermined by the repetition of names such as Tripodi, Coutts-Trotter and Keneally in its senior ranks. That scenario extends throughout the public service, which has been infiltrated by Labor mates such as Mr Joe Scimone.

The Coalition supports merit selection and fair employment practices. On the face of it, a number of the provisions in this bill should be supported. However, I question the basis upon which the bill was introduced. It is said to implement the recommendations contained in the report of the Council on the Cost and Quality of Government on its review of employment processes in the New South Wales public sector. I spent some time

trying to find that review report, and I would like the Minister to produce it so that we can examine it. The council seems to have disappeared without a trace—the Premier has abolished it. It is also a little unclear when the review took place and what the report recommended.

Generally speaking, changes such as replacing the requirement to advertise vacancies in the public sector notices with online advertising and simplifying provisions relating to eligibility lists and processes and various other activities in the public sector should be supported. Moves should be made to make the public sector more efficient and modern. The amendments are said to streamline the existing legislative framework, to improve retention of quality temporary or seconded staff, to increase efficiency and to improve fairness. The Coalition's only concern relates to temporary and seconded staff. There is ample evidence that the Government is abusing those processes with regard to Labor mates. For example, disgraced former Wollongong council officer and Australian Labor Party powerbroker Joe Scimone was sacked from his $200,000 per annum job at NSW Maritime after admitting that he offered a bribe to someone to destroy evidence against him in a corruption investigation.

Mr Scimone was a good friend of the Minister for Ports, Joe Tripodi, and there are considerable doubts about his appointment to the public sector, in particular to the senior job he had in the New South Wales Maritime property division. It would be hoped that the changes being brought in by this legislation, particularly in relation to the eligibility lists and long-term temporary employment and secondments, would not be used to assist in putting somebody like that into a senior and well-paid job. The other concern is that we are quite often seeing—and it is often where these people are caught out—people being sacked and then paid out, and the payment is kept a secret as well. That is another practice to be condemned.

We will not oppose this bill. To the extent that it improves efficiency and fairness in the public sector we applaud it. We trust that the public sector will itself fight for proper merit selection and ensure that standards are maintained, and that the Labor Party standard disclosure—which is now made, I understand, in senior appointments where any appointments committee is bound to include information on branch associates or relatives or other associates of Labor Party applicants—should be cleaned out. It is a pity to have to say this but in the public sector now the Independent Commission Against Corruption test is no longer the test. What has to be applied when the Labor Party is involved is the wink and the nod test. We all know what is going on. It is a disgrace. I am sure the public of New South Wales will throw this mob out when it next gets the chance.

Dr JOHN KAYE [3.41 p.m.]: The Greens do not oppose the Public Sector Employment and Management Amendment Bill 2008; by and large, we support it. However, we will be asking the Parliamentary Secretary in his reply to address one key issue in relation to privacy. A quality public sector is crucial to the success of a modern society. Not all economic and management functions within society can be done by the marketplace, or even best performed by the marketplace. Therefore it is particularly important that we have a strong public sector, given the challenges our society faces—an ageing population, a growing gap between wealth and poverty, and increasingly stringent environmental constraints, including greenhouse, the peak oil phenomenon and shortages in water. Presumably, we will soon be facing constraints on food supply. Each of these challenges poses specific challenges to marketplace and private enterprise solutions. The only way the appalling impacts on low-income households can be ameliorated is by a strong public sector that operates outside the profit motive but operates in the best interests of society as a whole to ensure that no individual is disadvantaged or left behind by the operations of the marketplace.

The heart of a strong public sector is public sector employees. Therefore it is important that the Public Sector Employment and Management Act works, and works well, to secure quality career paths for public sector employees and ensure they are rewarded for their activities and that they are able to remain committed and engaged employees. To that extent the bill is worthy of support. It creates a new minimum requirement that public sector vacancies be advertised online rather than by hard copy in the public sector notices and the *Government Gazette*. That is a sensible step forward in that it recognises the advances in information technology and that almost all public sector employees would have ready access to the Internet rather than just relying on access to the public sector notices or the *Government Gazette*.

The bill also allows eligibility lists to apply for 12 months for all higher positions, not just entry-level provisions. That is definitely a step forward in creating fair opportunities for promotion. It allows departmental heads to use eligibility lists to fill lower vacant positions, not just the position the public servant originally applied for, for which an eligibility list was created. That is to say, eligibility lists can be transferred across departments. We raise one concern with respect to these eligibility lists. That is the same concern that was raised by the Legislation Review Committee when it looked at this legislation. It pointed out quite severe risks to privacy associated with this provision.

The privacy risks are twofold. Firstly, the person applying for a job and turning up on an eligibility list did not necessarily apply for the job to which the eligibility list is being transferred. For example, I may apply for a job in the public sector. I may not wish it to be broadcast around the public sector that I am applying for that job. I certainly would not want it broadcast around the public sector that I did not get that job. In any large organisation, public or private, there is always a strong and vibrant rumour mill. Our concern is that the passage of eligibility lists around the public sector will feed the rumour mill, particularly where an individual, probably through no thought of their own, turns up on a number of different eligibility lists and is obviously repeatedly applying for new jobs and not gaining those jobs.

Public sector employees would not want it known that they were on an eligibility list but did not receive the job. We ask the Parliamentary Secretary in his reply to address that issue and specifically explain to the House how the privacy of people applying for jobs, particularly when they are not successful in getting the job and are on an eligibility list, would be protected under the provisions of this bill.

Two other provisions in the bill are significant. It simplifies the process for making permanent employees who have been temporary for two years, and it simplifies the process for converting longstanding secondments to allow public servants to become permanent for the position they have been acting in for two or more years in another department, without having to go through the full, advertised, competitive interview process. Both of these are reasonable provisions that will allow for public sector employees who have aspirations of permanency or aspirations for the job they have been seconded to, to have their service on secondment or in the temporary position recognised and used as a basis for conversion to permanency.

We have been concerned about trends towards casualisation of the public sector. In 2002 when the Public Sector Management Act was replaced by the Public Sector Employment Management Act Ms Lee Rhiannon, who spoke on behalf of the Greens, raised the issue of the long-term decline in permanency within the public sector. While that decline has not accelerated or continued over the past six years, we remain concerned that far too much casual employment is used in the public sector to replace full-time permanent employees.

Casualisation is stripping away the assumption of a permanent workforce not only in the public sector but also in TAFE institutions. To the extent that this bill does not in any way damage the career development of public sector employees and respects the reasonable rights of public sector employees to expect a reasonable career development path, we support the bill.

The Hon. CATHERINE CUSACK [3.50 p.m.]: I support the remarks made by my colleague the Hon. Greg Pearce on the Public Sector Employment and Management Amendment Bill 2008 and thank Mr John Kaye, whose thoughts I endorse on eligibility lists and the position of public servants who, unfortunately, in this political public service in New South Wales, may wish to put out feelers by applying for a job in a particular area or elsewhere in their organisation but do not wish it to be known that they are applying for the job because it could undermine their current position. Once the word is out that somebody is looking to leave, this could have a profound effect on a person's ability to perform the job well. It is also presumptive as to the wishes of that person, so I urge caution.

My colleague the Hon. Greg Pearce referred to temporary employees being able to have their positions converted to permanent positions after two years without the necessity to advertise the positions. At first blush that is a reasonable proposition. However, the Opposition is concerned that that method of recruiting people into positions could well become the normal way to fill positions and it then becomes questionable as to what positions will be advertised and filled on merit. The person making the temporary appointment has complete flexibility and latitude over the person he or she selects, doing so in the knowledge that after two years the position will become permanent. This completely negates the merit selection principles under which the public service operates.

To illustrate the Opposition's concerns, I give the example of Mr Robert Griggs, who was a temporary staff member in the office of former Premier Bob Carr. When the former Premier retired, a number of his staff were engaged in very high-profile public positions and the incoming Premier, as is his right, took on his own staff. No alternative options became available to Mr Griggs so he suddenly found himself in a temporary senior executive service position in the Premier's Department, an unattached position with no job description—there appeared to be no rationale for it. There were no selection criteria, and as there was no job no opportunities were available for other people who might have been likewise unattached.

Mr Griggs was lodged in the Department of Transport for a little while but as there was no real role for him, ultimately he went to the Department of Gaming and Racing where he stayed as a consultant, again in a position without a job description. I believe the chief executive officer advised Col Gellatly, the head of the Premier's Department, he was needed, and on the strength of that conversation Mr Griggs was transferred to that agency where he stayed for 18 months to two years. Coincidentally, the Premier's Department funded the budget for that position, not the Department of Gaming and Racing. Eventually Mr Griggs returned to the Premier's Department. He became entitled to a redundancy payout, which was calculated retrospectively to the time when he originally started work in the public service even though he had held various temporary positions that did not accrue full-time entitlements. He was given a $250,000 redundancy payout.

The Opposition is cynical about the way in which the Government uses this flexibility to achieve reasonable outcomes in the interests of efficiency in the public service and in the interests of reasonable fairness to employees, and the extent to which the Government can abuse that flexibility and latitude to assist its mates. Its imagination is truly extraordinary. We see enormous numbers of inexplicable appointments pop up. People seem to be able to transfer between ministerial offices, into organisations and into very senior positions almost at will. There is a common theme to this movement filtering in and out, that is, that the positions are not advertised, merit selection is not applied, and the sole criterion essential for all the positions is that the person must be a good team player. It is a euphemism for understanding the way things work in the Labor Party and the Labor Government in New South Wales.

We are concerned about the independence of the public sector because it goes to the heart of the efficiency and effective management of the State. The problem with the rorts is not that it offends us politically but that ultimately it demoralises the entire public sector and the people who understand the clear message being sent by the Government, that is, to get on with it politically and receive favourable treatment or do not get promoted or get out. The Government is demoralising the public sector by making employees comply. They may fit in neatly with the Government's political will but at the expense of service outcomes. Agencies are struggling to cope with core services. One cannot dip in and out of organisations and manipulate them without a huge cost to morale. Good employees will be driven out of the public service. Indeed, they are fed up to the back teeth with the way business is conducted in the State.

The Opposition is concerned about the interests of fairness for the individual positions and the huge price that the public sector as a whole is now paying after 13 years of rorting of the appointment system. I say to the Government: the Opposition is rightly concerned about these positions. The one thing we can rely on is the Government's propensity to abuse these powers for narrow political purposes. It is such a shame. The Government has wrecked the moral concept of independence and merit-based selection in the public service. The damage done over 13 years is huge and it will be an enormous task to repair it.

Reverend the Hon. FRED NILE [3.58 p.m.]: The Christian Democratic Party supports the Public Sector Employment and Management Amendment Bill 2008, with reservations. The bill will amend the Public Sector Employment and Management Act 2002 to facilitate the appointment of long-term temporary departmental employees to officer positions in the public service by removing the requirement that such a temporary employee can only be appointed to such a position if the position has substantially the same duties as those performed by the person during the period of temporary employment. Some checks and balances are needed to ensure that temporary employees are fully qualified to carry out those duties.

It is all well and good to say that the duties will be substantially the same, but the issue is whether that person is qualified to carry out those duties. The bill also will enable public sector employees who are on secondment for at least two years to be appointed to new positions in the agencies to which they are seconded without having to advertise the position or require the person to serve a period of probation, but only if the person has been selected on merit at some stage for a similar or greater position. The briefing papers emphasise that certain job vacancies will be advertised on the Government's recruitment website rather than in the *Public Sector Notices*. I cannot see how that would be an advantage.

While I am not against advertising positions on the Government's recruitment website, this measure begs the question: Why not advertise a position in the *Public Sector Notices* so that the job vacancy is given the widest possible exposure and hopefully will provide the widest choice of persons to fill the vacancy? I ask the Government to give consideration to advertising all vacancies on both the Government's recruitment website and in the *Public Sector Notices*. While I appreciate that the change may be motivated by a desire to save money, I believe that every public servant should have the opportunity of being made aware of a position for which he or she wishes to apply, and should be given the opportunity to apply. The Christian Democratic Party supports the bill, with reservations.

The Hon. HENRY TSANG (Parliamentary Secretary) [4.01 p.m.], in reply: I thank all honourable members who contributed to the debate. In response to the sensible question asked by Dr John Kaye—relating to whether privacy issues will be considered regarding the proposal to allow departmental heads to use another department's eligibility list to fill positions that are substantially the same—I point out that privacy issues will be considered in the course of implementing the proposal. Specifically, administrative arrangements will require an applicant's consent to be obtained before his or her name is included on an eligibility list that will be shared with another department. The consent will include the type of additional information that may be shared with other departments—for example, an applicant's job application. All privacy issues will be addressed when the proposal to share eligibility lists across departments is implemented.

In response to the question asked by the Hon. Catherine Cusack about how the proposed changes regarding the conversion of long-term temporary employment or long-term secondments to permanent positions will impact upon the merit principle, I point out that none of the proposed changes affect the merit principle. In relation to the conversion of temporary employment to permanent employment, the bill removes only the requirement that the duties of the permanent position must be substantially the same as the duties of the first temporary position that a person was employed to fill on the basis of merit. The person will still be required to meet the selection criteria for the permanent position to be appointed to that position, and the person will still have to be employed at some stage as a temporary employee on the basis of merit.

A temporary employee cannot be appointed to a permanent position at a particular grade unless he or she already has obtained that grade, or a similar grade, through a merit selection process. The bill also provides for a simpler process for converting certain long-term secondments to permanent positions, only if certain requirements are met. Importantly, a person will be appointed permanently to the position he or she has been seconded to fill only if that person was selected for secondment on the basis of merit. Primarily, the bill implements the recommendations of the Council on the Cost and Quality of Government's review of employment processes in the New South Wales public sector. The bill will formalise the use of the Government's *www.jobs.nsw* website as the main means of advertising vacancies, and will make small changes to some appointment processes in circumstances in which merit selection already has occurred. I commend the bill to the House.

Question—That the 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 Hon. Henry Tsang agreed to:

That this bill be now read a third time.

Bill read a third time and transmitted to the Legislative Assembly with a message seeking its concurrence in the bill.

CRIMES AMENDMENT (ROCK THROWING) BILL 2008

Bill introduced, and read a first time and ordered to be printed on motion by the Hon. John Hatzistergos.

Second Reading

The Hon. JOHN HATZISTERGOS (Attorney General, and Minister for Justice) [4.06 p.m.]: I move:

That this till be now read a second time.

The Government is pleased to introduce the Crimes Amendment (Rock Throwing) Bill 2008. The act of throwing a rock at a vehicle is not only cowardly and stupid but also downright dangerous, and the Government will not tolerate that type of idiotic behaviour. The bill recognises and responds to well-founded community concerns about the abhorrent practice of rock throwing by introducing a new five-year, stand-alone offence for throwing objects at vehicles or vessels.

Throwing objects at vehicles is not a silly prank or harmless fun. The impact on victims can be devastating and ongoing. The recent incident in Kiama involving 21-year-old Nicole Miller—who spent four

days in a coma with severe head injuries after the car she was a passenger in was struck by a rock—demonstrates some of the tragic consequences of rock throwing. Nicole Miller suffered terrible injuries and remains traumatised by the attack. And if we need any reminder, reports indicate that just yesterday a two-kilogram rock allegedly was thrown at and struck a car in Fairfield, causing substantial damage.

Already a range of existing offences with tough penalties apply to rock throwing, which results in serious damage or injury—for example, attempted murder, manslaughter, maliciously or recklessly inflicting grievous bodily harm, reckless wounding and malicious damage. Those offences all carry severe penalties ranging from 5 years to 25 years imprisonment. This new offence complements the already existing offences and provides police with another charge to lay in appropriate circumstances. Last year the Government demonstrated its view of the seriousness of these types of offences when it increased the penalty for recklessly inflicting grievous bodily harm from 7 years imprisonment to a maximum of 10 years imprisonment. This new offence will complement the other existing offences to ensure that we have a range of offences with a range of penalties to cover the full spectrum of criminality—from the least serious to the most serious.

People should not escape serious penalties simply because they did not succeed in injuring someone. The act of deliberately throwing an object at a car when there is potential to injure someone should be subject to criminal sanctions. The bill creates an offence to fill this gap by criminalising a situation where a person intentionally throws or drops a rock on a vehicle or vessel, even if the person fails to cause damage to property or harm to another person. The new offence will apply not only to motor vehicles but also to trains and trams, bicycles, and certain other road users. Even when no damage occurs, the dangers created by rock throwing can create substantial fear among drivers and commuters. During 2007 this fear was seen in certain communities when bus services were temporarily cancelled following a spate of rock throwing attacks.

This legislation sends a strong message to would-be offenders that this type of stupid behaviour is completely unacceptable and will be treated as a serious criminal offence. The Crimes Amendment (Rock Throwing) Bill 2008 enacts the new offence by inserting a new section 49A into the Crimes Act. An offence under section 49A is committed if a person intentionally throws an object at, or drops an object on or towards, a vehicle or vessel and the conduct risks the safety of a person. Under the bill "throw" also includes "propel", so that people using slingshots—which, sadly, has happened—and people intentionally kicking objects off overbridges will also be captured by the offence. The bill covers not just motor vehicles but also includes trains, trams, vessels, bicycles and animals being ridden. The maximum penalty for a breach of this provision is five years imprisonment. This penalty is appropriate for the nature of the offence and allows police and prosecutors flexibility in charging offenders. It strikes the right balance, given the range of existing offences available, and closely reflects changes introduced in South Australia in September 2006.

Some have called for this offence to have a much higher penalty—as high as 25 years imprisonment. To have such a penalty for this offence would make it out of step with the range of offences where people are actually injured, such as reckless wounding, which carries a penalty of seven years imprisonment, or recklessly inflicting grievous bodily harm, which carries a penalty of 10 years imprisonment. Although we hope it never happens, I also remind honourable members that if, as a result of a rock being thrown, somebody is killed then the offenders could be charged with manslaughter, which carries a 25-year maximum sentence, or even murder, which carries a life sentence. If rock throwing without hitting a car or injuring a person carried a 25-year penalty—the same as for manslaughter—the offence would be rarely used and, when it was, juries would be extremely unlikely to ever convict someone of the offence. No-one wants to see rock throwing idiots acquitted just because the offence carries an extreme 25-year penalty.

Subsection (2) makes it clear that the offence applies regardless of whether the vehicle or vessel is stationary at the time the object is thrown or dropped. Subsection (3) makes it clear that for the offence to apply it does not need to be proved that the accused was aware that his or her conduct risked the safety of any person. It also provides that the new provision is designed to include situations even where no contact was made with the vessel or vehicle. In summary, the bill creates a specific offence of throwing objects at vehicles and vessels, which allows authorities to take action against offenders at a number of levels. From serious offences, where there is injury to people or damage to property, to cases at the lower end of the scale, there is now a full suite of charge options available to police. Importantly, the bill creates a serious stand-alone offence that reflects the dangerousness of the activity and sends a strong message to the community that the Government will not tolerate these cowardly and stupid attacks on drivers, transport workers and passengers. I commend the bill to the House.

Debate adjourned on motion by the Hon. Don Harwin and set down as an order of the day for a future day.

MISCELLANEOUS ACTS AMENDMENT (SAME SEX RELATIONSHIPS) BILL 2008

Bill introduced, and read a first time and ordered to be printed on motion by the Hon. John Hatzistergos.

Second Reading

The Hon. JOHN HATZISTERGOS (Attorney General, and Minister for Justice) [4.14 p.m.]: I move:

That this bill be now read a second time.

I am pleased to present the Miscellaneous Acts Amendment (Same Sex Relationships) Bill 2008 to the House. The bill makes amendments to a number of Acts, which will have far-reaching implications for same-sex lesbian couples who are raising children in our community. Specifically, the bill amends the law concerning parenting presumptions in the Status of Children Act 1996 that arise as the result of a fertilisation procedure. The amendments will mean that where a woman who is in a de facto relationship within the meaning of the Property (Relationships) Act 1984 with another woman and has undergone a fertilisation procedure as a result of which she becomes pregnant, the woman who becomes pregnant is presumed to be the mother of any child born as a result of the pregnancy, even if she did not provide the ovum used in the procedure, and the other woman is presumed to be a parent of any child born as a result of the pregnancy, including where she provided the ovum used in the fertilisation procedure, provided she consented to the procedure.

This presumption is generally retrospective, so that the new presumption extends to a fertilisation procedure undertaken, and a consent given before the commencement of the amendments. There are, however, some sensible limitations to the retrospective application of the new presumptions so that they will not affect the previous operation of any Act or other law, any will executed before the commencement of the provisions, or the vesting in possession or in interest of any property before the commencement. These limitations will generally provide certainty as to the legal effect of acts that occurred before the commencement of these new parenting presumptions. However, as the presumptions do not extend to wills made before their commencement, it would be prudent for parents to whom the new parenting presumptions apply to consider whether their wills adequately reflect their intentions with respect to any children of their relationship.

I note that these reforms to the parenting presumptions in the Status of Children Act reflect the commitment of the Government to ensuring that the law treats children in same-sex relationships as having the same rights and entitlements as children of other relationships. These reforms are especially important because they will ensure that the laws of intestacy will apply equally to the children of same-sex parents, where the parents die without making a will. While I would encourage all members of our community to make a will, and keep it up to date, the rules of intestacy are an important safeguard for preserving the inheritance rights of the families of those who may die without having done so.

A key motivation for the Government in enacting these new parenting presumptions is to ensure that lesbian same-sex parents can take parental responsibility for their children with respect to their health, education and general wellbeing in the same way as we expect all other parents to. Accordingly, the bill makes consequential amendments to the Births, Deaths and Marriages Registration Act 1995 to ensure that both parents can be noted on the child's birth certificate. This is an important measure, as it will enable both parents of a child conceived as a result of a fertilisation procedure provided to those in a lesbian same-sex de facto relationship to hold themselves out as the child's parents in circumstances where evidence of the parent-child relationship is demanded by our State's public institutions, such as hospitals and schools. It will also enable same-sex parents to engage with other authorities, such as sporting registration bodies, so often encountered by parents in the course of bringing up children.

The amendment to the Births, Deaths and Marriages Registration Act provides that an application can be made to the Registrar of Births, Deaths and Marriages for the addition of registrable information about the identity of a woman who is presumed to be a parent under the new parenting presumptions in the Status of Children Act, even if the child was born before the commencement of the new provisions. In order to reflect the Government's policy that a child should only have two legal parents, the amendments to the Births, Deaths and Marriages Registration Act include transitional provisions addressing the addition of information about a second parent in circumstances where the child's birth certificate already details the existence of two parents, the birth

mother, and a person who was represented to the registrar as being the father of the child. In such circumstances the registrar will only be able to add the registrable information arising out of the new parenting presumptions in the Status of Children Act if the already registered father consents to the removal of his details from the birth certificate, if the court authorises the removal, or in certain other circumstances provided for by regulation.

The Government emphasises here that these provisions, regarding the removal of a male's name from the birth certificate, only apply where the child was conceived through artificial fertilisation and the man is not entitled to be recognised as the parent. In some circumstances a man's name may have been put on the birth certificate as the father without him having parentage entitlements to justify this—for instance, if the man was the sperm donor and had no relationship with the birth mother, or the man was merely a friend of the birth mother who did not father the child but was named on the birth certificate for symbolic purposes. In these circumstances the provisions allowing his name to be removed can apply. They cannot apply where the child was conceived through sexual intercourse with the man named on the birth certificate. They cannot apply where the sperm donor was also the de facto partner or husband of the woman in the period around the birth, because there is a presumption under section 14 (1) (a) of the Status of Children Act 1996 that he would be the father. The circumstances provided for in the regulation will be similar to those in section 18 (b) of the Births, Deaths and Marriages Registration Act 1995. Section 18 provides:

> The Registrar must not include registrable information about the identity of a child's parent in the Register unless:
>
> (b) one parent of the child makes an application for the inclusion of the information and the other parent cannot join in the application because he or she is dead or cannot be found, or for some other reason.

In further recognition and equal treatment of same-sex lesbian de facto partners who are parents, the bill makes amendments to the Industrial Relations Act 1996 so that the parental leave entitlements available to male employees in connection with the birth of his child, or a child of his spouse or de facto partner, are extended to female employees in connection with the birth of her child or a child of her de facto partner following the pregnancy of her de facto partner. In this context, the female employee's child is presumed to be hers by virtue of the amendments to the parenting presumptions in the Status of Children Act. To accommodate the expansion of this type of parental leave, the term "paternity leave" is renamed "partner leave".

So that the expansion of these entitlements will have effect immediately the provisions are commenced, the expanded extended parental leave entitlements that arise by virtue of these amendments will be available to a female employee where the birth of the child of the employee or of the employee's de facto partner has taken place before such commencement. To qualify for such leave the newly entitled female employee will be required to provide an employer with written notice of intention to take specified leave, a medical certificate evidencing the birth of the child and a statutory declaration detailing particulars of any maternity leave taken by her partner and that the leave is sought in order to become the child's primary care giver. As is the case under the current paternity leave provisions, partner leave will not be available past the child's first birthday.

This package of reforms responds to the many representations made to the Government by same-sex parents about their feelings of social exclusion in their role as parents. It implements a number of recommendations in the recently released Law Reform Commission report entitled "Relationships" which relate to, as termed in the report, the recognition of the functional parent-child relationships. As these amendments reflect, the Government does not condone a legal structure that perpetuates this sense of social isolation, particularly when it is directed towards same-sex parents doing the sometimes joyous, sometimes difficult but always important task of raising the next generation of Australians. Same-sex parents are entitled to our support in the same way that all parents, regardless of their relationships status, are so entitled. These reforms reflect this support.

The bill makes a further major reform to the law in order to ensure the equal treatment of all same-sex couples in our community by amending the Anti-Discrimination Act 1977 to rename the "marital status" ground of discrimination the "marital and domestic status". The reform gives effect to the intent of recommendations of the New South Wales Law Reform Commission review of the Anti-Discrimination Act 1977 and accords with amendments that were made to the Anti-Discrimination Act in 2000. Those amendments incorporated the Property (Relationships) Act definition of "de facto relationship" so that people in such relationships would be able to seek redress against discrimination on the basis of a person's caring responsibilities in the workplace. The reform also addresses the intent of recommendations made by the Legislative Council's Standing Committee on Social Issues in its 1999 report on "Domestic Relationships: Issues for Reform."

This amendment to the Anti-Discrimination Act will ensure that people cannot be discriminated against on the basis of their de facto relationship, which is defined by reference to the Property (Relationships) Act. So

it includes people in same-sex de facto relationships in the areas of public life concerning work, education, provision of goods and services, accommodation and registered clubs. Further, the definitions of "relative" and "near relative" in the Anti-Discrimination Act have been amended to include de facto partners as defined by reference to de facto relationship within the meaning of the Property (Relationships) Act. The amendments to the Anti-Discrimination Act are an important reform, not only because they reflect the Government's commitment to protect people from discrimination arising out of their personal relationships generally, but because they may provide some protection to people who, pursuant to pecuniary interest disclosure rules in New South Wales statutes, disclose the fact that they live in a same-sex de facto relationship as a result of amendments made by this bill to such Acts.

Finally, schedule 3 to the bill represents the third tranche of the Government's progressive implementation of laws to ensure that people living in same-sex de facto relationships are treated equally for the purpose of all New South Wales Acts that accord rights and responsibilities to citizens based on their relationship status. Details of the impact of each proposed amendment in schedule 3 are set out in the explanatory note following each amendment. I commend the bill to the House.

Debate adjourned on motion by the Hon. Don Harwin and set down as an order of the day for a future day.

CRIMES (ADMINISTRATION OF SENTENCES) LEGISLATION AMENDMENT BILL 2008

Second Reading

Debate resumed from 10 April 2008.

The Hon. DAVID CLARKE [4.25 p.m.]: The Opposition does not oppose the Crimes (Administration of Sentences) Legislation Amendment Bill 2008, which amends the Crimes (Administration of Sentences) Act 1999 and the Crimes (Administration of Sentences) Regulation 2001. The bill is the result of a review undertaken by Irene Moss, AO, into the Crimes (Administration of Sentences) Act 1999—the main Act that governs the administration of sentences in New South Wales—and associated regulations. The review was initiated pursuant to section 273 of the Act whereby the Minister for Justice determines whether the policy objectives of the Act remain valid and the terms of the Act remain appropriate for securing those objectives.

The bill inserts an objects clause in the Act, which states that offenders are to be kept in "a safe, secure and humane environment" and supervised in "a safe, secure and humane manner" and rehabilitation is to be provided for with a view to reintegration into the general community, with due regard given to the interests of victims of offences committed by offenders. The bill amends the Act so as to enable the Commissioner of Corrective Services to make submissions in relation to the making of parole orders in exceptional circumstances. The bill modifies the provisions of the Act with respect to the appointments and functions of official visitors, who are community representatives appointed by the Minister who visit correctional institutions to report on issues affecting the welfare of inmates. The bill provides that official visitors will be appointed at large rather than to specific institutions. The Minister will undertake appointment to specific institutions. Additionally, official visitors will not be able to carry out investigations or audits under section 228 of the Act and existing official visitors appointments will be preserved.

The office of inspector-general, having been vacant since the review of the office in 2003, is to be abolished. The Government has said that the Ombudsman now effectively undertakes the functions of the office. Provision is made for the Australian Capital Territory to intervene in proceedings before the Serious Offenders Review Council in relation to offenders who are in custody in New South Wales under Australian Capital Territory law, and the Supreme Court will be prohibited from entering into a general review of the merits of the Parole Authority's decisions. By amending the Crimes (Administration of Sentences) Regulation 2001 the bill ensures that the right to make telephone calls to exempt bodies, such as the Ombudsman, cannot be withdrawn as a punishment. Further amendment to the regulation will ensure that inmates suspected of having committed offences cannot be confined to their cells for more than 48 hours and that when they are confined to their cells or in segregated or protective custody they are not deprived of essential medical care.

It should be noted that some recommendations contained in the report of Irene Moss have not been adopted by the Government in this bill, in particular, the recommendation that Justice Health and TAFE New South Wales employees either be screened for drugs and alcohol or fall under the provisions in the Act that apply to staff employed by the Department of Corrective Services. The Government maintains that the role of

those officers is completely different from that of Department of Corrective Services staff. The Government also declined to support a recommendation for prisoners with mental illness to be referred to the Government's Law and Justice Cluster CEO Committee and Human Services CEO Committee. Overall, the amendments proposed in the bill are of a non-contentious nature and they streamline and clarify the current position. The changes that incorporate objectives in the legislation and the relevant overviews of the legislation are sensible, as are the time limits for confinement, the extension of certain rights to prisoners confined in cells and preclusions for general lockdowns. Decent standards must be maintained in New South Wales correctional centres. As I indicated earlier, the Opposition does not oppose the bill.

The Hon. JOHN HATZISTERGOS (Attorney General, and Minister for Justice) [4.29 p.m.], in reply: I thank honourable members for their contributions. I commend the bill to the House.

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

Motion agreed to.

Bill read a second time.

In Committee

Clauses 1 to 5 agreed to.

Ms SYLVIA HALE [4.33 p.m.], by leave: I move Greens amendments Nos 1 to 7 in globo:

No. 1 Page 3, schedule 1 [3], lines 26-27. Omit all words on those lines.

No. 2 Page 7, schedule 1 [19], lines 34-35. Omit all words on those lines.

No. 3 Page 9, schedule 1 [21], proposed section 228. Insert after line 20:

(6) The Minister may refer a report received under this section to the Inspector-General for investigation or comment.

No. 4 Page 9, schedule 1 [23]-[24], lines 33-36. Omit all words on those lines.

No. 5 Page 10, schedule 1 [27], lines 11-12. Omit all words on those lines.

No. 6 Page 11, schedule 2 [1]-[2], lines 4-9. Omit all words on those lines.

No. 7 Page 12, schedule 2 [6], lines 1-4. Omit all words on those lines.

The amendments we seek to make to the bill refer to the abolition of the position of inspector-general. We believe that this is a particularly retrograde move, and I will speak in general about the implications of removing that position. The position of inspector-general will be abolished for good. To refresh the memories of members—some of whom were present in this House when the office was introduced—the office of Inspector-General of Corrective Services was introduced in New South Wales under the Crimes (Administration of Sentences) Act 1999 following an election promise by the Carr Government in 1995. The rationale for the creation of the position was, initially at least, to provide improved complaints handling and dispute resolution within correctional centres in this State. In announcing the creation of the office of Inspector-General of Corrective Services in 1996, the Hon. Bob Debus, the then Minister for Corrective Services, said:

> The Inspector-General of Corrective Services will scrutinise and streamline internal investigation processes to ensure improved fairness and discipline in our gaols. In short, the Inspector-General will improve the management of the New South Wales prison system.

Section 222 of the legislation required the Minister to undertake a review of the effectiveness of the office of inspector-general and for a report to be tabled in Parliament before 12 June 2003. Vern Dalton, who was Commissioner of Corrective Services from 1987 to 1992, and John Avery, who was Commissioner of Police from 1984 to 1991, conducted the review. The department did not publicise the fact that it was undertaking this review, nor did it seek submissions from the community or key stakeholders. At the time a former member of this House, the Hon. Peter Breen, said:

> For all intents and purposes, the review will determine whether to scrap the position of Inspector-General of Corrective Services.

The former Inspector-General Mr Lindsay Le Compte, a well-respected public servant, had been too effective—he was good at his job. The inquiry he conducted into the Goulburn and Lithgow jails in 2002 identified serious deficiencies in the relationship between staff and inmates of correctional facilities. The Government, as is too often the case, refused to release its report to the House.

Mr Le Compte also inquired into appointments within corrective services and, as a result, Mr Ron Woodham became the subject of an inquiry by the Independent Commission Against Corruption. It is worth noting that similar allegations once again arose as late as last year in relation to the impropriety in employment practices within corrective services. Mr Le Compte resigned in February 2003. Section 223 of the Act stated that unless further legislation was enacted or a resolution passed by both Houses of Parliament, the position of inspector-general would be automatically abolished on 1 October 2003. As members may recall, the Government failed to state publicly at the time whether it intended to retain or abolish the office of inspector-general.

Back in 2003 my Greens colleagues spoke in favour of the office of the inspector-general. Ms Lee Rhiannon moved an urgency motion at the time, calling the review flawed, one-sided and secretive. The Hon. Peter Breen also proposed a motion to open up the review process. Both Ms Lee Rhiannon and another former member, John Ryan, voiced suspicions that the Government was seeking to abolish the position of inspector-general. Sure enough, that is exactly what happened. This bill seeks to expunge the position of inspector-general entirely from the legislation, and that should be opposed. Other aspects of the bill are good, but we should be very hesitant in eliminating an office that scrutinises what happens in corrective services.

The office of the inspector-general, when we had one, was required to perform many important functions—that is, to investigate the department's operations and the conduct of its officers; to investigate and attempt to resolve complaints made by any person about matters within the department's administration; to train official visitors and to examine reports of official visitors referred to the inspector-general by the Minister; to investigate or to comment on those reports; to make recommendations to the Minister on ways in which the department's procedures could be improved; and to facilitate coronial inquiries into deaths in correctional centres.

When members were briefed on the bill no mention was made of the proposal to eliminate the position of inspector-general. In fact, the briefing note does not mention it and the reference to the proposal in the second reading speech occupied all of one line. This is an important function and role if we are to have proper scrutiny, fairness and transparency in the operations of our prison system. Who will undertake those tasks if the inspector-general's position is abolished? What independent person will be able to investigate what happens in our prisons? It is a retrograde step to abolish that position. Accordingly, the Greens have moved these amendments and ask that members support them.

The Hon. JOHN HATZISTERGOS (Attorney General, and Minister for Justice) [4.42 p.m.]: The Government opposes these amendments. It might be news to Ms Sylvia Hale that the position of inspector-general has not existed since 2003. The office was closed after the Government accepted the recommendations in the report of the review of the office of the Inspector-General of Corrective Services. That report was tabled on 10 June 2003 and a parliamentary debate followed. The report identified significant duplication in the functions of the inspector-general and the Ombudsman. The main functions of the inspector-general were therefore transferred to the Office of the Ombudsman, which has a specialised unit dedicated to corrective services matters. In fact, additional resources were given to the Ombudsman to cover those functions.

Section 222 of the Act required that after 12 June 2002 a review of part 10 be conducted to evaluate the inspector-general's contribution to the operation of the State's correctional system. It also required that a report be tabled by 12 June 2003, and it was tabled in this Parliament on Tuesday 10 June 2003. Section 223 of the Act contained a sunset clause, which provided that the position of inspector-general was to cease after 1 October 2003 unless an Act of Parliament or a resolution of both Houses provided for the retention of the position. No Act of Parliament was passed and no motion was moved in this House or the other House to retain the position, so it ceased to exist. To a very large extent, the Ombudsman has taken over those functions and, as I indicated, resources have been allocated to enable those functions to be performed.

The purpose of the statutory review conducted by Irene Moss, AO, was to examine the Act and to make recommendations to the Parliament about the fulfilment of policies and objectives. That has been done and the clear recommendation is that these superfluous provisions, which are no longer operative, should be deleted from the legislation. That is what the bill seeks to do, along with implementing the other recommendations to which the Government has responded.

The Hon. DAVID CLARKE [4.46 p.m.]: For reasons similar to those presented by the Attorney General, the Opposition does not support these amendments.

Question—That Greens amendments Nos 1 to 7 be agreed to—put and resolved in the negative.

Greens amendment Nos 1 to 7 negatived.

Schedule 1 agreed to.

Schedule 2 agreed to.

Title agreed to.

Bill reported from Committee without amendment.

Adoption of Report

Motion by the Hon. John Hatzistergos agreed to:

That the report be adopted.

Report adopted.

Third Reading

Motion by the Hon. John Hatzistergos agreed to:

That this bill be now read a third time.

Bill read a third time and transmitted to the Legislative Assembly with a message seeking its concurrence in the bill.

JUSTICES OF THE PEACE AMENDMENT BILL 2008

Second Reading

Debate resumed from 9 April 2008.

The Hon. JOHN AJAKA [4.47 p.m.]: The Justices of the Peace Amendment Bill 2008 seeks to amend the Justices of the Peace Act 2002 to implement certain recommendations contained in the 2007 report on the statutory review of the Act. The Opposition does not oppose the bill. Section 17 of the Justices of the Peace Act 2002 requires the Minister to review the Act every five years from the date of assent to gauge the continuing validity and appropriateness of its provisions. The objective of the proposed amendments is to ensure the ongoing effectiveness of the provisions of the Act in securing its objectives.

The bill proposes three primary amendments. First, it amends section 4 of the principal Act to enable the Director General of the Attorney General's Department to reappoint a justice of the peace. Initial appointments of justices of the peace will continue to be approved by the Governor. The Act allows only the Governor to appoint and reappoint a justice of the peace. As has been noted previously by the Attorney General, the current legislative provisions have maintained unnecessary and outdated formalities resulting in undue delays. The bill will improve the efficiency of the reappointment process by eliminating such formalities. Moreover, this element of the bill directly addresses the deficiency of the current system that was identified in the statutory review, and in so doing implements the views and recommendations of key stakeholders—notably, justices of the peace associations.

The second of the proposed amendments concerns the procedures for the renewal of a justice of the peace registration. The bill amends sections 4 and 9 (1) (a) of the Act to provide that a person's appointment as a justice of the peace continues until a determination is made in respect of any duly made application for reappointment. There is currently no provision in section 4 of the principal Act to enable justices of the peace to perform their duties in the transitional period between the expiration of their five-year term and the belated determination of a duly lodged application for reappointment.

The benefits of the proposed amendment lie in the easing of the transitional period between the expiration of a person's term of appointment and the commencement of his or her next appointment as a justice of the peace. There will be minimal disruption to the provision of services such as the administering of oaths, affirmations and declarations. Conversely, the proposed amendment may very well see persons who have failed to properly perform the duties of a justice of the peace continue to provide substandard services in that capacity in the interim period, until the determination of their application has been made. Indeed, in instances where there is evidence that a person will be unfit for reappointment, the processing of applications for reappointment may be drawn out beyond the expiration of the justice of the peace's term, due to the time it would take to consider submissions of non-compliance with the regulations and statutory requirements. For that reason, it is imperative that these reappointments be considered as swiftly as possible.

Thirdly and finally, the bill amends section 8 of the Act to provide that the guidelines issued by the Minister with respect to the exercise of specified functions by justices of the peace incorporate relevant provisions of any code of conduct for justices of the peace that have been prescribed by the regulations. However, as yet we are unaware of the specifics of the proposed code of conduct. In his second reading speech the Attorney General stated that the code of conduct will cover matters such as a prohibition on the charging of fees or profiting from the office of justice of the peace, the need to maintain confidentiality, notifying the Attorney General's Department of certain information such as a criminal charge or conviction or bankruptcy, and general conduct.

Recommendation 6 of the report on the five-year review of the Act states that compliance with the proposed code of conduct should be monitored to establish whether formal sanctions should be introduced for breaches of the code. At this stage we are aware of the particulars of any disciplinary action that may be taken for such breaches. It was also said that the introduction of a code of conduct for justices of the peace will bring New South Wales into line with South Australia and Western Australia and would provide guidance and clarity for justices of the peace in understanding the required standards expected of them. However, I note there is no notification requirement in the code of conduct for justices of the peace in Western Australia in the event of a justice of the peace being charged with, or convicted of, a criminal offence or becoming bankrupt. However, such notification provisions do exist in the code of conduct for justices of the peace in South Australia.

The report on the five-year review of the Act recommended that the code of conduct be developed along the lines of that used in South Australia. Again, the particulars of the code of conduct at this stage are unclear, making it difficult to comment further on this provision in the bill. The proposed amendments are consistent with promoting the objectives of the Justices of the Peace Act 2002 and will further refine the operation of the Act. In consideration of optimising the efficiency of the reappointment processes for justices of the peace and implementing a uniform approach to conduct, the Opposition does not oppose the bill.

Reverend the Hon. FRED NILE [4.52 p.m.]: The Christian Democratic Party supports the Justices of the Peace Amendment Bill 2008, which is the result of consultation and suggestions to improve the operation of the justice of the peace scheme that have been submitted by various justices of the peace associations. Submissions in the review identified that the process for reappointment of a justice of the peace by the Governor was time consuming and unnecessarily formal. The bill will introduce a new system whereby appointments will be conducted by the Director General of the Attorney General's Department, who, rather than the Governor, may also reappoint justices of the peace.

The only question that arises in my mind is that justices of the peace traditionally place the initials "JP" after their names. Will they retain that right if the Director General of the Attorney General's Department, rather than the Governor, appoints them? Many justices of the peace take great pride in placing those initials after their names; they let the community know who are justices of the peace. It would be a pity and a great disappointment to the 84,000 justices of the peace operating in New South Wales if that tradition could not continue.

The legislation will allow for the inclusion of a code of conduct in the justice of the peace guidelines issued by the Attorney General. We support that provision. It is important that there be a code of conduct for justices of the peace. We understand such codes of conduct are already in place in South Australia and Western Australia. The code would cover such matters as a prohibition on the charging of fees or profiting from the office of justice of the peace. Those practical matters are important, especially for a new justice of the peace. Those who have been performing such duties for some time would know the requirements, but a new justice of the peace may not, and may make some errors through ignorance. For that reason a code of conduct is very important. We support the bill.

The Hon. JOHN HATZISTERGOS (Attorney General, and Minister for Justice) [4.55 p.m.], in reply: I thank honourable members for their contributions to the debate. With reference to the matters raised by Reverend the Hon. Fred Nile, it is not proposed that there be any change to current practices in relation to people who choose to use post-nominals to identify themselves as justices of the peace. The legislation will not change that practice. I commend the bill to the House.

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

Motion agreed to.

Bill read a second time.

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

Third Reading

Motion by the Hon. John Hatzistergos agreed to:

That this bill be now read a third time.

Bill read a third time and transmitted to the Legislative Assembly with a message seeking its concurrence in the bill.

GAS SUPPLY AMENDMENT BILL 2008

Second Reading

Debate resumed from 2 April 2008.

The Hon. MATTHEW MASON-COX [4.57 p.m.]: I lead for the Opposition on the Gas Supply Amendment Bill 2008, which will amend the Gas Supply Act 1996 to ensure the continuity of supply of natural gas to customers by enabling the Minister for Energy to approve market operation rules with respect to the establishment and operation of a wholesale natural gas market scheme. The bill is a response to the events of last June when Sydney suffered a short-term gas supply disruption. The subsequent inquiry identified an imbalance between supply and demand as the cause of that disruption. The June disruption resulted in large customers being required to curtail demand while pipeline pressures were rebuilt. The disruption also highlighted the inadequacy of gas market information and rules in New South Wales. The bill flows from the inquiry's recommendations.

The bill applies to owners and operators of natural gas transmission pipelines, shippers of natural gas and authorised reticulators and suppliers. It provides for the appointment of a scheme regulator and compliance powers and mechanisms for imposing sanctions for non-compliance. A tender process allows for producers and shippers with spare production capacity to be paid for delivery to offset critical imbalances. The bill will provide appropriate incentives to shippers of natural gas to keep pipeline imbalances in the operational range. The cost of rectifying any critical imbalances will be back charged to shippers by the scheme operator.

The bill should strengthen market regulation and enhance reliability of gas supplies. Therefore, the Opposition does not oppose the bill. However, I make a few general comments. In particular, I refer to a number of key aspects. I note that for the first time users of natural gas will have the means to deal with critical imbalances. As a first-time initiative, users of natural gas will be paid to reduce their demand, allowing those critical imbalances to be rectified through a demand-side management mechanism. This is a good step forward.

Changes proposed in the bill and the rules should also improve market knowledge. Improving market knowledge, along with these incentives to market participants, allows scheme participants to respond to changes, thereby reducing the likelihood of a supply problem arising. I note that although the provisions will apply only in New South Wales, the Government continues to work with other jurisdictions on national reforms to the gas market. It is worth noting also that the National Gas (New South Wales) Bill 2008 is before the House and will be debated later. It deals with a large number of commitments of the Council of Australian Governments under the Australian Energy Market Agreement and is a subsequent step in relation to cooperative legislation, with South Australia the lead legislator.

This augurs well for the future of our gas supply regulation and the Opposition is pleased that those steps are being taken. Clearly, that cooperative Federal approach needs to apply in relation to a scheme that is the subject of the Gas Supply Amendment Bill 2008. To date that has not happened and it will be interesting to see how long it takes for Labor's new federalism to deal with this critical reliability issue addressed by the bill. We are likely to be disappointed if we expect a speedy national response, but we shall wait to see what transpires. The Opposition does not oppose the bill.

Reverend the Hon. FRED NILE [5.02 p.m.]: The Christian Democratic Party supports the Gas Supply Amendment Bill 2008. Obviously, we support a bill to improve the reliability of gas supplies to New South Wales natural gas customers. The bill will amend the Act to facilitate continuity of supply of natural gas to consumers by enabling the Minister to approve rules with respect to the establishment and operation of a wholesale natural gas market scheme. The bill allows the creation of Market Operations Rules, establishing the New South Wales Gas Supply Continuity Scheme. A consultation draft of the rules was released to all stakeholders, including major user groups and the gas industry, on 10 March 2008.

The scheme has been developed in conjunction with users and industry. It will establish a mechanism that, if activated, will allow gas supply and demand imbalances in New South Wales gas transmission pipelines to be addressed before supplies to customers are curtailed. This is an important aspect of the bill. There is no point having a gas outlet if gas is not available. The scheme will have a dramatic impact on households in New South Wales: if there is a shortage of gas in one area gas can be redirected from another area, continuing the supply to New South Wales consumers. We are pleased to support this important bill.

Dr JOHN KAYE [5.04 p.m.]: The Greens do not oppose the Gas Supply Amendment Bill 2008. As previous speakers have outlined, the bill introduces measures that create a market for periods during which the gas supply in New South Wales becomes constrained. The market basically operates off a tender process where there is spare supply and pipeline capacity. Bids are put to tender to find the least costly suite of measures to alleviate constraints within the gas supply system. This is a positive move because unreliability within the gas system has adverse economic and environmental consequences. In many applications gas is a more efficient fuel and lower greenhouse gas fuel than electricity. Part of the solution to reducing greenhouse gas emissions is a substitution where it is cost effective and environmentally sensible to substitute gas for electricity.

The Hon. Matthew Mason-Cox: Substitute coal as your fuel source.

Dr JOHN KAYE: As my namesake, Dr Nick, points out—

The Hon. Matthew Mason-Cox: Point of order: I find that comment gravely insulting and I ask that the member withdraw it immediately.

The PRESIDENT: Order! Strictly speaking, references to *The Simpsons* are out of order. The contributions of members should reflect the importance of the bill before the House.

Dr JOHN KAYE: I withdraw the remarks and the epithet. I do not usually use epithets. I was just encouraged to do so this morning by the Treasurer. To return to this important bill, it is essential that we maintain a reliable gas supply so that we have cost-effective and environmentally beneficial substitutions of gas for electricity. An interesting and positive feature of the bill is the opportunity for demand-side measures for consumers who use more than 500 terajoules of gas each year. They may bid into the market as a supply-demand constraint alleviation measure. That is a positive demand-side participation in the market at times of constraint. It is interesting that the Minister who introduced the bill and identified demand-side participation as an important mechanism for cost-effective alleviation of constraints within the gas industry has totally rejected the same methodology within the electricity industry.

The much-vaunted Owen inquiry report refers to the use of demand-side participation and then completely dismisses it as a mechanism for avoiding the need for new baseload plant. There is a strong smell of hypocrisy in asking us to support a bill—which we will do—that encourages demand-side measures and identifies them as important cost-effective alleviators of constraint while on the other hand rejecting them in the electricity industry, which is analogous, in favour of building a new baseload plant. The argument with a new baseload plant in the Owen inquiry involves privatisation. If it works in the gas industry it should be tried in the electricity industry.

This is not just the Greens view; Brian Spalding, the Chief Executive Officer of the National Grid Management Company, which is responsible for he managing the electricity industry, stated in his submission to

the Owen inquiry in no uncertain terms that a cost-effective alternative to building a new baseload plant is demand-side participation. The second positive feature of the bill is the removal of the cash cap, which has effectively removed limits on the total liability of a supplier if that supplier bids a supply option into the mix and is unable to deliver. It removes the liability. Where things go wrong, the liability falls back on to the supplier rather than on to the consumer, where it is proven to be the supplier's fault.

That is a very positive mechanism for two reasons. First, it protects consumers against adverse actions that were not their fault. Second, it ensures that pressure is maintained on operators and suppliers to ensure that they deliver the quantities of their bid. It is very important to ensure that there is probity in the market. It should be remembered that bids exist not just to change prices but also to impart a sense of responsibility relating to delivery. The Greens do not oppose the bill.

The Hon. LYNDA VOLTZ [5.09 p.m.]: I support the Gas Supply Amendment Bill. This important bill will drive improvements in the New South Wales wholesale natural gas market. I share some of the concerns expressed by my colleague Dr John Kaye and I am pleased he raised those concerns. In June 2007 approximately 250 large natural gas customers in New South Wales and the Australian Capital Territory were requested to reduce their natural gas consumption to protect the operational integrity of the gas transmission and distribution pipeline pressure. This bill will be important in guaranteeing the supply of gas.

Natural gas will be a key energy source for New South Wales as we gradually move towards a low carbon economy in the future. Climate change, driven by greenhouse gas emissions, is one of the most serious challenges Australia will face over the coming decade. One of the largest producers of greenhouse emissions is the electricity sector. To meet this challenge we are progressively moving towards low emission energy production, including gas-fired electricity generation. Gas-fired generation plants are likely to benefit from the Commonwealth Government's planned national emissions trading scheme and could operate relatively low-cost baseload generation facilities.

For many years natural gas has been a second-level fuel source for cooking food and heating homes during winter in New South Wales. This State does not have the proliferation of natural gas resources that some other States, such as Victoria, have. That is largely because New South Wales does not have large quantities of natural gas within its borders and must pipe gas from places such as Moomba. Gas use in New South Wales developed differently from the way it did in States that have natural supplies. Statistics relating to the residential consumption of gas show that in Western Australia gas accounts for approximately 54 per cent of energy resources but gas provides only 10 per cent of energy resources in New South Wales and 11 per cent of energy resources in Queensland. Those statistics reflected the natural gas resources available in each State up until gas was piped through high-pressure gas lines from Moomba to Whitton in New South Wales.

Out of approximately one million gas consumers in New South Wales, approximately 500 large industrial customers use 75 per cent of the natural gas supply. Consumption by residential customers represents less than 15 per cent of total gas demand in New South Wales. One industry in Newcastle alone uses 10 per cent of the available gas supply for the production of ammonia and other products. Apart from an occasional short-term disruption that has been experienced by large gas users, gas has continued to flow to residential customers almost uninterrupted for more than 20 years. Natural gas has earned a reputation as a reliable and environmentally responsible energy source. An increasing number of people throughout New South Wales want natural gas in their homes, particularly those who cook. Most people would agree that the best way to cook is by using natural gas, which provides instantaneous heat, as the advertisements point out, and there is always a much better result from cooking with gas.

Two gas-fired power stations are under construction in New South Wales, one at Tallawarra on the shores of Lake Illawarra and one at Uranquinty in the Riverina. Gas-fired power stations will be a growing trend in a carbon-constrained world. New South Wales and Queensland are leading Australia in the production of coal-seam gases—a factor that fortifies expectations of gas supplies increasing. While most of Australia's gas supplies are located on the North West Shelf, and whereas in the past gas reserves were released and created high rates of emissions, now gas supplies are being harnessed and as a result we will be in a stronger position to move towards gas-fired power stations in the future.

New generating plants will depend for their continuous operation on reliable supplies of large volumes of natural gas. The essence of the bill is to ensure the continuous supply of gas. Gas-fired electricity generation in New South Wales will increase over the coming years, so a reliable supply of natural gas will be essential. The proposed amendments to the Gas Supply Act will improve the reliability of the gas transmission system, thereby supporting the increased use of natural gas, which is a low-carbon fuel, for generating electricity.

The changes proposed in the bill will improve the reliability of the New South Wales wholesale gas market. The bill represents a response to the Natural Gas Continuity Scheme's working group recommendations because it provides for gaps in the gas supply market to be plugged, which will reduce the likelihood of recurrence of interruptions similar to those in June 2007. Provided additional supplies of gas can be obtained from Moomba, interruption of supply without notice will not occur. I commend the bill to the House.

The Hon. HELEN WESTWOOD [5.15 p.m.]: I also support the Gas Supply Amendment Bill 2008. As we are all very well aware, energy is an important part of our daily lives. The electricity and gas industries increasingly power our lives to the point that they have become essential services. We use gas to cook our meals, heat water with which to bathe our children, heat our homes, and light our streets. The reforms of the gas market are particularly important for New South Wales because, as other speakers during the debate have noted, we do not have large, developed, native gas fields. Most of our gas is transported via large pipelines from gas fields in places such as Moomba, South Australia. Our gas market should ensure an adequate supply of gas and an adequate investment in pipeline infrastructure.

In a developed nation such as Australia people expect energy to be available at the flick of a switch. They often give little thought as to where it comes from or how it was delivered to our homes and workplaces. However, community awareness of greenhouse gas emissions and climate change has increased since the introduction of community education programs to encourage people to more efficiently use energy resources. Having insufficient gas available in our gas pipelines significantly disrupts our daily lives. In June last year approximately 250 large natural gas customers were asked to reduce consumption to protect the gas transmission network or pipelines that are relied on every day of the year to transport gas from other States to New South Wales customers.

While there were no failures in the gas supply infrastructure during that incident, a potential problem was created because supply had outstripped demand, leading to a drop in the operating pressures that must be maintained to safely ensure continuity of supply. Large gas consumers were asked to cut back their gas consumption to help maintain pressure in the pipeline until the situation could be rectified. The customers who responded to the situation should be commended for cooperating with the gas industry to resolve the situation as quickly as possible. It was with the cooperation of these customers that we were able to get through the incident with minimal or no impact on household gas users. While the situation was managed as well as possible in the circumstances, the New South Wales Government does not want a similar incident to occur again. The bill is designed to prevent similar incidents from occurring.

The Iemma Government commissioned an inquiry into the incident to investigate the potential for future interruptions. We also established a Gas Industry Working Group to ensure that any potential solution was practical and had industry support. The bill is an outcome of that inquiry and industry working group process. I am confident that the bill will provide a stable supply of gas for New South Wales consumers, especially during the peak winter months.

I also point out the environmental benefits of gas. One of the major reasons natural gas use is growing so quickly in Australia, and the rest of the world, is that natural gas is the cleanest burning of all the organic fuels. It has the lowest carbon dioxide emissions of any fossil fuel, and its use produces lower greenhouse gas emissions. Internationally, gas has become the bridging fuel between traditional energy forms and a sustainable energy future. The significant role that natural gas can play in improving Australia's greenhouse and environmental performance has been recognised by the Commonwealth Government and various State and Territory governments in energy and greenhouse policies.

The increased use of natural gas to replace less environmentally friendly fuels, particularly in heating, electricity generation and transport, would deliver an enormous reduction in greenhouse gas emissions and a rapid improvement in air quality. The research paper *Assessment of Greenhouse Gas Emissions from Natural Gas* concluded that in the residential sector gas was a clear winner in reducing greenhouse gas emissions. It found that in space heating the emissions from a direct natural gas ducted space heater are one-third of those from heating powered by black coal generated electricity. It also found that greenhouse gas emissions from direct gas water heating are much lower than those from electric water heating. Indeed, in cold climate zones in Australia direct gas water heaters can emit less greenhouse gases than electric-boosted solar water heaters.

Global Warming: Cool It! A Home Guide to Reducing Energy Costs and Greenhouse Gases, produced by the Australian Greenhouse Office in 2001, showed that boosting solar water heaters with natural gas rather than with electricity could make optimum greenhouse savings. When the cost effectiveness of the various appliance options is also considered it can be seen that direct gas appliances are the clear winners for households and businesses.

The development of the bill has relied on a highly cooperative approach between the Department of Water and Energy, the gas industry and gas consumers. Without all of these groups working together we would not have had such a robust and effective bill. The New South Wales Gas Industry Working Group has made numerous recommendations to the Government to improve gas reliability, and I am pleased to say that we have accepted the majority of those recommendations. The Government has established a consultation committee in addition to the industry working group. The committee includes representatives of the scheme participants, from gas producers to gas customers. The committee will review the scheme later this year after the winter peak period.

Now that the bill has been drafted, the various stakeholders are working with the department to finalise the market operations rules that sit below the bill. Once the rules are in place the scheme will be able to take effect and ensure that New South Wales natural gas consumers enjoy improved reliability of supply, especially during the cold winter months. It should also be noted that this scheme is only likely to be in place for two or three years. Under the Council of Australian Governments process, led by the Ministerial Council on Energy, a national gas market is being developed. Once fully established, the national market will include rules governing situations such as those covered by the bill but on a national basis. The bill is about continuing and building on the reforms to the gas industry, and ensuring that we have a reliable supply for all New South Wales gas consumers as we move toward a national market. I commend this important bill to the House.

The Hon. PENNY SHARPE (Parliamentary Secretary) [5.23 p.m.], in reply: I thank honourable members who contributed to the debate. The bill provides the legislative basis for the establishment of a gas continuity scheme. The scheme confirms the New South Wales Government's commitment to delivering a consistent and secure supply of gas to consumers. The scheme has been developed with considerable input from the gas industry and consumers in order to produce a workable solution to the gas supply issues that impacted on New South Wales gas supplies and consumers last winter. I commend the bill to the House.

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

Motion agreed to.

Bill read a second time.

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

Third Reading

Motion by the Hon. Penny Sharpe agreed to:

That this bill be now read a second time.

Bill read a third time and transmitted to the Legislative Assembly with a message seeking its concurrence in the bill.

MINING AMENDMENT BILL 2008

Second Reading

The Hon. PENNY SHARPE (Parliamentary Secretary) [5.25 p.m.], on behalf of the Hon. Ian Macdonald: I move:

That this bill be now read a third time.

The shadow Minister raised a number of issues during the debate in the other place. Let me start by outlining my response to those issues. First, the shadow Minister asserted that the bill increases duplication. I can state that in fact it will lead to reduced duplication for the mining industry. The amendments do not increase the number of agencies involved in any approval, nor do they increase the number of approvals required. The bill allows assessment processes under the Mining Act to recognise other agencies' assessment processes; it does not repeat those processes. That means that exploration and mining companies will not have to prepare the same material for a number of agencies leading to reduced duplication and improved integration.

Second, the shadow Minister raised the mining industry's concern about the possibility of multiple prosecutions. It is important to note that the Government is not intending to conduct multiple prosecutions in

relation to any one incident. Rather, prosecutions will be coordinated across agencies wherever possible. However, different agencies may undertake enforcement actions, such as remedial notices for the same incident to ensure different impacts are remedied. This is entirely appropriate. The process for dealing with prosecutions will be further set out in an enforcement policy and guidelines. The Minister is committed to delivering those guidelines and other supporting materials by the end of 2008. This has been communicated to the industry through correspondence between the Department of Primary Industries and the New South Wales Minerals Council.

Third, the shadow Minister has expressed confusion as to how the principles of ecologically sustainable development will apply to the mining industry. The Government is committed to ecologically sustainable development in all industries. The bill supports this commitment in relation to the mining industry. The integrated approval process is the primary means of achieving ecologically sustainable development. However, the Mining Act as a whole contributes to achieving this objective, from assessments and approvals through to management and regulation of exploration and mining activities. The bill requires decision makers to have regard to the impacts associated with the mining activity itself. The bill recognises that further approvals and controls regulate the use of resources once extracted from the mine site.

Fourth, the shadow Minister sought more clarification of provisions relating to regulation of off-title impacts from mining. I am not sure how much further clarification the shadow Minister needs. A rehabilitation and environmental management plan will be the primary instrument used to manage potential off-title impacts and the Department of Primary Industries has approved the plan. The department will have the power to issue directions to a titleholder to remediate damage caused outside title areas.

The shadow Minister also asked what would constitute a "reasonable belief" by an inspector that illegal mining activities are taking place. Guidelines will be developed in consultation with key stakeholders to set out clearly the circumstances in which these compliance and enforcement powers will be used. These guidelines will be consistent with the substantial body of existing case law on this issue. The shadow Minister raised several other issues that were dealt with in reply in the other place. I seek leave to have the remainder of the second reading speech incorporated into *Hansard.*

Leave granted.

The Mining Amendment Bill will put in place a number of important amendments to the Mining Act. These amendments will ensure the Act is consistent with contemporary environmental standards, community expectations and recent developments in the New South Wales environmental regulatory framework. The amendments are the result of a long and extensive period of consultation and development and will greatly improve the regulation of mining in New South Wales.

The Mining Act has several important roles. It sets up a system of licences and titles to enable exploration for, and production of, minerals in New South Wales.

These "authorities", as they are also called, give the holder of the authority permission to mine Crown-owned mineral resources.

The Mining Act also provides that authority holders must meet certain operational and environmental requirements.

The environmental provisions of the Act work in conjunction with approvals under the Environmental Planning and Assessment Act and the Protection of the Environment Operations Act.

The current environmental provisions of the Mining Act have not been updated for some time.

Therefore, one of the key aims of the Mining Amendment Bill is to amend the Act so that it is consistent with other environmental legislation that applies to the mining industry.

Mining is a significant and important industry in New South Wales. It contributes over $12 billion to the New South Wales economy each year, and directly and indirectly employs over 75,000 people in this State.

In 2006, royalties from all minerals, including coal, paid under the Mining Act totalled over half a billion dollars. Mining is clearly a major source of income for the State.

At the same time, mining operations must be managed to minimise long-term impacts on the environment and communities.

The Mining Amendment bill will reform regulation of the mining industry in three main ways.

First, as mentioned already, it will update environmental regulation of the mining industry so that it is consistent with contemporary environmental standards. A significant number of the provisions in the bill relate to this issue and I will discuss these in detail.

Second, the amendments will improve the enforcement provisions to ensure that companies that do the wrong thing can be appropriately penalised.

Third, the amendments will improve the overall administration of mining in New South Wales.

Turning first to the proposed amendments relating to environmental regulation of the mining industry.

The bill will introduce an objects clause into the Mining Act. The objects outline what the Act is intended to achieve.

The amendments will identify that encouraging ecologically sustainable development in the mining industry is a key object of the Act.

The Government is committed to developing an approval regime for mining and exploration that effectively integrates economic and environmental considerations.

This integrated approval process is the primary means of achieving ecologically sustainable development.

The amendments make it clear that the environmental impacts associated with the exploration and mining of minerals will be assessed prior to these activities being approved and carried out.

This assessment will take place in an integrated fashion, to reduce red tape for industry. Aspects of the assessment may be approved under the Mining Act or may recognise another environmental approval process such as a Department of Planning approval that has been or will be undertaken.

The assessment and approval process will have regard to the needs of both present and future generations. It will take into account, not only the impacts that such activities have on the natural environment, but also impacts on the built environment and communities.

The bill requires decision makers to have regard to the impacts associated with the mining activity itself.

The bill recognises that further approvals and controls regulate the use of resources once extracted from the mine site

This is consistent with the Government's commitment to reducing red tape by streamlining the assessment process while still ensuring that environmental impacts are appropriately assessed and considered.

The Mining Act seeks to deliver a balance between development of minerals for the economic benefit of the people of New South Wales and appropriate management of the environmental impacts of mining. The new objects clause clearly reflects this balance.

The bill also introduces a number of key changes to definitions in the Act.

The bill broadens the definition of "environment" in the Act. It adopts the definition of "environment" that is used in the Environmental Planning and Assessment Act 1979.

This definition takes into account "all aspects of the surroundings of humans" and therefore allows consideration of both environmental and social impacts.

This definition is intended to be a broad definition, covering all aspects of the natural environment, including flora, fauna, land, surface water and groundwater, as well as all aspects of the built environment and any social impacts of mining, both negative and positive.

Guidelines will also be prepared to further define the requirements for environmental consideration.

These will also assist industry by identifying the supporting documentation that must be provided when lodging applications.

The new objects clause identifies the important role that the Mining Act plays in ensuring that land and water affected by mining is appropriately rehabilitated.

The amendments will introduce a definition of "rehabilitation" to provide additional guidance in achieving this object. Rehabilitation will be broadly defined as a process of treating disturbed land and water (including groundwater) and will allow rehabilitation for a range of post-mining uses.

The Act currently requires that mining activities (other than for privately owned minerals) must be undertaken in accordance with a mining authority issued under the Mining Act. These authorities include exploration licences and mining leases.

Authorities can be issued subject to conditions that regulate impacts from mining during development, operation and decommissioning of mines.

Certain environmental and rehabilitation conditions will also be able to be varied during the course of mining.

This will mean conditions can be updated to reflect improvements in rehabilitation techniques over time and changes to requirements under other legislation.

Breach of a condition of title will now be a strict liability offence, consistent with other environmental legislation in New South Wales.

The bill will introduce a number of new standard title conditions. One of the new standard conditions of title will be the requirement to prepare a "Rehabilitation and Environmental Management Plan."

This plan will replace the Mining Operations Plans that mines are currently required to prepare.

The Rehabilitation and Environmental Management Plan will be prepared by the titleholder and will identify how operations are to be carried out on a mine site. Further, it will show how the mine will manage rehabilitation of areas disturbed by mining.

The plan will be reviewed and re-assessed at least every seven years, to ensure that rehabilitation and environmental management practices take account of changing circumstances.

The plan will be the primary management tool used by the Government to ensure that mining operations are carried out in a manner that will enable effective rehabilitation of disturbed land and water. Accordingly, compliance with the plan will be closely monitored.

The bill will also enable conditions to be imposed to require titleholders to provide a regular Environmental Management Report. This report will demonstrate how the mine is delivering against the Rehabilitation and Environmental Management Plan.

This amendment facilitates a whole of Government approach to compliance reporting by mirroring other statutory reporting requirements. This will enable a move towards a single report that satisfies the requirements of a number of regulatory agencies.

The bill strengthens the requirements for environmental management even further. It introduces new provisions to enable regular mandatory audits of mining operations to be carried out by accredited auditors.

Again, these requirements are consistent with requirements under other environmental protection legislation and will enable a coordinated Government approach to auditing.

There will also be provision for mining titleholders to carry out voluntary audits of their operations to enable them to monitor their compliance with regulatory obligations and implement any necessary changes. These voluntary audits will be protected documents. This approach is consistent with other environmental legislation.

With the introduction of consistent audit provisions, the New South Wales Government is reducing red tape for industry.

Securities provide an important protection for the community to make sure that money is available to allow all mines to be rehabilitated once mining has finished, even if a company defaults on its obligations.

Mining titleholders are required to provide security to cover the estimated costs of rehabilitating the mine site.

Securities can be used by Government to undertake rehabilitation where the mine operator has abandoned the mine before meeting its rehabilitation obligations.

The provisions relating to securities are currently scattered throughout the Mining Act. The bill will introduce a new Part in the Act that will bring together all the existing provisions relating to securities.

The amendments will also clarify a number of rules regarding the provision, management and use of securities under the Act.

The environmental management provisions under the Mining Act currently apply only to the mining title area.

This means that the Department of Primary Industries has limited authority to regulate areas affected by mining operations outside the title area.

The bill will make it clear that the environmental management provisions under the Act apply to areas outside the mining title, which are disturbed by mining operations carried out on the title area.

This is particularly relevant where a subsurface lease for underground coal mining may impact on the surface of the land.

Rehabilitation and Environmental Management Plans will be the primary instrument used to manage potential off title impacts. The plan is approved by the Department of Primary Industries. The Department will have the power to issue directions to a titleholder to remediate damage caused outside title areas.

It will be possible to require the payment of securities by the titleholder to cover the costs of rehabilitation of off-title impacts.

A practice has developed in the mining industry of subleasing parts of mining leases. This generally occurs in relation to coal mining, where a coal seam overlaps two adjacent mining titles and it is more efficient to extract the resource by accessing the adjoining lease area.

The bill will introduce amendments to clarify the arrangements for subleasing mining titles. A sublease register will be set up, and subleases will need to be approved by the Minister for Mineral Resources before they can be registered.

Once a sublease is registered, all leaseholder obligations under the Mining Act will also apply to the sublessee, and can be enforced against the sublessee.

If a sublease is not registered, the primary titleholder will be solely liable for a breach of title conditions, even where the sublessee caused the breach.

These amendments will ensure that mining carried out under private sublease arrangements is appropriately regulated.

Most minerals are owned by the Crown. However, some land titles give the landowner title to certain minerals. These are called "privately owned minerals."

Where privately owned minerals are mined, royalty is payable to the landowner.

At present, private mineral owners seeking to mine their minerals do not require a mining title and instead must only notify the department of their intention to mine. These operations are subject to some controls specified in the Regulations.

Despite the potential to have significant environmental impacts, private mining is generally not subject to the same environmental management requirements as other mining operations.

The bill will change this by introducing new types of mining titles specifically for land owners who want to explore for and mine their privately owned minerals.

These mining titles will be subject to the same environmental requirements as other mining titles.

Requirements will include preparation of a Rehabilitation and Environmental Management Plan, provision of security, and preparation of regular Environmental Management Reports.

These amendments will also assist private mineral owners. The amendments will provide private mineral owners with greater certainty regarding their ability to access and mine their mineral resources.

The new arrangements will be phased in for existing private mines over 12 months from the commencement of the Act.

As I have outlined, the bill introduces a number of important improvements to the environmental regulation of the mining industry. These provisions are aimed at minimising impacts on the environment and streamlining processes without adding unnecessarily to the regulatory burden on the industry.

The amendments also seek to minimise the risk of residual rehabilitation liabilities from abandoned mines. These days, the payment of security is the means of providing protection against this risk. However, environmental regulation and requirements to pay securities have not always been as comprehensive as they are now.

In New South Wales, there are a number of sites where mines have been abandoned in a partially rehabilitated state.

The Government already provides around $1.8 million every year for a Derelict Mines Program. This money is used to undertake rehabilitation activities on abandoned mine sites to minimise threats to public safety and the environment.

The bill introduces a statutory basis for this program, and establishes a Derelict Mines Fund. The fund will incorporate monies provided by the Government for the Derelict Mines Program. As well, it will incorporate certain forfeited securities and funds from the sale of unclaimed plant and equipment.

In summary, the bill introduces important reforms to the environmental regulation of exploration and mining in New South Wales.

These reforms improve consistency with other environmental legislation that applies to mining. The reforms also recognise the increased community expectations for environmental management of mining.

I turn now to the second main area of reforms. These relate to the enforcement of the requirements under the Mining Act. The main changes to the enforcement provisions aim to bring the Act into line with other New South Wales environmental legislation, particularly the Protection of the Environment Operations Act and the Environmental Planning and Assessment Act.

The Director General of the Department of Primary Industries and inspectors appointed under the Mining Act will now be able to issue directions to remedy a breach of any condition of title.

This will help to manage risks to the environment by identifying potential problems early and working with titleholders to overcome these problems.

The Director General will also be able to suspend operations at a mine where the titleholder has failed to comply with the conditions of title, or directions, or has failed to pay royalties, maintain security or comply with landholder access or compensation arrangements.

Inspectors will have a broader range of powers to enter mining title areas and to collect documents and information.

Inspectors will also have powers to question people and enter land that is not subject to a mining title where the inspector reasonably suspects that illegal mining activities are taking place or where there has been a serious breach of an environmental protection provision in the Act.

These powers will facilitate the collection of evidence where there has been a breach of the Act. More importantly, these powers will enable inspectors to better understand the nature of a breach of the Act and issue appropriate remedial directions to minimise any environmental impacts from the breach.

Guidelines will be developed in consultation with key stakeholders to set out clearly the circumstances in which these compliance and enforcement powers will be used.

The investigation powers are consistent with those set out in other environmental protection legislation. This will facilitate a whole of Government approach to enforcement of environmental management requirements.

The administrative arrangements associated with the implementation of these amendments will reduce duplication of Government processes.

The time limits in which prosecutions must be commenced will be extended from 12 months to 3 years for serious offences. This will provide inspectors with enough time to collect the required evidence, once the Department of Primary Industries becomes aware of a breach of the Act.

As well, directors and managers of mining companies will be deemed to be liable for offences committed by the mining company, subject to a due diligence defence.

This amendment reinforces the Government's view that companies and managers must take environmental management seriously.

Directors and managers must take appropriate steps to ensure that the companies under their direction and management are operating in an environmentally responsible manner.

The bill also introduces a broader range of court orders for convictions under the Act similar to those available in relation to offences under other New South Wales environmental protection legislation.

While the Act will strengthen the enforcement powers available in the event of the breach, the Government is aware of the importance of other non-punitive enforcement actions. These non-punitive actions include warning letters and remedial advice.

The amendments will complement these non-punitive enforcement measures by providing the State with a wider range of enforcement options that can be applied based on the seriousness of the breach.

Turning from the enforcement proposals, I will now outline a number of amendments that will improve the administration of the Mining Act.

The Government is committed to reducing red tape for industry, and a number of these amendments will simplify requirements for industry.

The bill will introduce amendments to better integrate the operations of the Mining Act and the Petroleum (Onshore) Act with the Environmental Planning and Assessment Act.

The bill updates the definition of development consent in the mining legislation to include approvals under Part 3A of the Environmental Planning and Assessment Act.

The bill also removes requirements to duplicate assessments already undertaken pursuant to the assessment and approval process under the Environmental Planning and Assessment Act.

The amendments will enable conditions of authorisations to be varied to ensure consistency with planning approvals where these are varied during the term of the authorisation. Exploration activities will be able to be approved in stages.

Exploration activities that have minimal environmental impact will be able to be approved from the date of grant of an exploration licence.

However, further approvals will be required before undertaking more intensive exploration activities. The aim of the amendments is to provide more certainty to the industry and the community about the extent of exploration proposed.

This staged approval process will streamline the assessment material required to comply with Part 5 of the Environmental Planning and Assessment Act so that it is commensurate with the scale of the activity being proposed. This will improve the efficiency of the exploration approval process.

A further administrative amendment will provide for a statutory fund to be set up to centrally manage compensation payments to landholders in the opal mining area of Lightning Ridge. This will not significantly alter the existing administrative arrangements, but will recognise these arrangements in the Act.

The landholder can seek a group assessment by the mining warden and collect compensation payments in accordance with this assessment from the statutory fund.

These amendments aim to reduce red tape and improve the administration of the Act. They are therefore important amendments.

The Government has undertaken an extensive process of consultation on the amendments included in this bill over a period of about three years.

In 2005, the Government released a position paper for public comment that outlined the proposals in detail.

Thirty-three submissions were received from industry and community stakeholders. The majority of submissions strongly supported the proposals, recognising the need for consistent and contemporary legislation to regulate environmental impacts of mining.

The bill makes improvements in the area of environmental management of exploration and mining. It strengthens the enforcement provisions in the Act, to provide a strong basis for implementing the environmental requirements.

It should be recognised that most mining operations do a good job of managing their environmental impacts.

However, these amendments will ensure that all mines meet contemporary environmental standards and that, where mining operations do the wrong thing, there is scope to fix the problem and, where appropriate, penalise offending parties.

This legislation is sensible and practical.

It will improve environmental management of mining in New South Wales without adding unnecessarily to the regulatory burden for industry. The legislation has broad stakeholder support.

I commend the bill to the House.

Debate adjourned on motion by the Hon. Trevor Khan and set down as an order of the day for a future day.

ADJOURNMENT

The Hon. TONY KELLY (Minister for Lands, Minister for Rural Affairs, Minister for Regional Development, and Vice-President of the Executive Council) [5.29 p.m.]: I move:

That this House do now adjourn.

ARABIC HERITAGE LEAGUE AWARDS

The Hon. JOHN AJAKA [5.29 p.m.]: On 23 April I had the great pleasure of attending the presentation of the prestigious Gibran International Award at the Annual Dinner of the Arabic Heritage League in Australia. A number of parliamentary colleagues were present at the dinner, including the Deputy Leader of the Opposition, the Hon. Jillian Skinner, representing Leader of the Opposition, the Hon. Barry O'Farrell; Senator Connie Fierravanti-Wells, representing Leader of the Opposition, Dr Brendan Nelson; the Federal member for Banks, the Hon. Daryl Melham; the Federal member for Reid, the Hon. Laurie Ferguson, representing the Prime Minister; and the member for Auburn, the Hon. Barbara Perry.

This year the people of Lebanon, the rest of the Arab world and, indeed, many people across the globe are celebrating the 125th anniversary of the birth of the artist, poet and writer, Gibran Khalil Gibran. Most famed for his seminal work, *The Prophet*, Gibran was a passionate pursuer of the creative mind and intellect, inspiring countless generations of artists and poets. The success of the recipients of his award is testament to his enduring legacy and the contributions that humankind can make through hard work and determination. One must also applaud the work and dedication of the New South Wales executive of the Arabic Heritage League, notably the president, Mr Peter Indari, and the secretary, Dr Emile Chirac.

Since 1981 the Arabic Heritage League has recognised and rewarded exceptional individuals who have made outstanding contributions to their communities in wide-ranging fields. Past winners of the Khalil Gibran award have included Dr Kamal Sabbagh, an extraordinary violinist of Syrian descent who now resides in Paris; Reverend Kevin Manning, who is the current Bishop of Parramatta; Ghassan Al Chadraoui, a Lebanese artist who is currently on tour in Australia; and Ms Nadia Jamal, a journalist with the *Sydney Morning Herald*. These names highlight only a small number of the remarkable contributions that the Australians of Arabic heritage have made to all facets of Australian life. The awards this year pay tribute to three talented individuals who have made extraordinary contributions to their respective fields of study for the benefit of our community.

Professor Mohamed Khadra is an international leader in education and medicine, holding a degree in medicine, a PhD and a fellowship from the Royal Australasian College of Surgeons. He also holds a postgraduate degree in computing and a Master of Education qualification. His academic achievements alone amount to an exceptional career. His commitments and contribution to our community in the areas of education and social justice are admirable. Professor Peter Manning has enjoyed a long and diverse career in journalism and media-related interests, including his work at the *Sydney Morning Herald* and the *Bulletin*. He has been a producer and news director on *Four Corners*, *Lateline* and *Foreign Correspondent*. As a life-long Sydney resident, he knows and has documented the varied fortunes of the Arab community in Australia and the benefits it has provided to the wider Australian community.

Finally, in the field of music, Mr Marcel Khalife is recognised as an artist and visionary in the musical world. Perhaps the greatest living player of the oud, a stringed instrument akin to the lute, he creates worlds of sounds, which are tied closely to his work as a lyrical composer in a way that is both harmonious and spiritual. His literary compositions have expanded to the world of books, allowing him to detail his thoughts on music and expression as a truly avant-garde composer. These three men epitomise the pursuit of excellence and the desire to exceed boundaries, which are a hallmark of many Australians of Arabic heritage, and the enormous contributions made to our community as a whole. Countless other individuals with Arabic heritage links are making remarkable contributions to our community.

To mention just a few names, Her Excellency Professor Marie Bashir has risen to become the first woman appointed as Governor of New South Wales and is currently serving as the acting Governor-General. Ahmed Fakhour is the Chief Executive Officer of the Australian operations of the National Australia Bank, one of the country's four major banks. Our own New South Wales Parliament has benefited from the contributions of many Lebanese-Australian descendants who are members of Parliament, including the Speaker of the Legislative Assembly, the Hon. Richard Torbay, the Hon. Eddie Obeid, the Hon. Barbara Perry and the Hon. Thomas George. I am honoured to add my name to that list. Indeed, the third longest serving member of the Legislative Council was the Hon. Anthony Alexander Alam, a Lebanese Australian who served a broken term of 41 years 9 months from 1925 to 1958 and again from 1963 to 1973. In light of the achievements of these exceptional individuals, I extend my thanks to the Arabic Heritage League for its continued contribution to the community. It is with great pleasure that I commend this organisation to the House. I hope for its continued success and the success of the individuals it awards for many years to come.

NORTH COAST ACADEMY OF SPORT AWARDS

The Hon. KAYEE GRIFFIN [5.34 p.m.]: In April I had the pleasure of representing the Minister for Sport and Recreation, the Hon. Graham West, at the ClubsNSW 2008 North Coast Academy of Sport Awards in Kempsey. The North Coast Academy of Sport is part of a network of sports academies that assist talented young athletes from rural and regional New South Wales. The academy, which was established in 1989, is an independent sporting organisation that is run by a board of directors. It operates 13 sporting programs, such as, softball, surf life saving, basketball, canoe sprint, cycling, hockey, lawn bowls, netball, rowing, rugby union, sailing, tennis and triathlon. Since its establishment in 1989, more than 3,500 scholarships have been offered to athletes from the academy.

The academy's extensive training programs and level of commitment to a range of sports provide local athletes with first-class training. Its strong network caters for a vast range of athletes in rural and regional areas of New South Wales. It offers talented young athletes with unique and specialised training facilities, training schedules and personal development assistance. Over the years the academy has endeavoured to extend its services to provide for more sports. On the awards night 13 sports were recognised. Another special announcement was made that the academy had just endorsed two new programs—the Athletes with a Disability Program and a BMX program—bringing the total number of sporting programs to 15. A large part of the success of the North Coast Academy of Sport is due to the special relationship between the academy and its sponsors. Without sponsorship many of the programs would not be able to continue. I pay credit to the academy and local businesses and organisations that come together to work effectively to benefit many of the local athletes. The 12 local councils within the North Coast region provide ongoing financial support to the academy through their ratepayer-funded community development programs. The Government also provides financial assistance through the Department of Sport and Recreation.

Due to the size of the region, the board of directors authorised the establishment of five sub-regional committees, which are: Tweed-Byron, covering Tweed and Byron councils; Northern Rivers, covering Lismore, Ballina, Kyogle, Casino and Richmond River councils; Clarence Valley, covering Grafton, Nymboida, Copmanhurst, Maclean and Ulmarra councils; Coffs Coast, covering Coffs Harbour, Bellingen and Nambucca councils; and Hastings-Macleay, covering the councils of Hastings and Kempsey. All the sub-committees have the task of promoting a range of sporting activities throughout their region. The academy operates three main programs. The Sports Talent Enhancement Program delivers development programs that enable a selected squad to have access to high-level coaching, education modules in nutrition, sports psychology, fitness testing and sports medicine. The Coach Development Program assists the North Coast Academy of Sport coaches and managers in the development of their skills and experiences. The Partnership Development Program builds on the partnership between the academy, the local community, State and Federal government agencies, media agencies, schools and ClubsNSW members.

On the presentation night a young woman by the name of Gabrielle King received the award for Athlete of the Year. It was the second year in a row that Gabrielle took home the award, and she became the first athlete in the history of the academy to win the prestigious award twice. Gabrielle's chosen sport is sailing. She has competed at a number of State, national and international sailing events. In 2007 she had the impressive record of winning every sailing regatta she contested during the sailing season. These wins included the New South Wales-Australian Capital Territory championships, the Australian National Laser Radial championships and the National Youth championships in Hobart. Through these achievements Gabrielle earned herself an associate scholarship with the Australian Institute of Sport and a place on the Australian Sailing Development Squad, where she trained with members of the national open women's sailing squad. In July last year Gabrielle also represented Australia at the Volvo ISAF Youth World championships, which were held in Ontario, Canada. This event allows representation from only one sailor per country.

Cheyenne O'Brien is another young athlete who deserves special mention. She was awarded the North Coast Academy of Sport Chairman's Encouragement Award. Cheyenne is a specialist in her field of canoeing. She is the only person competing in this field at the academy. Although she trains with other athletes, she undertakes the majority of her training sessions alone. This certainly has not deterred her from following her passion and training extremely hard in her chosen sport. I was pleased to see her efforts acknowledged with the Encouragement Award. The work of the academy and the many volunteers cannot be underestimated. They have all played an important role in bringing out the best in young athletes. Their work is evident in the success gained by these young people. I very much enjoyed attending the presentation night and seeing the young sportsmen and sportswomen being acknowledged for their hard work. They have already achieved so much and I hope they have long and successful sporting careers.

SYDNEY PEACE FOUNDATION CONFERENCE

Mr IAN COHEN [5.19 p.m.]: On 15 and 16 April I had the pleasure of attending the Iraq Never Again: Ending War, Building Peace conference held at Customs House in Sydney. It was a two-day conference organised by the Sydney Peace Foundation to coincide with the arrival and participation of the Peace Boat. It was an excellent conference. People gathered to discuss peace and how we can move forward, not only from an Australian perspective but globally.

I had the great fortune of boarding the Peace Boat, which was moored at Circular Quay. It is a wonderful, white, old-style—art deco—cruise ship that is as big as any war ship but certainly does not attract the same attention. It was wonderful to see the flags flying on the boat and a peace banner painted along the side. The boat has travelled around the world on what one could call a diplomatic mission. It emanates from Japan and it has many young Japanese people on board, but there are also tourists on board who pay their own way. The boat travels to various hot spots and areas where it can be of assistance. It has been travelling around the world for some 25 years now.

The conference was very successful and the night on the Peace Boat was really uplifting, particularly with the young Japanese people talking about their culture and also their desire for peace. The Peace Boat is a Japanese-based international non-governmental and non-profit organisation that works to promote peace, human rights, equal and sustainable development and respect for the environment.

Bringing together local and international scholars and students, Iraq and Kurdish speakers and local activists, the conference marked the fifth anniversary of the invasion of Iraq and the twenty-fifth anniversary of the launch of the international Peace Boat. The conference provided a forum for imaginative and feasible plans for building peace in nations such as Iraq. Stuart Rees, Emeritus Professor and Director of the Centre for Peace and Conflict Studies, highlighted in his presentation to the conference the need for a reconfiguration of nation-building priorities when he stated:

> Politicians, generals and media commentators need to replace the centuries-old fascination with violence with a perspective which promotes public services, human rights and adherence to the rules of international law.

Demilitarising our conceptualisation of managing international conflict is imperative in achieving the United Nations Millennium Development Goals. The sentiment of the conference participants focused on the need to galvanise our commitment to non-violence and to resolve conflict of all permutations by addressing the underlying systemic causes of conflict with infrastructure development, education and the provision of basic social services. The spirit that embodies Article 9 of the Japanese Constitution has never been so relevant to international relations. The no-war principle states:

> Aspiring sincerely to an international peace based on justice and order, the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as means of settling international disputes.

As nations straddle geopolitical difficulties and global turbulence in managing natural resources, the starting point for international actors should be one of non-violence, not military intervention. I am greatly encouraged by the young people and activists who, counter to intellectually cheap and lazy media stereotypes, are proactively shifting the focus away from warmongering to sensible and effective methods of alternative dispute resolution.

Hundreds of young activists participated in this event, giving up their lives and embarking on a wonderful adventure. But the adventure all revolves around human rights and peace. The conference was certainly a wonderful event in which to take part and listen to the speakers express their ideas and ideals. They

will be the next line of international leaders who consider what can be achieved without arms, violence and military intervention. They appreciate that robust or stable societies and economies, in transition from civil and international disruption, can only secure cultural and economic longevity by peace building.

DEATH OF THE HONOURABLE MR JUSTICE KIM SANTOW, AO

The Hon. GREG PEARCE [5.44 p.m.]: Tonight I acknowledge the extraordinary life and contribution of the late the Honourable Mr Justice Kim Santow, AO, honorary doctor of laws. Kim passed away on 10 April, aged 67 years. On Wednesday 23 April I attended a memorial ceremony for Kim, together with about 700 of Sydney's leading business, academic, professional, cultural and benevolent figures, at the Great Hall of the University of Sydney.

Kim was a graduate of the University of Sydney and had been chancellor of the university in one of its most testing periods. The Governor, the Honourable Marie Bashir—Kim's successor as chancellor of the university—led the farewells and honours, having confirmed Kim's honorary doctorate of laws at his bedside just a few days earlier. Kim did not seek honours, but a man of his intellect, energy and humanity could not avoid them, and they were a deserved recognition of his enormous contribution to so many aspects of society and to so many people. In my mind, Kim surpassed the true measure of the man. Those who came into contact with him have been, and future generations will be, enhanced and enriched by his life.

I had the good fortune to be nurtured and encouraged by Kim: he interviewed me many years ago for my job at Freehill Hollingdale and Page, as it then was. I will always remember the experience of waiting almost two hours to be interviewed and then meeting this giant of a man who sat across the table, said, "Hello" and slid across to me an open copy of a text on company law. He said, "I am just looking at this problem. Can you have a look at that section there and give me your opinion?" I subsequently discovered that it was not a harrowing interview technique; in fact, it was just a measure of Kim's openness, his inclusiveness, his dedication to the law and his intellect. It was also a measure of his humility.

The first major project I worked on was the refinancing of the Eraring Power Station back in the 1980s—coincidentally, in very similar circumstances to what we see now. Under the Wran Government we were facing a similar crisis to that which now faces the State. Kim led that large, complex transaction: he structured it and it was achieved for the benefit of the people of the State. In the early 1990s Freehills needed new premises and I was part of a committee that included Kim—sort of. It was an interesting insight into his fascination with property and his broad taste, but it was also a very exciting experience because we never knew when Kim might walk in the door saying that he had signed the deal. Kim was the obvious selection to go to London when the firm opened an office there. The fact that he fitted in straightaway and worked with the leading business and legal people in London was simply a measure of his stature both on the world stage and on the local stage.

Kim is survived by his wife of 41 years, Lee, who is a great friend and favourite of the Freehills alumni and the many friends and colleagues of Kim. He is survived by his three sons, including Simon Santow, who is well known to all of us through the media. Each of his three sons spoke with dignity, love and humour at their late father's memorial service. Like so many others from the law, the arts, business, the education community and charities, my life has been enriched by contact with, and the example given by, Kim Santow. We will miss him but we will never forget his huge presence.

FATHER ZAKARIA BOTROS

Reverend the Hon. Dr GORDON MOYES [5.49 p.m.]: An Egyptian Coptic friend of many years, who attended Wesley Mission when I was preaching there, and a member of the Christian Democratic Party, Gamil Helmy, was telling me about Father Zakaria Botros and his amazingly successful evangelistic ministry among Muslims via television. Now I read that another friend from Washington DC, Chuck Colson, in his 22 April 2008 "Breakthrough" radio broadcast, contributed some more.

Father Zakaria Botros is a conservative television star with a huge audience who is hated by his political enemies. I looked up a number of websites, both in English and Arabic, including *http://www.islam-christianity.net/*, and I have found that Father Botros has been making substantial waves in the Arabic world. He has courageously begun to fight Islam intellectually and publicly. For the first time a reasoned defence of Christianity is being made available to the general public in Islamic countries. There are plenty of good critiques of Islam written in English and other languages, but very few in Arabic.

Father Zakaria, who is very well read in the Koran and the Hadiths—that is, the oral traditions—regularly appears on public television, where he poses hard questions to the imams who visibly struggle to provide answers. The Arabic newspaper *ai-Ins an al-Jadid* calls him public enemy number one. I understand that his campaign of simply informing people of the odder and questionable aspects of Islam has led to quite a number of converts to Christianity. On Arabic television channel al-Hayat, or "Life TV", one will see Father Botros, a Coptic priest, discussing theology in a way that embarrasses and enrages Muslim leaders. His television talks are leading not only to mass conversions—some say that more than five million Islamic followers have converted to Christianity—but also to the disempowering of radical intellectual Islam. He is a bearded, bespectacled cleric who sports a large wooden cross, and his specialty is examining little-known, but embarrassing, aspects of Islamic law and tradition.

Because he speaks and reads classical Arabic, Botros can report to the average Muslim on the discrepancies found within Islamic teachings that affront moral commonsense. Satellite television and the Internet mean Botros can question Islam's teachings in Arabic—the language of 200 million Muslims—without fear of reprisal. Botros asks such questions as, "Are women inferior to men in Islam?"; "Did Mohammed say that adulterous female monkeys should be stoned?"; and "Does sharia really teach that women must breastfeed strange men?" Botros cites chapter and verse of Islamic sources, and then politely invites Islamic scholars to respond. The response is deafening silence.

Even worse, religious experts have at times been forced to agree with Botros, which has led to some amusing and embarrassing moments on live Arabic television, according to journalist Raymond Ibrahim, whom I have read and who describes the work of Father Botros. One example the author cites from a television broadcast is a hijab-wearing Muslim television presenter asking an imam why he will not provide a reasonable answer to Botros' question, only to have the imam storm off the set, which indicates that too often the answer to legitimate questions about Islam is bluster and bullying.

Botros' methods are not meant to incite the West against Islam, or to promote Israeli interests, or to demonise Muslims, as most Australian anti-Islamists do; Botros' ultimate goal is "to draw Muslims away from the dead legalism of sharia law to the spirituality of Christianity". He is not only saving souls but is also cutting at the very heart of radical Islam. There is a rumoured $US5 million price on his head—dead or alive.

Ibrahim says that the West will not disempower radical Islam by offering Muslims democracy, capitalism, secularism, materialism, feminism or any other "ism". Instead, we must offer them "something theocentric and spiritually satisfying". Consequently, at the end of each program Botros reads from the *Bible* and invites his listeners to follow Christ. That he is successful in this endeavour is acknowledged by none other than AI-Jazeera television, which complains of Botros' "unprecedented evangelical raid" on the Muslim world. It reports that five million Muslims have converted as a result of his efforts. Botros offers a great example of why we Christians must learn our own doctrines, along with those of other religions; that is, so that we can lovingly reason with people and, with respect, draw them into the kingdom of God.

EDWARD MORRISSEY AUSTRALIAN LABOR PARTY LIFE MEMBERSHIP

The Hon. CHRISTINE ROBERTSON [5.54 p.m.]: Last weekend's New South Wales State Conference of the Australian Labor Party was fascinating for a number of reasons. Not only were there a number of important policy debates, which went unreported—for example, those covering health and Country Labor—but, in keeping with tradition, a group of party members who have served for more than 40 years and made an outstanding contribution were awarded life membership.

The Hon. Trevor Khan: Joe Horan.

The Hon. CHRISTINE ROBERTSON: For more than 25 years I have been a delegate to the New South Wales Australian Labor Party conference, one of the most important parts of which is the celebration of life membership. I have been reminded that one of the people who was awarded life membership was Joe Horan from Tamworth, who has been a very important part of Country Labor in that area for a long time.

Edward—or Ted—Morrissey of Coonabarabran is one of those outstanding members. He joined the Coonabarabran Branch of the party aged 19 in 1933—that is 75 years ago—when his uncle Joe Maguire took him along to meetings. Ted has been a member of that branch ever since. Ted is approaching 94 years of age and he is now unable to attend meetings in person. It is interesting for social history to note that Uncle Joe was a returned First World War soldier, as were many of the party members in the area. He was a council worker and an SP bookie on weekends.

Ted Morrissey was one of six children raised on a property called La Perouse near Coonabarabran. He continued the family business Morrissey Seed and joined the horticulturalists and fruit growers union. Ted was interested in the Australian Labor Party because he could see the hardships people were going through as the Great Depression took hold and he always had a strong commitment to social justice from his family life and schooling. Ted was also outraged that his widowed grandmother's pension was cut because she was living in her own home.

During the Second World War there was a desperate shortage of vegetable seeds. Morrissey Seed was one of the few producers of seeds in Australia at the time. The situation was so grave that the Army ordered more seeds to be produced, which required more labour. The Army sent four Italian prisoners of war to the Morrissey farm to help grow more vegetable seeds. Ted was put in charge of the Italians to get them to work, which he said was not a problem because they were all very well disciplined. Ted always took the view that he would never ask anybody to do something that he would not do himself. He treated the Italians with respect, learnt to speak some Italian, taught them some English and had some good laughs with them—especially at the expense of the staff sergeant sent to supervise them. Together they grew thousands of pounds of seeds and built a road, now called Jack Morrissey Road, from the Morrissey property to the Baradine Road.

The years hosting the Italian prisoners of war were clearly an important time in Ted's life. It was again with these men that his dealings with the Army came up. Ted tells a story from late 1944 when he was playing piano in a concert party and an army recruiter was present. The recruiter was so keen to get Ted into the army that he told him he was conscripting him on the spot! Ted asked him who would look after the prisoners. To this day, Ted is still waiting to receive his conscription notice.

Ted has a sharp memory and a keen interest in history, and he enjoys writing down some of his experiences. He has written a history of the Catholic Church in Coonabarabran and has kept a journal for the past 28 years. In a historical context, he is also encouraged by the actions of the new Prime Minister, Kevin Rudd, particularly by the apology to the Aboriginal people for the stolen generations. Ted has had involvement with Aboriginal people in both his working and his musical life.

Ever since Ted learned to sing and play piano in school music has been a very important part of his life. Family gatherings have always involved sing-alongs around the piano, even at a recent gathering of 65 descendants of Ted's parents, Jack and Jessie Morrissey. Ted has recorded some of his music as part of a folk music collection in the National Library of Australia, which is also an important historical resource relating to the Coonabarabran area. Ted is a most impressive person and his interests cannot be fully explored in this brief speech. However, he is clearly a lover of life and a humble man who is willing to admit his mistakes. He is also a true lover of the environment. He has helped protect local rock wallabies in the Warrumbungle area by working with the National Parks and Wildlife Service. He was an appointee to the Warrumbungle National Park Trust through the 1970s, and in 1972 he established a flora and fauna reserve on Baradine Road north of Coonabarabran. His own property is a wildlife refuge. Ted Morrissey is living history. His knowledge of his beloved Warrumbungle region, which has been his home all his life, is quite amazing. It makes me very proud to be a part of a political party that has as its members such important and, in their special way, influential people such as Ted Morrissey.

DEATH OF THE HONOURABLE MR JUSTICE KIM SANTOW, AO

The Hon. HENRY TSANG (Parliamentary Secretary) [5.59 p.m.]: I join with the Hon. Greg Pearce by expressing the Government's condolences to the family of the late Dr Kim Santow, AO, former Chancellor of the University of Sydney. I was the appointee of the Minister for Education and Training to the University of Sydney Senate and I witnessed firsthand how Dr Santow applied his steady hand in steering the university through a very complex political time. His death is a great loss to New South Wales and his great contribution will be remembered.

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

Motion agreed to.

The House adjourned at 6.00 p.m. until Thursday 8 May at 11.00 a.m.