

# LEGISLATIVE COUNCIL

Thursday 8 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.

**GROWTH CENTRES (DEVELOPMENT CORPORATIONS) AMENDMENT BILL 2008**

**STATE ARMS, SYMBOLS AND EMBLEMS AMENDMENT (BLACK OPAL) BILL 2008**

**Bills received from the Legislative Assembly.**

**Leave granted for procedural matters to be dealt with on one motion without formality.**

**Motion by the Hon. Tony Kelly agreed to:**

That the bills be read a first time and printed, standing orders be suspended on contingent notice for remaining stages and the second readings of the bills be set down as orders of the day for a later hour of the sitting.

**Bills read a first time and ordered to be printed.**

**Second readings set down as orders of the day for a later hour.**

**BURMA REGIME CYCLONE RESPONSE AND CONSTITUTION REFERENDUM**

**Motion by Dr John Kaye agreed to:**

1. That this House expresses its deepest sympathy to the people of Burma who have suffered massive devastation caused by cyclone Nargis and the ensuing tidal surges.
2. That this House calls on the Burmese regime:
  - (a) to lift restrictions that are frustrating access to the affected areas by international aid agencies, and
  - (b) postpone voting on the constitutional referendum throughout the country in order to concentrate on delivering assistance to those affected by cyclone Nargis.

## BUSINESS OF THE HOUSE

### Withdrawal of Business

**Private Members' Business item No. 101 outside the Order of Precedence withdrawn by Ms Lee Rhiannon.**

**ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT (RESTORATION OF COMMUNITY PARTICIPATION) BILL 2008**

### Second Reading

**Debate resumed from 10 April 2008.**

**Ms LEE RHIANNON** [11.10 a.m.]: I congratulate Ms Sylvia Hale on bringing forward this private member's bill. Clearly there is a need for reform of political funding and the planning process. I am pleased that the need for reform of at least political funding is now widely recognised amongst the conservative political forces in New South Wales. On 22 March 2008, Easter Saturday, Premier Morris Iemma changed his position and commenced to talk about the need to ban political donations. On the same day the Leader of the Opposition, Mr O'Farrell, also changed his position so we are now able to debate the need for reform in a much more constructive way.

However, serious problems still exist. This issue is very complex and Ms Sylvia Hale should be congratulated on bringing forward a bill that addresses this difficult area. The need for wide-reaching reform in local government has been demonstrated time and again. A number of councils have become household names because of scandals associated with the activities of some councillors and staff members. The pattern is clear: donations are corrupting the planning system. In the *Sydney Morning Herald* on 1 March 2008 Malcolm Knox stated:

The link between money and potential for corrupt conduct is apparent in the tabulation of donations to councils. Of the top 15 council recipients of donations at the 2004 council elections Wollongong (fourth), Tweed (sixth), Rockdale (ninth), Canada Bay (12th) and Strathfield (13th) have been either sacked or investigated over allegations of corrupt conduct. Lake Macquarie (fifth) and Newcastle (seventh) have either investigated allegations of corruption against councillors internally or faced down allegations in meetings.

The corruption watchdog, the Independent Commission Against Corruption, has investigated many of these councils where the current laws have failed to protect local citizens from the ravages of corrupt planning practices. Today I will focus on some of the activities at Shoalhaven City Council. The Independent Commission Against Corruption has not undertaken an investigation of the council: I am not stating that local councillors have been involved in corrupt practices. However, recent events with regard to donations and planning decisions at that local council area raise many questions, questions that the mayor, Mr Greg Watson, must respond to.

I understand that the election campaigns of Mayor Watson and the Shoalhaven Independents Group are characterised by large donations enabling substantial media promotion compared with the activities of all other candidates and groups in the area. Election Funding Authority records for Shoalhaven City Council elections indicate that the mayor and his team received a total of \$91,017.60 for the last local government elections. This extraordinary level of funding swamped the financial capacity of any individual or group running in the election. It was far in excess of donations accepted for electoral purposes in the history of the Shoalhaven. Now \$78,000—that is, 86 per cent of the total—came from just 10 separate entities donating more than \$1,500 each. Of these 10 donors, all except the Manildra Group are involved with property development in the Shoalhaven area.

As an interest group, property development accounted for 97 per cent of the large donations and at least 84 per cent of total donations to the party. WD Pty Ltd donated \$20,000. The principal of this company, Michael Corban, purchased several contiguous blocks of residential land on the central business district fringe six months after the 2004 Shoalhaven election. Following meetings with the mayor council supported rezoning of the land "business 3B" in 2004 through a local environmental planning amendment. Such rezoning of the site pre-empted completion of the design and consultation process behind the East Nowra subarterial road linking the Princes Highway to Grenwell Point Road. The site is now situated on the corner of the proposed—

**Reverend the Hon. Fred Nile:** Point of order: I do not have in front of me the actual text, but it appears that the member could be reading in-camera evidence given to the committee inquiring into funding and donations. Therefore, it is out of order.

**Ms LEE RHIANNON:** To the point of order: I am not a member of that committee. The Greens undertake their own very thorough research. We are presenting that as part of this debate. It would be unfortunate if any gag were implemented on the material we are putting forward.

**The Hon. Duncan Gay:** To the point of order: Perhaps the member could inform the House whether or not this is in-camera evidence, because if Reverend the Hon. Fred Nile is correct, the Opposition would have concerns. If this evidence has come direct to her to be put on the public record, she should let the House know.

**Ms LEE RHIANNON:** Further to the point of order: As I stated before, I am not a member of the inquiry to which Mr Nile referred, so I have not seen any of the in-camera material. We have undertaken our own research. This material has been collated. It came from a number of sources in the Shoalhaven, as well as our own research, but I have had no access to in-camera evidence put before the inquiry.

**Reverend the Hon. Fred Nile:** Further to the point of order: It might clarify the situation if the member could acknowledge whether she was reading from the submission of Mr Corrigan, which was given in camera.

**Ms LEE RHIANNON:** No, I am reading from my speech.

**Reverend the Hon. Fred Nile:** A speech based on the submission from Mr Corrigan.

**The PRESIDENT:** Order! For one of a number of reasons the term "honourable" is used by members in this House as a sign of respect that members have for the word of other members. Of course, a degree of responsibility thereby rests with members. If a member advises the House that he or she is taking a course of action for good or appropriate reasons, the Chair is obliged to accept that advice, unless there is overwhelming evidence to the contrary. Ms Lee Rhiannon has advised that the material she is reading was sourced from information obtained otherwise than from in-camera evidence given to a committee of this House. I accept that advice. However, I caution members that it would be dishonourable and indeed potentially contempt of the House to attempt to read into the record material that was given in camera before a committee and that has not as yet been reported to the House. Bearing my ruling and observations in mind Ms Lee Rhiannon may proceed.

**Ms LEE RHIANNON:** I seek clarification. As I am not a member of the committee, I do not know what evidence was heard in camera. We conducted our own research and have been presented with information. I have no idea what was in camera, but as with all debates I bring material forward. I would like to continue with my speech but would like to clarify that issue.

**The Hon. Tony Kelly:** Point of order: The member has pointed out that she is unsure whether this matter was in-camera evidence. Reverend the Hon. Fred Nile, who is a member of the committee, has said he believes it is. The member should take his word that he is correct.

**Ms Sylvia Hale:** To the point of order: Reverend the Hon. Fred Nile prefaced his remarks by saying he did not have the actual words with him, so clearly he is not sure what words were said in camera. It is impossible for any member who is not a member of a committee that has held hearings in camera, when that member was not present, to be absolutely sure that they are not repeating material that was given in camera. So the Minister's point, I believe, is absurd.

**Reverend the Hon. Fred Nile:** Further to the point of order: I raised the point of order because it appeared that Ms Lee Rhiannon was referring to material that was presented in evidence in camera. Ms Lee Rhiannon may not have been aware of that, and that is the purpose of the point of order: it now brings it to her attention that she may be in contempt of the House.

**The PRESIDENT:** Order! We are exploring new territory on this point. I am reluctant to stop Ms Lee Rhiannon from presenting her material. However, I repeat the caution I gave members earlier, that it would be inappropriate for any member to attempt to place on the record material that was given in camera before a committee and that has not yet been reported to the House. Members have a responsibility to ascertain the source, reliability and validity of information that they wish to present to the House. If members are not sure of their position in this regard, I urge them to seek the guidance of the Clerks. I ask Ms Lee Rhiannon to bear in mind my ruling on this matter as she proceeds.

**Reverend the Hon. Fred Nile:** Further to the point of order: One way to resolve the matter would be for Ms Lee Rhiannon to table the document she has been reading from. The document could then be compared with the records of the committee.

**The PRESIDENT:** Order! I am reluctant to ask Ms Lee Rhiannon to do that. It is a matter about which Ms Lee Rhiannon has to make a decision.

**Ms LEE RHIANNON:** I seek leave to suspend my speech at this point to allow me to seek more information without holding up the House and to allow the debate to continue. I seek leave to return to my speech later in the debate.

**Leave granted.**

**The PRESIDENT:** I thank Ms Lee Rhiannon for taking that course of action.

**The Hon. DON HARWIN [11.22 a.m.]:** I lead for the Opposition on the Environmental Planning and Assessment Amendment (Restoration of Community Participation) Bill 2008. The proposed legislation has three major aims: firstly, to broaden the Environmental Planning and Assessment Act objectives to include the need to respond to climate change; secondly, to extend the checks and balances on the powers exercised by the Minister under part 3A of the Act; and, finally, to prohibit donations from property developers.

The first part of the bill seeks to extend the objects of the principal Act. The two new objectives have been phrased as follows: first, to encourage the reduction of greenhouse gas emissions and mitigation of the effects of climate change; and, second, to encourage the protection and enhancement of the health and wellbeing of the community. The first object of the principal Act encourages "the proper management, development and conservation of natural and artificial resources for the purpose of promoting the social and economic welfare of the community and a better environment", while the sixth object encourages "the protection of the environment".

The reduction of greenhouse gas emissions and the mitigation of the effects of climate change are important issues, but there is probably a reasonable argument that both are comprehensively covered within the Act's existing objects of "promoting a better environment" and "the protection of the environment". Similarly, it would appear that the protection and enhancement of the community's health and wellbeing are already included within the scope of the principal Act's existing first object, that is, "the proper management, development and conservation of resources for the purpose of promoting the social welfare of the community". Nevertheless, the Opposition does not oppose the addition of these objectives to the relevant section of the Act.

The second part of the bill seeks to make six amendments relating to decisions made under part 3A of the Act, which empowers the Minister for Planning to seize control of developments that the Government deems to involve critical infrastructure. The first five of these six part 3A amendments appear to be quite straightforward, and consistent with the spirit of the earlier part of the bill. They seek to give greater prominence to environmental concerns in the decision-making process.

The bill proposes that the Minister should be required to publish guidelines with respect to the environmental assessment requirements for approving projects under part 3A; that proponents of projects should be required to prepare an environmental assessment; and that public submissions regarding environmental assessments, having been edited by the director general with regard to ensuring privacy and security, be published on the department's website and also be provided to the proponent of the project and included in the director general's report to the Minister.

The last of the amendments included in the second part of the bill is concerned with the limited checks and balances to which the powers granted to the Minister by part 3A are subjected. The amendment provides an extension of the circumstances in which an objector to a project can appeal against a determination of the Minister to give approval to a project under part 3A of the principal Act. In her second reading speech Ms Sylvia Hale stated that the change would "allow greater scope for the Minister's decisions to be appealed". In introducing this amendment Ms Sylvia Hale is reviving the amendments that the Coalition unsuccessfully moved when the current part 3A was enacted.

When the Environmental Planning and Assessment Amendment (Infrastructure and Other Planning Reform) Bill was debated in June 2005 the Greens attempted to refer the bill to General Standing Purpose Standing Committee No. 4 but moved no other amendments. Instead, it was the Opposition that led the attempt to ensure that the sweeping new powers of the Minister were checked and balanced by appropriate review mechanisms. Regrettably, despite the support of the Greens, the amendments were not passed.

For the record, my former colleague the Hon. Patricia Forsythe introduced five amendments to the bill on behalf of the Opposition, three of which were concerned with the opportunity to appeal decisions made under part 3A. These amendments sought to ensure the right of proponents, objectors and councils to appeal decisions made by the Minister under part 3A. During the debate the Hon. Patricia Forsythe stated:

The key issue in relation to these amendments is the right of appeal. The Committee needs to understand that it is essential that communities have a role and a place in planning in New South Wales, as well as a right to have a say about infrastructure, critical or otherwise, in an area.

It is thus the legacy of the Opposition's stance against the unfettered powers of part 3A of the Environmental Planning and Assessment Act that the Greens are now seeking to advance by way of amendment in this legislation, and therefore the Opposition has no objection to clauses 1 to 7 of the bill. But let us be quite clear about the context of the debate on the part 3A provision. Property developers have made \$4 million worth of donations to the New South Wales Labor Party in the period since the current part 3A was enacted. Ten of the biggest developers paid more than \$1 million to the Labor Party during the period in which the Minister considered \$1.5 billion worth of their proposals.

The Minister currently has over 300 major projects on his desk under part 3A, and Liberal Party research shows that 48 of the developers involved in those projects have donated to the New South Wales Labor

Party. This demonstrates the appalling conflict of interest that the 2005 change to the legislation has brought about. New South Wales Labor has created a culture in which businesses believe they must make donations to Labor in order for their development proposals to reach the Minister's desk, or for them to eventually receive approval.

I turn now to clause 8. While we are setting the record straight, I take this opportunity to refer to comments made by one of the Greens about the Select Committee on Electoral and Political Party Funding, a matter that directly relates to clause 8. On 11 March the *Australian Financial Review* reported Ms Lee Rhiannon as saying that the major parties colluded with the Christian Democratic Party and the Shooters Party to keep the Greens off the Select Committee on Electoral and Political Party Funding.

I can only conclude that the journalist must have misquoted Ms Lee Rhiannon. As every member of the House knows, Opposition members voted for Ms Rhiannon to be on the committee, as well she knows. At the time the Leader of the Opposition condemned her exclusion from the committee in the media, and in his opening statement at the recent public hearings he again expressed his regret that a member of the Greens had not been included on the committee. Ms Rhiannon knows that it was the Labor members and not the Opposition that kept her off the committee. The Greens are not the only members of this House that have a longstanding association with political donations and campaign finance reform. Nearly four years ago I said in this place:

Effective restrictions on political donations and spending must be comprehensive, must apply to all jurisdictions, must act in parallel with regulations on spending by third entities, must be offset by a system of public subsidisation, and, finally, must be appropriately audited and regulated.

The Opposition has argued for reform of political financing, both funding and spending, for many years and understands that there is growing community concern that vested interests are using money, given as donations, to buy influence in New South Wales. It is one of the factors that has undermined public confidence in government and public administration in this State. Many people believe that the public interest has suffered when decisions are being made on a range of issues.

In May last year the Leader of the Liberal Party, Barry O'Farrell, member for Ku-ring-gai, attempted to establish a committee to report on political donations and campaign expenditure for State and local government elections in New South Wales. Disappointingly, Labor members in the other place used their numbers to thwart his attempt. Following this turn of events I introduced the motion of which I had given notice that established the select committee that is currently investigating electoral and political party funding.

Clauses 8 makes it an offence for a property developer to make or offer to make, including through another person, a donation to a member of Parliament, an elected member of a local council, a candidate for election, a political party or party official. It will also be an offence to accept or solicit such a donation. A property developer includes any person who has made a development application under the principal Act, or an application for approval under Part 3A, that is undetermined. It is a matter of public record that the select committee has produced a discussion paper, received 183 submissions at the time I wrote this speech—it might have gone up by now—has held five public hearings, and held a public forum.

The substance of clause 8 has been canvassed in the discussion paper, in many of the submissions, in the evidence of many of the witnesses, and by a number of the participants in the public forum. In fact, it is a matter of public record that a number of the specific changes are included in submission 182 from the Department of Premier and Cabinet and have been publicly endorsed by the Leader of the Opposition. Many other excellent suggestions have been advanced and I thank all those who have put so much effort into their submissions. One of the most impressive witnesses has been Dr Joo-Cheung Tham, senior lecturer in the law faculty at the University of Melbourne. In his evidence in a public hearing, he stated:

If we are contemplating any reform, any changes to the regulatory framework, they must deal with the demand side of political funding, that is, the appetite for increasing campaign funds, in order to tackle the supply side problems, whether they are problems relating to influence or money coming from businesses and so on and so forth.

That was a very pertinent observation and something we must bear in mind as we consider proposals such as the one contained in clause 8 of the bill. In view of the fact that the select committee will shortly enter its deliberative phase to consider these and other matters, I think the appropriate course of action is to refer the bill to the Select Committee on Electoral and Political Party Funding for its consideration of clause 8. Accordingly, I move:

That the question be amended by omitting all words after "that" and inserting instead "this bill be referred to the Select Committee on electoral and Political Party Funding for inquiry and report".

**The Hon. MARIE FICARRA** [11.34 a.m.]: The Environmental Planning and Assessment Amendment (Restoration of Community Participation) Bill 2008 affects local governments and communities across New South Wales. As a local government councillor for more than 16 years and the Mayor of Hurstville City Council for some of that period I saw the many deficiencies in the operation of the Environmental Planning and Assessment Act. It is clear that the Act needs a major overhaul to restore power to local communities and not centralise power with the Minister for Planning, Mr Frank Sartor. The changes proposed by the Minister for Planning will give the Labor Government more control over every level of the planning approval process. The Minister's fingerprints will be on all appointments: the Planning Assessment Commission, the joint regional planning panels, the arbitrators and the planning administrators. With the exception of the Planning Assessment Commission, the Minister can fire any of the members that he has appointed if he does not like their decisions. The Planning Assessment Commission has no recourse to the Land and Environment Court if an application is refused. Whatever happened to natural justice in this State?

The object of the bill is to increase the level of community involvement in the determination of developments under part 3A of the Act. The bill makes it an offence for any property developer to make a donation to any elected office holder, candidate for election, political party or party official, or for a donation to be accepted. The bill also makes it an offence for any person to make a development application or lodge an expression of interest to carry out a development within one year after making a donation to the same category of persons previously mentioned, as well as making it an offence for a donation to be made within one year of a person's development application being determined.

If the Premier is serious about reforming the State's political donations law then the Government will ultimately support the bill either now or at the conclusion of the current upper House inquiry. The proper way to deal with this major public confidence issue would be to defer the bill and refer it for consideration to the Select Committee on Electoral and Political Party Funding for comprehensive assessment and examination of issues to tighten up any loopholes. The reform processes that have thus far been fed to the media have not stopped the Labor Party from raising approximately \$110,000 every week or \$24 million between 2003 and 2007.

**The Hon. Greg Donnelly:** How was dinner last night?

**The Hon. MARIE FICARRA:** It was not a political fundraiser. We were charged \$100, and I can assure the honourable member that we got far in excess of \$100. It was not a major political fundraiser: it was a mark of respect for our previous Prime Minister. Let us face it; the Government intends to let Labor fundraising efforts proceed unimpeded in the lead-up to the local government elections on 13 September 2008. Proposals to channel political donations through party headquarters and union dues and memberships, rather than individuals, will obscure rather than prevent patterns of lobbying influence.

Are we to believe that an executive of a property company who paid \$5,100 at a Labor fundraiser to have lunch with Minister Sartor did not discuss projects? Development approvals or changing in zoning can mean millions of dollars to developers. It is no wonder that the public has lost confidence in our democratic systems: we have had the Wollongong sex and gifts for development scandal, documents withheld from Parliament over the lower Hunter regional strategy, the Transport Workers Union moneymaking roundabout, and members of Parliament failing to disclose donations of \$50,000 from developers.

Who is listening to the warnings of Noel Hemmings, QC, who is assisting the Independent Commission Against Corruption in its investigation of Wollongong City Council, that caucusing to reach an agreed party position on a motion or development that comes before council is a corrupt activity? Mr Hemmings warned it was widespread amongst Labor councillors. Have we heard any supportive statements from Minister Sartor telling us his views on caucusing amongst councillors? No, there has been a deafening and guilty silence as these dodgy developers are paid in return for their dollars by having development applications approved, usually against council and planning officers' recommendations. Since my election in March 2007 I have travelled across New South Wales and met with numerous community leaders and community groups. I am yet to meet one person who is happy with the Labor Party's handling of planning matters in this State. There is great unrest about the abolition of planning under Minister Sartor.

The Government, in its current review of planning laws, has held little public consultation. Communities are outraged by the Labor Government's measures to take away their rights to comment upon and determine what they want for their local environment and residential amenity. Last November Minister Sartor called for public submissions on his discussion paper on proposed changes to the planning system. It is the biggest overhaul in more than a decade. More than 500 submissions have been received by the Department of

Planning from local councils, developers, planners, and mums and dads. The submissions are to be kept secret by Minister Sartor—centralised power—and not one of the submissions has ever been published on the department's website. Similarly, last year more than 200 submissions were received in relation to the review of the Heritage Act and not one submission was published. What type of process is that? Where is the transparency and accountability the community deserves?

The Local Government and Shires Associations commissioned a review by John Mant, a highly respected lawyer and town planner who designed South Australia's planning laws and rewrote the New South Wales Local Government Act. His review found that the expanded role of planning panels and planning arbitrators, who are conveniently appointed by Minister Sartor, could open the door to greater pressure from developers, interest groups and politicians. Surprise, surprise—that would provide more avenues for political donations. The planning arbitrators would be a costly duplication of process for local councils. I congratulate the Local Government and Shires Associations on their letterbox, website and general media awareness campaign against the Government's planning reforms: "Three Strikes for Local Communities. How the New South Wales Government wants to take control of local planning." The three strikes are:

Strike 1: Councils lose funds for community services (via local S94 contributions powers being stolen from them).

Strike 2: Private companies approve local development applications.

Strike 3: Neighbourhoods lose their character!

As to Minister Sartor's proposed compulsory acquisition powers for cases of major urban renewal, the draft proposed bill does not limit where these powers can or cannot be used. Naturally, with this Minister and Government the community expects the worst-case scenario. Is anyone's home or land safe when the Minister determines its acquisition is necessary in the public interest? Another major concern that communities have raised is the power of the Minister for Planning to call in an application under part 3A of the Environmental Planning and Assessment Act as a development of State significance. The power of communities and councils over their future has been taken away by this provision and, again, the public sees a link with political donations from the big end of town. Members of the community have raised the impact of political donations on a Minister's decision when calling in a development. They have noted that there seems to be no formal method of disclosure requiring the Minister to declare whether the applicant for the development has made a contribution to the political party of which the Minister is a member. Greater disclosure requirements should be included in part 3A. In September 2007 the Independent Commission Against Corruption recommended:

The Commission believes that if the Minister is dealing with an application made by a political donor, higher levels of transparency and accountability are warranted.

It further recommended:

Persons submitting development applications or rezoning proposals to the Minister for Planning to declare any political donations they have made to the Minister or to his or her political party.

It also recommended:

The Minister for Planning include, in the list of designated development, development in respect of which a declaration as to the making of a donation has been made.

The Independent Commission Against Corruption urged:

Proposals lodged with the Minister by political donors should become designated development and thus subject to a Commission of Inquiry, an expert report, or the possibility of a third party appeal.

The Premier and Minister Sartor continue to ignore a critical seven-month-old Independent Commission Against Corruption recommendation for automatic referral of development applications from political donors to an arms-length approval process. Minister Sartor's draft legislation allows the Minister to decide whether to refer a project to the proposed new Planning Assessment Commission, despite the Independent Commission Against Corruption arguing that development applications from political donors should be automatically determined independently. The public continues to be most concerned about links between donations and decisions by the Minister. The Independent Commission Against Corruption proposed a method to reduce the risks of corruption, but its recommendations have been ignored completely by the Labor Government.

Last year Ms Sylvia Hale and I attended a public meeting in the Warringah Council area. Some major concerns raised were private certifiers, overdevelopment, the Minister's powers to call in development

applications, pecuniary and conflict of interest provisions, political donations, independent hearing and assessment panels, and the failure of the Environmental Planning and Assessment Act to properly protect the environment and residential amenity, and ensure a transparent and accountable planning system. Warringah residents are a well-educated community when it comes to local government and planning law. As honourable members would be aware, Warringah Council was dismissed in 2003 following a section 740 public inquiry. A number of people who testified at that inquiry outlined various deficiencies in the planning process under the Environmental Planning and Assessment Act. Sadly, since the council was dismissed, little has been done by the State Government to address properly the concerns raised by the residents of Warringah and other similar local government areas that have had their democratically elected councils dismissed.

The Labor Government appointed former party member, Labor staffer and displaced director general Dick Persson as administrator. Mr Persson recently tried to force upon the people of Warringah a change in height restrictions from 6 storeys to 20 storeys in the Dee Why town centre—I believe it is now 18 storeys as a concession to the community's outrage—and ram it through before the September council elections. His conduct highlights the bias of Labor to developer interests and the way in which the Environmental Planning and Assessment Act can be manipulated to ignore community opposition. It would be appropriate for the Independent Commission Against Corruption to examine the administrator's motives for supporting a major development company as opposed to community interests, his published public comments supporting the proposal, the misuse of public resources in promoting the proposal and the abusive conduct towards objectors. Instead, the Government has appointed Mr Persson administrator of Port Macquarie council, which was also sacked on spurious grounds—probably for political reasons.

I am alarmed that the Government intends to expand the role of private certifiers by including a capacity to approve development applications as well as oversee building construction. This causes a fundamental conflict of interest and is definitely not in the best interests of the community. We need a system where the private certifier is independently appointed. Under no circumstances should the Government pursue its objective to give private certifiers the dual role of approving a development application and overseeing compliance on the same matter. This is an inherent conflict of interest and a high risk of corruption. Even with the current Independent Hearing and Assessment Panel processes operating in some metropolitan councils, corruption risks must be identified and addressed. Permanent panels comprising the same people are not appropriate. The panels must be regularly turned over on a random rotational basis at each panel meeting and the composition must be changed to minimise the risk of corruption.

A full background check of the pecuniary interests and conflicts of interests of applicants for such panels must be undertaken before an appointment to panels. Strict pecuniary and conflict of interest disclosure provisions must be put in place to ensure that panel members, their family members or associates and companies do not benefit from their panel membership. All panels should be required to publish statements of decision and indicate how each panel member deliberated and voted. Panels that consist of tertiary-qualified and multiskilled town planners, engineers, lawyers and senior staff should decide more substantial development applications, with councillors as observers. An analysis of legislation across Australia governing local government pecuniary interest and conflict of interest disclosure provisions has revealed the lack of ability of the New South Wales legislation to deal with those in local government who seek to gain financially from their public office.

In New South Wales if a councillor does not disclose a pecuniary interest and vote on a matter in which he or she receives a benefit, the penalty, if imposed, is a mere suspension or expulsion from office for five years. In Western Australia if a councillor abuses his or her position of power and votes on a matter in which he or she has an interest, the maximum penalty, if convicted, is a jail term. That is certainly a great deterrent against corruption. It is interesting to note that since 1999 only 15 of the 773 complaints about alleged breaches of pecuniary interest disclosure provisions received by the New South Wales Department of Local Government were prosecuted in the Pecuniary Interest and Disciplinary Tribunal. Communities have called time and time again for the true pecuniary interests of candidates for local government to be publicised. It has been proposed that candidates for office should have to disclose their pecuniary interests and sources of campaign funding prior to an election, and that such disclosures should be published in the voting booths on the day of an election in the interests of transparency and providing the community with information regarding those who aspire to public office. Keeping such a register up to date on a monthly basis is also an imperative.

The public's perception of the ethics of local government councillors and members of Parliament in regard to our planning processes is in an extremely poor state. Labor in New South Wales has created a climate in which there is a perception that donations buy influence—dollars for development. We need legislation that will ensure transparency and full community participation. The Environmental Planning and Assessment Act



and associated legislation governing local government needs major reform. Unless and until that happens the problems at some of the councils I have mentioned will continue to plague efficient and effective community-based local government.

Local government continues to be plagued by vested interests. One has only to consider the events at Liverpool City Council surrounding the infamous Oasis project, Tweed Shire Council, Warringah Council and the recent examples in Wollongong City Council, to realise that local government in this State is in chaos. The stench of corruption of planning processes in this State due to the influence of political and developer donations will not go away. Have no fear: this issue will see us through to the next State election. The Labor Government must implement the Independent Commission Against Corruption's recommended arms-length independent assessment process.

The Coalition will continue to push for campaign finance reforms, as the Hon. Don Harwin outlined in his contribution, that seek limits on how much can be spent by candidates and parties and place a cap on annual donations. I urge the Government to take the lead and approach the Federal Government to place national bans on members of Parliament, their staff and all public servants from accepting all developer donations and to place a limit on election spending. I urge the Greens to agree to the motion moved by the Hon. Don Harwin for deferral of this matter and for its referral to the select committee. Let us make sure that when the select committee reports, its recommendations are as tight as we can make them so that we can restore some confidence in our communities in the local government planning process.

**Reverend the Hon. FRED NILE** [11.52 a.m.]: I will speak briefly on the Environmental Planning and Assessment Amendment (Restoration of Community Participation) Bill 2008. The bill covers a number of areas. One object of the bill is to amend the Environmental Planning and Assessment Act 1979 to provide for objectives further to the principal Act and to increase the level of community involvement in the determination of applications for approval of development projects under part 3A of the principal Act. The key areas of concern to me relate to property developer donations and development applications involving donations.

I have no problems with the content of the bill and I sympathise with the objectives of Ms Sylvia Hale. However, the bill pre-empts the report and recommendations of the Select Committee on Electoral and Political Party Funding. The committee has spent a great deal of time examining donations, as well as other matters referred to in the bill. These matters are very serious and must be dealt with. I assure the House that as chairman of the committee I will do everything I can to ensure that those matters are dealt with. Obviously, as chairman of the committee I am a servant of all the members of the committee, but my personal objective will be to ensure that we can achieve Ms Sylvia Hale's objectives through our committee's inquiry, report and recommendations. The committee is yet to finalise its report and recommendations.

Even though the Hon. Don Harwin has only just given notice of his amendment—I have not discussed it with him—I believe it has merit and I will therefore support the amendment in due course that the bill be referred to the Select Committee on Electoral and Political Party Funding for inquiry and report. The other matters in the bill dealing with part 3A of the Act are not part of the committee's terms of reference, so it would not report on those matters. However, as has been stated by previous speakers, the Government has issued an exposure bill for public comment and consultation that covers many of these issues. I understand that, with feedback from that consultation, the exposure bill is being redrafted and will be presented to the House in due course.

Therefore, I believe it would be better if the two objects of the bill dealing with those matters were dealt with also when the House debates the final environmental planning legislation that the Government has indicated will be introduced in due course. Instead of dealing with donations piecemeal now and then dealing with environmental planning issues later, I believe it will be far more efficient for the Select Committee on Electoral and Political Party Funding to consider aspects of the bill that fall within its terms of reference and then for the other matters to be dealt with when the House debates the Government's bill.

**Dr JOHN KAYE** [11.57 a.m.]: I support the Environmental Planning and Assessment Amendment (Restoration of Community Participation) Bill 2008. In doing so I congratulate my colleagues Ms Sylvia Hale and Ms Lee Rhiannon on their work to alert the people of New South Wales to the damaging effect that developer donations have had on the planning process throughout this State. They have been courageous and forthright in standing up for the rights of communities, particularly those that have been run over by a development process that has been systemically corrupted by donations flowing from developers to the Labor Party and the Coalition.

In her remarks my colleague Ms Lee Rhiannon concentrated on the importance of this bill, and in particular its provisions relating to donations, in cleaning up past ongoing corruption of planning decisions at the local government level. When she speaks later in the debate she will elaborate on that matter in greater detail. I will refer to the State level and the relationship between donations and decisions at the State level, and the importance of not only the donations provisions in this bill but also the expanded appeals provisions the bill proposes for decisions made under part 3A of the Environmental Planning and Assessment Act.

What I have to say is alarming and is a reason for urgent action. There is evidence of systemic corruption of the planning system by large-scale donations from developers. The consequences of these donations and the systemic corruption they have wrought are writ large in the brick and concrete—the built fabric—of this State. Developments that should never have proceeded but have been passed through a planning system corrupted by donations will stand forever as a testament to the failure of Labor governments to reject donations and their influence.

If we do not act now this situation will continue and our community and the environment will continue to be blighted. These blights are highway robbery and the people who are robbing are highway robbers. As surely as they might walk into our homes and steal our videocassette recorders, they are robbing on an even grander scale. This is theft from the community; this is larceny from tomorrow. I will give evidence about part 3A development approvals being obtained by developers who have been massive donors to the Australian Labor Party. I will cite cases of developments that have flowed from developers and I will quote from developers who support the Greens' case.

**Pursuant to sessional orders business interrupted and set down as an order of the day for a later hour.**

### QUESTIONS WITHOUT NOTICE

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#### ELECTRICITY INDUSTRY PRIVATISATION AND WORKERS COMPENSATION LIABILITIES

**The Hon. MICHAEL GALLACHER:** I direct my question to the Treasurer. Does the Government intend to indemnify the purchaser or lessee of the State's electricity assets against any liabilities, including claims or potential claims for compensation rising from exposure to asbestos and dust diseases? Does the Government intend to indemnify, or does it anticipate indemnifying, any purchaser or lessee of power generating facilities against the cost of removal of asbestos materials such as lagging and roofing materials used in power generating facilities? Has the State estimated the cost of those liabilities? If so, what is it?

**The Hon. MICHAEL COSTA:** I am very surprised at this question because the Leader of the Opposition should know that—

**The Hon. Duncan Gay:** If you had done your homework, you wouldn't be.

**The Hon. MICHAEL COSTA:** The Deputy Leader of the Opposition has already started interjecting. I am surprised at the question. How can I do homework on a question I do not know anything about? He has been rattled by the motion that is before the House at the moment of which notice was given.

**The Hon. Michael Gallacher:** Point of order: I have listened to the Treasurer's introductory comments and he is obviously debating the issue. Will he now get to the question?

**The PRESIDENT:** Order! I ask the Treasurer to answer the question.

**The Hon. MICHAEL COSTA:** The Leader of the Opposition should know that the Government has an obligation under occupational health and safety laws to deal with the issues he is talking about. That obligation exists now and would exist if assets were transferred, leased or, in some cases, sold. The existing position will apply in the future.

#### PUBLIC SCHOOL TEACHER STAFFING

**The Hon. AMANDA FAZIO:** I direct my question to the Minister for Education and Training. Can the Minister inform the House about changes to teacher staffing arrangements in public schools?

**The Hon. JOHN DELLA BOSCA:** I thank the member for the question and commend her for her ongoing interest in the education of young people in New South Wales. At the start of this school term the Iemma Government introduced new staffing arrangements in public schools to provide teachers with greater opportunities to secure permanent employment and to shape their career path. These improvements also give principals and school communities more of a say in some of the teaching appointments at their schools. I know that some people in the teaching profession are concerned about these changes and I want to reassure them about the Government's motivations and goodwill.

I want to maintain and improve the quality of teaching in public schools. I know there are concerns that this may be the start of a Victorian-style agenda. It is not. I know also that there is some concern in the teaching profession that the Commonwealth bureaucracy may want to continue the Nelson-Bishop agenda. New South Wales does not, and nor does the Commonwealth Minister, Julia Gillard. I assure teachers that if these modest changes have unintended consequences for staff in some schools I will take immediate steps. That is why the Government accepted the New South Wales Teachers Federation proposal for an expert panel to be established to monitor the effects of the change. I hope the federation reconsiders its decision to withdraw from that process.

There are 474 permanent teacher vacancies across the State, including 52 in Western Sydney, 104 in south-western Sydney, 38 on the Central Coast, 25 in the Central West, 28 in the Hunter region, and 20 in the Riverina. Under the Government's new arrangements, principals will have the opportunity to advertise a number of those positions and to select the qualified teacher who best suits the needs of their school community. Qualified teachers will also have the opportunity to consider whether a job will develop their skills and professionalism, provide a challenge or match them with colleagues they admire. They will also be able to factor in any other of the range of reasons people in most professions consider when applying for a new position.

Under the old arrangements, many graduate, casual and temporary teachers were locked out of applying for jobs. Despite the benefits that these changes will deliver to school communities and teachers, needless to say, the Opposition has refused to state a consistent position. The Broken Hill *Barrier Daily Truth* quotes the member for Murray-Darling declaring his "total opposition to the changes" on the basis that they remove incentives for hard-to-staff schools. Of course they do not. All priority schools remain priority schools and all teachers keep their priority status. There is certainly no change in Broken Hill or in the Broken Hill area, except that Broken Hill schools will now have a choice in selecting teachers if they want. The member should support these changes.

In the *Western Herald* earlier this month the member for Barwon made it clear that he did not support the changes on the basis that "teacher staffing and the existing transfer system need to be balanced with local ability to employ and maintain accountability". That is exactly what the new system does. The incentive transfer system and the service transfer list will not be dismantled or abolished and there will now be local input into these decisions. The member should support this policy. We have also heard from the member for Oxley, who claims to be the Opposition's education spokesman. Initially he said he supported such a policy, but he then spent two months attacking it to get headlines. The modest changes that the Government has introduced are supported by local school communities and are designed to give schools and teachers more options and opportunities.

#### M4 ACCIDENT INVESTIGATION

**The Hon. DUNCAN GAY:** I direct my question to the Minister for Roads. Is the Minister aware that a fatal accident occurred on the M4 at 8.30 a.m. last Saturday? The resulting accident investigation caused traffic to back up eastbound for nearly four hours. Is the Minister aware that during those four hours no warning signs or diversions were put in place for drivers?

**The Hon. John Della Bosca:** What about Woollooware Road, Duncan?

**The Hon. DUNCAN GAY:** Someone died in this accident; this is serious. There is traffic chaos after accidents because the Minister's department has failed continuously to implement its lane crossover strategy. Why were people left sitting in their cars for hours on the M4 without warning signs or diversions? What plan will the Minister put in place to deal with future traffic problems on the M4 and the F3?

**The Hon. ERIC ROOZENDAAL:** I am aware of that fatal accident. It underlines the fact that, despite all the initiatives that have been put in place to reduce the road toll, unfortunately people still die on our roads—even though last year we had the lowest road toll since the Second World War. Those fatalities represent real

grief for families, friends and the community. When fatalities occur the police and other emergency services are required to undertake appropriate investigations into the cause. They do that as quickly as possible with a minimum of inconvenience to the community.

However, at the time, the investigations caused delays in our very busy network. That is unfortunately a part of the—

**The Hon. Duncan Gay:** I accept that, but why were no diversion or warning signs put in place?

**The Hon. ERIC ROOZENDAAL:** I will seek further information about the suggestion from the Deputy Leader of the Opposition about the actions that should have been taken by the Roads and Traffic Authority and other emergency services. Our state-of-the-art traffic management centre monitors all major parts of the network to deal with those issues. I am disappointed that the Deputy Leader of the Opposition has tried to connect a fatality on the M4 with an issue on the F3.

**The Hon. Duncan Gay:** Point of order: I ask the Minister to take back that comment. That is an unfortunate imputation. I quite correctly identified as a fact that there was a death and an investigation.

**The PRESIDENT:** Order! That is not a point of order. However, the Deputy Leader of the Opposition has asked the Minister to withdraw his comment.

**The Hon. ERIC ROOZENDAAL:** The Government has a \$28 million plan for the F3—

**The Hon. Rick Colless:** Withdraw!

**The Hon. ERIC ROOZENDAAL:** What comment was I asked to withdraw? Was it that I am disappointed that he connected the two issues—which he did?

**The Hon. Duncan Gay:** I did not connect it to the death. I connected it to the lack of signage and the lack of activity.

**The Hon. ERIC ROOZENDAAL:** You connected the two issues in one question. That is all I said I was disappointed about.

**The Hon. Duncan Gay:** I request the Minister withdraw that imputation.

**The Hon. ERIC ROOZENDAAL:** The honourable member feels I have made some imputations against his character. It would not be the first time, but I withdraw that. There is a \$28 million plan to develop a crossover strategy on the F3 to avoid delays, which involves the building of a number of crossover points. Some of that construction has commenced already. It also involves the installation of a number of additional variable message signs along the F3 and, of course, the installation of a number of cameras to give the traffic management committee and the Roads and Traffic Authority website better views of what happens on the F3. That is part of our commitment to continually upgrade the road network to improve safety and improve travel times, particularly when there are accidents. Anywhere in the world, in any global city, accidents will cause delays in the network. There are a million more vehicles on our roads than there were in 1995, and that urban congestion causes a major challenge for the network. We are committed to resolving those issues and working to keep Sydney moving.

#### YASMAR SITE USE

**Ms SYLVIA HALE:** I direct my question to the Minister for Education and Training. Why has the Government agreed to provide an extended lease of the former site of the Department of Education and Training school at Yasmar to the Co.As.It organisation, which is proposing to build and run a 250-student non-government school on the site? Is it the case that the neighbouring Haberfield Public School asked for use of the Yasmar site for the benefit of its students but was refused? Given this is public land and the former site of a public school, why is the Government giving a non-government school with big expansion plans preference over the existing needs of public school students?

**The Hon. JOHN DELLA BOSCA:** The honourable member has directed her question to the wrong Minister. This is a question for the Minister for Lands. As a courtesy, the Government will be happy to answer the question and I ask my colleague the Minister for Lands to respond.

**The Hon. TONY KELLY:** I thank the Leader of the Government for his courtesy in passing this question on to me. As the member knows, as Minister for Lands, and Minister for Juvenile Justice, and Minister for Justice, I transferred this land to the Department of Lands. In doing so I fully researched with the Department of Education and Training whether this land was needed for the adjoining school. I was given the answer no, that it was not. Therefore, I looked at some way of preserving it. Despite the honourable member's question, I have read this week's newspaper from that area. The honourable member said that because part of the land at Yasmar was going to be leased to Co.As.It it would become financially unviable to restore Yasmar. She is completely wrong. The money from Co.As.It will fund the restoration of Yasmar, with the million dollars I have offered.

**The Hon. Catherine Cusack:** A \$3 million restoration is needed.

**The Hon. TONY KELLY:** So, you are with Ms Sylvia Hale on this? The Liberals were with her, and you would like to see us get no money? Honourable members will be aware that the entire Yasmar site was protected and reserved under the Crown Lands Act for government and community purposes in 2006. While the Department of Juvenile Justice will continue to use the west wing of the reserve as a training centre, the east wing will be leased to provide a home for the Italian bilingual school as a result of a public expression of interest process, through which we exhausted all the opportunities for the public to use it. The Greens did not put in a submission. There were three submissions.

**Ms Sylvia Hale:** There was a press release calling for interest, and that was about it.

**The Hon. TONY KELLY:** How come a trucking company and another facility also put in a submission on Yasmar? What a fool!

**The PRESIDENT:** Order! Members will cease their verbal abuse against Ms Sylvia Hale.

**The Hon. TONY KELLY:** The lease not only caters for the needs of the important part of the inner western Sydney community, but the proceeds from the commercial rent, which is \$120,000 a year, will assist the restoration of the historic Yasmar homestead. It is a good outcome, broadly welcomed in the inner west community, delivering against a backdrop of opposition from, at the time, the Liberal Party—I understand it has now seen the light—but still the Greens are continuing. We know the Greens are opposed to jobs and economic growth but you would think they would applaud us building schools.

What also concerns me about Yasmar is that the Greens have continued to conduct a Howard-style, dog whistle campaign against Co.As.It. Furthermore, if Ms Sylvia Hale is worried about the financial viability of the site, perhaps we should put some residential, high-income-earning proposition there—some high-rise. [*Time expired.*]

#### CEMETERY BURIAL SPACE

**The Hon. MICHAEL VEITCH:** My question is addressed to the Minister for Lands. What is the Government doing about providing burial space in the greater Sydney region, given predictions that current space will run out in around 30 years?

[*Interruption*]

**The Hon. TONY KELLY:** I would be happy to make a particular allocation of burial space for the Greens. While there is enough burial space to meet the short- and medium-term needs of most sections of the community for some years yet—about 650,000 burial spaces are available—the Iemma Government is hard at work looking at ways to extend the life of our Crown cemeteries. We realise the importance of consulting with the community to devise ways to have sustainable burial options for the future needs of the people of Sydney. That is why we have released a discussion paper of sustainable burial practices for Sydney Crown cemeteries. It follows a discussion paper released in 2006 to the funeral industry and local government, which gave positive feedback on ways to address diminishing burial space.

The discussion paper seeks community comments, feedback and suggestions on 19 specific options designed to address the management of burial space in the Sydney greater metropolitan area. The paper takes into account the great work done by the social issues committee in the New South Wales Legislative Council and the recommendations it made on the funeral industry, as well as the industry-based discussion paper "Burial

Space in the Sydney Greater Metropolitan Area". It also reflects the work of an interdepartmental committee report into the shortage of burial space in the Sydney greater metropolitan area. The discussion paper, which is available on the Department of Lands website, includes a survey on the options presented. This can be completed online, and written submissions from the public are also welcome.

A public meeting is scheduled for Wednesday 4 June at the State Library in Sydney. There will be a briefing for all members of Parliament at Parliament House next Wednesday 14 May. The Government's consultation with the funeral industry indicates its members largely support the options outlined in the second discussion paper. In addition, a number of managers of Sydney-based Crown cemeteries are seeking changes that will allow them to operate their cemeteries in the longer term.

The Iemma Government is committed to ensuring public burial space in the Sydney greater metropolitan area remains available, accessible and affordable well into the future. We want to generate quality community discussion over how we can extend the life span of our public cemeteries, which currently only have sufficient space to about the year 2040, and some less than that. I do not think there has been one significant cemetery set out in Sydney since 1937. Population growth is placing increasing pressure on public cemeteries, and certain sections of the community are affected more than others. We must balance that with respect for the broad range of burial traditions and cultural practices, as well as heritage issues. Now is a sensible time for community discussion over ways to extend the life span of current cemeteries.

Among the 19 options on which community comment is sought are unused burial rights, renewable tenure, extinction of tenure, cemetery renewal and green burials, although I prefer to call them environmental burials. Some people may be surprised at some of the options canvassed, but they are practiced in other countries that have had to deal with diminishing burial space well before Sydney. Some practices, such as renewable tenure, are established in other Australian States such as South Australia and Western Australia. The Government is not advocating any option but wants to hear what the community thinks about the best ways to ensure the ongoing availability of burial space within Sydney. I look forward to the community's participation and welcome comments on how best to ensure more sustainable cemeteries in the future. [*Time expired.*]

### ELECTRICITY INDUSTRY PRIVATISATION

**Dr JOHN KAYE:** My question is directed to the Treasurer. Does he stand by remarks made on numerous occasions by both him and the Premier that implementing the recommendations of the Owen inquiry, including selling the retailers and leasing out the generators, is essential to keeping the lights on in New South Wales? How does the Treasurer reconcile those statements with remarks made by Professor Tony Owen on 2GB radio on 5 May 2008 referring to the report that bears his name in which he said, "I wrote that under current circumstances additional power flow would be required by then. But there are a number of factors in existence at the moment which could push that off quite some years"?

**The Hon. MICHAEL COSTA:** I stand by the basis of the decision made by the Government and certainly Professor Owen's report was a critical component of that. The honourable member ought to recognise that any demand analysis will be affected by decisions made in the market place. The report talked about the demand analysis at the time and made the point that there was some movement in that. Professor Owen talks about—and the Government has talked about—the requirement being somewhere about 2013, 2014 or 2015, which is consistent with taking a prudent approach and ensuring that the lead times are met that require us to have that generating capacity on board for the public at that time. The member is clutching at straws. I heard Professor Owens in that 2GB interview and he backed in the Government. He should have quoted the rest of the interview where he was backing in the Government on what it was doing.

**Dr JOHN KAYE:** I ask a supplementary question. In what way does he back in the Government?

**The Hon. MICHAEL COSTA:** He backed in the Government by indicating that the principles underlying his report were based on assessing the State's generating needs and the information provided in his report was the basis of sound decision rather than the ideological position of the honourable member. One thing I have not understood is that the Greens claim that demand management will get us to the point where we do not need to put in baseload capacity, yet the Owen report clearly indicates that demand management, at best, will give us 1,500 gigawatts out of a required supply of 10,500 gigawatts. That is the fundamental fact—

**Dr John Kaye:** You are totally underestimating it.

**The Hon. MICHAEL COSTA:** When it suits him, Professor Owen is right and when it does not suit him, Professor Owen is wrong. You are a joke. Nobody takes the Greens seriously on that.

### F3 TO BRANXTON LINK ROAD

**The Hon. ROBYN PARKER:** My question without notice is directed to the Minister for Roads, and Minister for Commerce. Is the Minister aware that an accident on the New England Highway last week in Maitland, which saw the road closed for eight hours, highlighted that there is no Maitland city bypass? Given that millions of dollars have already been spent, including planning and acquisition of properties for the F3 to Branxton link road, does the New South Wales Government support the construction of this road? Given that the Federal member for Hunter, Joel Fitzgibbon, has repeatedly told Hunter media that he is trying to organise a meeting with the Federal Minister Anthony Albanese and the Minister for Roads, will the Minister confirm when he intends to meet with him, and if not, why not?

**The Hon. ERIC ROOZENDAAL:** The New South Wales Government will work cooperatively with the new Rudd Labor Government to improve roads throughout New South Wales. On many occasions I have met with the Federal Minister for Infrastructure, Anthony Albanese. He is making a real meal; he is a very good mate of mine these days and is doing a great job. It is worth reflecting that since Anthony Albanese became Minister for Infrastructure our Australian Transport Council meetings have been very well run and have generated a lot of important outcomes. At the last Australian Transport Council meeting only last week real progress was made in heavy vehicle safety.

**The Hon. Michael Gallacher:** What were they?

**The Hon. ERIC ROOZENDAAL:** The first was an agreement by all States to go to a national truck licence. For the last 10 years under the Howard Government they resisted any attempt—

**The Hon. Robyn Parker:** Point of order: My question was about the Minister committing to the F3 link road and when he would meet with the Federal Minister, Joel Fitzgibbon.

**The PRESIDENT:** Order! I ask the Minister to be generally relevant.

**The Hon. ERIC ROOZENDAAL:** A number of initiatives came from the last Australian Transport Council meeting, but I will inform the House about those on another day. I am advised that the Roads and Traffic Authority is undertaking a number of upgrade projects to ease traffic congestion and improve safety in the Hunter region. We are getting on with the job of building the third Hunter River crossing, a new central road corridor connecting East Maitland to Bolwarra and bypassing the Maitland central business district.

**The Hon. Robyn Parker:** Why don't you go and have a look at it?

**The Hon. ERIC ROOZENDAAL:** I was going to tell you about the Australian Transport Council but you would not let me so now you have to listen to this. Last year the traffic improvement measures at Melbourne Street in East Maitland, the first part of the third crossing in Maitland were completed. The Government is also getting on with the job of upgrading Nelson Bay Road, as I have previously advised the House. Work was completed last year on the duplication of Nelson Bay Road from south of Marsh Road to north of Cromarty Lane. The project involved construction of a further 1.6 kilometres of roadway. The Premier opened this stage to traffic on 17 August last year and that project cost \$12 million.

This project follows the previously completed work south of Marsh Road and will provide a continuous 8.6 kilometres of dual carriageway on this section of Nelson Bay Road. The intersection of the Pacific Highway and Tomago Road at Tomago is also being upgraded to improve safety for all road users, particularly motorists turning in and out of Tomago Road. The major work provides two right-hand turn lanes on the Pacific Highway for traffic turning into Tomago Road, left-turn access onto the highway and pedestrian crossing across the highway to access a nearby bus stop. The right-turn exit from Tomago Road to the highway has been removed and traffic wishing to turn right can use the new intersection to the old Punt Road. We are committed to continually upgrading the network and I will have ongoing discussions with the Federal Minister for Infrastructure and local members in the Hunter for a good outcome.

### CORRECTIONAL CENTRES MOTHERS AND CHILDREN'S PROGRAM

**The Hon. EDDIE OBEID:** My question without notice is directed to the Minister for Justice. What is the latest information on the Mothers and Children's Program in New South Wales correctional centres?

**The Hon. JOHN HATZISTERGOS:** I thank the member for her important and timely question as we approach Mothers Day. It has been four years since I last spoke in the House about this excellent program, which is aimed at reducing recidivism and helping offenders address their behaviour. The maintenance of relationships with family, community and kinship is well acknowledged in contemporary correctional management strategies as being of utmost importance in helping offenders take up crime-free lives.

The Government is committed to providing inmates and their children with the opportunity to spend valuable time together and maintain positive contact. All correctional and transitional centres have visiting facilities for children to visit incarcerated parents as per local visiting arrangements. All centres are also encouraged to hold child-parent activity days, with the emphasis on providing a service to the child and assisting the child maintain a relationship with their incarcerated parent or carer.

In 2006-07 video conferencing was used to facilitate contact between inmates and their children, particularly for those who live in more remote parts of the State or where regular contact visits to a correctional centre are difficult to arrange. The Government also recognises that the attachment between an infant and the caregiver is crucial to the infant's healthy psychological, emotional, intellectual and social development. Early experiences influence how infants learn, cope with stress, and regulate their emotions as adults.

[Interruption]

If the Hon. Catherine Cusack continues to interrupt, I might have to remind the House about her woeful experience when she was an adviser to the previous Minister. The successful Mothers and Children's Program that now operates at a number of centres across the State, including Emu Plains Correctional Centre and Parramatta Transitional Centre, will now also be offered at the Wellington Correctional Centre. As at 1 May 2008, 102 women have applied for the Mothers and Children's Program this financial year. Of the 102 applicants, 21 have so far been approved to participate with 29 children. Of the 29 children in the program, 12 were born during their mother's current period of incarceration. Participant mothers and children are provided with opportunities to maintain and enhance their relationship, increase maternal knowledge and skills, reduce negative or punitive parenting interactions and develop pro-social play skills and behaviour management. The programs teach the mothers how to best communicate with their children, how to budget, principles of nutrition, rules for preparing and storing children's food, and first aid. Children participating in the full-time program are provided with a wide range of recreational and educational programs to ensure that they develop in an enriching environment.

It is also important to report that women's correctional centres across the State offer mid-week all day special visit days for children. This is in addition to normal weekly visits. The purpose of these visit days is to ensure that children who are in the care of the New South Wales Department of Community Services and require supervised visits during business hours are not disadvantaged because they cannot access weekend visits.

[Interruption]

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

**The Hon. JOHN HATZISTERGOS:** The very premise of the program is the concept of the best interests of the child. Any placement of a child with a mother who is serving a custodial sentence is only permitted after careful consideration, and only if it is established that it is in the best interests of the child. To determine "the best interests of the child" there is a rigorous assessment process based on established community standards of child protection. All staff working in areas where children reside are well trained in the relevant child protection procedures, and I congratulate them on their dedication and professionalism.

#### SHOALHAVEN CITY COUNCIL

**Reverend the Hon. Dr GORDON MOYES:** My question is directed to the Minister for Lands, representing the Minister for Local Government. Is the Minister aware that Blue Mountains City Council is exempt from paying the landfill levy and that Shoalhaven City Council, which houses some of the most seriously disadvantaged communities in the State, is required to pay the landfill levy? Is the Minister aware of census data that states that Shoalhaven's unemployment rate is 11 per cent compared to 7 per cent for the rest of New South Wales; the average household income level in Shoalhaven is as low as \$736 per week compared to \$1,074 per week for the rest of New South Wales; and that the percentage of early school leavers in Shoalhaven



is as high as 58 per cent compared to 43 per cent for the rest of New South Wales? Is the Minister aware that Shoalhaven is geographically located on the fringe of the regulatory requirements set by the New South Wales Government, where the local government area is largely rural and remote from recycling markets? [*Time expired.*]

**The Hon. TONY KELLY:** I thank the member for his question, which I will refer to the Minister for Local Government for a speedy response.

### FISCAL STRATEGY

**The Hon. GREG PEARCE:** My question is directed to the Treasurer, Minister for Infrastructure, and Minister for the Hunter. Does the Minister stand by this year's budget papers that state in relation to the ongoing departure from the targets in the Fiscal Responsibility Act, "Adherence to the debt target ... is not consistent with the Government's fiscal strategy, as it would require unnecessarily harsh cutbacks in service delivery or increases in taxation." What is the Government's current fiscal strategy?

**The Hon. MICHAEL COSTA:** How many times can you rewrite the same question?

**The Hon. Greg Pearce:** Until you can answer it!

**The Hon. MICHAEL COSTA:** I have answered it. The Budget last year indicated very clearly—and I think clear enough for even the Hon. Greg Pearce to understand—that the Government was not going to meet that particular target under the Fiscal Responsibility Act.

**The Hon. Greg Pearce:** Or any targets.

**The Hon. MICHAEL COSTA:** No, we have met many of our targets. There are at least 10 targets under the Fiscal Responsibility Act and we have met most of them. We did not meet the one target that I explained last time—

**The Hon. Matthew Mason-Cox:** You should be a target under the Act.

**The Hon. MICHAEL COSTA:** I see the Hon. Matthew Mason-Cox has woken up. David must have replaced his battery! I just hope it is not an Energiser, otherwise we will be in for more of the same. The honourable member already knows that there are many targets under the Fiscal Responsibility Act—they are the Government's targets. I indicated last year that it is a long-term fiscal target that would be very hard for us to meet because of a range of issues: we have been duded on a range of health care and education agreements by the previous Howard Government that cost us \$300 million. The honourable member will have to wait for this year's budget to see what the position is.

### CLEAN COAL TECHNOLOGIES

**The Hon. PENNY SHARPE:** My question is directed to the Minister for Energy, and Minister for Mineral Resources. Can the Minister update the House on the latest developments with clean coal technologies?

**The Hon. IAN MACDONALD:** I thank the honourable member for her continuing interest in this important issue. This is a very timely question. Yesterday I had the pleasure of opening the New South Wales Clean Coal Summit in Parliament House. The summit brought together more than 150 key industry and government representatives to discuss the vital issues of coal technologies facing Australia, and the future opportunities for New South Wales in this increasingly important area.

[*Interruption*]

I remind the Hon. Charlie Lynn that this about jobs and that a very good union—the mining and energy Union—is involved. The summit featured Professor Ross Garnaut as the keynote speaker. Professor Garnaut heads up the Federal Government's Climate Change Review. I am pleased to say that a number of positive ideas to advance clean coal technologies were generated from this gathering of experts. These constructive ideas are a step in the right direction to meeting our greenhouse gas emission targets and securing our future energy needs. Outcomes from the summit include a proposal for a national emissions coal council carbon storage taskforce; support for a coordinated national approach in the assessment and identification of potential storage sites and

transport options; the importance of coal as an energy source, which means the world will continue to rely on it as an energy source for generations to come; the importance of establishing near-term targets to drive technical innovation; the urgent need to accelerate clean coal technologies, particularly in developing strategic demonstration projects; and low emission technologies as the foundation to an urgent and necessary strategy to secure our future.

In terms of energy needs, any strategy must address our continuing need for coal. There is no way around it, and clean coal technology answers this call. Al Gore, Professor Ross Garnaut, Sir Nicholas Stern and the Intergovernmental Panel on Climate Change all are in agreement on this base issue.

*[Interruption]*

Al Gore is a very fine intellectual. He would have more brains than all the members of the Opposition—put together!

**The Hon. Duncan Gay:** He was beaten by George Bush! How good is he?

**The Hon. IAN MACDONALD:** He was unfairly beaten—he was robbed. There is no question of that. Bush's brother stole his votes. The Deputy Leader of the Opposition should get the history right. The Iemma Government is committed to the development of clean coal technology, which supports the continuation of an industry that provides enormous benefits for New South Wales. As I have said many times, we are also committed to reaching an interim target of Year 2000 greenhouse gas levels by 2025 and a long-term target of 60 per cent reduction in greenhouse gas emissions by 2050. The Owen inquiry noted the need for coal-fired power to meet the States baseload energy requirements beyond 2013. Coal generation makes up about 90 per cent of our current energy needs and will play a major role for the foreseeable future. That is why clean coal technology is so important. We must make our existing energy sources as clean and green as possible.

The Iemma Government already has committed \$22 million to two clean coal projects. A \$5 million pilot project is underway at Lake Munmorah on the Central Coast. The research scale post combustion capture pilot facility, which is expected to be operational in the very near future, will capture greenhouse gas emissions using ammonia absorption technology. The technology we are working on is retrofittable, that is, we can clean up the coal-based power stations already polluting the atmosphere. The Lake Munmorah development, in conjunction with the search for carbon geosequestration sites by the Department of Primary Industries, should provide the base for a \$150 million demonstration scale carbon capture storage project, which will capture more than 50,000 tonnes of carbon dioxide each year in New South Wales by 2013. A strong coordinated approach is needed to hasten the commercial availability of these technologies. That is why the Government is establishing the Clean Coal Council to help drive research funding in this crucial area. The council will administer a \$100 million Clean Coal Fund. The Clean Coal Summit demonstrated how government and industry are working together to help drive this exciting technology further.

### COLES EXPRESS PETROL PRICES

**Reverend the Hon. FRED NILE:** I ask the Minister for Education and Training, representing the Minister for Fair Trading, a question without notice. Is the Minister aware that the Australian Competition and Consumer Commission has recently reported that Coles Express has been rorting its own discount docket scheme by inflating its petrol prices across the State? Is the Minister aware that the Australian Competition and Consumer Commissioner, Pat Walker, stated that Coles Express was setting high prices at a significant number of sites, forcing mums and dads to pay much more for petrol than they should? What action has the Government taken or will it take to protect New South Wales families from this exploitation?

**The Hon. JOHN DELLA BOSCA:** I undertake to obtain a detailed response from the Minister for Fair Trading. I am aware of the reports on this issue. I was surprised to hear Reverend the Hon. Fred Nile use such inflammatory language as "rorting" in his question. I am sure the Federal Assistant Treasurer, Chris Bowen, will deal with this problem—which occurs because of large duopoly providers—in a timely fashion. The Assistant Treasurer is doing an excellent job. He is the first person in 14 years in Commonwealth public office to bring this problem to book in an attempt to get meaningful results. The Minister for Fair Trading is working closely with him to implement appropriate initiatives. I will provide a more detailed response to the House as soon as possible.

**MACQUARIE GENERATION WATER ENTITLEMENTS**

**The Hon. JENNIFER GARDINER:** My question without notice is directed to the Treasurer, Minister for Infrastructure, and Minister for the Hunter. Is the Treasurer aware that Macquarie Generation holds a water licence to pump water from the Barnard River catchment into the Hunter River catchment to store water in Glenbawn Dam? Can the Treasurer inform the House as to the annual megalitre entitlement that Macquarie Energy is able to take from the Barnard River and what, if any, conditions are attached to that water licence? Can the Treasurer inform the House as to how many megalitres were taken on average over the past 10 years? Is it intended that the water licence that allows Macquarie Energy to draw water from the Barnard River will be transferred as part of the electricity privatisation plan? If so, would the water licence purchaser or lessee be able to on-sell or assign the licence entitlements to irrigators in the Hunter Valley at the expense of users currently accessing the water?

**The Hon. MICHAEL COSTA:** As I pointed out yesterday—

**The Hon. Duncan Gay:** This is about detail.

**The Hon. MICHAEL COSTA:** I will give you the detail—it is 32 gigalitres. But that is not the issue. This has nothing to do with the Government's energy plans.

**The Hon. Duncan Gay:** Yes, it does.

**The Hon. MICHAEL COSTA:** It is about water licences. People have to apply for water licences to the appropriate authorities. It has nothing to do with the linkage that the Opposition tried to make yesterday. That is why yesterday I chose to answer the question in the way that I did. I will continue to answer that way. The Opposition does not understand this issue. It has no understanding of the energy market or how water licences are issued.

[*Interruption*]

Clearly, the Deputy Leader of the Opposition does not understand the issue. The way he is defending the question suggest that he must have written it for the Hon. Jennifer Gardiner. He does not understand the difference between the water market and the energy market. However, the question gives me an opportunity to point out that some members of The Nationals have come out in support of the Government's energy strategy. Yesterday Andrew Fraser was quoted in the *Coffs Coast Advocate* as saying, "I have no problem with the private sector being involved in essential services."

**The Hon. Duncan Gay:** Point of order: The Treasurer is misleading the House. A member saying he has no problem with private sector involvement is not the same as endorsing a sale.

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

**The Hon. Michael Gallacher:** The Treasurer is scared to talk to journalists at the Newcastle *Herald* about his electricity plans. He has told them he will talk to anyone else—even the bloke who writes the horoscopes.

**The Hon. MICHAEL COSTA:** Members of the Opposition would be better served getting political advice from the bloke who does the horoscopes than from those who are advising them at the moment. The Opposition benches are a rabble. Yesterday I said that The Nationals did not support the Government's strategy. But today we find that they have split on the issue. Andrew Fraser now supports the Government. The Liberal Party is in confusion, with its Federal leadership going one way and its State leadership going another. They cannot make up their minds. Even Mike Baird, on his website, supports the Government on this issue. We do not know what the position is of the rabble over on the Opposition side of the House. Their leadership has not shown any direction. Because of that, different positions have emerged. Andrew Fraser has broken from The Nationals leadership on this issue and now supports the Government. They are out of touch. Is it any wonder, when their leader says about their energy policy, "We might sell some and might not sell some"?

**The Hon. Duncan Gay:** Point of order—

**The PRESIDENT:** Order! The Treasurer has finished his answer.

## ROAD SAFETY FOR CHILDREN

**The Hon. CHRISTINE ROBERTSON:** My question without notice is directed to the Minister for Roads. Could the Minister update the House on the latest initiative to improve road safety for children?

**The Hon. Charlie Lynn:** Eric is going to read to them.

**The Hon. ERIC ROOZENDAAL:** I read to my children often and I encourage my children to read. It is important to nurture a love of books in young children. I hope every member of the Houses has a similar view. Children are our most vulnerable road users. That is why the Iemma Government is getting on with the job of improving road safety for children. I am pleased to inform the House about the latest road safety program to improve traffic awareness of young children. This initiative puts a road safety twist on well-known songs and nursery rhymes. The New South Wales Centre for Road Safety, in conjunction with Macquarie University, has developed a new CD called *Road Safety Songs and Rhymes for Young Children*. It is designed to encourage road safety from a young age and to make the learning process enjoyable. The CD is part of the very popular Kids and Traffic resource and is being distributed free to more than 3,000 licensed early childhood services across New South Wales, including preschools, long day care, occasional care, family day care and mobile children's services. We want to encourage a lifetime of road safety awareness from an early age.

Traditional songs and rhymes have been adapted to include a road safety focus with lyrics, such as "Twinkle, twinkle, little star, I wear my seatbelt in the car." The songs reinforce important road safety messages to children: buckle up your seatbelt, wear a bike helmet, hold hands with a grown-up whenever cars are about, always use the safety door to enter and exit the car and always ask an adult where it is safe to play. The new CD provides staff in children's services with easy, practical and fun ways to make road safety education a regular feature of their program. The CD has been developed in association with the Early Childhood Road Safety Education Program at Macquarie University.

I launched the CD earlier this month with children from the university's Banksia Cottage Early Childhood Centre, who were the first in New South Wales to trial the new resource. A charming group of young children and parents attended the launch of the CD. I thank the director of Macquarie University's Early Childhood Road Safety Education Program, Maureen Fegan, for her hard work on this project, and also the New South Wales Centre for Road Safety's Maureen Elliott and her hardworking staff. I wholeheartedly agree with Ms Fegan when she says the CD is a good reminder for adults to take an active role in keeping our children safe and to make road safety part of our daily conversations with them.

The Iemma Government is getting on with the job of improving road safety around our schools. I took the opportunity to road test these nursery rhymes with my own children, and my daughter was particularly impressed with them. She gave them the thumbs-up and said they were good songs to play in the car. She really enjoyed them and she proudly took the CD along to her local kindy so she could play it at the school. Of course, the school will receive the whole kit: 3,000 of these CDs will go out around the State. Interested members can download some of the nursery rhymes from the website of the Roads and Traffic Authority and play them to their children. They provide a very important message.

## WORLD YOUTH DAY 2008

**Ms LEE RHIANNON:** I direct my question to the Treasurer. Considering that today the Government blocked my motion to release documents estimating the cost to the Government of World Youth Day 2008, could the Treasurer explain to the House why the Government does not think it is appropriate for information on World Youth Day costs to be made publicly available?

**The Hon. Amanda Fazio:** Point of order: The question is not in accordance with standing orders because it contains argument. I would ask you to rule it out of order.

**The Hon. John Della Bosca:** To the point of order: I point out that the member's question reflects on a decision of the House.

**The PRESIDENT:** Order! More and more questions being asked of Ministers contain argument. However, the question is clearly out of order on the basis that the matter referred to seeks to canvass an earlier decision of the House.

*Later,*

**The PRESIDENT:** Order! Earlier, a question asked by Ms Lee Rhiannon relating to World Youth Day 2008, to which two points of order were taken, was ruled out of order. The first contended that the question contained argument. That point of order was upheld and, accordingly, the question was ruled out of order.

The other point raised was whether the matter related to debate that had taken place in the current session. This is obviously a far more complex point. Whether a matter that has merely been discussed as opposed to formally debated in the House should be regarded for the purposes of Standing Order 65 (3) (a) as a matter that has been debated "within the current session" is a procedural, rather than a substantive, issue. Therefore, I would not uphold any point of order that seeks to have a question ruled out of order on that basis.

### LEGAL PROFESSION CONFIDENTIALITY

**The Hon. JOHN AJAKA:** My question without notice is directed to the Attorney General and Minister for Justice. How does the Minister account for the leak of details to the press regarding a complaint made by the Director of Public Prosecutions about the professional conduct of a defence barrister in a trial of sexual assault charges in the District Court? What action has been taken to investigate the source of the leak? What action will the Minister now take to assure the public that the department will safeguard the confidentiality of such matters in future and protect the integrity of trials involving persons who are the subject of such complaints?

**The Hon. JOHN HATZISTERGOS:** Because of the coverage that this matter has received in the media I—along with many other people—am aware of this matter. I note that on 2 May the *Sydney Morning Herald* printed an apology to Ms Evers for the incorrect reporting of just about every aspect of the story. The Legal Services Commissioner receives all complaints about solicitors and barristers in New South Wales. Confidentiality provisions of the Act do not allow either the commissioner or me to comment on complaints received. It is not appropriate for me to provide any further comment. Matters that are before the Legal Services Commissioner should be investigated by him in accordance with his statute.

### DEPARTMENT OF EDUCATION AND TRAINING OCCUPATIONAL HEALTH AND SAFETY MANAGEMENT

**The Hon. GREG DONNELLY:** My question without notice is directed to the Minister for Education and Training. Could the Minister update the House on the progress of occupational health and safety management in the Department of Education and Training?

**The Hon. JOHN DELLA BOSCA:** I thank the member for his question and for his ongoing interest in both occupational health and safety and public education. In 2005 the Department of Education and Training identified the need for a substantial review of its workplace safety program. The department developed Safe Working and Learning, a three-year strategy for continuous improvement in health and safety based on the premise that people are our most valuable asset and there is nothing more important than their wellbeing.

I am pleased to advise that the strategy has been an outstanding success, with significant improvements in workplace safety. While the cost of claims last year was more than \$33 million, there has been a 17 per cent reduction in the department's workers compensation premium. There has also been a 17 per cent reduction in time away from the workplace following an injury. For the calendar year 2007, the department had 6,821 claims incurring costs, although only about half required time away from work. There were 1,000 claims for psychological injury, a reduction to 11 per cent of claims from 14 per cent of claims three years ago. WorkCover data also shows that the number of mental disorder claims from school teachers have fallen by more than 17 per cent since 2002-03.

An online safety management system has been developed that provides comprehensive guidelines and support tools for workplace managers, including school principals. Trainers have travelled throughout the State to train school principals and TAFE managers in occupational health and safety management practices to ensure schools, TAFE colleges and campuses are amongst the safest places in the community. This commitment to training continues, with more than 1,000 staff receiving occupational health and safety training in 2007, thereby maximising the benefits returned to the department from staff who are undertaking the role of occupational health and safety committee member or occupational health and safety representative.

A range of risk management programs and resource materials has been developed to reduce the risk of injury. These include risk management guidelines for specific issues including anaphylaxis, student behaviour

and other issues that relate to the day-to-day work in New South Wales government schools. In addition, the department has conducted studies into high-frequency incidents to better inform risk management and injury prevention.

A wide range of employee injury management and rehabilitation services has been provided for staff. The department has introduced a telephone-based incident notification hotline, which enables staff and workplace managers to lodge notifications of injuries. This encourages early reporting of incidents and allows the department to respond more quickly to ensure a durable and safe return to work for staff who have suffered an injury or illness. The department is also introducing systems to support improved early intervention to manage workplace injury and it is currently implementing an early intervention program for teachers and other staff who have suffered a psychological injury in the workplace.

The department recognises the need for early and targeted support for individuals reporting workplace injury, in particular psychological injury. Better access to employee assistance services has been provided, including conflict resolution and mediation, to ensure that workplace issues identified by employees are managed more effectively. In addition to the health and wellbeing benefits, these improvements have resulted in an additional \$27 million of funding being redirected into educational services. The improvements ensure that teachers who suffer a workplace injury get back to good health and back to work sooner, thereby reducing disruption to classes and improving educational continuity.

#### **INTERNATIONAL ASSESSMENT OF AGRICULTURAL SCIENCE AND TECHNOLOGY FOR DEVELOPMENT REPORT 2008**

**Mr IAN COHEN:** My question is directed to the Minister for Primary Industries. Is the Minister aware of the 2008 International Assessment of Agricultural Science and Technology for Development report, which drew upon the expertise of 400 scientists, 60 countries, the World Bank and most United Nation bodies? I ask whether the Minister noted that the executive report summary of the synthesis report adopted the following position:

Assessment of modern biotechnology is lagging behind development; information can be anecdotal and contradictory, and uncertainty on benefits and harms is unavoidable. There is a wide range of perspectives on the environmental, human health and economic risks and benefits of modern biotechnology, many of which are as yet unknown.

Are there any circumstances under which the Minister would revoke the approval of Roundup Ready canola and InVigor Hybrid canola that he gave on 14 March?

**The Hon. IAN MACDONALD:** I need to point out something important to assist Mr Ian Cohen's understanding of this matter. The decision I made earlier this year in relation to canola and the growing of a commercial-scale food crop in New South Wales was based upon legislation that was passed almost unanimously by this House. Only four Greens voted against the legislation. I make it very clear that all the decisions I have made in relation to this matter fall squarely within the framework of that legislation, which was agreed to by this House last year.

The legislation sets out the procedures I must follow with regard to any proposition put before the GM Technology Committee by any proponent. That procedure is set out very plainly. What it means is that in New South Wales—unlike, say, in Victoria—all proposals to commercialise GM technology are examined by an expert panel. The composition of that expert panel—despite the bleatings of some of Mr Cohen's friends—has not substantially changed since it was established in 2003: its membership has not changed. In fact, two people who are stridently anti-GM remain members of the committee.

**The Hon. Rick Colless:** But you don't tell them when—

**The Hon. IAN MACDONALD:** They know precisely.

**The Hon. Rick Colless:** They don't.

**The Hon. IAN MACDONALD:** The member does not believe their nonsense. That committee has met and under the terms of the legislation has considered the proposition and referred the matter with a recommendation. I had some questions—

**The Hon. Duncan Gay:** Prove it! The question is whether, if you had further information, you would change it.

**The Hon. IAN MACDONALD:** Listen to me! In relation to the matter then being put forward I sought further advice from the committee, which it subsequently provided and then made the recommendation. I endorsed the committee's recommendation. It was a very simple, straightforward process. I do not intend to change my position on the matter. If the committee advises me to do so I will reconsider the decision. I have seen heaps of information about this issue and it is highly charged. The evidence that persuades me is that this is important and useful technology and that it will expand greatly over future years to encompass other forms of agricultural product.

At the bottom of this debate is a disconnection in the heads of the Greens and their supporters. We are prepared to support gene technology and all of its benefits for humankind. Most learned journals published over the past few years include many proposals about gene technologies and their implementation to assist humans in offsetting the impact of disease. This is done openly, and there is no doubt that what is involved is gene modification, to rectify genetic defects. However, the Greens and their small gaggle of supporters have come to the conclusion that we cannot genetically modify a plant or an animal. I find that an appalling disconnection, but they might get their heads around it philosophically at some stage. [*Time expired.*]

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

#### **TAMWORTH LEARNING 2020: ELTON CONSULTING APPOINTMENT**

**The Hon. JOHN DELLA BOSCA:** On 9 April 2008 the Hon. Trevor Khan asked me a question without notice regarding Elton Consulting and the Tamworth Learning 2020 process. I can advise that Elton Consulting Group was engaged following a standard public tender process administered by the Department of Commerce. The consultation process undertaken by Elton Consulting was extensive and involved a variety of opportunities and settings for all members of the community to be involved from start to end.

#### **ORANGE AND CENTRAL WEST TAFE COURSES**

**The Hon. JOHN DELLA BOSCA:** On 3 April 2008 the Hon. Melinda Pavey asked me a question without notice regarding Orange and Central West TAFE courses. I advise the member that recently TAFE New South Wales-Western Sydney Institute began providing on-the-job training for baking apprentices, including for apprentices previously enrolled with the Western Institute. The popularity of this mode of delivery meant that there were insufficient apprentices at TAFE New South Wales-Western Institute, Orange campus to form face-to-face classes. From semester two 2008, Western Institute will also offer on-the-job training for baking apprentices at Orange. Western Institute has been offering on-the-job training for its butchery apprentices for many years and is continuing to do so this year.

In relation to the certificate IV in Residential Studies (Building) qualification offered by TAFE New South Wales-North Coast Institute, the target group is qualified tradespeople currently in work who are seeking to become licensed building contractors. Five campuses of the institute offer the course on a part-time basis with evening classes in conjunction with some self-directed study. This delivery method has proved very popular and effective. North Coast Institute is not aware of any demand for a full-time program.

**Questions without notice concluded.**

#### **DIVIDING FENCES AND OTHER LEGISLATION 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 Hatzistergos.**

**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.**

[*The President left the chair at 1.07 p.m. The House resumed at 2.45 p.m.*]

**ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT (RESTORATION OF  
COMMUNITY PARTICIPATION) BILL 2008**

**Second Reading**

**Debate resumed from an earlier hour.**

**The PRESIDENT:** Order! During debate on the Environmental Planning and Assessment Amendment (Restoration of Community Participation) Bill 2008 earlier today a point of order was taken that the contribution of Ms Lee Rhiannon appeared to be based on unreported in-camera evidence from the Select Committee on Electoral and Political Party Funding. Following debate on the point of order I ruled that the member may continue her speech following her assurance that her speech was based on independent research and not on unreported in-camera evidence given to the committee. I also cautioned the member that disclosure of unreported evidence from a committee would amount to a contempt of the Parliament. Standing Order 224 (1) provides:

The evidence taken by a committee and documents presented to it, which have not been reported to the House, may not, unless authorised by the House or committee, be disclosed to any person other than a member or officer of the committee.

Several Privileges Committee inquiries have upheld the principle that unauthorised disclosure of committee evidence and documents could amount to a breach of privilege and contempt of Parliament. In 1998 the Senate Committee of Privileges set out guidelines for dealing with improper disclosure of committee material that determined that in relation to in-camera evidence:

All persons within the jurisdiction of the Senate who are party to disclosure of in camera evidence may be expected to face severe findings of contempt, with attendant penalties, and a possible prosecution under the criminal provisions of the Parliamentary Privileges Act 1987. Publishers and authors within the media, regardless of whether the source of the documents is discovered, can similarly expect to face severe sanctions.

Under article 9 of the Bill of Rights 1689 members of this House are guaranteed freedom of speech. The rationale for this freedom was described in *Prebble v Television New Zealand Ltd* [1995] 1 AC 321 at 334 as:

... the need to ensure so far as possible that a member of the legislature and witnesses before committees of the House can speak freely without fear that what they say will be later held against them in the courts. The important public interest protected by such privilege is to ensure that the member or witness at the time he speaks is not inhibited from stating fully and freely what he has to say.

However, while article 9 provides absolute freedom from outside interference, debate in the House is still subject to the rules that Parliament itself imposes. The difficulty in relation to the debate in this Chamber today is the extent to which a member is constrained from bringing before the House material which, although the subject of in-camera evidence before a select committee, has nevertheless been independently researched and compiled.

I would urge members to exercise restraint where there is a likelihood that their speech could interfere with the workings of a committee appointed by this House. Members should also be cautious of attempts by third parties to circumvent the decision of a properly constituted committee of this House.

**Dr JOHN KAYE** [2.51 p.m.]: Prior to the adjournment I referred to part 3A development approval, and I will give evidence of such approval being obtained by developers who have been massive donors to the Australian Labor Party. I will cite cases of developments that have followed directly from large donations, and I will cite developers saying that donations obtained access and more. The Greens cross-matched the outcomes of development applications dealt with under part 3A of the Environmental Planning and Assessment Act with political donations records, and the results strongly suggest that political donors receive more favourable treatment than non-donors.

Donations by property developers to major political parties since part 3A of the Environmental Planning Assessment Act was introduced in mid 2005 total more than \$8.5 million. Since mid 2005 almost \$3 billion worth of developments have been approved under part 3A of the Act for 13 developer companies who are political donors. In the same period developers have made more than \$6 million in political donations, including more than \$2 million to the New South Wales Labor Party, which held power in New South Wales, and more than \$1.4 million to the Federal Liberal Party, which held power at the Commonwealth level.

Contrast that with the projects that have been refused. According to the Department of Planning's 2005-06 major developments monitor 28 projects were refused under part 3A in that period. Not one of the



companies that had its projects refused was a political donor. Only two donor companies had proposed adjustments to their section 96 contributions refused, but the developments were approved and built.

**Reverend the Hon. Fred Nile:** It is circumstantial evidence.

**Dr JOHN KAYE:** Reverend the Hon. Fred Nile tells me that is circumstantial evidence. It is overwhelming circumstantial evidence when all development applications were approved for those who did donate and only non-donors had their developments refused. That is beyond circumstantial evidence, surely. In many instances proponents of development applications under consideration by the Minister for Planning, or his department, have made numerous large donations to the New South Wales Labor Party while the Minister was determining their development applications.

It is worthwhile examining a few specific examples. Rosecorp made a donation of \$25,000 to the New South Wales Labor Party three weeks after having a part 3A project approved. Rosecorp made a further donation of \$27,500 to the New South Wales Labor Party four days before submitting a request to the Minister for approval to submit a concept plan for another part 3A project. Payce Consolidated Ltd is an interesting case. From 2000 to 2005 Payce donated exclusively to the Liberal Party—it was not an Australian Labor Party donor. In June 2006 Payce made its first donation to the New South Wales Labor Party, one month before commencing a part 3A development process. Over the following 12 months, as its application was being considered and approved, it donated a further \$105,000 to the New South Wales Labor Party, leading to a successful approval of its application.

**Reverend the Hon. Fred Nile:** You have got to show the link though.

**Dr JOHN KAYE:** Reverend the Hon. Fred Nile fails to see the connection. I suspect the people of New South Wales see that connection. If he lets me finish he will hear of many more cases.

**Reverend the Hon. Fred Nile:** Prove it.

**Dr JOHN KAYE:** I will do so in a minute. He must be patient. In December 2005 Buildev Tinonee commenced a part 3A development approval process for a residential development at Buckets Way. In January 2006 the four Buildev companies began regular monthly donations to the New South Wales Labor Party at \$2,291.85 each per month, or a total of \$9,164 per month. Those donations continued until at least April 2007, and we presume they are ongoing. During the State election campaign in 2007 Buildev paid more than \$50,000 in campaign bills for the Labor Party candidate for Newcastle, Ms Jodie McKay, which was not declared by Ms McKay or the New South Wales Labor Party. Buildev was having its Buckets Way project assessed under part 3A during that time.

The Village Building Company donated \$164,000 over five years and its consultants, Endeavour Consulting, donated a further \$36,000 to the New South Wales Labor Party in the lead-up to the decision by the Minister to support a residential development at Tralee, despite a committee of inquiry recommendation against such development. Babcock and Brown made a large donation to the New South Wales Labor Party while it was negotiating with the Government over a 50-year lease of Crown land at Killalea State Park for the purpose of a commercial resort development.

The conflict of interest arising from these donations is obvious. The Minister always replies, however, that donations do not count and all decisions are made on their merit, but people find that increasingly hard to believe when they look at some of the decisions that have been made. On multiple occasions the Minister for Planning has overruled or ignored advice from independent committees of inquiry or his own department to make determinations that resulted in significant financial windfalls for political donors to the New South Wales Labor Party.

Hardie Holdings' Sweetwater and Rosecorp's Catherine Hill Bay developments are prime examples. My colleague Ian Cohen will provide more details when he makes his contribution later this afternoon. On 12 April 2008 the *Sydney Morning Herald* published an extensive report on the controversy surrounding these two projects. The *Sydney Morning Herald* report outlined how the State Government dismissed advice from its own planners and allowed developers to clear valuable bushland to build housing estates away from existing towns and transport, after months of aggressive lobbying by the developers.

Some of the State's most generous donors to the New South Wales Labor Party were given the go-ahead to build on sensitive woodland and coastal areas in the lower Hunter, despite a warning in September

20006 from the Department of Planning's then regional director for the Hunter, Steve Brown, who told his superiors that the credibility of the entire housing strategy was at risk because of the size and location of some of the projects, including one proposed for the tiny and heritage important village of Catherine Hill Bay. Mr Brown warned the Government that it was making "a massive" concession to developers "with little justification".

Mr Brown was most concerned about a proposal by the land speculator Hardie Holdings to build a new town called Sweetwater at Branxton. In a 2006 assessment planners rated it last out of 91 potential development sites for the lower Hunter. It was not well served by transport and it was 20 kilometres from the nearest urban centre of Maitland. Yet the project got the go-ahead. That year the Government accepted a scaled-down version of Sweetwater—7,000 homes instead of the original 28,000—in its final Hunter strategy in exchange for Hardie Holdings handing over 7,400 hectares to the national parks system. This was following intense pressure from the company, which was making regular donations to the New South Wales Labor Party.

A similar set of circumstances occurred with the Village Building Company development at Tralee. In 2007 the Minister for Planning approved a residential subdivision at Tralee, near Queanbeyan, despite a recommendation from a committee of inquiry that the Tralee development should not proceed because it would be severely affected by aircraft noise from Canberra airport. The proponents for the development, the Village Building Company, had donated \$164,900 to the New South Wales branch of the Australian Labor Party, including \$8,000 to the Labor member for Monaro, Steve Whan. The development consultants, Endeavour Consulting, donated \$36,065 to the New South Wales branch of the Australian Labor Party. It destroys the credibility of the Minister when he continues to claim that he follows the advice of his department and that all his decisions are made on merit. He does not follow the advice of the department and it is impossible for him to maintain that he makes decisions on merit. The examples I have given of the Minister overruling his department or an independent committee of inquiry and making decisions that provide financial windfalls to Labor Party donors put paid to those claims.

Is it any wonder that people become suspicious when a major donor, Jacfin, which in recent years donated \$300,000 to the New South Wales branch of the Australian Labor Party, writes to the Minister asking him to overrule a local council so that it can develop land in Western Sydney, as was reported in the *Australian* on 19 April 2008? How can members of the public look at this pattern of donations and outcomes and accept the Minister's assurances that donations do not affect decisions? Public confidence is damaged when political donors say they make political donations to gain preferential access to and/or treatment from members of Parliament and Ministers. In an interview on *Stateline* on 17 March 2006 Quentin Dempster talked with John Thorpe, the former head of the Australian Hotels Association, about the Government's moves to allow poker machines in pubs. The interview is a unique insight into the motivations of donors. Mr Dempster asked Mr Thorpe about the \$250,000 that was raised by the industry and donated to the Australian Labor Party. Reverend the Hon. Fred Nile should listen to this. John Thorpe said:

Who said democracy was cheap? Who said democracy was cheap?

Quentin Dempster said:

That is a confirmation that you have bought policy.

John Thorpe replied:

Mate, you cannot—when you use the word "bought", you put both of us in ICAC, and I've got to say to you quite frankly the use of that word of buying people and particularly government, to me, puts us both in very, very dim light of people today.

Mr Thorpe went on to talk about his obligation to protect country pubs and said:

I have an obligation, sir, to persuade. If you use the word "persuade", I will accept that, but I will not accept "bought".

Mr Thorpe was happy to say that he used political donations to persuade government, particularly the New South Wales Labor Government, but he was not happy to say that he bought government. In the eyes of the people of New South Wales there is not much difference between money used to persuade government and money used to buy government. In any event, John Thorpe made the admission that he anticipated an industry donation of \$250,000 would change a government position. In an interview on 5 April 2008 marking his retirement from the Australian Hotels Association, Mr Thorpe was even more forthcoming. In discussing the reason Labor was owed so much and why the hotels had donated millions of dollars over the years, he said:

The reason is simple [for attending fundraisers]. Every concession the industry has been given with the stroke of a pen can be taken away with the stroke of a pen.

Similarly, on *Four Corners* on 14 April 2008 in a story, "Dirty Sexy Money", John Mant, the acting Independent Commission Against Corruption Commissioner from 1993 to 1994, made some illuminating comments when he said:

In order to play the game in New South Wales, be it planning or other contracts and so on, in order to play the game you have to be seen to be contributing.

That is the acting Independent Commission Against Corruption Commissioner, of whom Reverend the Hon. Fred Nile spoke so highly yesterday. Also during the story Peter Botsman, an academic and Australian Labor Party member, said:

There is a relationship established around a donation to a political party which brings also a personal phone relationship, and a conversation at a critical time may be all that is needed.

Matt Somers, a developer with Hardie Holdings, had the following exchange with journalist Sarah Ferguson:

Somers: It's just part of the business environment at the moment, is that people take donations not for approvals, they do not pay for approvals but they pay to get access.

Ferguson: Would you like to be able to stop paying them?

Somers: Well, I guess no-one wants to pay them if you do not have to. We happily support good candidates as I've said. We've felt we've paid the money to ensure we have access when we required it. If the rules change the rules will change.

Ferguson: Part of the cost of doing business in New South Wales?

Somers: Yeah.

It is a clear pattern of systemic corruption of the planning system by developer donations. The longer we allow it to continue, the more damage will be done, not only to the environment but also to the confidence of the people in democracy in this State. The Hon. Don Harwin moved a motion to refer the bill to the Select Committee on Electoral and Political Party Funding for inquiry and report. There are two problems. Firstly, referring the bill to the committee will delay the inquiry. The Hon. Don Harwin has admitted that the committee was formed following a deal to exclude the Greens. The Greens have been a key voice on the political donations issue.

**The Hon. Don Harwin:** A deal between whom?

**Dr JOHN KAYE:** The deal was done between Labor and others. I did not intend to mislead the House. I did not mean that the deal involved the Liberals or the Hon. Don Harwin.

**The Hon. Jennifer Gardiner:** Or The Nationals.

**Dr JOHN KAYE:** Or The Nationals.

**The Hon. Robert Brown:** Or the Christian Democratic Party.

**Dr JOHN KAYE:** It may have involved Reverend the Hon. Fred Nile because he was a recipient of the largesse. Secondly, the motion will have the unintended consequence of widening the committee's terms of reference, which is not an appropriate course of action after a committee has been formed.

**The Hon. Greg Donnelly:** That is not so.

**Dr JOHN KAYE:** I am told that is not so. I look forward to an explanation on that issue. Rather than hide the bill in a committee and run away from the issue, it is time for the Coalition to back up its words and vote for the bill. A vote for the bill is a vote for democracy. The bill is a test. It is an important step forward in protecting the natural environment of New South Wales and restoring public confidence in the State's planning and decision-making system. By cleaning up donations and taking away the power of Ministers to make decisions in one of the most sensitive areas in public life, that is, environmental planning, we can begin the healing process. We have a long way to go to restore public confidence in democracy in this State. We have a long way to go to restore the planning system so that it delivers unbiased and untrammelled outcomes that have not been tainted by the systemic corruption of developer donations. The bill is an important step forward in restoring this public confidence. I commend the bill to the House.

**Mr IAN COHEN** [3.08 p.m.]: I support the Environmental Planning and Assessment Amendment (Restoration of Community Participation) Bill 2008. I take the opportunity to congratulate my colleagues, in particular, Ms Sylvia Hale and Ms Lee Rhiannon, on their tireless efforts to unveil the dynamics and impact of political donations for the benefit of all citizens of New South Wales. They have done a great service in ensuring that at least a bare level of transparency in planning decisions is maintained. I congratulate Dr John Kaye on his revelations with regard to such matters. Once again, the Greens stand—and quite proudly stand—on the issue of transparency. There is a culture emerging within this Government of moving further away from democracy, and unfortunately other members of this House support that movement.

The two new proposals in the bill will constitute a long overdue modernisation of the New South Wales environmental planning and assessment regime. Mitigation of greenhouse gases and the protection of health and wellbeing of the community must be part of the framework for the consideration of development impacts. There must be a full account and characterisation of all the social, economic and environmental costs of development. We need to take a holistic and mature approach to evaluating development, and the addition of the new objects will hopefully allow us to better navigate the inherent faults in planning management.

The object of the bill is to restore a measure of community and council control over planning decisions and to increase accountability. I cannot underestimate the importance and relevance of this measure. We are at a crossroads in New South Wales. Community disaffection with the pervasive mantra that political donations have legitimacy in the political process has reached boiling point. It is also quite clear—and the public has become aware of this over time as a result of the efforts of individuals within and outside the Parliament—that there is a growing disaffection for the Greens among the members of this House; it has been suggested that we are not relevant. It would not be unreasonable to say that, however, that the more likely interpretation of that attitude is that the Greens are hitting a raw nerve. What the Greens have been pursuing in terms of reasonable behaviour has resounded throughout the community.

Legitimacy in this instance does not equate with equity and fairness. The average citizens of New South Wales—the mums and dads financially hamstrung in the State's mortgage belt—have very little capacity to make political donations and to have a real influence. It is interesting to see the Minister for Planning constantly clothing his intent for developer-driven legislation in the guise of some sort of better access for the mum and dad developers. That could not be further from reality, and for confirmation of that one only has to read the contributions of Greens members, particularly that of Dr John Kaye, regarding the big developers. It is hardly the mums and dads of New South Wales Government who are benefiting from the largess of major developments. Yet, the Minister states boldly to the media, "We are just defending the mums and dads." That is nothing but an outright lie and propaganda on the part of the Minister.

How do the fiscally challenged participate in New South Wales politics? Mobilisation of community participation against the developer donation slush funds inevitably boils down to a David versus Goliath battle, and it rarely ends the way it is reported in the *Old Testament*. It is quite clear that this Government is seeking to buy democracy. The Government gets a significant amount of funds from specific pressure groups—in this case developers—and uses those funds in the lead-up to elections to sway the public with a slick, expensive media campaign. The public gets hoodwinked. Money wins the day. The election processes in this country are being immobilised.

This bill is timely. It is time to wind back the clock somewhat, to shut down the political cash registers in an effort to restore democracy. The bill will put an end to the disparity—real or perceived—in the participation of property developers and local communities in the planning process. It will swiftly eradicate perceptions of conflicts of interest and restore some public confidence in the planning process, which has been severely eroded in the past three terms of the Labor Government.

I vividly remember opposing the earlier round of planning reforms put forward in about 1996 by the then Minister for Planning, Craig Knowles. Richard Jones and I shared 150 amendments to that bill—and we failed with all of them! I vividly remember also that at the completion of that process dawn was breaking through the windows of this Chamber. It has been a frustrating process, and what we are seeing now is certainly the result of some very poor planning legislation in New South Wales.

There is a pressing need for the Government to restore public faith in a system that was set up to serve the public's needs and aspirations. We need to move beyond the innuendo and perception of corruption that has attached to a number of planning decisions, and we need to take proactive steps to demonstrate to the people of New South Wales that planning decisions are made on their merits and are not tainted by political donations.

One such decision that continues to linger relates to the Sweetwater and Catherine Hill Bay developments in the lower Hunter. In an attempt to unravel the process of developer engagements with government agencies I moved a motion in this House for the production of papers relating to the lower Hunter Regional Strategy outlined in the interaction between Hardie Holdings and the Government concerning alleged breaches by Hardie Holdings of the Native Vegetation Act 2003 and the inclusion of Sweetwater and Catherine Hill Bay in the lower Hunter Regional Strategy.

When the Government handed over eight boxes of documents about the lower Hunter regional strategy, conveniently omitted was an email from the then Department of Planning's Regional Director, Steve Brown, stating that the Government was making massive concessions to developers, with little justification. Mr Brown illuminated the point that planning decisions were made not on the basis of balancing community aspirations and needs, environmental viability and vitality and infrastructure needs, but rather in an atmosphere of unrelenting and unabated lobbying and political donations unmatched by a community movement that simply did not have the financial capacity to lobby the Government on a level playing field.

We see a cosy deal being made with that development, and that raises the issue of biobanking. In this case, a piece of land that should be protected because of its environmental values is given a label under the biobanking regime and traded for another piece of land that also should be protected for its environmental values. The Government and developers together come up with what they regard as a sweet deal and everyone is supposed to be happy. Some developers have even said to me that I should be pleased with the outcome. Yes, land was handed over, but it is very doubtful that the land that was handed over under the biobanking agreement could be touched anyway because of its environmental values. Nevertheless, this deal was made and the developers were given the go-ahead.

It is unfortunate that after so much debate the Coalition is seeking to refer this issue to a select committee. I have great reservations about that committee; I regard it as a function of the Government. The chair of that committee expressed in this House today by way of interjection a real resistance to recognise that an unhealthy, inappropriate and, dare I say, unholy alliance exists between developers and the Government. How much proof do we need before we can convince people, even the members of this House, that planning processes in New South Wales are not being carried out in a proper, open, honest and transparent manner?

Interestingly, Reverend the Hon. Fred Nile said that he does not see the connection. Yet, the connection is obvious as we read through list after list of major developers; we see it reported in the media; we constantly hear statements made in this House about the relationship between developers and the Government and about the amounts of money involved; we read about it on websites. It is there in the public domain. If the accusations are false, then the people involved should sue the perpetrators of those websites—but no-one does.

**Reverend the Hon. Fred Nile:** The Minister denies knowledge of the donations.

**Mr IAN COHEN:** So the Minister denies knowledge of the donations. Is it suggested that Mr Sartor does not know when hundreds of thousands of dollars are changing hands; that he is unaware of such activity? Oh, yes, of course, he is only interested in the mum and dad developers in society! That is all that is happening as far as Mr Sartor is concerned.

It is naïve at best and amoral at worst for Reverend Fred Nile to attempt to legitimise this type of activity in New South Wales. Once again we are seeing evidence of an ongoing massive cover-up. I remember the days in the Tweed when money was passed around in brown paper bags; when certain colourful characters on the North Coast would say, "This is the way we do development, mate", and that would be the end of it. That practice was busted wide open and the Tweed council was sacked. Despite that, there is still considerable resistance to proper investigation of such activity in this State.

I see it happening from the environmental perspective. When local communities cry out "No!", the Minister, at the drop of a hat, calls on part 3A and becomes the sole arbiter about fragile environments, impacts on local communities, quality of life and our legacy to future generations. This Minister has absolute power with regard to such development. I am amazed about some of the projects that have been labelled "State significant". The Minister should get real. Any development of any mate of the Minister gets a run with this Minister. Members say that the Minister is unaware of it. That is absolute rubbish.

**Reverend the Hon. Fred Nile:** I am quoting the Minister.

**Mr IAN COHEN:** The member is making a mockery of the Parliament if he thinks this Minister is not aware of the relationship with, and the largess that is being extended to, developers in this State. He is making the Parliament look foolish if he denies that.

**Reverend the Hon. Fred Nile:** I am quoting the Minister himself.

**Mr IAN COHEN:** Of course you are quoting the Minister—we can all quote the Minister. We can all go home, have a cup of tea and have a good night's rest, because we all trust the Minister! The Minister has a great deal to answer for and you are not doing much to apply pressure to a corrupt Government.

**Reverend the Hon. Fred Nile:** I am.

**Mr IAN COHEN:** It will be interesting to see the results of your inquiry. It is also interesting to note that Reverend Nile has been given the chairmanship of the inquiry—

**The Hon. Greg Donnelly:** Point of order: I wish to address two matters. First, Mr Ian Cohen appears to be engaged in a private conversation with Reverend the Hon. Fred Nile when he knows full well that his comments should be addressed to the Chair. Second, Mr Ian Cohen has been in this House long enough to understand the standing orders, and specifically Standing Order 91 (3), which deals with matters of imputations, improper motives and personal reflections on members of this House and the other House. I have been listening very carefully to his comments and I would argue that, if he has not already crossed the line, he is at the very least standing on the line of making very serious allegations about a Minister in the other House. Mr President, I draw those points to your attention and ask you to rule on them before Mr Ian Cohen continues.

**The PRESIDENT:** Order! Mr Ian Cohen is an experienced member of this House and I am sure that, given the importance of this topic, he will speak through the Chair rather than engage in conversations with other members. I remind members that all interjections are disorderly. I also draw Mr Ian Cohen's attention to Standing Order 91 (3), which was referred to by the Government Whip.

**Mr IAN COHEN:** Thank you, Mr President, for your ruling. I acknowledge your position and the point taken by the Government Whip. If I have overstepped the mark, I certainly had not sought to do so. A great deal of concern and anger has been expressed about this issue in the community. My comments merely reflect what many people are feeling; that is, disempowerment with regards developments that are money-making opportunities for some but which pose a threat to the lifestyle of others. People are concerned that they are seriously disempowered in the decision-making process affecting the regional or coastal environment to which they have moved to get away from the rat race, as it were. My comments are a reflection of the concerns of many people in local government and in the Local Government Association who are sorely aggrieved about being disempowered by this Government's planning regime. That is why this bill is before us today. It is worthy of serious evaluation and proper assessment; it should not be shunted off and regarded as another, so-called, Green, lunatic fringe issue.

In her contribution the Hon. Marie Ficarra said that this issue will continue to be debated until the next election. I am not seeking any electoral advantage when I say that I believe this issue should be properly and thoroughly debated in this House and throughout the community. People are suffering because of the negative impact of the New South Wales planning regime on their beloved environments and because their backyards are being desecrated by this Government's policies. People are seriously disenchanted about the way in which this Government does business.

To ameliorate some of my excessive comments, I ask that the Government take the time to reassess the way it is treating the people and the environment of New South Wales. The Government has lost its green credentials. We have regularly dealt with cynicism about things green in this House and the impact of changing policies over the years. This Government has been in power for 14 years and it has transformed from a reformist, conservation-minded government to one very much beholden to the development industry. Members say that the Greens are against all development. That is a knee-jerk response; the Greens are not against development. I could cite many examples of the Greens welcoming development. I have good relationships with developers in my home town. They bring cultural, physical, employment and many other opportunities to the area. However, development must be done in an acceptable manner and it must be less destructive so that in years to come we can say that development has been a benefit rather than destructive to the community and the environment. I move:

That this debate be now adjourned to the next sitting day when Private Members' Business takes precedence.

**Reverend the Hon. FRED NILE** [3.28 p.m.]: In speaking to this motion, which I do not oppose, I express my disappointment that Ms Lee Rhiannon has not returned to the House before we adjourn this debate to clarify matters raised by her some hours ago.

**The PRESIDENT:** Order! What a member should or should not do at any given time in a debate is a matter for that particular member.

**Question—That this debate be now adjourned—put and resolved in the affirmative.**

**Motion for adjournment of debate agreed to.**

**Debate adjourned and set down as an order of the day for a future day.**

## **WASTE AVOIDANCE AND RESOURCE RECOVERY (CONTAINER RECOVERY) BILL 2008**

### **Second Reading**

**Debate resumed from 10 April 2008.**

**The Hon. DON HARWIN** [3.30 p.m.]: Earlier in the day Mr Ian Cohen and I had a conversation about this bill. He reminded me about developments at a Federal level in this matter. Accordingly, we agreed that I should move that debate on this bill be adjourned until the first sitting day in September on which private member's business takes precedence.

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

## **OCCUPATIONAL HEALTH AND SAFETY AMENDMENT (LIABILITY OF VOLUNTEERS) BILL 2008**

### **Second Reading**

**Debate called on, and adjourned on motion by the Hon. Don Harwin.**

## **SMOKE-FREE ENVIRONMENT AMENDMENT (MOTOR VEHICLE PROHIBITION) BILL 2008**

### **Second Reading**

**Debate called on, and adjourned on motion by the Hon. Greg Donnelly.**

## **PUBLIC DENTAL HEALTH SERVICES**

**Debate called on, and adjourned on motion by the Hon. Greg Donnelly.**

## **MELBOURNE TO BRISBANE INLAND RAIL LINK**

**Debate resumed from 10 April 2008.**

**The Hon. MICHAEL GALLACHER** (Leader of the Opposition) [3.32 p.m.]: I have looked forward to contributing to debate on this motion for some time. There is no doubt that this proposal has been the subject of considerable debate generally. It all comes down to investment on rail infrastructure generally, and more particularly grain lines in country areas of New South Wales. In my capacity as shadow Minister for the Hunter Valley I will pursue the active participation of the Port of Newcastle in any proposed inland rail project. The Hon. Matthew Mason-Cox, who has had considerable experience both inside and outside Parliament in considering this erstwhile project, will no doubt have much more to say about it than I.

**The Hon. Penny Sharpe:** Tell us more.

**The Hon. MICHAEL GALLACHER:** The Hon. Penny Sharpe wants more, and she will get more. The people of Newcastle and the Hunter Valley most certainly want to be part of this debate. They certainly

want to play a role in the future of freight in New South Wales. This inland rail project is about freight. Unfortunately, the New South Wales State Government has stripped away from country communities much-needed investment on rail freight lines, and as a result there is more and more reliance upon road freight. It is of particular concern to the people of Newcastle and the Hunter Valley that because of this neglect by the State Government more and more heavy vehicles, rather than rail carriages, will transport grain to the Port of Newcastle. If it is moved by rail, there will be fewer heavy vehicles on our roads, thus making our highways safer for road users. The people of Newcastle want to be part of the project; they do not want to be forgotten in the process. Melbourne and Brisbane are not the only considerations; Newcastle wants to be part of the future too. I look forward to the Hon. Matthew Mason-Cox's learned and well thought out reply to this debate, which relates to a matter of significant importance to not only Newcastle and New South Wales, but also to the nation as a whole.

**The Hon. LYNDIA VOLTZ** [3.36 p.m.]: New South Wales and Queensland have established a cross-border transport task force to investigate several aspects of transport in this region. In late 2006 the Premier met with the then Queensland Premier to discuss one aspect in particular—a proposal for a heavy rail link with Queensland. The two Governments have now committed to a more integrated transport future for the border region. Following this meeting, a joint New South Wales-Queensland discussion paper on heavy rail was released outlining a commitment to a more integrated approach, including devising short- to medium-term improvements to local transport services. The focus will be on regional connections—as opposed to the previous XPT service, which provided journeys to Sydney. Public submissions are being examined and I understand the final report will be forthcoming in the near future.

For most people who live in the Tweed the border is just a line on a map. People use services, visit friends and travel to work and school across the border every day. Studies of the border region suggest that future growth will increase these economic and social links. In the long run, it makes sense to join northern New South Wales to south-east Queensland.

**The Hon. Jennifer Gardiner:** What a revelation from the Australian Labor Party! Why haven't you done it? You closed the railway line and you lost the seat. Don't tell me the scales have fallen from your eyes. Wow, what a breakthrough!

**The Hon. LYNDIA VOLTZ:** I am amazed by these kinds of responses from members of the Opposition, who ran around at the State election saying that what the people of the Tweed really want is a train line down to Sydney. Had they spoken to anyone in the Tweed, they would have known that what people in the Tweed want is a train line to south-east Queensland. That is why the Premier has committed to examining the need for eventual heavy rail connections. However, in the short term on the New South Wales side of the border we are trying to maintain low-density approaches to growth, while Queensland is allowing very high-density growth. That is okay—Queensland is doing what it feels is best for its individual needs.

Projected growth rates for south-east Queensland are around 55,000 people each year. On the New South Wales side, growth rates are estimated at around 2,500 people a year. When one compares beautiful towns like Kingscliff with what is happening over the border, one can see that the New South Wales Government is taking the right approach. While growth in Queensland has occurred along a clear corridor—which is easy to service with rail—growth on the New South Wales side of the border has taken the form of a region of villages. For those who are not familiar with the region, I advise that population on the New South Wales side of the border is dispersed widely along the coast and inland.

**The Hon. Jennifer Gardiner:** And you treat them like village idiots.

**The Hon. LYNDIA VOLTZ:** I know who the village idiot is here. While there are around 250,000 people in northern New South Wales, there is approximately 10 times that number—2.6 million—in south-east Queensland. The community is widely dispersed across the regional centres of Tweed Heads, Lismore and Ballina; the five towns of Murwillumbah, Casino, Mullumbimby, Byron Bay and Kyogle; 36 rural and coastal villages; 110 small villages; and numerous rural communities. Around half of the region's people live in major towns and half in coastal or inland villages, smaller communities, hamlets and rural areas.

The low population densities on our side of the border mean that designing a transport solution is not as simple as drawing a line on a map from Murwillumbah to Coolangatta, as some have suggested. At the moment some local and community bus services are available in and between some towns on the New South Wales far North Coast. It is clear that we need better connectivity between the towns in the region and better connections



to south-east Queensland, which is why the Premiers of New South Wales and Queensland had to examine the needs of the region. I look forward to the Cross Border Transport Taskforce report. It will form the basis of a sustainable response to the area's transport needs.

**The Hon. TONY CATANZARITI** [3.41 p.m.]: Based on the growth rate of the border region, it makes sense to secure a heavy rail corridor for the future. As my colleague outlined, the Lemma Government has put together a Cross Border Transport Taskforce to look at the long-term needs of the area and to recommend what action needs to be taken now to prepare for growth. The upper House parliamentary inquiry confirmed that what the community needs is not a train to Sydney but local transport services. People familiar with the areas know that an XPT to Sydney is not what people want. They want to get around their own region on local transport services that take them to work and to school and help relieve congestion in places such as Byron Bay. In short, they need local public transport; not intercity services.

There have been many proposals about what to do in the region but a train to Sydney is not the solution. These days more people travel from northern New South Wales to the Gold Coast and Brisbane. More often these days people go there to work or study. Over time we will need trains to south-east Queensland. As the Queenslanders are extending their trains from Robina to Coolangatta, it makes sense to see whether a rail corridor can be made to work that connects New South Wales up to that coastal line. When, and along what alignment, are being considered by the taskforce. The report of the task force is still being finalised but issues such as promotion of public transport use generally could be considered. It could be argued that if we get better public transport more people will use it.

Consultation should be part of the planning process. Cross-border regions need to communicate and cooperate effectively on transport issues so that transport operators and passengers are not disadvantaged by differences in jurisdictions and a clash of rules across State borders. Improvements made to taxi services in the region are a good example of cooperation. As a result of unprecedented cooperation between the governments on both sides of the border a new dual-ranks taxi plan has been implemented to greatly improve services.

A dual rank allows passengers to choose their taxi depending on which State they are travelling to, and operators from both sides of the border are allowed to pick up passengers from the ranks. A dual rank is in operation at the Coolangatta Airport and we are in discussions about other appropriate locations. The New South Wales-Queensland border is meaningless to those who cross it every day for school, work and social travel. The community has made it clear that connectivity with south-east Queensland is at the heart of the region's transport task. For this reason future transport planning must be conducted in partnership with Queensland. The joint New South Wales-Queensland study is doing just this. The study is looking at short-term and long-term plans to deliver improved transport services in the region. This deserves a considered and thorough approach that takes into consideration the views of local residents. That is exactly what is being done through the joint study.

**The Hon. MATTHEW MASON-COX** [3.45 p.m.]: I seek leave to continue my remarks about the inland rail project.

**Leave granted.**

The construction of the inland rail project based on the far western sub-corridor route has been estimated to be in the vicinity of \$3.5 billion and will involve major capital works in regional New South Wales, Victoria and Queensland. Over time the economic benefits of the construction of the proposed inland rail route and maintenance will obviously be significant. It will generate direct employment in regional areas and stimulate regional development through the project's demand for rail products such as sleepers, line, ballast, timber products, sand, cement, steel and site offices. Regional communities will also benefit indirectly through increased demand for locally provided services.

The proposed inland rail route will bring economic benefits and increased competition and choice for freight users by allowing for the diversion of freight that currently moves between regional areas and ports. For example, 27 per cent of grain freight from northern New South Wales could be diverted from Newcastle to Brisbane, thus easing congestion on the Hunter Valley line. Approximately 50 per cent of containerised cotton from the Narrabri area could be diverted from Port Botany to Brisbane. Coal from Ashford, near Inverell, could go on the northern part of the line to Brisbane. About 300,000 to 400,000 tonnes of grain from southern New South Wales could be removed from road transport if the rail link is connected from Narrandera to Tocumwal. About 400,00 tonnes of rice from the Murrumbidgee Irrigation Area could be diverted to Port Botany from Melbourne because of the shortened rail trip. Chilled meat from southern New South Wales could be moved from road transport to rail.

The proposed inland rail project will also generate additional revenue from southern Queensland freight travelling to the western States and from Perth freight travelling to the east coast. These freight diversions all depend on the associated ports being able to handle the extra freight, the shipping patterns, access charges, and the capacity of the rail network linkages to the ports in metropolitan areas. These remain significant challenges, particularly in New South Wales. I note that the Federal Government is making a significant infrastructure investment through the Australian Rail Track Corporation and through AusLink track and signalling upgrades to alleviate some of the problems on the current coastal rail route caused by the New South Wales Government's failure to invest in rail infrastructure.

These investments, along with the proposed inland rail link, are likely to increase the share of freight moved by rail. On some estimates, rail market share is likely to grow to 70 per cent to 80 per cent on the Melbourne to Brisbane route from its current level of only 21 per cent. Similarly, rail freight share may potentially grow to 20 per cent of the Sydney to Melbourne freight market and 25 per cent of the Sydney to Brisbane market. The resulting efficiency gains would be considerable, as would the environmental benefits of a very significant reduction in greenhouse gas emissions. Economic benefits will also flow from the lower transit time of 20.5 hours, down from the current transit time of 35 hours, for the Melbourne to Brisbane route. The inland rail project will also deliver unprecedented rail reliability on this route, as well as freeing up capacity on the existing coastal rail route.

I now address some of the environmental benefits of the project. A key environmental benefit is that the transport of freight by rail is more energy efficient than it is by road. The Australasian Railway Association estimates rail is nine times more energy efficient, with one train being the equivalent to 150 trucks. In addition, freight carried on trains reduces the need for road construction and maintenance. It also reduces motor vehicle traffic congestion in metropolitan areas and on country roads. The resulting improvements in public safety are obvious. Professor Laird from the University of Wollongong stated in his 2001 discussion paper that Sydney's growing rail congestion and the probability that Melbourne-Brisbane freight rail services will not be improved could result in a massive investment in the Newell Highway, allowing the majority of freight to be delivered by road trains. This would require huge investment. Why invest in such costly, and ultimately unnecessary, road upgrades instead of an inland rail project with all of its attendant economic, efficiency, environmental and safety benefits?

One of the best ways to illustrate the potential scale of the benefits likely to flow from the inland rail project is to examine the benefits that flowed from other rail projects of similar scale and scope. One that comes readily to mind is the Alice Springs to Darwin rail line, completed in September 2003 and opened in January 2004. This new rail line, which cost \$1.2 billion, runs for 1,410 kilometres and was built with funding from the Commonwealth, Northern Territory and South Australian governments. Prior to its construction some commentators derided it as a white elephant that would not deliver significant economic benefits to the nation. About 80 per cent of the freight currently carried by this new line is general freight, fuel, agricultural produce, beef and defence materials. Previously this freight was carried by road or sea.

The new line has resulted in reduced costs for the transportation of high-bulk freight from mining and produce. The line has stimulated other freight and economic activity along its route. It has also reduced road maintenance costs and cut 50 per cent from the average freight times for delivery from Adelaide to key Asian markets. Time savings from the new line are up to three days on goods to Singapore. In 2000 this was worth \$A5.9 billion, as Singapore is our sixth largest export market. Other benefits of the new line include 40 million litres of fuel saved annually—we can all imagine the greenhouse gas implications of that. Carbon dioxide emissions have been reduced by 100,000 tonnes annually. The line has the potential to remove 450 tonnes of carbon emissions caused by road transport each day. It also provides an important transport hub linking all mainland capitals for the first time. The port of Darwin has been upgraded, which has resulted in economic development for freight handlers, the Northern Territory and South Australia.

The new line has opened up Asian fresh food markets for produce from the Ord River Scheme such as melons, pumpkins, bananas and mangoes worth \$70 million a year to local communities. Access Economics assessed the economic benefits flowing from the construction of the Alice Springs-Darwin rail line in June 1999, on a conservative basis, as an increase of \$660 million in national gross domestic product. In addition, we can expect an increase of \$360 million in gross state product in South Australia, an increase of \$200 million in gross state product in the Northern Territory, and an increase of at least 7,100 jobs in national employment comprising, in part, an increase of 2,600 jobs in South Australia and an increase of 1,300 jobs in the Northern Territory.

We can expect similar benefits to flow from the construction of the inland rail project. Indeed, we would expect far greater benefits from the fact that the inland rail project will flow through populated areas of New South Wales, Queensland and Victoria. As a result there will be a lot more opportunity for add-ons. The potential stimulus from economic opportunities along the route of the inland rail project is very much different from those from the Alice Springs to Darwin project, which goes through some terribly inhospitable terrain with few development opportunities. As new areas are opened along the rail line opportunities will follow, many of which cannot be predicted. That has been the overseas experience and the experience along the Alice Springs to Darwin railway.

Progress on this important project of national significance essentially comes down to three core elements: vision, leadership and funding support. That is the challenge confronting the Labor governments of New South Wales, Victoria, Queensland and the Commonwealth. Will the new framework of cooperative federalism under Labor rise to the occasion and make this project a reality? Or will we see more vacillation, more committees, and more talk instead of action on this project and other important investment in rail infrastructure in all States? Given Labor's preference at all levels of government for spin over substance, there is serious cause for concern. The New South Wales Labor Government must also move now to fix the existing bottlenecks in the coastal rail line and reverse the appalling lack of investment in New South Wales grain lines. These key investments go hand in hand with the proposed inland rail project if we are to maximise the enormous benefits that will flow from the efficient use of rail in this nation.

In conclusion, I call on Federal and State governments and industry bodies to progress the Melbourne-Brisbane inland rail project following the release of the scoping study and, on conclusion of the study, support the market testing of the project for private sector investment in partnership with government. The inland rail project is a major new microeconomic reform that will significantly improve the efficiency of the Australian economy. It is deserving of support. I commend the motion to the House.

**The Hon. RICK COLLESS** [3.55 p.m.]: I support the Melbourne-Brisbane inland rail project. I was astounded to hear members opposite trying to change the debate to one about passenger rail services to south-east Queensland and the fact that people do not want to catch passenger rail services to Sydney. I was wondering whether the Hon. Tony Catanzariti could tell us precisely where people do want to catch rail services from, and how long it has been since people have been able to catch a train from Griffith to Narrandera, or elsewhere in his part of the world?

The motion is about a Melbourne to Brisbane freight rail route. Presently much of the mineral and agronomic produce from the regional areas of New South Wales travels by rail, and it should continue to do so. The rail network should be expanded so we can have easier and shorter access to ports from the regions where the products are produced. This would result in cheaper freight costs and the productivity of those industries would be greatly enhanced.

I recently spoke with the residents of the village of Blackmans Flat, which is situated on the Castlereagh Highway in the electorate of Bathurst. Hundreds of coal trucks rumble daily past the front doors of Blackmans Flat at 100 kilometres per hour. The closure of the various branch lines and the announcement by Pacific National that it will be pulling out of grain freight—even though it has extended the service for another 12 months—means that the State's crops must travel by road. For people such as the residents of Blackmans Flat that means hundreds of extra trucks carting grain to the ports daily. The residents of Newcastle will have approximately 500 trucks every day of the year transporting the wheat crop to the port. Issues of that sort should be focused on when talking about completing the Melbourne to Brisbane rail link and having proper links to the other ports along the way, such as Newcastle, Sydney and Wollongong. There has also been a lot of debate over many years about providing a rail link to the port of Iluka.

The Hon. Matthew Mason-Cox also spoke of the coal project at Ashford, near Inverell. One of the problems with that particular development is the port the coal should go to. It cannot go through the Hunter because of the Ardglen Tunnel problem and it presently has difficulty getting to Brisbane by rail but completion of the Melbourne to Brisbane link would mean that the coal travelling from Ashford in northern New South Wales would have a very short trip to the Port of Brisbane. I support the motion of the Hon Matthew Mason Cox and I look forward to its receiving the support of all members of the House.

**The Hon. JENNIFER GARDINER** [3.59 p.m.]: I am pleased to support the motion, which relates to the progression of the Melbourne to Brisbane inland rail project to a full scoping study and, on conclusion of the study, market testing of the project for private sector investment in partnership with government. For the benefit

of communities at places such as Parkes and Gilgandra, I draw attention to the contributions of Government members during debate on this motion and in earlier discussions. During this debate some Labor members have suddenly discovered the need to bring transport links between south-east Queensland and the northern rivers of New South Wales into the twenty-first century. It seems that the Australian Labor Party's defeat in the Tweed electorate at the last State election by The Nationals and Mr Geoff Provest has led them to discover Murwillumbah, Byron Bay and Tweed Heads and acknowledge a need to look at the demographics of the area. They have discovered that the population of the Northern Rivers and south-east Queensland is increasing. In fact, it has been increasing since the 1970s. Former Premier of Queensland Mr Beattie left the Carr-Iemma Government in the shade when it came to planning for population growth.

**The Hon. Rick Colless:** He modelled himself on Joh Bjelke-Petersen.

**The Hon. JENNIFER GARDINER:** He did, and he has acknowledged that Joh Bjelke-Petersen did a great deal for Queensland and got things done. Mr Beattie learnt a lot from him about putting infrastructure projects in place. New South Wales not only has languished on infrastructure projects; it has rolled infrastructure back. For example, rather than linking Murwillumbah with the Gold Coast, the New South Wales Government cancelled the passenger service between Casino and Murwillumbah. The elimination of that service was a line item in the budget of Mr Egan, a former Treasurer. In light of the cancellation of the service, the electors in the Tweed and the Northern Rivers gave the Government exactly what it deserved.

**The Hon. Rick Colless:** What did Neville say about that?

**The Hon. JENNIFER GARDINER:** He told people to be patient. They were not.

**The Hon. Lynda Voltz:** Point of order: All comments should be made through the Chair, not debated across the Chamber.

**The Hon. JENNIFER GARDINER:** To the point of order: I have addressed my comments through the Chair.

**DEPUTY-PRESIDENT (The Hon. Kayee Griffin):** Order! I remind all members to be mindful of the standing orders. The member may proceed.

**The Hon. JENNIFER GARDINER:** It is interesting that during debate Labor members have talked about the Northern Rivers and south-east Queensland because they seem unable to distinguish between Melbourne and Murwillumbah. I hope that as a result of debate on this motion the education of Labor members continues to improve. The Government's interest in the need for an integrated transport infrastructure in the Northern Rivers of New South Wales is a welcome development. Unfortunately, it has taken many years for it to come to that point. The test will be whether it is in the budget, which will be brought down in the coming weeks.

I look forward to the restoration of the Casino to Murwillumbah rail service in the budget. I am hopeful that the scales have fallen from the eyes of Labor members and they have got through to the Treasurer. I hope that Mr Egan's protégé will roll back the Labor Party's devastating withdrawal of the rail service and restore it in the 2008-09 State Budget. If he does, I will be very happy and the first to congratulate him. The Melbourne to Brisbane rail project is most important for the inland parts of the State. One of the main advocates for the project, Mr Everaldo Compton, was a participant at the 2020 summit. At the summit Mr Compton raised the inland rail project with former Deputy Prime Minister Tim Fischer, who chaired one of the sessions. Tim Fischer is a well-known advocate for rail services throughout the Commonwealth of Australia. Fruitful discussions were held at the 2020 summit on the issue.

The current Federal Minister for Transport, Mr Albanese, has made an announcement on a scoping study on the Melbourne to Brisbane inland rail project, which his State colleagues neglected to mention. I will mention it. Mr Albanese's announcement on a scoping study was the same, word for word, as a media release made last year by the Leader of the National Party and former Federal Minister for Transport and Regional Development, the Hon. Mark Vaile. Mr Albanese simply read out the same media statement, hoping that no-one would notice. We did. I hope that Mr Albanese takes the project forward, despite the negativity of some State Government members, such as the Treasurer and the Minister for Lands, neither of whom has given any comfort to the advocates of the project. I have asked questions in this place on this issue. The Treasurer has pooh-poohed the idea and the Minister for Lands, whose title has something to do with regional development, has nothing

positive to say about the project in relation to the development of inland New South Wales. Neither the Minister nor the Treasurer is an enthusiast for the project. The Treasurer seems to run New South Wales, so I suppose he has the numbers.

**The Hon. Rick Colless:** He runs it into the ground.

**The Hon. JENNIFER GARDINER:** He does run it into the ground. I do not believe we can expect much in the State budget to assist the Melbourne to Brisbane inland rail project. I will be pleased if it is a special line item in the State budget, as will the Hon. Matthew Mason-Cox, who moved the motion. All Coalition members will be pleased.

**The Hon. Rick Colless:** We will be shocked.

**The Hon. JENNIFER GARDINER:** We will be shocked. We get the message when, during debate on a motion that relates to the Melbourne to Brisbane inland rail project, Government members talk about north-east New South Wales and south-east Queensland. That shows how on track they are! We struggled to figure out which motion they were talking to. It seems they were unable to read the motion in today's notice paper, because it is definitely about the Melbourne to Brisbane inland rail project.

**The Hon. Lynda Voltz:** We support an integrated transport system.

**The Hon. JENNIFER GARDINER:** The Hon. Lynda Voltz has discovered the word "integrated". That was one of the recommendations of the inquiry of General Purpose Standing Committee No. 4 into the Casino to Murwillumbah rail service. The Director General of the Premier's Department appeared before the committee.

*[Interruption]*

**DEPUTY-PRESIDENT (The Hon. Kayee Griffin):** Order! I remind honourable members that interjections are at all times disorderly.

**The Hon. JENNIFER GARDINER:** Hear! Hear! When the head of the Premier's Department and coordinator for regional projects came before General Purpose Standing Committee No. 4 during its inquiry into this important infrastructure project we asked him whether he could produce, on behalf of the Government, integrated transport documents relating to the North Coast of New South Wales. He said, "There is none." I am glad the Hon. Lynda Voltz mentioned an integrated transport strategy. Mark Vaile as the Federal Minister for Transport and John Anderson as the Leader of the National Party brought forward the need for an integrated transport corridor. I am glad that the Iemma Government is starting to catch onto the words "integrated transport strategy". You never know what you might hear in these debates. I hope they keep up the good work; they might get somewhere in the remaining life of this run-down, off-the-rails Government. I thank my colleague for moving the motion, which I have very much pleasure in supporting.

**The Hon. MATTHEW MASON-COX** [4.09 p.m.], in reply: It certainly has been an interesting debate. I particularly thank my colleagues the Hon. Rick Colless, the Hon. Michael Gallacher and the Hon. Jenny Gardiner for their constructive comments and contributions to the motion. They understand the subject matter and the importance of this project not only to this State but also to Australia. It is an important microeconomic reform project that has the potential to deliver significant benefits not only on the economic front but also on the environmental front to the citizens of this State.

Sadly, though, I cannot say the same for the contributions of the Hon. Lynda Voltz and the Hon. Tony Catanzariti. Although they were valiant in setting forth into territory they were obviously not familiar with, I believe they were addressing the wrong motion. I will be kind enough to leave it there. One should consider the location of the Murwillumbah to Casino rail line and its main purpose—passenger transport—and the fact that this Labor Government closed the line, which is indicative of the interest of the State Labor Government in rail infrastructure generally. The reality is that the motion was all about the inland rail project, which runs from Melbourne to Brisbane inland through territory with which the Hon. Tony Catanzariti is very familiar, and with which I understand the Hon. Michael Veitch, from whom we did not hear in this debate, is also very familiar. It was a bit disappointing not to hear from a number of Country Labor members on this important infrastructure project, given the rail line runs right through the heart of wide areas they are supposed to represent.

**The Hon. Duncan Gay:** There are no Country Labor members in this House.

**The Hon. MATTHEW MASON-COX:** It is a bit of an oxymoron. The Hon. Michael Veitch turns around and shakes his head in shame. It is rather disappointing that the Government did not seek to take part in debate on the motion I moved. The Government's lack of involvement reflects its attitude that rail infrastructure is a bit too hard and that it is looking for a lead from the Federal Government. It is good news that Infrastructure Australia has the project within its purview and that the Federal Minister has given his blessing to the scoping study going ahead. As I mentioned earlier, we were very concerned that was not going to be the case.

Although the Commonwealth Government has had its road to Damascus moment, the New South Wales Government seems to be limping along, relieved that the matter has been taken off the desk and that it will not have anything substantive to do until the scoping study is released. At that time we will just see more of the same. That is the sad reality in respect of infrastructure and investment in rail. Indeed, it is the sad reality in respect of investment interest in all sorts of infrastructure, particularly in country New South Wales. I need not go into the CityRail links; I would be here all afternoon if I did. The Government's performance in respect of investment in railway lines in urban and metropolitan parts of the State has been absolutely shambolic.

Suffice it to say, we look forward to seeing the report of the scoping study when it is released. We hope the report will be promoted heavily by the Commonwealth Government and that the New South Wales Government will get on board, see the case for private investment and the case for building this very important piece of infrastructure, and move it along at the rate of knots to ensure that those economic benefits accrue to the people of New South Wales and the nation.

This is a continuation of the failure of the New South Wales Government to plan—we have a plan to fail. We have a State Plan that basically gives the whole concept of the inland rail project short shrift and simply refuses to conduct any analysis of the investment needs of country communities, except in a political sense to promote areas in which the Government believes it has a chance to win a seat at the next election. The State Plan is a sham. Its comments and failure to deal adequately with investment in country New South Wales is testament to that. I commend the motion to the House. The Opposition looks forward to the completion of the scoping study and to the next vital steps on the path to seeing the inland rail project—a very important microeconomic reform—come to fruition.

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

**Motion agreed to.**

### **PEAK OIL RESPONSE PLAN BILL 2008**

**Bill introduced, and read a first time and ordered to be printed on motion by Ms Lee Rhiannon.**

#### **Second Reading**

**Ms LEE RHIANNON** [4.16 p.m.]: I move:

That this bill be now read a second time.

The Greens Peak Oil Response Plan Bill 2008 deals with one of the most challenging issues of our time—oil vulnerability. The term "peak oil" describes the phenomenon whereby global conventional oil production will reach a peak and then start an irreversible decline. The rising price of petrol and other oil products and the decline in these energy supplies will increasingly dominate the work of all levels of government in the coming months and years. We need a plan to respond and manage the peak and decline of oil. The Greens bill provides a way forward.

The Greens peak oil response plan sets up a Peak Oil Taskforce to inquire into and report on the best strategies to mitigate the impact of peak oil on New South Wales; it requires a moratorium on constructing oil-dependent infrastructure, such as motorways, to be in place while the task force undertakes its work; and it requires that once the Peak Oil Taskforce has completed its work the New South Wales Premier will respond to the task force's recommendations by developing a comprehensive action plan across government, with its implementation overseen by a parliamentary committee.

Interest rates, food bills, construction costs and many other aspects of our day-to-day lives will be negatively impacted because of the oil scarcity. The New South Wales Government will be highly irresponsible

if it does not back the peak oil response plan. A number of governments, in Australia and overseas, are preparing for peak oil. A report commissioned by United States President George W. Bush's Department of Energy has detailed the enormity of peak oil. The report states:

The world has never faced a problem like this. Without massive mitigation more than a decade before the fact, the problem will be pervasive and will not be temporary. Previous energy transitions (wood to coal and coal to oil) were gradual and evolutionary; oil peaking will be abrupt and revolutionary.

One of the authors of this report is Robert Hirsch, an energy consultant to the oil industry, who has previously worked for the RAND Corporation, Exxon and the Atomic Energy Commission. This issue could not be more real and could not be more urgent.

Peak oil is about the inevitable decline of oil supplies, and definitely the end of cheap accessible oil. The peak refers to the top of the bell curve. When peak oil is reached, oil will still be available, but what is left is far harder to extract, environmentally far more damaging to retrieve, often of much poorer quality, and often located in areas subject to numerous geopolitical issues.

Oil prices are climbing. In the last seven years the price of oil has risen fourfold. In 2003, the price of West Texas Intermediate crude oil—a widely watched benchmark of crude oil price—averaged about \$US31 per barrel. By 2006, the average was about \$US66 per barrel, and in mid November 2007 the price rose to more than \$US90 per barrel. As of this week, West Texas crude hit more than \$US123 a barrel.

The estimates on when we reach peak oil vary. We may not be able to pinpoint the exact date until after it has happened—this is known as the "rear-view mirror effect". However, there is wide agreement that oil supplies are in decline. The Australian Petroleum Production and Exploration Association reports oil production in this country peaked in 2000, and oil production in the United States' peaked in 1970. Of the top 30 oil producing countries, 15 have reached peak oil, including Iran, Kuwait and Russia. Of those that remain, the reliability of the data supplied is questionable.

The 2007 report of the Senate Rural and Regional Affairs and Transport Committee inquiry into Australia's future oil supply and alternative transport fuels found that Australia's net self-sufficiency in oil is expected to decline significantly as future discoveries are not expected to make up for the growth in demand and the decline in reserves as oil is produced. I recommend members read the report from this inquiry. The committee's work further underlines the need for a peak oil response plan in New South Wales. I take this opportunity to congratulate my colleague Greens Senator Christine Milne on her work in establishing the inquiry and in this most important area. Last month the Federal Minister for Resources and Energy, Martin Ferguson, speaking at the conference of the Australian Petroleum Production and Exploration Association stated:

With only about a decade of known oil resources remaining at today's production rates, Australia is looking down the barrel of a \$25 billion trade deficit in petroleum products by 2015.

Unfortunately, many of the Federal Government's plans involve delaying a responsible response to Australia's oil vulnerability. The Federal infrastructure Minister, Anthony Albanese, has committed to \$17 billion over five years for the national roads network. Matt Mushalik, a former civil engineer and a peak oil adviser, questioned Minister Albanese about this irresponsible policy in the era of peak oil and was given the response, "You won't get people out of their cars." The head-in-the-sand approach from Federal Minister Albanese further underlines the need for New South Wales to take the lead on dealing with oil vulnerability. Mr Mushalik, who has done extensive work on peak oil in Australia and overseas, has warned that we are already far behind in the planning needed to handle peak oil. He stated recently:

Since Australian oil production will be half in just 10 years a smooth transition is absolutely impossible.

Mr Mushalik also noted:

Economic growth itself is dependent on the oil price and the physical availability of oil.

Scientists, economists and energy specialists have been talking about the peak oil phenomenon for more than 40 years. M. King Hubbert presented a paper to a 1956 meeting of the American Petroleum Institute, predicting that overall petroleum production would peak in the United States between the late 1960s and the early 1970s. This prediction came true in 1970, and people have spoken of Hubbert's Peak ever since.

The Greens are ready to work with all parties in the Parliament on this most critical issue. The peak oil response plan provides a means to progress this most important task. As the reality and ramifications of a global peak sinks in, unlikely allies are coming out of the woodwork—peak oil is gaining cross-party, non-partisan support in many countries. In 2005 in the United States the Republicans passed motions calling on America, in collaboration with other international allies, to establish an energy project with the magnitude, creativity and sense of urgency of the man on the moon project to develop a comprehensive plan to address the challenges presented by peak oil.

In New South Wales such a comprehensive plan is set out in the bill. The key vehicle of the plan is the peak oil task force, which will be made up of at least five people appointed by the Premier. The work of the task force will be very specific in assessing the impact of peak oil. This work will be undertaken by analysing the oil-based fuel requirements of the State and the people of New South Wales until 2020. This work will be undertaken for different fuel types and economic sectors. It will determine the effect of peak oil on critical local facilities in New South Wales, including hospitals, schools and emergency services, and the provision of food and water supplies. Determining the impact of peak oil on the New South Wales economy and employment trends will be critical to the work of the task force. It will assess where retraining and redeployment of employees will be needed. Specific attention will be paid to the Australian motor vehicle industry and the mining industry.

Considering the geographic spread of New South Wales and that almost one-third of the population—27 per cent—live in rural and remote areas, the task force will investigate the disproportionate effect of peak oil on disadvantaged, regional and rural communities. In considering how to prepare the people of New South Wales for peak oil, the task force will assess the need for public education, a system of fuel rationing and what new public transport infrastructure will be needed. There is a big shift back to public transport. Last year there were an additional 10 million trips on CityRail. Patronage on the East Hills line rose by 7.5 per cent and patronage on the Illawarra line increased by nearly 4 per cent. This is a significant shift in one year and further highlights the need for the Government to address the oil vulnerability we are already facing.

The task force will pay particular attention to the impact of peak oil on transport and agriculture in New South Wales. Petroleum products comprise 50 per cent of energy end use, and three-quarters is directly consumed by the transport sector in the main in road and air transport. Australia is the third highest per capita consumer of gasoline in the world after the United States and Canada. The Australian Geological Survey Organisation estimates that Australia's self-sufficiency in oil and condensate is expected to decline from 85 per cent in 1999 to 42 per cent in 2010. In the transport sector most of these petroleum products are used by private cars and commercial trucks for inter and intra freight movements.

When it comes to considering public transport options, the work of the task force will be extensive. Expanding public light and heavy rail, bus and ferry services in New South Wales cities and regional areas will play a major part in the response to peak oil. The urgent need for this work was highlighted at a recent conference on the future of Western Sydney. Curtin University Professor Peter Newman warned that unless public transport was considerably expanded, vast areas would be in danger of dying from the outside in. Professor Newman described United States car-dependent cities, where whole suburbs are boarded up and abandoned. People's dreams have gone and it is not the subprime mortgage meltdown; it is peak oil prices.

Professor Newman was one of the authors of "Sustainability and Cities: Overcoming Automobile Dependence", a study that drew up a comprehensive database from 46 cities around the world on oil depletion. The study shows that reducing car dependence, promoting electric transport and reducing urban sprawl are critical factors if cities are to become more sustainable. This study found that private transport energy use per capita is inversely proportional to city population density by factors of up to six-to-one.

Brian Fleay, an associate of Murdoch University's Institute for Sustainability and Technology Policy, and author of "The Decline of the Age of Oil", argues that the challenges for Australia's farmers will be greater than for city-based private car users when peak oil kicks in. The agriculture industry—through the use of machinery, fertilizers and pesticides—is highly dependent on the petroleum industry. This will be assessed by the task force with regard to food affordability and availability, and the impact of alternative fuels on agricultural practices.

While the introduction of nitrogen and phosphorus fertilisers prevented the collapse of cereal cropping in this country last century, this farming practice now has a limited life because of looming petroleum shortages. At every stage oil products are involved in fertiliser production. Diesel power plays a critical part in mining the



phosphorus minerals and sulphur needed to manufacture and distribute the superphosphate on farms. Nitrogen fertilisers, in widespread use in Australia since the 1960s, are even more dependent on oil products. Nitrogen fertilisers, such as urea which is made from natural gas, have become extensively used to maintain yields and farm produce quality from Australia's poor soils. Their manufacture is eight to 10 times more energy intensive than phosphate fertilizers.

Mr Fleay has described this form of agriculture—mechanised agribusiness—as a way of converting petroleum into food. Using these intensive fertilising methods, Mr Fleay has pointed out that Australia has been successful in feeding 60 million to 80 million people in the world. This past success means that today Australian farmers face a greater challenge than farmers anywhere else in the world in adapting industrial agriculture to the era of peak oil. Clearly, dealing with peak oil is a complex issue that will require the Government to work closely with communities across the State. To facilitate the bill this will require the task force to hold public meetings, and enable the public and non-government organisations to make submissions.

The Australian Association for the Study of Peak Oil and Gas, and EcoTransit are two organisations that have been consistent voices warning of the implications of peak oil and putting forward well-researched and argued solutions. The Association for the Study of Peak Oil and EcoTransit could make an invaluable contribution to the work of this task force. The Association for the Study of Peak Oil has called for planning to be undertaken now to deal with petrol droughts and oil crises just as we do for cyclones and bushfires. The Peak Oil Taskforce will be established by the Premier and will commence operations within one month after the commencement of this Act.

There is no solution to peak oil. Our responsibility is to mitigate against its catastrophic effects. We must accept that science, technology or fairy godmothers will not be able to summon an alternative out of thin air. However, as there are ongoing attempts to promote a business as usual approach arguing that substitutes for petroleum products are available, I will outline why these assertions are misleading. Energy from alternative fossil fuels such as tar sand oil, liquid coal and first-generation biofuels have unacceptable environmental consequences and biofuels will contribute to food shortages and famine in many low-income countries.

The energy-intensive conversion of tar sand generates two to four times the amount of greenhouse gases per barrel of final product as the production of conventional oil. Oil from shale is an even bleaker prospect. It has one-tenth the energy of crude oil. Converting shale to oil requires a huge amount of energy—possibly as much as 1,200 megawatts of generating capacity to produce 100,000 barrels per day. Coal can be converted to diesel fuel via an incredibly expensive and water-intensive process that would eventually produce about double the carbon dioxide emissions of conventional diesel. The only example of coal gasification and liquefaction being done on a large scale is from Nazi Germany, where significant amounts of slave labour were used.

Some oil companies are vigorously pursuing these alternatives—with support from the New South Wales Government in some cases—in the hope they will allow us to blithely continue our consumerist, expand-at-all-costs, growth-is-good lifestyles. Biofuels offer no immediate solution when dealing with oil vulnerability. The United Nation's Food and Agricultural Organisation argues in a paper released last month that biofuels negatively affect those in poorer countries as these crops compete directly with food crops for farmland, water and investment money. Food prices increase as a result and, the paper says, biofuels "put at risk access to food by the poorest sectors." Fertilisers used to grow biofuel crops release more greenhouse gases than the fuel produced would save.

Biofuels are now popular with politicians and corporations keen to present themselves as serious about the energy crisis. For many biofuel backers the real interest is in the bottom line. Worldwide investment in biofuels rose from \$5 billion in 1995 to \$38 billion in 2005 and it is expected to top \$100 billion by 2010 with the likes of BP, Ford, Shell and Richard Branson eyeing off the profits to be made. The biofuel industry is directly linked to rainforests being cut down to make way for crops and peat bogs being drained—both valuable as carbon sinks that absorb carbon dioxide from the atmosphere. It has been estimated in the United States of America that if even half of the country's automotive fuel came from corn-based ethanol, 80 per cent of the country's cropland would have to be given over to biofuel crops. The argument pushed in some quarters that the Australian biofuel industry does not encounter the same problems as overseas is misleading. Agricultural land in Australia plays a critical role in food export crops. We cannot afford to lose any of this land to biofuel crops, and the spin-off of greenhouse gas emissions from fertiliser-intensive biofuel crops cannot be ignored.

A recent CSIRO report on biofuels in Australia warns that a large-scale biofuels industry could force the import of wheat in drought years, attracting significant biosecurity risks. The report states that if the ethanol

industry does expand this will see increased competition with grains for food and with feed grain for the livestock industry. Land, water and labour in regional Australia will also come under competition pressure if the ethanol industry expands. Many of the other plants being touted as rich sources of biodiesel—often because of their hardiness and ability to grow on marginal land—are classified as invasive weeds, and the Invasive Species Council of Australia has strongly recommended against their importation.

A wide-ranging debate is occurring about the role of biofuels in meeting the oil crisis. What we need to build into this dialogue is the agreements that we do not make policy decisions on the possible eventual development of biofuels that cater for private vehicle use. We have the fancy name biofuels, but until we have a fuel that does not increase greenhouse gas emissions, does not compete with food production, and does not damage biodiversity we must ensure public policy is addressing how our economy, agriculture, transport and all activities change to meet the inevitable reduction in liquid fuels. We cannot allow public policy to work on the assumption that enviro-friendly biofuels allow a business as usual position on private vehicle transport.

The Greens are also unequivocal on another purported alternative to oil—nuclear energy. Nuclear energy is unsafe and expensive, produces dangerous radioactive waste, requires fossil fuel input at all lifecycle stages, will provide no discernable reduction in greenhouse gases once the high-grade uranium is exhausted and contributes to the proliferation of deadly weapons. There is a role for electric vehicles but this form of transport will not replace petrol-powered cars and trucks. Considering that most of our electricity comes from coal-fired power stations, the resulting greenhouse gas emissions from electric cars minimise any advantage that could be gained from these non-petrol driven vehicles. We believe that a clean energy future will include a number of different complementary technologies such as wind, solar, wave and tidal, biomass from waste products, and small-scale hydro projects.

Energy efficiency measures have an enormous role to play in managing oil vulnerability, one that is frequently glossed over in the rush to find a substitute fuel. As numerous studies have shown, this has the added benefit of generous cost savings for relatively simple actions. The Federal Government's 2004 energy white paper reported that many Australian businesses and households could save 10 per cent to 30 per cent of their energy costs without reducing productivity or comfort levels. These reductions could save \$5 billion to \$15 billion, while at the same time drastically reduce carbon dioxide emissions.

Peak oil will change our way of living, and affect the very structure of society. On a global scale peak oil risks massive social dislocation, global insecurity and conflict. It also risks a major heightening of existing social inequities—and this is a key issue the bill asks the task force to explore. As oil prices continue to climb, those who can afford to will continue to live as they have. Those who cannot afford to will suffer disproportionately. Unemployment will increase, and financial markets will be thrown into turmoil. Vulnerable and marginalised populations are likely to grow if we do not have a peak oil response plan. The pressure will increase on essential community services. How to develop an equitable scheme is a complex matter, particularly for people living in rural and regional communities where public transport is not an option. We will have to prioritise the use of remaining oil stocks in a way that avoids mirroring the current distribution of resources—that is, those at the top get the cream, and the rest get what is left.

The task force will assess the effect of peak oil on disadvantaged, regional and rural communities, and work on a risk management strategy to deal with the short-, medium- and long-term impacts of peak oil. This work will be undertaken with local governments, businesses, unions and community groups. By drawing up a list of priority uses of petroleum and other oil-based fuels the task force will be able to recommend to the New South Wales Government ways to ensure that dwindling oil supplies are used responsibly and for the benefit of all. Author James Howard Kunstler points out that suburbia was made possible by our exploitation of cheap oil, and the end of cheap oil will also be its undoing. He notes that only the very wealthy will be able to drive an hour each way to work.

A number of jurisdictions are preparing for peak oil. They include Spokane, San Francisco and Portland in the United States, Kinsale in Ireland, and Totnes in the United Kingdom. In Australia, Maribyrnong City Council, covering the inner suburban area west of the centre of Melbourne, is probably Australia's most peak oil aware council. Last month the council unanimously endorsed a peak oil policy and action plan. In 2005 Queensland established the Queensland Oil Vulnerability Taskforce with the aim of commissioning a report tabled in 2007 entitled "Queensland's Vulnerability to Rising Oil Prices". Queensland led the world when it took this action. Importantly, the Queensland taskforce report identified that there was no single government entity responsible for the development of policy for long-term liquid fuel security. In Queensland this has fallen between the cracks of at least nine different ministries and departments.

In August 2006 Brisbane City Council followed suit and established a taskforce that was asked to prepare and respond to climate change, increasing energy use, rising petrol prices and peak oil. These issues are inextricably intertwined, and examining the interconnection is a key focus of the New South Wales taskforce to be established by the Greens bill. The Brisbane City Council Taskforce emphasised the valuable economic opportunities available to those who act decisively in confronting these challenges, for example through developing sustainable industries.

In New South Wales the Greens propose a moratorium on large oil-based infrastructure to be adopted for the period of the work of the taskforce. We put this forward because of the Queensland experience. Although the work of the Queensland Government and the Brisbane City Council has been groundbreaking, the impact has been limited because of ongoing motorway construction projects, which dominate that State's transport plan. Clause 11, if adopted, will put on hold work on such infrastructure—including freeways, tollways, road widenings, bypasses, road lane duplications, multi-level car parks and the like, unless the infrastructure is needed to address a previously identified dangerous road or black spot.

Locking ourselves into petroleum-dependent projects will prove to be a very costly albatross. We must drastically change planning priorities, both of transport planning and road design. The planning is currently done almost entirely without consideration of our dependence on rapidly dwindling supplies of oil. This amendment is critical to the success of the work of the taskforce. Without a moratorium we stand to undermine the very purpose of the Peak Oil Response Plan. This Parliament must recognise its responsibility to prepare New South Wales for oil shortages, and that means we need to start safeguarding our petroleum products while awaiting the findings of the taskforce. To follow through on the work of the taskforce the Greens also propose that the Premier prepare a response to the taskforce's report. This proposal is set out in another Greens amendment, which sets out the need for a coordinated, whole-of-government action plan to mitigate the negative impacts of peak oil on the State and people of New South Wales.

This response must include a specific and coordinated action plan that includes mandatory requirements for each department to set targets for the reduction of fuel use, what measures are needed to meet those targets, and how those measures will be funded. The amendments also provide for a committee of the Legislative Council to be charged with "updating any relevant data, research, reports or other information collected or referred to by the taskforce relating to peak oil, overseeing the implementation of the response plan by each department of the public service, and monitoring the reduction of fuel use by those departments".

The peak oil phenomenon is so serious and so urgent that the response outlined in this bill needs to be ongoing and substantial. That is why there needs to be official oversight, and continual updating. The Peak Oil Response Plan needs teeth, and these amendments provide the means to achieve that. This matter is urgent. We do not have another decade to waste. Ecotransit member Gavin Gatenby, who spoke at a rally to stop the Iron Cove Bridge upgrade, stated, "The decade of peak oil denial has cost Sydney and New South Wales dearly."

The bill is the first legislative response in New South Wales to peak oil. If adopted, it will help stem the costs that Mr Gatenby has identified. It deserves the support of all members of this House. There is no room for institutionalised denial on peak oil. Right now Federal and State governments are exporting this country's last oil and gas. This is irresponsible. The Greens Peak Oil Response Plan Bill, if adopted, will allow New South Wales to give a lead to the rest of the country on this most critical issue.

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

### **STATE EMERGENCY SERVICES**

**The Hon. KAYEE GRIFFIN** [4.46 p.m.]: I move:

1. That this House notes the valuable service by the State Emergency Services to the people of New South Wales when natural disasters and other emergencies occur.
2. That this House acknowledges the hard work and commitment of the many volunteers who dedicate so much of their time to the State Emergency Service, in particular during the recent storms in the Hunter, Central Coast and other areas in New South Wales.
3. That this House congratulates the Premier and Minister for Emergency Services on the 23.8 per cent increase in the 2007-08 State Emergency Services budget.

I pay tribute to the dedicated and hardworking volunteers who make up the State Emergency Service around New South Wales. As a community we are fortunate indeed to be able to rely on this force of volunteers to turn out, around the clock in the most dreadful conditions, to help protect us in times of natural disasters and other emergencies. The State Emergency Service motto is "The worst in nature, the best in us", and we have seen both over what has been one of the busiest years on record for the volunteers, who have put in a herculean effort to protect the community from the ravages of storms, floods and other emergencies.

The State Emergency Service has been in constant statewide operational response mode since the June long weekend last year when severe weather struck many areas of New South Wales. Damaging weather patterns have created an onerous workload for emergency services in a forewarning of what the future holds as we experience the increasing effects of climate change. The year 2007 started with severe storms in many areas but the largest test for the State Emergency Service and our other emergency services came in June with severe storms and widespread flooding in the Hunter Valley and on the Central Coast. This was a natural disaster of enormous magnitude, causing damage and hardship for many thousands of residents and businesspeople throughout these communities. Tragically, nine people lost their lives.

The State Emergency Service received almost 20,000 requests for assistance in an operation lasting more than three weeks, making this the second largest response operation in the history of the service after the 1999 Sydney hailstorm. The event resulted in about 90,000 insurance claims for damage totalling more than \$1.4 billion, making it one of the most costly disasters in New South Wales' history. This makes the event three times larger in terms of insurance losses than Cyclone Larry in Queensland, which sparked 27,000 claims totalling \$520 million. In the end, this event could prove to be the fourth largest loss suffered by the insurance industry in this country, behind only the Sydney hailstorm of 1999, the Newcastle earthquake and Cyclone Tracey.

The Premier quickly declared a natural disaster on 8 June to ensure that necessary assistance was provided to residents, business owners and councils whose properties were damaged in the flooding and storms. In particular, the declaration ensures councils will be reimbursed for the cost of repairing public infrastructure, including local roads and bridges damaged by fast-flowing floodwaters and debris. A recovery committee was also established to guide the longer-term process of helping the community get back on its feet and return to some normalcy after the immediate response phase. One-stop shops were opened in Newcastle, Singleton, Wyong and Cessnock so people could more easily access a range of government and non-government services such as EnergyAustralia, Telstra, Centrelink, the Department of Community Services, New South Wales Health, Home Care, councils, the Insurance Council of Australia, and welfare support agencies.

What this emergency really showed—yet again—was the inestimable value of emergency services to our community in times of natural disaster, and the skill, commitment and cooperation of their members, whether paid staff or volunteers. The calamitous weather, which stretched as far south as the Illawarra, presented a major test for our emergency services. It was obvious that they rose to the challenge, working non-stop to provide people suffering damage and hardship with the support and protection they needed. More than 6,000 members of the emergency services—the State Emergency Service, New South Wales Fire Brigades, the Rural Fire Service and the Volunteer Rescue Association—turned out with the other essential services, local government and community agencies to help, often at risk to their own safety, and gave their time unstintingly. It is all the more impressive that our volunteers do this for no other reward than the thanks of those they help along the way.

As well as volunteers from local units throughout the Hunter Valley and Central Coast, State Emergency Service volunteers travelled from regions as far afield as North Sydney, the Central West, Clarence Nambucca, the Far West, Namoi, the North West, Lachlan, Murray, Macquarie, Richmond Tweed, Southern Highlands, Murrumbidgee, Oxley, Illawarra South Coast, and western and southern Sydney to assist people in need. More than 400 members of the Victorian, Queensland, South Australian and Australian Capital Territory State Emergency Services travelled to assist with the operation in the largest interstate support operation in this State since the Sydney hailstorm. This cross-border cooperation in times of adversity remains one of the great strengths of this nation's emergency services.

It would be remiss of me not to thank the employers and families of all our volunteers and workers. Thousands of employers contributed to this operation by releasing their staff members who are volunteers, some for more than a week. Without this ongoing and invaluable support, our volunteers would not be able to fulfil their commitment to assist and protect the community in times of trouble. One of the lessons learnt from this emergency is the importance of building well-resourced and resilient communities that are prepared for and know how to respond to these kinds of natural disasters.

Given its long history of severe flooding, the community of Maitland and the surrounding district is particularly aware of the need to be vigilant and prepared. In fact, the New South Wales State Emergency Service was established after the tragic 1955 Maitland floods, in which 14 people died, 15,000 people were evacuated and 5,000 homes and public landmarks disappeared under the murky brown floodwaters. In recent years the Hunter State Emergency Service has devoted a great deal of energy to educating the community about flood safety and how they can best prepare and protect themselves and their properties. A series of Maitland and Singleton FloodSafe guides have been produced to provide specific information on local flooding conditions and helpful flood safety advice. In fact, the Hunter-Central Rivers Catchment Management Authority and the State Emergency Service were highly commended in last year's Safer Communities Awards for their Community Flood Education Strategy for Maitland and the Hunter Valley to raise awareness of how people can prepare for and respond to a flood, in order to help reduce loss and damage.

The value of all this education was seen in the sensible and responsible response by residents to State Emergency Service evacuation warnings at Maitland. The community was ready and cooperated with authorities, and the emergency evacuation centres needed to house only 90 people overnight, with the majority of people making alternative plans. This attitude was reflected downstream at Raymond Terrace and Hexham, where people were ready to leave should the floodwaters have reached their peak, and at towns such as Hinton, Weston and Cessnock, where residents coped stoically with inundation and isolation. Special commemorative State medallions have been struck to thank all those who took part in the response, and I am aware that these are being presented to individuals from the emergency services, essential services and other agencies that contributed.

The Hunter and Central Coast emergency presented a major challenge but the work did not stop there. Since that operation, which placed such a heavy demand on personnel and resources, the State Emergency Service has mounted 17 separate operations in response to major storms and another 22 individual flood operations around the State. Thousands of State Emergency Service members have responded to this almost constant string of emergencies. The depth of their commitment to the service and the community is seen in the fact that so far this financial year members of the State Emergency Service have dedicated more than 250,000 hours. As at 18 March this year 251,340 hours have been committed to emergency operations and other duties. That is an amazing effort—and all the more so when we remember that these people are volunteers who are giving up time at work and with their families and friends to go to the aid of people in need.

The emergencies since that disastrous June long weekend have included a string of storms with heavy rains and gusting winds, starting in July, that have caused damage in many areas, including Sydney, the Illawarra, the Hunter, the Central West, and along the coast north of Sydney; a severe hailstorm in Lismore and a tornado in the nearby village of Dunoon in October; continuing flooding on the Paroo and Warrego rivers and in Inverell in December; the devastating 9 December hailstorm in Blacktown, and continuing rain and storm activity; damaging storms and widespread flooding across the Riverina and Central West, including at Coonamble, Condobolin, Griffith, Deniliquin and Peak Hill in the week before and after Christmas; the extensive North Coast storms and floods from the border south to the Clarence-Nambucca region in early January; and severe thunderstorms in many areas, with flooding in Thora and on the Georges, Hunter and Macleay rivers.

This statewide weather-related workload has been on top of the other essential services State Emergency Service members have provided throughout the year, including rescue services at 350 road crashes, initial medical assistance on 150 occasions as part of the Community First Responder Program in remote villages; supporting the response to equine influenza; and assisting in police searches, including the search for two boys feared drowned in a swollen creek in western Sydney. The hailstorm that struck Blacktown and surrounding areas of Western Sydney on 9 December had a terrible impact on the community and imposed another heavy and continuing workload on emergency services. I understand the Insurance Council of Australia has reported that more than 62,000 claims have been lodged for damage to buildings and vehicles, totalling more than \$400 million.

The State Emergency Service and our other emergency services, including the Rural Fire Service and New South Wales Fire Brigades, again responded rapidly to help people whose homes were damaged by pelting hailstones. Again, crews travelled from far afield to assist their colleagues in local units and give them a well-earned break, especially throughout December and January when continuing rain and storms created additional work for the emergency services as they turned out again and again to re-secure tarpaulins to help keep homes waterproof. This event was also declared a natural disaster, to trigger the necessary assistance to people and set up a recovery committee to steer the immediate clean-up operation.

The Premier appointed the Western Sydney Recovery Taskforce to lead the next phase of the recovery operation, working with the insurance industry to coordinate the supply of building materials, builders and tradespeople, to set priorities for repair, and to provide information to the community. Experienced civil engineer and infrastructure expert Bob Leece, who coordinated the recovery after the 1999 hailstorm, has returned to ensure that every available resource is channelled into helping repair homes as quickly as possible. I understand that the latest advice from the Insurance Council of Australia is that more than 80 per cent of roofs have now been repaired, so life is gradually returning to normal for many of the families who had been enduring life beneath tarpaulins stretched over their homes.

What we have seen so clearly throughout all these major operations is the mettle of the volunteers from the State Emergency Service. They have worked efficiently, tirelessly and professionally. They are cheerful and good spirited as they go about their work in rain, wind, or hot or cold weather, regardless of whether it is day or night. I am sure all members will join me in expressing admiration and thanks to the volunteers for their outstanding effort over the past year. I also thank the families and employers of State Emergency Service volunteers for their support.

The Iemma Government has a proud record of supporting our emergency volunteers with record funding to ensure they receive the training, equipment and resources they need for their vital work. Over 13 years the Government has provided the State Emergency Service with unprecedented levels of funding, totalling more than \$365 million. Funding has increased from a paltry \$14.4 million under the previous Coalition Government in 1994-95 to this year's record budget of \$51.5 million. That is an increase of more than \$37 million, or 265 per cent, over our term of office, compared with the neglectful efforts of those opposite when they were last in Government.

One of the highlights of this record investment has been the establishment of the State Emergency Service's new 24-hour call centre at the Wollongong State headquarters to support the volunteers answering calls for help and deploy State Emergency Service road crash rescue units to emergencies. Significantly for our rural and regional centres, this funding has led also to an increase in staff numbers from three to five in each of the 17 State Emergency Service region headquarters.

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

### **SPECIAL ADJOURNMENT**

#### **Motion by the Hon. Tony Kelly agreed to:**

That this House at its rising today do adjourn until Tuesday 13 May 2008 at 2.30 p.m.

### **ADJOURNMENT**

**The Hon. TONY KELLY** (Minister for Lands, Minister for Rural Affairs, Minister for Regional Development, and Vice-President of the Executive Council) [5.02 p.m.]: I move:

That this House do now adjourn.

### **YASMAR ESTATE**

**Ms SYLVIA HALE** [5.02 p.m.]: Recently I again visited the Yasmar Estate, a 2.34 hectare site on Parramatta Road at Haberfield that includes the historic Yasmar House, built in 1858. I am sorry to say the State Government has continued to allow the heritage-listed buildings and grounds to deteriorate and there is no sign that any restoration work will commence in the near future. My visit was not to look just at the heritage buildings, but also at what has been proposed for part of the site in a development application lodged with Ashfield council by the Co.As.It organisation. Co.As.It was granted a lease for this public land in the lead-up to the 2007 State election and is now seeking to build and operate a private school on the site. There are a range of significant planning issues relating to the development application, including the proposed removal of a row of trees more than 100 years old, the overlooking of neighbouring houses, the impact on heritage buildings and gardens, access, traffic and so on. Tonight I shall concentrate on the lease itself and why a Labor Government has handed a former public school site over to a private school. That private school will be competing with a neighbouring public school, itself desperately in need of space and denied use of the Yasmar site, despite repeated requests from the public school's parent community.

Yasmar provides an illuminating example of the way this Government's attitude to public education has changed. I note that when I raised this matter in question time today the Treasurer in his usual obnoxious fashion yelled at me to "go back to the 1950s", clearly indicating that he at least does not support public education and no doubt would like to privatise the education system in the same way he wants to privatise every other State asset that is not nailed down. Yet a letter obtained by the Greens through freedom of information legislation shows that a mere four years ago the then Deputy Premier and Minister for Education and Training, Andrew Refshauge, declined to be so accommodating towards this private school. In a letter dated 11 February 2004 to John Murphy, the Federal member for Lowe, in response to representations made on behalf of Co.As.It for government assistance in finding accommodation, the then Minister for Education said:

I understand that from the information provided by the school, it appears that it will operate in direct competition with government schools. Given these circumstances, I regret to advise that I cannot provide direct assistance in securing alternative accommodation for the Italian Bilingual School.

The then Minister was absolutely correct. The Italian Bilingual School will compete directly with the local public school, which also offers an excellent Italian community language program. In fact the two schools will be side by side and share a common fence. I understand the Co.As.It school currently has around 40 students but its development application shows it intends to expand to around 250 students. Clearly it will be competing directly with Haberfield Public School for both students and resources.

So what has changed since 2004? Well, two things are obvious. First, the suburb of Haberfield was moved from the seat of Drummoyne to the seat of Balmain prior to the 2007 election. Balmain is one of the Government's most marginal seats and one it was very worried about losing at the 2007 election. This deal with Co.As.It was clearly a politically motivated deal to attract the votes of members of the Italian community in Haberfield prior to the election. Second, this Labor Government has lost any commitment it ever had to public education and it now promotes private education at the expense of public education.

I would like to conclude by commenting on Minister Kelly's disgraceful accusation during question time today that the Greens' questioning of this public land being handed over to a private school is in some way a "dog whistle" campaign aimed at the Italian community. The question the Minister for Lands has to answer is: If the Greens are playing dog-whistle politics by questioning this lease, was the then Deputy Premier also playing dog whistle politics when he wrote his letter in 2004? The fact that an Italian school is proposed for this site is entirely irrelevant. The issue is that a non-government school is being given public land next to a public school in order to compete with that public school for students and resources. The Greens' position would be exactly the same if this were an Anglican, a Steiner, a grammar or a Callithumpian school. That is because the Greens have a commitment to a first-class public education system whereas Labor has abandoned its commitment to public education.

#### **LOCAL GOVERNMENT WOMEN'S ASSOCIATION OF NEW SOUTH WALES**

**The Hon. HELEN WESTWOOD** [5.07 p.m.]: The New South Wales Branch of the Australian Local Government Women's Association, or ALGWA as it is known, held its fifty-fifth annual conference a few weeks ago at Brighton-Le-Sands and was hosted by Rockdale council. I attended the conference and had the opportunity to present as part of a panel discussion on "Does being a woman in Government have its advantages?"

ALGWA was primarily established as a support network for women in local government. Since its inception in 1951, the membership base has broadened over the years to include local government employees and other people who are interested or involved in council. The ALGWA is a not-for-profit organisation whose activities are coordinated by a voluntary committee. I wish to congratulate the following women who have been elected to the executive: President, Christine Jeffreys, from Shellharbour council; Secretary, Karen McKeown, Penrith; City Vice-President, Fadwa Kebbe, Canterbury; Country Vice-President, Fiona Rossiter, Orange; and Treasurer, Jennifer Lecky, Muswellbrook. Congratulations also to the executive committee: Darriea Turley, formerly from Broken Hill council; Julie Griffiths, from the United Services Union; Joyce Wheatley, Kiama; Jackie Greenow and Bev Spearpoint, Penrith; Norma Thomas, Richmond River; Gwen Griffith, Gunnedah; Barbra Newton, Parkes; Denise Wilton, Mosman; and Susan Page, from Penrith, who is the immediate past president. As members can see, the executive is representative of women in local government right across New South Wales.

While women make up just over half the population, in New South Wales they are significantly under-represented as councillors and senior managers in local government. Currently in New South Wales only

26 per cent of councillors, 11 per cent of mayors and approximately 14 per cent of senior managers are women. Just 5 per cent of general managers are women. These statistics are hardly representative of our communities, and I would like to recognise ALGWA for the tireless work it does to lift these statistics and for its valued support for women in local government. I only hope that in the upcoming September elections in New South Wales we reflect the success of women in the Queensland local government elections held in March this year.

I would like to inform the House of the Queensland statistics. Of the 480 available councillor positions, female candidates had a higher success rate than their male counterparts, representing 31 per cent of nominations but being elected in 35.4 per cent of the seats. This compares with 70 per cent male councillors and 30 per cent female councillors in 2004. This outcome shows that a record proportion of females were elected as councillors in Queensland in 2008. In the election of mayors, 15 per cent were women.

In New South Wales the Government is proactive on this issue. I am pleased that the Minister for Local Government, the Hon. Paul Lynch, has put in place a number of initiatives to increase representation of women in local government both as elected representatives and senior managers. The Department of Local Government convened two working groups in February this year, one for elected women and one for senior managers. These groups prioritised strategies on how to increase female representation at all levels of local government. A delegation from the working parties then presented the strategies to Minister Lynch and the Minister for Women, Verity Firth.

In other outstanding initiatives for women, Minister Lynch and Minister Firth have jointly established a Ministerial Advisory Council on Women in Local Government. They also recognised government women with an awards program as part of International Women's Day. These awards recognise the outstanding contribution made by women in local government in New South Wales to and for the local government sector. Minister Lynch, Minister Firth and their departments should be applauded, as these are some of the most positive programs implemented for women in local government that I can remember in all the years I have been associated with council.

On 11 March the Ministers announced the winners of these categories at a luncheon held here at Parliament House. The winners were: Candy Nay from Marrickville—staff member of an urban council; Vas Roberts from Narromine—staff member of a rural council; Joyce Wheatley from Kiama—elected representative of an urban council; and Denise Osborne from Greater Hume—an elected representative of a rural council. Great things are happening in our local communities, and hard-working women, who are the silent achievers, are doing a lot. I see the initiatives of Minister Lynch and Minister Firth as a positive way to encourage more women to take on leadership roles in local government and to increase public awareness of the valuable contribution of women to local government in New South Wales.

#### **THE HONOURABLE DUNCAN GAY RESPONSE TO NOTICE OF MOTION**

**The Hon. DUNCAN GAY** (Deputy Leader of the Opposition) [5.12 p.m.]: I take the unusual action to speak tonight about motion of which notice was given in this House this morning. This was a grubby work of fiction that Labor members attempted to use in the lower House today to demean me and other people. Every time Labor members mention Roger Fletcher, who is one of the most respected people in regional New South Wales, it only helps my reputation. Any of the country members from the Labor Party who are in this place know the widespread respect for Roger Fletcher within regional New South Wales—to the extent that he was invited to the 2020 Summit in Canberra. Roger is a friend of many people in the Labor Party, a donor to all parties, and a supporter of candidates who he feels are doing the right thing. He has never done anything in his personal interest; he only ever does things in the interests of the community and business.

The notice of motion states first that I am the duty member of the Legislative Council for Dubbo. That is correct. Secondly, it states that between 2003 and 2007 Roger Fletcher donated \$30,400 to the National Party and National Party candidates. I would not have a clue about that. He may well have. If that claim is as inaccurate as the rest of the motion, it is probably wrong. Thirdly, the motion states that I used question time on two occasions to ask questions about matters relating to Mr Fletcher's business interests. That is wrong: I have never asked a question relating to Mr Fletcher's business interests. On 10 November 2005 I asked a question of the Minister for Primary Industries criticising Government policy. I said:

My question without notice is directed to the Minister for Primary Industries. Will the Minister explain why Fletcher's abattoir in Dubbo learned about the new ovine Johne's disease transaction-based contribution scheme for which it is the collection agent for this Government only after reading it in the *Land* newspaper? Why did the Department of Primary Industries not contact Fletcher with this information in the first place? How many other businesses are in the same position? Does the Minister believe that this is good enough, and what will he do to address this problem in the future? Will the Minister apologise to Mr Fletcher for his continued incompetence?



That was an industry-based question asked by the shadow Minister for Primary Industries at the time—that is, me. Mr Fletcher is a member of Australian Wool Innovations and a member of the Meat Industry Council. This was a question on behalf of the industry. I have never asked a question on behalf of Mr Fletcher's business. The notice of motion also said that I directed a question to the Minister for Roads criticising Roads and Traffic Authority prosecutions of overloaded grain trucks. This included trucks owned by Mr Fletcher. To that extent the *Daily Telegraph*, which wrote the stuff for the Labor Party through Nathan Rees—who is not the most observant man in the world—got it wrong when it reported:

Last year Mr Gay asked Roads Minister Eric Roozendaal in Parliament why the RTA had prosecuted Fletchers for overloading its trucks.

What did I actually ask? My question was:

I direct my question without notice to the Minister for Roads. Is the Minister aware that the Roads and Traffic Authority has searched through Graincorp records dating back to November 2005 and has just issued court attendance notices to several drivers for overloading breaches? Why is the Minister pursuing these breaches more than 18 months on? Is this merely a revenue-raising venture for the Roads and Traffic Authority? Is the Minister aware that this has caused great angst among some drought-stricken farmers, many of whom are bordering on depression because of this drought?

Can anyone in this House see where Mr Fletcher was mentioned anywhere? Labor members have tried to slight good people by suggesting a connection. The Hon. Amanda Fazio went on in the notice of motion to refer to a sawmilling company called Ramiens Timber. The question I asked on Ramiens Timber was:

My question is directed to the Minister for Primary Industries. Did the Minister threaten to cancel a meeting with the Dubbo cypress pine industry last Friday if the Opposition spokesman [turned up]?

That is hardly a situation in which I am going to collect money. It is a joke. [*Time expired.*]

#### **DHARRIWAA ELDERS GROUP**

**Ms LEE RHIANNON** [5.17 p.m.]: I recently visited Walgett as guest of the Dharriwaa Elders Group. I thank the elders and Wendy Spencer, the group's project manager, for their hospitality. I appreciated the opportunity to spend the day with a number of the elders, who shared with me their vision for their land and people. Tim Creighton, one of my tour guides, was from the Gamilaraay land. Tim worked in shearing sheds when he was young and later managed Kirinari Hostel. Tim's passion is education. Lewis Beale, also from the Gamilaraay land, grew up in the Namoi Reserve and worked on Walma Station for 29 years as a houseboy, roustabout and then cook.

George Roase, OAM, whom I also had the pleasure to meet, was from the Uywaalaraay land. George was a roustabout, horsebreaker and cane cutter before joining the army in 1946. George founded the Dharriwaa Elders Group. George celebrated this year's Anzac Day with 400 miners at the war memorial constructed on the opal fields outside Walgett. He made that choice as he does not feel welcome at the Walgett RSL. That miner's war memorial could well be unique in Australia: it bears a plaque that reads, "Dedicated to all Australian Aborigines who served their country in time of war 1914." I congratulate all those responsible for that moving war memorial.

Over the day I was able to discuss a range of issues including justice, policing and education. The health of local Aboriginal people was a top concern. That is understandable as there are no paediatricians, obstetricians, or postnatal services. The elders are keen to have fluoride in their water supply. Virginia Robinson told me most passionately, "We cannot fix our health problems without a proper diet." She explained that most Aborigines in the region live off processed food, meat, bread, sugar and tea. Fresh vegetables and fruit rarely figure in their diet. The cost is prohibitive for most locals but there is a solution. Virginia is very keen to establish a community garden where local Aborigines could work, benefiting the community, particularly young people, by providing a regular supply of fresh food.

A highlight of my visit was a tour of the opal fields, including the Sheepyards Opal Field. What I saw gave me a real feel for the impact of opal mining: cowboy mining territory with one-man mining outfits setting up camp to drill for opals. I was told visits from mining inspectors are a rare event and when they happen it is pretty much a "drive through"—a wave-at-the-miner's type affair. Little enforcement of mining and environmental regulations is occurring. Danny Hatcher, President of the Lightning Ridge Miners' Association, has spoken to me about the miners' commitment to rehabilitation. However, what I observed suggested little rehabilitation is being achieved.

I also had a look at one of the massive tailings dumps on the opal fields. Here locals looking for a spare dollar "noodle", or sift, the tailings in search of a few extra dollars. While opal miners conduct their trade often beyond the reach of mining inspectors, I was told that in the not so recent past the mining association requested local police to do what was effectively a raid on the noodlers to stop this practice. That reminds me of the double standards applied to white collar and blue collar crime.

The elders are particularly concerned about the proposed expansion of opal mining into the area called OPA4, which covers approximately 1,600 square kilometres of land. In OPA1-3 the reduction of native groundcover species and the degradation of vegetation has been witnessed. The clearing of native vegetation has a significant impact on flora and fauna, particularly threatened species.

Considerable air quality issues also are associated with opal mining, with dust generation from mining and emissions from petrol and diesel powered plant and equipment. A visit to the existing mining sites shows that the complete or even partial regeneration of the land is a pipedream, despite the reassurances of mining Minister Ian Macdonald. I again acknowledge the comments of Danny Hatcher, President of the Lightning Ridge Miners Association. At the moment they are only words, because the achievements are minimal. The position of the elders is that a push into OPA4 before OPA3 is properly mined and fully rehabilitated is inappropriate and highly undesirable. I was honoured to visit the Narran Lake Nature Reserve, which is closed to the general public but the elders are able to go there. The lake is an important waterbird breeding ground and habitat. The area is a significant cultural site with middens and Aboriginal archaeological remains. It is also the site of local creation stories. Talking to the elders on this site one gets a real sense of the deep significance of this land and adjoining land to their community and why they are so deeply disturbed about the thrashing it receives from opal mining operations. Once again, I thank the Dharriwaa Elders Group for showing me their country and explaining their concerns. The Greens will continue to work with them to fight the important battles they face.

## TIBET

**The Hon. AMANDA FAZIO** [5.22 p.m.]: On 2 April 2008 Ms Lee Rhiannon moved as formal business a motion on Tibet that referred to the Sino-Tibetan dialogue and was critical of the People's Republic of China. I believe the motion was not a fair reflection of the actual situation in the People's Republic of China and the Government of Tibet in Exile, which is headed by the Dalai Lama. The motion also failed to recognise that Tibet is an autonomous region of the People's Republic of China. I will address four key issues that relate to the coverage of Tibet given by the mainstream media. Tibet was officially incorporated into the territory of China's Yuan Dynasty in the mid thirteenth century. Since then Tibet has remained under the jurisdiction of the Central Government of China. In 1653 and 1713 the Qing Dynasty granted honorific titles to the fifth Dalai Lama and the fifth Bainqen Lama, hence officially establishing the titles of the Dalai Lama and Bainqen Lama and their political and religious status in Tibet. The Dalai Lama and other living Buddhas had to be recognised and appointed by the Central Government in order to secure their political and legal status in Tibet.

The current Dalai Lama—the fourteenth—was appointed by the Chinese Central Government in 1940. In 1954 the Dalai Lama attended the First Session of the National People's Congress of the People's Republic of China, during which he was elected as vice-chairman of the National People's Congress Standing Committee. No government of any country in the world has ever recognised Tibet as an independent State. There was no such word as "independence" in the Tibetan vocabulary at the beginning of the twentieth century. It is the view of China that Tibetan independence is a fiction of the imperialists who committed aggression against China in modern history. After the British started the opium war of aggression against China in 1840 China was reduced from an independent sovereign country to a semi-colonial country. Imperialist forces took advantage of a weak Qing Dynasty and began plotting to carve up China, Tibet included. To bring Tibet into Britain's sphere of influence, British aggressors invaded China's Tibet twice, one in 1888 and again in 1903, but failed. After that, they changed tack and began plotting to separate Tibet from China.

For example, in 1913 the British inveigled the Tibetan authorities into declaring independence and proposed "Britain be the weaponry supplier after the total independence of Tibet". However, all Britain's schemes failed. Around the 1950s America failed to separate Tibet from China. To help resist the People's Liberation Army entry into Tibet the United States shipped weaponry into Tibet through Calcutta. On 1 November 1950 the United States Secretary of State, Dean Acheson, wrongly called China's liberation of its own territory of Tibet an invasion. Before the democratic reform in 1959 Tibet was under the despotic, religious and political rule of lamas and nobles, a society darker and crueller than the European serfdom of the Middle Ages. In light of Tibetan history and the region's special situation, the Central Government adopted a very circumspect attitude toward the reform of the social system in Tibet, promising not to impose coercive reform and stating that it was to be carried out by the Tibet local government on its own.

However, some members of the Tibetan ruling class were hostile to reform and wanted to preserve serfdom forever so as to maintain their own vested interest. With the support of the Americans, separatists waged a failed armed rebellion on 10 March 1959, which they termed an uprising. The Central Government's policy toward the Dalai Lama is clear and constant: the door of dialogue remains open to the Dalai so long as he truly stops seeking "Tibetan independence" and recognises Tibet and Taiwan as inalienable parts of the Chinese territory. Over the years the Central Government has provided many opportunities for the Dalai Lama and his followers, through negotiation, to give up their separatism and return to China. The Central Government leaders have since 1980 met with a number of delegations sent back by the Dalai Lama and reiterated on many occasions the Central Government's policy towards the Dalai Lama. Let me spell out the differences.

Firstly, the Dalai refuses to recognise that Tibet has been part of the Chinese territory since ancient times, claiming that Tibet is a country occupied by China. Secondly, he refuses to recognise the existing social system in Tibet, attempting to overthrow it and replace it with another one. Thirdly, he insists on establishing what he calls "the Greater Tibet area", which covers almost a quarter of the Chinese territory, but has never existed in history. Fourthly, he requests the Central Government to withdraw troops from the "Greater Tibet area". Fifthly, he wants to move all non-Tibetans out of the so-called "Greater Tibet area". These requests by the Dalai Lama repeat what the British proposed early last century in their notorious plan to carve up China. It was instantly rejected by the then Chinese Government and is not acceptable for the current government. The media and those who support campaigns to free Tibet frequently refer to the Dalai Lama as "the Tibetan spiritual leader". The Dalai Lama is also the leader of the Government of Tibet in Exile, which continues to refer to the "illegal invasion and annexation of Tibet."

The Government of Tibet in Exile has also claimed that the living and working conditions of Tibetans has worsened and that human rights violations have occurred. The lives of Tibetans have improved immensely compared with the situation under self-rule before 1950. From 1951 to 2007 the Tibetan population in Lhasa-administered Tibet increased from 1.2 million to almost 3 million. The gross domestic product of Tibet today is 30 times what it was before 1950, and workers in Tibet have the second highest wages in China. Tibet now has 25 scientific research institutes, as opposed to none in 1950. Infant mortality dropped from 43 per cent in 1950 to 0.661 per cent in 2000. Life expectancy rose from 35.5 years in 1950 to 67 years in 2000. The motion moved by the Greens accepts unquestioningly the view of the supporters of a free Tibet campaign. For this reason the House should be very careful about supporting such motions.

#### **THE HONOURABLE DUNCAN GAY RESPONSE TO NOTICE OF MOTION**

**The Hon. TREVOR KHAN** [5.27 p.m.]: Unfortunately, because of events, the matter I wanted to speak about this evening has been put aside. Today we have seen the continuation of a grubby and unsatisfactory attack upon the Deputy Leader of the Opposition. It is difficult to understand, firstly, why Government members would choose to attack the Deputy Leader of the Opposition and, secondly, why they attacked him today. We only have to pick away at the scabs on the surface to work out why. I ask the House to consider that the Deputy Leader of the Opposition is currently engaged in a freedom of information request to Canterbury City Council relating to land dealings and corruption by, amongst others, members of the Australian Labor Party and which may involve a Government member of the House. One wonders whether that forms the basis for the attack on the Deputy Leader of the Opposition. Further, I ask the House to consider who was involved in the attack today. One person involved is the Hon. Amanda Fazio, who previously has been described by the Hon. Melinda Pavey as the keeper of the keys, and who, in her work in Sussex Street, is known as the keeper of the dirt files.

**The PRESIDENT:** Order! Standing Order 91 (3) states that all imputations of improper motives and all personal reflections on members are disorderly. I did not intervene when the Deputy Leader of the Opposition spoke on this matter earlier. However, I caution the Hon. Trevor Khan to bear in mind my ruling as he proceeds and not contravene the standing orders.

**The Hon. TREVOR KHAN:** Another member who has been involved is Nathan Rees, former chief of staff to Milton Orkopoulos. I will return to that in a moment. The third member is David Campbell, who sought to repeat certain matters in the other place today. David Campbell, the member for Keira, has been named in matters that relate to Wollongong City Council. Perhaps it is not a coincidence.

**The Hon. Greg Donnelly:** Point of order: Mr President, in your intervention into this matter a moment ago you provided some direction and some overview as to the way in which you thought the honourable member should consider conducting the rest of his contribution, and when the clock recommenced, within a

matter of seconds he is into it again, sully the reputation of Ministers in the other House and talking about coincidences and related matters. It seems to me you made the decision, as President, to provide some framework on which he could continue the rest of his contribution. I thought the honourable member would understand that, but he immediately—

**The Hon. Robyn Parker:** How many words can you put in a point of order?

**The Hon. Greg Donnelly:** Let me finish. He immediately got into it again. I ask you to draw the honourable member back to your ruling and invite him to continue his presentation.

**The PRESIDENT:** Order! The Hon. Trevor Khan may continue but I again remind him of the requirements of Standing Order 91 (3).

**The Hon. TREVOR KHAN:** Today is the day upon which certain matters are occurring in Newcastle. A young man by the name of Ben Blackburn, now 20, today made the following point, "I felt betrayed by the New South Wales Labor Party for protecting Milton politically". "Burn in hell, you grub", he muttered as he left the court. Mr Blackburn condemned the Australian Labor Party. "Milton was protected, to an extent, by the Australian Labor Party and those involved should hang their heads in shame", he said. There are certain people in the party who knew that the message was given to the Deputy Premier, John Watkins—

*[Time for debate expired.]*

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

**Motion agreed to.**

**The House adjourned at 5.32 p.m. until Tuesday 13 May 2008 at 2.30 p.m.**

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