

LEGISLATIVE COUNCIL AND LEGISLATIVE ASSEMBLY

Thursday 3 December 2009

JOINT SITTING TO ELECT A MEMBER OF THE LEGISLATIVE COUNCIL

The two Houses met in the Legislative Council Chamber at 4.30 p.m. to elect a member of the Legislative Council in the place of the Hon. Henry Tsang, resigned.

The Clerk of the Parliaments read the message from the Governor convening the joint sitting.

The PRESIDENT: I am now prepared to receive proposals with regard to an eligible person to fill the vacant seat in the Legislative Council caused by the resignation of the Hon. Henry Tsang.

Ms CARMEL TEBBUTT: I propose Shaoquett Moselmane as an eligible person to fill the vacant seat of the Hon. Henry Tsang in the Legislative Council, for which purpose this joint sitting was convened. I propose that Shaoquett Moselmane be elected as a member of the Legislative Council to fill the seat in the Legislative Council previously vacated by the Hon. Henry Tsang. I indicate to the joint sitting that if Shaoquett Moselmane were a member of the Legislative Council, he would not be disqualified from sitting or voting as such a member, and that he is a member of the same party, the Australian Labor Party, as the Hon. Henry Tsang was publicly recognised by as an endorsed candidate of that party and who publicly represented himself to be such a candidate at the time of his election at the Ninth Periodic Council Election, which was held on 24 March 2007. I further indicate that the person being proposed would be willing to hold the vacant place if chosen.

The Hon. JOHN HATZISTERGOS: I second the nomination.

The PRESIDENT: Does any other member desire to propose any other eligible person to fill the vacancy? As only one eligible person has been proposed and seconded, I hereby declare that Shaoquett Moselmane is elected as a member of the Legislative Council to fill the seat previously vacated by the Hon. Henry Tsang. I declare the joint sitting closed.

The joint sitting closed at 4.35 p.m.

LEGISLATIVE COUNCIL

Thursday 3 December 2009

The President (The Hon. Amanda Ruth Fazio) took the chair at 11.00 a.m.

The President read the Prayers.

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

WATER MANAGEMENT AMENDMENT BILL 2009

ELECTRICITY SUPPLY AMENDMENT (GGAS) BILL 2009

TRADE MEASUREMENT (REPEAL) BILL 2009

Messages received from the Legislative Assembly returning the bills without amendment.

EXECUTION OF SEARCH WARRANTS ON MEMBERS' OFFICES

The President reported receipt of the following message from the Legislative Assembly:

The Legislative Assembly informs the Legislative Council that it has this day agreed to the following resolution:

That this House:

- (1) notes the memorandum of understanding forwarded with the message dated 25 November 2009 from the Legislative Council.
- (2) authorises the Speaker to enter into a memorandum of understanding with the Commissioner of the Independent Commission Against Corruption concerning the execution of search warrants on members' offices; and
- (3) send a message to the Legislative Council advising them accordingly.

Legislative Assembly
2 December 2009

RICHARD TORBAY
Speaker

FISHERIES MANAGEMENT AMENDMENT BILL 2009

Message received from the Legislative Assembly agreeing to the Legislative Council's amendments.

DEPARTMENT OF THE LEGISLATIVE COUNCIL

Report

The President tabled the annual report of the Department of the Legislative Council for the year ended 30 June 2009.

Ordered to be printed on motion by the Hon. John Hatzistergos.

DEPARTMENT OF PARLIAMENTARY SERVICES

Report

The President tabled the annual report of the Department of Parliamentary Services for the year ended 30 June 2009.

Ordered to be printed on motion by the Hon. John Hatzistergos.

**JOINT STANDING COMMITTEE ON ELECTORAL MATTERS
LEGISLATION REVIEW COMMITTEE**

Membership

Motion by the Hon. John Hatzistergos agreed to:

1. That Ms Fazio be discharged from the Joint Standing Committee on Electoral Matters and Mr Veitch be appointed as a member of the committee.
2. That Ms Fazio be discharged from the Legislation Review Committee and Ms Griffin be appointed as a member of the committee.

Message forwarded to the Legislative Assembly advising it of the resolution regarding the joint committees.

INTERNATIONAL DAY OF PEOPLE WITH DISABILITY

Motion by The Hon. Michael Veitch agreed to:

That this House:

- (a) notes that 3 December marks International Day of People with Disability which showcases the skills, abilities, contributions and achievements of people with disability,
- (b) recognises the need to involve people with disability and the broader community in activities which raise the awareness of people with a disability,
- (c) encourages all citizens in New South Wales to take part in events in their community on International Day of People with Disability, and
- (d) asks all members to show solidarity with International Day of People with Disability by regularly promoting the achievements of people with disability who live in their constituencies.

BUSINESS OF THE HOUSE

Formal Business Notice of Motion

Private Members' Business item No. 224 outside the Order of Preference objected to as being taken as formal business.

COMMITTEE ON CHILDREN AND YOUNG PEOPLE

Report

The Hon. Kayee Griffin, on behalf of the Chair, tabled report No. 6/54, entitled "Kids 9-14 Years", dated December 2009, together with minutes of proceedings.

Report ordered to be printed on motion by The Hon. Kayee Griffin.

The Hon. KAYEE GRIFFIN [11.04 a.m.]: I move:

That the House take note of the report.

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

GENERAL PURPOSE STANDING COMMITTEE NO. 3

Government Response to Report

The Hon. John Robertson tabled the Government's response to report No. 21, entitled "The Privatisation of Prisons and Prison-related Services", tabled 5 June 2009.

Ordered to be printed on motion by the Hon. John Robertson.

TABLING OF PAPERS

The Hon. John Robertson tabled the following papers:

- (1) Annual Reports (Departments) Act 1985—Report of the Judicial Commission of New South Wales for the year ended 30 June 2009.
- (2) Annual Reports (Statutory Bodies) Act 1984—Report of the Building and Construction Industry Long Service Payments Corporation for the year ended 30 June 2009.
- (3) Law and Justice Foundation Act 2000—Report of the Law and Justice Foundation for the year ended 30 June 2009.
- (4) Legal Profession Act 2004—Reports for the year ended 30 June 2009:
Law Society of New South Wales Professional Standards Department, volumes 1 and 2, incorporating:
 Law Society of New South Wales
 Legal Practitioners Fidelity Fund
 Public Purpose Fund
Legal Profession Admission Board

Ordered to be printed on motion by the Hon. John Robertson.

PETITIONS

Adoption Laws

Petitions requesting that the Parliament reject any proposed legislation or amendments to adoption laws that would take away the fundamental human right of adopted children to be raised by both a mother and a father, received from **Reverend the Hon. Dr Gordon Moyes** and the **Hon. Duncan Gay**.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Presentation of an Irregular Petition

Motion, by leave, by Reverend the Hon. Dr Gordon Moyes agreed to:

That standing and sessional orders be suspended to allow the presentation of an irregular petition from 197 citizens of New South Wales concerning adoption laws.

IRREGULAR PETITION

Adoption Laws

Petition requesting that the Parliament reject any proposed legislation or amendments to adoption laws that would take away the fundamental human right of adopted children to be raised by both a mother and a father, received from **Reverend the Hon. Dr Gordon Moyes**.

BUSINESS OF THE HOUSE

Withdrawal of Business

Private Members' Business items Nos 52, 59, 63, 76, 77, 79, 93, 100 and 217 outside the Order of Precedence withdrawn by Dr John Kaye.

Private Members' Business item No. 7, 25, 33, 48, 49, 61, 73, 94, 95, 99, 101, 117, 120, 123, 147 and 200 outside the Order of Precedence withdrawn by Ms Lee Rhiannon.

Government Business Notices of Motions Nos 2 and 3 withdrawn by the Hon. John Hatzistergos.

THE HONOURABLE HENRY TSANG

The Hon. JOHN HATZISTERGOS (Attorney General, Minister for Industrial Relations, and Vice President of the Executive Council) [10.09 a.m.]: I move:

That this House recognises the contribution of the Hon. Henry Tsang as Parliamentary Secretary and as a member of this House since 1999 and for his work on behalf of the Chinese community in this State.

On behalf of Government I farewell the Hon. Henry Tsang and thank him for his years of service to this Parliament, and indeed for his service to the public, which began much earlier during Henry's tenure on the

Sydney City Council where he served two terms as Deputy Lord Mayor of Sydney. Henry and I were both elected to this House at the same election in 1999. Following that election Henry and I had adjoining rooms on the eleventh floor of Parliament House. Our paths interacted to a significant extent on both a social and a professional level. Henry became a Parliamentary Secretary in 2002, first assisting the Premier on trade and investment and then also the Treasurer. During this time Henry has been a fine ambassador for New South Wales and through his activities has encouraged investment in our State.

Henry has also been one of Parliament's truly nice guys. I am confident that non-government members who speak in debate on this motion will echo those sentiments. Henry has always done his job with a minimum of fuss and in the best interests of the people we represent. On behalf of Government I express my thanks to the Hon. Henry Tsang for his many years of public service. I wish him well for the future in whatever direction that might take. On a personal level I will certainly miss him, as he has been one of the true characters of this institution. He was one of the first persons of Asian background to enter this House. If I may say so, I think he has done them proud. I extend to him and to his family best wishes for both the coming festive season and beyond that in whatever future course his life may take. I hope that from time to time he sees fit to visit us and to come and have a cup of tea, as we did on many occasions during the four-year period that we had adjoining rooms. I say to Henry: Good luck and thank you again for all your great work.

The Hon. MICHAEL GALLACHER (Leader of the Opposition) [11.12 a.m.]: On behalf of the Opposition I also thank Henry Tsang for the contribution that he has made not only to debate in this House but also in his role as a parliamentarian in the Legislative Council. We were surprised to hear of Henry's departure. I place on the record that Henry, who has served this House continuously for in excess of 10 years, has worked hard to build ties between the Chinese community and his chosen political party. Henry also ensured that the Chinese community throughout New South Wales had an opportunity to participate in the democratic process. Henry is to be congratulated on and thanked for his role. As the Hon. John Hatzistergos said, without a doubt Henry is one of the most well liked members of this Chamber and arguably its most sartorially elegant.

The Hon. Duncan Gay: A modern day Beau Brummell.

The Hon. MICHAEL GALLACHER: As the Deputy Leader of the Opposition just reminded me, Henry is a modern day Beau Brummell. On behalf of the Opposition I wish Henry and his family all the best for the future. I am sure that Henry will appear from time to time as he continues to work outside this Parliament in the business community or in whatever field he pursues.

The Hon. HENRY TSANG [11.14 a.m.]: Madam President and honourable members, I acknowledge and pay my respects to the Gadigal clan of the Eora people, the traditional custodians of this land. I appreciate that for thousands of years they have kept this land in perfect condition for us all to enjoy.

The Hon. Duncan Gay: God save the Queen!

The Hon. HENRY TSANG: As the Hon. Duncan Gay interjected, God save the Queen! I acknowledge the contribution of the British and European settlers who pioneered and explored this State and nation and helped to make New South Wales and Australia a beautiful country in which to live. I recognise the Westminster parliamentary democracy, rule of law and the civil institution that we enjoy today. I have published my book *Evolve*, which reviews the past and plans for the future. I have now been a member of the New South Wales Legislative Council for over 10 years and I was Deputy Mayor of Sydney for eight years, which represents over 18 years of service to the people of New South Wales. Like many of my colleagues in this Chamber I became involved in community work because that was how I felt I could make the greatest contribution to my country of nearly 50 years—a country that I have come to know, love and call my home.

Some 20 years ago when I was a member of the senior executive of the Ethnic Communities Council of New South Wales, working on anti-racial discrimination and driving for multiculturalism, I knew that the best way to drive change for a better society was through political participation. I decided to join the Australian Labor Party, Australia's only national political party and Australia's oldest political party, having celebrated its centenary in 1991. I knew that in holding political office I could contribute not just to the Chinese community, with which I was already closely involved, but also to the whole community. After all, several years earlier I had worked with the community and the council to turn Dixon Street, a dilapidated part of the fringe of the central business district, into a pedestrian mall, which today is a vibrant part of Sydney frequented by many visitors.

I also worked with the community and with former Premier Neville Wran to create a Chinese garden on the Darling Harbour foreshore in celebration of Australia's bicentenary. Darling Harbour is now a major entertainment precinct enjoyed by locals and tourists alike. At the time I remember Neville Wran jokingly saying that he had agreed to establish the Chinese garden because "Henry talked me into it". I remember thinking about that a lot and thinking how great a Premier Neville Wran was politically—a politician who could get something done rather than trying to talk politicians into getting something done. After the Tiananmen Square incident I had an opportunity to see two more great Labor politicians at work.

I thank former Prime Minister Bob Hawke and former Minister for Immigration Nick Bolkus for taking my submission seriously on the amnesty for Chinese students to remain in Australia. That led to 40,000 young people becoming committed new Australians who, like me, appreciate the benefits and beauty of our country, who have made a great contribution to the Australian economy and, in particular, who have become a bridge between Australia and China in trade and investment. I am proud to be a Labor Party member because it cares. How interesting and coincidental that I got into politics during a major recession in late 1980s and that I am leaving politics during another major economic crisis.

I remember having a heart attack from running my business in architecture and building. While I was lying in Royal North Shore Hospital my good friend Michael Easson came to visit me and to deliver a message from John Della Bosca, the Labor Party secretary at the time, who offered me the number one ticket on the ballot for the 1991 City of Sydney council election. I would like to thank John for his foresight. At that point I decided that if I could walk out of the hospital ward I would run for office.

Through my association with the Labor Party I was elected Deputy Lord Mayor of Sydney, the first Asian-born Australian to hold that position. I utilised my position with the balance of power in the city of Sydney working with Lord Mayor Frank Sartor to make a difference to how the city is run. With our reform the city of Sydney is now more efficient, its budget has reverted into surplus and it delivers its services more professionally. During my eight years as Deputy Lord Mayor of Sydney I was involved with the following achievements: providing major city infrastructure, winning and preparing for the Sydney 2000 Olympic Games, improving the safety and security of the city, providing new community centres and libraries, improving Chinatown, developing Sydney as a vibrant and multicultural global city, improving the quality of life for the Chinese community in Sydney and driving the celebration of the Chinese New Year Festival as a permanent event on Sydney's cultural calendar.

In late 1996 the Asian region was shocked by the emergence of Pauline Hanson and her racist and xenophobic agenda. I remember working closely with the Chinese and Jewish communities on promoting harmony and fighting racism. I thank former Deputy Premier John Watkins, who formed with me a Labor Hanson Watch Team. I am proud to say that the Labor Party in subsequent State and Federal elections was the only party to place Pauline Hanson last on its preferences.

The Hon. Duncan Gay: That is incorrect.

The Hon. HENRY TSANG: I acknowledge the interjection of the Deputy Leader of the Opposition. I thank my mentors former Prime Minister Gough Whitlam and his wife, Margaret, and former Premier Bob Carr and his wife, Helena, for their friendship and encouragement. I thank the Hon. Eric Roozendaal, then party secretary, for endorsing me for the New South Wales State election in 1999, which brought me to this House. After being elected to the New South Wales Parliament in March 1999 with the re-election of the Carr Labor Government I was appointed Special Adviser on East Asia Business Relations to Premier Carr. In that capacity I was Chairman of the New South Wales Asia Business Council.

In this role I have worked closely with established and respected Asian-Australian business representatives to provide advice to the New South Wales Government on expanding trade and investment between New South Wales and Asia, particularly China. I thank Premier Morris Iemma and Premier Nathan Rees for their Government's bold agenda for Asia in engagement with India and the Middle East. In the five years to 2008-09, New South Wales merchandise exports to Asia have grown at a nominal average rate of 19 per cent. New South Wales merchandise exports have shown further strong growth. Their value was \$27.7 billion in 2008-09, up 41 per cent on the previous year. It is worth noting that 72 per cent of New South Wales merchandise exports go to Asian markets.

Honourable members would be aware that China is New South Wales' largest trading partner with two-way merchandise trade worth \$20.5 billion in 2008-09. This represents some 35 per cent of the \$58 billion

of merchandise trade between Australia and the People's Republic. As Sydney is the financial centre of Australia, I am proud to have assisted major Chinese banks, such as the Bank of China and China Construction Bank, to establish their presence in this city. The export of education is very important for New South Wales, accounting for some 70 per cent of the State's gross domestic product. In my role as Parliamentary Secretary I have helped to facilitate exchange and cooperation between universities in New South Wales and China—for example, the University of Newcastle and the East China University of Science and Technology, the University of Wollongong and the National Chiao Tung University in Taiwan, and the University of Sydney and the Sun Yat-sen University in Guangzhou.

I thank Tony Kelly in his capacity as Minister for Police for walking through Chinatown to ensure that this precinct is safe, and for meeting with international student representatives to assure them of the Government's commitment to their safety. In six years the number of international students in New South Wales has almost doubled from 109,717 in 2002 to 215,403 in 2008. I am also a keen supporter of tourism in New South Wales. The Chinese New Year Festival in Sydney generates important tourism revenue in attracting thousands of visitors, including tourists from Asia, which is one of the fastest growing tourism markets for New South Wales. The State and city work together to ensure the festival's success as a major event on the State's calendar. I particularly support investment in regional New South Wales. Last year I visited Newcastle and the Hunter region with my fellow members of the New South Wales Asia Business Council, the Australian-Asian business community, diplomatic corps and the Asian media to discover the potential of the region as a destination for trade and investment, winemaking, education, tourism and recreation.

During my time as the Deputy Lord Mayor of Sydney and as a member of this House, I have met and received many delegations from overseas and including China. These delegations bring trade and investment for New South Wales. In October during the visit to Sydney of His Excellency Huang Huahua, Governor of Guangdong Province, to mark the thirtieth anniversary of the sister-State relationship between New South Wales and Guangdong, I witnessed with the Governor the signing of \$US1.845 billion in memorandums of understanding and contracts for investment into New South Wales and Australia by Hong Kong and Guangdong. In November I welcomed His Excellency Li Keqiang, Vice Premier of China's State Council, with Deputy Prime Minister Julia Gillard at Sydney Airport. The state visit of Li Keqiang helped to improve the diplomatic ties between Australia and China. I am committed to promoting New South Wales and Australia and its friendly relationship with countries in our region.

I take this opportunity to thank all those who have helped me during my years in public life, from former Prime Ministers Bob Hawke and Paul Keating, and former Premiers Neville Wran and Barrie Unsworth, to Ministers John Robertson, Peter Primrose and the Hon. Eddie Obeid for their counsel and guidance. I thank the Hon. Ian Macdonald for driving the success of the establishment of New South Wales government offices in Guangzhou, Shanghai, Mumbai and Abu Dhabi. I must not forget to thank Treasurer Eric Roozendaal for nurturing the green shoots of economic recovery. I thank John Della Bosca for his help in driving national recognition of traditional Chinese medicine. I thank my parliamentary colleagues Lynda Voltz for working on the dragon boat facility at Pyrmont and the annual Australian Chinese Community Commemoration at the Australian Chinese Ex-Servicemen Monument.

I thank you, Madam President Amanda Fazio, Attorney General John Hatzistergos and Tony Catanzariti for your friendship. I thank my fellow comrades for all their support: Kayee Griffin, Helen Westwood, Penny Sharpe, Christine Robertson and Ian West. To my Party Whips Mick Veitch and Greg Donnelly, I hope you are satisfied that in my over 10 years in this Parliament I have not missed one sitting day—but I remember missing one or two divisions! I must admit that I missed my first division because I could not tell the difference between the high tone of the upper House bell and the low tone of the lower House bell. I think all members experienced that when they first came to this place.

The Hon. Michael Gallacher, the Leader of Opposition, looks tough and acts fiercely in debate, but he has always treated me in a gentlemanly manner. May I thank him and his Opposition colleagues for the generosity and courtesy extended to me during my term in the Parliament. I thank also the crossbench members for making this House ever unpredictable and interesting. You know what the Chinese say about "interesting". Honourable members would agree that the Parliament would not function without the able support of the Clerk, Lynn Lovelock, and the Deputy Clerk, David Blunt, and their able staff. They have provided me with assistance during my years as a member of this House. I thank them for their support. On a day-to-day basis I must thank the Chamber and support staff Maurice Rebecchi, Charles Barden, Mike Jarrett, Lucy Smith, Mark Muntz and John Ferguson for their assistance. It takes Hansard to make us all look and sound good in print. I thank the Hansard staff, who can make my speeches sound respectable.

I thank my staffers Jeanette Wang, Didier Silarsah and Paolo Hooke for their hard work and dedication. I thank the general secretaries of the New South Wales Australian Labor Party, Mark Arbib, Karl Bitar and Matt Thistlethwaite. I take this opportunity to thank my friends and family, and the community, for all their encouragement and support over the years. I thank my dear friends James Liu, Hatton Kwok, Jenson Liu, Teresa Siu and James Tong. I am grateful to my business partner of 20 years, George Lee, who gave me the freedom to continue to concentrate on my community work while he kept the business running. Most importantly, I was able to contribute to public life through the devotion of my two families: the Tsangs—my Father Tik Fai Tsang, my brothers Peter and Victor, and my sisters Agnes and Evina; and the Pows—Patrick, Elson, Johnny, Irene and Don.

I must thank, and I would like to thank, my wife, Donna, who is seated in the President's Gallery, and who is a great contributor to the community in her own right as the founder of the East West Philharmonic Orchestra. Without Donna's patience, tolerance, understanding and devotion to looking after our children and extended family—at one stage all five generations of us lived together in the one household—I would not be able to fulfil my commitment to the community. I owe every success to her. To my sons, Clement and Derwent, who with so many of their friends from high school and university supported my aspirations throughout my community and political life, I extend my thanks. I thank my daughter-in-law, Maia, for giving me a beautiful grandson, with one on the way. *Evolve—continue the past into the future* reminds me that we all have a shared responsibility to look after the environment and our cultural heritage for future generations. We should promote a good working relationship with our regional neighbours and plan together for strong economic cooperation in trade, investment and job creation for a prosperous region.

In conclusion, we all hold dear our serious responsibility as members of this House to our electorates. However, we need to pay more attention to promoting harmony and understanding between people of different colour, race, religion and creed. As I leave the House, I make a pledge to honourable members to work with them to bring about harmony and happiness in our society. I have thanked many people who have helped me during my years in public life. However, most importantly, I must thank Almighty God, who through His grace has guided and allowed me to serve the community. As Christmas is coming, I pray that God will continue to guide me and honourable members in promoting peace, prosperity and harmony in the world. Merry Christmas and a Happy New Year!

Mr IAN COHEN [11.32 a.m.]: While appreciating the salutations given to the Hon. Henry Tsang, I will briefly mention the time that I have shared with Henry Tsang in Parliament. I speak as someone from another minority tradition, both politically and personally, and recognise and respect the promotion of harmony and fight against racism that Henry Tsang has undertaken in Parliament. Particularly in the 1999 election, he recognised the issues that came to the fore that were concerning many people of goodwill, both inside and outside Parliament.

Henry's work as an architect is reflected in the wonderful Chinese Garden, which will remain as a permanent tribute to Henry's work in his community, and in the Dixon Street precinct. Henry and I have often had differences in perspective, particularly regarding our relationship with the Chinese Government and human rights, but I am very pleased that Henry also has promoted human rights. Henry has walked the talk, particularly in his work for Chinese students and the Australian Government following the Tiananmen Square massacre.

Henry and I have always had a very friendly and cordial relationship, and I very much appreciate that. I recall serving on committees with Henry and heading out after meetings. It was really darn hard keeping up with Henry when he would stride out en route to another place. That was part of his attitude: Henry has been both an active member and obviously an active person—I have seen him quite a few times at the gym. He has created balance within himself and, by extension, within Parliament. As a member of the Greens, I believe we are living in very interesting times.

The Hon. Don Harwin: That is a Chinese curse.

Mr IAN COHEN: As a mark of respect, I acknowledge the interjection. I can only say that I admire Henry's commitment to the environment and cultural heritage as being of the utmost importance to him. The Greens wish him well and hope we will see more of him in the future. We certainly wish him well in the next stage of his life. I personally appreciate the connection we formed from the understanding we gained from being part of a minority tradition in the House. It is extremely important that people such as Henry have participated and provided input to the work of the Parliament and democracy as a whole. Henry, I thank you for that, and the Greens thank you for that.

Reverend the Hon. Dr GORDON MOYES [11.35 a.m.]: I will not delay the House except to place on record my personal friendship with, and appreciation of, Henry. It goes back to the 1980s when we were both on the Committee of the City of Sydney and improving the welfare of the people of New South Wales. We developed a firm friendship through those committee meetings. When I was elected to this House it was a particular joy to know that Henry was here. Since that time we have developed good friendships. Henry, I wish you well and I thank you for 20 years of friendship. God bless you.

The Hon. HENRY TSANG: Madam President, I will now walk over to see Her Excellency the Governor and hand in my resignation. I thank all members.

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

Motion agreed to.

BUSINESS OF THE HOUSE

Postponement of Business

Government Business Notice of Motion No. 1 postponed on motion by the Hon. John Hatzistergos.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Order of Business

Ms SYLVIA HALE [11.37 a.m.]: I move:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 249 outside the Order of Precedence, relating to Fairfield City Farm, be called on forthwith.

This matter is urgent because the last day on which the Fairfield City Farm will be open to the public is 24 December, which is approximately 20 days away. This matter has caused great consternation within the community. Members of the community are present in the gallery and they want answers about the future of the farm. I acknowledge Jamie Cavanough, Adele Hanna and Edmond Hanna, who have been tireless campaigners for the farm. I know that other members of the House are concerned about the future of the farm and I believe they are also eager for the motion to be debated today. That would also provide an opportunity for the Government to indicate to the community its intentions with regard to the farm. I commend the motion to the House.

The Hon. PENNY SHARPE (Parliamentary Secretary) [11.38 a.m.]: The Government opposes the motion being debated urgently. We have a long list of legislation to get through today.

The Hon. Don Harwin: You've got one bill!

The Hon. PENNY SHARPE: It is a very important bill—the most important one we have had in a while. We oppose the motion being debated urgently because there is significant Government business to be attended to today. I do not believe the motion concerning the Fairfield City Farm should be given priority over the legislation that the Government wishes to proceed with. The Government opposes the motion.

The Hon. CHARLIE LYNN [11.39 a.m.]: The Opposition supports this urgency motion because, as Ms Sylvia Hale said, Fairfield City Farm is due to close on Christmas Eve, and that is a Christmas present that the people of western Sydney are not looking forward to.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 20

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

Noes, 18

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

Question resolved in the affirmative.

Motion agreed to.

Order of Business

Motion by Ms Sylvia Hale agreed to:

That Private Members' Business item No. 249 outside the Order of Precedence be called on forthwith.

FAIRFIELD CITY FARM

Ms SYLVIA HALE [11.46 a.m.]: I move:

1. That this House notes that:
 - (a) Fairfield City Farm, a working farm that allows children and persons of all ages to experience a working farm within Sydney, is of great educational value,
 - (b) Fairfield City Council has decided to close Fairfield City Farm as of 24 December 2009,
 - (c) the Western Sydney Parkland Trust owns the land where the farm is located,
 - (d) the management of the farm is being put out for tender,
 - (e) neither Fairfield City Council nor its Mayor Nick Lalich will release figures of the running costs of the farm,
 - (f) animals are reportedly being removed from the farm already, and
 - (g) if the farm is privatised, the lessee may charge more for entry, or want to change its use.
2. That this House, as a matter of urgency, calls on the Government to consider the following options to keep the farm open and in public hands:
 - (a) that, as an interim measure, the Western Sydney Parkland Trust be required to keep the farm operating until such time as arrangements can be entered into whereby the running costs of the farm are shared by Fairfield City Council, the Department of Education and Training, the Western Sydney Parkland Trust, and any other relevant government agencies,
 - (b) if necessary, Fairfield City Farm be managed by Taronga Zoo,
 - (c) the tender process be cancelled,
 - (d) the farm be kept open and affordable,
 - (e) the current jobs at the farm be preserved, and
 - (f) any animals that have been removed from the farm be immediately returned to the farm.

Fairfield City Council operated Fairfield City Farm until it announced, with almost no warning, its intention to end its lease and to close the farm on 24 December. The lease expires in February 2010. Although the mayor, Councillor Nick Lalich, who is also the member for Cabramatta, has said that the farm is costing the council too much money to run, the community is not satisfied that all the figures to sustain that contention have been made public. The council and the Government are now hiding behind that favourite excuse for non-disclosure of the true operating costs of the farm—namely, it is all commercial in confidence. The community has a right to know the cost to ratepayers of the farm and to be able to weigh that up against the farm's obvious benefits for the community.

The ABC's *Stateline* program covered the Fairfield farm issue in October this year. The mayor of Fairfield, Councillor Nick Lalich, claimed that the council had asked the Western Sydney Parklands Trust to share costs and help keep the farm open. There was a puzzling moment when, during the program, Suellen Fitzgerald of the Western Sydney Parklands Trust was interviewed but denied that the mayor had approached the trust or had suggested any such cost-sharing arrangement. She said:

They haven't asked us for funds to continue to run the farm.

So what is going on? The Government is saying one thing and the mayor is saying another but the farm has been put out to tender. The Government appears to want to offload the operation of the farm to the private sector. If not, it should take the opportunity today to clearly state that that is not its intention. If the farm is closed for a time, if the use is changed or if the farm becomes heavily commercialised in its focus, it will be a great loss to the community. The farm provides an educational experience for children, a place for families to see a real working farm, to learn about agriculture and to look at and touch animals. It is important that such alternatives to DVDs and PlayStations be provided for children so they can be outside and interact with the real world and learn at the same time.

The Hon. Charlie Lynn: Hear! Hear!

Ms SYLVIA HALE: I acknowledge the interjection. On the same *Stateline* program Vicky Mycio said in reference to other facilities that were available in western Sydney:

We don't really have anything out here that is educational for children. You can go to the shopping centre, but, you know, how long can you stay there for? ... Our biggest concern is that they'll just, you know, develop [sic] the land and put some houses on it. They're gonna get rid of the animals. What's going to happen to the animals?

Fairfield City Farm is one of the few farms open to the public in Sydney—another is Golden Ridge Farm at Dural. Fairfield City Farm is open seven days a week and serves the greater western region, especially the community west of Homebush. I note that a letter from the Teachers Federation highlights the great loss in terms of educational experience for students that the closure of the farm would present. It reads in part:

The Fairfield City Farm has provided a valuable learning experience for many school students in and around Sydney. Here they are able to see and experience touching farm animals and engage in hands-on activities whilst learning about the everyday workings of a farm. The educational programs and excursions offered by the City Farm are linked to the current curriculum requirements as set out by the NSW Board of Studies and are a valuable resource for both teachers and students. So without the farm there is one less learning resource for students and teachers to utilise.

As I understand it, the community approached the mayor and the office of the member for Smithfield and today has spoken to an adviser from the office of the Minister for Western Sydney, David Borger, in an attempt to obtain some answers. They feel, however, that the whole process has been handled very badly, especially by the Mayor of Fairfield, Mr Nick Lalich, the honourable member for Cabramatta. The community has many ideas for improvement of the farm, especially community-based ideas that would increase patronage by those local to the area, such as bringing back craft markets, bushwalking, and fishing. There are new ideas such as outdoor movie nights, which are run successfully in other council areas but not west of Homebush. But the community has not been given the opportunity to present such ideas.

The Greens want to see greater community involvement in the future of the farm, and perhaps the establishment of a Friends of the Farm group. Currently the Western Sydney Parklands Trust owns the farm and is tendering for a new operator. There have been no guarantees that the new operator will not commercialise the farm in order to make it financially profitable. Given that the farm is also an educational facility, we wonder how a non-government operator will maintain the link with the curriculum of the Department of Education and Training. Certainly the farm costs money to run. A family ticket already costs \$45, which is a very steep amount for many western Sydney families to pay. Will the successful tenderer increase the entry price further? We do

not know whether the successful tenderer will be a for-profit or a not-for-profit organisation—even that is commercial in confidence! We fail to see how a public authority cannot provide this bare minimum of information to the people of western Sydney.

The community was unable to obtain a copy of the terms of the tender. So, although the Government assures us there is a clause in the contract that requires the farm to continue to be operated as a farm, no-one has sighted this clause or other details of the contract. The Greens' preference is to see the farm operated by the trust, the council and perhaps by the Department of Education and Training or other government agencies. If its operation is to be put out to tender we want it managed by a not-for-profit community organisation, perhaps with government subsidy, if necessary, so that prices can be restrained and commercialisation of the farm is kept to a minimum. Another option that the motion allows for is management of the farm by Taronga Zoo. In addition, while the licence for native animals will pass to a future operator, other animals at the farm are currently for sale and are being removed. If they cannot be sold they face an uncertain future—or perhaps slaughter. I hope the Government will abide by the wishes of the community.

Unfortunately, much of the Government's time is spent on factional warring, scurrying between various factional officers, and leadership spills, rather than actually running the State or talking to the residents of the State. This is a Government in terminal decline—a soap opera that the public switched off a long time ago. There are thousands of supporters in western Sydney and throughout New South Wales asking that the farm remain open. The Facebook group, Save Fairfield City Farm, has more than 4,500 members, and more than 39,000 people have joined a combined Facebook group for saving tourism and various attractions in western Sydney. The community deserves some answers today and an end to the secrecy surrounding the future of the farm. The Greens motion reflects the direction the community wants the Government to pursue in relation to the farm. I commend the motion to the House.

The Hon. CHARLIE LYNN [11.56 a.m.]: I support the motion moved by Ms Sylvia Hale to save Fairfield City Farm. I know that a lot of cappuccino-sipping, inner-urban members of the Australian Labor Party think the city boundary finishes at about Glebe.

The Hon. Christine Robertson: Nonsense!

The Hon. CHARLIE LYNN: I acknowledge that there are some sincere and dedicated rural representatives in the Labor Party—the Hon. Michael Veitch, the Hon. Christine Robertson and the Hon. Tony Catanzariti. I know they are genuine rural members. But a lot of people live in western Sydney—an area that has been taken for granted by this Labor Government because most of the power of the modern Labor Party resides in the trendy urban cafés around Leichhardt and Glebe. I understand that the powerbroker, the Treasurer—who is not in the Chamber at present—lives in the exclusive suburb of Rose Bay in the eastern suburbs.

The Hon. Michael Gallacher: A working class suburb!

The Hon. CHARLIE LYNN: Yes, the working class suburb of Rose Bay. The Treasurer believes the boundary of western Sydney is around Sussex Street. The west needs to have linkages between the city and rural New South Wales. The Treasurer has left Rose Bay and is now in the Chamber. He does not know where Fairfield is. The farming community in that part of western Sydney provides a valuable link between the cappuccino- and chardonnay-sipping residents of inner-urban areas and the real people who live in western Sydney and rural New South Wales. Obviously some members of the Government do not like western Sydney and rural New South Wales. Those members who support western Sydney are in the minority and on the back bench. After today they may be in the majority and on the front bench—or they may be sitting on the crossbench and supporting this motion. I know that some members of the Labor Party have a heart and appreciate western Sydney.

The Hon. Duncan Gay: Name them!

The Hon. CHARLIE LYNN: It will not take long because there is only a couple. Fairfield City Farm is a farm-based attraction in western Sydney. It is a place where children and adults can enjoy a variety of exciting shows and exhibits and get close to a range of native and farmland animals. In fact, we can do that today in this place because there are a fair few running around the corridors, I can tell you.

The Hon. Matthew Mason-Cox: Rats!

The Hon. CHARLIE LYNN: Yes, they have got rats in the ranks. Last night I was nearly going to make a report to security that rats were running everywhere—they were scurrying up and down stairs, and around here and there, feeding off each other. I thought, "What's going on at 11.30 at night? They should all be at home." But, oh no, they were scurrying through the corridors here.

The Hon. Duncan Gay: A feeding frenzy.

The Hon. CHARLIE LYNN: It was a feeding frenzy. It was incredible.

The Hon. Michael Gallacher: Those opposite are sitting in silence.

The Hon. CHARLIE LYNN: Yes. The Fairfield City Farm is a family favourite attraction and one of the few places families can go.

Pursuant to sessional orders business interrupted at 12 noon for questions.

QUESTIONS WITHOUT NOTICE

BLUE MOUNTAINS BUSHFIRE MANAGEMENT

The Hon. CATHERINE CUSACK: My question without notice is directed to the Minister for Climate Change and the Environment. What action is his department taking in response to the Sustainable Tourism Cooperative Research Centre report predicting a 25 per cent increase in the occurrence of Crown land fires, which pose the greatest risk to fire sensitive habitats in the Blue Mountains region? What has been the Government's response to calls for improved media management and education to better inform day trippers, particularly from the Sydney Basin, about perceived and actual fire threats? Does the Minister support the proposals for an integrated action plan for the Blue Mountains region?

The Hon. JOHN ROBERTSON: New South Wales has methodically changed its firefighting practices over time to meet the threat of fire that our landscape and climate present. The Government has clear principles in place that ensure hazard reduction exercises are aimed at safeguarding human life and property. We have terrifically brave and well-trained firefighters working cooperatively across several government agencies. All bushfire prone lands, including parks and reserves, are covered by bushfire risk management plans and bushfire operational plans, and are subject to annual hazard reduction efforts.

Every park and reserve is covered also by a more detailed reserve fire management strategy, which guides hazard reduction and fire suppression activities. As a result, one of the largest ever hazard reduction burning programs was implemented on our parks and reserves in 2008-09, spanning over 59,202 hectares, despite major storms and flooding in some parts of the State earlier this year. From January 2009 to mid-November 2009, the National Parks and Wildlife Service completed more than 230 burns, treating nearly 80,000 hectares. That was a record for one year.

All fire authorities in New South Wales, including the National Parks and Wildlife Service, adopt as a core principle that people and property come first. Over the past five years to June 2009 the service has undertaken 711 prescribed burns on parkland covering nearly 200,000 hectares. Of that, 168 burns, covering more than 59,000 hectares, were carried out in 2008-09. That was a major contribution to the total area of hazard reduction burning carried out by all fire agencies across New South Wales. For the current 2009-10 financial year the National Parks and Wildlife Service has scheduled more than 300 burns, to be completed on national parks and reserves—that is approximately 100,000 hectares. By mid-November it had undertaken 130 prescribed burns and treated an area of 24,090 hectares.

In the 2009 calendar year to mid-November the service has completed more than 230 burns, treated nearly 80,000 hectares and completed 212 mechanical works covering 535 hectares. These recent figures clearly show the commitment that is being made by the National Parks and Wildlife Service as it well exceeds both the 5-year and 10-year annual averages for prescribed burns on parks and reserves. The service has undertaken other significant preparations for the current bushfire season, including regional preparedness training, firefighter fitness assessments, upgrading fire and radio equipment and updating operational plans. The National Parks and Wildlife Service has also maintained and/or upgraded 9,000 kilometres of fire trails across the State during 2008-09 in readiness for the bushfire season.

Fire planning has been enhanced through the completion of reserve fire management strategies. All national parks and reserves have an adopted strategy covering about 6.7 million hectares of park. Hazard reduction is an important tool for fire management. However, it is not a panacea; it does not prevent fires, but it is part of the toolkit to reduce wildfire damage to life and property. Between 1 July 2009 and 23 November 2009, 187 wildfires have affected parkland, with a total area of more than 50,445 hectares burnt. Of those fires, 122 fires started on parks, and 65 started off parks. [*Time expired.*]

The Hon. CATHERINE CUSACK: I ask a supplementary question. Is the Minister aware of the Sustainable Tourism Cooperative Research Centre report and the very important issues it raises in relation to the Blue Mountains?

The Hon. JOHN ROBERTSON: I am aware of criticisms that have been levelled earlier this year about the Government's efforts in the Blue Mountains National Park. I firmly refute allegations that hazard reduction in that area has been delayed by red tape. Since 2009 the National Parks and Wildlife Service has undertaken 17 prescribed burn operations, reducing fuel hazard in 16,565 hectares of Blue Mountains parks and reserves. That is over and above the prescribed burning of the previous five years.

LITIGATION COSTS

The Hon. CHRISTINE ROBERTSON: My question is addressed to the Attorney General. What is the latest information on the Government's efforts to balance the financial interests of litigants in court proceedings?

The Hon. JOHN HATZISTERGOS: I think it is well accepted that in Australia the cost of resolving a legal dispute through the courts has become quite prohibitive for a considerable portion of the community. The Government is implementing a number of initiatives to address the root cause of these spiralling costs and restructure our civil justice system toward encouraging the resolution of disputes through means other than the courts. However, it must be recognised that litigation is sometimes the best, only and last forum for resolving some disputes. At the end of litigation, the winner is generally awarded costs to be paid by the loser. In New South Wales the court's discretion to make a costs order is governed by the Civil Procedure Act 2005 and the Uniform Civil Procedure Rules.

Under those provisions the court can make an order against the plaintiff to provide security for the costs order that could otherwise be made against them if they are unsuccessful. Currently, the rules provide that the court may make such an order on the application of a defendant in a restricted number of circumstances, including where the plaintiff is a corporation and there is reason to believe it will be unable to pay the costs of the defendant if ordered to do so. If the plaintiff does not comply with a security for costs order the court may dismiss their proceedings. The amount of the security is within the court's discretion and may take any form the court thinks is appropriate, including payment into court, guarantees, charges or the provision of a bank bond.

The primary purpose of a security for costs order is to protect the defendant against the costs of defending litigation commenced by impecunious or vexatious plaintiffs. However, in determining whether to make an order, the court needs to balance the need for adequate and fair protection of the defendant against avoiding injustice to an impecunious plaintiff by unnecessarily shutting it out or prejudicing it in the conduct of proceedings. The simple fact that a plaintiff might not have the financial capacity to meet a costs order if their claim is unsuccessful should not of itself mean they should be subject to costs orders or otherwise prevented from pursuing their claim.

There is some disquiet about whether the existing approach to security for costs and related orders achieves the right balance between the competing interests of the defendant and plaintiff and, more broadly, whether the current regime is consistent with genuine access to justice. Of particular significance has been the spate of recent litigation in relation to environmental matters, particularly Tasmanian forestry interests, which prompted calls for reform to ensure corporate defendants are not left disastrously out of pocket by unsuccessful litigation. On the other hand, there are calls from some corners for greater use of protective costs orders whereby the court places a cap on the amount of costs that can be ordered against a party. Security for costs orders, and the issue of costs orders more broadly, also has considerable significance for the rapidly expanding litigation funding industry.

In the recent High Court SST Consulting case, *Jeffery & Katauskas Pty Ltd v SST Consulting Pty Ltd & Ors* [2009] HCE 43, the orders for security for costs made by the New South Wales Supreme Court left a

shortfall of \$450,000, which the defendant was unable to claim from the litigation funder due to the rule against making orders against a non-party. Given the complexity of this issue and its potential effect on access to justice I have asked the New South Wales Law Reform Commission to inquire into and report on whether the law and practice relating to security for costs and other related orders strikes the appropriate balance between the rights of plaintiffs and defendants. Judge Peter Johnstone of the District Court has been appointed as a part-time commissioner to lead the reference. As a leading member of the Uniform Rules Committee and the Civil Procedure Working Party, Judge Johnstone will bring considerable expertise and experience to this role.

HURSTVILLE STATION UPGRADE

The Hon. JOHN AJAKA: My question without notice is directed to the Treasurer, and Minister for State Development. Is the Treasurer aware of the substantial capital underspend in respect of the Hurstville station upgrade as allocated for in the 2008-09 budget? Is he aware also that only \$2.87 million was spent, leaving \$3.64 million underspent of the \$6.51 million that was allocated for the project in the 2008-09 budget? Why was the Hurstville station upgrade budget underspent by \$3.64 million, being over 50 per cent of the allocated budget for 2008-09? Will this 2008-09 capital underspend result in some of the original intended capital works being abandoned? Will this 2008-09 capital underspend cause a substantial delay in the completion of the Hurstville station upgrade?

The Hon. ERIC ROOZENDAAL: The State budget is around \$56 billion a year. The investment in infrastructure—I am happy to talk about that—is \$62.9 billion and I anticipate that in the mid-year numbers that we will bring out next week, there will be an update to the Government's infrastructure spend. I think the mid-year numbers will speak for themselves. Obviously, literally thousands of projects are contained in the budget numbers.

The critical issue in talking about infrastructure is that sometimes there are variations in the timing and delivery of infrastructure. That is not unusual in a budget with an infrastructure spend over four years of \$62.9 billion, which incidentally supports 160,000 jobs each year. Let us not forget that the Coalition has consistently opposed the stimulus strategy of the State and Federal governments and talked it down. That has been its record from the start—talking down the economy and opposing the stimulus strategies of the State and Federal governments. This is despite the fact that every respected commentator in the country and the OECD—you name it—have all supported our stimulus strategies during the global financial crisis. I am happy to get the specific details for that project and deal with them.

STATE ECONOMY

The Hon. PENNY SHARPE: I address my question to the Treasurer. Would the Treasurer update the House on the latest economic data on the New South Wales economy and investment in the State?

The Hon. ERIC ROOZENDAAL: More good news for the New South Wales economy! New South Wales continues to lead the recovery of Australia's retail sector. We are the Danny Green of retail sector growth. This morning the Australian Bureau of Statistics released the latest retail growth figures. They show a further 1.2 per cent increase in New South Wales retail sales in October 2009. The national increase for October was only 0.3 per cent, while Victoria recorded a fall of 0.9 per cent and Queensland recorded a fall of 0.2 per cent. This means that since the worst days of the financial crisis in September 2008, New South Wales has recorded retail sales growth of an amazing 10.2 per cent. That is a staggering 3.9 per cent above the national average. It is 2.7 per cent above the next best performing State, Tasmania. This is good news for our retailers as we head into the critical Christmas trading period. Today I can report even more good news for the New South Wales economy. I am pleased to welcome another international bank to Sydney. The Union Bank of India has chosen Sydney for its Australian headquarters. Can members imagine when Chris Spence, the Liberal candidate for The Entrance, hears about this?

The Hon. Michael Gallacher: Point of order: The honourable Treasurer is now entering into personal vilification of someone outside this Chamber. If he wants to do that, perhaps he can explain why he could not put the daggers down for 15 minutes—

The PRESIDENT: Order! That is not a point of order. The Leader of the Opposition will resume his seat.

[Interruption]

The PRESIDENT: Order! I place the Leader of the Opposition on one call to order.

The Hon. ERIC ROOZENDAAL: Members can just imagine how that prominent former One Nation activist would feel about an international bank coming to Sydney.

The Hon. Michael Gallacher: You are playing the race card again.

The Hon. ERIC ROOZENDAAL: Let me get this clear. Opposing a racist is playing the race card, is it? You and your terrible boss are embracing a racist candidate for The Entrance. You and your fellow brownshirts —

[*Interruption*]

I will stand up against racism anywhere, any time, any place. I have been doing so for 20 years and I am proud to be an anti-racist. Do not ever accuse me of playing the race card. How dare you. You have no history. I have 20 years of proud history for this community. What have you got?

Back to the Union Bank of India. It has chosen Sydney for its Australian headquarters. The Chairman of the bank, Mr Nair, is in Sydney for the official opening of the bank's representative office this morning. The bank's choice of Sydney for its entry into the Australian market—

The Hon. Duncan Gay: Point of order: I take offence at being called a brownshirt.

The PRESIDENT: Order! That is not a point of order. The Deputy Leader of the Opposition will resume his seat.

The Hon. Duncan Gay: It is a point of order. The member called the people sitting opposite him brownshirts.

The PRESIDENT: Order! The Deputy Leader of the Opposition will resume his seat. The insult about which the Deputy Leader of the Opposition raised a point of order was made collectively to the Opposition, not to individual members, and that, according to previous rulings of former Presidents, is not unparliamentary.

The Hon. PENNY SHARPE: I have a supplementary question. Would the Treasurer elucidate his answer?

The Hon. ERIC ROOZENDAAL: The bank's choice of Sydney for its entry into the Australian market—

The Hon. Duncan Gay: You are a brownshirt.

The Hon. ERIC ROOZENDAAL: I want to acknowledge that interjection so it goes into *Hansard*. That will just demonstrate the point. The bank's choice of Sydney for its entry into the Australian market is the latest endorsement of our city as Australia's financial capital and a leader in financial services in the Asia Pacific. It is also a sign of the strength of the relationship between India and Australia and the growing interest of Indian companies in doing business here.

The Union Bank of India's representative office in Sydney is the first step in establishing branches in Australia. Based in Mumbai, the Union Bank is one of India's largest State-run banks, with assets to the value of \$US13.45 billion. Mahatma Gandhi established it in 1919. They would not like that on the other side of the House, would they? It has more than 2,700 branches in its network.

[*Interruption*]

Get rid of your candidate in The Entrance.

The Hon. Matthew Mason-Cox: Point of order: It is in relation to relevance. It is very clear this is outside the tenor of the question. The man is just going places he should not be.

The PRESIDENT: Order! That was a debating point, not a point of order.

The Hon. ERIC ROOZENDAAL: The bank also has international offices in Hong Kong, Abu Dhabi and Shanghai. The Union Bank joins two other Indian banks already in Sydney, the Bank of Baroda and the State Bank of India. This means that three of the top five Indian banks now have a presence in Sydney. This is significant because it helps to attract Indian companies that are considering investing here. The New South Wales Government is committed to developing Sydney as a global business and a financial centre in the Asia Pacific. All 10 of the foreign subsidiary banks in Australia and 33 of the 35 local branches of foreign banks have an operation in Sydney. Earlier this year China's fifth largest bank, the Bank of Communications, opened a representative office in Sydney. It joined the China Construction Bank and a world top 10 bank, the People's Bank of China.

SALE OF STOLEN GOODS

Reverend the Hon. Dr GORDON MOYES: My non-controversial question without notice is directed to the Minister for Climate Change, representing the Minister for Police. Is the Minister aware that Cash Converters, Australia's largest second-hand dealer, has been accused of thriving on people's desperation and turning a blind eye to selling stolen goods? Is the Minister aware that drug addicts have predominantly relied upon the pawnbroking service to hock stolen goods and that staff at Cash Converters know customers are selling stolen goods for their drug addiction? In particular, is the Minister aware of studies that show a definite link between crime and pawnbrokers, and of a study by the Bureau of Crime Statistics and Research [BOCSAR] that found 50 per cent of people surveyed reported using legitimate businesses, including pawnbrokers, to sell stolen goods? Will the Minister for Police install undercover officers in Cash Converter stores as has been done in the United Kingdom in order to crack down on thieves and drug users and have the State's law enforcement agencies target the pawnbroking market?

The Hon. JOHN ROBERTSON: I will refer the matter to the Minister for Police and I undertake to obtain an answer for the member.

TAMWORTH FLIGHT TRAINING SCHOOL

The Hon. TREVOR KHAN: My question without notice is directed to the Treasurer, and Minister for State Development. Is the Minister aware that BAE Systems Australia is bidding for the Commonwealth Government to retain the flight training school in Tamworth? Is the Government still committed to triple the State's defence expenditure? What steps have already been taken to assist BAE Systems and retain the flying school in Tamworth? What steps will the Minister take to help in the future? Will the Minister travel to Tamworth and directly apprise himself of the matter?

The Hon. ERIC ROOZENDAAL: BAE Systems Australia employs 55 full-time staff and 25 contractors at its Tamworth Flight Training Centre. It delivers fixed-wing pilot screening and basic flight training for the Australian Defence Force and it also provides training to the Republic of Singapore and Royal Brunei air forces. Currently Tamworth airport screens over 275 Defence Force personnel and trains over 150 Australian Defence Force basic flight-training students. In addition, the centre provides training to 220 Republic of Singapore Air Force air-grading students, 55 Australian Army intermediate pilot training students, and representatives from the Royal Brunei Air Force. Tamworth Regional Airport is one of only six long-term worldwide detachments for the Republic of Singapore Air Force. The current contract with the Department of Defence expires in December 2011.

In the 2009 Defence Capability Plan the Federal Government announced that a future pilot training system, referred to as project Air 5428, would be delivered from 2017. The companies bidding for an interim contract to deliver these services until 2017 have been short-listed, with BAE Systems offering the only New South Wales-based solution. Tamworth airport is facing strong competition for the tender and the interim contract from East Sale in Victoria, which has received support from Wellington Shire Council and the Victorian Government. The Tamworth flight training school has a proven track record in basic flight training with over 7,000 defence pilots trained at its facilities over the past 10 years. Tamworth airport has world-class weather conditions for basic flight training. The Government has made representations to the Federal Government on behalf of BAE Systems, Tamworth, to secure the bid and to retain the delivery of fixed-wing pilot and basic flight training in New South Wales. Industry and Investment NSW is working with, and will continue to work closely with, BAE Systems and Tamworth Regional Council to secure the bid for New South Wales.

LAYER HEN CAGE SIZES

The Hon. IAN WEST: My question is addressed to the Minister for Primary Industries. What steps is the Government taking to ensure that the New South Wales egg industry complies with cage sizes for layer hens?

The Hon. TONY KELLY: I acknowledge the member's continued interest in primary industries and I thank him for his great representation of country New South Wales.

The Hon. Duncan Gay: When was he last there—last century?

The Hon. TONY KELLY: We watch him closely as he travels around electorates in this State. The Rees Government is committed to ensuring that the egg industry remains profitable and productive. In recent years the Government has worked with industry to introduce new standards for the housing of cage layer hens. This is a substantial industry with about four million layer hens in New South Wales and a gross farm product of around \$115 million annually. These new standards were agreed to nationally and came into effect on 1 January 2008. The changes increased the minimum floor space allowances for hens and included provisions such as minimum cage heights and door openings. It is now almost two years since the national standards were introduced.

Since then the egg industry generally has worked hard and invested heavily to comply with these new standards. Unfortunately, however, the RSPCA is detecting a number of small producers and several larger producers who are not complying with the minimum standards. Let me make it perfectly clear. There is no excuse for not complying with these new regulations. The New South Wales Government wants to ensure that it has 100 per cent compliance amongst the egg industry. That is why I am pleased to state that the Government has introduced the capacity for tough new measures and penalties of up to \$22,000 to ensure that everyone meets these standards. The maximum penalty for layer hen cage regulations will increase from \$2,750 to \$5,500 for individuals, and \$22,000 for corporations.

The recently passed Prevention of Cruelty to Animals Amendment Act 2009 allows for increased maximum penalties for non-compliance within the layer hen cage regulations. The Act also makes it an offence to fail to comply with an inspector's notice. The amendment Act will allow for increased penalties for breaches of the Animals Trades Codes of Practice. This will ensure a consistent approach to breaches of the codes of practice and breaches of the layer hen regulations. The maximum penalty for failing to comply with an inspector's notice will be \$2,750. The power of inspectors' notices has also been strengthened. The Government is serious about this issue. These standards strike the right balance between improving animal welfare and providing a realistic framework for a viable egg industry in New South Wales.

The standards are much better than systems used overseas, such as aviary and colony systems, which might contribute to other animal welfare problems linked to higher stocking densities. It is not fair that these producers, who have already invested heavily in meeting these new standards, should be at a disadvantage in the marketplace because of those who refuse to move forward. Egg producers were given a long lead time for the transition to the new cage sizes. The Government has worked closely with these egg producers during the transition to larger cage sizes. For example, Industry & Investment NSW employed a full-time industry development officer in the poultry area to assist producers. This Government is committed to improving the welfare of layer hens in New South Wales. The message is simple: If producers fail to comply with these new standards they will be caught and they will be fined heavily.

BULLI COAL SEAM PROJECT

Ms LEE RHIANNON: I direct my question without notice to the Minister for Climate Change and the Environment. Does the Department of Environment, Climate Change and Water have a clear time frame for responding to complaints put to its pollution line? If so, what is it, and if not, why not? Considering the concern about pollution from BHP Billiton's proposed Bulli seam project currently on public exhibition, will the Government impose stringent pollution conditions on the proponent to ensure that the company does not further adversely impact on the pollution flowing to the headwaters of the Georges River, which is reflected in current elevated pH and salinity levels?

The Hon. JOHN ROBERTSON: In September 2009 BHP Billiton lodged a draft environmental assessment for the Bulli seam operations project within the Department of Planning. The environmental assessment is for 30 years of mining between Menangle Park, Picton, Wilton and an area under the Dharawal State Conservation Area that is managed by the Department of Environment, Climate Change and Water. The 2006 plan of management for this State conservation area requires my concurrence for any new mining interests as well as the renewal or extensions of any existing mining interests.

The environmental assessment is on public exhibition until 2 December. As of yesterday the Department of Environment, Climate Change and Water has been assessing any environmental and cultural

heritage impacts. The Department of Planning requires that all coalmines that do not hold a current planning approval obtain a part 3A approval by 2010. These planning measures provide the Government with the ability to assess strategically all future mine plans in the southern coalfields, including the Bulli seam gas operations project.

Ms LEE RHIANNON: I ask a supplementary question. Will the Minister elucidate his answer with respect to his comments on pollution and with regard to pollution complaints and the department's time frame for replying?

The Hon. JOHN ROBERTSON: I refer the member to my previous answer.

KENDALL BAY MARINA

The Hon. DON HARWIN: My question is directed to the Minister for Climate Change and the Environment. Considering that previous advice from the Environment Protection Authority was that extensive remediation works were required in Kendall Bay—more than is currently proposed—does the Minister support the Kendall Bay marina being dealt with under the part 3A process? Why are residents being frozen out of the decision-making process and why is Canada Bay Council not being allowed to determine the application?

The Hon. JOHN ROBERTSON: I will take the question on notice.

PUBLIC SECTOR CADETSHIP PROGRAM

The Hon. TONY CATANZARITI: My question is addressed to the Minister for Public Sector Reform, and Special Minister of State. Can the Minister update the House on the progress of the Government's public sector cadetship program?

The Hon. JOHN ROBERTSON: I thank the member for his question and his ongoing interest in employment opportunities for young people in New South Wales. Recently the Government announced the expansion of recruitment for the JumpSTART NSW cadetship program. This expansion demonstrated the Government's commitment to boosting jobs and providing training and development opportunities for young people. As well as increasing the number of positions available, we extended the age for applicants from under 21 years to under 25 years, to open up opportunities for more young people to start their working career in the public sector. With the recent advertising campaign nearing completion I am now pleased to inform the House of the early results.

Since the end of October the campaign has yielded a strong field of over 1,600 applicants—an overwhelming response. Those applicants have applied for many different types of cadetships, including Aboriginal fieldwork, office-business administration, customer service, natural resources, information and communications technology, and as assistants in nursing. These young people will take up jobs before Christmas or early in the new year. Cadetships are located in the Sydney metropolitan area and a variety are available in regional centres such as Dubbo, Orange, Lismore, Taree, Wagga Wagga and Albury.

I am pleased to note that the Premier's recent commitment to increasing Aboriginal employment in the public sector by 2200 is also supported through this program. We have offered specific Aboriginal cadetships in four regional areas: Grafton, Nowra, Wollongong and Tamworth. We have encouraged young Aboriginal people to apply for all other cadetships by making efforts to work with Aboriginal communities to get their assistance in promoting these job opportunities with their young people. As a result of these efforts I understand that a significant number of Aboriginal applicants have already applied for a variety of cadetships.

JumpSTART NSW is designed to help young people take up careers in the public sector. Successful applicants will have a cadetship in a public sector agency for 12 months and then will be able to move to a permanent position once they have successfully completed the program. The Government is committed to employing 500 new cadets every year for the next four years. This latest round of recruitment means that the Government's targets are well on track. Cadetships will open up a range of new job opportunities for young people who have left school recently. An experienced supervisor and workplace buddy or mentor will provide support for the cadets.

Training and development will take place through varied work experiences in the agency and on-the-job training, supplemented with formal training relevant to the occupation. This means that some cadets

will work in different geographic locations of the one organisation and others will do different types of work in one place to extend their experience and skills. Training may involve a TAFE course if a qualification is required. Otherwise cadets will attend short courses that provide them with the core skills for the job.

Cadetships assist public sector agencies to implement workforce planning strategies that create an inward and upward movement of talented young people in the public sector. They are an excellent way for young people without formal training to get a foot in the door of a new career in the public sector. The New South Wales Government is committed to boosting jobs for young people by increasing the number of entry-level positions in the New South Wales public sector. With the latest recruitment campaign nearing completion, I wish all applicants the best of luck and look forward to seeing the public sector's newest recruits begin their careers in the new year.

SHARK MESHING PROGRAM

Mr IAN COHEN: My question is addressed to the Minister for Primary Industries. Will the Minister agree that the New South Wales shark meshing program is contributing to the extinction of endangered species, given that a dugong—a species that is listed as endangered—drowned in shark nets off Coogee Beach recently? Can the Minister explain why the shark nets were ineffective in protecting two swimmers at Bondi Beach and Avalon Beach respectively from non-fatal attacks last summer? Given that fixed-wing aerial shark patrols are close at hand, will the Minister consider the removal of environmentally destructive and ineffective shark nets from metropolitan beaches?

The Hon. TONY KELLY: I have a great deal of respect for the Hon. Ian Cohen but he could not be more wrong about shark netting. From 1900 to 1937, when shark netting was introduced, 24 shark-related deaths were recorded on New South Wales beaches. If the nets had not been introduced at that time, rather than the one recorded shark-related death in the period from 1937 to now 48 people would have lost their lives. It is indisputable that the shark nets do a fantastic job.

Mr IAN COHEN: I ask a supplementary question. If it is so indisputable that the nets do a fantastic job, why do we not have many deaths on non-metropolitan beaches along the New South Wales coast every summer when the majority of those beaches are not netted?

The Hon. Greg Donnelly: Point of order: The member has asked a new question.

The Hon. TONY KELLY: It is a new question, but I will answer it anyway. It is pretty obvious, is it not? I thought Mr Ian Cohen was a great man with numbers, given certain results over the weekend. I believe that all his candidates were successful. The simple fact is that of the seven million people who live in New South Wales, five million live in Sydney.

Mr Ian Cohen: Yes, but they still surf the beaches.

The Hon. TONY KELLY: And those of us who are in the bush cannot get to the coast.

REGULATORY REFORM

The Hon. MATTHEW MASON-COX: My question is directed to the Minister for Regulatory Reform, and Minister for Mineral Resources. As the newly appointed Minister for Regulatory Reform what are the Minister's top three priority areas for reform?

The Hon. PETER PRIMROSE: I thank the member for his question. As loathe as I am to engage in making announcements of public policy because, clearly, that would be contrary to the standing orders, I will indicate that my proposals relate to following up on a number of issues already underway and which we propose to expand. These include reviews of the New South Wales electricity network contestable services, reviewing the operation of the accreditation scheme and focusing on reducing delay and cost for consumers, promoting economic growth and competition through the planning system, investigating aspects of the New South Wales planning system that support or constrain competition, and reviewing the Entertainment Industry Act to provide adequate protection to performers since the removal of licensing.

As members know, the Better Regulation Office performs a number of functions. One of those functions is the gatekeeping operation to reduce red tape in all Cabinet submissions that come before the

Government. The other function relates to targeted reviews. In relation to targeted reviews and our actions generally, I am keen to commence focusing on non-government organisations. A number of red-tape aspects impede the effective operations of non-government organisations in this State. That is my target and what I aim to improve. I will enlist the support of the dedicated people at the Better Regulation Office to ensure that we achieve that outcome.

[Business interrupted.]

DISTINGUISHED VISITORS

The PRESIDENT: I acknowledge the presence in the public gallery of Larilyn Reffett, First Secretary for the United States Department of State, who is visiting Sydney in a private capacity.

QUESTIONS WITHOUT NOTICE

[Business resumed.]

MINERAL RESOURCES

The Hon. LYNDIA VOLTZ: My question is addressed to the Minister for Mineral Resources. Can the Minister inform House of the contribution that mineral resources makes to the economy of New South Wales?

The Hon. PETER PRIMROSE: I thank the Hon. Lynda Voltz for her continued interest in this vital industry. The New South Wales mining industry employs approximately 29,500 people directly and more than 80,800 people indirectly through the provision of both mine and non-mine related services. Direct employment in the New South Wales coal industry alone at June this year involved 16,909 people. The mining industry creates more than twice the number of jobs indirectly through flow-on effects of jobs and job security for workers and their families.

The State Government is very aware of the huge contribution that the mining industry makes to the economic prosperity of New South Wales. It has our strongest support for further sustainable development. Currently there are 2,220 existing exploration licences and mining leases in New South Wales and 284 applications are being processed. I have been advised that preliminary figures for the total value of production in 2008-09 is nearly \$25 billion, which is an increase of 63 per cent over the previous year.

While coal production, which is valued at approximately \$21.5 billion in 2008-09, is the State's largest component in the mining sector, metallic and industrial mineral production and construction material production are also very significant and in 2008-09 are valued at an estimated \$3.5 billion. In particular New South Wales coal production has increased significantly over the past decade. The State is now the second-largest gold producer in Australia after Western Australia. In 2008-09, 103.3 million tonnes of coal, worth an estimated \$17 billion, were exported from New South Wales. Coal is the single largest export from New South Wales in dollar value terms.

New South Wales continues to experience a bumper period of mineral development, with a number of important new projects recently opened or proposed to begin over the next few years, despite the recent global economic downturn. The comparatively low cost of exploration and development of new mines in New South Wales against other States and countries makes investment in exploration and mineral development particularly attractive. The New South Wales Government will continue to ensure that the State keeps winning its fair share of investment. The Government has a role to play in attracting investment.

The Government has underlined its continuing commitment to exploration research by investing an additional \$16.5 million in the New Frontiers exploration initiative and extending that to 2011. Government-funded initiatives have resulted in more than 80 per cent of the State being covered by high resolution geophysical surveys using the latest technology. Although there was a nationwide decrease in exploration expenditure in the March quarter this year, I am pleased to report that New South Wales was the least affected by that decline, largely because of the State's substantial exploration expenditure.

I will cite just one example. The level of exploration activity in the Thomson Orogen area in the north-west of New South Wales increased from five exploration licences in February 2005 to 75 exploration licences in November 2009. Across the State there are 60 operating coalmines and colliery holdings, and

approximately 30 new or expanding coal projects that are at various stages of development. Together the projects represent more than \$10 billion of potential investment, more than 8,000 new jobs, and an increase in potential supply capacity of at least 100 million tonnes a year in the next 10 years. An indication of renewed confidence in the New South Wales mining industry is that the announcement this week that rail operator Asciano has signed a half-billion dollar deal to haul coal from Idemitsu's Boggabri mine to Newcastle.

CORRECTIVE SERVICES OFFICIAL VISITOR PROGRAM

Ms SYLVIA HALE: I ask yet another question of the Minister for Corrective Services in the expectation that I will receive another non-answer. Is he aware that the Ombudsman, in his fifteenth annual report, raised concerns about the Ombudsman's access to official visitors to correctional centres? Is it correct that the Ombudsman now has no means of directly contacting official visitors? Will he accede to the Ombudsman's request that the Department of Corrective Services reinstitute its former policy of supplying the Ombudsman with contact details of official visitors so that the Ombudsman may raise relevant matters with official visitors and meet with them prior to their visiting prisoners?

The Hon. JOHN ROBERTSON: The official visitor program works quite effectively. It operates so that official visitors report directly to the Minister and have the opportunity to raise any issues that might be of concern to inmates or matters that official visitors identify during their regular visits. Issues are referred directly to me. I forward them to the Commissioner for Corrective Services and endeavour to ensure that they are addressed.

What seems to be implied in the question is that somehow the Ombudsman does not have access to our correctional centres. Corrective Services New South Wales is overseen by a range of organisations, including the Ombudsman. An Ombudsman's report was released recently that deals with Corrective Services, which means that the Ombudsman has the opportunity to identify any issues that might be of concern to the Ombudsman. As I said, the official visitor program works quite effectively. Official visitors interact regularly with inmates, the general managers of the jails, and prison officers.

During my visits to a range of correctional centres throughout New South Wales I had the good fortune to meet some official visitors. At no point did they raise, either through me or the Commission for Corrective Services, any issues about matters not being addressed adequately. At no point has any official visitor said to me, "We think that we need greater access or greater oversight by another body."

Corrective Services New South Wales is placed under an extraordinary level of scrutiny by a range of organisations, including the Ombudsman. That is appropriate because we have just under 10,500 inmates in our correctional services system. Corrective Services is a large organisation that deals with some of the most difficult people in our society. Largely those people are in our correctional centres because of the difficulties they have in interacting in a normal manner within broader society and in meeting our expectations of how they should behave. They are difficult people to deal with, but if the inmates have issues, they have the opportunity to have those raised with official visitors.

Corrective Services has also set up a support line, which is a free call out of a correctional centre. Inmates can make calls if they have particular issues they are concerned about, and they can have their issues addressed. The Ombudsman regularly scrutinises Corrective Services. The Ombudsman identifies issues and we rectify those issues. I have found during my term as Minister for Corrective Services that the official visitor program works effectively and very well.

The Hon. Trevor Khan: And how long has that been?

The Hon. JOHN ROBERTSON: When the Attorney was the Minister for Corrective Services he too commented on how effectively the official visitor program worked. I meet with official visitors. They do a fantastic job to ensure that our correctional centres provide mechanisms for any inmate who has an issue to have the issue addressed.

POLICE DEATH AND DISABILITY SCHEME

The Hon. MICHAEL GALLACHER: My question is directed to the Treasurer. What steps will he take to ensure that the New South Wales Police Death and Disability Scheme remains fully funded in the wake of the Auditor-General's revelation that its cost increased from \$29 million in 2006 to \$147 million in 2009?

Given that this fund is crucial to supporting our injured police officers and the families of police officers who have been killed in the line of duty, and that keeping it is of the highest priority to his Government, will he outline to the House and to concerned police officers his long-term measures regarding the protection of the New South Wales Police Death and Disability Scheme?

The Hon. ERIC ROOZENDAAL: I thank the Leader of the Opposition for his question and for his interest in this matter. The Government is committed to a death and disability scheme to ensure that injured police officers obtain adequate compensation. I am pleased to report to the House that this commitment has been reaffirmed as part of the finalisation of the new salary award with the Police Association. An in principle agreement has been reached that there will be no change to benefits, entitlements or employee contributions.

[Interruption]

The Leader of the Opposition has asked the question on this important matter and then continually interjects. He is not allowing me to give my answer. An in-principle agreement has been reached that there will be no change for the next two years to benefits, entitlements or employee contributions that exist under the current death and disability award. The Government is committed to maintaining full funding of the scheme to ensure that injured officers obtain adequate compensation. I am advised that the New South Wales Police Force and the Police Association will recommence negotiations for a new death and disability award in time for the 1 July 2011 commencement date.

CENTRAL WEST INVESTMENT AND JOBS

The Hon. HELEN WESTWOOD: My question is addressed to the Treasurer. Will the Treasurer provide the House with the latest information on jobs and investment in the State's central west?

The Hon. ERIC ROOZENDAAL: I thank the member for her interest in this important matter. Members will be pleased to learn of the recent announcement by the hardworking member for Bathurst, Gerard Martin—he is an absolute toiler for Bathurst—on the New South Wales Government's funding for a feasibility study into developing a second racetrack for Mount Panorama to target major motor racing and associated activities. I was pleased to approve \$250,000 for the study after the member for Bathurst made a strong case for the study. My priority is supporting jobs and investment in New South Wales and growing the State's \$360 billion economy. Motor racing is big business in Bathurst, and this study will determine whether we can expand on that.

Members may be interested to know that the Bathurst 1000 contributed about \$53 million to the city's economy this year, representing 2 per cent of the total local economy in just one event. It is estimated by Bathurst Regional Council that the four motor racing events that currently use Mount Panorama—the V8 Supercars, the festival sporting cars, the Bathurst 12 hour and Drive Bathurst—generate about \$69 million and about 355 full-time equivalent local jobs. The feasibility study announced by the member for Bathurst, the hardworking Gerard Martin, will investigate the potential benefits of developing a second racetrack at Mount Panorama. Custom built for high performance motorcycle racing—the Hon. Charlie Lynn would appreciate this—the track could also accommodate open wheeler racing and driver training.

Bathurst Regional Council estimates that the design and construction of a second racetrack could cost more than \$25 million so it is essential that a proper feasibility study is done to ensure that the investment would be a sound one. Motorcycle racing was a feature at Mount Panorama between 1949 and 1988, and the feasibility study will help determine whether it is time to resurrect the sport on the mountain. Obviously, the existence of an international standard motorcycle track would have a strong potential to attract new events to Mount Panorama, which is an iconic location in terms of Australia motor sport.

The Hon. Michael Gallacher: Have you been up the mountain?

The Hon. ERIC ROOZENDAAL: Yes, I have been up the mountain. If built, a second racetrack would need to comply with international motorcycle racing standards, which would provide Bathurst with the potential to host events of the calibre of the Australian Grand Prix, which is currently contracted to Phillip Island until 2011. World superbikes would also be a possibility. It would be a significant coup for New South Wales to win the right to hold this race in Bathurst. The feasibility study will give Bathurst council the opportunity to consult with various community and business groups on the anticipated impact and benefits of the proposed project. An upgrade and second circuit would involve developing an additional 4.6 kilometre track. The second track would start on the existing pit straight and use other suitable sections of the existing circuit.

The area it would cover would use other parts of the Mount Panorama precinct, so appropriate land use and environmental factors need to be considered. A significant capital works program would be needed to construct new sections of the track, as well as improve the existing track that would be included in the second circuit. A number of other issues need to be worked through at this stage before any decision can be made on a second track for Mount Panorama. This is what we expect will be explored in a feasibility study to expand Mount Panorama, and I commend it to the House.

ELECTRICITY INDUSTRY REFORM

Dr JOHN KAYE: My question is addressed to the Treasurer. Is the Treasurer aware of the "significantly reduced earnings and value" referred to in Macquarie Generation's recently tabled annual directors' report resulting from the impact of the carbon pollution reduction scheme [CPRS] on a long term, non-reviewable electricity supply contract? Does this refer to Macquarie Generation's supply contract with Tomago aluminium smelter? Is it true that a similar contract between Delta Energy and the Kurri Kurri smelter would expose Delta to comparable but small reductions in earnings and value? In the New South Wales Government's Gentrader model, which party—the State-owned generator or the trader—will bear the carbon pricing risk for this contract? What impacts will this have on the Rees Government's proposed electricity reforms?

The PRESIDENT: Order! There are far too many interjections coming from the Opposition benches. I remind members that interjections are disorderly at all times.

The Hon. ERIC ROOZENDAAL: The New South Wales Government supports the introduction of a carbon pollution reduction scheme [CPRS] as the main vehicle for achieving Australia's reduction in greenhouse gas emissions. Private sector investment decisions are being made across Australia in the knowledge that the transition to a low-carbon future is inevitable.

The Hon. John Robertson: Unlike those on the other side.

The Hon. ERIC ROOZENDAAL: Except for the flat earth Federal Liberal Party. Did members see the cartoon in today's *Sydney Morning Herald*? Tony Abbott is about to challenge evolution and gravity, which are the next two big issues that the Liberal Party will oppose after climate change! Our energy reforms take the steps necessary to secure future electricity supplies in a way that looks after the economy and the environment. The reforms will deliver a robust and dynamic electricity industry that will be able to respond to market forces and new technologies. In terms of the impact of the carbon pollution reduction scheme on the electricity industry and, indeed, on all industries, it is important to reflect on the impact of other events on the Australian economy and on Australia.

Dr John Kaye: Point of order: The Treasurer has not yet addressed the question and is about to go off on a long-winded rave about the rest of the economy. My question was specific: I want to know about a specific statement.

The PRESIDENT: Order! Is your point of order on the issue of relevance?

Dr John Kaye: My point of order is on the issue of relevance, and I was expanding on that by pointing out that I want to know about the significantly reduced earnings and value related to the carbon pollution reduction scheme.

The PRESIDENT: Order! The Minister will continue to be generally relevant in answering the question.

The Hon. ERIC ROOZENDAAL: Talking about the impacts of the carbon pollution reduction scheme, in terms of who supports it and who is against it, the Liberal Party is against the carbon pollution reduction scheme. That raises the question: What do women think of the Liberal Party leadership and its view on the carbon pollution reduction scheme? The editor of *Dolly* magazine, Marina Go, tweeted—

Dr John Kaye: Point of order: I am not standing up for the Liberal Party but the Treasurer is flouting your ruling. As someone else in this Chamber would say, this is not even within a bull's roar of relevance. While I am happy to see the Treasurer beat up the Liberal Party, I want an answer to the question.

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

The Hon. Marie Ficarra: Skip that page!

The Hon. ERIC ROOZENDAAL: I have so many pages.

Dr John Kaye: Admit that you don't know! Come on! Admit that you don't know.

The Hon. ERIC ROOZENDAAL: Is Dr John Kaye quite finished? Has he calmed down? Will he keep yapping away or calm down? He should make the decision. We remain committed to supporting the carbon pollution reduction scheme. We remain committed to reforming the electricity industry in this State and ensuring the electricity supply in the future.

ELECTRICITY INDUSTRY REFORM

The Hon. DUNCAN GAY: My question is directed at the Treasurer, and Minister for State Development. Does the Treasurer agree with Treasury Secretary Michael Schur that consultant costs on the electricity sale are "very small", when Treasury's annual report reveals payments of \$20 million to consultants on the electricity sale project, including \$1.6 million for communications advice?

The PRESIDENT: Order! I remind the Hon. Melinda Pavey that interjections are disorderly at all times and more recently have been bordering on childish. Members should abide by the standing orders and act in a parliamentary fashion during question time.

The Hon. ERIC ROOZENDAAL: The New South Wales Government's energy reforms are worth billions of dollars to taxpayers, and it is important to be running a tight ship. Every dollar saved in the transaction process is an extra dollar the Government can invest in front-line services. The Government has been making sure taxpayers get value for money from those specialists employed to assist with these reforms, but it is worth remembering that the New South Wales Government's electricity businesses are highly attractive and strategically valuable assets. It is quite possibly the largest energy transaction in the country today.

Dr John Kaye: Not according to the directors of Macquarie Generation.

The Hon. ERIC ROOZENDAAL: He is still yapping away—yap, yap, yap. The companies that want to purchase a retail business, a development site or trading rights will spare little expense to assemble the financial, legal and technical teams they need to do business with the New South Wales Government. It is in the taxpayers' interests to make sure the Government also retains the specialists it needs to get the best possible deal for the taxpayers of New South Wales. Our strategy will create a competitive market, open to new investment. Sensible, practical measures are being taken to achieve this. Engaging experts to provide advice on the design, implementation of our strategy and transaction is important to securing the future electricity supply our growing economy and population needs.

These are essential reforms for securing electricity supplies, and the Government is working hard to implement it. It goes to the whole issue of fiscal responsibility because we know that if ever Coalition members were to occupy the Treasury benches, they would be completely and utterly fiscally irresponsible. The Hon. Greg Pearce would try to hold them back but we know they would be fiscally irresponsible. Just think about what they have done. They have opposed the stimulus strategy and have continually opposed job-supporting record investment in infrastructure. We need to be realistic about the importance of fiscal discipline. Of course, rating agencies have reconfirmed the fiscal discipline of this State Government by improving its credit rating to triple-A stable, taking away the negative outlook, and that is a vote of confidence in investment in the State and our plan to chart economic recovery.

The Hon. DUNCAN GAY: I ask a supplementary question. In light of the Minister's answer of keeping a tight rein on the costs of the sale of the electricity Gentrader, does he consider the payment of \$20 million to consultants and \$1.6 million for communications advice keeping a tight rein?

The Hon. ERIC ROOZENDAAL: I actually said a tight ship. I did not say "tight rein". When we are talking about communications, I have been reading some articles—

[Interruption]

The PRESIDENT: Order! I call the Hon. Melinda Pavey to order.

The Hon. ERIC ROOZENDAAL: You really are in a grumpy mood today, aren't you, Melinda? She is a grump. It is a bit like Snow White: we have Grumpy over here, Yappy over there. What do we do with them all?

[*Interruption*]

No, no. I am confident that if you search *Hansard*, you will see that I allocated the position of "Dopey" to someone on the Opposition side of the House at some point. In terms of communications, which was part of the question asked, the former editor of *Dolly* magazine, Marina Go, tweeted after the announcement that Tony Abbott had won the ballot for the position of Leader of the Federal Opposition, "I would rather eat my first born than vote for Abbott."

The Hon. Duncan Gay: Point of order: My point of order relates to relevance. The question was about New South Wales and communication. Madam President, you rule that Ministers' answers must be generally relevant, but this Minister's contribution is not within a bull's roar of being generally relevant.

The Hon. Michael Gallacher: They are cutting into plotting time.

The PRESIDENT: Order! Is the Leader of the Opposition speaking to the point of order?

The Hon. Michael Gallacher: No.

The PRESIDENT: Then he should cease interjecting. I ask the Minister to be generally relevant when answering the supplementary question of the Deputy Leader of the Opposition. The Minister has indicated that he has concluded his answer.

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

[*Interruption.*]

The PRESIDENT: Order! There are too many interjections in the Chamber. I advise all members that placing bets in the Chamber is against the standing orders.

TOOTH WHITENING KIOSKS

The Hon. JOHN HATZISTERGOS: Reverend the Hon. Dr Gordon Moyes asked me a question on behalf of the Minister for Health relating to tooth whitening kiosks. The Minister for Health has advised:

The provision of tooth whitening through tooth whitening kiosks is currently under consideration in Victoria, therefore it is not possible to comment whether tooth whitening activities will be restricted under the National Registration and Accreditation Scheme. However, tooth whitening services constitute the provision of a health service and are already regulated under the Unregistered Health practitioners Code of Conduct, which is made under the Public Health Act and may be found in Schedule 3 of the *Public Health (General) Regulation 2002*. The Code of Conduct is enforced by the Health Care Complaints Commission.

RELIGIOUS EDUCATION

The Hon. JOHN HATZISTERGOS: On 29 October 2009 Reverend the Hon. Fred Nile asked me, representing the Minister for Education and Training, a question about religious education. The Minister for Education and Training has provided the following response:

Under the Education Act 1990 Section 32, there is a legislative requirement that "in every Government school, time is to be allowed for the religious education of children of any religious persuasion."

The school principal, in consultation with representatives of local clergy, determines the most suitable organisation for Special Religious Education classes. Weekly class groups are the most common method of organisation of these classes, especially in primary schools, but may involve rotating classes, block teaching or seminars, where this is more suitable for school and providers.

While Special Religious Education must be made available, parents and caregivers have the right to choose that their children not attend.

When a student first enrolls in a school, parents or caregivers are asked to identify on the enrolment form, either a specific religion or "no religion". Schools use this information to identify the appropriate class for a student during Special Religious Education. A parent or caregiver may request at any time that their child attend a different Special Religious Education class or be withdrawn from Special Religious Education.

The policy and procedures for Special Religious Education are based on an "opt out" policy, not an "opt in" policy. This means that all children will participate in Special Religious Education classes unless their parent has chosen to withdraw them from religious instruction.

WATERFRONT TENANCY CHARGES

The Hon. TONY KELLY: On 2 December 2009 the Hon. Greg Pearce asked me a question about the Attorney General's report into waterfront fees. The general formula recommended by the Independent Pricing and Regulatory Tribunal includes a rate of return of 3.05 per cent. The Waterfront Action Group, which purports to represent hundreds of licence holders, is seeking a review of the rate of return. The group has requested that the Land and Property Management Authority cease issuing account notices until such time as the review has been carried out. In the meantime, I understand that the group is encouraging its members to pay no more than the statutory minimum rent.

As part of the Government's commitment to improvement of the jetty rent assessment process, the Land and Property Management Authority has commenced a review of the rate of return as originally recommended by the Independent Pricing and Regulatory Tribunal. The review is expected to be completed by the end of 2009. All stakeholders, including the Waterfront Action Group and the Boat Owners Association will be consulted as part of the review process. Once adopted, the outcomes of the review will be applied to future rent calculations. The assertion by the Waterfront Action Group that current and previous accounts are grossly incorrect is not accepted by the Land and Property Management Authority. As regards any non-payment of rent, the authority sees that as a breach of the licence conditions. Such a breach of conditions could lead to the domestic waterfront licence being terminated. It will definitely mean that the particular tenant will incur interest if the non-payment of rent continues. I remind members that today is the 155th anniversary of the revolt at the Eureka Stockade.

HURSTVILLE STATION UPGRADE

The Hon. ERIC ROOZENDAAL: Earlier in question time I was asked a question by Hon. John Ajaka in relation to Hurstville Station upgrade. I have been advised by RailCorp that the project includes the refurbishment and expansion of the station entrance and installation of fire systems at Hurstville station to improve passenger safety. Project budget and the estimated total cost remain consistent with the business case approval of \$21.49 million. Project duration and expenditure profile have been impacted upon by works that, while part of the original scope, could not be adequately quantified at the commencement of the project. The 2006 project business case recognised that a power upgrade may be required due to the additional loads imposed by new fire systems. Changes in power requirements could not be quantified at the project's commencement.

The fire systems design was completed at the end of July 2008 and power demand and the scope for an upgrade to high voltage supply were confirmed. Design could not begin immediately due to a strategic reprioritisation of design resources to facilitate completion of higher priority projects, including the Epping Chatswood rail link. Two major fire systems for Hurstville station, the smoke exhaust system and emergency egress stairs at platform level were dependent on completion of the high voltage upgrade prior to commissioning. The project remains due for completion in 2010-11.

Questions without notice concluded.

TABLING OF PAPERS

The Hon. John Hatzistergos tabled, pursuant to the Annual Reports (Statutory Bodies) Act 1984, the annual report of the New South Wales Institute of Teachers for the year ended 30 June 2009.

Ordered to be printed on motion by the Hon. John Hatzistergos.

[The President left the chair at 1.18 p.m. The House resumed at 2.40 p.m.]

LEGISLATIVE COUNCIL VACANCY**Resignation of the Honourable Henry Tsang**

The PRESIDENT: I report the receipt of the following communication from Her Excellency the Governor:

OFFICE OF THE GOVERNOR
Sydney 2000

3 December 2009

The Honourable
President of the Legislative Council Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear President

I have the honour to inform you that I have received a letter from the Honourable Henry Tsang MLC tendering his resignation as a Member of the Legislative Council of New South Wales. This was received by my Official Secretary today, 3 December 2009.

I have acknowledged receipt of the letter from Mr Tsang and have informed him that you have been advised of his resignation.

MARIE BASHIR
GOVERNOR

I have acknowledged Her Excellency's communication. An entry regarding the resignation of the Hon. Henry Tsang from the Fifty-fourth Parliament has been made in the Register of Members of the Legislative Council.

GENERAL PURPOSE STANDING COMMITTEE NO. 3**Chair and Deputy Chair**

The PRESIDENT: I inform the House that a meeting held this day the Hon. John Ajaka was elected Chair of General Purpose Standing Committee No. 3, and the Hon. Penny Sharpe was elected Deputy Chair.

BUSINESS OF THE HOUSE**Suspension of Standing and Sessional Orders: Order of Business****Motion by Ms Sylvia Hale agreed to:**

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 249 outside the Order of Precedence, relating to the Fairfield City Farm, be called on forthwith.

Order of Business**Motion by Ms Sylvia Hale agreed to:**

That Private Members' Business item No. 249 outside the Order of Precedence be called on forthwith.

FAIRFIELD CITY FARM**Debate resumed from an earlier hour.**

The Hon. CHARLIE LYNN [2.42 p.m.]: Before I was rudely interrupted I was saying that the Fairfield City Farm is a farm-based attraction in western Sydney. It is a place where children and adults can enjoy a variety of exciting shows and exhibits, and get up close to a range of native and farmyard animals. The farm is a family favourite, one of the few places that families can go in western Sydney for quality relaxation. The farm is owned and run by the Fairfield City Council and the land is leased by the council from the Western Sydney Parklands Trust. Fairfield City Farm has operated for 20 years but, unfortunately, it is on the verge of closure, with the lease due to expire at the end of February 2010. Fairfield City Council has decided to not renew its lease and the farm will cease operating on Christmas Eve this year. The people of western Sydney will not see Santa Claus this year; they will see Santa Cruel. Fairfield City Farm has failed to reach its potential under the unimaginative management of the Labor-controlled Fairfield City Council.

The Hon. Duncan Gay: Animal farm!

The Hon. CHARLIE LYNN: No, animal farm is in here! Fairfield City Council and the State Government do not care about western Sydney because they know they will get their vote no matter how many times they take the residents for granted. The council's decision was based on the economic operation of the farm, and it is well justified in removing the burden from local ratepayers. During one financial year recently outgoings exceeded incomings by around \$800,000. And there is no dispute that families in Fairfield already do it very tough; about half the residents are under rental or mortgage stress and cannot afford luxuries such as a day out at the farm.

The farm provides a backyard in which they can meet. The temperature is always a few degrees cooler due to the nature of the area and there is plenty of space for families to spread out and relax, and for the children to interact with the animals. The farm also provides a unique facility for visitors to western Sydney—a place where they can view our native animals in a natural environment. Indeed, the majority of visitors to the farm are from outside the Fairfield local government area. That is why it would make sense for the State Government to take over operation of the farm to ensure that this community asset stays open and is made more affordable.

The trouble with the current State Labor Government is that it is too focused on trendy promotions for its inner-city constituency. Greater western Sydney residents were appalled at the recent waste of millions of dollars spent providing a BYO breakfast on fake grass on the Sydney Harbour Bridge. That was a wasteful political stunt if ever there was one. Fairfield City Farm has never realised its full potential under the Labor-controlled Fairfield City Council because it has never been promoted properly across the State. I doubt that anyone in exclusive, wealthy areas such as Rose Bay would have even heard about it. If anyone knows anything about global warming it is the residents of western Sydney. They do not enjoy gentle sea breezes, as do the residents of Rose Bay, so climate change is more than a theory to them. One of the few places that offer respite from the debilitating effects of extremely hot summer days is the Fairfield City Farm. But what is the Government going to do about it? It is going to close the farm on Christmas Eve! What a heartless, contemptuous decision.

The Hon. Rick Colless: Who is the mayor of Fairfield?

The Hon. CHARLIE LYNN: He is now probably the Premier of New South Wales, for all we know. But at least the Government should say sorry! During the Sydney Olympics the farm was temporarily closed to the public while the mountain bike races were staged there. When it reopened the Government played another sneaky, sleight-of-hand trick on the people of western Sydney: It closed the popular monthly craft markets and fishing facilities. That was the beginning of the end for the farm, as Fairfield council began closing more of the farm's facilities in a bid to reduce costs, while at the same time raising prices. Currently the entry price for a family is \$45, which is out of the reach of many low-income families as well as single-parent families.

Fairfield City Council is really brain dead on this issue. An easy way to increase patronage of the farm would be to have a peak price for when the tourist buses and school excursions take visitors to the farm, and a local family rate for weekends. Fairfield City Farm is a valuable educational resource for our teachers to introduce real-life farming practices and animals to our children without having to travel out of Sydney. The tours are conducted within the current school curriculum and are suitable for students from early primary school to late high school, with educational literature and guidelines available for teachers and students. It is far better for our children to see a working farm in real life than have to view it on a DVD at school. Without this farm, a lot of the kids in Sydney will grow up not knowing what a farm is all about.

Fairfield City Farm is also a valuable recreational resource to our community and western Sydney families. So many recreational facilities have closed in recent years throughout Sydney, particularly western Sydney. Some of the popular entertainment-based attractions outside Labor's inner-city café area that have closed include: Fox Studios Australia Backlot, Magic Kingdom at Lansvale, O'Neills Adventure Land at Leppington, Sea World at Darling Harbour, Wonderland Sydney, the African Lion Safari, Hawkesbury Heritage Farm, El Caballo Blanco, Paradise Gardens in Cattai, Blue Gum Farm in southern Sydney, Old Sydney Town at Somersby, the North Coast region Fantasy Glades in Port Macquarie, and Leyland Brothers World at Karuah. Is it any wonder so many Sydney families are moving to Queensland?

The Fairfield City Farm is an invaluable recreational facility for our children, with holiday programs run everyday during the school holidays. Fairfield council made the decision to close the farm quietly during the dead of the night, without any community consultation whatsoever. It is no wonder that in Cabramatta recently a

totally unknown political candidate received the second-highest swing in New South Wales history. Who was she standing against? The mayor of Fairfield. That is how popular he is out there. The decision to close the farm was made with speed and secrecy. Attempts to speak to the mayor have been met with contempt. The farm's closure inspired Vicky Mycio, who is present in the gallery today, to start a Facebook group called Save Fairfield City Farm. It already has 4,600 members.

The Hon. Catherine Cusack: I am a member; I have joined.

The Hon. CHARLIE LYNN: Good on you, Catherine. I think all members of the Opposition will join, and encourage their friends to join. But I have not noticed any Labor members in the group. A recent article titled "Lalich snubs Farm friends" published in the *Fairfield Advance* on 11 November 2009 reported:

The Save City Farm Facebook group is fast approaching 4000 members, but Fairfield mayor Nick Lalich refuses to respond to their concerns, according to the group's founder, Vicky Mycio.

"Mr Lalich won't return my calls," Ms Mycio said. "I've emailed him and I rang his office, I've left messages with his PA and so far we haven't got anything back.

"He says he wants to support the farm and keep it open, but you don't really see him taking any action to keep it open."

This is a great demonstration of the strong support—

The Hon. Ian West: The Government can't do everything for you.

The Hon. Catherine Cusack: Charlie, did you hear that?

The PRESIDENT: Order! The Hon. Catherine Cusack should not interject when the Hon. Charlie Lynn is addressing the House.

The Hon. CHARLIE LYNN: I acknowledge the Hon. Ian West's interjection. The campaign is a great demonstration of the strong support that Fairfield City Farm has in the local community. This was acknowledged by the Government in question time in answer to my question about what the Government would do to ensure that Fairfield City Farm stays open. But this Government and the local members representing the electorates of Cabramatta, Smithfield and Fairfield do not care about keeping the farm open. All they care about at the moment is themselves and which one of them will be the next Premier. The Mayor of Fairfield was recently exposed by *Stateline* for telling a major porkie. In an article titled "Mayor talks about saving the Farm" published in the *Fairfield Champion* on 14 October 2009—

[Interruption]

I hope you people in the gallery take the message you are getting from Labor members here back to your people and put it on Facebook.

The PRESIDENT: Order! The Hon. Charlie Lynn must address his remarks through the Chair to members in the Chamber, rather than address directly people in the gallery.

The Hon. CHARLIE LYNN: Thank you, Madam President. I do not think they have to be told to do that. I think they will do it anyway.

The PRESIDENT: Order! I was addressing my remarks to the Hon. Charlie Lynn.

The Hon. CHARLIE LYNN: In an article titled "Mayor talks about saving the Farm" published in the *Fairfield Champion* on 14 October the Mayor of Fairfield said the council would be prepared to keep Fairfield City Farm open if the Western Sydney Parklands Trust paid a percentage of its operating costs. In an interview on the ABC he said the farm, which has been operated by the council for 22 years and is situated on State Government owned parklands, would be closing on 24 December. That is Christmas Eve. Santa Cruel! In fact Mr Lalich does look a bit like Santa Cruel these days. He said the decision to cease trading was made in a unanimous vote at a council meeting this year. Mr Lalich said the council had tried to negotiate with the trust to help fund the running of the farm. But a trust spokeswoman, Suellen Fitzgerald, said she did not know of any negotiation between the two parties in relation to the farm. So the mayor has been caught out telling porkies. Ms Fitzgerald told the ABC, "I don't have any record of the trust being asked to fund the farm." It is time for this Government, and in particular the local Labor members for Cabramatta and for Smithfield, to stop passing the

buck with this very important community asset and commit to keeping Fairfield City Farm open. I hope the next Premier, whoever he or she may be, will re-engage the Labor Party with western Sydney, otherwise it is going to be Armageddon. The Opposition supports the motion.

The Hon. LYNDIA VOLTZ [2.54 p.m.]: Madam President—

The Hon. Marie Ficarra: Here is the apologist for the Labor Party.

The Hon. LYNDIA VOLTZ: I do not have to apologise for the Labor Party. The Labor Party is a fine institution. The Labor Party is the institution with the longest unbroken political history in this country, unlike the parties on the other side of the Chamber—

The PRESIDENT: Order! Members will cease interjecting so that the Hon. Linda Voltz can be heard.

The Hon. LYNDIA VOLTZ: It is not like the parties on the other side of the Chamber, whose colleagues in the Federal Parliament do not want to have a climate change policy. The Federal Coalition has no policies whatsoever.

The Hon. Duncan Gay: Point of order: This is a motion about a farm at Fairfield. It has absolutely nothing to do with Canberra or politics in Canberra or issues out of Canberra. I ask you, Madam President, to instruct the member to be relevant.

The PRESIDENT: Order! The member with the call should ignore interjections and her contribution should remain relevant to the motion before the House.

The Hon. LYNDIA VOLTZ: I am happy to return to the motion and will not respond in any way to members opposite raising political policies. Fairfield City Farm is a working farm that supports education programs and gives city kids an opportunity to see firsthand how a farm operates. Ms Hale claims she has the best interest of the farm at heart and yet she is willing to cancel the very process that would see this farm saved. Ms Hale can rest assured that the New South Wales Government recognises the farm for its local, historic and cultural value. In particular, I recognise it because my children often visit it. Therefore, we do not support the notion that the tendering process be cancelled.

Fairfield City Farm is a wonderful western Sydney facility that is enjoyed by many people from all over New South Wales, and everything is being done to ensure the farm continues to operate. The tendering process is progressing well; in fact, it is almost complete. The Western Sydney Parklands Trust has now entered into discussions with the short-listed proponent and has confirmed its preference that the city farm site be maintained as an operating farm business, as set out in the expressions of interest document. The Western Sydney Parklands Trust and Fairfield City Council are continuing discussions about the future of the farm with the short-listed applicant. Neither the State Government nor the proponent views this as a profit-making venture, and as such the New South Wales Government is not seeking a commercial rental return on the land.

I want to be clear so that Ms Hale understands me: One of the reasons this proponent has been short-listed is that they do not consider the operation of this farm a profit-based activity. They are not going to make a profit. Though there has been some ongoing speculation amongst community members about the future of the farm—and we all know speculation can often cause untruths to circulate—it is true to say that the short-listed proponent will continue the farm as an educational farm. As soon as these discussions with the proponent are concluded, the outcome will be announced to the local community and the supporters of city farm.

The interim measure Ms Hale is calling for is unnecessary—in fact, she is just stoking the fire. Fairfield City Council's lease expires in February 2010. While a lease document with the short-listed proponent has yet to be signed, I understand that an outcome is expected in around two weeks, with a final announcement to be issued prior to 24 December 2009. This motion does not even make sense. On the one hand, Ms Hale wants the farm kept open and yet she is calling for the tender process to be cancelled. Let us be clear about this: The tender process is progressing well, a short-listed proponent has been selected and this proponent will continue to operate the farm as a business. Why would we cancel the tender process when this is the very process that is going to keep the farm open?

The Western Sydney Parklands Trust and Fairfield City Council are continuing to work through all aspects of the sale of the farm business, including the future of the animals, to meet all statutory obligations.

I am advised that Fairfield City Council's practice in relation to its domestic farm animals involves buying and selling animals through a legitimate stock and station agent. This is part of their regular farm operations. Ms Hale is insisting on making political hay out of what is essentially a non-issue.

The Hon. IAN WEST [2.58 p.m.]: Madam President—

The Hon. Catherine Cusack: Stand up for western Sydney, Ian.

The Hon. Lynda Voltz: He is.

The Hon. IAN WEST: You bet I am! I know that as we get to the end of the session people get tired and irritable and resort to illogical motions that are not based on fact. As Ms Sylvia Hale well knows, because she has been briefed on the process for securing the future of Fairfield City Farm, the Western Sydney Parklands Trust is well advanced on not just an interim arrangement but arrangements to secure the long-term future of the farm as a sustainable community resource. The New South Wales Government is committed to keeping Fairfield City Farm open and affordable for the community. Negotiations with a short-listed proponent are well advanced. Cancelling the tender process, which is an absurd notion, will jeopardise the opportunity to create a long-term and sustainable future for the farm—something about which the mover of the motion is well aware—and it will be a complete and utter waste of taxpayers' money on a process that is almost complete. I quote the words spoken by Ms Sylvia Hale, the mover of the motion:

Heritage is not just about old buildings. It is about the natural, cultural and built treasures that have made and continue to make a unique contribution to defining who we are and where and how we live.

This motion does not even support Ms Sylvia Hale's own values. If the New South Wales Government cancels the tender process it will be turning its back on this cultural and heritage asset—turning its back not just on the students of western Sydney but also on the students of Sydney generally. In 1806 a land grant of 80 hectares was given to John Jamieson, a Scottish immigrant who was the Superintendent of Government Stock. In 1809 and then in 1823 further land grants of 120 hectares and 40 hectares respectively were made. By 1826 a dairy had been built on the farm. The bricks and mortar aspects of the farm were sold on numerous occasions but the farm operation continued. Interestingly, two trees on the farm—a peppercorn and a Morton Bay fig—were planted in around 1934.

In 1947 the farm was built up to include a piggery, a poultry farm, an orchard, a market garden and a steel water tower, which exists to this day. In 1972 most of the farm was sold to the State Planning Authority and leases for dairy farming continued. In 1984 Fairfield City Council took up the lease on the land and created Fairfield City Farm. Fairfield City Farm began educational programs designed in line with curriculum requirements, and the hands-on activities serve as a great educational tool for infants and primary school students. I am advised that the short-listed proponent will continue the farm as a children's farm. Most importantly, Ms Sylvia Hale has been well advised about what is happening in regard to this farm. For that reason Government members cannot support the motion. The other options that Ms Sylvia Hale is asking the Government to support are based on half-truths at best and mistruths at worst. The long-term future of the farm as a sustainable and affordable community resource is well secured because of the activities of Fairfield City Council.

Ms SYLVIA HALE [3.02 p.m.], in reply: We are now 20 days away from the date on which the farm is supposed to close. Over the past few hours the Government has told us more about its intentions relating to this farm than residents have been told over the past few months—ever since Fairfield City Council announced that the farm would be closed. Today we found out—the Government has been singularly refusing to tell the residents of Sydney, but today it has told us—that Fairfield City Farm will not close. The Government told us that it will keep Fairfield City Farm as a working farm, that the educational aspects will be retained, and that the proponent will run it as a non-profit venture.

If the Government had bothered to tell the community or had given it these undertakings beforehand, members would not have been required to debate this issue today. The Government has given us these undertakings, I assume, in good faith—although no-one will know until the contract is entered into. Even now, the Government is saying that it has a short list of people who are proposed to manage the farm. However, we do not know who they are and we do not know what are their intentions. We are taking on trust that the Government is being honest when it asserts all these things about the farm. If Mayor Nick Lalich had been prepared to talk to any of the local residents he could have assured them that that was the Government's intention. However, he refused to do so.

The Government also refused to allow residents to see any of the expression of interest documents, or what was involved in the tender process. The Government told us that it was always in the tender that the farm would remain open and that it would continue to work as a farm. However, it said that only a moment ago. It did not tell us about this beforehand and it did not tell us until residents organised themselves, received publicity on *Stateline*, and got the support of the wider community. The Government's backdown today is a victory for the community. I acknowledge those residents in the community who are present in the public gallery today who have worked so hard to achieve a positive outcome. I think the Government's position today was shameful, but I congratulate the community on persisting with this issue and on achieving an outcome. I hope—but I do not yet know for sure—that the outcome will reflect what they want.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 18

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

Noes, 15

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

Pairs

Mr Gallacher	Mr Kelly
Mr Pearce	Mr Primrose

Question resolved in the affirmative.

Motion agreed to.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Order of Business

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [3.13 p.m.]: I move:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 232 outside the Order of Precedence, relating to an order for papers regarding NSW Maritime, be called on forthwith.

Question put.

The House divided.

Ayes, 18

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

Noes, 15

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

Pairs

Mr Gallacher	Mr Kelly
Mr Pearce	Mr Primrose

Question resolved in the affirmative.

Motion agreed to.

Order of Business

Motion by the Hon. Duncan Gay agreed to:

That Private Members' Business item No. 232 outside the Order of Precedence be called on forthwith.

NEW SOUTH WALES MARITIME**Production of Documents: Order**

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [3.20 p.m.]: I move:

That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of the passing of this resolution the following documents in the possession, custody or control of the Minister for Ports and Waterways, NSW Maritime or the Department of Transport and Infrastructure:

- (a) the written approval of March 2003, of the Chief Executive Officer (CEO) of NSW Maritime, for Ms Tonette Kelly, general counsel at NSW Maritime, to carry out secondary employment,
- (b) all internal and external complaints since January 2005 made against Ms Tonette Kelly in her capacity as legal counsel, general counsel or manager at NSW Maritime,
- (c) any document relating or referring to complaints made to the Minister for Ports and Waterways regarding the handling of complaints against Ms Kelly,
- (e) all emails from the CEO of NSW Maritime to NSW Maritime staff, relating to investigations into the conduct or actions of, or charges against, Ms Kelly,
- (f) any document relating or referring to communication between the CEO or other executive of NSW Maritime and New South Wales police officers relating to investigations into the conduct or actions of, or charges against, Ms Kelly,
- (g) any document requesting or supporting the funding of Ms Kelly's legal costs,
- (h) any ministerial briefing notes or documents relating to investigations into the conduct or actions of, or charges against, Ms Kelly,
- (i) any document created since January 2005 relating or referring to complaints made to the Premier concerning reprisals against current or former NSW Maritime staff, including any alleged breaches of section 43 of the Public Sector Employment and Management Act,
- (j) any document which records or refers to the production of documents as a result of this order of the House.

The Hon. PENNY SHARPE (Parliamentary Secretary) [3.20 p.m.]: The Government does not support this call for papers for some very important reasons, aside from our usual concerns about calls for papers taking up a great deal of time and involving huge cost. The reason that the Government does not support this call for papers, and asks other members not to support that call, is that the matter is under investigation by the police. I am advised that the Director of Public Prosecutions has determined that criminal proceedings will be commenced. Accordingly, the matter is now before the courts. That is the appropriate forum in which to have the matter heard. I am also advised that the matter will be heard in May next year.

We have a well-established justice system in this country. Persons who are charged with a criminal offence are presumed innocent, and matters are heard and decided on the basis of the rules of evidence. Parliament should not seek to replicate that process or put itself in a position of pre-empting the judicial process. To do so could mean that Parliament may jeopardise the proceedings. The public and Ms Kelly have the right to expect that this matter will be dealt with in the appropriate forum and in the appropriate way.

I am also advised that a substantial proportion of the request or call for papers relates to protected disclosures under the Protected Disclosures Act. If the request or call is successful, I am advised that this motion would lead to the identification of whistleblowers who have made protected disclosures in the belief that their identity and the issues they have raised will remain undisclosed. This request or call could have the unintended consequence of deterring public servants from becoming whistleblowers. It could mean that serious issues will not come to light because whistleblowers will feel that Parliament would respond to media interest and expose their identity and their issues.

The fundamental principle of the Protected Disclosures Act is the protection of identity of public officials who disclose corrupt conduct, maladministration and waste in the public sector. If passed, this motion may undermine the purpose of this Act by deterring future protected disclosures. This is not a result that the House should be seeking. This is a very serious matter. The Government urges members to not support this call for papers.

The Hon. TREVOR KHAN [3.21 p.m.]: It is obvious that today the strain is telling because what the Parliamentary Secretary just said is the greatest load of rubbish I have heard presented in the House for quite some time, and it can be dealt with reasonably quickly. Firstly, with regard to the assertion that prejudice will be caused to criminal proceedings, the answer to that is pure and simple. No doubt when the papers or documents are produced, a claim for privilege will be made. The documents will be made available only to members. No doubt in due course there will be an argument as to whether privilege is justified. We see that every day.

Secondly, claims of privilege are made every day by the Government on the most spurious grounds. The people of New South Wales are put to the expense of Sir Laurence Street having to examine the papers. No doubt he will once again, in his wise and considered manner, point out the error of the Government's ways. Once again we will recognise that this is a demonstration of the Government's commitment to hide as much as possible and that, while it speaks words of transparency, its actions are quite to the contrary.

The answer therefore is quite simple. With regard to an assertion that any judicial proceedings will in any way be interfered with, privilege will surely sort out the problem. The only other matter I raise relates to whistleblowers and this Government and whistleblowers and the department. This is a case in which whistleblowers themselves in many ways have been significantly prejudiced.

[Business interrupted.]

LEGISLATIVE COUNCIL VACANCY

Joint Sitting

The PRESIDENT: I report receipt of the following message from Her Excellency the Governor:

MARIE BASHIR
Governor

MESSAGE

I, Professor MARIE BASHIR AC, in pursuance of the power and authority vested in me as Governor of the State of New South Wales, do hereby convene a joint sitting of the Members of the Legislative Council and the Legislative Assembly for the purpose of the election of a person to fill the seat in the Legislative Council vacated by the Honourable Henry Tsang, and I do hereby announce and declare that such Members shall assemble for such purpose on Thursday the third day of December 2009 at 4.30pm in the building known as the Legislative Council Chamber situated in Macquarie Street in the City of Sydney; and the Members of the Legislative Council and the Members of the Legislative Assembly are hereby required to give their attendance at the said time and place accordingly.

In order that the Members of both Houses of Parliament may be duly informed of the convening of a joint sitting, I have this day addressed a like message to the Speaker of the Legislative Assembly.

Office of the Governor
Sydney, 3 December 2009.

The Honourable the
President of the
Legislative Council

NEW SOUTH WALES MARITIME**Production of Documents: Order**

[*Business resumed.*]

The Hon. TREVOR KHAN: A cursory reading of that august publication the *Sydney Morning Herald* will demonstrate that what has occurred in this case has been that somebody who sought to raise issues with regard to the administration of New South Wales Maritime was suspended from duties because that did not fit in with what "Joe and Co" wanted to happen. When the issue of why the person had been suspended was raised during budget estimates, the answer was, "Oh, no. The person was not suspended." The person involved was not allowed to attend work, but that was not a suspension. The person was not allowed to go near any place of employment, but that was not suspension.

If we want to talk about our concern for whistleblowers, if we want to talk about transparency and if we want to talk about doing the right thing by employees of the State Government, we must not go to the State Labor Party because we know that, when push comes to shove, it will crucify anyone if that suits its ends.

The Hon. CHRISTINE ROBERTSON [3.26 p.m.]: I think we are hearing a lot of information from people who have never ever had anything real to do with the public sector. The whole issue is about perceptions in the mind of future whistleblowers: they may not feel comfortable about making a disclosure. We are asking for something that is right outside the whistleblower legislation, and that will have a discouraging effect on future whistleblowing, an incredibly important component of the public sector. It is a pity that the private sector could not do a bit more about introducing processes to bring to light abominable things that happen to workers in that sector.

The management of employees is a matter for the chief executive and the senior public service. It is not a matter for the Minister or the Parliament. The logical extension of this motion is that Parliament should have a role in public sector management. I think I have heard something about division of powers previously. I understand we have an issue with trying to define it.

The Hon. Trevor Khan: It is called the separation of powers.

The Hon. CHRISTINE ROBERTSON: I beg the member's pardon. I meant to say separation of powers. I thank the Hon. Trevor Khan. I too was at that meeting. The suggestion is that Parliament should inquire into individual employment issues.

The Hon. Rick Colless: Did you separate Nathan's power?

The Hon. CHRISTINE ROBERTSON: No. It is a reference to a little piece from our past, several years ago. Is Parliament now to commence inquiring into every accusation that promotion was not given or that someone has been sidelined, or every time an employee is disgruntled? These employment issues are rightly and properly dealt with by the public service and chief executives who are charged with significant responsibilities in relation to the management of staff. Legal advice is that as this matter is before the courts; it is not appropriate to comment on this issue. Accordingly, the same principles apply in relation to the motion.

The Hon. Jennifer Gardiner: Can you table the legal advice?

The Hon. CHRISTINE ROBERTSON: Why do I have funny comments coming from behind me? It is not a matter for Parliament; it is a matter for the courts and for the senior public service to manage.

Reverend the Hon. Dr Gordon Moyes: Watch your back, Christine.

The Hon. CHRISTINE ROBERTSON: I am comfortable now that I know who is sitting behind me at the moment. This matter has been canvassed extensively in a very public way in the media, and this motion proposes that that public trial continue. Every citizen in this country is entitled to the presumption of innocence—that is not always obvious in this place; being perpetually accused of being a party puppet by the Opposition gives one a pain some days—and to have criminal allegations against them heard in the courts.

The PRESIDENT: Order! The Hon. Trevor Khan will cease interjecting.

The Hon. CHRISTINE ROBERTSON: Court proceedings are underway. That means that this motion is unnecessary. In addition, as my colleague said, this motion could lead to the disclosure of the identity of whistleblowers and the issues they raise, and that would be absolutely disastrous for the current structure. The result of this could be extremely serious and could mean that future whistleblowers are discouraged from making protected disclosures of serious issues. That would not be in the interests of this State and it most certainly would not be in the interests of the people we serve in this State. This motion is not needed. Having regard to the current court proceedings, this could have serious negative consequences for future protected disclosures.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [3.30 p.m.], in reply: I do not think I have heard in the many years that I have been a member of this Parliament more hypocritical comments than those we just heard from the Government. That Government members are protecting whistleblowers is fanciful and gobsmackingly hypocritical. As evidence of that I mention the names Gillian Sneddon, Nathan Rees and Milton Orkopoulos. Government members have run a campaign not to protect whistleblowers in this State. Indeed, the Labor Party shut down the inquiry into whistleblowers.

This motion is not about transparency; it is about cover-up, cover-up, and more cover-up. It is a proper motion seeking, under Standing Order 52, the production of documents to the Parliament. Some of that material may be privileged information. As happens in every case, if those who compile the material deem any of it to be privileged, that material will be privileged. In all the time that we have been requesting the production of documents under Standing Order 52 there has not been one leak of privileged information. I commend the motion to the House.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 16

Mr Ajaka	Mr Gay	Mrs Pavey
Mr Clarke	Mr Khan	Mr Pearce
Ms Cusack	Mr Lynn	
Ms Ficarra	Mr Mason-Cox	<i>Tellers,</i>
Mr Gallacher	Reverend Dr Moyes	Mr Colless
Miss Gardiner	Ms Parker	Mr Harwin

Noes, 21

Mr Catanzariti	Mr Macdonald	Ms Voltz
Mr Cohen	Mr Obeid	Mr West
Mr Della Bosca	Mr Primrose	Ms Westwood
Ms Griffin	Ms Rhiannon	
Ms Hale	Mr Robertson	
Mr Hatzistergos	Ms Robertson	<i>Tellers,</i>
Dr Kaye	Mr Roozendaal	Mr Donnelly
Mr Kelly	Ms Sharpe	Mr Veitch

Question resolved in the negative.

Motion negatived.

SPECIAL ADJOURNMENT

The Hon. TONY KELLY (Minister for Primary Industries, and Minister for Lands) [3.40 p.m.]:
I move:

That this House at its rising today do adjourn until Tuesday 23 February 2010 at 2.30 p.m. unless the President, or if the President is unable to act on account of illness or other cause, the Deputy President, prior to that date by communication addressed to each member of the House, fixes an alternative day or hour of meeting.

The Hon. Don Harwin: On a point of clarification, Madam President.

The PRESIDENT: Order! There is no such thing as a point of clarification. Do you want to take a point of order?

The Hon. Don Harwin: Yes. Can you advise the House whether the terms of that motion preclude the operation of the normal urgent recall of the House provisions?

The PRESIDENT: Order! The Deputy Leader of the Government has moved the usual special adjournment motion that is moved at the end of a parliamentary session. The provisions in the standing orders for a special recall are not altered by the adoption of this resolution.

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

Motion agreed to.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Order of Business

The Hon. MATTHEW MASON-COX [3.43 p.m.]: I move:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 239 outside the Order of Precedence, relating to the Wood Royal Commission, be called on forthwith.

Question put.

The House divided.

Ayes, 20

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

Noes, 17

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

Question resolved in the affirmative.

Motion agreed to.

Order of Business

Motion by the Hon. Matthew Mason-Cox agreed to:

That Private Members' Business item No. 239 outside the Order of Precedence be called on forthwith.

POLICE TASK FORCE BAX ROYAL COMMISSION

The Hon. CHARLIE LYNN [3.50 p.m.]: I move:

1. That this House calls on the Government to establish a Royal Commission to investigate claims made by former Detective Sergeant Tim Priest in his book "Enemies of the State" in regard to Task Force Bax which was established by the New South Wales Crime Commission in March 1996 to investigate and prosecute organised crime and drug trafficking in Kings Cross.

2. That the following terms of reference be used by the Royal Commission to determine:
- (a) whether any member of the Wood Royal Commission during 1994 to 1997 engaged in, authorised or had knowledge of, the illegal supply of prohibited drugs by a Royal Commission secret witness codenamed KX15 in and around the Kings Cross/Sydney area,
 - (b) whether any member of the Wood Royal Commission knowingly assisted the witness KX15 to engage in the unlawful supply of heroin with Bill or Louis Bayeh, Peter or Roula Kay, or any other person in Kings Cross during 1996-1997,
 - (c) whether any member of the Wood Royal Commission had knowledge of either fatal or non-fatal heroin overdoses through heroin supplied by Royal Commission witness KX15,
 - (d) whether any member of the Wood Royal Commission knowingly influenced or prevented any member of the NSW Police Task Force Bax from arresting the Royal Commission witness KX15,
 - (e) whether any member of the Wood Royal Commission or former member of the Wood Royal Commission knowingly gave false or misleading evidence under oath before any court in relation to the activities of KX15 from 1995 to 1996,
 - (f) whether any member of the Police Integrity Commission, Independent Commission Against Corruption or NSW Police Internal Affairs hindered or interfered unlawfully with criminal investigations being conducted by NSW Police Task Force Bax from 1995 to 1999, or any subsequent court hearings connected with that Task Force's investigations and prosecutions,
 - (g) whether any member of the Wood Royal Commission engaged in illegal or unlawful conduct during the investigation and prosecution of NSW Police in the "Kareela Cat Burglar" segment in 1995 and 1996 and subsequent court proceedings before LCM Barnard,
 - (h) whether any member of the Police Integrity Commission or the Independent Commission Against Corruption failed to carry out a lawful investigation into complaints made by NSW Police into the activities of the Wood Royal Commission concerning the Task Force Bax and "Kareela Cat Burglar" investigations,
 - (i) whether any member of the Police Integrity Commission or the NSW Police failed to carry out a proper and adequate investigation into criminal complaints surrounding the airing of an ABC *Four Corners* program in 2001 hosted by journalist, Chris Masters, in connection with a Police Integrity Commission/NSW Police investigation known as Operation Florida, and
 - (j) any other related matter.

A royal commission into the New South Wales Police Service was held between 1994 and 1997. The royal commissioner was Justice James Roland Wood. The terms of reference were to look into systemic and entrenched corruption within the New South Wales Police Service. Towards the end of the royal commission it also investigated paedophilia activities within the Police Service. The commission sat for 451 days, heard from 902 public witnesses and cost about \$80 million. A total of 284 police officers were adversely named and 46 briefs of evidence were sent to the Director of Public Prosecutions. By 2001, nine officers had pleaded guilty to corruption offences, and three pleaded not guilty.

Seven police officers received jail sentences, including the former Gosford Drug Squad chief, Wayne Eade, and a former chief of detectives, Graham "Chook" Fowler. Interestingly, many of the initial rollover police witnesses were provided by the New South Wales Police Internal Affairs Branch, which was already in the process of weeding out corrupt elements. A new technique of using trial by media to name and shame those under investigation was used to great effect but had unfortunate consequences for the victims of what were, in effect, showcase trials. Twelve police officers who were enmeshed in the investigation committed suicide. Many others were so profoundly affected by proceedings that their supporters and families believed it shortened their lives.

A former detective, Greg Jensen, suffered a recurrence of a stomach cancer that ultimately ended his life. Another former detective, Ray McDougall, who faced the threat that the commission investigators might expose his extramarital affair if he did not cooperate, succumbed to motor neurone disease. During the course of the royal commission, Justice Wood advocated an impossibly high standard for police in the conduct of criminal investigations. Police were expected to follow rules to the letter of the law, and deviations from such practices were not to be tolerated. There were numerous mentions of so-called corrupt practices that involved police supposedly breaking the law when interviewing and arresting suspects. That was an affront to the judicial system, according to Justice Wood in a number of reports. He did not subscribe to the concept of noble cause corruption for the protection of the community.

The public was duped into believing that the Wood royal commission cleaned up police corruption in New South Wales. A couple of dissenting voices have tried to break through the wilderness, but with little

effect. A former homicide detective and national crime investigator testified to a Federal parliamentary standing committee inquiry into crime that corrupt activities were conducted by some lawyers and interstate police officers seconded to the Wood royal commission. He informed the standing committee:

The intimidation of witnesses, the fabrication of evidence, the total lack of accountability to anyone or any governing body, amounted to an abuse of human rights.

It is a great shame that many experienced, dedicated police officers had their careers shredded on unsubstantiated evidence provided by paedophiles, gangsters, liars, career criminals and disgraced police. Nearly all were later found not to have done anything wrong other than fearlessly protect the people of New South Wales, as they were sworn to do. Distinguished police officers who were held in high esteem by their colleagues, such as Superintendent Brian Harding and John Garvey, Detective Senior Sergeant Steven York, Detective Sergeant John Davidson and Homicide Detective Mick McGann, had their chosen careers destroyed as a result of the flawed processes adopted by investigators in the Wood royal commission. They were publicly humiliated then sacked by the Commissioner of Police, Peter Ryan.

They sought justice in our court system, and were reinstated. But having restored their dignity at great personal cost, they resigned and were quickly snapped up by the private sector. Local Court Magistrate Barnard was scathing in his remarks about the conduct of the cases brought against the officers by the Director of Public Prosecutions. The only loser in that saga was the New South Wales public, who lost experienced, professional police who knew how to capture criminals, solve crime and protect the public.

The recent publication of the book *Enemies of the State* by former Detective Sergeant Tim Priest provides a disturbing insight into flawed and corrupt practices adopted by investigators at the Wood royal commission in their quest to expose police corruption in drug dealing in the Kings Cross area. I have known Detective Sergeant Tim Priest for many years. He was the policeman who had the courage to stand up and expose the drug dealing in Cabramatta. Initially he was chastised a great deal, but at the end of the day, after the inquiry, he was fully vindicated. Cabramatta now has regained its status and dignity as a proud suburb.

I worked with Tim's father, Rusty Priest, almost on a daily basis in regard to our involvement on the Kokoda Track Memorial Walkway. There is no greater champion of veterans' rights in this State than Rusty Priest, a former State President of the New South Wales Branch of the Returned and Services League of Australia. Tim Priest's book contains very serious allegations against senior members of the New South Wales judiciary that cannot be ignored. Unfortunately, the allegations he makes, which he supports with references, are being ignored. I asked the Attorney General what actions he had taken in response to the allegations, and he replied, "None".

I asked the Police Integrity Commissioner if he had read *Enemies of the State* and he advised that he had not. Whilst I accept that we are all overburdened with the amount of material that we have to read, I find it difficult to accept that somebody has not advised either the Attorney General or the Police Integrity Commission of the serious allegations in Tim Priest's book. These allegations contained in the chapter regarding New South Wales Police Task Force Bax are too serious to be swept under the carpet and demand investigation at the highest level. In my view it will require the powers of a royal commission to examine police and judicial processes that seem to have been corrupted during the conduct of the Wood royal commission.

According to Priest, Task Force Bax was a secret New South Wales Police task force established in March 1996 to investigate and prosecute organised crime and drug trafficking in the Kings Cross area. It included around 32 specially selected detectives with considerable experience in criminal investigations and was led by Detective Superintendent Geoff Wegg. They soon targeted the Cosmopolitan Café, which is a well-known drug haunt in the area. Undercover detectives made connections with heroin dealers operating out of the café. One of these was Gary Said, who would later be given the codename KX15 by the Wood royal commission.

The task force discovered that Said was quite a notorious heroin and cocaine dealer around Kings Cross and that he was a vital link in the chain from wholesalers such as Bill and Louis Bayeh and Peter and Roula Kay to the street addict. Priest reports that as part of the New South Wales Crime Commission Eden reference, under which Task Force Bax operated, strict protocols required that the Task Force Bax commander regularly inform the Wood royal commission of their activities. In June 1996 the Task Force Bax commander, Superintendent Geoff Wegg, advised the commission's senior counsel, Gary Crooke, QC, that the task force was now in a position to arrest a major mid-level heroin dealer, Gary Said.

From this point on the process seems to have been corrupted by investigators from the Wood royal commission. I can only assume that they suspected police to be dealing in drugs and saw this as an opportunity to trap those they suspected of dealing in this area. Superintendent Wegg was ordered to cease all surveillance and investigations into KX15 by Gary Crooke. Wegg was advised that KX15 was not to be arrested or approached by any undercover detectives from Task Force Bax. According to Priest, this is the point at which the Wood royal commission changed its role from a commission of inquiry to commission policeman. The corrupt process began when a senior royal commission lawyer, John Agius, SC, visited the New South Wales Solicitor General, Keith Mason, QC, to seek approval for a bold plan to allow KX15 to continue to supply heroin and cocaine while being monitored by the Wood royal commission. He apparently obtained verbal approval. I say "verbal" because nobody seems to be aware of any written authorisation.

This is a serious issue that needs to be examined by a royal commission because it gave the green light to an illegal process. It certainly seems to have contravened the Drug Misuse and Trafficking Act 1985, which states:

A person who supplies, or knowingly takes part in the supply of, a prohibited drug is guilty of an offence.

The Act defines "supply" as including to sell and distribute, agreeing to supply or offering to supply, or keeping or having in possession for supply, or sending, forwarding, delivering or receiving for supply, or authorising, directing, suffering, permitting or attempting any of those acts or things. Trafficking is the supply of drugs on more than one occasion. A High Court judgement in 1995, *Ridgeway v The Queen*, brought in a new level of accountability for police and altered the way police operations were conducted from the date of that judgement. According to Priest, the High Court decision basically held that law enforcement officers, that is police and others, who induced or participated in criminal activities even for the "noble purpose" of apprehending major drug traffickers, were not immune from the criminal law and were therefore likely to be found guilty of criminal offences themselves. The judgement meant that the end did not justify the means and this point was emphasised at great length in the Wood royal commission's final report on previous New South Wales police practices.

It beggars belief that investigators, lawyers, prosecutors and judges seconded to the Wood royal commission the following year would not have been aware of the *Ridgeway* judgement. If they did know, it was ignored or overlooked in their quest to entrap police who they suspected to be dealing in drugs. How they reconciled their decision to allow an informant who had already been targeted by the New South Wales Police to escape serious charges by working for the Wood royal commission is not known, but it needs to be determined.

The information I have received indicates the Wood royal commission investigation was illegal according to the High Court judgement in *Ridgeway v The Queen* and the Drug Misuse and Trafficking Act 1985. I understand the person who instructed Task Force Bax not to approach or arrest KX15 was the Senior Counsel Assisting the Royal Commission, Gary Crooke, QC, who is the former Integrity Commissioner for the Queensland Government. When laypeople see professional police cashiered out of the force on trumped-up charges and see members of the legal profession and the judiciary promoted after engaging in illegal activities, they lose confidence in our system of justice. We have a duty to ensure that this does not happen.

In acting in their assumed role as police investigators the Wood royal commission did not subject itself to the protocols that applied to New South Wales police in conducting controlled drug operations. As a result they never accounted for the quantity of heroin that their agent KX15 was dealing with on a daily basis. According to experienced police it was therefore inevitable that drug overdoses would soon begin to occur from drugs supplied by KX15. The lack of protocols raises serious questions about the modus operandi of the Wood royal commission using a known drug dealer to entrap police. For example, what quantities of drugs were allowed to be supplied over the period KX15 operated as a protected witness for the Wood royal commission? Did the Wood royal commission investigators maintain a log or a diary to record the amounts of drugs KX15 dispensed while he was their witness?

Given that KX15 was allowed to operate for 25 days, it can be assumed that he dealt a significant quantity of heroin and cocaine that led to fatal and non-fatal overdoses. I have been advised that all of KX15's drug dealings were captured on the Wood royal commissioner's listening device tapes. I have also been advised that these tapes are currently protected in a safe place and will be made available to a royal commission. The tapes are explosive because I believe they disclose KX15 informing Wood royal commission investigators that there may have been fatal overdoses from drugs they supplied. One of these investigators, Kieran Miller, now a high-ranking Australian Federal Police officer, is heard discussing the overdoses on tape with KX15.

I understand he tells KX15 to tell his supplier, a notorious drug dealer, to reduce the purity of the heroin to prevent any more overdoses. The existence of this tape is the most serious aspect of the illegal conduct of the Wood royal commission, where the gamekeeper obviously became the poacher.

This tape will not see the light of day under any other type of inquiry than a royal commission. It reveals that officers of the Wood royal commission staged a mock raid on a notorious café in Kings Cross, Cosmo, where KX15 did most of his business. During the raid they retrieved 60 deals of heroin from the fatal batch of heroin sold by KX15. They tested its purity and found it was 30 per cent pure, which I understand is three times the normal dosage for addicts in Kings Cross. Fatal overdoses were an inevitable consequence. Despite this, the Wood royal commission continued to allow KX15 to ply his deadly trade on the streets of Kings Cross.

The day after the first notification of a heroin overdose, Justice James Wood and John Agius, the counsel assisting, took the extraordinary step of warning young addicts that a fatal batch of heroin was on the streets but, interestingly for such a media savvy organisation, they did not inform the media, the public or even the New South Wales police, otherwise they would have had to reveal that it was being distributed by their own secret agent, KX15.

Neither the New South Wales police nor the Crime Commission was told of this extraordinary operation, nor were they told of the overdoses. Nor does it appear that the New South Wales Coroner, Greg Glass, was informed of the link between the Wood royal commission, KX15, the supplier, and any subsequent deaths. If it had been known, a number of investigators from the Wood royal commission would have faced serious charges for illegally condoning an operation to sell hot heroin. Indeed, on 22 July 1996, Justice Wood mentioned that if the heroin could be traced back to the supplier it could result in murder or manslaughter charges being laid. It is somewhat ironic that Justice Wood was referring to investigators in his own royal commission.

The following year, 1997, members of Task Force Bax became aware of the illegal nature of the Wood royal commission investigators and complained to the New South Wales police commissioner, the Crime Commission and the Independent Commission Against Corruption. The response from the Commissioner of the Independent Commission Against Corruption, Irene Moss, was based on a flawed investigation of the facts. This came to light in a subsequent legal action when the New South Wales Police Legal Service was required to make it available to members of Task Force Bax. It was revealed that ICAC did not interview any member of the task force in regard to their complaint against the Wood royal commission. According to Priest, it contains various assumptions, suppositions, errors of fact and contra-allegations of criminal conduct against members of Task Force Bax. The letter referred to written communication between the Independent Commission Against Corruption and the Wood royal commission, but it does not refer to any written legal advice provided by the Solicitor General of New South Wales in June 1996. In response to the fact that Task Force Bax had followed proper procedure in its surveillance of KX15, Irene Moss wrote:

Whoever the undercover cop was, presumably a member of Bax, he or she was undoubtedly committing a criminal offence by purchasing the drugs from KX15.

If Irene Moss had bothered to interview members of Task Force Bax she would have ascertained quickly the facts surrounding their operation. When a member of the task force brought the facts to her attention they were ignored. Yet another ploy is that the organisation established to investigate corruption has now become a facilitator of corruption. After the Wood royal commission was completed, the members of Task Force Bax were not able to address their concerns to the newly established Police Integrity Commission because the new commissioner was former royal commissioner Justice James Wood. It gets worse.

When Task Force Bax officers—32 of our finest detectives at the time—began to conduct their own investigation into the deaths caused by the overdoses of heroin supplied by KX15, New South Wales Police Internal Affairs suddenly raided their offices. As a result, the men were vilified, paraded before the media and later sidelined from operational duties until they resigned in disgust. They then set about clearing their names through our so-called justice system and that is when they encountered the full might and financial backing of this State. It took nine stressful years to clear their names and in the process New South Wales lost 32 of its best detectives with more than 500 years experience. The New South Wales Government finally settled out of court and, according to a report by Philip Cohen from the *Sydney Morning Herald*, it cost New South Wales taxpayers around \$10 million.

It will take a royal commission to determine why New South Wales Police Internal Affairs raided those detectives' offices and why there has never been an investigation into the Wood royal commission's operations

surrounding KX15, in particular, having regard to the fact that up to 14 people might have died as a direct result of its operations. I understand that Priest's assertion in regard to the number of deaths is supported by the New South Wales Coroner's office, which reported 14 deaths throughout New South Wales from heroin overdoses during the month in which KX15 operated. I refer members to the facts contained in Priest's book, where the evidence is supported by listed references such as court records, transcripts, statements, briefs of evidence, and so on.

A royal commission into the allegations made by Tim Priest in his book *Enemies of the State* in regard to the conduct of illegal drug operations by the Wood royal commission needs to be established to ascertain the truth. The list of potential witnesses goes to the heart of our judicial system and extends from the High Court of Australia to the Supreme Court and the district courts of New South Wales. It includes the New South Wales departments of Public Prosecutions, the Independent Commission Against Corruption, the Police Integrity Commission and the Queensland Government Integrity Commission. Only a royal commission with the powers to subpoena witnesses and seize documents will determine whether illegal operations conducted by the Wood royal commission led to the deaths of up to 14 drug addicts.

The royal commission should also investigate the circumstances surrounding the charging of five senior detectives on the word of convicted paedophile John Rider, whom they had arrested and convicted in a case known as the Kareela cat burglar. Rider spent 18 years in prison as a result of his conviction. It is little wonder then that he gave evidence to the Wood royal commission investigators McGinley and Stevens when they called on him. The detectives were charged on Rider's evidence, were sacked from their jobs and publicly vilified. The reputation of these detectives was eventually restored when the charges were thrown out of court. In throwing the charges out of court the magistrate described the Wood royal commission's star witness, convicted paedophile John Rider, as "a despicable person". According to revelations in *Enemies of the State*, the Crown Prosecutor admitted in a report that he had never seen a court matter so utterly and completely demolished once the star witness was put in the witness box under oath. He described the various police witnesses as "outstandingly credible". He made comments about allegations of statement rigging and witness—

Business interrupted and set down as an order of the day for a later hour.

LEGISLATIVE COUNCIL VACANCY

Joint Sitting

The Hon. PENNY SHARPE (Parliamentary Secretary) [4.13 p.m.]: Madam President, in view of the holding of a joint sitting at 4.30 p.m. today in this Chamber to fill the vacancy in the Legislative Council caused by the resignation of the Hon. Henry Tsang, I suggest that you do now leave the chair until after the joint sitting.

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

[*The President left the chair at 4.15 p.m. The House resumed at 4.30 p.m.*]

The PRESIDENT: I announce that at a joint sitting of the two Houses held this day Shaoquett Moselmane was elected to fill the vacant seat in the Legislative Council caused by the resignation of the Hon. Henry Tsang. I table the minutes of proceedings of the joint sitting.

Ordered to be printed on motion by the Hon. Penny Sharpe.

[*The President (The Hon. Amanda Fazio) left the chair at 4.42 p.m. The House resumed at 7.52 p.m.*]

COMMISSION TO ADMINISTER PLEDGE OF LOYALTY

President of the Legislative Council

The DEPUTY-PRESIDENT (The Hon. Kayee Griffin): I report that Her Excellency the Governor has issued a Commission under the Public Seal of the State authorising the Hon. Amanda Ruth Fazio to administer to all or any members of the Legislative Council the pledge of loyalty.

The Deputy Clerk read the Commission.

COMMISSION TO ADMINISTER PLEDGE OF LOYALTY**Deputy-President and Chair of Committees**

The DEPUTY-PRESIDENT (The Hon. Kayee Griffin): I report that Her Excellency the Governor has issued a Commission under the Public Seal of the State authorising the Hon. Kayee Frances Griffin to administer to all or any members of the Legislative Council the pledge of loyalty.

The Deputy Clerk read the Commission.

HEALTH CARE DATA**Production of Documents: Return to Order**

The Deputy Clerk tabled, pursuant to resolution of 26 November 2009, documents relating to health care data received on 3 December 2009 from the Director General of the Department of Premier and Cabinet, together with an indexed list of the documents.

Production of Documents: Claim of Privilege

The Deputy Clerk tabled a return identifying those of the documents in electronic format that are claimed to be privileged and should not be tabled or made public. The Deputy Clerk advised that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

TABLING OF PAPERS

The Hon. John Hatzistergos tabled the following papers:

- (1) Annual Reports (Departments) Act 1985—Report of the Department of Health for the year ended 30 June 2009—Volumes 1 and 2.
- (2) Annual Reports (Statutory bodies) Act 1984—Reports for the year ended 30 June 2009:
Banana Industry Committee
Responsible Gambling Fund Trustees
Rice Marketing Board

Ordered to be printed on motion by the Hon. John Hatzistergos.

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

Motion by the Hon. Don Harwin agreed to:

That standing and sessional orders be suspended to allow a motion to be moved that Private Members' Business item No. 239 outside the Order of Precedence, relating to the Wood Royal Commission, be called on forthwith.

Order of Business

Motion by the Hon. Don Harwin agreed to:

That Private Members' Business item No. 239 outside the Order of Precedence be called on forthwith.

POLICE TASK FORCE BAX ROYAL COMMISSION

Debate resumed from an earlier hour.

The Hon. CHARLIE LYNN [7.56 p.m.]: The investigation that led to charges being laid against five detectives by the Wood royal commission needs to be included in the terms of reference for the royal commission I propose to ensure that such blatant miscarriages of justice are prevented in future inquiries and commissions. I now address the terms of reference relating to Operation Florida. Mr Priest refers to an agreement between journalist Chris Masters, the New South Wales Crime Commission, the Police Integrity

Commission and New South Wales police in regard to the publication of any material that was not given in evidence before the Police Integrity Commission. This agreement was not honoured by Mr Masters or the ABC on 8 October 2001 when *Four Corners* aired a program called "Directing Traffic". The program included material that had not been given in evidence before the Police Integrity Commission and therefore had the potential to compromise a future prosecution of corrupt police and lawyers.

Mr Priest alleges that the publication of that material was a criminal offence under the Police Integrity Act, the Crime Commission Act, the Telecommunications (Intercepts) Act and the Listening Devices Act. On 16 October 2001 the then shadow Minister for Police, Andrew Tink, asked the then Minister for Police, Paul Whelan, why classified information was aired on the ABC *Four Corners* program before it was entered into evidence before the Police Integrity Commission. Mr Tink asked, "When did the *Four Corners* program get all of these secret tapes and how many days or weeks before they were entered into evidence were the tapes made available to people at the ABC, who had them, what happened to them and what arrangements were made for their security?" He also sought answers as to why the police media policy had been breached because one media outlet had exclusive access to the most sensitive, extraordinary evidence, which, at the time of the broadcast, had yet to be entered into evidence. In a report to the Police Integrity Commission regarding the circumstances surrounding the *Four Corners* program, Justice Finlay, Inspector of the Police Integrity Commission, wrote:

1. Mr Masters was informed that notwithstanding that he had been afforded access to Telephone Intercept product prior to the commencement of Operation Florida hearings, insofar as he desired to broadcast some of this information on his *Four Corners* program, he would only be permitted to make use of information that had been first exhibited in the hearings of the commission. At no time did the commission provide Mr Masters or members [of his *Four Corners* team] with permission to broadcast any ... product it had provided other than that adduced in evidence before the commission.

The Wood royal commission and the Ridgeway judgement established a system requiring the highest standards of integrity for New South Wales police officers. It is not unreasonable for the public to expect the same standards to be applied to investigative journalists and the relevant oversight bodies. The royal commission should examine the circumstances surrounding the breach of the relevant Acts by Chris Masters and the ABC on the *Four Corners* program "Directing Traffic" on 8 October 2001. The commission needs to determine whether Chris Masters was ever interviewed in relation to the breach of the Acts, whether a brief was sent to the Director of Public Prosecutions and what action was taken.

There are compelling reasons for this Government to establish a royal commission into the allegations contained in *Enemies of the State* because it strikes at the very heart of our system of law, order and justice. It is imperative that the public maintains its trust and confidence in the integrity of these systems as they represent the foundation stones of a civil society. There is no dispute that there has been deep-seated corruption in the New South Wales Police Force over the years. However, this corruption has not been limited to the police; there are many examples of collusion with politicians, magistrates and judges in New South Wales. We have a responsibility as members of the New South Wales Parliament to ensure that issues of corruption are properly investigated so that remedial action can be taken to prevent future occurrences.

I find the revelations in Tim Priest's book to be deeply disturbing because of the obvious breaches of law and the subsequent cover-ups, which led to the sacking of a large band of our finest detectives just because they were doing their job. It is incredible that we are expected to believe that police internal affairs staff would raid the offices of a task force formed to investigate drug trafficking and remove tapes containing vital evidence. Then, coincidentally, the police internal affairs office, which is located in a very secure police building, was broken into. What did the thieves take? They took the tapes that had been removed from Task Force Bax. This is not a John Grisham novel; this is law and justice in New South Wales.

While all the honest detectives involved in Task Force Bax were sacked, those implicated in the conduct of the illegal operation conducted by Wood royal commission investigators into drug trafficking operations, which may have led to the deaths of up to 14 heroin addicts, have been promoted. The former detectives of Task Force Bax are entitled to question the fairness of our justice system if the conduct of operations undertaken by Wood royal commission investigators in drug trafficking in Kings Cross is not subject to a royal commission.

This Government is in its death throes. No matter where we look we see crumbling departmental edifices—in health, transport, education, law and order, justice and community services to name a few. The events in this Parliament over the past 24 hours have proved beyond all doubt that members opposite cannot even govern themselves. They are certainly incapable of governing this State. In fact, there is so much instability in this Government that Nathan Rees was the Premier when I started this speech but Kristina

Keneally is now Premier, before I have even finished it. We cannot rely on this Government or its departmental cronies embedded in every government body to fix the system and restore public faith in our public institutions. The responsibility needs to be delegated to a royal commission that has the power to summons witnesses and subpoena documents in search of the truth. We have a duty to protect the integrity of our system and should therefore support the establishment of a royal commission to investigate the terms of reference contained in this motion. I commend the motion to the House.

The Hon. LYNDIA VOLTZ [8.03 p.m.]: The Government opposes this motion. The Hon. Charlie Lynn is at it again, calling for what could only be described as the most monumental waste of taxpayers' money, and a monumental waste of time. He knows that these matters have been dealt by a royal commission, countless reviews by the Independent Commission Against Corruption [ICAC], the Police Integrity Commission and the Ombudsman, and with more than enough time in this House, and even by the Hon. Charlie Lynn's Federal colleagues. The mere suggestion of unlawful interference or hindrance by the Police Integrity Commission, the Independent Commission Against Corruption or the New South Wales Police Force is at best highly offensive to the hard working men and women who serve those agencies. However, it is a sad indictment of what we have come to expect from the Hon. Charlie Lynn. He is without shame. Whether this can be put down to gullibility, paranoia or a wanton lack of respect of parliamentary privilege, only time will tell. For what will hopefully be the last time, here are the facts. In relation to Task Force Bax, these allegations were fully aired and investigated many years ago. I am advised that the New South Wales Police Force referred the allegations to the Independent Commission Against Corruption. I am further advised that the commission found that:

The available evidence simply does not support the assertion that there has been some sinister attempt to cover up the true circumstances surrounding the Wood Royal Commission's KX15 allegation.

The ICAC also advised:

The Commission has concluded that the most serious allegations in relation to the Wood Royal Commission's KX15 operation are incorrect or unsubstantiated.

For members who missed that: ICAC concluded that the most serious allegations were incorrect or unsubstantiated. Then there is the Kareela cat burglar investigation. It all sounds rather sinister, and that is what the Hon. Charlie Lynn would have us believe. He will not let the facts get in the way. However, he will not tell members that this matter has been looked at and reviewed. The New South Wales Police Force and, indeed, the Government, took these allegations seriously and asked ICAC to investigate. ICAC found there was unlikely to be sufficient evidence to make out the complaint, and an out of court settlement reached.

Then there is my own personal favourite, the target for any mad right-wing conspiracy theorist worth their weight—a swipe at the *Four Corners* program. Once again, the matters raised by the Hon. Charlie Lynn were thoroughly, meticulously, carefully and painstakingly investigated, by both the Inspector of the Police Integrity Commission and the New South Wales Ombudsman. Even the Joint Parliamentary Committee on the Office of the Ombudsman and the Police Integrity Commission—of which Mr Lyn is a member—had a go.

The Hon. Charlie Lynn: Not then.

The Hon. LYNDIA VOLTZ: He is now and he is not suggesting that he did not raise it earlier. I would have liked to have said that I am at an absolute loss to know why the Hon. Charlie Lynn is again raising these matters; however, in reality, I am hardly surprised. This is the man who famously, or infamously, championed the mad ravings of W26. I am sure that most members are aware of him. For those who are not, I refer members to a speech made in the other House by the Hon. Bob Debus, who stated:

In 1980, W26 was convicted of 19 counts of demanding money with menaces. He used to pass female bank tellers notes saying he would "blow their head off". A Corrections Department report submitted in the court proceedings at the time described W26 as "an inveterate liar". It went on to say that he was "highly unstable emotionally and has no regard for the truth".

W26 was later convicted of sexually assaulting an intellectually handicapped minor and sexual assault of another young boy.

Faced with the reality of what the Hon. Charlie Lynn will believe, we are hardly surprised at the contents of this motion. It is more than apparent that the matters raised in the motion by the member have been thoroughly and independently investigated. Again I state that the notion that establishing a royal commission into matters already concluded is ludicrous. The notion that we should instigate a royal commission into an existing standing royal commission into police integrity merely compounds his idiocy.

The Hon. CHARLIE LYNN [8.07 p.m.], in reply: The member has not given me much to reply to. However, in respect of the evidence about W26, the report said that the police superintendent who was hand-picked from the United Kingdom to investigate paedophilia should not in a statement have used the word "corroborated". I find it difficult to understand that a superintendent does not understand the meaning of that word. That is like saying that an artillery officer does not understand the words "bang" or "gun". It is part of their language. That is totally irrelevant to this motion. It demonstrates that the Government has no answer. As I said, we are talking about 32 police officers who were hand-picked for Task Force Bax. They were experienced: the group had a total of 500 years of experience. At the end of the day they complained about the Wood royal commission's illegal activities because they were not subject to the same protocols, but that has not been investigated. That must be investigated. It has not been investigated. The Government says that it has been, but it has not. When those officers complained they were sacked from the Police Force.

The Independent Commission Against Corruption did not conduct an investigation; it conducted a review. None of the police officers who made a complaint was ever interviewed. I suggest that was because the Independent Commission Against Corruption did not want to know the truth. There is one thing about this Government, it has its people embedded in all these types of organisations. That is why we cannot rely on investigative bodies to conduct proper investigations. The Government has blown its integrity. Labor has a revolving door of Ministers. Labor is more focused on its own factional tribal survival than on governing the State of New South Wales. The people who are stuck in a traffic jams every single day of the week on the M2, the M3, the M4, or the M5 know that the major traffic routes in Sydney are jam-packed.

The Hon. Lynda Voltz: You should take some credit for that as well.

The Hon. CHARLIE LYNN: Labor has been in government for 14 years. There are no excuses. Labor has blown it. The people of New South Wales have to suffer for one more year because this Labor Government is so incompetent that it cannot even run its own political party, let alone run the State. The people of New South Wales deserve better than they are receiving from this Government. There is a perception emerging from Labor's failure to support the call for a royal commission that it has something to hide and does not want the truth to come out.

The Hon. Lynda Voltz: If you have any evidence, bring it out.

The Hon. CHARLIE LYNN: Support the call for a royal commission and bring out the truth.

The Hon. Lynda Voltz: Why don't you refer some evidence to the Police Integrity Commission or the Independent Commission Against Corruption for a start?

The Hon. CHARLIE LYNN: The evidence is in this book *Enemies of the State*.

The Hon. Duncan Gay: You had your chance to speak.

The Hon. CHARLIE LYNN: The Hon. Lynda Voltz had a chance to speak and she spoke, but she said nothing because she had nothing to say. The Government is trying to defend the indefensible. A professional policeman in the State of New South Wales who is doing their job stands a good chance of being cashiered, but an officer of the legal or judicial system has a good chance of being promoted and being part of a cover-up. This motion refers to cover-up after cover-up. Task Force Bax was a cover-up. Anyone who reads the documents concerning Operation Retz and the Kareela cat burglar investigations would know that they make your skin crawl. Why does the Government not make the Operation Retz documents available to the public? I will tell the Hon. Lynda Voltz why the Government will not do that.

The Hon. Lynda Voltz: Why didn't you ask these questions when you were in the committee?

The Hon. CHARLIE LYNN: We moved a motion that debate on Operation Retz be called on forthwith but Labor voted against it and the public release of documents. I have read the documents. I know why Labor voted against the motion. If the lid had come off that there would be worms crawling all over the State. There are worms crawling out now. This Government is in total and utter disarray. There has been a change of Premier during the time it has taken me to make my speech, which just shows how unstable Labor is. The Government is into cover-up and is not prepared to put the people of New South Wales first. The Wood royal commission cost was estimated to be \$80 million, but the payout to the Task Force Bax officers alone, which the Government got wrong, was \$10 million. There was probably approximately \$40 million involved in the legal

costs of defending the indefensible. Any whistleblower or any objector that comes to the Government must be prepared to withstand the full might of the unlimited legal resources that the Government has at its disposal to keep people quiet.

It is unbelievable that the issues that have been raised by Tim Priest in his book *Enemies of the State* have not been investigated. Anyone who has read that book would be most concerned that Labor Government members do not even bother to read the book yet mock the evidence. They will not support appointment of the only suitable body—a royal commission—to investigate the very serious charges outlined by Tim Priest in his book *Enemies of the State*.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 12

Mr Clarke	Mr Gay	
Ms Cusack	Mr Lynn	
Ms Ficarra	Reverend Nile	<i>Tellers,</i>
Mr Gallacher	Ms Parker	Mr Ajaka
Miss Gardiner	Mr Pearce	Mr Harwin

Noes, 17

Mr Catanzariti	Mr Macdonald	Ms Voltz
Mr Cohen	Mr Obeid	Mr West
Ms Hale	Mr Primrose	Ms Westwood
Mr Hatzistergos	Ms Rhiannon	<i>Tellers,</i>
Dr Kaye	Mr Robertson	Ms Robertson
Mr Kelly	Ms Sharpe	Mr Veitch

Pairs

Mr Colless	Mr Della Bosca
Mr Khan	Mr Donnelly
Mr Mason-Cox	Ms Fazio
Mrs Pavey	Mr Roozendaal

Question resolved in the negative.

Motion negatived.

ELECTION FUNDING AND DISCLOSURES AMENDMENT (PROPERTY DEVELOPERS PROHIBITION) BILL 2009

Second Reading

The Hon. JOHN HATZISTERGOS (Attorney General, Minister for Industrial Relations, and Vice-President of the Executive Council) [8.23 p.m.]: I move:

That this bill be now read a second time.

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

Leave granted.

New South Wales has long been at the forefront when it comes to mandating transparency around political donations.

In 2008, this Government undertook the most significant reform of the Election Funding Act since its enactment.

Those reforms have given New South Wales in the words of the Election Funding Authority "the most transparent and comprehensive disclosure provisions of all Australian jurisdictions".

For many years the Government has called for national laws that go beyond disclosure laws, which will eliminate large donations and the shadow they cast over Government decision making once and for all.

As the Premier has said previously, consistent national reform is the ideal way forward.

That approach is the most practical way to minimise loopholes arising from our federal system of Government and the national structure of political parties.

The Government continues to support a national approach.

The Commonwealth Government's Electoral Reform Green Paper presents all jurisdictions with the opportunity to achieve national reform of political funding as part of a broader harmonisation of Australian electoral systems.

The Government recognises, however, that consistent national reform will take time.

In the interim, New South Wales will continue to strengthen its own rules governing political donations and expenditure.

On 14 November, the Premier announced that the Government would press ahead with reforms to remove large donations from this State's political landscape.

As a first step, the Government is committed to banning political donations by property developers in New South Wales.

The Election Funding and Disclosures Amendment (Property Developers Prohibition) Bill gives effect to this commitment.

It will continue New South Wales' history of leadership in this complex but important area.

The bill will amend the Election Funding and Disclosures Act 1981 to prohibit political donations made by or on behalf of property developers.

In particular, the bill will make it unlawful for a property developer to make a political donation.

It will make it unlawful for a person to make a political donation on behalf of a property developer.

In order to minimise opportunities for avoidance, the bill makes it unlawful for a property developer to solicit another person to make that political donation.

It will also make it unlawful for a person to knowingly accept a political donation made by a property developer, or made by a person on behalf of a property developer.

Any political party who breaches the new rules will be subject to a maximum penalty of \$22,000. In the case of any other person, the penalty will be \$11,000.

These penalties apply in addition to the EFA's power to recoup unlawful donations.

It is well established that determining exactly who is a property developer for the purposes of a ban on donations is a difficult exercise.

No definition of 'property developer' will ever be perfect.

The bill contains a detailed definition of 'property developer' to ensure certainty and to minimise loopholes.

It consists of four elements,

- a corporation engaged in a business
- that regularly involves the making of relevant planning applications
- in connection with the residential or commercial development of land
- with the ultimate purpose of the sale or lease of the land for profit.

The definition makes sure that 'close associates' of such corporations are also captured and banned from making on donations.

'Close associates' include:

- a director or officer of the corporation, and their spouse.
- any person whose voting power in the corporation or a related body corporate is greater than 20 per cent, and their spouse.

Related bodies corporate and stapled entities are also deemed to be 'close associates' for the purposes of the ban.

Further, if the corporation is a trustee, manager or responsible entity in relation to a trust, a person who holds more than 20 per cent of the units in the trust (in the case of a unit trust) or is a beneficiary of the trust (in the case of a discretionary trust) is deemed to be a 'close associate'.

Inevitably, any definition of 'property developers' and their 'close associates' will involve some grey areas at the margins. For those falling on either side of the definition, the demarcation may appear somewhat arbitrary.

For example, spouses of certain persons are included in the definition of 'close associate', but not other family members. Officers of a corporation that is a property developer are covered, but not regular employees.

The definitions in the bill have been carefully crafted to avoid encroaching on individuals' rights to freedom of political communication, while trying to ensure the ban is meaningful and reasonably adapted to address the public's concern about developer donations.

Importantly, the bill clarifies that corporations, such as supermarkets and other retail businesses, businesses that make planning applications from time to time in relation to properties from which they conduct their usual business such as selling groceries, are not covered by the ban.

The ban on donations does not apply to homeowners or individuals renovating investment properties.

The Government does not believe that ordinary citizens should be deprived of their right to make a political donation simply because they have at some stage required development approval in relation to their home or another property owned by them.

The Government acknowledges that for some corporations, the question of whether they are a 'property developer' will be finely balanced.

The bill aims to provide certainty for potential donors, candidates and political parties, which will in turn improve compliance.

It enables a person to seek a determination from the Election Funding Authority confirming that they are not a professional property developer for the purposes of the ban.

All determinations made by the Authority will be published on a Register on its website.

Anyone who gives false information to the Election Funding Authority in connection with a request for a determination will be guilty of an offence, punishable by a maximum penalty of 200 penalty units or imprisonment for 12 months, or both.

As I have said, no attempt to ban donations from a particular sector will be perfect. Loopholes will always be found by those who wish to circumvent the system.

But let me be clear about this.

The ban on developer donations is a first step.

A ban on donations from one sector of the business community inevitably raises the issue of corporate donations more generally.

That is why the Premier has announced that—one way or another the next State election will be conducted under a public funding model in conjunction with bans and caps on private donations.

Legal advice indicates that any wholesale ban or significant cap on donations may impact upon the right to freedom of political communication.

This in turn gives rise to constitutional issues which could render any ban or cap invalid.

Public funding of election campaigns is therefore essential if we are to progress further serious donations reform in New South Wales.

Devising a public funding model is not an easy task.

It is important that any such model has the full support of all parties.

For this reason, the Government has referred the specific issue of a public funding model to the Joint Standing Committee on Electoral Matters for inquiry and report.

The Committee's inquiry will build on the work undertaken by the Select Committee on Electoral and Political Party Funding in 2008.

I note that 19 of the recommendations made by the Select Committee in 2008 have already been implemented by the Government.

In its report, the Select Committee acknowledged that measures such as bans and caps would necessitate an increase in public funding.

The new inquiry will provide a forum for consideration of a public funding model to be undertaken in a manner which ensures that the views of all parties, candidates and the community are taken into account.

This bill combined with my Government's longer term commitment to the wholesale reform of campaign finance laws sends a clear message to the public that the era of big donations in New South Wales is over.

The political parties of New South Wales are not up for sale.

I commend the bill to the House.

Ms LEE RHIANNON [8.23 p.m.]: The Greens are pleased that the Labor Government is finally taking some steps to clean up donations in New South Wales. To be clear, the erosion of public confidence in New South Wales Government decision-making due to the "decisions for donations" culture has made it difficult for the major parties to do otherwise. Greens New South Wales have long called for a ban on developer donations—indeed, a ban on all corporate donations. We welcome Labor's new-found commitment and urge both Labor and the Coalition to make sure this bill is just the start of a far-reaching overhaul of political donations and electoral funding, the start of an overhaul that goes beyond singling out just one class of donor. It is difficult to read former Premier Rees' second reading speech with a straight face. He touts New South Wales and the Labor Government as being at the forefront when it comes to mandating transparency around political donations. The former Premier said:

For many years the Government has called for national laws which go beyond disclosure, laws which will eliminate large donations and the shadow they cast over government decision-making once and for all.

That is useful, and I think it is important that debate on this bill is occurring now, despite the fact that we have a new Premier, Kristina Keneally. There were rumours today that this debate would not go ahead because the bill came from the former Premier's office. At least this legislation is still on track. A great deal more needs to be done. As we know, the new Premier has her own problems in this regard, given the way she has defended a number of unsavoury practices in the planning system and has herself accepted more than \$170,000 in donations in just six years.

As I said, the former Premier's comment about the State laws with regard to disclosure and large donations was quite a generous interpretation—unfortunately not very accurate—of the role of the New South Wales Government in reforming electoral funding. The Government has benefited from massive political donations over the years. It has been caught out in a string of donation scandals. It is a government that has been making noises for years about donations reform while doing nothing to stem the tide of donations. Clearly, the bill is an attempt to rebuild the Labor Government's damaged reputation and, after the events of today, it has even more building to do.

The Coalition is every bit as guilty on this account. My office has compared donations made to New South Wales Labor versus donations made to the New South Wales Coalition over the past 10 years. This shows that for the first time the Coalition has pulled ahead of Labor in the corporate fundraising race. Since the 2007 election New South Wales Labor has accepted \$13.9 million, including union donations, while the New South Wales Coalition has accepted \$17.5 million in corporate donations. Coalition leader Barry O'Farrell has seemingly done a complete about-face on his rhetoric on political donations. Again, the Greens welcome this, but there appears to be an underlying credibility problem given that the level of donations shows that big business is effectively bankrolling the Coalition into power.

It is interesting that a large part of the Opposition leader's criticism of the bill in his speech in the lower House came word for word from briefings by the Urban TaskForce Australia, the body that represents Australia's most prominent property developers. The Urban TaskForce is hardly a sensible body to be taking advice from on a bill that goes to the heart of limiting the influence of property developers. The Urban TaskForce came out with some fascinating arguments about why this bill should not be supported. It went so far as to say that the bill should not be supported because it is sexist and McCarthyist. It is fascinating that the Urban TaskForce sees itself as a champion in this regard when it has been silent about sexism and the democratic process in our society for so long. However, they were the arguments it advanced; perhaps they were hard up for an argument to say why this bill should not be supported.

In this speech I do not want to rehash the previous scandals and history of donations of Labor and the Coalition. They are already on the record, and we are all aware that more will tumble out in the weeks and months to come. I hope that we are all here today to start the process of reforming the electoral funding laws in New South Wales. The primary concern of the Greens in this debate is that the bill before us is as watertight as possible. That is the critical issue. Clearly, the loopholes in the bill need to be closed. The purpose of this bill is to ban political donations by property developers to all parties and candidates in New South Wales, including local government. New section 96GA makes it unlawful for a property developer to make a political donation, for a person to make a political donation on behalf of a property developer, for a property developer to solicit another person to make that political donation, and for a person to knowingly accept a political donation made by a property developer or made by a person on behalf of a property developer.

New section 96GB (3) defines types of close associates in a number of ways, namely, a director or officer of a corporation or their spouse; any person or their spouse whose voting power in a corporation or

related body corporate is more than 20 per cent; related bodies corporate and stapled entities; and if the corporation is a trustee, manager or responsible entity in relation to a trust or is a beneficiary of the trust in the case of a discretionary trust. The Greens are concerned that the definition of "close associate" is not tight enough; it will still enable property developers to use shelf companies, associated entities and divisions of a political party in another State as vehicles for transferring donations to Labor or the Coalition parties. These loopholes need to be closed, and that is why the Greens will move amendments in Committee to ensure that the bill achieves what we have been promised.

The Government briefing on the bill claimed that shelf companies established by property developers to lodge planning applications in relation to a particular development will be caught by new section 96GB (3) (b), which specifies a related body corporate of a corporation. I ask the Minister or the Parliamentary Secretary when replying to this debate to confirm that that is the case. The Greens support new section 96GE, which sets out the process for a person or corporation to apply to the Electoral Funding Authority [EFA] to make a determination on whether the applicant is or is not a property developer for the purposes of this ban. New section 96GE (6) provides that the EFA must maintain a public register of determinations. As I said, the Greens believe that this bill contains many loopholes—loopholes that enable developers to continue funnelling donations to political parties and candidates. We have a problem with the legislation before us and something needs to be done. That is a shame.

I foreshadow that the Greens will be moving amendments that will, firstly, clearly capture developer donations funnelled through associated entities and via intra-party loans, making it unlawful for such intermediaries in the form of an associated entity or State branch of a political party to make a political donation and for a political party to accept a donation from such an intermediary; secondly, broaden the definition of "property developer" to include construction companies, real estate agents and listed property trusts such as Westfield; and, thirdly, provide more significant penalties for offences under the Act to include imprisonment for a term of up to five years in addition to the current financial penalties already in place under the bill. The capacity to impose a prison sentence reflects the current law in Canada under that country's Elections Act.

I note that companies that do not develop property as their primary business will still be able to donate to election campaigns. This was dealt with by the former Premier when he made the announcement about the ban; he was specific about this point. However, the example I will give shows why the current construct in this part of the bill is most disappointing. We know that property developers are not the only flies in the donation ointment; there are pubs and clubs, big retail and supermarket chains. These companies are often involved in planning applications for new or extended developments, which can be massive. For example, Star City Casino pushed for a \$475 million property expansion of its premises and donated \$110,000 to the Government two months before it was granted approval for the expansion. We are not saying that a deal was done, but people are suspicious when they see, in close proximity, a donation that favours a development application and the approval of that development application.

Star City has the look and feel of a property developer but would not be caught by these new laws, despite the fact that it has been a consistent donor to New South Wales Labor. I am not just talking about the donation of \$110,000; it has made other big donations during critical times in the planning process. This is just one compelling example of why we need wholesale reform of the electoral funding system. Developing a legislative system that only bans developer donations—not all corporate donations—was always going to be difficult. Getting the definitions right is complex but it is also key to the effectiveness of the ban. I again put on the record the Greens position: we need comprehensive reform of electoral funding, with a ban on donations from corporations and other organisations, a strict limit on how much money individuals can donate, a cap on electoral spending, as well as limits being placed on third-party organisations.

We acknowledge that this bill is a first step, but to make it effective we must get the definitions right. I hope that all members of this House will support our amendments in the interest of closing loopholes in the bill to ensure that as far as possible the new system is watertight and there is a genuine and complete ban on developer donations. While the new direction signalled by this bill is obviously welcome, the damage that donations have done to the democratic process in this State will never be put to bed until New South Wales Labor commits to a wholesale reform of the entire electoral funding system. The new Premier, Kristina Keneally, comes into her job from a damaged position because of the donations she has accepted and her role in the planning system. She has made some extraordinary decisions and defended part 3A, and during the Badgerys Creek inquiry she made the extraordinary admission that she thought there was no problem with department staff meeting with lobbyists, saying that she did not even need to know about it. She comes into the job from a damaged position.

One of the first things the new Premier needs to do is commit to far-reaching reform of electoral funding. If she fails to do that in the early days, she will further damage what is already a dysfunctional government. The easiest and most effective way to stop donation scandals would be to impose a ban on all donations from corporations and other organisations as I have outlined and to implement the regime I have set out, which is based on the regime in Canada. The system in Canada has worked for many years; it has been tested before the Canadian Supreme Court and it has remained in place. Last year's upper House inquiry into electoral funding recommended banning all donations from corporations and other organisations, and allowing individuals to donate amounts of up to only \$1,000. I am aware that the Government, before the change of Premier today, said that the joint committee inquiry into electoral funding will build on the work undertaken in the 2008 upper House inquiry. I am pleased that the Government has agreed to do that, and Premier Keneally must now ensure that that continues. The Greens hope that this bill is the first of a number of quick steps to take us forward to that far-reaching reform.

In conclusion, I place on record the fact that we are debating this bill tonight is a great credit to communities across the State. Communities have raised concerns and sent our office so much information to put on the record. They were able to provide details of donations when incorrect decisions were made with respect to overdevelopment and inappropriate development. All this placed enormous pressure on the Government and the Coalition, which resulted in them changing their position in recent years to the point where we are now debating this bill.

I thank the team of people who work on the Greens Democracy4Sale project. In particular, I thank Dr Norman Thompson for his tireless work. He has undertaken thousands of hours both in qualitative and quantitative research for this extraordinary project. I acknowledge also the work of Anne McArthur, Richard Morrell, Wanda Jaworski, James Bourne, Linda Wilhelm and Sue Gemmell, who assembled the data that exposed the corrupting influence of developer donations and has helped bring us to this point today.

Reverend the Hon. FRED NILE [8.41 p.m.]: I am pleased to speak in support of the Election Funding and Disclosures Amendment (Property Developers Prohibition) Bill 2009. I am pleased I was able to return from a family funeral on my wife's side in Brisbane in time to speak on the bill. I have just returned from the airport and I have learned of the change of Premier. I congratulate the Hon. Kristina Keneally on being elected as Premier of New South Wales by the Labor caucus. Apparently the vote was 47 to 21, which is an overwhelming vote of support. I hope this will allow the Government to move forward with unity and efficiency. Kristina Keneally was often under attack by the media and by the Opposition over whether she was influenced by donations. She always angrily replied that everyone should prove the allegation.

That was the problem. Developers made donations to both sides of politics, sometimes unwillingly because it became the culture and they were expected to make donations. During inquiries into electoral funding that I have chaired developers have said they would be pleased to have the ban on donations because it would save them hundreds of thousands of dollars in the future. Many feel under pressure to give donations, usually to the Government but also to the Opposition. Developers do not oppose the bill in principle, although they may criticise certain aspects of it, because it would save them money. In addition, if genuine companies made a donation and the development were approved, the assumption would be made that the donation influenced the development approval. That is the dilemma if donations are allowed. This bill will clear the air to prevent donations influencing development approvals.

The committee I chaired was unanimous in supporting not merely a ban on development donations but a ban on all donations except donations of up to \$1,000 per year by individuals. So in a four-year electoral term a person could donate \$4,000. That will have little impact on the major parties but will allow the minor parties and Independents, who depend on small donations, to continue to be part of the democratic process. Premier Rees stated—I assume those statements will be supported by the new Premier as government policy—that the ban on developer donations is a first step. The Government decided to reform the process in stages and I understand that a number of Government members also stated in the agreement in principle debate in the other place that this bill was the first stage. We are all keen to progress in this direction to prohibit all donations. To do so would solve the genuine concerns raised by the Greens that other bodies may not be picked up by the legislation. The next stage includes a total ban that will include casinos, tobacco companies, the liquor industry and the like, which I would support.

I urge the Government in presenting its new image to the public, in its own interests and reputation and to remove any accusations of corruption, to move urgently to that next stage. Therefore, in the New Year when Parliament resumes, the Government should introduce another bill into the upper House for debate. The

Electoral Funding and Disclosures Amendment (Property Developers Prohibition) Bill will amend the Election Funding and Disclosures Act 1981 to make it unlawful for a property developer or a person acting on behalf of the property developer to make a political donation. It will make it unlawful for a property developer to solicit another person to make a political donation. It will also make it unlawful for a person to accept a political donation knowing that it has come from a property developer. The bill will provide a mechanism to enable a determination to be sought confirming whether a particular person is a property developer subject to the ban.

I support, in particular, that last provision because there may be grey areas and people would then have the right to seek a determination on whether they are covered by the legislation. The maximum penalty for knowingly making or accepting an unlawful donation in the case of a political party is 200 penalty units, \$22,000, or in any other case 100 penalty units, \$11,000. The bill contains a detailed definition of "property developer". The Urban Taskforce, the body representing developers and others in this State, is concerned with the terminology of "close associates of professional property developers" and whether that includes the spouse of the developer. That body argues that the bill is sexually discriminatory as individuals are caught under the bill due to their marital status. I have no problem with it because it is not impossible for a developer to have his wife make the donation on his behalf. If that were the case, the bill would pick this up and prevent that from happening.

The privileges committee and other parliamentary committees have discussed whether the pecuniary interest declaration should only include the assets and property of members or that of their spouse. Over the years I have come to a very strong conclusion that it should include the spouse as well. I do that already with my return because my wife and I are joint owners so automatically my wife is included. However, I believe some members use that loophole to conceal their very large assets, which may have some influence on their actions and voting in this Parliament. The Parliament and the public should be aware of that. If those assets have been transferred to the wife deliberately to conceal them from the public, we would be forced in future to amend the pecuniary interest requirement to include the spouse.

If we are to include it for spouses of developers it would be inconsistent if members of Parliament opposed it, as there would be one law for developers and another for members of Parliament. We should hold ourselves up to the same standards that we expect from other people. I note that the urban taskforce supports this ban but wants the ban on donations to be right across the board to cover all businesses, trade unions, individuals and non-government organisations. That was a recommendation of the Select Committee on Electoral and Political Party Funding that I chaired. I am pleased to support this bill and urge the Government to rapidly proclaim it and bring it into effect.

The Hon. DON HARWIN [8.50 p.m.]: The Election Funding and Disclosures Amendment (Property Developers Prohibition) Bill 2009 is very disappointing. The Government deserves absolutely no credit for the piecemeal approach of this legislation. It is emblematic of this broken Government that such an important issue as this has just become a weapon of spin for a Premier drowning in scandals and leadership plots. Obviously, I wrote this speech before the events of this evening. Now I will have to say, "for a Premier who has drowned in a leadership plot". By contrast, a commitment to cleaning up politics in New South Wales, by reforming election funding laws, has been a hallmark of the leadership of the Leader of the Opposition from day one. In the first week of the New South Wales Parliament in early May 2007, Mr O'Farrell announced that the Opposition would push for an inquiry into the State's system of political donations and election funding. He proposed that the inquiry should look at political donations and whether some or all categories should be banned or subject to limitations.

He proposed that the inquiry should also examine limits on electorate and statewide political expenditure. At the very start of his leadership, Mr O'Farrell strenuously made the case for a holistic reform of political donations and the funding of elections. He recognised the need for comprehensive, rather than piecemeal, reform. It is a matter of record that this Government voted down the inquiry in the Legislative Assembly. Instead, as we know, the Select Committee on Electoral and Political Party Funding was established by a resolution of this House, moved by me, on 27 June 2007. It received 189 submissions and heard from 32 witnesses during five days of public hearings. One of those was the Leader of the Opposition, Mr Barry O'Farrell, who made a detailed submission. There were three main principles supported in his submission:

That the New South Wales Government seek national reforms relating to political donations to allow donations to be restricted to individual Australian citizens.

That the New South Wales Government immediately legislate to impose limits on the campaign expenditure of political parties, candidates and third parties in State and local elections.

That the New South Wales Government should immediately legislate to give the Auditor General a role in reviewing and approving government advertising.

I am pleased to say that the committee endorsed all three principles, making a total of 47 recommendations on how to implement them. Premier Morris Iemma was forced by the Wollongong corruption scandal to introduce minimalist changes, announced in the middle of the inquiry, that were rushed through in mid 2008 for the local government elections. At that time the Opposition continued to press for meaningful campaign finance reforms that sought limits on how much could be spent by candidates and parties, and a cap on annual donations in its response to the bill. For all of 2008 and most of this year, this Government has used a legal opinion from Associate Professor Anne Twomey to resist the recommendations of the Select Committee on Electoral and Political Party Funding. In Anne Twomey's opinion:

Laws that ban or impose limits upon political donations or election campaign expenditure are likely to be regarded as burdening the constitutionally implied freedom of political communication ... Such laws will only be held valid by the courts if they are reasonably and appropriately adapted to serving a legitimate end in a manner which is compatible with the system of representative and responsible government prescribed by the Commonwealth Constitution.

Premier Iemma and his Government used that opinion to justify inaction on capping donations and limiting campaign expenditure. When Premier Rees took over late last year he made a handshake deal with the Leader of the Opposition at a politics-in-the-pub debate at the Sackville Hotel in Rozelle. They agreed to adopt the Legislative Council's inquiry's recommendations to limit donations and cap spending during campaigns. However, within a month former Premier Rees moved to distance himself from any move to place bans or caps on political donations. Again his reasons for delay and inaction were legal and constitutional concerns about New South Wales acting independently of Commonwealth reform. Like his predecessor, he claimed that action was impractical without changes at a national level. The Opposition was not surprised that former Premier Rees seized the first opportunity to dump his bipartisan commitment to try to limit the amount of money washing around New South Wales politics. The Leader of the Opposition observed:

One legal opinion, from one lawyer, must not be used as an excuse to not take action to try and restore some integrity to public administration in NSW. Legal advice obtained by the NSW Opposition from Bond University constitutional law Professor Patrick Keyzer and Sydney SC Arthur Moses makes it clear that my proposal to impose limits on donations and cap campaign spending can be implemented. Labor won't proceed because it doesn't want to restrict its obscene fundraising activities. Its efforts have led to a 'decisions for donations' culture that, as shown in Wollongong, is scandalous.

In sharp contrast to the former Premier, Mr O'Farrell has continued to show his commitment to thorough and meaningful reform, not just with rhetoric but also with action. In April the Coalition publicly released a policy document on donations and campaign finance reform called "Reforming Campaign Finance". The policy included our commitment to introducing limits on election spending, imposing caps on donations, strengthening the powers of the Independent Commission Against Corruption and effectively regulating lobbyists. In August this year Mr O'Farrell announced that he would introduce legislation to specifically charge the Independent Commission Against Corruption with the power to monitor the issue of political donations and decision-making.

This proposal was in addition to his longstanding support for imposing caps on spending, including from third parties, limiting donations and restricting them to individuals, banning so-called success fees for lobbyists, and his legislation, the Government Publicity Control Bill restricting taxpayer-funded advertising in the lead-up to elections. On 13 November 2009 Mr O'Farrell introduced the Independent Commission Against Corruption Amendment (Political Donations) Bill 2009 in the Legislative Assembly, demonstrating once again that reform is one of his principal priorities. In his agreement in principle speech he commented:

This legislation seeks to ensure that we do not have the corrosive impact upon public administration that has been created by the donations-for-decisions culture. Just as we seek to stamp out the stench of corruption that hangs in the air around this Government, we seek to do so in practical ways.

When former Premier Rees desperately tried to make up for lost time and seize the initiative earlier this month by declaring that Labor would cease accepting donations from developers, Mr O'Farrell immediately matched Labor's commitment and challenged the former Premier to go further and ban all but donations from individuals with annual limits imposed, to cap election campaign spending and to restrict taxpayer-funded government advertising in the lead-up to an election. The former Premier has refused to match Mr O'Farrell's agenda because it would see an end to donations from the trade union movement and an end to taxpayer-funded subsidies in the form of government advertising.

The Government expects us to believe that this piecemeal legislation is a substantive contribution to public policy. In fact, the Government and its members have spent years telling the people of New South Wales that it was a totally bankrupt approach to dealing with the perceptions of undue influence being exercised by donors on the development application process. When Ms Lee Rhiannon introduced her Developer Donations

(Anti-Corruption) Bill in 2004, the Hon. Tony Burke, a former member of this place, slammed her approach as "lazy", unenforceable and full of loopholes. In short—a ban on developer donations was seen by him to be simply impractical.

In May 2007 the Government blocked the motion of the Leader of the Opposition in the other place for an inquiry into political donations and campaign expenditure. The member for Kogarah said in debate, "The Government fully supports the national reform of political donations, and not reform purely restricted to the involvement of any particular business." This became the mantra for New South Wales Labor on election funding reform, that action without simultaneous Commonwealth changes was simply impractical.

But the *pièce de résistance* is the former Premier's own insistence that any recommendations regarding political donations from the Parliament's Joint Standing Committee on Electoral Matters inquiry into political donations, campaign expenditure and the public funding of political parties—the terms of reference produced just today as one of the former Premier's last acts—be "consistent with High Court principles". Yet, the author of the Government's specially commissioned report, which articulates these High Court principles, thinks this bill fails the test. This is clear from a number of her on-the-record public remarks that have been reported in the last few days. In the *Weekend Australian* of 28-29 November 2009 on page 6 of the Inquirer section Ann Twomey is quoted as saying:

It is conceivable that someone might argue that this inappropriately limits their freedom of political communication. The real problem, of course, is that this law singles out one sector only.

Then Ann Twomey added to that on Tuesday this week, describing the proposed ban in this legislation as "inherently dodgy". She went on to observe, "It's the selectivity of it that's the problem." The *Australian* also reported on Tuesday this week that respected legal academic Professor Greg Craven, the new Vice-Chancellor of the Australian Catholic University, has dismissed the proposed laws as a populist political stunt, suggesting they were about "impression rather than the operation. Once you get the headline you don't care whether it works or not."

These criticisms reflect the views provided to our House's Select Committee on Electoral and Political Party Funding by Emeritus Professor Colin Hughes, who has also served as the Australian Electoral Commissioner and therefore has the perspective of both the academic and the practitioner. Professor Hughes' submission to the select committee argued against capping donations from particular sources such as developers because such restrictions would be impossible to enforce. He argued:

On balance I think any prohibition is undesirable because of encouragement of concealment and the difficulty in drawing a clean line.

Professor Hughes' views were offered to the joint select committee by way of comment on aspects of Ms Sylvia Hale's Environmental Planning and Assessment (Restoration of Community Participation) Bill, which I moved be referred to the select committee for its consideration. The Parliament's Legislation Review Committee raised three issues with the proposed new section in Ms Hale's bill, relating to retrospectivity, absolute liability, and ill-defined administrative powers. All the expert evidence was against it. Here I take issue with what I think I heard Reverend the Hon. Fred Nile say earlier. The committee unanimously concluded that a ban on developer donations was not appropriate, and instead we supported a comprehensive ban on all political donations, with the exception of small individual donations.

Ironically, last November the Government then tried to deny Ms Hale's right to restore her Environmental Planning and Assessment (Restoration of Community Participation) Bill to the *Notice Paper*. The Government erroneously claimed that there was no precedent for such a restoration. It argued that to restore the bill was inappropriate, and it then voted against the bill. So we have before the House a legislative approach that Labor members of this House and the other place have attacked and opposed for the last five years, a measure that this Government tried to procedurally frustrate in this House in an unprecedented fashion, and a measure that the Government's own expert advisor has described as dodgy. And let us not forget the context.

Following Labor's State Conference on 14 November, we had a week of process stories taking us through how the initiatives in the former Premier's speech, including this one, unfolded. This bill is part of an attempt by former Premier Rees to pretend he is more than just a puppet of Labor's factional and union powerbrokers—his attempt to change the narrative. The bill is about electoral advantage—spin rather than substance. The people of New South Wales have this Government pretty well summed up. New South Wales used to be the number one State, but it is now falling further behind every day. People have every right to be

frustrated and angry at the desperate situation we face with broken hospitals, broken public transport, and the ongoing mess that Labor has caused. And we have a broken Government that has basically given up on running the State, a Government that is consumed by arrogance, factional squabbling and the running sore of the leadership crisis, which has reached its peak today.

In summary, this bill is part of a package that was former Premier Rees' last throw of the dice. The intermingling of these rushed political imperatives with complex legislation has produced some perverse outcomes. My colleagues in the other place have explored these at length, particularly the Leader of the Opposition in a very detailed contribution, and members of this House have done so as well, including Ms Lee Rhiannon. First, as we know, the problem of undue influence is not confined to development applications—a point also made by Reverend the Hon. Fred Nile. Members of this House, including Reverend the Hon. Fred Nile, and others have highlighted the undue influence exercised by donors from liquor industry influence, with perceived benefits in terms of the allocation of poker machine licences. Many other sectors are also heavily regulated by this State Government where concerns have been raised. That is why the Opposition's approach of banning donations by all corporations and other organisations, which was supported by the select committee, is a far better approach. Only Australian citizens on the electoral roll should be allowed to make donations, which should be capped at a low limit of, say, \$1,000.

Second, the definition of "property developer" seems very much directed at the "big end of town", but it excludes a very large number of persons and corporations who are involved in property development. This has, unsurprisingly, attracted particular criticism. I do not mind referring to the fact that the "big end of town" is complaining about it, because they have made some legitimate points. I will therefore quote the Urban Taskforce, and I do not see a problem in doing so. The former director of the Urban Taskforce, Aaron Gadiel, has complained that "small fly-by-night operators would be exempt". Mr Gadiel went on to say:

Most property development projects are carried out by individuals—such as real estate agents, small-scale builders, hoteliers, accountants and lawyers—who have opportunistically bought a site and are aggressively pursuing a development approval. In anyone's language these people are property developers—yet many will not be covered by the New South Wales Government's "ban" on developer donations.

Mr Gadiel noted that:

... only companies who "regularly" make planning applications will be subject to the ban. Companies that have only made one development application will be excluded. Companies whose development activity is ad-hoc may also be exempt. This will capture large-scale professional business in property development in the ban, but exclude the fly-by-night opportunistic individuals. The biggest corruption risks arise when unprofessional individuals buy a single site and try to secure a favourable development approval or rezoning.

Mr Gadiel also noted that:

... developers who are speculating on changes in development controls are exempt from the ban.

I submit that that is a very serious omission. Mr Gadiel observed, for example:

... the problems caused by opportunistic individuals getting over their head were well known. The whole ICAC inquiry into corruption at Rockdale Council centred on a tailor, who wanted to turn a site slated for four storeys into eight storeys.

Ironically, of course, Mr Gadiel and the Urban Task Force, who claimed to represent Australia's most prominent property developers, will still be free to make donations, as long as there is no evidence that any part of section 96GB has been breached. My colleagues the Leader of the Opposition and the member for Pittwater have also noted this carefully crafted position. As Mr O'Farrell said:

Nothing in this legislation stops major property organisations in this State, peak bodies, from continuing to make funds available to political parties. What sort of a joke is being presented to this Parliament? Nothing in the legislation seeks to limit access by the Australian Labor Party to funds from the union movement. We know that a few years ago Unions New South Wales, seeking a \$15 million profit in relation to a development in the electorate of the member for Pittwater, sought to facilitate the sale and development of that land. If Unions New South Wales could have reached that \$15 million, then under this legislation it could have given the money to the Australian Labor Party. That loophole is not caught in this legislation.

The member for Pittwater, Mr Stokes, said:

I cite the case of Currawong, in my community of Pittwater, where part 3A and the major projects State environmental planning policy we used to call in a development application for rezoning, subdivision and redevelopment of bushland owned by Unions NSW. Surprise, surprise, the part of the major projects State environmental planning policy that was used related to a rezoning of 25 lots. Surprise, surprise, the rezoning was for 25 lots. There was no transparency in the way the Minister arrived at his decision

to call that matter in. In any event, Unions NSW remains the property owner of that site. Unions NSW signed the development application; it gave owner's consent to the development application. Under this legislation, Unions NSW is not a property developer, yet it stood to make \$15 million out of this deal. Hopefully the Government will see sense and make sure that Currawong is purchased back and turned into a State park, for the benefit of all the people of New South Wales.

If the Government were serious about the influence of property developers, it would reform the planning system to remove opportunities for special deals using ministerial discretion via a process available only to a favoured few. This is not justice, this is not transparent, this is not good government. Until the legislative edifice paid for by developer donations is dismantled, the Government will be unsuccessful in its vain attempts to disassociate itself from its shameful history of giving special access, and even special laws, to reward loyal developers for the donations that have financed its term in office.

Third, the scope of the close associate definition in section 96GB (3) has also attracted criticism. Many spouses are aggrieved and offended that they will have been brought within the ambit of the bill. However, their children, and other close relatives of property developers, have not. Moreover, those professionals who have property developers as their clients will not be caught by the close associate provision. These include lawyers, architects, engineers, accountants and equity financiers. Subcontractors will also not be included. We are told that section 96GA (2) to (5) will be an adequate protection. I think we all know that this is a provision that will stop only the honest.

Fourth, the Act will not stop corporations whose business is property development from making donations to the Federal political party organisations and the money being washed back to State party organisations by way of intra-party transfers of funds. As I observed earlier, the provisions in section 96GA (2) to (5) are highly unlikely to be effective in this respect. Fifth, the exception in section 96GD is simply bizarre. Apparently a "property developer" or his or her "close associate" will still be able to pay a \$999 membership contribution, but not even be able to attend the humblest function of their local branch, which might have a profit margin on the ticket price, or be able to buy a \$1 raffle ticket.

In summary, this is truly a bill that was all about spin rather than substance. The Opposition will not oppose this bill, even though it will not achieve its lofty objectives. For that, we will need the sort of whole-of-system reform that the Opposition has been consistently supporting.

Ms SYLVIA HALE [9.14 p.m.]: My colleague Ms Lee Rhiannon has more than adequately outlined the need for the Election Funding and Disclosures Amendment (Property Developers Prohibition) Bill 2009 and has equally adequately indicated the deficiencies in the bill. Therefore, my contribution will be brief and largely restricted to an article that appeared on page 2 of this morning's *Sydney Morning Herald* entitled "Keneally approves". It stated:

The Planning Minister, Kristina Keneally, has gone against recommendations of the Government's independent planning assessments commission in approving a controversial development in western Sydney for a company that has donated \$300,000 to the Labor Party.

Ms Keneally approved a smaller than planned nature corridor for development at Erskine Park by the company Jacfin.

That article says it all! It tells us that no matter how strident the new puppet Premier's assertions that somehow the Planning Assessments Commission and the joint regional planning panels were independent of the Government, and that the Government would have no influence over their decisions, when put to the test on one of the first decisions of the Planning Assessment Commission, what did the new puppet Premier do? She ignored it. No more needs to be said; the matter literally speaks for itself.

The Hon. JENNIFER GARDINER [9.16 p.m.]: In contributing to debate on the Election Funding and Disclosures Amendment (Property Developers Prohibition) Bill 2009, Reverend the Hon. Fred Nile commented that the bill is the first stage in the election campaign reform. Rather, it was not so much the first stage, but really a stunt by the now deposed Nathan Rees at the Australian Labor Party conference, at which he was supposed to show that he was in charge of the Labor Party. Obviously the events earlier this evening demonstrate that the stunt did not impress even his own colleagues, let alone the people of New South Wales.

The first question that needs to be asked of the Premier designate, the Hon. Kristina Keneally, is whether she expects the chief of staff in the Premier's office, whoever that might be, to inform her of visits and contacts with professional lobbyists in her department, the Department of Premier and Cabinet, even such lobbyists as Graham Richardson. We know that as the former Minister for Planning she did not believe that she needed to know of such significant events.

Ms Sylvia Hale: Has she worked out what the Westminster system is actually about?

The Hon. JENNIFER GARDINER: If she does not know about the Westminster system, she had better find out before she goes to see the Governor. Maybe the Governor can give her some instruction. Apparently Ms Keneally was not very impressed that the former Premier, Nathan Rees, tried to anticipate the report of the parliamentary inquiry into Badgerys Creek land dealings and planning decisions. Basically, when on the stage at the Labor Party conference former Premier Rees directed the then Minister for Planning to smarten up when it came to protocols between the Department of Planning and the Minister's office in relation to professional lobbyists. It will be interesting to learn if Ms Keneally changes her tune immediately, because a new culture needs to permeate the New South Wales Government.

There is a need for comprehensive political donations law reform in New South Wales, it is overdue, but it is not contained in the bill. The now dumped Mr Nathan Rees, in his agreement in principle speech on the bill, acknowledged that there is a problem in defining a developer. He even told Parliament:

No single definition of "property developer" will ever be perfect. There will always be different views on what should be included or excluded. The bill contains a detailed definition of "property developer" to ensure certainty and to minimise loopholes in relation to corporate donations.

Even the vanquished Premier, who was in charge of the bill when it was being drafted, and probably still is in charge of it until Ms Kristina Keneally is sworn in, conceded that the bill has loopholes, so it was extraordinary for him to proceed along these lines. The fact that it is difficult to satisfactorily define a developer is one of the reasons that the Legislative Council Select Committee on Electoral and Political Party Funding, on which the Hon. Don Harwin and I served, examined this very issue.

The committee also examined the difficulty of defining the limits of one source of donations, namely, the development industry. As has been mentioned, the select committee took evidence from Emeritus Professor Colin Hughes who said on balance any prohibition is undesirable because of its encouragement of concealment and the difficulty in drawing a clean line. The New South Wales Electoral Commissioner, Mr Colin Barry, specifically asked the committee to look at getting Emeritus Professor Colin Hughes as a possible witness. Whilst Mr Barry did not give direct evidence on that matter, he was concerned that the committee should pay particular attention to the views of Professor Hughes on this matter.

Anita Tang from the New South Wales Cancer Council, another witnesses to the select committee, also told the committee that it would be difficult to police a system that targeted restrictions on donations. She said that where a corporation is not banned or restricted but has such close ties that the same effect would be felt to ban the source of donations. The example we have provided is the Australian Hotels Association, which is a large donor and which may not, depending on how the committee recommends, end up being a banned source of contributions but may actually be getting a lot of money from the tobacco industry, which is a banned source of donations. Mr Ken Morrison of the Property Council gave evidence to both the Select Committee on Electoral and Political Party Funding and to the Inquiry into Badgerys Creek Land Dealings and Planning Decisions. He said those of ill will could run rings around whatever system is set up to try to define developer, and therefore excludes a category called "developer".

The Badgerys Creek inquiry made specific reference to the 47 recommendations of the Select Committee on Electoral and Political Party Funding, and it supported the implementation of those recommendations. The committee conducting the inquiry did not accept that New South Wales cannot implement significant reforms until the Federal Government takes action on the issue. The committee saw no reason why New South Wales could not go it alone, as Queensland Premier Anna Bligh has done, by taking the first steps to ensure that there is a ban on donations. The Queensland Premier has laid down the law and said if the Federal Government does not act by 1 July she will introduce a ban on donations except for those from individuals amounting to approximately \$1,000 or \$1,500, which is, as acknowledged by Reverend the Hon. Fred Nile, the same recommendation that the Select Committee on Electoral and Political Party Funding came up with.

The Premier announced that the Labor Party would be moving to look at the whole issue of donations and public funding by way of a referral to the Select Committee on Electoral and Political Party Funding and, as the Hon. Don Harwin said, today the Premier was able to finalise his version of the terms of reference of the inquiry, which will get underway fairly soon. The Badgerys Creek committee and the Liberals-Nationals here tonight believe that further delays in implementing comprehensive reform is regrettable—

The DEPUTY-PRESIDENT (The Hon. Kayee Griffin): Order! Members wishing to engage in audible conversations should do so outside the Chamber.

The Hon. JENNIFER GARDINER: A number of speakers this evening have referred to the Urban Taskforce, comments in the media and to various inquiries by Mr Aaron Gadiel, who ironically used to be the chief of staff to the Hon. Eddie Obeid—it is amazing how these things come round.

The Hon. Lynda Voltz: Not any more.

The Hon. JENNIFER GARDINER: Not any more? The Opposition has been asking for a complete ban on all political donations from anyone for a number of years. Of course, such a ban has to be accompanied by a very significant increase in public funding for election campaigns. Frankly, the banning of developer donations is just a sideshow measure. This ban applies only to property developers but the community's concern does not relate just to property developers, it relates to the mining industry, tobacco industry, the liquor industry and the gambling sector. To pretend it is only about property developers is simply a sideshow.

It is the opinion of the Liberals-Nationals that there has to be a comprehensive reform of election and campaign funding. Tragically this bill does not provide New South Wales with that reform. As a member of the joint standing committee that is about to embark on an inquiry into the public funding of election campaigns, it will be an interesting early test of the leadership of the new Premier. The Labor Party has an absolute majority on the joint standing committee and any public funding system that accompanies the banning of donations across the board, except for smaller donations to individuals, if that is what happens, and which the Liberal-Nationals support, needs to be implemented on an equitable basis—

The Hon. Christine Robertson: Good to hear.

The Hon. JENNIFER GARDINER: The Hon. Christine Robertson says it is good to hear.

The Hon. Christine Robertson: Yes.

The Hon. JENNIFER GARDINER: Goodness me, I do not know where she has been for the past couple of years. It does need to be on an equitable basis. The legislation that might flow from any recommendations from that inquiry will be interesting to see. It will also be interesting to see whether the public funding formula that is to be devised is equitable or lopsided, and whether the formula means that union funds will still be funnelled through to Sussex Street so that it is lopsided, notwithstanding some of the ructions of the Labor Party that have led up to this evening's dramatic and historic events. We will wait and see how the inquiry goes and how the latest Premier of the revolving door premierships in New South Wales will handle that matter. We look forward to a more comprehensive regime being introduced because the bill on this dramatic evening is not the bill that will best serve the people of New South Wales.

The Hon. JOHN HATZISTERGOS (Attorney General, Minister for Industrial Relations, and Vice President of the Executive Council) [9.28 p.m.], in reply: I thank all honourable members for their contributions to this debate and for their stated support for the bill. The Government has made it quite clear that it is time to end speculation about the influences of donations on major developments in New South Wales. To that end, it is acknowledged that the donations have cast a shadow over the good work of the Government and have tainted the decent public servants who run our planning system. This legislation is a step in the process of rectifying that. The legislation will go some way to restoring the confidence of the public in the Government's first-rate planning system, which, regrettably, has been maligned by the accusations and imputations that have effectively raised perceptions that somehow donations have influenced outcomes.

The Government agrees that a ban aimed at only one category of donor is not an ideal or indeed a permanent solution. That is the reason we have announced that the next election will be held on a fundamentally different basis. Listening to the debate on this bill it is clear that that approach has strong support from all parties and Independent members. It cannot be achieved overnight. It is acknowledged by the Select Committee on Electoral and Political Party Funding, which last year recommended that the Premier consult further with respect to reasonable increases in public funding so that donations from private sources can be capped. That is what the Government is doing. The Joint Standing Committee on Electoral Matters is being asked to report on a public funding model for the State election by 12 March 2010. As has already been announced, it is intended that legislation would be introduced to implement that proposal next year. The legislation is of a transitional nature to address the immediate concerns about the influence of large donations and their perceived impact on the planning process. Ultimately the prohibition on developer donations will need to be subsumed into broader reforms, which will come before the Parliament at a later time.

A number of comments have been made by both the Opposition and the Greens and I will reflect briefly on some of those. It is interesting that the Opposition both in this House and in the other House has been very critical of this bill but not prepared to put forward its own proposals as to how it feels this area ought to be addressed. Indeed, it is also interesting to note that whenever there has been an opportunity in government for the Opposition to show its mettle it has been shown consistently wanting. It is almost like the Federal Liberal Party, when it was in government, never existed. They are the ones that increased the thresholds above which disclosures had to be made. They made all sorts of attempts to hide disclosures. Let us recall the history of this. When public funding was first introduced in New South Wales, who opposed it? The Coalition. When disclosure laws were first introduced in New South Wales, who opposed them? The Coalition. It is all very nice to come into this place and be pure and talk about a conversion on the road to Damascus and say we need to do much more. At every opportunity members opposite have had on this issue—

The Hon. Don Harwin: I was at high school in those days. I was in year 11 and you are preaching to me about my position.

The Hon. JOHN HATZISTERGOS: Your purism does not translate to that of your colleagues. Probably when the Hon. Don Harwin was in high school he was handing out how-to-vote cards for these people to get them elected and they were doing everything possible to obfuscate and to protect vested interests. Members opposite might think the road to Damascus is something new and the Hon. Don Harwin talks about being in high school, but I have photos here of a number of Liberal luminaries on boats of developers. I have evidence that has only come up relatively recently about the sorts of donations. Members opposite can say on the one hand that they do not like this sort of thing, but the answer is very easy: do not accept donations. But what do we see? In the *Sydney Morning Herald* of 15 October 2009 it was reported that donations to the New South Wales Opposition had surged ahead of those given to State Labor, with big business bankrolling the Coalition to the tune of more than \$17.5 million in the past two years. In other words, members opposite blindfold themselves and just take the cheques. Just keep them rolling in. They say, "Don't give them to me", while at the same time they pull in the cheques and cash them, ready to bankroll themselves for the next election.

The hypocrisy of this Opposition position is just absolutely breathtaking. Mr O'Farrell regularly preaches about donations reforms and the need to stop the stench, but there he is collecting the cheques and banking them. It does not stop. He will accept them from anyone, even the tobacco companies, whose donations the Labor Party unilaterally said it would not accept. The Opposition will keep taking those cheques and in fact they are even bankrolling the Opposition's campaign for the Bradfield by-election at the weekend. So do not lecture us about purism and the need to adopt the Opposition's position, when the Opposition's position has been one of saying one thing and doing the complete opposite.

Now let me deal with the Greens. Ms Rhiannon made some criticisms about close associates. By the way, I am very interested to know what the Greens' motives are for not accepting donations. They said they would not accept donations and that the Labor Party accepts donations from unions and the corporates. I have some news for Ms Rhiannon. She accepts donations from unions. It never stopped her from getting up and advocating their cause. One would think that if she was so pure about the need to ensure that donations are not perceived to influence policy she would have some reluctance to accept donations and cash them, but it is not a problem. I can well understand why the Greens are so opposed to fundraising—they do not do it very well. Dr Kaye recently went to a fundraiser—he has disclosed it, so members can see it. Do members know what the proceeds were of the fundraising he attended? It actually lost money. It is very difficult to go to a fundraiser where you lose money, but Dr Kaye managed it.

Ms Lee Rhiannon: Which one are you referring to?

The Hon. JOHN HATZISTERGOS: You know the one that you went to.

Ms Lee Rhiannon: No, I don't.

The Hon. JOHN HATZISTERGOS: Ask him. He knows. It lost.

Ms Lee Rhiannon: Come on!

The Hon. JOHN HATZISTERGOS: I am saving it up, Lee, for my next Dixier. The third instalment is coming. I realise it is a bit late, but I want to address some of these issues.

Ms Lee Rhiannon: Are you really cranky today for some reason?

The Hon. Don Harwin: This isn't cranky; this is jubilant!

The Hon. JOHN HATZISTERGOS: Lighten up, Lee, it is coming up to Christmas. I know you do not believe in it.

Ms Lee Rhiannon: That was really pathetic.

The Hon. JOHN HATZISTERGOS: Which one?

Ms Lee Rhiannon: Don't believe in Christmas. For heaven's sake!

The Hon. JOHN HATZISTERGOS: Well, you don't.

Ms Lee Rhiannon: How would you know?

The Hon. JOHN HATZISTERGOS: That is okay. Some of us still pray for you. On the one hand critics have argued that the definition of close associates is too narrow because it does not extend to creditors and other entities that might benefit in some way from a planning application lodged by a property developer. The same critics have argued that the definition of close associate unreasonably violates the civil rights of those who will be subjected to the ban. The Government's legal advice indicates that any ban on donations that unduly impacts upon freedom of political communication may be invalid under the Constitution.

That is why the definition of close associates extends only to persons who are directly associated with property developers, including a director or officer of the corporation or their spouse; a related body corporate of the corporation; a person whose voting power in the corporation or a related body corporate of the corporation is greater than 20 per cent, or their spouse; if the corporation or a related body corporate is a stapled entity in relation to a stapled security, the other stapled entity in relation to that stapled security; and if the corporation is a trustee, manager or responsible entity in relation to a trust, a person who holds more than 20 per cent of the units in the trust, in the case of a unit trust, or is a beneficiary of the trust, in the case of a discretionary trust.

It is important to note that section 147 of the Environmental Planning and Assessment Act 1979 requires planning applicants to disclose, at the time their planning application is lodged, all reportable political donations made by them or any person with a financial interest in the application, for example the landowner. These disclosure rules, which were introduced by the Government in 2008, ensure transparency in relation to donations made by the entities who are not technically close associates but who have a financial interest in the development.

Ms Rhiannon also raised concerns about shelf companies. The definition of property developer has been carefully drafted to ensure that all property developers are covered by the ban, including newly established corporations that have not yet made any planning applications but have been established for that purpose. It is simply wrong to suggest, as some critics have, that the bill will apply only to companies that lodge a lot of planning applications. In any event, it is absurd to suggest that a company would go so far as to change its corporate structure for the sole purpose of enabling a political donation to be made by the company.

Ms Rhiannon raised other concerns. As I have indicated already, the ban on developer donations is a first step. It is widely acknowledged that donations from certain types of donors may give rise to particular concerns at different levels of government depending on the division of powers and responsibilities of the Federal system. In recent times donations from property developers have given rise to the perception of undue influence and undermined public confidence in the planning system.

A ban on donations from one sector of the community inevitably raises the issue of corporate donations more generally. We have announced that we will go to the next election with a different model in conjunction with legislation that will be passed next year. From the debate on this bill it is clear that this approach has the support of all members. It is a difficult task to devise a public funding model that has the

support of all the parties, particularly in our Federal system. The State branches of our political parties—Labor, Liberal, Greens—also compete in Federal elections. We are not in the same position as the Canadian political parties that have separate parties at the provincial and Federal levels. This raises complex issues in relation to the application of State laws to political donations at the State level, the potential impact that Federal laws may have on those party organisations and the capacity of Federal elections to be conducted on a different basis.

That is why advice was sought from Anne Twomey. The advice has been published and it is a matter of public record. It is important for members not to dismiss that advice as though it does not exist but to confront the issues in an intelligent way. That is the way to achieve lasting reform, rather than spin and headlines or putting an opposing view and then taking a different position. Dr Twomey raised many of the constitutional issues. Her report was released in November last year. We relied on the conclusions drawn from the report when drafting the bill. Dr Twomey's advice was supported by Bret Walker, a leading Senior Counsel in New South Wales.

Reverend the Hon. Fred Nile: That was speaking about a total ban on all donations.

The Hon. JOHN HATZISTERGOS: It was speaking about the different issues connected with restrictions on donations, which, in turn, restrict the capacity of political parties to be able to communicate messages. That is what that advice canvassed. I add that the last attempt to restrict advertising, which was brought about by the high cost of television advertising, was made by the Federal Government. The media organisations challenged the constitutional validity of those laws. The High Court struck down those laws on the basis that they interfered with the freedom of political discourse. These are not easy issues. Some members would like to pretend they are easy, but they are complex. People can say one thing and do another. Unfortunately, in a great deal of the rhetoric surrounding this debate members have said one thing but know in their hearts that the issues are much more complex than they pretend. The impact of taking an approach that ignores that advice is to eventually see these laws fall foul of constitutional restraints. That means we will be debating the same issues on another occasion.

It is important that, whatever we do, it is done on the basis of proper advice. The Opposition has expressed some scepticism about Dr Twomey's advice, which was supported by Bret Walker. I urge members who want to see meaningful reform to look at the advice, which is public, and reflect on its contents rather than grandstand and pretend it does not exist or try to rubbish it, as Opposition members have sought to do. The Hon. Don Harwin raised an issue in defence of the Urban Task Force, which, not surprisingly, criticised the bill. There is a difference between a loophole and drawing a line to ensure that legislation is both workable and constitutionally valid. The bill contains a detailed definition of "property developer" to provide legal and practical certainty and to minimise loopholes. Most of the criticisms aimed at the bill to date are based on a misreading of the definition of "property developer". A property developer is not simply a company that makes a lot of planning applications. Any corporation engaged in a business that regularly involves the making of relevant planning applications—for example, business property development—is a property developer for the purposes of the ban.

Contrary to the views expressed by some stakeholders, the ban will cover companies that are new to the business of property development even if they have not yet lodged a planning application and shelf companies established by property developers to lodge planning applications in relation to a particular development. The bill also makes it unlawful for a property developer to solicit another person to make a political donation to minimise opportunities for avoidance. No definition of "property developer" will ever be perfect. Those who wish to circumvent the system will always find loopholes. That is why the Government is committed to introducing further reforms and we have already announced the terms of reference for the inquiry that will be undertaken by the joint standing committee. Due to the hour, I will not labour the issue any further. I thank members for their support of the legislation and look forward to debating the matters that the Greens will put forward in amendments during the Committee stage.

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

Motion agreed to.

Bill read a second time.

In Committee

Clauses 1 and 2 agreed to.

Ms LEE RHIANNON [9.48 p.m.], by leave: I move Greens amendments Nos 1, 4 and 5 in globo:

No. 1 Page 3, schedule 1 [1], lines 18–20. Omit all words on those lines.

No. 4 Page 4, schedule 1 [1]. Insert after line 33:

96GC Offence

- (1) A person who does any act knowing that it is unlawful under this Division is guilty of an offence.

Maximum penalty:

- (a) 5 years imprisonment, or
(b) 200 penalty units in the case of a party or 100 penalty units in any other case,
or both.

- (2) An offence under this section is an indictable offence and section 111 does not apply to such an offence.

- (3) Chapter 5 of the *Criminal Procedure Act 1986* (which relates to the summary disposal of certain indictable offences unless an election is made by the prosecution or person charged to proceed on indictment) applies to and in respect of an offence under this section and an offence under this section is taken to be an offence listed in Table 1 to schedule 1 to that Act.

No. 5 Page 6, schedule 1 [2], lines 10–12. Omit all words on those lines.

The provisions in the bill will make it an offence for a person to commit any of these acts if that person knows that such an act is unlawful. The maximum penalty for such an offence would be \$22,000 for a party and \$11,000 for others. A failure to comply with this new scheme banning developer donations should be treated seriously. It is critical to democracy and to public trust in the system that the penalties match the seriousness of the offence. The Greens are concerned that the penalties that are currently in the bill do not reflect the seriousness of unlawfully accepting a donation from developers, or unlawfully giving a donation to a party or candidate. These amendments would increase the penalties to include imprisonment for up to five years while maintaining the existing financial penalties that are already in the bill.

These measured amendments are based on the Canadian model that Opposition members have openly supported. At times the Federal Government has moved towards that model. Anyone in Canada who commits such an offence will be imprisoned for a maximum of five years. In the past three years alone at least 17 bills have gone through this House, increasing penalties on anything from graffiti to fraud, electricity fraud, fisheries offences and the indecent assault of children. After beating the drum for more penalties and longer jail sentences for law and order offences it would reflect badly on the major parties if there were no cross-party support for these amendments. It would raise major questions about the seriousness of the major parties in dealing with this matter. I hope that the major parties see their way free to support these amendments. However, I have heard that that will not be the case. If these amendments fail to gain the support of the major parties I hope that they will be seen as being contradictory and that their commitment to these changes will be shown as wanting.

The Hon. JOHN HATZISTERGOS (Attorney General, Minister for Industrial Relations, and Vice President of the Executive Council) [9.51 p.m.]: The amendments are not supported. Under the current Act the maximum term of imprisonment for making a false declaration in a disclosure is one year. The Government does not believe that it is appropriate to apply a five-year maximum term of imprisonment to offences relating to donations by property developers. First, a term of five years is completely out of proportion, given the nature of the offence. Secondly, it implies that offences relating to property developer donations are somehow worse than offences involving other kinds of prohibited donations, such as anonymous donations or donations from an entity that does not have an Australian business number. Finally, it is unclear how the knowledge element of the proposed offence provision would operate in light of the Greens proposed amendments to section 96GB.

The penalty of five years imprisonment would apply only to a person who commits any act knowing it to be an offence. The proposed amendment to section 96GB provides that, if a person fails to make reasonable inquiries to ascertain whether a donation was made by an intermediary for a property developer, that person is conclusively presumed to have accepted the political donation knowing that it was made by an intermediary.

Effectively that would mean that a person could face a five-year jail term for unknowingly accepting a donation made by an intermediary of a property developer. However, the intermediary would not be subject to the same penalty unless he or she knew that the donation was unlawful. This provision is ill considered. For most offences under the Election Funding and Disclosures Act the maximum penalty is \$22,000 in the case of a party and \$11,000 in any other case. The same penalties should apply to offences relating to developer donations.

The Hon. DON HARWIN [9.53 p.m.]: It is clear from the remarks made by the Attorney General, with which the Opposition agrees, that this is a piecemeal approach to the issue of penalties under the Act. The Attorney General clearly identified problems with proportionality and he has shown that equally serious offences, if not arguably more serious offences, will attract lesser penalties than what is proposed in these amendments. That is something we cannot support.

Question—That Greens amendments Nos 1, 4 and 5 be agreed to—put and resolved in the negative.

Greens amendments Nos 1, 4 and 5 negatived.

Ms LEE RHIANNON [9.54 p.m.], by leave: I move Greens amendments Nos 2 and 3 in globo:

No. 2 Page 3, schedule 1 [1]. Insert after line 20:

96GB Political donations by intermediaries for property developers unlawful

- (1) It is unlawful for a person to make a political donation as an intermediary for a property developer.
- (2) It is unlawful for a person to accept a political donation made by a person as an intermediary for a property developer.
- (3) A political donation made by a person is made as an intermediary for a property developer if the person receives a gift from a property developer and the whole or part of the gift is used or intended to be used to enable the person to make the political donation.

Note. It is unlawful under section 96GA for a property developer to make such a gift to the intermediary. See section 85 (1) (d).

- (4) A person who receives a political donation must make reasonable inquiries to ascertain whether the donation was made by a person as an intermediary for a property developer.
- (5) A person who, having failed to make reasonable inquiries as required by this section, accepts a political donation made by a person as an intermediary for a property developer is conclusively presumed to have accepted the political donation knowing that it was made by a person as an intermediary for a property developer.

No. 3 Page 3, schedule 1 [1], proposed section 96GB (1) (b), lines 29 and 30. Omit all words on those lines. Insert instead:

- (b) a corporation engaged in a business of constructing residential or commercial premises, or
- (c) a corporation that carries on the business of a real estate agent (within the meaning of the *Property, Stock and Business Agents Act 2002*), or
- (d) a corporation that is a trustee, manager or responsible entity in relation to a unit trust that is a real estate investment trust, or
- (e) a person who is a close associate of a corporation referred to in paragraphs (a)–(d).

Greens amendment No. 2 seeks explicitly to capture the funnelling of developer donations indirectly through various intermediary bodies. This ban risks being a sieve unless we can close loopholes that would enable developer money to reach parties and candidates. The Greens are concerned that the bill, as currently drafted, could still allow donations to be funnelled to parties and candidates through another division of a party in another State, or through associated entities. That is the reality we are facing if amendment No. 2 is not passed. That huge loophole should be closed. First, we do not want developers to be able to donate money through the intermediary of another division of a party in another State that can then pass the money on to the New South Wales division as an intra-party loan.

Anybody who has looked at the returns would have seen intra-party loans on a great many occasions and, as I said, that is a huge loophole. If the major parties do not support this amendment they should at least acknowledge the fact that that loophole exists and is a problem. I give as an example where developer A gives

\$100,000 to the Victorian Labor Party on the basis that the donation is passed to the New South Wales Labor Party. That is the loophole. That donation would then be disclosed as a donation from the Victorian Labor Party and not the developer. Secondly, we do not want developers to be able to donate to an intermediary in the form of an associated entity—that is, an organisation that is either controlled by, or operates wholly or to a significant extent for, the benefit of one or more registered political parties.

An example is the Free Enterprise Foundation in Canberra, an associated entity of the Liberal-Nationals Coalition. The foundation receives many donations from companies, including property companies. Can this associated entity state, "We are giving you money only from non-property sources"? There is no guarantee of transparency. In the past 10 years the New South Wales Liberal Party has received \$7,262,299 from over 10 associated entities. That is one area in which New South Wales Labor comes a very poor second. The New South Wales Labor Party received only \$152,162 during the 10-year period, mainly from Emily's List and the Jewish Labor Forum. It is imperative that donations through associated entities are firmly captured by this bill, which is why I moved this amendment.

If Labor and the Coalition fail to support the amendment we have to question how sincere either of them is. How sincere is Labor with its grand plans to take this first step, and how sincere is the Coalition? It has been critical of the bill but it said that it would support it. If the Coalition supports this legislation surely it would want it to work as effectively as is intended. We have been advised that the bill, as drafted, makes it unlawful for a property developer to make a donation to an intermediary—which includes an associated entity or a party in another State—which is then used or intended to be used by the intermediary to make a political donation even though the intermediary is not itself a developer. That is because of the breadth of the definition of "political donation" in section 851D of the Act.

This amendment will insert a proposed section that will make it unlawful for the intermediary to make a political donation and for a political party to accept a political donation made by the intermediary for a property developer. The proposed section will require the person who receives the political donation to make reasonable inquiries to find out whether the donation was made by a person who is an intermediary for a property developer. Political parties cannot claim that they did not ask or that they did not know after it is found that the funnelling of developer donations has occurred. The proposed section also provides that a person who, having failed to make reasonable inquiries as required by this section, accepts a political donation made by a person as an intermediary for a property developer is conclusively presumed to have accepted the political donation knowing that it was made by the person as an intermediary for a property developer.

With regard to amendment No. 3, the devil is in the detail when it comes to how the bill defines "property developers" in section 96GB. The current definition is limited to corporations engaged in a business that regularly involves the making of relevant planning applications by or on behalf of a corporation in connection with the residential or commercial development of land with the ultimate purpose of the sale or lease of the land for profit. This potentially leaves out many corporations and individuals who are heavily involved in property development. In the Greens' Democracy4Sale project, under the category of property interests we include property developers, construction companies, real estate agents, property consultants, architects, listed property trusts and engineering consultants for building projects.

This amendment seeks to broaden the definition of "property developer" to include construction companies, real estate agents and listed property trusts such as Westfield and Stockland and their close associates, which are all intimately involved in the development process and which the records show can be big donors to political parties. Construction companies such as Leighton and Balderstone Hornibrook have filled the coffers of the major parties for years. Clearly that is a problem. Real estate agents such as Ray White and L. J. Hooker have been donors also. So why should they not be captured? There is no reason why they should not be caught by this bill and that is what these amendments, in part, would achieve. I commend the amendments to the Committee and I look forward to the informative debate that, judging by the interjections, the Minister and his colleagues across the table are keen to have.

The Hon. JOHN HATZISTERGOS (Attorney General, Minister for Industrial Relations, and Vice President of the Executive Council) [10.01 p.m.]: The amendments are unnecessary. The bill already ensures that property developers cannot make donations through intermediaries. The bill makes it an offence for a property developer to make a political donation. The Greens amendment does not take into account the definition of "political donation" in section 85 of the Act. That section already extends the meaning of political donation to include a gift made to a third party that is used or is intended to be used by the third party to make a political donation.

In addition, the bill includes a new provision expressly providing that it is unlawful for any person to make a donation on behalf of a property developer. It will be unlawful also for a person to accept a political donation that is made on behalf of a property developer. It is also an offence for a property developer or other person to solicit another person to make a political donation on behalf of a property developer. The bill therefore ensures that property developers cannot make donations indirectly through intermediaries. Therefore, the amendment duplicates what is already in the bill. All this amendment does is cast an additional layer of complexity over the existing prohibitions in the bill.

The amendment to require "reasonable enquiries" to be undertaken to ascertain whether a donation was made by a person as an intermediary for a property developer before accepting the donation would be completely unworkable in practice. It would have all kinds of unintended consequences. For example, a local government candidate could not sell a \$1 raffle ticket to a person without first making "reasonable enquiries" as to whether that person was buying the ticket as an intermediary for a property developer. That is a ridiculous outcome. It would expose not only parties, groups and candidates but also community groups engaged in political fundraising activities to substantial criminal penalties.

The Government firmly believes that penalties should apply only to those who make deliberate attempts to circumvent the rules. The uncertainty and administrative burden associated with this amendment would far outweigh any benefit it might have in terms of eliminating the public perception of undue influence arising from developer donations. The purpose of this bill is to prohibit political donations by property developers. Its aim is to address public concerns about donations in the specific context of the New South Wales planning system. There are many players in the property industry: architects, lawyers, builders—the list goes on. A line needs to be drawn.

A deliberate decision has been made to stop those companies that have a direct interest in the outcome of planning applications from donating to political parties and candidates. It is arbitrary to single out certain other players, such as real estate agents and construction companies, who may have an indirect interest in planning applications but are not actually property developers themselves. Of course, if a particular real estate agent is engaged in a business that regularly involves the making of relevant planning applications, then that real estate agent is a "property developer" and will be caught by the ban.

It is noted also that a corporation that is a trustee, manager or responsible entity in relation to a real estate investment trust will be similarly caught if that corporation is engaged in a business that regularly involves the making of planning applications. The Government is the first to acknowledge that a ban on donations from property developers calls into question the role of corporate donations in our political system more generally. That is why the Government has announced that the next State election will be conducted under a public funding model in conjunction with bans and caps on donations from all sources.

The Government fully appreciates the intent behind the Greens amendment. All parties and members unanimously agree that further restrictions on corporate donations must be pursued to ensure the health of our democracy. A broader ban on corporate donations raises many complex issues, including public funding, which cannot be resolved overnight. The Government is committed to working through those issues so that fundamental reform can be achieved before the next State election. Therefore, it would be arbitrary and piecemeal to extend the ban to beyond those who regularly lodge planning applications at this time.

The proposed definition of "property developer" in the bill is closely linked to the making of relevant planning applications. It is reasonably appropriate and adapted to serve the legitimate end of restoring confidence in the New South Wales planning system. This bill has been carefully tailored to achieve that legitimate end. In any event, the Government has announced that it plans to introduce further bans and caps on donations from all corporations, pending the inquiry of the Joint Standing Committee on Electoral Matters into public funding of election campaigns.

The Hon. DON HARWIN [10.05 p.m.]: As Ms Lee Rhiannon has mentioned, Greens amendment No. 2 addresses the issue of intra-party transfer of funds in particular, which I indicated in my speech during the second reading debate is a problem and a concern of the Opposition. In fact, it was a matter of such concern that when the former Premier wrote to the committee outlining the draft terms of reference, one of the matters I raised in my reply to Ms Sanderson was the difficulties surrounding the issue of intra-party transfers of funds.

I am pleased to say that the terms of reference that we received from the former Premier at the end of his premiership have now been specifically amended to make this a matter that will be looked at in some detail

by the Joint Standing Committee on Electoral Matters. The Opposition will not support amendment No. 2, but the Opposition has demonstrated clearly that it has concerns about this issue and that is why it specifically asked the former Premier to bring it within the terms of reference. I also note the comments made by the Attorney General about proposed subsection (4) of section 96GB in relation to "reasonable enquiries". His comments are absolutely appropriate. The workability of the "reasonable enquiries" provision is open to grave doubt, and despite the best intentions of Greens members to try to do something about the issue of intra-party transfers of funds, this is clearly a substandard way of going about it.

In relation to Greens amendment No. 3, in his speech in reply and in other comments the Attorney General clearly stated that we have to draw the line somewhere. That is of course the whole debate: Where do you draw the line? The Opposition is clearly on the record as indicating that it is not going to move the line a little bit, as this amendment seeks to do. The Opposition believes that the Joint Standing Committee on Electoral Matters has the opportunity to redraw the line completely to exclude all corporations and all other organisations, including trade unions. Donations should be limited to individual Australian citizens on the electoral roll and the limit should be low. That is the only acceptable line, and not the line that is drawn in this amendment.

Question—That Greens amendments Nos 2 and 3 be agreed to—put.

The Committee divided.

Ayes, 5

Mr Cohen
Reverend Nile
Ms Rhiannon
Tellers,
Ms Hale
Dr Kaye

Noes, 24

Mr Ajaka	Mr Hatzistergos	Ms Sharpe
Mr Catanzariti	Mr Kelly	Ms Voltz
Mr Clarke	Mr Lynn	Mr West
Mr Della Bosca	Mr Macdonald	Ms Westwood
Ms Fazio	Mr Obeid	
Ms Ficarra	Ms Parker	
Mr Gallacher	Mr Primrose	<i>Tellers,</i>
Miss Gardiner	Mr Robertson	Mr Harwin
Mr Gay	Ms Robertson	Mr Veitch

Question resolved in the negative.

Greens amendments Nos 2 and 3 negatived.

Schedule 1 agreed to.

Title agreed to.

Bill reported from Committee without amendment.

Adoption of Report

Motion by the Hon. John Hatzistergos agreed to:

That the report be adopted.

Report adopted.

Third Reading

Motion by the Hon. John Hatzistergos agreed to:

That this bill be now read a third time.

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

SEASONAL FELICITATIONS

The Hon. JOHN HATZISTERGOS (Attorney General, Minister for Industrial Relations, and Vice President of the Executive Council) [10.17 p.m.]: I move:

That the House notes its thanks to the members and staff of the Parliament and wishes season felicitations to all.

I should like to move a vote of thanks before the House adjourns. On behalf of my ministerial colleagues and Government members I extend my gratitude to everyone in the Parliament for their tireless work and perseverance this year. I thank the Clerk of the Parliaments, Lynn Lovelock, and the other Clerks and all of the staff in the Legislative Council for their dedication and hard work. To all the staff of the Legislative Council, your commitment to the House is appreciated by all of us. I voice my thanks to the parliamentary attendants for the work they do behind the scenes. I thank the Hansard staff, who diligently ensure that our words are recorded for posterity, and in a more elegant way than they sometimes are delivered orally.

The Hon. Duncan Gay: They can never transcribe your jokes though, the humour and the repartee.

The Hon. JOHN HATZISTERGOS: One day someone will produce a book and make money out of my jokes.

The Hon. Michael Gallacher: Probably Lee Rhiannon.

The Hon. JOHN HATZISTERGOS: The Leader of the Opposition is such a funny man: all members are laughing. I thank the staff of the Parliamentary Library, who are a treasure trove of knowledge, the dining room staff, room service and catering staff, and all other staff members who do a wonderful job. Often their work goes unnoticed, but it is fundamental to the operations of the House. Last but not least I thank all the members of the House who participated in this important institution of government. As we bid a farewell to the final sitting of the year I take this opportunity to particularly thank all my colleagues. I have been the Leader of the Government in this House for a relatively short time, and I do appreciate their support and cooperation. I particularly acknowledge the Hon. Tony Kelly, who is the Leader of the House. I also acknowledge all my ministerial colleagues and Parliamentary Secretary the Hon. Penny Sharpe, who has carriage of a large number of bills in this House and does much of the heavy lifting in terms of the legislation that goes through this place. Thanks Penny.

We have sat for a total of 389 hours and 56 minutes in 2009, and in that time more than 100 bills have been passed, 33 of which were within my portfolio responsibility, including industrial relations bills. We have implemented a significant volume of important law reform measures. I will briefly recap on some of the bills giving effect to reform in key areas, including child protection, victim's rights, crime prevention, organised crime, court efficiency and sentencing. We have also seen New South Wales enter the national industrial relations system.

Dr John Kaye: That was other people, not you.

The Hon. JOHN HATZISTERGOS: I am thanking the member for supporting these bills. In the area of child protection and victims' rights we have dealt with the Children (Criminal Proceedings) Amendment (Naming of Children) Act 2009, the Commission for Children and Young People Amendment Act 2009—which was Minister West's bill. We have also dealt with the Crimes (Forensic Procedures) Amendment Act 2009, the Criminal Legislation Amendment Act 2009, the Crimes (Forensic Procedure) Amendment (Untested Registrable Persons) Act 2009, the Crimes Amendment (Fraud, Identity and Forgery Offences) Act 2009, the Graffiti Control Amendment Act 2009, the Births, Deaths and Marriages Registration (Change of Name) Act 2009, the Crimes (Criminal Organisations Control) Act 2009, the Crimes (Appeal and Review) Amendment (Double Jeopardy) Act 2009, the Crimes (Sentencing Procedure) Amendment (Council Law Enforcement Officers) Act 2009, the Coroners Act 2009, the Criminal Procedure Amendment (Case Management) Act 2009, the Law

Enforcement (Powers and Responsibilities) Amendment (Search Powers) Act 2009, the landmark New South Wales Trustee and Guardian Act 2009, the Shop Trading Amendment Act 2009, the Industrial Relations (Commonwealth Powers) Act 2009, and, of course importantly, the James Hardie Former Subsidiaries (Winding up and Administration) Amendment Bill 2009 and the Election Funding and Disclosures Amendment (Property Developers Prohibition) Bill 2009.

I thank all members for the support that they have provided to this and other legislation that the Government as sponsored this year. I extend my thanks—and I believe the thanks of all honourable members—to the hardworking staff of the Parliamentary Counsel's office who have worked around the clock to have these pieces of legislation ready for our consideration. We have had an industrious year and all members have enthusiastically and passionately contributed to the debates. I wish all members of this House a merry Christmas and safe festive season and a peaceful new year.

The Hon. MICHAEL GALLACHER (Leader of the Opposition) [10.24 p.m.]: I also take this opportunity to thank all members of the House for the contributions they have made over the past 12 months. In particular I take this opportunity to personally thank my staff—Susan Fosbery and John McGowan—for their excellent support and the work that they continue to provide not only to me but also to the Coalition team in the Legislative Council.

I also thank the attendants and the Legislative Council staff, who perform a thoroughly professional job. We would not be able to operate effectively without their contribution. The same can be said for the Hansard staff. As has been said this evening and in the past, they do a wonderful job stringing together in a coherent form that which we think but do not always necessarily say. They most certainly produce it in a very professional way. I thank our new security personnel—the special constables—who have done a fantastic job in ensuring a very professional appearance of security in the Legislative Assembly and Legislative Council and the confines of the Parliament. I formally welcome the members of the new team in their first year in the Parliament and thank them for the job that they do. Like the Hon. John Hatzistergos, I also thank the catering staff.

Members should spare a thought for the cleaning staff, particularly those responsible for looking after the Government's offices as they clean the stains that have appeared on the floor over the past couple of days. They will have to work overtime to get them out. They do a great job and I recognise the contribution that they make. Nick Ralston from AAP will be leaving us very shortly to become the police reporter at the *Sydney Morning Herald* bureau. I offer my congratulations for the fine work that he has done at AAP. I also wish a fond farewell to Simon Benson as he heads off to colder climes, and I welcome his replacement in the gallery. I extend to all members and their families my wishes for a very merry Christmas. I look forward to seeing them back here in February. Madam President, I hope that you enjoy your first Christmas as President of the Legislative Council. Thank you for the job you have done so far.

The Hon. TONY KELLY (Minister for Primary Industries, and Minister for Lands) [10.26 p.m.]: It is hard to believe that we have come to the end of yet another year so quickly. I am sure all members will agree that the past 12 months has included plenty of achievements, challenges and interesting debates in this House. As we prepare to wrap up 2009, I thank the dedicated team who have helped to keep the business of this House operating smoothly and efficiently. Not only that, these same people also help to make Parliament a great place to work. It does not matter what the deadline or how late the hour, they remain pleasant and professional—at least to us. Of course, they might do something different behind the scenes. I know that all members of the Legislative Council will join me in saying that we really appreciate your efforts.

I extend our thanks to the Clerks and the staff of the Legislative Council Procedure Office, Corporate Support and the Legislative Council committee staff. I particularly acknowledge the work of the staff of the Parliamentary Library, the Parliamentary Archives, Building Services, Hansard, Information Technology Services, the Parliamentary dining room, Printing Services, Security Services and the outdoor staff. I particularly want to comment on the Hansard section. From time to time we make various grimaces or wink across the Chamber to each other about a particular speaker—he or she might be taking too long. None of that is recorded, but Hansard knows exactly what we are thinking. Occasionally I look up at the Hansard staff and I see a little smirk; they are human and they have exactly the same views that we down here have.

The Hon. Duncan Gay: They are not that human because they do not show the boredom that they must feel.

The Hon. TONY KELLY: I acknowledge that. The Legislative Council attendants do a fantastic job providing support in this Chamber. I must digress and point out, as I often do in caucus—I should not say that because nothing leaks out of caucus—that this House processes exactly the same amount of legislation as the other place in about 80 per cent of the time.

The Hon. Michael Gallacher: And we do not have the gag.

The Hon. TONY KELLY: No, we do not have the gag. Therefore this is the most efficient House. We have an incredibly diverse team working behind the scenes to help us to fulfil our duties as members of Parliament. We really do value their efforts. I also mention the press gallery, because without their efforts it would be much harder for us to get our message out to the community. I know everybody in this House will support me in thanking the dynamic duo from Prime—George and Sam. We are all very disappointed that they will not be here in the new year. They will be missed by all.

The Hon. Robyn Parker: But they had a very interesting last day.

The Hon. TONY KELLY: True. I also extend my best wishes to all members of the press gallery who are leaving, including, as the Leader of the Opposition mentioned, Simon Benson and Louise Milligan. Although I have not always agreed with what they have reported, I acknowledge their contributions to the debate on issues that affect New South Wales. It has certainly been another eventful year—and day. Picking the standout moment would be a very difficult task.

However, there are a few achievements I wish to mention. First, I thank the former President, the Hon. Peter Primrose, for his efforts in the important position he held in chairing the House since the last election. Peter did an excellent job. I believe that he tried to be very independent. He can well afford to be proud that in the future his presidential statements will be recorded in history and often repeated. We welcome our new President, the Hon. Amanda Fazio, who also is doing an impressive job. We look forward to see her continuing in the new year.

Some new people joined us in the Chamber this year, including those who have acquired new ministerial portfolios. We also thank those who have moved and will move on to other things, including Lee Rhiannon, who may well move from this Chamber before we reconvene next year.

The Hon. Duncan Gay: I do not think there will be a Federal election before we reconvene.

The Hon. John Ajaka: Maybe he knows something that we don't.

The Hon. TONY KELLY: I also thank my ministerial and Government colleagues as well as all members of the Chamber whose contribution has generated much lively debate and discussion over the past year. It is their hard work that has resulted in a large amount of legislation being passed and the business of the State being achieved. I thank their staff, many of whom work alongside us when the House sits late. They sacrifice their time, and I particularly thank their families for allowing them to sacrifice that time to enable us to get our job done.

In conclusion, as we look forward to celebrating the Christmas break with family and friends, I ask everyone to spare a thought for drought-affected families in our State. Drought conditions are not improving; the drought is getting worse. I will not be surprised if the next set of figures indicates that we are in a much worse situation than we think. This will be a very tough Christmas for many of our farming communities. I only hope that I can return to Parliament early in the new year with reports of rain, which is so desperately needed for our farmers and our valuable primary industry sector.

My staff and I particularly thank everybody for their cooperation throughout the year in assisting us to get the work of this place done. I thank all members of the House for their cooperation as well. I wish everyone a happy and safe Christmas.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [10.31 p.m.]: On behalf of The Nationals—my deputy Jenny Gardiner, Mel, Rick and Trev—I wish everyone a safe, happy and holy Christmas. I congratulate all our staff and I thank them for the work they have done during the year. I thank the President and acknowledge the challenge that she has undertaken. I also thank the former President, Peter Primrose, for the work he did, and I hope that today will not be as bad for him as it has been for others. I also thank the Leader of the Government—who sincerely thanked himself and then left the Chamber. I indicate that I have also spoken to Santa.

The Hon. Tony Kelly: What are you getting—a new John Deere?

The Hon. DUNCAN GAY: I am hoping to get a Legislative Council that is better run next year. It is something we need. Perhaps the changes that have taken place today will assist in achieving that, if nothing else. We do not blame anyone for it, but next year has to be better than part of this year was. It has been better with the same people in the past, and I am hoping for a return to that situation.

I also thank Hansard, who are fantastic. I thank the Clerks and attendants, who are always friendly and helpful, no matter what the time is. I thank the catering staff as well. We have a good catering team at the moment. We went through a bad time, but things have got better. I thank Prime—we will miss George and Sam, who are the voice of this Parliament in regional New South Wales. They actually had a better idea of what was happening in the New South Wales Parliament than others did. It is tough enough going through the drought and current economic conditions without not being able to get information from Parliament. I thank everyone and wish everyone all the very best.

Ms LEE RHIANNON [10.33 p.m.]: I appreciate this opportunity of joining with other members on behalf of my colleagues Ian Cohen, Sylvia Hale and John Kaye to extend greetings to all staff and to all members. Our last sitting day has been momentous. The sudden change of Premier brings pressure and tensions to all of us. I particularly welcome this opportunity to extend best wishes to all colleagues in this place, including the former Premier and the current Premier, but in particular their staff, some of whom are about to lose their jobs. That is troubling at any time, but particularly so when we are coming to the end of the year and the beginning of the festive season.

All levels of staff in this building do an extraordinary job. They allow us to be able to do what we do in this place and beyond. I thank the cleaners, particularly those who look after our offices—Santiago, Irena and Teresa. I also thank the building, engineering and security staff and wish them all the best for the end of the year and the Christmas period. I particularly thank the attendants from the Legislative Council and the Legislative Assembly for the way in which they are able to help us as well as our expected or unexpected visitors. That makes our life much easier and we are better able to handle our work.

I send greetings to the Parliamentary Library staff. I often say, although perhaps I am showing a bit of prejudice, that the Parliamentary Library is the best thing in this place. I find quite extraordinary the work that the library staff undertake, and I admire their quick turnaround time in responding to queries as well as their ability to turn up obscure information within a short time frame. I certainly endorse all the comments that have been made about Hansard, who save us time and time again from considerable embarrassment with what they are able to do with words.

I send greetings to the Information Technology [IT] staff, who are just so important. They are coming into their own more and more. We are only just realising how important it is that the Legislative Council's Procedure staff are working with IT to bring members a whole lot of advantages that I am only just learning about and from which the public will benefit. I extend sincere thanks to the Clerk, Lynn Lovelock, David Blunt and everyone in the Procedure Office for the seamless manner in which they deal with matters in the Legislative Council and for bringing democracy into action. I appreciate their work so much, and I certainly know my colleagues endorse my comments.

I give particular thanks to the former President, Peter Primrose, and the current President, Amanda Fazio. Amanda has had the job for only a short time, but we all know how important the role of the President is as well as how much rests on the shoulders of an incumbent in relation to how the work of the Chamber is conducted. I very much thank my staff and all staff members of the Greens office. Robyn and Leellen, who were in the gallery but who have now left, are in the difficult position of being something of a conduit between the Ministers' offices and the Greens offices. They make a difference to the way in which we approach each day as we come into this place.

On behalf of the Greens I very much wish everybody—all members and staff of this place—a peaceful, restful and enjoyable Christmas as well as a safe holiday break. At this time when our thoughts turn to family and friends, it is worth reflecting on how much we have in common. While at times the differences between us become very sharp, there is a common purpose. At times we have had opportunities to reflect on that. As we are about to part, it is worth thinking about that. I note the remarks made by Tony Kelly and the comment about whether he knows more than Coalition members do. I expect to return next year and I look forward to returning next year. However, I will not have another opportunity to share felicitations, which is why I appreciate my colleagues giving me the opportunity of speaking on their behalf tonight.

I wish everybody all the best and a wonderful holiday. Despite what Mr Hatzistergos says about my beliefs, I wish everybody a wonderful Christmas. I certainly will enjoy it.

Reverend the Hon. FRED NILE [10.38 p.m.]: On behalf of the Christian Democratic Party I convey Christmas greetings for a happy and holy Christmas and a blessed New Year. I add my appreciation of all the staff of the Parliament—our Clerks, Hansard, the dining room, the Parliamentary Library, security, and all individuals who make this Parliament work so efficiently. In particular, I thank the Information Technology [IT] staff, who have been of great assistance to me.

I would like to read a few verses from the gospel of Luke as we leave Parliament tonight to celebrate the Christmas season, recognising Jesus Christ as the reason for the season. This little passage from the gospel of Luke explains the story of Christmas. It is Luke 1:26 and it reads:

And in the sixth month the angel Gabriel was sent from God unto a city of Galilee, named Nazareth.

To a virgin espoused to a man whose name was Joseph, of the house of David; and the virgin's name was Mary.

And the angel came in unto her, and said, Hail, *thou that art* highly favoured, the Lord *is* with thee: blessed *art* thou among women.

And when she saw *him*, she was troubled at his saying, and cast in her mind what manner of salutation this should be.

And the angel said unto her, Fear not, Mary: for thou hast found favour with God.

And, behold, thou shalt conceive in thy womb, and bring forth a son, and shalt call his name JESUS.

He shall be great, and shall be called the Son of the Highest: and the Lord God shall give unto him the throne of his father David:

And he shall reign over the house of Jacob for ever; and of his kingdom there shall be no end.

Then said Mary unto the angel, How shall this be, seeing I know not a man?

And the angel answered and said unto her, The Holy Ghost shall come upon thee, and the power of the Highest shall overshadow thee: therefore also that holy thing which shall be born of thee shall be called the Son of God.

It is emphasised in John chapter 3 how God so loved all of us, the whole of creation, that he sent his only begotten son so that whoever believes in him as Saviour shall inherit eternal life. God bless you and may you all have a very happy Christmas.

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

Motion agreed to.

ADJOURNMENT

The Hon. TONY KELLY (Minister for Primary Industries, and Minister for Lands) [10.41 p.m.]: I move:

That this House do now adjourn.

PECUNIARY INTERESTS DISCLOSURE

Ms LEE RHIANNON [10.41 p.m.]: All members are required to disclose their interests in property and companies. Failing to do so is a serious matter for democracy in this State. Today the Hon. Henry Tsang left Parliament after it came to light he received benefits from certain companies that were not disclosed. Since the financial year 2000-2001 it appears a member in the New South Wales upper House simplified his disclosures by resigning from all companies and divesting himself of shares. Since 2000-2001 the member's disclosures to Parliament only list ownership of two properties—a modest bungalow in Concord and a house and land he inherited overseas. In September 2009 the member sold his Concord property to a family member for \$1.2 million, according to transfer documents sighted by the Greens. So, as of today the only property he purports to own is an inherited house overseas.

However, it seems the member's name appears as owner on two properties that are not shown on his official disclosures. I have seen two property transfer documents showing real estate transactions under the Real Property Act 1900 indicating that the member had undeclared property interests post 2000-2001. The first is

dated 7 October 2003 and is for lot 4, deposited plan 9645, an old-fashioned brick house at 23 Lloyd George Ave, Concord. The joint owners of this property were the said member, Said Obeid and Peter Indari. The three sold the property for \$660,000 to a Peter Moussa in October 2003. Real property data shows the Catholic charitable organisation Matrit Charitable Association as selling the property at this time. Maybe the member was a director of the charity; it is hard to establish. However, we know that the "Matrit" in the Matrit Charitable Association is the name of the member's birthplace. However, the transfer documents definitively list the trio as the transferors. It appears the three owned the property for many years. They are recorded as discharging the mortgage in 1993.

The second is a property transfer form dated 15 February 2006 for lot 199, deposited plan 785, 33 Tavistock Street, Croydon Park. This property was bought from Palms Australia, also known as the Paulian Association, by the member as well as Peter Indari and Nabil Nehme, for \$687,500. Google searches show the charities still give Tavistock Street as their address. The member lives in or has lived in two houses in Hunters Hill and has access to a holiday home on the Central Coast.

The Hon. Tony Kelly: Point of order: The member is obviously making an accusation against a particular member. Under our standing orders this can be done only by way of substantive motion. The member has done this by way of laying a number of accusations against a particular member without naming that member, but it is now obvious it is one particular member of this House. She has no choice; if she wants to lay those claims it must be done by way of substantive motion.

The PRESIDENT: Order! I remind Ms Lee Rhiannon that she cannot make imputations against another member unless by way of notice on the *Notice Paper* for that purpose. If the member has any other general comments about the matter, she may proceed.

Ms LEE RHIANNON: I did share with the House things that are factual. There are no imputations in what I am providing. None of these properties is in his name and neither is the \$3.65 million country property Cherrydale Park, right in the middle of the mining exploration area near Mudgee, which is owned by his family. We know sometimes things slip the member's mind. It is reported that in 2002 he listed 16 companies on the register which he had neglected—

The Hon. Tony Kelly: Point of order: The member is making an accusation that this particular member has not filled in his pecuniary interests return correctly.

The PRESIDENT: Order! I uphold the point of order. If Ms Lee Rhiannon has a further contribution to make that does not impugn another member, she may continue.

Ms LEE RHIANNON: Brian Boyd, who is a Labor donor through his company Telmut Ventures, sold Eric Roozendaal and Mark Arbib units in Telmut's Maroubra townhouse development in 2003.

The Hon. Tony Kelly: Point of order: The member is flouting your ruling. This time she has not wasted any time getting into the accusation straightaway and mentioning the member's name.

Ms LEE RHIANNON: To the point of order: Mr Tony Kelly has now made an imputation because there was nothing in it that suggested that that was the member I was referring to. So, he is the one who has made an imputation.

The PRESIDENT: Order! The member's time for speaking has expired. However, the member had not got to the point of making an imputation against a member that she had identified.

RURAL SERVICES

The Hon. CHRISTINE ROBERTSON [10.46 p.m.]: Strange place this, strange ethical standards, strange claims by individuals within this place that their actions, whether honourable or dishonourable, are ethical. Because we all claim to have strong ethical motives, defining "ethical" in this place is impossible. Even defining "honourable", "dishonourable" and even "honesty" is impossible. Political pointscoring, raw ambition and total intolerance of the beliefs and ethical stance of others makes for an incredibly isolating experience—a place where deliberate flouting of the standing orders can be used to push a belief and question the ethical standards of others in this place.

I am proud to be an Australian. I am proud to be from country New South Wales. I am proud of the diversity of the communities of New South Wales. I am proud of the diversity of individuals and communities in country New South Wales. I did not come to this place to represent any one group or belief pattern. I believe in people's rights to their own set of ethics and beliefs. Surely this has to be a tenet of good governance. Registering this as fact means that legislation and policy is delivered for everybody in New South Wales equally and without prejudice. Recognition of differences and of different ethical bases is one of the reasons this House is so effective and constructive in ensuring legislation considers most, if not all, its ramifications as it becomes law. This is what I consider value adding.

People scoff when the representative nature of the Legislative Council is compared with the broad brush of New South Wales communities. Although we are a pretty weird lot, I believe we reflect the diversity of New South Wales communities—

The Hon. Tony Kelly: Speak for yourself!

The Hon. CHRISTINE ROBERTSON: I am including everyone—including our prejudices and intolerance, and that is as it should be. I turn now to reflect how good 2009 has been for Country Labor and the people and communities right across country New South Wales that we are here to represent. Health services, particularly multi-purpose services, are either being opened, celebrated or commencing work across New South Wales, from Balranald to Boggabri. Rural referral hospitals are being improved in areas of service and infrastructure. The \$85 million Building the Country package has been rolling out funding for local hall upgrades, country community websites and high-speed broadband services, and it continues to make a big impact on country communities. There continues to be massive spending on social housing stocks in country New South Wales through the stimulus package. There is good distribution of stimulus in country New South Wales, with the resulting increases in jobs and training opportunities. It is good to see that it was done equitably and we got the benefit.

Country Labor is also proud to have successfully lobbied for the pensioner booking fee on CountryLink train tickets to be scrapped. We are currently lobbying for the removal of fees on photo identification cards for pensioners, and I reckon we will win. Country Labor has continued with many other campaigns, and will continue its work in 2010 and future years. Schools in country New South Wales are benefiting from the Building the Education Revolution program, which is also rolling out, and the excellent programs in the school system. Once again the budget strongly supports quality education and focuses on increasing levels of attainment.

The arts industry in country New South Wales has an important place in providing cultural texture and opportunity for our communities. Country Labor successfully lobbied for the \$2.1 million increase to regional conservatoriums of music, as well as \$200,000 to boost the Regional Arts Network and \$300,000 to existing funding for regional art galleries. There was also a considerable amount of money for library services this year. Roads are a vital link between country communities, and three-quarters of the State Roads budget of \$3.1 billion goes to country roads. As the importance of the environment and climate change are debated every day at the moment, the harsh reality that we cannot control the climate is ever present. While the New South Wales Government has been doing all it can to relieve the effects of the drought on individual farmers, farms, country businesses and country communities, I am sure all of us here wish it would just rain, and rain properly.

FESTIVAL OF LIGHTS

The Hon. DAVID CLARKE [10.51 p.m.]: Earlier this week our Parliament celebrated for the first time an event that has been a tradition for more than 2,200 years. That event is the Festival of Chanukah, also known as the Festival of Lights, which has been celebrated by the Jewish people down through the ages, in times of peace and prosperity and in times of tribulation and hardship. It was also a history-making event for the Parliament of New South Wales because it is the first time that Chanukah has been celebrated in our Parliament. Chanukah celebrates the dedication of the Holy Temple in Jerusalem 22 centuries ago, and involves the kindling of the lights of a nine-branched candelabrum called a menorah and the partaking of traditional food in celebration with friends and family.

It is the celebration of the universal triumph of light over darkness, freedom over oppression and good over evil. These concepts are certainly worthwhile celebrating, and that is why it was good to see Chanukah being celebrated in our Parliament only two days ago. The idea of a Chanukah celebration in our Parliament was conceived through the vision of the good people of the Yeshiva Centre in Sydney, which is part of the Chabad

movement, a vibrant part of the rich fabric of Judaism. The idea was endorsed and embraced by the New South Wales Jewish Board of Deputies, long recognised officially and morally as the umbrella organisation for the Jewish community in our State.

The Premier, the Leader of the Opposition, the President of the Legislative Council, the Speaker of the Legislative Assembly and representatives of the crossbench parties gave their enthusiastic backing to the idea. As a result, two days ago a celebration of the Festival of Chanukah was held in our Parliament, attended by the Presiding Officers of the Parliament, the Premier and the Opposition Leader, numerous Ministers and shadow Ministers, a major portion of serving parliamentarians, as well as community leaders and guests, both Jewish and non-Jewish. It proved to be an illustrious and happy occasion. Mr Robin Margo, President of the New South Wales Jewish Board of Deputies, opened the occasion with a welcome and overview. Rabbi Pinchus Feldman, OAM, who leads the Yeshiva Centre and the Chabad movement in New South Wales, gave a moving insight into the significance of Chanukah before conducting the traditional ceremony that has been observed by countless generations over the past 2,200 years.

Following the formal ceremony Rabbi Feldman presented to the Parliament a solid silver menorah to be held by it in perpetuity so as to serve not only as a symbol of the good values that Chanukah has come to represent but also as a sign of respect by the Jewish community for the values of freedom and decency, which our democratic Parliament upholds. Tonight I am honoured to be able to have recorded in *Hansard* these reflections on the first ever Chanukah celebration held in this Parliament, as well as the positive and uplifting message that it represents not only for our Jewish community but also for those like me who come from a non-Jewish background.

I take the opportunity also to congratulate the Chabad community on its initiative. As I said earlier, it represents a tradition, which is a vital part of the rich fabric of Judaism. The word "Chabad" is a Hebrew acronym for the three intellectual faculties of wisdom, comprehension and knowledge. Whilst its formalised existence goes back some 250 years, the traditions upon which it is based go back thousands of years. It is seen as an energising force within Judaism, active in over 100 countries and seeking to encourage Jewish communities to what it regards as traditional practices and values.

My observation of those in the Chabad movement is that they do things with a sense of joy, enthusiasm, selflessness and optimism, and with an inner conviction that it is God's will. They operate an amazing array of charitable and humanitarian programs, not only to the Jewish community but to the wider community. Whether it is helping victims of a tsunami in Indonesia, an earthquake in Turkey or a cyclone in the United States, that is where one will find the charitable outreach of Chabad.

They are strong supporters of family life and have a strong sense of personal morality. They promote the seven laws given by God to Noah as moral imperatives meant for all humanity as it is through Noah that all humanity derives its descent. For these and other reasons they have my admiration and respect. Tonight I pay tribute to the Chabad movement and the New South Wales Jewish Board of Deputies for the message that they bring from the Jewish community of the inevitable triumph of good over evil, a message that through the celebration of Chanukah has been brought directly into our Parliament.

HELENSBURGH LAND DEALINGS

Ms SYLVIA HALE [10.56 p.m.]: Tony Kelly is wrong in assuming that my colleague Lee Rhiannon was speaking of Eric Roozendaal. It is Eddie Obeid to whom she referred. We know fires tend to break out in his properties with alarming regularity.

The Hon. Tony Kelly: Point of order: The member is deliberately flouting your earlier ruling. We have just had Christmas felicitations and wished everyone goodwill and the member is attempting to do the opposite by ensuring she puts on the parliamentary record, completely against the rules of the House, accusations against members of this House. She knows full well that the standing orders, developed over many decades, enable a member who might be accused of something to respond. The member knows she should raise this matter as a substantive motion and I ask you to rule her out of order.

The PRESIDENT: Order! I uphold the point of order. Ms Sylvia Hale may proceed without canvassing the matters referred to in the point of order.

Ms SYLVIA HALE: There is something very fishy going on in Wollongong and people want answers. They want the Independent Commission Against Corruption and the Minister for Lands to investigate some very

peculiar land dealings that seem to have taken place with the connivance of officers of the Department of Lands and Wollongong City Council. Tracing what has happened has been very difficult and has taken much work and money on the part of many people, including Maurie Dowson, Clare Leabeater and Vicki Curran. Clare and Vicki co-authored a report from which the following information is taken. Their task has been made difficult because composite maps showing changes to zoning or ownership over time have gone missing from Wollongong City Council. Residents believe these maps have been intentionally lost in order to conceal the fact that community-owned land and reserves have been improperly transferred to private owners.

For ease of understanding I will focus on one or two instances involving Helensburgh land. The majority of the land in question is owned by Ensile Pty Ltd, one of whose directors is also a director of Highfield Grove, a company that lands department records show as providing mortgages over the lands in question. In 2005 a director of Ensile, a Mr Hogarth, applied for a replacement certificate of title for parcels of land. There was no record of his ever having possessed the original certificate. He did, however, produce a statutory declaration to the New South Wales lands department stating, "There are over 230 separate lots covered in our landholding." He supported that statement with rates notices from Wollongong City Council.

Questions arise as to how Mr Hogarth came to hold a rates notice for land for which he had no evidence of title of ownership. Who placed Mr Hogarth or Ensile Pty Ltd on the Wollongong City Council rates system, thus providing him with documentation to support his claim? I might add that this method of obtaining certificates of title to land has been employed elsewhere in the Wollongong local government area. There are other interesting aspects to the Helensburgh land transfers.

On at least two occasions in 2005 Mr Hogarth provided statutory declarations to the New South Wales lands department with requests for replacement certificates of title because the originals had been "misaid". On each occasion Mr Hogarth stated the title had been misaid after it had been delivered to his solicitor's office. Mr Hogarth has been allowed to develop his landholdings on Deposited Plan [DP] No. 2644, a plan that was registered in 1890. According to lands department records, whole new subdivisions have been added to using this same deposited plan number. The questions arise: Why would a professional surveyor add new subdivisions to an 1890 plan? When did the surveyor make these additions? How did the Department of Lands permit those subdivisions to be registered? The Land Titles Office has accepted and registered plans for redefinition that have not been stamped or certified. Mr Hogarth now has title over a number of formerly public roads that were supposedly sold to Ensile on 27 April 1981.

The transfer document is highly unusual. It does not have a company stamp, nor does it have the printed names of the director or secretary of the company or that of any witness. None of the directors of Ensile or Mr Hogarth have signed this transfer document, nor has a company stamp been affixed. The question now arises as to whether the land was ever sold and, if so, to whom? Ensile did pay \$540,000 for a substantial portfolio of lands in and around Helensburgh, as recorded in sale document S516662. One must then ask why did the Crown not buy this land, given that a decision had been made to purchase the land and extend the Royal National Park? The relevant file, however, went missing in 1975, only to resurface after Mr Hogarth had secured the land. Mr Hogarth then laid claim to many of the roads and lanes within the lands thus referred to. The residents believe Metropolitan Coal could not sell any roads to Ensile because Metropolitan Coal had never owned any. [*Time expired.*]

INTERNATIONAL DAY OF PEOPLE WITH DISABILITY

The Hon. KAYEE GRIFFIN [11.01 p.m.]: On 3 December each year International Day of People with Disability is celebrated around the world in order to recognise and highlight the outstanding achievements and contributions of people with disabilities. Initially proclaimed to commemorate the anniversary of the United Nations General Assembly's adoption of the World Programme of Action Concerning Persons with Disabilities, the United Nations proclaimed 3 December as International Day of Disabled Persons in 1992 at the conclusion of the United Nations Decade of Disabled Persons. The World Programme of Action [WPA] Concerning Persons with Disabilities aimed to promote awareness and understanding of disability-related issues and of the advantages of integrating disabled persons into all aspects of social, political, economic and cultural life.

This is a global strategy designed to enhance disability prevention, rehabilitation and equalisation of opportunities, the underpinning factor being that all persons, including those with disabilities, have a right to full participation in social life and national development. The most recent Australian Bureau of Statistics Survey of Disability, Ageing and Carers found that almost one in every five Australians is affected by some form of disability. The significance and scope of the commemoration of International Day of People with Disability

continues to increase in Australia and indeed all over the world, with many annual events continuing to draw large crowds. Since its inception there have been marked increases in participation by a wide cross-section of the general community, which has been extremely encouraging.

In Australia we promote International Day of People with Disability as an inclusive celebration with several key aims and objectives: to showcase abilities, skills, achievements and contributions made to our community by people with disabilities, to promote positive images of people living with disabilities, and to dispel some of the misconceptions by people who lack understanding of disability-related issues, and also to involve people with disabilities in broader community activities in order to raise awareness and bridge the gap that divides those with disability from those without.

New South Wales celebrates International Day of People with Disability throughout November and December with the Don't DIS my ABILITY campaign. That excellent campaign is proudly supported by the New South Wales Government and Ageing, Disability and Home Care, Department of Human Services New South Wales. Don't DIS my ABILITY is focused on challenging misconceptions surrounding disability and promoting an environment that encourages participation by persons with disabilities in careers, leisure pursuits and social activities. These are things that many of us take for granted, while for some they present very real and difficult challenges. There is a wide variety of events planned for the observance of International Day for People with Disability 2009. I will mention just a few.

The Xpress Theatre Workshop, a creative performance workshop open to adults with an intellectual disability, is being held today in Waverley. In Dee Why Warringah Council and People with a Disability [PWD] are hosting an advocacy information session for people with disabilities and their carers called "Speak Up, Speak Out". Tonight in Homebush the Don't DIS my ABILITY campaign companion card is hosting a fully accessible dance party called Get DIS Party Started. Inverell and district are having a mini Olympics with various disability groups, schools and members of the public invited to participate in sporting events today. Today in Leichhardt the Australian Institute of Traffic Planning and Management, the Roads and Traffic Authority and Leichhardt council held an information session called "Universal Access", discussing the practical side of providing for people with disabilities, focusing on insights into the design implications of accessible buildings.

The Queanbeyan Festival of Ability was held this afternoon. I understand it is an extremely popular local celebration featuring a range of activities, stalls, dancing, face painting, workshops and prizes. This year's United Nations theme for International Day of People with a Disability is "Empowerment of persons with disabilities and their communities around the world", which aims to mobilise support for the dignity, rights and wellbeing of persons with a disability. The importance of raising awareness about the challenges faced by people living with disabilities cannot be underestimated. With increased awareness, we can continue to move forward when developing and implementing public policy with a more inclusive approach to integrating people with disabilities into day-to-day activities, many of which have proved inaccessible in the past.

On a personal note, I take this opportunity to briefly mention how proud I am of my goddaughter Jenny McCullum, who some members in this House have had the pleasure of meeting. Jenny is a regular visitor to my office in Parliament House and is a very popular figure with staff and members alike. Jenny has Down syndrome and leads a busy and productive life. Working three jobs, which she commutes to and from on public transport, Jenny is somewhat self-sufficient and makes an important and meaningful contribution to our community. Despite the challenges she faces, Jenny greets every day with a smile, and a very infectious positive attitude, taking great pleasure and pride in each and every one of her achievements, and rightly so.

Today I pay tribute to all the members of our community who live with disabilities, and also to their carers. I thank them for their invaluable contributions to our community, and I encourage everyone to work towards promoting a better understanding of, and empathy for, people living with disabilities and their families.

FORBES DIALYSIS SERVICES

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [11.06 p.m.]: I am proud to have stayed in the Chamber to make the last adjournment speech in the upper House this year. I continue the fight for additional dialysis services in Forbes. This is an issue I have been pursuing for some time, though unfortunately I seem to be getting no further ahead in getting a straight answer from this Government or its toady, Country Labor. I reiterate, I have been contacted by several families and carers of those being forced to travel to Orange

for dialysis who are both emotionally and physically strained at having to make the return trip to Orange three times per week. Some patients, travelling from as far as Condobolin, are forced to travel up to 1,000 kilometres each week.

In response to a question I put to the acting Minister for Health, the Hon. John Hatzistergos, in September, I was told that the Greater Western Area Health Service has submitted an application to the New South Wales Department of Health statewide services development branch requesting additional capacity for the Forbes unit. I was told that the submission is currently under consideration as part of statewide planning for renal dialysis services. Nearly three months on, I am yet to hear any outcome. The Hon. John Hatzistergos has said that the enhancement of the dialysis services provided at the Forbes unit has been identified as a priority by the area health service. It is for this reason that dialysis patients and carers in Forbes are desperately trying to find answers as to when the facility will provide extra shifts at the service to avoid patients having to undergo unnecessary travel.

I have been contacted by the wife of a dialysis patient in Forbes who travels to Orange three times each week for dialysis treatment. I am told that the unit trained a further two staff, but two of the existing staff previously trained in dialysis are from overseas and must now return home to renew their visas so the two extra staff that have been trained will now simply replace the two employees from overseas. So it seems we are no further ahead. The couple have now been told it will more likely be February, instead of this month, before they are able to get back to Forbes for dialysis. Quite rightly, the couple are not holding their breath. However, several other patients living in Forbes are not as fortunate because there are simply not enough shifts at the dialysis unit to cater for everyone.

As I have said, the Government must address the fact that in some cases dialysis patients in regional areas are directly bypassing their local hospitals to travel several hundred kilometres down the road to access dialysis services. It is simply not fair that people living in regional areas brings should be disadvantaged in not having adequate access to health services. I call on Minister for Health, the Hon. Carmel Tebbutt, to take action immediately and to inform the Forbes community when exactly it can expect expanded dialysis services in the town.

People who need dialysis are suffering badly. To have to travel by car on country roads, especially in summer in regional New South Wales, undergo dialysis, then get back in the car and travel huge distances in the heat of the day is, frankly, inhumane. Sooner or later the Government must accept responsibility, act on it, and provide extra dialysis services to towns such as Forbes so that gravely ill patients will not have to make those unnecessary trips.

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

Motion agreed to.

The House adjourned at 11.11 p.m. until Tuesday 23 February 2010 at 2.30 p.m.
