LEGISLATIVE COUNCIL

Wednesday 17 October 2012

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The President (The Hon. Donald Thomas Harwin) took the chair at 11.00 a.m.

The President read the Prayers.

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

DRUG ACTION WEEK

Motion by the Hon. NATASHA MACLAREN-JONES agreed to:

1. That this House notes that:

   (a) Drug Action Week 2012 is held from 17 to 23 June 2012 to raise awareness of alcohol and drug issues and to promote the achievements of the frontline workers who work to reduce drug-related harm,

   (b) Drug Action Week started out as Treatment Works Week 16 years ago, and

   (c) the theme for this year is "Looking after your mind".

2. That this House acknowledges the 300,000 people directly involved in the 850 awareness activities across Australia, including 254 events being held in New South Wales.

BIENNALE OF SYDNEY

Motion by the Hon. NATASHA MACLAREN-JONES agreed to:

1. That this House notes that:

   (a) the eighteenth Biennale of Sydney will be held from 27 June to 16 September 2012,

   (b) the Biennale of Sydney is a non-profit organisation that presents Australia's largest and most exciting international festival of contemporary visual art, and

   (c) the biennale is held every two years, providing a public program of artist talks, performances, forums, film screenings, family events, guided tours and exhibitions.

2. That this House acknowledges that since the biennale began in 1973 it has achieved critical acclaim and international recognition, and been instrumental in creating Australia's cultural ambassadors and showcasing the work of local artists.

3. That this House notes that this year the Biennale of Sydney is presented in partnership with the Art Gallery of New South Wales, the Museum of Contemporary Art and a number of outdoor locations including Pier 2/3, Cockatoo Island and Carriageworks.

BUSINESS OF THE HOUSE

Formal Business Notices of Motions

Private Members' Business item Nos 866 and 933 outside the Order of Precedence objected to as being taken as formal business.

ALDI LIQUOR LICENCE

Dr JOHN KAYE: I seek leave to amend Private Members' Business item No. 935 outside the Order of Precedence by deleting clause 3.

Leave granted.

Motion by Dr JOHN KAYE agreed to:

1. That this House notes that the supermarket chain ALDI has applied for a packaged liquor licence for their existing supermarket in Mount Hutton that is located within 100 metres of Mount Hutton Public School.

2. That this House notes that:

(a) the Office of Liquor, Gaming and Racing has commissioned research into the social and economic impacts of liquor licence density but the research is yet to be completed,

(b) existing research, including that which is quoted by the New South Wales Bureau of Crime Statistics and Research, indicates that:

(i) the existing high density of packaged liquor outlets is a contributory factor to the high rate of alcohol-related violence in areas such as the Lake Macquarie suburbs of Mt Hutton, Windale and Gateshead,

(ii) an additional outlet would almost certainly add to the existing rate of alcohol-related violence,

(c) this House opposed an earlier proposal by Woolworths for a packaged liquor licence for a BWS store in a similar location in Mount Hutton and that the organised campaign of the local community highlighted the negative health and social impacts of another alcohol outlet in the area,

(d) the same serious concerns raised against the BWS apply equally to the ALDI proposal, including matters expressed by NSW Health, and

(e) the community's ability to raise objections to this application was compromised by the lack of a Lake Macquarie City Council determination of the matter as the council has already approved the supermarket without the liquor outlet.

DEE WHY LADIES' AMATEUR SWIMMING CLUB NINETIETH ANNIVERSARY

Motion by the Hon. MARIE FICARRA agreed to:

1. That this House notes that:

(a) on 24 September 1922 13 women came together to establish the Dee Why Ladies' Amateur Swimming Club, with Mrs Mary Chambers chairing the inaugural meeting,

(b) Mrs Louise Higginbotham was elected the club's first president, Miss Dot Park was elected the first honorary secretary and Miss Mabel (Fairy) Bailey was elected the first honorary treasurer,

(c) Dee Why Ladies' Amateur Swimming Club is now the oldest ladies' swimming club in Australia,

(d) over Dee Why Ladies' Amateur Swimming Club's long period legendary members Mrs Isa Wye, MBE, OAM, who has served as its president for the last 50 years and has been a member of the club's management committee from 1939 to present, and the late Mrs Marjorie Smith, OAM, who served as the club's honorary secretary for over 20 years and on the club's management committee from 1951 to 1996, contributed extensively to the development of swimming in New South Wales and Australia by assisting with the foundation of the Warringah Amateur Swimming Association in 1964 to 1965 and the merger of the NSW Mens' and Ladies' Swimming Associations in 1964, by officiating at numerous elite championships and carnivals and teaching learn-to-swim for free across the nation,

(e) Mrs Isa Wye, MBE, OAM, and Mrs Marjorie Smith, OAM, were also instrumental as president and secretary respectively of Warringah Amateur Swimming Association in having the Warringah Aquatic Centre built, which was officially opened in 1979,

(f) Mrs Wye has served at the World Swimming Championships and as the manager of the Womens' Olympic Swimming Team that competed at the 1980 Moscow Olympics,

(g) Mrs Shirley Horner has served as honorary secretary of the Dee Why Ladies' Amateur Swimming Club from 1971 to the present, with Mrs Marion Robertson also serving as honorary treasurer from 1974 to 1999, and

(h) Dee Why Ladies' Amateur Swimming Club produced swimming champions Myee Foster, nee Steele, and Olympian Lisa Forrest.

2. That this House notes that in recognition of their outstanding service to Dee Why Ladies' Amateur Swimming Club the following ladies have been accorded life membership: Mrs Louise Higginbotham, Miss Mabel Bailey, Mrs I. Holburn, Mrs A. Stutchbury, Mrs Isa Wye, MBE, OAM, Mrs Jean Gee, OAM, Mrs Nora Morrison, Mrs Mary Morrison, Mrs M. Hart, Mrs Marjorie Smith, OAM, Mrs J. Anderson, Mrs Margaret Duesbury, Mrs Josie Homan, Mrs Barbara Hopping, Mrs Shirley Horner, Mrs Margaret McGlone, Mrs Marion Robertson, Mrs Esme Roberts, Mrs Denise Clarke, Mrs Lois Clarke, Mrs Winifred Gammie and Mrs Sue Coltman.

3. That this House:

(a) congratulates Dee Why Ladies' Amateur Swimming Club on its ninetieth anniversary, and

(b) acknowledges and commends the outstanding work in swimming of Mrs Isa Wye, MBE, OAM, and the late Mrs Marjorie Smith, OAM, and all life members and committee members of Dee Why Ladies' Amateur Swimming Club.

ROYAL PRINCE ALFRED HOSPITAL DEPARTMENT OF CELL AND MOLECULAR THERAPIES

Motion by the Hon. MARIE FICARRA agreed to:

1. That this House notes that:

   (a) on Tuesday 18 September 2012 Her Excellency Professor Marie Bashir, AC, CVO, Governor of New South Wales, together with Professor John Rasko, AO, and Sir Gustav Nossal, AC, KtCBE, unveiled the commemorative plaque to acknowledge sponsors of the new Department of Cell and Molecular Therapies at Royal Prince Alfred Hospital, which was officially opened in August by the Minister for Health and Minister for Medical Research, the Hon. Jillian Skinner, MP, and

   (b) in honour of the occasion a medical research symposium was also held in the Kerry Packer Education Centre, with Sir Gustav Nossal, AC, KtCBE, Professor John Rasko, AO, and Dr Maryanne Demasi from the ABC TV *Catalyst* program presenting.

2. That this House acknowledges and commends the following for their contribution to the opening and commissioning of the Department of Cell and Molecular Therapies at Royal Prince Alfred Hospital:

   (a) Her Excellency Professor Marie Bashir, AC, CVO, Governor of New South Wales,

   (b) Professor John Rasko, AO,

   (c) Sir Gustav Nossal, AC, KtCBE,

   (d) NSW Health (Sydney South West Area Health Service, Sydney Local Health District),

   (e) Australian Cancer Research Foundation,

   (f) Cancer Institute of NSW,

   (g) the following Australian government-funded projects:

      (i) National Collaborative Research Infrastructure Scheme,

      (ii) Super Science Initiatives led by Therapeutic Innovation Australia, formerly Research Infrastructure Support Services,

   (h) NSW Trade and Investment, through the Science Leverage Fund,

   (i) Cell and Gene Trust—Cure the Future,

   (j) Tour de Cure,

   (k) Cancer Council NSW,

   (l) Rebecca L Cooper Medical Research Foundation,

   (m) Catholic Archdiocese of Sydney, and

   (n) Sir Zelman Cowan Universities Fund.

BUSINESS OF THE HOUSE

Formal Business Notices of Motions

Private Members' Business item Nos 944 and 945 outside the Order of Precedence objected to as being taken as formal business.

UNPROCLAIMED LEGISLATION

The Hon. Greg Pearce tabled a list detailing all legislation unproclaimed 90 calendar days after assent as at 16 October 2012.

PETITIONS

Rights of the Terminally Ill

Petition stating that the terminally ill whose pain cannot be alleviated have the right to request medical assistance to voluntarily end their own life and that voluntary euthanasia be available only to adults who are of a

sound mind at the time of that decision, with safeguards to protect both the patient and medical practitioners, and requesting that the House respect the creation of laws that protect the rights of individuals to make choices about their own-end-of-life arrangement, reject arguments of anti-euthanasia campaigners that seek to impose their own moral judgements and support the Greens Rights of the Terminally Ill Bill 2012, received from the **Hon. Cate Faehrmann**.

BUSINESS OF THE HOUSE

Postponement of Business

Government Business Notice of Motion No. 3 postponed on motion by the Hon. Michael Gallacher.

MARINE SAFETY AMENDMENT (DOMESTIC COMMERCIAL VESSEL NATIONAL LAW APPLICATION) BILL 2012

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

Second Reading

The Hon. DUNCAN GAY (Minister for Roads and Ports) [11.14 a.m.]: I move:

That this bill be now read a second time.

The main purpose of this bill is to establish a national law for the regulation of all commercial vessels in Australia. It represents the culmination of a dedicated effort by Transport for NSW, Roads and Maritime Services, the Australian Maritime Safety Authority, other marine safety authorities and industry stakeholders, and will establish a national system for commercial vessel safety to commence possibly as early as January 2013. In 2009 the Council of Australian Governments agreed to a national approach to regulating domestic commercial vessels in Australia and that the Australian Maritime Safety Authority would be the national safety regulator.

In August 2011 the New South Wales Premier, along with other Premiers, Chief Ministers and the Prime Minister, signed the intergovernmental agreement on commercial vessel safety reform, which set out the administrative governance and funding arrangements for the national system. The Marine Safety (Domestic Commercial Vessel) National Law Act 2012 was passed by the Commonwealth Parliament and received royal assent on 12 September 2012. It is to commence by proclamation, possibly as early as January 2013, and will apply the national law to the extent of the Commonwealth's constitutional reach. The New South Wales Marine Safety Amendment (Domestic Commercial Vessel National Law Application) Bill 2012 will apply the national law in New South Wales to cover any gap in the Commonwealth's constitutional reach.

The bill will also establish clear and consistent requirements that will improve safety and provide economic benefits and greater certainty for the New South Wales commercial vessel industry. The national law will establish, through a partnership between the Commonwealth, the States and the Northern Territory, a national system that will unify, simplify and improve commercial vessel safety across Australia. The national law will apply to nearly 9,500 New South Wales commercial vessels and 15,000 people who hold a New South Wales licence to operate a commercial vessel. The national law will apply to vessels used for commercial, government or research activities, subject to some exclusions. It will not apply to recreational vessels, foreign vessels, defence vessels, vessels regulated under the Navigation Act 2012 or vessels owned by primary or secondary schools or community groups. It will not apply to inflatable rafts, sailboards, paddleboards, surf skis, kiteboards or towed recreational equipment.

In developing the national law, great care has been taken to consult with industry to ensure that there are no unintended consequences for industry. Protection measures have been built in to ensure that the inclusion or exclusion of vessels in the national system will be done by regulation and agreed by the Transport and Infrastructure Senior Officials Committee. This process has ensured that recreational boat share vessels will not be captured in the national system. However, boat share vessels used in connection with a commercial activity will continue to be regulated as commercial vessels, as they are currently under New South Wales law.

Similarly, the regulations under the national law ensure that a vessel is not captured simply because it is sponsored during a sporting event, used for a promotional activity, has a person paid to operate the vessel or be

a crew member or used for paid training by the vessel owner. Various groups have been consulted, such as the Boating Industry Association of New South Wales, Yachting Australia and the Australian Institute of Sport, to ensure that there are no unintended consequences for particular groups or activities. The national law establishes a national system for commercial vessel safety regulation. It establishes the Australian Maritime Safety Authority as the national regulator, national requirements for vessels and crew, safety obligations for individuals who have a role in the production and operation of commercial vessels, and a national compliance and enforcement system with consistent offences and penalties for safety breaches that put passengers or crew at risk. The national law will adopt agreed national standards for the design, construction, operation and crewing of commercial vessels and will ensure there is consistency in the application of these safety standards across the country. These standards are already applied in New South Wales.

The consistent application of national standards will allow boat builders in New South Wales to sell their vessels to buyers and operators in other States, safe in the knowledge that the vessel will not be subject to further inspections and possibly costly modifications when it operates in another State. It will also allow qualified crew of commercial vessels to relocate to other States and avoid the costly and time-consuming process of gaining recognition of their qualifications. Transitional arrangements under the national law will ensure that industry can move seamlessly to the new national system. Existing New South Wales vessels will continue to operate under their current arrangements and New South Wales registration and survey certificates will continue to be recognised. As these certificates expire they will be replaced with national certificates. New South Wales crew certificates will also continue to be recognised so that crew can continue to work using their existing certificate or competency until it expires. On their expiry a national certificate of competency will then be issued.

Some parts of the fishing industry have been concerned that the national law may impose additional requirements. Let me assure the industry that that is not the case. All existing vessels and crew will be able to continue operating as they do now. Current registration certificates, survey certificates and crew certificates will continue to be recognised until they expire or until 2016. As New South Wales certificates expire new national certificates will be issued. For fishing vessels that do not require a survey certificate now that will not change. For fishing vessels that do not require a commercial licence now that will also not change—they will still be able to be operated by a person holding a recreational boat licence. However, there will be some impacts on industry as new national standards are developed and as existing standards are reviewed. These impacts will be assessed through the development of a regulatory impact statement to ensure any new requirements do not impose an undue burden on industry. Further, new standards must be unanimously approved by transport ministers in all States and Territories.

The new standards will bring benefits to the industry. For example, new licences specifically designed for the aquaculture industry are proposed as part of the review of the National Standard for Commercial Vessels [NSCV], part D, Crew Competencies. These new licences require minimal sea service and only entry level training. They will make it easier for those entering the fishing industry to obtain a commercial licence and they will provide industry with access to a larger qualified labour pool. New South Wales will retain responsibility for regulating New South Wales waterways, ports, harbours and moorings and will continue to enforce speed limits and drug and alcohol offences on New South Wales waterways. Roads and Maritime Services will be responsible for the day-to-day administration of the national system in New South Wales under delegation from the Australian Marine Safety Authority [AMSA]. Roads and Maritime Services will also continue to conduct survey inspections and issue survey, crew and operating certificates. Fees for these services will continue to be set by New South Wales.

In early discussions to establish the new national system the Commonwealth proposed that the cost of the national system—including all Australian Marine Safety Authority and jurisdictional costs—be recovered directly from the industry. This would have imposed excessive and unsustainable fee increases on industry and was unanimously rejected by all jurisdictions. Instead, the new national system is based on a unique funding model, the Council of Australian Governments [COAG] Intergovernmental Agreement [IGA] on Commercial Vessel Safety Reform, which establishes a budget for the national regulator of $4 million in 2011 dollars for 2013. This is double the funding provided to the National Marine Safety Committee [NMSC] for the development of national standards for commercial vessels. The additional funding recognises the extra oversight and coordination that will be required to ensure the effective implementation of the new national system.

The Commonwealth and all jurisdictions will fund the national regulator in accordance with arrangements set out in the intergovernmental agreement. The New South Wales contribution will be $0.89 million in 2013 and $1.04 million in 2014 and beyond. The New South Wales contribution for 2013 will

be $0.29 million, more than the current New South Wales contribution to the National Marine Safety Committee. Funding arrangements are to be reviewed by the Standing Council on Transport and Infrastructure, known as SCOTI, in the first half of 2016 or on a later agreed date. The bill will have no impact on current fees or funding arrangements. The New South Wales fee structure will continue to apply. Transport for NSW will absorb the additional cost of funding the national regulator, which is, as I indicated, $0.29 million in 2013.

However, the Council of Australian Governments intergovernmental agreement does commit all jurisdictions to progressively moving to full cost recovery in the longer term and Transport for NSW will work with industry to develop a new fee structure that will achieve this objective in the future. The new national system is a significant achievement that will reduce the regulatory burden on the maritime industry by providing for the consistent regulation of the domestic commercial vessel industry across Australia without compromising safety. Extensive consultation has occurred with industry and other stakeholders on the new national system and there has been strong support for the system. I trust honourable members will lend their support to this bill and I commend the bill to the House.

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

PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL 2012

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

Second Reading

The Hon. DUNCAN GAY (Minister for Roads and Ports) [11.28 a.m.]: I move:

That this bill be now read a second time.

The Hon. DUNCAN GAY: New South Wales has diverse and highly productive agricultural and fishery sectors. Our agriculture and fishing industries are major contributors to our State economy. Because we produce such a wide range of products we have legislation to address many and varied aspects of these industries. For example, New South Wales legislation regulates biosecurity, animal welfare, licensing, industry services and management of fisheries. The bill proposes a number of minor but necessary amendments that will improve the operation of five of these Acts.

Amendments to the Stock Foods Act 1940 and the Apiaries Act 1985 will improve the Government's responsiveness in controlling animal and human disease and pest outbreaks. Other amendments to the Apiaries Act 1985 will update and simplify the registration process for beekeepers. Amendments to the Stock Medicines Act 1940 and consequential amendments to the Pesticides Act 1999 will increase flexibility for vets in treating animals. They will also clarify issues relating to the use of stock medicines. Amendments to the Fisheries Management Act 1994 will improve enforcement of the Act by clarifying requirements concerning records of commercial fishing activities and fish receivers, and by amending certain requirements regarding the power to require information.

I turn first to the amendments to the Apiaries Act 1985. The bill seeks to make a number of amendments to that Act. The first proposed set of amendments will update, streamline and simplify part 3 of the Act, which makes provision for the registration of beekeepers. Unnecessary and overly prescriptive provisions are being removed from the Act, and the necessary detail will instead be prescribed in the regulations or included as a condition of registration. It is proposed to commence these provisions when a new regulation is made as part of the Government's staged repeal program. This is expected to occur by September 2013. As always, full public consultation will take place on the proposed regulation.

The second proposed amendment to the Apiaries Act 1985 will provide greater flexibility in the setting of registration and renewal fees, and will allow a fee to be charged for permit applications. Currently the wording of the Act does not allow different fees to be charged in different classes of registration. The bill provides for different classes of registration to be prescribed and will allow for different fees to apply to each class. For example, the regulation may make provision for commercial, recreational and pensioner beekeepers, and for different fees to apply to each class. This means that pensioners or persons keeping bees as a hobby may be charged a lower fee for registration than commercial beekeepers. It is also proposed to provide for an online

class of registration with a lower registration fee for this class. This should encourage online applications, resulting in administrative savings for government and a simpler, cost-effective method of registration for beekeepers.

The third proposed amendment will allow inspectors under the Act to issue permits for the movement or keeping of bees, beehives, apiary products and appliances that would otherwise contravene the provisions of the Act. Currently the Act empowers the Minister to make certain orders to regulate the manner in which bees, beehives, apiary products and appliances can be brought into the State or into a specified part of the State. The Governor is also empowered to make certain orders prohibiting or regulating the keeping of bees in some areas of the State. These orders are made to prevent the introduction or spread of a notifiable bee disease. They often contain detailed and complex conditions which do not allow the flexibility to provide for specific circumstances or individual cases.

Disease outbreaks are dynamic and the legislation needs to allow a quick response to changing circumstances. The bill therefore includes provisions that will allow inspectors to issue permits to authorise the movement and keeping of bees, beehives, apiary products and appliances that would otherwise contravene a provision of the Act. These provisions will provide the necessary flexibility for managing, keeping or restricting movement in a disease outbreak situation. Similar permit provisions are a feature of other biosecurity-related legislation such as the Plant Diseases Act 1924 and the Stock Diseases Act 1923.

The final amendments to the Apiaries Act 1985 will improve the director general's power to prohibit or restrict beekeeping on some premises. Currently the director general has the power to direct a beekeeper to remove some or all of the beehives on their property where, for example, the keeping of bees on those premises is a public nuisance or a danger to public health or safety. For instance, if a person is keeping bees on premises that are posing a risk to public health or safety the director general can issue an order that the beekeeper remove some or all of the beehives on the property. Under the current arrangements, if a person fails to comply with a direction to remove all the beehives on the premises the director general can direct an inspector to remove those beehives. However, where the order is to reduce the number of hives to a specified number there is no corresponding power for the director general to direct an inspector to remove the excess hives if the beekeeper has not complied with the order. Removing this anomaly will help to address problem or nuisance bees.

The next set of amendments I wish to address relate to the Fisheries Management Act 1994. The bill proposes two minor amendments to certain compliance provisions in that Act. The first proposed amendment corrects some anomalies regarding requirements to produce certain information and records relating to commercial fishing activities and fish receivers, and to answer questions with respect to those matters. Currently when a fisheries officer makes a requirement under section 256 of the Act that includes a requirement to answer questions the inspector can only specify when a person must comply with a request to answer a question but not where this should happen.

This can make the provision difficult to enforce because a fisheries officer cannot specify the location at which a person is required to provide the requested information. The corresponding provision in the Act relating to the production of records allows an officer to specify both when and where the records must be produced. It is proposed to rectify the anomaly between the two requirements by allowing a fisheries officer also to specify where questions are to be answered. For completeness, the bill will also provide that the fisheries officer may require the answers to be given orally or in writing. The bill also makes some other minor amendments to section 256 of the Act to ensure that fisheries officers can tailor the request to suit the particular matter being investigated.

The second proposed amendment concerns some new provisions that commenced in 2010. One of these new provisions, section 258A, introduced a special power to require information with respect to aquatic habitats and threatened species conservation. This power is a strong one, designed for situations where information is required urgently to protect or minimise damage to aquatic habitats and/or threatened species. Given the nature of this new power, the 2010 amendments also included a further provision, section 258B, concerning the issuing of warnings and the protection against self-incrimination. This further provision was only ever intended to apply to the new information requirement that was inserted in 2010.

However, it currently applies more broadly by including requests for information under the longstanding section 258 of the Act. Section 258 contains a more general power to require certain limited information and has, historically, never been subject to requirements such as those in section 258B of the Act.

Imposing the requirements of section 258B on fisheries officers has been a hindrance in the investigation of general matters. The proposed amendment will therefore rectify this issue by limiting the application of section 258B to information requirements under section 258A only.

I now turn to the proposed amendments to the Stock Foods Act 1940. The first proposed amendment to this Act relates to the labelling of stock foods. Currently the Act contains an exemption that allows bagged stock food to be sold unlabelled where the contents have been repackaged but not altered or added to. The stock food most commonly supplied in this way is poultry feed, and poultry feed generally contains meat and bone. These ingredients may not be fed to ruminant animals such as cattle and sheep because of the risk of bovine spongiform encephalopathy [BSE], more commonly known as mad cow disease. The current exemption means that there is a risk that rebagged, unlabelled poultry feed could be fed to calves or lambs. This is extremely dangerous because calves and lambs are most at risk of contracting and spreading bovine spongiform encephalopathy. The amendment will remove the existing exemption and will avoid this risk. This will bring the Act into line with current best practice and national recommendations for animal disease prevention.

The second proposed amendment will allow the director general to delegate the authorisation of inspectors and analysts appointed under the Stock Foods Act 1940. Currently the Act does not allow the director general to delegate the power to authorised inspectors. This has resulted in an inefficient administrative process that is inconsistent with other biosecurity-related legislation administered by the department—for example, the Stock Diseases Act 1923 and the Noxious Weeds Act 1983.

I now turn to the final set of amendments proposed in the bill which are amendments to the Stock Medicines Act 1989. The two main amendments both relate to the definition of stock medicine. The first proposed amendment will allow certain low-risk animal pesticide products such as flea collars and spot-on flea control products to be classified as stock medicines. Currently these low-risk products are classified as pesticides under the Pesticide Act 1999, along with far more toxic products such as cattle and sheep dips, lice pour-ons and back liners.

The Stock Medicines Act 1985 allows vets to use stock medicines off label; that is, contrary to the instructions on the label in certain circumstances. This is not possible for products classified as pesticides. It is not appropriate for low-risk products used for the treating of small animals to be classified as pesticides. The amendment will provide greater flexibility for vets in the use of these products and will broaden the range of treatment options available to control animal parasites. It will mean that a treatment such as a canine spot-on flea control product could be used to treat guinea pigs afflicted by fleas. The change will bring New South Wales into line with classifications used by the Australian Pesticides and Veterinary Medicines Authority. These classifications have already been adopted by other Australian jurisdictions. The amendment to the Stock Medicines Act 1985 will require a corresponding amendment to the definition of pesticides in the Pesticides Act 1999. I would like to reassure the House that products such as cattle and sheep dips will continue to be classified as pesticides. This is appropriate in view of the environmental and health issues associated with these products.

The second proposed amendment to the definition of a "stock medicine" in the Stock Medicines Act 1985 will clarify the use by vets of certain unregistered stock medicines on major food-producing animals. The Act currently prohibits the use of unregistered stock medicines on food-producing animals. However, medicines compounded by a vet or prepared by a pharmacist on instructions from a vet are not currently captured by this prohibition. This is because a compounded medicine is not a "stock medicine" for the purposes of the Act. This situation is potentially dangerous because it allows food-producing animals to be treated with compounded products that may not have been tested and are not registered.

A compounded product may be prepared by or for a veterinarian to suit individual circumstances where registered medicines are not appropriate or not available. The bill seeks to address this issue by amending the definition of "stock medicine" to include compounded substances that are prepared by vets or by pharmacists on instructions from a vet. This will mean that these compounded substances cannot be given to animals that are a food-producing species. This will reduce the risk of unsafe or illegal residues occurring in our meat and livestock products and will help to maintain our access to domestic and export markets.

Two additional minor amendments are proposed to the Stock Medicines Act 1989. The first will amend record-keeping requirements on the use of registered stock medicines on major food-producing species of stock by veterinarians. In doing so the amendment will clarify the application of section 39E of the Stock Medicines Act 1989. Section 39E provides that a veterinarian must keep records of the prescription or supply of any restricted substances for use on stock of a major food-producing species. The amendment will clarify that

restricted substances are themselves a registered stock medicine and therefore the requirement to keep records under section 39E will refer "any registered stock medicine that is a restricted substance". This requirement will not impose a burden on veterinarians, who are already required to keep these records under the Act. The amendment will clarify the current requirements.

The second amendment will remove unnecessary requirements for certain matters to be prescribed in regulations. Those provisions relate to: the power of an inspector to take samples of a stock medicine for analysis and examination; the manner in which notices are to be advertised by the director general in respect of the proposed forfeiture of property to the Crown; and the content or form of a certificate issued by an analyst for the purposes of the Act. There is no need for further detail to be specified in the regulation about how these actions should be done and this unnecessary reference will be removed.

The amendments I have outlined will improve the effectiveness and efficiency of our existing agriculture and fisheries legislation. At the same time they will not impose any additional burden on stakeholders. In some cases the amendments will reduce the current regulatory burden. The amendments will also clarify existing provisions and remove anomalies that impact on the effectiveness of compliance and enforcement operations. The NSW Farmers Association supports the agriculture amendments. Although the amendments are not significant, they are all sensible and necessary. They provide ongoing incremental improvement to our legislation to ensure it is relevant and streamlined. Most importantly, they will improve the operation of the relevant Acts and benefit our agricultural and fisheries industries. I commend the bill to the House.

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

ELECTRONIC CONVEYANCING (ADOPTION OF NATIONAL LAW) BILL 2012

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

Second Reading

The Hon. GREG PEARCE (Minister for Finance and Services, and Minister for the Illawarra) [11.44 a.m.]: I move:

That this bill be now read a second time.

The Electronic Conveyancing (Adoption of National Law) Bill 2012 will enact the Electronic Conveyancing National Law as a law of New South Wales. The national law is set out in the appendix to the bill. The national law facilitates a significant reform to the practice of conveyancing in New South Wales and Australia. New South Wales has been a leader of this important reform and is committed to the introduction of a national electronic conveyancing system in accordance with the Council of Australian Governments national partnership agreement to deliver a seamless national economy. New South Wales has also agreed to host the Electronic Conveyancing National Law and this bill fulfils that commitment.

In New South Wales we have one of the best land titling systems in the world, the Torrens system of land titles, which will be 150 years old on 1 January 2013. Australia is the home and origin of the Torrens system of land titles, which provides certainty of title to land and saves persons looking to purchase land from having to undertake an expensive investigation of the history of land in order to satisfy themselves of the validity of the title, as was formerly the case under what is known as the "old system". One of the great benefits of the Torrens system is that it makes conveyancing faster, simpler and much cheaper than under the old system. As a comparison, the conveyancing costs on a parcel of Torrens land are usually less than half the conveyancing fees that would have been charged if the same land was held under the old system. Almost all old system land in New South Wales has now been converted to the Torrens system.

The national law forms the basis of a national scheme for the electronic lodgement and processing of conveyancing transactions in Australia. Once the law is passed in New South Wales the other jurisdictions participating in national electronic conveyancing will either adopt the national law or enact corresponding legislation. It is somewhat appropriate that the Electronic Conveyancing National Law is being introduced on the eve of the 150th anniversary of the introduction of the Torrens system as it will provide the most significant

advancement to conveyancing in Australia since the introduction of that system. The object of the national law is to promote efficiency throughout Australia in property conveyancing by providing a common legal framework that enables documents to be prepared, lodged and processed in electronic form. It is important to note that the bill does not derogate from the fundamental principles of the Torrens system.

The possible improvements to efficiency in conveyancing with a national law are significant to the national economy. There are $280 billion of property transactions registered annually and over one-quarter of those—approximately 28 per cent—are in New South Wales. In order to achieve its objectives the national law authorises the Registrar General to authorise the operation of an electronic lodgement network and provides for the making of rules relating to the operation of that network. The network will be a web-based hub for parties to a conveyancing transaction to electronically prepare and lodge documents for registration with the Registrar General. The network will also facilitate the financial settlement of electronic conveyancing transactions. However, this aspect of the operation of a network is not mentioned in the national law as it is subject to existing regulatory oversight by the Reserve Bank or by the Australian Securities and Investments Commission.

The national law authorises the lodgement and registration of electronic land transactions and specifically provides that electronic land transactions have the same validity as if they had been conducted on paper. This is considered necessary to supplement the provisions of the Electronic Transactions Act, which is specifically excluded from applying to conveyancing transactions. The national law also provides for the digital signing of electronic documents by subscribers to the electronic lodgement network. Subscribers will be lending institutions acting on their own behalf and solicitors and licensed conveyancers acting on behalf of their clients. As it is not economical for every individual to obtain a digital signature certificate for a single transaction, the national law provides for solicitors and conveyancers to be authorised to digitally sign documents on their client's behalf and to generally conduct a transaction electronically.

This authority will come from a new document called a client authorisation, provided for in the national law. The client authorisation form is being finalised jointly by the Australian Registrars' National Electronic Conveyancing Council, the Law Council of Australia, the Australian Institute of Conveyancers, and by representatives of the professional insurers for solicitors and conveyancers. Section 12 of the national law sets out the circumstances when a subscriber will be able to repudiate or deny a digitally signed document. In discussing this aspect of the national law it is important to note that a digitally signed document will be able to be unsigned by the subscriber at any time prior to settlement of the conveyancing transaction. Unsigning is the process of disconnecting the digital signature from the document and changing its status within the system to unsigned. This technical process is not dealt with specifically in the national law but is to be a necessary part of any electronic lodgement network under the operating requirements.

Proposed section 12 is one the most important sections of the bill. It provides that where a subscriber's digital signature is created for a document the other parties involved in the conveyancing transaction and the Registrar General may rely on that signature and assume that it has been created by the subscriber. It is essential to the success of electronic conveyancing that parties are able to rely on digitally signed electronic documents and to assume that a digital signature is correct and has been properly authorised unless a subscriber establishes otherwise. This proposition is consistent with what happens now with a person's written signature and legal precedents such as the presumption in favour of signing of a document by a company under section 129 of the Commonwealth Corporations Act 2001.

It is important also to note that persons appointed by a subscriber to digitally sign documents, who will be called "signers", must be a practising solicitor or licensed conveyancer under regulatory controls over who can do legal work under the Legal Profession Act. Signers will also be required to use digital signature credentials that comply with the Australian Government's Gatekeeper Public Key Infrastructure Framework regulated by the Australian Government Information Management Office. Accordingly, the digital signature framework to be used in electronic conveyancing is secure and reliable. Generally, where a subscriber has issued a signer with the credentials to digitally sign electronic conveyancing transactions, the subscriber will be bound by the signer's use of that signature, or the use of the signature by someone who is given access to and the means to use the signer's signature. There are limited circumstances in which a subscriber can deny or repudiate a digitally signed document after the transaction has become legally binding—that is, after settlement.

Proposed section 12 (4) states that for repudiation of a digital signature to be effective the subscriber must establish that neither they nor an employee, contractor, agent or officer with authority to create their digital

signature digitally signed the document. They must also show that the creation of this digital signature was not enabled by a failure to comply with the participation rules or to take reasonable care in respect of the security of the digital signing credentials. The national law provides that it is up to the subscriber to establish the elements of proposed section 12 (4) to repudiate a digitally signed document. Accordingly, there is a presumption that a document that has been digitally signed is correct and properly authorised unless a subscriber establishes otherwise.

The Law Council of Australia has suggested that a subscriber may find it difficult to discharge the onus to establish that a digital signature was not created by a signer or a person authorised to create the signer's digital signature. This comment has been considered and it is acknowledged that a subscriber may have difficulty in discharging that onus and will likely require the services of a computer forensics expert in a similar way that handwriting experts are used to dispute the authenticity of the signature now. However, a relying party, who has no access to the subscriber's systems or knowledge of the circumstances of any authority given to the signer would find it impossible to establish that a digital signature was properly created. Accordingly, a reversal of the onus would create an even more difficult situation where a relying party faces the almost impossible task of proving that the digitally signed document was properly signed. A reversal of the onus is not consistent with other legal precedents previously mentioned and would lead to a presumption that a digital signature is not authentic unless a relying party can prove otherwise. Such a presumption would make any commercial transaction untenable.

Proposed section 12 does not require the subscriber to establish positively the identity of the person who purportedly created their digital signature on the particular document in question. They need only establish that neither they nor an authorised employee or agent signed the document. If prior to settlement a subscriber discovers that their digital signature credentials have been improperly used to digitally sign or to alter a document they may, and in fact will be required to, unsign the document and immediately notify the appropriate authorities, including the certification agency for the digital signature credentials. The Registrar General is authorised under the national law to approve an operator of electronic lodgement network, which is an electronic system to enable the preparation and lodgement of electronic conveyancing transactions with the Registrar General. The Registrar General can also set operating requirements that must be met by any operator of an electronic lodgement network. In order to maintain a national system and consistency between the States and Territories a single set of requirements is being developed for all jurisdictions by the Australian Registrars' National Electronic Conveyancing Council.

The national law also allows the Registrar General to set rules, to be called participation rules, which must be complied with by the users of electronic conveyancing. The operating requirements and participation rules will be set on a nationally consistent basis by the Australian Registrars' National Electronic Conveyancing Council. For the success of electronic conveyancing it is critical that all its participants maintain confidence in both the system and their fellow participants. For that reason the national law provides the Registrar General with important powers to monitor the operation of electronic conveyancing and to check that operators of an electronic lodgement network are complying with the operating requirements and that subscribers, the users of a network, are complying with the participation rules.

Section 20 of the national law gives the Registrar General power to revoke or suspend an operator's approval to operate a network in certain circumstances, while section 26 allows the Registrar General to exclude a subscriber who fails to comply with the participation rules from using the network. In exercising his or her powers under the national law the Registrar General is subject to normal administrative law requirements to act reasonably and section 28 provides extensive rights of appeal against decisions by the Registrar General. As a national applied law scheme, the national law also contains an extensive interpretation schedule to ensure that its provisions are interpreted consistently across the Australian jurisdictions applying the law.

This bill is a major step to fulfilling Council of Australian Governments' commitment to create a national electronic conveyancing system and is a win-win for everybody involved. There are cost savings and efficiency gains for all participants in a conveyancing system that is expected to be more secure than the paper system it will progressively replace. Risk mitigation arrangements in electronic conveyancing, such as a national verification of identity framework to be provided in the participation rules, should also reduce property fraud and the overall exposure to liability for stakeholders in conveyancing. National electronic conveyancing is an exciting reform in which I am proud to play a part. I commend the bill to the House.

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

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Order of Business

Dr JOHN KAYE [11.58 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. 866 outside the Order of Precedence relating to public secondary schools be called on forthwith.

This matter is made urgent by the records of governments—both Labor and Coalition—that have treated public education as a cash cow, selling off public school sites, such as the former Redfern Public School site, the Vaucluse Public School site, which is up for sale, and half the Ultimo Public School site. Attempts have also been made to sell the Hunters Hill Public School site and the Erskineville Public School site. Public schools in the inner city have been left with insufficient land and the remaining schools have become so crowded that parents have been driven to move their children to the private sector.

This matter has also been made urgent by departmental demographers, who have consistently underestimated population growth and suggested that newly constructed apartment buildings will not be home to children, which is not true. This matter is urgent because parents who live in Paddington have been told that they must send their children to Sydney Secondary College Balmain Campus or Leichhardt High School because Rose Bay Secondary College is overflowing and no other public high school can accommodate them.

Sending children from Paddington to Leichhardt or Balmain is simply unacceptable. This matter is urgent because of the overcrowding in North Sydney, where the absurd proposition of schools shoe-horned into high-rise buildings has been made almost a necessity by the failure to watch demographic changes and secure new sites, and by the selling and closure of former schools. The matter is made even more urgent by the director general, who admitted during budget estimates that the idea of schools in high-rise buildings was under consideration.

The matter is made urgent because planning continues in Sydney to create yet more high-rise density dwellings in the inner city and in North Sydney without any provision for student places at comprehensive high schools and no attempt to secure new sites for comprehensive high schools. This matter is urgent because of the fundamental promise of Henry Parkes and Harold Wyndham that every child would have a public education and every parent would have access to send their children to public education is being ridden roughshod over by this Government and its predecessors in failing to secure sites for public education.

This matter is urgent because we need to give both the Australian Labor Party and the Coalition the opportunity to fess up to the mistakes they have made historically in not providing adequate education opportunities for comprehensive public high schools in the inner city and in North Sydney, and to work together to create the opportunity for children to attend public comprehensive high schools across Sydney. This matter becomes increasingly urgent every day that passes as populations in the inner city and on the North Shore continue to grow, and yet there is no attempt to secure new high school places.

Parents have the fundamental right to have available to them the option of public comprehensive education. If something is not done in a hurry that right will become an historical fact and it will no longer be available to parents in the inner city and in North Sydney. We cannot wait. This matter becomes completely urgent as population rates continue to grow and under-investment in public education makes it extremely difficult to provide places for students. Every political party—The Greens, the Christian Democratic Party, the Shooters and Fishers Party, the Coalition and the Australian Labor Party—needs to work with the others to secure a common future for public education, a future that says that every parent has the capacity to choose a comprehensive coeducational, public education outcome for their children. I commend the urgency of the motion to the House.

The Hon. DUNCAN GAY (Minister for Roads and Ports) [12.02 p.m.]: The Government is opposed to urgency being agreed to. This matter is not urgent because the Department of Education and Communities is constantly monitoring demographic trends and plans for future needs. Frankly, there is current capacity for secondary students at existing schools in the inner city and eastern suburbs. The only urgency that The Greens need is a political fix for their ailing campaigns.

Dr John Kaye: Point of order: Standing Order 91 says that all imputations of improper motives on members are disorderly.

The PRESIDENT: Order! I have the gist of the member's point of order. The Minister did not make an imputation against a member; it was made on a collective. Numerous rulings have made it quite clear that the standing order treats political parties and members differently.

The Hon. DUNCAN GAY: It seems that The Greens need urgency when there is a local government election—recently it was suddenly urgent that things happen at Gosford on the Central Coast. Now, coincidentally, The Greens will hold a forum on this topic tonight. It is political urgency for a product of The Greens. If Dr John Kaye cared about children he would raise this matter with the Minister. The Minister has this matter under control. This motion is not urgent because the department is constantly reviewing current and future need to facilitate learning environments whenever they are required at public schools and high schools across New South Wales and has a process in place to manage the impact of any future enrolment changes.

The department is confident it can manage the impact of any changes in future enrolments. This matter is not urgent because the department asset planners consider many factors, including demographic trend analysis, consultation with councils, developers and New South Wales planning infrastructure and local circumstances. This matter is not urgent because The Greens will suddenly hold a political meeting. Currently there is capacity for secondary students at existing schools in the inner city and eastern suburbs. It is noted that some schools with spare capacity are not fully utilised due to parents choosing to send their children to other schools for various reasons.

However, the Government will always take this issue seriously and it is doing things differently, particularly with its approaches to managing capacity issues across the State. For instance, the new primary school at Concord West is a joint venture with Canada Bay Council. The site in Victoria Avenue, Concord West, is underutilised land that adjoins the Power Creek Reserve. The Government will save tens of millions of dollars building a new school on council land next to a public sports field. A new primary school for 600 pupils will be built on land owned by Canada Bay Council. The partnership with council will provide the local community with a new hall and students with access to existing sporting fields that are not otherwise used during the day.

Instead of spending tens of millions of dollars on a new site at Canada Bay in the Concord area, the Government identified land the council was not using and has now made an arrangement with council to lease that space to develop a new primary school. This arrangement involves long-term peppercorn rent with Canada Bay Council. This matter is not urgent because the department is planning to build new changing rooms and a bigger hall than this school needs so they can be used after hours for community functions. This Government has achieved enormous savings by not having to pay for the land; it gets a new school and the community also gets a facility. The approach is consistent with the recommendations by Infrastructure NSW, which included a proposal to make greater community use of school facilities.

Dr John Kaye: That is a great idea: Back to Greinerism.

The Hon. DUNCAN GAY: I thank Dr John Kaye for acknowledging that it is a great idea from Nick Greiner. [*Time expired.*]

The Hon. AMANDA FAZIO [12.07 p.m.]: The Opposition does not support urgency on this matter. Dr John Kaye placed this motion on the *Notice Paper* on 22 August 2012. The degree of urgency of this matter has not changed since then. As the Minister for Roads and Ports noted, this evening a Sydney by-election candidates' forum is being held with respect to the provision of government schools in the inner city. I believe that this attempt to bring on this motion through urgency is yet another Greens stunt, which is typical of what we have come to expect from them.

For a change, a large number of Government bills are on the *Notice Paper*. In recent times we have not had much legislation to deal with. The Greens did not deem this matter to be urgent when we did not have many bills on the *Notice Paper* but today, when we have a fair amount of work to do, The Greens have decided that this matter is urgent. This matter can wait until tomorrow, which is a private members' day. If they wish, after the candidates' forum is held tonight, The Greens can decide to try to bring this motion on through the use of the suspension of standing and sessional orders. However, I have my suspicions that they will not do that tomorrow. For those reasons, the Opposition does not support urgency on this matter.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 5

Ms Faehrmann
Dr Kaye
Mr Shoebridge

Tellers,
Ms Barham
Mr Buckingham

Noes, 28

Mr Blair	Mr Green	Mr Searle
Mr Borsak	Mr Khan	Mr Secord
Mr Brown	Mr Lynn	Ms Sharpe
Mr Clarke	Mr MacDonald	Mr Veitch
Mr Colless	Mrs Maclaren-Jones	Ms Westwood
Ms Cotsis	Mr Mason-Cox	Mr Whan
Mr Donnelly	Mrs Mitchell	
Ms Ficarra	Mr Moselmane	*Tellers,*
Miss Gardiner	Reverend Nile	Dr Phelps
Mr Gay	Mr Primrose	Ms Voltz

Question resolved in the negative.

Motion negatived.

HUMAN TISSUE LEGISLATION AMENDMENT BILL 2012

Second Reading

Debate resumed from 16 October 2012.

The Hon. MARIE FICARRA (Parliamentary Secretary) [12.18 p.m.]: It is with much pleasure that I support the Human Tissue Amendment Bill 2012. I commend the Minister for Health for introducing this important bill. I also acknowledge the fine work of Dr Kerry Chant, NSW Health, Population and Public Health. Dr Chant has been a consistent and reliable expert over many years for both the previous and current governments on issues such as this. The bill will require that the most recent views expressed by a deceased person are considered in determining whether authority should be given for the removal of tissue from a person's body. It will allow a person appointed by the Director General of the Ministry of Health who is not a medical practitioner to retrieve cardiovascular tissue where an authority is granted under the Human Tissue Act for the removal of such tissue, except in the case of removal of a heart for the purposes of a heart transplant.

The bill will allow for the making of guidelines by the Director General of the Ministry of Health in relation to organ donation, including guidelines relating to the recording of reasons for not proceeding with the removal of tissue from a person in cases where the person has given consent but the family has objected. The bill amends the Anatomy Act 1977 to require that the most recent views expressed by a deceased person are considered in determining whether authority should be given for the anatomical examination of that person's body. The bill seeks to clarify a number of processes relating to organ donation in New South Wales which, together with various other policies and strategies that the O'Farrell Government will implement, are aimed are increasing organ donation rates in New South Wales. As I have said in this place previously, about 1,600 people are on the Australian organ transplant waiting list in the hope that their lives will be saved and prolonged.

Currently people in this country are dying because of a shortage of donated organs that could save their lives. It is not that people do not wish to donate their organs. Indeed, the Roads and Maritime Services donor register has the largest number of registered donors in Australia. However, this State compares poorly with donation rates in other States. The figure for New South Wales was the lowest in the country, at approximately 12.4 donors per one million population. In 2011 there were 77 solid organ donors in New South Wales. While the transplantation rate has improved since the introduction of a national reform agenda for organ and tissue donation, we can do much better.

I congratulate Minister Skinner who, in December 2011, released a discussion paper titled "Increasing Organ Donation in NSW." The discussion paper canvassed a range of issues, including whether New South Wales should move to a single national register by closing the Roads and Maritime Services register; whether to switch to an opt-out model of presumed consent to organ donation; the promotion of advance care directives as a means to indicate consent for organ donation; trialling new models for assisting families to consider donor consent, such as designated requestors and dual advocacy; whether to revoke the practice of allowing family members to refuse organ donation in circumstances where the deceased person has consented to it; strategies to better support and raise awareness among Aboriginal and culturally and linguistically diverse community members; and strategies to further enhance the living donor program, such as better promotion of financial support options.

After considering the 76 submissions received, the Government released its "Increasing Organ Donation in NSW: Government Plan 2012", which sets out the Government's plan to increase organ donation rates throughout the State. Australia has one of the highest transplant success rates in the world. We should thank the specialists, medical teams and paramedics who have earned us such a sterling reputation. Last year 337 organ donors gave about 1,000 Australians a new chance at life. The number of organ donors and transplant recipients in 2011 was the highest since the national records database was established. Major organ transplants in 2011 included 570 kidneys, 231 livers, 64 hearts, two heart-lung transplants—they are complex transplants—157 lungs, 26 pancreases and nine pancreatic islets, giving a total of 1,041 transplants.

Research indicates that the majority of Australians—approximately 79 per cent—are generally willing to become organ and tissue donors. However, Australia's family consent rate is low, with less than 60 per cent of families giving consent for organ and tissue donation to proceed. As other members have said, that is probably because the vital conversation was never had among the family. I am greatly concerned that 43 per cent of Australians do not know or are not sure of the donation wishes of their loved ones. I am pleased that DonateLife ensures that every family making the decision about whether to agree to a donation proceeding is now able to receive dedicated assistance from the DonateLife donor family support coordinators, whether or not the donation proceeds.

Australia's donor rates could be vastly improved if more people talked to their families about organ donation and their wish to be a donor. When families remember discussing donation they are more likely to consent to their loved one becoming a donor. Again I place on record and acknowledge the work of DonateLife Australia, which has put some excellent information on its website. In Australia organ transplantation waiting lists are kept for each transplantable organ—heart, lungs, kidney, liver and pancreas. People are put on a transplant waiting list when they have end-stage organ failure, all other treatments have failed and their medical specialist believes they will benefit from a transplant. Waiting times depend on the availability of suitable donated organs and the allocation of organs through the transplant waiting list.

While this is usually between six months and four years, it can be longer. That is why it is essential that we promote family discussions about whether people are willing to donate their organs to increase transplant and organ donation rates. Since 1965 more than 30,000 Australians have received life-saving or life-preserving organ transplants. More than 900 organ transplant operations are performed each year. Many more tissue transplants and grafts are performed, including 1,500 corneal transplants each year, which is vital to save people's sight. There are significant cost benefits to transplants when compared with the ongoing costs of treatment for people requiring transplants. Indeed, it is cost effective.

I am delighted that the people of New South Wales who wish to register their organ donation intent will be referred to the Australian Organ Donor Register. I congratulate the Minister for Health, the Hon. Jillian Skinner, on introducing this important legislation, which will facilitate increased rates of life-saving organ donations from both living persons and deceased persons strictly in accordance with their wishes. The bill will result in less confusion and angst for loved ones and health care professionals. It will give the citizens of New South Wales, and indeed interstate Australians and their families so desperate for organ and tissue donation, much hope for the future. I commend the bill to the House.

The Hon. NATASHA MACLAREN-JONES [12.27 p.m.]: I am pleased to support the Human Tissue Legislation Amendment Bill 2012, having previously spoken in this House on the importance of organ and tissue donation. I note that a number of members have already spoken about the bill in detail; therefore, I will keep my comments brief and focus on the discussion paper and the recently released Government plan, which has been the focus of the bill. Although organ donation is a Federal issue, we have a responsibility to raise awareness of this sensitive issue.

I applaud the work being done in this area by the Minister for Health, the Hon. Jillian Skinner, and the Parliamentary Secretary for Regional Health, the Hon. Melinda Pavey. The bill aims to increase the rates of organ donation in New South Wales by clarifying a number of processes relating to organ donation. Being an organ donor is a unique opportunity we have to save, or heal, the lives of others. However, the decision is a personal and sensitive one and it must be shared with family because most relatives do not understand what is required; nor do they understand their role in allowing the harvesting of a loved one's organs or tissues.

As I have said in this Chamber before, I support organ donation. However, I acknowledge the legal and ethical challenges regarding the pathway to donation. In Australia, the next of kin is always asked to confirm the wishes of their loved one before the organ or tissue donation can proceed. Although many Australians are registered as donors, more than 50 per cent of them have not told their families. I welcome the Government's plan that was released in August this year entitled, "Increasing Organ Donation in New South Wales." As has been noted, the Minister released a discussion paper in December 2011 and stated that the paper highlighted a number of difficult issues relating to organ donation which have been addressed in the Government's plan and also in this bill.

Within the Government's plan, the first objective raised was in relation to enabling people's intentions regarding organ donation to be known by their family or significant other and preferably written in an accessible document. The consultation process revealed that New South Wales is the only State to maintain its own State-based register, with the other States and Territories discontinuing their registers in 2003. The stand-alone system caused confusion amongst community members and clinicians about the best way to record consent to organ donation. With the implementation of the bill, the Roads and Maritime Services register will be closed and transferred to the Australian Organ Donor Register. This will allow for streamlining of registration. Another key element of the Government's plan is to promote targeted marketing campaigns to increase awareness of organ donation and the need to engage one's family in the process.

The second outcome of the discussion paper focused on addressing the information gaps about organ donation, including addressing misperceptions. In addition to the information education campaign on organ donation and the pathways to organ donation, the discussion paper noted the need for targeted strategies for promotion of donation within Aboriginal and culturally and linguistically diverse communities. Research by the Australian Organ and Tissue Donation and Transplantation Authority found that culturally and linguistically diverse individuals are less likely to have made a decision about organ donation. To combat this, the New South Wales Government will work in partnership with ethnic communities, regions and age groups to develop innovative education programs. Further, clinicians and community leaders will be engaged to become organ donation spokespeople.

The third outcome focuses on indentifying opportunities for organ donation in New South Wales hospitals, including developing new models for hospital placements of specialist clinicians to hospitals with higher caseloads of organ donation and better identification of potential donors to reduce the number of missed donation opportunities. Although Australia has an outstanding reputation for organ transplants, sadly, we also have one of the lowest organ and tissue donation rates in the developed world. A number of factors have contributed to this. Strong safety laws and effective health services have reduced the number of people suffering fatal brain injuries and few Australians will die in such a way that their organs and tissues can be considered for organ donation.

Organ donors must have died while in the intensive care unit of a hospital or while on a ventilator that keeps their organs functioning artificially for a limited time. Most donors suffer stroke or bleeding of the brain and have an accident or head trauma that causes brain death. Some health conditions and age rule out donations, although in the case of kidney and liver donations there is effectively no age limit. It should also be understood that there are critical time frames for various organ transplants. The very nature of these circumstances means that there is usually no chance to discuss organ or tissue donation with a loved one. It is much easier for family members to make a decision if they know exactly what the loved one's wishes were. This bill helps to address a number of those concerns.

The fourth outcome encourages clinicians to engage with family members to facilitate fully informed decisions. It makes particular reference to the training and employment of specialists in hospitals to assist families with the difficult decisions relating to consent to organ donation. In New South Wales 85 per cent of families with identified potential donors have had a request made to them by clinicians in a hospital. Of these, only 51 per cent consented. In 2011 only 77 organ donors and transplants were provided to approximately 215 individuals.

The bill amends the Human Tissue Act 1983 to create a new section 27A to allow the Director General of the Ministry for Health to issue practice guidelines requiring doctors to document why a deceased person's consent was overridden. Often this occurs because a family's grief response affects its decision-making. The information gathered will help to dispel myths surrounding refusal by families and to clarify clinicians' responsibilities in these difficult situations.

The final outcome of the Government's plan focuses on the living donor program and in particular, kidney donations. The Human Tissue Legislation Amendment Bill 2012 focuses on delivering the Government's commitment to increasing organ and tissue donation in New South Wales. Major organs such as the heart, lungs, liver and kidneys can be transplanted. The success rate ranges from 50 to 90 per cent, depending on the organ transplanted. The reality is that timing is critical. Donor tissues can be donated up to 24 hours after death, irrespective of where or how the donor died. Only 1 per cent of all hospital deaths occur in such a way that organ donation is medically possible.

Under section 27, once a valid consent and authority has been given, a medical practitioner is authorised to remove the tissue. However, it is not always necessary for a medical practitioner to remove the tissue for transplantation purposes. In some cases, an appropriately trained non-medical clinician can remove the tissue. That is more cost effective and time efficient and enables tissue to be retrieved more frequently, as retrieval occurs most often in post mortem settings. For this reason, section 27 (1A) allows for musculoskeletal and corneal tissue to be removed by a person other than a medical practitioner, if the person is appointed by the Director General of New South Wales.

Australia has a world-class reputation for successful transplant outcomes. Around 1,600 people are on the transplant waiting list at any one time. In 2011, 337 organ donors gave 1,100 transplant recipients a new chance at life. Statistics show that we are 10 times more likely to be a transplant recipient than to be a donor. The Human Tissue Legislation Amendment Bill 2012 is an important part of the Government's plan. It will boost the number of individuals actively working to change perceptions and motivate the public to improve the tissue and organ donor rate in this State. I commend the bill to the House.

The Hon. SARAH MITCHELL [12.37 p.m.]: I speak in support of the Human Tissue Legislation Amendment Bill 2012, which seeks to improve a number of processes related to organ donation in New South Wales. The bill aims to increase the rate of organ donations in this State. It is clear from the contributions made by members throughout the debate that we are all in agreement that this is a good initiative. The discussion paper that was recently put out by the Government under the direction of Jillian Skinner, Minister for Health, and Minister for Medical Research, entitled "Increasing Organ Donation in New South Wales", is also a great start. It had five key outcomes, one of which was to make sure that the individual's intentions are known to his or her family and loved ones.

That is a significant point and it is the essential issue we are discussing in relation to this bill today. The statistics show that most families say no if the views of their loved ones are unknown to them. However, if family members know that at one point in their lives their loved one had consented to organ donation, the donation usually goes ahead. This issue is covered well by the bill, particularly the amendments in sections 23 and 24 which aim to ensure that, where there is no written consent, the most recent views of the deceased person are followed. The inclusion of a new section 27A ensures that the deceased person's donation wishes are respected and that reasons are fully documented in the event that a clinician does not proceed with organ donation because of a perceived duty of care to relatives.

The key message that has come out of the debate on this bill is that organ donation is an issue about which we need to speak to our families and loved ones. The statistics that are available on the DonateLife website show that 43 per cent of people do not know the wishes of their loved ones. That is a significant figure. The Hon. Penny Sharpe referred to the fact that questions relating to organ donation are often raised with families during a traumatic and stressful time. It is understandable that it would be difficult for family members to think clearly at such a time. In dealing with the tragic death of a loved one, they would be confused and upset.

Having to deal with these situations on the run would not be an easy task for any family. The only way we can know for sure how we and our loved ones feel about it is to discuss it, even though it is a little hard to do at times. Talking about what one wants done with one's body and organs once one dies is a morbid topic. It is something my family has talked about recently, purely as a result of the public service announcements on television. My sister, Amber, and I had a discussion about it and she made it very clear that she does not know why anyone would not be a donor. She said she is happy to donate any and all of her organs

if the situation ever arises. I said the same thing to her. I do not think we had ever had that discussion, so it is good that as a result of these forums people are talking about the issues and making their views known to their families and loved ones.

If people find it difficult and confronting to talk about these matters there are tools available on the DonateLife website, which I have looked at. The information refers to the three Ds of organ donation: Discover the facts about organ and tissue donation; decide about organ and tissue donation; and discuss your decisions with your family and friends. If people abide by those three suggestions—discover, decide and discuss—it can certainly help conversations with their families go a little more smoothly. In the event they are in a position to make the decision on behalf of one of their loved ones who has passed away or if they are in a situation where they know they are going to pass away and can donate their organs, there will be no hesitation because their wishes will have been made known clearly to their loved ones. I commend the legislation to the House. I am pleased that this bill is supported by all sides of the Chamber because any legislation that focuses on increasing rates of organ donation in New South Wales is a good piece of legislation.

The Hon. MELINDA PAVEY (Parliamentary Secretary) [12.41 p.m.], in reply: I thank all members for their support for the bill. I take up the worthwhile comments of my colleague the Hon. Sarah Mitchell that this is about creating conversations. That was the recurring theme of all speakers who contributed to the debate, the Hon. Penny Sharpe, the Hon. Sarah Mitchell and the Hon. Niall Blair who referred to the fact that the paperwork had arrived at his home in the past week or so. I was pleased to receive a phone call from the Australian Organ Donor Register in the past week following its visit to the New South Wales Parliament, so now I am officially on the list. We need to do more in New South Wales in relation to organ donation, and that is the purpose of this legislation.

Since 2011 New South Wales has experienced a decline in the rates of organ donation which the Government is committed to addressing. Any decrease in organ donation, however small, can cause devastating consequences for individuals who require a transplant in order to lead full and healthy lives, and for their families. The Government recognises the task before it and this bill, together with various policy and procedural changes, is aimed at increasing the rates of organ donation in New South Wales in order to help those waiting for transplants.

The bill before the House will amend sections 23 and 24 of the Human Tissue Act to allow a designated officer to consider the most recent views of the deceased, and not potentially outdated objections to organ donation, in determining whether or not to authorise organ donation. Similar changes also are made to the Anatomy Act 1977 to ensure that the most recent views of the deceased can be taken into account in determining whether or not a deceased person's body can be used in an anatomical examination. The bill inserts a new section 27A into the Human Tissue Act to allow the Director General of the Ministry of Health to establish guidelines with respect to organ donation. Importantly, these guidelines will ensure that necessary and appropriate information is recorded where a family refuses to proceed with organ donation despite a deceased person's expressed consent to organ donation.

Family refusal occurs in approximately half of all requests for donation, although refusal where the deceased person had given consent to organ donation is relatively rare. However, the Ministry of Health currently has a lack of information regarding the causes of family refusal in this circumstance and so there is a limited ability for NSW Health to tackle this issue. New section 27A will allow for relevant information to be collected and analysed in order to assist NSW Health in developing awareness campaigns that focus on addressing the concerns which lead to family refusal.

The bill also amends section 27 of the Human Tissue Act to allow non-medical practitioners appointed by the Director General of the Ministry of Health to remove cardiovascular tissue. Currently, once appropriate consents and authorities have been obtained, the Human Tissue Act restricts the removal of cardiovascular tissue to medical practitioners. However, it is not always necessary for a medical practitioner to remove tissue for transplantation purposes. Appropriately trained non-medical clinicians, such as persons from a nursing, scientific or pathology or mortuary assistant background, can remove tissue. Use of non-medical clinicians is more cost effective and also enables tissue to be retrieved more frequently and in a more timely way as the process is not competing with the clinical service delivery demands on a medical practitioner's time. The amendment to section 27 will bring the removal of cardiovascular tissue into line with that of musculoskeletal and corneal tissue, where a non-medical practitioner is already able to remove tissue, and ensure a more flexible and effective approach can be utilised in removing cardiovascular tissue, particularly heart valves.

It is important to recognise that the changes outlined in the bill are part of a suite of changes, both legislative and non-legislative, aimed at increasing rates of organ donation. These changes include closing the New South Wales-specific Roads and Maritime Services register and moving to the nationally consistent Australian Organ Donor Register and community campaigns to explain the benefits of organ donation, and clarifying any misunderstandings, addressing concerns and promoting family discussion and registration of consent to organ donation. Education and training programs also will be rolled out for targeted healthcare workers to enhance their capacity to have effective conversations with families of potential donors and the designated requester model will be trialled in selected New South Wales hospitals.

These all-important changes are being driven by the Minister for Health, Jillian Skinner. But to be successful they will need the support of the whole community. Further, it is vitally important that individuals discuss their wishes with respect to organ donation with family members, as without family member consent organ donation will not proceed. Promotion of ongoing conversations with family and community members is critical. I urge every member of the community to think about the life-saving effects of organ donation. They should discuss the matter with their families and let their families know their views in relation to organ donation. Family knowledge about an individual's views on organ donation is vital in ensuring that organ donation can continue to save lives. I commend the bill to House.

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

Motion agreed to.

Bill read a second time.

In Committee

Clauses 1 and 2 agreed to.

Dr JOHN KAYE [12.48 p.m.]: I move The Greens amendment No. 1 on sheet C2012-126E:

No. 1 Page 4, schedule 1 [7]. Insert after line 17:

Review of amendments

(1) The Minister is to review this Act to determine whether the amendments made by the *Human Tissue Legislation Amendment Act 2012* have been effective in achieving an increase in the rate of tissue donation in the State.

(2) In conducting the review the Minister is to consider any matters affecting the effectiveness of those amendments, including matters relevant to the administration of this Act.

(3) The review is to be undertaken as soon as possible after the period of 5 years from the commencement of the *Human Tissue Legislation Amendment Act 2012.*

(4) A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 5 years.

There have been a number of evolutions of this amendment, the reason being we have been negotiating with the Government. We thank the Government for the advice it has given us both of a technical nature and a more profound nature. That advice has been sound and we have taken it. I think we have produced a better amendment. The intent of this amendment is to require the Minister to report on whether the amendments we are making in this legislation to the Human Tissue Act have achieved the purpose of increasing organ donation. I am probably more confident now than I was a week ago that that will be the case, but it is important to make sure that occurs. As I said in the second reading debate, there are a number of different ways that one could approach the problem of increasing the rates of organ donation.

On the advice of the Ministry of Health, the Government has chosen a specific direction and there is a good evidence base that supports that decision. Consequently, The Greens support this good legislation. It is important that this legislation is reviewed because there are other ways that this could have been achieved. There is never any guarantee in health policy where it interacts with the decision-making of an individual. This amendment causes the provisions of the current legislation and any matters relating to the effectiveness of the changes to the legislation to be reviewed in five years. Five years seems like a long time, but in order to know that this legislation is successful, a snapshot of the Roads and Maritime Services database is needed.

People need time to adopt the practices set out in the new regime; education programs need time to work. Therefore, five years is a reasonable period. At the end of the five years, the Minister will be given a period of 12 months to enable a comprehensive and rigorous examination of the data. This debate can then be revisited in five years time so that we can get a sense of whether we have made the right choice today. The Greens remain committed to the direction taken by the Government. The Greens amendment No. 1 is a productive amendment and we commend it to the House.

The Hon. MELINDA PAVEY (Parliamentary Secretary) [12.51 p.m.]: The Government supports The Greens amendment No. 1. I thank The Greens for the constructive way in which they have approached the process. As they have indicated, they were impressed with the briefings provided by NSW Health, headed by Dr Kerry Chant. The legislation is a good outcome. It is important that the Government and the Parliament have a clear understanding of the measures that do or do not work to increase the rates of organ donation. A review of the legislative provisions in the bill will assist us in understanding whether the measures that have been put in place have made a difference to the rate of organ donation in New South Wales.

Before assessment is made as to whether or not the new measures are working to increase the rate of organ donation, it is important that the new measures are given adequate time to change systems and practices. An appropriate period needs to be given for the changes in legislation and policy to take effect before those changes are reviewed to determine whether they have been successful. A five-year review period is an appropriate time frame. Five years will allow enough time for community education to take effect and will allow for clinicians to get used to and feel comfortable with the changes in clinical practices. This does not mean that no evaluation of the change will take place until five years after the commencement of the bill. The New South Wales Government is committed to improving transparency and accountability.

The Ministry of Health will start evaluating the changes administratively as soon as the changes commence by a comprehensive and ongoing evaluation of system performance related to organ and tissue donation. This has been planned and is already underway. This includes the organ donation targets being included in local health district reforms and funding agreements. For example, it is an expectation that 100 per cent of potential brain dead donors who have made a request to their families will be identified. Currently, 75 per cent of requests made to families result in consent for donation and 70 per cent of brain dead donors become actual donors. This data will be monitored and reviewed through rigorous auditing of potential donors' medical records, accompanied by case review of all potential and actual donors.

Local health districts are also establishing a collaborative governance committee to ensure engagement of senior clinicians and other relevant departments with representations from senior hospital executives, operating theatres, emergency departments, intensive care units, social workers and other local organ and tissue donation staff. This committee will oversee the development, coordination, implementation and ongoing monitoring of local action plans, with quarterly meetings and regular reporting to the New South Wales Organ and Tissue Donation Service.

Finally, the education programs for health professionals that are so critical to ensuring cultural change favourable to donor organisation and current best practice will be monitored, and targets for mandatory attendance and statistical and events reporting of clinical education and Outreach facilities will be forwarded to the New South Wales Organ and Tissue Donation Service. Sustained changes to legislation, policy and, most importantly, community views and behaviour take time and we must not rush to judgment if changes do not occur in the short term. This is the reason a five-year review of the legislation will be the most effective means to determine whether the changes proposed in this bill and the changes to policy and procedures will lead to an increase in the rates of organ donation.

It is important to emphasise that the legislative component is one aspect in the suite of policy approaches needed to improve the rates of organ and tissue donation in New South Wales. Front and centre is the need to encourage family and community consultation so that at a time of immense grief and tragedy loved ones will be well aware of a potential donor's desire when it comes to organ donation. Similarly, it is important to educate clinicians so that they can have effective conversations with families of potential donors and have the confidence to deal with this difficult situation. It is also important that clinicians learn from these experiences and share them with their peers. The Government's plan outlines the number of steps to improve donation rates in New South Wales. I would encourage all members to read the Government's plan and to encourage discussion in their own communities.

The Hon. PENNY SHARPE [12.55 p.m.]: The Opposition supports this amendment. The aim of the legislation is to increase organ donation. It is reasonable that we look back in five years time to see if that outcome has been achieved.

Question—That The Greens amendment No. 1 [C2012-126E] be agreed to—put and resolved in the affirmative.

The Greens amendment No. 1 [C2012-126E] agreed to.

Schedule 1 as amended agreed to.

Schedule 2 agreed to.

Title agreed to.

Bill reported from Committee with an amendment.

Adoption of Report

Motion by the Hon. Melinda Pavey, on behalf of the Hon. Michael Gallacher, agreed to:

That the report be adopted.

Report adopted.

Third Reading

Motion by the Hon. Melinda Pavey, on behalf of the Hon. Michael Gallacher, agreed to:

That this bill be now read a third time.

Bill read a third time and returned to the Legislative Assembly with a message requesting its concurrence in the amendment.

COASTAL PROTECTION AMENDMENT BILL 2012

Bill received from the Legislative Assembly, and read a first time and ordered to be printed on motion by the Hon. Melinda Pavey, on behalf of the Hon. Greg Pearce.

Motion by the Hon. Melinda Pavey agreed to:

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

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

SNOWY MOUNTAINS CLOUD SEEDING TRIAL AMENDMENT BILL 2012

Second Reading

The Hon. DUNCAN GAY (Minister for Roads and Ports) [1.00 p.m.]: I move:

That this bill be now read a second time.

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

Leave granted.

The Snowy Mountains Cloud Seeding Trial Amendment Bill 2012 authorises Snowy Hydro Limited to undertake full cloud seeding operations targeting the Snowy water catchment.

This follows eight years of the cloud seeding trial, known as the Snowy Precipitation Enhancement Research Project.

The aim of the research project was to increase snowfall from clouds passing over the target area in the Snowy Mountains, to assess the effectiveness and reliability of precipitation enhancement technology in the region and to identify any adverse environmental impacts.

The trial research project has shown a statistically significant 14 per cent average increase in snow under suitable operating conditions. Furthermore, two separate independent peer reviews support this conclusion, with the Natural Resources Commission report stating:

Cloud seeding has increased snowfall in the overall target area under defined weather and operating conditions.

Professor Gary Jones, the Natural Resources Commission peer reviewer, has stated publicly that the project has shown:

> Statistically robust and defensible evidence that cloud-seeding has increased precipitation in an area of the Snowy Mountains, Australia. Statistically significant increases of 9 per cent to 14 per cent snowfall have been documented.

It is important to note that the integrity of the research project is supported by the Natural Resources Commission which in 2010 stated that the research project:

> ... is of high scientific standard and the evaluation plan is statistically sound.

After extensive review, environmental monitoring and analysis over eight years, no evidence of negative environmental impacts caused by the seeding agent silver iodide and the tracer agent indium sesquioxide has been found.

The Natural Resources Commission report, which supports this conclusion, states that there is:

> No evidence that cloud seeding operations have had adverse environmental impacts.

In addition, the Natural Resources Commission independent reviewer publicly stated that there are:

> No negative environmental or downstream effects detected.

In the interests of transparency, I should note that the Natural Resources Commission supports the continuation of the trial until the ultimate fate of the seeding chemicals is better understood.

I am pleased that Snowy Hydro Limited has responded to this with the commencement of an independent environmental fate study in 2010. The study, which will take three years to complete, is being undertaken by the University of Queensland as part of a formal doctorate [PhD] research program, with results to be reported in the scientific literature.

An environmental fate investigation does not require cloud seeding to be undertaken as a randomised trial and as such it will not impede a move to an operational program.

I further advise that the Cloud Seeding Environmental Management Plan and the Minister's suspension powers will separately provide robust ongoing environmental protection measures.

Based on the evidence that I have outlined there is no environmental justification precluding the move to full operation.

I will now go into detail about the key elements of the Snowy Mountains Cloud Seeding Trial Amendment Bill 2012. The bill amends the Act to include more stringent reporting requirements. Currently, the relevant Ministers, the Minister for Environment and Heritage and the Minister for Planning and Infrastructure, have discretion to require information on cloud seeding operations, which includes the preparation and implementation of an environmental management plan.

The bill amends the Act to include a statutory requirement for Snowy Hydro Limited to prepare and comply with an environmental management plan approved by the relevant Ministers.

The requirements of the plan would be imposed by the relevant Ministers.

On submitting a plan to the Ministers for approval, Snowy Hydro Limited may also be required to provide an independent scientific assessment of the cloud seeding operations to the extent that they differ from the operations currently authorised.

It is intended that the plan will, firstly, incorporate a process to identify and address potential adverse environmental impacts, in particular, with respect to types of operations that differ from the trial or use seeding and tracer agents not used in the trial.

Secondly, the plan will include a process for monitoring and identifying any impacts of cloud seeding operations on the environment.

Thirdly, the plan will include a public review and approval process that must be undertaken prior to any aerial cloud seeding operations or changes to seeding and tracer agents commencing.

Lastly, the plan will include a dispute resolution process for the resolution of issues between Snowy Hydro Limited, the community, relevant Ministers and New South Wales government agencies.

In addition, under the amendments in this bill, Snowy Hydro Limited will be required to prepare and submit to the relevant Ministers and the Environment Protection Authority an annual report detailing its compliance with the requirements of the approved environmental management plan and research and monitoring of the impact of tracer and seeding agents on the environment.

The bill further provides for the removal of the overall supervision role of the Natural Resources Commission.

This is because the purpose of the Act will no longer be to support cloud seeding of a trial nature.

The separation of the New South Wales Environment Protection Authority and the Office of Environment and Heritage establishes a stand-alone environmental regulatory authority.

The NSW Environment Protection Authority is therefore most suited to independently monitor the ongoing compliance of cloud seeding operations under the approved environmental management plan.

In addition to reviewing the annual reports submitted by Snowy Hydro Limited, the bill authorises the New South Wales Environment Protection Authority to conduct its own review of the cloud seeding operations carried out by Snowy Hydro Limited.

It should be noted that it is not the Government's intention that the New South Wales Environment Protection Authority review the fundamental premise of the cloud seeding operations.

The intention is to ensure that the operations are carried out in accordance with the Act.

The second key element of the bill is to increase the primary target area for increased precipitation from cloud seeding to the whole of the Snowy water catchment as defined in the Snowy Hydro Corporatisation Act 1997.

This is an area of 5,117 square kilometres, slightly more than double the trial area of 2,250 square kilometres.

This will align the target area for cloud seeding operations with the entire area of operation of Snowy Hydro Limited.

By expanding the target area, Snowy Hydro Limited will be in a position to produce more precipitation, which can be used to create electricity and potentially increase the amount of water available for release for agricultural and environmental use.

The third key element of the Snowy Mountains Cloud Seeding Trial Amendment Bill 2012 is to make amendments to provide for aerial delivery of seeding and tracer agents, a method that was not included in the trial.

Aerial delivery will enable more efficient and targeted delivery of the seeding and tracer agents.

It also will minimise the requirement for any new infrastructure for ground-based delivery systems.

I am advised that it is not anticipated that aerial delivery of these agents would have any greater environmental impact than ground-based systems.

This is because agents will be delivered at a greater altitude over a broader area and are unlikely to result in localised impacts.

As the trial did not identify any concentration or accumulation effects from ground-based seeding, it is unlikely that the more dispersed aerial seeding will have any such effects.

Nevertheless, I advise that, as a precautionary measure, the monitoring of such impacts would be included in any approved environmental management plan.

Any shift to aerial seeding would be considered additional to existing operations and its appropriateness would need to be assessed and approved by the relevant Ministers who may also require a public review process to occur.

Further to aerial delivery of agents, the bill also makes amendments to the timing of the discharge of seeding agents.

The Act requires that the discharge of the seeding agent must be at a time when increased precipitation in the target area is likely to fall as snow.

There are no constraints on the elevation at which this should occur. I can advise that 1,400 metres is regarded as the elevation above which precipitation will generally fall as snow within the alpine ski resorts.

Ensuring the discharge of seeding agents occurs during periods when increased precipitation within the Snowy water catchment is likely to fall as snow above 1,400 metres will minimise the undesirable outcome of such precipitation falling as rain within these resorts.

The next amendment under the bill provides for the use of seeding and tracer agents other than the presently allowed silver iodide as a seeding agent and indium sesquioxide as a control tracer.

This is because future advances in technology may lead to the development of alternatives that are not only as environmentally friendly as the existing agents but also more effective or less costly.

This amendment will allow Snowy Hydro Limited to take advantage of technological advances while the Government retains the safeguard of ultimate control of the use of any new agents.

The approved environmental management plan would monitor the impacts of silver iodide and indium sesquioxide, as well as any new agents.

The existing ban on the use of land-based generators within the Jagungal wilderness area is retained and the bill goes further by amending the Act to ban the use of any land-based generators within any wilderness area and the construction or establishment of any new facilities for cloud seeding operations within wilderness areas.

I advise that infrastructure already established by Snowy Hydro Limited in declared wilderness areas will be retained.

Finally, the bill amends the Act to provide for the inclusion of a mechanism for the National Parks and Wildlife Service to recover costs incurred by the service in connection with cloud seeding operations.

Under the National Parks and Wildlife Act 1974 the National Parks and Wildlife Service is permitted to issue licences.

It is through this process that it can require the payment of fees to cover the costs it incurs in administering cloud seeding operations.

However, as it stands, the Snowy Mountains Cloud Seeding Trial Act 2004 provides for the operation of cloud seeding activities, despite any other New South Wales legislation or planning instrument.

Therefore, the National Parks and Wildlife Service is unable to enforce the licence provisions of the National Parks and Wildlife Act 1974 for cloud seeding operations.

If this amendment is not made to the Act it would preclude the payment of a licensing fee by Snowy Hydro Limited.

The National Parks and Wildlife Service receives licensing or leasing fees for the operation of other commercial activities within Kosciuszko National Park.

This includes mobile telecommunication towers, alpine accommodation and Snowy Hydro Limited infrastructure.

The Government considers it appropriate that Snowy Hydro Limited be required to pay costs incurred by the National Parks and Wildlife Service.

As one can see from the key amendments in the bill I have outlined, it presents an opportunity that will yield substantial benefits to the Snowy Mountains region, rural irrigators, local businesses and the environment.

With the expansion of the target area, there is potential to more than double the amount of extra precipitation produced than was the case under the trial.

Additional water stored in the Snowy scheme will increase certainty of releases for irrigators.

Increased precipitation through cloud seeding will partially offset the impact of any future drought conditions for New South Wales irrigators in the Murray and Murrumbidgee valleys.

Increased snowfall benefits tourism operators and communities in the Snowy Mountains.

Improved snow depth and a longer ski season are both expected outcomes from moving to full operation of cloud seeding activities.

As the member for Monaro often tells me, many businesses in the region depend on good and regular snowfall to provide for a good ski season.

With alpine recreation making a significant contribution to the regional economy, maintaining good snowfall will assist the area to continue to provide substantial benefit to the overall State economy.

Increased snowfall will also provide potential environmental benefits to a number of species in the Snowy alpine regions.

For example, the mountain pigmy possum, the endangered northern and southern corroboree frog, the alpine tree frog, the broad-toothed rat and the alpine herb fields are all vulnerable to shallow or declining snowfall.

Moving to an operation program will therefore assist to avert adverse effects of future reduction in snowfall in the alpine region of New South Wales.

It is important to note that cloud seeding not only provides snow for skiers and water for irrigators but also assists the National Parks and Wildlife Service in the area and the riverine environment of the Snowy and Murray rivers.

Another benefit of moving to full operation of cloud seeding activities is the environmental benefit that is provided by increasing the capability of Snowy Hydro to produce clean, renewable energy.

Snowy Hydro estimates that the additional water resulting from moving to full operation will be an increase on the trial by about 50 per cent or about 20 gigalitres per year.

The additional water will allow Snowy Hydro Limited to produce more hydro-electricity.

The additional amount of hydro-electricity is estimated at 36 gigawatts hours per annum which, if produced by a New South Wales coal plant, would emit the equivalent of over 28,000 tonnes of carbon dioxide emissions annually and burn more than 12,000 tonnes of black coal.

It is clear that there are multiple benefits provided by increasing precipitation in the Snowy Mountains region.

These include additional water for regional communities, increased green energy through hydro-electric production, more consistent energy production, more water for irrigators and the environment, greater flexibility in water use, more snow for the alpine environment, enhancement of skiing opportunities and increased business for local businesses.

The Snowy Mountains community also has expressed satisfaction and confidence in the operational procedures implemented to minimise risks of impact on the environment.

The Snowy Mountains ski industry, Snowy River shire and Cooma-Monaro shire councils, the New South Wales Irrigators Council, tourist industry groups and local businesses have all voiced their support for cloud seeding to move to an operational program.

There have been very few letters of concern and those few were all from individuals.

Those concerns have been responded to either by the Government or Snowy Hydro Limited, which has contacted individuals directly.

Concerns about negative downwind rainfall impacts were directly investigated by Snowy Hydro Limited in its 2009 report.

It concluded that there was no indication of any seeding impacts on downwind rainfall. It was also concluded that rainfall downwind of the trial occurs under very different conditions from those favourable for cloud seeding.

The Natural Resources Commission agreed with the assessment of Snowy Hydro Limited and further noted that other independent research suggests no impact is associated with cloud seeding as far as the east coast.

The preparation of the bill has been carried out in consultation with the Department of Premier and Cabinet, the Office of Environment and Heritage, including the Environment Protection Authority, the Department of Planning and Infrastructure and Snowy Hydro Limited.

The move to a full operational cloud seeding program will lead to increased snowfalls and inflows to storages in the Snowy Mountains, generating further significant public and environmental benefit.

I commend the bill to the House.

[*The President left the chair at 1.01 p.m. The House resumed at 2.30 p.m.*]

Pursuant to sessional orders business interrupted at 2.30 p.m. for questions.

Item of business set down as an order of the day for a later hour.

QUESTIONS WITHOUT NOTICE

FORMER MEMBER FOR CLARENCE

The Hon. LUKE FOLEY: I direct my question to the Minister for Roads and Ports. Has the Minister's office or department received any information or advice that would suggest the former member for Clarence, Mr Steve Cansdell, may have falsely nominated other drivers to shift the blame for traffic offences on more than one occasion?

The Hon. DUNCAN GAY: I was asked a very similar, but not the same, question yesterday. I was asked "had I" and my answer was no.

The Hon. Walt Secord: Upon reflection—

The Hon. DUNCAN GAY: Just a moment, the member will get his chance. He is one of the few Labor members currently not in the queue at the Independent Commission Against Corruption—time will tell. The question was about my office or my department, so I will take it on notice and find out whether there is such information. To the best of my knowledge, there is not. Interestingly, this is a question from a member who hectors across the Chamber—

The Hon. Luke Foley: Here we go.

The Hon. Penny Sharpe: Point of order—

The Hon. DUNCAN GAY: He is the greatest bully in this place and the world's greatest misogynist, but when it comes to having a go, this is the bloke that has a glass jaw.

The PRESIDENT: Order! A point of order has been taken.

The Hon. DUNCAN GAY: He has got running protection.

The PRESIDENT: Order! The Minister will resume his seat.

The Hon. Luke Foley: Give it your best shot, big lad.

The Hon. Penny Sharpe: My point of order is relevance. The Minister had apparently concluded his answer. He is now moving on to something else which has nothing to do with the very serious question about what his office or his department knows about Steve Cansdell.

The PRESIDENT: Order! We have had a boisterous commencement to question time, with interjections and replies to them across the table. I encourage both the Minister and the Leader of the Opposition to respect the standing orders.

The Hon. DUNCAN GAY: Mr President, it is obvious that he is a wimp. He will deal it up to women in budget estimates, but when he comes in here he will have his team move in to protect him.

The Hon. Penny Sharpe: Point of order—

The Hon. DUNCAN GAY: What a world-class wimp. Bring the women in to protect you, mate.

The Hon. Penny Sharpe: I have two points of order. Firstly, the Minister is flouting the President's earlier ruling. Secondly, if the Minister wants to move a motion about a member in this place he has the right to do so but not during answers in question time.

The Hon. Greg Donnelly: He has not got the ticker for that.

The Hon. DUNCAN GAY: Oh, yes I have.

The Hon. Greg Donnelly: Move the motion then.

The PRESIDENT: Order! I encourage members not to interrupt, which will enable the Minister to give his answer. I believe I heard the word "wimp".

The Hon. DUNCAN GAY: Yes.

The PRESIDENT: Order! I suppose that was an imputation. I remind the Minister that he should not make imputations because they are contrary to the standing orders.

The Hon. DUNCAN GAY: I seem to remember the Leader of the Opposition bellowing across the Chamber about people talking about the Independent Commission Against Corruption and members who are in fact at the Independent Commission Against Corruption, yet the Leader of the Opposition has now delved into the bucket. He has forgotten about the conga line of Labor people outside the Independent Commission Against Corruption and he now wants to delve into another area. The Leader of the Opposition has double standards. He would be better off out of this place writing his acceptance speech for the Ernie award, which he well and truly deserves.

BUSHFIRE HAZARD REDUCTION

The Hon. SCOT MacDONALD: I address my question without notice to the Minister for Police and Emergency Services. Will the Minister inform the House about the initiatives that some Hunter Valley rural fire brigades have taken to prepare their local communities for bushfire risks?

The Hon. MICHAEL GALLACHER: We regularly hear about the dedicated and professional service given by our NSW Rural Fire Service volunteers at the fireground. The work of those volunteers can never be overstated and is, indeed, internationally recognised. It is also important to mention at every opportunity that volunteers also undertake a range of other vital activities which contribute to the success and effectiveness of the Rural Fire Service and to the improvement of bushfire management in New South Wales—for example, the community awareness programs being delivered by the Wollombi, Laguna, Bucketty and Millfield rural fire brigades in the NSW Rural Fire Service, Lower Hunter zone. These brigades have been working together in their local communities to proactively improve community members' preparedness for bushfire.

These programs include workshops to assist participants to understand bushfire risk and to prepare for a bushfire. Participants are given information on a wide range of important issues, such as how to survive a bushfire and how to complete a bushfire survival plan. Participants interact with brigade members, undertake practical exercises and discuss the many myths about bushfire risk, preparation and survival. Additional workshops are offered at Wollombi Valley Brigades Firewise Cafe, where community members can receive help to complete their plans. These programs have been highly successful and have received consistent positive feedback from community participants.

I am delighted to inform the House that this work has received national recognition. On 5 October 2012 the volunteers from the four Wollombi Valley rural fire brigades were named as State winners in the Volunteer and Community category of the Resilient Australia Awards, which were presented here at Parliament House. The Resilient Australia Awards are sponsored by the Australian Government's Attorney-General's Department, in conjunction with the States and Territories. The awards recognise innovative practices and achievements that are making committees across the nation safer, stronger, more resilient and better prepared to manage any emergency situation. I congratulate the volunteers from the Wollombi, Laguna, Bucketty and Millfield rural fire brigades on this well deserved achievement. This commendable initiative means that people are better informed and better prepared, thus safer, if exposed to the risk of bushfire.

STATUTORY DECLARATIONS

The Hon. ADAM SEARLE: I direct my question to the Minister for Finance and Services. In light of the Minister's answer given yesterday that the statutory declaration form "now correctly refers to the New South Wales Oaths Act", on what date was the form changed? When did the new form come into effect? Who directed the Office of State Revenue to change the form?

The Hon. GREG PEARCE: That was my advice.

FIREARMS PERMITS

Mr DAVID SHOEBRIDGE: My question without notice is directed to the Minister for Police and Emergency Services. What are the regulatory requirements for volunteers to acquire a firearms permit to euthanase native and non-native animals?

The Hon. MICHAEL GALLACHER: I will take that question on notice and get an answer for the member as soon as possible.

WESTCONNEX MOTORWAY

The Hon. JOHN AJAKA: I address my question to the Minister for Roads and Ports. Will the Minister update the House on the development of the WestConnex project?

The Hon. DUNCAN GAY: I thank the honourable member for his question on the delivery of critical infrastructure needed in New South Wales to boost productivity, create jobs and grow the State's economy. WestConnex is an evolution of over a decade of investigation and research by Roads and Maritime Services into what is needed to upgrade the M4 and M5 road corridors to meet future demand capacity on our road network and service the needs of our major ports: Port Botany and the airport.

Members should be aware of what WestConnex will address in the next 20 years. End markets along the M4 and M5 corridors are projected to grow by around 235,000 people, a 20 per cent increase, and 160,000 jobs, a 27 per cent increase, representing almost one-quarter of Sydney's forecast population growth and around one-third of new jobs. Passenger numbers at Sydney airport are set to more than double and air freight is expected to increase from over 500,000 tonnes in 2010 to 1.1 million tonnes in 2029—growth of more than 115 per cent. And the number of daily heavy vehicle trips is forecast to increase by 55 per cent.

A lot of work has gone into this project. It is the evolution of years of thinking after thousands of hours of engineering and detailed work. The project office has made a start on the planning work. Most of this work should be completed by July 2013. Members opposite had 16 years to do something about the missing links, but squibbed every opportunity. They talked about it but, true to Labor, they threw it in the too-hard basket. In fact, Labor first announced the M4 East way back in 2002—almost a decade ago. At the time Carl "Mr Sparkles" Scully said his announcement represented "a very, very exciting day for the people of western Sydney". He continued:

> The M4 East will take thousands of cars and trucks off Victoria Road, and will also end the Parramatta Road gridlock.

He promised that construction would start in 2005. Labor was in government for six years after that and did absolutely nothing about this project. Like oil and water, Labor and infrastructure do not mix. Think about the Cross City Tunnel, the $400 million wasted on the Rozelle metro and the $100 million down the drain on the T-card project. We have been in Government for just over 18 months and we are delivering on our promises. We said we would start one of Sydney's missing links in this term of Government and that is what we are doing. We will be true to our word. I am proud to be overseeing this project. We are involved with this project; we are meeting monthly with Infrastructure NSW and weekly with the project team, which is working with us on this project.

COMMUNITY SERVICES FUNDING

The Hon. JAN BARHAM: My question without notice is addressed to the Minister for Finance and Services, representing the Minister for Family and Community Services, and Minister for Women. Will the Minister advise whether there are plans to cut financial support for programs such as child sexual assault services, women's resource centres, Lifeline, Youthline, and the Gay and Lesbian Counselling Service New South Wales, as well as others, as identified in the *Sydney Morning Herald* on 12 October 2012?

The Hon. GREG PEARCE: I counsel the member to be careful about believing what she reads in the *Sydney Morning Herald*. However, I will take that serious question on notice and obtain a detailed answer for the member.

STATUTORY DECLARATIONS

The Hon. PENNY SHARPE: My question without notice is addressed to the Minister for Finance and Services. Will all New South Wales government departments continue to recognise statutory declarations referring to Commonwealth legislation?

The Hon. GREG PEARCE: I admit that I do not understand the question; it did not make any sense. However, I think what the Hon. Penny Sharpe is alluding to is that apparently under the Labor Government a mistake was made on at least some forms. Labor Ministers were too stupid to realise that if they were acting in relation to New South Wales law the appropriate mechanism for obtaining a relevant signature was through the Oaths Act, not the Commonwealth legislation. If the Hon. Penny Sharpe asked each of her stupid former Ministers about what they put in place in relation to the Commonwealth Act, she might get an answer.

The Hon. PENNY SHARPE: I ask a supplementary question. Will the Minister elucidate his answer and confirm that he will not close the loophole that has allowed Steve Cansdell to get away with a crime to which he has admitted?

The Hon. Dr Peter Phelps: Point of order: That is an entirely different question.

The PRESIDENT: Order! I believe the question was seeking an elucidation of an aspect of the answer.

The Hon. GREG PEARCE: Again, because a member asserts something does not make it true. I have already indicated yesterday and today that my advice is that the loophole to which members opposite are referring—it is their own mistake; it is the mistake of their stupid Ministers—has been fixed.

INFORMATION AND COMMUNICATIONS TECHNOLOGY

The Hon. MATTHEW MASON-COX: My question without notice is directed to the Minister for Finance and Services. Will the Minister advise the House on the industry reaction to the New South Wales Government's information and communications technology reform agenda?

The Hon. GREG PEARCE: What an excellent question from the Parliamentary Secretary.

The PRESIDENT: Order! Members should contain their enthusiasm.

The Hon. GREG PEARCE: I thank the Hon. Matthew Mason-Cox for that important question. Unlike the Labor Government, the Liberal-Nationals believe that if New South Wales is to be the leader in information and communications technology, industry input and support are vital. We are taking a new, more open approach to connecting with industry.

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

The Hon. GREG PEARCE: In addition to the Industry Advisory Panel, we have been actively engaging with industry on a number of government initiatives, such as the early engagement sessions on the Service NSW road map. This sort of collaboration has been, and will continue to be, critical to achieving the Government's goals, rather than Labor's approach of going to industry with a shopping list. So what has been the reaction to date? Renai LeMay, currently with Delimiter but a long-time information technology journalist with a number of media outlets, had a lot to say about it. She said:

> … after speaking with Deputy Premier Stoner and Minister Pearce yesterday, I was left with an overwhelming feeling of optimism about NSW's chances. The pair know what they are talking about in this area—

of course that pair is Deputy Premier Stoner and me—

> They both "get" technology—including, surprisingly, enterprise IT—and are confident in discussing it in relation to their administration.

[*Interruption*]

If members opposite want me to finish the answer in time they will have to stop the interruptions.

The PRESIDENT: Order! The Minister should plough on.

The Hon. GREG PEARCE: The journalist continued:

> To say this is refreshing is an understatement. The previous Labor Government in NSW also had an ambitious IT modernisation and service delivery agenda, but it is highly debatable whether it ever actually managed to deliver on that agenda …

The comparison between the two governments continued:

> Information technology was like the problem child for the Labor NSW Government—

one of many problem children—

> In comparison, the new Coalition NSW Government has placed IT front and centre, with ministers who understand the portfolio and are seeking to rapidly and aggressively develop the local industry.

What did Renai say about our prospects? I quote:

> If anyone can bring the NSW Government's IT projects and service delivery into line, it is these two highly intelligent, educated, aware and motivated ministers.

The Hon. Duncan Gay: And modest.

The Hon. GREG PEARCE: No, I am simply quoting the journalist's assessment.

The Hon. Luke Foley: Point of order: I submit that the Minister's ongoing boastfulness must be in breach of Standing Order 94: tedious repetition.

The PRESIDENT: Order! I will give the Minister the benefit of the doubt.

The Hon. Robert Brown: There can't be photographs.

The Hon. GREG PEARCE: I am getting to the photographs. That was the quote; that was Renai LeMay's judgement:

> If anyone can bring the NSW Government's IT projects and service delivery into line, it is these two highly intelligent, educated, aware and motivated ministers.

SYDNEY CENTRAL BUSINESS DISTRICT DEVELOPMENT APPLICATIONS

The Hon. ROBERT BORSAK: My question is directed to the Minister for Finance and Services, representing the Minister for Planning and Infrastructure. Is the Minister aware that in cities such as Berlin and

London the skylines feature many cranes involved in major building developments whereas in Sydney there is only one visible crane, which has been situated above the Supreme Court of New South Wales for at least six years, and it appears that there are no others? Is it a fact that major development applications in the Sydney central business district are taking two years to be processed by Clover Moore's Sydney city council? If that is not correct, will the Minister tell the House how long it takes to get a development application approved for major construction work in Sydney?

The Hon. GREG PEARCE: I know I speak for all Government members when I say that we are extremely distressed by the lack of growth in Sydney, brought about by Clover Moore. The people have exercised their democratic right and, for some reason, have returned her to the role of mayor. Therefore, we are looking at another four years of decay in New South Wales, particularly in Sydney. I will take the question on notice and obtain detailed information.

PACIFIC HIGHWAY UPGRADE

The Hon. MICK VEITCH: My question is directed to the Minister for Roads and Ports. Yesterday a Senate estimates committee heard that the Federal Coalition policy to delay completing the full duplication of the Pacific Highway until beyond 2020 would create a funding shortfall of at least $800 million. Under the Federal Coalition's policy, will the New South Wales Government be forced to make up the funding shortfall to guarantee this project is completed?

The Hon. DUNCAN GAY: I remind members that this Government did not pull the money out of the Pacific Highway; the Federal Minister breached an agreement that he had with the people of New South Wales. When those opposite receive their missive from Canberra it will be very much the same as the Albanese press release that came out this morning; they should not expect us not to notice what is there. It would be a bit hard for those opposite to notice because they do not have a shadow Minister for Roads at the moment. There have been leaks out of the Labor camp. Robert Furolo has resigned. I am not sure who the leak could be or who the replacement will be, but it is sad when a hard-working, dedicated, decent man trying to do the right thing—

The Hon. Lynda Voltz: Point of order: My point of order is relevance. The Hon. Mick Veitch asked a specific question. I would ask that the Minister be brought back to the question that he was asked.

The PRESIDENT: Order! The Minister will be generally relevant to the question asked.

The Hon. DUNCAN GAY: It is clear that there is a funding deficit at the moment because the Federal Government changed the rules along the way, despite the fact that someone was on the grassy knoll ready to ambush the shadow Minister. Because the Federal Government changed the rules more than $2 billion came out of the funding that was expected.

The Hon. Penny Sharpe: We did not change the rules.

The Hon. DUNCAN GAY: Well, those opposite did change the rules. They seem to think that if they sit there and whinge they can change history. The fact is that the former Government had an 80:20 agreement with the Federal Government, and that was in place for our first budget. Then the Federal Government changed the rules. That meant more than $2 billion was removed from the Pacific Highway upgrade. Thank goodness for Tony Abbott and the Federal Opposition, because at least they understand that this money is missing.

The PRESIDENT: Order! I call the Hon. Penny Sharpe to order for the first time.

The Hon. DUNCAN GAY: And when the Coalition's pledge goes in and when it wins government, we will be $2.1 billion closer to finishing the Pacific Highway than we are with the present Federal Government. For Albanese to try to spin that somehow—using those weasel words—there is an $800 million deficit is just pure politics from a Minister who was caught in the headlights at budget estimates in Canberra.

LAURIE LAVELLE AWARD

The Hon. JENNIFER GARDINER: My question is addressed to the Minister for Police and Emergency Services. Will the Minister brief the House on the Laurie Lavelle Award to NSW Rural Fire Service personnel?

The Hon. MICHAEL GALLACHER: The annual Australasian Fire and Emergency Service Authorities Council and Bushfire Cooperative Research Centre conference is the premier emergency

management conference in the Australasian region. This conference gives stakeholders in the emergency management sector the opportunity to get together annually to discuss key issues facing the sector. It helps in fostering a culture of knowledge sharing and learning within the sector to the benefit of all stakeholders and the wider community. It is also an opportunity to acknowledge the exceptional work being done by emergency service agencies and personnel over the course of the year. The Laurie Lavelle Award was introduced in 1997. It recognises individuals who have made an outstanding contribution to emergency services in any one year. Recipients of the award are those who have demonstrated a significant commitment to an emergency service agency and who have enhanced the skills, operations, performance or public profile of an emergency service agency.

I am pleased to advise the House that this year's recipients of the Laurie Lavelle Award are Group Manager, Russell Taylor, AFMS, and Superintendent Brian Graham, AFSM, of the NSW Rural Fire Service. This award to Mr Russell Taylor and Superintendent Brian Graham is for the exceptional contribution that they have made to the Botswana Fire Management Program. As members may recall, yesterday I spoke about the great partnership between the New South Wales Government and the Botswana Government. This program is representative of the quality of expertise of the NSW Rural Fire Service, which is recognised around the world. The Botswana program—funded by AusAID—commenced three years ago when the Government of the Republic of Botswana approached the NSW Rural Fire Service to provide support to develop fire management capability in Botswana.

The Hon. Melinda Pavey: What is the capital city?

The Hon. MICHAEL GALLACHER: It is Gabarone, a beautiful city of about 231,000 people. It is a lovely city and I encourage members to travel there if they have the opportunity. The program has been highly successful in establishing a base of trained firefighters, identifying suitable equipment for the firefighters to use and in establishing the basis of coordinated firefighting in Botswana based on the unique and highly successful model used in New South Wales. The Minister recently came to Australia to thank the New South Wales Government and the NSW Rural Fire Service for their ongoing support. He said that Botswana had a desire to develop the spirit of volunteering that we take for granted in our community.

More than 60 NSW Rural Fire Service personnel have been deployed to Botswana through this program, including 30 volunteers. It is anticipated that in the next two years firefighters from Botswana will travel to New South Wales to experience activities such as aerial firefighting and to see the biggest and best firefighting agency in the world in action. This program has been exceptionally successful and is esteemed at the highest levels of government in Botswana. In recognition and appreciation of the assistance provided by the NSW Rural Fire Service the Botswana Minister for Environment, Wildlife and Tourism, the Hon. Kitso Mokaila, visited Sydney in September and indicated his support and ongoing thanks. He will be back next week and no doubt the week after that too. The Laurie Lavelle Award— [*Time expired*.]

SCHOOL MEALS PROGRAM

The Hon. ROBERT BROWN: My question without notice is addressed to the Minister for Roads and Ports, representing the Minister for Education. Given that yesterday was World Food Day, what figures does the department have on the numbers of children who attend school each day without having had breakfast or who will not have lunch because of financial circumstances at home? What percentage of these children could be provided with a simple basic meal on a regular basis during the school year for a program amount of, say, $250,000?

The Hon. Jeremy Buckingham: Good question, Robert.

The Hon. DUNCAN GAY: I thank the honourable member for his question and I note the interjection from The Greens acknowledging a good question from the Shooters and Fishers Party. That is an unusual situation in this Chamber to say the least. I agree that it is a good question and a sensible one. Most members would be aware that many children arrive at school without having had breakfast and without lunch or the means of obtaining lunch. Such an initiative would at the very least protect and look after the needs of such children in our society. And there would be benefit in it, given that children who are better fed and nourished are better able to learn. There are many ways this can work. The concept has certainly been brought to my attention, as I am sure it has been brought to the attention of other members. I am sure it is well and truly on the horizon of that great Minister for Education, Adrian Piccoli. I will take the question on notice and pass it to the Minister, who I know will provide a sensible answer.

PACIFIC HIGHWAY UPGRADE

The Hon. HELEN WESTWOOD: My question is directed to the Minister for Roads and Ports. Will the Minister rule out any review of works on the Pacific Highway that will have the effect of delaying duplication of the Port Macquarie to Urunga and Woolgoolga to Ballina sections of the highway or any other section of the highway?

The Hon. DUNCAN GAY: I thank the honourable member for the question. I do not know who wrote it, but I am assuming that the Hon. Helen Westwood did not. In saying that, I am not attempting to debate the question. The reason I say that is that the question appears to be contradictory. If I interpret it correctly, as I am trying to do, it is asking me to rule out any reviews. Is that what the member said?

The PRESIDENT: Order! The Minister is trying to be helpful. I call the Hon. Dr Peter Phelps to order for the first time.

The Hon. DUNCAN GAY: I am unaware of reviews in the future. There have been some reviews in the past that may well have slowed the progress of the highway, but it is important on occasions to have a review to make sure that we are using the right route and conducting proper community consultation. There was a review recently, which has been completed, but off the top of my head I do not know of any reviews planned for the future. Our plan is to finish the duplication of this highway as soon as possible. It is important for the communities, it is important for the people who use the highway and it is important from the point of view of protecting lives. We agree with many things that are contained in the Infrastructure NSW report, but we are not planning, as reported, to delay the completion of the highway in order to re-do other areas. We made a commitment to finish that highway as quickly as possible and, if possible, to achieve the Prime Minister's time frame of 2016. We will certainly be working towards that, although as members opposite would know, that objective has been made difficult because the Federal Government has withdrawn funding.

BRIDGES FOR THE BUSH

The Hon. TREVOR KHAN: My question is directed to the Minister for Roads and Ports. Could the Minister update the House on funding for the replacement and upgrade of timber truss bridges in country New South Wales?

The Hon. Sophie Cotsis: That question was asked yesterday

The Hon. DUNCAN GAY: No, it was not. The member was not listening. I thank the honourable member for his question. One member of the front bench opposite has failed the listening test.

The PRESIDENT: Order! I again remind the Minister not to respond to interjections. I call the Hon. Sophie Cotsis to order for the second time.

The Hon. DUNCAN GAY: Yesterday I informed the House that the O'Farrell Government has committed an additional $135 million over the next five years for an infrastructure program called Bridges for the Bush. It is a project that I know was close to the heart of the former Opposition Roads and Ports spokesman and member for Lakemba, Robert Furolo. I am genuinely disappointed that Mr Furolo has resigned from Mr Robertson's front bench. Unlike the vast majority of his colleagues on the other side, he at least made an effort to understand the intricacies of building infrastructure after 16 years of Labor neglect and mismanagement. I was shocked to hear on the early news that he had gone. At 6.30 this morning I diligently got out my BlackBerry and sent the member an email wishing him all the best and thanking him for the job he had done. It is interesting to note that it took more than six hours for John Robertson to reluctantly express his disappointment—

The Hon. Steve Whan: Point of order: It is relevance. The Minister has engaged in a very long preamble to this answer and I ask you to bring him back to the point of the question, which if my memory serves me correctly was about country timber bridges—a very important issue.

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

The Hon. DUNCAN GAY: Bridges for the Bush is a historic program of works to improve road safety and freight productivity by replacing or upgrading bridges at 17 key locations across rural and regional New South

Wales. In an August submission to the National Building Program, New South Wales sought matching funding from the Federal Government for Bridges for the Bush. As I informed the House yesterday, the first component of the initiative will focus on five priority bridges to enable them to carry higher mass limit vehicles, thereby increasing freight productivity in New South Wales. Today I am delighted to explain the second part of the initiative, which focuses on replacing and upgrading 12 timber truss bridges, some of which are heritage listed.

Of the 12 timber bridges, six will be replaced and six will be upgraded. Bridges to be replaced over the next five years will be replaced with bridges that will be able to carry higher mass limit loads and will have two lanes. They include Tabulam Bridge over the Clarence River on the Bruxner Highway, Holman Bridge over the Lachlan River at Gooloogong, Lawrence Bridge over Sportsman Creek at Lawrence, Tooleybuc Bridge over the Murray River at Tooleybuc, Gee Gee Bridge over the Wakool River at Swan Hill, and James Park Bridge over the Crookwell River on Binda Road at James Park. Timber truss bridges to be upgraded include Brig O'Johnston Bridge over the Williams River at Clarence Town, Carrathool Bridge over the Murrumbidgee River at Carrathool, Middle Falbrook Bridge over Glennies Creek at Middle Falbrook north of Singleton, Warroo Bridge over the Lachlan River at Warroo, McKanes Bridge over the Coxs River near Lithgow and Dunmore Bridge over the Paterson River at Woodville. The O'Farrell Government has allocated nearly $13 million to upgrade these bridges in the last two State budgets. Significantly, Bridges for the Bush builds on the $17 million Timber Bridge Strengthening and Replacement Program that has already been announced in the budget.

GAS PRICES

The Hon. JEREMY BUCKINGHAM: My question is directed to the Minister for Finance and Services. Is the Government aware of a report commissioned by the Australian Industry Group and the Plastics and Chemicals Industries Association undertaken by the National Institute of Economic and Industry Research that found that an export gas industry on Australia's east coast will increase the price of gas for domestic consumers and that for every dollar gained in export/output $21 will be lost in domestic industrial output? Can the Government guarantee there will be no increase in gas prices in New South Wales due to the opening of an export gas market?

The Hon. GREG PEARCE: I cannot answer for everyone in the Government. There are several hundred thousand public servants in this State and I assume at least one of them reads the *Sydney Morning Herald*.

WESTCONNEX MOTORWAY

The Hon. SOPHIE COTSIS: My question is directed to the Minister for Roads and Ports. Will the Minister guarantee that the WestConnex will include dedicated bus lanes for rapid bus transit?

The Hon. DUNCAN GAY: A key issue with regard to the statements of the chairman of Infrastructure NSW, Nick Greiner, and Paul Broad is their support of buses. Both are absolutely besotted with buses. As true enthusiasts they come into my office and say unashamedly, "We love buses. We think they are fantastic." Buses are a key part of WestConnex. There will be bus lanes, but the scope of the bus lanes and where they will be situated will depend on our report—

The PRESIDENT: Order! The Hon. Steve Whan and Government members will stop conducting a conversation across the Chamber. I cannot hear the Minister.

The Hon. DUNCAN GAY: Mr President, I accept your apology on behalf of the Hon. Steve Whan. This Government will work towards having WestConnex ready by July next year. We have cleared out level 18 at North Sydney. The team is in place and a letter has been sent to the Federal Minister, Albo. Both he and his colleagues have indicated that as soon as the letter is received, the $25 million will be granted. The plan will show exactly where bus lanes will be and what scope those bus lanes will have.

CONSTRUCTION INDUSTRY INQUIRY

The Hon. CHARLIE LYNN: My question is directed to the Minister for Finance and Services. Will the Minister update the House on the inquiry into insolvency in the construction industry?

The Hon. GREG PEARCE: I thank the honourable member for that question. The New South Wales Government is extremely concerned about the high rate of insolvency in the construction industry. Accordingly, it has commissioned Mr Bruce Collins, QC, to conduct an inquiry into the extent and cause of insolvency in the

construction industry as well as the legislative and policy responses to insolvency in the industry. Since the inquiry commenced in August, extensive consultation with the industry and other stakeholders has occurred. More than 50 meetings have been held with builders, subcontractors, lawyers, insolvency experts, accountants and other financial professionals as well as government regulators. A survey was distributed to more than 500 head contractors and subcontractors. A call for written submissions resulted in the inquiry receiving more than 90 responses.

Extensive research has also been undertaken. The inquiry has sought information and ideas from the United Kingdom, Canada and the United States. The inquiry also reviewed what is happening across Australia. The United Kingdom uses trust accounts for many government contracts and the inquiry has carried out a detailed study of these arrangements. Trust accounts are required in some jurisdictions in Canada and the United States. The inquiry is reviewing how these arrangements work and whether they are relevant to New South Wales.

An industry reference group has been established to provide hands-on advice. This reference group meets regularly to consider the issues and provides guidance on practical solutions. The reference group has a broad membership from the industry with representatives from business, the financial industry, lawyers, the accountancy and insolvency professions, and the trade unions. A discussion paper released on 12 October this year sets out the inquiry's thoughts so far and identifies some possible actions that the Government and industry could implement. This wide-ranging paper is intended to stimulate ideas and to get people thinking about what can be done. It is reviewing ideas such as trust accounts and licensing commercial builders, as is done in Queensland. It is reviewing how government procurement can affect insolvency and the policy changes to help reduce insolvency.

The inquiry has identified the importance of improving financial and management skills in the industry, and the discussion paper sets out options for making improvements. I encourage members who have an interest in the construction industry to read the discussion paper, which can be downloaded from the New South Wales Government "Have Your Say" website. I encourage honourable members, stakeholders and others interested in this very important issue of insolvency in the construction industry to make their own comments, which can be lodged on the "Have Your Say" web site until 2 November 2012.

CHILD PROTECTION CASEWORKERS

The Hon. PAUL GREEN: My question without notice is directed to the Minister for Finance and Services, representing the Minister for Family and Community Services. There have been recent reports that a possible 968 jobs—whether it is believable or not—including child protection caseworker positions, may be made redundant in the Department of Community Services over the next four years. Given that between 1 July and 31 December 2011 child protection workers were unable to follow up 19 per cent of all reports of children at risk of significant harm, will the Minister conduct a risk assessment to determine the impact of any possible future job cuts?

The Hon. GREG PEARCE: I thank the honourable member for that thoughtful question. I will take it on notice and provide a detailed answer.

WIN STADIUM

The Hon. WALT SECORD: My question without notice is directed to the Minister for Finance and Services, and Minister for the Illawarra. Last week the Minister for Sport and Recreation stated that the release of the report into the grandstand at WIN Stadium is a matter for the Minister for Finance and Services. When will the Minister release the report into WIN Stadium?

The Hon. GREG PEARCE: I do not represent the Minister for Sport and Recreation in this Chamber.

POLAIR 4

The Hon. SARAH MITCHELL: My question is directed to the Minister for Police and Emergency Services. Will the Minister please advise the House on the use of PolAir to develop relationships between New South Wales police and local communities?

The Hon. MICHAEL GALLACHER: I thank the Minister for her question and ongoing interest in police issues. New South Wales police take their role in the community seriously. In the community of Kelso,

near Bathurst, there is a positive relationship between local children and local police. The police visit the school on a weekly basis and are involved in a reading program with the students, but when PolAir 4 made a surprise visit to Kelso Public School the weekly reading sessions paled in comparison. Alan Ryan, a student of Kelso Public School and the grandchild of Sergeant Keith Ryan, has been diagnosed with a brain tumour. Alan's critical prognosis prompted the New South Wales Police Force to visit him at school in PolAir 4. Along with his peers, Alan witnessed the police chopper carrying his grandfather landing on the school oval. Alan was then taken for a flight over Bathurst. He is a very a brave young man and I am pleased that the Police Force was able to put a smile on his face.

PolAir 4 was launched in June 2011. It is a police resource that greatly assists in day-to-day policing operations and in this instance it has also helped the community of Kelso. It replaced a single-engine helicopter and the new design and technological capabilities make it a superior aircraft. PolAir 4 has a cruise speed of about 220 kilometres an hour, and that improves response times to Wollongong, the Illawarra, the Central Coast and Newcastle, which are now routinely patrolled. The new cockpit configuration provides those on board with a greater field of vision during search and rescue operations during the day and at night, when night-vision goggles are used by officers. It is also equipped with state-of-the-art technology to improve safety during low-level operations in rugged terrain and has engines so powerful that it can fly on only one.

An autopilot facility also allows for accurate navigation to regional and remote locations to assist with offender and missing person searches. Access to technological advancements such as PolAir 4 and its equipment ensures that we are able to meet the policing needs of the New South Wales Police Force and the community. The Government is committed to ensuring that police officers have the resources they need. In this instance I am very pleased that PolAir 4 could provide such a special experience for Alan Ryan. On behalf of all members of this House, I wish him and his family all the very best.

NEWCASTLE LICENSED VENUES LATE-NIGHT TRADING

Dr JOHN KAYE: I direct my question to the Minister for Police and Emergency Services, representing the Minister for Tourism, Major Events, Hospitality and Racing. Are the late-night trading conditions imposed on some licensed venues in Newcastle and Hamilton under review by the Minister or any agency or authority? If not, are there any plans to undertake such a review? If so, will the Minister provide details of the review, including the likely completion date?

The Hon. MICHAEL GALLACHER: As the member is aware, some licensed venues in Newcastle and Hamilton are subject to late-night trading conditions. Those trading conditions are not being reviewed by the Minister for Tourism, Major Events, Hospitality and Racing. Some licensed venues in Newcastle are also subject to special licence conditions as a result of being captured under the Violent Venues Scheme in schedule 4 to the Liquor Act. The special conditions applying to the five venues involved are in addition to any conditions imposed as a result of action taken under the neighbourhood disturbances provisions of that Act. The New South Wales Office of Liquor, Gaming and Racing is examining the operations of those venues to determine whether any additional action is required to reduce incidents of alcohol-related violence in and around premises. There is no specific completion date for that task at this stage.

The Government is also conducting a general review of the operation of the Violent Venues Scheme under schedule 4 to the Liquor Act in the context of the introduction of the three-strikes disciplinary scheme on 1 January this year and other recent Government initiatives. The review is examining whether conditions and restrictions are effective across different types of venues and it will also provide an opportunity to consider whether the conditions imposed on liquor licences are helping to drive down alcohol-related violence. The first stage of the review is expected to be finalised in November 2012, with the supplementary report providing further detail regarding the nexus between the scheme and the three-strikes disciplinary scheme expected to be completed in early 2013.

ST GEORGE ILLAWARRA DRAGONS RUGBY LEAGUE TEAM

The Hon. LYNDA VOLTZ: I direct my question to the Minister for Finance and Services, and Minister for the Illawarra. Despite an agreement in principle having been drafted by the former Wollongong Sports Ground Trust and the St George Dragons, no contract has been signed to secure any St George Dragons games at Wollongong Stadium for the 2013 season. What is the Minister doing to ensure that a contract is signed?

The Hon. GREG PEARCE: As the honourable member knows, that is a matter for negotiation by Venues NSW. Every time I see representatives of Venues NSW and the management of St George Dragons I indicate that I would like to see that contract executed as soon as possible. I have used whatever influence I can to advance the completion of that contract.

SUTHO COPS AND RODDERS ROAD SAFETY AND CAR SHOW

The Hon. DAVID CLARKE: I direct my question to the Minister for Roads and Ports. Will the Minister update the House on the second Sutho Cops and Rodders Road Safety and Car Show?

The Hon. DUNCAN GAY: My commitment to road safety is well known. Perhaps less well known to some is my absolute delight in spending time with motoring enthusiasts. I do not apologise—I am an unashamed motorsports fanatic. I love the people involved and I love the sports. Last weekend I attended the Sutho Cops and Rodders Road Safety and Car Show at Engadine. What a fantastic day it was. One of the great qualities of the motorsports sector is its commitment to driver responsibility. Therefore, it is no surprise that the motoring industry and the NSW Police Force partnered up to deliver an event that promoted both cars and road safety. Sutherland Local Area Command and Senior Constable David Hayes are to be commended. This bloke is a local hero. The work he did in bringing the event together was outstanding. I had nearly as many people telling me what a great bloke he is as were telling me what a great job I am doing in this area. It was a toss-up.

[*Interruption*]

I warn members opposite that the photos are coming. What a fantastic name—the Cops and Rodders show. It encapsulates the event because the cops were running it and it involved a broad range of people interested in motorsports, from the families who exhibit historic cars through to those who exhibit serious "rods".

The Hon. Luke Foley: Were there any kombis?

The Hon. DUNCAN GAY: There were some kombis, so The Greens were there, and the police sniffer dogs were parked beside the kombis. The Minister for Police and Emergency Services will be pleased to know that the exhibits included some historic highway patrol cars. There was probably a Charger, which he would have driven when he was a highway patrol officer many years ago. That said, there is very serious side to the show, which is now in its second year. First, the funds raised are used to address road trauma, and the St George Hospital trauma unit is a major beneficiary of those funds. The event also targets young and inexperienced drivers. It gets the safety message across in so many different ways by emphasising the sobering truth about the impact of road trauma on families, friends and the broader community.

There were demonstrations by the New South Wales Police Force Rescue Unit, NSW Fire and Rescue and the Traffic and Highway Patrol Command. Roads and Maritime Services also displayed a car that crashed at 60 kilometres an hour and one that crashed at 100 kilometres an hour to illustrate dramatically the consequences of speeding. It also presented an educational video. Sadly, in New South Wales there are around 400 deaths and 24,000 injuries as a result of motor vehicle accidents every year, and about one-quarter of those injuries are serious. The New South Wales Centre for Road Safety has been working with Roads and Maritime Services and key stakeholders to develop a strategy. That strategy, which was released for consultation in August, aims to set the road safety priority for the next 10 years. People like Ian Luff and Jim Richards were also at the show. Interestingly, their sons were racing at Bathurst the week before. [*Time expired.*]

PROUD SCHOOLS PILOT PROGRAM

Reverend the Hon. FRED NILE: My question is addressed to the Minister for Roads and Ports, representing the Minister for Education. Is the Government aware that $250,000 is being spent on the Proud Schools pilot program which promotes ridiculous prejudice concepts such as heterosexism? Does the Government agree with 98 per cent of the Australian population that heterosexuality is natural, not unnatural? When will the Government cancel its funding support for this propaganda program, which was commenced by the previous Labor-Greens Government?

The Hon. Lynda Voltz: Point of order: The question is argumentative and should be ruled out of order.

The PRESIDENT: Order! The question contained argument and sought an opinion. It is hard to rule the question in order. However, if the Minister chooses to respond to those parts of the question that are in order he may do so.

The Hon. DUNCAN GAY: I will take the question on notice and refer it to the Minister for Education.

The Hon. MICHAEL GALLACHER: The time for questions has expired. If members have further questions I suggest they place them on notice.

STATUTORY DECLARATIONS

The Hon. GREG PEARCE: Earlier in question time the Deputy Leader of the Opposition and the Hon. Penny Sharpe asked me questions about the infringement notice issue. I am advised that the infringement notice issue was fixed in October 2007 so that the statutory declaration fell under the State legislation, the Oaths Act, not Federal legislation. I am further advised that the Minister for Roads at the time was the Hon. Eric Roozendaal.

NATIONAL ART SCHOOL FUNDING

The Hon. MICHAEL GALLACHER: On 12 September 2012 the Hon. Shaoquett Moselmane asked me a question about funding for the National Art School. I provide the following response:

Recent announcements to Education and Communities do not impact on the National Art School.

REGIONAL TOURISM CAMPAIGN

The Hon. MICHAEL GALLACHER: On 12 September 2012 the Hon. Robert Borsak asked me a question about benefits from a supermarket advertising campaign. I provide the following response:

Question 1 and 2

The Blue Mountains, Hunter Valley, North Coast, Central Coast and South Coast regions have benefited most from the Westfield campaign. Final campaign results are still being collected. However, the preliminary results are:

- In excess of $2.28 million in hotel bookings revenue, and more than 14,320 room nights booked.
- Participation from more than 980 hotel operators in the campaign.

Question 3

$1.267 million

Question 4.

The total campaign will be fully evaluated prior to any decision being made about repeating the campaign next year.

SEXUALLY TRANSMITTED DISEASES

The Hon. MICHAEL GALLACHER: On 12 September 2012 Reverend the Hon. Fred Nile asked me a question about the latest health figures for sexually transmitted diseases. I provide the following response:

The NSW Ministry of Health routinely collects data on notifiable infections, including sexually transmitted infections. This data is published on the ministry website. Data on risk factors for infection, including sexual exposure information for sexually transmitted infections notifications, is not routinely collected.

Questions without notice concluded.

SWIMMING POOLS AMENDMENT BILL 2012

Bill received from the Legislative Assembly, and read a first time and ordered to be printed on motion by the Hon. Michael Gallacher, on behalf of the Hon. Greg Pearce.

Motion by the Hon. Michael Gallacher agreed to:

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

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

SNOWY MOUNTAINS CLOUD SEEDING TRIAL AMENDMENT BILL 2012

Second Reading

Debate resumed from an earlier hour.

The Hon. STEVE WHAN [3.35 p.m.]: The Snowy Mountains Cloud Seeding Trial Amendment Bill 2012 will turn the very successful trial of cloud seeding in the Snowy Mountains into a permanent feature of the area. As such, the Opposition supports the bill. The cloud seeding trial commenced in 2004 under the previous Government in a limited area of the Snowy Mountains and in 2008 the trial was extended and expanded to a broader area to ensure that more information could be collected. The trial has been a very positive move for the Snowy Mountains.

The aims of cloud seeding were to enhance snowfall during the winter months, thereby benefiting the ski industry, the environment and Snowy Hydro, which is the funder and operator of the cloud seeding activities. Snowy Hydro benefits by the increased run-off of water into its dams to generate electricity over and above the amounts set out in its agreements. Therefore, it is of very high value. In the longer term, the water flows down the Murrumbidgee and Murray river system. So cloud seeding has a number of very positive benefits and that is why it was strongly supported and introduced by the previous Government.

The Snowy Mountains cloud seeding trial started in 2004. I had the pleasure of supporting it in the Legislative Assembly and highlighting its benefits. At the time, people raised a number of questions about the trial and, quite rightly, an extensive scientific program was put in place to monitor the trial. The first issue was the effectiveness of cloud seeding. I will point to the research which shows that it is very effective. The second issue was the question of environmental impacts from the use of the chemical agents and tracer agents, which enhance the snowfall. The third issue, about which I received representations as the local member at the time, was that the trial might have a negative impact on rainfall on farm properties downwind.

Members must remember that essentially for the first 5½ years of this trial the area was in quite severe drought. People were very keen to see additional rainfall; on the flipside, some farmers wanted it shown that cloud seeding would not diminish rainfall on their properties. I am pleased to say that the experiments have had no negative impact on rainfall on those properties. This legislation will alter cloud seeding from a trial, which was designed to continue for a number of years, to a permanent program together with, very importantly, ongoing annual reporting on the environmental impacts. There will be an ongoing project to discover where the active silver iodide ends up in the environment because so far the scientific studies have not been able to identify any significant trace of the silver iodide, which is a positive sign.

This legislation is supported by the Opposition but I foreshadow that we will be moving two minor amendments, one of which will have a significant impact. Currently, the legislation proposes a mechanism to allow the actual elements being used, the tracer element and the delivery method, to be changed and it states that the Minister "may" require a scientific study. On behalf of the Opposition, I suggest that we "must" require a scientific study. I believe that the Government is considering my foreshadowed amendments. I indicate that I may have forgotten to circulate the amendments.

The Hon. Melinda Pavey: You do not have any more staff, do you?

The Hon. STEVE WHAN: He is away. Thorough and impressive scientific work has been undertaken in this cloud seeding trial. The Natural Resources Commission was given the task of monitoring the trial and looking at the scientific data from it. In October 2010 the Natural Resources Commission issued a report entitled "Mid-term review of the Snowy Mountains Cloud Seeding Trial". That report showed positive findings, including:

> There is no evidence of impacts on snow habitats, or of difference in the concentrations of ammonia and nitrogen oxides in seeded and unseeded snow.
>
> The monitoring results have detected no adverse impacts on rainfall in downwind areas during the first phase of the trial.

As I have said, that was a concern to a number of farmers in the Monaro area located in what is often termed as a "rain shadow". Those farmers often experience dry conditions and they were concerned about the impact on rainfall in those areas. When I was the local member I insisted on this area being tested as part of the trial, and I was pleased to see in the report that there was no adverse impact. It is my understanding—obviously a

non-scientific understanding—that the seeding seeds the forward part of the front resulting in snowfalls, but often the following part does not result in snowfall. Generally, without that seeding, snow falls on the Snowy Mountains and the front then travels out to sea to deposit rain. There can be no loss to landholders in that situation. At one stage the ACT Greens, who opposed the trial, said that the seeding trial would affect rainfall in the Australian Capital Territory. That demonstrates a spectacular misunderstanding of the direction of weather patterns across the Snowy Mountains.

The mid-term review by the Natural Resources Commission confirmed that from 2004 to 2009 Snowy Hydro had found that the number and condition of macroinvertebrate fauna in the target area were not significantly different to those in a control area south of the trial. It concluded that there was no evidence of impacts on macroinvertebrate assemblages. Snowy Hydro also found that concentrations of silver iodide and indium trioxide in stream sediments were not significantly different between the target and control areas. Silver iodide is the active ingredient that seeds the snow. Indium trioxide is the tracer used to test snow to determine which layers have and have not been seeded—this is very important for scientific studies. It also found there was no evidence of accumulation of either chemical in streams as a result of cloud seeding operations. The report further noted:

> Our review found that Snowy Hydro's conclusion that its monitoring provides no evidence that cloud seeding has affected macroinvertebrate assemblages is reasonably confirmed, given the low concentrations of silver iodide and indium trioxide recorded in stream sediments. However, the NRC notes that AUSRIVAS is a coarse measure of environmental impact relative to the low concentrations and toxicity of the potential contaminants in this case.

The Natural Resources Commission also looked at snow habitats. One of the reasons the former Government supported the trial was, at least in small measure, it had the potential to ameliorate some impacts of global warming on the snow cover of the Snowy Mountains. The report stated:

> Snowy Hydro's analysis of its snow density monitoring results to date found that the density of seeded and unseeded snow were similar.

It continued:

> Snowy Hydro concluded that current evidence does not support concerns about the potential impact of cloud seeding on snow density and the formation of sub-nivean space.

This was a critical part of the analysis, given that some of our endangered species depend on snow cover for their winter habitat. They also would suffer from drought and global warming. For example, the mountain pygmy possum requires snow cover for its hibernation period. If the snow melts early, they come out early looking for food before the arrival of Bogong moths, their food source, thereby causing higher mortality. It was important that the cloud seeding trial not impact on the density of the snow and provide less space for those animals. The analysis also pointed to a potential positive for the environment, namely, extending the cover which would ameliorate the receding snow. The main way to deal with that is by dealing with global warming, which is also a tough ask.

As I have said, the mid-term review dealt with this trial in a positive way. Significantly for Snowy Hydro and the Snowy Mountains community, the review found that the trial resulted in an estimated snowfall of around 14 per cent in the target areas. The Natural Resources Commission report, which included a number of peer reviews, endorsed that result as being statistically valid. This demonstrates the effectiveness of the trial and the results are of real importance to the ski industry and Snowy Hydro.

The ski industry is a critical part of the economy of the Snowy Mountains. While it has been the direct beneficiary of the trial, it has been in the fortunate position of not having to pay for it. The trial assists in increasing the snowfall and extending the ski season. It is well known that the ski industry in the Snowy Mountains is under threat from global warming. As a result of the Garnaut review of the impact of climate change on Australia's alpine areas, we now have detailed results. Those results indicate a strong threat to flora and fauna from climate change and, in a number of scenarios, threats to the ski industry in the Snowy Mountains which can only be partially alleviated by snow-making. Particular weather conditions are also needed for snow-making. Additional snowfall from cloud seeding will make a positive contribution.

When I introduced the Snowy Mountains Cloud Seeding Trial Amendment (Extension) Bill in 2008 as Parliamentary Secretary on behalf of the Minister, I pointed out how critical the economic impact of the ski industry was to the Snowy Mountains. A 2005 study, which was undertaken for the Alpine Resorts Coordinating Council by the National Institute of Economic and Industry Research, showed that the gross regional product

generated in the Snowy River shire was $290 million per year from the ski industry. It also showed that the Snowy River shire could attribute 57 per cent of its gross product and 51 per cent of total annual equivalent employment in the shire to the ski industry. That is a phenomenal part of the area's economy and demonstrates its importance to the region. It is a similar amount, although not as high, for the Tumut shire, home to the Selwyn snowfields, and for the Victorian shires that were dealt with in the study. The ski industry is of significant benefit to the State overall and that benefit should be protected and enhanced.

In my involvement with Snowy Mountain communities and ski resorts, I have done whatever I can to contribute not only to the enhancement of the winter ski industry but also to the development of the summer industry. The previous Government assisted with the introduction of the cloud seeding trial. In 2008 the trial was extended to a larger area of the Snowy Mountains and was allowed to take place on more days. The Labor Government was a strong supporter of the trial, and I am pleased that it was a Labor Government that introduced it. Unfortunately, the member for Monaro in his speech in the other place, which overall was a positive one, attempted to make some political mileage out of this. The fact is that cloud seeding would not exist if it were not for the previous Labor Government and its commitment to undertake—

The Hon. Melinda Pavey: Who was the Minister who introduced it? Was it Ian Macdonald?

The Hon. STEVE WHAN: The Minister of the day who introduced it was part of the Labor Government.

The Hon. Catherine Cusack: Can you say his name?

The Hon. STEVE WHAN: Ian Macdonald was the Minister who introduced it.

The Hon. Melinda Pavey: He deserves credit for it.

The Hon. STEVE WHAN: And the previous Labor Government deserves credit for it.

The Hon. Melinda Pavey: You won't be getting any credit.

The Hon. STEVE WHAN: The Parliamentary Secretary is more than welcome to give credit to previous Ministers, and I hope she will do so. The strong support of the Snowy Mountains community for cloud seeding has been on the record for some time. I was pleased to be part of the introduction and extension of the cloud seeding trial which, as I said, was strongly supported by the local community. I have talked about the economic importance of the ski industry. This Government needs to enhance the ski industry, as it was enhanced by the previous Government. There are a number of elements to that. The cloud seeding trial is one element; action on climate change, which is consistently resisted by the Government, is another element. Action to ensure that Perisher can continue with its plans to develop a town centre is another important element.

The previous Government put measures in place to assist the ski industry and the local area, including access by visitors on roads and improvements to roads. The measure to enable Perisher to have a lease over the whole area involved long and complex negotiations but eventually the matter was resolved. As I mentioned, that gives Perisher the certainty to invest in the snow-making infrastructure. In extending the trial and making it a permanent feature, the bill goes slightly against the Natural Resources Commission recommendations, but the Opposition thinks it is justified. I will come to the basis of that in a moment.

The Natural Resources Commission report, which was received by the previous Government, stated that the commission believed that the cloud seeding trial should continue because it wanted to undertake further research to see where the active ingredients were ending up in the environment. The commission was strong on that recommendation in its 2010 report. I note that in the letter of 5 July 2012 to the Hon. Robyn Parker the Natural Resources Commission again indicated that further research needs to be undertaken and the trial needs to continue. The Government has decided to make the trial permanent. I think that is the right move because, as the Natural Resources Commission recognised, Snowy Hydro has put in place a research program to determine the fate of the cloud seeding agents in the environment, the silver iodide and the indium trioxide. The Natural Resource Commission's letter stated:

> The research program and discussion and analysis of the study are scheduled for completion in 2014. Appraisal of the research at this time is limited. However, we advise that the first paper from the study is due in mid July 2012. The NRC recommends vigilant monitoring of the research program by Snowy Hydro and the University of Queensland to ensure that it meets its research objectives.

In light of that research being undertaken, it is reasonable for the Government to make the trial permanent on the understanding that—and I seek an assurance on this—as part of ongoing monitoring the Government looks at the results of the research. I am sure the Government will do that. The bill has several provisions that will ensure that Snowy Hydro continues to report the results of cloud seeding. Snowy Hydro is also required to put in place an environmental management plan, which is designed to ensure that there is proper reporting of the processes involved in cloud seeding. That is a positive measure. Importantly, the bill provides for the task of monitoring the environmental impacts and results of cloud seeding to be transferred from the Natural Resources Commission to the Environmental Protection Agency, which seems reasonable.

In the past, Snowy Hydro has indicated to me that it would like to reduce as much as possible the cost of putting the cloud seeding operation in place. The research is expensive. However, a level of research and monitoring will continue to be necessary, and I am pleased that the Government has provided for that in the bill. One issue I have raised with the Government is that the legislation provides the Minister with the power to give approval for other seeding agents to be used for cloud seeding and other delivery methods. If a new seeding agent is to be used it is reasonable that the new agent will also undergo scientific assessment and analysis and that there is a public discussion about what is happening. At the moment the legislation states that it "may" happen. I believe that the legislation should provide that it "must" happen. In the Committee stage I will move amendments to try to achieve that. That is a reasonable position to take, and I hope the Government will accept the amendments.

There is still scope for the Minister to specify what scientific research would need to be undertaken. If a new cloud seeding agent is to be introduced obviously the Government needs significant research. If it is simply changing the delivery method to aerial delivery, for example, the Government probably would not need such a significant consultation period or scientific assessment if the same agents are already being utilised. I intend to amend section 5 (4) to provide that the relevant Ministers "must require", rather than "may require". My amendment to section 5 (3) is not so important as my amendment to section 5 (4). I hope the Government thinks the amendments are reasonable, and that it will assure people that in the event of a change in the cloud seeding agent full and appropriate scientific research will be undertaken.

The bill introduces a fee to be paid by Snowy Hydro to the National Parks and Wildlife Service for placing the cloud seeding operations in the national park. The bill specifies that the fee should relate only to cost recovery. I think it would be reasonable to build in an additional, reasonable payment to the National Parks and Wildlife Service, given that Snowy Hydro is utilising a national park and the National Parks and Wildlife Service has ongoing costs. If a private landowner were involved, there would probably be a rental payment for the land.

The Hon. Melinda Pavey: Money grows on trees.

The Hon. STEVE WHAN: I do not think that is unreasonable.

The Hon. Dr Peter Phelps: And you wonder where their black hole came from.

The Hon. STEVE WHAN: Here we go. It is okay to try to extract more taxes out of the people of New South Wales, but how dare the Government ask Snowy Hydro to pay a little more.

The Hon. Dr Peter Phelps: Tell us how a carbon tax is going to make it snow more.

The Hon. STEVE WHAN: The Hon. Dr Peter Phelps wants me to explain how the carbon tax will make it snow more. He is a self-proclaimed global warming sceptic.

The Hon. Dr Peter Phelps: That's exactly right. Tell us how a tax will make it snow more.

The Hon. STEVE WHAN: I am happy to spend time explaining to a so-called free marketeer how price signals work to change people's behaviour. I would have thought that was fairly basic for a free market advocate, as is the Hon. Dr Peter Phelps.

The Hon. Dr Peter Phelps: The difference is that we don't believe that governments go around changing people's behaviour.

The Hon. STEVE WHAN: I do not think it would be unreasonable for Snowy Hydro to make a payment to the National Parks and Wildlife Service for use of a location to place the generators. I simply note

that I hope the Government has chosen not to do it. Snowy Hydro is paying for this process and receives the bulk of the financial benefit from it, which at this stage is passed back to the Government in the form of dividends. Let us hope that it remains so. The Parliamentary Secretary seems a little confused because I said before that the ski industry is a major beneficiary of this process.

[*Interruption*]

The Hon. Lynda Voltz: Point of order: It is difficult for the shadow Minister to continue his speech when members opposite interject constantly. The shadow Minister should be heard in silence.

The ASSISTANT-PRESIDENT (Reverend the Hon. Fred Nile): Order! Interjections are disorderly at all times. Members will restrain themselves and allow the member with the call to continue his speech.

The Hon. STEVE WHAN: The ski industry provides a massive economic boost to the Snowy Mountains region and generates millions of dollars in tax. Snowy Hydro is also a substantial employer in the Snowy Mountains region, generating many millions of dollars to benefit the local region. Cloud seeding is a win-win situation for the region, and that is why Labor implemented it. The Labor Government saw this process as important to enhancing snowfall in the area. I return to the point that cloud seeding is designed to produce snowfall to benefit the ski industry. It will not result in greater erosion. The run-off does not exacerbate erosion because the snow falls onto the snow pack and melts with existing snow. It is pleasing to see the Government making permanent the cloud seeding program that was put in place by the Labor Government.

Returning to the point about which members opposite were arguing, if a private landholder were involved it would be considered reasonable for the landholder to get a return. I do not think those opposite should argue about that. I am surprised that they did not take up that opportunity, given they are cutting the resources and the funding for national parks and the Jindabyne Visitor Centre. That is a disgraceful thing for the Government to do to an industry that is so vital to local tourism. The Jindabyne Visitor Centre is the first port of call for many tourists who travel to the Snowy Mountains. People call in to get information on the park and mountain conditions and to buy their park passes before they head off into the mountains. It is unfortunate that this Government is cutting that funding and yet members opposite interjecting rousingly when I suggest that it should be able to earn a little more money. It is hypocritical of the Government and its members.

In 2004 I supported legislation in the other place, as I did in 2008 when I delivered the agreement in principle speech on the Snowy Mountains Cloud Seeding Trial Amendment (Extension) Bill. I also support this legislation. It has benefits for the Snowy Mountains economy, for the local environment and also for the economic wellbeing of Snowy Hydro—that important government-owned asset which I hope, despite the recommendations of Infrastructure NSW, will stay a government-owned asset. It also has great benefits to the ski industry. The Opposition supports the bill, with the amendments I foreshadowed—which I look forward to discussing later. I urge the House to support the Snowy Mountains Cloud Seeding Trial Amendment Bill 2012, and my amendments.

The Hon. WALT SECORD [4.05 p.m.]: The Snowy Mountains Cloud Seeding Trial Amendment Bill 2012 authorises Snowy Hydro Limited to undertake full cloud seeding operations targeting the Snowy River water catchment. Under this bill, cloud seeding will be able to occur on a permanent basis in all suitable weather fronts between May and September. This will occur within the Snowy water catchment—an area of 5,117 square kilometres. I note that this is slightly more than double the original trial area of 2,250 square kilometres. I am advised that this is to align the target area for cloud seeding operations within the entire area of operation of Snowy Hydro Limited.

In the past 50 years snowfalls in the Australian Alps have been steadily declining due to climate change. That is why I support the decision to assist the natural process to create more snow in the Snowy Mountains. The Deputy Premier, in his second reading speech on September 19, stated that by expanding the target area Snowy Hydro Limited will be in a position to produce more precipitation. This can be used to create electricity and potentially increase the amount of water available for release for agricultural and environmental use. It can also support the tourist sector by increased snowfalls for the alpine ski resorts. I have been following this issue since 2003. By way of background, this bill has its origins in the Carr Labor Government's decision in mid February 2004 to approve cloud seeding trials in the Snowy. I note also the strong support from the Hon. Steve Whan. He has spoken publicly in support of the cloud seeding project and how it has benefitted the region environmentally and economically. He has been a strong advocate for the tourism sector there too.

Cloud seeding in the region was originally authorised under the Snowy Mountains Cloud Seeding Trial Act 2004. Under those arrangements, the trial was known as the Snowy Precipitation Enhancement Research Project. Originally, it was planned to run until 2009. However, in 2008 the Labor Government extended the trial until 2014. At the same time the target area was increased. The original aims of the Carr Government research project were three-pronged. They were: first, to increase snowfall from clouds passing over the target area in the Snowy Mountains; secondly, to assess the effectiveness and reliability of precipitation enhancement technology in the region; and, finally, to identify any adverse environmental impacts.

The trial authorised a weather modification technique that involves releasing silver iodide and a tracer agent into suitable clouds over the Snowy Mountains. These are special clouds that have super-cooled water in them, which has not been released. The chemicals released into the clouds cling to the tiny water particles. Eventually they become too large and fall to the ground as water droplets or snow. It is accepted that precipitation at elevations of 1,400 metres and above in Australia will fall as snow. Without this scientific intervention, the water in the clouds would have simply evaporated on the west side in what is commonly called a "rain shadow".

We are discussing this bill today because the trial started by the Carr Labor Government has clearly worked. It has increased snowfalls in the Snowy Mountains by 9 per cent to 14 per cent, depending on the target area. This has had benefits for the ski fields and resorts and the tourist sector by providing a more reliable snow cover. This supports and stimulates the local economy and jobs in the region. The most recent figures I could obtain show that the New South Wales tourist sector estimates that snow season tourism last year injected $463 million into the local economy.

Destination NSW reported recently that between June 2011 and June 2012 the Snowy Mountains had registered more than three million visitor nights. There were also 650,000 domestic day visits. Almost 84 per cent of visitors said their main reason for visiting the Snowy Mountains was for a holiday or pleasure, such as skiing or hiking. Further, there were 15,100 international visitors to the Snowy Mountains region between June 2011 and June 2012. Unfortunately, during the O'Farrell Government's first year in office international visitors to the Snowy Mountains dropped by 17.5 per cent. Therefore, I support any initiative that attracts visitors back to the region.

This year Australian ski resorts have reported their best snow seasons in years. However, in late September the Bureau of Meteorology stated that the climate conditions that support this may be about to expire. Many climate models are leaning towards another El Niño event, which means warmer sea temperatures resulting in warmer and drier winters in the coming years. Since 2004 the Federal Government has spent more than $4 million supporting the cloud seeding project while Snowy Hydro has spent about $36 million. The cloud seeding technique has also been used successfully for 40 years in Tasmania to top up dams, especially those involved in hydro-electricity production.

Indeed, the technique is older than that. Seeding was devised in 1946 by two American scientists who were looking for ways to increase snowfalls. Over the years cloud seeding technology has been used in Canada, China, India, Israel, the United Arab Emirates and the United States, particularly in the state of Nevada. I understand that in the 1950s a cloud seeding experiment occurred in the Snowy Mountains. It showed positive results, but was not continued at the time.

In supporting this initiative it is important to stress that it is not possible to get rain out of all clouds and that cloud seeding will not break protracted droughts. It does not work in all situations. The conditions have to be right and those conditions can be rare depending on location. Fortunately, I am advised that the Snowy has the right conditions for cloud seeding. The trial has increased spring water run-off into lakes and rivers. This is good for electricity generation at Snowy Hydro, and for farmers and irrigators on the Murray and Murrumbidgee rivers. On 18 September Snowy Hydro's managing director, Terry Charlton, spoke on ABC Regional Radio about the impact on farmers and irrigators. Mr Charlton said that as cloud seeding increases the snow pack it means that in a drought year there will be additional inflows that would not otherwise occur. Mr Charlton went on to say:

> … which means in the subsequent year, we won't be in a position where we have to reduce our releases under the water licence to the irrigators.

That is good news for New South Wales irrigators. I hope that Mr Charlton's claims and predictions are correct. Creating additional water for clean power generation is another benefit of this program, as the Deputy Premier noted in his second reading speech. This will increase the capability of Snowy Hydro to produce clean,

renewable energy. Snowy Hydro estimates that the additional water resulting from moving to full operation will be an increase on the trial of about 50 per cent. The amount of additional hydro-electricity generated is estimated at 36 gigawatt hours a year. To produce an equivalent amount of power a coal plant would emit more than 28,000 tonnes of carbon dioxide annually and burn more than 12,000 tonnes of black coal. So it is another great saving for the New South Wales environment. It is no wonder that reviews by the Natural Resources Commission and the CSIRO's Land and Water Centre for Environmental Contaminants Research support cloud seeding research. In October 2010 the Natural Resources Commission stated:

> Cloud seeding has increased snowfall in the overall target area under defined weather and operating conditions.

It also said that the research project was "of high scientific standard and the evaluation plan is statistically sound". The reviews found that the cloud seeding had no negative environmental or downstream effects, particularly directly to the east and to the coast. However, the reports gave rise to one concern, to which I will refer briefly. That is the matter of the chemicals required to create the precipitation. I note that in the 18 September 2012 edition of the *Cooma-Monaro Express* in an article entitled "Cloud Seeding gets go ahead" the O'Farrell Government rejected reports that chemicals have accumulated in soils, sediments, water or moss. But the Government has conceded that there needs to be more work in this area. Further, the shadow Minister for Resources and Primary Industries, the Hon. Steve Whan, has indicated that he would like to see two small amendments to toughen up the environmental protections. This would include replacing the word "may" with "must" in regard to scientific studies to ensure tougher and tighter environmental standards. For the record, the Deputy Premier said:

> In the interests of transparency, I should note that the Natural Resources Commission supports the continuation of the trial until the ultimate fate of the seeding chemicals is better understood.

In response to that statement, Snowy Hydro Limited has commenced a joint three-year environmental study with the University of Queensland. I am advised that the results will be reported in the scientific literature. In conclusion, I hope that when at full capacity the cloud seeding project started under Bob Carr will provide multiple benefits. I hope it will increase precipitation in the Snowy Mountains region and provide water for regional communities, particularly for irrigators. I hope it will help Snowy Hydro to increase its production of green energy through hydroelectricity and, finally, I hope it will provide more snow for the alpine tourism sector, resulting in more skiing days and increased opportunities for local businesses. With all that in mind, I commend the bill to the House.

The Hon. MELINDA PAVEY (Parliamentary Secretary) [4.14 p.m.]: I welcome the contributions of all speakers, particularly that of the Hon. Walt Secord. He made a very good contribution to the debate, and an honest one. It was the Carr Labor Government that introduced the legislation in 2004 through Minister Ian Macdonald, and I say quite genuinely that it was a great concept. As the Hon. Walt Secord pointed out, there was a trial in about 1986 that showed some good preliminary results but it took some time to advance that. At the time the Liberals and Nationals in opposition were very supportive of the project. Today we are debating legislation that is supported by the Labor Party, which is good. The bill will allow more streamlining of the process of cloud seeding. It is important that I correct for the record some airbrushing of history by the Hon. Steve Whan, who is well known to Snowy Hydro and the region as the former member for Monaro. I make this contribution in the context that I spent quite a deal of time in the Monaro in the lead-up to the 2011 State election.

The Hon. Steve Whan: Who was paying for that?

The Hon. MELINDA PAVEY: I note the interjection of the Hon. Steve Whan and its sinister connotations. The taxpayers of New South Wales enable Legislative Council members through our logistical support allowance to travel across New South Wales.

The Hon. Steve Whan: To be a campaign manager.

The Hon. MELINDA PAVEY: I was not a campaign manager. If the Hon. Steve Whan wants to go down that track what was he doing in Grafton? The point is there are many people in Cooma and the Monaro who were very disappointed following the release of the Natural Resource Commission report in 2010, which, as the Hon. Walt Secord pointed out, said that there was no negative environmental effect. There was much concern within Snowy Hydro—the biggest single employer in the region, with 200 or more employees—that it was costing the company a considerable amount of money to comply with the trial requirements in the original

legislation. Given that the Natural Resource Commission report in 2010 said there was no negative environmental effect, there was capacity to streamline the process. In essence, that is what we have done in this legislation.

When the Hon. Steve Whan was in government in 2010 he could have showed leadership in the community and sped up the process to resolve this matter. It has taken this Government, through the Deputy Premier, Andrew Stoner, and supported by the new member for Monaro, John Barilaro, to ensure that some common sense is applied. For too long the previous Government ignored streamlining the process because the Hon. Steve Whan showed no local leadership. It is important that full cloud seeding operations have widespread community support. As the Hon. Walt Secord pointed out, it is worth $460 million annually to the local ski industry. The other interesting aspect of the debate this afternoon was the Hon. Steve Whan's desire to see Snowy Hydro taxed further to get some income. The Hon. Steve Whan has the idea that a company can be taxed on expected rainfall. That is a very interesting concept.

The Hon. Steve Whan: That is totally misleading.

The Hon. MELINDA PAVEY: You can talk about misleading but you lacked some respect—

The Hon. Steve Whan: You weren't listening.

The Hon. MELINDA PAVEY: I was listening. If we are going to tax Snowy Hydro for receiving extra rain do we tax the local ski industry for the extra snow it is about to receive?

The Hon. Steve Whan: Point of order: The Parliamentary Secretary is impugning my motivations in what I said earlier. I certainly was not talking about taxation. She is completely misleading the House about my comments. I ask you to draw her back to the leave of the bill.

The ASSISTANT-PRESIDENT (Reverend the Hon. Fred Nile): Order! There is no point of order. The Parliamentary Secretary has the call.

The Hon. MELINDA PAVEY: I point out that it has taken this Government to streamline the process and ensure the extra water can be collected by doubling the land mass over which cloud seeding can be undertaken. That is a very positive step. I congratulate the Government and the new member for Monaro, John Barilaro, on pushing this through government and ensuring great outcomes for that wonderful electorate.

The Hon. PAUL GREEN [4.19 p.m.]: I speak on behalf of the Christian Democratic Party in debate on the Snowy Mountains Cloud Seeding Trial Amendment Bill 2012. The bill authorises Snowy Hydro Limited to move from a cloud seeding trial stage to full cloud seeding operations. The concept of modern cloud seeding began in 1946 when American researchers Langmuir and Schaefer discovered that rain could be induced by seeding clouds with dry ice. Within two months Edward "Taffy" Bowen and his staff at the CSIRO Division of Radiophysics began a trial in 1947 in New South Wales using Royal Australian Air Force aircraft.

Success was immediate. It was a day when deep cumulus clouds covered the country inland from Sydney. All the clouds appeared similar in type and size, which was important for the clear-cut result. A plane dumped dry ice into one of the clouds and, within minutes, rain started to fall while the cloud top mushroomed explosively. The rain lasted several hours and more than 12 millimetres fell over an area of 80 square kilometres. Surrounding clouds gave no rain. This is believed to be the first documented case anywhere in the world of an appreciable amount of man-made rainfall reaching the ground and the first time that dynamic cloud growth had followed seeding.

This striking result held such promise that a systematic program of cloud seeding was set up in February 1947 and continued for the next 24 years. From 1955 to 1963 Bowen's group, who were known as "the rainmakers", carried out four intensive experiments over South Australia, the Snowy Mountains, the Warragamba Dam catchment area west of Sydney, and the New England region of New South Wales. The first two years were so successful, with an estimated rainfall increase of 25 per cent, that several more regions were quickly selected. However, subsequent years in all trial areas showed a gradual decay of the induced rainfall within time. The induced rainfall frustrated the early researchers. It was not until many years later that Bigg and Turton discovered there was a delayed rain effect around one to three weeks after cloud seeding. This was the likely cause, which frustrated the original statistics collected by Bowen's group.

It is important to note that cloud seeding does not work under all cloud conditions. A study published in 2010 by Professor Alpert of Tel Aviv University found that, contrary to most reports, cloud seeding programs are not effective mechanisms for precipitation enhancement. The findings by his group, published in the peer-reviewed journal *Atmospheric Research*, examined over 50 years worth of data on cloud seeding. The group looked specifically at the effects of seeding on rainfall and the amounts in the targeted area over the Sea of Galilee in the north of Israel. The research team used a comprehensive rainfall database and compared statistics from periods of seeding and non-seeding as well as the amounts of precipitation in adjacent non-seeded areas. Professor Alpert said:

> By comparing rainfall statistics with periods of seeding, we were able to show that increments of rainfall happened by chance ...
>
> For the first time, we were able to explain the increases in rainfall through changing weather patterns (instead of the use of cloud seeding).

Making one exception for the use of cloud seeding, Professor Alpert said:

> The only probable place where cloud seeding could be successful is when seeding is performed on orographic clouds, which develop over mountains and have a short life span. In this type of cloud, seeding could serve to accelerate the formation of precipitation.

That brings us back to the substance of the bill. The orographic clouds that Professor Alpert refers to are exactly the same kind found over the Snowy Mountains in New South Wales. Under these conditions, this is an appropriate and viable use of cloud seeding. The Christian Democratic Party understands that a small number of individuals may have some environmental concerns relating to cloud seeding in the Snowy Mountains. In 2010 the New South Wales Natural Resources Commission completed its review of the first phase of the Snowy Hydro's cloud seeding trial and found that there was no evidence of adverse environmental impact. This mirrored previous reports, in 2005, 2007 and 2009, in which independent Natural Resources Commission reviewers found no evidence of adverse environmental impacts. The key findings of the Natural Resources Commission state:

> There is no evidence that the chemicals used as the seeding agent and tracer (silver iodide and indium trioxide) have accumulated in sampled soils, sediments, water or moss in the areas being tested. There is also no evidence of impacts on snow habitats, or of difference in the concentrations of ammonia and nitrogen oxides in seeded and unseeded snow.
>
> The monitoring results have detected no adverse impacts on rainfall in the downwind areas during the first phase of the trial.

The Natural Resources Commission report noted a potential concern related to "... the transport and potential long-term accumulation and impacts of silver iodide and indium (III) trioxide." Although the commission noted that no adverse environmental effects were detected at the time of writing the report, it conceded that it was important for future risk analysis to understand the ultimate fate of these seeding chemicals. The report stated:

> If the landscape storage of the applied silver iodide and the indium trioxide remains unknown, there can be no certainty that environmental impacts will not arise from long-term repeated cloud seeding.

It further stated:

> It would not be appropriate to end the trial and make cloud seeding permanent until the monitoring program can detect where the silver iodide and indium trioxide are in fact going.

The Natural Resources Commission concluded by recommending that:

> ... Snowy Hydro take a more investigative approach to determine the fate of these chemicals. It should review its conceptual model of how silver iodide and indium trioxide are transported in the environment and where they are likely to accumulate.

A letter from Dr John Keniry of the Natural Resources Commission to the Minister for the Environment dated 5 July 2012 covers most of these concerns. However, Dr Keniry makes a couple of important recommendations. The first states:

> The Natural Resources Commission recommends vigilant monitoring of the program by the Snowy Hydro and the University of Queensland to ensure it meets its research objectives.

The second states:

> The Natural Resources Commission also notes that monitoring samples are no longer crosschecked by different laboratories, as is standard practice for the detection of low concentrations of chemicals. As this one laboratory also delivers all the key conclusions from environmental monitoring, the Natural Resources Commission recommends that independent service providers be used to manage these risks.

In light of the evidence currently on hand, the Christian Democratic Party appreciates that the cloud seeding technique appears to be working in the Snowy Mountains. However, the Christian Democratic Party is also supportive of Dr Keniry's recommendations about current testing practices. We anticipate the Government will implement rigorous environmental testing that is crosschecked by different laboratories with independent advice in accordance with that of Dr Keniry.

The Hon. RICK COLLESS [4.28 p.m.]: I give my solid support to the Snowy Mountains Cloud Seeding Trial Amendment Bill 2012. It was rather interesting to hear the Hon. Steve Whan claim credit for cloud seeding in New South Wales. As the Hon. Paul Green pointed out, cloud seeding in Australia started in 1947 under the reign of the Menzies Government. In those days it was undertaken by the CSIRO. As a youngster growing up in the New England region in those years, I was familiar with the cloud seeding aircraft flying around. One of the most substantial trials in the New England region occurred between 1958 and 1963. That was done by the CSIRO and, once again, it was authorised by the Menzies Liberal-Country Party Government. I cannot understand how the Hon. Steve Whan can say that the Labor Party initiated cloud seeding in New South Wales and Australia. Clearly, it did not; it was commenced before he started wearing long pants. The Labor Party cannot take credit for it all.

The cloud seeding forum held on 10 November 1994 in Inverell was initiated by the North West Catchment Management Committee. Shortly after that forum a cloud seeding trial was approved by the then Minister for Land and Water Conservation, the Hon. George Souris. The 12-week trial was to encompass the Pindari, Copeton, Split Rock and Keepit dam catchment areas, which cover 13,000 square kilometres. That trial was under the direction and control of a person whom the Hon. Duncan Gay knows well, Dr Ian Searle, a CSIRO scientist who has now retired, and the Snowy Mountains Corporation.

The impact of the trial was immediate and substantial. Most stations in the area recorded falls of between 120 per cent and 160 per cent of their long-term average. Given that the area was experiencing a severe drought at the time, that was a significant amount of rain. Armidale recorded 358 millimetres of rain, Glen Innes recorded 305 millimetres, Inverell recorded 304 millimetres, Gunnedah recorded 325 millimetres, Moree recorded 344 millimetres and Narrabri recorded 254 millimetres. The report produced following the trial, importantly recommended that operational seeding be continued during the following season, and it was suggested that a long-term trial be conducted the following summer, starting in October and continuing for three or four months. Of course, we know what happened in 1995—the government changed. What happened?

The Hon. Duncan Gay: Nothing.

The Hon. RICK COLLESS: Exactly. The newly elected Carr Government canned any further research work. That was further proof that that Government simply did not care about regional New South Wales. That work would have made a substantial difference to long-term rainfall in that area. It is important that the cloud seeding that is the subject of this legislation become permanent. We know that cloud seeding increases rainfall, which is why it should be continued.

Silver iodide was used in the 1994 trial in New England and there was a great deal of discussion at the time about its harmful effects, what happens to it in the environment and so on. No substantial proof has been presented that it has had any effect. Very small amounts are used and there is very limited research information available about its toxicity. It is thought to have some significant health benefits in very small doses. Its crystalline structure is very similar to the structure of ice and that is why it stimulates the formation of raindrops in clouds. I support this bill. It is a very worthwhile initiative by this Government that is designed to ensure that cloud seeding is continued in the Snowy Mountains.

The Hon. CATE FAEHRMANN [4.34 p.m.]: I speak on behalf of The Greens on the Snowy Mountains Cloud Seeding Trial Amendment Bill 2012. The Greens will not support this bill. The object of the bill is to replace the current trial of cloud seeding operations in the Snowy Mountains area as provided for in the Snowy Mountains Cloud Seeding Trial Act 2004—the principal Act—with a scheme to provide for ongoing operations in a larger part of the Snowy Mountains area. As we have heard, the bill authorises cloud seeding operations to be carried out on behalf of Snowy Hydro Limited subject to conditions. It requires approving the use of approved seeding agents, approved tracing agents and approved methods of discharge.

It also requires the preparation and approval by the Minister for Planning and Infrastructure and the Minister for the Environment of an environmental management plan relating to cloud seeding. Snowy Hydro Limited must prepare an annual report on its cloud seeding operations. The bill provides only that the

Environment Protection Authority must review the report and cloud seeding operations from time to time, report on findings and make recommendations to the board. It also makes other consequential amendments, including to the operations of the Protection of the Environment Operations Act 1997.

The Greens understand the commercial imperatives of cloud seeding. Despite that, we have concerns about the environmental impacts, as did the former Parliament when a trial was initially established. The principal Act provided for a trial that was originally to run until 2009. However, that was extended until April 2015, with the last seeding season being in 2014 and covering an increased target area. Given that the trial was intended to run until 2015, The Greens believe that this legislation is premature. It is not prudent to move from a trial to a full operation without the benefit of the scientific trial running its full term. If it were 2015, we probably still would not support the bill and would seek to amend it to include mandatory safeguards.

Snowy Hydro Limited has been requested to conduct a research program specifically designed to examine silver iodide and indium trioxide reporting in 2014. The Greens question why the 2015 timeframe has been abandoned. Is this another example of the Government's sidelining the science or is it a lack of patience with the science and a failure to understand that scientific research takes time? Or is it a lack of respect for science more generally? Scientific trials of this nature are necessarily long term. That is because environmental impacts can be cumulative and sometimes unpredictable over longer timeframes. The Government must respect that and have patience.

I understand that in March 2012 the Government announced that cloud seeding would become fully operational and foreshadowed these legislative changes. Then, in July this year, the Natural Resources Commission advised the Minister for the Environment about the 2011 annual report from Snowy Hydro Limited. The Greens acknowledge that the Natural Resources Commission reviewed the 2011 annual report of the trial in 2012 and found that it continued to comply with the Act and that there was no evidence of it having adverse environmental impacts or adverse impacts on rainfall in downwind areas.

However—and this is very important—in 2010, following a mid-term review, the Natural Resources Commission said that a key uncertainty was the transport and potential long-term accumulation and impacts of cloud seeding and tracer agents. It recommended that Snowy Hydro Limited investigate the ultimate fate of the chemicals over the next phase of the trial. In response to that recommendation, Snowy Hydro Limited commenced a three-year research program in 2010 to determine the fate of cloud seeding agents in the environment, and specifically silver iodide and indium trioxide. The research program and discussion and analysis of the study are scheduled for completion in 2014.

In 2012 the Natural Resources Commission recommended vigilant monitoring of the research program to ensure that it meets its research objectives. In a letter to the Minister dated July 2012 the commission said that appraisal of the research at the time was limited; that is, it would need to wait until completion of the research in 2014 to be able to give the Minister a considered and comprehensive appraisal. So why the rush? Why has the Government gone ahead with this bill now and not waited for the results of the research and final reporting on the trial? Is the Natural Resources Commission advice to carry out this research inconvenient? In fact, I am starting to get the feeling that this Government thinks the Natural Resources Commission is inconvenient. Items [6], [13] and [15] of schedule 1 make amendments as a consequence of the removal of the role of the Natural Resources Commission purportedly because it is no longer needed as it will no longer be a trial.

Removing the role of the Natural Resources Commission from this process is of major concern to The Greens. It may no longer be called a trial by name, but there are provisions to introduce new seeding agents and new tracers—in other words, new chemicals—into the Snowy catchment. Even more significantly, the Act will remove the restrictions on agents only being discharged from land-based aerosol generators. The new provisions enable the approval by the relevant Ministers of aerial methods of discharge of approved agents. These are significant changes. I understand the Hon. Steve Whan has foreshadowed amendments in this regard, which The Greens will probably support. Of course, the Natural Resources Commission should continue to be closely consulted as an independent source of scientific advice on any new chemicals put into the atmosphere in this way. Why would we not consult the Natural Resources Commission?

As an aside, the Government is planning to curtail the Natural Resources Commission's involvement in native vegetation management. I have sat through public hearings on public lands where Government members of Parliament have been a party to criticism of the Natural Resources Commission over advice in relation to national parks. I wonder what the O'Farrell Government's plans are for the Natural Resources Commission. The Government may claim that the Environment Protection Authority will have an oversight role, but that oversight

role is incredibly weak. I see that the Environment Protection Authority will be reviewing annual reports—schedule 1 [14], proposed new section 6A, 6B and 6C—but that is after the event. What role will the Environment Protection Authority have in assessing new agents and aerial methods before they are deployed? I see it may also review and report on cloud seeding "generally" from "time to time". What does that mean?

This Government proudly says it has given the Environment Protection Authority its teeth back. Well it has not done anything of the sort with this bill. I have to ask: Why is Snowy Hydro not required to go through usual Environment Protection Authority processes if it is introducing new agents? This bill allows for anything to be a seeding agent or a tracer agent. I know that the Natural Resources Commission expressed concern that the monitoring of cross-samples are no longer cross-checked by different laboratories, as is standard practice for the detection of low concentration of chemicals, which I understand the Hon. Paul Green also mentioned. I am interested to know if that concern of the Natural Resources Commission has now been rectified.

In the mid-term review study in 2010 the Natural Resources Commission also recommended Snowy Hydro study the likely impact of climate change on the conditions for cloud seeding to be effective in the future. The Greens are interested to know what the prognosis is for cloud seeding in a changed climate. Snowy Hydro Limited claims that this trial will increase snowfall by 10 per cent, produce 70 gigalitres of water per year and generate an extra 130 gigawatts of electricity, yet in 2007 the Natural Resources Commission reported that despite $20 million of public money spent the trial does not provide any evidence to support claims of increased snowfall caused by cloud seeding.

The commission found that the monitoring by Snowy Hydro cannot scientifically prove whether cloud seeding causes environmental impacts. Today we are told there are no environmental impacts, but in 2007 the Natural Resources Commission warned us that monitoring by Snowy Hydro Limited cannot prove whether there will be environmental impacts in any case. It is important that members recognise that we need to consider many things before approving cloud seeding operations. There are many important reasons why we need to take exceptional care of this pristine alpine environment.

For starters, the resident southern corroboree frog and the Burramy, or mountain pygmy possum, are critically endangered species protected under the Threatened Species Conservation Act. We need to take care of them. We must remember the entire range of the Burramys in New South Wales is a 30 kilometre by eight kilometre area of Kosciuszko National Park, where it occupies less than four square kilometres of habitat. If we do not look after them well in that location, there is no back up. The Australian alps national parks, covering the area relating to this bill, were included in the National Heritage list on 7 November 2008 under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999. As a cold-climate, high-altitude site, it is unique in the Australian low-altitude, low-latitude continent.

The National Heritage listing classifies the area as having outstanding heritage value to the nation because of its pattern of natural and cultural history. It has glacial and peri-glacial features with permafrost deposits, remarkable fossil species diversity with preserved fish fossils contributing to our knowledge of vertebrate evolution. It supports uncommon, rare and endangered species. It is a major world centre of plant diversity. There are examples of karst landscapes with complex underground water flow networks, caves and aquifers.

The Australian alps national parks are a powerful, spectacular and distinctive landscape highly valued by the Australian community. It is here that we have one of our most iconic and ecological important national parks, Kosciuszko. Kosciuszko National Park is nationally and internationally recognised as a UNESCO biosphere reserve. It contains nine wilderness areas covering about 300,000 hectares. Its alpine and sub-alpine areas contain rare plant species found nowhere else in the world and are home to the rare mountain pygmy possum and corroboree frog.

The Hon. Matthew Mason-Cox: Have you been there?

The Hon. CATE FAEHRMANN: Yes, I have many times. In fact, I have walked Kosciuszko National Park in summer and it is a very beautiful part of the world to be in summer with no snow. The alpine area has quite distinct features. Spectacular glacial lakes and large granite boulders dominate the area. The vegetation varies from herb fields of snow grass and snow daisies, heaths, feldmarks, consisting of bare, stony ground between plants, and alpine bogs. Yarrangobilly caves, with thermal pools and unique karst landscape, are some of the most beautiful in Australia. We have an endangered ecological community that is dependent on aquatic health. The aquatic ecological community in the catchment of the Snowy River in New South Wales is

an endangered ecological community under the New South Wales Fisheries Management Act. The area covered by this determination includes all rivers, creeks and streams of the Snowy River catchment within the State of New South Wales.

I am concerned that the bill provides insufficient safeguards to protect these highly valued natural assets, heritage and biodiversity, particularly things such as endangered ecological communities that are so dependent on pristine aquatic health. The Greens are particularly concerned about the approval process for the addition of new seeding agents, tracing agents and aerial methods of discharge, which is dependent on the relevant Minister and an environmental management plan. This process is not sufficiently rigorous. It could allow for additional seeding agents to be used without sufficient scrutiny of potential effects on the environment.

Applications for new seeding or tracing agents are dealt with through the Environmental Management Plan in schedule 1 [10] to the bill, which inserts new section 5 (3) (a) to the bill. If Snowy Hydro wishes to start using a new seeding or tracing agent it is only discretionary for the Minister to require a public review and approval process. That is one of the main reasons The Greens will not be supporting this bill, in addition to the reasons I outlined earlier about the trial being underway and the initial concerns of the Natural Resources Commission about the long-term accumulation of these agents and the research not being fully analysed and reported. In fact, the research has not even been completed. Schedule 1 [10] inserts new section 5 (4) in the bill, which says that it is only discretionary for the Minister to require an independent scientific assessment of the proposed cloud seeding operations that differ from the operations currently authorised.

We should ensure that the Environment Protection Authority and the Natural Resources Commission—independent bodies—approve any changes to the operation of such a sensitive and pristine environment, especially when those changes include chemicals that this Parliament is unaware of. Those independent bodies should undertake reviews and ensure that the chemicals are 100 per cent safe before they go head. These reviews and assessments should be mandatory. The Greens are also concerned that there is no definition of these seeding agents or tracing agents. In the Act they are called a "thing". At present silver iodide and indium trioxide are approved agents. Chemical agents are incredibly complex. Any new agents must be defined so that they cannot be slipped through as simply a small change to the already approved compounds.

In summary, much is at stake when we intervene in ecological processes in such sensitive environments. The biodiversity of the Snowy Mountains is precious. Indeed, the ecology and biodiversity of the Snowy Mountains are so highly valued that they are protected by many layers of legislation. The Greens urge great caution and recommend that the Government respects the original timeline for the trial before proceeding any further with the bill. The Greens oppose the bill.

The Hon. MATTHEW MASON-COX (Parliamentary Secretary) [4.50 p.m.]: Mr Assistant-President, when is a trial not a trial? The answer is, when a government has the courage to make a decision. The cloud seeding trial commenced in 2004. The evidence has been in for a considerable period of time and the O'Farrell Government has the courage to make a decision. The Greens seek to deny the barefaced truth. Indeed, the former Labor Government should have made this decision a long time ago. We have heard a litany of excuses from the former member for Monaro. He sits in this place as a result of his inaction and that of the former Labor Government for 16 long years. What a trial that was for the people of New South Wales.

I am very proud to be part of a government that is willing to make decisions. I commend the Deputy Premier for his leadership in this regard. I also commend the member for Monaro, who has been a strong advocate on behalf of the Snowy Mountains community, in finally getting a decision on this important issue. Let us examine some of the facts that have been lost in the diatribe we have heard from the Opposition and crossbenches. The impact of industries such as the ski industry in the Snowy Mountains is significant. That industry contributes $290 million per annum, which represents 57 per cent of the gross product of the region and 51 per cent of the employment in the Snowy River shire. The ski industry will benefit from cloud seeding being part of government policy rather than a continuing trial. This is a win-win across the board for local communities and for the regions that rely on the water flow from the Snowy Mountains.

The local environment will be protected under the changes promulgated by this bill. Assessments and protections will be in place to ensure the environment does not suffer. The increase in snowfall will result in a boost to the ski industry and the local tourism industry, and the water from the melting snow will drive the Snowy Hydro turbines and produce renewable energy for the residents on the eastern seaboard of this great country. The Snowy Hydro produces about 40 per cent of renewable energy on the eastern seaboard. That is

where the water will go on its way to the Murrumbidgee and Murray rivers to support the important agricultural industries along those great rivers as it makes its way to Adelaide. It is a win for these regional communities. I cannot understand why The Greens would stand in the way of such a positive—

The Hon. Duncan Gay: They have left.

The Hon. MATTHEW MASON-COX: The Greens have left the Chamber because they hate governments making decisions. In conclusion, I again congratulate the Deputy-Premier and the member for Monaro on their hard work. I also congratulate Terry Charleton and his team at Snowy Hydro on the great job they do. Local industry, the agricultural industries downstream and the renewable energy industry in this great State will all be the winners from this. Accordingly, I strongly commend the bill to the House.

The Hon. DUNCAN GAY (Minister for Roads and Ports) [4.54 p.m.], in reply: I thank all members for their contribution to this debate, even The Greens who are not present in the Chamber. The Snowy Mountains Cloud Seeding Trial Amendment Bill authorises Snowy Hydro Limited to carry out full cloud seeding operations targeting the Snowy Mountains region. The eight-year Snowy Precipitation Enhancement Research Project has shown a statistically significant 14 per cent average increase in snowfall under suitable operating conditions. Furthermore, comprehensive environmental monitoring over those eight years has also shown there is no evidence of environmental impacts from the seeding agent. When the bill was first introduced by Minister Macdonald in the previous Government, I was the shadow Minister in the area and I was pleased to support it. I have a grazing property in the shadow of the mountains—

The Hon. Jeremy Buckingham: Are you declaring an interest?

The Hon. DUNCAN GAY: For the benefit of the dopey one, I am declaring an interest. I would be one of those who would be complaining if I were concerned that this would take the rain from the adjoining farmers; I am not. I am here, like many others, supporting this excellent initiative. I thank the Hon. Steve Whan for his contribution. The Hon. Steve Whan foreshadowed an amendment to be moved in the Committee stage which, in part, is a very good amendment. As I have privately indicated to the member, the Government is happy to support the second part of the foreshadowed amendment. In fact, the Government acknowledges that Labor's amendment better reflects the Government's intention with respect to independent scientific assessment for the operation approved in the trial. That part of the amendment is better than the legislation in that case. But the Government does not agree with the first part of the amendment because it is very restrictive.

Interestingly, members from a variety of backgrounds have made sensible contributions in their support for this bill. For example, the Hon. Rick Colless spoke about its history. During his contribution I had the feeling that he had wrapped the scarf around his neck, pulled the leather goggles on and was spinning the propeller on the Sopwith Camel. But it is important to understand the history and some of the heroes involved in this, including the Hon. George Souris. He was one of the key agents but, sadly, his initiatives were held up—not for 16 years in this instance—for a number of years.

The Hon. Matthew Mason-Cox addressed the comments made by the Hon. Cate Faehrmann on finishing the trial early. As he said, Snowy Hydro has been carrying out the Snowy Precipitation Enhancement Research Project since the winter of 2004. The objects set out to the commencement of the trial have been achieved. An independent evaluation has confirmed that cloud seeding increases snowfalls by an average of 14 per cent when undertaken during suitable conditions. These results have been published in the independent peer reviewed, international scientific literature. Comprehensive and rigorous monitoring undertaken over the course of the trial has found no evidence of any adverse environmental impacts associated with cloud seeding, and no evidence of any adverse impacts on precipitation downwind of the target area.

The increased snowfalls of 14 per cent have delivered substantial benefits, including improved water availability and economic growth in this section of regional New South Wales from the enhancement of skiing opportunities and, during the trial period, the implementation of the experimental design where some clouds were seeded and others were not.

Frankly, if the trial were to continue not all experiments would be seeded, and this would result in a continued missed opportunity to maximise precipitation. As the Hon. Matthew Mason-Cox said, at some stage we must stop the trial, make a decision and make things happen. That is certainly the mantra of the Deputy Premier, who wants to get on with things and make it happen. Concern was raised about whether there will be any environmental monitoring under the operational program. The answer is that environmental monitoring will

continue. The Cloud Seeding Environmental Management Plan and the Ministers' suspension powers separately provide robust ongoing environmental protection measures. It will be mandatory under the Act for cloud seeding operations to comply with the plan.

Any amendments to the environmental management plan must be approved by the relevant Ministers, and the plan will be reviewed every five years. The environmental management plan has been designed to detect any adverse environmental trend well before any level of concern is reached. The scope of the plan covers the establishment, operation and maintenance of infrastructure; the use of cloud seeding agents; and changes to precipitation. In addition, an independent environmental fate study commenced in 2010. Concern was also raised about what environmental reporting Snowy Hydro Limited will be required to undertake. The bill includes appropriate reporting requirements. It amends the Act to include a statutory requirement for Snowy Hydro Limited to prepare and comply with an environmental management plan approved by the relevant Ministers.

It is intended that the plan will incorporate a process to identify and address potential adverse environmental impacts; include a public review and approval process that must be undertaken prior to any aerial cloud seeding operations or changes to seeding and tracer agents; and include a dispute resolution process for matters between Snowy Hydro Limited, the community, relevant Ministers and New South Wales government agencies. It is relevant to note that the environmental fate of the tracer and seeding agents used in cloud seeding will continue under the environmental management plan after the transition from the trial to full operation. Concern was also raised about whether any new seeding or tracer agents will be subject to approval. The bill provides for the use of agents other than the currently allowed silver iodide as a seeding agent and indium sesquioxide as a control tracer.

Future advances in technology may lead to the development of more effective and less costly alternatives to the current agents but will be just as environmentally friendly. Snowy Hydro Limited will be able to take advantage of technological advances in seeding or tracer agents. The New South Wales Government will retain the safeguard of ultimate control of the use of new agents through the environmental management plan. The bill also provides that an application for approval of the use of a new seeding agent or a new tracing agent must be accompanied by details of a health risk assessment of the new agent that is carried out in accordance with the requirements in the environmental management plan. The environmental management plan requires monitoring of the impacts of the agents used.

By enabling the full operation of the Snowy Hydro cloud seeding project, the bill will increase snowfall in the Snowy Mountains. This will in turn provide multiple benefits, including additional water for regional communities; increased water flows through the Snowy and Murray river systems, helping replenish water storage systems on the Snowy and Murray river systems in times of drought; increased green energy through hydro-electric production; more consistent energy production, contributing to the habitat of water-dependent native species; more water for irrigators and the environment; greater flexibility in water use; more snow for the alpine environment; enhancement of skiing opportunities; and increased business for local businesses.

The Hon. Dr Peter Phelps: Makes you wonder why The Greens hate it.

The Hon. DUNCAN GAY: I note the interjection by the Hon. Dr Peter Phelps. Sometimes I wonder what The Greens are about. Frankly, I suspect that they like the coal-fuelled energy that they say they hate. When the Government provides a viable green alternative, The Greens simply want to put it down and stop it. Or maybe it is that nuclear solution that The Greens really like. I commend the bill to the House, and I thank my colleagues for their contributions.

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.

The Hon. STEVE WHAN [5.07 p.m.]: I do not intend to move Opposition amendment No. 1 on sheet C2012-130. I move Opposition amendment No. 2 on sheet C2012-130:

No. 2 Page 7, schedule 1 [10], proposed section 5, lines 18 and 19. Omit "The relevant Ministers may require an application for approval of an EMP to". Insert instead "An application for approval of an EMP must".

The aim of the amendment is to ensure that there is a requirement that scientific work be carried out before a new agent or method of delivery is used. Rather than using the words "may require", the bill would contain the words "must require". I do not think I need to say any more, given that we discussed the issue in the second reading debate. In my contribution to the second reading debate I was remiss in not thanking the Minister's office and the department for providing me with a briefing. I thank them for doing so.

The Hon. DUNCAN GAY (Minister for Roads and Ports) [5.09 p.m.]: As I indicated in my speech in reply, the Government agrees that this is an appropriate amendment. Changing "may" to "must" is desirable because it better reflects the Government's intention in relation to an independent scientific assessment of operations that differs from those approved for the trial. To insist that an independent assessment should be undertaken is appropriate and we thank the Hon. Steve Whan for the amendment.

The Hon. CATE FAEHRMANN [5.10 p.m.]: The Greens support the amendment. It is disappointing that the original bill did not contain this requirement. I congratulate the Hon. Steve Whan on bringing forward this amendment. It is important to remember that there is uncertainty surrounding the impact of new chemicals and tracer agents. Alpine environments contain sensitive species such as frogs, which are highly susceptible to toxins. It is important that any changes are rigorously assessed by an independent scientific body such as the Natural Resources Commission [NRC] and it is my hope that the assessment will be undertaken by that organisation.

Question—That Opposition amendment No. 2 [C2012-130] be agreed to—put and resolved in the affirmative.

Opposition amendment No. 2 [C2012-130] agreed to.

Schedule 1 as amended agreed to.

Schedule 2 agreed to.

Title agreed to.

Bill reported from Committee with an amendment.

Adoption of Report

Motion by the Hon. Duncan Gay agreed to:

That the report be adopted.

Report adopted.

Third Reading

Motion by the Hon. Duncan Gay agreed to:

That this bill be now read a third time.

Bill read a third time and returned to the Legislative Assembly with a message requesting its concurrence in the amendment.

HUMAN TISSUE LEGISLATION AMENDMENT BILL 2012

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

COASTAL PROTECTION AMENDMENT BILL 2012

Second Reading

The Hon. GREG PEARCE (Minister for Finance and Services, and Minister for the Illawarra) [5.15 p.m.]: I move:

That this bill be now read a second time.

Coastal erosion is threatening at least 200 homes in New South Wales. It is estimated that there are at least 15 hotspots up and down the coast. A "hotspot" is defined as more than five affected properties or a public road. Red tape restrictions have prevented landowners from taking immediate action to protect their properties. Local councils have been under severe financial and regulatory constraints on this issue, as have ratepayers, and have been desperately seeking help from the New South Wales Government. The Government is committed to giving these local communities certainty when it comes to managing coastal hazards. The vast New South Wales coastline stretches for 2,137 kilometres. The coastline, including its low-lying estuaries, needs to be sheltered from extreme weather events and landowners need to be able to protect their properties in the face of those events.

The three main objectives of this bill are to seek to amend the Coastal Protection Act 1979 to ensure that landowners can more easily place sandbags to reduce the impact of coastal erosion, to remove the requirement for councils to include coastal hazard risk category information from coastal to zone management plans on section 149 certificates, and to reduce excessive penalties for offences relating to sandbag works protecting property. This bill is a key component of the Government's stage one coastal erosion reforms. This is a broad issue. The Government is working long and hard on this issue to achieve solutions. As the second reading of the bill has been made in the other House, I seek leave to incorporate the remainder of my speech in *Hansard*.

Leave granted.

Community consultation occurred up and down the coast before the process of a ministerial task force was embarked upon. The process involved having the Deputy Premier, and Minister for Regional Infrastructure and Services, the Minister for Local Government, and Minister for the North Coast, the Minister for Police and Emergency Services, the Minister for the Central Coast and the Minister for the Environment working together around a table to get some solutions. The members of the Liberal-Nationals who represent electorates up and down the coast understand how important the issue is. Each and every one of the Ministers around the table worked hard and is continuing to work hard to attain solutions.

The task force has been supported by senior officers from each department who have been energised by the opportunity to work together to support their Ministers because these are planning issues as much as they involve the environment. They are issues that relate to local government and emergency services and impact on each of those portfolios. The key role of the task force has been to examine the 2010 amendments enacted by the former Labor Government. They have been a cause of ongoing concern up and down the coastline. Part of the process, apart from having the task force of Ministers and staff, has been the establishment of an expert panel consisting of planners, engineers, financial experts and local government experts that test every step of the work being undertaken.

The first stage of reform is proof that this Government, unlike its predecessor, has heard and responded to the needs of local coastal communities. The reforms announced by the Government include amendments to the Coastal Protection Act 1979 to clarify what information councils should put on section 149 certificates relating to coastal hazard categories. New guidelines on section 149 certificate notations will be prepared for councils by the Department of Planning and Infrastructure. That means that the Government will be resourcing councils in this process. The reforms will clarify the use of sea level rise benchmarks by councils. Following a report by the Chief Scientist and Engineer, Professor Mary O'Kane, which identified the evolving nature of the science in this area, the Government will no longer recommend statewide sea level rise projections for councils to use.

It is not a denial that sea level rise exists. It does exist and has existed for thousands of years—sea levels have changed and continue to change. It is a fact that the science and its impact in different areas is evolving. The Government will support local councils with information and expert advice on projections for future sea level rise relevant to local areas. The former Labor Government issued sea level rise projections that went up and down the coast and ignored local influences. This Government will make sure local councils have the correct information and will be developing a statewide hazard mapping methodology for councils to use for consistent coastal hazard mapping. These are stage one reforms. They are part of a larger two-stage process.

As transition occurs into further reforms it will be essential that clear and practical advice is given to councils. The task force will continue to meet and to talk to councils and local communities—even in Shellharbour—to ensure it is best placed to deal with coastal risks. It is important that the task force proposals are carefully developed in a way that is integrated within other government reviews. That is why this is part one. The process needs to integrate with changes to the planning system and the review of the Local Government Act. The Government will announce further reforms and will continue to consult with the community and councils. The task force has had expert scientific and technical input and will continue to receive advice from the expert coastal panel.

That panel gives advice on coastal engineering, coastal planning, strategic planning, local government issues and landholder issues. The Chief Scientist and Engineer, Professor Mary O'Kane, provided a report and it is available on the chief scientist's website. I encourage members to read it. As recently highlighted by the *Australian* newspaper, there is a need to continue to examine the science behind projected future sea level rise. Australian National University Professor Kurt Lambeck has received the prestigious Balzan Prize for his work on climate change. His findings echo those of the New South Wales Chief Scientist. Professor Lambeck talks about the uncertainty surrounding the science of sea level rise and the need for further study in this area. These findings are supported by the work of two of Australia's leading researchers in the field, Dr John Church, from the CSIRO, and Josh Willis, in their paper, "Regional Sea-Level Projection" published in the journal *Science*.

Willis and Church argue that more accurate projections of regional sea levels are needed to inform adaptation and mitigation planning and, notably, that efforts to compare different modelling approaches could result in more reliable scenarios being developed to project rising seas. The bill is a sensible start to this process; so the Opposition ought to support it. Some of the 11 environment Ministers in the former Labor Government did not try to grapple with the issues, while others at least had a go at trying to get answers, although they ended up making things worse. I will now provide details of the bill to the House. An important aspect of the bill will be to cut red tape associated with temporary coastal protection works. Some members opposite misunderstand what that really means. The former Labor Government's 2010 amendments to the Coastal Protection Act 1979 allowing landowners to place emergency coastal protection works were too restrictive on where and when those works could be placed, tying up landowners in unnecessary red tape.

This bill takes a common-sense approach; it expands the opportunities for private landowners to place these works, particularly on their land. The bill continues the arrangements whereby a private landowner does not require regulatory approval under the Coastal Protection Act or any other law for temporary coastal protection works that comply with the requirements under this Act. This means that landowners will continue to not require development consent under the Environmental Planning and Assessment Act 1979 for those temporary works. In the past, a landowner could take action only when coastal erosion was imminent or occurring. Not only was that too late, it was clearly dangerous to adopt such a restrictive approach. This bill strikes a more reasonable balance between empowering landowners and ensuring that appropriate checks and balances are in place, and that the safety of landowners is not put at risk.

The bill replaces the term "emergency coastal protection works" with the new term "temporary coastal protection works", to emphasise that these works should no longer be placed in an emergency when erosion is occurring on a beach and the impacts of waves mean that can be hazardous to anyone working on a beach. The bill will allow landowners to place the works at any time on public or private land. As I have said, landowners will no longer need to wait until erosion is occurring or is imminent. The current restrictions that limit private landowners placing these works on their land only once, and only for 12 months, will be lifted to give landowners the opportunity to reinstate works if needed.

At the moment landowners could place those works but then have their hands tied behind their backs and feel quite powerless because they could not make changes. They could place those works for only 12 months. These changes represent a practical removal of barriers that have impeded the use of these existing provisions. The bill makes it clear that temporary protection works on private land are no longer required to be authorised by a pre-existing certificate issued by an emergency works authorised officer from council or the Office of Environment and Heritage. Landowners will still need to obtain a certificate for works to be placed on public land. So they cannot just roll up and undertake these works without any supervision of what they are doing. This is to ensure appropriate use of public land for these purposes.

The bill makes a number of amendments relating to the use and occupation of public land for placing temporary coastal protection works. Landowners will continue to not require a lease, licence, permit, or an easement or right-of-way when placing these works on public land, provided they meet all the requirements under the Act. That will ensure that landowners will continue to avoid the need to obtain permission under public land management legislation, including the Crown Lands Act, continuing the Government's commitment to minimising red tape. However, we recognise the importance of public land to the community. Therefore, the bill continues the current requirement that a certificate allowing the works to be placed on public land cannot be issued unless the issuing authority is satisfied that all reasonable measures have been taken and will be taken to avoid using the public land and to ensure reasonable public access to the beach is maintained.

In addition, it will be a condition of such a certificate that the holder of the certificate must take all reasonable measures, first, to avoid damage to assets and vegetation on the public land; second, to minimise risks to the public on the public land; and, third, to minimise disruption of the public use of the beach concerned. These reasonable requirements—we all want to share our beaches—are currently in the Act but in a different form. They clearly demonstrate the Government's commitment to both supporting landowners and looking after the interests of the community. The amendments will double the time landowners can place works on public land to two years because the current 12-month limit is too restrictive. These are expensive operations, and having to go back to them after 12 months is simply ridiculous. Landowners will have two years to keep these temporary works in place on public land. At least this will give landowners peace of mind for that longer period.

The two-year period can be extended if a development application under the Environmental Planning and Assessment Act 1979 for consent to construct coastal protection works on the same land is pending. This ensures that landowners are not unfairly disadvantaged while their development application is being assessed. In other words, landowners will not have to remove works while their development application is being assessed. The current Act limits the ability to place works to reduce the impact or likely impact of erosion on a building being lawfully used for residential, commercial or community purposes. This is unnecessarily restrictive; and so the bill allows landowners to place the works to reduce erosion impacts on any private land, even if the land is vacant. I have seen parts of the coastline where this is necessary, and property further back from the coastline could be impacted if that action is not taken.

New section 55VB in schedule 1 [20] to the bill continues the operation of section 55Z (3) to provide that a public authority must not unreasonably refuse a person access to the public authority's public land to enable the person to lawfully place temporary coastal protection works. This is an important provision that ensures that landowners who act in a reasonable and responsible way have the right to use public land to place these temporary works. The current arrangements where a certificate obtained by a landowner to place temporary works can be transferred to a subsequent landowner has been retained and updated to reflect that these certificates will now only be required for works on public land.

Section 55Z (2) of the Act, which relates to the use and occupation of adjacent private land for the placing or maintaining of temporary works, is retained in a slightly modified form as new section 55Z in schedule 1 [26] to the bill. This ensures that a landowner can continue to make arrangements to place temporary works on a neighbour's land with the neighbour's agreement. If a landowner who is undertaking work on his or her property comes to an arrangement with the neighbour that is beneficial to both of them those works can take place. These measures are an important step forward. However, it is important to recognise—and important for those opposite to listen to what is being said about this—that temporary coastal protection works involving sandbags will, by their nature, only provide protection from erosion during minor storm events. We are not under any illusion that this is a measure to deal with major storm events. It is certainly a temporary protection measure.

Another issue is that the bill does not affect the current rights of landowners to seek planning approval for larger or permanent works. These measures relate to temporary protection; larger or more permanent works can be applied for. The bill also retains the current powers in the Act for the Office of Environment and Heritage and councils to order the removal of temporary protection works that are causing erosion to neighbouring land or presenting a public safety risk. That is an important safeguard. We do not want someone building temporary protection works on their property and then finding that those works are having adverse impacts on neighbouring properties or properties further away. There must be a mechanism to ensure that that does not occur.

Some of the technical requirements for these temporary works are specified not only in the bill but also in a statutory code of practice under the Coastal Protection Act 1979, which was gazetted under the Coastal Protection Regulation 2011. The important role of the code is to identify locations where temporary coastal protection work can be installed. I heard a wild claim that this will happen ad hoc up and down the coastline. That is not the case. The code identifies 14 authorised locations where these works can be placed. The Government considers that this is overly restrictive and that work should be allowed across coastal erosion-prone areas. For example, there are places where erosion has a huge impact and yet those places would not be identified traditionally under the "hotspots" definition.

We will update the code after the bill has been passed to further relax the requirements for private landowners for temporary coastal protection works, but it will be done in a considered way. The update will be within the bounds of the code and it will ensure that there is no impact on other locations and other properties. As part of the update we will ask the University of New South Wales Water Research Laboratory to provide advice on whether the allowable height of these temporary works can be increased above the current limit of 1.5 metres without increasing the risk of these works causing erosion of adjoining land. Part of our discussions has been that we need to have these temporary protection works in place but we need to be sure that they will be safe and we need to ensure that landowners put in place something that does not have an unintended consequence.

Once the bill is passed and the code updated we will also update a guide for landowners so that they can easily understand all of the requirements. As I have mentioned, and it is worth reiterating, these amendments will make it easier for landowners to undertake temporary works. Landowners will also be able to continue lodging development applications for larger and more permanent works. Other aspects of the bill relate to what the previous Government applied. The previous Government increased maximum penalties under the Act to a level that was excessive for offences related to the inappropriate use of sandbags on beaches. In particular, these penalties were for offences relating to placing sandbags without appropriate approvals, section 55K; failing to comply with an order to remove works that are causing erosion or that present a public safety risk, section 55ZC; and failing to remove the works at the end of their allowable time, section 55Y. That offence now applies only to works placed on public lands.

The bill will halve the penalties for these offences—in this place we do not often hear about penalties being halved instead of increased. The maximum penalties will be reduced from $495,000 for a corporation and $247,500 for an individual to $247,500 for a corporation and $123,750 for individuals. The current penalties will remain for offences such as the unlawful dumping of rocks or construction debris on beaches or the failure to comply with an order to remove those materials, which can cause erosion and risk public safety. Another aspect of the bill that has had a huge impact on the Central Coast—and I know that our Central Coast members have struggled with this as well as councils up and down the coastline—is the section 149 certificates.

The coastal task force has heard loud and clear that the way some councils have conveyed information about future coastal hazards has been very unclear. Therefore, a number of steps need to be taken to address that problem. The Department of Planning and Infrastructure will issue updated guidance to councils. We will not leave councils without advice or support; we will give them advice about notations on their section 149 planning certificates relating to coastal hazards. That is one of the benefits of working this out with a ministerial task force: we had the Department of Planning and Infrastructure in the room with the Office of Environment and Heritage and we were able to sort out these solutions, many of which were planning solutions.

In conjunction with this updated guidance, the bill will roll back another of the Labor Government's inappropriate amendments to the Coastal Protection Act 1979, which required councils to include information about coastal hazard categories on section 149 certificates once they had completed their coastal zone management plans. We have seen the distress that poorly worded section 149 certificates can cause to local communities, particularly on the Central Coast. Central Coast members know about ridiculous restrictions. Councils have made these notations because they have been concerned about their position. We will ensure that councils are supported.

The bill repeals the corresponding provisions in part 4 of the Coastal Protection Regulation 2011. These provisions have never been used and are ill-conceived. Rather than stigmatising land with a hazard category label, a more sensible approach is to support councils so that they can provide clear, factual information about current and future coastal hazards. It is important to emphasise that the current requirements relating to notations on section 149 certificates under the Environmental Planning and Assessment Act and the Environmental Planning and Assessment Regulation will continue to apply. The bill also makes consequential amendments to the Coastal Protection Regulation 2011. Those amendments relate primarily to changing references to emergency coastal protection works to the new term of "temporary coastal protection works". The bill also makes minor consequential amendments to other legislation, including the Local Government Act. Those amendments also focus on updating the terminology to "temporary coastal protection works". There has been and there will continue to be ongoing consultation on these issues.

This bill removes the former Labor Government's unreasonable requirements and its heavy-handed approach. I noted earlier that it had been claimed that we were taking away a number of protections. That is not the case. We have given councils an extra 12 months to come up with their coastal plans. This has been such a difficult issue for councils that they have sought extensions of time from the Minister for the Environment, as well as from previous Ministers. We provide funding and support for estuary management and coastal planning.

Giving councils an extension of time will help them deal with these issues and understand the ongoing nature of consultation and this Government's reform agenda in order to get it right in relation to coastal erosion and sea level issues. This is a reformist Government. It is certainly the case that we cannot prevent coastal erosion, but it is certainly the case that we need to give landowners, whether public or private, an opportunity to protect their property and plan appropriately for the future. We have to ensure that their councils are well supported and have the right evidence to understand what might happen, what the projections might be, so that they can plan accordingly with their community at heart.

As Australians we love our coastline. We want to make sure that our beaches are there for the future and that people up and down the coast are able to have a reasonable life. This bill rebalances the interests of vulnerable landowners and beach users. It will give councils an opportunity to take action rather than throw their hands up and say it is all too hard, as some of them did in the past. They came up with the policy of planned retreat and nothing else. The measure of planned retreat received a great deal of criticism. The Government will ensure that this issue is not too hard for councils and we will be there to assist vulnerable landowners.

I commend the bill to the House.

The Hon. LUKE FOLEY (Leader of the Opposition) [5.17 p.m.]: The Labor Opposition will oppose the Coastal Protection Amendment Bill 2012 because we stand by the reforms that Labor made in Government. I will refer to those reforms in due course. The objects of the bill are:

(a) to make changes to the regulatory scheme governing the placement of certain coastal protection works (such as sandbags) on beaches, or sand dunes adjacent to beaches, to mitigate the effects of wave erosion on land, and

(b) to reduce the maximum penalties for offences relating to the placement, maintenance and removal of such coastal protection works, and

(c) to remove the regulation-making power from the Principal Act, and repeal existing regulations, relating to the categorisation of certain coastal land by reference to the level of the risk that the land will be adversely affected by coastal hazards (such as beach erosion, shoreline recession and coastal inundation).

The bill, in essence, does three major things. First, it makes it easier for landholders to erect temporary protection structures. Previously emergency coastal protection works could be erected only when storms were on their way. Now temporary protection works can be erected at any time. Previously these works could remain in place only for 12 months before permanent structures were approved. Now that time frame has been extended to 24 months. There is no approval process for works on private land or a certificate for works on public land. Previously both types of works required approval from either a local council or the Office of Environment and Heritage.

The second major initiative of this bill is to halve the fines for numerous offences relating to the Act. Fines that currently are 2,500 penalty units, or $247,500, for an individual and 4,500 penalty units, or $495,000, for a corporation are halved for the offences of erosion works outside the law, not removing temporary works by their expiry date—there are daily penalties for those offences—and failing to comply with orders from the coastal authority relating to temporary protection works. Thirdly, the bill removes the requirement that local councils include the State's coastal zone risk rating, which includes projected sea level rises, on section 149 certificates.

The former Labor Government established a regulatory framework for managing coastal erosion and the then environment Minister, the Hon. Frank Sartor, delivered the Coastal Protection Act in October 2010. That Act improved the way that coastal erosion risks are managed in New South Wales and also provided additional options for landowners to protect their property. Labor continues to hold the view that that Act was a significant step in strengthening our management of coastal erosion in this State. There was extensive consultation. I acknowledge that this Government, through a number of Ministers working across portfolios, also has engaged in consultation. However, Labor will stand by the Act that we shepherded through this Parliament when in government in late 2010.

The Coastal Protection Act as passed by the former Labor Government increased options available to councils when dealing with coastal erosion and unauthorised coastal protection works. The Act clarified what landowners can do to protect their own properties, particularly in emergencies. The Act strengthened requirements for the preparation of coastal management plans. It also created an expert New South Wales Coastal Panel to advise on coastal management and approve temporary or permanent coastal protection works in

some circumstances. The Act provided additional protection for councils dealing with coastal erosion issues. Crucially, the Act imposed conditions to ensure that any actions by landowners have minimal impact on our beaches. The Act modernised the way coastal erosion is managed in New South Wales. It recognised the value the community places on our beautiful coast and beaches while also providing practical avenues for responding to the impacts of erosion on many beachfront landowners.

The former Labor Government was committed to supporting coastal councils and communities to manage the significant challenges caused by coastal erosion. New South Wales has lost an estimated 40 homes to coastal erosion since the 1940s, with at least another 200 estimated to be under threat. Labor worked hard to strike a balance between the interests of private landholders and the public. Landholders at risk from coastal erosion risk losing their biggest asset and are understandably keen to build protections for their homes. The public interest also needs to be ensured, that is, the public ownership of the assets of the beautiful New South Wales coastline and beaches. Those assets should not be sacrificed or lightly disregarded in a rush to safeguard the interests of a small number of private property owners. Having said that, Labor acknowledges that those private property owners whose properties are at risk from coastal erosion have rights that need to be weighed, considered and protected, where appropriate, by government. A balancing act has to occur here. We believe that Labor in government struck an appropriate balance. We believe the bill presented by the Government today tilts the balance too far in favour of private interest against the public interest. That is why we cannot see fit to vote for this bill.

In Labor's legislation, emergency coastal protection schemes were instituted to ensure that landholders could legally respond when their homes were under imminent threat from storms and other weather events. Those schemes were a short-term protection in a process of addressing the problem of coastal erosion in a more systematic, thoughtful and permanent way. This bill, we believe, shifts emergency coastal protection schemes into their being less regulated and has a two-year solution with ramifications for public safety and public assets. These structures can remain in place for two years and under the legislation presented to the House today by the Government there need be no approvals and no imminent threat. We hold concerns that such structures, if there is a proliferation of them, may increase nearby coastal erosion. A sandbag structure erected by a landholder with no knowledge of engineering in a context in which the weather is punishing and demanding could pose a risk both to neighbours and passers-by. A sandbag structure designed by someone who knows nothing of tidal movements could create more problems than it solves in some cases. It could lead to bitter neighbourhood battles such as we have seen on many occasions up and down our coast.

Whilst the Office of Environment and Heritage and local councils will retain the right to order the removal of these structures, we know that with resources being limited the community cannot be assured that such policing will be widespread or effective. Clearly, people worry about the risks of coastal erosion and sea level rises being stamped on their section 149 certificates, which every buyer receives, and potentially adversely affecting property values. The Labor Opposition has two concerns. Firstly, the Minister for Environment and Heritage's motivations for removing this are somewhat unclear from reading her speech in the other place, but those motivations seem to go to a proposition that climate change science is unclear. That is not the position that has been put by the Chief Scientist and Engineer who gives advice to this Government. Of course, the Intergovernmental Panel on Climate Change has made very dire predictions about sea level rises.

The science here is not in the realm of speculation. We acknowledge the Minister's argument that there are regional differences to be considered. It is not an appropriate solution to remove the mandatory and State level zonings of coastal threats. This bill removes the obligation to include the State's coastal zone risk categories on section 149 certificates. It does not replace it with something else. There is a vague notion of support for councils to come up with zonings, but there is not a solid proposal that can be supported as an alternative to the current regime. Pretending that global warming is not occurring is not in anyone's interest. Councils and private property owners gain nothing from landholders not understanding the threat to their homes posed by sea level rises. Full acknowledgment is the only way forward.

The Labor Opposition has considered in good faith the bill that is presented by the Government. On balance, we prefer to stand by the reforms that Labor instigated in 2010. Those reforms struck an appropriate balance. I acknowledge that the Minister and some of her Cabinet colleagues have engaged in public consultation. This issue is controversial, particularly for private property owners who face the threat of coastal erosion. This bill goes too far in tilting the balance away from public interest towards private interest. As such, we oppose the bill and will stand by the reforms shepherded through Parliament by the Hon. Frank Sartor when Labor was in government.

The Hon. DAVID CLARKE (Parliamentary Secretary) [5.31 p.m.]: I am pleased to support the Coastal Protection Amendment Bill 2012. The main objective of this bill is to ensure that landowners can more easily place sandbags to reduce the impacts of erosion from minor storm events. I focus on this aspect of the bill and also on the halving of the maximum penalties for offences relating to these works, which were excessive, onerous and oppressive. The previous Government's 2010 amendments to the Coastal Protection Act 1979 that allowed landowners to place emergency coastal protection works on their beaches can be viewed as a good idea that was handled badly—in the same way that so much of what the previous Labor Government did was handled badly.

The Coalition in opposition supported the principle of allowing landowners to place works on beaches to reduce erosion impacts on their properties. However, the previous Government's reforms distorted this sound principle, tying up landowners in unnecessary red tape—Labor governments are very good at tying people up in unnecessary red tape; they cannot help themselves. This bill cuts the Gordian knot of Labor red tape that hinders landowners taking sensible action to place temporary works on their land. The truth is that Labor has a very high score rate in getting things wrong. This bill supports landowners by allowing them to place temporary works whenever they want to do so. They will no longer need to wait until erosion is imminent or actually occurring. They will not have to remove these works from their land after they have been in place for a year. This unnecessary restriction assumes that erosion problems will go away after 12 months.

Landowners will also no longer need a certificate from council or the Office of Environment and Heritage before placing works on their land. The Act and related code of practice will specify sensible standards for these types of sandbag works. These are very good proposals. Landowners should be able to act to reduce erosion impacts on their land without unnecessary intrusion from government. We need to get government off our backs. I am pleased that the Minister has announced that the code of practice under the Coastal Protection Act 1979 will be amended to allow works in all erosion-prone areas and not just in the 14 locations currently authorised by the code. This will return control to landowners, who will be empowered to act to protect their properties. Landowners know best how to protect their properties.

The Hon. Scot Macdonald: After 16 years.

The Hon. DAVID CLARKE: After 16 years, most certainly.

The Hon. Charlie Lynn: Of Labor Government.

The Hon. Dr Peter Phelps: Shoddy Labor Government.

The Hon. DAVID CLARKE: Shoddy Labor Government. The previous Government increased the maximum penalties under this Act to levels that were excessive for offences related to the inappropriate use of sandbags on beaches and, in many cases, on a landowner's own property. These offences related to the placing of sandbags without appropriate approvals and failing to remove the works when required. This bill will halve the maximum penalties for these offences. Is this not a good proposal? Indeed it is.

The Hon. Dr Peter Phelps: A very good proposal.

The Hon. DAVID CLARKE: A very good proposal.

The Hon. Matthew Mason-Cox: An excellent proposal.

The Hon. DAVID CLARKE: It is an excellent proposal. The maximum penalties will be reduced from $495,000 for a corporation and $247,500 for individuals to $247,500 for a corporation and $123,750 for individuals. The current penalties will remain for more serious offences such as the unlawful dumping of rocks or construction debris on beaches that can cause erosion and pose a risk to public safety. I understand concerns have been raised that these penalties are still high. It is important to note these are the maximum penalties that are likely to be imposed by the courts in only the most serious cases. The bill will reduce the unnecessary restrictions that have stood in the way of landowners protecting their properties and will reduce unreasonable penalties. This is another good bill from a good Government—a Government of reform, a Government of action, a Government that will replace 16 years of Labor mismanagement and oppression in this State. I am proud to support the bill.

The Hon. CHARLIE LYNN (Parliamentary Secretary) [5.36 p.m.]: I am pleased also to speak in support of the Coastal Protection Amendment Bill 2012 and the Government's stage one coastal reforms. This

bill and the Government's reforms aim to reintroduce a common-sense approach to managing our coastline—and I am looking forward to waterfront views in Camden. After the previous Government's reforms in 2010 that caused concern in many coastal communities, this Government realises that addressing coastal erosion requires cooperation between government, councils and landowners. After 16 years of Labor Government, this Coalition Government will support vulnerable landowners through this bill by untying some of the unnecessary red tape around temporary coastal protection works.

I turn now to how this Government will support local councils in managing coastal erosion. The Minister for the Environment in her second reading speech noted the challenges councils face in dealing with this issue. One of the first steps this Government will take is preparing guidelines for councils on appropriate section 149 certificate notations relating to coastal hazards and coastal flooding. Notations on these certificates in some council areas have caused great distress to local communities. The new guidelines will clarify the wording of these notations to ensure they are accurate and appropriate. Accurate notations on section 149 certificates require accurate mapping of coastal hazards.

The Government will develop guidelines for councils on how to map current coastal hazards in an appropriate and consistent way. This will help councils prepare maps that are credible and can be used to develop with the community appropriate approaches to managing these hazards. When preparing coastal hazard mapping, councils will be able to adopt sea level rise projections that properly consider their local conditions. They will no longer be required to use statewide benchmarks. To help councils develop their projections, the Office of Environment and Heritage will provide appropriate information on historical and projected sea level rises on its website.

The Government is also looking into options for councils to have access to independent expert advice on coastal management. The Chief Scientist and Engineeer's report recommended this as a mechanism for supporting local councils. The Coalition Government recognises that these stage one reforms mean that councils will need to change and update some of their coastal management activities. I understand that the Office of Environment and Heritage will be holding workshops for council staff along our coastline to help them to develop appropriate transitional arrangements.

The Minster for the Environment will also be writing to councils that have been directed to prepare coastal zone management plans to give them an extra 12 months to prepare plans in consultation with their communities. This will give councils extra time to incorporate the Government's reforms into their plans. The Minister also highlighted that there will be a further round of coastal reforms. These stage two reforms will include further initiatives to support councils in managing erosion risks in coastal communities. The New South Wales Government is committed to improving the management of our magnificent coastline, and it will do that by continuing its partnership with local councils. This bill is an important part of the Government's stage one coastal reforms, and I am pleased to support it.

The Hon. PAUL GREEN [5.41 p.m.]: I speak on behalf of the Christian Democratic Party in debate on the Coastal Protection Amendment Bill 2012. The object of this bill is to amend the Coastal Protection Act 1979 to make further provision in respect of the use and occupation of the coastal region and to facilitate the carrying out of certain temporary coastal protection works. The New South Wales coastal zone is defined in the Coastal Protection Act 1979 and generally includes land that is one kilometre inland from the coast, one kilometre landward around any bay, estuary, coastal lake or lagoon, and one kilometre along either bank of a coastal river. Coastal erosion is defined as the wearing away of land and the removal of beach or dune sediments by wave action, tidal currents, wave currents, or drainage. Waves generated by storms, wind, or fast-moving motor craft cause coastal erosion, which may take the form of long-term losses of sediment and rocks, or merely the temporary redistribution of coastal sediments. Erosion in one location may also result in accretion nearby.

According to the Government, some 200 existing houses at 15 erosion hotspots in New South Wales are currently exposed in the event of a significant coastal storm, and that number is expected to increase with projected sea level risk. Responsibility for coastal protection is split between State and local governments. Local councils also play a role in zoning coastal areas and when drafting local environmental plans and approving development. The Government has advised that it has liaised with local coastal communities and councils, and that it will continue to do so. The Government has included amendments to the Coastal Protection Act 1979 to clarify the use of sea level rise benchmarks for local councils. Various studies have argued that more accurate projections of regional sea levels are essential to adequately adapt and plan, and efforts to compare different models could result in more reliable scenarios to project rising seas.

The Government has advised that it will also introduce statewide mapping methods to ensure that local councils have correct information to use for consistent coastal hazard mapping. One of the most notable amendments is the emphasis on "temporary coastal protection works" not "emergency coastal protections works". This means that landowners will have an opportunity to introduce temporary coastal protection works to protect their land without having to wait for emergency or imminent coastal erosion to occur. In other words, temporary protection works on private land will no longer be required to be authorised by a pre-existing certificate issued by an emergency works authorised officer from the council or the Office of Environment and Heritage. With regard to public land, an extended certificate of two years allowing works cannot be issued unless the issuing authority is satisfied that all reasonable measures have been taken to ensure public access is maintained and that risk and disruption is minimal, and to avoid damage to assets and vegetation. As the Minister said in the other place, landowners need to be able to protect their property and to maintain the value of their property.

Shoalhaven City Council has responsibility for 109 beaches and many people have spent a great deal of money buying blocks of land fronting those beaches. The value of house and land packages has increased by about 50 per cent or 60 per cent since the 1950s, when people bought beachfront blocks and built fishing shacks. The people who bought those properties want to see a good return on their investment. Of course, sea level predictions for the next 50 years often mean that they cannot develop their land. In many cases the land is part of a superannuation plan. However, when a development application is lodged the landowner finds that it cannot be developed or that erosion projections mean that any structure would be unviable. I am therefore happy to support this legislation. I acknowledge that the Labor Government introduced legislation to address this issue, but this bill does more to protect landowners' investments. The Christian Democratic Party believes this bill aids in cutting red tape and provides a common-sense, whole-of-government approach. It strikes a balance between empowering landowners and ensuring that appropriate safety measures are in place.

I have a couple of questions that I hope the Minister will address when he replies to the debate. While easing the maximum time from 12 months to two years that a protection can remain in place before losing its temporary status is understood to allow reasonable time for landowners to take steps to address permanent protection, will the extension of time combined with the need to lodge a development application only for a permanent protection by the end of two years mean that unsightly works will impact on highly valued public beaches for a long time? Given the high value of many beachfront properties and the potentially high cost of permanent protection works, will the reduced fines in the bill mean that local authorities will not be able to enforce the legislation effectively to avoid unsightly and unsafe work that restricts access for long or even indefinite periods? I acknowledge the Hon. Luke Foley's point that we must ensure that this bill passes the public interest test.

The Hon. MARIE FICARRA (Parliamentary Secretary) [5.49 p.m.]: I support the Coastal Protection Amendment Bill 2012 and congratulate the Minister for the Environment and the Government on introducing legislation that seeks to solve an issue that was given very little attention and was deemed too hard to fix by the Labor Government. This bill makes significant changes to the way in which the New South Wales coastline will be managed, gives more freedom to landowners to protect their property from erosion and removes the Labor Government's onerous statewide sea level rise planning benchmarks. Councils will now have the freedom to consider local conditions when determining future hazards.

The Coastal Protection Amendment Bill 2012 addresses the issue of coastal erosion that is threatening up to 200 homes and homeowners in vulnerable hotspot areas along the New South Wales coast. An area is categorised as a hotspot when three or more affected properties in a certain area are deemed vulnerable. This bill responds to calls from local councils in coastal regions that have not been able to address the concerns of their constituents about this matter due to financial and regulatory restrictions. The Government is working hard to address the needs of these local communities by protecting those whose properties have suffered directly from coastal erosion.

The first stage of the Government's comprehensive coastal protection reforms will make it easier for coastal landowners to install temporary works to reduce the impact of erosion on their properties. It also removes the compulsory application of sea level rise benchmarks, delivers clarity to councils on the preparation of section 149 notices by focusing on current known hazards, and supports local councils by providing information and expert advice on sea level rises relevant to their local area.

This Government's changes will mean that landowners can, for instance, more easily place sandbags on their properties to reduce the impacts of erosion from small storm events. Landowners in erosion-prone areas

need to be allowed to take sensible measures to protect their land from coastal erosion and not be tied up in red tape. This bill will give landowners the opportunity to take action to protect their properties and businesses from the deleterious effects of coastal erosion, and provide them with adequate protection from severe weather events that may cause damage or enhance existing damage to their properties.

Members of this Government have worked tirelessly to ensure that the best results for the people of New South Wales are achieved through the amendments to this Act after engaging in many consultation sessions with owners, locals and government representatives in affected areas. This Government has gained a good grasp of the situation and therefore seeks to implement remedies that can be applied to assist in the protection of these vulnerable properties. An expert task force panel of hydrologists, engineers and financial representatives has been established to tackle this issue appropriately using a practical and efficient approach. Their role in studying the science behind the cause and effects of coastal erosion—evidence-based policy development—is vital in ensuring that the most appropriate measures are put in place to protect landowners' property.

Wide consultation with local stakeholders and the establishment of this panel of experts shows that this Government is serious about fighting the problem of coastal erosion. It is committed to helping individuals who are affected by this problem in these regions now and into the future—our collective future. With sea levels changing, as they have done for thousands of years, it is important that we have appropriate measures in place to cater for the needs of those who are being affected by subsequent changes to the coastal areas around them. Removing restrictive red tape and allowing local government to intervene and take action when properties are at risk of substantial damage from coastal erosion is a major step forward in tackling this issue.

The bill takes a direct and practical approach to the problem by making provision for private and commercial landowners to take action to fix any problems that present themselves before it is too late and the damage is beyond repair. Provisions in this bill include the introduction of an up-to-date statewide hazard mapping methodology to ensure that up-to-date and accurate information is communicated to the relevant authorities and subsequently passed on to the community. This bill takes the important step of replacing the term "emergency coastal protection works" with "temporary coastal protection works". This removes the current restrictions that allow for protection works only during an emergency.

Temporary coastal protection works enable private and commercial properties to equip themselves adequately to prepare or prevent coastal erosion before it is too late to intervene. This ensures the safety of landowners and allows for greater availability of coastal protection and preventative resources. It should be noted that the current provisions permit the landowner to implement these works once only and for a period restricted to up to 12 months. Under the provisions of this bill those restrictions will be lifted, allowing homeowners to reinstate the works if the need to protect their property against coastal erosion arises again at a later date. The bill ensures that any private landowner whose property is at risk of damage from coastal erosion does not require regulatory approval under the Coastal Protection Act to implement temporary coastal protection works. This is contrary to previous provisions that allowed landowners to take such precautions only when coastal erosion was imminent or already occurring. This often meant it was too late to save the property, and the remedial task itself was a dangerous and costly operation.

The bill seeks to cut red tape regarding licensing and leasing permits, making it easier for landowners to put temporary coastal protection works in place. This legislation makes provision for landowners to certify to adhere to the following requirements to limit impact on the community, whilst still putting protection measures in place. As such, the landowner must take all reasonable measures to avoid damage to assets and vegetation on the public land, to minimise risk to the public on the public land, and to limit the disruption of the public use of the beach concerned. These requirements show this Government's strong commitment to protecting the coastal land of New South Wales, whilst taking into account the best interests of the local community. The bill will double the amount of time that landowners have to place temporary protection works on a property. Extending the period that these works can stand benefits landowners by giving them greater peace of mind, with the knowledge that their property is being protected for longer. This two-year period can be extended under provisions of the Environmental Planning and Assessment Act 1979. Landowners will not have to remove the works while their application is being assessed.

New section 55VB in schedule 1 [20] to the bill continues the operation of section 55Z (3) to provide that a public authority must not refuse a person access to public land to lawfully implement temporary coastal protection works in the area. This is a new provision that ensures landowners who have abided by the provisions outlined in the Act have the right to use public land to place these temporary works. Section 55Z (2) of the Act,

which is in relation to the use and occupation of adjacent private properties for the installation of temporary coastal works, has been slightly amended as per new section 55Z in schedule 1 [26] to the bill. This ensures that a landowner, with the agreement of their neighbour, can continue to make provision to place temporary works on an adjoining or adjacent property.

Any failure to comply with the provisions outlined in this Act will result in the individual being fined. However, this Government has taken the step of decreasing the amount that individuals will be fined for non-compliance with the provisions. The maximum penalties for noncompliance will be reduced from $495,000 to $247,500 for a corporation and from $247,500 to $123,750 for an individual. Those maximum penalties were excessive and heavy handed. Labor's sea level rise planning benchmarks for 2050 and 2100 will go, along with their negative impacts on property values and section 149 certificate notations. The NSW Chief Scientist and Engineer has identified uncertainty in the projections and the projected rates of future sea level rise, given that the scientific knowledge in the field is continually evolving.

The current penalties will remain unchanged for offences such as dumping rocks, construction debris or any other foreign material deemed to be unsafe or for failing to remove these materials upon request. This ensures that erosion-causing agents are kept off our beaches and public safety is optimised. This Government's thorough consultation work with local coastal communities, along with the introduction of amendments to the Act, highlights that as a Government we are taking the important issue of coastal erosion very seriously and working hard to ensure the removal of restrictive red tape, encouraging greater action from a community level, and making it easier for property owners to take action to protect their property and public land. This bill strikes the right balance between protecting property and managing this State's vast coastline. The Government has listened to the concerns of communities and councils about previous coastal erosion reforms and the uncertainties they caused for landowners. I commend the bill to the House.

The Hon. CATE FAEHRMANN [6.09 p.m.]: The Greens speak strongly against the Coastal Protection Amendment Bill 2012. We consider this bill to be based on politics, not science. The bill is not based on long-term thinking and it is not in the public interest. The Greens fully appreciate that coastal erosion is a major issue for many people living along the New South Wales coastline and we understand the enormous stresses involved for property owners who are faced with an encroaching sea. The Greens also understand that our coastline is one of the State's most important economic assets and that its management is critically important to this State. We do not believe that the Government understands how best to deal with coastal management in a sensible, strategic and scientifically informed manner, nor does the Government have a clue as to how to proceed.

The bill will make a stressful situation much worse. We understand the Government's regime—namely, coastal management—will not be informed by the latest respected science. Under this bill that management will become more ad hoc and even more fraught with conflict. The bill will pit neighbour against neighbour, property owners against councils, and property owners against the general public. Ultimately, the stress for all involved will only increase as a result of this bill. Instead of planning for coastal erosion in a strategic manner, this bill goes further down the ad hoc and reactionary route. It embraces a haphazard approach to managing very real and increasing coastal hazards. This is the last thing that the State's coastline and our coastal communities need when faced with accelerated sea level rises.

In 2010 the former Government introduced a bill to amend the Coastal Protection Act that started taking the legislation in the same direction as today's bill. The Greens had strong misgivings and concerns at that time about that direction. We were concerned that the 2010 amendments were shifting the Coastal Protection Act away from its original intent and stated objective to "provide for the protection of the coastal environment of the State for the benefit of both present and future generations". It is important to protect private interests but so too is the public good—for the benefit of the environment and all of us collectively. The Greens considered the 2010 amendments were starting to skew the balance away from protecting the public good and further towards protecting individual private interests. In the end, The Greens did not oppose the 2010 bill. That decision was reached after a very difficult and protracted negotiation process, which saw some improvements inserted into the legislation. However, we did express serious reservations. Indeed, during my contribution today I will by quoting from the speech that Ian Cohen, my retired colleague, gave at that time.

This bill completely oversteps the mark and removes much of what The Greens negotiated in 2010. It has lost the important balance between private interests and public good. The bill has all but abandoned public good for now and for future generations. It represents an aggregation of the Government's responsibilities and a dereliction of its duties to manage our coastal environment in a sensible, strategic and sustainable manner for

future generations to enjoy as much as we do today. Our coastline is one of the State's most important economic and environmental assets. Many people in local government are concerned that the bill seriously increases the risk of their future financial and legal liabilities.

The Hon. Dr Peter Phelps: Which councils?

The Hon. CATE FAEHRMANN: I will be quoting from a council groups letter. Councils are concerned about the consequences of the bill for the extensive planning process they have been undertaking using the existing sea level rise benchmarks and all the money the taxpayers have invested in that process. What will happen to that work now that the benchmarks are no longer supported by the State Government? The bill is irredeemable and it should be voted down—given the numbers in this place it will not be. In 2010 Ian Cohen said:

> From the comments I have heard in the House tonight, I shudder to think what will happen if we have a change of government.

We have had a change of Government. Many in local government and across this State are shuddering because of this legislation and because of many other things that have happened since the O'Farrell Government was elected. Angus Gordon, an internationally respected coastal zone manager and Surfrider Foundation advisor, has described this legislation as the worse piece of coastal management legislation he has ever seen in a developed democracy. The Surfrider Foundation does a lot of good work for our coastal communities and coastal environments.

The Greens have considered this bill in two parts: changes to emergency coastal protection works and the changes to sea level planning benchmarks. Under the legislation "emergency" coastal protection works will become "temporary" coastal protection works. Items [6] and [8] of schedule 1 to the bill provides that a person does not require regulatory approval under the principal Act or any other law for works on private land. The amendment makes it clear that such works on private land are no longer required to be authorised by a pre-existing certificate. Seawalls and sandbags are designed to deflect wave energy and they can increase the scouring effect on land adjacent to them.

This will remove councils' ability to regulate the placement of coastal protection works that may impact on neighbours or council property. Councils face financial liabilities as a result of these private works. Who pays to recover those costs when those works increase erosion to adjacent public land, for instance? If someone wants to build a retaining wall on their property over a certain height they usually have to get a development application. But under this bill if you are a property owner and you want to pile a wall of sandbags on the boundary of your property, despite the serious consequences that could have for adjacent properties, you will no longer need a certificate from council.

Schedule 1 [8] to the bill removes the restriction that temporary works may be placed only when beach erosion is occurring, is eminent or reasonably foreseeable. The new threshold requirement for temporary protection work is not clear. It means any person can place sandbags on their property or apply to have them placed on public property whether the threat to one's property is real or not. Schedule 1 [8] to the bill also removes the restriction that the placement of works can be placed only to reduce impact or likely impact on a building being lawfully used for residential, commercial or community purposes.

Schedule 1 [20] states that a council cannot unreasonably refuse access to public land for the placement of temporary works on that public land or to gain access to place works on private land. What does "unreasonably refuse" mean? That terminology is very restrictive for councils. It curtails councils' ability to manage the impacts of installing sandbags on public property and on what may be sensitive environments. Items [13] and [14] of schedule 1 to the bill propose insufficient safeguards in the placement of temporary works on public land. For example, section 55T (3A) states:

> It is a condition of a certificate under this Division that the holder of the certificate must take all reasonable measures:
>
> (a) to avoid damage to assets and vegetation on the public land, and
>
> (b) to minimise risks to the public on the public land, and
>
> (c) to minimise disruption of the public use of the beach concerned.

That clause contains the terms "avoid" and "minimise", but what do those terms mean? With what expertise are they determined? How can a private property owner be expected to have the expertise to determine the

environmental impacts they will cause to dune stability, beach nourishment, native vegetation and biodiversity? Schedule 1 [26] to the bill amends section 55Z. It provides that a private landholder can obtain permission from a neighbouring property owner to place sandbags on that neighbour's property. Who in that situation will be liable for the increased erosion the sandbags might cause to other neighbouring or public property? Has the Government given thought to this very likely scenario? They are but some of the problems the bill has in dealing with temporary protection works or sandbags. Further, in the Minister's second reading speech he said that the code of practice for coastal protection measures will be reviewed once the legislation is in place. That will mean current restrictions on the weight of sand bags and the height of walls could change, yet we are not privy to those important details in this debate—we should be.

Coastal erosion is normal and predictable. Due to differences in geomorphology and topography some areas of the coast recede and some resist. This is a normal process—it happens irrespective of climate change—and areas considered hotspots for coastal erosion have been so for a very long time. Accepting these basic realities of coastal erosion, the Greiner Government introduced the notion of "planned retreat" not "radical retreat". I urge members who have not already read Ian Cohen's speech—although it is too late now—on the 2010 bill to do so. He outlined the history of governments in this State from both sides of the political fence who have tried to grapple with this issue. Planned retreat is a policy to make the most of the coastline while dealing with its dynamic and predicted change. It is sensible policy when the alternative, which the Government often promotes, is business as usual with our heads, almost literally in this situation, in the sand. Most of us have realised that human-induced climate change is driving accelerated sea level rise.

The Hon. Dr Peter Phelps: I don't accept that.

The Hon. CATE FAEHRMANN: I acknowledge that the Hon. Dr Peter Phelps does not accept that climate change is contributing to sea level rise. On 17 August 2012 the CSIRO released a marine climate change report card for Australia, and it had the following summary in relation to sea level rise:

> The rate of rise increased from the 19th to the 20th century and during the 20th century … Sea levels are rising around Australia and the frequency of extreme high sea-level events that occur on annual to decadal timescales has increased by a factor of about three during the 20th century … Sea level will continue to rise during the 21st century and beyond in response to increasing concentration of greenhouse gases. Including an allowance for the ice sheets, the IPCC projections are for a rise of 18 cm to 79 cm by 2095 compared to 1990. **However, our current understanding of the response of ice sheets to global warming is inadequate and a larger rise is possible.** Sea levels are currently rising at near the upper end of current projections.

Ian Cohen, in his excellent contribution in 2010, said:

> In explaining sea level rise to the inquiry on Managing our Coastal Zone in a Changing Climate, Dr Hunter of the Antarctic Climate and Ecosystems Cooperative Research Centre stated:
>
> > … if you get one metre of sea level rise—which is pretty well the upper limit of what we expect this century—that will give us a shoreline recession of between 50 and 100 metres. In other words, the shoreline on average will move back 50 to 100 metres. So if we take a middle of the range projection of half a metre for this century then we are talking about a recession of the shoreline, on average, of between 20 and 50 metres back.

So a one metre rise equates to between 50 and 100 metres of shoreline recession. Ian Cohen continued:

> Climate change impacts on our coastal zone are not limited to shoreline recession. Concurrent with rising sea levels is the intensification in storm-surge events and wave energy. The Climate Change Risks to Australia's Coast National Assessment report states:
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> > With a mid range sea-level rise of 0.5 metres in the 21st century, events that now happen every 10 years would happen about every 10 days in 2100. The current 1-in-100 year event could occur several times a year.

I note with absolute disgust that many Government members in the other place spoke with outrageous climate change denialism at a time when every respected climate scientist—

The Hon. Marie Ficarra: We're not denying it—

The Hon. CATE FAEHRMANN: I acknowledge the interjection by the Hon. Marie Ficarra. The Government is denying that climate change and sea level rise are taking place. Members opposite are denying it. During the budget estimates last week I asked two Ministers whether they believed that greenhouse gases were contributing to climate change. I asked the Minister for the Environment, who avoided, obfuscated and did everything not to answer the question. She did not want to put on the record that she believed in anthropogenic global warming. What a proud day it was for New South Wales last week, and what a proud day it is today. On

Friday in the budget estimates I asked the Minister for Roads and Ports whether it was his understanding that greenhouse gas emissions from cars, trucks and other vehicles contributed to climate change. His response was, "That is your understanding." I said, "No, Minister, I am asking you the question. Is it your understanding?" He said, "I believe that is some people's understanding."

The Hon. Scot MacDonald: Point of order: The Hon. Cate Faehrmann seems to be drifting into some sort of nostalgia about budget estimates. She should return to the leave of the bill.

The Hon. Amanda Fazio: To the point of order: It is almost impossible to discuss this coastal bill without canvassing issues relating to global warming and sea level rise. The Hon. Cate Faehrmann is completely in order.

The DEPUTY-PRESIDENT (The Hon. Jennifer Gardiner): Order! I remind the Hon. Cate Faehrmann that the bill relates to coastal protection.

The Hon. CATE FAEHRMANN: To the point of order—

The DEPUTY-PRESIDENT (The Hon. Jennifer Gardiner): Order! I have ruled on the matter.

The Hon. CATE FAEHRMANN: I am expressing concern that Government members misunderstand climate change in terms of their views. The bill removes a key piece of legislation to tackle the impacts of climate change, so it is appropriate that I talk about comments made in budget estimates last week. I am concerned that, unfortunately, the Government is being run by people who do not believe in climate change. That is one issue. It is absolutely outrageous and it fills me with disgust when I hear Government members say that the science is uncertain. I think the Hon. Marie Ficarra used the word "uncertain". The science is not uncertain. Professor Mary O'Kane did not say that the science was uncertain.

The Hon. Marie Ficarra: It is constantly changing. The sea levels are constantly changing.

The Hon. CATE FAEHRMANN: The Hon. Marie Ficarra used the word "uncertain". The word "uncertain" is used by climate change denialists. Climate change denialists should use the word "uncertain" carefully when talking about climate change. Professor Mary O'Kane said that the science was adequate. I believe that Professor O'Kane's report has been used in a way that she did not wish it to be used. She said:

> The way the science has been used to determine benchmarks is adequate.

How much clearer do members opposite want it? The way the science has been used to determine benchmarks is adequate, given the current level of knowledge. Nowhere in the report does Professor O'Kane say that the science is not adequate and that the benchmarks should be withdrawn. The Hon. Robyn Parker in her second reading speech said:

> It is not a denial that sea level rises exist—it does exist and has existed for thousands of years—sea levels have changed and continue to change. It is the fact that the science, in terms of the impact in different areas, is being debated …

That seems to imply that the Minister for the Environment is a climate change denialist if she is saying that climate change science is being debated. The final issue I raise is that of consultation. I wrote to the Minister expressing concern that there has not been enough consultation. She told me that there was extensive consultation in October and November 2011. However, we heard from the Sydney Coastal Councils Group today that there was no consultation on the bill; it was simply a general PowerPoint presentation. A meeting was held recently, and a strengths, weaknesses, opportunities and threats analysis was carried out, but there was no consultation on the bill. All the rhetoric about consultation is false. There has not been any consultation on this bill. The legislation is outrageous. The Government is abrogating its responsibilities. The Greens do not support the bill.

The Hon. Dr PETER PHELPS [6.19 p.m.]: I am pleased with the contribution of the Hon. Cate Faehrmann because she has finally exposed what lies at the heart of the original bill—a desperate attempt to try to enshrine an extreme Green left agenda in relation to coastal management in this State. One of the things about which I am pleased is the removal of the benchmark sea level rises for 2050 and 2100. We all know what benchmark sea level rises are all about—they are about enshrining this extreme Green agenda, an extreme Green agenda which displayed itself very clearly last week in the estimates committee for the Environment and Heritage portfolios.

I refer to page 17 of the transcript, where Cate Faehrmann declared that sea levels could rise up to nine metres. I said, "Is that like an up to 90 per cent off sale? One goes in expecting 90 per cent off, but one gets only 10 per cent off." But, no, Cate Faehrmann said there could be a rise of nine metres. That is not as extreme as one ABC commentator, who said that sea levels could rise by up to 100 metres. However, up to nine metres is not a bad overestimation anyway. And how do we know that it is an overestimation? How do we know that it is yet another example of extreme Green rhetoric, a desire to try to whip up an emotional cause, completely devoid of factual basis, so that they can try to gain a bit of media notoriety or try to get a bit more money or a few more members into their increasingly anaemic branches?

We know that it is a fraudulent statement because in its second assessment report in 1996 the Intergovernmental Panel on Climate Change [IPPC]—hardly a sceptical organisation when it comes to anthropogenic global warming—said that sea level rise in the twenty-first century would be between 20 and 86 centimetres. Not 20 and 86 metres, not even 20 to eight metres, not even the nine metres propounded by Cate Faehrmann, but 20 to 86 centimetres. But wait, that is not all. 2001 comes around and the third assessment report of the Intergovernmental Panel on Climate Change says that the expected sea level rise will be in the order of 20 to 70 centimetres. It was 86 centimetres but now it is 70 centimetres. But wait, there is more. In 2007 the fourth Intergovernmental Panel on Climate Change report came out and what did it say? It said that the expected sea level rises are between 18 and 59 centimetres.

The Hon. Marie Ficarra: Oh—not nine metres?

The Hon. Dr PETER PHELPS: Not nine metres, not 5.9 metres—59 centimetres, at the extreme end of the scale. But do The Greens mention this? No, because there is no media opportunity in saying, "Well, it could only go up by 18, 20, 30, 40 or 59 centimetres." No, so they think of some ridiculous hyperbolic figure of nine metres. And for everyone who has a waterfront house 18 to 59 centimetres is the latest thing. Even that chief exponent of the anthropogenic global warming myth, the highly taxpayer-funded Professor Tim Flannery, has a wonderful waterfront house on the Hawkesbury. Clearly, he is not concerned about a nine metre rise in sea levels.

Let us look at the trend—because The Greens are very much in favour of trends. From 1996 to 2007 the Intergovernmental Panel on Climate Change said that the minimum rise would be in the order of 20 centimetres, but it has now reduced it to 18 centimetres. Importantly, it says the maximum has gone from 86 centimetres, to 70 centimetres, to 59 centimetres. This is not a climate change sceptic organisation—this is the Intergovernmental Panel on Climate Change, probably the biggest booster of anthropogenic global warming hysteria in the world today. It has progressively downgraded these figures over a significant period of time.

Let us look at the actual result over this period. The University of Colorado manages a series of documents in relation to annual mean sea level rise. Its figures show over the past 20 years an average mean sea level rise of 3.2 millimetres per year, plus or minus 0.4 of a millimetre. But let us say we are working on the upper end of the scale—let us say it is 3.6 millimetres. Over 100 years that is not nine metres, it is not 90 metres, it is not even 90 centimetres—it is 36 centimetres over 100 years. That is what we are a talking about today.

It is hard to measure sea levels because land often moves up and down. Fortunately Australia is relatively stable tectonically, so the Australian sea level record is more useful than most. It preserves the Holocene era and the rises and falls, and corresponds more with ice equivalent sea level changes, rather than changes in land mass. During the coldest days of the Ice Age—known as the glacial maximum—around 20,000 years ago, the oceans were 125 metres lower than they are today. Between 9,000 and 5,000 years ago they peaked at around one to two metres higher than at present, and they have been trending down ever since.

The Hon. Amanda Fazio: Point of order: The Hon. Dr Peter Phelps is not talking directly about the Coastal Protection Amendment Bill 2012; he is talking about his theories on global warming, about which he has informed the House many times before. Those theories are not directly relevant to this bill. The Hon. Scot MacDonald took a point of order on the Hon. Cate Faehrmann and said that this sort of discussion was outside the leave of the bill. The Hon. Cate Faehrmann was ordered to be more specific in her comments on the bill. I ask that you make the same ruling in relation to the Hon. Climate Sceptic. We have heard this before; I would like to hear his comments on the Coastal Protection Amendment Bill 2012.

The DEPUTY-PRESIDENT (The Hon. Jennifer Gardiner): Order! I ask members to confine their remarks to the leave of the bill.

The Hon. Dr PETER PHELPS: I am deeply sceptical about a lot of things The Greens say and I have good reason to be because when they come before a parliamentary committee and make the assertion that sea levels are going to change by nine metres I say, "Well, show me the evidence, show me the money", and they cannot. I challenged Cate Faehrmann here today, through interjections—which I realise are disorderly and the member was right to ignore me in that regard—but she had the opportunity to respond. The point of fact is that our current rate of, say, 35 centimetres a century is not unusual or unprecedented if one looks at the long-term geological record of Australia. Sea levels were around one to two metres higher between 9,000 and 5,000 years ago and they have been trending down ever since. What we see at the present time is part of a naturally occurring cycle.

However, the previous Government wanted to get in good with its Green credentials and I do not blame it. The hyperventilating and the hysteria which has been occasioned by the Green movement means that a lot of sensible people have had to take on rather bizarre positions to appease members of that movement. However, I note in passing that it was a Frank Sartor bill which was opposed to sandbagging. I thought to myself, what is "sandbagging"? So I looked it up on that great resource, the Urban Dictionary. It defines "sandbagging" as follows:

> **Sandbagging:** When a player in any game chooses (on purpose) not to play their best. Normally this is because they are too superior, they want to hustle you, or they are too lazy to play their best with nothing on the line.

I will leave it to members opposite to note the irony of Frank Sartor introducing a bill to prohibit sandbagging, when he spent most of his time sandbagging the parliamentary Labor Party.

[*The Deputy-President (The Hon. Jennifer Gardiner) left the chair at 7.29 p.m. The House resumed at 8.00 p.m.*]

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

DIRECTOR OF PUBLIC PROSECUTIONS AMENDMENT (DISCLOSURES) BILL 2012

MISCELLANEOUS ACTS AMENDMENT (DIRECTORS' LIABILITY) BILL 2012

Bills received.

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

Motion by the Hon. Michael Gallacher agreed to:

> That these bills be read a first time and printed, standing orders be suspended on contingent notice for remaining stages and the second reading of the bills stand as orders of the day for the next sitting day.

Bills read a first time and ordered to be printed.

Second readings set down as orders of the day for a future day.

SNOWY MOUNTAINS CLOUD SEEDING TRIAL AMENDMENT BILL 2012

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

TATTOO PARLOURS AMENDMENT BILL 2012

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

Second Reading

The Hon. MICHAEL GALLACHER (Minister for Police and Emergency Services, Minister for the Hunter, and Vice-President of the Executive Council) [8.03 p.m.]: I move:

> That this bill be now read a second time.

The Tattoo Parlours Amendment Bill 2012 provides important provisions to strengthen and support the current Act in its objective to break the stranglehold that outlaw motor cycle gangs have over the tattoo industry in New South Wales. This amending legislation is evidence of the care being taken by this Government to get this new licensing regime right by providing the best legislative framework. During the process to implement the Tattoo Parlours Bill 2012, which has involved close collaboration over a number of months between several government agencies, some minor issues were identified. Were they not addressed prior to the licensing scheme commencing later this year, concerns were held that outlaw criminal motorcycle gangs could seek to exploit any weakness, or perceived weakness, in legislation to thwart the Government's objective of ridding the tattoo parlour industry of criminals. Accordingly, the Government is moving proactively to make some minor amendments to the Tattoo Parlours Act in the interests of strong and effective regulation.

I will now outline the bill's provisions in detail. First, the bill makes further provision to strengthen the requirements in relation to probity checks conducted by the Commissioner of Police. This is essential for ensuring that undesirable criminal elements are prevented from operating in this industry. Secondly, the bill also provides authorised officers with important compliance and enforcement powers that will strengthen the ability of NSW Fair Trading and the NSW Police Force to regulate the tattoo industry effectively and efficiently. It provides authorised officers with the power to enter a licensed premise, or any other premises that are reasonably suspected of being used to perform body art tattooing procedures, to ensure compliance with the legislation.

On entering the premises, authorised officers may examine records and other documents, make copies of the documents or require others to do so. They may take photographs, film, audio or video recordings they consider necessary. They may also require individuals on the premises to answer questions in relation to any of those documents or any other relevant matters. These are standard enforcement provisions found in many existing statutes, including industry-specific legislation administered by NSW Fair Trading. The bill also provides for an authorised officer to apply for a search warrant where there are reasonable grounds to believe the legislation is being contravened. This amendment will bring the legislation into line with most other regulated industries.

As well as providing important enforcement powers, the bill also provides appropriate protections for the general public by ensuring that authorised officers cannot enter residential premises without either the permission of the occupier or an appropriate search warrant. The inclusion of these powers will assist authorised officers in ensuring that tattoo parlour operators and artists comply with the legislation. The bill strengthens the requirements for licensed premises by prohibiting people, other than licensed tattooists, from performing body art tattooing procedures on licensed premises. Harsh penalties apply to offences, with a maximum penalty of 50 penalty units for a first offence and 100 penalty units for a subsequent offence.

It is now also a condition of an operator licence that an operator does not permit an individual to perform a procedure at the licensed premises unless that person holds a tattooist licence. These restrictions are necessary to ensure that only appropriately licensed individuals are able to engage in the business of tattooing and are not able to circumvent the legislation by claiming to have performed a tattoo for free. This also provides important safeguards for consumers using the services of a tattoo parlour by ensuring that the tattoo procedure can be performed only by an appropriately licensed person. As members are aware, the Commissioner of Police will conduct probity investigations into licence applicants, licensees and close associates to ensure that only fit and proper persons are granted and able to hold licences. These investigations will involve consideration of material held by the NSW Police Force as well as the holdings of the CrimTrac agency. The bill expands on the current definition of a "close associate", to ensure that employees or prospective employees of a tattoo parlour can also be considered in probity investigations.

Employees, of course, can have significant day-to-day involvement in the running of a business. This amendment will help to ensure that tattoo parlour businesses will be just that and will not be used as a front for other criminal enterprises. If the criminal backgrounds of tattoo parlour employees were not able to be considered as part of the probity investigation process, it would provide an opportunity for individuals with significant criminal histories who might in effect be running the tattoo parlour to evade the licensing regime by posing as a receptionist or business manager. To this end, all applicants will be required to provide identification documents and fingerprints as part of their licence application. Close associates will also be required to provide identification documents. This will ensure that their identities can be accurately verified for the purpose of the probity investigations. For example, individuals may legitimately or otherwise have operated under various names or forms of their name in different States or Territories.

The provision of identification documents for all applicants and close associates will ensure that police are able to identify correctly the individuals involved and obtain the necessary information to conduct full probity checks. Should a licence applicant wish to challenge the result of a security determination completed by the NSW Police Force, they are entitled to seek review by the Administrative Decisions Tribunal. The Administrative Decisions Tribunal in its review of a licensing decision will have access to all the material on which the decision was based. However, as is the case with other similar licensing schemes, the Administrative Decisions Tribunal must not make criminal intelligence or other criminal information available to the applicant. Protecting such material is necessary to ensure that ongoing investigations are not compromised and police strategies are not exposed.

The bill also makes necessary administrative amendments that will assist with the implementation of the licensing regime. A licence issued under the Act will now come into force on the date printed on the licence. Applicants will be advised that their licence can be collected from their nominated Roads and Maritime Services centre. They will have a maximum of 60 days to ensure they collect their licence. The bill provides that where a licence is not collected within 60 days, the director general must cancel the licence. This will ensure that licensees collect their licences in an appropriate time frame and maintain the nexus between the security determination and the licence. Instead of displaying a copy of their licence at the licensed premises, operators will now be required to display information as prescribed in the regulations. The regulations will impose requirements that this information is clear and legible, to assure consumers that they are dealing with a licensed premises and to aid enforcement officers. This will ensure that necessary information is displayed appropriately in all licensed tattoo parlours.

The bill also provides additional regulation-making powers to ensure that regulations can be made that provide for the issuing of permits for visiting international tattooists; refunds for application and permit fees as appropriate; and the making and keeping of specific business records. These regulation-making powers will ensure that the licensing regime is effectively able to cater for the needs of the industry. Currently, the Act states that an application that is not determined within 60 days is deemed to be refused and the applicant may seek a review of that decision in the Administrative Decisions Tribunal. It is important to remember that this is a brand-new licensing regime for an industry that has previously been unregulated. Accordingly, when the licensing regime commences it is expected that all operators and artists will apply for their licences within a relatively short space of time. As members can imagine, this will place enormous pressure on staff in the relevant agencies to process these licence applications in a timely manner.

In these circumstances, it may not be feasible for agencies to process all applications within 60 days, particularly in light of the extensive criminal records checks that will be undertaken as part of the new regime. Accordingly, the bill provides a transitional period for the first six months of operation, when the 60-day period for deemed refusal does not apply. This will not disadvantage any applicants who have lodged their applications within the initial application period. These individuals will be able to continue to operate until they are advised of the outcome of their application. It is important to note that the amendments contained in the bill will apply to any applications that have been lodged but not yet determined before the commencement of the Act.

Finally, I would like to address why the bill makes no provision for competency requirements such as demonstrated knowledge of infection control procedures. Such health issues are obviously important and, while any such amendments would fall outside the scope and intent of this legislation, the Public Health Act 2010 and its supporting regulation already make adequate provision for hygiene standards, including offences and penalties. It is not the intention of the Government at this time to seek to duplicate or add to those existing requirements. This bill serves to strengthen and support important legislation for the tattoo industry in New South Wales. I commend the bill to the House.

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

COASTAL PROTECTION AMENDMENT BILL 2012

Second Reading

Debate resumed from an earlier hour.

The Hon. SCOT MacDONALD [8.16 p.m.]: I support the Coastal Protection Amendment Bill 2012 and the Government's stage one coastal reform. I begin by making a few quick remarks—

[*Interruption*]

If we get the sea level rises that the Hon. Cate Faehrmann has forecast I could have waterfront views in Guyra. I acknowledge the hard work of Legislative Assembly members Mr Geoff Provest and Mrs Leslie Williams**,** who, amongst others, have faced serious erosion issues in their electorates. The Minister for the Environment, and Minister for Heritage has visited those electorates to inspect the problems. Terry McDermott, a resident of Lake Cathie, has also shown me some of the issues at Port Macquarie. The uncertainty and the unrealistic regulations under the previous Government were not achieving anything. This bill will go a long way to addressing some of the temporary measures, as well as the long-term reforms, that are needed.

The Government's coastal reforms have been prompted by the angst felt by many coastal landowners. Many of these landowners have had notations on their section 149 certificates that did not appropriately reflect future coastal hazards. I acknowledge Gosford City Council's recent decision to remove section 149 notations relating to projected sea level rise impacts. The new guidelines to be issued by the Department of Planning and Infrastructure will help councils develop appropriate section 149 certificate notations relating to any coastal hazards that may affect a property. Many coastal residents have also raised concerns about significant increases in their insurance premiums.

While regulation of the insurance industry is a Commonwealth Government responsibility, this Government is concerned about any increases in the cost of living for families. I understand that the Insurance Council of Australia indicated at a Floodplain Management Association workshop last month that the increase in insurance premiums seen by many people is due to the inclusion of "flood cover" on their policy where previously it was not included. The Insurance Council also advised that this was not due to sea level rise projections, as insurance premiums are set based on the risks expected over the 12-month duration of the insurance policy rather than potential risks many years ahead.

In addition, the council noted that these insurance premium increases may have also been affected by the general increase in the cost of insurance. An article in the *Sydney Morning Herald* in July stated that insurance premiums have risen by up to 35 per cent in some cases in policies that were issued in the past few weeks, amounting to hundreds of dollars a year in extra payments, with companies saying that an unprecedented streak of "extreme weather" was the cause.

It noted that the Insurance Council of Australia said that disasters including Cyclone Yasi, the Queensland floods and a spate of other major floods and storms had forced up the cost of reinsurance—that is, the insurance that backs up commercial insurers. The Chief Executive Officer of the Insurance Australia Group gave a presentation in July, noting that last year the Oceania area, which includes Australia, contributed 17 per cent of the entire world's insured property losses. Until last year the area had averaged just 3 per cent for the proceeding 30 years. Based on this information, it is clear there are many factors affecting insurance premiums in coastal areas that are outside the control of this Government.

The Government recognises the impacts that increases in insurance premiums can have on household budgets. The Government will work with the Commonwealth Government as part of the stage two coastal reforms to ensure that the views of coastal residents are considered in the Commonwealth Government's regulation of the insurance industry. The current stage one reforms, of which this bill is a key component, as well as the forthcoming stage two reforms, are a clear demonstration of the Liberal-Nationals Government's commitment to develop the right approach to managing our coastline. I am pleased to support this bill.

The Hon. JAN BARHAM [8.21 p.m.]: In speaking against the Coastal Protection Amendment Bill 2012, I echo the comments made by my current and former colleagues. I will discuss some issues that I think will result from the legislation. The issues have not yet been fully considered but I know them well from my 13 years in local government in an area that is well known for its coastal erosion. The area is well known because of its history. There has been much talk about future scenarios but little talk about history, climate variability and what we do or do not know of the past. In many forums relating to coastal management in which I have been involved over the years I have always raised the important issue of worst-case scenario planning.

Worst-case scenario planning requires us to look at the history of an area and look to modelling events that have happened in the past against today's situation. Many of us would be surprised if we saw that modelling happen. Only when such modelling is done can we consider some of the poor decisions made in the past without reflection on the likelihood of an event recurring. Part of my concern about the Coastal Protection Amendment

Bill 2012 is regarding some perhaps unforeseen issues that might arise when the Government does not take the leadership role of requiring local government to consider appropriate guidelines when undertaking long-term strategic planning.

When we talk about strategic planning—particularly greenfield sites and new areas opened up for development, some of which are along the coast—planning requires us to think about intergenerational equity. What might be there in the future? Some of us probably live in dwellings that might be 100 years old, heritage homes. When people make that big investment for their lifetime they consider it is something that will transfer to future generations. That requires us to think in a 100-year timescale. The legislation that was in place previously was important because it required that sort of thinking. It required us to look at what might happen in the future, and it is the Government's role to consider the likelihood of future risk to human life. We must also consider the risk to investment, which is important.

Two points have been raised in this debate by members on both sides concerning the removal of the responsibility to apply section 149 certificate warnings and information. Probably no other point is more important for anyone purchasing property than to know the constraints of their land, whether it is slip, flooding, contamination by past practices that might endanger the health and wellbeing of people or coastal erosion. They are known problems associated with natural processes. Section 149 certificates are important because they reveal to a prospective buyer what they are investing in. I know many people who have considered buying coastal land.

Since 1998 Byron shire has had in place the principle that section 149 certificates identify that risk. When people have investigated and found that the risk exists they have decided not to take that chance because they cannot get insurance or a mortgage. Why would they take that risk with the major investment in their lifetime and not have something they can pass on to their children? That is the importance of section 149 certificates. Everyone expects government to advise people of risks, to let them know that before they make an investment there is certainty about the longevity of that investment. While it sounds good that people should not have these constraints put on them, the Government's action in removing section 149 certificates is of concern.

Mr David Shoebridge: It's retrograde.

The Hon. JAN BARHAM: It is a retrograde action to remove the Government's responsibility to inform people about what they are investing in and what risk they are taking, not only with their lives but with their investment. Another principle relates to local government. I consider, perhaps cynically, that the legislation is removing the Government's role to inform local government about its responsibility to undertake good planning. Despite the comments about the Intergovernmental Panel on Climate Change [IPCC] and sea level rise guidelines, there has been some misinterpretation of those figures. We all know that the baseline consensus decision from the panel is that by 2100, with the variable factors added in over 0.59 metres, there is the likelihood of a 0.9 metre sea level rise. The Federal Government has gone beyond that; it has gone to 1.2 metres. These figures are being used to advise and inform.

We have had little discussion in this place about the impacts of flooding and estuaries—two associated factors on the coast that are also impacted by sea level rise. The bill seems—this concern has been raised—to be narrow in its positioning and outcomes, because I do not believe it is really about good science or good planning. This is about lobbying from an influential and powerful group of people who live in the coastal zone. I know how effective they can be because I have been subjected to a lot of their influence, lobbying and—dare I say—threats for the past 20 years when I have spoken out against the right of people to do something that will impact on everyone's enjoyment and enhancement of public space, our commons, the beach. There is no other place like it for Australia. The beach is where we can all gather and be equal. Everyone strips down to their bikini or their budgie-smugglers.

The Hon. Michael Gallacher: What about Richard Jones?

The Hon. JAN BARHAM: Some people strip down to nothing, which some former members of the House were caught doing on the beach where everyone is equal. It is an Australian tradition to enjoy our wonderful beaches, the sand and the surf. That area is also a great asset for our tourism industry, a place of enjoyment and wellbeing, a place for fun, sports, yoga, walking and taking the dog for a run. It is an important part of our cultural identity that could be lost if we allow this protection to occur. The idea that we allow people to protect their property and put at risk the community's opportunity—

[*Interruption*]

There are many lawyers in this House who, I am sure, understand the good faith principle. It is the principle that, when one makes a decision, one needs to make it with the knowledge and understanding of a potential risk. Putting aside the hysterics about a nine-metre sea level rise, we know that there are issues about the likelihood that in 100 years or less there will be a chance that damage could be done, not only to private property but to public property. There are many cases that have defined this principle. I draw members' attention to an often made comment about the Byron coast and what has happened there. I find some of the comments that have been made in this Chamber offensive because members do not have the information to understand it.

After the 1974 cyclones on the North Coast, the NSW Public Works Department commissioned a report to look at the coastal area from Byron to Hastings and to consider the likelihood and possible impact of future events. Cate Faehrmann referred to the 2010 speech of Ian Cohen, MLC, which referred to the fact that a Coalition Government put in place the principle of planned retreat after doing expert studies that looked at the risk. That outcome was put in place to ensure that people could have time-limited occupation of a fragile and at-risk area of land to allow enjoyment of a coastal area as long as people were not at risk.

I am concerned that removing from the bill the provisions that require local government to consider future risk, and by leaving it as a choice that councils can make, the liability of future councils and communities will be at risk when in 20, 50 or 100 years time people look back and say, "Why was I allowed to build here? Why was it subdivided?" If a council made that decision, would the people be protected by the good faith principle? Are they protected under section 733 of the Local Government Act, when they know that this information is publicly available? The Government is willing to rip away the important work done by the previous Government. It wants to put in place guidelines that direct councils to take a precautionary approach.

If it were a matter of The Greens having a precautionary approach, it is fair to say the figure would be higher because we have serious concerns about what will happen in the future. In 1978 when the Government considered the report of the Byron to Hastings study conducted by the NSW Public Works Department, it put in place the coastal hazard policy. It seems to have been forgotten that the 1988 Cabinet adopted that coastal hazard policy. It produced a manual that provided instruction to local government and prescribed that councils would consider climate change.

The Hon. Catherine Cusack: It did not prescribe a planned retreat though.

The Hon. JAN BARHAM: It did prescribe an option. The Hon. Catherine Cusack might like to go back and do some research. She will find that in the manual of 1990 planned retreat is actually—

The Hon. Catherine Cusack: I have read the manual.

The Hon. JAN BARHAM: I am sorry if you have not read it completely and found—

The Hon. Catherine Cusack: It is not prescribed.

The Hon. JAN BARHAM: It is not prescribed; it is defined as an option.

The Hon. Robert Brown: Point of order: I cannot hear the member's speech. There is too much noise in the Chamber. Could you ask the members to keep quiet please?

DEPUTY-PRESIDENT (The Hon. Sarah Mitchell): Order! I remind members that interjections are disorderly at all times. Members will have an opportunity to contribute to the debate.

The Hon. JAN BARHAM: In 1988 Cabinet adopted a coastline hazard policy that looked at the need to produce a manual relating to the amendment of the relevant Acts to provide immunity from liability in respect of advice provided or acts done in good faith in respect of coastline hazard matters, provided councils followed the principles set down in the manual. Those principles are very clear. They require the necessary assessments and studies to be done and consideration of options that are available. Those things are to be done with expert advice. That usually comes down to engineers, who will tell us that carrying out works in a coastal zone—whether it is rocks, big bags of sand or hunks of concrete—will have a flow-on effect. That is the reality of carrying out works in a coastal zone.

The debate about attempting to control nature or the coast is something that I thought we had won 20 years ago when scientific evidence provided us with the information that proved that we cannot hold back the force of nature with big bags of sand or rock walls. In Byron people often ask me, "Why don't you look after the coast and put in a jetty?" I tell them that we have had two jetties but that they did not work. They ask what happened and I tell them that they were washed away during cyclones. That is what happens when dealing with the forces of nature. If the Government wishes to win the trust and respect of communities it needs to understand that we are talking about people's future lives and investments. If the Government allows them to do things that put those lives and investments at risk it will be negligent. The bill also removes the responsibility of councils to look at long-term future planning. I quote from an interesting paper that was written by a current member of Parliament.

The Hon. Matthew Mason-Cox: Ah, Dr Peter Phelps.

The Hon. JAN BARHAM: No, not Dr Peter Phelps. It was Mr Robert Stokes from the other place. I refer to a paper entitled, "That sinking feeling: A legal assessment of the coastal planning system in New South Wales", by Zada Lipman and Robert Stokes.

The Hon. Matthew Mason-Cox: What year?

The Hon. JAN BARHAM: In 2011. It states:

> Provide statutory immunity for the State.
>
> As this article has shown, there are no statutory exemption clauses, such as s 733 of the LG Act that apply for the benefit of State government, although the Civil Liability Act does confer a limited type of liability. It is therefore necessary to extend the protection in s 733 of the LG Act to the State or provide some similar form of statutory immunity. Disclaimers in guidelines are clearly insufficient to protect the State from legal liability.
>
> At the same time, consideration should be given to including lands owned by New South Wales government entities and to development projects assessed under Pt 3A of the EPA Act to the management regime imposed on all other coastal land. The State government should be fulfilling a leadership role in relation to coastal planning, and should subject itself to the same management regime it seeks to impose on other coastal landowners.

They are fine words. It will be interesting to see how the Government proceeds with its own coastal land management because, from what I have seen of late, it is not preserving the interests of future generations. This bill is shifting responsibility from the State, which has a leadership role in defining statutory planning rules and guidelines for local government and saying, "It is your choice. You can choose what level or assessment you apply." I do not think it is fair or right for the State Government to do that. It creates a subjective situation for local government and that will be borne out in future because as many a court case has shown, when local government acts in good faith it is all about the knowledge that is out there. We know only too well there are issues associated with management of the coast and sea level rise that should be considered if genuine attempts are being made to do strategic planning and to take a precautionary principle approach to that planning.

This bill is of great concern. It is disingenuous of the Government to talk about consultation when local government has not been properly consulted about this legislation. Consultations will continue next week and the week after and the Government will go to some of those communities and say, "We are here to consult but, by the way, we have already done these things to you." That is what we will be doing to coastal communities by passing this bill. We are imposing a future risk on them. We are allowing some private property owners to protect their lands and that will impact on the public interest and the public good, and I think that is abhorrent.

Mr DAVID SHOEBRIDGE [8.41 p.m.]: I commend the words of my fellow Greens members of Parliament. Jan Barham has a wealth of experience as a mayor of a coastal council and has had to confront head on these very issues in her local community, including staring down a pretty vigorous and at times unprincipled attack from a series of well-heeled landowners who sought to privilege their private interests over and above the public interests of the broader residents of not only Byron shire but also New South Wales. I commend her for her tireless work in that regard. I also acknowledge the words of my colleague Cate Faehrmann.

Essentially what this Government is seeking to do with the Coastal Protection Amendment Bill is hand over the difficult politics of dealing with the issues of sea level rises and potential coastal inundation from the State Government to local councils. Under the existing law the State Government has made it mandatory for coastal councils to do the work. Councils have to get the best scientific evidence about the threats coastal communities are facing from sea level rise and inundation. Councils are required, working with that best

evidence, to put in place careful management of their coastal fringe and classify land according to risk. They have to proactively manage risk for the good of the public and for the good of any future purchaser or developer of coastal land.

The previous Government came under a lot of political pressure for having put in place this mandatory requirement. This Government has caved in to that pressure and is seeking tonight to remove that mandatory obligation from local councils and effectively make it a discretionary matter for them. What kind of sea level rise should be taken into account? It is up to local government. Will they put in place a particular management regime for their coastal land? The Government's attitude is, "Well, it is really up to local government. We are not going to force you to do anything, guys", because the State Government does not want to take the political heat and most definitely does not want to take the legal responsibility for acting. The Government wants to hand it all over to local government and say, "You guys make the individual decisions and if you stand up for science and the long-term interests of your residents you can take the political heat from the coastal landholders whose land you will be classifying as at-risk." The State Government does not want to do it. It would rather hand it over to local government and hope that local government will fix the problem.

Of course, local councils will be under enormous pressure not to act in accordance with the best science and not to classify at-risk coastal land because, as we saw in Byron shire, many of the property owners on coastal land are extremely well heeled. They are some of the most well-heeled residents in the community. They also sit on land that is greatly prized for short-term development opportunities. That combination of the interests of developers and the interests of well-connected and well-heeled coastal property owners is extremely powerful in local communities and will force many local councils to not act on the best science and take the kinds of decisions needed to protect the public interest.

There are two aspects to the public interest that need to be considered. The first is that in this bill individual landowners will be allowed to put in place ad hoc coastal defence work and do it without any rigorous scrutiny about what impact protecting, most often in the short term, a small section of private land will have on coastal currents, the dynamic coastal environment and on often enormously prized public assets, whether they be the entrance to an estuary or a public beach that is used by locals and people from far and wide. A problem often arises when one part of the coastline is interfered with; you change the currents and the impact of wind and waves. You will find that the neighbouring beach is entirely lost in the next storm or over the next season. That does not seem to worry this Government. It just wants a quick political fix and for a small group of coastal landowners to have the capacity to protect their private property on an ad hoc basis.

Of course, if it can be done, if private property can be protected after rigorous study and key public assets can be protected at the same time, that should be allowed. It is allowed under the existing Act. What is not allowed under the existing Act is to cover public land with sandbags and other short-term ad hoc defences to protect private land without any rigorous study of the impact on other public land, other private property owners and even the long-term survival of the private land that is sought to be protected. This bill fails the public interest in that regard. It also fails the broader public interest of ensuring that prospective purchasers and developers have full market information when they purchase property that might be subject to coastal inundation and sea level rise. Let us be very clear about it: For most people their home is the most substantial investment they will ever make, particularly if it is a coastal home. It is an extraordinarily large investment for ordinary families. Often it can cost a million dollars or more in some of these areas.

The Hon. Robert Borsak: And the rest.

Mr DAVID SHOEBRIDGE: I note the interjection from the Hon. Robert Borsak. If people are purchasing five or 10 years down the track and shelling out $1 million-plus for coastal property surely they should have the best information available about the future risks to that property and what the threats are in terms of coastal inundation and local erosion. Where do you find that information ordinarily for property in New South Wales? It is on the section 149 certificate.

The Hon. Dr Peter Phelps: Google.

Mr DAVID SHOEBRIDGE: I hear the inane interjection from the Government Whip about Google. It shows the level of intellect that he is applying to this debate. It ought to be found on the section 149 certificate.

The Hon. Dr Peter Phelps: The nanny State.

Mr DAVID SHOEBRIDGE: I note the interjection about the nanny State. This is about providing information to people before they shell out $1 million-plus in purchasing a property and mortgaging themselves to the hilt. They deserve to know whether that property is facing inundation or is under threat from coastal erosion. But this Government is removing the obligation on local councils to include that information on a section 149 certificate and effectively giving councils discretion as to the extent to which they want to give notice to future purchasers and existing landowners about the threat of coastal inundation to their property.

What does that mean? That means the Government gets a short-term political fix because it does not have to take the heat of facing up to the reality of climate change. It means local councils across New South Wales will not be taking steps in the near future to properly classify whether their land is at risk of coastal inundation and coastal erosion. It means that people will be without full and sufficient information at hand when they mortgage themselves to the hilt to purchase these properties. It is a loss for the general public.

Reverend the Hon. Fred Nile: Buyer beware.

Mr DAVID SHOEBRIDGE: I acknowledge the interjection of Reverend the Hon. Fred Nile: "Buyer beware." People cannot beware of something if they have not been advised about it. That is the purpose of the section 149 certificate. The idea that individual property owners should drop a quick $50,000 or $100,000 on a consultant to take out a local flood study and a local coastal inundation study to work out the likely impacts of flood and coastal inundation before they purchase a property is a remarkable contribution. It goes to show that this is a second part of the Government's approach to this. It is handing over the risk from State Government and local government to individual property owners and individual buyers.

Denial about the reality and impacts of climate change is at the root of this legislation by this Government. It does not matter how much it wants to tinker with the Coastal Protection Amendment Bill, it will not stop the proven scientific fact that we will face impacts from the sea level rising over the coming century. When it comes to working out the impact of the sea level rise, I would much rather take the advice of the Intergovernmental Panel on Climate Change than the Government Whip or Minister Page. One thousand years ago we had another government which thought it could ignore the impact of reality and ignore the impact of the sea: Good old King Cnut, who was the king of Denmark, England, Norway and bits of Sweden. According to Wikipedia, 1,000 years ago King Cnut was a bit like Barry O'Farrell:

> Cnut set his throne by the sea shore and commanded the tide to halt and not wet his feet and robes. Yet "continuing to rise as usual [the tide] dashed over his feet and legs without respect to his royal person. Then the king leapt backwards, saying: 'Let all men know how empty and worthless is the power of kings ...'"

That is the same situation we are seeing with Barry O'Farrell. He can amend the Coastal Protection Amendment Bill; he can pretend that sea level rise is not going to happen; he can wander down to the beach at Malabar and command the sea not to rise, but it will make no difference. Climate change is a reality and sea level rise will be an ongoing reality over the next century. There is nothing that any conservative government can suggest that will change that.

Dr JOHN KAYE [8.52 p.m.]: I add to the words of my colleagues on this matter. Since the Coastal Protection Amendment Bill 2012 was announced on the day of the local government election by the Special Minister of State it has continued to disturb me, not just because of the substance which Mr David Shoebridge and my other colleagues have outlined, but also because of where it comes from. It comes from two profoundly frightening places. The first place it comes from is a desire to pander to the existing owners of high-value coastal property who are disturbed by the fact that if the truth is told about the risks—

[*Interruption*]

Dr JOHN KAYE: Madam Deputy-President, may I ask that I be heard in silence?

DEPUTY-PRESIDENT (The Hon. Sarah Mitchell): Order! Members, particularly the Government Whip, will cease interjecting.

Dr JOHN KAYE: Thank you, Madam Deputy-President. One of the most disturbing aspects of this legislation is that it is specifically written to pander to a small number of extremely wealthy landowners who own high-valued coastal properties and who do not want the truth told about the risks to the future of that property. By taking away the mandatory section 149 certificate warnings about potential sea level rise and

inundation, the real estate market does not function with full information. A Coalition Government that is committed to markets understands that they do not operate without appropriate information. Basic consumer protection is essential to the operation of markets. Basic warnings—

The Hon. Dr Peter Phelps: Rubbish.

Dr JOHN KAYE: I will take that interjection. What the Government Whip says is information is not needed for markets to operate. Maybe we should—

DEPUTY-PRESIDENT (The Hon. Sarah Mitchell): Order! I call Dr Peter Phelps to order for the second time.

Dr JOHN KAYE: Markets without information means that purchasers do not know what they are buying. They have no understanding of what risks they are buying when they fork out millions of dollars for these properties. It is simply unfair to those who purchase property which could face substantial inundation to buy without the appropriate warnings. The most frightening aspect in writing this legislation is the power of those wealthy landowners. The impact will be on those people who will shelve out a big proportion of their life savings and end up with property that could be inundated.

The second disturbing aspect of where this legislation comes from is the pandering to climate deniers. With a few exceptions, I do not believe this Government is full of climate deniers. The majority of the members of The Nationals and the Liberal Party are educated and open-minded enough to accept that the overwhelming consensus of scientists is correct. We face a serious and substantial risk that global climate change caused by anthropogenic greenhouse gases being emitted into the atmosphere will very likely change sea levels, increase storm activity and pose a threat to the integrity of coastal properties.

It is made worse because they are pandering to the Alan Joneses of this world; they are pandering to the vocal minority of climate deniers. The pandering to that small vocal minority is not only poor public policy but it is also deeply disturbing. This sensible Government understands the science and knows the dire warnings relating to climate change, which places at risk not only private property but also public property. However it chooses to ignore those warnings and instead will write legislation that panders to the small number of deluded individuals who are operating out of malign motivation and who are operating out of profit motivation from the mineral and fossil fuel industries.

For those of us who spend time at the beach and areas close to the shore, a comprehensive understanding of the complexity of the dynamics of currents, storms, sea flows and sand makes it absolutely clear that one individual taking private action in an uncoordinated fashion to protect their coastal property means they are not solving the problem. They are solving the problem for themselves but they are exacerbating it for others. They are exacerbating it for their neighbours, they are exacerbating it for people who may be kilometres away, and they are exacerbating it for public landowners. There is no solution to sea level rise that can be gained by any individual acting alone. There are many examples of people in the coastal areas of New South Wales and Victoria who have tried to hold back the sea and have caused problems for their neighbours.

Anybody who has spent time at the mouth of the Tweed River, the Myall River or the Shoalhaven River will understand how sensitive sea flows are and how easy it is to disturb the natural flow of sand and end up with unintended consequences. Shoalhaven Heads is a fine example. The mouths of the Myall River and the Tweed River are excellent examples of what happens when ill-informed coastal protection work goes wrong. I note that the Hon. Paul Green is nodding. He knows what human intervention did to the mouth of the Shoalhaven River and the potential catastrophic consequences for the hamlet of Shoalhaven Heads. The next time there is a big flood in the upper Shoalhaven River, Shoalhaven Heads will cop it.

The Hon. Catherine Cusack: It is not their fault.

Dr JOHN KAYE: Madam Deputy-President, it is almost impossible to talk with the Hon. Catherine Cusack shouting at me.

DEPUTY-PRESIDENT (The Hon. Sarah Mitchell): Order! I uphold the point of order. I once again remind members that interjections are disorderly at all times.

Dr JOHN KAYE: This is a serious matter, but sometimes this is not a serious Chamber. Coastal protection works must be undertaken in a coordinated fashion. Individuals taking their own actions will cause

unintended catastrophic consequences for those around them and possibly in the long run for themselves. This legislation enables people to implement individual private solutions, whereas solutions should be public and coordinated.

I am also deeply concerned about the amendments to section 149 certificates. It is a basic tenet of a market economy that consumers are not deluded and that they are warned. Mr David Shoebridge asked whether people who buy a coastal property and find nothing on the section 149 certificate are expected to have their own coastal study conducted at a cost of $50,000, $100,000 or $200,000 in order to establish the likely risk to their land under any of the sea level scenarios caused by the increased storm activity that is being forecast by the Intergovernmental Panel on Climate Change and prior to the Coalition Government coming to office by the Department of Environment and Climate Change. It is simply ridiculous to allow that to happen.

This legislation does not deserve to pass this Chamber. This Chamber, this Parliament and this Government are better than this legislation. We should say no to the motivation behind it and to its substance. We should be working to address the challenges of coastal erosion and doing so in the full knowledge of the science that says we are in for a tough time on the coast. We should be developing coordinated solutions that work for everyone. It should not be every man or woman for themselves. We should all work together to protect as much of the coast as we can. This legislation removes that capacity, not only in substance but also in intent. It removes the capacity for people to work collectively for a common solution to sea level increases and coastal erosion. This legislation does not deserve to pass. I wish to be associated with the remarks of my colleagues the Hon. Cate Faehrmann, the Hon. Jan Barham and Mr David Shoebridge in opposing this legislation.

The Hon. ROBERT BROWN [9.04 p.m.]: My contribution will be brief and, as usual, to the point. I did not intend to speak on this legislation, but having heard the contributions of members of The Greens I simply could not cop it; I decided that I must say something. Their speeches were redolent of class warfare and their hatred of private ownership of property. The argument about the State Government transferring responsibility for this potential problem to local government is hypocritical. What about the imposition of the E2 and E3 zones? Councils will have to address that problem.

This legislation also demonstrates that the Government still has not learnt that when a party wins an election it is awarded a prize—it is called "government". It should not half do bills; it should do them properly. I hope that the Government will tear down more of these fabricated bricks of Green-Labor ideology that have been built into our legislation over the past 16 years—the Native Vegetation Act comes to mind. While I support the bill, I give the Government half marks—the bill is not quite good enough.

The Hon. CATHERINE CUSACK [9.06 p.m.]: I do not think I have ever heard such drivel that not one, not two, not three but four members of The Greens delivered in this Chamber.

Dr John Kaye: You always say that.

The Hon. CATHERINE CUSACK: I have never said that about The Greens before. The only benefit I can see from the display to which they have subjected the Parliament to today is that it will help the public of New South Wales to understand how this wretched mess was created. That was the mentality that drove the ridiculous deal which The Greens did with the Labor Party prior to the election and which caused this mess to be inserted in the coastal protection legislation.

Dr John Kaye: Which deal was that?

The Hon. Robert Brown: There were so many.

The Hon. CATHERINE CUSACK: Yes, there is a long list. However, on this occasion I am talking about the Coastal Protection Amendment Bill 2010. There was not one, two or three versions negotiated between Frank Sartor and The Greens; there were no fewer than 77 draft bills while The Greens exacted their pound of flesh. I am glad that the Hon. Jan Barham has spoken in this debate. I will put aside all the waffle—

The Hon. John Ajaka: Point of order—

Mr David Shoebridge: A deal is where you send someone out to sell your environmental credentials before—

The Hon. John Ajaka: I will wait for Mr Shoebridge to finish his rant. With all due respect to Mr Shoebridge, who consistently raised points of order about interjections, I ask that he now allow the Hon. Catherine Cusack to speak without interjection.

DEPUTY-PRESIDENT (The Hon. Paul Green): Order! Dr John Kaye asked to be heard in silence; he will show the member with the call the same respect.

The Hon. CATHERINE CUSACK: The measures that the Government is seeking to repeal in this legislation relate to an argument that the Greens-controlled Byron Shire Council has been having with a group of property owners on Belongil Beach. All of a sudden the spit of sand, which is 15,000 years old, is falling into the ocean. The Greens would have us believe that that is simply nature at work and that nothing can be done. The Byron Shire Council-owned works at Johnson Street are acknowledged as causing erosion north of the beach and that has caused a great deal of land, both public and private, to fall into the ocean. Members opposite are saying that we should blow the whistle and leave all those property owners stuck with the negative implications of the publicly funded, council-owned engineering works that are causing the problem. You people are very strong—

Dr John Kaye: Point of order: The reference to "you people" is completely disorderly. Remarks should be addressed through the Chair.

DEPUTY-PRESIDENT (The Hon. Paul Green): Order! The member should refer to the appropriate party.

Mr David Shoebridge: To the point of order: Dr John Kaye's point of order did not relate to how the Hon. Catherine Cusack should refer to a group of members. The point of order was that the honourable member should not address her remarks to "you people" but through the Chair.

DEPUTY-PRESIDENT (The Hon. Paul Green): Order! I remind members to address their remarks through the Chair.

The Hon. CATHERINE CUSACK: It is a triumphant moment for The Greens. They would have us believe that selfish private property owners are inflicting damage on the rest of the coastline at public expense. In relation to the coastline, sand beaches on the North Coast are falling apart, which, without exception, has been caused by misguided, government-funded engineering works back in the 1950s. The implications of those works have left private property owners stuck with the bill. The reality is the complete reverse of what The Greens would have us believe. Byron Bay council has to rebuild a collapsing wall, otherwise the whole of Byron Bay central business district will end up in the ocean; but that will have negative impacts further along on private property owners who have been seeking to defend their properties in the wake of these publicly funded works causing their properties to wash into the ocean.

It will come as no surprise that the Liberal Party supports the principle of private property. Clearly, there is no such support from The Greens. In fact, they show disdain and contempt for the principle. They use weasel words in relation to consumer information on the purchase of property. The nanny State information The Greens endorse affects 9,000 property owners on the Central Coast who have had their property titles blighted by section 149 certificates. I will provide an example of the stupidity that is occurring on the Central Coast. The mapping of that area has been carried out on a topographical basis. Property owners now have this blight on their property title as a result of a carte blanche topographical study. The whole concept of individual property is disregarded.

I have visited a beach where a property on a dune is seriously in danger of collapsing in the event of storm surge. I would describe it as the most at-risk property I have seen on the Central Coast, but because the property is on top of the dune, which is quite high, it is not blighted by a section 149 certificate. All the houses behind that property are affected because they are on lower ground. Members must understand that talk of science and best available information is absolute rubbish. The formulas are applied on the basis of other formulas. They are not, as suggested by Mr David Shoebridge, based on the statements of the Intergovernmental Panel on Climate Change in relation to sea level rise. The sea level rise policy statement on which the formula resides is based on a CSIRO document that was derived from an Intergovernmental Panel on Climate Change document which was followed by the then Department of the Environment and Conservation.

The department then developed its own science around that, decided that the New South Wales coast is a hotspot, added another nine metres, or whatever number it arrived at based on the worst-case scenario, and

factored in a precautionary principle. It then made projections that would have us believe that since 1990 the waters off the New South Wales coast have risen by one centimetre every year. In other words, they have risen by 22 centimetres since 1990. Patently that has not occurred; it is rubbish. I have said to Minister Parker, and I have repeatedly said to my Government, that the sea level rise policy statement put in place by the Labor Government should have been repealed in April 2011; it is complete rubbish. The second aspect is that the policy assumed that the whole coast was being eroded and washed away. That also is patently not the case. The laws of accretion are in place to deal with that. The sand does not disappear; it moves. On every beach parts will increase and parts will erode, and beaches change over time on a soft coastline.

I am not a climate change sceptic. I ask the Government Whip, the Hon. Dr Peter Phelps, to respectfully not listen to my next remarks. The issue that New South Wales faces is the warming of the oceans which is changing the currents and the way they work. First, that has an impact on our soft coastline. Secondly, it has an impact on the weather and causes storm surge and much more severe and frequent events. Temporary protection works are completely nonsensical. They were a system designed to frustrate property owners. It does not work and is a fraud on private property in New South Wales. One of the provisions in Labor's legislation was that a property owner could only put in temporary protection works if a storm was underway or imminent. That meant property owners could only lay sandbags if the beach had eroded to within three metres of their house. At that point the owner, if he or she had pre-authorisation, was able to obtain a certificate from an engineer which stated that the sandbags to be used complied with the standard for sandbags. The certificate then had to be taken to a council officer, who then issued a further certificate which stated that the engineer's certificate had been received.

The Hon. Michael Gallacher: Meanwhile back at the house.

The Hon. CATHERINE CUSACK: This is all occurring in the middle of the night during a storm surge. Meanwhile back at the house, and at the house next door and the one next to that, what is happening? Contrary to the comments of The Greens, Labor took the block-by-block approach, which we criticised as nonsensical. People could not lay sandbags on the beach to protect the whole beach. This Government has the chance to repeal that provision and take a holistic approach. That is one example of a ridiculous provision that this Government is repealing. I believe that storm surges are a real threat not only to our soft coast but also to estuary areas. The New South Wales coastline extends for 2,100 kilometres. People say it is too big a problem because of the length of our coastline. But we are only talking about a select number of places and a limited part of the coast that is being impacted by past engineering works. Property owners should not be left holding the baby because of bad public policy.

On a Google map one can see the erosion on the beach at Lake Cathie. The beach is very jagged. Inside each bite into the beach is a stormwater pipe that is used for draining the streets of Lake Cathie. That is what is causing the erosion of those dunes. That is not natural and it is not the responsibility of the residents. The residents have no capacity to repair that problem. Woody Head has a beautiful beach on the North Coast that is eroding rapidly. The National Parks and Wildlife Service has property and a caravan park at Woody Head. Under a policy devised in 1977 the service established, I believe quite sensibly, a dune rehabilitation program to try to defend those public assets.

The ability of the National Parks and Wildlife Service to rehabilitate dunes to act as a buffer to defend government property—an action I support—is a right that should be extended to residents up and down the coast. Residents of Wooli are requesting rehabilitation of the dune so that the beach will protect the homes of everyone. It is not a matter of selfish residents. I totally reject that concept. But what will happen to the rest of the public and government assets if we just let all these properties fall into the ocean? If the spit at Belongil gives way, the entire Belongil Creek will flood. Byron Bay—which is three-quarters swampland, most of it drained—will be inundated. The impact that will have on everyone in that town will be a massive, irreversible disaster. We want to support the natural feature and protect the high conservation value land behind it.

It is infuriating to sit in this House and listen to the completely dishonest representation that is being dished out by The Greens. It is not about holding back the sea and King Canute; it is about managing storm surge. I welcome the Government's repeal of red tape. However, I am in heated agreement with the Shooters and Fishers Party that the legislation does not go far enough—this is not even half an Act. The Government has told local councils that it is no longer mandatory to follow the ludicrous sea level rise statement but that it will still give advice and information. In reality, that will still bind most local councils to the sea level policy. This stupid policy mandates, for example, the Bruun rule when Bruun himself has said that the rule should not be used in

this context. This policy has been completely discredited and the department knows it, but because the department has no better information it will rely on it. That is the basis on which the section 149 certificates are being issued and it is ruining the value of people's properties in the process.

That sea level policy statement needs to be repealed. It needs to be torn up and we should start again. We need to act in the interests of public land as well as private land. There are enormous amounts of valuable public land and beaches at risk of falling into the ocean. The Greens talk about protecting public access to the beach but that access is being lost. One almost has to abseil to get onto Wooli Beach. The same thing is happening at Old Bar, but there is a simple solution. Old Bar was the former mouth of the Manning River. It broke off in the 1950s, which left the beach unprotected and the beach is now eroding. If Old Bar is artificially rebuilt the beach will improve. It is not an expensive solution but the dithering that went on for six years under Labor has made the problem more expensive and more difficult.

I applaud this legislation but I call on the Government to go further. A great deal more needs to be done. Funding is available to implement common-sense solutions. Even if the Government tried to manage what would be doomed public land if nothing was done, it could help co-fund the protection works required. I repeat, what is going on on our coastline is not natural and it is not due to sea level rise. Up and down the coast we have breakwaters to open the mouths of rivers that are naturally silted. That is what is causing the serious erosion on the North Coast. It is unfair to the property owners—a small number of people who are expected to bear the full cost of past mistakes. The Government has a responsibility to those people. I applaud all of those people who are standing up for their basic rights. I deplore The Greens for its intimidation, lies and vilification of private property owners, who want nothing more than their basic rights.

The Hon. JEREMY BUCKINGHAM [9.23 p.m.]: The Hon. Catherine Cusack's contribution to the Coastal Protection Amendment Bill cannot go without response. It is clear that the Government is anti-science. The CSIRO, the United Kingdom Bureau of Meteorology and NOAH all recognise—

The Hon. Matthew Mason-Cox: Is that Noah's Ark?

The Hon. JEREMY BUCKINGHAM: The member does not even know what NOAH is. Those opposite are basing it on the science of Noah's Ark. We are experiencing sea level rise but there is nothing a private individual can do about it. An individual undertaking his or her own work will not hold back the tide. It is not about The Greens being ideologically opposed to private ownership; it is about being honest with the people of New South Wales about the science. So many of those opposite are driven by ideological viewpoints and they fail to recognise the science. None of those opposite is across the realities of climate change, which are now observable—for example, the hottest year on record in North America and the melting of the Arctic. Those opposite are turning their backs on science and vilifying The Greens, the scientists and those who recognise the need to be honest with the people of this State. People need to be told that they can do nothing in the face of metres of sea level rise.

The Hon. Dr Peter Phelps: Read this—here is the rise.

The Hon. JEREMY BUCKINGHAM: Where did you get that document from? Perhaps Wingnuts Are Us? The forecasts are very conservative.

The Hon. Dr Peter Phelps: The UK Bureau of Meteorology.

The Hon. JEREMY BUCKINGHAM: Point of order: Do I have to be yelled at? The Hon. Dr Peter Phelps should be ruled out of order.

The Hon. Dr Peter Phelps: To the point of order: The member asked me where I got this document from. I got the evidence of lack of climate change from the United Kingdom Bureau of Meteorology.

DEPUTY-PRESIDENT (The Hon. Paul Green): Order! The Hon. Jeremy Buckingham will not respond to interjections.

The Hon. JEREMY BUCKINGHAM: It is clear that the globe is warming. It is clear that the sea is rising. The latest CSIRO modelling clearly shows—from data derived from altimeters and satellites—that the sea is rising. This policy will do nothing to protect communities. Community response will deal with climate change. It is incumbent on a responsible government to put aside its ideological opposition because climate

change is politically inconvenient. Those opposite have dug themselves into a hole. The scientific evidence is increasingly mounting. This ideological response is completely responsible. The seas will continue to rise. Significant sea level rise has already been locked in. The Hon. Catherine Cusack said it is just an issue for Belongil Beach. It is an issue for the entire globe. This issue will affect every ocean on this earth. Some of the scientific predictions are catastrophic.

The Hon. Dr Peter Phelps: How much?

The Hon. JEREMY BUCKINGHAM: My understanding is that the latest predictions are in the tens of metres over the coming decades and hundreds of years. The member laughs and mocks me.

Reverend the Hon. Fred Nile: Skyscrapers.

The Hon. JEREMY BUCKINGHAM: When one considers the rate of melting in Greenland it is very concerning. If those opposite turn their backs on the science they will be condemned. The Greens are taking the responsible approach. The Government is making a similar ideological attack to that of the Hon. Robert Brown on any legislative instrument that protects the environment. History will condemn the Government for its foolishness.

The Hon. MATTHEW MASON-COX (Parliamentary Secretary) [9.28 p.m.], in reply: I thank all members for their very illuminating contributions to this important bill. Notwithstanding some of the misleading rhetoric and perhaps self-indulgent collective musings of The Greens, the proposals in this bill represent a very significant step forward for managing erosion threats along our coastline. The Government's stage one coastal reform clearly demonstrates that the Government will not shirk its responsibility to help communities and councils deal with this difficult issue. It would be very instructive homework for The Greens and those on the other side to reflect upon the words of the Hon. Catherine Cusack, who I think put it better than anyone else, in relation to the difficulty of these issues and the struggle for local landowners which has gone on for far too long. Finally, the Government has decided to act and I am pleased that the bill will address some of these problems.

The bill is an important part of the stage one reforms and winds back some of the excessive red tape the former Government introduced into coastal management. The main provisions in the bill relate to improving the ability for coastal landowners threatened by coastal erosion to take responsible actions to reduce erosion impacts. The ability for landowners to place large sandbags as temporary coastal protection works will be increased, as the requirements relating to where and when these works can be placed will be reduced. These changes are both sensible and practical. No longer will landowners need to wait until erosion is occurring or imminent, or wait until they have obtained a certificate from council or the Office of Environment and Heritage; they will be able to place these temporary works on their land at any time.

Landowners will no longer be limited to placing temporary works on their land only when a building is threatened by erosion. This restriction will be lifted, allowing works to be placed to benefit vacant land. Under related changes to the code of practice, landowners will not be limited to placing these works at only 14 authorised locations. This will be expanded to cover any erosion-prone area. The bill continues the ability for landowners placing temporary works under the Coastal Protection Act in their land to avoid the need for any other type of approval. If landowners want to place larger or longer-term protection works, the opportunity to lodge a development application remains open.

When it is necessary for landowners to place temporary works on public land, the bill makes this easier for landowners while retaining important controls to ensure the appropriate use of public land. The bill doubles the allowable time for landowners to use public land responsibly to two years. These changes reflect the Government's commitment to supporting landowners while also protecting the public interest. When the previous Government increased the penalties in the Coastal Protection Act for illegal dumping it got it half right. Higher penalties for dumping rocks, construction waste and other dangerous objects such as car bodies were reasonable. However, placing sandbags on beaches to protect property is not a transgression of the same order as dumping a rusty car body. The bill restores the balance by halving the maximum penalties for lesser offences relating to sandbags and the inappropriate use of temporary works.

I turn now to section 149 certificates, which play an important role in informing future purchasers of land about development restrictions and hazards that affect a property. It is important that the information on these certificates is appropriate, accurate and not misleading. Many Central Coast residents have expressed concern, to which some members referred, about inappropriate section 149 certificate notations relating to sea

level rises. The bill removes the requirement to include notations on these certificates relating to coastal hazard categories. It is more appropriate that the requirements relating to coastal information on section 149 certificates be under the Environmental Planning and Assessment Act. To support this, the Government will be developing new guidelines for councils to provide clear guidance on how to describe coastal hazard information on these certificates.

We want all section 149 certificates to inform, not to inadvertently mislead. The Opposition is opposing the bill on the basis that Labor got it right with its package. Clearly, that is not the case. The Opposition's concern about the changes to section 149 certificate notations is also unfounded. As the Minister said earlier, these certificates are important for providing information to future purchasers but they also need to be accurate. The bill effectively removes duplication on section 149 certificate notations relating to coastal hazards. These will now be consolidated under the Environmental Planning and Assessment Act. Late last year the Office of Environment and Heritage held eight workshops along our coast, from Ballina south to Moruya. These workshops were attended by committee groups, councils and other stakeholders. Indeed, the Government will consult further while it is developing its stage two coastal reforms.

I note that the current penalties will remain for actions that will seriously damage our coast or risk public safety. However, the Government recognises the difference between sandbags and construction debris, and the bill appropriately adjusts the penalties accordingly. In conclusion, this is a sensible bill that aims to better support landowners threatened by erosion while ensuring that the public interest is preserved. It reduces the red tape introduced by the previous Government and is an important step in this Government's path towards a sound approach to managing erosion threats to our coastline. Accordingly, I commend the bill to the House.

Question—That this bill be now read a second time—put.

The House divided.

Ayes, 20

Mr Ajaka	Mr Gay	Mrs Pavey
Mr Blair	Mr Khan	Mr Pearce
Mr Borsak	Mr Lynn	
Mr Brown	Mr MacDonald	
Mr Clarke	Mrs Maclaren-Jones	
Ms Cusack	Mr Mason-Cox	*Tellers,*
Ms Ficarra	Mrs Mitchell	Mr Colless
Miss Gardiner	Reverend Nile	Dr Phelps

Noes, 17

Mr Buckingham	Mr Roozendaal	Mr Whan
Ms Cotsis	Ms Sharpe	
Mr Donnelly	Mr Shoebridge	
Ms Faehrmann	Mr Secord	
Dr Kaye	Mr Veitch	*Tellers,*
Mr Moselmane	Ms Voltz	Ms Barham
Mr Primrose	Ms Westwood	Ms Fazio

Pairs

Mr Gallacher	Mr Foley
Mr Harwin	Mr Searle

Question resolved in the affirmative.

Motion agreed to.

Bill read a second time.

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

Third Reading

Motion by the Hon. Matthew Mason-Cox, on behalf of the Hon. Greg Pearce, agreed to:

That this bill be now read a third time.

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

SWIMMING POOLS AMENDMENT BILL 2012

Second Reading

The Hon. GREG PEARCE (Minister for Finance and Services, and Minister for the Illawarra) [9.44 p.m.]: I move:

That this bill be now read a second time.

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

Leave granted.

The Government is pleased to introduce the Swimming Pools Amendment Bill 2012.

As we head into the warmer months, families are increasingly going to be using their backyard swimming pools. Backyard swimming pools are an important part of family life. They bring families together and provide everyone with endless hours of healthy fun.

But it is a sad fact that each year a number of children continue to drown in backyard swimming pools. And each year about 60 young children are admitted to hospital following a near drowning.

Each drowning or injury In a backyard pool is a tragedy for families and for local communities. And the greater tragedy is that effective and well maintained swimming pool fences, combined with vigilant adult supervision, could have prevented most, if not all of these drownings.

This has led to increasing calls by pool safety advocates for a further strengthening of the Swimming Pools Act 1992. They put the case that too many pools that are inspected have deficient barriers and that each deficiency in a pool barrier that is identified and rectified potentially saves the life of a child.

The NSW Deputy State Coroner has also conducted a series of inquests into swimming pool deaths and has made a number of recommendations about how the Swimming Pools Act should be strengthened.

It is clear that we need to do more to ensure the safety of children around private swimming pools.

This Government has undertaken a two-year comprehensive review of the swimming pool legislation. We have looked at the evidence and developed proposals through a cross-agency working group. We have consulted with those who have an interest in pool safety in NSW.

I thank all stakeholders who have provided their expertise in the development of the pool safety laws, such as Hannah's Foundation, The Royal Life Saving Society NSW, the Samuel Morris Foundation, the Commission for Children and Young People, local councils and numerous organisations from the pool, building and health sector, as well as all the members of the community who provided their input.

Just the other week, the Minister for Local Government met with Kelly Taylor who lost her two-year-old son, Jaise, in a swimming pool tragedy two years ago. The Minister met with the Member for Mulgoa on National Day of Drowning Prevention, Awareness and Support in Kingswood.

The evidence supporting change is overwhelming. Now is the time to act to protect the lives of NSW children.

The Australian Medical Association, State President Associate Professor Brian Owler, has welcomed these changes. He said:

> Ensuring that pool fences are compliant with the safety standards is the key to minimising the risk to children's safety,

This Bill proposes amendments to the Swimming Pools Act to achieve this. The amendments are designed to address widespread concern about the high rate of non-compliance of swimming pool barriers with the Act's requirements.

The amendments will help us know where pools are, educate pool owners about pool safety and carry out inspections to ensure pools, particularly those that pose the highest risk to children, are made safe.

To achieve this, the Bill includes amendments:

- to establish a State-wide on line register of all private swimming pools in NSW;
- to require that pool owners self-register, free of charge, and certify to the best of their knowledge their pool complies with the relevant requirements;

- to require that councils develop and adopt a locally appropriate and affordable inspection program in consultation with their communities;

- to require that councils conduct mandatory periodic inspections of pools associated with tourist and visitor accommodation;

- to amend the Building Professionals Act 2005 to allow accredited certifiers to conduct inspections and issue certificates of compliance for swimming pools when requested by pool owners; and

- to amend the conveyancing and residential leases legislation to require that vendors and landlords have a valid swimming pool compliance certificate before they may offer the property for sale or lease.

Targeting pool safety messages and inspection requires councils to know where pools are located in the community.

Although a number of councils already hold this information, many do not.

The proposed amendments in the Bill will require pool owners to self-register their pool, free-of-charge, on a State-wide, on-line register. The register is to become operational after 6 months of the commencement of the Act. This will allow development and testing of the technology required to operate the swimming pool register before it goes live.

As part of the registration process, pool owners will be required to self-assess to the best of their knowledge that their pool barrier complies with the legislation. Pool owners will be provided with simple checklists to help them do this.

The checklists will help pool owners identify defects in swimming pool barriers. Sometimes these are easily remedied. These defects include gates that do not self close, or gaps under fences which allow young children to access a pool when a responsible adult is not present. These minor defects are common and present as much risk as other defects that may need more expert attention.

The registration and self-assessment checklist is designed to raise awareness of pool safety and ensure pool owners take responsibility for ensuring pool barriers are compliant.

Of course, there may be a small number of pool owners who are unable to use the on-line register. To ensure all pools are registered, pool owners will be able to have their pools registered on their behalf by their local council for a token registration fee of no more than $10.

To ensure pool owners have sufficient time to register their pools, the Bill allows a 6 months phase-in period from when the register goes live, within which all private pools in NSW must be registered.

This Government believes that the way to ensure the safety of children around swimming pools is to ensure that pool owners take responsibility for their pool. We want to support them to do this by providing information on what makes for a safe pool.

The stakes of pool safety are high and the consequences of getting it wrong can be tragic. That is why the proposed amendments also include a new offence for failing to register a swimming pool, attracting a penalty notice of $220, with a maximum court imposed penalty of $2,200.

Requiring pool owners to register and self assess their pool will help raise awareness of pool safety. In addition to this important benefit, the State-wide register will provide an overall picture of pool ownership in NSW for the first time. It will also provide councils with access to a consistent database to update information, plan local community education programs and manage an inspection program.

To reinforce the registration and self-assessment process, councils will be required to develop locally tailored, risk-based inspection programs, in consultation with communities.

With an estimated 340,000 pools in NSW it is not possible to inspect all pool barriers. Councils are best placed to decide which pools should be inspected and how often. Councils will be provided with guidance on how to do this.

Such inspections will come at a cost to councils and ratepayers. Councils will be provided with the option of recovering the cost of these inspections from pool owners, with a capped maximum fee.

There are some pools, however, that pose a higher risk to children, so the Bill requires councils to act to ensure child safety around these pools.

The Bill requires councils to conduct inspections of swimming pools associated with tourist and visitor accommodation, as well as other multi-occupancy developments, every three years. This is necessary to address the higher risks associated with pools used more frequently and by a wider range of people. This includes pools in hotels, motels, serviced apartments, backpackers' accommodation and unit complexes. If a swimming pool is inspected and found to be compliant, the council will issue a compliance certificate that, subject to certain conditions, will be valid for 3 years.

Importantly, it is swimming pools in rental properties that pose the greatest danger to children in NSW.

Coronial findings have demonstrated increased risk in relation to pools on these types of properties, as landlords may be unaware of any deficiencies in the integrity of the pool barrier and may be reluctant to make repairs due to the costs involved.

Alarming evidence provided by Hannah's Foundation to the coroner's inquiry suggests that, in the area in which the Foundation was collecting statistics, more than fifty percent of child deaths in home swimming pools occur in rental properties.

The Government will not accept these tragedies as inevitable. This is why the Bill requires pool owners who want to lease a property to first obtain a swimming pool compliance certificate.

At the same time, to ensure that all pools are made safe, the Bill also contains amendments to require that a property owner must obtain a compliance certificate for their pool before it is sold.

To achieve this, the Bill makes a number of amendments to the Conveyancing (Sale of Land) Regulation 2010 and the Residential Tenancies Regulation 2010 that will prevent the sale or lease of properties with swimming pools unless the pool is registered and there is a valid certificate of compliance for the pool.

Recognising the challenge that the implementation of this proposal may place on local councils and pool owners, the Bill introduces a number of measures designed to reduce any potential delays in the process of sale or lease of properties with swimming pools.

Firstly, the Bill allows accredited certifiers licensed under the Building Professionals Act 2005, to carry out inspections and issue compliance certificates if they are requested by pool owners to do so. The Bill also makes consequential amendments to the Building Professionals Act 2005 to ensure that that all provisions of that Act, including disciplinary proceedings, such as suspension or revocation of an accredited certifier's licence, apply to the accredited certifiers.

Allowing the private sector to step in to the area previously regulated only by local councils, will ensure there is sufficient supply of qualified inspectors on the market and the process of selling and leasing of properties is not delayed.

Secondly, the Bill expressly provides that a council must inspect, a property with a swimming pool where it is necessary to enable the sale or lease of that property. If, following an inspection, a councillor and accredited certifier are satisfied that the pool is compliant, they must issue a compliance certificate. This will enable the sale and lease of properties to proceed smoothly and without delays.

Following extensive consultation with pool safety advocates, industry and councils, the provisions in the Bill that introduce council inspection programs, mandatory certification of properties with swimming pools offered for sale or lease and the provisions allowing accredited certifiers to commence inspections, will commence 18 months after the assent to this Bill.

This will allow sufficient time for councils to prepare and build capacity to introduce an inspection program, by employing and training increased numbers of staff to conduct inspections. The private sector will also be in a position to develop a sufficient supply of qualified inspectors to meet pool owners' demands. Also, the 18-month phase-in period will allow sufficient time for landlords and property owners to understand and comply with new provisions, including taking any remedial action to ensure pool fences comply.

The Bill provides that a council or an accredited certifier must issue a certificate of compliance at the conclusion of an inspection if the pool is registered and its barrier is compliant.

As I mentioned earlier, the certificate will remain valid for three years unless a council has issued a direction under the Swimming Pools Act requiring a pool owner to bring the pool barrier to the required standard.

Importantly, an authorised council officer will be able to enter the premises with a swimming pool to investigate where a complaint has been made or they suspect the pool does not meet the required standards.

Also, the Bill exempts owners of new swimming pools from the need to obtain a certificate of compliance for a period of three years, where an occupation certificate has been issued.

The proposed exemption will avoid duplication with the requirements of the planning legislation and prevent undue costs on pool owners. The proposal is supported by the Department of Planning and Infrastructure.

This Bill seeks to amend the Swimming Pools Act to remove the automatic exemptions for those pools that are fenced voluntarily.

The proposal addresses the issue of currently exempt pools being voluntarily fenced but to an unsatisfactory standard. Anecdotal evidence suggests that a number of children may have drowned in voluntarily fenced pools that have deficient barriers which, while they may create the illusion of a safe barrier, present a safety hazard for young children. The intent of this amendment is to remove ambiguity about exempt pools that have been voluntarily fenced and to "disapply" or remove the exemption.

Finally the Bill provides other minor amendments to clarify the intent of the Act, the role of local councils and to make it more consistent with other legislation. These include:

- A minor change to the prescribed minimum depth of a swimming pool that replaces the words "300 mm or more" with "greater than 300 mm". This will make it consistent with the depth in the Building Code of Australia, which is referenced in the Swimming Pool Regulation 2008. This will also make it consistent with the minimum depth of a swimming pool prescribed in other jurisdictions.

- A change that replaces the term "hotel or a motel" with "tourist and visitor accommodation". This means that the Act's requirements for swimming pools will apply to a wider range of commercial and shared residential accommodation such as backpackers' accommodation, bed and breakfast accommodation, farm stay and serviced apartments. It will also ensure consistency with the standard local environmental plan under the planning legislation that provides for a definition of "tourist and visitor accommodation".

The Bill also ensures that the powers of entry under the Swimming Pools Act are consistent with those in the Local Government Act.

The proposals in the Bill have been designed to strike the right balance between pool owner responsibility and Government regulation.

The proposals aim to ensure that:

- pool owners take responsibility for pool safety,
- councils have the right tools to make sure pool barriers are compliant, and
- the Government provides the best possible legislative and policy framework to reduce drowning in backyard swimming pools.

To make sure pool owners and the various affected sectors of new pool safety obligations, such as real estate and legal sectors, know of the new obligations for pool safety, the Division of Local Government is developing a targeted education and awareness campaign.

I will request all councils include a notice with the next rates notices with details of these changes and their obligations under the Swimming Pool Act.

In tandem with continued pool safety education, the proposals in the Bill provide a balanced and sensible approach to backyard swimming pools safety to protect the lives of young children in NSW.

I commend the Bill to the House.

The Hon. SOPHIE COTSIS [9.45 p.m.]: I speak on behalf of the Labor Opposition in support of the Swimming Pools Amendment Bill 2012. One child drowning is one child too many. No parent should have to face a lifetime of heartbreak because of the loss of their child from drowning. Our job today and in the future is to continue to review the Swimming Pools Act 1992 and to work with stakeholders, governments and the community to ensure that we get it right. The Opposition has some concerns about the bill, which my colleagues in the other place raised with the Minister for Local Government. We were presented with the bill just today. I hope the issues we have raised will be considered and that we will receive a response.

Sometimes when driving home from the beach in the summer time we hear a news report that a small child has drowned. All parents feel for a fellow parent whose child has drowned or has been rescued but has suffered long-term brain damage. During the year, when the Minister for Local Government announced the discussion paper about the Swimming Pools Act 1992, the Labor Opposition met with representatives of Westmead Children's Hospital. I also met with a number of stakeholders including the Swimming Pool and Spa Association of NSW and the Royal Life Saving Society of Australia in western Sydney. I am passionate about this issue. We need to keep working to make sure that we get it right. This bill contains amendments that are designed to address widespread concerns about backyard pool safety. The number of drownings and near-drownings in our State is simply too high. Successive governments have worked to tackle this problem

DEPUTY-PRESIDENT (The Hon. Paul Green): Order! Members who wish to engage in personal conversations should leave the Chamber. I am having difficulty hearing the member's contribution.

The Hon. SOPHIE COTSIS: Successive governments—including the former Labor Government—have worked to tackle this important issue. I am pleased to see that these amendments build on the work of the former Labor Government. This is not a partisan issue: We are all committed to keeping our children safe. The bill proposes changes that will address the high rate of noncompliance of swimming pool barriers with the Act's requirements. The creation of a swimming pools register will give the Government a clearer picture of backyard pools in this State and how many there are. The Minister has said that there are approximately 340,000 pools in New South Wales. With a centralised register we will be able to ascertain the number of pools and their exact location.

As part of the registration process, pool owners must go through a checklist and state they believe their pool is safe. This will encourage pool owners to take another look at the safety of their pool and to think about what they can do to improve it. The checklist will help pool owners identify defects in swimming pool fences that can be easily fixed, such as gates that do not self-close or gaps under fences that small children can climb through. The Minister has stated that these minor defects present as much risk as other defects that may need more expert attention. While I applaud this initiative it clearly fixes only half the problem. There is no provision in the amendments to deal with the defects that need more expert attention. Removing half the risk is not the same as removing the whole risk. I hope it is something that we can work towards.

The Swimming Pool and Spa Association, which I have met with, has raised concerns about self-certification. I urge the Government to meet with the association to hear its concerns and to include its

representatives in the expanded membership of the Water Safety Advisory Council. For pool owners who cannot go online to register their pools and complete the checklist about safety issues the bill proposes that councils register the pool on behalf of the owner for a nominal fee of $10. It is essential that we continue to provide offline ways of doing things in the twenty-first century without it costing money. Not everyone has the money or the computer skills to register online. I have some concerns about this process. Will councils be held responsible if they complete the self-certification on behalf of a pool owner? Will the owner's liability then be passed on to the council if a drowning or near-drowning occurs? While it is important to keep the cost low I question whether there has been an assessment of the true cost of this process and whether it will end up costing the council more than $10 to complete the registration form. If that is the case I hope the Government will provide councils with the appropriate resources.

There may also be a resources issue when it comes to council officers' right of entry to investigate when a complaint has been made if they suspect a pool does not meet safety standards. This right of entry is absolutely essential but in order for it to be effective the Government may need to provide additional support to councils so they can undertake these inspections. The bill proposes that each council should develop its own pool inspection program—one that is tailored to meet the needs of its ratepayers. I support this approach that puts local decisions in local hands. Each community needs to find out what works for them. My concern is that there are no minimum standards. There should be a clear and uniform starting point when it comes to water safety.

Hannah's Foundation has collected evidence on the types of properties where swimming pool drownings occur. More than 50 per cent occur in rental properties. To tackle this unacceptable risk the bill will require pool owners who want to lease a property to obtain a compliance certificate for their pool before it is leased. This is good and I applaud the Government for this initiative. But we must ensure that the penalties for failure to comply with the requirement are sufficiently serious that landlords will not even think about squibbing on their duty. There is nothing we can do to prevent a parent's momentary inattention to where their children are and what they are doing. What we can do is help pool owners make their pools as inaccessible as possible to little children in those circumstances.

Another suggestion—and it is something I have been going on about for a while—is to get more toddlers into learn-to-swim classes. Because our continent is surrounded by sea and many of our cities are on the coast, Australians have a great love of swimming and most of us learn to swim as kids, but we need to get kids learning to swim earlier. We need to make learn-to-swim classes free for children under two and classes need to be more accessible for migrants and communities from non-English speaking backgrounds. For newly arrived migrants coming from landlocked countries it is often the first time they have gone to the beach or to a pool. I know we are talking about backyard pools in this bill but we need to keep working on water safety. We need to consider some of these ideas and work with councils and government. The Royal Life Saving Society is doing some good work with community organisations in supporting new migrant communities by providing free swimming lessons. This is something we should be looking at in a bipartisan way.

Today I gave notice of a motion calling on the Government to include information on water safety in the baby blue book, which contains the personal health record of babies and is provided to new parents and primary carers of newborns. In light of the high number of drownings and near-drownings, more can and should be done to inform parents, primary carers and the community about water safety. This information should be available to parents from the very beginning of a child's life. Whether it is set up by the Premier or the Minister for Local Government does not matter. It should be included in the baby blue book alongside the cardiopulmonary resuscitation [CPR] chart that is already there to ensure that we are informed about water safety and how important it is from the moment a baby is born. We learn a lot about how to bath a baby and issues such as that but it is important to teach children about water safety from an early age and parents about the need to be vigilant at all times. I note the Minister's officers are in the advisers area, and I thank them for the briefing they provided to my colleague Dr Andrew McDonald and to shadow Minister Perry. We put a number of issues to the Minister's office, one of which related to safety around dams.

The Hon. Catherine Cusack: What do you want?

The Hon. SOPHIE COTSIS: I am just raising the issue. Last summer a two-year-old boy drowned in an inflatable swimming pool. He lived in an area consisting mainly of social housing and his parents certainly could not afford an in-ground pool and probably could not afford to take him to swimming lessons. We need to do more to educate the public about the need for fences, even for inflatable pools. We need to make sure that every child has the chance to learn to swim. Governments of all political persuasions should make it part of

public campaigns to educate people about water safety, not just in swimming pools but in the ocean. It should be part of the New South Wales branding. Look at the success of the "slip, slop, slap" and "click, clack, front and back" campaigns, which have been running for many years. I call on the Government to consider introducing a bipartisan campaign at the beginning of spring or summer in perpetuity. Whichever government is in office it should be a community service campaign that is run throughout the summer.

There are some excellent partnerships between the Royal Life Saving Society and local councils when it comes to public awareness and learning to swim. Some councils offer free learn-to-swim classes but it needs to be a statewide package. My colleagues in the other place raised a range of issues and concerns, and I hope the Minister and his office will get back to us in relation to them. I put on record that we urged the Government to encourage local councils to publicise the new reporting scheme on council rate notices. I understand the Minister took that on board and will look into that initiative. Once this legislation is proclaimed the Government should ensure its implementation is reviewed and that the community receives a progress report. Whether it is a six-monthly or an annual review is a matter for the Government. If a gap is found and there is something we need to fix, we can do that next year. This will be the first summer that the legislation will take effect. As I said at the outset, the bill strengthens the reforms introduced by the former Labor Government. We all agree it is a work in progress and that we need to continue to review and improve water safety. This legislation is about ensuring that everything possible is done to make sure there are fewer drownings and that we are vigilant about supervision. Work must be continued on this important issue. I commend the bill to the House.

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

Item of business set down as an order of the day for a future day.

ADJOURNMENT

The Hon. GREG PEARCE (Minister for Finance and Services, and Minister for the Illawarra) [10.00 p.m.]: I move:

That this House do now adjourn.

MURRUMBIDGEE ELECTORATE

The Hon. SHAOQUETT MOSELMANE [10.00 p.m.]: The O'Farrell Government's budget cuts have sent a chill across New South Wales as the financial squeeze begins to hurt the hip pockets of those already in need. The people of Murrumbidgee are no exception; they have suffered under the hand of Minister Piccoli's failure to properly represent the people who elected him. O'Farrell budget cuts represent the biggest attack on working men and women and on the young and elderly of our State. This is particularly reflected in the health and education funding cuts. There are approximately $3 billion in cuts to services and hospital budgets and $1.7 billion to public schools, Catholic schools, independent schools and TAFE colleges.

According to *The Area News*, NSW Teachers Federation councillor and Griffith teacher, Richard Wiseman, said students would suffer most under the savage cuts. Griffith TAFE Teachers Association representative Bruno Musitano said the cuts would devastate the system. Despite repeated attempts by *The Area News*, Mr Piccoli could not be contacted. According to *The Area News*, Griffith's already overburdened health system is set to be stretched even further after the O'Farrell Government announced overtime payments to health workers and contract staff would be on the chopping block to achieve an $89 million cut in the State hospital budget. Griffith Base Hospital relies heavily on locums to make up for staffing shortfalls in the State. There are fears the city will be among the worst affected.

Earlier this year *The Area News* revealed that Griffith Base Hospital spends $4 million a year on locums. Cutting overtime payments could put patients at risk because there would be not enough doctors to treat them. In her speech on the budget estimates, Parliamentary Secretary the Hon. Melinda Pavey confirmed that Griffith Base Hospital is the biggest loser under the O'Farrell-Stoner Government. The honourable member named a number of other hospitals that will receive funds. During a recent visit to my duty electorate of Murrumbidgee I fell ill with the flu and was taken to the Griffith Medical Centre. I had to wait for 2½ hours to see a doctor. I was told that I was lucky because I was first in line. People are forced to wait up to four hours, sometimes more. My sympathies go out to the neglected people of Griffith.

Services for the elderly are also falling dramatically. One gentleman wanted the aged care program for his father, who not only needed it and qualified for it but was also turned back because he was told they did not

have the resources. This Griffith constituent called me and expressed his anger. He was left with no option but to go to a private hospital, to go to a nursing home or to wait for someone to make room for his dad. What about the O'Farrell Government's refusal to fund the fruit fly treatment program? The fruit fly eradication has come to a complete halt because funding to the program will be cut by the end of April, leaving fruit growers and producers more vulnerable than ever. It is devastating for the citrus growers. They will be forced to use expensive chemical treatments before exporting their produce if the fruit fly is not contained. Countries such as the United States will have no reason to accept fruit that may possibly be infected. Fruit fly not only damages citrus fruits but also grapes, prunes, plums, capsicum and others.

The end of the line appears to be approaching for CountryLink under the O'Farrell Government. Refurbishment of existing passenger cars and replacement of the locomotives would require $450 million. No decision has been made on the future of CountryLink. The passenger trains are outdated and do not have power points for phone charges or laptops. I advise Minister Piccoli that it would be a shame if Country Link, which is a vital service to country New South Wales, was left to deteriorate even more.

At last week's budget estimates my colleague the Hon. Greg Donnelly revealed that Minister Piccoli has earned the nickname Sam, short for "Samurai", because of his lethal cuts to education. Mr Piccoli admitted to the nickname and said that he is "very happy and satisfied" with that reputation. Minister Piccoli may be happy but Minister Piccoli is no samurai. As the saying goes, those who live by the sword die by the sword. I hope the people of Griffith will remember that Minister Piccoli forgot them in their time of need.

PROUD SCHOOLS PILOT PROGRAM

Reverend the Hon. FRED NILE [10.05 p.m.]: I wish to speak on the concept that heterosexuality is normal and natural and to condemn the new Proud Schools pilot program. The Proud Schools Project Consultation Report of October 2011 states:

> Heterosexism is the practice of positioning heterosexuality as a norm for human relationships.

My concern is that the Proud Schools pilot program is based on these misconceptions. Where did the view of natural and normal come from? One place is the *Bible*. Romans 1:26-27 states:

> For this cause God gave them up unto vile affections: For even their women did change the natural use into that which is against nature.
>
> And likewise also the men, leaving the natural use of the woman, burned in their lust one toward another; men with men working that which is unseemly, and receiving in themselves that recompense of their error which was meet.

Those references are part of the Christian teaching about sexuality that it is normal for males to be attracted to females and for females to be attracted to males. The minutes of the steering committee meeting of 22 March 2011 state:

> Focus on the dominance of heterosexism rather than on homophobia, work at a preventative and early intervention level.

This is the strategy that heterosexism is the new evil, like racism and sexism. It also states:

> Repeal of the exemption in the NSW Anti-discrimination Act for non-government schools in relation to homosexual discrimination or harassment discussed.

These are the issues that are always in the background. The Greens and probably members of the Labor Party want to repeal that exemption of the New South Wales Anti-Discrimination Act and want to use the Proud Schools program as one of the means to achieve that. The minutes also state:

> While the pilot targets high schools there is also a need to address homophobia and transphobia at the primary school level before children reach high schools and in this transition period.

The Minister for Education needs to note that these are the intentions of the people on the steering committee, including Joshua Hatten who is a representative from the office of the Minister for Education. The minutes also state:

> Experiences of the impacts of homophobia, transphobia and heterosexism relayed by community members (for example, from suitably trained parents and ex-students should be structured into the Proud Schools framework).

Would this mean that the homosexual activists would be allowed to enter the schools and participate in the Proud Schools Pilot Program? The minutes also state:

> Schools should review PDHPE programs to incorporate learning about same-sex attraction and sexual diversity from Year 7 within existing sexuality education.

These are the genuine concerns in the community. The minutes record that a letter signed by the Minister for Education, Adrian Piccoli, dated 27 June 2011, says:

> The Proud Schools Pilot Program is an important initiative and I can assure you that the department is progressing the program.

I assume that letter was sent to the steering committee with representatives from the Gay and Lesbian Rights Lobby, Family Planning NSW and representatives from the Department of Education. There is a lot of concern in the community over this new course. The Christian Democratic Party supports anti-bullying programs; it is opposed to bullying. However, we believe that this is being used to promote homosexual propaganda in the classroom.

RURAL AND REGIONAL MEDICAL PRACTITIONER INITIATIVES

The Hon. JENNIFER GARDINER [10.10 p.m.]: I recently attended The Nationals Federal Conference 2012, which among other things endorsed Charles Sturt University's plans to establish a rurally based medical school as one means of addressing the shortage of medical graduates who choose to work in rural and regional New South Wales. Although there has been a conscious effort on the part of medical schools to increase the number of students emanating from rural areas, after 10 years some or all of the metropolitan medical schools continue significantly to under-enrol rural students. The number of rural students as a proportion of the total is about 20 per cent, but of course more than 30 per cent of Australia's population lives in rural and regional areas. Charles Sturt University has a much higher rate, with 70 per cent of all enrolments coming from rural and regional areas. The Bachelor of Medicine—Joint Medical Program offered by the University of Newcastle and the University of New England sets aside 30 per cent of its 170 positions for Rural-Remote Admissions Scheme candidates. Those universities have always had a bias built into their admission programs for students from rural and regional New South Wales.

However, the low number of medical graduates who go on to pursue a career in rural areas is very concerning. Fewer than 5 per cent of medical graduates opt to practise in rural areas even though they can be exposed, and generally are, to rural clinical placements during their studies. The Nationals Senator for New South Wales, Fiona Nash, initiated the recent Senate inquiry into the factors affecting the supply of health services and medical professionals in rural areas. That inquiry identified serious problems with the design and administration of programs in metropolitan medical schools from the rural health workforce perspective. It revealed a strong body of evidence that students from rural areas are significantly more likely to work in rural areas than those from metropolitan areas. An article published in the *Medical Journal of Australia* about a decade ago indicated that general practitioners who spend any time living and studying in a rural location are more likely to go on to practise in a rural location. Those whose partners have also lived and studied for any time in a rural location are six times as likely to become rural general practitioners than those with no rural background.

The Federal Government's long-running Rural Clinical Training and Support Scheme provides students with about four weeks of structured rural practice training, but the Senate inquiry found that that period is not long enough. That highlights the importance of having rurally located health sciences programs, including medicine programs. The inquiry also found a large disparity between the support provided for allied health professionals and that provided for doctors in rural and regional areas. The inquiry noted the success of regional universities both in recruiting rural students and retaining them in regional practice. A 2011 report presented to the Federal Government by the Australian Council for Educational Research stated that about two-thirds of all students of rural and metropolitan origin who attended a regional university went on to long-term employment in a rural or regional setting.

Regional institutions like Charles Sturt University and James Cook University have for some time educated health science professionals such as pharmacists, dentists, veterinary scientists and nurses. Both universities emphasise the importance of integrated learning across the health disciplines. I have visited the James Cook University Medical School, which offers the only medical course delivered wholly in a regional or rural area. About two-thirds of its medical students are drawn from rural and regional areas. More than 60 per cent go on to work in rural and regional locations when they graduate and about 11 per cent choose to

practise in towns with a population of fewer than 10,000, which is double the figure achieved by other institutions. I commend the advocacy of Charles Sturt University and its plans to establish a regional medical school in New South Wales as an important strategy to address the ongoing shortage of rural doctors.

WOMEN'S ELECTORAL LOBBY FORTIETH ANNIVERSARY

The Hon. HELEN WESTWOOD [10.15 p.m.]: Like a number of other members, I had the opportunity to attend the dinner held in the Strangers Dining Room in celebration of the fortieth anniversary of the Women's Electoral Lobby, which is known as WEL. It was great to see a gathering of so many strong feminists, and particularly young feminists. That gives feminists like me heart and great confidence that another generation of young feminists activists will continue the role that we have played for decades. As part of the celebrations, the Women's Electoral Lobby New South Wales has published a newsletter that contains a list of its founding members and members of a number of subgroups. It is a who's who of the feminists of the 1970s and 1980s, and includes Edna Ryan, Joan Bielski, Wendy McCarthy, Anne Conlon, Eva Cox and Josefa Szobski, just to name a few. Many of them were at the dinner tonight to celebrate the anniversary and the Women's Electoral Lobby's great achievements.

It is worth reflecting upon the Women's Electoral Lobby's work and how it has achieved so much for the women of New South Wales and Australia in areas such as education and employment, and particularly with regard to physical and sexual violence. It was organisations like the Women's Electoral Lobby that put the need to address physical and sexual violence against women on the agenda. The celebration is timely, because on Sunday 28 October the women of Sydney will meet in Hyde Park for the annual Reclaim the Night march. Of course, the march brings to mind the recent tragic death of Jill Meagher in Melbourne. I know that, like me, many members were shocked to hear about what happened to Ms Meagher. She was a young woman out having a fun evening with her mates. She was abducted from the street and, because the matter is before the court, I must say "allegedly" raped and murdered. It concerns me that so many other women, using social media, reported similar experiences.

Young women still feel that they cannot walk the streets without being sexually harassed and their dress or appearance being the subject of sexist taunts and rants. I would have thought that we had moved beyond that in 2012, but clearly we have not. Obviously there are still men in our society who think it is totally acceptable to sexually harass women, and moving beyond that, to sexually intimidate them and then to sexually assault them simply because they are women. The Reclaim the Night march next Sunday is an opportunity for the women of Sydney to come together and to send the message that our streets must be safe for all women. Women must be free to work, to pursue education and to simply have fun without fear of sexual assault.

PLANNING GREEN PAPER

Mr DAVID SHOEBRIDGE [10.20 p.m.]: When in opposition the Coalition made much about how it was going to do planning differently when it came to office. After belatedly joining with The Greens to rail against the now notorious part 3A of the Environment Protection Act, the Coalition promised that once in government it would completely overhaul the planning system. During the election campaign now Premier O'Farrell signed his contract with New South Wales, promising to, in his words, "return planning powers to the community" and "scrap part 3A and rewrite the planning Act to give communities a say again in the shape of their neighbourhood". With the publication of the Government's green paper on planning, it seems clear that the Government is moving to break those promises and fundamentally breach Premier O'Farrell's so-called contract with New South Wales. This Government did not have to go down that path.

The initial consultation phase the Government started was the planning review, undertaken by an independent panel comprising Tim Moore, a former Minister for the Environment, and Ron Dyer, a former Minister for Public Works. They travelled around the State, met with thousands of people, received more than 600 submissions and ultimately produced a two-volume report entitled, "The way ahead for planning in NSW?" At this point though there was a break from this consultative and considered process. On 14 July 2012 the Government released its response to the review in the form of a new planning system for New South Wales, a so-called green paper. On the same day the Government publicly released, and then formally buried, the more considered report of Moore and Dyer.

The green paper is a response to the Moore and Dyer review in name only. It does not address the substantial issues raised in submissions about environmental and social protections. It does not propose to return planning powers to local communities. On the contrary, this green paper is an ideologically driven document

that prioritises market access and developer rights over other planning considerations such as sustainability, democratic decision-making, climate change preparedness or the liveability of neighbourhoods. Many of the more considered recommendations from the Moore and Dyer review have been completely ignored by the Government in its green paper.

In choosing this approach the O'Farrell Government has sacrificed recommendations that could have contributed to consistent, principled, transparent and responsible planning system. I will place on the record some of the very recommendations from the Moore and Dyer review that have failed to find their way into the green paper. Probably the key one is recommendation 6, which provides that the overriding objective of any new planning Act should be to "provide an ecologically, economically and socially sustainable framework for land use planning and for development proposal assessment". That has been downgraded by the Government's green paper which, instead, prioritises economic development ahead of the environment.

Recommendation 12 of the Moore and Dyer review specified that strategic planning processes should consider cumulative impacts of existing and approved developments. There is simply no mention of that in the Government's green paper. Recommendation 67 of the Moore and Dyer review says that development control plans should be considered in the assessment process for all development proposals. Recommendation 72 recommends retaining consideration of the following during the assessment process: Aboriginal heritage, air quality, biodiversity, climate change protections, employment creation, housing affordability, human health and liveability, non-Indigenous heritage, social impacts, soils, water and the water cycle. Instead, the Government has scrapped almost any consideration of these. The green paper does not even mention housing affordability and heritage is mentioned, at best, in a footnote.

Recommendation 92 specifies that elected councils are to retain the right to make decisions about development applications that fall within the jurisdiction of the council. That is ignored within the green paper. Recommendation 131 recommends the creation of an independent planning commission with its own Act, which again is not mentioned in the green paper. However, an independent planning commission is essential if we are to have integrity in the planning system. Recommendations 148 and 149 propose a planning advisory board with members from the property industry, local government, experts and community and conservation groups. Instead, the green paper mentions regional planning boards that give a statutory right to the development industry to be on the boards and, at best, invite representatives of environment groups to have some participation.

Recommendation 36 in volume two recommends a less interventionist role for the Minister in the preparation of amendments to such local land use plans, including rezonings. Recommendation 50 proposes retaining current provisions for local infrastructure contributions, again something that is stripped down in the Government's green paper. Things could have been different. There is a slim chance that the Government will pick up these suggestions in the upcoming white paper. However, if the Minister and his department continue to ignore the community submissions and its own independent planning review panel, the resulting planning system will inevitably be a broken promise to the people of New South Wales.

CATHOLIC CHURCH

The Hon. DAVID CLARKE (Parliamentary Secretary) [10.25 p.m.]: Recently the Australian media carried reports of an extraordinary attack on the Catholic Church made by the Federal Leader of The Greens, Senator Christine Milne. Typical of those reports was an article published in the *Australian* on 8 September 2012 headed, "Clergy put cash before conscience, says Christine Milne". According to the report, she accused the Catholic Church of "being more concerned about cash for its schools than about social justice and of falling short on environment issues".

She attacked the church for "failure to engage in some of the real big social justice issues in Australia" and "for using the Catholic Education Office to send letters home to parents about Catholic school funding but nothing about the current political debate on homelessness". The attack went on and on, and provided further confirmation—if, indeed, any was required—that The Greens have a toxic anti-Christian bias which goes to the very heart and soul of what that party really stands for. In responding to this latest attack by The Greens, Cardinal Pell replied:

> I am loath to help Christine Milne avoid limelight deprivation. However, she is not well placed to be lecturing Catholic schools on anything, given the bitter hostility of The Greens to Christians, to Catholic teaching and all church schools.

Cardinal Pell certainly hit the nail on the head. The truth is that The Greens never miss an opportunity to brandish their anti-religious, especially anti-Christian, ideology. Their attacks on religiously based schools are ongoing and never-ending. An unsuccessful attempt a while back by the former Greens member of this Parliament Lee Rhiannon to haul Cardinal Pell before this Parliament's Privileges Committee for allegedly intimidating members of the Parliament, because he merely enunciated Catholic doctrine on moral issues and its spiritual implication for professing Catholic members of Parliament, was yet another example of The Greens anti-Christian obsession.

Their attempts to remove any Christian presence in public life, including by efforts to dump opening prayers in Parliament and local councils, is yet further evidence of their hate-filled campaign. In our democratic society The Greens are, of course, free to pursue this campaign, regardless of their bigoted and sectarian motives. However, when Senator Christine Milne lectures the Catholic Church for an alleged lack of humanitarian conscience or for not being concerned about social justice, she manifests an absolute cheek and hypocrisy. The facts show that the Catholic Church is the single largest health care provider in the world. It operates 26 per cent of the world's healthcare facilities, some 117,000 facilities in all. In Australia, it provides 50 per cent of palliative healthcare services and operates numerous medical research facilities.

Once we include healthcare facilities operated by non-Catholic Christian denominations, well in excess of 50 per cent of the world's such facilities are church operated. They offer healthcare assistance to those in need, regardless of their religious faith or absence thereof. In addition, a multitude of other humanitarian services are provided by the church. Whilst Christine Milne and The Greens lecture others about humanitarianism, it is the Christian churches that are out there providing humanitarian services to those in need, regardless of colour or creed. Whilst The Greens icon and former candidate ethicist Professor Peter Singer writes books about what he considers to be ethical—including justification of his notorious support of infanticide in some situations—the churches are out there in a practical way providing humanitarian aid to children and opposing infanticide as ethically abhorrent and evil in all situations.

The famous and now deceased author and journalist Malcolm Muggeridge once observed that in his many travels throughout India he saw many instances of Christian groups, such as Mother Theresa and the Order of Nuns founded by her contributing selfless acts of charity, but never once did he come across such acts of charity being contributed by the humanist society or its ilk. What he observed all those years ago in India is true in Australia today. Senator Milne, The Greens and their ilk are strong in their words of support for humanitarianism but it is the churches that are strong in their deeds.

In responding to the attacks of Senator Milne Cardinal Pell referred to the work of Catholic agencies for the homeless and for refugees, and asked the Senator to name one group or agency of The Greens that works regularly to help the homeless. We all know the answer: there are none; not a single one. As the days go by Australians more and more are realising The Greens are in fact the enemies of genuine social justice. As the outburst of Senator Milne demonstrated, they are the enemies of religious tolerance of freedom in this country as well.

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

Motion agreed to.

The House adjourned at 10.30 p.m. until Thursday 18 October 2012 at 9.30 a.m.