

LEGISLATIVE COUNCIL

Thursday 28 February 2008

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

The President read the Prayers.

NEWCASTLE JETS A-LEAGUE FOOTBALL GRAND FINAL WIN

Motion by the Hon. Robyn Parker agreed to:

That this House:

- (a) congratulates the Newcastle Jets on their victory in the A-League grand final; and
- (b) congratulates Captain Jade North, the only indigenous captain in the league, coach Gary van Edmond and owner Con Constantine on their leadership and commitment to the Newcastle Jets, as well as all past and present players.

BUSINESS OF THE HOUSE

Postponement of Business

Private Members' Business item No. 4 in the Order of Precedence postponed on motion by the Hon. Catherine Cusack.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Order of Business

Ms LEE RHIANNON [11.08 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. 103 outside the Order of Precedence, relating to the transport of grain by rail, be called on forthwith.

This motion is urgent as Pacific National has announced that it will no longer transport export grain to New South Wales ports. The motion must be dealt with today as no clear plans are in place as to how the export grain crop in New South Wales will be transported. This is a matter of urgency as a meeting held in Sydney on Tuesday this week failed to resolve this transport crisis. The urgency of this matter is underlined by comments by New South Wales Farmers Association Grain Committee Chairman Mr John Ridley. He has stated that road transport will not be able to fill the gap if rail cannot cope with moving this year's export grain crop. I urge that all members of this House work together on finding a solution to this crisis. We certainly must not turn our back on rural communities.

The Hon. TONY KELLY (Minister for Lands, Minister for Rural Affairs, Minister for Regional Development, and Vice-President of the Executive Council) [11.09 a.m.]: This is another attempt by the Greens to circumnavigate the system in this House, where we have a lottery each week to get an order of precedence of private members' business. There are a number of matters already on the business paper from all members of the House, including the Opposition and the Hon. Rev Fred Nile, for example, to prohibit smoking in vehicles. This matter should come up in the normal course of events. I am not saying it is not an important matter but I am saying it is not urgent.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [11.10 a.m.]: The Minister, on behalf of the Government, indicated that not being able to cart wheat in New South Wales is not urgent. That is ridiculous. There is no more urgent matter in regional New South Wales than this. There is not one matter that is more urgent. The crops are about to come off, Pacific National has left the stage and no-one is there to cart the crops except the trucks, by road. This is one of the most urgent matters in regional New South Wales and the Opposition supports the Greens whilst the Government does not, once again, in a moment of inaction.

Mr IAN COHEN [11.11 a.m.]: I support Ms Lee Rhiannon and The Nationals in this matter. The Minister is from a rural area and supposedly understands the importance of getting products to market. The

Minister has spoken many times about the difficulties he has encountered in getting his products to market. I am surprised that he cannot see the real urgency of this debate. The Minister used the Hon. Rev Fred Nile's motion as an example. That motion is important but it can be dealt with in due time. Grain haulage is controlled by market circumstances. The major agriculture crop in New South Wales needs to get to market. I am surprised by the Government's position.

The Hon. DON HARWIN [11.12 a.m.]: I concur with the statements made by my colleague the Deputy Leader of the Opposition about the importance of this issue to regional New South Wales. I would also add, in response to something raised earlier by the Minister in debate in relation to the actual system of private member's business debate as dealt with by the Standing Orders, it needs to be remembered that while the Order of Precedence has been a valuable tool to ensure fairness between members and to ensure that there is a capacity to have topical matters before the House for discussion on private members' day, as it stands today the *Notice Paper* is limited to only eight items. This problem will always occur at the end of the sitting week where there have been three days of private member's business. We only have eight items in the Order of Precedence and if we were to examine the Minister's comments to close scrutiny we would know that of those eight a significant number are not ready to proceed. What the Minister is saying is simply misleading the House. In addition to what the Deputy Leader of the Opposition has already said, one of the reasons the Opposition supports the Greens' motion to suspend the Standing Orders is because they are bringing up something that is topical and of importance in regional New South Wales. In my view it is totally unsustainable for the Minister to say that the Greens are somehow not acting within the spirit of the arrangements that relate to private members' business. The Greens motion is totally valid and the House should support suspending the Standing Orders in this instance.

Reverend the Hon. FRED NILE [11.14 a.m.]: We do have a system where there are items in the Order of Precedence—today there are eight items—but honourable members understand that as soon as those items are dealt with we proceed to the 130 items outside the Order of Precedence. It is not true to imply that we only have eight items to discuss today; the number is unlimited. It is normal procedure when the list of items inside the Order of Precedence is dealt with to deal with items exactly in the order shown on the business paper. I remind the Hon. Donald Harwin of that. If we wanted to take control of the agenda of the upper House we could all put up an argument for 100 items that are important to city dwellers and country people. That is a dilemma we face. This matter may be the odd one that is genuine. I note that the relevant events occurred in December, when we were not sitting. I object to the Greens continually taking over control of the upper House to debate their agenda items. All of us could do that. I am tempted to do it, and I am sure Shooters Party members are tempted to do it, but we try to operate within the rules of the House and give all members a fair opportunity.

The Hon. ROBERT BROWN [11.16 a.m.]: Whilst I concur with the Hon. Rev Fred Nile's comments about the Greens and their continual abuse of the process of this House, I believe there is a reason to debate this item urgently. The grain crops need to be delivered to the ports in about 10 months. To solve a problem of this magnitude it might take the Government 10 months. Therefore, there is no reason not to discuss this matter outside the order of precedence. I hope that the debate will be swift and we can get on to deal with other business. The Farmers Association approached us the day before yesterday with the same concerns. I have expressed concern to some Government members about the problem. Notwithstanding the Hon. Rev Fred Nile's valid arguments about the continued use of this tactic and technique, I think this particular item does deserve urgency.

Dr JOHN KAYE [11.17 a.m.]: I support urgency being granted for debate on the motion of Ms Lee Rhiannon. I suspect that Reverend the Hon. Fred Nile has confused the concept of importance and the concept of urgency. It is true that every motion that is put on the *Notice Paper* is deemed to be important by those who put it there but urgency is a different matter. Urgency involves the element of temporal undelayability: the fact that we cannot afford to delay the matter. I invite members who intend to vote against the proposal that the motion is urgent to look directly into the eyes of grain farmers in New South Wales and say, "We do not see the issue of your grain not being able to get to markets and to ports as being important." Say that particularly to those grain farmers who are exposed on the forward market and to whom failure to deliver their crop could in the long term mean financial ruin. We owe the grain or wheat farmers of New South Wales the respect of debating this matter urgently.

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

Motion agreed to.

Order of Business

Motion by Ms Lee Rhiannon agreed to:

That Private Members' Business item No. 103 outside the Order of Precedence be called on forthwith.

GRAIN HAULAGE

Ms LEE RHIANNON [11.19 a.m.]: I move:

- (1) That this House notes:
 - (a) the recent announcement by Pacific National that it will no longer transport export grain in New South Wales, in order to concentrate on more profitable coal haulage,
 - (b) that when Pacific National bought the Federal Government owned National Rail Corporation and New South Wales Government owned FreightCorp for \$1.2 billion in 2001 the contractual agreement involved a price reduction of \$118 million in return for a commitment to grain haulage and infrastructure upgrades,
 - (c) that Pacific National withdrew from transporting export grain following the expiration of the formal obligation,
 - (d) that if the grain is not transported by rail the only alternative is road haulage, which would put tens of thousands of extra trucks on rural and regional roads, thereby increasing the safety risks to other road users, costing the State millions of dollars in increased road maintenance, as well as increased noise and air pollution, traffic congestion and greenhouse gas emissions,
 - (e) that transporting grain by rail requires one third less diesel fuel per tonne than trucks, and
 - (f) that if the New South Wales Government fails to ensure this export grain crop is moved to New South Wales ports by rail there will be significant job losses, and that the lost expertise will be very difficult to replace.
- (2) That this House calls on the Government to:
 - (a) implement an emergency rail response plan to ensure sufficient rolling stock is made available to transport the current grain crop to New South Wales ports,
 - (b) clarify the status and future of the contractual obligations of the "Broadacre funds",
 - (c) confirm if all the commitments made by Pacific National with regard to the purchase of new rolling stock and locomotives have been honoured,
 - (d) ensure the existence of an effective grain rail network as part of an overall integrated transport strategy for the movement of grain, and
 - (e) guarantee the provision of rail grain haulage as a critical infrastructure service for the State, and do so by buying back the Freight Rail Corporation.

The withdrawal of Pacific National from export grain rail haulage has many ramifications. The immediate issue that must be dealt with is how to ensure that the export grain crop, which could be a bumper one this year, is transported by rail to New South Wales ports. Right now farmers and rural communities are wearing the pain of FreightCorp's privatisation. There is a growing uncertainty in rural communities about how the crop will be transported. Many communities are concerned that thousands of trucks will end up on their narrow country roads. That is unacceptable. Road haulage presents many problems but the standout issue is that, from information the Greens have received, trucking companies have stated there are insufficient vehicles to get the export grain crop to port.

This motion sets out the need for an emergency rail response plan. The Greens believe it is vital that the Government identifies the rolling stock, opens up branch lines and ensures that the grain remains as a rail freight crop and is taken to New South Wales ports as quickly as possible. I acknowledge that many groups are working hard to resolve this issue. But to date the Government has been missing. The New South Wales Farmers Association is working hard to resolve this crisis. The association's Grains Committee, chaired by Mr John Ridley, has found that road transport will not be able to fill the gap if rail cannot cope with moving this year's export grain crop. Let us remember that rural communities have been battling drought for years—some still are. The Government has shown unbelievable mismanagement. Just at the time of a breakthrough in some rural communities and higher volumes of crop than expected in some areas the Government has dropped the ball and we now have a transport crisis. An urgent short-term plan is needed to ensure that rail freight is a viable alternative to road freight. In the long term the rail freight system needs to be restructured and brought back into public ownership.

Members should note that the Victorian Government is dealing with this crisis by initiating its own emergency response plan. It has put in \$20 million to keep rail freight operating. Victoria faces similar problems to the ones we face in New South Wales as a result of Pacific National's decision to close the rail grain services. The \$20 million package from the Victorian Government, which is a direct response to Pacific National's withdrawal, will fund a number of short-term plans to keep the grain on rail. The Greens are campaigning strongly on this issue. Our position is that rail freight services need to remain in public hands. We are very concerned about any corporate welfare packages. Clearly, public money must be earmarked by the Government to solve this crisis and in the immediate term keep grain on rail.

Other groups that are outspoken on this issue include shire councils. Warrumbungle Shire Council has called on the Government to reintroduce grain rail services. The council has condemned Pacific National's decision to stop freighting grain by rail and the State Labor Government for closing branch lines. The Mayor of Warrumbungle Shire Council, Mr Peter Shinton, summed up the problem when he said that the Government is leaving rural communities in the lurch. In this one local government area up to 250,000 tonnes of wheat potentially could be freighted by road through Coonamble and Coonabarabran down to the Newcastle port. The pressure that this would place on local communities is unacceptable. The use of trucks on narrow country roads that were built for low-tonnage vehicles will create a huge public safety issue. I remind members that school buses regularly travel on these roads. I am sure it would be a matter of concern to all members if school buses had to share these country roads with thousands of trucks hauling grain. I hope that we can work together to ensure that it does not eventuate by keeping the grain on rail. I acknowledge the work of the member for Tamworth, Mr Peter Draper. He has been most active in working to solve the grain haulage crisis. On many occasions he has expressed concern about the availability of suitable railway rolling stock to move the forecast bumper harvest.

The Hon. Duncan Gay: He puts some pretty stupid ideas forward, from what I have seen.

Ms LEE RHIANNON: I acknowledge the interjection by the Deputy Leader of the Opposition. It is insulting and out of line. I am pleased that The Nationals are supporting this motion. However, members must be more vocal on this issue and work together. Running a sectarian political line does the member no credit.

The Hon. Duncan Gay: You do not have to agree with something that is silly. What he is saying is silly. If he were saying something sensible I would agree with him.

Ms LEE RHIANNON: Mr Draper has been doing the work of the Government. On many occasions he has inspected disused wheat wagons at Tamworth and the former Barraba line. Clearly, he is out there looking for solutions. The Greens are ready to work with Mr Draper, and the Government and the Opposition should do so too. I support Mr Draper's call for the Government to consider repairing the old rolling stock. Over the past week experts in this area have raised concerns with us that there may be insufficient rolling stock in New South Wales because the Government allowed rural rail freight services to be privatised. Rolling stock has to be found to deal with this enormous crisis. Let us have a look at what the Minister for Transport, Mr Watkins, has done in this area.

The Hon. Duncan Gay: Not a lot.

Ms LEE RHIANNON: I agree with the Deputy Leader of the Opposition on that point. I hope that the Government has an emergency grain rail plan to deal with this crisis. The Minister's statements to date do not give us confidence that it does. I acknowledge that on Tuesday last week the Minister was critical of Pacific National for pulling out of the grain rail transport business and called on the company to pay back the \$70 million it received under contract to repair dilapidated rail infrastructure. However, as to the short-term crisis, all we heard from the Minister was that he was worried about the prospect of more grain being hauled by trucks and the wear and tear on the road system. Today we want details from the Government about its plans to get the \$70 million back from Pacific National and how it will keep grain on rail. For the Minister to say he is worried is insulting to rural communities.

The Hon. Duncan Gay: We are all worried, but he is the Minister.

Ms LEE RHIANNON: He is the Minister; he has the resources; he has the advice that he can draw on to solve this issue. The fact that the Greens have moved this motion so that we can debate this issue in the House reflects very poorly on the Government. While Pacific National may not have done anything illegal in withdrawing from the rail haulage of grain, it has acted immorally. The company has turned its back on rural

communities. I return again to the role of the Minister for Transport, who bears much of the responsibility for this crisis. He dropped the ball on rural rail services. He failed to track whether, in fact, the millions of dollars of public money handed over to Pacific National were spent on improving rail infrastructure. I am pleased that he has said that the \$70 million should be handed back. But that is after the fact and when the crisis has blown up. It should not have come to this point. Minister Watkins cannot duck blame for the Government's years of underinvestment in rail infrastructure.

The big worry for the Greens is that privatisation should never have gone ahead, but the financial deal has been done and it looks like that money may well have been squandered. We must remember why there is a crisis in export grain haulage, which goes back to privatisation. Unfortunately, the Labor Government and the Coalition signed off on it, which was a serious mistake. We should learn from that mistake because there are many plans to privatise other areas of public life in this State. Pacific National was probably laughing all the way to the bank when it did this deal.

The Greens are advocating that the New South Wales Government should follow the lead of the Victorian Government and devise an emergency response plan right now to solve the problems we have with hauling this grain. But we also need a long-term plan to buy back Pacific National's share of rural freight services. We must get the service back into public hands; otherwise we will face this crisis time and time again.

I hope people look closely at what happened with Pacific National. Although the deal was that it would haul grain for a period of time, when the contract expired it then cherry picked contracts that would make it the most money—as we so often see with private companies that manage what should be public assets. Pacific National is now concentrating on the rail haulage of coal because much more money can be made in hauling coal than can be made in hauling grain. But again, the Government should provide a basic service and ensure there are sufficient rail freight services across New South Wales for rural communities.

I remind honourable members that rural communities have done it tough throughout the drought and they have a right, like all of us, to expect that the Government will maintain basic services. But they lost out when Pacific National moved in on rural rail services. As members of Parliament we have a responsibility to work together to solve the immediate crisis, and in the long term we should make a commitment to examine ownership of rail services in the State. Rural communities have a right to expect that their grain can go to market by rail—that is what we have to sort out today. I urge honourable members to support the motion.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [11.32 a.m.]: The Opposition supports the motion with one exception. We thank Ms Lee Rhiannon for bringing this important issue before the House. The Nationals and the Greens do not always agree, and the Coalition and the Greens do not always agree. This is an issue of great importance. When I first heard on ABC radio that the member was to move the motion in the House I was in southern New South Wales. The first chance I had to speak in public on the matter was last week at the Shires Association G division conference and I indicated then that I thought it was a good motion at the right time and that I would certainly support it.

I indicated also at the shires conference that I always felt there was a degree of irony that the Greens— from where this motion comes—who are great supporters of public transport, also wish to get rid of the intensive agriculture, which these rail lines and this industry are in place to serve. But leaving that part aside, we have common ground and we support the motion.

Mr Ian Cohen: An agrarian socialist alliance.

The Hon. DUNCAN GAY: I acknowledge the words of the Hon. Ian Cohen. As I indicated, we support the motion with one amendment. I move:

That the question be amended by omitting paragraph (2) (e).

Ms Lee Rhiannon indicated that she wished to keep the grain transport wing, but the wording of the motion indicates a repurchase of the Freight Rail Corporation. Taking into account the total sale price that would be about \$1.2 billion. With the best will in the world it certainly is not something that a responsible Opposition would support.

Having said that, we agree with the remainder of the motion; we believe it is well structured and it covers the appropriate areas. We are concerned that we have a transport Minister in this State who is the heir apparent to the Premier in this State. He is the man who many say will replace the dithering Morris Iemma. Yet

this man is sitting on his hands and not taking action on a very important part of his Transport portfolio. It is pretty pathetic that belatedly, following a huge amount of angst in regional New South Wales, he issued a press release saying that they should pay back the money. This is a Minister who suggests that he should have his hands on the levers of the State to run it, yet he cannot run a small but important part of his portfolio.

As Ms Lee Rhiannon indicated, this is the ghost of privatisations past: a privatisation by the Government that has gone really wrong. The Government did not adhere to our requests for regional impact statements, it did not adhere to requests from the committee that investigated the matter for safeguards, and it did not listen to the questions that followed in the House. Last year Pacific National announced that due to financial reasons it was scaling back its export grain haulage operations to a bare minimum. It has now announced that it will withdraw its rail services for export grain from 31 March 2008. Pacific National says its grain business is losing a massive \$3 million a month in New South Wales and Victoria. I am not sure who believes that: it sounds reminiscent of Joe Tripodi saying he was not aware, and no-one in New South Wales believed him. I suspect no-one believes Pacific National.

Pacific National is looking for the surer, more lucrative areas of coal transport. That is a business decision and we can understand that, but we cannot understand why the Government has taken so long to notice the ramifications. Pacific National transports grain from more than 260 grain storage facilities across New South Wales to ports in Newcastle, Port Kembla and interstate. Its withdrawal from the export market from March onwards will mean that there will be an extra 50,000 grain trucks on the road. The Minister for Roads is currently in the House and this motion affects his portfolio. He should be out there grabbing John Watkins by the throat and saying, "Mate, what are you doing to my portfolio?" But I suspect he will come into the House and try to defend that loser.

One train is the equivalent of 60 B-double movements. That is what it will mean to regional New South Wales and our roads. Rail is four times more efficient than trucks. It is essential that the Government sorts out this situation and ensures that, where possible, grain is hauled by rail this harvest. As the Minister for Transport said in a news release yesterday, this year is set to have a "bumper crop of grain". I do not think we have seen the full extent of that prediction because water is stored that will be used on some of this dry land grain, and the expectations are that the predicted crop will be greatly exceeded.

The Minister for Transport held a grain industry meeting on Monday this week. He stated he and various stakeholders had met—a bit late—and that the parties are keen to work together. However, there is nothing to indicate what the Government plans, nor the outcome, if any, of this meeting. There is nothing to explain how the Government will avoid a looming disaster for the industry, which has gone through five years of drought, not to mention the ramifications for the environment as a result of extra greenhouse gas emissions. The Greens indicate that the increase in emissions as a result of hauling by road rather than rail will be 30 per cent, but I am told that the figure is 25 per cent.

Road safety is another important issue. Most of the trucks will travel on narrow country roads that are used by school buses and local families. Local government will have to pick up the cost, which will impact on ratepayers who are short of money because of the devastating drought of the past five years. This is a major concern, especially given the Auditor-General's 2007 report, which found that the quality of country roads is in steady decline. More trucks on the roads means more sharing of the roads with school buses and an increase in road maintenance costs for local councils, which ultimately hits ratepayers in the hip pocket.

More B-doubles on the road is also bad for the environment. It will increase pollution and greenhouse emissions. In fact, as I indicated, rail haulage requires 25 per cent less fuel to move a tonne of grain compared with road haulage. Movement of grain by trucks this harvest alone is not a viable, safe or environmentally responsible option. Councils are already concerned that however unviable transporting grain by trucks may be, that is the reality they are facing this harvest. Warrumbungle Mayor Peter Shinton—who was also quoted by Ms Lee Rhiannon—was today quoted in the *Land* citing concern that up to 25,000 tonnes of wheat may be carried over local roads and bridges, which are too narrow and which were built for low-tonnage vehicles only. Concerns such as these are echoed across the State.

What will be the cost to our farmers? How much will they have to fork out in extra haulage fees if the grain is transported by trucks this harvest? I have been told that the cost to farmers of delivering to Newcastle will increase from \$25 to \$30 a tonne over and above the \$50 that they currently pay for rail transport. Frankly, this is just another kick in the teeth for people who do not need it. In some areas they are emerging from a 10-year drought with hopes of a big 2008 to start filling some of the holes in their bank balances.

Pacific National owner, Asciano, has said that rural lines are simply unprofitable. The lack of maintenance of these country rail branch lines has led to Pacific National's withdrawing. The State Labor Government closed four of the 12 branch line services several years ago. Failure to invest in grain branch lines is typical of this city-centric State Government, which believes that transport issues affect cities only. As stated in the *Land* on 21 February 2008:

The chooks came home to roost this week ... The State Government has been trapped by the very monster it bred.

The Labor Government under then Premier Bob Carr and Treasurer Michael Egan sold off FreightCorp and then abandoned any responsibility to ensure that grain branch lines and mainline routes were effectively maintained. That is why farmers who finally, after 10 years of drought, are expecting a bumper season must now worry about how they will get their grain to market and what it will cost.

During debate on the Freight Rail Corporation (Sale) Bill in 2001, the Government accepted the recommendations of the General Purpose Standing Committee's inquiry into the privatisation of FreightCorp. Reverend the Hon. Fred Nile and I were members of that committee. The committee recommended that the Government ensure that track infrastructure be maintained at a sufficient standard to permit rail operators to achieve minimum comparable time with road transport. The Government accepted that important recommendation from the committee that investigated the issue. Obviously that has not happened and that is one of the reasons that we are facing this problem. Treasurer Michael Egan accepted that recommendation and stated that the Government was committed to maintaining and improving rail freight infrastructure to the appropriate standard. They are great words, but, once again, the Government was great with words but not with action.

Obviously the Government has not kept its promise. Asciano has had to pull out because it now costs a ridiculous amount to run trains on these lines, which run at inefficient speeds. Instead, the then Premier Bob Carr and Treasurer Michael Egan sold the State's rail freight business and wiped their hands of any responsibility to ensure that the infrastructure was kept at a viable standard. The succeeding Labor Government has continued to wipe its hands and turn a blind eye to our crumbling rail infrastructure. Today's the *Land* quotes a farmer as saying that the former Minister for Transport has an attitude: "You farmers don't vote for me, so we won't help you out."

Mr Ian Cohen: No-one votes for him.

The Hon. DUNCAN GAY: No, no-one votes for him. As he indicated yesterday, he has not met 5 per cent of the State yet. How very true and indicative of this Government's general attitude. In 2003 I brought the maintenance of branch lines to the attention of the then Minister for Local Government in a question without notice. New South Wales councils were then—and still are—concerned about the Government's ongoing failure to fund maintenance and upgrades of grain branch lines. I highlighted the concern about grain being transported on roads and grain rail lines being closed. The Government did not listen and growers are now in limbo about how their grain will be transported after the harvest later this year. The clock is ticking; we have only a few months to get it right.

The announcement that Pacific National would wind back its services in 2007 came just days after the Labor Government announced that it would privatise another State-owned asset—electricity. The people of New South Wales can quite reasonably look with great suspicion and trepidation at the privatisation of electricity given what happened to FreightCorp. Why should the people of New South Wales trust this Government to privatise electricity given that seven years after FreightCorp was privatised Pacific National has quit and grain lines are poorly maintained and considered inefficient? Port and grain staff are losing, or at risk of losing, their jobs but the Government has offered no plan to resolve this mess. Will the Government sell the State's electricity assets and wash its hands of critical infrastructure and in seven years be in a position akin to that facing those involved in grain haulage today?

It appears that the Federal Labor Government also has no plans for the future of grain freight. The Coalition Government allocated \$65 million for the upgrade of the Cootamundra to Parkes rail line only to have that funding deferred by the Labor Government until at least the middle of 2009. The grain lines need to be upgraded now. Growers who are about to sow or who are sowing their crops need to know how their crops will be transported. The State and Federal governments have no idea of the urgency of this matter that faces New South Wales. John Watkins has stated that Pacific National and the grain industry should try to reach a commercial arrangement because the New South Wales Government alone cannot resolve this matter. This is the bloke who wants to be the Premier of our State. This is the bloke that most people are pinning all their hopes

on. They want to replace the hopeless Iemma with this bloke who is even more hopeless than Iemma and even more hopeless than the Hon. Eric Roozendaal.

The Hon. Eric Roozendaal: Point of order: The honourable member is well aware of the standing orders and the conventions of this House. If he wants to make substantial attacks on another member of the House, he should do that through a substantive motion and not during this debate. His reputation as the king of smear is well known in this House. I ask you to pull him into line and to come back to the important matters of this debate and not attack a member of Parliament unless he does so through a substantive motion.

The Hon. Don Harwin: To the point of order: I do not know whether attaching an adjective to the surname of a member of the other House really falls within the provisions of the standing order.

The Hon. Amanda Fazio: To the point of order: I argue that the comments made by the Deputy Leader of the Opposition were disorderly: he referred to the Premier neither by his title nor by his seat. He should withdraw the comments he made about the Premier. I ask you to direct him to do so.

The PRESIDENT: Order! The Deputy Leader of the Opposition is well aware of the standing orders and I ask him to abide by them.

The Hon. DUNCAN GAY: I accept the term "hopeless" is harsh and, frankly, that the term "more hopeless than the Hon. Eric Roozendaal" is really a bit tough on the Premier. It is interesting to note that the Government has brought the rabble in to defend their next leader—the bloke who is in an indefensible situation because he has left the people of regional New South Wales, people who have been through one of the toughest times in this State's history through its privatisation and the ineptitude of the Minister for Transport, in a situation that should have been fixed.

The Hon. ROBERT BROWN [11.52 a.m.]: As I mentioned in my contribution to the debate on urgency, the New South Wales Farmers Association approached the Shooters Party and presented us with a discussion paper. A lot of the things the Deputy Leader of the Opposition has said in his speech are frightening. The paper repeats some of the statistics the New South Wales Farmers Association placed before us about the effect of any further reduction in rail transport of grains on truck movements in New South Wales. Members of this House will be aware that I am a member of Staysafe, which has considered truck safety in the State. It is a matter of concern, and to put us in a position where we will have more trucks on rural roads is a bit of a worry. The Government has 10 months to fix this, or maybe a little less. The Government reliably informs me that it is trying to find ways to fix it and that it is negotiating with all sorts of people, including the Federal Government and the contractor Pacific National who appears not to be keeping its end of the bargain. The Farmers Association in its submission to the Shooters Party, and I suppose others, said in part:

Furthermore, the recent decision by Pacific National to withdraw their rail services for the transportation of export grain in NSW as from 31 March 2008 is of significant concern.

That is a bit of an understatement, given the fact that we are likely to have a bumper grain crop probably as a result of this cycle of weather, which is the result of the current global cooling cycle. Nevertheless, farmers in New South Wales need a bumper crop. They need to get their crops to market because a lot of them are in financial stress. They have been through a long drought as a result of the current global cooling cycle. Other matters that the New South Wales Farmers Association raised include:

Over the past 25 years the NSW rail network has been rationalised with the closure of 17 restricted lines.

The association claims, and I do not doubt this statistic, that that has displaced more than 600,000 tonnes of grain from rail to road—24,000 truck movements. The association went on:

In terms of the Class 5 restricted lines, there are currently 9 lines that could potentially be upgraded however they are in very poor condition. The closure of these lines would force a further 750,000 tonnes of grain onto road which is equivalent to 30,000 truck movements ...

The association has summarised its submission to us by stating that it seeks a commitment from the New South Wales Government to ensure the existence of an effective grain rail network as part of an overall integrated transport strategy for the movement of grain. That is a bit of a motherhood statement and it would be good. More urgently though it seeks:

Clarification about the status and future of the contractual obligations of the "Broadacre funds" which is the discount given to Pacific National Ltd (PNL) when it bought the ... grain rail network from the NSW Government.

I take on their merit the assurances that have been given by the Government. I hope the Government will attempt to do something about this looming crisis. I note The Nationals will move an amendment to the motion. I agree with the statements made by the Deputy Leader of the Opposition about the amendment. We seem to be in a position where we cannot afford to buy back \$1.2 million worth of assets. This must be worked out in a way so that the people of New South Wales are not put to any further huge costs if possible. I also understand the Government will move an amendment to the motion. I have a problem when I read a lot of these motions. They all seem to contain attacking sort of language. I suppose that is the nature of politics and the nature of this House, but sometimes I am sure the crossbenchers—at least our side of the crossbench—could support more of these motions if the language were modified to be a bit more reasonable.

Even though I am speaking in support of what will probably be an amended motion, I find it hard to swallow the hypocrisy that the Greens bring to this House. They do not support broadacre monoculture. They never have. I am surprised that they think they speak for the rural people of New South Wales. I guarantee the rural people of New South Wales do not think they do. However, Ms Lee Rhiannon is to be congratulated on bringing this motion to the House at this time because it is a matter of concern. I look forward to hearing what the Government has to say.

The Hon. RICK COLLESS [11.58 a.m.]: I support the motion moved by Ms Lee Rhiannon. I also mention the hypocrisy of the Greens in purporting to support the farmers. They do not support the farmers. It is very clear when you look back at some of the Greens' history, and what they have pushed this Government to do in relation to native vegetation laws and environmental laws across New South Wales, that they have done tremendous damage to New South Wales grain farmers. They hide behind this rail issue saying that they support the farmers, but they do not. They do not have many friends out there in farming communities. It really is hypocritical for Ms Lee Rhiannon to say the Greens support the farming community.

The Greens support the rail transport industry, as I do, and it is disgraceful that Pacific National has pulled out of the wheatby rail industry. It is, as the Deputy Leader of the Opposition pointed out, a ghost of inappropriate privatisation. Unfortunately, one certain outcome of privatisation is that it will cost country communities more in the longer term. That will definitely happen with transportation of the wheat crop this year. The cost to transport wheat by rail from Moree to the port of Newcastle is about \$30 a tonne. Early indications and advice reveal that if wheat is shifted by road, costs will be \$50 to \$60 per tonne; that is, the cost of freight transport for wheat will double.

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

QUESTIONS WITHOUT NOTICE

CROWN PROSECUTOR RECRUITMENT

The Hon. MICHAEL GALLACHER: I direct my question to the Attorney General. Is he aware that the most recent advertisements for Crown Prosecutor vacancies have changed from the long-established practice of the Director of Public Prosecutions Office having carriage of recruitment to his department having carriage of the process? Why has this change been made? Where will the make-up of the selection committee come from and has this change been made solely to facilitate the appointment of people known to the Attorney or to the Government?

The Hon. JOHN HATZISTERGOS: Crown Prosecutors are appointed by the Governor on the recommendation of the Attorney General, therefore I do not apologise for taking responsibility for appointment issues.

The Hon. Michael Gallacher: This is in the same way as the Public Defenders Office?

The Hon. JOHN HATZISTERGOS: That is exactly right.

The Hon. Michael Gallacher: You stacked it.

The Hon. JOHN HATZISTERGOS: No, there have been no decisions in relation to that, but there has been an independent panel for Public Defenders. There will be another independent panel comprised of

appropriate representatives who will be able to advise me. I believe these panels will be enhanced with community representation on them and I intend to ensure that occurs in relation to this panel.

FOOD SAFETY

The Hon. PENNY SHARPE: My question is directed to the Minister for Primary Industries. Could the Minister please inform the House on how the Government is protecting consumers from breaches of food safety laws?

The Hon. IAN MACDONALD: The New South Wales Government wants consumers to be better informed about where to dine and is working to lift the performance of the food industry. Let me be clear on this issue—we want high quality and accessible information to be available to this State's citizens, particularly when it comes to serious breaches of the Food Act. We know that the vast majority of food businesses in New South Wales meticulously abide by food safety laws. The food sector's compliance with food safety requirements in general is very good. The lion's share of this State's food businesses take their food safety responsibilities very seriously indeed. However, a small handful of individuals and companies cut corners when it comes to food safety for consumers, and we simply will not tolerate such risks.

The New South Wales Food Authority and local councils are out there now ensuring compliance with the Food Act 2003 and the Food Standards Code. When it comes to food safety, we are always looking at ways to improve consumer information and industry standards. As members would be aware, the Food Authority's website now publishes details of food businesses that have been successfully convicted by the Food Authority for breaking food safety laws. This was an Australian first and other States are now beginning to follow our lead. The Government has been working on finetuning this initiative. We have made excellent progress and I am looking forward to bringing new legislation before this House. The legislation represents the Government's strong commitment to consumers' food safety interests.

In an Australian first, the new legislation will allow consumers to take into account compliance history when deciding where to eat or where to shop. The new laws will do three key things: first, improve and streamline existing powers to publish convictions; second, allow the publication of uncontested serious food safety penalty notices issued; and third, allow fair dealing and reporting of these matters to promote public interest and awareness in food safety matters. These new laws will also provide an added incentive to the food industry to boost its performance. Without being unfair to food businesses, these new initiatives will enhance the public's knowledge about the food safety performance of food businesses.

The net effect is improving consumer information and the industry's food safety performance. I stress that food businesses in this State are doing a great job and I know that food safety is of paramount concern to many thousands of responsible, topnotch operators. However, if a food business is not putting the food safety needs of consumers first, they will run the risk of being identified. If any person is convicted of a Food Act offence or if the Food Authority, or local council issues a penalty notice, the Government is saying that the person or business can expect to be outed on the website and consumers can make informed choices about performance and to vote with their feet.

For example, if a penalty notice were issued to an individual for mixing baby octopus in an old rusty cement mixer, the individual would be named under the new legislation. If a consumer purchased a chicken burger with a white pill embedded in the bottom, the outlet would be named. The public has a right to know which retailers and food service businesses have convictions for breaches of the law or penalty notices for serious matters, so they can decide where to eat and where to shop. This legislation achieves a balance between the public's right to know and the rights of food businesses to their good reputation. Dodgy food businesses that cut corners with food safety are now on notice: If they do not put food safety first, they could suffer the consequences.

LOCAL ROADS MAINTENANCE CONTRACTS

The Hon. DUNCAN GAY: I direct my question without notice to the Minister for Roads. Is the Minister aware that coastal and country New South Wales has widespread concern about Roads and Traffic Authority plans to move the local roads maintenance contracts—the single invitation council contract—from local councils to private enterprise? Is he aware that many regional communities fear this could lead to the loss of 1,500 local government jobs across coastal and country areas, an increase in road maintenance costs, and a decline in the already unacceptable state of country roads? Given that an inquiry has been held, can the Minister inform the House of the status of the Government's decision on this proposal?

The Hon. ERIC ROOZENDAAL: Councils are complaining about the maintenance of the State's roads, especially in regional areas. I am advised that the Roads and Traffic Authority [RTA], in consultation with local councils, is now in the process of developing the framework for a new maintenance agreements going forward. I am advised that an issues and options paper was released to councils in December last year for comment. A steering group is considering the feedback received from councils on the issues paper. The steering group includes representatives from the Local Government and Shires Associations, the United Services Union and the Institute of Public Works Engineering Australia.

PLANNING FORUM REGISTRATION FEE EXEMPTIONS AND DEPARTMENT OF PLANNING

Ms SYLVIA HALE: I direct my question to the Minister representing the Minister for Planning. Has the Director General of the Department of Planning personally contacted property developers and lobbyists for property developers to encourage them to attend the New Ideas for Planning forum held on 14 August 2007? Did Mr Haddad or any member of the department grant an exemption on the registration fee for that forum to any property developer or to any employee or representative of any company that has represented property developers?

The Hon. MICHAEL COSTA: Clearly, that is a detailed question and I will refer it to the Minister for Planning. However, I will make some general comments on the issue of property developers, as I am already on the public record on this issue, as is the Premier. One should not label all property developers as being somehow corrupt because of events occurring in one particular council in one particular area. In fact, as a former member of this House, Tony Burke, once brilliantly illustrated, the Greens have been known to be involved in receiving donations from property developers as well, so let us not tar everybody with the same brush. Property developments are a legitimate activity in the State, which I welcome as the Treasurer, and I expect people to comply with the rules and regulations. Where they have not complied with the rules and regulations, we have a body to deal with that, and it is dealing with it very effectively at the moment.

The underlying issue that the Greens are complaining about relates to property donations, as implicit in their question. In a democratic system, I see no difficulty with a system whereby people who are involved in the political process contribute to the major parties, and to the minor parties, as we know the Greens have received donations from property developers.

Ms Lee Rhiannon: Point of order: Mr President, I draw your attention to fact that once again the Minister is giving inaccurate information to this House that has been corrected previously. The Greens have not taken donations from developers.

The PRESIDENT: Order! There is no point of order. The member is making a debating point. The Minister may continue.

The Hon. MICHAEL COSTA: I heard someone say, "Let him lie." It is not a lie. We know that Avondale Greens in my area, the Hunter, donated to the Greens. We also note from the incisive work of the Hon. Tony Burke when he was a member of this House that there is a whole history of—

Ms Sylvia Hale: Point of order: My question directly dealt with whether there had been any waiving of fees to attend a forum organised by the Department of Planning and whether the Director General of Planning had personally contacted people involved in the development industry to attend the forum. The whole question of donations is not relevant to that issue.

The PRESIDENT: Order! There is no point of order. The Minister's answer will be generally relevant to the question.

The Hon. MICHAEL COSTA: I am always generally relevant to the question. The reality is that we live in a democratic society under which people who abide by the law are entitled to go about their business in a lawful manner and to participate in the democratic process. Whether the Greens like it or not, under our current system that also involves getting involved in the political process, and it could possibly involve donations. The Greens receive donations. I remember one occasion on which a foreign body—I think it was the Swiss government—gave the Greens money for a conference. I find that offensive, given that the Socialist government in Sweden is funding a socialist party—

Dr John Kaye: Is it Switzerland or Sweden, Michael?

The Hon. MICHAEL COSTA: I think it was Sweden.

The Hon. Greg Pearce: I think it was both.

The Hon. MICHAEL COSTA: I am informed that it was both.

[*Interruption*]

It was Sweden, was it? I have been informed it was Sweden. I will clarify that: it was Sweden. They have taken money from the Swedish and American Greens. I find it offensive that the Greens take money from lunatics, but I cannot do anything about it, as long as it is done legitimately and within the rules. We should not try to tar—

The Hon. Duncan Gay: Tell that to Frank Sartor!

The Hon. MICHAEL COSTA: Frank Sartor has done absolutely nothing wrong, and we know that. [*Time expired.*]

OCUPATIONAL HEALTH AND SAFETY

The Hon. KAYEE GRIFFIN: I address my question to the Minister for Industrial Relations. Can the Minister update the House on occupational health and safety?

The Hon. JOHN DELLA BOSCA: The House will be aware that the statutory review of the State's workplace safety laws has been a focus in the community over the last year or so. Laws that help ensure that people can safely return home to their families at the end of the day are a very serious matter. It is regrettable that the Opposition sees occupational health and safety merely as an opportunity to score political points. Workers' safety and health is simply a political football for the Opposition.

Today the Government voted against Barry the bagman's stunt in the other House with regard to occupational health and safety. The safety of New South Wales families deserves a serious approach. Despite a great deal of effort from unions, the community, employers and the Government—and none from the Opposition—the key stakeholders have agreed on central aspects of the draft legislation, but the progress of all proposed amendments has been delayed. A major concern for many—the harmonisation of duty holder provisions and the harmonisation of defences—has not been reached due to the conflict-driven Howard years.

Despite the ignorant contributions of the Leader of the Opposition, there is no crisis in occupational health and safety in New South Wales, where we have the lowest levels of workplace injury in 18 years. Improving safety has helped reduce pressure on the workers compensation system. Premiums have been reduced by 30 per cent, saving New South Wales businesses \$785 million per year.

[*Interruption*]

It should be remembered that the elements of our laws most in contention have been part of workplace safety legislation since 1983. They have survived the Wran, Unsworth, Greiner, Faye and Carr governments, so there must be good reasons if we are to change them. None of these facts is reason in itself to resist change, but the Government considers that these facts demonstrate—as I said earlier, if the Leader of the Opposition would only listen—that there is no crisis. We also need to be certain that any modifications we make are the right ones. After all, New South Wales is experiencing its lowest rates of workplace injuries since the scheme commenced in 1987.

[*Interruption*]

I will repeat that for the benefit of the ignoramus opposite: New South Wales is experiencing its lowest rates of workplace injuries since the scheme commenced in 1987. Work-related fatalities have more than halved. It is particularly encouraging to see that traditionally high-risk areas, such as manufacturing, agriculture, construction and mining, have also experienced significant reductions in incidence rates. The Australian Safety and Compensation Council released figures that demonstrate that New South Wales is the only jurisdiction exceeding national targets for injury reduction. As well, prosecutions are down, and the provision of workplace safety advice and assistance to employers has a renewed focus.

Further reforms introduced by the New South Wales Government in 2001 have led directly, according to the best economic modelling available, to a vastly improved record on workplace health and safety performance. The report demonstrates that, far from being a burden on the State's economy, occupational health and safety is an investment that provides direct financial benefit. At the February meeting of the Workplace Relations Ministers Council, the New South Wales Government made it clear that it is committed to working with the Commonwealth and other jurisdictions to harmonise important workplace safety laws.

EMISSIONS TRADING SCHEME

Dr JOHN KAYE: I direct my question to the Minister for Energy. I refer him to the Treasurer's answer to my question on Tuesday this week and to comments in last Saturday's *Australian* in which he said, in response to Professor Ross Garnaut's interim report, that the New South Wales Government will continue to argue strongly for a national emissions trading scheme that does "not unduly penalise our energy industry". As Minister with portfolio responsibility for the electricity industry, will you tell the House what does the term "not unduly penalise" mean? Does it include issuing permits for free, or at a subsidised price, and if so, for how many years? I ask the Minister to further inform the House what his modelling, or that of his department, shows in respect of the impacts on the potential sale price of leases for the State's generators resulting from an emissions trading scheme as proposed by Professor Garnaut, including fully exposing them to emissions trading without special arrangement.

The Hon. IAN MACDONALD: Dr John Kaye constantly asks questions that Ministers would need 10 minutes or half an hour to answer. A whole heap of points on the question—

The Hon. Marie Ficarra: Well, don't waste your time. You've got three minutes.

The Hon. Tony Kelly: She said, "Don't waste your time."

The Hon. IAN MACDONALD: I will answer the question in any way I like.

The Hon. Duncan Gay: Point of order: The Minister is debating the question. I ask you to bring him back to order.

The PRESIDENT: Order! The Minister will be relevant in his answer.

The Hon. IAN MACDONALD: In relation to the first point that I can recall, I support the Treasurer's comments. In relation to the question, clearly in New South Wales, with a successful manufacturing base and with many hundreds of thousands of workers in the manufacturing sector, we have to be very concerned about what will be the outcome of national emissions trading schemes on the State's economy, and therefore on our businesses across the State.

The Greens have no manufacturing policy worth talking about, but the fact is we have many hundreds of thousands of workers in this State, and their families, who are reliant on those industries. We have to look at the impact of the national emissions trading scheme on industry in New South Wales. We are very concerned about how it will be introduced, the entry level, and the impact it will have on those industries. If many countries in the Asian region do not sign up to emissions trading, it could increase the gap between us in terms of energy prices. That also has the potential for many larger industries to cause a flight of capital, as occurred in the 1970s when we had massive tariff changes. We will be looking at what the impact will be upon energy prices in New South Wales. We have to be concerned about that.

We want to reduce carbon emissions but we have to do it in a rational way that does not send the economy of this State into freefall. I have no difficulty supporting the general comments of the Treasurer on that. I think all responsible people in this Parliament will be looking at how we achieve a national emissions trading scheme. I think the target is in the order of 60 per cent by 2050. We need to decide the areas of the economy to look at to ensure we do not have a massive economic disruption in this State. There is also the impact on low income earners in having to pay significantly higher bills throughout the year—

The Hon. Duncan Gay: After privatisation.

The Hon. IAN MACDONALD: Privatisation will not have an impact on anything of this nature and it just shows the ignorance of the Opposition in raising the point. It does not matter who owns the power stations.

Whether it is Victoria, Queensland or New South Wales, they will all be subject to the national emissions trading system. You do not understand the fundamental point that it will apply to all generators regardless of ownership issues. In a responsible way we are looking at these issues— *[Time expired.]*

INFLATION

The Hon. GREG PEARCE: I direct my question to the Treasurer. Is the Treasurer aware that new Federal Treasurer Swan in his first major speech as Treasurer on 14 December last year warned that inflation is the major threat to the economy and that inflationary pressures are likely to continue for at least the next 18 months? Further, that key drivers of this threat are skills shortages, infrastructure bottlenecks and urban congestion? If so, what action has the Minister, as the State Treasurer, taken to address these problems, which have become chronic in New South Wales over nearly 13 years of Labor Government?

The Hon. MICHAEL COSTA: That is a very good question. I did not attend the speech of the Federal Treasurer but I am aware of the Federal Treasurer's comments and other comments made by the Federal Secretary of the Treasury, Dr Ken Henry, about this matter. It is a legacy of the significant mismanagement of the Howard-Costello Government. The three issues all relate to economic policy positions, which the Howard-Costello Government could have corrected, but instead exacerbated by its irresponsible policies. We know the Howard-Costello Government failed to invest in skills and we can see the result now in the national labour market. In relation to the infrastructure, the previous Federal Government refused to acknowledge its responsibility in terms of urban congestion and urban infrastructure. I am pleased to say that the current Federal Government has reversed that policy.

In relation to inflationary pressures, let us not kid ourselves that the fiscal management of the previous Howard-Costello Government put the pressure on the budget. I have made that point on numerous occasions in this House. The way they ran the Federal budget and the excessive spending on projects that never came to fruition, like the defence industry programs, put the pressure on the budget. I am pleased to say that under the Labor Government the Federal office is once again acting responsibly. Remember it was Hawke-Keating that put the economy in the position where it was globally and we are returning back to that period with Wayne Swan and Kevin Rudd. We have to deal with the legacy of 10 years of incompetent management. That is why the people of Australia rejected them. They are refusing to recognise that the people made the right decision.

NATIONAL GREENPOWER ACCREDITATION PROGRAM

The Hon. HELEN WESTWOOD: I address my question to the Minister for Energy. Will the Minister update the House on the Government's success in reducing greenhouse gas emissions by increasing the number of customers taking up GreenPower?

The Hon. IAN MACDONALD: I thank the honourable for her good question. As those on this side are no doubt aware, the New South Wales Government launched the National GreenPower Accreditation Program in 1997.

The Hon. Duncan Gay: Does your department use GreenPower?

The Hon. IAN MACDONALD: GreenPower is a voluntary program. When a customer signs up to an electricity retailers GreenPower product, a certain percentage of the electricity they consume will be from accredited renewable sources like solar and wind. In New South Wales we have introduced laws that require retailers to offer at least 10 per cent GreenPower to new or moving residential customers. It provides a guarantee to customers that their purchase supports new renewable energy development while reducing greenhouse gases.

The New South Wales Government now manages a multi-award winning GreenPower program on behalf of the other State and Territory governments, including Victoria, Queensland, South Australia, Western Australia and the Australian Capital Territory. Quarterly status reports are prepared on the number of GreenPower customers and the amount of GreenPower consumed. An independent audit of participating retailers for compliance purposes also occurs on an annual basis. The Government is one of the largest GreenPower customers in Australia, leading by example. The Government requires a large number of its agencies to purchase at least 6 per cent of their energy from GreenPower and accredited sources. GreenPower purchases are additional to mandatory renewable energy purchase targets placed on retailers. The GreenPower program continues to grow at an impressive rate.

I am pleased to provide the House with details of the main findings of the latest quarterly report for the period to the end of December 2007. The report shows that customer participation across New South Wales in renewable energy through GreenPower in the three months to December has increased by 20,790, compared with an increase of 13,370 in the previous quarter. Nationally, 78,995 customers signed up to GreenPower in the last three months of 2007, compared with 55,217 in the previous quarter. These are encouraging results that prove how willing customers are to take up this environmentally friendly initiative. Currently in New South Wales 189,740 homes and 12,343 businesses are voluntarily purchasing GreenPower. This takes the total customer numbers in New South Wales to 202,083, or about 7 per cent of residential customers in New South Wales. National GreenPower sales in the quarter were a record for the program at 349,197 megawatts. Sales in New South Wales were also a record at 110,874 megawatts.

The four quarterly status reports for 2007 indicate that New South Wales has sold more GreenPower this year than any other State, with total sales amounting to 401,043 megawatts. New South Wales represented 34.2 per cent of national GreenPower sales for the four quarters. GreenPower customer numbers in New South Wales have almost tripled in the last 12 months, from a total of 68,053 to over 200,000. This outstanding result in New South Wales can be attributed to the Government's delivery on commitments made in the New South Wales Greenhouse Plan. The key part of this plan was the Government's major community awareness program to promote GreenPower between December 2006 and March 2007 through television, newspaper and Internet media. This initiative was timed to align with the introduction in January 2007 of new laws requiring retailers to offer at least 10 per cent GreenPower to new or moving residential customers. In relation to the point made by the Hon. Duncan Gay, the Department of Water and Energy uses GreenPower 100 per cent in the head office and a minimum of 6 per cent across the board. [*Time expired.*]

OCCUPATIONAL REHABILITATION PROVIDERS

Reverend the Hon. Dr GORDON MOYES: I ask the Minister for Industrial Relations the following question. Is the Minister aware that the number of independent occupational therapists has decreased from approximately 700 to about 140 in New South Wales over the past five years? Is the Minister aware of some of the serious return to work issues that are currently facing injured workers, such as, insurers compromising injured workers' return to work by delaying referrals to occupational rehabilitation providers; insurers choosing to manage the return to work in-house rather than referring injured workers to an independent occupational rehabilitation provider; and insurer case managers currently having no minimum medical or health qualifications and being given no standardised training? Can the Minister indicate the measures and specific arrangements that are in place to ensure that occupational rehabilitation providers are treated fairly and not disadvantaged in treating injured workers?

The Hon. JOHN DELLA BOSCA: Reverend the Hon. Dr Gordon Moyes has raised a number of points of detail. I undertake to obtain information on those matters and provide it to him. However, I will make some general responses. I was not aware of the exact numbers he presented to the House, but I am not surprised by the trend. The fact is that the reforms introduced by the Government have had a number of implications, one of which was to increase the extent to which individual insurers took responsibility for workers who are employees of their clients, the premium payers. That has been a very successful change in the scheme. I inferred from the member's question that the number of independent occupational therapists was a matter of concern. In fact, the increased activity of insurance case managers has led to a greater responsibility on the part of both employers and insurers for a good return to work.

Although I do not have the figures at my fingertips, I could satisfy the member by providing current return to work statistics, which show a consistent and ongoing improvement. That has partly led to an overall actuarial improvement in the scheme. So I am not necessarily troubled by the trend away from independent occupational therapists being utilised by the scheme. I am heartened that it indicates the other element of the story, that is, a greater level of responsibility being taken by employers and insurers for return to work. A range of medical and counselling experts and other external providers are involved in return to work programs, including physicians and rehabilitation specialists. It is important to understand that the decrease in number is not an indicator of poor performance of the scheme. Indeed, all the available information on the actuarial and return to work outcomes of the scheme over the past six or seven years show a consistent trend of improvement and indicate an earlier return to work and better general outcomes. Many more workers are happy with the outcomes and results.

I make the important point that a large cohort of workers remains subject to workers compensation benefits support for very long periods of time. Actuaries and insurers refer to that population of people as the

"tail of the scheme". I do not like that terminology, although it is a valid actuarial term, because it does not focus on the individual problems of the thousands of people, at times tens of thousands of people, who are in that situation. The Government and the scheme are contemplating various initiatives. I have announced publicly that we have already put in place new initiatives that will ensure a greater focus on better return to work and on providing the population of longer-term benefit recipients with further assistance in retraining, personal skills development and other relevant matters. This greater assistance will help these people, even those who have been out of the workforce for relatively long periods because of injury, get back into the workplace and experience a good return to work. I will provide Reverend the Hon. Dr Gordon Moyes with statistics about the number of occupational therapists in the scheme. However, as I said, I reject the implication in his question that a decrease indicates a worsening performance of the scheme in relation to return to work.

SCHOOL MAINTENANCE AND REPAIRS

The Hon. CATHERINE CUSACK: My question without notice is directed to the Minister for Education and Training. Will the Minister confirm that the Department of Commerce is contracted by the Department of Education and Training to provide school maintenance and repair services? Why then have the asset management units within the Department of Education and Training set up parallel organisations to duplicate the work the Department of Commerce has already been contracted to do? For example, did the Department of Education and Training bypass commerce facilities and maintenance coordinators by making its own arrangements to repair hail-damaged schools in the Blacktown area, and in the process fail to get schools ready in time for term one? Has the Minister now sought assistance from two former commerce officers to resolve infighting and organise urgent repairs at these Blacktown schools? When will the repairs be completed? Will the Minister ensure that this bureaucratic turf war can be resolved and that the Government will refocus its energies on serving the best interests of children and teachers in government schools?

The Hon. JOHN DELLA BOSCA: If the Hon. Catherine Cusack is available this Saturday or Sunday and it is not raining at Blacktown, I will take her and show her how the staff of the Department of Commerce and the Department of Education and Training are working together harmoniously on the tasks she has just described. Again the member—as some Opposition members are prone to do—is basing an elaborate series of assertions on a minimal amount of information. That is something she has become very good at in this place. In relation to the Blacktown storms, if she analysed the response of the Department of Commerce and the assets management component of the Department of Education and Training, she would see a high level of collaboration between the departments, the State Emergency Service and the school principals and authorities to achieve security of the buildings and restoration to a safe condition. My information is that not one school day was lost as a result of damage to the buildings. The schools were all safely tarped by the Department of Commerce, which is set up to provide such emergency responses. The schools went ahead teaching students.

The storm occurred about a week and a half before the end of the school term and the children were back in their classrooms within a day or so of the storm event undertaking their usual lessons. Anyone who knows the construction industry would understand that over the Christmas period you cannot get any significant work done, or you will literally pay through the nose to get it done. So the commerce and education departments assessed and costed the jobs. All the preparatory work, tendering and insurance work was done during the quiet period. In that way, they were able to make sure that the school lessons continued in all schools until the end of the term. I reiterate the fundamental point that not one day of schooling was lost.

The Hon. Duncan Gay: I saw a building at Dubbo the other day that has had a tarp on it for two years.

The Hon. JOHN DELLA BOSCA: Do you want to talk about Dubbo or Blacktown? I am talking about Blacktown. I will talk about Dubbo when I am asked a question about Dubbo. As soon as the weather permitted, the appropriate work commenced. People have worked on weekends on the more dangerous and arduous work, so that the safety of the school population was not affected. There has been a high level of cooperation between the Department of Education and Training, school staff, school principals, the Department of Commerce and the State Emergency Service to make sure that children and teachers were rotated through areas of schools as the more potentially dangerous repairs took place. The whole matter has been very well managed. The Opposition's carping and nonsense does not help the reputation of public education and that of hardworking public servants and volunteers. If the Hon. Catherine Cusack wants to see the staff of the Department of Education and Training, the Department of Commerce and the schools working together, she is welcome to come with me to Blacktown any time this weekend.

HUME AND HOVELL WALKING TRACK

The Hon. MICHAEL VEITCH: My question is directed to the Minister for Lands. Will the Minister provide details of the Government's funding and support for the Hume and Hovell Walking Track?

The Hon. TONY KELLY: The Iemma Government is committed to providing Crown land for the recreational needs of the people of New South Wales. Our commitment is demonstrated through annual funding for our walking tracks. About \$288,000 has been committed to Crown land walking tracks and associated Crown reserves this year. From the Great North Walk, stretching from Newcastle to Sydney, through to the magnificent Six Foot Track on the western side of the Blue Mountains, the Department of Lands is responsible for some of the most iconic walking tracks in New South Wales. One of those iconic tracks is the Hume and Hovell Walking Track.

The Hume and Hovell Walking Track stretches about 440 kilometres through southern New South Wales from Yass to Albury. A bicentennial project, the track closely follows the path taken by the explorers Hume and Hovell in their expedition of 1824, which started at Appin on 3 October and reached Port Phillip Bay on 16 December of that year. It is a marvellous walking track visited by about 45,000 people each year. Obviously the Hon. Amanda Fazio is one of those people, and I encourage all members to go and experience the beauty and history of the walk for themselves. This year the Department of Lands is preparing the Hume and Hovell Walking Track for its twentieth anniversary, with improvements to signage and upgrading of structures and facilities.

The PRESIDENT: Order! The Minister has the call. Members should allow the Minister to continue without interruption.

The Hon. TONY KELLY: I am pleased that all members are so keen to use our walking tracks. Around \$44,000 will be provided this year to maintain and improve the walking track. The Hume and Hovell Walking Track is served by a number of associated reserves that will provide trackheads and excellent picnic, camping and holiday destinations for locals and visitors alike. Again, the Iemma Government has supported two major reserves—the Goobarragandra Valley reserves east of Tumut, and the Wee Jasper reserves near Lake Burrinjuck—to the tune of \$109,000 this year to help maintain and improve their parklands and facilities. The Goobarragandra Valley reserves, located along the Hume and Hovell track, is a fantastic way for experienced hikers and beginners alike to get a feel for the walk and an appreciation of what it was like for Hume and Hovell as they headed south almost 184 years ago. Just north of Goobarragandra Valley, the Wee Jasper reserves—as the Hon. Mick Veitch would know and appreciate—contain some of the prettiest spots in the State. Mick's father managed "Borag" at Talbingo, which the Hume and Hovell track passes through. So, the Hon. Mick Veitch has a very close association with it.

There is an excellent range of activities in the area, from trout fishing and camping through to birdwatching and canoeing. This year the Government is providing another \$108,000 to help run this fine series of reserves. If members travel south, I suggest they pay the Wee Jasper reserves a visit: throw in a line, pitch a tent, and enjoy the beauty of the great outdoors. These walking tracks are proudly managed under the guidance of the Department of Lands and the many volunteers who help look after those reserves.

COMPUTER GAMES R18+ RATING

Reverend the Hon. FRED NILE: I ask the Attorney General a question without notice. Is it a fact that extremely violent and sexually explicit video and computer games encourage violent behaviour, school shootings and teenage suicides? Will the Attorney General give an assurance that this material will remain on the refused classification category and not be sold or hired in New South Wales? Will he also give an assurance that the New South Wales Government will oppose any attempts to introduce a new R-rated category for these violent video and computer games, to prevent them being viewed by children who are exposed to them by irresponsible adults?

The Hon. JOHN HATZISTERGOS: The scheme for the classification of films, publications and computer games is a national, co-operative scheme. The Commonwealth Classification (Publications, Films and Computer Games) Act 1995 establishes the classification authorities—the Classification Board and the Review Board—and provides the framework and guidelines for the administration and making of classification decisions. The criteria to be applied by the boards when making decisions are set out in the classification code and guidelines, and changes to the code and guidelines must be agreed to by all jurisdictions. That is what the

legislation says. However, the previous Coalition Government decided to unilaterally change the code and guidelines at one point, notwithstanding the fact there was not concurrence.

I can confirm that at the next meeting of the Standing Committee of Attorneys-General in March 2008—to be held in the Barossa Valley, in South Australia—Ministers from each of the States and Territories as well as the Commonwealth will discuss whether amendments should be made to the code and guidelines to introduce an R18+ rating for computer games. Unlike films, computer games currently can only be classified G, PG, M or MA15+. Games that are considered by the Classification Board to contain material that is outside the scope of an MA15+ rating are refused classification. When a game is refused classification, it is unlawful to sell or publicly demonstrate it anywhere in Australia. There are complex arguments for and against the introduction of an R18+ classification for computer games. At this point in time I have not seen any specific proposal beyond what has been discussed in the newspapers by the Minister for Home Affairs.

Reverend the Hon. Fred Nile: Do you propose a change?

The Hon. JOHN HATZISTERGOS: I have indicated what is the position. However, I have previously put proposals to strengthen the code and guidelines, particularly in relation to banning material that advocates terrorism acts. The former Federal Attorney-General agreed to my proposal, as did the relevant Ministers from all the States and Territories, and a discussion paper was released and a number of submissions were made. I proposed that there be a change to the code, but ultimately the code was not amended in the way I had proposed: the former Federal Government passed legislation to facilitate the change unilaterally.

I do not know where this matter will end up. Hopefully there will be a cooperative decision in relation to the way forward. I will no doubt be looking at these issues very closely. My general position, however, in relation to matters of this kind is that there is considerable material out there, particularly of the kind Reverend the Hon. Fred Nile refers to. I am not sure there needs to be some sort of expansion of the material that is available beyond what is already required, but I will look at all the arguments that are put.

WIND FARM LAND RESUMPTION

The Hon. RICK COLLESS: My question is directed to the Minister for Lands, Minister for Rural Affairs, and Minister for Regional Development. Did staff from the Western Lands Commission advise wind farm developer Epuron to negotiate with Western Lands landholders regarding rental payments following the planned installation of wind farm towers on Western Lands lease land? Did the same staff member subsequently advise the landholders concerned that the Western Lands Commission intended to resume the land under a leaseback arrangement? Did the Minister tell ABC radio that Epuron did not have the right to negotiate with these landholders, and did he revoke, or does he intend to revoke, the land in question from the landholders' leases? Will the rental payable by Epuron now be payable to the State Government, and what will the potential total rental payment be to the Government following the completion and commissioning of the project?

The Hon. TONY KELLY: Over the past 12 months, Silverton Wind Farm Development—Epuron—has been carrying out wind testing and negotiating access rights with four western lands leases on public Crown land near Silverton. I am advised that early wind tests on the site did not require the approval of the department and that the company sought the permission of leaseholders to carry out those wind tests. In October 2007 Epuron—I understand that Silverton Wind Farm developments and Epuron are one and the same group—advised the Department of Lands that tests were favourable and advised of its intention to proceed to development application stage to construct 500 wind turbines on 32,000 hectares of leased public land.

The Hon. Michael Costa: What sort of energy is that? It wouldn't be much.

The Hon. TONY KELLY: It is 1,000 megawatts, I think. This is a proposal of state and national significance with the potential to provide electricity to three States—New South Wales, Victoria and South Australia—with almost 1,000 megawatts of power, which is enough electricity to power 400,000 homes. Silverton Wind Farm Developments subsequently met with the department in December 2007 to discuss its development plans, tenure arrangements and access to the affected land.

The department, just prior to departmental officials meeting with affected leaseholders in early February, briefed me. Having regard to the scope and significance of the project, the department believes that a direct lease with the State provides the greatest long-term security for the Crown land in question. We are talking about public land, owned by the people of New South Wales but leased to farmers for the primary

purpose of grazing. Under the terms of their current leases, the graziers do not have a legal right to sublease for the purposes of a wind farm. Claims that the erection of a telephone pole on leased land is the same in the long term are incorrect. Given that this is a \$2-billion wind farm investment affecting 32,000 hectares of public land and generating enough electricity for 400,000 homes demonstrates how out of touch and desperate The Nationals have become. Because the leaseholders cannot provide the wind farm proponents with a secure and legal title for the proposal, the best solution is a direct lease with the State.

I assure this House that the Government is committed to negotiating with the leaseholders to resolve any concerns as a consequence of withdrawal. There will be an ongoing opportunity for the wind farmland to be grazed even if land is withdrawn from the leases. Such grazing rights will be negotiated with the current lessees. Rather than play politics, The Nationals should get behind a proposal that will not only bring a long-term, sustainable industry to the far west but also generate income that can be used to fund improvements to infrastructure and community facilities throughout the Western Division. The Government will continue to negotiate with the proponents and affected leaseholders to ensure an equitable outcome for all. The Government will be negotiating with leaseholders about compensation and with the proponents about what they will pay, because although an offer has been made, the amount has not yet been settled. In that spirit, I will be meeting with representatives of the pastoralists associations of West Darling next week.

UNIFORM SUCCESSION LAWS

The Hon. HENRY TSANG: I direct my question to the Attorney General. What is the latest information on uniform succession laws?

The Hon. JOHN HATZISTERGOS: Following stage two of a national project on uniform succession laws and a New South Wales Law Reform Commission report on family provision legislation the Government will move to simplify the administration of deceased estates and to protect family members from having their entitlements from deceased estates wiped out by frivolous claims. Of course, Australia's succession laws were uniform in the nineteenth century, but in the twentieth century the colonies began enacting their own legislation, resulting in divergent and at times complex succession laws.

Interstate migration is now common, particularly among baby boomer retirees, and that has significantly increased the cost of administering a deceased estate when it has a connection with more than one jurisdiction. The changes will make New South Wales more consistent with other jurisdictions. Proposed changes to the Family Provision Act 1982 will also seek to prevent people making unmeritorious claims and accessing money from deceased estates to fund their legal challenges. While courts have to some extent begun capping the amount of costs that can be recovered, particularly when the estate is small or when the parties have incurred excessive costs, there are some disturbing examples of legal costs running into hundreds of thousands of dollars. Examples include a court case involving three adult children where the \$605,000 cost of the litigation was more than all three of the plaintiffs might reasonably have hoped to obtain from the deceased's estate. The judge described it as a "dark stain on the administration of justice" and compared it to Charles Dickens' *Bleak House*. Criticism was also levelled by a judge that a case involving a simple claim for three infant children from their late father ended up costing \$171,000 because the solicitors used the animosity between the children's mother and the deceased's de facto to drag out the case for their own financial gain.

It is cases such as these that gave me cause for concern over an aspect of the model bill contained in the New South Wales Law Reform Commission report. Clause 7 of the model bill creates a catch-all category of family provision claimant permitting anyone to whom the deceased person owed a responsibility to provide maintenance, education or advancement in life to make a claim against the estate. The national committee's reasoning behind this new category of claimant is that it serves as an avenue for deserving persons to make a claim. However, concerns were raised that it may lead to a flood of new claims being made on deceased estates from people who are not currently entitled to apply in New South Wales. The Government has therefore decided to retain the current provisions in the Family Provision Act 1982, which set out eligibility to make an application. Changes will also include a regulation-making power to control legal costs. The power will allow regulations covering collaborative law measures and introduce a range of measures designed to constrain legal costs in family provision cases. The proposed regulation will be drafted in consultation with the Supreme Court, the Bar Association and the Law Society.

While many lawyers work hard on behalf of their clients to secure legitimate claims, a minority exploit the emotionally charged atmosphere of these types of cases at their clients' expense. Lawyers should not be able to profit by purposely drawing out cases on behalf of one party leaving legitimate claimants with nothing when

the court case is over. The Government's proposed reforms will put a brake on claims that lack merit and also better harmonise succession laws across jurisdictions, reducing complexity and legal bills. The Succession Act 2006 will commence on 1 March 2008. This has allowed the legal profession to digest the new laws relating to wills. I acknowledge the hard work of the Implementation Committee and the Law Society's Elder Law and Succession Committee in educating New South Wales about these changes made in 2007.

M4 EAST EXTENSION

Ms LEE RHIANNON: I direct my question to the Minister for Roads. In the Government's Urban Transport Statement of November 2006, and in various other public statements since, the Minister promised to release to the public a discussion paper on the proposed M4 East extension by the end of 2007. Where is the discussion paper, Mr Roozendaal, and can—

The Hon. Michael Costa: The honourable Minister!

Ms LEE RHIANNON: Members opposite are sensitive! Can the Minister explain the delay and say when the discussion paper will be released? Where is it?

The Hon. ERIC ROOZENDAAL: As has been said, the Government is developing plans to deliver an M4 East extension. The New South Wales Coordinator General, Professor David Richmond, is coordinating work on this project to deliver the best road option for the people of Sydney. As outlined in the Urban Transport Statement released in November 2006, a discussion paper will soon be released for community consultation. The link will be considered in light of the Port Botany expansion and the role of Sydney Airport in the State's economy. It must also be considered in light of the growth in Western Sydney. A whole-of-government process will ensure that the expansion of the city's motorway network is fully integrated with the Government's metropolitan strategy. No decisions will be made about the project without widespread consultation and extensive community input.

Ms LEE RHIANNON: I have a supplementary question. In his response the Minister said—

The Hon. Michael Costa: Do you support it?

Ms LEE RHIANNON: The Treasurer knows the answer to that. The Minister for Roads said in his response that the discussion paper would be released soon. When is soon? The Minister has previously stated that it would be released at the end of 2007. What is the revised date?

The Hon. Don Harwin: Point of order: The member is now adding argument to the question and that ensures that her question is out of order.

The PRESIDENT: Order! I had difficulty hearing most of the question. However, I uphold the Opposition Whip's point of order.

MENANGLE SCHOOL BUILDING

The Hon. ROBYN PARKER: I direct my question to the Minister for Education and Training. Can the Minister explain why there was no public consultation about the future of the Menangle school building with the Menangle community before a development application was lodged to demolish it? Is the Minister aware that the land on which the school was built was given to the department by the Macarthur family—one of the founding families of the area—with the intent that the land be used for educational purposes? What plans does the department have for the land if the school building is demolished? Why can the community not keep this valuable and historic asset?

The Hon. JOHN DELLA BOSCA: The Department of Education and Training purchased the property from the Macarthur family for educational purposes and established Menangle Public School in 1871. Unfortunately, Menangle Public School had to be closed in 1976 because of declining enrolments, and the land was declared surplus to educational needs. Ministerial approval was given for the disposal of Menangle Public School and the residence in October 1999. This is beginning to sound like a history lesson! The older school buildings and residence are deteriorating and are an ongoing liability for the Department of Education and Training. The department lodged a development application with Wollondilly council in October 2007 to demolish all the buildings. Council considered the development application in the week of 18 February 2008 and, of course, we are currently awaiting the outcome of that consideration.

I give the honourable member this assurance: Education assets are used for education purposes. Clearly, Menangle Public School can no longer be used for education purposes. Opposition members are constantly complaining about outdated buildings, yet they want us to use a building that was constructed in 1871. We are a bit worried about the ever-benevolent Macarthur family who sold us the property—it did not give us the land—for education purposes, and in that regard I give this commitment: All the proceeds from the sale and development of Menangle Public School will be returned to public education.

TIMBER BRIDGES PROGRAM

The Hon. IAN WEST: My question is addressed to the Minister for Roads. Will the Minister update the House with the latest information on the Government's timber bridges program?

The Hon. ERIC ROOZENDAAL: I commend the member for his interest in this very important matter. Members of the House would be familiar with the Iemma Government's three-year, \$60 million timber bridges partnership with councils. At the start of February this year we announced another round of bridges to receive funding; that is, another 30 ageing timber bridges across New South Wales receiving funding from the Iemma Government to be replaced by new bridges. In total 157 bridges will now be upgraded as part of the timber bridge replacement program. Bridges to receive funding as part of the latest announcement are located across New South Wales in areas such as the Hunter, Northern Tablelands, Tamworth, Murray-Darling and the flood-affected areas of Kyogle, Byron and Bellingen. This is about real improvements for rural and regional communities around New South Wales.

[Interruption]

I am shocked that The Nationals keep interjecting on this important matter of great concern to people in rural and regional areas.

The Hon. Duncan Gay: It is the Liberals. Put your glasses back on.

The Hon. ERIC ROOZENDAAL: I acknowledge my mistake—it is the Liberal Party that does not care about rural and regional areas. I thank the Deputy Leader of the Opposition for pointing that out to me. This is about real improvements for rural and regional communities around New South Wales, where timber bridges under the management of local councils have been replaced with new, modern standard bridges. Roads, and in particular bridges, are vital infrastructure links in rural New South Wales and are essential to local economies. While these bridges are on routes that are not necessarily heavily used, they are still very important to the local communities they serve.

As part of the announcement I visited Cessnock at the start of this month and was joined by the hardworking local member, Kerry Hickey. The Cessnock region will receive \$2 million so that six new bridges can be built, replacing old timber bridges. This round of funding includes replacing four timber bridges on Wollombi Road at Millfield Bridge No. 2 over Congewai Creek; Sweetmans Creek, Slacks Creek and Narone Creek. Two other bridges in the Cessnock region are also being replaced at Thompsons Bridge over Townsend Creek on Great North Road, near Laguna; and Anvil Creek on Nelson Street in Greta. These timber bridges have served the community well but it is time that they were replaced with new structures.

Bridges are vital pieces of infrastructure for regional communities. This program will help keep local families connected while improving safety and reducing maintenance costs for council. Each bridge has been identified for inclusion in the program on the basis of sound criteria including safety and bridge condition, level of use by heavy vehicles and strategic importance to the local economy with regard to freight and tourism. The timber bridge program is a great example of the partnership between local councils and the Iemma Government. The program is funded 50:50 by the Roads and Traffic Authority and the local council, with the local council completing the construction work. Many of these old bridges can no longer support heavy vehicles and this has a major impact on the transport of goods and produce between regional towns and major service centres. As part of the program eight new bridges are already open to traffic with construction underway on another 11 bridges and many more to follow. These new bridges will make a significant difference to local communities. When it comes to road infrastructure in the bush our record speaks for itself. I look forward to continuing to update the House on this important program.

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

[The President left the chair at 1.05 p.m. The House resumed at 2.30 p.m.]

TABLING OF PAPERS

The Hon. Tony Kelly tabled the following papers:

Youth Advisory Council Act 1989—

- (1) Report of the Youth Advisory Council for the year ended 30 June 2006
- (2) Report of the Youth Advisory Council for the year ended 30 June 2007

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

PRIVILEGES COMMITTEE

Report

The Hon. Kayee Griffin, as Chair, tabled report No. 41, entitled "Draft Constitution (Disclosures by Members) Amendment Regulation" dated February 2008, together with correspondence received.

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

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Order of Business

Motion by Ms Lee Rhiannon agreed to:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 103 outside the Order of Precedence, relating to the transport of grain by rail, be called on forthwith.

Order of Business

Motion by Ms Lee Rhiannon agreed to:

That Private Members' Business item No. 103 outside the Order of Precedence be called on forthwith.

GRAIN HAULAGE

Debate resumed from an earlier hour.

The Hon. RICK COLLESS [2.32 p.m.]: Before question time I had outlined to the House that the cost of transporting wheat by rail from Moree to the port of Newcastle would cost around \$30 a tonne. Early indications reveal that if wheat were to be transported by road, those costs would be in the vicinity of \$50 to \$60 a tonne—a doubling of freight charges—as a result of Pacific National pulling out of the export wheat freight market.

New South Wales produces between six million to nine million tonnes of wheat a year, depending on the season. Members opposite may not understand that agriculture is extremely dependent on climate: climatic conditions determine the size of the wheat crop. This year the expectation is that the crop will be in the vicinity of seven million to eight million tonnes, which is good news for farmers because it is a long time since the crop has been of that magnitude. If all that wheat is transported by road on B-double trucks, which carry around 30 tonnes of wheat each, some 230,000 to 240,000 trucks would transport that crop on our roads. On the other hand, a fully laden wheat train can carry up to 10,000 tonnes of wheat. This means that somewhere in the order of 700 to 800 trains could carry that crop compared with some 240,000 trucks travelling on our roads.

This important issue must be dealt with urgently. I was interested to hear Minister Kelly, who is a farmer and presumably grows wheat, say that this matter was important but not urgent. This winter crop is the best prospect New South Wales farmers have had in the last 10 years due to good subsoil moisture following good summer rain, which is continuing even today in the north. In the Coonabarabran and Narrabri areas falls of up to 30 to 40 millimetres have been recorded, which augurs well for the coming wheat season. Stored water resources in some of our dams are improving. A significant part of the cotton country in far western New South Wales, around Bourke in particular, will be sown with wheat this winter. We are anticipating a very good wheat crop.

Winter wheat will be sown from now on and spring wheat crops will be sown in late April through May and into June. Up in the north-western parts of New South Wales the wheat harvest, depending on the climatic conditions, can start as early as mid to late September and further south it will continue through October, November and into December. This means that harvesting could start by late September, which is only seven months away. Therefore, the Government has only seven months to fix this problem. There is no time to lose. The Government must accept responsibility for shifting this wheat crop now and implement measures to immediately ensure that the crop is shifted.

The responsibility for solving the mess and ensuring that we do not have thousands of extra B-doubles and semi-trailers on the roads attempting to transport the huge amounts of grain expected this year rests with the Government. When Pacific National purchased the formerly Government-run Pacific National for \$1.2 billion in 2001 the agreement provided for what was effectively a discount of \$118 million on the sale. The discount was given on the condition that the money was reinvested by Pacific National to improve the grain freight system. An amount of \$70 million is still outstanding and as yet has not been reinvested by Pacific National. The Government should clarify what will be done with that remaining \$70 million. The people of New South Wales deserve answers on where that \$70 million will go, and the status and future of contractual obligations. We need a commitment that the money will continue to be reinvested into maintenance of our grain lines.

Another concern not mentioned in the motion relates to job losses that will occur as Pacific National winds down. The Minister for Transport has claimed that he is very concerned for workers on both the land and at the ports. His concern is a little late. Last week Pacific National owners confirmed that the company had begun shedding about 200 grain staff in New South Wales. Already job losses are occurring in Narrabri, Dubbo, Junee, Cootamundra and Temora. What is the Government's plan to assist these workers? They deserve more concern from the Minister. They deserve answers and assistance.

The Minister for Transport must understand that growers have very real concerns and fears that this issue will not be resolved in time for the 2008 harvest, which, as I said earlier, is only some seven months away. The Iemma Government and the Minister for Transport must act immediately and tell the people of New South Wales what is their strategy for dealing with the next harvest. We need the answers, and we need them now. I support the motion.

The Hon. CHRISTINE ROBERTSON [2.40 p.m.]: It gives me a great deal of pleasure to speak to the motion. The New South Wales Farmers Association has discussed the issue with Country Labor in recent days, as other members of this House have said. The issue has been a major concern for Country Labor for many years, and I believe it is an incredibly important issue for Labor. I do not necessarily suggest that the decision to debate the motion today is a good decision, but it gives us an opportunity to debate the matter.

The Government does not support the motion moved by the Greens relating to the future of regional rail. The Government proposes a number of sensible amendments to the motion. The motion moved by the Greens is impractical and unreasonable, and demonstrates the Greens' continuing move away from relevant contributions to debate. The Government supports the amendment proposed by the Deputy Leader of the Opposition to remove paragraph 2 (e) of the motion. The Government also proposes the following amendments to the motion. I move:

That the question be amended as follows:

1. Omit paragraph 1 (f) and insert instead:

- (f) that if the grain industry and freight providers fail to reach agreement to move the grain to port by rail there will be significant job losses in rail;
- (g) the action being taken by the Minister for Transport in convening a meeting on 25 February 2008 between the New South Wales Ministry of Transport, grain providers and the freight operator to discuss the future of grain haulage by rail;
- (h) the Minister for Transport is meeting the Commonwealth Minister on Friday 29 February 2008; and
- (i) the Rudd Government's commitment to a grain haulage taskforce in New South Wales.

2. Omit paragraph 2 (a).

The motion moved by the Greens is not a reasonable and practical solution to a long-term and complex problem. The Government does not support paragraph 2 (a) of the motion as the Government, not the Greens, convened a meeting between the freight providers, the grain companies, including both AWB Limited and GrainCorp, the

New South Wales Farmers Association and the grain growers. The motion does not take into account that grain producers and freight operators are engaged in complex commercial negotiations regarding the haulage for this year's harvest and future grain harvests. I totally agree with the Hon. Rick Colless' comments regarding this year's harvest. It is exciting news for us in western New South Wales to know that after many years we have an opportunity to have one of the largest harvests we have had for a long time.

The motion also does not take into account Pacific National's comments made earlier this week that it would remain involved in grain haulage if a commercial agreement could be reached. Here we go again with the Greens, going in with both boots when other people are sensibly sitting down and trying to resolve an issue. The Minister for Transport is taking action: he is talking to industry and working with it. The Minister and the Government have consistently said that we are extremely concerned about Pacific National's December 2007 announcement that it intended to withdraw from the non-mainline grain haulage business and the export grain haulage business. Country Labor, who just yesterday met with the New South Wales Farmers Association on this issue, showed this concern again.

The Government knows that Pacific National's decision has caused concern in the industry about the future of the restricted grain lines. The Government is focused on making sure we get best use out of the funds we have to provide appropriate track to support commercial freight operations. We are spending a considerable amount on the maintenance of regional rail lines. I am advised that between 2004-05 and 2007-08 the New South Wales Government has spent \$508 million on the maintenance of the country network, including the country regional network and the grain lines.

The Minister continues to demonstrate his concern. That is why last week the Minister for Transport asked the Director General of the Ministry of Transport to convene a meeting of the key players in grain to discuss grain haulage needs for this year's harvest. That meeting was held on Monday. It was a vital step in getting the parties together to work on a way forward for grain farmers and to resolve the uncertainty of transport for the harvest.

Participants at the meeting, which was chaired by Jim Glasson, the Director General of the Ministry of Transport, included Phillip Breeze from GrainCorp, Peter Winder from Pacific National, John Ridley from the New South Wales Farmers Association, Mitch Morrison from AWB Limited, Peter Flottmann from the Grain Growers Association, Vince Graham from RailCorp, Bruce Farrar from the Rail Infrastructure Corporation, and union representatives.

The Minister has advised me that it was clear from the meeting that all parties—the grain growers, the grain companies, and the freight company—are keen to keep working together. It was acknowledged that this matter must be resolved at the industry level and cannot be resolved by the New South Wales Government alone. The Government will make decisions on the future of rail infrastructure based on the success of the ongoing negotiations between the grain companies and the freight providers.

Any discussion about the future of the regional rail industry should also consider the history. By way of background I will go into some of the recent history and the structure of the network. The New South Wales country network comprises the interstate and Hunter Valley tracks, managed by the Commonwealth's Australian Rail Track Corporation [ARTC] under a long-term lease from the New South Wales Government. This network supports larger, more efficient locomotive—81 class—operations, with no subsidisation of freight train operations required, and the country regional network, which is owned by the New South Wales Government and managed by ARTC under a long-term alliance contract.

Mr Ian Cohen: Are you a train watcher?

The Hon. CHRISTINE ROBERTSON: I have been asked if I am a train watcher. I live at Duri and I watch the trains regularly from my place. When I am in Sydney I stay at Arncliffe, where I also watch the trains, and that includes the coal trains.

Mr Ian Cohen: What if there is no trucking during wheat harvesting?

The Hon. CHRISTINE ROBERTSON: I also live near a silo. Trucking is still happening near the silo.

[*Interruption*]

There are still trains in my area. The country regional network is further separated into the passenger, freight and restricted grain networks. The restricted grain network has 15 lines, of which 11 are currently in service, predominantly limited to operations using the 48 class locomotive, which is used almost exclusively for grain transport. Under the FreightCorp sale government guaranteed the passenger and freight networks. No guarantee was given for the restricted network.

As honourable members will be aware, in 2001 the sale of FreightCorp included obligations on the industry through two side deeds that aimed to provide security to the grain industry. These were the grain works deed, regarding capital investment—this obliged the winning bidder to invest in wagons and storage facilities for the industry, aimed predominantly at improving grain branch line performance—and the grain haulage deed, relating to service level. This obliged the winning bidder to service the grain branch lines. From 2001 onwards the winning bidder, Pacific National, sought to renegotiate the obligations, or the capital works, under the grain works deed.

In 2003 the New South Wales Government initiated the Grain Infrastructure Advisory Council, to review future road and rail infrastructure for the grain industry. The advisory council recommended that five of the 15 lines be upgraded, that three be closed, and that further analyses occur on the remaining seven lines. In mid-2004 the New South Wales Government invited AWB Limited, GrainCorp and Pacific National—together known as the Industry Commercial Group—into discussions with the aim of forming a private sector proposal centred on the long-term lease of an agreed rationalised grain branch line network to the grain industry. Unfortunately, agreement was not reached.

In July 2005 the then Minister for Transport announced the suspension of services on four of the 15 grain branch lines, and that a total of \$69 million would be spent over the next three years in keeping the remaining 11 branch lines open while a sensible long-term approach was developed with industry. In 2006 the New South Wales Farmers Association developed a proposal based on upgrading a number of the grain branch lines to support mainline locomotive operations. The New South Wales Government rejected this on the basis of the high levels of public funding required.

In June 2007 the Rail Infrastructure Corporation suspended operations on the Cowra-Blayney and Kandos-Gulgong lines. On 12 November 2007 the then Federal Opposition, now the Federal Government, announced its intention to establish a grain task force to look into transport infrastructure for New South Wales grain growers. In November 2007 the grain haulage deed expired—the original one of which I spoke before. In December 2007 Pacific National announced its decision to no longer service the rail lines.

The Government is concerned about the grain haulage task. We have already provided a three-year funding commitment to continue the operation of the lines through what has been a tough time for the industry. This commitment was an investment of \$69 million over three years in these lines. This funding is completed by an additional funding package for the regional network that consists of \$18 million to install formal controls and signal boxes across the rural network and \$14 million to introduce the Train Order Working System, an enhanced train coordination system that maps the safe movement of trains on the network. The New South Wales Government will continue to assist Pacific National and the grain industry to reach a commercial agreement that provides for the continued use of rail or bulk grain transportation into the future.

The Federal Government also has a role to play; I was pleased it sent a representative to the meeting. The Minister is going to Canberra for the Australian Transport Council meeting this week and will speak to Minister Albanese about a range of issues, including grain haulage. It is vital that any measures New South Wales develops feed into the national task force convened by the Federal Government and that all parties work cooperatively to plan the way forward. The New South Wales Government welcomes the new Federal Government's commitment to working together with State governments, which is in marked contrast to the approach of the previous Commonwealth Government.

Finally, the Government does not, and cannot, support the motion moved by the Greens. The Greens have not taken into account ongoing negotiations between grain producers and freight companies. The Government will continue to work cooperatively with the industry, grain producers and grain growers to deliver the best outcome for future grain haulage. Various people have given a lot of consideration to the work carried out by country people, as many of us in this House now are. It is an incredibly important issue and I believe the amendments moved by the Labor Government will make it a very workable motion for future use.

Reverend the Hon. FRED NILE [2.52 p.m.]: Paragraph 1 (a) of the motion moved by Ms Lee Rhiannon states the crux of the issue:

The recent announcement by Pacific National that it will no longer transport export grain in New South Wales, in order to concentrate on more profitable coal haulage.

That has greatly upset the grain growers of this State. We support the New South Wales Farmers Association in its expression of concern that urgent action should be taken to rectify that situation. This matter provides a warning for governments when making agreements. On this occasion the Government had an agreement that Pacific National should continue to transport grain, but it had a deadline and as soon as that deadline was reached and the formal obligation no longer existed Pacific National withdraw from the agreement. The same situation may apply to the electricity industry, generators, et cetera. When the Government says it will have certain obligations it should ensure that they are not open-ended and that they can be cancelled. In other words, it should not have a time limit because people take advantage of that situation, as occurred on this occasion. We support the amendment moved by the Deputy Leader of the Opposition. We have only just heard the amendments moved by the Government, but they provide evidence of the Government's action in this serious matter. I believe those actions should be included to make the motion accurate and up to date. We support the Government's amendments.

Mr IAN COHEN [2.55 p.m.]: I support the motion moved by Ms Lee Rhiannon on behalf of the Greens. I have listened with interest to the significant amount of material that has been discussed as part of the motion. I recognise that the Government did some very heavy lifting over lunch—I hope its members had time to eat. It was a very comprehensive and impressive delivery by the Hon. Christine Robertson. I asked by way of interjection during her detailed delivery if that means that trucks are not going to be used. I did not receive an answer to that question. As I am a very simple sort of person I would like to know if that is the case. It is not only for short haulage but also for wheat harvest. The wheat harvest is a massive harvest in the context of New South Wales farming and therefore very important.

I will not go over many of the issues that have already been effectively raised by many members of the House but I have concerns with some of them. The National Greenhouse Inventory 2005, published by the Australian Greenhouse Office, shows that greenhouse gas emissions from the transport sector as the best part of 30 per cent. This is a major issue that should not be ignored when we are dealing with a harvest. Some will again knock the Greens about peak oil and the like, but when we are taking into account the effectiveness of the environmental and economical sustainability of the harvest, transport is of prime significance. The transport sector, in terms of Australia's greenhouse gas emissions, is at 14 per cent of national emissions. It is obviously a major component and I do not think it is superficial in any way shape or form to raise the type of transport that is being used.

The current state of play of rail transport, privatisation and availability of the type of transport has been well ventilated in the debate by Ms Lee Rhiannon. The Deputy Leader of the Opposition made the point that a train equals 60 B-doubles. That is a massive efficiency in the transport of grain and some 25 per cent less fuel is used in transporting that grain, which is to be supported. The Greens have been consistent, despite some of the accusations in this House, in our desire to find more effective, safe and efficient methods of transport than road transport, and efficient use of our natural resources.

Although I may be mistaken, my understanding is that the diesel transport industry was granted a significant rebate by the previous Federal Government. That rebate, which encourages rather than discourages the use of road transport, does not take into account who pays for the maintenance of the roads used by these heavy vehicles. That across-the-board reduction for the truck industry is reflected in the price of diesel at service station bowsers across the nation. Although diesel, or distillate, is a far less refined product than the petrol products on the market, its use should be encouraged because vehicles run more economically on diesel than petrol. Yet the price of diesel at the bowsers for the general public is high, due, I believe, in part to the rebate that was granted to the truck industry. Everything is geared toward encouraging road transport and discouraging rail transport. That is the wrong way to go.

I listened with interest to the contribution made by Hon. Robert Brown on behalf of the Shooters Party. Once again he was shooting from the hip. His frivolous accusations, allegations and imputations that the Greens members of this House are left-wing environmental extremists serve only to belittle his own integrity. In broad terms the Opposition supports the motion moved by Ms Lee Rhiannon. Yet Opposition, Government and other members suggest the Greens are missing the point and are environmental extremists. The Hon. Robert Brown represented to the House that the Greens want to see a wholesale cessation of broadacre farming and that we do

not support rural farmers. I challenge him to present evidence to the House that the Greens support an end to broadacre farming. That is not the case. For example, the Greens election material under the heading "Protecting New South Wales natural environment" states:

End broad-acre land clearing by closing loopholes in the legislation and by better monitoring and enforcement.

That refers to "broadacre land clearing".

The Hon. Rick Colless: That is farming.

Mr IAN COHEN: The Hon. Rick Colless says that is farming, but broadacre land clearing is different, particularly in relation to the wheat industry. The Greens rural land use policy states:

Discourage large-scale farming practices where they adversely affect ecologically sustainable family farming and rural communities.

Promote diversity in land use, and encourage new rural initiatives for local processing and value-adding industries, including co-operative arrangements and niche agricultural marketing opportunities.

I would like to think The Nationals support that position. A further policy point is:

Providing incentives for farmers to move towards ecologically and economically sustainable farming methods, for example low-cost loans for converting or replacing inappropriate machinery and practices.

I would imagine that the Shooters Party would support that policy. And another:

Supporting the establishment of community banks which can provide low interest loans to small farmers.

These are all Greens policies. I wonder why the major parties and some minor parties in this House are so fearful of the Greens. This motion moved by Ms Lee Rhiannon, who takes a great interest in and works damned hard on the transport portfolio, brings before the House a matter that should have been raised by the major parties. They have been left flat-footed. As our policy indicates, the Greens accept that broadacre farming is practised, particularly in the wheat industry. The Greens recognise that we do not live in a perfect world and understand that large-scale agriculture occurs. But we seek to ameliorate the damage of that style of agriculture.

It is reasonable to be critical of such practices, and I stand by my record of being critical of many past farming practices. But that does not mean that the Greens have a wholesale objection to farming. We recognise that the wheat industry is a major player in the farming sector and, as such, should be supported. For example, for the wheat industry to be sustainable, policies relating to transport services and pesticide use are critical. Wheat farming is not an irrigation industry; it is reliant on seasonal rains. At present, seasonal rains have been exceptional for the first time for many years and a bumper harvest is expected—and that will benefit the people on the land and the Government of New South Wales. However, because of the attitude of the Government, there is a lack of infrastructure to deal with this windfall. The level of short-sightedness shown by the closing down of rail infrastructure is a matter of great concern and the Greens will continue to take up these issues.

I am concerned about the attacks on the Greens by members in this House. These attacks seem to have increased since I was first elected in 1995. Back then the Greens were shown a great deal more respect. Perhaps in those days I was regarded as a single oddity to be humoured and not to be taken seriously and I was able to form friendships with members of the major parties on that basis.

The Hon. Duncan Gay: It is because you got a second, then a third and then a fourth head.

Mr IAN COHEN: That makes you a many-headed Hydra.

The Hon. Duncan Gay: The other heads might not have been as nice as yours.

Mr IAN COHEN: I will not get involved in a debate on one's looks, and nor should the Deputy Leader of the Opposition. The Greens position is constantly denigrated by members of both major parties and particularly by Ministers in this House. On any issue that is raised, we are ridiculed to the extreme. They rely on propaganda saying, "The Greens are against this. The Greens hate that." What is the problem?

The Hon. Duncan Gay: It is not us.

Mr IAN COHEN: Both sides are at fault. Why cannot the parties deal constructively with the issues that we raise? We have a valid role to play in this House.

The Hon. Rick Colless: I have spent 25 years working in conservation.

Mr IAN COHEN: I acknowledge the interjection of the Hon. Rick Colless that he has spent 25 years working in conservation. I often listen to his comments, especially when he talks about grass ecology. I am aware of the work that he has done in conservation and I am open to the points he makes. All I ask is the same from him in return. I believe the Greens position and that of the Hon. Rick Colless on many issues raised in the House have a great deal of commonality. He has to learn to live with the next generation, and politically the Greens will play a bigger part in that next generation. The Greens are constantly under attack in this House. It is the classic case of the propaganda machines of the major parties working to discredit the Greens. They suggest that people should forget about realistic arguments, forget about debate and forget about attempts by the Greens to raise important issues in the House. It is Goebbels-style propaganda. They keep hammering away and then suggest to the public that the Greens are a bunch of loony tunes. I thank the Hon. Michael Costa for leading the charge in that regard.

The Hon. Duncan Gay: Are you addressing the motion before the House?

Mr IAN COHEN: I am. Any reasonable debate, such as debate on this motion, which was move by Ms Lee Rhiannon, is denigrated. I ask members to argue the facts. Of course we will have our disagreements. But the major parties constantly denigrate the Greens because they know that we are capturing the attention of the general public. They know we are talking to people not only in the cities but also in country areas. Representatives of the New South Wales Farmers Association came to speak to the Greens. We are communicating with people.

When I was elected to the New South Wales Parliament the forestry department and the Hon. Kim Yeadon, the Minister responsible for forests at the time, were at absolute pains to keep the Greens away from the so-called wild man of the timber workers union, Gavin Hillier. My office rang Gavin and arranged for us to talk with him. Well, we went and had a talk with this bad man of the timber workers union and it was really productive. There were witnesses to that conversation. There was one from my side, of course, and one other. The person sitting in Gavin's office as his adviser at the time was none other than a current Senator in the Federal Labor Government, Penny Wong. We were able to step away from the prejudices and controls of the major political parties and have a discussion about how we could move forward on a number of issues. One of the outcomes of that meeting was the first round of forestry reform, which occurred back in 1996. There are plenty of examples of occasions when fruitful discussion can take place if people have an open mind when dealing with the Greens, because we legitimately represent a significant number of people.

The Hon. Duncan Gay: But what about wheat?

Mr IAN COHEN: I have nothing much more to say about wheat other than to say that I thoroughly support the position put forward by Ms Lee Rhiannon today. There are significant issues about which we can find commonality, and I would hope that rather than attack this motion, as the Government has, in an effort to water it down, the Government should for once take a hit on the chin and recognise the correctness of the approach of the Greens—and that of the Opposition in this case—to an emergency situation. I thank members for agreeing to debate this motion today, which I certainly support.

The Hon. MATTHEW MASON-COX [3.11 p.m.]: At the outset, I congratulate Ms Lee Rhiannon and the Greens for putting this motion on the *Notice Paper* and bringing it on today with the support of the Opposition. It is of critical importance to the future of grain haulage in New South Wales as the next wheat harvest begins in September and, as yet, the Government has no plan to go forward. I acknowledge the contributions of the Deputy Leader of the Opposition and the Deputy Opposition Whip and I endorse their views. I will not repeat all the arguments that have been expressed in this debate, but I will reflect on a few important matters and deal with the proposed Government amendments to the motion.

The Opposition opposes paragraph 2 (e) of the motion for a very good reason: the idea of nationalising the freight haulage system that was sold to Pacific National so long ago is not realistic. We are in the business of improving the system, not reverting to the past and all the problems that existed at that time. Essentially, the issue is that the Government has failed to plan and, as a result, it has planned to fail. Lack of planning and strategic focus on the future of the transport system as a whole in New South Wales will be brought to the fore

without a sensible strategy towards grain haulage in this State. There has been a lack of planning in this State for many years. Interestingly, the Government's proposed amendments to the motion give confirmation of its haste over the past week to plan a number of meetings. It is quite laughable.

Let us examine these amendments a little more closely. Proposed paragraph (g) refers to a meeting on 25 February 2008 between the Ministry of Transport, grain providers and freight operators to discuss the future of grain haulage by rail. I have been reliably informed that that meeting was put together in less than a week as a result of members of The Nationals, in particular, but also the Greens, raising this issue in the public press. As the master of spin, the New South Wales State Government decided it had better have a meeting to fix this problem. That is a novel approach from this Government. This is a government that conducts meeting after meeting after meeting, and, dare I say, there will be a few more meetings as a result of these wonderful amendments!

First of all, on 25 February there was a meeting of the industry, called hastily by this Government because it did not want to be seen as a government that is doing nothing. Government members said, "Let's have a meeting to pretend we are doing something and that we are actually in control of the situation when in fact we have no idea what to do." In fact, nothing has happened for the past five years in relation to this matter. Despite the decaying grain lines and associated infrastructure over the past five to ten years there has been no investment by this Government in rail infrastructure of this State. The Government will no doubt point to the meagre investment it has made to some rail lines and also to the Australian Rail Track Corporation, which is, of course, primarily a federally funded body. But these investments are very meagre in comparison to what is required to service our massive rail infrastructure. The network is long overdue for a maintenance upgrade.

Proposed paragraph (h) refers to yet another meeting on 29 February. After the hurriedly convened meeting on 25 February there will be another hurriedly convened meeting on 29 February with the Commonwealth Minister. I am sure it will be a very interesting meeting. After a cup of coffee those attending the meeting will probably say, "We have not done anything for the last 10 years, why would we change it now? But let us make sure we get the media release out. Make sure that people think we are thinking of something to do and we will go from there." Proposed paragraph (i) reads:

- (i) the Rudd Government's commitment to a grain haulage task force in New South Wales.

More meetings, more task forces, more news from New South Wales Labor, more news from Federal Labor. Who could forget what Labor promised before the recent Federal elections? Besides the me-tooism, there was reference to a plethora of meetings, task forces and committees that were to be set up by the Federal Labor Government to deal with issues about which it had no ideas. When one does not have a plan or any idea about the future or one does not know what to do about anything it is easy to call a committee meeting or form a task force and do that again and again. But that is not good enough for the people of New South Wales, and the Labor members of this House should not adopt the habit of their Federal colleagues. The Government must do something about this problem rather than have meetings. After their next meeting I am sure Government members will say, "That was a good meeting. Let us establish another consultative task force to discuss the issue." And they will all have a wonderful time. This is the sort of State Government we have. Proposed paragraph (f) states:

- (f) that if the grain industry and freight providers fail to reach agreement to move the grain to port by rail there will be significant job losses in rail,

Obviously there will be significant job losses in rail, but the reality is that this is yet another way in which the Government seeks to absolve itself of any responsibility. Surely it follows from that proposal that the grain industry and the freight providers are responsible for the lack of investment in an infrastructure asset owned by the New South Wales Government. How could one dare suggest that the New South Wales Government is responsible for investing in its own infrastructure! Maybe the Government will put this on the agenda of the meeting of the 1,000 wise minds who will gather soon in Canberra. I live in hope that they will say, "Here is an idea: How about the New South Wales Government actually investing in the future and in its rail infrastructure?" That would be sensational. Maybe then we would have a solution to this problem. We might then have a plan. We certainly do not have one now. Maybe we can get those 1,000 minds to work out the plan for us!

The best thing this Government could do is to get 1,000 more people to sit down and point out very clearly the problems that have been caused as a result of it doing nothing for the past 12 years. These problems do not arise all of a sudden. The only thing that happens all of a sudden is a flurry of meetings to deal with a

problem—one was held on 25 February and another will take place on 29 February. The Government will then say, "Let us set up a task force to look at the whole process of grain haulage in New South Wales." It is an absolute joke: it is a pathetic response. To include this in the motion is an insult to everyone's intelligence.

[Interruption]

I cannot believe that the Hon. Mick Veitch is interjecting in support of this whitewash. Members opposite should take responsibility for their Government's inaction over the past 12 years. The State Government is responsible for its lack of investment in infrastructure. Members opposite should not try to blame the industry or the service providers. It is an insult to us all and a joke. The Government has no idea what it is doing. As I said, this is all about a failure to plan and, as a result, we have a plan to fail from this Government. It is simply not good enough.

The notion that this issue should be resolved by industry is an abrogation of the Government's responsibility to display leadership. The motion mentions the \$1.2-billion sale of FreightCorp to Pacific National in 2001. A number of members mentioned a couple of deeds that were signed that related to important matters of investment in infrastructure and service obligations. That is commonly referred to as the broadacre requirement. It relates to the \$60-million refurbishment of grain trucks and the \$60-million allocation for grain consolidation facilities that were to be constructed at Stockinbingal—which is close to the Hon. Mick Veitch's heart—and at Werris Creek. The \$60-million refurbishment of grain trucks—which was essential—did proceed, but the investment in the grain consolidation facilities did not. Pacific National still has not invested that \$60 million and there is no indication from the Government or the company where it will be spent.

The Opposition believes that that money must be spent on rail infrastructure. However, unfortunately, because of what I hazard to guess was the poor drafting of the deeds of settlement, that money may now be subject to court action and further frittering away of time and effort. The solution is investment in infrastructure in this State, and particularly in the grain lines that are integral to transporting grain to our ports for export. It is a shambles that this Government has closed one grain line after another by press release. The Government simply does not get the point that it must reinvest in upgrading and maintaining lines. It must ensure that grain can be transported at critical times in the season rather than grain lines being left to rot to a point at which it can be said that they are no good, that no further money should be spent on them and that they should be closed, all in the hope that farmers will not make too much of a fuss when that occurs. It is not good enough. This has been happening for years and a few meetings called in the past week will not change a thing.

The Government has failed not only to invest in grain lines but also to understand which lines should be maintained. It has failed to undertake an important task; that is, to define the network. What will be the ongoing network for the transport of grain in New South Wales? Let us not fiddle away at the edges and let grain lines deteriorate so that the network is defined by its crumbling state. The Government should take a leadership role and along with industry groups define the network and establish what silos and grain lines will be maintained and what roads will be used for grain transport if some of the grain lines are not maintained. If that were to be done the industry would know the picture upfront and there would be certainty in investment in the State's infrastructure network. This simple and fundamental aspect has been missing from the Government's planning—or lack of planning—for a number of years. As a result, industry has no certainty about where to invest or the future of grain lines. Without that certainty, investors cannot anticipate extracting a commercial return. That is the leadership role this Government must take.

What investment will the Government make in both rail and road networks, how will that happen and what role will industry play? The Government should stop having meetings for meetings' sake and issuing press releases saying that it is doing something. It should invest in and ensure the future of our critical rail infrastructure rather than oversee a breakdown in the system that will strand millions of tonnes of grain in the near future. It is a big challenge for this Government. If it does rise to the challenge, it will break its tradition of sitting on its hands in regard to rail infrastructure investment in country New South Wales. I hope it takes up that challenge. I am not optimistic, given its track record over the past five years, in particular, and longer. In fact, I am very pessimistic. I hope this motion throws light on that challenge and that the Government understands it must take action and not simply hold meetings.

As other members have said, inaction in this regard will have a critical impact on grain haulage in this State. What a Victorian freight operator had to say about Pacific National pulling out of that State is relevant to what is happening in New South Wales. Proprietor Ken Wakefield stated:

Maybe not this year, but the task of moving grain in a good year by road is insurmountable, it's just not a possibility, it can't happen, there's just not enough trucks available to do it—the majority of trucks will be working on one way rates—I would say conservatively the freight rates could be three times higher than what the current rail rates are if rail was withdrawn.

Many comments from people in the industry affected by this Government's inaction point to the untenable situation that will occur in September if nothing is done. As a result, this issue is incredibly important. With the omission of paragraph 2(e), I commend the motion to the House. The State Government now has the opportunity to do something about this important issue and to work out a plan rather than sit on its hands and have meeting after meeting.

The Hon. MELINDA PAVEY [3.28 p.m.]: I welcome the opportunity to contribute to this important debate. At the outset I recognise the contribution of the member for Barwon and the member for Upper Hunter—Kevin Humphries and George Souris. They are doing excellent work. As should be the case with local members, much of that work is being done behind the scenes. I know that the member for Barwon has met with union representatives. He is a solution-and-answer man and he is doing what he can to push the Government towards finding a sensible resolution to this crisis.

One of the benefits of debating the motion in this Chamber is that our city colleagues and people listening to and reading the debate will get some understanding of the impact on roads in rural and regional communities if a solution is not found quickly. As I prepared for this debate I thought the impact of inaction in this regard would be similar to the impact that would be felt should the train line between Penrith and the Blue Mountains be closed. There would be a dramatic effect on the already congested city road network, the road infrastructure and travelling times as a result of the influx of cars. It is important to highlight that this is very much a country problem, but failure to resolve it will have a profound impact on the rest of the State and the national economy because of resultant maintenance and infrastructure problems. Fifty thousand trucks on those roads would have a devastating impact. Country people are working to ensure that does not happen.

I say that this is all happening in a light of despair. One of the issues I constantly raise is that whenever we hear about the country there is a crisis, there is despair. Country New South Wales has been through one of the worst droughts of the century—regarded by many experts as the second-worst of the century. We have just received rains. A lot of rain is still needed in the south to fill the dams but we have had good rains in the north. Australian agriculture is moving into exciting times. For this crisis to fall on the industry at such a positive time is unfortunate, but the industry is working with farmers, with government and with unions to find a resolution. But I go back to the point that it is an exciting time for agriculture. Economists predict that over the next five years a population the size of America's will move into the middle class in China and that has great, positive implications. Many are suggesting that we have a new golden dawn for agriculture in Australia and in New South Wales. So, it is vital that these infrastructure problems are fixed.

Blame for the problems can be put at the feet of many people and many governments over the years—particularly the Iemma Labor Government for its decision to sell off Pacific National for \$1.2 billion. Putting these freight rail and farming area contracts in with the lucrative coal haulage was always going to be difficult. That issue was raised at the time of the sale and ignored. So, it really is vital, as my colleagues have pointed out, to have fewer meetings and more action to bring in the bumper crops we are expecting and to make sure they travel on rail and not on our roads. As we know, rail is four times more efficient than trucks and one train movement is equivalent to 60 B-double movements. It is vital that this is addressed.

The amendment moved by the Government brings in the Rudd Government's commitment to a grain task force in New South Wales but we need more than commitments. We need funding and solutions—practical and realistic solutions that look at all the issues, the costs and the benefits. There are many benefits to investing in our rail infrastructure, not only financially but also environmentally. So it is urgent that the Minister for Transport understands there are very real concerns among the growers, and the Government must act immediately as a bumper crop is expected in 2008.

Mr Ian Cohen made some valid points about having respect and listening to other points of view. He had some interchange with the Hon. Rick Colless about broadacre land clearing. As I understand it, Mr Ian Cohen said that he has no problem with broadacre farming but he has a lot of problems with broadacre land clearing. I can understand the emotion of that view. We have a growing world market to service. The Hon. Rick Colless pointed out to me that broadacre land clearing is now defined as including removal of native grass species. The emotive term "broadacre land clearing" raises visions of trucks, tractors and fires chopping down trees, and clearing the land of habitat.

Because broadacre land clearing is now defined to include the removal of native grass species, in certain circumstances it prevents broadacre farmers from cultivating agricultural land to grow crops. Crops feed our people—the people of New South Wales and Australia—and people all over the world. I respect many of

the views of Mr Ian Cohen but he also must respect many of our opinions and our knowledge from being on the ground and knowing the land. The Hon. Rick Colless, a conservation scientist for 25 years, understands native vegetation legislation and the impact it has had on many sections of the farming community. We should listen and respect the points of view of others. Sometimes I would like to live in a world where all was perfect and we could just announce things and not have to fund them. Paragraph 2 (e) of the motion states:

guarantee the provision of rail grain haulage as a critical infrastructure service for the State, and do so by buying back the Freight Rail Corporation.

The Government sold it for \$1.2 billion. A lot of what was sold is profitable and money is being made in the coal haulage. We do not support that part of the motion that proposes that the Government buy back the rail system, because there are other more sensible ways of solving the problem that would not involve a cost to taxpayers. Hospitals all around country New South Wales would enjoy that \$1.2 billion being spent to ensure that people were treated well and efficiently in their local communities. We have to be sensible when debating things. We have to be realistic about what we can achieve and we must be sensible with taxpayers' dollars. The Greens put forward proposals but do not take responsibility for their impact on people who have to pay the bills. The Labor Party amendment would pass the blame to the Rudd Labor Government, and we will not support it. I take this opportunity to say that it is good that we can talk about the positive things that are happening in country areas and give country people the support they need to continue the job they do.

The Hon. AMANDA FAZIO [3.37 p.m.]: The Government does not support the motion as moved by the Greens relating to the future of regional rail. In saying that I recognise that there is some degree of community support for the push to get more freight off the road and onto rail. I know that because when I travel around in my duty electorates, which are in country New South Wales, that issue is raised with me quite frequently. It is a legitimate concern that if this matter is not resolved the lack of access to rail freight could lead to more freight being carried by road, which will increase the cost of freight haulage. I recognise the legitimate concerns but I am quite confident that what is in train at the moment will help to resolve this problem and ensure that we can keep the grain lines open. The Hon. Christine Robertson, on behalf of the Government, proposed a sensible amendment to the motion, and I commend it to the House. The amendment of the Hon. Christine Robertson would bring the motion up to date, recognising the steps that have been taken by the State and Federal governments to resolve the issue.

The motion does not even reflect that grain companies and freight operators are currently engaged in complex commercial negotiations regarding haulage for this year's harvest and future grain harvests. The motion also does not take into account Pacific National's comments, made earlier this week, that it will remain involved in grain haulage if a commercial agreement can be reached. The Government is extremely concerned about Pacific National's announcement in December 2007 that it intends to withdraw from the non-mainland grain haulage business and the export grain haulage business. I know that this decision has caused concern in the industry about the future of the restricted grain lines. I am very well aware of the levels of concern because I subscribe to the *Land* and I read it carefully to see what issues are affecting country New South Wales.

The Hon. Duncan Gay: That would make you an expert.

The Hon. AMANDA FAZIO: I acknowledge the comment by the Deputy Leader of the Opposition. The fact that somebody might live in a particular country town does not make him or her an expert on all country issues or all issues relating to taking grain crops on rail. The fact that people who live in Sydney happen to take a strong interest in what happens to country New South Wales should be strongly commended by all members in this House. In the same way, when the Deputy Leader of the Opposition talked about traffic arrangements in Redfern in the past I recognised his right to do so. This narrow-minded idea that one has to live in country New South Wales to have an interest in what happens outside the metropolitan area is lamentable. I thought he would have been appreciative of the fact that people who live in the city are concerned about issues and problems confronting country New South Wales. Last week I read the *Land*. After the front-cover photograph an article on page 5 by Alan Dick states:

The Federal Government is promising to set up a \$3 million NSW grain transport taskforce "as soon as possible" as farmers warn of possible chaos next harvest if the promising early start to the season leads to a huge 2008 winter crop.

And NSW Transport Minister, John Watkins, is to urgently convene a meeting of industry and experts to help ensure grain is transported efficiently from the grain belt to port.

I read the whole article, which contains a quote from Kevin Humphries, the member for Barwon, who represents an area that has problems with transporting grain crops. The Hon. Matthew Mason-Cox said that The Nationals

were the only people who raised this issue, which I find hard to accept. That is an absurd claim. A whole range of stakeholders have been involved in trying to resolve the issue. The disingenuous arguments and mealy-mouthed contribution to this debate of the Hon. Matthew Mason-Cox reflected poorly on him.

The New South Wales Farmers Association also released a report on the New South Wales grain rail network. The report covered many issues that have been taken into account by the New South Wales Government, which has a strong relationship now with the New South Wales Farmers Association. We take the concerns of farmers very seriously and make sure that our doors are open to them when they raise concerns with us. The Minister for Transport, and Minister for Finance, the Hon. John Watkins, provided information about the grain industry and the meeting referred to by the Hon. Christine Robertson. The Hon. Matthew Mason-Cox referred to the Government only having meetings and doing nothing. This is pretty rich coming from somebody who has no track record of actually doing anything since he has come into this place.

The Hon. Duncan Gay: Have you got any positive contributions or have you just come in to bag people?

The Hon. AMANDA FAZIO: I have a lot of positive contributions to put on the record and if you wanted to actually make a positive contribution you would do well to cease interjecting and start listening. From the outset the New South Wales Government has been focused on making sure it gets the best use possible out of funds it has to provide for appropriate track to support commercial freight operations. That is why last week the Minister for Transport asked the Director General of the Ministry of Transport to convene a meeting of key players in grain to discuss grain haulage needs for this year's harvest. It was a vital step to get parties together to work on a way forward for grain farmers and to resolve the uncertainty of transport for the harvest.

Participants at the meeting represented all key stakeholders, who were detailed by my colleague the Hon. Christine Robertson in her earlier contribution to this debate. I am advised by the Minister that it was clear from the meeting that all parties—the grain growers, the grain companies and the freight company—are keen to keep working together to reach a solution. It was acknowledged that the matter has to be resolved at the industry level; the New South Wales Government alone cannot resolve it. The Government will make decisions on the future of rail infrastructure based on the success of the ongoing negotiations between the grain companies and freight providers.

Any discussion on the future of the regional rail industry should also consider the history. I will reiterate some recent history and the structure of the network. The New South Wales country network comprises the interstate and Hunter Valley tracks managed by the Commonwealth's Australian Rail Track Corporation under a long-term lease from the New South Wales Government. This network supports larger, efficient locomotives—the 81 class—and no subsidisation of freight train operations are required. It also comprises the country regional network owned by the New South Wales Government and managed by the Australian Rail Track Corporation under a long-term alliance contract.

The country regional network is further separated into the passenger, freight and restricted grain networks. The restricted grain network has 15 lines, of which 11 are currently in service, predominantly limited to operations using the 48-class locomotive, which is used almost exclusively for grain transport. Government, under the FreightCorp sale, guaranteed the passenger and freight networks. No guarantee was given for the restricted network. I was a member of the inquiry into the sale of FreightCorp and remind all members that the New South Wales Government would have considered bidding for the national rail freight network but the Howard-Anderson Government refused to allow State governments to bid. New South Wales was then put in a position where it was forced to sell FreightCorp.

That decision was ideologically based and the Howard-Anderson Government probably could have obtained a better deal for the people who use country freight lines if they had allowed State governments to bid. As members will be aware, the 2001 sale of FreightCorp placed obligations on the industry through two side deeds that aimed to provide security to the grain industry. The first was the grain works deed regarding capital investment. This obliged the winning bidder to invest in wagons and storage facilities for the industry and was aimed predominantly at improving grain branch line performance. The second was the grain haulage deed relating to service level. This obliged the winning bidder to service the grain branch lines.

The Hon. Christine Robertson has given a detailed account of what happened from 2001 with Pacific National and the capital works negotiations until 2007. The New South Wales Government welcomes the new Federal Government's commitment to working together with State governments, in marked contrast to the

approach of the previous Commonwealth Government, which always acted in a very aggressive manner when dealing with State governments. The former Federal Government was not cooperative, it was not consultative; rather, it was arrogant and out of touch, and it ended up getting worse results for the community than if it had changed the way in which it operated.

Finally, the Government does not and cannot support the motion as moved by the Greens. The Greens have not taken into account the ongoing negotiations between grain producers and the freight companies. The Government will continue to work cooperatively with the industry, grain producers and grain growers to deliver the best outcome for future grain haulage. I am confident that the negotiations and meetings currently underway and planned will result in a cooperative solution that will be acceptable to all parties involved; a solution that will have been developed in cooperation with the key stakeholders and that will establish a good future plan for grain haulage on rail in country New South Wales.

I urge all members to support the amendments proposed by the Hon. Christine Robertson on behalf of the Government. Although I do not agree with all the sentiments contained in the original motion, I believe we should thank Ms Lee Rhiannon for bringing this important issue before the House for debate today. It is important because, firstly, it affects us all because we all use products that are made from grain; and, secondly, we must ensure that New South Wales has a viable and sustainable agricultural industry and that we have the infrastructure in place in the future to ensure that those agricultural industries can thrive.

Ms SYLVIA HALE [3.51 p.m.]: One cannot be anything but bemused to listen to the Hon. Amanda Fazio thank Ms Lee Rhiannon for bringing the motion before the House when we heard from Government members' lips earlier today that the Government believes the issue is of no urgency and no immediate importance and therefore should not be debated. It is equally bemusing to listen to the gracious remarks of members of The Nationals in thanking the Greens, and Ms Lee Rhiannon in particular, for proceeding with this motion but then hear them deliver backhanders regarding intensive agriculture and broadscale farming.

I suggest that what we are seeing here is a symptom of a problem that has been identified not just by the Greens but by other people who observe the political process. I will illustrate that by referring to an editorial that appeared in the *Central Western Daily* on Friday 8 February 2008. The editorial primarily related to the privatisation of electricity infrastructure, but basically it dealt with this issue. I believe this is a prime case study of the results of the privatisation of key infrastructure. We have seen, I believe, on the part of both the Government and the Opposition, an attempt to avoid the debate, to not bring it forward and to say nothing, until finally they are forced by the Greens to adopt the position. The editorial in the *Central Western Daily* reads:

It says something about the state of affairs of politics in New South Wales when it is the smallest of political parties that is the loudest on an issue that will ultimately affect all of us.

The editorial goes on to talk about the privatisation of the electricity industry. It then reads:

We also pay the bills, for power as it is now under a regulated environment or at whatever level tariffs will be set after privatisation.

This is why it is so puzzling that so little is being said by anyone in the public arena on whether privatisation of our power industry should proceed.

The editorial goes on—and I believe this is the case with the Opposition in relation to the haulage of grain:

The Opposition has so far had a bob each way, looking to retain ownership of some things but being flexible about other parts of the power system. However, it is hard to imagine that allowing sale of part of the system now will not ultimately lead to the sale of the rest.

The Hon. Duncan Gay: We are still supporting the motion at this stage.

Ms SYLVIA HALE: I know. You may indeed be supporting the motion, but the amendment you are proposing seeks to remove paragraph 2 (e), which states that this House calls on the Government to "guarantee the provision of rail grain haulage as a critical infrastructure service for the State, and do so by buying back the Freight Rail Corporation". This is why the Opposition is trying to have a bob each way. The Deputy Leader of the Opposition and the Hon. Rick Colless suggested today in their contributions that privatisation is not a good thing. But when they are given the opportunity to support a motion that seeks to put an end to the privatisation of a key element of infrastructure and buy it back so it remains in public ownership, what do they do? They deliberately try to exclude that provision from the motion.

The DEPUTY-PRESIDENT (The Hon. Amanda Fazio): Order! Interjections are disorderly at all times. If members continue to interject loudly, the member with the call is forced to speak more loudly, and then it becomes uncomfortable for some members to stay in the Chamber.

Ms SYLVIA HALE: Then we have the remarks by Government members that also attempt to have a bob each way. The Hon. Amanda Fazio said, "We would never have gone along with the privatisation and selling of the Freight Rail Corporation; it was just that the Howard-Anderson Government forced it on us." The Government now has the opportunity, as do The Nationals, to undo the errors of the past by supporting a motion that says that the State Government should repurchase the Freight Rail Corporation.

The Hon. Rick Colless very kindly provided me with an estimate of the value of this year's grain crop, and I thank him for that. He told me that it varied from year to year but that it was reasonable to expect that this year's crop could be worth in the vicinity of \$2.1 billion. Potentially it could be worth in excess of \$2.1 billion. We have a crop that is worth that much to the economy yet people have put up their hands in horror and said, "Goodness me, in 2001 we sold it for half that amount. We cannot possibly be expected to come up with that sort of money to repurchase that infrastructure."

If we look at the long-term income that is generated by this crop production and balance it against the costs of repurchase—admittedly, the costs would have increased since 2001—one would have to say we are mad not to go down that path. Whilst the Government could put its hopes in coming to some sort of commercial agreement with Pacific National over the haulage of the grain, there is absolutely no guarantee that that will happen. The key here is that they are coming to a "commercial agreement". That is the very heart of the problem with privatisation: a private company must act in a commercial manner. Under the Corporations Act it is obliged to make a profit for its shareholders.

It is not in Pacific National's interests to enter into agreements that are non-commercial. An agreement may be made with Pacific National for it to haul grain but only if it can be guaranteed a price greater than the price it receives for hauling coal. If Pacific National does not receive that price it will not bother to enter into an agreement. That is the problem with privatisation of key infrastructure: its sole motivation is to make a profit for the shareholders of the company. The greater responsibility of the Government, however, is for the broader welfare of the community and, whilst it is desirable for the Government to make money, it is far more important for it to have regard to the social costs that will be inflicted on groups such as grain farmers if they cannot get their crop to market.

Who will pay in this instance? It will not only be the grain growers but also the people in the community. The taxpayers of New South Wales will be forced to pick up the cost of maintaining the roads when the 50,000 trucks destroy them. The taxpayers will pick up the cost of the health impacts of diesel fumes being emitted by the trucks. The taxpayers will pay the cost of the road accidents and trauma that will be experienced when these 50,000 trucks take to the roads. You can look at it in dollars and cents, but if you are really going to estimate the cost you have to take into account the broader social costs. As the Hon Duncan Gay experienced at the Shires Association G division conference, people are concerned. People are concerned about their inability to get grain to the ports, but they are equally concerned as to how it will affect their communities.

One of the key measures in Ms Lee Rhiannon's motion is the Government guaranteeing the provision of rail grain haulage as critical infrastructure for the State by buying back FreightCorp. This goes to the heart of the debate on the haulage of grain, the privatisation of the electricity industry and the privatisation of Telstra. You cannot expect private companies, as Telstra amply illustrates, to service areas where it is unprofitable for them to do so; it would be against their obligations were they to do so. That is the essential role of government and it is a role that is being ignored by the State Government in this headlong push to privatise key infrastructure such as in the electricity industry. We now have the opportunity, when we have spread out very clearly for everybody to see the results of privatisation—when the chickens have actually come home to roost—to try to make amends and undo the wrongs that were committed in the past.

The Hon. MICHAEL VEITCH [4.03 p.m.]: It is completely out of order for the Greens to suggest that we have not been working hard to try to resolve this issue. Anyone who looks at the facts and the recent history of these matters can see how much effort has gone into trying to bring the parties to the table to work out a way forward. An incredible amount of energy has been devoted to securing rail transport for the harvest. In fact, the New South Wales Farmers Association addressed the Country Labor parliamentary group only yesterday morning about this very issue. Jock Laurie said that this is a very complex issue for which the New South Wales Farmers Association does not have an answer. Our Minister will talk to the new Federal Minister, Anthony Albanese, about it tomorrow.

The Government is committed to rural and regional families and will work closely with the Commonwealth to come up with a plan that works. We understand the significant concern in regional communities about this very issue, especially when all the signs are that it will be a decent crop to get to port. Generally, there is no-one in this Chamber, or maybe there are some, who would deny the farmers the income they would derive from a bumper crop. That is why the Minister for Transport asked the Ministry of Transport to get all the parties together this week: the grain growers, the grain companies and the freight company.

It is typical of the Greens for them to try to simplify the matter, as if it were something that could be easily resolved. In fact, it beggars belief that the Greens could come into this place and make these claims and suggestions. The Greens are not responsible for anything. They are responsible for stunts and putting out press releases. They can make as many fiscally wild suggestions as they like because they never have to cost a policy nor do they have to implement it. They never have a complicated issue to wrestle with. They type up whatever the proposal is, whatever it costs, and get it on the fax machine, get on the radio and kick the Government. The Greens have the complete luxury of sitting on the sidelines calling on the Government to do X and fix Y, but that is it. How often do we hear the Greens say, "I call on the Government"? They never say, "I have a solution. It will cost this much and we can implement it in two months." No, because that is where we come in. The Government is working on finding a plan that will work. The State Government is talking to the Federal Government about proposals and sustainable long-term solutions.

Perhaps the Greens have concentrated more on stunts instead of constructive in pursuit of their ideals. In fact, they may well win an Academy Award next year for stunts. At least The Nationals understand the complexities of the issues. I am certain the contribution of the Hon. Rick Colless reflects the genuine sentiments of most members of The Nationals in this place. That is why the Government will support the amendment of The Nationals. It is incredible that anyone could query the Government's commitment to supporting rural and regional families and that this could be characterised as our not supporting them. Our commitment for drought support measures since 2002 now exceeds \$365 million. The New South Wales Government is committed to assisting farmers through to the end of this extreme drought. Contrary to reporting by some of the metropolitan media, the drought is not over in a lot of parts of New South Wales.

We are committed to getting a plan that works and we welcome the input of people like Jock Laurie and John Ridley from the New South Wales Farmers Association and other stakeholders. I understand that Mr Ridley is a grain grower. He was at Monday's meeting and he plainly outlined what he regarded as the main issues. We have been getting the players together to hear it from them, not just hitting out every which way but lose. As the Minister said, "The Government understands that Pacific National has made a commercial decision about its grain haulage business. And we appreciate their consideration of staying in the export grain haulage business if they are able to reach long-term commercial arrangements with grain companies for the haulage of grain." It is important that everyone understands that this issue must be resolved at industry level. A government alone cannot solve it. Any measures that New South Wales comes up with will need to be fed into the Federal Government's task force.

In regard to the moral high ground taken by the Hon. Matthew Mason-Cox on rail management, records show that during the last Coalition Government several rail services throughout rural New South Wales were removed and several rail lines were decommissioned. For the record, the Sandy Hollow to Merriwa ceased operating, Boree Creek to Urana was decommissioned, Wagga Wagga to Ladysmith was decommissioned, Henty to Rand was decommissioned, Nyngan to Bourke was decommissioned, Queanbeyan to Cooma ceased operating, and Goulburn to Crookwell was decommissioned. The honourable member's comments were a bit rich and certainly attempted to rewrite rail management history. The Liberals are not coming from a strong position; they devalue the importance of this very complex issue. I urge all honourable members to support the Government's amendment.

Dr JOHN KAYE [4.09 p.m.]: I support the motion moved by Ms Lee Rhiannon. In doing so, I remind the House that the current situation is a total disaster for farmers, communities, the State economy and the environment. I am sure that every member of the House agrees. It is important that we understand the cause of this disaster. It is occurring because the Carr Government made a decision that the more appropriate way to manage an important infrastructure service was to hand it over to the private sector. Former Premier Carr and former Treasurer Egan lived their lives by the idea that there was no work that could not be performed by the private sector economy and no business that should not be in the public sector economy. They had a shot at electricity. When that failed, they had a shot at freight rail. The consequences have been appalling, one of which we are debating today. Farmers are facing a looming disaster. For 10 years farmers have been struggling with drought. Yet, with their first decent season, they face huge problems in their ability to transport their grain to

market. Many of them are heavily exposed in the forward market, having sold on advice from the Australian Bureau of Agricultural and Resource Economics. It would be wonderful if farmers could smoothly and comfortably get their grains to market. But that is not to be when a corporation whose sole interest is in finding ways to maximise its returns on its rolling stock services their transport needs.

Farmers face the problems of cost and uncertainty. They should be looking forward to celebrating a bumper harvest. Instead they are looking at four or five months of uncertainty about how to get their crops to market. If for no other reason, we owe it to those farmers to make the strongest possible statement in this Chamber in support of productively finding solutions to their problems. This is also a disaster for rural communities. Those communities have been two times damned by Pacific National's decision to pull out of transporting grains. A number of rural communities face increased costs, loss of income and loss of jobs. Those communities had an opportunity to get back on their feet for the first time in 10 years. The economic impacts from the difficulties in grain transport will push them further and further into rural recession. Damage will also occur from an increase in the number of truck movements. It is not only an issue of safety, although safety alone is enough to keep B-doubles and articulated vehicles off small country roads. It is also the damage done to roads, which are essential for farmers, farming communities and remote communities to survive.

The grain freight issue is also a disaster for the State's economy. The State reaps the revenue that comes to our coffers from a large wheat harvest and, more importantly, enjoys the multiplier effect on rural communities with the generation of employment and wealth. There is also the long-term damage to confidence in future planting. There is no question that this is a catastrophe that requires urgent action. How do we resolve it? What do we do? We have heard a lot of words about how it is too late to go back to publicly owned rail: the opportunity is lost, and we have gone too far. We have heard a lot of cant about finding a solution—we will hold meetings, we will produce documents, we will talk about it.

The reality is that moving wheat on old rail lines that are largely poorly maintained is an expensive business; one that private enterprise is simply not interested in. I want every member of this Chamber to think very carefully about what that means for moving grain around New South Wales and for the electricity market. What will happen to rural and regional consumers if electricity retailers are privately owned? What will happen when they recognise it is far more expensive to service the Hon. Rick Colless with electricity than it is to service me? What type of bills will people in rural and regional New South Wales have to pay as the costs are recognised and played through a privatised industry? If there is one single solution, other than the State purchasing and operating rolling stock to get the wheat from the railheads to the markets and ports, then let us hear it. But in this entire debate I have not heard one concrete solution as to how to do it other than the one proposed by Ms Lee Rhiannon and the Greens, that is, for the Government to purchase back the rolling stock to move the freight.

The Hon. Charlie Lynn: That is the city Greens. What about the country Greens? You should acknowledge Mr Ian Cohen.

Dr JOHN KAYE: I do acknowledge Mr Ian Cohen. I also acknowledge the work he has done in trying to get the Casino to Murwillumbah rail line reopened. Although it is unrelated to this motion, it is an important issue. I am sure the Hon. Charlie Lynn is aware of the excellent work that Mr Ian Cohen has done in campaigning to reopen that rail line. But that is a distraction from what I want to say.

The Hon. Charlie Lynn: He gives the city Greens the credibility they would not otherwise have.

Dr JOHN KAYE: Go and sit with him. In the absence of any member in this Chamber coming forward with a workable solution that does not involve public ownership and the State taking responsibility for moving the wheat, then we have no choice. I ask members not to vote to delete the last paragraph of the motion moved by Ms Lee Rhiannon, but to support where we came from and where we are going to, that is, publicly owned infrastructure. I strongly commend the motion to the House.

Ms LEE RHIANNON [4.16 p.m.], in reply: I thank all members for their contributions to the debate. The emergency rail response plan that this motion calls for has been put forward to help ensure that New South Wales export grain continues to be transported by rail to New South Wales ports. Many speakers have referred to the urgency of this issue to ensure job protection, public safety and environmental concerns. At the core of these issues is the need to safeguard the livelihood of farmers. The Greens motion has allowed these issues to be aired. I am sure all members would agree that it has been a curious debate. While all members have expressed their concern about this issue, and obviously I am pleased that we have found common ground, a number of

members of the Labor Party and The Nationals have abused the party that moved this motion. A few members went out of their way to distort the Greens policy, particularly our agricultural policy. Statements about our opposition to aspects of farming were plain wrong. It was also said that we have no commitment to farmers. That is absolutely ludicrous when it was the Greens who moved this motion.

I was interested to see how this motion galvanised members into debating the issue, yet many felt they had to dish out abuse at the same time. I was also interested in the comments of the Deputy Leader of the Opposition and the Hon. Rick Colless when they criticised the privatisation of rail freight. I believe they were reflecting a real feeling in many rural and regional communities about the problems that privatisation brings to people in those areas. Those communities feel it firsthand and every day. Often when I am in those areas I end up having a conversation about the difficulties caused by the privatisation of Telstra. The rail privatisation that we are grappling with in this motion has had much wider ramifications than the issues we have addressed here. Rural and regional communities have been hit long and hard by the privatisation plans that were brought forward in 2001. It was very pleasing to hear The Nationals criticise the privatisation of freight rail in New South Wales.

The Hon. Duncan Gay: Especially as it was one that New South Wales Farmers and we supported.

Ms LEE RHIANNON: Yes, that is the point I am about to make: The Nationals supported privatisation back in 2001. At some point I hope we will be able to hear more about the reasons for the shift in The Nationals' position. I wonder if it reflects a change in policy. I hope, from the interjection I just heard from the Deputy Leader of the Opposition, that that is the case. But if not, what is the purpose of his comments? Do they mean that The Nationals now think that their original support for selling off FreightCorp was wrong? I hope The Nationals have learned a lesson and realise the problems privatisation brings to the people of New South Wales, particularly people in rural, regional and remote communities. Therefore, we hope that the same mistake is not made when it comes to the Government's attempts to privatise electricity, an issue that will be an enormous challenge for the Coalition, which is trying to reinvent itself. Ensuring the regular supply of electricity to people in country areas is where The Nationals can jump over the Labor Party and stand up for rural people. I will now deal with the comments made by Government members, whose contributions showed they regrouped quite quickly when they failed to muster the numbers to gag the debate.

The Hon. Christine Robertson: Nonsense! That had nothing to do with the numbers.

Ms LEE RHIANNON: I acknowledge the interjection. Clearly, the comments made by Minister Kelly were an attempt to stop this debate from going ahead. He said that it was not urgent, and at that time we were debating the urgency of the matter.

The Hon. Matthew Mason-Cox: "It's not urgent. We're having lots of meetings."

Ms LEE RHIANNON: Yes. As my colleague Mr Ian Cohen said, obviously some Government members and Government advisers worked quite hard over lunch. Today we have seen the Government forced to enter this debate on this most critical issue. That is a positive, but it is disappointing that the Government did not initiate the debate. But what happens when Labor is forced to engage with the emergency rail response plan motion? It guts the action points in the motion and turns it into a self-congratulatory statement. Members who are considering supporting the Government amendment should be aware of the implications of the amendment to the motion. Removing paragraph 2 (a) of the Greens' motion will effectively take the most important action point out of the motion. Paragraph 2 (a) reads:

That this House calls on the Government to:

- (a) implement an Emergency Rail Response plan to ensure sufficient rolling stock is made available to transport the current grain crop to New South Wales ports.

If that paragraph is removed there is a real doubt as to whether this Government is serious about addressing this critical issue of how export grain is going to be moved to ports. Will it go back to the ridiculous plan of trying to truck it? Many members said in their contribution that there are insufficient trucks to transport the grain, and we know all the problems that would occur if that were attempted.

The motion does not need to be amended. I urge members to support the original motion, which outlines the most constructive way for the House to engage with rural communities on these challenging issues and remove the uncertainty they are now living with caused by mismanagement of privatisation of rail freight in

2001 and the ongoing mismanagement of this issue by the Labor Government in failing to track Pacific National's actions in this area.

Question—That the amendment of the Hon. Christine Robertson be agreed to—put.

The House divided.

Ayes, 18

Mr Brown	Reverend Nile	Mr West
Mr Costa	Mr Obeid	Ms Westwood
Mr Della Bosca	Ms Robertson	
Ms Fazio	Ms Sharpe	
Ms Griffin	Mr Smith	<i>Tellers,</i>
Mr Hatzistergos	Mr Tsang	Mr Donnelly
Mr Kelly	Ms Voltz	Mr Veitch

Noes, 17

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

Pairs

Mr Catanzariti	Mr Gallacher
Mr Macdonald	Miss Gardiner
Mr Roozendaal	Mr Pearce

Question resolved in the affirmative.

Amendment of the Hon. Christine Robertson agreed to.

Question—That the amendment of the Hon. Duncan Gay be agreed to—put and resolved in the affirmative.

Amendment of the Hon. Duncan Gay agreed to.

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

Motion as amended agreed to.

SECURITY INDUSTRY AMENDMENT (PATRON PROTECTION) BILL 2007

Second Reading

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

PAID MATERNITY LEAVE

Debate resumed from 27 February 2008.

The Hon. HELEN WESTWOOD [4.36 p.m.]: I speak in support of this motion because I believe that paid maternity leave is a fundamental human right. More than 120 countries now have paid maternity leave schemes. Australia is one of only two OECD countries not to have a paid scheme, the other being the United States of America. Regrettably we are again mimicking the United States by denying this fundamental right. We now lag behind many Third World countries in this regard, and that is shameful.

As we have heard, Australian workers have a right to only 52 weeks unpaid leave, and that is totally inadequate for a number of reasons. Paid parental leave is fundamentally necessary to address the systemic discrimination and disadvantage that women suffer when they seek to combine their reproductive and productive roles. It was our unions that first won the fight for 52 weeks unpaid maternity leave in 1979 with a test case. The Keating Government then enshrined that in legislation in 1993. Regrettably, the succeeding Federal Government has been recalcitrant on this issue for families during the long and painful 11 years that it was in office.

The Hon. Lynda Voltz: Point of order: It is impossible to hear the speech being made in the House because there is far too much noise.

The PRESIDENT: Order! I uphold the point of order and ask members to take their seats or to leave the Chamber.

The Hon. HELEN WESTWOOD: It is disappointing that honourable members are so uninterested in this important issue for many women, children and families throughout the State. I will briefly outline maternity leave arrangements in a few other countries. In 2000, parental leave was greatly expanded in Canada from 10 weeks to 35 weeks divided between the two parents. That period can be expanded to a year. In Canada parental leave is paid for by the employment insurance system. In the United Kingdom, all female employees are entitled to 52 weeks of maternity leave, 39 weeks of which is paid, with the first six weeks paid at 90 per cent of full pay and the remainder at a fixed rate. The maternity leave system in Bulgaria is even more generous. It provides mothers with 45 days of fully paid sick leave prior to their due date, two years paid leave and one additional year of unpaid leave.

Here in Australia report after report has been released calling for a paid scheme of parental leave. They include the 2005 "Striking the Balance: Women, men, work and family" discussion paper produced by the Human Rights and Equal Opportunity Commission [HREOC] and the "Work and Family Roundtable 2007 Benchmark Report". The Human Rights and Equal Opportunity Commission have outlined many of the benefits of paid maternity leave. In its paper entitled "Valuing Parenthood", the commission argued that women continue to experience unequal treatment in the workplace because of their role in bearing and caring for children. This unequal treatment can take the form of specific acts of discrimination such as dismissal as a result of pregnancy or childbirth, reduced wages or diminished workplace responsibilities.

Some employers are unwilling to promote women with children. Even without discrimination, the cost and responsibilities of child bearing and rearing usually fall disproportionately on mothers. While families may agree to this allocation of responsibilities, the participation of women in unpaid as well as paid work frequently results in generalised workplace disadvantage for women. This level of disadvantage includes the disadvantage some women experience in performing paid work of low personal satisfaction. Paid maternity leave will assist in reducing women's disadvantage in the workplace.

The Human Rights and Equal Opportunity Commission also argued that paid maternity leave is one means of providing direct support to women in the paid workforce following the birth of a child. Such support can contribute to the health of women and children following childbirth, enable women to better combine work and family, compensate for the loss of income at a time of increased expenses, and contribute to women's economic security. The economic benefits for women of paid maternity leave include encouraging women's continuing attachment to the workforce.

Of course, the health and welfare of mothers and newborn children is of concern to all of us, and clearly one of the basic objectives of paid maternity leave is to ensure the good health and welfare of mothers and newborn children. It is particularly important too that we acknowledge the importance of breastfeeding in nurturing children and ensuring the good health of newborns. Paid maternity leave plays an important role in assisting mothers to breastfeed their newborn babies. The Human Rights and Equal Opportunity Commission found that in consultations on paid maternity leave there was general consensus that the role of bearing and raising children is a function that is socially desirable and should be supported by the community.

The commission also argues that paid maternity leave is part of the broader issue of enabling women to better combine their work and family responsibilities. Paid maternity leave allows women the choice to take time out from the workforce at the birth of a child without undue financial pressure. The fact is that women retain the major responsibility for caring for children in our society, as well as participating in increasing numbers in the paid workforce. Generally, men have not altered their working hours in ways that allow them to

take responsibility for the care of their children. The introduction of paid maternity leave would provide support for women who wish or need to continue working following the birth of a child. It would provide support at a crucial time and would increase the options available to these women.

Clearly the argument of the Human Rights and Equal Opportunity Commission that children impose an additional economic burden on household finances is a reality of which most honourable members would have experience. I certainly recall the impact it had on my household income, and I know my daughters have had exactly the same experience. Household expenditure surveys conducted by the Australian Bureau of Statistics suggest that a family budget for a two-parent family needs to increase by about 18 per cent to accommodate a first child without diminution in standard of living. A second child requires an overall 25 per cent increase in expenditure and a third child requires an overall 33 per cent increase to maintain a family standard of living. For single parent families the corresponding figures are 22 per cent for one child and 35 per cent for two or three children.

The Human Rights and Equal Opportunity Commission argues that families will experience a decline in standard of living following childbirth unless income is increased or substantial savings are held. This decline in income is even greater when combined with the fact that most women in paid employment forgo income in order to take time out of the workforce at the birth of a child. Paid maternity leave would assist with the costs of having children, and in particular the increased costs faced at the time of the birth of a child, in addition to providing some compensation for income forgone by those mothers in paid work. Economic security for women includes both the adequacy of their current income and their access to adequate financial support over their lifetime. Paid maternity leave is one of many possible means of promoting women's economic security, based on encouraging and enabling women's labour force participation.

Paid maternity leave may assist women to maintain their attachment to the labour force and hence contribute to improving their long-term economic security. A strong labour force attachment can reduce the likelihood of long-term unemployment, reduce the likelihood of welfare dependence and also improve women's retirement savings. Clearly, a paid maternity leave scheme would not only assist women and have benefits for individual women but would also assist the whole of our community. Maintaining a woman's labour market attachment following maternity leave will assist her in re-entering the labour force, improve her job opportunities and assist with ensuring long-term economic security for herself and her family. As I have said, the benefits to women, families and our nation are convincing. It is well over time that paid maternity leave became a right of all working women.

Members of the Opposition who have contributed to this debate have suggested that the motion is superfluous and time wasting. I find astounding that the Hon. Marie Ficarra implores her Labor colleagues to call on Prime Minister Rudd and his Government "to deliver a constructive outcome for women in terms of a nationally funded paid maternity leave scheme". I am happy to take up the challenge to my Federal colleagues because they have been able to achieve more for women in their 12 weeks of office than Howard and his Government did in over 11 years, during which women were never even recognised.

The Hon. Robyn Parker: That is stretching it just a bit.

The Hon. HELEN WESTWOOD: I will outline later what the Rudd Government is doing. However, this is an issue of great importance for families of New South Wales and should not be trivialised. As I have already said, paid maternity leave is an issue for women and their families. Of course, it is only one issue because women face a number of disadvantages in the workforce and WorkChoices laws brought in by the previous Coalition Government added to women's disadvantage in the workforce. In 2005 the then sex discrimination commissioner, Ms Goward, had the following to say about the effects that the draconian WorkChoices legislation would have on families:

HREOC's chief concerns about the [WorkChoices] bill relate to its impact on the protection of workers with family responsibilities, on pay equity between men and women and on the protection of employees in vulnerable and lower skilled positions in the Australian labour market.

She went on to say:

The spread of AWAs will inevitably mean that the present system of employer funded paid maternity leave will disappear.

Women have especially suffered under the WorkChoices legislation. The gap between men's and women's full-time average weekly earnings has increased from 9 per cent to 10.4 per cent and the total average weekly

earnings gap, including part-time and casual workers, increased from 30.1 per cent to 32.6 per cent in May 2007. Let us not forget part-timers or casuals, who are mostly women, as these are often the forgotten statistic and often sidelined into less than full-time jobs—often with no access to training, career development or prospect of promotion.

In July last year a study entitled "Down and Out with WorkChoices: The Impact of WorkChoices on the Work and Lives of Women in Low Paid Employment", which was commissioned by the New South Wales Office of Industrial Relations, was undertaken by researchers at the University of Sydney's Women and Work Research Group. It was found that the changes brought about by WorkChoices have been negative, reducing decency and democracy at work and in society. The changes have included reduction in wages for these already low-paid workers, less certainty about rates—or if their rate will ever increase—intensification of work, less job security, less financial independence, less money for their kids or increasing household costs, less representation and say at work and poorer health and wellbeing. The authors of this study say that these outcomes weaken the capacity of women to participate in the workforce and in their communities. The report stated:

This is not their choice and it is not a desirable outcome for society at large. These are all women who have pride in work and have been loyal and committed employees. WorkChoices has not reciprocated their work efforts.

When there is a real difference in take home wages between men and women it has consequences. It impacts on the family's budget—the ability to pay bills and to service the household debt. Pay inequity also removes any choice that families may make about how they balance their work and family life. When women earn less than their male partner they have no alternative but to take time out of the paid workforce to care for children or family.

The findings of the above study were integrated into a national report entitled "Women and WorkChoices: Impacts on the Low Pay Sector", commissioned by the National Foundation for Australian Women, the Women's Electoral Lobby Australia and YWCA Australia. Again the findings are depressing for workers, but especially so for women. Statistics show women have significantly less in superannuation than men. This is because they have interrupted patterns of work because they are in more cases than not the primary caregivers for their families. This is because they have no other choice. And the previous Federal Government's legislation is called WorkChoices! What a joke that is.

On 13 July 2007 the Human Rights and Equal Opportunity Commission reiterated its call for a national, government-funded, paid maternity leave scheme following the release of polling that was commissioned by the National Foundation for Australian Women, the New South Wales Commission for Children and Young People, the National Investment for the Early Years, the Queensland Commission for Children and Young People and the Children's Guardian. This poll revealed that 76 per cent of Australians are in favour of some form of paid maternity leave. This certainly raises a number of questions. Why after so much evidence—including statements from business and public support—do we in Australia, who are constantly told we have never been better off, not have such a guaranteed paid scheme in place? Why did the Howard Government ignore recommendations from its own department's surveys and reports? Was the previous Federal Government interested in the findings from all the reports I cited earlier or the opinion of the Australian public? The answer is no, and that arrogance is the reason it was resoundingly thrown out by voters last November.

Why else would we, who have never been better off, not introduce paid parental leave? Why have we continued to limp along behind countries like Chad, Cameroon, Somalia, Togo, India, Vietnam and Mongolia, which all meet the International Labour Organisation standard of 14 weeks paid leave? Employers who provide paid parental leave are on the record and have demonstrated that a company that provides paid parental leave provisions signals its commitment to its employees. This typically translates into increased job satisfaction, greater employee productivity and improved employee loyalty. Business has benefited from such provisions over the years—provisions that were negotiated by all parties in good faith. In a survey conducted by the Equal Opportunity for Women in the Workplace Agency, which reported that AMP had significantly increased its retention of employees as a result of paid maternity leave, AMP estimated a saving to the company of between \$50,000 to \$150,000 for each employee who returned to work. Not too many other investments will give those returns.

It is with some pride I note that delivering on its election commitment the Rudd Labor Government is requesting that the Productivity Commission examine ways the Government can provide improved support to parents with newborn children. Any policy reforms in this area will be aimed at ensuring strong and sustainable economic growth, take into account our ageing population and the importance of early childhood development, and support Australian families to balance work and family responsibilities. The Productivity Commission will

be asked to look at the economic and social costs and benefits of paid maternity, paternity and parental leave. The commission is considered uniquely placed to advise the Government on the best way to balance economic considerations with the aspirations of working families.

The Australian Government wants to consider how to improve support for parents with newborn children. The context for this is the need to ensure strong and sustainable economic growth, to adjust to the imperatives of an ageing population, to promote the early development of children and to support families in balancing work and family responsibilities. In undertaking the inquiry the commission will identify the economic, productivity and social costs and benefits of providing paid maternity, paternity and parental leave; explore the extent of current employer provision of paid maternity, paternity and parental leave in Australia; identify paid maternity, paternity and parental leave models that could be used in the Australian context; assess those models for their potential impact on the financial and regulatory cost and benefits on small- and medium-sized business; and inquire into the employment of women, women's workforce participation and earnings and the workforce participation of both parents more generally.

Time will not permit me to detail all the terms of reference of that inquiry. Suffice it say that I believe the commission will be able to assess this issue and report back to the Government by February 2009. The commission will also hold public hearings and seek public submissions and will produce a report for public release by the Government. I join the many women and families who eagerly await the commission's report. For the first time in over a decade we have a Federal Government willing to explore ways to make it as easy as possible for working mums to balance their employment with the important job of raising a new generation of Australians. I am delighted to support the motion.

The Hon. PENNY SHARPE (Parliamentary Secretary) [4.55 p.m.]: I speak in support of the motion. It is a disgrace after 10 long years of a Howard Federal Government that Australia does not provide paid maternity leave. Along with the United States of America, Australia is in the company of Lesotho, Swaziland and Papua New Guinea as the only five countries in the International Labour Organisation with no paid maternity leave. As if it is not bad enough that we have no paid maternity leave, working women in New South Wales face other problems. Pay equity remains a significant issue for women, and the gap between the wages of men and women is increasing. Latest figures released by the Australian Bureau of Statistics show that in New South Wales in the year since the Howard Government's WorkChoices became law, the gap between the total weekly earnings of men and women has increased, with women now earning less than 66.9 per cent of what men earn.

To put that in real figures, the average New South Wales woman now earns \$361.60 per week less than that earned by the average New South Wales man. The gap has widened by 2.7 per cent under the Howard Federal Government's WorkChoice laws—laws that members opposite defended vigorously before the last election. It was indeed bizarre and somewhat disingenuous yesterday when the Leader of the Opposition and the Hon. Marie Ficara tried to turn the tables on Government members by defending the words of Pru Goward. They were the very same people who were part of a plot to stop her from being preselected in the seat of Epping. I am sure that one of the reasons for her lack of support within the Liberal Party—

The Hon. Don Harwin: Point of order: The Hon. Penny Sharpe made some remarks about the Leader of the Opposition that were untrue and reflected on him in a way that is contrary to the standing orders, and she should be called to order.

The DEPUTY-PRESIDENT (The Hon. Amanda Fazio): Order! The first point raised by the Hon. Don Harwin is irrelevant. On the second point, I caution the Hon. Penny Sharpe that any comments she makes about other members must not contravene the standing orders.

The Hon. PENNY SHARPE: One of the reasons the present member for Goulburn had difficulties preselecting for the electorate of Epping was that she had spoken out against WorkChoices—the important point being that her comments were comprehensively ignored by the Howard Government. Until WorkChoices was finally dismantled, the news was terrible for working women in New South Wales and their families. I have mentioned the impact that WorkChoices has had on the gender pay gap. WorkChoices has worsened the situation. Until the pay gap is wound back there will be real consequences for women and their families. WorkChoices removes the choice that families can make about how they balance paid work and family responsibilities.

With women earning less than their male partners, it is an economically rational choice for only women to take time out of the paid workforce to care for children or other family members. Aside from these harsh

economic realities, there are compelling reasons why women choose to take time away from work after the birth of a child. These include physical recovery from pregnancy and childbirth, establishing breastfeeding, sleep and other routines and, of course, the opportunity to bond with their babies. These basic human needs are compromised when a woman and her family are struggling financially or feeling insecure about the stability of their jobs. That is why the Federal Government should fund paid maternity leave for all mothers.

Paid maternity leave is a very simple way that governments can ease the burden on families with new babies. A recent study of parental leave in Australia asked families what they most wanted access to when having a baby. Two-thirds of working families nominated some or more paid maternity leave. Less than one-third of Australian mothers are currently entitled to paid maternity leave and, even when they receive it, it is only for an average of seven weeks. Even worse, of the two-thirds of working mothers who are not eligible for any paid maternity leave around half were not even eligible for the standard entitlement of 12 months unpaid leave. This means that these women are either returning to work far too soon after birth or are leaving work altogether. The skills of such women are lost to the workplace, and that is a major problem in a growing economy with an ageing workforce and a skills shortage.

The New South Wales Government believes that paid maternity leave is important. It is important for women, for families, for our community, and for our economic productivity. We have been prepared to put our money where our mouth is. All New South Wales permanent employees with 12 months service are entitled to 14 weeks paid maternity leave. This is part of our broader support for our parent employees, who also have the right to request a return to part-time employment following the birth of their child. The Minister for Women, Verity Firth, has publicly stated that women's employment and addressing the issues facing women at work is one of her top priorities. While workforce participation by Australian women is low by international standards, most women in New South Wales still spend large periods of their lives juggling both paid employment and family responsibilities.

Only the Commonwealth can introduce national paid maternity leave. We on this side of the House welcome the Rudd Government's reference to the Productivity Commission of paid maternity leave and other ways in which the Government can support families with newborn babies. Representations will not fall on the deaf ears of the former Government. The Productivity Commission will investigate all the issues facing families, the community and business to give the best possible system for supporting women and their families. This is the first genuine attempt to deal with all the issues surrounding paid maternity leave and deliver a system for all Australian women. As the Rudd Government dismantles WorkChoices and fully examines the needs of working families, I look forward to the development of a paid maternity leave scheme as soon as possible.

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.

SPECIAL ADJOURNMENT

Motion by the Hon. Tony Kelly agreed to:

That this House at its rising today do adjourn until Tuesday 4 March 2008 at 2.30 p.m.

ADJOURNMENT

The Hon. TONY KELLY (Minister for Lands, Minister for Rural Affairs, Minister for Regional Development, and Vice-President of the Executive Council) [5.01 p.m.]: I move:

That this House do now adjourn.

DEATH OF GORDON B. HINCKLEY

The Hon. DAVID CLARKE [5.01 p.m.]: The recent passing, at the grand age of 97, of Gordon B. Hinckley, world leader of the Church of Jesus Christ of Latter Day Saints, or Mormons as they are known, is a loss deeply felt by the more than 120,000 Latter Day Saints in Australia and the 13 million members of the church worldwide. It is also a loss deeply felt by a great many non-Mormons who, like me, admired him for his articulate and heartfelt advocacy of Christian and family values and for the leadership he provided to so many humanitarian causes throughout the world.

For 13 years Gordon Hinckley presided over the church as its "prophet seer and revelator", a period that saw an unprecedented growth at all levels in the church. Today it is the fourth largest denomination in the

United States and is particularly strong in the island nations of the Pacific oceanic region. It was during the presidency of Gordon B. Hinckley that the Mormon Church issued its Proclamation to the Church and to the World on the Family, which is widely acknowledged as one of the clearest enunciations and expositions of the pivotal and sanctifying place that the traditional family was ordained by God to hold for the wellbeing and happiness of mankind.

Under Gordon B. Hinckley's guiding hand the Church of Jesus Christ of Latter Day Saints made clear and unambiguous its support for marriage as an institution involving the union of a man and a woman, to the exclusion of all other unions. Where events have necessitated, the church has actively advocated support for legislation that enshrined in constitutional law this natural law of marriage. The corollary of this stand is that it opposes the legalisation of same-sex marriage.

The church's clear and uncompromising support of the family and traditional marriage is greatly welcomed and stands in stark contrast to the mixed and pitiful signals that continue to emanate from some other denominations I can think of that need to look at themselves and ask why it is that they are declining in numbers and why it is that they are declining in community respect. They need to face up to the fact that they are declining because of their failure to adhere to institutions such as traditional marriage that have their basis in Christian teachings.

The late Gordon B. Hinckley's voice was clear and forthright in such matters. And, likewise, his voice was clear and forthright in expressing the church's condemnation of terrorism and those who work to destroy democracy and freedom. In commenting on such matters, particularly in light of events in Iraq, Afghanistan and elsewhere, and on the need for democratic nations to resist efforts to undermine their freedom, President Hinckley issued a statement in 2003 in which he said:

As citizens we are all under the direction of our respective national leaders. They have access to greater political and military intelligence than do the people generally.

Furthermore, we are a freedom-loving people committed to the defense of liberty wherever it is in jeopardy. It may even be that the Lord will hold us responsible if we try to impede or hedge up the way of those who are involved in a contest with forces of evil and repression.

For his leadership in a multitude of humanitarian initiatives President Hinckley was the recipient of many awards, citations and honours. In awarding him the Presidential Medal of Freedom in 2004, President George W. Bush said:

Gordon B. Hinckley has inspired millions and has led efforts to improve humanitarian aid, disaster relief and educational funding across the globe.

The life of the late President Gordon B. Hinckley was one that exemplified service—service to God, service to his church, service to his nation, and service to humanity. He exemplified family values and the institution of marriage through example and through his own life. He was known for his humility, for his humanity, and for his capacity to reach out and relate to people of all walks of life—to people from all cultures and to people from all nationalities.

At this time I also extend my respects and best wishes to the Latter Day Saint community in Australia. It has a long history in this country extending back to 1851, with its first branch being formed here in Sydney a year later. From 3,000 members in 1955, it has grown to over 120,000 members in all States and Territories of the Commonwealth. And during all that time the Mormon community has unhesitatingly proved to comprise good, upright and loyal citizens of our nation. Apart from their own church's aid and humanitarian programs, they have always been amongst the first to offer practical assistance to programs operated by others, including the Anglican Church, the Catholic Church and the Salvation Army. I conclude by extending my condolences to the Australian Latter Day Saints community on the passing of President Gordon B. Hinckley, and I congratulate them on their continuing and significant contribution to Australia.

PORT MACQUARIE-HASTINGS COUNCIL DISMISSAL

The Hon. ROBERT BROWN [5.05 p.m.]: Members will be aware that on Tuesday this week, 26 February, I presented a petition to this House from more than 1,000 concerned citizens from the Hastings shire asking the Government not to dismiss Port Macquarie-Hastings Council. Yesterday, Wednesday 27 February, the Minister for Local Government dismissed the council on the recommendation of a commissioner who conducted a public inquiry into the council's affairs under section 740 of the Local Government Act. The report recommended dismissal on the grounds of the financial management of the Port Macquarie Arts, Culture and Entertainment Centre, a project known as the Glasshouse, which is now under construction and which will be opened later this year.

An earlier departmental inquiry under section 430 of the Act had found that there was no evidence of impropriety or corruption in the council's dealings. It is worth noting that the public inquiry received more than 800 submissions—the most ever for a public inquiry of this kind—and that three-quarters of them supported the council and the Glasshouse project. There are some very worrisome aspects to the inquiry and the report. For instance, the commissioner made several pre-emptive statements before and during the inquiry that convinced many people in Port Macquarie that he had made up his mind in advance. He suggested that the council should have conducted a plebiscite before starting the centre, and he advised the media not to miss the final week of the inquiry because, he said, it would be "sensational". His report has raised questions in Port Macquarie and, I believe, should have sounded alarm signals in the Minister's mind.

It is impossible not to feel that the report does not give fair play to the council, or to the many people who gave evidence in support of the council and the Glasshouse project. It tends to dismiss the evidence of people such as the mayor, the general manager, various councillors, senior council staff, and several prominent citizens as being insignificant, misleading or misinformed. It deals more sympathetically with evidence by opponents of the Glasshouse, whose determined and grim campaign, accompanied by a fog of misinformation and half-truths, led to the inquiry. The motives of these people are unclear, but they have been dogged in their attack on the council and the Glasshouse project.

For instance, one of the main groups opposing the Glasshouse was still maintaining on ABC radio that the project will cost more than \$60 million, whereas evidence during the inquiry clearly set the overall cost, including property resumptions and the preservation of historic convict ruins, at \$48 million—a figure well within the reach of this wealthy and well-run council. When announcing the dismissal the Minister made the comment, "They're not broke—but they were heading that way." He apparently does not know, as was established in evidence, that the council has a debt ratio of between 6 per cent and 7 per cent, one of the lowest in the State. To put this into perspective, Coffs Harbour, which is a similar sized regional centre, has a debt ratio of 22 per cent.

This dismissal is a disaster—a disaster for the people of Port Macquarie and for a bunch of honest, hardworking councillors in a council which, for instance, had the foresight to build a dam which has drought-proofed the shire for 10 years, a major recycling plant, and a world-noted garbage recycling facility, and which was coping well with the second-highest growth rate in the State and had won numerous awards and accolades for its work.

Ominously, this dismissal denies the people of the Hastings the ability to elect a council until September 2012. They should have been able to exercise their franchise in the local government elections in September this year. That opportunity has been denied to them. Local government democracy in the Hastings was assassinated yesterday after a flawed trial and a wrong verdict.

SYDNEY GAY AND LESBIAN MARDI GRAS PARADE

The Hon. HELEN WESTWOOD [5.09 p.m.]: This weekend thousands of people will be participants in, and many more will be spectators of, what is one of Sydney's and indeed Australia's major cultural events. I am referring, of course, to the Sydney Gay and Lesbian Mardi Gras parade. This event is the culmination of months of 100 high-quality cultural, sporting and social events. This is the thirtieth anniversary of this truly iconic event, which I have watched develop from a political protest to the celebration of the lives and rights achieved by people who are gay, lesbian, trans-gender, bisexual and queer. This event has a 30-year colourful history and has had its many detractors who every year would pray for rain. Sometimes they were successful but more often than not they were unsuccessful. Most Sydneysiders would agree we have probably had enough rain this year.

The festival kicked off on Saturday 9 February 2007 with a commemorative tree planting ceremony in Centennial Park. On 17 February I attended Fair Day at Victoria Park along with approximately 80,000 people. Many families and members of the gay and lesbian community with their supporters were present. It was a wonderful display of community, great food and wonderful entertainment. At Fair Day I had the opportunity to proudly participate in the Sea of Hearts, which is a mass planting of 5,000 pink hearts by the gay and lesbian community and their supporters calling on the Federal Government to reform our Federal laws. This was the launch of the 58 '08 campaign, which is to recognise that at least 58 current laws discriminate against same-sex couples and their children.

In 2007 the Australian Human Rights and Equal Opportunity Commission released the final report from its inquiry into discrimination against people in same-sex relationships. The Same-Sex: Same Entitlements

report found that in the area of financial and workplace benefits same-sex couples and their children miss out on everyday rights and entitlements that most Australians take for granted. This is not about special rights for same-sex couples; it is about ensuring that all couples have equal rights to the same entitlements and benefits that children with gay parents have the economic and emotional stability that comes with full recognition and legal equality. I think it is true to say that as long as gays and lesbians are treated differently by our laws it validates the view held by some that we are not equal citizens of this nation and that we are not entitled to the same rights as other Australians. It is this belief that leads to discrimination against gays and lesbians, lack of acceptance and intolerance that, at its worst, leads to hate crimes. Regrettably, homophobic violence continues in our community. It is extremely disappointing that both men and women are still discriminated against and vilified in their employment. I acknowledge the courage of the gay ex-police officer who went public in the media last weekend with his experiences. I only hope that there are lessons learnt. It is great that he will be at the parade supporting his former colleagues on Saturday night.

Oxford Street, just down the road from this place, on Saturday night will be full of colour, music, laughter, panache, passion and soul as the month-long festival comes to an end. There will be many floats on Saturday night parading along Oxford Street that will represent the great diversity of the gay and lesbian community throughout New South Wales and Australia. As well as the gay and lesbian communities and sporting, cultural, religious, political and business groups in the parade, there will also be supporters of the gay and lesbian community. I mention particularly Rainbow Labor and the unions who will be proudly participating in the parade on Saturday night and also the 100 reverends who are planning to say sorry to those rejected by the churches because of their sexuality. It was wonderful to hear Pastor Mike Hercock say, "Church has been a hostile place for a number of people, including the homosexual community. It's really trying to get away from the ideology of throwing rocks." This is such an important step in the journey ahead as the gay and lesbian community continue in our pursuit of equality and acceptance. I take the opportunity to wish all members of the gay and lesbian community, my brothers and sisters, a very happy Mardi Gras.

AUSTRALIA DAY AWARDS

The Hon. MICHAEL VEITCH [5.14 p.m.]: I refer the House to the valuable contributions of several Australia Day recipients in the electorate of Burrinjuck. Australia Day is a symbolic day in both white and black Australian history. It is important to remember that Australia Day was the day white settlers arrived in this country, some would say invaded this place, dispossessed the indigenous community and took control of the land. Australia Day is a very important day in our history, with some things to celebrate and some things to commiserate about. It is a day in our history that is always to be recognised.

For me, Australia Day means recognising fellow Australians that have made a lasting contribution to their community, whether through high achievement in a particular field or by serving their community above and beyond what is expected. There are two forms of awards handed out on Australia Day: those handed out by local council communities, recognising people within their local community; and the Order of Australia awards, recognising people from all over Australia and their contribution to the broader community.

I have been Chair of the local Australia Day Awards Committee in my home town of Young for eight years. Locally based Australia Day awards allow locals to nominate and recognise local people for their commitment and contribution to the community in which they live. This year I was glad to accept the role of master of ceremonies at the Young Australia Day awards, held in beautiful Carrington Park. It was a great day and a wonderful ceremony held before about 500 people. There are many special people living in Burrinjuck who received awards from their local communities. Awards included Junior Citizen of the Year, Citizen of the Year, and Senior Citizen of the Year. I offer my congratulations to those people and I apologise for not being able to read out every name of every person who received an award. I will read the names of some of the citizens and junior citizens of the year in my home electorate of Burrinjuck: Shirley Cox, Jake Anlezark, Aaron Rhind, Alfred McCarthy, Patrick Sullivan from Gundagai, Ben Blay, Marie Hardin, Amy Walker, Frank Willis and Andrew Palmer from the Upper Lachlan—

The Hon. Duncan Gay: Good people.

The Hon. MICHAEL VEITCH: Yes, good people. Other recipients included Colin Payne, Andrew Carter, Michelle Potter, Lisa Thompson, Merle Karsten, Anthony Pullen, John Strudwick, Megan Callow, Pauline Davidson and Elyce Green from Young, Kath Smith and Robert Maslin from Grenfell. Aside from local council awards, Australians who have achieved and contributed beyond their local community are recognised through the Order of Australia awards. An Order of Australia award confers the highest recognition for

outstanding achievement and service to Australia. It is the pre-eminent way that Australians recognise the achievements and service of their fellow citizens. Ordinary Australians nominate extraordinary Australians and the Council for the Order of Australia then considers the nominations that come directly from the community. The recipients are selected against a set of basic criteria.

I take this opportunity to congratulate all Australians who received an Order of Australia award this year. I have the very privileged role of representing constituents in not one but three electorates. I make special mention of those constituents who were recent Order of Australia recipients. There were two Order of Australia award recipients in Burrinjuck: Dr Michael Mullany from Young, for his service to the community of Young particularly in the area of aged care and disability support; and Nevin Hughes from Grenfell, for service to health in rural and remote areas through a range of executive and advisory roles to local government and the community. There were also two Order of Australia award recipients from Goulburn: Ray Leeson for service to the print media, as editor of the *Goulburn Post*, and to the community; and Jennifer Lamb for service to art, as Director of the Goulburn Regional Art Gallery, and to the community.

The Hon. Duncan Gay: That Ray Leeson is a great bloke.

The Hon. MICHAEL VEITCH: I congratulate those people on being awarded one of Australia's highest honours. But more importantly, I join with many communities across Australia in thanking those people for the tremendous amount of work they have done in contributing to this great nation. I thank them and I know Australia thanks them as well.

The Hon. Duncan Gay: Ray Leeson is the former editor of the *Goulburn Post*.

The Hon. MICHAEL VEITCH: I concur with the Hon Duncan Gay that Ray Leeson is the former editor of the *Goulburn Post* and a good man. I also mention all the Australians out there who have noticed others contributing to their community and taken the time to nominate them for Australia Day awards. It takes a special kind of person to notice another's contribution and to take action to see that it is formally recognised. Time and effort are required to fill out nomination forms, seek references and referees, and ensure that information is correct. I urge others to look around their own communities and nominate those wonderful individuals who are performing extraordinary deeds to make this country an even better place to live for the present and future generations.

TATHRA SURF BEACH DEVELOPMENT

Ms SYLVIA HALE [5.19 p.m.]: I was recently on the south coast of New South Wales listening to concerns from community members about the Government's foreshadowed planning takeover and the electricity infrastructure sell-off. As members would be aware, the area around Tathra and Batemans Bay is one of the most spectacular and beautiful on the New South Wales coast. I was disappointed, therefore, to be made aware of two major development proposals that are threatening to deface this part of the coast. The first of these is a proposed 300-lot residential development on the Bega River at Tathra. An additional 300 dwellings and 1,000 residents will place enormous strain on the social infrastructure of the village of Tathra, which barely has any infrastructure. It will create significant additional traffic on local roads and overwhelm existing educational, aged care and health services. The development also poses a serious threat to the ecology of the estuary, which contains protected animal and plant species and a recognised marine nursery habitat. It is also a flood-prone area. There is substantial local opposition to this proposal. It has been reported that the Tathra area was identified by the Wentworth Group's coastal study as one of several New South Wales coastal villages that needs to be protected from development. Bega Valley Shire Council is aware of these concerns. Its draft structure report for the Tathra area states:

Previous public consultation has indicated that the local community's priority issues with regard to the estuary include: development pressure, water quality, effluent disposal, entrance management and protection of the estuary's and adjoining terrestrial environment's fauna and flora.

The report also notes:

The Bega River is often closed for a large percentage of some years, resulting in only periodic flushing of the lower estuary and large areas of wetlands, leaving these areas quite susceptible to the impacts of effluent and stormwater.

Given the widespread public concern and the potential damage flowing from this proposal, I call on the Bega Valley Shire Council to refuse the development application from the Capital Investment Group, which has been

a significant donor to the Liberal Party. At Batemans Bay yet another industrial development is threatening the natural beauty of a local community. It is disturbing to consider the effect of this plan on the local community and business interests. The development of a large bulky goods store by the Walker Corporation—another significant donor to both the Liberals and the Labor Party—at Surf Beach flies in the face of the major report commissioned by the Eurobodalla Shire Council. This report, which was prepared by GHD Pty Limited, found that the development was inappropriate for the beachfront site. It said that the site was of "high ecological value and should not be developed". This report, however, was not made available to Eurobodalla councillors before they considered the matter and thus denied those councillors valuable information that may have influenced their decision. A number of councillors and the general public were denied access to this report and had to resort to the Freedom of Information Act to obtain a copy.

Opponents believe that this report, together with the New South Wales Department of Planning's Settlement Planning Biodiversity Guidelines would have resulted in the bulky goods proposal being rejected. But the information was not uncovered until months later as a result of the freedom of information request of the Friends of Our Beaches residents group. This brings into question the fairness of the council's process in deciding to approve the Surf Beach development. Local action group Friends of our Beaches and two councillors, including Greens councillor Kris Cowall, have challenged the council's procedure in this matter. They claim that the elected representatives of the people were kept in the dark while council management made the decisions and controlled the amount and type of information that councillors received. Proper and open planning procedures are required when assessing development proposals in sensitive coastal areas.

The impact on the local environment of this proposal is significant. About 35,000 trees will be removed, which will endanger the habitat of 19 fauna species, and in all likelihood result in pollution and run-off entering the local creek system and the Batemans Bay Marine Park. The mayor has claimed that the revenue from the creation of the bulky goods store would be used to help build the Batemans Bay Spine Road. I believe that funding local roads by selling off environmentally sensitive land for development is a very short-sighted approach for a council to take. Once the bulky goods store is built that unique area of native flora and fauna will be gone forever. The area was originally zoned industrial 30 years ago. [*Time expired.*]

GUTTERING

The Hon. CATHERINE CUSACK [5.24 p.m.]: Gutters are supposed to be a means to channel water away from, and not into, buildings. The Department of Fair Trading is supposed to be an agency that stands up for consumers and does not cover up matters that are against their interests. Unfortunately, the events of last week show that gutters are dysfunctional and that the Department of Fair Trading is equally dysfunctional by failing to fulfil its mandate. Sadly, the Government's failure to inform and police Australian building code standards for gutters and other systems has resulted in major flood and structural damage to thousands of homes and buildings throughout New South Wales. Efforts by two brothers from Cessnock, Ian and Jason Higgins, to bring these problems to the attention of the Government have fallen on deaf ears. Jason Higgins met with Minister Burney last September in a bid to get action from Fair Trading. Nothing has happened, even though the Minister promised she took the matter seriously. Mr Higgins also met with his local member, Kerry Hickey. Again, there was a lot of talk but no action.

The widespread installation of non-compliant guttering systems has left thousands of consumers facing huge bills for structural damage. They are often unaware how the damage has been caused. The costs include damage to fittings, increased insurance bills and potential health problems due to damp and mouldy walls. The problem arises from Australia's popular high-fronted guttering products, which are installed with spring clips and others that are attached directly to walls with no provisions for overflow. The Australian building code standards have strict provisions in relation to gutters, but they have not been adhered to around the State. High-fronted gutters are popular because they are cheap to install and look good from the street. But unless special provisions are made for overflows, these gutters channel water into the structural cavities of buildings and cause rot and rust, attract termites and ultimately cause the structural failure of the wall.

High-fronted gutters can be installed in a way that complies with standards, but the most popular method of installation prevents overflow gaps between gutters and buildings or the use of flashing to stop water flowing backwards into buildings. In many cases, the main culprit is a 90¢ spring steel clip, which seems to make it impossible to comply with the law. The building industry and consumers are oblivious to the dangers because the Office of Fair Trading has failed to inform the building industry and council building inspectors of the standards for high-front guttering that were introduced in 2000. Therefore, I argue that the Office of Fair Trading is responsible for allowing manufacturers to produce great quantities of these gutters and faulty gutter

systems over many years, at least since 2000. The system does not work and has the effect of putting water into houses.

It is the responsibility of the Department of Fair Trading to fully investigate this matter and require accountability from the manufacturers of these gutter products who have perpetrated a potential disaster on thousands of tradesmen and consumers. Minister Burney initially denied the problem, and later said it was a Federal Government problem. Earlier this week she announced that, for the first time, local government inspectors would be informed of the standards. But the builders and plumbers will not be informed. Last night the Minister announced that she would hold a meeting on Thursday 6 March 2008. In her media release she again clarified that she did not believe there was a problem but, given the publicity, she would hold a meeting. She said, however, that she does not see any evidence emerging from it. In her media release the Minister said:

If the Opposition has evidence to support their claims they are morally bound to bring it forward—to date they have not. This is what I'm endeavouring to determine.

I am pleased to inform the House I will be delighted to attend the Minister's meeting on Thursday 6 March. I have written to the Minister requesting that I be allowed to attend and present my evidence to the people whom she says are the main parties. I hope the Local Government and Shires Association, the Insurance Council of Australia, the Australian Consumers Association and the Department of Health, will be at that meeting because the health of children and families is greatly affected by damp and mouldy walls. The Higgins brothers should be allowed to make a presentation at the meeting. I repeat that gutters are meant to direct water away from houses and the Department of Fair Trading is meant to protect consumers. At the moment neither is performing to specification. It is very important that this matter be investigated to protect consumers, ultimately find a solution and oblige manufacturers to take responsibility. Then thousands and thousands of people who have experienced flooding from gutters will find relief for their problems.

WILDLIFE REFUGES AND CONSERVATION AGREEMENTS

Ms LEE RHIANNON [5.29 p.m.]: The western lands issues paper issued recently revealed some worrying developments about mining in the State. The Department of Mineral Resources is trying to gain access to wildlife refuges and gain control over conservation agreements. Wildlife refuges are areas created for the purpose of preserving, conserving, propagating and studying wildlife; conserving and studying natural environments; and creating simulated natural environments.

I thank Louise Crites-Foster from the New South Wales Farmers finch district for alerting the Greens to these developments, which must be resisted. In submissions from the Director General of the Department of Primary Industries on the Wyoming access management plan, the section dealing with environmental impact states:

Accordingly, the likely environmental impact associated with access under the access management plan should be considered and minimised to avoid this requirement.

It is extremely worrying that the director general has recommended minimising these assessments of environmental impact. The Greens will track this issue closely. We urge the Government not to adopt this recommendation and compromise wildlife refuges and conservation agreements, which to date have been a great advance in this State.

[Time for debate expired.]

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

Motion agreed to.

The House adjourned at 5.31 p.m. until Tuesday 4 March 2008 at 2.30 p.m.
