



## Cross-Border Commission Bill.

### Second Reading

**Mr DONALD PAGE** (Ballina—Deputy Leader of The Nationals) [10.20 a.m.]: I move:

That this bill be now read a second time.

In 2000 when I first introduced the Cross-Border Commission Bill the need for a formal body to deal with cross-border issues was obvious to residents of New South Wales living in border regions. In the four years since the bill was introduced and rejected by the Government, the need for a Cross-Border Commission has become even more acute. Communities along the New South Wales-Queensland border, the Murray River, the New South Wales-South Australia border and those adjacent to the Australian Capital Territory continue to be adversely affected by their proximity to Queensland, Victoria, South Australia and the Australian Capital Territory. At present any consideration of cross-border issues is undertaken on an ad hoc basis by a couple of officers in the Premier's Department under the umbrella of the Regional Communities Consultative Council. I do not wish to denigrate the officers who consider these issues; it is the Government that has failed to resource the investigation properly and to resolve cross-border issues.

In brief, the bill provides for more thorough and effective resolution of cross-border issues through the creation of a body with the power to call witnesses, hear evidence and undertake all other actions necessary to resolve cross-border issues and to make recommendations to the Premier regarding cross-border solutions. This body, the Cross-Border Commission, will be required to prepare an annual report for Parliament in relation to the results of its inquiries, recommendations to the Premier and any action or inaction on the part of government. The commission will comprise representatives of the New South Wales Government, consumers, business, farmers and local government, and will have the capacity to appoint other representatives to a maximum of eight. Most importantly, the commission will be reviewed after five years to investigate its effectiveness and whether it needs to continue.

When the Government voted down this constructive bill in 2001 it claimed that the commission was not needed because the existing arrangements for dealing with cross-border concerns were satisfactory. This is despite the fact that the Premier's spokesman was reported in the Tweed newspaper the *Daily News* as supporting my idea. He said:

It doesn't matter if the proposal is put forward by Labor, Liberals, Nationals or Independents, if it's a good idea, it's a good idea.

Queensland Premier Beattie agreed, telling the *Daily News*:

I am very receptive to a suggestion like this. If we can do anything to work together to find a solution, we should try.

If the Government's claims are true that existing arrangements are satisfactory, why do so many cross-border problems remain unresolved and why is this fact so readily acknowledged by both the Premiers of Queensland and of New South Wales? It is difficult to believe the current arrangement is as effective as the Government claims when, according to my advice, the two existing cross-border groups in the Premier's Department have not met since 1999. Moreover, the last community forum on cross-border issues was held in the Tweed in February 1999, one month before the March 1999 election.

We need an effective, committed and active Cross-Border Commission, not one that meets only at election time or one that focuses only on issues that come to the attention of the Premier. The Cross-Border Commission will solve myriad problems affecting businesses and communities in border areas. In New South Wales payroll tax applies above \$600,000 at a rate of 6 per cent. In Queensland a 4.75 per cent rate is imposed above \$850,000. Victoria's payroll tax rate is 5.25 per cent, with a threshold of \$550,000. The rate in the Australian Capital Territory is 6.85 per cent, with a yearly threshold of \$1.25 million. It is very difficult for big employers in New South Wales border areas to compete when they have to pay much more payroll tax. Two good examples of such businesses on the North Coast are the Northern Co-operative Meat Company and the Southern Cross University. Furthermore, businesses that operate on both sides of the border must often take out two workers compensation policies, adding substantially to business costs. Moreover, workers compensation premiums for the construction industry in New South Wales are 7.8 per cent while in Queensland they are 4.3 per cent and in Victoria, 3.8 per cent.

One of the greatest ongoing problems is daylight saving. Daylight saving causes major disruptions for businesses, employees and consumers, particularly in Coolangatta and Tweed Heads, which are split by the New South Wales-Queensland border. The club industry, which keeps alive many small businesses and community groups and employs thousands of locals, is also out of pocket because of cross-border issues such as daylight saving and differing tax rates. Indeed, the Tweed Bowls Club has indicated that if the Carr Government persists with its new clubs tax it will have to relocate to Queensland. Residents of New South Wales who enjoy fishing can be fined for engaging in that activity just over the Victorian and Queensland borders due to different licensing requirements. During the Easter

holidays New South Wales hoteliers are restricted to making bar sales only on Good Friday afternoon, which prompts many patrons to drive across the border to buy take-home liquor.

Other general issues include a range of tax disparities, varying rules to establish a business and gain licences, 1800 and 1300 telephone numbers failing to work across borders, the lack of reciprocal ambulance agreements and the variation in education courses between the States. These difficulties cause extra cost burdens that run into millions of dollars a year and widespread inconvenience for residents and businesses. A proposal for an independent, standalone cross-border commission is a substantive bid to tackle seriously the problems confronting border communities. The Cross-Border Commission Bill aims to fix these problems once and for all. It is not a political bill; it is genuinely designed to alleviate the very real problems experienced by people and businesses in cross-border communities. Put simply, this legislation will help tens of thousands of people who live in cross-border communities, and surely we are elected to this place to help people solve their problems.

Specifically, clause 4 of the bill provides for the constitution of the Cross-Border Commission of New South Wales. This clause provides that the commission is to consist of a chairperson and between four and eight part-time members appointed by the Premier. Members of the commission will be suitably qualified to represent one or more of the following interests in relation to border communities: first, the interests of consumers; secondly, the interests of business; thirdly, the interests of farmers; and, fourthly, the interests of local government. These four interest groups are mentioned in the bill. However, if the case can be made for other groups to be represented directly on the commission they should also be included, to a maximum of eight members. The part-time members are to be residents of New South Wales. However, the commission can call witnesses and have dialogue with interstate people and agencies. We have deliberately built in a mechanism to stop the commission becoming a political plaything of the government of the day. To this end, a person cannot be a part-time member if he or she is a member of the Parliament of New South Wales or the Commonwealth Parliament.

Clause 5 provides that the chairperson is to be appointed by the Governor on the recommendation of the Premier, after consultation by the Premier with the Leader of the Opposition. If the Opposition comprises two or more recognised political parties, the leaders of those parties must be consulted. Obviously the person appointed as commissioner will have a good knowledge of cross-border issues with regard to New South Wales-Queensland, New South Wales-Victoria, New South Wales-South Australia and New South Wales-Australian Capital Territory. Some proposed appointing an interstate person as chair. However, there is no legal basis for compelling an interstate resident to take on the job. Rather, the key to the commission's effectiveness is its ability to liaise with the other States. The commission will have the power to call witnesses, hear evidence and undertake all other actions necessary for it to make regular recommendations to the Premier and to table an annual report in Parliament. These recommendations will concern the economic, social and other issues affecting communities in regions bordering other States and the Australian Capital Territory.

Clause 8 sets out the following functions of the commission. Paragraph (a) provides that the commission will invite members of a border community to make admissions to it in relation to matters affecting that community. Paragraph (b) enables the commission to conduct inquiries into such matters affecting border communities as are referred to it by the Premier or as the commission considers appropriate. Paragraph (c) enables the commission to identify issues affecting border communities and to make recommendations to the Premier regarding such issues. Paragraph (d) provides for the commission to prepare an annual report for tabling in Parliament regarding the results of its inquiries into matters affecting border communities and in relation to any action taken by the Government as a consequence of any recommendation referred to in paragraph (c). Paragraph (e) enables the commission to undertake such other functions as are conferred or imposed on it by or under any other Act or law.

Clause 9 requires the commission to prepare an annual report to be forwarded to the Premier and that the Premier is to table the report in each House of Parliament as soon as practicable after the report is forwarded to the Premier. The report must include details of any recommendations made to the Premier during the period to which the report relates, as well as details of any Government action or inaction in relation to those recommendations. Importantly, we do not view the commission as having an infinite life. We want it to be a small, smart and effective body, which is intent, in essence, on working itself out of a job when all the cross-border issues are resolved. To this end we have included in the bill a provision that the commission be reviewed after five years. Hopefully, the commission would have solved all the significant cross-border problems by then and could be wound up.

In rejecting this bill in 2001 the Carr Government said that the legislation did not require the commission to directly solve cross-border problems. This is a pathetic argument because the bill specifically requires the commission to make recommendations to the Premier on solutions. These recommendations, and the Premier's action or inaction, will be made public in the commission's annual report to Parliament. It is up to the Premier and the Government of the day to adopt the recommendations if they want the cross-border issues solved.

Another Government objection was that the commission would not have cross-jurisdictional representation. Quite clearly, it is not possible for us in New South Wales to compulsorily require interstate representation on the commission. Moreover, it is not necessary because the commission has the power to call witnesses and it is expected that many of these would be from interstate. Therefore, the capacity to involve people from both sides of the border is built into the bill. The New South Wales Nationals and the Liberal Party believe that the cross-border commission, as proposed today, is the ideal vehicle to examine and devise solutions to these and other issues. The differences between State taxes and State regulations must be minimised on State borders to enable the communities involved to

function more normally.

The section within the Premier's Department currently dealing with border issues is underresourced and lacks transparency. The proposal of The Nationals is for a stand-alone statutory authority, ultimately responsible only to the Parliament of this State. It is the fact that governments come and go and they vary in political complexion from State to State. The benefit of a commission is that it is above party politics and is able to address the issues irrespective of the party in power in a particular State. Moreover, the commission will be relatively small but nevertheless representative of the community. I believe this is critical to its success. These community representatives will have a strong interest in finding solutions so they will be focused and keen to tackle issues. When I first introduced the bill in 2000 the positive feedback for border communities was very strong indeed. They want this legislation. I call on all members of the New South Wales Parliament to support the bill.

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