

# LEGISLATIVE ASSEMBLY

Tuesday 17 June 2008

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**The Speaker (The Hon. George Richard Torbay)** took the chair at 1.00 p.m.

**The Speaker** read the Prayer and acknowledgement of country.

## BUSINESS OF THE HOUSE

### Notices of Motions

**General Business Notices of Motions (General Notices) given.**

### PRIVATE MEMBERS' STATEMENTS

**Question—That private members' statements be noted—proposed.**

#### PRINCESS CHARLOTTE ALOPECIA FOUNDATION

**Dr ANDREW McDONALD** (Macquarie Fields) [1.03 p.m.]: In this place we are all privileged and humbled to meet some magnificent people. One of these, Martine Richards from Austral, lives in my electorate. I met Martine, with her mother Kathy, on 23 April 2008 at the ball for the Princess Charlotte Alopecia Foundation. Princess Charlotte is Charlotte Adamson, the seven-year-old daughter of Matthew and Rebecca Adamson. Charlotte has alopecia areata. Alopecia areata is a condition that causes the hair to fall out. The hair loss may be partial, in the form of circular patches on the head, or total, in which case every hair on the body falls out. Alopecia has a completely unpredictable course. Many who develop alopecia will never regrow their hair; there is no proven treatment and treatments that are sometimes used are painful and have unpleasant side effects that often outweigh any benefit.

Alopecia areata commonly starts in childhood. Martine developed her alopecia areata at age seven. In her case it has progressed to complete loss of hair on her head, a condition called alopecia totalis. She has lived with alopecia for 28 years. Alopecia areata is an autoimmune condition that does not make people sick. It is not contagious and inpatient care is not necessary. The major impact on young children is the effect of the hair loss on their self-esteem at a fragile age. They may also be subject to bullying and teasing at school. Adults who develop alopecia, especially women, have no easy challenge in accepting this condition. They face both emotional and physical setbacks. Most women who develop alopecia have a feeling of grief at the loss of how they once looked, their sense of femininity takes a major blow, and many lose confidence and feel embarrassed that they now need to face the world as a bald woman.

Martine has decided to use her own experiences to help others who suffer from this condition by developing a company—Freedom Wigs—that provides people with specially crafted high-quality wigs. These are no ordinary wigs. They are expensive, carefully crafted with silicon and machined one human hair at a time. They cost about \$3,900 and last for two years. They are indistinguishable from natural hair. This prosthesis can be worn only by those who have no hair at all because it is attached by suction. It allows the wearer to resume a normal life, to swim underwater, to play sports—and to no longer fear the wind. Children can go to school with confidence that their hair will not fall off or be pulled off in the playground. This security is an essential part of development at such a young age. These wigs are not funded by the State or Federal governments. I will be approaching the Federal Department of Health to have alopecia totalis qualify for addition to the carers' allowance list.

Matt Adamson is the assistant coach of the Penrith Panthers. Matt and Rebecca made a conscious decision when Charlotte was diagnosed with alopecia to get organised and to use their energy and passion to set up the Princess Charlotte Alopecia Foundation. Their aim is to facilitate an Australia-wide conference for those who have alopecia areata, similar to the one held in the United States of America, where there is a large support community. I was pleased to be able to represent Minister Meagher, who granted \$50,000 to the foundation on the night.

The mission of the Princess Charlotte Alopecia Foundation is to provide emotional support to those with alopecia and their families, to educate the public, to create awareness of alopecia within Australia and New Zealand, to provide financial assistance in funding these medical prostheses for those with alopecia in Australia and New Zealand, and to lobby governments to provide adequate financial assistance to purchase medical prostheses for those who need them.

The night was an enormous success, and I publicly thank Alan Jones, who was the master of ceremonies, and make special mention of Ray Hadley, who conducted the auction. The piano recital by Libby Beattie from New Zealand, who is just 16 years old and has enormous talent, and who also has alopecia, was just unbelievable. Anna Fitzpatrick, a model who also suffers from alopecia, spoke on the night. Ricki Lee Coulter also sang beautifully. Lee Furlong hosted a fashion parade with National Rugby League footballers strutting their stuff—I think they should stick to their day jobs!

The night raised \$180,000, which was a great start and which will help to begin achieving the foundation's goals. The final word about Martine Richards is from Martine. She said, "Alopecia doesn't make me less, it makes me more." How right she is! I urge all members to support this foundation and I commend the Princess Charlotte Alopecia Foundation to the House.

### SHOALHAVEN MENTAL HEALTH FACILITIES

**Mrs SHELLEY HANCOCK** (South Coast) [1.08 p.m.]: On 8 May I gave notice of a motion and I now restate it:

That this House:

- (1) Notes the commitment by former South Eastern Sydney Illawarra Area Health Service Chief Executive Professor Debra Picone AM to the directions outlined in the Area Clinical Services Strategic Plan 2006-2009.
- (2) Notes that the development of a 12-15 bed mental health unit is included as an initiative for the Shoalhaven District Memorial Hospital.
- (3) Notes that no action has been taken to implement this initiative as yet.
- (4) Calls on the Government to implement the Clinical Services Plan as endorsed and supported by Professor Debra Picone.

I understand the process for enabling such motions to be debated but I believe that it may never be debated. Therefore I would like now to raise once again the issue of mental health facilities in the Shoalhaven area. I indicate the extreme disappointment of the communities of the South Coast and further down into the electorate of Bega, and also residents of the Illawarra region who have contacted me, that despite the fact that the clinical services plan for 2006-09 for the South Eastern Sydney and Illawarra Area Health Service supported an initiative for 12 to 15 acute care mental health beds at Shoalhaven District Memorial Hospital, this plan seems to have been completely abandoned. My purpose in raising this issue again is to call on the Government to commit to its own planning document by providing 12 to 15 mental health beds at Shoalhaven hospital.

I have spoken many times about the experiences of mental health patients in my electorate who are suffering due to the fact that they have to be transported to Shellharbour Hospital for assessment and care. For many this is some distance from their homes and families, who of course provide part of the care and rehabilitation process for them. It is bad enough for those living in Nowra but it is even worse for those along the South Coast of New South Wales because there are no acute mental health beds for them down to the Victorian border. I am also informed by police officers that they are becoming weary of having to transport mental health patients to and from Shellharbour Hospital, which is the only acute mental health facility on the South Coast. Their time is consumed by transporting patients. They should not have to do this and they have expressed their concern to me on a daily basis.

The Premier and the Minister have talked much about the mental health spending that will occur in New South Wales but they have clearly failed to deliver for South Coast individuals who suffer mental health issues. In fact they have even failed to endorse their own plan. Recently the shadow Minister for Health and I visited the Shellharbour facility and became aware of a critical shortage of psychiatrists in the area and the difficulty it faces in recruiting new psychiatrists. There is a real crisis emerging in mental health from the Illawarra to the South Coast in relation to the staffing of the Shellharbour facility. This has been compounded by the resignation of the resident psychiatrist, Dr Irwin Pakula, about six weeks ago due to alleged bullying and

harassment. Staff have rallied in support of Dr Pakula, recently wearing black to highlight the issue. The *Illawarra Mercury* recently reported:

Dr Pakula walked away from 30 years of health service on Monday, citing an administrative culture of bullying, scapegoating and gagging.

He told the *Mercury* the Illawarra's mental health clinicians were encouraged to discharge patients prematurely, were offered little support from administration and expected to conform to standards different to those applied to Sydney counterparts.

An even more serious situation is emerging in the Illawarra than most people would have expected. The problems are twofold: the situation in the Illawarra and the absence of mental health beds at Shoalhaven Hospital. So far this Government has ignored both. Again I raise the issue of the clinical service plan, which was worked on for many years by a number of clinicians and endorsed by Professor Debra Picone, but so far we have seen no action. I call on the Government again today to reassess the plan and the planning process for the provision of mental health beds at Shoalhaven hospital. I indicate that no other issue has aroused so much concern over a five-year period in my electorate. I also want to refer to the Helping Hands Program, which is a group of volunteers who assist those in the community with mental health issues. I call on the Government to ensure that funding for this program is reinstated. It was threatened three years ago with negation.

### DOMESTIC VIOLENCE

**Mr DAVID HARRIS** (Wyang) [1.13 p.m.]: Today I would like to speak about a worthwhile and inspirational project that has been initiated in my electorate of Wyong. Sadly, the motivation for this project came from a source that has a very negative effect on our society and is a lot more prevalent than we would want it to be. I refer to domestic violence. It is disturbing to report that the Central Coast has the second highest rate of domestic violence out of 14 divisions in New South Wales. One in four children are living with domestic violence. This means that in a class of 25 students, potentially five students are victims of domestic violence—physical or emotional. No-one doubts that the social and economic impact of domestic violence is far-reaching and potentially devastating.

The agencies, particularly schools, involved with children who are in such a household often report high absenteeism, poor concentration, underachievement and emotional problems. The long-term impact on the educational potential of these students is significant and of great concern. These issues must be addressed. But, as I said before, I am not here today just to talk about the negative ramifications of domestic violence on our society. I am sure all members agree that in an ideal world it would not exist. However, amidst this doom and gloom something is happening on the Central Coast that is solution focused and reaching out to empower the youth affected by domestic violence and raise awareness of the effect of domestic violence on families in our community.

Enter Kevin Pearce, a solicitor with Aubrey Brown Partners, Wyong. Through his daily work Kevin saw a real need to find solutions to and educate our community about domestic violence. He had a vision for a high school video production competition that would engage students and staff in something positive and educational, yet also address his concerns. Now, a competition means entrants and of course prizes so Kevin approached Wyong Leagues Club Group and presented his proposal. It was enthusiastically received by the executive and committee, so much so that the Wyong Leagues Club Group has made available significant prize money—\$6,000 in all—as an incentive for schools to become involved. The role of Wyong Leagues Club Group as major sponsor is greatly appreciated by all concerned with the project.

The 'ScreenIT' team was then established at Wadalba Community School to create and conduct this project across all Central Coast high schools. ScreenIT is a cross-discipline/curriculum team with representation from information technology, visual arts, children and community services, the Student Representative Council, and the Personal Development, Health and Physical Education faculty. Glenn Mullaney, a teacher at Wadalba, is the coordinator and passionately believes in the value of the project. He talks about the amazing abilities of the students involved and how they have come to embrace the project, feeling that it gives real hope to this important issue. Students involved are mainly from years 10, 11 and 12. Kevin Pearce has been able to organise a visit to Wyong courthouse for the students involved. Here they were able to research and experience the facilities available to victims of domestic violence. They spoke with police prosecutors, police, domestic violence liaison officers and Women's Domestic Violence Court Assistance Program staff. This session was most beneficial and provided important background information that will be helpful during the filmmaking.

Glenn Mullaney is quick to point out that this project is principally about education and providing information, knowledge and skill in proposing possible solutions and actions. In short the organisers believe that

by involving students in such a project they can "make a difference" to the impact of domestic violence in our community. Glenn Mullaney has been thrilled so far with the response from not only the students at his school, Wadalba, but from schools across the Central Coast. The end product from each team entering will be a three-minute film, all of which will be shown on a special presentation night later this year. However, as part of the assessment, teams are also required to take part in an interview to discuss their work.

Much thought and planning has gone into this project and all the organisers are to be congratulated on their care and professionalism. This truly has the potential to make a positive out of a negative situation. I was very pleased to be interviewed by students from Wadalba Community School—Rebecca McNeil, Besime Shevket, Nicholas Campbell, Tianna Gunner, Kiarna Hampton—who videotaped the interview, which will be used on the website. I was very pleased to be able to support this very important project. I am sure everyone here will join with me in wishing those involved good luck. I look forward to being able to report later this year on the films produced.

### **BARTON HIGHWAY FUNDING**

**Ms KATRINA HODGKINSON** (Burrinjuck) [1.18 p.m.]: Late last year the NRMA named the Barton Highway as the worst highway on the AusLink National Network in New South Wales. This confirms what I have been saying for many years. I have analysed the crash statistics for all the federally funded highways in New South Wales—the Pacific, Barton, Hume, New England and Newell highways. For the four-year period 2000-2003 the Barton Highway had the second worst fatality rate per kilometre after the Pacific Highway. Since that time significant work has been done on both the Pacific Highway and the Hume Highway to increase the amount of dual carriageway road. I note that funding for duplication work on the Pacific Highway again figures in this year's budget. In contrast the Barton Highway has had no additional duplication work.

It is interesting to note that the accident rate on the Hume Highway has been progressively falling as more of that road has been duplicated. One significant danger spot on the Hume Highway, near Coolac in Burrinjuck electorate, has been allocated almost \$68 million in this year's budget. Over the same period the accident rate on the Barton Highway has remained unchanged. In 2005 I said that I expected three deaths, 26 injury crashes and 62 tow away accidents to happen every two years on that highway. Sadly, since then my prediction has been proved correct. Most of the people who are dying and being injured on this road come from the Yass Valley or know people living there.

Last year 154 babies were born to families in the Yass Valley shire. A few years ago the New South Wales Labor Government closed the maternity ward at the Yass hospital, against the wishes of the Yass and district community. That means that about three times a week a woman from the Yass district, in labour, must travel the dangerous Barton Highway to access her nearest maternity hospital, in Canberra. Yass residents also use the Barton Highway to access medical specialist services and treatments such as dialysis and chemotherapy in Canberra. Many people work in Canberra, particularly those living in the Murrumbateman area. Each school day hundreds of primary and secondary students travel from the Yass and Murrumbateman areas into the Australian Capital Territory. Many of these children travel on school buses, but many also travel in cars with their parents. The safety of all of these residents is put at risk on a daily basis by the continued failure of successive governments to duplicate the Barton Highway.

I have been circulating a petition calling for the immediate duplication of the Barton Highway. To date I have submitted petitions to this Parliament bearing the signatures of well over 1,500 Burrinjuck electorate residents. At least 2,000 residents of the Australian Capital Territory and other parts of New South Wales who use the Barton Highway have also signed this petition. The Mayor of Yass Valley Council, Nic Carmody, who is also concerned about the need for the highway to be upgraded, said to me recently:

Deaths and injuries on the highway continue to occur. These are costly for the general community and painful for the local community as the victims are often local residents.

I have compared the Federal Highway to the Barton Highway. Like the Barton Highway, it runs from Canberra for a similar distance to connect to the Hume Highway. The difference between the two roads is that the Federal Highway is dual carriageway over its entire length. The fatality rate per kilometre of the Federal Highway is less than one-tenth of that on the Barton Highway. The Federal Highway also has a lower crash injury rate. The Barton Highway is a federally funded road, but the Federal Government allocates funding in accordance with advice received from State governments—advice that the New South Wales Minister for Roads, by his own admission, did not provide to the Federal Government last year.

I urge all members of this House to send a strong message to the Federal Government that the Barton Highway must be duplicated. The first step should be an immediate start to the Murrumbateman bypass. The Iemma Government, by ignoring our petitions for this much-needed Barton Highway upgrade, sends a very poor message. I call on Minister Roozendaal to ask his Canberra counterpart, Anthony Albanese, to immediately fund the Murrumbateman bypass. Both State and Federal Labor governments must act to stem the incredible flow of lives lost and damaged on this dangerous road.

**Mr STEVE WHAN** (Monaro—Parliamentary Secretary) [1.22 p.m.]: As Parliamentary Secretary and as a local member, I strongly endorse the need to duplicate the Barton Highway and upgrade its safety. However, I differ from the member in relation to the history presented by her. She is right in saying that the Barton Highway is a federally funded road, but over the decade or more of the Howard Government we saw no action and little criticism from her in this place about that Government's lack of action. For a long time that Government used internal disputes over the Murrumbateman bypass as an excuse not to do anything. Those excuses have now come to an end. I was pleased to note in the Federal budget a funding allocation to get the planning of this project underway and also that the project featured strongly in the State Government's infrastructure statement released last week.

I am disappointed that the honourable member misled this place by saying that the project has not been made a priority by the State Government when it clearly has been. The Barton Highway is a federally funded road and this Government supports the need to upgrade it. I will support the honourable member opposite in her calls for the road to be upgraded, as long as she occasionally tells the truth about it.

### **ROTARY CLUB OF BURWOOD**

**Ms VIRGINIA JUDGE** (Strathfield—Parliamentary Secretary) [1.24 p.m.]: I had the great pleasure of attending a dinner on Monday 5 May at the Rotary Club of Burwood, one of the fantastic clubs in my great electorate of Strathfield. The dinner celebrated a special community giving event. It was held specifically to celebrate the new record for its annual donations to charity. Burwood Rotarians raised and distributed just over the astonishing amount of \$100,000 in the most recent financial year. This shows the commitment and generous-hearted nature of the Burwood Rotarians to helping and supporting not only the local community but also national and international organisations and projects. Since the inauguration of the Rotary Club of Burwood in late 1939, this generous organisation has always raised much-needed funds to offer a helping hand to the local community with health, welfare and youth issues, not to mention the Rotary's own Australian Health Research Fund.

At the celebratory dinner I had the pleasure of seeing the New South Wales Minister for Community Services, Kevin Greene—an incredibly hardworking man of great compassion, who is in the Chamber—give a fine speech. Also present was the hardworking Federal member for Lowe, John Murphy, as well as other respected community dignitaries. The Rotary Club of Burwood President, Peter Moore, opened the meeting and gave us all a very warm welcome. Minister Kevin Greene gave a speech in which he praised the Rotarians for their huge generosity of spirit and their long and proud tradition of giving. The Rotary Club distributed a total of \$53,500 to local charities and organisations. Minister Kevin Greene presented eight cheques to representatives of a few of the supported causes.

A cheque in the substantial amount of \$5,000 was given to Youth off the Streets, and accepted by Judy Gorton. I know the Deputy-Speaker is very supportive of that organisation, and that Father Riley has a soft spot in his heart for the member for Bankstown, because he has always done great work for young people and people in need. The following organisations were also given \$5,000: Ageing Carers Project, accepted by John McEwen; Peer Support Foundation, accepted by Sharon Austin; L'Arche Sydney Inc., received by Julie Robson; Claffy House, received by Catherine Watts; the Rotary Foundation, received by Terry Davies; and the Australian Rotary Health Research Fund, accepted by Alan Grady. The Cerebral Palsy Unit within the Westmead Children's Hospital was given \$10,000, which was received by Dr Matthias Axt. These funds were raised from the bush dance event held by the Rotary Club.

I commend the Rotarians who have committed their precious time and energy to organising numerous events for such important causes. The fact that they do this for no reward—other than to see betterment in other people's lives and situations—is testament to the altruistic nature and philosophy of the Rotary Club and its members. I also especially thank Mr Aiden Mullen from the Rotary Club of Thornleigh for the interesting presentation he gave on the Green Office. In addition to the generous amounts given to local organisations, the Rotary Club also distributed \$46,600 to various international organisations. These distributions included: \$1,000

to World Vision's Bangladesh Flood Relief and the Bolivian Children's Refuge; a total of \$19,000 for the Philippines, to assist with mud brick housing projects, provision of utensils, educating four students from poor families, and the Rotary Lipa Central Rehabilitation Clinic; and \$8,000 for India, to assist with the building of a school toilet block in Annapacklam College and an eye clinic run by a Dr Terabi. The Fred Hollows Foundation was given \$2,000. It did not stop there! The Rotarians also distributed additional amounts to numerous other areas of need.

I applaud and thank the Rotary Club of Burwood and its hardworking members and board for their amazing efforts in organising events such as barbecues, special trivia events and bush dance nights, and for their great generosity in raising and distributing funds to those in great need. This inspiring act of benevolence by the Rotary Club of Burwood is a brilliant example of what we can do when we use our time to help other people in need.

### TWEED HEALTH SERVICES

**Mr GEOFF PROVEST** (Tweed) [1.29 p.m.]: Once again I am 100 per cent for the Tweed. Today I provide the House with further damning evidence of the extent to which the Iemma Government is letting down the people of New South Wales. Once again, this centres on the Iemma Government's failure to provide adequate health care services to the people of the Tweed. The latest incident concerns the availability of ear, nose and throat surgeons at the Tweed Hospital, which came to my attention after I received a letter from Dr John O'Neill, an ear, nose and throat surgeon from John Flynn Private Hospital who was involved in the matter.

On the weekend of 24 May 2008 Dr O'Neill was called to the Tweed Hospital after a patient came in with life-threatening post-operative tonsil bleeding. Staff at the hospital attempted to contact the surgeon who performed the operation on the patient earlier in the week; however, he was unable to be located, which led to staff frantically trying to get in touch with Gold Coast-based ear, nose and throat surgeons. Dr O'Neill was called in, and he performed surgery on the patient, which ultimately saved her life. It was extremely fortunate that Dr O'Neill happened to be in the area at the time, as there was a real risk that the patient could have died.

I inform members that I was travelling in the ambulance that transported this patient to the Tweed Hospital, as part of a trip with ambulance officers to see their work first hand. This was one of the last patients picked up during the 14-hour shift and I saw first hand how serious her condition was. There was profuse bleeding from her throat, and the ambulance staff did a terrific job in stabilising the bleeding and getting her to hospital as quickly as possible. I was in her lounge room when she was vomiting up blood all over the dining table, with two young children hysterical at her side. Dr O'Neill has informed me of the ridiculous situation that exists regarding ear, nose and throat surgeons at the Tweed Hospital, which led to him performing this life-saving surgery. The current protocol is to have only one ear, nose and throat surgeon on call, with the surgeon's availability being classified as "to the best of endeavours". To you and me, Mr Deputy-Speaker, this just means, "Try your best to track the surgeon down with a phone call, and if you can't get in touch, contact a Gold Coast surgeon and hope that they can travel down to deal with the patient."

The current staffing arrangement means that every three weeks the Tweed Hospital is put in the position whereby the availability of an ear, nose and throat surgeon comes down to simply whether the hospital can get in touch with them. This is a very dangerous practice, and it could very well backfire on the North Coast Area Health Service one day. Four world-class ear, nose and throat surgeons are stationed at the Tweed Hospital. This is something that most hospitals would beg for, and it disappoints me that we are not utilising the surgeons' services in an efficient manner. Dr O'Neill suggests that simply reforming the operating schedule for ear, nose and throat surgery at the Tweed Hospital could see an ear, nose and throat surgeon available on call at all times, which would greatly minimise the risk of patient harm when incidents such as the one I have just detailed arise. Dr O'Neill suggests that possibly finding an extra operating session for each surgeon every week, or even every fortnight, would allow the Tweed Hospital to have an ear, nose and throat surgeon on call at all times.

As we have seen in this case, having a surgeon on call whereby their availability is determined on the basis of "the best of endeavours" is playing Russian roulette with people's lives. It is extremely dangerous, and there will come a time in the future when NSW Health will not be so lucky as to have a doctor come down from Queensland to perform emergency life-saving surgery. Dr O'Neill is an experienced surgeon who obviously has had to deal with problems such as this many times before. For once we have the appropriate resources in this case, but NSW Health bureaucrats simply are not using them properly. The current problem with ear, nose and

throat surgeons can easily be fixed by taking on board Dr O'Neill's suggestions. I know he has contacted NSW Health many times to raise its awareness of the issue and to date he has received very little response. I hope that NSW Health will examine the possibility of implementing Dr O'Neill's ideas, in the interests of the people of New South Wales.

It was a horrendous but life-changing experience for me to see the lady in distress. I have spoken to Dr O'Neill since that time, and he informed me that had she not had the surgery, within an hour and a half she would have passed away and left two little orphans, which would have been very sad indeed. Once again, I am 100 per cent for the Tweed.

### **MARIST COLLEGE PENSURST MARCELLIN CHAMPAGNAT MASS**

**Mr KEVIN GREENE** (Oatley—Minister for Community Services) [1.34 p.m.]: On Friday 6 June I had the pleasure and privilege of attending the annual Marcellin Champagnat mass at Marist College Penshurst. Traditionally, 6 June is the Feast of St Marcellin Champagnat, the founder of the Marist Order. I have to declare an interest here. As a former student and teacher at Marist College Penshurst, and now as a parent of a year 7 student at the college, it was a great opportunity for me to attend this important event on the school's calendar. I was pleased to see there the principal, Mr Tony Duncan, and also the deputy principal, Mr Michael Donnelly, who, together with the school staff, did a magnificent job in organising a beautiful service. It was also great to see the Marist Brothers represented by Brother Robert O'Connor, who visits the various Marist schools in the Sydney province and works at passing on the important traditions of Marist education.

It was also fantastic to see Brother Thomas More in attendance that day. Brother Thomas More was the principal of Marist College Penshurst in 1960 and 1961. Indeed, one of the school's sports houses is named in his honour. Brother Thomas More is a lovely man and a real character. Brother Tony Butler, who still teaches part time at the year 7 to 10 school, did a magnificent job of organising the boys. The boys sang absolutely magnificently, led by Brother Tony, and I congratulate him on that. I also take this opportunity to thank Father John Crothers, the Parish Priest of St Declan's Penshurst and presiding priest at the mass, who lived up to the high expectations we have of him. Father John Crothers is a great worker for the parishes of Penshurst and Peakhurst, where he has responsibility as parish priest.

The Marist Brothers at Penshurst took the opportunity at the Marcellin Champagnat mass to make presentations to the year 7 captains. Again I declare an interest, because I am proud to say my son Michael was one of the recipients of the year 7 captains badges. He obviously takes after his mother! It was also great to see Champagnat awards presented to boys who have done some outstanding things in the school, as well as the presentation of a Champagnat award to a member of staff. The award was presented to Michael Falzon, an energetic and enthusiastic staff member who has given loyal service to the college.

Unfortunately, on my way to the mass I found out via a phone call that on the previous day the funeral service had been held for Brother Othmar Weldon. I had known Brother Othmar for many years. As well as having been the Provincial of the Marist Brothers from 1964 to 1972, Brother Othmar was an outstanding educator. Brother Othmar started teaching at St Joseph's College Hunters Hill in 1941 and went through to 1951 before going to Marist Brothers Kogarah—another of my old schools—where he taught from 1952 until 1954. He then returned to Joeys, where he was principal from 1955 to 1961. It was a great era of building for the college at Hunters Hill. Brother Othmar then moved to Marist Brothers Ashgrove from 1963 to 1964, before becoming the Provincial.

Brother Othmar was an extremely energetic educator. He had an enormous reputation, not just through the Marist Brothers but in Catholic education generally. For many years he had been a consultant to the Catholic Education Office in Sydney—indeed, to the Catholic education system throughout the Southern Hemisphere. I am aware that he did a lot of work in South Africa. Certainly Brother Kelvin Canavan, the Executive Director of Catholic education in Sydney, has always held in high regard the advice he has received from Brother Othmar, who had the carriage of a number of projects over the years. Indeed, it was only a couple of months ago that I exchanged correspondence with Brother Othmar. It was unfortunate that I was not able to catch up with him before he sadly passed away on 2 June.

As I said, Brother Othmar was a great educator. But also he was a great lover of the Australian Labor Party. I will never forget attending the launch of the Federal Labor campaign in 1987 by Bob Hawke at the Sydney Opera House and Brother Othmar asked me if I would drive him to the function. It was certainly a great privilege. Brother Othmar was also a very good friend of a former member of this House, Deirdre Grusovin,

because Brother Othmar had retired and lived at Marist Brothers at Daceyville. The first line of one of the great hymns of the Marist Brothers reads: "Great Man of God, Champagnat, shone with zeal." I think it would be most appropriate to replace "Champagnat" with Brother Othmar Weldon's name.

### **BAULKHAM HILLS ELECTORATE PUBLIC TRANSPORT**

**Mr WAYNE MERTON** (Baulkham Hills) [1.39 p.m.]: I have been inundated with calls from frustrated residents about proposals to alter bus services within my electorate. The residents of Baulkham Hills electorate are captive to buses, as they have no other form of public transport available to them. With the ever-increasing cost of petrol it is essential that they would be provided with public transport to take them to work, school, university, shops, medical centres, hospitals and leisure activities. Many people have voiced concerns about the proposed changes. Residents groups and individuals have contacted me advising that they had received no information about the proposed changes and had only heard about the proposals by word of mouth. Many of the folk had not received a copy of the brochure entitled "Region 4—Proposed Bus Network", which called for submissions, the closing date being 9 May 2008. Therefore, they were not aware of the proposed changes or the need to fill out the so-called form.

With this in mind I made representations to the Minister for Transport calling for an extension to the submission period. The time for submissions has expired and I am now receiving calls from anxious constituents wanting to know the decision. A number of people pointed out that no timetables for the services were included with the proposed route changes, so they could not comment on the proposals. They did not know how long the wait would be between connecting services. My constituents need to know the routes for individual bus services and timetables for them. I understand that all the data from the submissions and from the telephone calls made to the 1800 number have been entered. I am advised also that this information is now with the Ministry of Transport to be analysed.

Bus service 606 is of particular concern to residents of Winston Hills. Under the proposals there would be no direct bus service to either Parramatta or Castle Hill for residents of the Woodberry Retirement Village, forcing the elderly to travel to Winston Hills Shopping Centre, where they would be required to change buses to travel on to either of those destinations, with no idea how long the waiting time would be between the bus services. Bella Vista residents are right to be upset with a proposal to delete their 613 service to the city. Routes 613 and 614 to the city total only eight services each day. Deleting the 613 bus service will ensure that the combined 614 buses will be packed before reaching Winston Hills, forcing many to stand each day to and from Sydney, and many to walk greater distances to catch the buses. Both these route services should and must continue.

Another concern to my constituents is the frequency of the bus services. An hourly service out of peak hours needs to be introduced for both the 613 and 614 services. The current 600 service to Parramatta is scheduled to run every 30 minutes in peak times. This service is overloaded and commuters have suggested that a 15-minute service needs to be introduced in peak hours. Another urgent matter that must be addressed is fares for bus travellers from my electorate. The 2004 Bus Review Report stated that private bus operators should be obliged to offer a TravelTen or equivalent ticket, discounted at around 15 per cent relative to a single fare ticket. In other parts of Sydney this has been a standard ticket for 10 rides for well over 10 years. I ask the Minister for Transport: When will the cost of bus travel be made equitable for all Sydney residents, including those who live within my electorate and other parts of The Hills?

I repeat: With no other form of public transport available to them, the people in my electorate of Baulkham Hills are captive to the buses. It is essential that these people be provided with better public transport than the one currently available to them. The Government promised to build a railway line to Castle Hill to be completed by 2010. Now in 2008 the plans for the new metro link have not been finalised and the budget papers have a caveat stating that the program plan is subject to further arrangements. I ask the Minister to take pity on the people of The Hills area who are dependent on buses as their only means of public transport. Many people are gravely concerned about the effect that these changes will have on their daily lives. My constituents are desperate for better public transport and their bus service must be adequate and reasonable to meet their requirements.

### **JESMOND COMMUNITY CULTURAL FESTIVAL**

**Ms SONIA HORNER** (Wallsend—Parliamentary Secretary) [1.44 p.m.]: We rejoice in our multiculturalism. I say a big thank you, merci beaucoup, cher cher and grazie to the Jesmond Junction

Committee and the Jesmond Neighbourhood Centre for their commitment to embracing the many cultures who live, work and recreate in the Wallsend electorate. It gives me great pleasure to speak today on a recent community event held in the electorate of Wallsend. I refer to the Jesmond Community Cultural Festival, run by the Jesmond Junction Committee and the Jesmond Neighbourhood Centre. It was truly a day of community engagement and fun for all involved. The community of Jesmond, in the heart of my electorate of Wallsend, recently welcomed everyone to celebrate and acknowledge the cultural diversity of the area during Harmony Week by holding a Community Cultural Festival at Heaton Park, Jesmond.

Jesmond lies between the suburbs of Wallsend, Shortland, Birmingham Gardens and North Lambton in the western heartland of Newcastle. What makes Jesmond so special? It is a busy transport hub and is proximate to the University of Newcastle campus and the world-recognised Hunter Wetlands. Members would all be aware that the wildlife sanctuary, known as the Hunter Wetlands Centre, is recognised with the renowned international wetlands award of Ramsar. It provides a habitat for 250 different wildlife species. The University of Newcastle is recognised internationally in areas including engineering and research, and enjoys partnerships with universities throughout Asia and the Pacific. Its stated commitment is to equity, ethics, innovation and excellence. Students at the university come from all corners of the globe and their participation in, and contribution to, community life adds a great richness and diversity to the cultural life of the area.

This rich cultural diversity was on show at the festival with multicultural song and dance performances, international food stalls, a historical photo display, street theatre, face painting and much more. There was colour and movement everywhere to distract the senses. Newcastle's iconic Marching Koalas—who, incidentally, were the winners of the Hunter Export Centre's Ambassadors to the Hunter 2002 award—opened the festival. They were followed by spectacular performances by African drummers, Latin and Indonesian dancers, the fabulous master of the didgeridoo Mick Didge, and Ben McKenzie, one of the most popular performers ever on *Australian Idol* and a local celebrity, made a special guest appearance. Throughout the day there were also guest appearances from local sporting identities, including the Jets, surfing legends, Olympians and the Hurricane water polo players, all adding local interest and colour.

John Tate, the Lord Mayor of Newcastle, and Nick Saunders, Vice-Chancellor of the University of Newcastle, and I were delighted to officially welcome international students, migrants and refugees to the community. Approximately 150 overseas students attended, many of them dressed in impressive and spectacular national costume. As I mentioned earlier, the Jesmond Community Cultural Festival was the initiative of the Jesmond Junction Committee, under the auspices of the Jesmond Neighbourhood Centre. The role of the committee is to enhance cultural understanding and awareness, and celebrate diversity in the wider community. I take this opportunity to thank all these wonderful community and cultural groups and individuals for the work they have done. I thank them for the joy they have provided for the wider community and the way in which they have promoted the region, its wonderful diversity and community spirit. Events such as the Jesmond Cultural Festival can only enhance the wellbeing of our community, especially in our increasingly complicated and sometimes difficult world.

#### **TRIBUTE TO PAULA FORD**

**Mr CRAIG BAUMANN** (Port Stephens) [1.48 p.m.]: Today I pay tribute to a member of the Port Stephens community, Paula Ford, who passed away on 9 May 2008. Paula was a loving wife to Tom; a devoted mother to Andrew, Terry, Sandy and Tom Junior; a much-loved mother-in-law to Kim, Julianna, Glen and Libby; a wonderful nanna to Catherine, Emily, Michael, Samantha, Erin, Leigh, Mitchell and Rhiley; and a sister to Peter, Christopher and Vanessa.

Paula, as a community leader, was possessed of great humility. Although she was always modest regarding her achievements, her legacy is great and she will be remembered as someone who changed Port Stephens for the better. Paula and Tom left England and arrived in Sydney in 1969 with four young children, no job, no house and \$600. After arriving in Australia with Tom's ideas and Paula's attention to detail they raised their family, developed land and followed a vision that they had for Medowie, which is my home town. That vision was Pacific Dunes Golf Resort—a paddock that has become one of the best golf courses in New South Wales and that has a growing residential component.

It took a herculean effort to get a development as big as Pacific Dunes off the ground, but that did not deter Paula from dedicating her time to myriad community causes. I have fond memories of working with Paula on the last National Broadband Network [NBN] telethon. At the time my building company, Valley Homes, donated its fourth house on a block donated by Tom and Paula for paediatric oncology—a great local cause.

Previously, as members of Apex, Tom and Paula raised money for projects such as the Police and Community Youth Club [PCYC] at Nelson Bay. Paula was an active member of the Red Cross at Williamstown, and she was an active member of the Rotary Club where she was made a Paula Harris Fellow. She was involved in Little Athletics, soccer and worked hard for the region's youth. She was also a vital and energetic member of the Medowie Probus Club.

Tom and Paula were instrumental in establishing the Grahamstown Dam Sailing and Aquatic Club in conjunction with Williamstown Rotary. They raised funds to purchase dinghies for Sailability—that wonderful organisation that gives the disabled the freedom of sailing. When fundraising fell short Tom and Paula donated the shortfall. Only a few weeks ago I was present when members of Williamstown Rotary donated a new Sailability dinghy in Paula's name but, sadly, she was not well enough to christen the boat. I am led to understand that Paula found a lump in her breast and her doctor said, "Don't be silly, it is only a cyst." Fourteen months later, after insisting on further tests, she was diagnosed with breast cancer.

Breast cancer strikes women of all ages but it is most common in women of Paula's age, which seems especially cruel considering that that period of their lives could represent their most busy and productive years. Breast cancer is a disease that destroys many lives. One in eight women will be diagnosed with breast cancer before they reach the age of 85. Breast cancer is the second most common cancer among women after skin cancer and, frighteningly, the most common cause of cancer-related death. After everything that Paula has done for the people of Port Stephens I felt that the least I could do to honour her memory was to raise this issue in the House. Many members have done much to draw attention to the deeply concerning statistics regarding breast cancer rates.

Whilst a cure for this terrible illness is yet to be found, early detection can make all the difference. My wife, Victoria, a sonographer, advises that all women should be vigilant. They should investigate all lumps and bumps and they should never think that they are wasting anybody's time by having tests. Although cancer care and control are a priority, sufferers of breast cancer really want to hear that a cure for that terrible illness has been found. I note, positively, that last year the New South Wales Government invested \$48 million in cancer research. We owe it to families such as Paula's, who have had loved ones and valued community leaders taken from them before their time, to invest more funds for early prevention and towards finding a cure for cancer. Paula's legacy of service and sacrifice will be remembered in Port Stephens and she will live on through the lives that she has changed for the better.

### MORISSET GENERAL HOSPITAL

**Mr GREG PIPER** (Lake Macquarie) [1.52 p.m.]: I inform members of developments in a community campaign to establish a new general hospital at Morisset. When the New South Wales Department of Health released Future Directions for Health in New South Wales in February last year it was based on a population increase of between 11 per cent and 20 per cent for the period 2001 to 2026. However, it did not take into account the higher rates forecast in the Lower Hunter regional strategy published four months earlier by the Department of Planning. That strategy provides for a regional growth rate of 31 per cent, but western Lake Macquarie far exceeds that average.

The proportion of people in Morisset aged over 55 is significantly above the national average and that age group is set to grow considerably. When new families with children under 15 are added to these statistics it is evident that the health system's two biggest user groups will be greatly overrepresented. The Government must recognise that, under its own strategies, Morisset—a regional centre of 42,000 people—will not have a hospital within 35 kilometres and poor access to hospitals that are already under strain. In describing the case for a new hospital the editorial in the *Newcastle Herald* of 30 April stated that I had logic and equity on my side. Obviously, I was pleased to read that editorial but I think it is more important to have a united and committed community on my side.

I acknowledge and praise the work done by the Morisset Hospital steering committee. In particular, my thanks go to John Quinlan, Caroline Pettigrew, Col Roach and Rosi Okeno, but a number of others are also contributing to the committee's work, including the staff of Greg Combet, the Federal member for Charlton. The committee has done a laudable job of analysing community health needs and explaining how the existing hierarchy of the strategic plans of the New South Wales Government, NSW Health and Hunter New England Health are all aligned to deliver this hospital. The key strategy for every service provided by the Government in its State Plan is a commitment to making future health services available where they will be most needed, according to projected population.

At the next level of the hierarchy the State Health Plan states that resources will be allocated to meet the health needs of people in various geographic locations in the State on an equitable population and health-needs basis. It also states that services will be of high quality, safe, appropriate and available when and where they are needed. Those statements clearly apply to Morisset. This hierarchy of plans continues, with statewide documents such as the NSW Health Strategic Plan, Strategic Directions for Health 2000-2005, the New South Wales Government's Action Plan for Health, the Guide for the Development of Area Health Care Service Plans, the Strategic Asset Management Plan, Planning for the Future, and Future Directions for Health in New South Wales. Within the Hunter and New England region is the Hunter New England Health Service Strategic Plan and two volumes of the Hunter New England Health Healthcare Services Plan.

The document that is missing is the Asset Strategic Plan, which is still being developed after the Hunter's amalgamation with New England and part of the mid North Coast. That document could include a commitment for a new hospital. Health plans at State and regional levels espouse values such as fairness and equity. They consider factors such as population, location, transport and the specific needs of population groups. They make commitments such as the right services in the right location, infrastructure to meet population growth and strategies to meet service gaps. They list actions such as planning, consultation, community participation, responding to changing demographics, and linking future service needs to asset requirements. The problem could be solved and the first step to deliver a hospital for this area could happen almost immediately.

Under current regional plans Morisset Community Health Centre is to be relocated to larger premises. This is an opportunity to choose a site that eventually will accommodate the new hospital. I believe that the New South Wales Government can make such a commitment. Treasury figures comparing expenditure on health infrastructure in the Hunter and Sydney over the past 10 years show that this region receives \$485 per person compared to Sydney's \$880 per person. The New South Wales Government spends less than half the amount on a Hunter resident than it spends on a Sydney resident. Clearly, that disparity is even greater in western Lake Macquarie. It is inequitable and it presents a clear case for change.

### MID NORTH COAST ENERGY MANAGEMENT

**Mr ROBERT OAKESHOTT** (Port Macquarie) [1.57 p.m.]: Today I wish to discuss energy management issues affecting the mid North Coast and Australia. People in my region are having an enlightened and stimulating discussion about energy management for the future based on three fundamental reasons: first, national and global issues regarding climate change and the development of the national electricity market, in part in response to that, as well as the carbon emissions trading scheme; second, the current electricity privatisation debate in New South Wales; and, third, a localised issue relating to a part 3 application brought forward by an international power company to provide a diesel-fired peak power plant for the Camden-Haven region. Pleasingly, that application was rendered invalid this week following a council decision not to sell land for the peak power plant on the site in question.

All three issues have generated a great deal of discussion. It is stimulating that the community is engaged on some of the issues of the moment with which public policy makers are grappling. Some issues of interest and significance for future consideration in the local and national debate include the upgrade of TransGrid wires between Port Macquarie and Kempsey and future upgrades in the area. Those important network upgrades would be welcomed in the region. Over time \$70 million will be spent to secure those network options.

On 27 May 2008 there was an announcement about an \$850 million gas pipeline between Queensland and the Hunter Valley, an agreement between Queensland Gas, the ANZ Bank and a Japanese company. That is a significant project because there is no commercial gas option for my area. I have spoken previously about this matter in the House. Currently, it is proposed that the gas pipeline will run through the Tamworth region. I again call on the Government and the Minister for Climate Change and the Environment to determine where the mid North Coast will receive some benefits from that commercial gas option. I am really pleased about the demand side issues in my area. A lot of people on the mid North Coast are examining their individual energy loads and giving a lot of consideration to their energy use. Generally, I thank the community for their consideration and for addressing their own energy needs.

In relation to the localised debate, two residents of Laurieton—Noelene and Darlene—advised me of a solar thermal company, Ausra. A week ago the chief executive officer of Ausra kindly visited Port Macquarie. I was very impressed by the work of that company. An article in yesterday's *Sydney Morning Herald* stated that

the Minister for Climate Change and the Environment is visiting Nevada, in the United States of America, to look at the work of that company, particularly the work carried out under the Schwarzenegger regime in delivering baseload power to California and involving other utilities.

Ausra is a Singleton-based company that is basically taking on the world. However, the company had to take its business outside Australia because the solar thermal industry has no government support. In my discussions with company representatives, I was surprised to hear that they were not fully up to speed with some of the findings of the Owen report—the document that is the premise for action taken in New South Wales to date—in particular some recommendations about solar thermal power. On reading the report, the company representatives said that the recommendations were factually incorrect.

If that is the case, all members should be concerned that that document is being used as an underlying document for electricity reform in New South Wales. Experts in the industry from an Australian company that is delivering baseload electricity to the United States market have been told that solar thermal cannot deliver baseload services to New South Wales in the future. I ask all members of this Chamber to again read the Owen report when considering their position on electricity privatisation. If it is good enough for Darlene and Noelene from Laurieton to work it out on their home computer, surely it is good enough for Morris—the Premier—and Michael—the Treasurer—to work it out in New South Wales.

**Mr STEVE WHAN** (Monaro—Parliamentary Secretary) [2.02 p.m.]: I thank the member for Port Macquarie for bringing to the attention of the House a number of positive happenings with energy in his region. In response to his comments on the Owen report, which I have read, it very clearly states that there is a positive future for solar and renewable energy in New South Wales. However, it has been calculated that it is not possible to achieve the required baseload power within the next six years. It is hoped that we can achieve better than that through companies such as Ausra and the Boyd Energy Corporation, a Cooma-based company that provides solar towers that store energy overnight in a carbon-type box. The towers resemble the old-style windmills, except they do not rotate. Another local company, which is a spin-off from the Snowy Mountains engineering companies of years gone by, is doing some very positive work in that area. The Government's energy policy is very clearly focused on trying to make the shift to renewable energy in New South Wales. The Government hopes to continue to put policies in place to achieve that.

**Question—That private members' statements be noted—put and resolved in the affirmative.**

**Private members' statements noted.**

*[The Deputy-Speaker left the chair at 2.04 p.m. The House resumed at 2.15 p.m.]*

#### **MEMBER FOR KOGARAH**

**The SPEAKER:** Order! It is my pleasure to announce to the House that this morning the member for Kogarah gave birth to a baby boy. The baby weighs 10.9 pounds. Both mother and baby are said to be doing well. I am sure all members of the House will join me in congratulating the member for Kogarah, her husband, Andrew, and their first child, Joel, on the new addition to their family.

#### **DEATH OF ARTHUR EDWARD ALLANBY VINEY, A FORMER MEMBER FOR WAKEHURST**

**The SPEAKER:** Order! It is with regret that I have to inform the House of the death on 13 June 2008 of Arthur Edward Allanby Viney, a former member of the Legislative Assembly, who served as member for Wakehurst from 13 February 1971 to 12 September 1978. On behalf of the House I have extended to the family the deep sympathy of the Legislative Assembly in their loss sustained.

*Members and officers of the House stood in their places.*

#### **ASSENT TO BILLS**

Assent to the following bills reported:

Miscellaneous Acts Amendment (Same Sex Relationships) Bill 2008  
 Jury Amendment Bill 2008  
 Appropriation (Budget Variations) Bill 2008  
 Growth Centres (Development Corporations) Amendment Bill 2008  
 Medical Practice Amendment Bill 2008  
 Superannuation Administration Amendment Bill 2008  
 Marine Parks Amendment Bill 2007.

## REPRESENTATION OF MINISTER ABSENT DURING QUESTIONS

**Mr MORRIS IEMMA:** I inform the House that this week the Minister for Emergency Services, and Minister for Water will answer questions on behalf of the Minister for Climate Change and the Environment, Minister for Women, Minister for Science and Medical Research, and Minister Assisting the Minister for Health (Cancer).

**Mr Chris Hartcher:** Where is she?

**Mr MORRIS IEMMA:** Fulfilling important duties.

## KOREAN WAR

### Ministerial Statement

**Mr MORRIS IEMMA** (Lakemba—Premier, and Minister for Citizenship) [2.20 p.m.]: For three long harsh years the Korean Peninsula provided the backdrop for one of the twentieth century's most bitter conflicts, a conflict in which 339 Australians made the supreme sacrifice and a further 1,200 were wounded. The Korean War almost brought the world to the brink of global war. It crushed General Douglas MacArthur's illustrious career and ended the presidency of Harry Truman; yet sandwiched between World War II and the Vietnam War it is now largely overlooked by history—so much so that it goes by the name of "the forgotten war", which is deeply shameful and wrong. Thankfully, for the New South Wales community, Korea will be forgotten no more.

I am proud to advise the House that the veterans of Korea finally will have a memorial of their own in the nation's largest city—that is, a memorial in every sense, both appropriate and overdue. As my colleague the Minister for Volunteering announced on Saturday, a State-significant memorial to the Korean War will be built on a prominent site in Sydney's Moore Park, with 50 per cent of the funding provided by the New South Wales Government. The men who slogged it out in the cold mountains of Korea have waited 55 years for the memorial. I have had the privilege of meeting some of them, men like Harry Spicer and Gerry Bourke, at the annual reception for Korean War veterans. They are old now and they want nothing more than to know that this story will live on after they have gone. It will.

The member for Parramatta, who is also the Parliamentary Secretary Assisting the Premier on Community and Veterans Affairs, has led the project. I honour her hard work in bringing so many different stakeholders together. I also thank the New South Wales Government Architect, Mr Peter Mould, and his team for managing the design competition. We now have a beautiful and highly symbolic design worthy of these men and worthy of its parkland setting. The project has also received outstanding support from the Korean community, Korean veterans and the Korean Consul-General. I thank them for their support and their generosity. Community consultation is currently underway and the development application will be lodged shortly with the City of Sydney Council. Construction is expected to start at the completion of the cricket season, with a view to dedicating the memorial around Anzac Day next year.

Considering other recent achievements in veteran affairs, the Kiwi digger statue on the Anzac Bridge, \$400,000 towards the new education centre at the Kokoda Track Memorial Walkway at Concord, the new Community War Memorials Fund, \$6.5 million upgrade of the War Memorial in Hyde Park and the Anzac scholarships I announced in April, this is a vintage year for acknowledging those who have served our nation and paid the ultimate price. I am especially honoured to be part of the Korean War Memorial project because no war in which Australians died for freedom deserves to be forgotten. Some 17,000 Australians served in Korea. The least we can do is remember, and we will.

**Mr BARRY O'FARRELL** (Ku-ring-gai—Leader of the Opposition) [2.24 p.m.]: On behalf of the Liberal Party and The Nationals I support this measure. It is essential that the sacrifice and efforts of those who are sent overseas in defence of liberty be acknowledged by parliaments such as ours. Of all the people in this House, the member for South Coast is close to those who served in the Korean conflict. A couple of years ago she was famous for ensuring that their public transport entitlements were retained. Australian troops in all three services fought on the Korean peninsula after the official end of that war—they fought between 1953 and 1956. In the lead-up to the Federal election Kevin Rudd, as Opposition Leader, promised to give recognition to those veterans, but it is yet to occur. In joining the Premier on this initiative, I urge him to join with us to ensure that the commitment to recognise the service of those who continued to fight on the Korean peninsula after the official declaration of the end of the hostility is fulfilled.

**BUSINESS OF THE HOUSE****Routine of Business**

*[During the giving of notices of motions to be accorded priority.]*

**Mr Adrian Piccoli:** Point of order: The Chair has previously ruled on the length of notices of motions. I ask the Chair to direct the member for Drummoyne to rewrite her motion.

**The SPEAKER:** Order! Although the motion is longer than desirable, I will allow it. Members wishing to submit lengthy motions should seek the learned advice of the Clerks.

**QUESTION TIME**

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**THE HON. JOHN DELLA BOSCA, MLC: IGUANAS WATERFRONT RESTAURANT INCIDENT**

**Mr BARRY O'FARRELL:** My question without notice is directed to the Premier. Given that his Ministerial Code of Conduct states, "Ministers will be frank and honest in official dealings with their colleagues", why did he fail to sack the Hon. John Della Bosca when, to quote the media, "He lied to you" about his involvement in the preparation of the Iguanas apology?

**The SPEAKER:** Order! I will allow the question but I remind all members that the matter is the subject of a police investigation.

**Mr MORRIS IEMMA:** I have to hand it to the Leader of the Opposition: he is 100 per cent preoccupied with the big issues that confront New South Wales! No health policy, no transport policy, an inkling of an energy policy coming, yet the Leader of the Opposition has been obsessed and preoccupied with a disagreement, an argument, that took place at Iguana Joe's. That is entirely consistent with his conduct in relation to anything affecting the living standards of the people of New South Wales—no policy and nothing to say.

**The SPEAKER:** Order! I call the member for Hawkesbury and the member for Willoughby to order.

**Mr MORRIS IEMMA:** Having gone down the path of referring the matter to the police and the Independent Commission Against Corruption, the Leader of the Opposition now wants to conduct an investigation in the Parliament. That is 100 per cent consistent with his conduct on the really big issues that confront New South Wales. When the Leader of the Opposition refers a matter to the Independent Commission Against Corruption or the police he then wants to do the job himself in the Parliament. If there are questions that need to be asked in this matter, the relevant agencies will ask those questions of the relevant people. The relevant agencies will do that job, and they will do it thoroughly and professionally. It will not be the Leader of the Opposition who does it.

**The SPEAKER:** Order! The Leader of the Opposition will cease calling out.

**ENERGY SUPPLY SECURITY**

**Mr MICHAEL DALEY:** Can the Premier update the House on the Government's plans to secure the State's future energy needs?

**The SPEAKER:** Order! Members will cease calling out. I call the member for Manly to order.

**Mr MORRIS IEMMA:** This is the twentieth position the Leader of the Opposition has had on the issue since April of last year.

**The SPEAKER:** Order! I call the member for Bega and the member for Clarence to order.

**Mr MORRIS IEMMA:** Securing the State's energy supply is the most important microeconomic reform for decades. It is all about ensuring that New South Wales has enough electricity to secure our economic prosperity. The Government is moving ahead with our proposal to introduce the electricity restructuring bills, of which we have given notice.

**The SPEAKER:** Order! I call the member for Willoughby to order for the second time.

**Mr MORRIS IEMMA:** The Government will introduce a bill dealing with the Auditor-General's role.

**Mr Andrew Stoner:** You weren't going to.

**Mr MORRIS IEMMA:** We were, from the beginning. As we have made it very clear, the Government has no difficulty whatsoever in accommodating a role for the Auditor-General. We were not going to allow the State's future electricity supply to get caught up in an argument about whether the Auditor-General has the power at the end or the beginning of the process.

**The SPEAKER:** Order! Members will cease calling out.

**Mr MORRIS IEMMA:** I will go through the five conditions that were attached to the Opposition's press release following its backflip on Thursday afternoon: Auditor-General, pensioner rebates, social safety net, jobs guarantee and impact statements.

**The SPEAKER:** Order! I call the member for Bathurst to order. I call the member for Epping to order.

**Mr MORRIS IEMMA:** Those were matters the Government had either already announced—

*[Interruption]*

**Mr MORRIS IEMMA:** As the Minister for Police said, they were in response to the Owen and Unsworth inquiries. The current Act does not enable the Auditor-General to be involved at the beginning of the process. We will amend the Act to enable the Auditor-General to be involved at the beginning of the process. The Government has no difficulty with that course of action whatsoever.

**The SPEAKER:** Order! The Leader of The Nationals will cease interjecting.

**Mr MORRIS IEMMA:** The Auditor-General will examine the appropriateness of the strategy to maximise the financial value for taxpayers. It is eminently reasonable that he should do so. He will examine the proposed transaction methods and sequencing.

**The SPEAKER:** Order! I call the member for Clarence to order for the second time.

**Mr MORRIS IEMMA:** The Auditor-General will undertake his task at the beginning of the process. As his current powers do not permit him to do so—they only allow him to be involved at the end—that will require an amendment to the legislation. The Government is happy to take this action in the interests of transparency, accountability and, above all, securing the State's future prosperity.

#### **THE HON. JOHN DELLA BOSCA, MLC: IGUANAS WATERFRONT RESTAURANT INCIDENT**

**Mr ANDREW STONER:** My question is directed to the Premier. Did the Premier's chief of staff, Josh Murray, or any other of his staff members have a role in procuring four statutory declarations from John Della Bosca and Belinda Neal's dinner companions about the night at Iguana Joe's?

**The SPEAKER:** Order! Government members will come to order. I call the Minister for Small Business to order.

**Mr MORRIS IEMMA:** I refer the Leader of The Nationals to my previous answer. If I wanted to detain the House I could go through the three pages of conflicting statements by Mr Spence and the member for Terrigal.

**Mr Andrew Stoner:** Point of order: My point of order is on relevance. The question pertains to matters outside the police investigation: the statutory declarations defending John Della Bosca and Belinda Neal.

**The SPEAKER:** Order! The Leader of The Nationals will resume his seat.

*[Interruption]*

**The SPEAKER:** Order! I call the Leader of The Nationals to order.

**Mr MORRIS IEMMA:** I will refer to one: the member for Terrigal said, "Chris Spence tried to ring me. Finally I got a message to ring him and I rang and he was already there." In another account, on Monday 10 June 2008, he said, "I wasn't there." Chris Hartcher was not there. He found out about it the following day. And so the inconsistencies went on for the rest of the week.

### **LIFE SENTENCE REDETERMINATION APPLICATIONS**

**Mr TONY STEWART:** Can the Minister for Police update the House on efforts to ensure that offenders sentenced to life in prison before the 1989 truth-in-sentencing laws cannot traumatise the families of victims by repeatedly dragging them through the courts?

**Mr DAVID CAMPBELL:** The Iemma Government is committed to supporting victims of crime and doing everything possible to minimise the trauma they have to endure. Today the Attorney General revealed that legislation will be introduced to restrict sentence redeterminations for offenders serving life sentences that were imposed before the 1989 truth-in-sentencing laws came into force. Under the new laws offenders will get only one chance to have their life sentences redetermined, thereby sparing their victims the anguish of multiple court hearings. The changes mean that pre-1989 life sentence inmates will have only one chance at having a sentence redetermination heard by the court, they will be able to withdraw or reapply an application only with the leave of the court, and substantial weight will be placed on the heinous nature of their crime by the court when it makes its decision.

**The SPEAKER:** Order! The member for South Coast will cease interjecting.

**Mr DAVID CAMPBELL:** These important new laws will protect victims and their families from being retraumatised by repeatedly being dragged through the courts. Until now offenders such as John Cribb, a triple murderer, have been able to apply multiple times to the Supreme Court to have their sentences redetermined. It has meant that victims' families have had to go through the trauma of reliving terrible crimes over and over. Under the new laws offenders will be allowed just one more redetermination. If they are unsuccessful they will stay in prison and will not be able to reapply. They will stay in prison where they belong.

Prior to the commencement of the Sentencing Act 1989 a scheme known as the release on licence scheme operated. Whilst life imprisonment was the maximum penalty available for murder, most offenders sentenced to a term of life imprisonment under the release on licence scheme served a term in prison considerably less than their natural life—on average, fewer than 12 years in jail. With changes to truth-in-sentencing laws, offenders sentenced under the new system received either a life sentence—meaning the term of their natural life—or a fixed maximum sentence with a non-parole period. But there has been no limit to the number of times these offenders can seek a redetermination.

Every time offenders make an application the families of the victims go through the stress and trauma of preparing themselves mentally, writing victim impact statements and appearing in court. And often, after enduring that stress, they find that the offender withdraws the application. This issue was brought to the fore by the case of John Cribb, who withdrew his application on the day of the hearing earlier this year. The Attorney General met with Gary Connell and his sisters, who are the relatives of the victims of John Cribb's terrible crimes. I am privileged to acknowledge the presence of members of the Connell family in the gallery today. After listening to their concerns the Iemma Government has brought forward a bill to restrict life sentence redeterminations to protect such victims. As of today, each of the 17 old system life sentence inmates will receive only one further redetermination. Offenders get only one opportunity at being sentenced. There is no reason why these old system life sentence inmates should be able to reapply over and over again without limit.

In order to prevent tactical withdrawals and reapplications, or judge shopping, once an offender makes an application they can withdraw it or reapply only with the leave of the court. This will allow the Crown to argue against a withdrawal that is not made for a legitimate reason. In considering whether to grant leave the court will be required to give substantial weight to the number of previous withdrawals and reapplications the offender has made. Some of the criminals who will be affected by this law are among the worst of the worst. That is why the bill will add an important new factor that the court must consider when deciding these redeterminations: the heinous nature of the crime. The Supreme Court will be required to give substantial weight to the culpability of the offender in the commission of the offence and the heinous nature of the crime.

Victims of crime groups have welcomed the changes to the law restricting redeterminations and I acknowledge the advice they have given the Government in the preparation of this legislation. In support of the bill, Howard Brown from the Victims of Crime Assistance League said:

Victims need certainty. They need to know that, when they prepare themselves to appear in court, it will be the last time they have to do it.

Martha Jabour from the Homicide Victims Support Group, who I note is in the gallery today, stated:

I have worked with Gary Connell and his sisters over the last 15 years along with other family members of homicide who will be assisted by this legislation.

This legislation will help to protect them from the trauma of having to go back to court every few years.

Ken Marslew from Enough is Enough said:

Requiring the courts to consider how terrible the offender's crimes were is a big improvement. Some of these offenders should never be released as they are a possible risk to both the community and themselves.

The legislation will apply to applications lodged from today. We have taken this step to prevent a rush of applications being made seeking to circumvent the legislation whilst it is before Parliament. I urge the members sitting opposite to support the bill.

#### **THE HON. JOHN DELLA BOSCA, MLC: IGUANAS WATERFRONT RESTAURANT INCIDENT**

**Mr BARRY O'FARRELL:** My question is directed to the Premier. Does the Premier stand by his claims that John Della Bosca did not offer to stand down from his ministry last Tuesday and that the Premier's staff had no role in procuring statutory declarations from John Della Bosca's dinner companions at Iguana Joe's? If so, will the Premier sign this statutory declaration attesting to those claims?

**The SPEAKER:** Order! The House will come to order.

**Mr MORRIS IEMMA:** I refer the Leader of the Opposition to my previous answer and my reference to his colleague the member for Terrigal.

#### **PUBLIC TRANSPORT INFRASTRUCTURE**

**Ms ALISON MEGARRITY:** My question is directed to the Minister for Transport. Could the Minister update the House on the Iemma Government's commitment to public transport infrastructure across Sydney?

**Mr JOHN WATKINS:** I thank the member for Menai for her question. She has been an energetic champion of public transport in her area. Our public transport users are the big winners in this year's budget. The Iemma Government will again break the record when it comes to allocations for new lines, upgraded stations, new rolling stock and new buses, and we are delivering the services for the people we are committed to serving. We are also putting a focus on the infrastructure that supports good public transport, such as our new and expanded car parks and bus-rail interchanges.

The Government is spending a whopping \$5.9 billion on public transport in the coming financial year—billions of dollars worth of investment—to move Sydneysiders to and from home, school, work and university every day on CityRail and bus services, and further afield on our CountryLink rail services. I know members are aware of the big-ticket items that were in the budget this year: \$106 million to get on with the job of delivering the north-west rail link; \$212 million to purchase land for the North West Metro and south-west rail link; \$150 million to complete the Epping to Chatswood rail link; \$353 million for this year's provision for \$1.8 billion worth of clearways; \$80 million to continue the operation of Sydney Ferries, with \$30 million set aside for capital works in that area; and a record \$903 million for the operation of bus services right across New South Wales.

**The SPEAKER:** Order! The member for Willoughby will cease interjecting.

**Mr JOHN WATKINS:** Last week I visited some of our smaller but just as important public transport projects: one completed and others in various stages of design and development. We are building these whilst

we keep services running. We maintain safe access through stations and onto our platforms for hundreds and sometimes thousands of people each day whilst we go about the challenging work of improving the services. It is a credit to our passengers and the skill of our staff that we can continue to do this major infrastructure work whilst continuing the delivery of service every day.

Last week the member for Balmain and I visited Australia's first purpose-built environmentally friendly bus depot at Leichhardt, due for completion at the end of next year. We were there to see the pouring of concrete on a project worth \$35 million, with \$27 million allocated in this year's budget. Leichhardt bus depot serves 17 bus routes through the inner-west and into the central business district. Much to the member's delight, when complete the depot will house 200 buses—95 per cent will be powered by compressed natural gas and 5 per cent will be Euro 5 diesel vehicles.

**The SPEAKER:** Order! The member for Wakehurst will cease interjecting.

**Mr JOHN WATKINS:** It will be Australia's greenest bus depot. I also joined the member for Riverstone last week to release concept plans to improve the existing bus-rail interchange at Windsor. As part of the project we will add commuter parking for around an additional 150 cars, a kiss-and-ride area, and improved shelter and seating. This is in addition to the \$432 million to be spent on the duplication of the Richmond rail line over the coming years.

**The SPEAKER:** Order! I call the member for Hawkesbury to order for the second time.

**Mr JOHN WATKINS:** Improving the links for train and bus passengers in this area will encourage more local residents to leave their cars at home and use public transport—something that is beneficial to our entire community. Tenders for the project at Windsor will be called later this year, with construction expected to start next year. On the same day I went to Werrington, on the western line, with the member for Menai and the member for Londonderry. It was an action-packed day in public transport and we unveiled Sydney's first railway station powered by renewable energy, at Werrington.

I am delighted to report that CityRail is again adding to its green credentials by installing solar cells on a canopy roof. Those cells could contribute up to 40 per cent of the power needed to operate that station. This is a further investment in green public transport. I am very happy to look at that trial in great detail to see how we can progress it. The cells were installed as part of the \$5.4 million easy-access upgrade to complete the station. Passengers at Werrington now have two new lifts and new stairs that improve accessibility for pensioners, mums and dads with prams, and the disabled. Since 1994 a total of 96 stations on the network have been the subject of easy-access upgrades. Almost \$500 million has been spent to make our railway stations more accessible to the people of New South Wales.

It was great to visit Burwood with the member for Strathfield to announce the detailed study design for the upcoming easy-access upgrade of Burwood station that is now underway. The Government has allocated \$8 million this financial year to a project that will cost \$18 million to complete. Burwood station was completed in 1892 and poses unique engineering challenges. The upgrade is expected to commence later this year and is due for completion in the first half of 2010.

Canopies will also be designed this year to provide extra protection from the weather at 14 stations, including the local station of the member for Menai. Work will also continue on the Bankstown bus interchange, where construction is almost complete on pedestrian shelters, pedestrian crossings, improved paving and street furniture and signage. Strathfield station will also be upgraded with the construction of two additional ticket windows and ticket vending machines, at an estimated cost of \$580,000. The list goes on. Como station will have works to the value of \$230,000; bus-rail interchanges will be built at Morisset, Macarthur, Hurstville and Tuggerah; and studies will be completed on interchanges at 25 locations—too many to list.

**The SPEAKER:** Order! There is too much audible conversation in the Chamber.

**Mr JOHN WATKINS:** They include Spit Junction, Neutral Bay, Cremorne Junction, Brookvale and Dee Why. A rail interchange will also be built at Penrith. These are just some of the projects the Government is getting on with to improve public transport infrastructure. It will continue work on commuter car parks at Holsworthy, Morisset, Woy Woy, Wentworthville, Werrington, Seven Hills, Glenfield and Bankstown—the list goes on and on.

**The SPEAKER:** Order! Members will cease interjecting.

**Mr JOHN WATKINS:** Easy-access upgrades will continue across the network. They will include completion of works at Eastwood and the continuation of upgrades at Lindfield and Emu Plains, work at Burwood and the design of the upgrade at Newtown. The people of New South Wales deserve this huge amount of work, which is part of the Iemma Government's commitment to improving public transport. Much of this work will benefit people who live in Coalition electorates. This Government is proud to deliver for the people of New South Wales.

### ELECTRICITY INDUSTRY PRIVATISATION

**Mr BARRY O'FARRELL:** My question is directed to the Premier. Despite all his dithering on the issue, will he confirm that the only reason he has finally done the right thing and agreed to the Liberal-Nationals community safeguards for power privatisation is that he wants to escape a humiliating defeat at the hands of his own members of Parliament?

**The SPEAKER:** Order! I call the member for Bathurst to order for the second time.

**Mr MORRIS IEMMA:** We have called the bluff of the Leader of the Opposition. We are getting him into a position that he has not been good at dealing with—that is, stating a policy position. This will also deny him the luxury of having it both ways. He cannot say in his reply to the budget one year ago that he will do what Peter Beattie did—that is, dispose of retail—

**The SPEAKER:** Order! The Leader of the Opposition will cease interjecting.

**Mr MORRIS IEMMA:** He cannot pretend he did not say that in his speech in reply to the budget. The Government will also not allow the Leader of the Opposition to get away with saying for the following four months that the Opposition could not make a decision on where it stood until it saw some details—it might support the move or it might not. Members opposite really did not know. It was all summed up in the interview with Mike Carlton about a month ago. The Leader of the Opposition might want to refresh his memory of his interview.

**The SPEAKER:** Order! The House will come to order. I include the Leader of the Opposition.

**Mr MORRIS IEMMA:** Calm down, Barry. As we have said—

**The SPEAKER:** Order! The House will come to order. All members who have been called to order are now deemed to be on three calls to order. We will hear the Premier's responses in silence. That courtesy will be extended to every member speaking. Members will continue to observe that protocol.

**Mr MORRIS IEMMA:** The Leader of the Opposition issued a press statement supporting the lease of the retail and generation arms with five conditions. The first condition was that there would be a social safety net.

**Mr Barry O'Farrell:** No!

**Mr MORRIS IEMMA:** Yes. We announced that in December. Wake up! He also wanted a community impact statement. Having undertaken an impact statement process, we were more than happy to undertake the consultation outlined. He also wanted the green energy fund announced in December expanded as a result of the Unsworth findings. As indicated the day after we found out that he had finally reached a position on securing the State's energy supplies, the Government is more than happy to accommodate the green energy fund. The initiative was announced in December and added to as a result of the Unsworth inquiry. The Leader of the Opposition also wanted specific mention of pensioner rebates. They were already announced. He also wanted the involvement of the Auditor-General. Yes, the Government supports the Auditor-General's involvement in the process.

**Mr Barry O'Farrell:** Point of order: My point of order is relevance. If that is the case, why did you not agree to it seven months ago?

**The SPEAKER:** Order! The Leader of the Opposition will resume his seat.

[*Interruption*]

**The SPEAKER:** Order! I call the Leader of the Opposition to order for the second time. His conduct is inappropriate.

**Mr MORRIS IEMMA:** The Leader of the Opposition wants to play silly games about the technical aspects of the Auditor-General's powers. The Government will not accommodate him and have a silly game about whether the Auditor-General has that power at the end or the beginning of the process. We have always said that we have no difficulty with the Auditor-General being involved. If that requires an amendment to his powers the necessary legislation will be introduced. If the legislation provides that he can be involved only at the end of the process and we want his involvement at the beginning, why not amend it?

The Opposition will not have the luxury of having it both ways. It was a reasonable request, and the Government has met the reasonable request to thrash out the detail of what Auditor-General involvement requires or means—dot point No. 1 of the five dot points. The other dot points, as we have indicated, we are already doing or we are happy to expand. Why would we not provide protection for pensioners? That is what the package involves and that was expanded by the Unsworth committee. Of course, when undertaking energy reform you would have investment banking, research and development, and projects in renewable energy and burning-coal cleanup. That is why we have done the deal with the coal industry. There is a tax on coal, and part of it goes into a coal fund to support research and to back projects in burning-coal cleanup.

The other green funds all go into backing wind and solar projects. That is where some of the proceeds will go, into clean and greener energy. The Opposition requires comfort that the Government is doing what was in the original package, expanded on by Unsworth. Of course we would. Why not? We are not going to stop there in investing in cleaner, greener sources of energy, nor will we back away from providing protection for the most vulnerable in our community. That is why we have people like Jeff Angel and Harry Herbert on the Unsworth committee. So, each of the five points have been met: each of the five points the Government was already doing. Or we have fleshed out the detail about the Auditor-General and not allowed the technical aspects of the legislation, which only allows him to be involved at the end, to prevent his involvement upfront, right at the beginning.

### FINANCIAL COUNSELLING SERVICES

**Ms DIANE BEAMER:** My question is to the Minister for Fair Trading. What is the Iemma Government doing to improve access to financial counselling services for families struggling with the higher costs of living?

**The SPEAKER:** Order! I remind many members that they are on three calls to order. I call the member for Murray-Darling to order.

**Ms LINDA BURNEY:** I thank the honourable member for her deep concern with this issue. Three weeks ago I spoke to the Annual Conference of Financial Counsellors. They said to me after my address that they were really glad to have a government that understands their issues and that is providing the extra resources they need.

**The SPEAKER:** Order! The House will come to order. I call the member for Murray-Darling to order for the second time.

**Ms LINDA BURNEY:** More and more Australians are battling to make ends meet, often with terrible consequences. The value of financial counselling services is clear from the stories of people who are doing it tough. For instance, one family—mum, a retail store manager, and dad, a high-earning executive—found itself in terrible difficulty when dad was diagnosed with cancer. They still had four children to look after and a mortgage to pay. When they were three months behind on their mortgage payments and the bank changed the locks on their house, they approached Wesley Mission for financial counselling. The service helped the family to negotiate with the bank to arrange the sale of their house at full market value and to find alternative accommodation.

The second story I would like to share with the House today is about a family of a man and his wife and their two teenage children. He worked on a construction site as a labourer and had a gambling problem. He ended up cleaning out the family bank accounts, selling some very valuable items owned by the family, and

taking regular cash advances on his credit card, which was overdue. Debt collectors called regularly and bankruptcy loomed. His family got him to a financial counsellor who was able to work with him on his finances and set up a repayment plan so he could pay off his debts and make savings to provide for his family.

**The SPEAKER:** Order! I call the member for Terrigal to order.

**Ms LINDA BURNEY:** Such severe financial stress can have devastating effects, like marriage breakdown and family breakdown. With the recent interest rate hikes, increases in the cost of living and skyrocketing family debt, members of this House should be aware—and I know many are aware—of families who are doing it tough, particularly families in the west and south-west parts of Sydney, which have been well documented in the press. People in those circumstances feel ashamed and often live in a state of denial and always in a state of anguish.

When people find themselves in trouble, the first step to regaining control of their lives is to get information and advice. The message is clear: Do not ignore the mounting bills, and ask for help as early as you can. With this in mind, the Iemma Government is committed to improving access to financial counselling services right across New South Wales. This is part of the Iemma Government getting on with the job of delivering services to our communities and reaching out to people in difficult times.

On 13 April the Premier and I announced an additional \$1 million per annum to give face-to-face resources for financial counsellors. This tops up the \$2.7 million the Government already spends on these services, and it will reach 33,000 clients. On top of that we hope for an increase. This new funding translates into 3,200 additional days of financial counselling in New South Wales. It will directly assist an additional 16,000 families in our State.

Recently I visited with the local member, Minister Tripodi, the Wesley Mission Creditline in Fairfield. With him I saw how much an additional day's financial counselling will mean for the people of the Fairfield electorate. Among other things, financial counsellors can help clients organise financial information, design a personal budget, access information and, most importantly, help negotiate with credit providers and banks to alter repayments. We are doing a lot of work in Aboriginal and non-English-speaking areas. These additional services will be targeted at areas high in need.

*[Interruption]*

If the member for Lismore listens he may get some money. For the first time the Salvation Army's Moneycare—

*[Interruption]*

**The SPEAKER:** Order! The member for Lismore, the member for Barwon and the member for Ballina will cease interjecting.

**Ms LINDA BURNEY:** If they listen they might find out.

**The SPEAKER:** Order! I place the member for Barwon on three calls to order.

**Ms LINDA BURNEY:** The Salvation Army's Moneycare service in Goulburn will receive an additional \$30,000 for the Southern Highlands and the Goulburn electorate. In addition, 23 existing services will be receiving additional funding to meet the ever-increasing stream of requests. In Armidale, the Anglican counselling service will receive additional resources and this will extend its five days to provide community education to Glen Innes, Gunnedah, Gwydir, Inverell, Tenterfield, Uralla, Narrabri and Moree. In Kempsey the neighbourhood centre will receive an additional \$58,000 for outreach and community education. Other resources will be going to the western and south-western parts of Sydney, including Parramatta, Auburn and Penrith. Creating Links will extend services in Bankstown and increased community education. There will also be additional resources to the Wesley Creditline in Penrith, Blacktown, the Blue Mountains and the Hawkesbury.

Additional money will go to the North Coast and a whole range of other services across New South Wales. Much of that money is provided to highly reputable non-government organisations to ensure the delivery of services. I conclude by making a couple of points. An additional \$100,000 will go towards training financial counsellors. I find objectionable the way in which the Opposition spokesperson on Fair Trading has conducted herself.

**The SPEAKER:** Order! The House will come to order. I include the member for Terrigal.

**Ms LINDA BURNEY:** The Hon. Catherine Cusack has not only lied—

**Mr Greg Smith:** Point of order: Mr Speaker—

**The SPEAKER:** Order! Government members will remain silent.

**Mr Greg Smith:** My point of order relates to Standing Order 129. The answer has no relevance to the question. It is personally denigrating someone who cannot defend herself in this House.

**The SPEAKER:** Order! The answer is relevant to the question. I advise the Minister to ensure that her language is in accordance with the standing orders.

**Ms LINDA BURNEY:** The Hon. Catherine Cusack has made political points and dined out on people's distress, and I find that objectionable. These people are in financial stress, experiencing anguish and distress. They do not need someone to mislead and to use their anguish and distress to score political points.

**Mr Adrian Piccoli:** Point of order: You have ruled previously that if members want to attack other members, including those in the other House, they must do so by way of substantive motion. The Minister is making scandalous allegations about the motives of an upper House member. That is highly inappropriate and I ask that you direct the Minister to withdraw her statements.

**The SPEAKER:** Order! That is not a point of order.

**Ms LINDA BURNEY:** I conclude by saying that these financial counselling services will provide an enormous additional response in the Campbelltown and Macarthur areas.

**The SPEAKER:** Order! I call the honourable member Bathurst to order for the third time.

**Ms LINDA BURNEY:** This additional \$1 million will provide services to people who are finding life extremely difficult and who need financial counselling. If they receive advice early and are given support, they will be able to sort out a range of issues in their lives. I am proud to be the Minister the Fair Trading and I am proud to be a member of the Iemma Government, which understands that people need support. This additional \$1 million will provide extra support to families who are in distress and who need this help. Tony Devlin, who heads up this area, has commended the Government and so should the Opposition.

#### **THE HON. JOHN DELLA BOSCA, MLC: IGUANAS WATERFRONT RESTAURANT INCIDENT**

**Mr ANDREW STONER:** My question is directed to the Premier. Will the Premier confirm that his so-called discipline of John Della Bosca over the Iguana incident and subsequent cover-up is so weak that he had retained his full ministerial salary while he has been stood down?

**Mr MORRIS IEMMA:** I have addressed the matters in relation to Minister Della Bosca. I did so on Friday at the press conference and my remarks are a matter of record.

**Mr Andrew Stoner:** Point of order: Mr Speaker—

**The SPEAKER:** Order! Has the Premier concluded his answer?

**Mr MORRIS IEMMA:** Yes.

**Mr Andrew Stoner:** I refer to Standing Order 129. The question has not previously been addressed in any way. This is an issue entirely under the Premier's control and I ask him to answer the question.

**The SPEAKER:** Order! The Leader of The Nationals will resume his seat.

#### **PEOPLE WITH DISABILITIES AND WORLD YOUTH DAY**

**Mr GEOFF CORRIGAN:** My question is addressed to the Minister for Ageing, and Minister for Disability Services. Can the Minister update the House on plans to help people with disabilities to participate in World Youth Day?

**Ms KRISTINA KENEALLY:** There are 28 days until World Youth Day; 28 days until the biggest event on earth outside the Olympics comes to Sydney. With half a million people coming from Australia and around the globe, it is natural that people with disabilities will come to participate in World Youth Day. The Catholic Church advises that to date 817 people with a disability and 236 carers have registered to come to World Youth Day events. Making World Youth Day accessible has been part of the Government's planning for this event and I am pleased to update the House on some of the plans we have in place, plans that will benefit people like Naomi Elswyk, a 25-year-old woman coming to World Youth Day from Moe in Victoria. Naomi has cerebral palsy, uses a wheelchair and is very excited to be coming to World Youth Day celebrations. I understand that she particularly wants to go to the Stations of the Cross and the final mass at Randwick.

To support people like Naomi and all people with a disability who are coming to World Youth Day we are today launching a guide to disability services for World Youth Day, including transport and accessible walking routes to the event venues, contact details for help and other disability services. We are also putting in place shuttle services for those people with a disability who want to access the events at Randwick racecourse. For those people who have registered for World Youth Day events, a shuttle bus will operate from Central Station to Randwick racecourse on 19 and 20 July from 7.00 a.m. to 11.00 p.m. For those members of the public who have a disability who want to go to Randwick on the Sunday, a shuttle will operate from Bondi Junction to the Centennial Park precinct from 6.00 a.m. to 4.00 p.m.

We are aware that people with a disability in Sydney may not be attending World Youth Day events but may be impacted by the events, so we have been doorknocking those streets next to major venues, ensuring that people who need additional support receive it while there are large crowds in their area, whether it is ensuring that the attendant carer can still come into their home or that they have special parking provisions in place to access their home during World Youth Day celebrations.

I thank those organisations that have assisted the Government to ensure that World Youth Day is a fully accessible event. That includes the Disability Council of New South Wales, Vision Australia, the Guide Dogs Association, ParaQuad, the New South Wales Council of Intellectual Disability and Carers New South Wales. With 28 days to go, we are ready, we are willing and we are able to put on a fully accessible event—the biggest celebration Sydney has seen to date, all of us participating, including people with a disability.

**Question time concluded.**

## **AUDITOR-GENERAL'S REPORT**

**The Clerk** announced the receipt, pursuant to section 63C of the Public Finance and Audit Act 1983, of a performance audit report entitled "Recycling and Reuse of Waste by the NSW Public Sector—Department of Environment and Climate Change", dated June 2008, received out of session and authorised to be printed on 11 June 2008.

## **LEGISLATION REVIEW COMMITTEE**

### **Reports**

**The Clerk** announced the receipt, pursuant to section 10 of the Legislation Review Act 1987, of the following reports, received out of session and authorised to be printed on 16 June 2008:

"Legislation Review Digest No. 8 of 2008", dated 16 June 2008

"Scrutiny of Legislation Conference, Wellington, New Zealand 31 July-2 August 2007", Report No. 1, dated 16 June 2008.

## **PETITIONS**

### **Pymont to Town Hall Bus Service**

Petition requesting a 10-minute bus service between Pymont foreshore via Broadway to Town Hall, received from **Ms Clover Moore**.

### **Hawkesbury River Railway Station Access**

Petition requesting improved access to Hawkesbury River railway station, received from **Mrs Judy Hopwood**.

### **CountryLink Pensioner Booking Fee**

Petition requesting the removal of booking fees charged to pensioners on CountryLink services, received from **Mr Greg Aplin**.

### **Public Library Funding**

Petition requesting increased funding for public libraries, received from **Mr John Turner**.

### **Tumut Renal Dialysis Service**

Petition praying that the House support the establishment of a satellite renal dialysis service in Tumut, received from **Mr Daryl Maguire**.

### **Hornsby Area Haemodialysis**

Petition asking that a public haemodialysis centre be established in the Hornsby area, received from **Mrs Judy Hopwood**.

### **Deniliquin Hospital**

Petition asking that a dialysis centre be established at the Deniliquin Hospital, received from **Mr John Williams**.

### **Cowra Police Station**

Petition asking that Cowra Police Station be manned 24 hours a day, received from **Ms Katrina Hodgkinson**.

### **Preschool Speed Zone**

Petition asking that 40 kilometre per hour speed zones be introduced at all preschools in New South Wales, received from **Ms Katrina Hodgkinson**.

### **Wymah Ferry**

Petition asking that the Wymah Ferry service continue, received from **Mr Greg Aplin**.

### **Pet Shops**

Petition opposing the sale of animals in pet shops, received from **Ms Clover Moore**.

### **Sow Stall Ban**

Petition requesting the total ban of sow stalls, received from **Ms Clover Moore**.

### **Overhead Cables**

Petition calling on the Government to honour its commitment to an achievable plan to underground aerial cables in New South Wales, received from **Ms Clover Moore**.

### **Drought Relief Worker Job Protection**

Petition requesting that the jobs of drought relief workers be protected, received from **Mr Greg Aplin**.

### **Queensland Fruit Fly Eradication**

Petition requesting funding for local councils to conduct fruit fly eradication programs in the Albury electorate, received from **Mr Greg Aplin**.

**BUSINESS OF THE HOUSE****Notices of Motions**

**Government Business Notices of Motions (for Bills) given, by leave.**

**BUSINESS OF THE HOUSE****Business Lapsed**

**General Business Notice of Motions (General Notices) Nos 1 to 5 lapsed pursuant to Standing Order 105 (3).**

**CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY****The Hon. John Della Bosca, MLC: Iguanas Waterfront Restaurant Incident**

**Mr BARRY O'FARRELL** (Ku-ring-gai—Leader of the Opposition) [3.21 p.m.]: If ever we needed further evidence of the Premier's weak leadership, it was displayed today during question time, and it was displayed over the past week. If one listens to Morris the straight man, Morris who plays the straight man to Michael Costa's fool, the phone call from Michael Costa last night provided nothing. If one listens to Morris Iemma, an Auditor-General's report was going to be provided to Parliament as to whether this deal was fair and reasonable before legislation for any sale of the State's electricity assets was provided. If that is the case, why has the Leader of the House just given notice of the introduction of legislation to allow that to take place?

If one listens to Morris the straight man, we already were going to have a parliamentary oversight committee to guarantee the delivery of the Government's clean, green and renewable energy investment program. That is simply not true. Nothing that had been agreed to by this Government up until the Liberal-Nationals put it forward would have provided that. If one believes Morris Iemma that there was going to be an oversight committee, that ignores the fact that Treasury has now set criteria for the expenditure and agreed to have an independent chairman to oversight the expenditure of funds. If one agrees with Morris the straight man, apparently someone else was going to verify whether the social safety net was adequate, because those on low incomes and those on pensions know that the Government cannot be trusted.

The things that the Government says it will do never materialise. That is why the Opposition has put the public interest to the fore in this debate. Today there was another example of Morris Iemma dithering around on issues, refusing to face reality, and always refusing to put the public interest first. That leads to the biggest problem that this Government faces: Labor cannot be trusted to do what is right for the public on electricity or other issues. That is why, in the face of humiliation from his own side, he had to come to us to try to seek agreement. We make no apology for putting the public interest forward; we make no apology for demanding of the Government the very issues that it should have offered at the outset. Nor do we make any apology for reserving our position until we see the results of those inquiries and studies before we commit to a \$15 billion privatisation.

But Morris the straight man fails completely in leadership when it comes to applying standards. There is no such thing as a standard that Morris Iemma applies to his side. The Leader of The Nationals just exposed the so-called disciplining of John Della Bosca, involving him being stood aside on full—

**The SPEAKER:** Order! Government members will cease interjecting.

**Mr Alan Ashton:** Point of order: Mr Speaker, you have already ruled on the matter that I think the Leader of the Opposition just alluded to. My point of order is very clear. There is now a police investigation into alleged events, and the matter has been referred to the ICAC.

**The SPEAKER:** Order! The member for East Hills will resume his seat.

**Mr Alan Ashton:** I am just reminding you that you have already ruled on this matter.

**The SPEAKER:** Order! That is not a point of order.

**Mr BARRY O'FARRELL:** We understand the embarrassment of those opposite, because after 13 years in power they would not recognise the truth if they ran into it in the dark. The reality is, that mob is so addicted to spinning that it does not recognise the truth. That mob is so addicted to broken promises that it has forgotten one of its commitments to the public. That mob is so committed to strong-arming the weak that it will allow bullying tactics against hotel workers to go unrewarded. The State Government never seeks the truth.

**The SPEAKER:** Order! Members will cease interjecting.

**Mr BARRY O'FARRELL:** The only honest thing the Premier said today was about who initiated the police investigation. Was it Morris Iemma who wanted to get to the truth? No, it was the Opposition. Who referred this issue to the ICAC to get to the bottom of this cover-up? Was it the Government? No.

[*Interruption*]

**The SPEAKER:** Order! The Leader of the Opposition will resume his seat. The member for East Hills will remain calm while raising a point of order.

**Mr Alan Ashton:** Point of order: My point of order is that you, Mr Speaker, have already ruled on those matters at the start of question time. Do not be stood over by him now.

**The SPEAKER:** Order! I have listened carefully to the Leader of the Opposition. As I said at the beginning of question time, I will listen very carefully to ensure that members do not raise matters that impinge on the police investigation.

**Mr BARRY O'FARRELL:** We understand the sensitivities of those opposite. For 13 years this Government has never done, of its own volition, what it should always do in the public interest. It has never sought to seek the truth. It did not do so in initiating a police investigation. It will not do so in initiating a judicial inquiry and it will not support the Opposition's application to the ICAC to look at this issue. That speaks volumes about the Government's efforts and the culture within the Labor Party.

### State Infrastructure Strategy

**Ms ANGELA D'AMORE** (Drummoyne) [3.26 p.m.]: My motion should be accorded priority because the State Infrastructure Strategy announced by the Iemma Government will deliver \$140 billion in new and upgraded infrastructure. My motion should be accorded priority because this plan for the future will allow our economy to grow and, more importantly, will support our working families in our growing suburbs and towns. My motion should be accorded priority as it is important to highlight the constructive work that is being undertaken by the Iemma Government in investing in transport, water, health, education and energy capital works. The motion should be accorded priority as the Opposition's silence and lack of substantial policy on this crucial issue for the people of New South Wales shows a total lack of understanding of essential State infrastructure. My motion deserves to be accorded priority.

**Question—That the motion of the member for Ku-ring-gai be accorded priority—put.**

**The House divided.**

**Ayes, 39**

Mr Aplin	Ms Hodgkinson	Mr Roberts
Mr Baird	Mrs Hopwood	Mrs Skinner
Mr Baumann	Mr Humphries	Mr Smith
Ms Berejikian	Mr Kerr	Mr Souris
Mr Cansdell	Mr Merton	Mr Stokes
Mr Constance	Ms Moore	Mr Stoner
Mr Debnam	Mr Oakeshott	Mr R. W. Turner
Mr Draper	Mr O'Dea	Mr J. D. Williams
Mrs Fardell	Mr O'Farrell	Mr R. C. Williams
Mr Fraser	Mr Page	
Ms Goward	Mr Piccoli	
Mrs Hancock	Mr Piper	<i>Tellers,</i>
Mr Hartcher	Mr Provest	Mr George
Mr Hazzard	Mr Richardson	Mr Maguire

**Noes, 48**

Mr Amery	Mr Harris	Mrs Paluzzano
Ms Andrews	Ms Hay	Mr Pearce
Mr Aquilina	Mr Hickey	Mrs Perry
Ms Beamer	Ms Horner	Mr Rees
Mr Borger	Ms Judge	Mr Sartor
Mr Brown	Ms Keneally	Mr Shearan
Ms Burney	Mr Khoshaba	Mr Stewart
Mr Campbell	Mr Koperberg	Ms Tebbutt
Mr Collier	Mr Lynch	Mr Terenzini
Mr Coombs	Mr McBride	Mr Tripodi
Mr Corrigan	Dr McDonald	Mr West
Mr Costa	Ms McKay	Mr Whan
Ms D'Amore	Mr McLeay	
Mr Daley	Ms McMahan	
Ms Gadiel	Ms Meagher	<i>Tellers,</i>
Mr Gibson	Ms Megarity	Mr Ashton
Mr Greene	Mr Morris	Mr Martin

**Pair**

Mr J. H. Turner

Ms Burton

**Question resolved in the negative.****Question—That the motion of the member for Drummoyne be accorded priority—put and resolved in the affirmative.****STATE INFRASTRUCTURE STRATEGY****Motion Accorded Priority****Ms ANGELA D'AMORE** (Drummoyne) [3.36 p.m.]: I move:

That this House:

- (1) applauds the Iemma Government for the second State Infrastructure Strategy 2008-09 to 2017-18, which outlines capital projects in New South Wales over the next 10 years;
- (2) congratulates the New South Wales Government on investing over \$140 billion in new and upgraded infrastructure over the next 10 years, which is the largest capital investment in Australian history;
- (3) notes that the State Infrastructure Strategy is about investing in our transport, water, health, law and order, education and energy capital works to underpin improved access to services and make our State more accessible to business; and
- (4) notes that the Opposition went to the last election without any infrastructure policies and that nothing has changed.

As a government we have a responsibility to plan for the future. The Government has a responsibility to provide infrastructure to enable the economy to grow, and to support working families in our growing suburbs and towns. The second State Infrastructure Strategy released last week outlines \$140 billion in capital projects in the coming decade. This strategy is a rolling 10-year report, which is updated every two years, to plan and fund the infrastructure that supports economic growth and the services that the Government delivers. It is about investing in our transport, water, health, law and order, education and energy capital works to underpin improved government services and support business and economic activity.

The State Infrastructure Strategy forms a link between the infrastructure plans detailed in each State budget, the 10-year State Plan and the 25-year Metropolitan and Regional Strategies. It is about clearly mapping out the Government's future infrastructure requirements to provide certainty to the community, the private sector, and local government. A major new project since the first State Infrastructure Strategy was released two years ago is the \$12 million Euro-style North West Metro. This new mode of transport for the city will run 38 kilometres from the central business district to the city's growth areas in the north-west. The North West Metro will be completed in the next 10 years and will cut travel times for commuters by more than 40 minutes.

My constituents are very excited about the prospect of having a Metro running under the suburb of Drummoyne. The Metro will deliver commuters into the city in a journey that is expected to take about nine minutes. This investment will complement the existing projects to create strategic bus corridors and work to further relieve urban congestion. This will include a morning and afternoon peak bus, a tidal flow traffic scheme in Drummoyne and additional lanes for the Iron Cove Bridge. As the population grows so does the demand for more services and infrastructure to ease urban congestion and transport bottlenecks. This is a national issue: it is not confined to New South Wales.

**Mr John Williams:** Point of order: The member for Drummoyne is reading from copious notes.

**Ms ANGELA D'AMORE:** No, they are points.

**The DEPUTY-SPEAKER:** Order! There is no point of order. The member for Drummoyne may refer to copious notes.

**Ms ANGELA D'AMORE:** The Iemma Government will work with the Federal Government to ensure that an appropriate portion of the \$20 billion Infrastructure Australia Fund goes to addressing these issues in our cities. In the meantime, both the State and Federal governments have committed to funding a feasibility study for a Western Metro to run from the city towards Parramatta. The State Infrastructure Strategy also plans for the M4 East extension and a feasibility study into increasing the capacity of the M5 East corridor. Other highlights include: \$1.36 billion for a south-west rail link that will connect Glenfield to Leppington by 2012; \$3.6 billion for 626 new air-conditioned rail cars to be progressively introduced by 2010; \$222 million for more than 400 new buses for delivery by 2012; \$1.9 billion for the Sydney desalination plant set to start operation in 2010; and \$3.9 billion for the Pacific Highway upgrade to 2009.

The State Infrastructure Strategy will also see the construction of or upgrades to more than 15 hospitals, 51 schools, 27 TAFE facilities and 17 police stations, as well as funding for planning. This is the most ambitious capital expenditure program ever undertaken by an Australian government and sets up the State to meet future challenges. The New South Wales population is expected to grow by 600,000 people by 2018. Sydney and the Central Coast are expected to account for about 70 per cent of that population growth, and planning for that is included in the State Infrastructure Strategy. The Iemma Government is embracing technological change in areas such as education. The State Infrastructure Strategy reflects technological change, with investment in projects such as Connected Classrooms and increased levels of home and community care for illnesses such as cancer. We are investing record amounts in industry and commercial developments, such as the expansion of the coal sector in the Hunter Valley, container trade in Port Botany and setting aside adequate land zoned for industrial and commercial use. The State Infrastructure Strategy also incorporates renewal and revitalisation of infrastructure in areas such as Homebush, which is near my electorate, South Sydney and the Newcastle waterfront. We are setting the right environment for the national emissions trading scheme, which is to be introduced by 2010.

The State Infrastructure Strategy is a comprehensive plan for the future of New South Wales. It follows on a State budget that delivers record spending in services and infrastructure, \$3.6 billion in tax cuts and the thirteenth consecutive surplus. That is something the Opposition could only ever dream of. In 2008-09 alone the State's annual capital spending will reach \$13.9 billion—the highest ever by a New South Wales Government. We are proud of that achievement. In real terms, this investment is 70 per cent higher than the investment five years ago and more than twice the level in the mid 1990s. Over the next four years the State's capital expenditure will total \$57.6 billion, which is 58 per cent more than in the previous four years. Since 2004-05 capital expenditure has been increasing at an annual compounded rate of 19 per cent per year. Since 1995 the Labor Government has spent \$102.6 billion on infrastructure, or \$7.9 billion a year in real terms. The Coalition Government spent \$42.2 billion on infrastructure. That is \$6 billion a year in real terms. The State Infrastructure Strategy demonstrates the Iemma Government's commitment to delivering the right environment for people to live and work in New South Wales now and into the future.

**Mr BRAD HAZZARD** (Wakehurst) [3.42 p.m.]: What a joke! The Government has been in office since 1995. When did it finally wake up to the fact that the State was falling apart? When did it finally wake up to the fact that schools and hospitals were not being maintained, that not enough schools and hospitals were being built and that transport services were not being provided? There are 600 buses sitting in a shed waiting to be put on the roads, when people throughout New South Wales are desperate for public transport. What about the Tcard system? The performance of the Minister for Transport has turned out to be a farce. Today in the House we have the Z team led by the member for Drummoyne who, in the run-up to the last State election, knew very well that schools in her electorate were not being maintained.

**Ms Angela D'Amore:** That is not true, Brad.

**Mr BRAD HAZZARD:** She did know that, and she did absolutely nothing.

**The DEPUTY-SPEAKER:** Order! The member for Drummoyne will cease interjecting.

**Mr BRAD HAZZARD:** One of the public schools in her electorate asked me to visit as the shadow Minister for Education. It was desperate for attention. The Government had not delivered on its promises. The member for Drummoyne is utterly useless in her electorate, and she has been sent into the House today with a prepared speech to laud an utterly useless Government. I move an amendment to the motion:

That all words after "That this House" be deleted and the following words substituted:

condemns the State Labor Government for failing to provide infrastructure required by the residents of New South Wales.

Not one resident in New South Wales would be satisfied with the State's infrastructure. When people go to their local hospital they know that the infrastructure is so poor the chances are they will not receive the service they require.

[*Interruption*]

**The DEPUTY-SPEAKER:** Order! The member for Wakehurst is entitled to speak without interruption.

**Mr BRAD HAZZARD:** I am enjoying the cacophony of buffoonery coming from the Z team. They really are hopeless. It is safer to have them here than in their offices, because they are all conspiring against the poor, dithering Premier, who has not provided the infrastructure.

**Mr David Harris:** Point of order: The member for Wakehurst is being argumentative. He has nothing to say, so he tries to coax a reaction and get some information he can use.

**The DEPUTY-SPEAKER:** Order! The member for Wakehurst is entitled to put forward his point of view. I remind him to keep his remarks relevant to the motion and the amendment.

**Mr BRAD HAZZARD:** It is uplifting to have that point of order taken. I refer to an issue that typifies the failings of the Government. On the northern beaches, indeed across New South Wales, people are desperately waiting for ready access to dialysis services. People with kidney failure suffer in agony. They tend to be over the age of 50, often in their 70s and 80s.

**Ms Angela D'Amore:** And younger.

**Mr BRAD HAZZARD:** Less frequently. They often have diabetes and multifactorial symptoms, and other issues. The Government has repeatedly made promises to provide dialysis in accessible centres. For example, only two years ago the people on the northern beaches were promised six dialysis beds at Mona Vale Hospital. Last week a gentleman of about 80 years of age came to my office and said, "Mr Hazzard, all I want to know is, are they going to provide these six dialysis beds?" He was not being political. He was not jumping up and down about the Labor Party. All he wanted was access to this service. He explained to me how long it takes him and his elderly wife to get ready and be driven to the service, which is 1½ hours away. Then after four to five hours of dialysis, he and his wife make the return journey. I put on the record that it is time the Government realised that the infrastructure it has failed to deliver across New South Wales translates in real terms to the diminution of and impingement, severely in many cases, on people's capacity to enjoy and live their lives. It is not a joke or a farce.

Recently I received a letter from a lady about Bathurst Hospital. She wrote to me that the member for Bathurst, who is not in the Chamber, had not responded to her correspondence. We have all read about the issues at Bathurst Hospital. This lady, who lives in the immediate vicinity of the hospital, is concerned about noise levels and is unable to sleep. She cannot get a response from the Government. She said in her letter to me that she had been a lifelong supporter of the Labor Party and she could not believe that the Government did not listen to people's concerns. According to the Government, the Education portfolio currently has a backlog of \$82 million in maintenance. I suspect it is more like \$120 million, as identified by the Auditor-General a couple of years ago. In transport, 600 buses have never made it onto the road. The Tcard system was promised year

after year, but it has never been delivered—we do not have an integrated ticketing system. The Government promised to provide a host of police stations and to refurbish police stations in Labor-held electorates such as Kiama. Whether it is in the portfolio of police, education, health or transport, the Government has failed miserably. It is hard to listen to the member for Drummoyne lauding the Government in the House. As I said at the outset, the Government did not have an infrastructure plan until two years ago. Now it is unlikely that most aspects of the infrastructure plan will be delivered. It is impossible for the Opposition to support the motion.

**Dr ANDREW McDONALD** (Macquarie Fields) [3.49 p.m.]: The reason I entered politics is simple: only Labor governments will deliver the necessary infrastructure for the people of south-west Sydney. The \$150 billion 10-year State Infrastructure Strategy details the Government's commitment to the largest capital outlay program in the State's history. Our communities in Sydney's west will benefit significantly from investments in transport, education, law and order, water and health. Two weeks ago the State budget provided \$2.2 billion for Sydney's west to fund key infrastructure projects over the next year. This included \$317 million for Western Sydney roads, \$120 million for Western Sydney water recycling and \$160 million for housing for those most in need.

The Western Sydney health infrastructure also received a big boost in the budget, with \$106 million to continue the major redevelopment of Liverpool Hospital—I was there only yesterday to count the bulldozers—and more than \$50 million for the construction of a new hospital on the existing Auburn Hospital site. The budget revealed that the Iemma Government's infrastructure investment over the next four years would total \$57.6 billion. The State Infrastructure Strategy gives us a glimpse even further into the future. By 2018 there will be 600,000 more people in the State and the percentage of people aged over 65—including the member for Wakehurst—will increase by 3.7 per cent to 17.4 per cent. Meeting the demands of our ageing population—mainly those on the Liberal benches—will include increasing capital expenditure in health, housing and transport. For this reason, the 10-year blueprint will see further major redevelopment at Westmead and Nepean hospitals, and new ambulance stations at Auburn and Liverpool. There are plans for new respite centres and accommodation for the aged and disabled.

To revitalise our social housing stock, the aim is to build high-quality accommodation in the right locations, with a focus on the elderly and the disabled. For example, the Minto Estate will be redeveloped in stages into approximately 1,200 new dwellings, of which 30 per cent will be social housing and 70 per cent private housing. The Western Sydney Recycled Water Initiative will provide recycled water via dual reticulation to all new homes to be built in new suburbs in Sydney's north-west and south-west. Last week I was at Glenfield with the Minister for Water to check out the dual reticulation in the new homes.

**Mr Brad Hazzard:** Was that exciting?

**Dr ANDREW McDONALD:** It was great fun. In transport the major project will be the \$1.3 billion south-west rail link to connect Glenfield to Leppington by 2012. This is the most ambitious capital expenditure program ever undertaken by an Australian government and will ensure New South Wales will be well placed to meet the future challenges of a growing and ageing population.

**Mr ROB STOKES** (Pittwater) [3.52 p.m.]: I support the amendment moved by my colleague and friend the member for Wakehurst. Quite frankly, I am astounded that the Government has moved this motion. It shows that Government members have their heads completely buried in the sand. They do not realise how bad things are in our communities. If they were to go out and experience the impacts of congestion and chronic underinvestment on our local communities, they would see then why these promises seem so empty. I know we have been told that the State Infrastructure Strategy is a good thing, but I refer to page 33 of the last manifestation of this policy:

An integrated ticketing system for the greater metropolitan and public transport system will be gradually phased in starting in 2006-07. This will provide commuters with the convenience of a single card for travel on all government and privately owned rail, bus and ferry services.

This document is not worth the paper it is written on: that promise was never delivered. Instead, \$95 million has been wasted on developing the strategy plus whatever was spent producing these glossy brochures. It is just a disgrace. Another infrastructure policy was promised in the document. I refer to page 65.75 where the Government promised that The Spit Bridge and approaches would be widened by two lanes: a \$59 million promise not delivered. The Government did a total backflip, and the widening was never undertaken. I refer to a

couple of projects in the new strategy to see whether we can believe what it says. In the previous strategy we were promised a new northern beaches hospital. In this strategy it is called the Northern Beaches Strategy. A footnote says:

These projects are not yet approved but form part of the \$140 million State Infrastructure Strategy.

If it is not yet approved why is it in the strategy document? What does this mean? If we go by the previous policy, it means the future promises are worthless and it is just an exercise in the tsunami of spin that emanates from this Government. It is quite deceitful to raise the community's expectations that these projects will be delivered, only for the community to discover that the projects were never going to be delivered in the first place. I point to another example from my community of Pittwater. We were told in the last State Infrastructure Strategy that Mona Vale Road would be widened. Yet we see in the latest manifestation of the infrastructure strategy on page 83.24, "Mona Vale Road upgrade", followed by a footnote:

These projects are not yet approved but form part of the \$140 billion State Infrastructure Strategy.

In other words, these projects are not approved; these are just glossy diagrams on glossy documents to falsely raise expectations. We need change in this State.

**Mr DAVID HARRIS** (Wyong) [3.55 p.m.]: Last week the Iemma Government announced the largest capital outlay program in the State's history. The \$140 billion State Infrastructure Strategy is a testament to the forward planning prowess of the Government. It maps out future priorities for areas across New South Wales, including investments we have already committed to in this year's budget. I am pleased to see that people living on the Central Coast will benefit significantly from the Iemma Government's massive infrastructure investment. Projects on the Central Coast include upgrades of local transport infrastructure through a commitment of \$4.7 million towards the expansion of interchanges at Woy Woy and Tuggerah and \$18 million to upgrade sections of the F3 to implement our traffic emergency plan.

**Mr Brad Hazzard**: Point of order: The member should know he was promised \$22 million for upgrades five years ago and he never got that either.

**The DEPUTY-SPEAKER**: Order! That is not a point of order. The member for Wakehurst will resume his seat.

**Mr DAVID HARRIS**: And the State Infrastructure Strategy goes further, foreshadowing additional future investments in transport facilities at Tuggerah and Woy Woy to build on this budget's investment in their expansion. Capital investments will be made also to support the delivery of first-class health facilities on the Central Coast. This year's budget allocated \$5.93 million to complete the redevelopment of Gosford and Wyong hospitals and \$8.3 million for the Mandala mental health unit. This will deliver six new acute beds at Gosford Hospital and 20 hospital beds at Wyong. The State's 10-year blueprint also outlines further work to these facilities, including important car park and access investments at Gosford Hospital.

Central Coast students and their parents will benefit also, not only from capital outlays committed to over the next four years, but also from our 10-year plan, which includes a new school at Kariong Mountains and upgrade works at Gorokan High School, Lisarow High School, Jilliby Public School and Pretty Beach Public School. There will be a new gymnasium at Gorokan High School; an upgrade of facilities at nine Central Coast public schools; and the provision of four new classrooms, an administration area and a library at Pretty Beach Public School. The Central Coast population is increasing, which is why we are committed to the delivery of essential water and electricity infrastructure for Central Coast families. This includes the \$379 million Tillegra Dam project for the lower Hunter and Central Coast, and a further \$400 million will be spent on energy-related capital works on the Central Coast—part of this Government's commitment to own and maintain all electricity infrastructure.

The State Infrastructure Strategy outlines our 10-year commitment to Central Coast motorists. In fact, wherever one goes on the Central Coast roadworks are underway. These include \$18 million in the current budget to continue upgrading the Pacific Highway at Ourimbah and Tuggerah; \$15 million for planning and preconstruction of the Central Coast Highway upgrades; and more money for upgrading the Central Coast Highway intersection at Woy Woy Road, Brisbane Water Drive and Manns Road. I could go on and on. With such an extensive road infrastructure upgrade program on the Central Coast, motorists can be assured that the New South Wales Government is delivering on its State Plan commitment to deliver better services.

**Ms ANGELA D'AMORE** (Drummoyne) [3.58 p.m.], in reply: I thank the member for Macquarie Fields and the member for Wyong and Opposition members—the member for Wakehurst and the member for Pittwater—for their contributions to the debate. It is always wonderful to hear the Opposition speak of doom and gloom. As usual, the member for Wakehurst can never bring himself to acknowledge the capital investment the State Government is ensuring in this State. Although outside this Chamber I believe him to be a reasonable person, I tend not to see him as reasonable when he is in the Chamber. I thank the member for Macquarie Fields for outlining how this infrastructure strategy is helping Sydney's west, with \$2.6 billion for the west and \$370 million for roads.

We know how important it is to upgrade and build new roads in the outer west, especially given the establishment of new suburbs that are attracting more people. The \$160 million the member for Macquarie Fields outlined for housing is a major win for our local community. We know how important it is to implement affordable housing strategies. The people of the outer west and the south-west will welcome that \$160 million. It will go a long way in assisting people to move into affordable housing. The member for Macquarie Fields also spoke about the \$106 million that will be spent on the major redevelopment of Liverpool Hospital, which is a fantastic hospital. Concord Repatriation Hospital is in my electorate and, like all members, I always look forward to expenditure on that type of capital infrastructure to ensure not only that we have state-of-the-art facilities but also that our doctors and nurses work in good hospitals that can provide good health care in times of need.

The member also mentioned new respite centres for the elderly. We certainly welcome those centres. He also mentioned the fantastic Minto redevelopment and the \$1.3 billion that will be spent on the south-west link connecting Glenfield to Leppington by 2012. The member for Macquarie Fields has outlined a number of fantastic projects and the member for Wyong mentioned the \$4.7 million expansion of interchanges and the upgrade of the F3.

The member for Pittwater criticised the upgrade of The Spit Bridge. He opposed that project during the election campaign, so it is a bit rich for him to oppose it now. It demonstrates that he does not have much to talk about. He is a relatively new member, so I will cut him a bit of slack. However, he should review the position he took on The Spit Bridge as a candidate and his position now that he is a member. He might consider revisiting that issue. I commend the Government for its major capital investment in New South Wales. Members on this side look forward to that investment.

**Question—That the words stand—put.**

**The House divided.**

**Ayes, 47**

Mr Amery	Mr Harris	Mrs Paluzzano
Ms Andrews	Ms Hay	Mr Pearce
Mr Aquilina	Mr Hickey	Mr Rees
Ms Beamer	Ms Hornery	Mr Sartor
Mr Borger	Ms Judge	Mr Shearan
Mr Brown	Mr Khoshaba	Mr Stewart
Ms Burney	Mr Koperberg	Ms Tebbutt
Mr Campbell	Mr Lynch	Mr Terenzini
Mr Collier	Mr McBride	Mr Tripodi
Mr Coombs	Dr McDonald	Mr West
Mr Corrigan	Ms McKay	Mr Whan
Mr Costa	Mr McLeay	
Mr Daley	Ms McMahan	
Ms D'Amore	Ms Meagher	
Ms Gadiel	Ms Megarity	<i>Tellers,</i>
Mr Gibson	Mr Morris	Mr Ashton
Mr Greene	Mrs Perry	Mr Martin

**Noes, 39**

Mr Aplin	Ms Hodgkinson	Mrs Skinner
Mr Baird	Mrs Hopwood	Mr Smith
Mr Baumann	Mr Humphries	Mr Souris
Ms Berejikian	Mr Kerr	Mr Stokes
Mr Cansdell	Mr Merton	Mr Stoner
Mr Constance	Ms Moore	Mr J. H. Turner
Mr Debnam	Mr Oakeshott	Mr R. W. Turner
Mr Draper	Mr O'Dea	Mr J. D. Williams
Mrs Fardell	Mr Page	Mr R. C. Williams
Mr Fraser	Mr Piccoli	
Ms Goward	Mr Piper	
Mrs Hancock	Mr Provest	<i>Tellers,</i>
Mr Hartcher	Mr Richardson	Mr George
Mr Hazzard	Mr Roberts	Mr Maguire

**Pair**

Ms Burton

Mr O'Farrell

**Question resolved in the affirmative.****Amendment negatived.****Question—That the motion be agreed to—put.****The House divided.****Ayes, 47**

Mr Amery	Mr Greene	Mr Morris
Ms Andrews	Mr Harris	Mrs Paluzzano
Mr Aquilina	Ms Hay	Mr Pearce
Ms Beamer	Mr Hickey	Mrs Perry
Mr Borger	Ms Hornery	Mr Rees
Mr Brown	Ms Judge	Mr Sartor
Ms Burney	Mr Khoshaba	Mr Shearan
Mr Campbell	Mr Koperberg	Mr Stewart
Mr Collier	Mr Lynch	Ms Tebbutt
Mr Coombs	Mr McBride	Mr Terenzini
Mr Corrigan	Dr McDonald	Mr Tripodi
Mr Costa	Ms McKay	Mr West
Mr Daley	Mr McLeay	Mr Whan
Ms D'Amore	Ms McMahan	<i>Tellers,</i>
Ms Gadiel	Ms Meagher	Mr Ashton
Mr Gibson	Ms Megarrity	Mr Martin

**Noes, 39**

Mr Aplin	Ms Hodgkinson	Mrs Skinner
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Mr Debnam	Mr Oakeshott	Mr R. W. Turner
Mr Draper	Mr O'Dea	Mr J. D. Williams
Mrs Fardell	Mr Page	Mr R. C. Williams
Mr Fraser	Mr Piccoli	
Ms Goward	Mr Piper	
Mrs Hancock	Mr Provest	<i>Tellers,</i>
Mr Hartcher	Mr Richardson	Mr George
Mr Hazzard	Mr Roberts	Mr Maguire

**Pair**

Ms Burton

Mr O'Farrell

**Question resolved in the affirmative.****Motion agreed to.****FILMING RELATED LEGISLATION AMENDMENT BILL 2008****Agreement in Principle****Debate resumed from 6 June 2008.**

**Mrs JILLIAN SKINNER** (North Shore—Deputy Leader of the Opposition) [4.13 p.m.]: This bill amends a number of Acts and is designed to reduce and simplify the regulatory impediments currently hindering the State's film and television industry. The particular Acts and instruments it amends include the Crown Lands Act, the Filming Approvals Act, the Local Government Act, the Western Lands Act, the Standard Instrument (Local Environmental Plans) Order and State Environmental Planning Policy No. 4—Development Without Consent. It is to make it easier for the film industry to find locations and get approvals to film in them.

The background to the bill is that the New South Wales film and television industry has been in steady decline. A survey conducted by the New South Wales filmmaker's group in 2005-06 found that production levels were at an all-time low and many people in the industry were struggling. In March 2008 the Premier responded to ongoing pressure from the New South Wales Liberal-Nationals Coalition, and also from the film industry, about the increasing flow of business opportunities in the film industry going interstate, by announcing that red tape impeding the film industry's location shooting would be cut. As a consequence, we now have this legislation. I will read onto the record some of the impacts of the decline of the film industry in New South Wales. It is a tragedy. New South Wales used to lead Australia. We had an international reputation as an innovative and great place for filmmakers. The situation has gone backwards. In July last year I received a letter on this matter. It reads:

Right now there is approximately \$250 million worth of foreign film productions being shot in Queensland and Victoria. There is NONE being shot in NSW, and there hasn't been for over 12 months.

There have been some improvements since then but a filmmaker came to me, just before she finally had to agree to make a film in Melbourne, to discuss her problems in getting approvals, money, et cetera, to make a film set in Sydney. It was an absolute disgrace that she had to go to Melbourne to get the film made. It is a sorry state of affairs. And there have been many lost filmmaking opportunities in New South Wales. This legislation helps in some ways with location shooting. However, another filmmaker had this to say in a letter:

My only concern is that it doesn't go far enough. We sometimes need to do unusual thing[s] in order to get a particular shot.

This legislation is about regulation and red tape, making it easier for filmmakers to get permission, but the writer asked:

Will the new laws allow me to get permission to ride on the back of a moving truck in order to do travelling rain on a moving car, a request that was recently denied me by the RTA?

I know that sounds dangerous, and the Minister for Fair Trading has her eyebrows in her hairline, but this is filmmaking. These are the kinds of things that filmmakers do. I am sure they have insurance and take all kinds of care to ensure that people are protected from injury. The writer continued:

Does this legislation also require other government bodies to provide assistance? As an example can we expect RTA help to shoot on the Harbour Bridge or Waterways assistance to shoot in Blackwattle Bay?

I am a proponent of a New York style Screen Authority which would take the overall responsibility to liaise between all these agencies and councils to ensure filmmakers have access to the locations and unusual services they need.

Most important we need to have a level playing field to compete with Victoria and Queensland to attract work to NSW.

I'm told we lost \$180 million worth of work from "the Pacific War", (a Steven Spielberg/Tom Hanks production) in part because the Victorians offered \$6 million in assistance and we only offered \$1 million. Even at \$6 million that's a 30 fold injection into the economy and then there's the multiplier effect. Could we not have matched them?

It's not about a bidding war, just creating the environment where we can compete on even terms, and where government makes a non-cash investment to attract work. (it costs nothing to give up a bit in payroll tax to attract new work which brings cash into the economy...)

I agree with the sentiments of that writer and the many others who have spoken to me over the past few months and years about this problem. Another writer, who has described himself for publication purposes as a disgruntled filmmaker because he fears losing business if he becomes known—he is known to me—stated:

NSW was once the hub of the Australian screen industry but more and more production is going to other states who are more "film friendly" and offer better incentives. This equates to tens of millions of dollars lost to NSW film businesses and workers as well as the considerable spin offs to companies as diverse as caterers, publicists, car hirers and hoteliers, to name a few. We have a ludicrous situation where many NSW film crew and actors travel to other states to earn the bulk of their income.

The writer points out that the New South Wales Film and Television Office recently engaged Canadian consultants, who do not know the market, to formulate recommendations about the film industry. The writer described it as:

... a masterful example of a "rabbit-out-of-the-hat," "now-you-see-it-now-you-don't", spurious exercise in "consultant-speak" and gobbledegook making no real sense whatsoever and not addressing the problems specific to NSW. The money being spent on this wasteful rubbish could go towards helping NSW film makers develop scripts, or provide seed funding, or any one of the many functions the FTO is supposed to be concerned with.

That is a well-made point. In response to a letter I sent to a number of individuals in the film and television industry, another person stated:

The big issue is why a NSW State body does not have a manager or a board that is good enough to decide its own policy.

This person too referred to the Canadian consultants that were engaged. The writer stated:

What is going on? We have people in NSW and Australia who could give the FTO advice (that shouldn't be needed if you had people running the outfit who knew what they were doing.) And, if it is necessary, there are heaps of companies in NSW and Australia that offer perfectly good executive training courses. Why are we taxpayers giving money to Canadians?

People have expressed concern about the fact that this bill does not go anywhere near far enough. It just pays lip-service to the concerns that film makers have raised time and again. The Premier's response about making it easier to get locations will not address those issues. The writers and the industry want the New South Wales Film and Television Office to be better resourced to allow New South Wales to compete with other States for international productions and, indeed, for the home-grown variety. They want centralisation of the regulatory approval process, creating a single central point of contact for organisations of a film shoot to assist in organising locations and help negotiate council costs and other costs. They want greater incentives to make New South Wales competitive with other States—such as payroll incentives—and above all they want to restore New South Wales to its pre-eminent position as a filmmaker in Australia. The Coalition will not oppose the bill but calls on the Government to go much further in reinvesting in the filmmaking industry in New South Wales.

**Ms VIRGINIA JUDGE** (Strathfield—Parliamentary Secretary) [4.23 p.m.]: I speak in support of the Filming Related Legislation Amendment Bill 2008. I commend the Minister, his hardworking staff and departmental staff for their work and effort in preparing the bill. The Federal Government introduced a new package of tax offsets that will help boost local and foreign production. The film friendly package will help New South Wales to capitalise and build on these opportunities. This was a 40 per cent tax offset for Australian feature films and a 20 per cent producer tax offset for Australian television dramas and documentaries. In addition, the Federal Government also increased the location tax offset for spend by international productions in Australia from 12.5 per cent to 15 per cent and extended the offset to PDV—post-production, digital content, visual effects—expenditure in Australia irrespective of where the production is filmed as a means of attracting footloose PDV projects.

A few minutes ago I spoke to Geoff Brown, the Executive Director of the Screen Producers Association of Australia, who welcomed the legislation and said it was a significant step forward for the industry. Indeed, 18 months ago I was invited by the organisation to attend one of its board meetings at Fox Studios. It was a pleasure to meet the people who work and represent the wonderful filmmaking industry, with all the different aspects involved. Mr Brown said, "We fully support the legislation, especially the change in emphasis, which requires now of government departments and agencies the presumption that the application will be granted." The whole emphasis has changed. We have so many wonderful directors, writers, producers, actors, musicians, stuntmen, and lighting and sound people involved in the industry. New South Wales is a wonderful place to film, ranging from our lovely rural areas to our magnificent coastal icons. We have so many

talented people working in the film industry: indeed, we have the best in the world. Their technical skills are in high demand but they love working, filming and producing here. However, they need to be employed. We benefit from their beautiful films. Recently I had the honour to be invited to the opening night of the New South Wales Film Festival, where I had the chance to chat to many people working in the industry. I am always impressed by their creativity. Sydney is an international city of choice for many visitors because of our many attractions but the people who live and work here need to be able to use their skills.

Recently the Government introduced a bill to help musicians and poets perform more easily and this bill is another positive step of the Iemma Government. The New South Wales film friendly package will be progressively introduced from July 2008. It is designed to encourage both State and local agencies to work in collaboration and partnership wherever possible. I believe that the local government filming protocol will be amended in consultation with council and industry. The initiative complements an additional investment of \$1.8 million for the Sydney film award. I was not there but I believe Gillian Armstrong announced the inaugural winner at the Opera House last night.

**Ms Linda Burney:** *Hunger*.

**Ms VIRGINIA JUDGE:** My colleague and neighbouring member of Parliament, Minister Burney, said *Hunger* won the award. What a great title. I hope I get a chance to see it. I believe it was directed by Steve McQueen and was the jury's unanimous selection. Significantly, two local filmmakers, Nash Eggerton and Matthew Newton, also had their first feature films included on the short list.

Matthew Newton's film, *Three Blind Mice*, was also commended by the international jury—evidence that the Sydney Film Award is promoting and expanding opportunities for film production in this State. Good on them all! That is wonderful news. Hopefully, I will be able to see the films that are made here by so many talented local people. New South Wales has a very strong post-production special visual effects in animation team. I have visited Fuel International, a post-production company in Newtown, on three occasions. That company comprises young people who are involved in the technical side of film production. When I last visited the company the artists were making the spider webs for *Charlotte's Web*. Prior to that I visited Animal Logic at Fox Studios, which is an amazing operation.

There is great collaboration in the post-production special visual effects in animation field. The artists work in a lateral dynamic—an industry that could be established anywhere. Previously I had rung Fuel and asked if I could visit them, as I had a spare hour at 5 o'clock. When I asked whether they would still be there, the response was, "Virginia, come down straight away. We are still here." The artists love their work, and they are so good at it; they do not want to leave, they have to be told to go home and rest.

**Mr John Williams:** Like us.

**Ms VIRGINIA JUDGE:** Perhaps we should not pat ourselves on the back. People do work very hard in many fields. The workers in post-production visual effects in animation share their work. Various companies specialise in certain techniques, which they share as needed. Although the field is competitive, it is inclusive rather than exclusive. Businesses should take note that everyone benefits from sharing. The young people who work at Fuel in Newtown are literally the best in their field. They are so good at it, they could get a job anywhere in the world. These highly skilled jobs add value and have a multiplier effect. People who leave the film industry, or are prised away from it, could work in medical imaging, IT or hospitality. They could move around the workforce.

That is very much a feature of the new modality in many developed countries. Australia is in a prime position, a box seat to use a theatrical pun, to take advantage of that versatility. We should not be as passengers in the back seat, we should be at the wheel driving this industry. We have the talent to do so. The bill is another step in making sure that we promote, help and upskill those wonderful young Australians—and also the talented older ones who return to the workforce. We do not want to lose them. I commend this—

**Mr Brad Hazzard:** —bill to the House.

**Ms VIRGINIA JUDGE:** Yes, this bill to the House. It is great that I am receiving support from my colleagues, the member for Wakehurst, the member for Hornsby and others, who sadly sit opposite. This bill is good for the future.

**Mrs JUDY HOPWOOD** (Hornsby) [4.33 p.m.]: The object of the Filming Related Legislation Amendment Bill 2008 is to amend various Acts and instruments to support the screen industry by reducing or simplifying regulatory impediments to the carrying out of filming projects. In New South Wales, and in Australia generally, we have some fantastic talent in the film industry. That is seen time and time again. Baz Luhrmann has just finished his epic *Australia*, which was filmed in Queensland and in the Kimberleys, in Western Australia, starring two of our most famous exports, the very talented actors Nicole Kidman and Hugh Jackman. The New South Wales film and television industry has been in steady decline. It is an absolute travesty that the bill—which does address various aspects that will assist the film industry, but certainly could go a lot further—is too little, too late. New South Wales used to be the number one place for film production. It is an absolute scandal that we have lost so much film business to Victoria and Queensland.

The industry should be supported 100 per cent by the New South Wales Government. I have visited Down Under Studios, which is located in my electorate at Mount Kuring-gai and managed by Don Spencer. At my invitation the shadow Minister for the Arts, the Deputy Leader of the Opposition, visited the studio and met Don Spencer, scriptwriters and other film industry artists. The overwhelming message was that a great deal more needs to be done to assist artists of high calibre to stay in New South Wales so that they do not go to other States for their work to be recognised.

In my electorate, advertisements have been filmed in Hornsby Mall. Some scenes in the film *Lantana* were filmed adjacent to the very famous outdoor restaurant Pie in the Sky, near Cowan. The Hornsby electorate is no stranger to selection for filming, given its beautiful environment. I congratulate the people associated with the films *Hunger* and *Three Blind Mice*, which were significantly awarded last night. It is wonderful to read about such awards and achievements in our local media. I regularly attend film and live theatre. I enjoy film particularly and seek out Australian content and production to support it as much as possible.

The bill removes and simplifies many of the regulatory impediments that have made New South Wales unattractive for the film and television industry, but it could go a lot further. It is claimed that that will result in an increased number of productions in New South Wales and, therefore, will boost the local industry and economy. A number of parties were consulted about the bill, including the Screen Producers Association of Australia and the Media, Entertainment and Arts Alliance, which have generally supported the thrust of bill. Certainly there have been comments that it should go further to assist the film industry, which needs a boost. It would be wonderful for our economy to have a vibrant, lively and successful film industry as that would attract tourists to New South Wales.

**Mr GEOFF PROVEST** (Tweed) [4.38 p.m.]: I am 100 per cent for the Tweed. I do not oppose the Filming Related Legislation Amendment Bill 2008. The purpose of the bill is to amend current legislation that governs film making in New South Wales by reducing or simplifying regulatory impediments that have contributed to the decline in the New South Wales film and television industry. The bill seeks to increase film production in New South Wales. As a result, it will lead to a boost in the local economy and increased regional tourism, and will ensure that the New South Wales film industry becomes more competitive with the Queensland film industry.

**Ms Linda Burney:** You are very articulate.

**Mr GEOFF PROVEST:** Thank you. These factors are of particular interest to me because of the close proximity of my electorate to Queensland. For many years the residents of Tweed have watched countless projects filmed just over the border rather than in New South Wales. The Queensland Department of Education, Training and the Arts has indicated that during 2007-08 production will be completed to a value of \$118.2 million, and this will in turn provide economic benefit to the community of just over \$212 million and stimulate the creation of over 3,600 jobs. Several feature films have received funding, while high-profile international film stars, including Guy Pearce and David Wenham, are slated to make appearances in Queensland film projects. This is quite a momentous achievement and it highlights the commitment that Queensland has to fostering the arts in that State.

The story in New South Wales, however, is very different. The New South Wales Film and Television Office website indicates that while New South Wales still expends more money on film production than Queensland—\$283 million was expended in 2006-07—this expenditure is down enormously from the \$396 million that was spent in 2003-04. This loss of \$113 million in expenditure has significantly damaged the film industry in this State and has seen many projects filmed interstate rather here. In addition, the decrease in film projects being undertaken in this State has resulted in less money being injected into regional economies and tourism.

A story printed in the *Gold Coast Bulletin* on 17 June illustrates just how important it is to reduce the red tape that surrounds the New South Wales film industry and to increase funding to guarantee that more projects are not shot out of the State. The article discusses how Tourism Australia bosses are looking to use the new Baz Luhrmann film *Australia* to boost tourism in the country. However, the announcement coincided with Qantas' decision to cancel the last remaining Qantas flights to Coolangatta and to shut down the Qantas Club at the airport. The message that the article sends is clear: funding for film making in New South Wales is imperative to unlock extra tourism revenue and inject extra funds into local economies.

This has been illustrated on many occasions, for instance when Australia exploited the popularity of *Crocodile Dundee* in the 1980s to boost tourism and how the *Lord of the Rings* was used in New Zealand to successfully increase tourism to that country. I sincerely hope that the reforms contained in the Filming Related Legislation Amendment Bill will lead to increased expenditure on film projects in New South Wales, which in turn lead to a much needed boost to tourism in New South Wales.

**Mr BRAD HAZZARD** (Wakehurst) [4.42 p.m.]: It gives me great pleasure to support the Filming Related Legislation Amendment Bill 2008. The purpose of the bill is to amend a number of other Acts to reduce or simplify regulatory impediments to the carrying out of filming projects. Twenty years ago I might not have appreciated the full import of what regulatory impediments can do to the arts, to film, to theatre, and to live music, to which the member for Strathfield earlier referred. My osmosis in the past 20 years has occurred because my son Andrew has opened my eyes to the world of acting.

Andrew has lived for acting since the day he was born. He has shown my wife Beth and my other son David what life can be like with a passion for what one is going to do in life. In that journey I have come into contact with many wonderful people in the arts and in theatre. I have seen young people who are fired with a passion for the arts learning their craft through various schools. Andrew started his journey at the Warringah Performing Arts School at Brookvale. At the moment he attends the Actors Centre Australia at Surry Hills. There are two leading acting schools in New South Wales: the National Institute of Dramatic Art, which is attached to the University of New South Wales, and the Actors Centre Australia, at Surry Hills, which is a private college with Dean Carey, Creative Director, and Hugh Jackman the patron.

Last Friday week I attended a performance of the class of 2008 at the Actors Centre Australia. The Minister for the Arts, Mr Frank Sartor, was in attendance, along with Peter Garrett and Hugh Jackman. We were in an audience of about 50 people and we saw 22 students who are about to graduate from the centre go through their paces to show what they have learnt in the last two and a half years. Anything that the Parliament can do, anything the Government can do, and anything we can do both as the Opposition and as a Government when we win office, to open up career vistas for our young actors, actresses and all those who enter the theatre and film industries and the other arts, is high on my agenda. As the potential Planning Minister I declare my door open to anybody in New South Wales who wants to come and talk to me about what we should be doing to ensure that the arts are given much greater encouragement in this State. I want to hear from you.

There is no question that the bill does go some way to making it a little easier for filming to be undertaken in council areas, on Crown lands and in national parks across New South Wales. Effectively the bill provides a presumption that directors and producers will be able to make their films in areas that might otherwise have been off-limits, unless there is a very good reason not to do so. I support that provision but I also support far more than that.

The industry would say that the Government could do many other things. Governments in other States and overseas have been far more proactive than New South Wales in finding ways to support the arts, particularly in the making of film and the production of theatre. As I mentioned, I have met some wonderful young people whose careers are now dependent upon there being opportunities in this country. But if there are not going to be opportunities in this country then they will have to go offshore. That may well be a good career progression for them but it would be a loss to Australia and to New South Wales if our finest have to go offshore instead of making films, producing theatre and undertaking artistic activities in this country.

I think particularly of the young people involved in the ancillary areas of film production. Cameron Darcy, whom I have known since his first year of high school, is now a colourist—I did not know there was such an occupation as a colourist—on the Baz Luhrmann film *Australia* with Nicole Kidman and Hugh Jackman. We have the technical expertise in this country, as evidenced by Cameron Darcy's first job straight out of school at a company called Cutting Edge—I did not know that such companies existed. On Cameron's 21st birthday he spoke about his passion, his opportunity for learning and the people of great expertise and skill who are teaching him on the job to be a colourist on one of the world's great movie opportunities, *Australia*.

I share the passion and the excitement of people in the technical area, such as Cameron D'Arcy, and those who want to be on film in front of the cameras, such as my son Andrew. The Liberal Party and The Nationals, and I hope the Labor Party, must open up the vista and provide more opportunities by reducing charges or introducing more regulatory reform to make it easier to undertake film shoots in New South Wales. We have to do whatever it takes to get back to the cutting edge of making films and promoting filmmaking in New South Wales as a worthwhile pursuit. Young people have their dreams. As a Parliament, we must assist these young people to bring their dreams to reality through film and theatre. If we allow a regulatory framework to impinge upon their dreams and passion, we have failed as legislators.

The other night at a performance at the Actors Centre Australia at Surry Hills, Hugh Jackman was sitting behind me and in front of me was Midnight Oil singer Peter Garrett. I do not refer to his Labor affiliations; I am more interested in his arts abilities. We have people such as Hugh Jackman from the acting sphere, great musicians such as Peter Garrett and a range of technical people who support them and show them in their best possible light taking Australia to the world right here in New South Wales. Let us do whatever it takes—to use a phrase of a Labor Party stalwart of bygone years—to ensure that New South Wales is at the cutting edge and that we provide the necessary environment to allow these people to follow their dreams. Their dreams are our dreams too.

**Ms GLADYS BEREJKLIAN** (Willoughby) [4.51 p.m.]: I speak to the Filming Related Legislation Amendment Bill 2008 as a supporter of the arts, in particular, the New South Wales film and television industry. Many residents in the Willoughby electorate are involved in the film and television industry and strongly support this community, as do I. I place on record the great work that was done by my predecessor Peter Collins, who as the longest serving Arts Minister in this State developed the New South Wales film and television industry and left a lasting legacy. I hope his legacy continues and grows. Regrettably, notwithstanding comments made by members of this House and others, in the past couple of years the New South Wales film and television industry has not received the support it deserves. A survey conducted by the New South Wales Filmmakers Group in 2005-06, a mere two or three years ago, found that production levels were at an all-time low and many people in the industry were struggling. This bill is a good start in resurrecting the industry, but there is a lot more to do.

The bill addresses some concerns by simplifying and removing many of the regulatory impediments that have made New South Wales unattractive for the film and television industry, particularly compared with Queensland and Victoria. I am relieved and pleased that the Government has introduced this bill, which will remove some of those impediments. It is a good start, but there is a long way to go. There is a lot to be done to boost the film and television industry to the point it was at a decade ago. As well as noting the contribution to the arts of my predecessor Peter Collins and the New South Wales film and television industry, I place on record issues that have been raised with me by constituents who teach film and television studies at TAFE. They have put that the Government must establish centres of excellence within TAFE so that people can undertake their studies at specialised facilities. At present, TAFE campuses cannot compete with each other to attract a talent pool. Relatively speaking, courses at TAFE would be more reasonably priced than at other establishments, thereby permitting people of various backgrounds to undertake this study.

I also place on record the concerns of people in the industry that the Government introduce additional measures in the near future, such as better resourcing of the New South Wales Film and Television Office, which would allow New South Wales to compete with other States for international productions. I note the comments made by the shadow Minister for the Arts, Jillian Skinner, about the increased support of the industry in Queensland and Victoria compared with that in New South Wales. Some people in the industry support centralisation of the regulatory approval process, the creation of a single central point of contact for the organisation of a film shoot, and assistance in organising locations and negotiating council costs and bureaucratic procedures—all time-consuming tasks that may hinder people who want to shoot films in New South Wales. The industry also wants greater incentives—such as, payroll incentives, employment rebates and cast and crew salary rebates—to make New South Wales competitive again with other States. Such incentives would promote the industry in New South Wales.

I join with my colleagues on this side of the House to support the bill. Although it is a good start, it does not go far enough to address the concerns of the industry. It is a first step in resurrecting, regrettably, an industry in decline over the past decade. I place on record my gratitude to the people in my electorate who have spoken to me about the industry—the many film and television industry employees at Channel 9, which is located in my electorate; those who support the industry through TAFE; and others who support the arts and want to see this industry flourish in New South Wales. I emphasise my support for the arts community and the

New South Wales film and television industry. I reiterate that the Opposition supports the arts and recognises its importance to our community and culture. It is a career path for many young people. We must ensure their drive, enthusiasm and talent are maintained within our boundaries and that the industry flourishes in New South Wales.

**Mr JOHN WILLIAMS** (Murray-Darling) [4.57 p.m.]: I support the Filming Related Legislation Amendment Bill 2008. Broken Hill is a site that offers no impediments to filmmaking. Filmmakers have been coming to Broken Hill and the Far West for more than 40 years because of the unique combination of its landscape and infrastructure. The region's reputation speaks for itself. It has hosted more than 50 feature films, television and documentary productions and more television commercials than Film Broken Hill can put a number on. Filmmakers have shaped their films in the Broken Hill region and, in some ways, their filmmaking has shaped the region. Broken Hill locations are diverse and unique, wrapped in magical light, surrounded by deafening silence and with horizons that stretch forever. One of the major supporters of the film industry in Broken Hill is Film Broken Hill. Film Broken Hill is a joint initiative of the Far West Regional Development Board, the New South Wales Department of State and Regional Development, the Commonwealth Department of Transport and Regional Services, Broken Hill City Council and local freelance technicians. It operates under the wing of the council and in close collaboration with the New South Wales Film and Television Office.

Film Broken Hill is serious about the business of filmmaking and provides a one-stop information and referral service to filmmakers and commercial photographers who are interested in outback locations. It assists with location inquiries, the referral of local technicians, facilities and businesses and the tracking of location clearances and approvals. It also provides in-kind assistance for recces and inbound missions, location scouting at no charge, the provision of images from its database online on CD or via hard copy, and on-set liaison services. Historically, funding for Film Broken Hill came from various sources, including \$40,000 from the New South Wales Department of Regional Development, \$40,000 from the Far West Regional Development and \$80,000 from Broken Hill City Council.

Film Broken Hill, through the Broken Hill tourism industry, is currently pitching its kits to the industry and Bollywood. It is also updating its website and looking forward to more local productions. Film Broken Hill currently relies on that website alone. Representations have been made to the Government on many occasions for someone to be employed on a full-time basis not only to continually upgrade the website but also to communicate with potential film, television and commercial producers to have Broken Hill recognised as a site for the development of our film industry. This is about the State Government's responsibility to promote and develop filmmaking in New South Wales and to take advantage of a site that already exists, with infrastructure that has been proven to support filmmaking. It could provide actors with a great opportunity to start their careers. I remind members that Mel Gibson filmed *Mad Max II* in Broken Hill, and that was the start of his career. The great Chips Rafferty was born in Broken Hill and featured in the film *Wake in Fright*. He went on to a great career in movies.

Broken Hill was a stepping stone—a start—for many other actors in their careers. Another great movie filmed at Broken Hill was *The Adventures of Priscilla, Queen of the Desert*. I am sure the Minister is well acquainted with that great film, but if she has not enjoyed it I suggest she hire the DVD and watch it, because I think the Minister is very arty and she would love it. *Razorback*, *Dirtwater Dynasty* and *A Town Like Alice* were all filmed in Broken Hill, although many people think *A Town Like Alice* was filmed in Alice Springs; Broken Hill did not get recognition for the movie.

Back in 1967 the first movie that was made in Broken Hill was *Journey Into Darkness*, which was a sort of science-fiction movie. I do not know whether it is available on DVD, but I am sure the Minister will go out tonight and see if she can get a copy of it. It should be great viewing, but the Minister should make sure she has the lights on because I am told it is a bit scary. The Government should recognise that Broken Hill provides a great opportunity for the film industry: it has the infrastructure and people who are trained in filmmaking. This could be the start of something really great. With the right sort of funding and the right sort of support we could develop the film industry in Broken Hill and provide many great actors and actresses with a start to their acting careers.

**Ms PRU GOWARD** (Goulburn) [5.03 p.m.]: I support the Filming Related Legislation Amendment Bill 2008. I think we all agree that the tourism potential of the film industry is quite remarkable. The filming of *Babe* in the Southern Highlands has done a phenomenal amount for tourism in the Southern Highlands and has confirmed that it is a beautiful spot that people want to visit in much the same way as I am sure the filming of *Sirens* in the Blue Mountains confirmed the importance of the Blue Mountains as a tourist area and resulted in benefits flowing to the Norman Lindsay Foundation.

Of course, a local film industry is a great boost to skilled employment. We talk constantly in Australia about the need to be a smart workforce. The days of competing with the rest of the world for unskilled labour are clearly numbered, but it is clear that we are a very creative nation, and, as the member for Murray-Darling has indicated, this is a great place to develop a vibrant and local film industry so that kids do not have to pay their way to New York or Los Angeles to get a start in an acting career.

I support these amendments and in particular the removal of red tape. *Wishbone*, a short movie that has been shot in the Southern Highlands and is now in the editing stage, is facing a \$10,000 shortfall, mostly because of public liability insurance costs. It would be useful for the Government to review public liability insurance to see whether it is the impediment to low-budget movies that people in that end of the film industry believe it to be.

I take a risk in saying this, but I believe the most important thing about these amendments is that they are not about needing more money. It has been very easy in Australia to assume that the way to have a vibrant film industry is to subsidise it. We are competing with a trillion dollar industry in the United States of America and an extremely affluent industry in the United Kingdom—and, of course, Bollywood in India—none of which relies on government subsidies. We would need an enormous amount of subsidy to make us competitive with those film industries. What we do need, however, is the removal of red tape.

There is something about a government-driven industry and an industry that is overly regulated and controlled—and, indeed, when government funding is part of it—that causes it to produce films that are not necessarily what the populous wants to see. The market and the wonderful creative people in our film industry are at their best and their most responsive when they are unfettered by regulation. I am not saying, of course, all regulation should go, but I believe much of the commercial regulation that has faced the New South Wales film industry has been a deterrent to the production of films that people want to watch because it deters creative people from being a part of it and they go elsewhere. I join my colleagues in supporting this legislation.

**Mr DARYL MAGUIRE** (Wagga Wagga) [5.07 p.m.]: It is clear from the enthusiastic participation of all members and the way in which they have expressed their views about the Filming Related Industry Amendment Bill 2008 that we all have a very keen interest in the industry and in promoting what is a wonderful industry that produces and has produced great actors and television producers, et cetera. A number of weeks ago Charles Sturt University celebrated University Week with a display in Parliament House. This was an opportunity for the university to launch its new Centre for Indigenous Studies, located at Dubbo, where a high percentage of the indigenous population is dispersed. I note that the Minister responsible for this bill launched the centre, and I congratulate her on her involvement. The university has taken an important step and I was delighted to be at the launch.

Importantly, in the Fountain Court there was a display of work by the university's photography students and staff from the School of Visual and Performing Arts, created to demonstrate the role of Charles Sturt in the lives of inland communities. I hope members had the opportunity to view that exhibition. Through its courses, Charles Sturt University is producing many of the very talented people who are involved in the film industry. A quick search of the university's website reveals a number of courses including Bachelor of Arts (Television Production), Bachelor of Arts (Animation and Visual Arts Effects) and Bachelor of Arts (Graphic Design)/Bachelor of Arts (Multimedia Arts). The list goes on.

What Charles Sturt University has done in regional New South Wales should be mentioned in this debate. While the university is busy offering these courses and turning out individuals with great skills who are valued by the media, we must ensure that even small pieces of legislation like this remove impediments to film companies and others who want to make films in New South Wales. We should encourage them by removing red tape at every opportunity and demonstrating that the people of New South Wales and, importantly, the Government, are behind the work they do and appreciate the economic impact they have on the State's finances. That approach would support the work of the wonderful people at Charles Sturt University.

The Vice-Chancellor and President of the University, Professor Ian Goulter, said in his report:

... our geography also provides us with our direction and our purpose. 'Inland' is where we work and where we live. It is the historic heart of our nation's economic prosperity and character. It is the food bowl, the energy source and the primary producer of our nation. It is the source of a major part of the nation's gross domestic product and international exports. 'Inland' is the home of great innovation and invention—our remoteness, our climate, our participation in a competitive global economy and the challenge of ensuring access to critical services for small populations have driven innovation and invention in our inland communities since the time of settlement.

Students who participated in courses delivered by the university are now in Beijing working as cameramen and camerawomen, and as technicians and specialists helping to put together the Olympic Games television broadcast. They will deliver the Olympic Games broadcast to Australians. However, when the Olympic Games is over they must have other opportunities to participate in the industry and to enhance their skills. Of course, that means encouragement in the form of policies that provide job opportunities and improve their economic input into this State.

I urge Minister Burney, the Minister at the table, to do more. As the member for Southern Highlands said, it is not always about money; it is about creating an environment that encourages people to go to places such as Broken Hill—as suggested by the member for Murray-Darling—the Southern Highlands, Adelong, Tumut or Batlow, which have wonderful scenery. We have a lot to offer, but I impress upon the Minister that we need more action. Red tape must be reduced and the Government should provide policy frameworks that will give these Charles Sturt University students more opportunities to enhance their skills.

**Ms LINDA BURNEY** (Canterbury—Minister for Fair Trading, Minister for Youth, and Minister for Volunteering) [5.14 p.m.], in reply: I thank all members who have participated in this debate. The bill demonstrates the Government's strong commitment to the New South Wales screen industry. The Premier introduced the film-friendly initiative to Cabinet early in 2008. His commitment to this initiative is indicative of the Iemma Government's commitment to the New South Wales film industry. The fact that the Opposition supports the bill and acknowledges it as a real effort to reduce red tape and to make New South Wales more film friendly speaks volumes for the Premier's approach. This film-friendly package requires coordination across many arms of State Government and, most importantly, cooperation with local government. The industry is important to New South Wales both as a means of artistic expression and development and, as a number of speakers has indicated, as a source of economic growth. It generates income, jobs and investment, and promotes tourism to New South Wales.

The bill will remove unnecessary red tape affecting on-location filming in New South Wales and will ensure that local council fees associated with film projects are set in a transparent manner and on a cost-reflective basis. The bill creates a presumption that councils will grant approval for film projects. It also creates a presumption that filming will be allowed in national park estates if heritage and environmental values are preserved. Some very good work has been done in that regard and, as a result, national parks and sensitive areas will be available for filming if environmental values are adhered to and correct procedures are followed. I think everyone can appreciate the importance of that approach.

The bill encourages councils to grant approvals with conditions for location shooting rather than outright refusals. Again, a number of members raised that issue as an important point. Local councils will be required to comply with a revised local government filming protocol that will be developed in consultation with councils, government agencies and the screen industry. Councils have been consulted as part of the process. Comments were sought on the existing local government filming protocol, which has been in place in Sydney since September 2000. In February 2008, officers from the Department of State and Regional Development, the New South Wales Film and Television Office and the Department of Premier and Cabinet met with the Local Government and Shires Associations to discuss the proposed legislation. The Local Government and Shires Associations was advised that the Government proposed to revise the existing local government filming protocol through a consultative process with the associations, councils and affected government agencies.

The bill provides that the director general of the Department of Local Government will consult with appropriate stakeholders before issuing or approving a filming protocol. It is expected that the consultation process will take several months and will closely involve the Local Government and Shires Associations and local councils. Given that involvement, I am confident that we will get a very good outcome. It is acknowledged that for the new protocol to work, local councils and the industry must be active participants and act in partnership.

Before concluding I will address a number of the issues raised by members. I advise the member for Hornsby that the bill will ensure that a proper balance is maintained between the community, the environment and the economy. I also assure the member that the bill removes unnecessary obstacles to on-location filming but preserves important considerations relating to the community and the environment.

The member for Wakehurst compared the situation in New South Wales with the situation in Victoria and Queensland. I make it clear that New South Wales has been the primary base of film and television production in Australia for a long time. It is important to remember that Victoria and Queensland are relative

newcomers to the industry. It is not as though we are starting from ground zero, and that solid base should be taken into consideration. Members opposite probably did not cover that adequately. As I said, Victoria and Queensland are newcomers to the industry. It is important that our film-friendly initiative strengthens our established industry leadership—and I emphasise "established industry leadership". That point was completely overlooked in the whingeing and repetitive press release issued by the member for North Shore. It is important to support our industry, not to put it down.

I commend the member for Wakehurst for his support for the arts. That is understood and his passion came through in his contribution. He made reference to *Lord of the Rings*. New Zealand built its film industry on sustainable production and a strong talent pool. The New South Wales Government is supporting a similar strategy: it supports large-scale productions such as *Wolverine* and *Australia*, both of which are currently in production. Part of our strategy is a strong commitment to partnering with major companies, for example, Kennedy Miller and Animal Logic. It is nonsense to think we can put borders around the film industry. The New South Wales Government is working not just with companies in New South Wales or, indeed, Australia but also internationally. That is important. New South Wales' strategy is also committed to strengthening the talent base through Film and Television Office mentorship.

I move now to a couple of comments made by the member for Willoughby. I advise her again, and make clear, that the Government is a strong supporter of the film and television industry in New South Wales. That is not spin; members in this Chamber know it to be true. The Government, through the New South Wales Film and Television Office, fosters and encourages talented people in the industry. It provides funding for script and project development, which is incredibly important and fundamental to growth. The Film and Television Office also provides funding to the Sydney Film Festival, and the member for Strathfield detailed that. It also promotes public interest in films. It may have escaped the attention of those opposite that this year the Government reduced the payroll tax rate across the board from 6 per cent to 5.5 per cent, over the next three years.

**Mr Andrew Fraser:** The threshold is higher.

**Ms LINDA BURNEY:** The member for Coffs Harbour should not try to be an economist, because he is not. The payroll tax threshold has also been reduced. These cuts should encourage investment in New South Wales in general, including in the film and television industry. The member for Murray-Darling, as entertaining as he was—he made some very good statements and is obviously proud of the focus on Broken Hill—should remember there are offices across regional New South Wales: Broken Hill for the far west, the mid North Coast, the Northern Rivers, Hunter-Central Coast, the Northern Tablelands, Central West and the Illawarra. All these communities have regional film offices and partnerships between local councils, the industry and the Iemma Government. The member for Wagga Wagga spoke about the connection between training institutions and growing talent. That is also something the Government is aware of and is very supportive of. That was evidenced particularly by the exercise in Parliament a few weeks ago.

There are a number of other initiatives. It is inaccurate to say this legislation is the only focus that the Iemma Government has on growing the screen industry in New South Wales. The Government is doing a number of other things to encourage and support the New South Wales screen industry. I will not go through them all except to say that government agencies have also been asked to support the screen industry by doing three things: processing applications to use public locations and services promptly and not unreasonably refusing applications; appointing a film contact officer who will assist filmmakers in obtaining the necessary approvals, support and access to government agencies; and having their film access policies on websites.

The Government will also simplify road rules regulating temporary road closures and traffic management associated with films. I have outlined most of the other points, except to say that the bill forms one part of the Government's film-friendly strategy to cut red tape, to attract international films to New South Wales and to boost local film and television production. I commend the bill to the House.

**Question—That this bill be now agreed to in principle—put and resolved in the affirmative.**

**Motion agreed to.**

**Bill agreed to in principle.**

### Passing of the Bill

**Bill declared passed and transmitted to the Legislative Council with a message seeking its concurrence in the bill.**

### MARINE SAFETY AMENDMENT BILL 2008

#### Agreement in Principle

**Debate resumed from 5 June 2008.**

**Mr ANDREW FRASER** (Coffs Harbour—Deputy Leader of The Nationals) [5.25 p.m.]: I lead for the Opposition in this place on this bill. In doing so I commend the shadow Minister in another place, the Hon. Duncan Gay, for doing his job with the legislation, which is consulting the stakeholders. Despite the fact that many changes in the legislation are welcome—

**Ms Angela D'Amore:** Good.

**Mr ANDREW FRASER:** I hear the member for Drummoyne say "good". We have seen deaths on the harbour in the past 12 months. We have seen deaths caused by boating up and down the coast—members from the North Coast probably see them all too often, especially when the seas are rough. It amazes me that the Government has taken so long to address these issues. The point I was coming to is that the Minister has not consulted properly or widely enough on this legislation, but I will come to that later.

We welcome the fact that, for example, authority will be conferred on officers to direct people in relation to marine safety. One of the greatest problems we have had on the North Coast is people going out in unsuitable weather or trying to cross a bar that is impassable, and doing so against the advice of locals and others who have told them to take notice of weather reports and weather conditions. These people, often without knowledge of local waters if they are tourists, ignore all the advice and take a boat out. In doing so not only do they put themselves in danger but they also put in danger volunteers from the volunteer coastal patrols and the volunteer rescue associations, the water police especially, and the maritime services people who rescue people when their boats are disabled, dismast or overturned, or when they come to grief in some way on the water. This legislation will enable an authorised officer to direct a person not to leave port or to direct a person, for example, to have proper safety equipment aboard the vessel.

Although we have had safety equipment regulations for pleasure boats and other vessels for many years, they have not been enforced properly or strongly enough. Consequently, accidents happen. In recent years the diving industry in Queensland has experienced tragedies. As a result the diving industry has moved to regulate itself so that divers are not left behind or lost. Despite all the incidents that have occurred in general boating, on Sydney Harbour especially, the Government has been very slow to react and introduce safety regulations. As I said, we welcome a large number of provisions in the bill. The fact that penalties will be increased is definitely a move in the right direction and welcome. Often, the only thing that people who enjoy the waterways in recreational vessels understand is that their boats can be confiscated or they can be hit with a large fine.

The alcohol provisions will be enforced in a similar way to road safety provisions. The number of people involved in boats accidents who have high blood alcohol readings is surprising. Traditionally, boats are used for leisure activities and it is part of the Australian culture that social occasions often involve alcohol. In the same way that people have learnt that alcohol and driving a motor vehicle do not mix, people have to be educated that driving a boat and consuming alcohol do not mix. Many people still get picked up for driving a motor vehicle under the influence of alcohol. Boat owners who drive whilst intoxicated put not only their lives at risk but also those of their passengers.

Regulations regarding overcrowding of vessels are also welcomed. However, we must ensure that the regulations are enforced. The legislation is complex and the Opposition believes that its enforcement will be difficult. The shadow Minister pointed out to the Minister for Ports and Waterways that he has allowed his budget to be cut by 4 per cent at a time when he has expressed dismay about the dreadful accidents on Sydney Harbour. He purported to listen to commercial fishers and others about how the accidents occurred and inappropriate behaviour on the harbour but people who navigate that waterway for a living are fearful for their own safety and the safety of others on their vessels, especially on the fishing fleets. The Minister is reported in the media as claiming that night patrols have increased from 6 per cent to 15 per cent in the last six months and night patrols have increased by 150 per cent.

He told Parliament on 4 June that those patrols had been increased by 100 per cent. I do not know whether he is deliberately trying to mislead—he has a reputation for doing that—or whether he is trying to beat his breast and say that the Government is doing a great job. At the end of the day he had to apologise because he lied about the increase in surveillance on the harbour when he was taking day patrols and putting them on to night patrols. One cannot shift resources from day to night; it is ensuring the safety of people who utilise our waterways, especially Sydney Harbour because it has had tragic boat accidents of late.

When the *Queen Mary 2* and the *Queen Elizabeth 2* visited Sydney Harbour I went down to have a look and the number of pleasure craft out on the harbour was amazing. It is important to ensure that there are sufficient resources to cover such events while not limiting other shifts, especially shifts at night, when the tragic incidents have occurred. Another great Aussie tradition is watching the start of the Sydney to Hobart yacht race. An enormous number of pleasure craft are on the harbour and quite a few carry passengers well affected by alcohol, though I hope this is not the case with the masters of the vessels. I commend the authorities for doing such a great job in controlling the melee on the harbour with such scarce resources. I turn to a provision in the bill that relates to pilotage, which I believe the Minister has not responded to properly. The pilots have consulted with the shadow Minister, and I read their concerns onto the record. They state:

The issues pertain to reducing safety standards and qualifications and therefore increasing risk to commercial and recreational port users and infrastructure:

Section 36. The removal of the Pilotage Exemption Certificate and replacing it with a Local Knowledge Certificate significantly reduces safety standards as the practical training, assessment and annual auditing (which is carried out by Marine Pilots) will be removed and the Local Knowledge Certificate will be granted after time served and a written exam passed (See also section 75)  
 Section 74: Why have regulations that insist on a compulsory Pilotage system then grant exemptions from that for no reason? This will lead to commercial pressures to be placed on Harbour Masters and Ships Masters to undertake tasks that severely compromise the safety of shipping in the ports. We have to ask why would a ship have to be moved without a pilot? The Minister has a responsibility to supply a pilot.

The definition of movement needs to be spelt out. Surely moving in and out and around a port without a Pilot present a great safety risk. As pilots we would accept this clause if it specified that a vessel wanted to shift up and down a wharf without tugs. Any other movement should have a pilot on board as per the regulations.

That is a valid criticism and I ask for a reply from the Minister at the table or the Minister for Ports and Waterways, if he intends entering the Chamber for the debate; maybe he is still trying to work out numbers on electricity privatisation. The pilots need answers.

**Mr Geoff Provost:** The *Pasha Bulker* did not have a pilot.

**Mr ANDREW FRASER:** That is right. It may have been a great tourist attraction in my hometown of Newcastle—and I had a look at it—but it cost this State a hell of a lot of money, not just in time spent in refloating it and guiding people around Nobbys and the top end of Newcastle but in the Minister's huge food bill for his pizzas and for his media conferences while he was in Newcastle. I understand a number of small businesses suffered badly after he left the area. I return to the bill. These are important questions. The pilots also state:

Section 85: The Harbour Master possesses regulated maritime safety powers and functions yet there is no requirement in this bill for any formal Marine qualification for a Harbour Master. The Harbour Master should possess an Australian Master Mariners certificate of competency or one that is recognised by AMSA.

Pilots make these simple requests and the Minister should provide a response. If not, the Opposition reserves the right to amend the legislation in another place. These safety concerns are of great import, especially for large vessels. The bill refers to vessels of 30 metres. How was that arbitrary figure arrived at? I do not profess to understand the nuances of large commercial shipping in port areas. The majority of my concerns in relation to recreational boating up and down the North Coast and other areas in my electorate have been addressed in the bill.

Once again, I challenge the Government and the Minister for Ports and Waterways to explain how he proposes to increase the level of safety when the budget has been cut by 4 per cent. I ask the Minister at the table, the Minister for Emergency Services, and Minister for Water, or the Minister for Ports and Waterways to respond to the concerns of the pilots that have been raised with me by the shadow Minister. Those concerns were brought to him when he conducted the necessary consultation regarding the bill. The Opposition will not oppose the bill in this House but we ask the Government and the Minister to accept our amendments or, alternatively, propose amendments to cover the concerns of the pilots and therefore increase safety on our waterways.

**Mr NINOS KHOSHABA** (Smithfield) [5.40 p.m.]: I support the Marine Safety Amendment Bill 2008. Navigation safety is an important issue and the majority of people who go boating act responsibly. The value of the boating industry is estimated at more than \$2 billion annually and boating and other on-water activities are both a source of leisure and employment for many New South Wales residents. The bill promotes navigation safety in New South Wales with new and increased penalties, including jail terms and fines, for dangerous navigation, overloading a vessel, endangering public safety, and driving while disqualified.

I commend the new powers for New South Wales Maritime and water police officers to direct skippers and enforce boating safety laws in addition to suspend registrations when vessels are found operating outside the law, such as where they are unsafe, overloaded or when operating at night with insufficient lighting. In particular, I note the strengthening of provisions relating to commercial vessel standards and crewing provisions, safety of public ferry wharves and a range of improved enforcement measures. The bill introduces a new scheme for issuing survey certificates for commercial vessels. Under the new scheme vessels used commercially will be required to have a survey certificate or comply with the regulations relating to design, construction or equipment.

In addition to the new scheme for commercial vessels the bill introduces amendments to allow the adoption of the National Standard for Commercial Vessels. It also allows the regulations to reference standards to be published on the Internet. Together these amendments will promote flexibility by allowing the adoption of only those sections of standards and codes that are relevant to New South Wales operating conditions. The progressive development of the standard is a national initiative that provides a common national standard and it will make the adoption of national standards both quicker and easier. The bill authorises the making of regulations for commercial vessel construction, design and identification, inspection, survey and other matters and will also authorise appeal and review provisions in the regulation.

Additionally, changes allow adoption of the National Standard for Commercial Vessels in relation to commercial vessel crewing. Together these provisions will improve safety and assist to promote maritime business activity in the State. The bill also promotes safety of public ferry wharves by enabling New South Wales Maritime to require reports on the condition of public ferry wharves and by providing for regulations to be made about wharf inspections, methodologies and procedures, and general requirements for public ferry wharves. These legislative initiatives are to be supported by a package of other measures aimed at promoting navigation safety. For instance the Government has announced an increase in the number of night patrols by New South Wales Maritime's boating service officers. In particular, night patrols will focus on enforcement in relation to vessel lighting. This is to ensure that vessels have adequate lighting in accordance with the applicable international regulations, known as the Collision Regulations.

Additionally, the Government will adopt a zero tolerance approach to defective vessel lighting. Under this approach vessels with inadequate or non-functioning lights will be required to be removed from the water and, in these cases, vessel registration may be suspended until evidence is provided that the defective lighting has been repaired. In 2006-07 more than 41,000 vessels totalling 19 per cent, or almost one in five, of all registered vessels were pulled over by a New South Wales Maritime boating officer for a random safety check. Compliance rates from those spot checks over the past year were 91 per cent, which indicates boaters are generally being responsible. The initiative that supports these measures is the provision of a general safety-based direction giving power to New South Wales Maritime and New South Wales Police Force officers.

This power will enable authorised officers to, for example, direct a master of a vessel to refrain from entering an area being used for a special aquatic event, such as the swim leg of a triathlon, or direct a vessel to shore if it is carrying insufficient life jackets. The level of enforcement and improved licensing already in place, together with measures I have highlighted, will assist to promote safety on New South Wales navigable waters. I commend the bill to the House.

**Mr GEOFF PROVEST** (Tweed) [5.44 p.m.]: I am 100 per cent for the Tweed. I do not oppose the Marine Safety Amendment Bill 2008 that was introduced by the Minister for Ports and Waterways, Mr Joe Tripodi. The bill seeks to improve the safety of vessels and users on New South Wales waterways by amending the Marine Safety Act 1998. It is a response to several accidents on Sydney Harbour over the past couple of years, the most recent being the horrific crash with a fishing trawler near Bradleys Head last month, which saw the loss of six young lives. Before that tragic incident a motorboat driver died on Sydney Harbour when his vessel flipped while travelling at high speed. Late last year five people lost their lives after a ferry crashed into their wooden cruiser.

The bill introduces a number of key changes to current legislation governing marine safety in New South Wales. It introduces the same penalties for offences on waterways comparable to offences committed on roads, such as dangerous navigation that results in death or bodily harm. It will bring about greater consistency with blood and alcohol level requirements. It will introduce also a new marine safety licence and perhaps most importantly it will give New South Wales Maritime and New South Wales Police Force officers greater powers to give direction orders and maintain safety on the water.

I feel that this last point is of particular importance. Recently I accompanied four waterways officers on the Tweed River for eight or nine hours. I compliment them on their dedication and commitment not only to their duty but also to the wellbeing and safety of all waterways users. The visit was on a Sunday, perhaps the busiest time. During the day a number of infringement notices were issued. I saw many safety issues such as parents taking young children on the back of unlicensed jet skis and behaving in a fairly hazardous manner. Later in the afternoon near Murwillumbah we came across a vessel that was freeboarding, towing a surfboard. When the occupants, both middle aged, saw us they attempted to escape. When we approached the boat we saw seven or eight empty stubbies rolling around on the bottom of the boat. Clearly, the occupants were intoxicated. The officers pointed out to me that at that time their only power was to send the two men to shore, radio police and wait for them to turn up. The police turned up about an hour later as they had been very busy. Schedule 1 [36] and [37] refer to interstate licence holders. Schedule 1 [12] and [76] refer to specific powers given to officers. Section 96 of the Marine Safety Act states:

The Minister may appoint, as an authorised officer for the purposes of the marine legislation, any person (including a class of persons) who is a member of staff of the Maritime Authority ...

Giving New South Wales Maritime officers extra powers will mean that they do not have to wait an hour for the police to arrive; they can enforce the law. I was very impressed with the actions taken by the officers on the Tweed River. The amendments will give New South Wales Maritime staff much-needed powers to deal with offenders much more quickly. It will also free police officers from having to attend to such matters.

Water safety is a major issue in the Tweed. The bill could have gone further and dealt with a number of other issues. A very significant anomaly currently exists. Until late last year novice drivers from Queensland could drive with a blood-alcohol level up to 0.5 per cent. Over the last year Queensland waterways have introduced a maximum speed limit of 40 knots, yet in New South Wales the speed limit is unlimited on certain enclosed waterways. A significant amount of the Tweed River has an unlimited speed limit. I asked the Minister for Ports about introducing a maximum speed limit on the Tweed River, and perhaps all New South Wales waterways, but he advised that he is not considering doing so.

More jet skis are owned in south-east Queensland than in the whole of New South Wales. With unlimited speed limits jet skis are a constant source of irritation and maritime staff hold grave concerns that there will be a serious accident unless a maximum speed limit is imposed. It is not uncommon for Queensland jet skiers to make the trip across the border and use the Tweed River. This results in even more traffic on what is already an extremely busy waterway. It also means that there is more risk of water safety regulations being violated. Any legislation that increases the safety of our waterways has my approval. I am happy to support the bill.

**Ms ANGELA D'AMORE** (Drummoyne) [5.51 p.m.]: I support the Marine Safety Amendment Bill 2008. Enforcement is a top priority for both New South Wales Maritime and the New South Wales Police Force. Officers work day and night to enforce boating safety. In the last six months New South Wales night patrols by boating service officers have gone up by 150 per cent in comparison with the corresponding period last year. I commend the work undertaken by the boating service officers and the Marine Area Command police who conduct patrols of our waterways. I am sure that honourable members value the fact that last year over 46,000 random safety checks of all kinds of vessels were conducted all over New South Wales by government agencies working together to improve safety on our waterways.

The proposed amendments reinforce the good work of these patrols and support the safety culture that is so important to the users of our waterways. The bill provides the legislative basis for a wide-ranging review of navigation safety requirements for recreational and commercial boating activities in this State. It represents the most comprehensive review and improvement of marine safety legislation since the introduction of the Marine Safety Act in 1998. The bill provides boaters with a new safety package of tougher penalties, new offences, and stronger enforcement of laws on our waterways. In particular I note the complete revision of the provisions dealing with alcohol and drugs for persons operating both commercial and recreational vessels.

The current provisions dealing with alcohol and drugs, while generally similar to the alcohol and drug provisions of the Road Transport (Safety and Traffic Management) Act 1999, do have significant differences for police officers and the courts that have to apply them. The bill will substantially increase the consistency of the alcohol and drug provisions of marine and road transport legislation so that police officers and the courts will be able to more quickly transfer their experience with road transport related provisions to the circumstances of commercial and recreational boating. This will also improve the ability of the alcohol and drug provisions applicable to boating to be explained to, and understood by, the boating public—an extremely important provision. These changes will improve the efficiency of the administration of the alcohol and drug-related provisions of the Marine Safety Act and in that way improve safety.

The bill also introduces increased penalties for dangerous or negligent navigation for seagoing vessels and for other craft. It provides for increased penalties for unsafe, overloaded or unregistered vessels and for creating dangerous vessel wash or otherwise endangering public safety on the water. The changes to the current penalty for negligent, reckless or dangerous navigation that results in death or grievous bodily harm have been made so that they too are consistent with the penalties for similar offences on the roads. Importantly, the bill will introduce an imprisonment term for reckless or negligent navigation resulting in death or grievous bodily harm. The Crimes Act contains equivalent offences for dangerous driving or dangerous navigation occasioning death or grievous bodily harm.

My electorate contains a large area of Sydney's waterways. I know that the vast majority of boaters do act safely and within the law. Evidence shows that the compliance rate is over 91 per cent across New South Wales and 94 per cent on Sydney Harbour. My electorate has 38 kilometres of foreshore and four boat ramps, which are all currently undergoing major upgrades by our council from State Government allocated funds. Local recreational boaters use the boat ramps, as do many people from the outer west. These provisions will go a long way to assure families that there are strong provisions to protect our loved ones when they are out on the waterways.

Finally, I refer to the new section to enable regulations to be made for the full adoption in New South Wales of the Australian Builders Plate scheme. The Australian Builders Plate is a national initiative developed through the National Marine Safety Committee, which comprises representatives of all Australian maritime administrations. A central requirement of the Australian Builders Plate scheme is that it should apply at the point of sale or supply of a recreational vessel so that members of the boating public considering the purchase of a new boat have important relevant information available to them: for instance, compliance with relevant standards; the limitations applicable to the use of the boat, including the number of passengers allowed and size of motors; and the buoyancy characteristics of the boat. It is essential that this information is available to the public at the point of sale of recreational boats. The proposed amendment will enable regulations to ensure that is the case. The measures I have highlighted will assist to promote navigation safety on New South Wales navigable waters. I commend the bill to the House.

**Mr ROB STOKES** (Pittwater) [5.56 p.m.]: Parts of the Marine Safety Amendment Bill 2008 are a long overdue legislative response to recent tragedies on Sydney Harbour. The bill will improve the safety of all New South Wales waterways and improve the efficiency of administering the Marine Safety Act 1998. As a member representing electorates surrounded by waterways, including Cowan creek, Broken Bay, the Pittwater, the Tasman Sea and Narrabeen lagoon, I am very aware of the need to ensure that our waterways are safe from people driving or sailing boats in a negligent manner. Most people who enjoy our waterways for recreation are safe, competent and experienced, but there are a number of hoons out there.

A good mate of mine from Mona Vale Surf Club, Peter Lever, was in a surfboat a few years ago on the Pittwater when a small tinny came along and collided with his surfboat. The tinny landed on top of him and he ended up with both calf muscles being split from the weight of the tinny. My sister-in-law and her two young children—aged one and four years at the time—narrowly escaped serious injury when she literally picked them up and jumped off an exploding boat. Boating is an inherently risky pastime or profession and we need to ensure that it is appropriately regulated so that safe, competent and responsible sailors are protected from hoons, drunks and people who just do not know boats.

For several years the Government has known of the need for increased focus on negligent navigation. One of my constituents from Warriewood, Captain Tom Hughes, Justice of the Peace, an experienced skipper, master and engineer for more than forty years, wrote a warning to the State Government prior to the *Pam Burridge* tragedy—which resulted in the deaths of four people, including Dr Alan Blinn also from Warriewood—warning that a failure to display navigation lights was a serious and real risk on the harbour. The inquiry into the *Pam Burridge* collision subsequently confirmed that a failure to display navigation lights was a major element in that tragic collision.

I welcome the new focus on dealing with negligent navigation, but note that it should have occurred some time ago. I have noticed in Pittwater, and I am sure other members have noticed in their communities, that sailing boats, sadly, are gradually being replaced by power boats and that power boats are getting bigger. Ironically, often, the bigger the power boat, the less capable the skipper. There are 3,641 moorings in the community of Pittwater. Averaged on a 10-metre boat, New South Wales Maritime collects more than \$2 million per annum from boat registrations and mooring fees. The Department of Lands collects funds from permissive occupancies all over Pittwater. Given that the structures on submerged crown land are the property of the Crown—because the Department of Lands issues licences, not leases—any collision between a craft and these structures, such as a jetty, boathouse or piling, may result in the State Government and the taxpayers of New South Wales being liable for damages.

In the face of these risks, how many New South Wales Maritime boats patrol Pittwater, which has more than 3,000 moorings? Are there 10 or 5 or 3? Just one boat patrols Pittwater, and not at all times. Pittwater would be among the busiest recreational waterway in the State. We have to rely on the Water Police at Church Point and our wonderful volunteers, such as the Royal Volunteer Coastal Patrol of Broken Bay and the Australian Volunteer Coast Guard at Cottage Point. I note the presence in the Chamber of the shadow Minister for Emergency Services, who agrees with me that these organisations provide a wonderful service. However, they do not play a role in enforcing the laws. We need the resources to ensure that the new safety provisions are properly enforced.

The Government has strengthened the laws that regulate boat safety but has not provided the resources needed to make our waterways safe. Pittwater is continually under pressure to accommodate more and more boats. With a ludicrous proposal for a 35-lot residential subdivision on bushland on the western foreshore of Pittwater at Currawong, we may see up to 35 floating gin palaces littering the foreshores of Currawong—but no extra Maritime patrols. Given that the budget for New South Wales Maritime has been cut by 4 per cent, our waterways are being used by more boats but are less safe. The Parliament can pass regulations and stiffen penalties, but without officers on the water to enforce the law, the law is simply words on a page. On behalf of nearly 60 Sydney Harbour skippers, earlier this month I presented a petition in the House, which states:

The Petition of citizens of New South Wales brings to the attention of the House the need for boats to use their navigation lights on Sydney Harbour.

The undersigned petitioners therefore ask the Legislative Assembly to make all necessary provision for sufficient Boating Service Officers to enforce the existing rules regarding navigation lights on vessels using Sydney Harbour.

Whilst the Government has made a legislated response, it has not provided the boating service officers necessary to ensure that these new rules will be properly enforced in my community of Pittwater and elsewhere in New South Wales. Sadly, since 2000 there have been 18 deaths on Sydney Harbour and 45 injuries requiring hospitalisation. Yet the Minister recently confirmed to the *Sydney Morning Herald* that no new boating services officers had been hired. I want to refer to provisions of the bill relating to the role of harbour pilots. The shadow Minister has already referred to this matter. In a recent paper entitled "The Pilot As a Major Safety Resource", maritime expert Michael Grey notes that ship safety is hugely enhanced by having a skilled ship handler who is thoroughly familiar with local conditions. He states:

The Pilot, I believe, is a very necessary insurance against the inadequacies of a ship's bridge resources. He or she forms an essential safety net to compensate for the often inadequate manning at a time when the demands upon a ship's crew are arguably high. The master is overstretched and becoming increasingly so, as the demands of the International Ship and Port Facility Security Code add to other bureaucratic burdens.

He continues:

But the importance of the pilot is hugely enhanced when it is considered how lean manning has eroded the vessel's own on-board capabilities. It is not unusual, so I am told, to find sizeable ships where the master is the only officer on the bridge, with a helmsman available if the pilot is lucky.

Further he states:

A pilot on the bridge is a huge safety enhancement, whether he is there for his ship handling skills, his local knowledge or the very real comfort that his presence can give to the master and his bridge team.

A paper in 2004 by Sydney sea pilots Martin White and Neil Farmer emphasises that harbour pilots are a vital part of securing safety for ships entering our ports and for the environment through which they pass. Our harbours are at a very real risk. I refer to the *Laura D'Amato* oil spill in 1999. At the time I was working in

Phillip Street and I remember walking through the streets of Sydney smelling the overpowering stench of fuel oil that had leaked across Sydney Harbour. Just because we have not had significant spills or collisions of large vessels in New South Wales harbours for some time does not mean it cannot happen. The role of professional pilots has played a major part in managing the risk of disaster. A couple of international examples clearly emphasise that point.

The *Jody F Millennium*, which left Gisbourne in New Zealand without a pilot, ran aground 150 metres off the harbour entrance, spilling 25,000 litres of heavy oil over eight kilometres of coast. In 2006 the *APL Panama* ran aground whilst trying to enter Ensenada in Mexico without a pilot. Pilots play a crucial role in maritime safety. They are concerned about aspects of the Marine Safety Amendment Bill as it pertains to pilotage. Schedule 1 [43] gives the harbourmaster of a port discretion to approve the movement of a vessel without a pilot on board within a port without reason. This amends section 74 of the Maritime Safety Act, which currently states that pilotage is compulsory for all commercial vessels over 30 metres.

Schedule 1 [49], which amends section 85, states that the Minister may appoint any person as the harbourmaster. There are no formal qualifications laid down in the Act or bill for the appointment of a harbourmaster. I ask the Minister to clarify whether this issue is addressed in the regulations. Pilots have expressed concern that this bill, if passed, will allow a person who is appointed harbourmaster by the Minister to give approval for a ship to move in a port without a licensed pilot for no reason whatsoever. Professional mariners and pilots have explained to me that it is sheer folly. I ask members to imagine a foreign ship running aground on the Bare Island bombora in Botany Bay National Park or consider the consequences of a ship blocking the narrow channel at Molineaux Point in Botany Bay. There is no guarantee that a foreign master has the ability to communicate effectively with local tugs and their crews, without the presence of a local pilot. As part of the port safety operating licences, the port corporations are bound to supply allocate a suitable number of pilots to provide a service to shipping. This provision in the bill could mean that ships move by themselves without having the appropriately trained pilots available, yet the port corporations still maintain their port safety operating licences.

Pilots are concerned that no-one has listened to their advice or understood their position. I have received advice from one pilot in particular, who does not want me to mention his name. He lives in Pittwater and I am proud to represent him. The consequences of a ship grounding or collision in any New South Wales port would be catastrophic. A pilot has explained to me that the standard of some ships' masters and crews that visit our ports is low. Would any member grant the master of the *Pasha Bulker* approval to move in one of our ports without a highly skilled local pilot on board? How do we assess the competency of that master?

The Minister, NSW Maritime and the port corporations have a serious responsibility to make sure that no vessel moves within ports unless it can move safely. As far as the pilots are concerned, that means there should be a suitably licensed pilot on the ship. I urge the Minister to seriously consider these concerns raised by harbour pilots and also to provide the resources needed by NSW Maritime to provide sufficient boating safety officers and vessels to ensure that the new safety laws can be properly enforced.

**Ms JODI McKAY** (Newcastle) [6.09 p.m.]: I support the Marine Safety Amendment Bill 2008. As members would be aware, Newcastle is one of the largest coal ports in the world. It is a port that is diversifying in the trade coming into and out of the port. It also has a growing recreational boat base and a number of fishing trawlers that are based in the port. The bill sets a range of new penalties and punishments for offences on our waterways. These include steep fines and potential jail terms for negligent navigation, operating an unsafe, overloaded or unregistered vessel, and ignoring safety directions from authorised officers. The penalties are designed to encourage safe behaviour and a safety culture on the water.

Responsibility for the safety of ship and crew rests with the master at all times. This responsibility is enshrined in New South Wales, Commonwealth and international shipping laws. A master who disregards his responsibility for the safety of his vessel and crew is a hazard not just to himself but also potentially to many others. It is against this backdrop that I welcome the introduction of these tough new penalties for negligent navigation for ocean-going vessels, the amendments to existing penalties and the introduction of jail terms of up to two years when negligent navigation causes grievous bodily harm or death from dangerous or negligent navigation.

Authorised officers, including the harbourmaster for the Port of Newcastle, will also be empowered to issue safety directions to ships' masters, with penalties for failure to comply. These are in addition to existing offences in section 52B of the Crimes Act 1900 relating to dangerous navigation occasioning death or bodily

harm. The purpose of these powers will be to maintain general on-water safety. For example, these powers also will enable NSW Maritime and the New South Wales Police Force to direct the master of a vessel not to cross a coastal bar during dangerous conditions.

I commend the new penalties as part of developing an on-water safety culture. Jail terms of up to two years for negligent navigation where a death or injury has occurred will be a strong incentive for masters to adopt a safety-first approach. Increased fines of up to \$110,000 per incident will also be a strong incentive to vessel owners and operators to ensure their masters and crew follow the law and take safety risks seriously. As members would be aware, the Port of Newcastle is a pilotage port and one of the world's largest coal export ports. The proposed amendment that relates to the penalty for negligent, reckless or dangerous navigation on larger vessels, such as trading vessels, is particularly relevant to the port's operations. The safety consequences of such an offence are far greater on a large vessel than on a small recreational vessel. I commend the introduction of a sliding scale of penalties depending on the type of vessel.

The Minister has outlined also a number of other provisions of the bill, including the proposed changes to those provisions relating to marine pilotage and harbourmasters. These changes will lead to greater efficiency in port operations. The proposed changes will enable more than one person to be appointed to exercise the function of a harbourmaster and enable a vessel to move within a pilotage port at appropriate times, if it has been authorised by the harbourmaster. Additionally, a master will be able to operate a vessel greater than 30 metres in length in a pilotage port on the basis of a verbal approval from the harbourmaster, provided the movement is recorded in the ship's log.

As an island nation, Australia's economy is critically dependent on the efficient operation of shipping and its ports, such as Newcastle, with in excess of 98 per cent of all imports and exports moving by sea. I commend the critical safety work of the 40 marine harbour pilots in New South Wales who each undertake up to 370 movements in and out of our ports in any 12-month period. The role of a marine pilot is to provide advice to a ship's master regarding safe passage of a ship through hazardous coastal waters. Marine pilots must use their detailed local knowledge of the port to overcome considerable risks to public safety.

It is a difficult job and marine pilots must be flexible also to adapt to the rapidly changing nature of shipping that has taken place over recent decades. These changes include an increase in the size of ships, which results in poorer visibility in the immediate area around the ship and a greater exposure to wind. Some ships transit Sydney Harbour with an under-keel clearance of less than one metre. Each of the proposed amendments to harbourmaster and pilotage provisions in the Marine Safety Act are necessary to improve the efficiency of NSW Maritime and the port corporations in administering these important port safety functions. I know I join with all members of the House in commending the excellent performance of the 40 marine harbour pilots in New South Wales. Each year our marine pilots safely guide hundreds of vessels in and out of our ports, day or night, and regardless of vessel size or the prevailing weather conditions.

The claims of the member for Coffs Harbour about a maritime budget cut are wrong and show a complete lack of understanding regarding how the authority's budget operates. The NSW Maritime Authority is a self-funding agency; revenue is generated from property income, licence fees and registration. The authority does not receive funding from consolidated revenue. In this financial year the forecast for operational expenditure for the authority is \$110.5 million, and that figure is inflated by two large one-off payments: a \$9.6 million payment for land transfers and road works at the King Street wharf development and \$2.4 million for decontamination of soil at the marine precinct near Rozelle Bay. After these one-off payments, the authority's actual operating expenditure this year is \$98.5 million. In comparison, the 2008-09 operational budget for the authority is \$102 million, an increase of \$3.5 million. The Iemma Government is dedicated to supporting safe and responsible use of the State's waterways. The 2008-09 budget ensures the NSW Maritime Authority has the funding it needs to deliver continued marine safety improvements for the people of New South Wales, including full funding for the marine safety package the Minister has announced.

With regard to the pilot issue, also raised by the member for Coffs Harbour, there are already exemptions for certificates of local knowledge and pilotage exemption certificates in current legislation. This is simply to be reproduced in the Marine Safety Act. The amendment that will allow harbourmasters to exempt a vessel from pilotage is intended for movements such as along a wharf, and this will be at the discretion of the harbourmaster, who is responsible for safety and would not give an extension lightly. As to the qualifications for a pilot, this will be in the pilotage code, which will be adopted under the Act, as amended, through the regulations. In response to the member for Tweed in regard to his claim of a 40-knot speed limit, the member should note that there is a legal responsibility to drive at a safe speed at all times. This requirement is under the collision regulations and the need to navigate with due care and avoid collision.

The Marine Safety Amendment Bill 2008 represents a significant improvement on marine safety legislation in New South Wales. It will help build the culture of on-water safety, streamline pilotage and vessel handling in our ports and ensure that safety directions by authorised officers are heeded and acted upon. I commend the Minister for introducing this legislation, and I support its passage through this House.

**Mr PHIL KOPERBERG** (Blue Mountains) [6.18 p.m.]: Notwithstanding the absence of navigable waterways in my electorate, I am very happy to support the Marine Safety Amendment Bill 2008 because it will go a long way towards the minimisation of incidents that previous members have mentioned in support of the bill. I am particularly pleased to see a number of amendments to the Marine Safety Act that will result in greater protection to ensure the safety of the many users of the State's magnificent waterways. They are, of course, among the world's most picturesque and widely used. I am also pleased to note that the proposed amendments will improve the administrative efficiency of the legislation and clarify the responsibilities of New South Wales Maritime and the port corporations.

Since the passage of the Marine Safety Act, the responsibilities of New South Wales Maritime have changed significantly as it has taken on a broader role with regard to on-water safety. Its safety and enforcement function has expanded from the original core focus on recreational and commercial boating safety to include additional responsibilities for port safety policy, shipping safety, the coordination of maritime security, environmental protection, marine pollution response and ports policy. The organisation's role and responsibilities have also changed in respect of the safety of navigation, incident investigation and public ferry-wharf safety. It is essential that the amendments proposed in this bill—for which I commend the Minister for Ports and Waterways—be supported to reflect those changing roles and responsibilities.

With so many opportunities to enjoy the State's vast waterways, the popularity of boating has continued to increase over the past 10 years. Indeed, in the 10 years to June 2007, the number of recreational boat licences in New South Wales increased by 24 per cent to more than 450,000. The number of registered recreational vessels has increased by 26 per cent over the same period to a staggering 217,000. As the popularity of recreational boating grows, the potential for on-water conflicts and incidents also increases, as does the risk of fatalities and serious injuries. These amendments are designed to prevent the repetition of some recent disasters.

I commend the Government's proposed improvements to this safety legislation. It is essential that changes to the New South Wales marine safety legislation, such as those proposed in the Marine Safety Amendment Bill, be supported. I support the various amendments included in the bill that will ensure consistency between the safety legislation that applies to the roads and the safety legislation that applies to the water. For example, this bill will introduce consistency in alcohol and drug enforcement provisions, imprisonment options for repeatedly driving a vessel whilst disqualified and for negligent, reckless or dangerous navigation that causes death or grievous bodily harm. Another important initiative is the introduction of a general safety-based direction-giving power to New South Wales Maritime and police officers. For example, this legislation will enable officers to direct a master of a vessel to refrain from entering an area being used for a specific aquatic event such as the swim leg of a triathlon.

The reference to the National Standard for Commercial Vessels is an essential element of the bill. In the next few years this standard will become the principal technical standard for commercial vessels as it gradually replaces the Uniform Shipping Laws Code, which dates back to the late 1970s. The bill will formally enable the completed parts of the new standard to be implemented. The Australian Transport Council has endorsed these parts of the standard. The transition from the Uniform Shipping Laws Code to the National Standard for Commercial Vessels will also reflect more contemporary safety specifications and technologies. The national standard will require that certain performance outcomes be met and will also provide vessel designers and builders with the choice of using pre-approved sets of specifications or developing equivalent solutions. This approach accommodates design innovation and provides the maritime industry with the appropriate flexibility in deciding how to construct and operate commercial vessels safely.

I also note that the numerous other amendments detailed in this bill are all necessary to improve the efficiency of New South Wales Maritime and the port corporations in administering their roles and responsibilities. For example, the legislation currently requires aquatic events such as a ski boat race on the Manning River be advertised in a newspaper circulated throughout the State. There are many times I wish we had ski boat races on the Grose River, but short of rising sea levels that is not likely to occur. This is clearly an excessive and cumbersome requirement for event organisers. The bill proposes that such events be advertised in a newspaper circulated only in the region in which the event will take place.

The Marine Safety Amendment Bill 2008 represents a significant improvement in marine safety in New South Wales. It builds on the Government's commitment to enhance the safety of the State's magnificent waterways so that all residents and visitors to the State may enjoy them. Having listened carefully to what other members have said, I believe that this is an appropriate time for these provisions to be enacted. A number of members have described changes in behaviour on our waterways. It is incumbent upon the Government to make these amendments. As I said, I commend the Minister for Ports and Waterways for his timely intervention with the introduction of these provisions, which are designed to maximise safety for the users of our waterways and to ensure the wellbeing of vessels and the people who travel in them.

The bill introduces a number miscellaneous amendments that are necessary to improve the efficiency of New South Wales Maritime and the port corporations in administering their various responsibilities, such as on-water safety and marine pilotage. It is clear that the ever-increasing use of the waterways, technology improvements leading to faster and faster vessels and greater uptake of recreational marine activities and increasing usage of our waterways by commercial and non-commercial vehicles mean that this bill is necessary to ensure the Iemma Government's fine reputation for continuously improving the use of our waterways, roadways and just about every other public facility. As has been said on a number of occasions in this debate, these amendments are not only timely but will also address some very real issues confronting commercial and recreational waterway users in New South Wales. In view of these many benefits, I commend the provisions of the Marine Safety Amendment Bill to the House.

**Mr JOHN AQUILINA** (Riverstone—Leader of the House) [6.28 p.m.], in reply: I commend all members who have contributed significantly to this debate: the members for Drummoyne, Newcastle, Blue Mountains, Pittwater, Tweed and Coffs Harbour. The reason behind the introduction of this legislation is patently obvious. Marine safety has been discussed extensively in the community in recent times and this Government and the community as a whole must address the issue. One would think that the need to tighten up the legislation is blatantly obvious. We also need to take a fresh look at the penalties involved. Members have addressed imprisonment for repeat disqualified driving offences and the introduction of increased penalties for negligent navigation of vessels. The Minister is grateful for those contributions and for members raising those points in this debate.

New South Wales Maritime and police officers need increased powers for on-water safety. This legislation aims to provide that, and, significantly, members from both the Government and the Opposition have spelt that out. Improvements to the administration of the pilotage and the harbour master provisions were also spelt out and go a long way towards improving marine safety in our waters. Improvements in administration of wharf maintenance and safety have been of concern to successive governments. The longevity of these wharves can be a matter of grave concern. From time to time the Department of Planning has been concerned about wharf maintenance and safety. Therefore, it is important that this legislation addresses those issues.

Finally, the undertaking given by the Minister—which has been repeated by members of the Government and welcomed by members of the Opposition—that there will be ongoing consultation at a government and community level is covered by this legislation, and I am sure it will be welcomed by the community at large. I have much pleasure in commending the bill to the House.

**Question—That this bill be now agreed to in principle—put and resolved in the affirmative.**

**Motion agreed to.**

**Bill agreed to in principle.**

#### **Passing of the Bill**

**Bill declared passed and transmitted to the Legislative Council with a message seeking its concurrence in the bill.**

*[Acting-Speaker (Mr Wayne Merton) left the chair at 6.30 p.m. The House resumed at 7.30 p.m.]*

#### **SHOP TRADING BILL 2008**

##### **Agreement in Principle**

**Debate resumed from 6 June 2008.**

**Mr ANTHONY ROBERTS** (Lane Cove) [7.30 p.m.]: It is with a great deal of pleasure that I speak this evening on the Shop Trading Bill 2008. I take the opportunity to congratulate the Coalition's shadow

Minister, the Hon. Mike Gallacher in the upper House, on his fine work on this bill. One object of the bill is to deregulate shop trading hours while restricting trading on Good Friday, Easter Sunday, Anzac Day before 1.00 p.m., Christmas Day and Boxing Day, these being restricted trading days. The proposed section will not apply to exempted shops. A further purpose is to enable small shops and specified other shops to trade on restricted trading days and to provide for an exemption by the director general of the Department of Commerce for other shops from trading restrictions. Another purpose is to repeal the Shops and Industries Act 1962 and to transfer provisions relating to weekend trading by banks and day baking to other Acts.

Businesses exempted from the requirement to close on restricted trading days include shops in bazaars, fairs and markets conducted for charitable public fundraising purposes, bookshops, chemist shops, news agencies, recorded music shops, souvenir shops and shops ancillary to venues for playing sport or other physical recreation. The bill also provides that the restrictions do not apply to certain licensed premises. The bill provides that an exempted shop open on a restricted trading day must be staffed only by persons who have freely elected to work on that day, without any coercion, harassment, threat or intimidation by or on behalf of the occupier of the shop. It pleases me to see that the bill provides for a review of the Act in five years. When looking at the consultation undertaken I note that Milton Cockburn, the Executive Director of the Shopping Centre Council of Australia, stated:

This will remove costly "red tape" on businesses and save taxpayer resources presently tied up in needless regulation.

He went on to say:

While NSW currently permits Sunday trading in most parts of the State, this only operates through a cumbersome, costly and confusing system of exemptions.

The regulation of trading hours has imposed significant administrative costs on retailers, shopping centre managers and government for no good reason.

NSW, which once led Australia in the reform of trading hours, currently has less liberal trading hours than most other States and the Territories.

The Shopping Centre Council went on to say:

While the Government's reforms are welcome it has missed a great opportunity to demonstrate that NSW was truly "open for business" by totally deregulating trading hours.

Mr Cockburn went on to say:

Even after today's announcement Sydney, Australia's only global city, will still have more limited shop trading hours than Melbourne, Canberra, Darwin and Hobart.

The Shopping Centre Council stated:

Customers are the lifeblood of retailing and the industry must be able to respond to customer preferences about when and where they want to go shopping. Modern families, struggling to balance work and family commitments, need greater flexibility in the times when they can shop.

Historically, the council pointed out:

NSW, under the Wran Labor Government, was the first State to introduce Saturday afternoon trading. NSW, under the Greiner Liberal-National Government, was also the first State to allow Sunday trading, through exemptions, and to remove all government restrictions on Monday to Saturday trading.

The council finished by saying:

Since then, however, Victoria, Tasmania and the ACT have all overtaken NSW in providing families with greater choice and convenience in shopping hours.

The member for Wagga Wagga knows we always welcome Paul Ritchie's comments, and Paul Ritchie says business welcomes the Shop Trading Bill. He said the New South Wales Business Chamber has welcomed the introduction of new trading hours legislation that will free up retail trading on Sundays. He said that currently a complex system of regulations and exemptions apply to Sunday trading. Many of us who work longer hours, and families with two working parents, find it convenient to shop on Sundays and on weekends. One only has to go to my electorate of Lane Cove on a Sunday morning where the supermarket, Coles, is filled to overflowing.

**Mr Daryl Maguire:** It is filled every day.

**Mr ANTHONY ROBERTS:** Yes, it is filled every day, as is the Coles in Gladesville. I speak on behalf of my constituents, who intend welcoming Woolworths to Lane Cove after a long period. Lane Cove council should be commended for taking proactive action to bring competition to Lane Cove. The bill follows a referral to the Independent Pricing and Regulatory Tribunal to investigate regulatory burdens on business. In October 2006 its final report came to the Government. It included a recommendation to reform shop trading hour restrictions. The Better Regulation Office subsequently held a review, which included public consultation. The current Act, the Shop and Industries Act 1962—and looking around the Chamber, I do not think anyone here was born in 1962—is half a century old and does not live up to the expectations of today's consumers who want to be able to shop and pay bills seven days a week.

**Mr Phil Koperberg:** You are being extraordinarily generous. Even if you were to say 1952, you would be wrong.

**Mr ANTHONY ROBERTS:** The member does not look as though he was born in 1962. It is that good Blue Mountains air. Once again, it was the Greiner Government that did so much in forging ahead—and prior to that the Wran Government. The Opposition is not opposing this bill. Consultation has been extensive, from the Coalition's point of view. The Shopping Centre Council of Australia supports the legislation as far as it goes, but has called for a total deregulation of trading hours. While the response of the Australian Retailers Association is pending, we understand it is supportive, and the New South Wales Business Chamber also supports the legislation. It is with a great deal of pleasure that we support the bill.

**Mr PHIL KOPERBERG** (Blue Mountains) [7.37 p.m.]: I thank the member for Lane Cove for his more than generous attribution apropos dates of birth. I am the only one who was here in 1962, 1952 and 1942—but I am not going to go as far as 1932. I am pleased to make a brief contribution in support of the Shop Trading Bill 2008. The bill is the outcome of the first targeted red tape review completed by the Better Regulation Office. The Minister ought to be commended, as ought the Government, for his focus on reducing red tape in all manner of governance across the spectrum. That is reflected again in the bill. Cutting red tape has been one of the major priorities of the Iemma Government. As a specialised unit focused on reducing red tape in New South Wales, the Better Regulation Office is in a position to respond to calls from industry and the community to cut red tape in specific areas. The Better Regulation Office tackled the regulation of shop trading hours as its first review, and the resultant Shop Trading Bill has been very well received by the retail industry, as has been mentioned by the member for Lane Cove.

The Shops and Industries Act, which regulates shop trading hours, was drafted in 1962 and has been gradually amended over the years to reflect changing lifestyles and consumer demand for more deregulated shopping hours. In lieu of a broad-ranging review of shop trading hours, successive governments have made gradual amendments and concessions to achieve the desired outcomes for shop trading hours. This has resulted in an Act that is cumbersome, complicated and often difficult to interpret. It exhibits all the signs of its gradual evolution, such as the legislating of specific exemptions for railway or tramway refreshment rooms, which reflects quite clearly the archaic nature of the legislation, horticultural society shows, hairdressers located at transport terminals and the like. Councils can apply for an exemption for a specific holiday resort area, but only if it is outside Sydney, Newcastle and Wollongong districts. The Sydney central business district, Newcastle and Cabramatta are subject to exemptions for Boxing Day and New Year's Day. These complex and overlapping systems of exemptions are difficult to navigate and do not represent best practice regulation.

Another element contributing to the confusion around shop trading hours regulation is that the Act prohibits trading on the day observed as the public holiday rather than the actual day of significance. Therefore, when a public holiday falls on a Sunday and is observed the following Monday, according to the Act shops would be free to open on the Sunday but required to shut on the Monday. That is a clear reflection of the need to overhaul the regulation and provide clarity for retailers and people to access retail outlets. Obviously, this does not make much sense when, according to the Act, shops would legally be able to open on Christmas Day and Boxing Day if they fell on a weekend, but would have to shut on the following Monday and Tuesday.

The Shop Trading Bill removes this anomaly and the need for the Government to enact amending legislation every year such a situation arises, which is almost every year. The bill makes it clear that trading restrictions apply only to the actual day, not to the day observed as the public holiday. The bill also updates some definitions in the Act, such as the definition of "shop", to make it easier to apply and improve consistency with other States.

The Better Regulation Office reviewed the Shops and Industries Act in response to a recommendation from the Independent Pricing and Regulatory Tribunal with the intention of simplifying and clarifying the

legislation. This has been achieved. I commend the Minister for moving forward with this bill. The red tape reforms in the bill make the legislation easier to understand and interact with. The ultimate beneficiaries of the legislation will be the consumer, the families of New South Wales, who will have a clearer understanding of access to retail outlets. I acknowledge the support of the Opposition and, accordingly, I commend the bill to the House.

**Mr DONALD PAGE** (Ballina) [7.43 p.m.]: As shadow Minister for Small Business and Regulatory Reform, I support any measures that reduce red tape as it applies to small business in New South Wales. The purpose of the Shop Trading Bill is to deregulate shop trading hours in New South Wales, especially the current restrictions on Sunday retail trading. The bill will repeal the Shop and Industries Act 1962, which does not reflect the need for consumers today to be able to access retail outlets seven days a week. The legislation will also make it more certain when restricted trading hours will occur—that is, Good Friday, Easter Sunday, Anzac Day before 1.00 p.m., Christmas Day and Boxing Day. It clears up the current anomaly of the restrictions applying to the public holiday applicable to the day of significance, such as when Christmas Day falls on a Saturday and the public holiday falls on the following Monday. Under this legislation it will be clear that the trading restrictions will apply to the actual day and not the subsequent public holiday.

I remind the House that the Greiner Government was the first to allow Sunday trading by exemption and to remove all government restrictions on Monday to Saturday trading. I note that the bill has the support of the Shopping Centre Council of Australia and the New South Wales Business Chamber. The Government is portraying this bill as a reduction in red tape, but it is only a minor reduction. There is still a long way to go if the Government is going to get serious about it. A recent report on 6 May 2008 released by Westpac shows that New South Wales small businesses spend on average 20 hours a week on administration and red tape compared to 15 hours in Queensland. This means that New South Wales businesses are spending 33 per cent more time on red tape than Queensland businesses. Whilst some of this time will be due to Federal regulation, which is relevant to both States, the difference between New South Wales and Queensland is directly related to the additional regulatory burden that applies in New South Wales.

The Government must address this issue with a view to a range of regulatory reforms. This bill will reduce administration in a very limited way, by removing the requirement for general shops to make a one-off application for exemption to trade on Sunday. When an application is approved, a certificate is granted for an unlimited time. The removal of a one-off administrative task will do little to reduce red tape. Furthermore, the application has a fee of \$100, which again does very little to reduce the ongoing costs of doing business in New South Wales. I urge the Government to take further measures to seriously reduce the burden of red tape on businesses in New South Wales.

I have sympathy also for tenants in shopping centres in areas that do not have much demand for Sunday trading, for example in smaller country towns. These small business operators will probably resent having to trade on a Sunday when there is little business on offer. However, often the requirement to trade when the shopping centre is open is written into their lease, so one can argue that those shop owner tenants are aware they have to trade on Sundays if the shopping centre is open when they enter their lease agreement. Whilst I support the legislation, much more needs to be done to reduce red tape in New South Wales, including things such as the reduction in the number and magnitude of State taxes, the reduction in the number of new regulations, the abolition of existing regulations wherever possible and the consolidation of administrative requirements so that New South Wales businesses spend less time satisfying State Government impositions on small business.

**Ms NOREEN HAY** (Wollongong—Parliamentary Secretary) [7.47 p.m.]: I support the Shop Trading Bill. This is an example of the Iemma Government and Minister Tripodi moving to reduce red tape for business. It is an example of the New South Wales Government being open and responsive to calls from the business community to cut red tape. I am particularly pleased that this package of reforms was developed after a close consultation process with the various groups that would be impacted by the reform of shop trading hours. Small, medium and large retailers, shopping centre owners and unions made submissions to the Government's review on this issue. As a result of the Government's careful consideration of impacts on all these groups, I believe the package of reforms strikes the right balance.

The benefits for business are clear. A strong, healthy business sector also means flow-on effects for employment and the local economy. Now, the reality is that shops tend to be staffed on weekends by young people or working parents, who appreciate the flexibility of working over the weekends and having time during the week to study or care for children. Many retail workers want to, and choose to, work on Sundays and public

holidays, as these days also attract penalty rates. In this respect, freeing up trading on Sundays and some public holidays, as this bill does, will have a positive impact on employment for youth and part-time workers in this State. But the bill also contains a number of important protections for workers. Shops will still be required to close on 4½ of the most culturally significant days of the year—Christmas Day, Boxing Day, Good Friday, Easter Sunday and the morning of Anzac Day.

This requirement will give retail workers time off to spend with their families and loved ones on those important days. If a shop or a group of shops applies to the director general of Commerce for permission to open on one of those special days, the director general will have to consider a set of criteria, which will be specified in the Act. One of the criteria is "the likely effect of the proposed exemption on employees of, or persons working in, the shop".

**ASSISTANT-SPEAKER (Ms Alison Megarrity):** Order! There is too much audible conversation in the Chamber.

**Ms NOREEN HAY:** I note the bill retains the right of applicants to apply to the Administrative Decisions Tribunal for a review of a decision to refuse to grant an exemption, and it appears that the bill does not otherwise affect common law rights of judicial review. Any exemption granted from now on will also be on condition that on a restricted trading day only persons who have freely elected to work on that day will staff the shop. This introduces an extra protection for hardworking retail employees. Shops that illegally trade on one of those 4½ restricted days will face penalties of up to \$10,000 for a first offence. Shop trading hours has been a contentious area of regulation in New South Wales and across Australia. I am happy to see that after a careful process of consultation with all affected stakeholders, the New South Wales Government has come up with a bill that achieves a balanced outcome. I commend the bill to the House.

**Mr DARYL MAGUIRE (Wagga Wagga) [7.51 p.m.]:** I echo the comments of the shadow Minister for Small Business and Regulatory Reform, the member for Ballina, who is responsible for the carriage of the Shop Trading Bill 2008. I agree that reduction in red tape is important for small business and big business, because now, more than ever, businesses are under pressure to meet the onerous demands that are required of business operators, whether they be sole traders or multinational corporations. Since Kevin Rudd became Prime Minister businesses have had to contend with 10 interest rate rises, of which four were official and a number were unofficial. The tolls in metropolitan Sydney have increased, which is an added impost on businesses, as have fuel costs—all those increases add up!

Recently the Independent Pricing and Regulatory Tribunal announced that communities and businesses would be levied with higher water, gas and electricity charges. Businesses will have to find ways to meet those added costs, or go broke. I certainly do not want that to happen. As the Assistant-Speaker in the chair, the member for Menai, knows I have contributed to debate on bills that are important to me and to which I can relate my experiences. I entered the retail industry in 1976. I worked through the Wran years, when deregulation was first implemented and when Sunday trading was introduced. At that time business operators faced many difficulties in trying to run their business, employ staff and meet the conditions imposed on them. After all those years, I have concluded that today business operators are still very confused about whether they can trade, whether they are in a holiday area, and whether restrictions apply to them.

The reduction in red tape will give small businesses more certainty about their planning and their requirements for staffing, budgetary needs, et cetera. The consequential reduction in costs is important to them. I understand the pressures that seven-day a week trading imposes on families of small business operators. I recall times when my staff needed time off. In small business, the proprietor has to work. I recall working for stints of up to 16 weeks without a break to fill the rosters and enable individuals to have time off to spend with their families, or to attend important functions or family gatherings.

I note that the Parliamentary Secretary, the member for Wollongong, stated that major fines would be imposed for a breach of the regulations. In my experience, employers want to work in harmony with their employees—it is teamwork—although every industry has a few rogues. I would not encourage rogues, but the great majority of retailers—whether corporations, sole traders or small companies—value their employees. Quite often retailers go out of their way to ensure their employees are happy and are making a contribution to the business. That is the way in which I ran my business.

The community benefits from extended trading hours, particularly people who work in 9.00 a.m. to 5.00 p.m. jobs from Monday to Friday because they are able to shop with their families. However, the retailers

and the small business operators quite often cannot enjoy that family activity because they have to open their shops for customers. That is the sacrifice they make. Many times I missed out on attending functions with my children, such as sports days or carnivals held on weekends. That was the price I paid when I operated my business. Small businesses rely on customers to patronise them, which leads to profits that can be reinvested or used to engage additional employees. However, that has an impact on families.

The member for Lane Cove noted the convenience of shopping on a Sunday or during extended hours at a Coles supermarket and a new delicatessen that have opened in his area, as well as others throughout Sydney. However, that comes at a cost. It is important that whenever possible the Government reduce costs for small businesses, such as stamp duty, sales tax, payroll tax, and water or electricity charges. I note the member for Maitland is nodding enthusiastically and saying, "We have done that." But that is not right, because when one compares the taxes and charges in Queensland and Victoria to those in New South Wales, ours are still far greater.

New South Wales has a lot of work to do to bring charges levied in this State into line with those levied in other States. I will address a few. There is a great deal of media attention on fuel, which is a large cost to business. The Government forgets to mention that in Queensland and Victoria fuel is 10¢ cheaper than it is in New South Wales. The political spin around fuel costs ignores the fact that it is a real cost for business. The reports delivered in the media are topics of discussion. When gridlock affects a business and prevents it from delivering its goods and services that is a cost to business. In relation to the suggestion that employees should be paid from the time they board a train or bus to travel to work, even though they may be delayed because of an inefficient and clogged public transport system, my point is—

**Mr Steve Whan:** We would like you to get to the point.

**Mr DARYL MAGUIRE:** My point is that New South Wales should wake up. The member for Monaro interjected. I appreciate his interjections, because in his electorate and in the electorates of all the members who are present, businesses are doing it tough, whether through payroll tax or the other taxes and charges that the Government has imposed. It is about time that the Government found other ways to reduce taxes and charges on businesses so that they can operate competitively. Alan Jones will be on the Government's case about small businesses having to compete with larger entities. The Government has removed some of the red tape, but it should do more. It is no good for the member for Monaro to say that the Government has done this or that: it has not done enough. If the Government were to look at the statistics from other States it would realise that New South Wales lags so far behind that it should be ashamed.

**Ms LYLEA McMAHON (Shellharbour) [8.00 p.m.]:** I support the Shop Trading Bill 2008. I believe the reforms in the bill will benefit New South Wales consumers. Let us face it: family lifestyles have significantly changed. They are not what they were 40 years ago when the Shops and Industries Act was drafted. Unlike in the 1960s, these days both parents often work either full-time or part-time and are not at home during the week to shop for their families. The increase in part-time and casual work across the board means people need flexibility to shop when it is convenient to them, and this includes Sundays. Many people consider Sunday a normal shopping day or a day to do things that are important to them such as shopping. Shopping is a necessity in their busy lifestyles. Public holidays also provide opportunities for families to shop together. I have a number of sisters and shopping provides an opportunity for us girls to have a cup of coffee, a catch up and buy a few things to keep the local economy of Shellharbour going.

The Government has been responding to changing consumer demands by offering Sunday trading exemptions, creating special exempted zonings, and regularly lifting prohibitions on certain public holidays such as Australia Day. Consumers have shown their enthusiasm and taken advantage of the more deregulated trading arrangements. The bill will simply formalise recent practice, and make the legislation clearer and easier to understand for retailers and consumers alike. I am sure many of us can relate to experiencing uncertainty from year to year about whether shops will be open or not around the Christmas and Easter periods. This can be very frustrating for consumers and employees, and retailers can spend tens of thousands of dollars adjusting rosters and advertising to inform their customers what their trading hours will be.

Obviously, the reforms set out in the bill will not require shops to open seven days a week. The reforms will simply give shops the freedom to open without government interference and to open at a time to suit their customers. This will give both customers and small businesses a choice. The reforms will not erode family time but they will ensure the regulation fits the current reality of family lifestyles. I am glad to see that the New South Wales Government is keeping up with the times and ensuring regulation is responding to the needs of our local communities. I look forward to being able to shop on the weekends with my sisters and my friends at local shopping centres. I commend the bill to the House.

**Mr FRANK TERENCE** (Maitland) [8.02 p.m.]: I support the Shop Trading Bill 2008. Whenever there is an opportunity to reduce red tape and costs in business the Government must do so and, in accordance with the State Plan, that is happening with this bill. In October 2006 the Independent Pricing and Regulatory Tribunal [IPART] delivered a report on unnecessary regulatory burden on small business. As members are aware, businesses are currently restricted with unnecessary regulatory burdens and need to make an application to trade on a Sunday or public holiday. One of the issues contained in the IPART report related to trading hours. In August 2007 the Better Regulation Office published its issues paper and made seven recommendations, which have been adopted.

Under the current Act various exemptions, exceptions and ad hoc changes apply to the system of regulation. The Shop Trading Bill removes the complexity and replaces it with a clear, simple set of regulations. The bill brings the regulation of shop trading hours into line with reality. Retailers will now be able to trade on 360.5 days of the year—when it suits them and their customers—without the need to apply to the Government for exemption. The new arrangements are simple and clear and will remove the confusion currently experienced by retailers as to when they are or when they are not allowed to open. In areas where there may be strong demand for shops to open on those 4.5 restricted trading days there will be a more streamlined and transparent process in place for single businesses, or a group of businesses, to apply for an exemption to trade on one or more of those days. These reforms will make it easier for retailers to do business.

In my electorate, for instance, the Greenhill Shopping Centre has an enormous number of retail shops. A development application for expansion has been lodged with the Maitland City Council, on which I will receive a briefing in due course. The shopping centre is going to be enlarged to twice its current size. Work patterns have changed over the years and, as a result, shopping patterns have changed. The flexibility to suit the patterns of the Maitland shopping community will attract retailers to that enlarged shopping centre. When the shopping centre is completed and new leases are negotiated with the tenants the shopping patterns of the Maitland community will be taken into account. If the tenants know they can suit the shopping patterns of consumers better they will increase their trading hours and be able to run their businesses more effectively.

The Maitland Mall is also undergoing a restructuring. A master plan has been distributed by the Maitland City Council to make the mall more user friendly, to house more people and to introduce after 5.00 p.m. trading. This bill will assist in that. It will free up the trading hours regulation to enable trading on Sundays and public holidays. Should there be a need, for instance, for after 5 p.m., the tenants will be able to make an application under the bill to trade on the 4½ restricted days. They are two live examples of how the electorate of Maitland will benefit from the bill.

While the reforms in the Shop Trading Bill will by no means force shops to open seven days a week, I am pleased that the reforms will allow shops to open when the community needs and expects them to, without the need for costly administrative processes. In line with the State Plan, the Iemma Government continues to reform the business system. Businesses are people. In many cases they are small family businesses that put their money on the table to open shops to provide a service to the community. As noted by the member for Wagga Wagga, they do make that sacrifice and they operate their businesses over a large proportion of their time. The largest employer in this State is small business. To help those businesses to provide that service to the community I am happy to commend the bill to the House.

**Mr BRAD HAZZARD** (Wakehurst) [8.07 p.m.]: As other speakers for the Opposition have indicated, the Opposition does not oppose the Shop Trading Bill 2008. As the member for Maitland has indicated, the bill does make some attempt to minimise the amount of red tape for traders who apply for the right to trade on certain public holidays and Sundays. I note that the bill still requires all shops to be kept closed—as it should—on Good Friday, Easter Sunday, Anzac Day before 1.00 p.m., Christmas Day and Boxing Day. I do not have any objection to that limitation. Having said that, I have heard a number of Labor members talking about the fact that the bill reduces red tape as if that is about as good as it gets under this Government. What is disturbing is that the Government has been in power since 1995.

**Mr Joseph Tripodi**: There is nothing disturbing about that.

**Mr BRAD HAZZARD**: I understand from the Minister's point of view that it is not disturbing, but for the rest of New South Wales it is becoming increasingly disturbing.

**Mr Joseph Tripodi**: No. Not in 1999, not in 2003 and not in 2007.

**Mr BRAD HAZZARD:** Sadly, no, but the community has woken up to the fact that the Government is devoid of the capacity to govern this State and to give any real direction. The results of the last three elections have been tediously repetitive. There will be a change at the next election. The Government has taken 13 years, from 1995 to 2008, to wake up and get on with the task of removing impositions on shop proprietors, particularly small shop proprietors. Members of the House would be most disturbed about the Independent Pricing and Regulatory Tribunal [IPART] review of red tape. The tribunal made many suggestions in its report. The report has been in existence for 1½ years, yet the Government has only now introduced a bill, with minimal amendments. Red tape—such as the imposition of charges—makes the life of small business proprietors and business owners exceedingly difficult. There is no question that if the Government were to stay in power the situation would become worse. When the Coalition is elected to government at the next election we will have the opportunity to make changes.

The Government has failed miserably to address a most important issue. It is all very well to tell small business and businesses that they do not have to specifically apply for the right to trade on certain public holidays and Sundays; but when small business is less empowered against the major shopping centres the Government should review the provisions that allow big business, the proprietors of major shopping centres, to impose unreasonable conditions on small business. I regularly receive requests from small businesses and retail businesses seeking support for amendments to the Retail Leases Act and changes generally to ensure that they cannot be forced to open. The bill provides that they do not have to apply for regulatory approval. However, if they are in a commercial leasing arrangement, where they do not have any power and cannot exercise any muscle, they will have to open anyway. That is the bottom line. At the same time that we free up the regulatory framework and make it easier for small businesses to trade if they wish we should make it easier for them not to trade if they do not want to. Some small businesses feel that they have no choice but to open on a Sunday, even if they are trading at a loss.

The member for Shellharbour said that she likes shopping with her sisters. The member for Monaro said that she probably single-handedly keeps the economy of Shellharbour going. We all like the opportunity to shop with our families. It is one of the great pleasures of living in a city. It does not happen so much in rural areas, where the shops are more limited. That is appropriate, if that is what the local community wants. In the major areas of Newcastle, Sydney and Wollongong small businesses in major centres do not have a choice or a say; under the lease provisions that they are locked into they are effectively forced to open. No matter the imposition on their family lives, no matter the difficulties they face, they have no choice. As shadow Minister for Planning I say that it is time for both sides of Parliament to look at this issue in more detail and with more enthusiasm. Without being heavy-handed, we must strike a balance. The Labor Prime Minister would have us believe that he is not pursuing a more relaxed lifestyle, but it is a relevant debate in the broader community. I applaud the bill for its attack on one small fragment of regulatory impositions on small business, but we must go the next step and make sure that small businesses have the option to trade or not trade as suits their needs.

**Mr JOSEPH TRIPODI** (Fairfield—Minister for Small Business, Minister for Regulatory Reform, and Minister for Ports and Waterways) [8.14 p.m.], in reply: I thank all members who contributed to the debate. Many members expressed strong support for this reform. I welcome the Opposition's decision to support this reform. However, Opposition members' remarks have displayed significant contradiction and confusion, which requires me to respond. The member for Wakehurst, the shadow Minister for Planning, referred to shops being forced to remain open. That contradicts earlier comments by another Opposition speaker, who expressed a desire for more deregulation. The shadow Minister for Planning is pushing for more regulation and another shadow Minister is pushing for more deregulation. These inconsistent statements are characteristic of the Opposition, which has made inconsistent statements on the power privatisation issue. As to the remark by the member for Wakehurst that shops are forced to remain open, the reforms to the regulation of shop trading hours do not require any shops to be open. The arrangements only set out particular days on which certain shops must be shut. It is otherwise up to the individual shop to decide when it will open, subject to any limits imposed by other laws, such as the conditions of development approvals.

The trading hours arrangements that apply to small shops in any particular shopping centre are a commercial matter to be worked out between the shopping centre and the tenant shops. Having said that, the Retail Leases Act 1994 ensures that a shopping centre cannot require a shop to be open when it would be unlawful to do so; nor can it change the core trading hours of the centre without the approval in writing of the majority of the retail shops in the centre. These protections for small retailers are not changed by these reforms. I also bring to the attention of the shadow Minister for Planning that the Government has just finished a process of public consultation on further reforms of the Retail Leases Act. I look forward to the Opposition's support of the proposed reform in that area when it comes before the House.

I will address some other issues that have been raised during debate. It was claimed that removal of the \$100 charge was not of great benefit to businesses. The removal of the requirement to apply for an exemption to trade on Sunday is a significant reduction of red tape. The amendment not only relates to the removal of the \$100 charge; it significantly reduces business costs. Although the application fee is only \$100, the cost to business to prepare an application is much more. The House would be aware that the Government went through a process of public consultation, during which we received submissions. In those submissions major retailers indicated that it could cost up to \$10,000 to prepare a single application. Further, the process will be streamlined so that companies with multiple outlets or all the shops located in a shopping centre can make a single application. Once again, that involves a significant reduction in red tape and, as a consequence, a reduction in the cost of doing business in New South Wales.

The Opposition also raised the issue of appeal rights in relation to decisions by the director general as to whether or not to grant an exemption to permit a particular shop to open on a non-trading day. Under the current Act a shopkeeper who has sought an exemption from the director general can apply for a review by the Administrative Decisions Tribunal if the director general refuses to grant the exemption. The bill does not change that position. Clause 12 provides that applicants for an exemption have the right to apply to the Administrative Decisions Tribunal if they are aggrieved by the director general's decision. The Administrative Decisions Tribunal would be able to undertake a review on the merits. In undertaking such a review the tribunal would be required to have regard to those same matters that the bill requires the director general to take into account.

These include the effects of the proposed exemption on employees and the local economy. But under the current legislation and under the new bill only the applicant has the statutory right to apply for a review by the Administrative Decisions Tribunal. However, neither the current Act nor the new bill operates to exclude any common law rights to judicial review. This means that any person or organisation with standing under the common law principles that apply for judicial review will continue to enjoy those rights under the new legislation.

I also take the opportunity to clarify a question concerning the definition of "shop" in the bill. That definition refers to premises that are used wholly or predominantly for the purposes of the retail sale of goods. This definition is consistent with the definition that has been adopted in other Australian jurisdictions, in particular, Victoria. It ensures that the provisions do not inadvertently catch premises that are used primarily for a business other than retail sales merely because it incidentally sells goods as a minor and ancillary part of its main business. For example, a veterinary surgery that operates predominantly as a surgery but happens also to sell worming tablets would not be considered a shop for the purposes of this legislation.

Simplifying the definition in this way has meant that lengthy and highly complex provisions dealing with the so-called mixed shops and the partitioning of parts of premises have been dispensed with. However, I emphasise that it is not the Government's intention to narrow the concept of a shop, nor is it the Government's intention to allow businesses to operate as a shop under the façade that they are some type of other business, such as a warehouse. Any premises—and premises includes any land and any fixed or movable structure—used predominantly for the retail sale of goods is a shop and will be caught by this legislation.

As was said in the agreement in principle speech, the bill removes a massive red-tape burden on New South Wales: it repeals the current anachronistic legislation, streamlines the regulation of public holiday trading and brings the law into line with community expectations. I commend the bill to the House.

**Question—That this bill be now agreed to in principle—put and resolved in the affirmative.**

**Motion agreed to.**

**Bill agreed to in principle.**

### **Passing of the Bill**

**Bill declared passed and transmitted to the Legislative Council with a message seeking its concurrence in the bill.**

**WORKERS COMPENSATION LEGISLATION AMENDMENT (FINANCIAL PROVISIONS) BILL  
2008****Agreement in Principle****Debate resumed from 5 June 2008.**

**Mr MIKE BAIRD** (Manly) [8.22 p.m.]: I lead for the Opposition on the Workers Compensation Legislation Amendment (Financial Provisions) Bill 2008. I state at the outset that this legislation contains sensible proposals and we do not propose to extend the debate unnecessarily. However, we want to raise a few key points. The object of the bill is to provide new funding arrangements for WorkCover. We understand the need for budgets to be stable but it is important that we ensure there is accountability and transparency in the process.

The purpose of the bill is to amend the Workplace Injury Management and Workers Compensation Act 1998 and the Workers Compensation Act 1987 to change the funding structure of WorkCover. Currently the WorkCover Authority receives funds from levies on the premium income of the Workers Compensation Nominal Insurer, which manages the Workers Compensation Insurance Fund, self-insurers and specialised insurers. The Workers Compensation Amendment Bill 2008, debated in the House last month, set out to close the case of specialised insurers. We understood the merits in that proposal, however, we spoke out about our concern over the Iemma Government's treatment of several industries that were in the final stages of their application to self-insure and the complete lack of consultation by the Government.

We raised it at the time and we were hopeful that amendments would be agreed in the upper House to allow the aged care and printing industries to be covered by this legislation, but they were not passed. The Government has refused repeated requests by the aged care industry and the printing industry, which have both spent more than one million dollars preparing their applications, to take their positions into account. We believe that is unfair on both of those industries and the workers they employ. The Parliamentary Secretary, relying on advice provided to her, made a misleading statement to the House by saying that the application was resubmitted on 18 December 2007 and on 15 January 2008 WorkCover confirmed that the licence application met the broad requirements for a specialised insurers licence but was still incomplete due to a lack of Australian Prudential Regulation Authority [APRA] approval.

Aged Care Employees Mutual [ACEM] sought more information in a letter of 26 October 2007 and WorkCover advised that the WorkCover board had considered the standard of the application and resolved that WorkCover cannot accept or consider the application until ACEM submits a complete application to WorkCover. The board agreed that its decision would not apply to the requirement that ACEM be accepted as an approved insurer by APRA. It was therefore incorrect to state that the application was incomplete due to a lack of APRA approval. I am happy to table the letter in relation to that.

I am sure that the Parliamentary Secretary made the statement only because she received poor advice. However, the aged care industry and the printing industry have been very harshly done by. In good faith they have undertaken the process that was expected of them and they have been excluded, despite the significant capital cost that they have incurred in the process. We again ask the Iemma Government to find a heart and support businesses within the printing industry and the aged care industry in particular.

Coming back to the funding models of this legislation, the WorkCover authority can call on more funds from the WorkCover Compensation Insurance Fund if required. There are problems with the current funding model, and we understand that. While WorkCover has set operational expenses, its funding base is volatile as income levies from employers fluctuate depending on the premiums paid from year to year. The bill rectified that by requiring WorkCover to prepare an annual budget and then receive a specific sum from the Workers Compensation Insurance Fund, calculated by deducting the expected income from other sources from the budget. In other words, any shortfall in the budget throughout the year will come from the fund, subject to ministerial approval.

We have a concern about transparency. The Minister must hold the WorkCover Authority to account. It should not have a golden road to limitless expenses. The Minister must take his responsibility seriously. Premiums should not increase due to this legislation. That is probably the main concern of the Opposition. The intent is that they will not but we ask the Minister to take on that responsibility. We do not want the bill to result in a subversive increase in premiums. In some way expenses have moved towards those who pay the premiums.

Robust debate is needed on expenses and the Minister should hold the authority to account. In 2007-08 expenses for the WorkCover Authority were \$238.6 million and \$253.7 million is allocated for 2008-09. The bill changes the funding model in relation to expenses. The authority must operate efficiently and expenses should not be allowed to creep up and result in an increase in premiums at the shopfront.

An increase of \$15 million is significant. We again ask that the Minister ensure that there is accountability on expenditure. Quite simply, those paying WorkCover premiums should not have to pay for the mismanagement of the Lemma Government or the authority. That is our primary concern in this debate. We support the bill. We think there is a commonsense measure to stabilise the funding base to WorkCover so it receives a set contribution from the Workers Compensation Insurance Fund to meet its budget needs, but we again ask the Minister to keep the authority accountable and to control expenses going forward.

**Mr GERARD MARTIN** (Bathurst) [8.30 p.m.]: I am pleased to speak in support of the Workers Compensation Legislation Amendment (Financial Provisions) Bill 2008, which will make the calculation and payment of WorkCover's budget simpler, more transparent and more efficient. WorkCover funds and oversees many diverse and beneficial community training programs and assistance to employers and workers, and promotes awareness of health and safety among workers and employers. WorkCover was established in 2002 to provide financial assistance to registered industrial organisations for specific workplace safety and workers compensation initiatives.

By the end of the 2007-08 financial year the Government will have made \$30 million available through this program. The 2007-08 General and Commissioned Education Programs commenced in July 2007. Some of the successful tenders in the program included \$145,000 for the joint Liquor, Hospitality and Miscellaneous Workers Union and TAFE New South Wales customised workplace training program for people with intellectual disabilities—a most worthy program; \$89,000 for the Shearing Contractors Association to develop workplace safety and workers compensation advice and assistance for shearers; \$87,500 for the New South Wales Farmers Association to develop an e-learning program to take farmers through a risk management process for their own farms; and \$143,000 for the Australian Retailers Association to develop curriculum-linked retail workplace safety for school-age students—another worthy project. In addition, four projects were approved for funding under the 2007-08 Applied Research Program—three projects commenced in February 2008 and the fourth commenced at the end of May 2008.

The continuation of the WorkCover Assist Program for a further three years was announced in April this year and the grants funding will be allocated at the rate of \$5 million for each year for the next three years of that program. Grants will be available in two categories. Education and training grants will be available for employer associations, registered trade unions and registered not-for-profit group training organisations to provide industry-specific education and training programs. Applied research grants will be available to employer associations, registered trade unions and registered not-for-profit group training organisations in partnership with a recognised research body and will address workplace safety and workers compensation knowledge gaps in specific industries. Applied research projects are managed under the auspices of the WorkCover Research Centre for Excellence. The WorkCover Assist Program is conducted in a strictly transparent manner in line with accepted probity requirements.

As part of a commitment to raising awareness of and education about the importance of safety on the roads and in the workplace, the Motor Accidents Authority and WorkCover are members of the Paralympian Sponsorship Program. The program aims to increase the number of people in rehabilitation choosing to participate in a Paralympic sport as part of their rehabilitation program. It provides information to rehabilitation providers, health professionals and insurance companies about the role of Paralympic sports in rehabilitation and messages on improving workplace safety and reducing road trauma among motorists in New South Wales through personal accounts of Paralympian athletes' accident and rehabilitation experiences.

WorkCover has also developed working partnerships between government and indigenous communities. I draw the attention of members to the successful Aboriginal builders project launched by the Minister for Fair Trading, the Hon. Linda Burney, in August last year. The program is a collaborative effort between WorkCover, the Office of Fair Trading and the Australian Taxation Office. It provides advice and support to Aboriginal builders in New South Wales in complying with relevant legislation. Under the program WorkCover provided occupational health and safety and workers compensation knowledge to Aboriginal building businesses and community organisations. Participants demonstrated a high degree of interest in the program and as a result of its success a further six sessions were run in February in the northern and southern regions and further sessions are to be run throughout 2008 on an as-needs basis. The program has also provided WorkCover with an integral method by which to link Aboriginal communities in regional and remote areas to the objectives of the New South Wales State Plan to improve service delivery.

Following on from this project, WorkCover has developed a culturally appropriate workplace and workers compensation education campaign for delivery to the State's 119 local Aboriginal land councils. The New South Wales Aboriginal Land Council requested that WorkCover deliver the workshops and has been proactive in assisting with the logistics. The workshops program is a further example of WorkCover's commitment to State Aboriginal residents in accordance with the Government's objective to improve Aboriginal lives under the Two Ways Together strategy. The program is also in line with WorkCover's social justice plan and the Aboriginal and Torres Strait Islander Employment and Development Strategy 2007-08, which seek to strength partnerships between government agencies and Aboriginal communities. This strategy aims to further Aboriginal and Torres Strait Islander workforce participation through active support and encouragement. It also seeks to foster and build on an effective working relationship with WorkCover's indigenous clients and to raise general awareness of the network throughout the wider community. Throughout 2008 the network will continue to provide for the active participation of Aboriginal and Torres Strait Islander people in WorkCover's employment strategy by implementing targeted and useful client services.

Members should be aware of the Iemma Government's \$74-million package designed to encourage the uptake of legitimate apprenticeships through workers compensation incentives. Under the Growing Our Skills Apprentice Incentive Scheme, wages paid to apprentices do not count towards employers' workers compensation premiums. That has been a welcome initiative introduced by this Government. The scheme is a great incentive for businesses and is forecast to increase the number of apprentices by 5 per cent or an extra 1,000 apprentices a year. The benefits to employers are significant. A carpenter with a first-year junior apprentice earning \$17,128 a year could save up to \$1,089 in premiums that year.

The scheme, which started on 31 December 2006, applies to new or renewed policies commencing on or after that date. Employers are required to provide details of their apprentices, including wage details, and must have entered into and be fully compliant with a training contract with the Department of Education and Training. Employers are still required to hold, at the very least, a valid minimum premium workers compensation policy—which currently costs \$175. Those employers whose premiums are adjusted to take into account their claims history will still have any claims costs associated with an apprentice injured at work included in that premium calculation.

Apprenticeships provide occupation-based trades skills and offer a better method to target skills shortages in specific trade areas, particularly in traditional craft-based areas, which are experiencing serious skills shortages. Not a day goes by that this issue is not referred to in some jurisdiction. Focusing the Growing Our Skills Apprentice Incentive Scheme on apprentices allows the best use of resources. This bill will enhance WorkCover's capacity to concentrate on its core activities such as improving health and safety outcomes for injured workers, reducing red tape for business—which was the subject of the legislation just debated in this place—supporting injured workers and providing targeted training, information and assistance to business. I commend the bill to the House.

**Ms VIRGINIA JUDGE** (Strathfield—Parliamentary Secretary) [8.38 p.m.]: Firstly, I thank all members for their contributions to debate on the Workers Compensation Legislation Amendment (Financial Provisions) Bill 2008. I thank also the Minister's hardworking ministerial staff and also the departmental staff who work so quietly and diligently in the background and spend many hours getting everything in order.

Before I address the body of the bill I will address a couple of points raised by the member for Manly. I say to the member for Manly, politely, that we are not here to debate legislation already passed in this House. The financial provisions amendment will have no effect on self-insurers and specialised insurers. Perhaps that will address that concern raised by the member for Manly. Secondly, in relation to the member's comments on accountability, WorkCover will continue to set its budget in consultation with the board of directors of the WorkCover Authority and have it approved by the Minister. WorkCover's monthly performance against its budget is currently reported to the board of directors on a monthly basis, and this will continue.

WorkCover also undertakes its own internal quarterly review of its budget position, the results of which are provided to both the board of directors and Treasury. WorkCover will continue to consult with and provide information to Treasury during the State's rolling budget cycle. In finalising its budget in any given year WorkCover will continue to provide its budget for that year plus projected budgets for the following three years, on the same basis as other non-budget dependent agencies. WorkCover will also continue to provide its expected capital requirements for the following three years. Throughout the financial year WorkCover will also continue to submit monthly returns to the Treasury operational expenditure system that provides advice to Treasury as to how WorkCover is performing against its budget. WorkCover is currently subject to the same level of scrutiny as any other government agency with respect to estimate committee hearings, and this will continue under the proposed new funding model.

To address other concerns raised by the member for Manly, I advise him that WorkCover's expenditure budget for 2008-09 has only increased by \$8 million or 3 per cent compared with its actual expenditure four years ago, in 2004-05. WorkCover's expenditure budget has increased by \$15 million, from \$239 million in 2007-08 to \$254 million in 2008-09, for a number of reasons. First, the actuarial assessment of WorkCover's future superannuation liabilities has increased. This has led to an additional \$10 million in expenditure being included in WorkCover's budget for 2008-09. Due to market volatility it is difficult to predict and budget for movements in superannuation liabilities. There were also some movements in employee-related costs including expected award increases that are offset by revenue increases in inspector motor vehicle contributions and CPI increases. Growth in expenses is in line with the new business that WorkCover is taking on in its educational and advisory role in assisting businesses with occupational health and safety requirements and reduction in premium collection.

**Mr Brad Hazzard:** It is always about the employers. What about the workers?

**ACTING-SPEAKER (Mr Thomas George):** Order! The member for Wakehurst will resume his seat.

**Ms VIRGINIA JUDGE:** I assure the member for Wakehurst that the bill will improve the transparency and accountability of WorkCover's budgeting processes to ensure that WorkCover is able to continue to deliver regulatory and insurance services to the employers and workers of New South Wales.

**ACTING-SPEAKER (Mr Thomas George):** Order! The Parliamentary Secretary will direct her comments through the Chair.

**Ms VIRGINIA JUDGE:** Certainly. I thought you were listening. You were smiling away and nodding your head. The bill continues a process of reform of the workers compensation system, enhancing the efficiency and accountability of the WorkCover Authority. The bill overcomes a number of technical problems in WorkCover's budget-setting process. The current cumbersome process will be replaced with a process whereby WorkCover will prepare an annual base expenditure budget and estimates in relation to income WorkCover expects to receive from various sources.

**ACTING-SPEAKER (Mr Thomas George):** Order! The Parliamentary Secretary will be heard in silence.

**Ms VIRGINIA JUDGE:** These sources include contributions on the premium income of specialised insurers and the deemed premium of self-insurers, licensing fees, investment income and other miscellaneous sources. WorkCover will then be permitted to receive a specific sum from the Workers Compensation Insurance Fund. This sum will be calculated by deducting WorkCover's estimated income from the base expenditure budget. WorkCover will be permitted to withdraw sums from the Workers Compensation Insurance Fund at regular intervals throughout the relevant financial year up to the value of the specific sum described above, which will be specified in the WorkCover budget.

I take this opportunity to reiterate that the bill will improve WorkCover's accountability in a number of ways. The WorkCover budget will require ministerial approval. WorkCover will seek the endorsement of the board of directors of the WorkCover Authority before submitting the budget to the Minister. WorkCover will consult with Treasury. Finally, WorkCover officials and the responsible Minister will continue to be subject to the scrutiny of the estimates committees of the Parliament. There is no intention that the new funding model proposed by the bill will result in an overall increase in WorkCover's funding as compared with the current funding model. Rather, the proposed funding model is intended to be a more efficient, transparent and predictable method of funding WorkCover.

If WorkCover were to require further funding then WorkCover would need to seek further approval from the Minister. Such approval would be sought for enhancement of effort, or where additional responsibilities necessitated an increase in funding. The bill is an important step forward for the administration of workers compensation and occupational health and safety in New South Wales. I commend the bill.

**Question—That this bill be now agreed to in principle—put and resolved in the affirmative.**

**Motion agreed to.**

**Bill agreed to in principle.**

**Passing of the Bill**

**Bill declared passed and transmitted to the Legislative Council with a message seeking its concurrence in the bill.**

**ADJOURNMENT**

**Motion by Mr John Aquilina agreed to:**

That this House do now adjourn.

**The House adjourned at 8.46 p.m. until Wednesday 18 June 2008 at 10.00 a.m.**

