

**Second Reading**

**The Hon. JOHN DELLA BOSCA** (Minister for Education and Training, Minister for Industrial Relations, Minister for the Central Coast, and Minister Assisting the Minister for Finance) [4.19 p.m.]: I move:

That this bill be now read a second time.

As the second reading speech is lengthy and has been made in the other place, I seek leave to have it incorporated in *Hansard*.

**Leave granted.**

This Bill will amend the *Transport Administration Act* to remove provisions which prohibit the Minister for Transport from becoming one of the two voting shareholders of—  
Rail Corporation New South Wales

Transport Infrastructure Development Corporation

Rail Infrastructure Corporation

and Sydney Ferries.

It will allow the Minister for Transport to have dual roles as both the Portfolio Minister and a Voting Shareholder.

This will put the Minister in a better position to work with rail and ferry operators to improve their operational performance.

It will ensure for example that the Minister has a seat at the table in formulating the Statements of Corporate Intent for the Government's rail and ferry operators.

These Statements which are prepared annually set down the overarching objectives of those operators for the coming year.

The Statements also specify the performance targets and other measures by which the operators' performance will be judged.

There is no general prohibition in the *State Owned Corporations Act* which prevents the Portfolio Minister from being appointed as a Voting Shareholder.

The prohibitions in the *Transport Administration Act* were first introduced in relation to the rail infrastructure corporation and FreightCorp at a time when regulatory control needed to be separated from commercial control.

At the time when the prohibitions were introduced rail access arrangements were still to be put in place and FreightCorp which has since been privatised was operating in a competitive market.

With these reforms now behind us the original reasons for the prohibitions have fallen away.

Separation of the regulatory and ownership roles is not required these corporations given that they do not operate in competitive markets.

In the context of the Government's rail and ferries services the community looks to the Government and to the Minister for Transport in particular to ensure that their performance continues to improve.

Repeal of these provisions in the *Transport Administration Act* is therefore appropriate.

I commend the Bill to the house.

**The Hon. MICHAEL GALLACHER** (Leader of the Opposition) [4.20 p.m.]: I lead for the Opposition on the Transport Administration Amendment (Portfolio Minister) Bill 2007. This bill is mainly inconsequential but it addresses issues in relation to the roles, responsibilities and level of accountability of a ministerial portfolio. The bill will remove provisions of the Transport Administration Act 1988 and the State Owned Corporations Act that prohibit the Minister for Transport from being a voting shareholder in Rail Corporation New South Wales, the Transport Infrastructure Development Corporation, the Rail Infrastructure Corporation and Sydney Ferries. Legislation designed to create another level of ministerial accountability is long

overdue. The bill will ensure that ministers of the day, and in the present case the Minister for Transport, will not be able to walk away from their responsibilities.

More importantly, while this bill highlights the Government's rhetoric about ensuring that the Minister for Transport has an increased level of responsibility by becoming a shareholder for government corporations, it also highlights the failures of the Government across a raft of transport issues. Despite rhetoric and promises by the Minister, the final result has not come anywhere near to keeping the promises that have been made to a long-suffering public. People who travel to the outer rim of Sydney, for example to the Central Coast, the Illawarra or the Hunter Valley, have been promised year after year that outer suburban trains, which are commonly referred to as the OSCars, will be rolled out. Commuters were told of the imminent delivery of the trains and it was a case of promises continually being made to the public about when the trains would be operational. However, when it comes to transport facilities in this State, there has never been any real commitment by this Government to ensure that deadlines are met.

The most recent debacle was the Millennium trains, or the Mi-lemon trains. It took such a long time to get the technology right. The problem was that the boffins in State Rail and the Government kept interfering in the final design, kept wanting to add features, and kept wanting to make changes. Each time changes were made the delivery date, cost and technology were expanded. Instead of having experts in rail functions involved in the manufacture of the trains, this Government had bureaucrats involved.

Because the train as it was originally designed was incapable of delivering on promises that the Government had made, there was also a measure of political interference to have features added. The Government was pushed into the delivery of the Millennium trains. The trains were originally to be named the Olympian because they were originally promised for delivery prior to the Sydney Olympic Games. When the original delivery date came and went, the Government came up with a kitschy name, the Millennium train. Realising that public pressure was building, the Government then decided to put the Millennium trains onto the tracks—but without the requisite testing to iron out the bugs.

I am sure that all honourable members recall a few years ago when it seemed that not one day went by without a Millennium train breaking down somewhere in the system. Because of the interconnectedness of the State's rail system, that caused mayhem right across the board. We are told that this legislation is all about ensuring that the Government, and the Minister as shareholder, will be more accountable for the performance and operation of the corporations than has been the case in the past and the Minister will not be able to blame the board for problems. All honourable members will recall that as the former Minister for Transport, Michael Costa's great idea was to set up boards for these corporations so that he could step back from responsibility. The corporations became the bureaucrats' problem, not Michael Costa's. We all know what happened as a result of Michael Costa's approach to public transport in New South Wales. The then Premier worked out fairly quickly that Michael Costa had to be shifted out of the public transport portfolio because he was literally offending 500,000 train passengers a day. He was bored and wanted to spread his wings, so he started to infiltrate the bus system. He did a fantastic job of really upsetting bus users, and just when people thought it was safe to use public transport, he decided to play around with public ferries.

**The Hon. Catherine Cusack:** And the taxis.

**The Hon. MICHAEL GALLACHER:** And the taxis. Virtually no form of public transport in this State was missed. Michael Costa effectively got into the face of absolutely every public transport user, with the result that he had to be moved from the Transport portfolio. When that happened, the cheers of the public were drowned out only by the cheers of Labor members. The loudest cheers of all were those of Michael Costa's Labor colleagues. The OSCars are yet another example of mismanagement and being big on promises but slack on delivery. I must also mention among this list of failures the Tcard. Hundreds of millions of dollars have been invested in the New South Wales Tcard, but we have nothing to show for that investment.

**The Hon. Catherine Cusack:** But they are moving in the right direction.

**The Hon. MICHAEL GALLACHER:** Yes, WorkDirections! We are continually being told that improvements are just around the corner. Questions are being asked about the technology and the delivery of the Tcard project because the project costs are running into hundreds of millions of dollars. We are being told that this bill will ensure greater accountability for the performance and operation of transport corporations. The Government may put in place all the measures it likes, but unless the portfolio Minister drives performance to achieve outcomes, it is all a waste of time. The current Minister for Transport has held the portfolio for some time but is yet to

deliver on any of the promises that have been made over the past few years, and the Tcard is but one example.

The Warnervale railway station was promised to be fully operational by 2007 but the site is exactly the same now as it was 20 years ago. Nothing has happened and nothing has changed, despite all the promises and rhetoric leading up to the recent State election. I reiterate the point that this Government is strong on rhetoric and slack on delivery. At the end of the day, it is the voting public who get an absolute gutful, and people just want respite and improvement.

Recently the Minister for Transport, John Watkins, correctly described the Government's approach when he said to New South Wales train commuters in relation to overcrowding, "Get used to it." His advice is that commuters should get used to late-running trains, get used to being crammed into rail carriages like sardines and get used to paying top dollar for a service that could only be described as garbage.

Basically the Government's attitude is "kiss this". The Minister for Transport's comments said it all. Commuters have no alternative to public transport because they cannot use their vehicles on congested roads, and drivers sit in their cars and watch the fuel gauge, rather than the speedometer, move. Motorists spend much of their travelling time stationary in parking lots known as the M4 and M5 because they have no alternative. They cannot turn to public transport. Good luck to people from the inner western suburbs who want to catch a bus. People who live in the inner western suburbs of Sydney experience a unique situation.

**The Hon. Penny Sharpe:** When was the last time you caught a bus?

**The Hon. MICHAEL GALLACHER:** The Hon. Penny Sharpe might be surprised to know. Unlike members of the Government, Opposition members do not have chauffeur-driven cars, and we do it tough. Be that as it may, people who live in the west and want to travel to the central business district to work, need to walk west towards Parramatta to be able to catch a bus to Sydney. The reason for that is that they have to keep walking further and further west to a bus stop at which a bus will stop—that is, a bus that is not full, like the trains, with people crammed to the rafters like sardines. If one lives at Camperdown, for example, and decides to walk to the nearest bus stop, nine buses out of ten will be packed and will pass by. One would have to wait a considerable time for a bus that was not packed to stop. Is that consistency of service? Again, the people of New South Wales are stuck in a situation where, quite simply, they cannot turn to the roads and they cannot turn to the trains. We have heard the spin about cycleways, the Government's only plan—get on a bike and ride. The Government has no plans and no solutions to the transport problems.

Government members talk about OSCars and Tcards, but our trains are dirty and there are still concerns about security and safety on our rail system despite all the promises by the Government that there would be an increased police presence on the rail system. Those promises have not been delivered. It is the same guy who spins the lines now who was spinning the lines two years ago, Minister John Watkins. It is the same story with the same actors. Earlier this week the Minister's attitude when he spoke about the public having to put up with the offer on the table from the Government, the only offer in town, really encapsulated the Government's approach to public transport. We all wish we had an alternative to the State Government's provided services.

**Ms SYLVIA HALE** [4.31 p.m.]: The Greens support the Transport Administration Amendment (Portfolio Minister) Bill 2007, which allows the Minister for Transport to be a voting shareholder of the Rail Corporation New South Wales, the Transport Infrastructure Development Corporation, the Rail Infrastructure Corporation and Sydney Ferries. The bill should allow the Minister the ability to give transport services more direct guidance and it should remove one level of red tape. The bill should give the Minister for Transport the ability to direct those state-owned corporations to adhere to their responsibilities for service provision. Importantly, the bill should give the Minister the responsibility to direct those state-owned corporations to adhere to their industrial responsibilities towards their workers.

In the case of RailCorp it is amazing that the Lemna Government is prepared to campaign under the "Your Rights at Work" banner while at the same time RailCorp's management is running one of the most ruthless anti-worker campaigns seen in rail over the past 30 years. RailCorp is driven by economic imperatives, which have the fingerprints of the Treasurer, and Minister for Infrastructure all over it rather than being service and customer focused. The Lemna Government is prepared to tinker around the edges on transport, but there is still no overarching plan to deliver a sustainable integrated public transport system for Sydney and New South Wales. Where is the 10-year plan for better, more available and more affordable public transport in New South Wales? The Greens thank the Maritime Union of Australia and

the Rail, Tram and Bus Union for their input on this bill.

**Reverend the Hon. FRED NILE** [4.33 p.m.]: The Christian Democratic Party supports the Transport Administration Amendment (Portfolio Minister) Bill 2007, which is an administrative bill that tidies up previous provisions that prohibited the portfolio Minister, the Minister for Transport, from being a voting shareholder of the Rail Corporation New South Wales, the Transport Infrastructure Development Corporation, the Rail Infrastructure Corporation or Sydney Ferries. The bill repeals the relevant sections of the Transport Administration Act 1988, which currently prohibit the Minister for Transport from being a voting shareholder, and it allows the Premier to nominate the Minister for Transport as one of the two voting shareholders of the state-owned corporations within the Transport portfolio.

The Premier considers that allowing the Minister for Transport to assume the voting shareholder role will better enable the Minister to work with rail and ferry operators to continue to improve their operational performance. The Christian Democratic Party hopes that that close cooperation will lead to greater efficiencies and a better outcome for the travelling public of New South Wales.

**The Hon. ROBERT BROWN** [4.34 p.m.]: The object of the Transport Administration Amendment (Portfolio Minister) Bill 2007 is to remove provisions in the Transport Administration Act 1988 that prohibit the portfolio Minister, that is the Minister for Transport, from being a voting shareholder of the Rail Corporation New South Wales, the Transport Infrastructure Development Corporation, the Rail Infrastructure Corporation or Sydney Ferries. The outline of its provisions indicates to me that this is a housekeeping bill. I do not see anything in the bill that warrants its not being supported, and therefore I support it.

**The PRESIDENT:** I call the Hon. Roy Smith and remind all members that he is about to make his first speech in this place. I ask that all the customary courtesies be extended.

**The Hon. ROY SMITH** [4.35 p.m.] (Inaugural Speech): I support the Transport Administration Amendment (Portfolio Minister) Bill 2007. As the President has been kind to acknowledge, this is my inaugural speech in this House, and, of course, there are many people I wish to thank—my friends and colleagues in the Shooters Party, my parliamentary colleague Robert Brown, and John Tingle, the Shooters Party's founder and its first parliamentary representative. Both Robert and I, and the Shooters Party members who follow us, owe much to John, who, in his time in Parliament, earned the respect of members on all sides of the House. In doing so he has made the task for those who come after him so much easier than that which must have confronted him when he was elected in 1995.

Indeed, it is appropriate to point out that 22 May marked the fifteenth anniversary of the founding of the Shooters Party. I take this opportunity to thank everyone who has supported the party in that time, especially the members and supporters whose votes on 24 March this year resulted in my election and the doubling of the party's representation in this place. I owe a very special thanks to my friends and colleagues in the Sporting Shooters Association of Australia [SSAA], particularly my friend and mentor, Bill Shelton, the association's president. Bill has been my friend and mentor since I first joined the association's executive. He and I have spent many hours together planning, and plotting, to do our best to defend the rights of legitimate sports men and women from the incessant attacks of the anti-gun brigade and those who simply do not know better.

Of course, those to whom I owe the most are my family—my wife Pauline, the love of my life and my partner in life's adventures; my mother and father; my sons, Carl and Nicolas, and their wives, Lis and Lisa; and my grandchildren MacKenzie and Jackson. I thank them for their support, their tolerance of my passion for shooting, and especially for their love. My mum and dad were hardworking parents and often put the whims and wants of their two sons before their own needs. I remember my childhood with great fondness. Home was a fibro cottage that Mum and Dad had bought in Regents Park when I was about four years old. It was there that I enjoyed a very happy and uncomplicated childhood with my brother, Michael.

My primary school years were spent at St Peter Chanel at Berala and my high school years were spent at Benedict College at Auburn. I owe much to the nuns, the Marist Brothers and the lay teachers who taught me during those years. My working life commenced in 1972 as an apprenticed electrical fitter-mechanic with Email-Westinghouse. In those days the apprenticeship scheme was an excellent vehicle through which tens of thousands of young men and women gained both theoretical and practical skills. In those days the Australian workforce maintained a skills base that was second to none. Sadly, due to a host of factors over the past few decades, employers have offered only a fraction of the number of apprenticeships previously available, and the skills base of our workforce has suffered

accordingly. I am pleased to note, however, that both the Federal and State governments are now working to address that situation.

Pauline and I married in August 1975. We had our first son five years later. Our first home was a small cottage in a new estate at Colyton near St Marys. Our mortgage, modest by today's standards, was around \$25,000, and the interest rate was 5 per cent. Of course, it soon rose to 17 per cent. We managed, but only just. Soon after moving into our new home I decided that working for a boss had too many limitations and that we would be better off working for ourselves. So in 1979 Pauline and I started a small electrical contracting business. Over the next 17 years we experienced the boom and bust nature of the building industry and the trials and tribulations of Australia's small business operators, who employed almost 50 per cent of our workforce.

My years as a small business operator and employer made me acutely aware of the ever-increasing burden of government bureaucracy and the mountains of red tape that small business is forced to bear. But, as anyone who has been self-employed knows, there are both pluses and minuses to being your own boss. For me, one of those pluses was that it enabled me to pursue my passion for shooting and I, along with my family, travelled extensively throughout Australia competing in target shooting competitions with the Sporting Shooters Association of Australia [SSAA].

My passion for hunting and target shooting goes back to my early teens. I purchased my first air rifle when I was 14 years old. A licence was not required back then. When I was 16 years old I travelled into Sydney and purchased my first .22 from Mick Smith's George Street gun shop. I did not need a licence for that either, but I did have to prove that I was 16 years of age. Around that time I also joined Blacktown Rifle Club and purchased a .303. The club shot on the Prospect rifle range and every Saturday I would travel with my rifle to and from Wentworthville by train. Funnily, I cannot remember anyone ever batting an eye.

I was, of course, one of only hundreds of thousands of people who owned firearms, yet I cannot remember any massacres or tragedies on the scale of which we have seen in more recent times. But those days were different. It was common for young boys to have a BB gun or an air rifle. We also had cracker night and real crackers, and nearly every young boy had a pocketknife. It seems to me that in those days kids were given responsibility a little at a time, and if they did the wrong thing they suffered accordingly. Other kids of my generation and I enjoyed the benefit of learning from our mistakes as we grew up. If we were too slow to learn, the odd smack, a few cuts of the cane, or a timely kick up the bottom from the local cop did our learning capacity wonders.

Nowadays we do not trust our kids with BB guns; they are not responsible enough. We do not trust our kids with crackers; they are not responsible enough. We do not trust our kids with pocketknives; they are not responsible enough. It seems to me that for far too many young kids the first time they are given any real responsibility is when they are handed the keys to the car, often with disastrous results. But I digress. I was speaking of my passion for the shooting sports.

I joined the Sporting Shooters Association of Australia in 1978, hunting when I could and competing on the range when I could not get away to the bush. During that time I also became heavily involved in club administration, which in 1994 led me to the opportunity of employment with the association in the capacity as New South Wales executive officer. It never occurred to me then that working for the SSAA could lead to where I stand today. I well remember an occasion not long after I had commenced working for the SSAA. I was talking to Ted Drane, who, at that time, was the association's national president. I was lamenting my frustration and the lack of progress I was having in my dealings with the police ministry in trying to get it to agree to some sensible amendments to the firearms regulation.

Ted said to me, "Roy, you are much the same as I was when I was younger. You think that, because you know the truth, once you explain the facts to people they will all be happy to agree with you." He said, "Roy, you have a lot to learn." He was right, of course, and I am still learning. I can remember as a kid my grandfather often qualified his statements by saying, "I read it in the paper." If it was in the paper it had to be true. Sadly, the days when we could rely on what we read in our newspapers as being an objective report of the facts are long gone. These days, media bias is endemic. Sensationalism is what boosts ratings and circulation. Unfortunately, the plain truth is not interesting enough. I am particularly concerned about the practice of some sections of the media unashamedly stirring up public emotion on major issues in an attempt to force the Government to act, hailing themselves as champions of truth and justice when more often their real motivation is circulation, ratings, or simply politics.

Granted, there may be the odd occasion when the government of the day may need some prodding, but more and more often we see emotionally charged media campaigns forcing governments to make rash, politically motivated decisions when society would be far better served by a more calm and rational debate than that which so often takes place on talkback radio, or on the front pages of some newspapers.

Today's gun laws are, of course, a perfect example of legislation born of emotion instead of rational, evidence-based policymaking. The real tragedy of basing government policy and legislation on emotion, ideology or media-driven public opinion is that billions of dollars can be wasted and achieve little or no real benefit, when instead they could have been spent on other areas and achieved some real and lasting benefit. The push for ever tougher gun laws is a case in point. We all want tough gun laws, especially law-abiding gun owners, but what we need are tough gun laws that target criminals, not sports men and women, people on the land, or others with a legitimate need to own firearms.

In recent years both Federal and State governments have wasted billions of dollars on ineffective gun laws that have done little to prevent crime or catch criminals. Instead, they tie up thousands of man hours in bureaucratic red tape, overregulating shooters and shooting clubs, registering BB guns, and counting the number of times target shooters visit shooting ranges. In New South Wales the waste continues at the rate of millions of dollars every year—dollars that would be far better used in employing more front-line police.

Of course, it is not only legitimate firearms owners who are victims of ever-increasing restrictions on their legitimate activities. Today both fresh and saltwater anglers are finding that they too are coming under continuous scrutiny, increasing regulation, and restriction. First, we saw the introduction of compulsory licences for freshwater anglers—the justification being that licence fees are necessary to ensure the maintenance of fish stocks. We have since seen the expansion of the licence regime to include saltwater anglers—the justification being that the licence fees are necessary to ensure the maintenance of fish stocks.

Now we have the introduction of marine parks and conservation areas and anglers are losing much of their most popular fishing spots to no-take zones, again to ensure the maintenance of fish stocks. The overwhelming majority of anglers, like hunters, are responsible conservationists. We support reasonable regulations but they must be based on sound evidence, not emotion or ideology. There is simply insufficient evidence to show that excluding recreational anglers from no-take zones will have any significant impact on fish stocks.

Shooters originally established the Shooters Party to defend the rights of law-abiding firearms owners and users. But the Shooters Party is not, and has never been, just about guns. The Shooters Party is about defending the rights and freedoms of responsible, law-abiding people—whether they be shooters, anglers, four-wheel drivers or other outdoor enthusiasts—whose rights and freedoms are being unreasonably impeded.

The Shooters Party has a number of important goals it would like to achieve in the next few years. We will be seeking amendments to those aspects of the current firearms legislation that unreasonably restrict legitimate firearm owners but do nothing to enhance public safety. For example, we will be seeking amendments to the requirement by which firearms licence holders must undergo a 28-day cooling-off period for every firearm they wish to acquire. The cooling-off period should apply only to an initial acquisition, not to every subsequent acquisition.

The current requirement does nothing to enhance public safety and is only another layer of bureaucratic red tape that restricts the legitimate activities of already licensed firearm owners. The Shooters Party will also pursue the reintroduction of science-based duck and quail seasons and the expansion of the highly successful Game Council model to include conservation hunting in national parks.

The Shooters Party will also seek to end the unconscionable waste that takes place each year whereby kangaroos culled under the non-commercial tag system administered by the New South Wales Parks and Wildlife Service are left to rot in paddocks and feed the growing numbers of feral animals across New South Wales. Kangaroos must be managed and culling is unavoidable, but hunters must, where practical, be permitted to utilise the meat and skins of animals culled and not be forced to leave culled kangaroos to rot in the field.

Target shooting is a popular and international sport, and we will work towards removing the current difficulties faced by new shooters who wish to try the shooting sports. Our football, cricket and tennis stars commenced their sporting careers at school, and we believe our young shooters should be given the same opportunity in their sport. We will pursue the reintroduction of shooting sports and firearms safety programs into the public schools sports programs. As I

mentioned earlier, the Shooters Party is not just about guns. We believe the current marine parks legislation impacts unreasonably on recreational fishing, and we will be urging the Government to review the legislation at the earliest opportunity. Mr President, in conclusion, I thank you and my fellow members for this indulgence this afternoon. It is a tremendous honour to be elected to this place and I look forward to spending the next eight years working with you all.

**The Hon. ERIC ROOZENDAAL** (Minister for Roads, and Minister for Commerce) [4.51 p.m.], in reply: I thank honourable members for their contributions to the debate. Ministers who hold shares in state-owned corporations hold them on trust for the State of New South Wales. The ultimate owner of the corporations is the Government and, through it, the people of New South Wales. Nothing in this bill will change that fundamental fact. The bill will allow Ministers with portfolio responsibilities for Transport to be in the best position possible to work with public transport operators to improve their service delivery, which is the core business of government. I commend the bill to the House.

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

**Motion agreed to.**

**Bill read a second time.**

### **Third Reading**

**Motion, by leave, by the Hon. Eric Roozendaal agreed to:**

That this bill be now read a third time.

**Bill read a third time and returned to the Legislative Assembly.**