

LEGISLATIVE ASSEMBLY

Wednesday 2 June 2010

The Speaker (The Hon. George Richard Torbay) took the chair at 10.00 a.m.

The Speaker read the Prayer and acknowledgement of country.

CORONERS AMENDMENT (DOMESTIC VIOLENCE DEATH REVIEW TEAM) BILL 2010

**NSW SELF INSURANCE CORPORATION AMENDMENT (HOME WARRANTY INSURANCE)
BILL 2010**

Messages received from the Legislative Council returning the bills without amendment.

CHARTER OF BUDGET HONESTY (ELECTION PROMISES COSTING) AMENDMENT BILL 2010

NATIONAL PARKS AND WILDLIFE AMENDMENT BILL 2010

Messages received from the Legislative Council returning the bills with amendments.

Consideration of Legislative Council's amendments set down as an order of the day for a future day.

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

LIQUOR LEGISLATION AMENDMENT BILL 2010

Agreement in Principle

Debate resumed from 14 May 2010.

Mr GEORGE SOURIS (Upper Hunter) [10.06 a.m.]: I lead for the Opposition on the Liquor Legislation Amendment Bill 2010. Before I commence my contribution I want to thank the Minister, his staff, particularly his chief of staff Mr Steve McMahon, for their assistance in relation to every bill that has come before the House in this portfolio. I am grateful for their assistance.

Mr Kevin Greene: Thank you, George. I appreciate it.

Mr GEORGE SOURIS: It is quite okay. Was that a bit over the top?

Mr Kevin Greene: No.

Mr GEORGE SOURIS: I indicate at the outset that the Opposition will not oppose this legislation, although I have a number of criticisms. It is, on the face of it, a bill that provides for even tighter liquor laws. The Government of the day ought to be entitled to govern in relation to liquor laws. Whilst I have a number of criticisms and misgivings, liquor laws are a continuously variable regime. This is not the first amendment to this Act, which only commenced on 1 July 2008. There have been a panoply of amendments, adjustments, announcements, new regimes and systems one after the other, and this is yet another of these changes.

The Government of the day is entitled to operate this complex and moveable area that is subject to many changes, influences and developments. Whilst I do have a number of misgivings, I will see how the new range of measures in this bill will operate in the immediate future. I am sure that even though there are only a

few months until the election by no means will this be the last attempt by this Government to alter the liquor laws or to impose some new regime of governance. I say in a spirit of genuineness that the Opposition, despite its misgivings, will not oppose this legislation. However, it will most assuredly be monitoring its implementation and the other measures that have been implemented recently.

The bill allows for a 12-month trial of the Government's Hassle Free Nights strategy. It does not surprise me that every new Premier—and we have had three since the long-running premiership of Mr Carr—more or less in the initial stages of their premiership makes an announcement about liquor laws. It is a popular topic. New premiers know that it will result in considerable publicity and will automatically attract attention. Who will ever forget then Premier Nathan Rees jumping up one day out of the blue and announcing the infamous list of 48 venues and the way in which his press release ultimately had to be translated into legislation—fundamentally flawed as it was. That legislation was on the verge of failing to survive a Supreme Court test, so the Government hurriedly introduced legislation to overturn the yet to be determined judgement. That process was one of the most extraordinary I have witnessed in my time in this place. It is incredible that a government would seek retrospectively to legislate away a citizen's right to appeal in the courts. It was a very low point in our democracy.

However, it points to the fundamental issue that each new premier decides that he or she must make an announcement about liquor laws. That is done by way of press release and then it is up to the public service and the relevant Minister—in this case the very capable Hon. Kevin Greene—to mop up the mess created by making an announcement for publicity purposes without having fully thought through the implications or even having drafted the legislation. Surely that is an essential step prior to making such announcements. That happened again with the current Premier's announcement of the Hassle Free Nights strategy. The brochure must have been ready in anticipation of the new Premier's desire to say something about liquor laws. As a result, this two-page media release appeared backed by a three-and-a-quarter page policy announcement with a couple of nice pictures. The Premier had her day in the media and everything went rather swimmingly.

Now, a few months later, we have legislation that has had to be fashioned to give effect to the media announcement made on 19 March 2010. As I said, the Hassle Free Nights plan was announced to be trialled over 12 months, after which a report of its findings would be produced. It should not go unnoticed that that time frame will take us just beyond the next election. That is very convenient because it need not be reported on until the electoral cycle has moved on.

This legislation anticipates that the strategy will be trialled in five precincts: the Sydney central business district, which includes Kings Cross and Oxford Street, Darlinghurst; George Street South and The Rocks; Newcastle and Hamilton; Manly; and Wollongong and Parramatta. The main purpose of the legislation is to allow for the establishment and implementation of two types of liquor accord: a precinct liquor accord, which is an ongoing accord that covers a particular area; and a community event liquor accord, which is a temporary accord that can cover more than one area. Both types of accord will be controlled and enforced by the Director General of Communities NSW. Precinct liquor accords will be enforced in the aforementioned precincts and community event liquor accords will be used during the events such as the Mardi Gras, New Year's Eve and other major events.

One wonders why a number of other precincts are not deemed significant enough to be included. I can think of two in country New South Wales—the Bathurst 1000 V8 Supercar race and the Tamworth Country Music Festival. Dozens more major events of that nature have not been included in the trial. This should not be seen as advocacy for the number of precincts being expanded; I simply note an obvious selectivity and perhaps even an obvious exclusion of any other precincts that host major annual events.

The Coalition is concerned about one important aspect of this legislation. It enables the director general to impose licence conditions requiring licensees to participate in a precinct or community event accord. The director general, along with organisations and people such as the licensee to which the accord applies, the local council, surrounding business owners within the precinct, the Commissioner of Police and community representatives—who must be approved by the director general—are able to play a role in the development of these accords. Measures that can be covered by an accord include, but are not limited to, ceasing the serving of liquor during times specified in an accord; maintaining an incident register; restriction of the use of glass containers, which currently exists; the installation and operation of closed-circuit television or other security devices on the licensed premises; the provision of security staff in and around the premises; and a fine of up to \$11,000 for non-participation.

The point about this is that these are significant summary powers. This is a very significant empowerment of the director general of the department and it is something that should not be allowed to pass without comment. To an extent, these extra powers defy the purpose of having legislation and amending legislation and other formal approaches that ultimately lead to legislation—that is, considered position papers and public debate and consultation. As much as we are exhausted in this portfolio area in going through that process many times each year, in the circumstances and locations I have explained this bill will provide the director general with summary powers. That is an extremely significant increase in the bureaucratic power of the director general.

We must be measured about the matter at hand; that is, the governance of liquor licensing. One wonders when listening to the early morning media—particularly the 5.00 a.m. or 6.00 a.m. programs, which are strongly influenced by the New South Wales police media unit—and, of course, noting the predilection of many journalists to write stories about liquor knowing that the article will be published with their by-line, whether the situation is as out of control as is purported. Are we facing such an emergency that dictatorial powers should be handed to the director general?

I ask that question because the Government often produces statistical information showing a reduction in the number of assaults, suggesting that the Government's legislation and the programs that it has implemented are working. For instance, there has been considerable posturing of the initiatives that have been implemented in the Newcastle area, which I might point out now need to be spread to the Hamilton area. I am not surprised that the "problem" has moved on to other areas, and to include Hamilton may well move the problem even further. Those in the Hunter Valley know that the measures applied in Newcastle have created a very big problem, particularly between Queens Wharf and Nobbys, where many people park their vehicles, which are loaded with alcohol, waiting for the big shutdown. The merriment then continues in that area and spreads in the other direction to Hamilton. One wonders how successful these measures really have been. They have been very successful in moving the problem on, but have they been successful in eliminating it? That is a question yet to be fully answered.

The independent statistician or the Government or Ministers quite often make the point that there has been a reduction in the number of assaults. It may be that the original information about assaults was produced for other reasons and used by the then Premier to justify a suite of measures—a list of 48—when in fact the statistics may have contained a component of ready compliance by licensees to come forward with reports, reports that perhaps now, in the light of their use, are themselves a battleground. It is imperative for licensees to test the statistics to ensure that they are below two particular thresholds, and that their venue is not listed in the parade of listings and therefore less stringent measures apply.

I must criticise the Minister because I thought it was counterproductive when he made a great fanfare and enjoyed issuing a media release in relation to the new listings. Why does the Government need a grand fanfare when making announcements of this nature? Does the Minister not know that some young people who are intent on bad behaviour look at these lists to guide them on where they should go in future and to create a massive round robin of social networking and emails indicating which venues are at the top of the list and where they must visit? That approach is counterproductive, but it does not surprise anybody that only a few of the venues that were in the earlier list of 48 still remain in the current list. It does not surprise me that the publication of these lists is a statistical battleground, and we can see what has ensued.

It is similar to the recent proposal of the Government to create star ratings, which would have been ridiculous. Hotels would display above their door a number of stars according to how violent they were deemed to be by the Government. Maybe I am completely out of touch, but a low rating with skull and crossbones would probably be a very attractive venue for a person intent on misbehaviour. I am glad that the Government dropped that system. It is probably better for the Government not to be creating a great fanfare of this. Working on the problem and achieving results—and perhaps being praised for those results—is better for licensees, the police and other community members than the aggrandisement of the Minister for taking action and issuing a media release listing the venues that young people should now consider going to, instead of quite the opposite.

Returning to the power grab associated with this, I received a number of communications and it probably would not surprise members of the House that licensees have quite an adverse reaction to the new summary powers and the potential for their abuse, or at least overuse. If these were to be summary powers, what is the point of having lists, or having laws and provisions for responsible service of alcohol, and other measures that are in place as per the list, when government inspectors can simply arrive on the scene, ensure that their own statistics are up and recommend to the director general—and of course it would be approved—new

summary measures to be implemented? One communication referred to the Lord Mayor of Sydney, Clover Moore, and some senior police and their union, and their continuing push for earlier closing times everywhere, and it continued:

At the moment the Premier seems to be resisting those requests.

There is a new state government initiative "Hassle Free Nights" which aims to address anti-social behaviour in entertainment areas ... Sadly, Councils see this as the mechanism to reduce trading hours whereas others in the industry are saying that it's about improving the environment especially at night while still retaining night trading hours that serve the needs of the community.

One thing is for sure, when government agencies are involved, there will certainly be more restrictions. Late trading pubs will definitely be in the firing line.

In fact, the Liquor Legislation Amendment Bill 2010 is currently before the NSW Parliament. The worst (and terrifying) aspect of the Bill is the power that it gives solely to the Director-General of Communities to impose a variety of wide ranging conditions. Fairness and natural justice and the laws of evidence need to be applied when imposing trading and operating conditions and people affected should be allowed the right to respond (like they would in front of a Licensing Tribunal). The Bill is deficient in that regard.

That would be all OK if there is a reasonable, consultative person as the Director General, but what happens when that role is filled by a tyrant, dictator or pub-hater? Then the night time vibrancy of Sydney as an entertainment and tourist centre would be ruined overnight.

Under the Bill, the Director General will be empowered under section 54 of the Liquor Act to prohibit the sale or supply of liquor between 10.00 a.m. and after 11.00 p.m., so yes, there is a very real possibility that trading hours will be the first thing to be attacked AND venues will only get to seek a review of any conditions imposed AFTER the new conditions have been imposed.

That is, after their businesses have been sent to the wall. This provision will apply to venues across New South Wales, not just in entertainment areas. It continued:

As it is now written, the Bill also allows for standard licence conditions to be applied to all venues throughout an area. That has the very real potential to have well-run venues brought down by the actions of a bad venue. If a venue is badly run it must be targeted, rather than hit the entire area.

The Mardi Gras is specifically mentioned as a community event where special conditions can be imposed. This could easily mean shutting licensed premises during or after the parade because the Bill gives such wide ranging powers and options.

That is the reaction from one licensee, who raised concerns about potential abuse of powers. I have said on a number of occasions that I am very cautious, even sceptical, about the late trading hours debate. We are all aware of the continuing proclamation of the Police Association of the need for a 3.00 a.m. lockout, and it has been reported again in the media today. I presume a 3.00 a.m. lockout would mean that between 2.00 a.m. and 3.00 a.m. no venue would admit new patrons and that at 3.00 a.m. there would be a complete closure. Whatever way it works, there would be a closure time. But what would happen after a 3.00 a.m. lockout? Would a large number of people, on leaving venues, move onto the streets and peacefully and happily attempt to board non-existent public transport to go straight home to bed?

I fear that the streets would be filled with people intent on continuing their entertainment, continuing to party, with the possibility of bad behaviour, and worse, occurring. Another unintended risk would be the development of an underground industry of illegal liquor parlours, with associated illegal gambling and transactions in illicit drugs. Those who experienced earlier periods of prohibition would remember the illegal gambling casinos in Sydney in the 1960s, 1970s and early 1980s. A prohibitionist approach would create an illegal underworld, a black market, in which large numbers of people leaving licensed premises at 3.00 a.m. would move onto the streets and into what would become well-known underground liquor parlours where illegal activities, including gambling and drug sales, would occur. That is the last thing anyone would want to see. I urge the Government to consider that that would be a consequence of its proposed measure.

Today the media has again reported a surge in bottle sales. It does not surprise me that a proposal to tighten established licensed premises' trading hours would encourage revellers to stock up with sufficient alcohol supplies for use when restrictions commence. It would be very foolish of the Government to think that the introduction of a 3.00 a.m. lockout would not increase bottle sales to people who want to continue their drinking in streets, parks and other places once they have had to leave supervised licensed venues. We need to be careful about the effects of the more prohibitionist regimes that have been proposed, particularly in recent times, by the Police Association, and to think carefully about the problems that could be created by such well-intentioned attempts to remedy particular problems.

I also want to put on record a couple of concerns that arose during my consultations with Clubs New South Wales and the Australian Hotels Association. They are my concerns also so I am putting them on the

record in the hope that the Minister in his reply will be able to comment on them and explain what is behind the Government's thinking on those issues. The representatives of the most prominent parts of the industry—Clubs New South Wales and the Australian Hotels Association—are unhappy with this legislation and would be opposed to it. Clubs New South Wales has pointed out to me there have now been five panacea pieces of legislation as well as policy papers or schemes and currently the ranking system. Clubs New South Wales supports targeted initiatives to address alcohol-related violence. This is a recurring theme. Placing restrictions on a whole precinct would penalise all venues in that precinct, including venues that have not been the cause of the problem. What would be the net gain from that? The targeted initiative is a much better approach.

Clubs are working with the Government to bed down scheduled premises initiatives, and the Government should implement those initiatives before introducing new measures. There is still work to do. The scheduled premises controls established by legislation should be given time to work, especially so as Clubs New South Wales points out that clubs are the safest places to socialise. The number of assaults in clubs has fallen in the past decade, and this needs to be recognised. As far as the one-size-fits-all approach is concerned, I observe that the Penrith Rugby League Club, the Panthers club, is listed on Minister Greene's little sheet of paper with 46 assaults. Given the number of patrons who visit Penrith Panthers each year, it should not be any surprise at all that its statistics will be somewhat higher.

To compare a club like Penrith Panthers, with millions of visitors per annum, to hotels or even a small club is grossly unfair. One can imagine Penrith Panthers will never leave the Minister's list yet it may well be the best performer in the responsible service of alcohol. It may well be doing the best job of all. We know that many of these incidents occur when the club refuses admission to or seeks to eject a badly behaved patron, yet such measures count against the venue. It is obvious that a venue with millions of patrons, doing a very good job, will never be able to escape Minister Greene's statistical approach. The one-size-fits-all approach is a problem and it creates contradictions and counterproductive outcomes.

The Australian Hotels Association [AHA] response points out that the bill relates to five precinct areas only and there should either be a significant test to be met prior to any new areas being included or the legislation should cap the number at five. The fear is that this legislation introduces five areas but they may well soon become 15 or 20 areas. The AHA says there needs to be a test or strong criteria for any community temporary liquor accords and not just because it is a community event. There need to be limitations on the restrictions and there should be no change to trading hours. The AHA asks a number of other questions in relation to trade practices but also points out that it was originally told that all stakeholders were equally involved and would have to come to the party. The AHA says that if the Government cannot enforce the accord then licensees will be the ones bearing the brunt of all these issues whether or not the issues are associated with the licensed venue.

Another issue relates to the whole-of-government approach and whether other government departments are committed to this approach and what role they will play. Hotels and clubs have always been the driving force behind these accords and there are already provisions in the Act to support this. Legislative changes only further target licensed venues. They do not provide the precinct-based approach that the Government promised. Indeed, the Government still has no idea how it will be able to compel non-liquor licensed venues such as takeaway shops et cetera to contribute to and participate in these accords. The Government still does not know the boundaries of most of these precincts and there is a real concern that if councils and police get on the front foot, licensees will find their trading hours will be varied for every major event that rides into town.

That really would be counterproductive, particularly in relation to the imperative of these major events as tourism and employment generators, and generators of business for restaurants and retail trading. The pursuit of major events is a most important requirement of government. New South Wales lags very considerably behind the Victorian Government. In fact, scarcely a day passes that we do not hear of an announcement that Victoria has won yet another major event or that they have locked in an existing major event for a long time. Let us not understate the importance of major events. Their impact and the ability of New South Wales to win such events could be seriously diminished by the over-zealous implementation of the new summary powers contained in the legislation.

As I said at the outset, we take the Government at face value and acknowledge their prima facie right to govern and implement these measures. In Opposition we do not have the benefit of the information flow and statistical analysis that the Government has available to it. I sincerely hope this trial will be genuine, although I observe that the conclusion of the trial is after the next election. Nevertheless, I hope the approach taken to the

trial by those who will be implementing this legislation will be genuine. We will want to examine the results of this trial, the way it was implemented and the problems that might arise from it, and learn from it and move on from that point.

We do not want to see the sort of thing that happened when the first list of 48 venues was implemented. It was supposed to be varied on a quarterly basis, I think, and to be a "live" list on which venues would come and go, yet it remained in place unamended for a very long time. Even though the statistics that applied to the venues on the original list would have long since seen them taken off the list, those venues remained on the list until the new system that has been implemented for a relatively short time came into effect. I hope the Government does commit itself to adopting a genuine approach to this trial and that the results of the trial will be well publicised and well examined. Variations and amendments will then be dictated according to the evidence-based information from the trial. The Opposition will not be opposing this legislation. I suppose I should say I commend the bill to the House but I will simply say I note the bill before the House.

Mr DAVID CAMPBELL (Keira) [10.45 a.m.]: I support the Liquor Legislation Amendment Bill 2010. The bill is another example of the Government's work to deal with the problems of alcohol-related violence and antisocial behaviour in our community. Over the past few years a number of major initiatives have been introduced by this Government to deal with different aspects of this important issue. Evidence shows that these Government initiatives are working. In support of the Government's latest initiatives under Hassle Free Nights I take the opportunity to speak about the range of initiatives introduced by this Government to tackle alcohol-related violence and antisocial behaviour.

The importance of this issue was highlighted in November 2006 when the first New South Wales State Plan was released. The State Plan specifically identified the importance of tackling alcohol-related antisocial behaviour. It outlined the need to work in partnership with industry to promote responsible alcohol consumption and to develop solutions to the antisocial and sometimes criminal behaviour that results from irresponsible drinking.

The expansion of the local liquor accord program was identified as an important tool in dealing with alcohol-related violence and antisocial behaviour in local areas. Local liquor accords are voluntary partnerships between the local hospitality industry and other stakeholders such as police, liquor regulators and local councils. Together they reach agreement on ways to improve the operation of licensed venues, working collaboratively to manage issues such as closing times, the responsible service of alcohol, and security. Liquor accords can help communities to develop local solutions to the problems in their area. To date, 146 local liquor accords have been established throughout New South Wales. A lot of good work and creative initiatives have come out of these accords.

In July 2008 the new Liquor Act commenced. This new Act represented the biggest shake-up of the State's liquor laws in 25 years. It modernised and simplified those laws to reflect changing industry needs and community standards. The reforms replaced the former court-based licensing system with a new administrative-based system to reduce complexity and cost in liquor licensing applications. The new Act simplified liquor licence categories and included new provisions to support and encourage a more diversified hospitality industry. The new Act also included a range of initiatives to support the Government's program to promote a culture of responsible service and consumption of alcohol.

These new laws also emphasised the individual's responsibility. I point out that at the end of the day there is a need for individuals who go out for a drink to act responsibly, and for everybody associated with the industry to act responsibly as well, whether that be in the service or security aspects of this industry, which is very important to the State's economy and indeed to the lifestyle of people in New South Wales. Intoxicated or violent patrons who have been ejected from a licensed venue cannot re-enter the venue or remain in the vicinity. If they do they can be issued with a \$550 on-the-spot fine. The new laws also introduced a self-exclusion scheme for people with alcohol problems and there are now new offences and increased penalties to help prevent underage drinking, intoxication and antisocial behaviour.

In October 2008 the Government introduced a freeze on new 24-hour liquor licences. All new liquor licences from October 2008 are now subject to a mandatory licence condition, which imposes a six-hour closure each day. The freeze targets extended liquor trading, as the research tells us that late night trading is associated with a higher risk of alcohol-related problems. The freeze on 24-hour liquor licences was accompanied by other changes to help address problem alcohol consumption and underage drinking. Police and local council

enforcement officers were given more power to enforce alcohol-free zones by allowing them to confiscate and tip out alcohol that is being unlawfully consumed in these areas. The immediacy of the action taken by police and enforcement officers sends a clear message to offenders that their behaviour is unacceptable.

There were a number of locations in the Keira electorate where people gathered to consume alcohol. Sadly that was often on the beachfront and it often involved underage drinkers. The additional enforcement powers for police and enforcement officers of allowing them to confiscate the alcohol and tip it out is a clear improvement. I have received anecdotal reports that some of the alcohol-free zones that previously were a problem are no longer such a problem. This is a clear improvement on the previous system, which required mandatory warnings and imposed very small fines that were not seen as a strong deterrent. They did not have the desired immediacy to help police and councils deal with public drinking.

As an incentive to encourage greater individual responsibility, the law was also amended so that young people who use false identification to purchase alcohol or enter licensed premises will spend an additional six months on their provisional driver's licence. This is a practical way to reinforce the message that underage drinking and violence will not be condoned. In December 2008 the Government introduced a new initiative to target specific high-risk venues identified by the New South Wales Bureau of Crime Statistics and Research as being associated with high levels of alcohol-related assaults known as the top 48 violent venues scheme. The initiatives saw special conditions applied to 48 venues across the State that recorded 19 or more assaults during the year ending June 2008.

The special conditions were designed to address problems such as assaults, glassings, intoxication and disturbance on nearby areas. The special licence conditions included a 2.00 a.m. to 5.00 a.m. lockout and a requirement to cease serving alcohol 30 minutes prior to closing time. The conditions also imposed the following restrictions between midnight and 5.00 a.m.—drinks must not be served in glass or breakable plastic containers, a ban on alcohol shots, no drinks may contain more than 50 per cent spirits or liqueur, a ban on ready-to-drink beverages containing more than 5 per cent alcohol by volume, no mixed drinks with more than one nip of spirits or liqueur, a limit of four alcoholic drinks supplied to a person at any one time, and 10-minute time-outs every hour when no alcohol is sold in the venue.

Evidence from the New South Wales Bureau of Crime Statistics and Research indicates that this targeted initiative has had an important impact on reducing alcohol-related assaults in these premises. It has also seen a significant 86 per cent reduction in the number of glassings in these venues. I understand that there are now only 10 venues at the highest level of restrictions, and that is a welcome improvement from 48. I do note, though, that a venue in the Illawarra retains a place in that list of 10, and I urge drinkers and licensees to work to get off this list and work to ensure that the venue can continue to provide a place for people to socialise and drink in a safe manner, without the odium of being placed on that particular list.

In September 2009 the Government launched the Safer Nights Out resource for hotels, clubs and bottle shops. This document gives practical advice on voluntary strategies that licensed venues can adopt to prevent and reduce alcohol-related violence. It includes a list of in-venue and precinct characteristics that contribute to the risks of alcohol-related violence and offers a range of strategies to mitigate those risks. The resource covers areas such as the new standards, security, crowd control, drink and food standards, and closing times. Government industry researchers developed the resource to ensure that the practices and strategies are effective and appropriate. The document is an important example of government and industry working together to develop the industry in a way that focuses on prevention and early intervention.

I acknowledge that, to my observation, the associations have worked strongly with the Government over the inappropriate consumption of alcohol and inappropriate violence as a result of alcohol consumption. Those industry associations are working to do the right thing but the effort needs to continue. That is why in December 2009 the Government introduced an innovative graduated system, imposing special licence conditions on the most violent licensed venues based on the number of assaults on their premises. The scheme built upon the listing of the top 48 violent venues, which was introduced in 2009. Venues with 19 or more assaults in a year are classified as level one venues and are subject to similar special conditions imposed on the top 48 most violent venues. Venues with 12 to 18 assaults a year are classified as level two venues and are subject to three of these conditions—no glass after midnight, time-outs for 10 minutes each hour after midnight or free water and/or food for patrons, the active encouragement of water consumption, and stopping alcohol service 30 minutes before closing.

Venues with eight to 11 assaults a year are given help by the New South Wales Office of Liquor, Gaming and Racing to strengthen alcohol and security management. All level one and level two venues are

required to record all assaults that occur during operating hours in a specific register kept on the premises. Venues on the list are subject to the special conditions for a minimum of six months. After that time the scheme allows venues with sufficiently reduced incidents of violence to be removed from the list or have the number of special conditions reduced.

The Hassle Free Nights Action Plan was announced in March 2010 and I certainly support this new initiative. The bill makes a range of amendments to facilitate the implementation of the initiatives in the plan, including the creation of precinct liquor accords. The plan provides significant direction for action to be taken over the next 12 months to deal with alcohol-related violence and antisocial behaviour. It focuses on initiatives in key high-risk precincts, such as Sydney's central business district, Newcastle-Hamilton, Manly, Wollongong and Parramatta, with a view to providing a body of evidence of measures that have been proven successful, as well as developing a framework for local communities to work together to develop local solutions to local problems. Hassle Free Nights is targeted to locations and hotspots in those five areas.

I was particularly pleased that a range of government agencies worked together to come up with initiatives for Hassle Free Nights. It shows that the Government, in listening to the community, understanding the issues and having its public servants focused, can come up with a suite of initiatives that will assist in overcoming the problems right across government. I applaud government agencies working together as part of the Hassle Free Nights program. I am particularly pleased to note additional public transport in a number of locations as part of the Hassle Free Nights initiative, and additional secure taxi ranks have been introduced.

The Government has shown a consistent commitment to addressing alcohol-related violence and antisocial behaviour from a range of different angles, encouraging all venues to implement voluntary strategies in the Safer Nights Out resource, a freeze on 24-hour licences and new licences in the Sydney central business district, measures targeting public drinking in alcohol free zones and young people using false identification, a scheme to address the most violent venues and strategies to address high-risk precincts. This action is working. The New South Wales Bureau of Crime Statistics and Research's recorded crime statistics for the two years to September 2009 show that there was a statewide drop of 4.5 per cent in non-domestic violence assaults and a drop of almost 34 per cent in this type of assault in licensed premises over the period.

The work has all been progressed in consultation with licensees, industry groups, councils and community representatives. A significant level of resources from a range of government agencies has been put into developing and implementing all of these key strategies. There is still more work to be done. That is why this bill is before the House. The Hassle Free Nights Action Plan provides the direction for the next steps in tackling this issue. The focus will be on localised solutions in the key high-risk precincts identified in Hassle Free Nights and assessing whether these initiatives are effective and can be implemented more broadly across the State. I support the bill and commend it to the House.

Mr THOMAS GEORGE (Lismore) [11.00 a.m.]: I speak in debate on the Liquor Legislation Amendment Bill 2010, the overview of which is as follows:

The object of this Bill is to give effect to certain measures set out in the Government's action plan entitled "Hassle Free Nights". For that purpose, the Bill:

- (a) provides for the establishment and implementation of precinct liquor accords (which will operate on an on-going basis in precincts designated by the Director-General of Communities NSW) and community event liquor accords (which will operate on a temporary basis in relation to community events designated by the Director-General), and
- (b) enables any such liquor accord to include measures to minimise or prevent alcohol-related violence or harm in, or to protect and support the good order or amenity of, the precinct or area to which the liquor accord applies, and
- (c) enables the Director-General to impose licence conditions requiring licensees to participate in a precinct or community event liquor accord and, in the case of a precinct liquor accord, also enables the Director-General to require licensees to pay contributions towards the costs associated with the operation of the accord ...

I commend the shadow Minister, the member for Upper Hunter, who led in debate for the Opposition and who referred in detail to all the provisions in the Liquor Legislation Amendment Bill 2010. The member for Upper Hunter stated clearly that the Opposition would not oppose this bill. I am sure that the member for Clarence would be aware of Casino Beef Week—a major 10-day event that is held in Casino and that concluded only yesterday. If a 12-month trial of the laws relating to major events were to be conducted right across New South Wales it would put many licensees out of business.

In Casino six of the seven hotels are located on the main street, with only one hotel being located further south. Casino has a population of about 10,000 or 11,000 but on Saturday, the day of the parade, there

were probably 15,000 people on the main street from 10.00 a.m. until 5.00 p.m. Most hotels are licensed to permit a certain number of patrons into their venues. On Saturday, when the drinking population quadrupled, those premises were not permitted to admit any more patrons than those that were covered by their entertainment licences. At lunchtime on Saturday the committee made the decision to cancel the rodeo due to wet weather. Then 10,000 to 15,000 people were left in the main street in the vicinity of those seven hotels and they wanted to have a drink and somewhere to go.

If these provisions were enforced in country areas—all members would be aware that country towns depend on major events—it would put them out of business, unless licensees were given an opportunity to work out these issues and to express their concerns. The Director General of Communities NSW should not be able to make a decision from Sydney after being contacted by someone and being asked to enforce a liquor accord for the staging of a major event. I am concerned about what will happen to major events in country areas, but I am not in a position to comment on what happens to major events in Sydney, as I have not been involved in them.

As the former licensee of an hotel it has been my belief for some time now that the licensee requirements, which are included in this bill, should form part of a precinct or community liquor accord, whether or not they involve the staging of a major event. Many of these liquor accords are working successfully in country and regional areas. However, many bottle shops that open at 8.00 a.m. do not form part of these liquor accords. In my opinion, all licensees should be required to be part of a liquor accord. From my experience those licensees who form part of a liquor accord do not tend to cause any trouble. The problem licensees are those who do not liaise with the police or with members of the community. They do not attend community meetings and they are not aware of, and are oblivious to, the problems. Those licensees and restaurants that open late at night are all part of this problem. All licensees should be part of a liquor accord.

When major events are staged in country areas, licensees and community members should be required to work together to prevent the occurrence of any problems at or after a major event. At almost every exit meeting with which I have been associated there has always been praise for the way in which those events have been staged. However, if problems arise during or after a major event, an examination of the problems will reveal that not enough preparation has been done to handle the crowds. No-one has taken into account the requirement for taxis when all the hotels close at once and 500 people are looking for taxis and only three taxis are operating in a country town. In those areas where liquor accords are in place and meetings have been conducted for the 12 months leading up to the staging of major events, there are no problems.

I pay tribute to the Casino Beef Week committee for the way in which it has tried to solve these sorts of problems through its liquor accord. I have some experience of the Lismore liquor accord. Every year Lismore Turf Club hosts a major cup carnival. As Lismore is a university town the race meetings are well supported by many young people and often 7,000 or 8,000 people attend those meetings. The whole community works together with its liquor accord. Acting-Speaker Mr Grant McBride—the former Minister for Gaming and Racing—attended Lismore races and experienced that firsthand.

Mr Paul Gibson: Did you back a winner?

Mr THOMAS GEORGE: I believe that the member for The Entrance should still be a Minister. The member for Blacktown, who is in the Chamber, should also be a Minister, but who am I to decide those things? A few years back the organisers of the Lismore Turf Club race meeting experienced a number of problems. However, they now work together with the hotels in the town to provide buses to get people out to the track and back home. When the hotels close, buses are provided to transport people back home. Everyone is working together. Those people who are intoxicated are provided with a cup of tea, milk, or a sandwich, and they are required to stay there until the club management believes they can be put in a taxi and sent home. The organisers of that event have got it right. However, the only reason they have it right is that the licensees, the turf club, the police and community representatives are working together.

I remember at one Murwillumbah race day the crowd far exceeded expectations. Police walked in at 6 o'clock and said, "The bar's shut." The crowd immediately went into town to the four licensed premises. It created chaos. No-one expected that crowd to be forced into the licensed premises at that time of the day. Since then, liquor accord meetings have been held with the race club and the community; they have worked hard and the problem has not occurred again. All licensees should participate in this program because, as I said earlier, those who turn up to liquor accord meetings usually are not the licensees of premises experiencing the trouble. This trial should not be imposed on all country major events. I do not have the qualifications or experience to

comment on what happens in Sydney, Wollongong and Newcastle. However, I hold grave concerns that if the trial is successful in Sydney, the director general will then have the power to enforce it in country and regional New South Wales. As the shadow Minister indicated, the Coalition will not oppose this bill.

Ms CLOVER MOORE (Sydney) [11.11 a.m.]: I commend the Government for progressing the important work of the former Sydney Liquor Taskforce through its Hassle Free Nights plan with this bill. The Liquor Legislation Amendment Bill 2010 extends the existing liquor freeze until 24 June next year, creates precinct-based and event-specific liquor accords, clarifies the director general's powers to reduce the trading hours of problem venues, and gives police and authorised council officers tip-out powers in alcohol-prohibited areas within accord precincts. I support this bill because I support the principles underpinning it for the wellbeing of our young people, our residents, our police, ambulance workers, nurses and doctors. I support the bill because I support a vital vibrant night-time economy in a civilised environment that reflects a civilised community. This is what this bill is about. This bill identifies serious problems in our night-time economy and looks at practical ways to address those problems.

The liquor freeze has been in place for almost a year. It was introduced by the former Premier in response to my advocacy about serious impacts in my electorate—a city I lead with increasing numbers of licensed premises. Late-night screaming, singing, brawling, urinating and defecating, and an aftermath of broken glass and rubbish that council cleans up have become regular occurrences in inner city streets. Residents subjected to this behaviour live in Australia's highest densities. Every weekend they are subjected to noise, litter and intimidation because their neighbourhoods become one large venue. A recent Council of the City of Sydney pedestrian count recorded 6,000 people at the busiest section of Bayswater Road, Kings Cross, between the hours of 1.00 a.m. and 2.00 a.m. on a Saturday night. This is equivalent to Sydney Town Hall's full capacity of 2,000 people moving through Bayswater Road every 20 minutes and equivalent to the morning peak in Martin Place.

Darlinghurst Road also had a footfall of around 5,500 people between midnight and 1.00 a.m. on the same day, the majority of which had been drinking. Police and emergency services are overloaded, and workers are at risk of serious harm every weekend as these large crowds become intoxicated and engage in risky and antisocial behaviour. The cost to our health services is phenomenal. A "Police News" report in May states that St Vincent's Hospital emergency department spends up to \$3.2 million a year treating alcohol-related injuries and intoxication. Under this bill, the current freeze on new and expanded liquor licences, extended trading hours and patron number increases for pubs, clubs, nightclubs and liquor stores in Oxford Street, Darlinghurst; Darlinghurst Road, Kings Cross; and George Street south will continue until June next year.

The aim of the bill is to halt growth in patron numbers in these hot spots that currently have a saturation of licensed premises attracting crowds equivalent to those at major events. The freeze gives residents some much-needed respite from the rapid growth in late-night trading, which has changed their neighbourhoods. Extending the freeze will help prevent further deterioration of safety and amenity while work progresses on longer-term solutions. The freeze is not a solution; it is only a first step. The Council of the City of Sydney is gathering data on the impact of licensed premises in the freeze area. I call on the Government to establish measures and provide the resources needed to capture the information to assess and evaluate the success of the freeze.

Last year, Sydney council stopped granting new footway approvals within the liquor-freeze areas to coincide with the freeze and extended its freeze on footway approvals. Extending the liquor freeze recognises that late-night trading in the inner city has reached an unsustainable level, with impacts on amenity, health services and safety beyond acceptable levels. Yet the Liquor Act 2007 still identifies the central business district, The Rocks, Kings Cross and Oxford Street as extended trading precincts. This sends a message that greater availability of liquor is encouraged in these areas, contrary to the aims of the Hassle Free Nights plan, contrary to the aims of this bill and contrary to the liquor freeze extension. In the light of shocking evidence, we should not continue to consider extended trading in these areas beyond the hours considered for other areas.

I foreshadow that I will move an amendment at a later stage to remove reference in the Act to these areas as extended trading areas. I hope that the precinct accords in high-risk entertainment precincts created by this bill will develop effective responses to alcohol-related crime and antisocial behaviour, and that licensees from different areas including the central business district, The Rocks, Kings Cross and Oxford Street-Taylor Square can work together to promote safety and amenity. Participation in precinct accords will be mandatory for premises trading late at night, which is something I have repeatedly called for. I am concerned that the size of the Sydney Central Precinct Liquor Accord could reduce its effectiveness given that it covers most of the City of

Sydney local government area, representing a significant percentage of licensed premises in the State, as well as a diverse range of community groups and areas with vastly different characteristics. An accord of this size may not allow the flexibility required to deal with the different issues effectively.

While the inclusion of local government in precinct liquor accord advisory groups is positive, it is not a substitute for higher-level engagement. I am concerned that replacement of the Sydney Liquor Taskforce with the Sydney Central Precinct Liquor Accord demotes Sydney council from its involvement in high-level research and policy development. The precinct accord will not have the same focus as the task force, which has been research and regulation. Local government is the consent authority for most licensed premises in New South Wales. It is responsible for the management of public spaces in which late night areas operate and it responds to resident complaints about noise and litter. Therefore, local government must be proactively engaged in the legislative reform process. I call on the Government to include local government in the New South Wales Government Alcohol Implementation Team, which will be chaired by Communities New South Wales.

I welcome implementation of some of the agreed actions of the Sydney Liquor Taskforce and the Sydney Crime Prevention Partnership through the Hassle Free Nights plan, particularly joint working groups to coordinate inner city late-night bus services, public transport advertising, better management of queues, outdoor smoking and footpath access, and reducing glass and litter. I strongly support extended powers under the bill to the director general to scale back extended trading hours of problem venues—I emphasise "problem venues". At the moment reducing trading hours involves an extensive process of investigation and conferences in response to disturbance complaints. Where there is strong evidence that a premises is poorly managed, Communities NSW should be able to respond swiftly and decisively. This requires not only legislation but also resources and political will. I look forward to seeing the practical implementation of these reforms.

I am concerned that the Hassle Free Nights plan is only a 12-month plan and the problem of alcohol-fuelled violence will not disappear overnight. Additional long-term sustainable solutions are needed. The Council of the City of Sydney has extensive experience dealing with the impacts caused by concentrations of liquor outlets and has invested significant resources, including examining overseas models, to research solutions. I call on the Government to work with Sydney council for long-term strategies and legislative reforms that recognise the complexity of late-night trading areas. While the liquor freeze will help prevent impacts getting worse in areas identified as saturated with liquor venues, we need tools that will help improve these areas.

Late trading should be based on a record of proven good management. Trading beyond core hours should be regarded as a privilege that non-compliant, violent and regularly infringed premises may lose. This approach is adopted in New York and it is the approach adopted in the City of Sydney Late Night Trading Premises Development Control Plan. The Minister's response to my recent correspondence states that a permit system is not required because the director general will have stronger powers to remove an extended trading permit. But if extended trading comes up for regular review, venues are more likely to be better managed in the first place. This is what legislation should be about—responsible management. A permit system would bring home clearly to all involved in the liquor industry that the late night provision of alcohol to the public is a privilege that must be exercised responsibly, or be forfeited.

The Council of the City of Sydney's research supports cumulative impact precincts to enable local government and the Office of Liquor, Gaming and Racing to limit new licensed premises in areas deemed to be at saturation point. Unlike a freeze, this would provide an ongoing tool to manage cumulative impacts that will not be bound by an act of Parliament. Precedents for this approach are found in New York City, Paris and in cities in the United Kingdom. All global cities face the same issues, and we need to work with and learn from other cities that have dealt successfully with the problems.

Legislation should support definitions for "social impact", "social detriment", "cumulative impact" and "saturation". The complaints process requiring three or more residents to lodge a disturbance complaint should be replaced with a more efficient and incorporated system that operates between State and local governments. I am concerned that this bill will confer on council rangers powers of confiscation in alcohol-prohibited areas that are the same as those that can be exercised in alcohol-free zones. Council rangers do not have the same powers, training, resources or support as those of police officers to be able to deal with situations of potential violence. Council rangers could find themselves in difficult and even threatening situations that they are not equipped to handle if they attempt to confiscate alcohol. Illegal drinking is a matter for the police. I understand that no city rangers have been appointed as enforcement officers yet, nor is it intended or desired that such appointment will be sought. The control of illegal drinking should remain the role of the police.

I continue to support small bars in the inner city, which are one component of revitalising our night-time scene and providing alternatives to big beer-drinking barns. Recently I opened a new bar in Surry Hills, which is intimate and eclectic. It is what I had in mind three years ago when I championed small bars. I have regularly alerted the New South Wales Government to the need for a definition of "small bar" in the Liquor Act so that the different nature of these venues can be adequately recognised and so that they can be licensed. Other measures are needed because areas in the city have reached saturation as far as the number of licensed premises is concerned. We need long-term solutions to improve the vitality, functioning and sustainability of our late-night areas. I hope to see more reform to ensure the sustainability of our night-time economy.

Mr GEOFF PROVEST (Tweed) [11.22 a.m.]: The object of the Liquor Legislation Amendment Bill 2010 is to give effect to certain measures set out in the Government's action plan, Hassle Free Nights. For that purpose, the bill provides for the establishment and implementation of precinct liquor accords that will operate on an ongoing basis in precincts designated by the Director General of Communities NSW and for the establishment and implementation of community event liquor accords, which will operate on a temporary basis in relation to community events designated by the director general.

The bill will enable liquor accords to include measures to minimise or prevent alcohol-related violence or harm in, or to protect and support the good order or amenity of, the precinct or area to which the liquor accord applies, et cetera. Members will be fully aware that on 19 March the Premier, Kristina Keneally, introduced the Government's \$4 million liquor action plan, Hassle Free Nights. The plan will be trialled for 12 months and a report will be produced. The plan will be trialled in five precincts—the Sydney central business district, Newcastle-Hamilton, Manly, Wollongong and Parramatta. The main purpose of the bill is to establish two types of liquor accords.

Prior to my election to Parliament I was licensee of a club for approximately 27 years and held a large number of licences. The Revesby Workers Club is a very large, professionally run club that is very dear to my heart. When I was the licensee, the club hosted many performances by popular rock bands, such as AC/DC, Mental As Anything, and others, so I was in a position to witness excessive liquor consumption and its effects firsthand. Twenty years ago Revesby was rated number one among liquor consumption premises in the Sydney central business district, and was rated ahead of all other clubs. Just down the road there was a famous pub that I am sure the member for East Hills would remember, the Revesby Pacific, which also ranked number one at one stage for liquor consumption in Sydney.

As licensee of a large club, I witnessed a lot of violence on the streets. Long before liquor precincts were introduced, I adopted a proactive approach and met regularly with local hoteliers. We introduced our own security guards in local shopping centres, provided free buses and organised the availability of taxis to implement harm minimisation measures. Consequently there was a marked reduction in the incidence of alcohol-related violence. Recently in Tweed Heads I spoke to a large number of people involved in policing, particularly representatives of the New South Wales Police Association who told me that they repeatedly have expressed a high level of concern about alcohol-related violence and have recommended conditions being attached to licences when a new licence is sought. A bar that currently has a 24-hour licence, the iBar, is a new cage-dancing exotic bar in Tweed Heads. I am informed that the liquor Licensing Court either completely ignores recommendations made by local police officers, or attaches only one or two recommended conditions to licences. Nine times out of 10, problems arise from bars that operate on a 24-hour basis.

The Director General of Communities NSW will control both accords. The precinct laws should reflect community standards and recommendations made by the local police force. Police officers are in the front line when it comes to controlling alcohol-related violence. I know from my 27 years of experience in the hospitality industry that while it is fine to pass all types of laws, that does not help bar managers who are finding it pretty hard to convince people to curtail their drinking at three o'clock in the morning. It is easy enough to circulate glossy brochures, but I believe the Government should do much more to educate people, especially patrons, as part of its implementation of this legislation.

Recently I spoke to the Minister about the Tweed liquor accord. There are 184 liquor outlets in the Tweed, and of those only 20 venues are represented at the accord. It is a fact that for eight consecutive years the Tweed recorded the highest percentage of drink drivers than any other area in New South Wales and one of the highest rates of alcohol-fuelled domestic violence incidents in the State. Despite that, only 20 venues are represented on the accord and it is only representatives of the responsibly managed venues that turn up. The Tweed delegation is led by a good friend and colleague of mine, Rob Smith, who is the chief executive officer

of Twin Towns Services Club Limited. If the trial is successful, as I am sure it will be in many respects, I hope it will be rolled out across the State so that it will be mandatory for representatives of liquor premises to attend accords.

I pose a challenge to the Minister based on a problem that currently exists in the Tweed. In Coolangatta, there is a strip of nightclubs and four hotels. I was a licensee for approximately 20 years in Coolangatta, which is very close to the State border. The premises I managed closed at approximately 2 o'clock in the morning, but nightclubs in Queensland, which were patronised by people from Tweed Heads, closed at 5 o'clock in the morning. When the New South Wales patrons returned home, they would engage in alcohol-fuelled violence and other antisocial behaviour in car parks of Tweed Heads venues that had closed approximately three hours earlier. When local residents complained, the premises became the subject of adverse comments in statistics related to alcohol-related violence in their local area. The Minister should actively engage with his Queensland counterpart to implement a regional approach to liquor control measures. Whereas a precinct approach is good, the Tweed electorate requires controls to extend beyond the State border. Queensland also is struggling with a high incidence of alcohol-related violence.

I am a little perplexed by the call for more control by some members who approximately a year ago spoke in favour of the liberalisation of liquor licences when the creation of small bars in the Sydney central business district was being debated. At that time the point was rightly made that Sydney, as an international city, needs small bars to make businesses profitable and to create an ambience similar to that of small bars in London, Paris and New York. Yet it seems that just over 12 months later the Government has decided to freeze all licences because there is a problem with alcohol on the streets and more research needs to be done. I have heard that time and time again today. Why did we liberalise the liquor laws 12 months ago when we now find that we have gone too far? It seems to be ad hoc—I have only been in this place a short time—and a knee-jerk reaction. A lot more can be done.

I applaud the club movement and the Australian Hotels Association. Coming from the club movement, I know that clubs are proactive. I take this opportunity to raise another bone of contention I have had for some time with the tightening of the liquor laws. I am always in favour of minimising alcohol-related harm. Under the current laws, technically it is illegal for an intoxicated person to be on a premise. Back in the old days, before those laws were introduced, responsible licensees would sit down an intoxicated person, perhaps in another room, keep him there and make arrangements for a friend or family member to drive him home. At least the licensees attempted to be responsible.

However, under the current laws it is an offence for an intoxicated person to be on the premise; so the licensee must shove him out the door. The licensee has discharged his responsibility and the community is left to deal with the problem. That is wrong. A lot more can be done. I hope the Minister will visit some licensed premises. I am not talking about the happy snaps at 11 o'clock in the morning; I am talking about 2 o'clock, 3 o'clock and 4 o'clock in the morning when the alcohol-related violence occurs. Last Thursday I had the privilege to travel in the back of a patrol car with our local police superintendent.

Mr Russell Turner: With handcuffs?

Mr GEOFF PROVEST: Not with handcuffs! The police were targeting licensed premises that had been causing significant trouble. Once the licensees detected an intoxicated person they put the person out onto the street, and it was left to the community to deal with the problem. Much of the violence starts at the local kebab shop, the pie shop or the pizza place. Another point I make—I guess this will be slightly controversial—is that novice drivers may drive with only one passenger after 11.00 p.m. We have noted that in the Tweed area, particularly where there is a lack of public transport, the level of incidents of street violence and antisocial behaviour by young people has increased. That is because there is no way for them to get home from these venues. They congregate at bus stops, although there are no buses, where a lot of the agitation and antisocial behaviour occurs. While I understand the purpose of other legislation, more thought should be given to finding a solution to that problem.

The Queensland version of the Department of Gaming and Racing is conducting campaigns and programs in schools, sponsored at times by licensed venues, on protocol in licensed premises for younger people, alcohol strength and what is a standard drink. In terms of responsible alcohol consumption, we have been big on packaging standard drinks, but there is little education. Members have talked about banning shots and drinks with a certain alcohol percentage, but the information is not getting to kids in schools. Queensland is fairly well advanced in respect of a school education program—I guess, a licensed premises code of conduct—

which educates kids about what to expect in licensed premises, alcohol strength and what is a standard drink, a shot and a spirit. There is virtually no such information in New South Wales. Young people get their information from their mates. While I do not oppose the legislation, I believe that more work could be done on getting the message about liquor accords into schools. Once again, I am 100 per cent for the Tweed.

Mr PETER BESSELING (Port Macquarie) [11.34 a.m.]: I shall make a brief contribution to debate on the Liquor Legislation Amendment Bill 2010 and specifically a number of aspects of it. First, I will deal with the hassle free nights. The object of the bill is to give effect to certain measures set out in the Government's action plan entitled "Hassle Free Nights". After the announcement of the Hassle Free Nights Action Plan in March 2010 I wrote to the Premier. My letter stated in part:

Dear Premier,

[The] Hassle Free Nights Action Plan aims to reduce alcohol-related violence and anti-social drunken behaviour in several entertainment precincts throughout Sydney, Newcastle and Wollongong.

The action plan features several key elements in addressing alcohol-related problems in the program's nominated entertainment precincts. I do note, however, that the plan is restricted to the larger metropolitan areas and does not include any regional centres in NSW, many of which have similar anti-social issues where alcohol is a major contributing factor.

I therefore ask you to consider a pilot program, based on the Hassle Free Nights Action Plan, to Port Macquarie ...

Our community is fortunate to have a dedicated group of police officers, licensees, health and education administrators, business owners and council representatives who comprise the Hastings Liquor Accord and could effect significant change in Port Macquarie if they had the appropriate resources.

Port Macquarie has two late-night entertainment venues, both of which have been included on a police list of the top 100 clubs and hotels in the state for high levels of assaults.

I note that since I wrote the letter in March one of the venues has dropped off the list as a result of a number of actions that it has implemented. That is welcomed in our area. I received a response from the Premier in May after several discussions with the Premier's department and the Minister's department. The Premier advised as follows:

Legislation will shortly be introduced to Parliament—

that is the legislation we are debating today—

to give effect to this and other elements of the Action Plan. Once the legislation is proclaimed, I understand you would like consideration to be given to establishing Temporary Precinct Liquor Accords in Port Macquarie for the events you have identified as having an increased risk of alcohol-related violence and anti-social behaviour. Based on advice given to me, Port Macquarie would be a good location to conduct a trial of Temporary Precinct Liquor Accords in a regional context.

Accordingly, I have asked that the Department of Premier and Cabinet to meet with you again after the legislation has been proclaimed to discuss the best way forward.

Some of the elements we have highlighted to the Premier came about as a result of issues on New Year's Eve and, more particularly, on Australia Day this year, when we saw high levels of alcohol-related incidents. The problem is not isolated to Port Macquarie; certainly in coastal communities up and down the coast we see the problem, particularly surrounding Australia Day for some reason. This year police charged six people with assault and two with assaulting police, and issued 19 court attendance notices. As a result of the issues on that day, I sought a meeting with the local council and the local police superintendent, Peter Thurtell, who does a great job, to try to deal with the issues surrounding the Australia Day alcohol-related violence. On Australia Day families had to share the beach with people who were taking alcohol into the surf, drinking, getting drunk and fighting, and the police were called back time and again.

The police noted that the overall behaviour of people was very good but the incidents on Town Beach and in Bonny Hills marred what was a great Australia Day for many people. At the meeting we decided that action needed to be taken. As a result, the Port Macquarie-Hastings Council administrator wrote to me seeking my assistance with a matter in which he believed we both had a strong interest—namely, addressing alcohol-related violence and drunken behaviour in regional communities. The letter from the administrator stated:

Under the current legislation, individuals caught drinking in breach of existing alcohol prohibitions "*acting contrary to notices erected by Councils*", are liable to an "on-the-spot" fine of \$110 with a maximum penalty of \$1,100.

In 2008, following an evaluation of the NSW Alcohol-Free Zones (AFZs) (Local Government Act, Section 642-649), a number of amendments have recently been made to the legislation to enhance the effectiveness and enforcement of these zones. This has included the power to seize and tip out or otherwise dispose of alcohol without the need to issue a warning. This is a proactive response to breaches of this legislation.

This penalty has had a positive impact in regard to reducing the potential for alcohol related anti-social behaviour in AFZs. I believe a similar penalty should also apply to Section 632 infringements, in addition to existing penalties.

I would like to seek your assistance in having Section 632 of the Local Government Act amended to provide, in all Alcohol Prohibition Areas, confiscation penalties.

I have had a number of discussions with staff of the Minister about this bill. I am pleased that section 632 of the Act has been amended to allow for confiscation of alcohol in certain alcohol-prohibited areas, rather than just the imposition of a fine or penalty and not dealing with those who are drinking at the premises. As legislators it is our responsibility to ensure that the laws are correct and easily understood by the community, so that people can abide by them and police can implement them without confusion.

I ask the Minister to explain in his reply the difference between alcohol-prohibited areas and alcohol-free zones following the amendment to section 632. I am confused about the difference. Surely if we are to promote alcohol-free zones or alcohol-prohibited areas the community should easily understand and support them. Having two separate descriptions with the same considerations is confusing. At the moment police and enforcement officers may seize alcohol—the bottle, can, receptacle or package in which it is contained—that is in the immediate possession of a person in an alcohol-free zone if the person is drinking alcohol in the alcohol-free zone, the officer has reasonable cause to believe that the person is about to drink or has recently been drinking alcohol in the alcohol-free zone.

Any alcohol or thing seized under this section is, by virtue of the seizure, forfeited—if seized by a police officer, to the State, or if seized by an enforcement officer, to the council that employs the officer. Any alcohol seized under this section may be disposed of immediately by tipping it out of the bottle, can, receptacle or package in which it is contained, or be otherwise disposed of in accordance with directions given by the Commissioner of Police or the council. The same message is in schedule 2, section 632A, to the bill where it states alcohol can be seized if a person is drinking, about to drink or has recently been drinking and it can be tipped out. I see no purpose in having those two different interpretations of an alcohol-prohibited area and an alcohol-free zone. I would prefer them to be described as either an alcohol-prohibited area or an alcohol-free zone, one or the other but not both.

Mr RUSSELL TURNER (Orange) [11.43 a.m.]: I will address briefly the Liquor Legislation Amendment Bill 2010. The fine details of the bill do not relate to areas such as Orange, but I will acknowledge the aim of the bill and relate problems that occur in Orange and many other country towns. The purpose of the bill is to allow for the implementation of the Government's \$4 million, 12-month action plan entitled Hassle Free Nights, which was announced on 19 March 2010 by Premier Keneally. The plan will be trialled over 12 months, after which a report of its findings will be produced. The plan will be trialled in the Sydney central business district, including Kings Cross, Oxford Street, George Street south and The Rocks, Newcastle, Hamilton, Manly, Wollongong and Parramatta.

The bill provides for the establishment and implementation of two types of liquor accords: precinct liquor accords, which will operate on an ongoing basis in an area, and community events liquor accords, which will operate on a temporary basis and can be spread across more than one area. Both accords will be controlled and enforced by the Director General of Communities NSW. Precinct liquor accords will be enforced in the aforementioned precincts and community events liquor accords will come into action during events such as the Mardis Gras, New Years Eve and the Bathurst 1,000 V8 Supercar Race.

It enables the director general to impose licence conditions requiring licensees to participate in a precinct or a community event accord. The director general, along with organisations and people such as the licensee to which an accord applies, the local council, surrounding business owners within the precinct, the Commissioner of Police and community representatives who must be approved by the director general are able to play a role in the development of the accords. The bill provides for the restriction of glass containers, the ceasing to serve liquor during times specified and likely penalties.

The Opposition will not oppose this bill, but I will raise some concerns. How will it be policed? During the 12-month trial we will look with interest to see whether it will control the 2 or 3 per cent of the population who drink alcohol to excess and cause trouble. That behaviour gives the vast majority of the population who

want to have a good night out a bad name. The trouble is splashed across the local media. It gives police an enormous headache as they try to control the minority. It forces the Government to seek to devise new legislation to deal with the problems.

We all know the excessive consumption of alcohol has developed into a big issue in recent years. There is talk about re-introducing the old drunk and disorderly legislation that made people more responsible for their actions. The Orange liquor accord is working quite well at the moment but at a considerable cost. I do not know how much is added to the price of a drink after a certain time. I know that a number of licensed outlets in Orange have security guards who are responsible for enforcing the alcohol ban in the central business district. Yet on Friday and Saturday nights, in particular, the police have to attend an alcohol-related issue within the central business district, which takes them away from attending, for example, a domestic violence dispute.

We have legislation to control responsible service of alcohol and various ways that that is enforced, whether it is within the liquor accord involving a number of hotels in Orange and other country towns or applying for a licence for a one-off event. The person applying for a liquor licence for a particular day or weekend has enormous responsibilities. It is usually someone involved in the event—whether it be a race meeting, a food and wine event, or a promotional or tourism event. All of this is brought about because of a very small minority of people who appear to be determined to spoil it for the vast majority.

The legislation regarding hotels, clubs and restaurants, et cetera, does not take into account the problems associated with the excessive consumption of alcohol in the domestic home. An article in today's *Sydney Morning Herald* refers to the surge in applications for bottle shop licences. Principally, drive-through bottle shops are for the domestic consumption of alcohol. Certain people talked about there being a limit on the amount of alcohol a person may buy in a bottle shop. I have had occasion to buy a couple of cases of beer and a few cases of wine, which would be seen as too much for one individual to purchase. However, when I buy alcohol in such quantities it is on behalf of the 60 or 80 people who might be attending a function at my place or at someone else's home. How do we decide what is too much to purchase in a bottle shop? How do we control how alcohol is consumed in the home?

I believe approximately 30 or 40 per cent—I am not sure of the exact figure—of domestic violence is caused principally by excessive consumption of alcohol. Unfortunately, as the colder weather comes to places such as Orange, we will see a little increase in that because people are reluctant to go out and instead stay home. I have seen taxis pull up outside homes and unload alcohol from the boot, which sadly those households cannot afford to purchase. However, they purchase it at the expense of their children or other members of the family. The bill will not solve that problem. I do not know how to solve that problem. People need to be more responsible for their own actions.

In some ways I would welcome the reintroduction of the drunk and disorderly legislation, where police could take people to the police station and charge them, or at least keep them there to dry out, as they used to do in the old days. People will say that under the accord one can be charged for disorderly conduct and being drunk on a public street, but to my knowledge no-one in Orange has been charged under that legislation, whether by a council ranger or a police officer. I have seen situations where someone has been given an infringement the day before for drinking alcohol in a park in another town, hundreds of kilometres away, and the infringement notice has been discarded in a park in Orange. The person who was given that infringement notice had no intention of paying the bill and the police do not bother following it through. The whole thing is meaningless unless it is enforced the way it is intended.

I often say that there is not much point in introducing and debating legislation that gives the police and the courts more power if it is not carried out. We have liquor accords in Orange. Police have the ability to empty out alcohol and to fine people. We have given responsibility to council rangers, although in many cases councils do not seem to give the rangers that responsibility with respect to excess consumption of alcohol. A couple of weeks ago I was critical of the council after a lot of people had complained about cigarette butts in the streets. There is legislation to fine people for littering the streets, yet the council does not issue those infringement notices because it does not want to be seen to be the bad boy or whatever it might be. It is waiting for someone else to do something or is worrying about officers being assaulted. That is another example of legislation that has been given to councils to give them more power to do what they have been calling on others to do, but they are not prepared to do it themselves.

The legislation does not affect cities such as Orange. However, so far as responsible service of alcohol and the accords are concerned, hotels in Orange that are part of an accord are acting in a very responsible way.

They have employed security guards. One hotel created a lot of problems in Orange, and I know that on at least three occasions that hotel was closed down for three days for breaching the legislation. That hotel has now closed down for other reasons, as well as the problems it had with the accord. The licence has been handed in and I understand that the building is being sold for development.

The vast majority of hotel licensees and patrons in Sydney, Orange and throughout the State act responsibly. One hotelier said to me a couple of years ago when we were talking about the liquor accord in Orange, "We're not angels, but we believe that the legislation has gone too far and it should come back to give those who consume excess alcohol more responsibility for their actions." He sees young people coming into his hotel who might be quite sober, but one or two drinks combined with the party drug or pill they took before entering the hotel wipes them off the face of the earth. However, he is responsible and his hotel gets a bad name, not because he has not exercised his responsibilities but because of actions taken by the patrons prior to entering the hotel.

I do not know how to satisfy everyone, but we need to make people more responsible for their actions. There is nothing wrong with going out and having a good time, having perhaps a little more to drink than you would normally, but you must be aware of your actions if you decide to have a couple too many. Most people just have a bit of fun, have a good night and go home quietly. However, in others a reaction may be triggered in their personality that causes antisocial behaviour, vandalism and all sorts of things. That makes it unfortunate for the vast majority and gives all drinking and all hotels a bad name, which in most cases is not deserved. The legislation is for a 12-month trial period. It will be up to those involved to make sure that it works. The Opposition does not oppose the bill.

Mr DAVID HARRIS (Wyong—Parliamentary Secretary) [11.58 a.m.]: I support the Liquor Legislation Amendment Bill 2010. A significant amount of work has been undertaken to progress the measures outlined in the Government's Hassle Free Nights Action Plan since its announcement in March. There is a wide range of initiatives under the plan. Considerable resources are being put into introducing effective and appropriate measures to make a real difference to the amenity of the entertainment precincts identified in Hassle Free Nights. The safety and wellbeing of people in these areas is paramount. Anyone who is having a night out in these entertainment areas should be assured that the bars and clubs are well operated, staff are well trained, streets are clean and safe, and transport is available to get home safely and quickly. The array of measures outlined in Hassle Free Nights target these issues and more. I would like to update the House on action that has already been taken in the short time since the announcement of the plan.

There are five precincts in which liquor accords will be established under Hassle Free Nights: Sydney central, Manly, Newcastle-Hamilton, Wollongong and Parramatta. Preliminary work is underway to determine the membership and operation of liquor accord groups in these precincts in anticipation of the legislative amendments contained in this bill being passed. During April and May, meetings were held in each of the precincts to bring together representatives from all the key stakeholder groups to discuss the formation and operation of the accords. This local knowledge will help to ensure a robust and workable approach. Each precinct liquor accord will develop a plan that includes details of the measures that are to be implemented to deal with specific alcohol-related problems in the precinct. In this way initiatives can be tailored to local conditions.

Government funding will be available to assist with the implementation of initiatives developed in each precinct plan through the Precinct Liquor Accord Fund. This fund includes a contribution by Government of \$1 million. It will be used to fund projects on a 50:50 basis with licensed venues within the precinct. This is a significant investment by the Government to implement measures and evaluate their effectiveness in reducing the risk of alcohol-related violence and antisocial behaviour. Preliminary consideration is being given to the boundaries of each of the precincts. Boundary maps will be published and will be readily available so that it is clear where accord measures will be introduced and which licensed premises will be expected to participate in the initiatives.

Getting people home safely and reliably after a night out is an important aspect of Hassle Free Nights. A great deal of work has been done to implement the transport initiatives outlined in the action plan. So far seven additional secure taxi ranks have been established in the Sydney central business district, Newcastle and Wollongong. These taxi ranks include a security presence to ensure queuing is orderly, the behaviour of people waiting for a taxi is appropriate, and the management and flow of taxi passengers out of an entertainment precinct is organised. A number of late night bus services also commenced during April in Sydney and

Parramatta. New late night services are operating along the following routes: between Central and Bondi Junction, between The Rocks, Hickson Street Wharf and Town Hall, between Circular Quay and the Parramatta interchange, and between the Parramatta interchange and Castle Hill.

These additional late night bus routes are integral to moving people out of busy entertainment areas and helping them get home quickly, reliably and safely. Information on each of the new bus routes is available on the Government's transport information website. Patronage figures for the new bus services will be reviewed over coming months to assess their effectiveness and to consider whether any operational adjustments are required. I am pleased to learn that since the introduction of the Hassle Free Nights transport initiatives no security incidents have been reported on these services.

Both the New South Wales Police Force and Communities NSW are responsible for regulating and enforcing liquor legislation in New South Wales. These agencies will continue to work together to ensure that operational activities are targeted and effective. Work is ongoing to share information and where appropriate coordinate enforcement efforts. Police and liquor inspectors are also assisting licensees with advice on appropriate and responsible management of their businesses. Karaoke bars and party boats as well as licensed premises have been identified as areas where more coordinated enforcement is required to manage the risk of alcohol-related violence. A coordinated enforcement approach is being developed in respect of karaoke bars and party boats to ensure that they are complying with existing liquor laws and other regulatory requirements. This action, involving NSW Police and inspectors from the NSW Office of Liquor, Gaming and Racing, will be incorporated into current operational procedures. It will also be accompanied by targeted education initiatives to ensure operators know their responsibilities.

On 3 May 2010 an online forum was launched to gather community feedback about ways to stop parties from getting out of control, particularly large spontaneous gatherings. The forum allowed community members to post comments on experiences they may have had with out-of-control parties and to suggest practical measures to resolve problems they may have encountered. The forum ran until 24 May. Careful consideration is being given to all comments posted on the site. The Government appreciates the suggestions that were made on measures that can assist communities and individuals to stop parties getting out of control.

Another Hassle Free Nights initiative is to provide guidance to the community on the neighbourhood disturbance complaint process under the liquor laws. In practice these provisions should be rarely used. Ideally licensees will work through problems that arise in their communities quickly and to the satisfaction of all concerned. The statutory disturbance complaint process should be the last resort. Information on the NSW Office of Liquor, Gaming and Racing website will be updated to include additional advice on the formal disturbance complaint process that is available to the community if complaints cannot be resolved at the local level. However, information and guidance on this issue should not be solely restricted to the community. Industry peak bodies have a valuable role to play in helping licensees to develop effective complaint-handling procedures that they can follow when a problem arises.

The National Standard for complaints handling—adopted by Standards Australia in 2006—could be used as a basis for guiding venues on the processes they should put in place to deal with disturbance complaints and in particular to encourage the local resolution of issues. The NSW Office of Liquor, Gaming and Racing will work with peak bodies to get effective local complaints-handling processes in place. It can also guide both parties through the more formal disturbance complaints process if required.

Individuals must take responsibility for their actions, including their behaviour when consuming alcohol. While the majority of individuals do act responsibly, the public needs to be better informed about the health and justice consequences of the consumption of alcohol, including the consequences of drunken behaviour. It is important that a consistent range of messages is delivered to inform individuals and to promote responsible behaviour. Action is underway to coordinate public education campaigns across all of the key information areas, including health, security, transport and justice.

In December 2008 the Government implemented a scheme to enhance the regulation of licensed premises with high levels of alcohol-related violent incidents. The scheme has been implemented in several rounds based on incident data compiled twice yearly by the New South Wales Bureau of Crime Statistics and Research. Round three of the scheme has been finalised. As detailed in the Hassle Free Nights Action Plan, data for round 3 of the scheme included a greater range of alcohol-related violent incidents and was not limited to assaults.

The additional categories that are now included when determining incidents of alcohol-related violence include grievous bodily harm, actual bodily harm, drink spiking, murder, riot/affray, manslaughter, sexual assault and violent disorder. This new strengthened approach has been developed in consultation with industry bodies and licensed venues to ensure the veracity of the process. These reforms ensure that the categorisation of violent venues takes account of relevant violent incidents that can be harmful and affect the safety and wellbeing of patrons of licensed venues and the community.

A range of measures are available under the liquor laws to ensure that liquor licences operate appropriately. One of the most important is the imposition of appropriate liquor licence conditions. Carefully crafted conditions can help make venues safer and ensure a venue is well managed. Under the liquor laws, licence conditions need to focus on minimising the harm associated with the misuse and abuse of alcohol, encouraging responsible attitudes and practices toward the promotion, sale, supply, service and consumption of alcohol, and ensuring the sale, supply and consumption of alcohol contributes to and does not detract from the amenity of community life.

As a result of the Hassle Free Nights Action Plan a standard set of conditions for different liquor licence types will be developed and trialled. These conditions will promote responsible attitudes and practices to minimise particular alcohol-related harms. They will be trialled in the precinct liquor accord areas to see if they can be applied across licence types to effectively manage venues. Where necessary, tailored licence conditions will also continue to be applied to address local issues. This approach will improve understanding by licensees, which will lead to better compliance. It will also assist police and inspectors in promptly determining compliance requirements for each licence type. Standardised conditions will assist in reducing red tape and compliance costs for industry.

As part of the process, ineffective, outdated or invalid conditions on licences will also be identified and removed, where possible. The amendments to the Liquor Act that are contained in this bill will assist the Director General of Communities NSW in this process. The use of plain English in developing future liquor licence conditions will help to ensure that the requirements applying to licensed premises can be easily understood. The Hassle Free Nights action plan is an extensive and ambitious project to curb alcohol-related violence and antisocial behaviour in key entertainment precincts. It also delivers initiatives that will have a broader impact and will encourage individual responsibility. Work is progressing steadily to implement each of these projects, and the bill before the House is a significant step in that implementation process. I support the bill.

Mr ANDREW FRASER (Coffs Harbour) [12.10 p.m.]: I state at the outset that I do not oppose the Liquor Legislation Amendment Bill 2010. However, I would like to point out a few things relating to my electorate generally and to the sale and service of liquor and the problems that it creates. No doubt members are aware that Coffs Harbour is a major tourist area.

Mr Kevin Green: It is a nice part of the world.

Mr ANDREW FRASER: As the Minister said, it is a nice part of the world. I believe that it is the best part of the world. However, at the end of the day we have a large tourism base and, as a result, we get a lot of visitors, especially over holiday periods, long weekends, et cetera. Not surprisingly, we have spikes in alcohol-related violence or incidents during those holiday periods. They are imported problems. We in Coffs Harbour set up the first liquor accord, which was spearheaded by the Coffs Harbour Ex-Service Club and the publicans, and which has worked successfully for a long period. I tend to think that much of what we are seeing today about alcohol-related violence is media driven. We need to do something about it, especially when we have seen of late the mess at Kings Cross and at other venues. I believe that people are going out with the intention of creating problems. If any visitor to this country looked at what is going on at Kings Cross at present, he or she would think twice about going there.

One of the problems we have in this area of alcohol-related violence—in fact, I believe it is the major problem—is the lack of policing. In 1994 Inspector Joe Blanch came to Coffs Harbour and conducted what in the old days would have been called a 21-squad type crackdown on venues and patrons. On a Friday night I went with Joe around the town and saw him enforcing the law on patrons. He also had a group of officers trained in the responsible service of alcohol and the proper conduct of business in hotels or in clubs who went through the town and fined a number of venues. I believe that those fines were imposed probably for minor matters, but that sent out a strong message to publicans and to patrons alike that any alcohol-related incidents would not be treated lightly. I was there when one young lady who was not allowed to go into a nightclub at the

time was using language that would have made a bullocky blush. Joe reached through the crowd, grabbed her by the collar, put her in the back of a van and said, "Enough is enough." To my knowledge that young lady was given a caution and she was sent home the next morning, which I suggest would have caused her and her parents some embarrassment.

I remember speaking to a sergeant of police who had spent a fair bit of time in a major town out west who said that on Friday and Saturday nights he used to wander around the town, visit all the licensed premises, pick up those who were renowned troublemakers, take them back to the police station if they were affected by alcohol, and put them into the cells for the night. At 8.00 p.m. he would go around again and then settle back for a peaceful night watching his favourite television show because all the troublemakers were locked up. If we did that these days it would be seen as an infringement of rights, but in reality back then it made his life a lot easier because there were very few fights, or no fights, on a Friday or a Saturday night and members of the public were kept safe because the troublemakers and drunks were being given a night's rest at the local police station. As I said earlier, these days that would be totally unacceptable.

I think it is high time that we returned to a situation where the police had some authority and they acted when they saw these problems arising. Police should be given back the powers that they had but which they lost under Attorney General Frank Walker, who came from Sawtell. We need to go back to the future and return those powers to police to deal with alcohol-related violence and crimes within our communities. A couple of Friday or Saturday nights ago Coffs Harbour had one general duties police car in the Coffs Harbour-Clarence Local Area Command to cover the areas of Dorrigo, Bellingen, Toormina and Urunga. Those young louts who want to go out, have a few drinks and create problems, know that that is the case. Often those kids attend beach parties. For some time residents have rung me to complain about beach parties where the kids, who are drunk, create problems, wreck houses, cause damage and start fights. The police turn up many hours later—if they turn up at all—because they are so understaffed. If police officers are not put back on the streets to assist publicans and licensees of licensed premises to stop the trouble before it starts, these issues will not be resolved.

Recently Peter Contempree and other motel owners at Park Beach approached me because they were sick and tired of taking broken beer bottles out of their swimming pools, of having rocks thrown through their windows, and of tourist cars being damaged, et cetera. Park Beach is a public place where the consumption of alcohol is prohibited, yet every time the police go there, which is on rare occasions because of the lack of police numbers, the offenders disappear into fairly dark areas along the foreshore area, hide in the bushes until the police have gone, and come back and continue their misbehaviour. If the consumption of alcohol is prohibited in a certain area we must have the required number of police officers to ensure that those rules can be enforced. If that does not occur, the people who are being hassled, assaulted or affected by these drunks will still have to endure these problems day in and day out.

Park Beach and the jetty foreshore area in Coffs Harbour, which is a beautiful area and a popular location for families, was improved by service clubs such as Lions, Rotary and Apex, and barbeques and the whole box and dice were installed. I do not know how many times I have gone there on a Saturday or a Sunday morning and found broken bottles and an absolute mess. Once again, after 9.00 p.m. no alcohol is permitted in that area, but it is consumed because of the lack of a police presence. Unfortunately, Coffs Harbour Hotel, where Marty Phillips is the licensee, is number eight on a list released by the Minister 10 days ago or thereabouts. Coffs Harbour Hotel is a family hotel. If I am in the electorate on St Patricks Day I go and have a jar of Guinness with others at that hotel. It is a great night and, in the main, everyone behaves responsibly.

Unfortunately, Marty's hotel is located on the corner of the Pacific Highway and Harbour Drive, and the road on the other side of the highway is High Street West, the only crossing point on the Pacific Highway where people can gain access to the Plantation Hotel, the Coffs Harbour Hotel and the Coast Hotel, which is located some distance up the road. These publicans, and especially Marty, often provide their own security. If someone comes across the road and wants to gain access to Marty's hotel at midnight, he has to turn that person away because he has a midnight lockout. Patrons are not impressed when the bouncers say, "Sorry, you cannot come in here because you are intoxicated and it is after midnight." A brawl might then ensue, the police might be called and there is a black mark against Marty's hotel. I feel sorry for Marty because he is a good publican. When questioned by the local *Advocate* he said:

I've barred something like 6,000 people since I took over the pub in 1996.

Quite often a rock concert is held at the Coffs Harbour showground, which is located down the road from Marty's hotel. At that rock concert alcohol is served and, as other members have said, drugs are rife. Hotel

licensees receive an instruction from the police, through the liquor accord, to provide extra security on Saturday night because of the concert at the showground. It is somewhat unfair for hotels to have to provide extra security when something else creates the problem. Rather than police issuing that instruction, the police themselves should put on extra numbers and actually control the people who are leaving the concert and trying to gain admission to the Plantation Hotel, the Coffs Hotel or the Coast Hotel in the town centre. Craig McTear from the *Coffs Coast Advocate* interviewed Marty about his hotel. Craig McTear asked:

Do the figures tell the true story at your pub?

Marty said:

I totally disapprove of some of the alleged assaults, including drink-spike with no toxicity tests. In another incident recorded as an assault, a security guard was slapped on the shoulder by a female patron and he reported it to police.

Another incident recorded as an assault was when a heavily intoxicated man fell outside the hotel.

The man had not been drinking at the hotel, but it was regarded as an assault and a reportable offence under current conditions. The interview continued:

If you have a big event on and you have no incidents, do you put it down to good management, good luck or no bad drugs ...

When there's bad drugs in town there are assaults across the city.

Unfortunately, high tourist turnover in Coffs Harbour and other local government areas results in a high incidence of assaults. Five local government areas will undergo a trial process under the provisions of this legislation. I hope the results will be good, but until police are once again given appropriate powers the problem will continue. An old sergeant told me that in the past in western New South Wales he could go around early in the night and lock up the troublemakers he knew and those who were affected by alcohol and do another round later in the night. Without a return to basic policing that sends a very strong message to those who wish to make trouble, the problem will continue. After Joe Blanch acted in Coffs Harbour in 1994, for six months we rarely had a report of alcohol-related violence in any licensed establishment. The majority of cases involved domestic violence, beach parties and similar incidents.

I wish the Government all the best in its attempts to improve conditions in the five areas where the trial will be conducted. Our liquor accord worked well in Coffs Harbour. The way events happen and are reported determines the outcome. Marty Phillips' Coffs Harbour Hotel has been unfairly listed as the eighth-worst pub in New South Wales, because that listing takes no account of the number of patrons who come to that hotel during holiday times. From how the incidents were recorded and actually happened, he has been unfairly targeted or unfairly stained with this listing. I encourage the Government to put more money into policing, to make sure that alcohol-free zones within public areas are truly kept that way and are policed properly. We should also have an education program for young people, especially underage drinkers, about the effects of alcohol. The younger generation needs to be educated to help make our communities safe. Drunks in public places often run the risk of wrecking their own lives while spoiling the quality of life of others.

Mr ROB STOKES (Pittwater) [12.23 p.m.]: I join the member for Coffs Harbour in stating that the Coalition does not oppose the Liquor Legislation Amendment Bill 2010. However, we have some concerns about this measure and I will share a couple of experiences from the Pittwater community that I proudly represent. In 2007 a brand new liquor Act was passed in this place, but it has had to be amended a couple of times to remedy defects in it. Alarming, an ad hoc approach in different areas of the State does not recognise that alcohol-fuelled violence can be a problem across the whole of New South Wales.

I shall address specifically paragraphs (e) and (f) in the overview of the bill. Paragraph (e) relates to the extension of the freeze on the granting of liquor licences, various other liquor-related authorisations and development consents in relation to certain premises in central Sydney. I make the same point I did during debate last year on the Liquor Amendment (Temporary Licence Freeze) Bill. It is a bit rich that Pittwater and other beach-side communities that experience problems with alcohol-fuelled violence and have genuine concerns about the proliferation of liquor licences will not benefit from the extension of the freeze proposed by this bill. Certainly, residents lucky enough to live in central Sydney will benefit from the proposal.

The Government's ad hoc approach, favouring one community over another, is unfair. The Pittwater council and community produced a policy guide on the location and operation of small bars. It was a terrific process and totally appropriate. Sydney council was not capable of implementing a policy that protected its

communities, nor did it engage in any research similar to the Pittwater process, but it will benefit from the freeze proposed in the bill. However, Pittwater and other responsible communities that come up with policies will not benefit from this opportunity to freeze the granting of liquor licences, development consents or other liquor-related authorisations within their neighbourhoods.

The problem of alcohol-fuelled violence is not limited to Sydney's central business district or to five other precincts across the State. Alcohol-fuelled violence can happen anywhere in New South Wales. This problem is evident right across our State. For this Government to pretend otherwise means that it is not aware of the violence and malicious damage that communities across New South Wales have to put up with. Over recent years several deaths associated with alcohol and alcohol-fuelled violence have occurred in Pittwater. The statistics that have been presented to the House of a supposed decrease in alcohol-related violence do not give the whole picture. Certainly, they do not reflect what is happening in Pittwater. The efforts of the Pittwater community have made valuable inroads in reducing the incidence of violence, but the problem remains and many people are scared.

Locals have told me they are scared to walk across Village Park in Mona Vale on Thursday and Saturday nights because they risk being set upon by intoxicated young people, who can be only 13, 14 and 15 years of age. The problem is real, particularly in beach-side communities. I am at a loss to explain why the beaches attract this sort of behaviour, but it is not acceptable and the locals should not have to put up with it. Although the statistics do not provide the whole picture, I note that Pittwater has experienced an increase in malicious damage incidents. Though malicious damage is not in the same league as violence, people are sick of it. The council and the ratepayers have to put up with enormous levels of damage perpetrated mainly by drunk young people who are out on a bender on Thursday and Saturday nights particularly. This behaviour is just not acceptable. The Government must take action.

One major issue in Pittwater associated with liquor consumption is the lack of transport. Moving people away from venues after closing times is a big issue, particularly on the northern peninsula, which relies entirely on public bus services. If a bus does not turn up or if a bus driver is too scared to stop at a bus stop because of a bunch of rowdy drunk kids, the whole system is thrown out of whack. Drunk people who are left at bus stops can become increasingly frustrated wondering when the bus is going to turn up. The effects are highly visible: the following morning, the bus shelter lies in bits after the drunks have set upon it to ventilate their frustration about the bus not showing up.

There have also been examples of buses and bus drivers being attacked. That is not something that our hardworking bus drivers should have to endure. The Government really must deal with these issues. It is not good enough to pick out certain precincts where the problems will be dealt with, and not others. Control precincts should be rolled out across the whole State. The Government should consult communities like Pittwater to gain an appreciation of their problems and deal with them in a holistic manner instead of picking out certain areas of the State for attention.

I acknowledge the wonderful work that is being done by the Pittwater Villages Community Safety Working Party, which was formerly known as the Mona Vale CBD Safety Working Party. The group is constituted by transport providers, such as Dominic Larosa from Sydney Buses and Vivienne Ingram from Manly Cabs; a representative from the local pub, Grant Iverson, who is the licensee; representatives of small bars and local businesses in the Mona Vale area; and hardworking council staff, such as Lindsay Godfrey and his team, Angela Boyle and Melinda Hewitt; the Mayor of Pittwater, Harvey Rose; and the former Mayor of Pittwater, David James. They have worked really hard as a community to address antisocial issues that have plagued the Mona Vale business community and other village centres in Pittwater, such as Avalon and Newport.

The explanatory memorandum states that the bill will enable police officers and local council employees to confiscate alcohol from persons who are drinking in a public place, such as a public park, that is situated in the precinct or in an area to which a precinct or community event liquor accord applies, and in which the drinking of alcohol is prohibited under the Local Government Act 1993 by a local council. This part of the bill relates to a big issue in Pittwater. One situation exemplifying that the law is an ass occurs when a person is drinking on a public road where a council proscription applies because that type of behaviour presents a danger to the local community. An alcohol-free zone may cover that area. If a person happens to be in a park next to the local road and the area is owned by the council or is under the care, control or management of the council then that can be the subject of an alcohol prohibition notice.

From the point of view of the drunk and disorderly person, it makes no difference which precinct they are in, yet the law treats the two areas differently. Clearly the law is an ass in that respect because there are

many examples in Pittwater of where a public road might be designated that is not actually a road but part of a park, but because it has not been surveyed no-one knows which part of the park is the subject of the alcohol prohibition notice and which part is the alcohol-free zone. In relation to public roads that run alongside beaches, people are not quite sure where the alcohol-free zone is or where the alcohol prohibition notice applies, yet the law treats as them as two different things. That is just ridiculous. It is a case of regulation gone mad. I have never understood why the council has not updated signposts designating alcohol-free zones with stickers showing that the duration of application of the notice has been extended, or, if the stickers have been removed, why the prohibition will not apply and why action will not be taken.

It seems to me that when police officers see anybody behaving in a drunk, disorderly or threatening manner, they should be able to act. By the same token, if members of a family are enjoying a glass of wine at a picnic in an alcohol-free zone, discretion should be exercised. We need clear powers to enable the police to act when they need to act, regardless of what a sign may state. I note that in one of the changes to the Liquor Act, the fine applying to an alcohol-free zone has been removed. I thought that was a good idea because it was a \$22 fine, which is often less in value than the alcohol that is being consumed, and tip-out powers were provided instead. That struck me as a good idea because fundamentally consumption is the issue that we want to deal with, rather than imposition of a fine.

Under section 632 of the Local Government Act a fine of \$110 applies in an alcohol-restricted area. The difference is that tip-out powers will be applied to alcohol-restricted areas as well as alcohol-free zones, but does that mean that a person who happens to be drinking in a public park as opposed to a public roadway also may be fined \$110? Will a different level of proscription apply depending on where people are drinking? This is another example of the law going mad and red tape getting in the way of doing something eminently sensible—empowering police to deal with people who are behaving in a drunk, disorderly or threatening manner and who are threatening public safety or behaving in a way that excludes other members of the public from the enjoyment of public land. Police should have adequate powers to deal with those situations in a simple process that does not involve red tape.

I draw attention to an omission in the bill. If we are serious about controlling alcohol-fuelled violence, we must take a serious attitude to underage drinking. Within the Pittwater community, that is a major problem. Instead of putting hotels on lists of venues that have bad records of violence, we have to address the fact that a lot of young people hang around outside hotels in public parks and consume alcohol. These kids are 13, 14 or 15 years old and they have goon bags, as they call them, or cases of beer and spirits outside licensed venues and they are creating real problems by behaving inappropriately. The law must deal with those situations. The stark facts about teenagers who drink alcohol before reaching the age of 15 compared to starting to drink alcohol at age 21 are that they are five times more likely to become alcohol dependent; they are less likely to complete their education and less likely to find a job; they face the risk of damaging the hippocampus of their brain, which controls memory, and the frontal lobe, which controls personality. Alcohol and young people do not mix. The law must clearly indicate that.

A matter I have raised in debates on the Liquor Act on previous occasions and that I draw attention to in the context of this debate is that, under section 117 of the Liquor Act, if a young person, a minor, has the authorisation of their parent to drink alcohol, they can drink alcohol without their parent being present. That is a grey area that allows room to argue the toss. Defences might be established based on the presence of a 19-year-old in the company of a 13-year-old who is drinking alcohol. It is open for the 19-year-old to say that the younger person's mother or father authorised the drinking, or must have authorised it, because they knew that the two of them were going out, or because they are the older brother of the younger person. While ever there is a grey area in the law that allows minors to drink without their parents being present, we will always have a big problem. Until we address that problem, we will be dealing with consequences instead of the root cause. That results from young people, who are unable to handle alcohol and who are unable to handle situations, not being protected because the law does not state clearly enough that they should not be allowed to drink.

Mr GREG APLIN (Albury) [12.39 p.m.]: The Liquor Legislation Amendment Bill 2010 is the latest in a series of bills that have been introduced in an effort to curb the increase in alcohol-fuelled violence on our streets. Although I speak from the perspective of my electorate, Albury shares the problems that infect so many urban and rural areas throughout the State. The problems are caused by the consumption of alcohol, and the consequences affect society. The bill has been introduced to allow for implementation of the Government's announced 12-month action plan, Hassle Free Nights. The plan will be trialled over a period of 12 months and a report of its findings will be produced. The trials will take place in the Sydney central business district, Newcastle-Hamilton, Manly, Wollongong and Parramatta.

The purpose of the bill is to allow for the establishment and implementation of two types of liquor accords. Precinct liquor accords are ongoing accords that cover an area, and community events liquor accords are temporary and can be spread across more than one area. Both accords will be controlled and enforced by the Director General of Communities New South Wales. Precinct liquor accords will be enforced in the precincts to which I have already referred. Community events liquor accords will come into action during major events, such as the New Year's Eve festivities. The bill will enable the director general to impose licence conditions requiring licensees to participate in a precinct or community event accord. Licensees who are under precinct accords must contribute towards the operational costs of the accord. A \$1 million Precinct Liquor Accord Fund has been established to provide matching funding for local initiatives. There will be a fine of up to \$5,500 for non-compliance.

The bill seeks to extend for a period of 12 months, which will end on 24 June 2011, a freeze on the granting of liquor licences, other liquor-related authorisations and development consents in relation to certain premises in central Sydney. Police officers and local council employees will have power under the bill to confiscate alcohol from people who are drinking in a public place, such as a park, within an area to which a precinct or community event accord applies. This provision extends the tip-out powers that are currently in place and that apply to local roads where an alcohol-free zone has been declared. It is interesting that the clause in relation to a freeze on the granting of liquor licences is part of the bill. On the very day we are debating this bill the *Sydney Morning Herald* carries a major story about calls for controls as bottle shops surge. The article by State political editor Sean Nicholls states:

The number of bottle shops in NSW has soared in the past 18 months after more than double the number of licences were issued than in previous years, prompting calls for limits on the amount of alcohol that can be sold from them.

The surge is being fuelled by the establishment of independent liquor retailers, but more than one-third of the licences were granted to the supermarket giants Woolworths, Wesfarmers and IGA.

This is instructive in the sense that many problems arise, certainly in the electorate of Albury and therefore I presume across the State, because people have consumed alcohol prior to attending various functions and venues in city areas. One complaint of licensees, and indeed of residents of streets where these people pass by, is that these individuals have already purchased liquor from these outlets and are already perhaps under the influence and therefore create difficulties in the streets. Police have encountered that problem in relation to the tip-out laws. It is unrealistic of the Government to expect a council ranger operating on his own to tip out liquor when confronted with five or six individuals who are already under the influence. I refer to an article by Bronwyn Duncan that appeared in the magazine *Of Substance* in 2009 under the heading "Violence & vomit: Reclaiming city streets". The subheading states:

There are neighbourhoods in many Australian cities and towns whose residents do not feel safe walking in their local streets at night, especially on weekends.

Many people share that sentiment and it is one reason the Government has been thrashing around for several years endeavouring to find solutions to the problems confronting our society. The article states:

What they fear are incidents of alcohol related crime and antisocial behaviour on the streets—referred to by one observer as "unacceptable levels of violence, vandalism and vomit".

These incidents routinely migrate from licensed venues, especially some involved in late-night trading, into adjacent streets and suburbs, as intoxicated people make their way to and from venues.

What are the root causes of this behaviour, and what measures to confront and curb it are working?

Alcohol related crime and antisocial behaviour are in part a consequence of excessive alcohol consumption, including binge drinking; in part a consequence of easy access to cheap alcohol and extended access to licensed venues with lax controls on the responsible service of alcohol (RSA); and in part a consequence of an attitude, mainly among younger people, that a state of drunkenness is not only acceptable, but is a goal to be attained as quickly as possible, as part of a normal night out, or indeed, night in.

Excessive alcohol consumption is nothing new, and all age groups are implicated. Reports of alcohol related crime and antisocial behaviour have appeared regularly in the media, and elsewhere, for years. But the problem is increasing, and many people on the receiving end have simply had enough.

It is instructive that the Government knows of one solution to the problem but fails to implement it on a regular basis. Indeed, there were reports in December of last year about a booze crackdown across the State. An article in the *Border Mail* stated:

Border revellers have been warned to behave or else by police who last night launched a blitz on alcohol-related crime.

An extra 11 police have been assigned to patrol Albury's streets in the nationwide blitz Operation Unite.

Eight officers have also been spread across Corowa, Holbrook, Mulwala and Tumbarumba with a special focus on alcohol-related violence and anti-social behaviour.

Insp Tony Moodie, of Albury police, said they have been advised to adopt a zero tolerance approach during the two-day operation.

He urged residents to be well behaved ...

"Go out and have a good time," Insp Moodie said.

"But don't muck up otherwise you're going to end up in police cells or close to them."

In Albury, Insp Moodie said 21 police would patrol the central business district between 6pm and 6am during the two days.

Additional officers have been re-assigned from highway patrol, licensing, detectives, the proactive deployment unit and crime management division.

As well as detecting crime, Insp Moodie said an increased police presence is also aimed at making people feel safe—

this is probably the key point—

"It gives people a good feeling about going out," he said.

"And if they have that good feeling, you'd hope they would take that throughout the night rather than getting drunk and becoming stupid."

That is the key issue. The police recognise the problem and know that by being assigned in vast numbers they have a direct impact on street safety and people's behaviour. Unfortunately, this exercise is only sporadic. Although the exercise in December was successful, it has not continued throughout the year and society is left to take its own course of action, prompted by significant but not totally efficient bills that are brought before this House. Back in 2004 in Albury I convened a meeting of all stakeholders because the issue had come to a head. That meeting resulted in several initiatives that have pre-empted the measures introduced by the Government since 2004. One successful initiative that resulted from the meeting was the provision of a NightRider bus.

I draw the attention of the Government to the fact that the precincts outlined in this bill enjoy reasonably good public transport. That is not the case across the State, and it is something the Government should address. The NightRider bus has been successful in the areas where it has been trialled. However, the cost of providing the service has been borne by local councils and licensed premises. Unfortunately, patronage on the NightRider bus in Albury has fallen from peaks of some 110 to about 60 revellers each weekend. That drop in patronage, together with the cost of subsidising the service, almost resulted in the service being disbanded. Only after public concerns were aired was the service extended for a limited period. The real problem is the cost.

The bus provides a trip home for about \$5, whereas the operators have observed that the true cost is about \$25 to \$30 per passenger for the individual trip. If patronage was up they could have kept the service going for a few more months, but the drop in numbers and lack of sponsors meant that the service was in jeopardy. I need to put on record the organisations providing the funding because it goes to the heart of what the Government has neglected to recognise in introducing this bill, that is, people have already been addressing the issues. The Government needs to encourage and, where subsidies for public transport are available, assist them in providing such services.

The Bended Elbow and the New Albury hotels had been contributing \$7,500 each to operate the buses, with the Albion Hotel and the Roi Bar chipping in \$5,500 each. Even if membership of the accord became mandatory in Albury, the organisations would still face a shortfall in the provision of the NightRider bus and could not fund it without a grant or sponsorship. Transport is a central issue that the Government needs to consider in addressing issues relating to alcohol-related violence that can occur when numbers of people emerge from premises onto the streets after lockouts come into effect.

Following the meeting in 2004, Albury introduced a trial lockout that eventually became a 1.30 p.m. lockout. Recently, that time was being considered as a mandatory, compulsory closure time rather than just a lockout time, in an effort to reduce alcohol-fuelled violence in the city. However, that would have affected all late night trading by pubs and clubs in the Albury area. As one would expect, those plans resulted in a publican

backlash and angered many people under the age of 30 who logged on to various online sites to express the opinion that the majority would be victimised by penalising the behaviour of a minority. The fallback position is to target venues rather than the source of the problem, lack of personal responsibility.

Early closing may have worked elsewhere. One would need to read the statistics and to review the behaviour of revellers as they emerge from venues to be assured that they can be transported safely away from the main streets where so often the resultant assault and vandalism occur, but there is clearly an argument for more police. Police may not be able to stop random acts of spontaneous violence but it is clear that the Government perceives that additional police on the beat, surveying known trouble spots, do reduce criminal activity and drunken behaviour. That needs to be implemented statewide. I, like so many members of Parliament, walk the streets with our local area commanders and others between 12 midnight and 3.00 a.m. to observe the behaviour and the increased security that is present in all the clubs and pubs and on the streets.

I am pleased to notice an increase in lighting, the provision of taxi services and the NightRider bus, and the opening of additional toilets that are controlled by council, all of which have contributed to reducing violence and anti-social behaviour on the streets. But unfortunately, as reported in that article by Bronwyn Duncan, the problems remain across our State. At the heart of the problem is a lack of respect for personal responsibility, and that culture needs to be addressed. Token efforts, while welcome, cannot control the heart of the problem, which needs to be treated in a more holistic manner and by stronger enforcement by the police across this State.

Mr JOHN WILLIAMS (Murray-Darling) [12.52 p.m.]: I speak to the Liquor Legislation Amendment Bill 2010. Many publicans do not believe that serving a drunk is good business. For many years when Broken Hill had 32 outlets, both hotels and clubs, a refusal to serve was common, and that has continued to this day. Serving a drunk is certainly bad business. I agree with most of the publicans to whom I have spoken that a person may present as reasonably sober on entering a hotel but after going into a toilet and taking a drug their capacity deteriorates almost immediately. A person who seemed sober when served alcohol can become a major problem for the publican on suddenly appearing to be drunk. Publicans today have to deal with patrons who purchase alcohol, then consume drugs, and suddenly behave in a way that does not stem from the alcohol sold to them.

The education of young people about the dangers of excessive consumption of alcohol and its effects on the body is lacking in our society. Some years ago I attended a one-day responsible service of alcohol seminar in order to be qualified to serve alcohol on a voluntary basis and it was an eye-opener. We all know something about the effects of drinking alcohol, but I think that course, which is a very good educational tool, should be rolled out in schools so that young people can understand the dangers and long-term effects of alcohol consumption. If that is done, perhaps there will be more responsible consumption of alcohol.

The tip-out power is an absolute necessity. Unfortunately, many young people believe that walking around the streets consuming alcohol is a sign of power and a badge of honour. I support police being able to pull up young people and tip out their alcohol, and I believe that will go a long way to returning our streets to law and order and sanity. We should accept that alcohol should rarely be consumed outside the household. Recently, a trial alcohol-free zone was set up in Creedon Street, Broken Hill, because some residents were partying regularly in the street and local neighbours were affected by the spin-off from excessive alcohol consumption.

One resident decided action needed to be taken and, as a consequence, with the help of the local council, an alcohol-free zone was set up outside the city precincts. That is unusual. I have received comments from residents that the zone has been effective and police have power to deal with issues that relate to alcohol consumed on the street. I have seen evidence of street parties throughout my electorate that impact on locals who have been confronted with violence when they have commented on anti-social behaviour. It is most important to control alcohol consumption on the street to ensure that nearby residents and the community are not affected by any spin-off of violence.

These days young people who are enjoying a night out are often subject to serious violence. In many cases they are the victims. Predators are out there. In my hometown, it was easy to identify those predators over time. They were looking for a target—some poor devil who was trying to have a good time—for their act of violence. People are suffering permanent and serious long-term injuries, many of which are head injuries. A capable young person may lose their future prospects because of one night out. Society is going in the wrong direction. These laws will go a long way to addressing some of the problems, although we have more work to

do. A party of people has the opportunity to move away from the precincts of a hotel. It obviously becomes a problem for the police when the hotel closes and people move to another area where they are not under the control of security staff or a publican of the hotel. Acts of violence often create problems for people who need to move around the streets at night. With those comments, I support the bill.

Mr KEVIN GREENE (Oatley—Minister for Gaming and Racing, and Minister for Sport and Recreation) [1.01 p.m.], in reply: I thank members for their contributions to the Liquor Legislation Amendment Bill 2010. I will not mention each one individually, but I note the bipartisan support for this legislation. The Government has an impressive record in taking action to deal with alcohol-related violence and antisocial behaviour. We have an appropriately targeted, rather than a blanket, approach to get the best results for the community. The amendments in this bill build on that record. They are a key component of the Government's comprehensive plan to address the causes of alcohol-related violence and antisocial behaviour in popular entertainment precincts. The amendments will play a significant role in helping to protect and support the good order and amenity of those precincts through a focus on early intervention. Measures in the bill will also help to ensure that significant community events are safer and that regulatory tools are used to respond to problems associated with the operation of late trading licensed venues in New South Wales.

I take this opportunity to respond to a number of points made by members, although I will not go through all the points that were raised in the past three hours. The member for Upper Hunter referred to the powers given to the director general under the bill. These powers are sensible and necessary to meet the objectives sought, that is, safe, vibrant entertainment precincts. The amendments in the bill that provide the Director General of Communities NSW with the power to alter trading hours may be applied to any licensed premises in New South Wales. They are not confined to premises in precinct or community event liquor accords.

Under section 54 of the Liquor Act the director general will be empowered to impose a condition to prohibit the sale or supply of liquor before 10.00 a.m. and after 11.00 p.m. or to vary or revoke such a condition. The director general will also be able to restrict the trading hours of and public access to licensed premises. These powers mirror the director general's existing powers under section 81 of the Act in relation to disturbance complaints. Clarifying the director general's power under section 54 will promote transparency and reduce red tape in regulating trading hours. It will improve the Government's ability to promptly and appropriately reduce the risk of alcohol-related violence.

The bill does not change the existing rights of licensees to make submissions on proposed changes to licence conditions under section 54. Licensees must be given a reasonable opportunity to make submissions in relation to the proposed decision and the director general must take any submissions into account before making a final decision. Any decisions of the director general to alter trading hours can be reviewed by the Casino, Liquor and Gaming Control Authority.

With regard to the member for Upper Hunter and also the member for Lismore querying the circumstances under which a community event liquor accord will be created, including events such as the Casino Beef Week and the Tamworth Country Music Festival, the bill gives discretion to the Director General of Communities NSW to approve a community event liquor accord if satisfied of two criteria. The director general will need to be satisfied that in the area in which the accord is to apply there is, or there is potential for, a significant risk of harm to members of the public associated with the misuse and abuse of liquor, including harm from alcohol-related violence or other antisocial behaviour.

The director general must also be satisfied that the measures contained in the accord are necessary to prevent harm to members of the public associated with the misuse and abuse of liquor in the area or to protect and support the good order or amenity of the area in connection with issues arising from the presence or proposed increase in the number of licensed premises in the area. Many different factors may be relevant and examples of issues that the director general may consider include alcohol-related crime statistics, standards of liquor law compliance, past experience with an event and concerns that may be raised by members of the public, local councils and police.

Factors that could result in problems at an event may also be considered, such as the history of the event, expected crowd numbers and movement, the physical features of an event area and the number and location of licensed premises. The Government has already identified New Year's Eve, Australia Day celebrations, the Sydney Gay and Lesbian Mardi Gras and the Bathurst car races as examples of events that may

be subject to community event liquor accords. Other similar events that attract large numbers of people could also be included if a significant risk is identified. However, in the first year, the number of community event accords is expected to be small.

The member for Upper Hunter also raised the Government's ability to compel non-licensed premises to participate in precinct liquor accords. Much of the focus of the Government's Hassle Free Nights Action Plan is on licensed venues that trade past midnight, as these late night licensed venues are a major reason why persons are attracted to certain precincts in the first place. However, the Government has made it clear that the involvement of other late night trading businesses is crucial in addressing local problems in high-risk precincts.

Businesses such as late night food vendors and convenience stores play an important role in improving public safety and security in these precincts. The Government will work with local councils in identified precincts to encourage active participation by these late night traders. The benefits of being part of a precinct liquor accord or a community event liquor accord will be strongly emphasised. Experience in Manly is that through an inclusive approach these businesses recognise the benefits and want to be involved. The Government is very encouraged by the good, cooperative approach in Manly and will be looking for similar success in other precincts. At the conclusion of the trial of the Hassle Free Nights concept, the Government will consider whether additional measures to secure the involvement of late night businesses are necessary.

The member for Upper Hunter referred to the fact that the Government has implemented numerous amendments to the liquor laws. We make no apologies for ensuring we have the best laws to get good outcomes for the community. I commend the member for Keira for his speech summarising the Government's significant liquor law reforms. Both the member for Lismore and the Tweed commented on licensee involvement in local liquor accords. Precinct and community event liquor accords will not replace any local liquor accords that may already be established. These new liquor accords represent a more targeted approach and it is possible some of them may encompass only a limited area.

Local liquor accords, on the other hand, usually operate across wider areas. They also operate on a different basis as they rely on voluntary membership and participation. Local accords have a unique and important role under the Liquor Act and this will not change. The work of local liquor accords is important in addressing local alcohol-related issues, and that work will continue. The New South Wales Office of Liquor, Gaming and Racing will continue to support that work through a dedicated liquor accord delivery unit. All licensed venues will continue to be encouraged to be part of a local liquor accord.

The member for Sydney made a number of points, in one instance relating specifically to the inclusion of the City of Sydney on the alcohol implementation team. The Government will continue to consult with the City of Sydney. The City of Sydney will be a participant of the Sydney central liquor accord. Local government will also be represented on the Precinct Liquor Accord Advisory Committee. Communities NSW will also work with the City of Sydney on relevant Hassle Free Nights projects. The alcohol implementation team is a State Government coordination and advisory body in accordance with schedule 4 to the Liquor Act and other matters. No changes to the membership are planned.

The member for Sydney also called on the Government to provide resources to evaluate the success of the Sydney liquor freeze. The Government is extending the freeze on certain new liquor licences and development applications in the CBD South precinct, the Kings Cross precinct and the Oxford Street precinct for another 12 months under this bill. As promised through Hassle Free Nights, Communities NSW will commission research into sustainable levels of density of licensed premises and advise the Government on the appropriateness of including a freeze in other high-risk precincts. This work will be completed within the next 12 months.

The member for Port Macquarie and, from memory, the member for Pittwater spoke on alcohol-free zones and alcohol-prohibited zones. I thank the member for Port Macquarie for his input into the debate and acknowledge that the definitions of both alcohol-free and alcohol-prohibited zones may cause some difficulties in some areas. While I do not propose to delay this bill with any amendments in this regard, I am happy to have further discussions with the member for Port Macquarie and the Minister for Local Government on the issue.

The member for Coffs Harbour raised a number of matters. One that I will highlight relates to people being placed on schedule 4 and the recording of assault incidents. One of the things we have been working on is communication between licensees and the police. I encourage all licensees to maintain that close communication with their local area command. The member for Pittwater highlighted the problem of underage drinking in his

area. It is not just his area that is affected. He referred to 13-, 14- and 15-year-olds drinking, and there is no doubt that parents need to take greater responsibility for supervision of their children, particularly if those children are consuming alcohol at home and taking it into public parks, as outlined by the member. He also commented on transport issues. One of the significant parts of the Hassle Free Nights program is the provision of additional transport services from these precincts.

The member for Albury spoke about a number of issues, including his concern about funding. Under the Hassle Free Nights Action Plan the Government has committed \$1 million over the 12-month period to support the work of the precinct liquor accords. The main purpose of this contribution by Government is to assist precinct liquor accords to implement new local projects that have the potential to significantly reduce the risk and consequences of alcohol-related violence and antisocial behaviour.

A number of issues have been raised over the past three hours in this debate. I thank all members for their participation and for their bipartisan approach to supporting this legislation. The bill continues the Government's determination to ensure that we get on top of alcohol-fuelled violence in our community. A number of the measures, as has been highlighted in the debate, have proved to be very successful—although not necessarily popular—in reducing alcohol-related violence in the community. We wish to build on that success and we believe this legislation, with the support of all members of the House, is the way forward. 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.

Consideration in detail requested by Ms Clover Moore.

Consideration in Detail

Clauses 1 and 2 agreed to.

Ms CLOVER MOORE (Sydney) [1.14 p.m.], by leave: I move my amendments Nos 1 and 2 in globo:

No. 1 Page 3, schedule 1. Insert after line 13:

[4] Section 49 Extended trading authorisation

Omit section 49 (3) (a) and (b).

No. 2 Page 11, schedule 1. Insert after line 31:

[25] Schedules 2 (Kings Cross precinct) and 3 (Oxford Street–Darlinghurst precinct)

Omit the schedules.

Of the 600 venues trading 24 hours a day in Australia, 70 per cent—that is roughly 400—are in New South Wales, and a significant portion of these are in the City of Sydney local government area. Thirteen per cent of all liquor licences in New South Wales are in the City of Sydney and, correspondingly, alcohol-related violence and alcohol-related driving offences are much higher. Research shows that the level of alcohol-related impacts coincides with the level of alcohol available. The liquor freeze recognises that Oxford Street Darlinghurst, Darlinghurst Road Kings Cross and George Street south are hot spots of the inner city where extended trading is unsustainable. Yet the Liquor Act 2007 identifies these areas for extended trading beyond hours permitted in other areas, sending a message that greater availability of alcohol in these areas is encouraged.

The bill before the House is about changing that message. My amendments are also about changing that message. My amendments would remove references to the central business district, The Rocks, Kings Cross and Oxford Street–Taylor Square as 24-hour trading areas, preventing new licences and extensions to trading hours in these areas between midnight on a Sunday and 5.00 a.m. on a Monday. These amendments are really about saying that these areas will no longer be treated as different from all other areas in the metropolitan area and throughout New South Wales and that they will be treated the same in relation to new licences specifically from midnight on Sunday to 5.00 a.m. on Monday.

The areas I am talking about are designated as having the highest population densities in Australia. I have spoken in detail, as have others, about the sorts of behaviours that people living in high-density areas experience and why the freeze has been necessary. An incredibly important aspect of the freeze is that it will allow long-term solutions to be developed. However, legislation is before us now and my amendments would enable the removal of the special category given to these areas from midnight on Sunday to 5.00 a.m. on Monday. That is what it is about—new licences in these areas will be treated in the same way as new licences in other areas. It is basically a Sunday night amendment.

Mr KEVIN GREENE (Oatley—Minister for Gaming and Racing, and Minister for Sport and Recreation) [1.18 p.m.]: I am advised that section 49 (3) (a) and (b) of the Liquor Act 2007 does not allow automatic extended trading hours or provide that 24-hour trading is a standard condition for the Sydney central business district, The Rocks and Pyrmont, Kings Cross and Oxford Street. Instead, these provisions allow applications by hotels in these precincts for permanent extended trading between midnight Sunday and 5.00 a.m. Monday. These precincts are recognised as key nighttime economy areas. Hotels in other areas of New South Wales, except Kosciuszko National Park, are not permitted to make such applications. However, any such application for an extended trading authorisation is subject to the Community Impact Statement process under the Liquor Act.

The Casino, Liquor and Gaming Control Authority must also be satisfied that practices are in place at the licensed premises to ensure as far as reasonably practicable that liquor is sold responsibly on the premises, that all reasonable steps are taken to prevent intoxication on the premises, that the extended trading will not result in the frequent undue disturbance of the quiet and good order of the neighbourhood, and that the overall social impact of the extended trading will not be detrimental to the wellbeing of the local or broader community.

Applicants must address these issues in their applications and local stakeholders, including residents and the local council, can make submissions to the authority if they have any concerns. I also point out that any premises granted a permanent extended trading authorisation since 30 October 2008 is subject to a six-hour closure condition to ensure that there can be no new 24-hour trading licence venues approved in New South Wales. In addition, since last year there is a freeze on granting permanent extended trading authorisations for premises situated in the central business district south precinct, the Kings Cross precinct and the Oxford Street precinct. Finally, I note that these amendments will not prevent existing late-night trading venues from continuing to trade for their approved hours; therefore, the Government does not support these amendments.

Question—That the amendments be agreed to—put.

Division called for and Standing Order 181 applied.

Ayes, 4

Mr Besseling
Mr Draper
Ms Moore
Mr Piper

Question declared resolved in the negative.

Amendments negatived.

Schedule 1 agreed to.

Schedule 2 agreed to.

Consideration in detail concluded.

Passing of the Bill

Motion by Mr Kevin Greene, on behalf of Ms Carmel Tebbutt, agreed to:

That this bill be now passed.

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

ANZAC MEMORIAL (BUILDING) AMENDMENT BILL 2010**Agreement in Principle**

Debate resumed from 21 May 2010.

Mr VICTOR DOMINELLO (Ryde) [1.27 p.m.]: I lead for the New South Wales Liberal-Nationals Coalition in debate on the Anzac Memorial (Building) Amendment Bill 2010 and note at the outset that, in my view, there are some areas where parties should, so far as is possible, take a bipartisan approach to legislation. This bill is one such area. I would like my contribution to this debate to be taken in that spirit. By way of background, the iconic Anzac Memorial Building in Hyde Park was completed in November 1934. At that time its operation was governed by the Anzac Memorial (Building) Act passed by Parliament in 1923. The Act created a trust to coordinate fundraising efforts for the memorial building and to oversee its construction and maintenance.

The original trust comprised the Premier, the Leader of the Opposition, the Lord Mayor of Sydney and representatives from the three ex-service organisations, the precursors to the Returned and Services League [RSL]. The Commonwealth Bank and the Public Trustee also played a role on the trust in overseeing its funding arrangements. The memorial building that we enjoy today is the result of outstanding architecture and the efforts of the builders, many of who fought in World War I, who did it tough during the Great Depression. Its appearance is the result of the creative collaboration between the architect Bruce Dellit and sculptor Rayner Hoff. It contains many symbolic features that reinforce the commemorative meaning of the building. The memorial's landscape context in Hyde Park was purposefully designed by Bruce Dellit and includes the large Pool of Reflection lined by poplars. Its positioning on a major axis linked to the Archibald Fountain contributes significantly to the physical character of Hyde Park and the city of Sydney.

The opening of the Memorial Building at Hyde Park in 1934 was part of a nationwide construction effort to erect memorials in every city and town in Australia. Indeed, when travelling in the country it is never too hard to find the local war memorial—a memorial preserving the memory of the lives and service of our brave men and women who fought overseas. Australia has literally tens of thousands of war memorials. This is testament to the determination of our ex-service organisations to provide a visible and lasting legacy for those who served our country in World War I.

The Anzac Memorial is of State significance as the largest and most ambitious of the numerous war memorials constructed throughout New South Wales after World War I. The memorial is also representative of this State's contribution to the group of national war memorials, whereby each State capital city developed its own major war memorial in the inter-war period. In this group the Anzac Memorial is outstanding in size, integrity and aesthetic appeal. Given the significance of the Anzac Memorial, in 2008 former Premier Iemma commissioned an independent review of the governance arrangement and operational structure of the Anzac Memorial. Peter Loxton conducted the review. The bill substantially reflects the recommendations of Mr Loxton.

[Business interrupted.]

BUSINESS OF THE HOUSE**Suspension of Standing Orders: Routine of Business**

Motion by Mr John Aquilina agreed to:

That standing orders be suspended to allow the member for Ryde to conclude his speech.

ANZAC MEMORIAL (BUILDING) AMENDMENT BILL 2010**Agreement in Principle**

[Business resumed.]

Mr VICTOR DOMINELLO: The purpose of the bill is to amend the Anzac Memorial (Building) Act 1923 to make as trustees of the Anzac Memorial Building the Director General of the Department of Education and Training, the New South Wales Government Architect, the State Librarian and a community representative

appointed by the Minister in addition to existing trustees. The bill also provides for a veterans' representative to be a trustee in place of the President of the T. B. Sailors, Soldiers and Airmen's Association of NSW at a future date to be determined by the Minister, to remove as a trustee the Chief Executive Officer of the New South Wales Trustee and Guardian, to appoint the Premier as the chairperson of the trustees and the President of the Returned and Services League of Australia (New South Wales Branch) as the deputy chairperson, to include as a function of the trustees the education of the community about Australia's military history and heritage, and, finally, to appoint the RSL as the guardian of the Anzac Memorial Building.

Whilst the Coalition will not oppose the bill, I shall raise two specific issues in this debate. The first issue is that under the present arrangement of Anzac Memorial Trust meetings a senior officer with overview responsibility for veterans' affairs within the Department of Premier and Cabinet attends the meetings. That person has been Darren Mitchell, who is a first-class public servant. I have had the honour of representing the Leader of the Opposition at a number of trust meetings and have witnessed firsthand the important role this senior officer plays. The senior officer in many ways acts as a de facto secretary, listening to the discussions of the trust members and reporting to the Government on implementation. This communication role is essential to a successful working relationship between the trust and the Government.

Mr Loxton's recommendation that the Director General of the Department of Premier and Cabinet also be added to the trust was rejected as being a duplicate role, given that the Premier or the Minister assisting would remain a trustee. However, I imagine that, if necessary, proposed section 9A provides powers to the trustees to delegate the function currently performed by the senior officer. Proposed section 9A states:

The trustees may, by written instrument, delegate to any trustee or officer of the Department of Premier and Cabinet any of their functions, other than this power of delegation.

A function is defined in section 2 of the Act as including a power, authority or duty. Obviously, part of the duties and powers conferred on trustees is to attend meetings and vote. I assume that it is not intended that the combined effect of proposed section 9A and section 2 is to entitle the trust to delegate voting rights. The second issue relates to the curtilage of the building. My remarks are premised on the understanding that the curtilage is owned by the Crown-Council of the City of Sydney. The High Court defined curtilage in *Royal Sydney Golf Club v Federal Commissioner of Taxation (Commonwealth)* (1955) 91 CLR 610 at 626 as follows:

Any building whether it is a habitation or has some other use, may stand within a larger area of land which subserves the purpose of the building. The land surrounds the building because it actually or supposedly contributes to the enjoyment of the building or the fulfilment of its purposes.

I emphasise the words "or the fulfilment of its purposes". The Heritage Office defines "curtilage" as:

... the area of land (including land covered by water) surrounding an item or area of heritage significance which is essential for retaining and interpreting its heritage significance.

I emphasise the words "essential for retaining and interpreting its heritage significance". Members of this House would be aware that, following recommendation from the Heritage Council, the Minister for Planning has directed that the Anzac Memorial Building be listed on the State Heritage Register. Importantly, the Minister directed that the listing shall apply to the curtilage or site of the item, being the land described in schedule B. Schedule B refers to various point bearings of degrees, minutes and seconds. Mercifully, a photo image of the curtilage under the State Heritage Listing takes in the Pool of Reflection, the poplars and surrounding pathways.

The Pool of Reflection, as noted by the Sydney council website, provides a dramatic setting for the Anzac Memorial. Whilst the poplars are not native to Australia, they were planted to symbolise the areas in which Australian troops fought. Therefore, the poplars and the Pool of Reflection clearly assist in retaining and interpreting the heritage significance of the Anzac Memorial Building. Indeed, I challenge any member to find a quintessential postcard photo of the Anzac Memorial Building that does not include the pool of remembrance and the poplars. Section 7 (1) of the primary Act states:

The trustees shall hold the fund and any further sums which may be acquired by them as trustees upon trust to apply the same in or towards the equipment, upkeep, maintenance and management of the memorial building or otherwise, for the purposes provided for in this Act.

Section 2 notes:

memorial building means the memorial building erected pursuant to section 7 (1) ...

It appears under the primary instrument that the trustees are charged with looking after the building and not the curtilage. However, on the occasions I have attended trust meetings it was apparent that the trustees also expend money on the curtilage. For example, approximately \$400,000 per annum is spent on the engagement of full-time security officers. From reading the security reports it is clear that the security officers not only look after the building but also patrol and protect the curtilage, being the Pool of Reflection, the poplars and the pathways. The fact that the curtilage is not formally and/or clearly recognised as being under the control of the trust is an issue that requires further consideration in due course.

Debate adjourned on motion by Ms Marie Andrews and set down as an order of the day for a later hour.

[The Acting-Speaker (Ms Diane Beamer) left the chair at 1.40 p.m. The House resumed at 2.15 p.m.]

DISTINGUISHED VISITORS

The SPEAKER: I welcome to the Chamber the Australian of the Year and mental health expert, Professor Patrick McGorry, a guest of the member for Barwon and shadow Minister for Mental Health.

ATTENDANCE OF THE TREASURER IN THE LEGISLATIVE ASSEMBLY

The SPEAKER: I report the receipt of the following message from the Legislative Council:

Mr SPEAKER

The Legislative Council desires to inform the Legislative Assembly that it agrees to the request of the Legislative Assembly in its message dated 1 June 2010 for the Honourable Eric Michael Roozendaal, MLC, Treasurer, to attend the Legislative Assembly on Tuesday 8 June 2010 at 12 noon to give a speech of unlimited duration in relation to the New South Wales Budget 2010-2011.

Legislative Council
2 June 2010

AMANDA FAZIO
President

REPRESENTATION OF MINISTER ABSENT DURING QUESTIONS

Ms KRISTINA KENEALLY: I inform the House that the Minister for Gaming and Racing, and Minister for Sport and Recreation will answer questions today in the absence of the Minister for Tourism, Minister for the Hunter, Minister for Science and Medical Research, and Minister for Women.

BUSINESS OF THE HOUSE

Notices of Motions

Government Business Notices of Motions (for Bills) given.

QUESTION TIME

[Question time commenced at 2.21 p.m.]

INDEPENDENT COSTING OF ELECTION PROMISES

Mr BARRY O'FARRELL: My question is directed to the Premier. Given that last night the election costings bill was passed by the Legislative Council, will she now honour her commitment to have both parties' election promises independently costed by the Auditor-General?

Ms KRISTINA KENEALLY: I thank the Leader of the Opposition for his question. During the debate on the bill, the Leader of the Opposition put forward the proposition that he would have his party stump up, front up and have its promises costed by the Auditor-General. We took that and ran with it. Of course, we would: for years we have been calling on the Opposition to put up, front up, stump up and have its policies costed. We have sought that and we were pleased to take up that offer. What have we seen happen? We could have predicted what happened.

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

Ms KRISTINA KENEALLY: During the last election campaign the Opposition tried to hide behind the excuse that the photocopier broke down. This year members opposite have a new excuse to try to get out of the commitment made by the Leader of the Opposition. There he is, the big man in the debate—"I'm going to have my policies costed by the Auditor-General"—

The SPEAKER: Order! Opposition members will cease interjecting. I call the member for Epping to order.

Ms KRISTINA KENEALLY: There they are, right on schedule. Opposition members are in tune and on schedule. People in the gallery know that members opposite are the braying bunch.

Ms Gladys Berejiklian: Stop embarrassing yourself!

Ms KRISTINA KENEALLY: The member for Willoughby should not tempt me. She should remember British American Tobacco. Keep the interjections coming!

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

Ms KRISTINA KENEALLY: What is the excuse to try to get out of it? First, let us revisit this. Why does the Leader of the Opposition want to get out of this commitment? He is looking for any opportunity to get out of this commitment.

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

Ms KRISTINA KENEALLY: After the debate he went back to his party room and his members said, "What have you done to us, mate? Now we have to stump up with policy." The Minister for Roads, and Minister for Western Sydney rightly points out that they have to get policies first. Secondly, they must submit those policies for costings. These people cannot even photocopy their policies, much less submit them to the Auditor-General. Members can be sure that the Auditor-General will not accept as an excuse that the photocopier broke down. What is the Leader of the Opposition's excuse this time? His argument is that Treasury should have no part to play in costing what government initiatives cost. Treasury should have no part to play in costing government services and programs. What a ludicrous proposition! We are prepared to have independent financial advice oversighting the process. We are prepared to have the Auditor-General oversight the process—

The SPEAKER: Order! Members will cease interjecting.

Ms KRISTINA KENEALLY: But we think it is completely ludicrous for the Coalition, which wants to run the government, to say that Treasury has no part to play in costing government services.

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

Ms KRISTINA KENEALLY: I will give one small example. If the Government wants 100 new buses it cannot simply take the cost of a bus and multiply it by 100.

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

Ms KRISTINA KENEALLY: We must count maintenance, drivers, petrol and running costs. Who knows better than anyone what those things cost? Treasury knows! Members opposite want to take Treasury out of the equation. The Leader of the Opposition made a rash promise in the heat of a debate, and he is now looking for ways to get out of it. He is down and looking for a way to get out of it. He is sneaky. He has squirmed his way out of it. Once again, the Opposition will go to an election without its promises costed, and it is a shame for democracy in this State.

FILM AND TELEVISION PRODUCTION

Ms TANYA GADIEL: My question is addressed to the Premier. How is the New South Wales Government supporting and attracting film and television production in New South Wales?

Ms KRISTINA KENEALLY: I thank the member for her support for what is a significant contributor to the New South Wales economy.

The SPEAKER: Order! Members will cease interjecting. I call the member for Epping to order for the second time. I call the member for Hawkesbury to order. I call the Minister for Climate Change and the Environment to order. I call the member for Lane Cove to order. I call the member for Wakehurst to order. I call the member for Murrumbidgee to order.

Ms KRISTINA KENEALLY: It is an exciting day for the member for Murrumbidgee. What movie comes out tonight? *Sex and the City 2*! I have already checked and I can tell the member that he can attend a special double screening tonight of *Sex and the City* followed by *Sex and the City 2*. I am happy to provide him with tickets. Sadly, I will be unable to join him—I will be at home washing my hair!

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

Ms KRISTINA KENEALLY: Film and television production is a significant contributor to our economy. Some information has come to hand today; there is late-breaking news about the New South Wales economy. Which State is leading Australia's economic recovery through the global downturn? New South Wales—that is right. State final demand figures released this morning by the Australian Bureau of Statistics show that the New South Wales economy grew by 4.4 per cent in the first nine months of the financial year. Which State is posting growth significantly stronger than any other State? New South Wales—that is right. Our growth through the first nine months of this financial year is twice that of Western Australia and, I am advised, 40 times greater than that of Queensland. We have enjoyed five straight quarters of growth—not figures we will hear from those opposite, which is why I bring them to the attention of the House.

Today I was delighted to join the Treasurer, the Minister for Major Events, the Minister for the Arts and our legendary Australian filmmaker George Miller to announce a \$25 million funding boost to support and attract major local and international film and television production in New South Wales. That is a 40 per cent increase in funding for the New South Wales and Australian film industries, directly supporting local jobs through investment in New South Wales—money well spent! Every dollar invested in Australian film production returns approximately \$13 to New South Wales—a 13 to 1 return rate.

We know from the world-class role of New South Wales as a film production centre that this funding generates immediate and significant benefits by generating hundreds of millions of dollars in direct expenditure, supporting thousands of jobs for our screen professionals. Under this Government, New South Wales has already developed an enviable position as a production centre for global film success—*Moulin Rouge*, *Superman Returns*, not one but two *Star Wars* films and the entire *Matrix* trilogy were all produced right here in Sydney.

The SPEAKER: Order! I call the member for Coffs Harbour to order.

Ms KRISTINA KENEALLY: When major films are made the jobs that they support roll on and on—producers, set builders, carpenters, animators, wardrobe designers, caterers, musicians and more—all jobs that have been boosted under this Government. Indeed, one of Australia's greatest creative successes, Animal Logic, started as a small Sydney business. However, through involvement with major films made in New South Wales it has grown into a world-leading global brand. How would it have thrived under a Coalition government? What great international films were made in Sydney when the Coalition was last in government? Let us recall some great films from that time.

The SPEAKER: Order! Members will cease interjecting. I call the member for member for Castle Hill to order. I call the member for Epping to order for the third time.

Ms KRISTINA KENEALLY: We all remember the *Piano*. Was it made here? No, that great Australian film was shot in New Zealand. What about *Proof*, the film that launched Russell Crowe and Hugo Weaving? No, it was made in Melbourne, as the Minister for Roads points out. What about *Priscilla, Queen of the Desert*? There were a few fleeting seconds in Erskineville and Paddington, but then they could not get out of town fast enough. It does appear in the rear-view mirror. That was not a great age for the creative workers of New South Wales. This Government is supporting our film industry with a \$25 million funding boost.

Today the Sydney Film Festival opens in this State, the largest film festival in the Southern Hemisphere and the oldest film festival in Australia. The member for Manly noted on his website that Cannes has a film festival and that "Sydney should pursue holding a similar festival." I remind him that we already have one: it is called the Sydney Film Festival. It opens tonight. If he stops by my office this afternoon, I will give him some tickets.

MEMBERS OF PARLIAMENT FLIGHT UPGRADES

Mr ANDREW STONER: My question is directed to the Premier. Given when Minister Macdonald received expensive flight upgrades to the Middle East, the owner of Emirate Airlines also owned a New South Wales horse stud that benefited from decisions made by the Minister, and the Minister conducted racing-related appointments in Dubai, will the Premier investigate whether his upgrade was a routine upgrade and not one specially arranged by industry stakeholders?

Ms KRISTINA KENEALLY: This morning my office was advised by the Clerk of the Legislative Assembly that the rules are silent on the question of flight upgrades and that it has not been standard practice in the past for members to disclose upgrades. However, at my request, the Clerk sought further advice from the Crown Solicitor. He has now advised that flight upgrades valued at more than \$250 are declarable. On the basis of that advice I understand the Clerk will now advise all members of Parliament of this decision by the Crown Solicitor by way of a circular. I am also advised by the Clerk that relatives are not covered by this regulation.

As members will be aware, the Constitution (Disclosure by Members) Regulation requires all members of Parliament to disclose their pecuniary interests, whether they have received any financial or other contribution to travel. This requirement was introduced to deal with sponsored travel. I would encourage all members of Parliament to take note of the Clerk's advice and the circular provided today, and to make sure that they update their pecuniary interests in an appropriate fashion.

[Interruption]

The SPEAKER: Order! Members will cease interjecting, including the Leader of the Opposition and the member for Bathurst. The Premier has the call.

Ms KRISTINA KENEALLY: I also advise the House that today I have requested that the director general of my department investigate whether the trip in question was within the authorisation given by the then Premier.

Mr Andrew Stoner: Point of order: I refer to Standing Order 129, relevance. The question was not about general guidelines; it was about whether the Premier will investigate the matter.

The SPEAKER: Order! The Leader of The Nationals will resume his seat. The Premier had concluded her answer.

PENRITH HEALTH SERVICES

Ms DIANE BEAMER: My question is addressed to the Deputy Premier, and Minister for Health. Will the Minister inform the House of improvements to health care in Penrith?

Ms CARMEL TEBBUTT: I know that the member for Mulgoa takes a keen interest in the health needs of the residents of Penrith. Nepean Hospital treats more than 51,000 people in its emergency department.

The SPEAKER: Order! The Minister for Health has been asked a question. Members will listen to the Minister's answer in silence.

Ms CARMEL TEBBUTT: The hospital carries out more than 10,000 emergency and planned surgical procedures. It provides more than 600,000 outpatients services and it assists with more than 3,700 births. It is a busy hospital. The Nepean Hospital staff are amongst some of the hardest working and dedicated hospital staff in our State. Nepean Hospital plays a vital role for a growing population, and the Government's commitment to the people of western Sydney is clearly demonstrated through its focus on Nepean Hospital. Since we came to office Nepean Hospital has been transformed. The Government has seen the hospital develop into one of Sydney's leading teaching hospitals. It has increased the budget fourfold since it came into government and, more importantly, it has transformed the services provided by Nepean Hospital to the people of western Sydney.

The SPEAKER: Order! I call the member for Murray-Darling to order.

Ms CARMEL TEBBUTT: It now delivers major services such as cancer and interventional cardiology services, and all major sub-specialties in surgery. The hospital has been transformed thanks to the

efforts, hard work and commitment of this Government to the people of western Sydney. People can now get their health treatment closer to home, something that is very important. The Government's recent success in negotiating the historic Council of Australian Governments agreement with the Federal Government will also benefit the people of western Sydney.

The agreement delivers, among many benefits, some \$1.7 billion in additional funding from the Commonwealth Government over the next four years, starting in 2010-11. This means more beds, extra surgery and faster treatment in our emergency departments. Importantly, in the future, it guarantees that the Commonwealth Government will become the dominant funder, funding 60 per cent of public hospitals. Today I am pleased to update the House in regard to a further boost for Nepean Hospital: the \$138 million redevelopment of the Nepean health campus that is currently underway. In March I attended a smoking ceremony at the hospital site—

[Interruption]

Opposition members might laugh, but Government members understand the importance of acknowledging the traditional owners. One way of doing that is through a smoking ceremony. I know the snickers are only coming only a few Opposition members, but it is insensitive.

The SPEAKER: Order! There is too much audible conversation in the Chamber. Members who wish to conduct meetings will do so outside the Chamber.

Ms CARMEL TEBBUTT: Today I am pleased to advise the House that the construction company Laing O'Rourke has been awarded the \$68.6 million tender to construct and fit out new operating theatres, intensive care facilities, surgical wards and surgical outpatient clinics at Nepean Hospital. This is a significant milestone in an important project for the people of Penrith. When the building works are completed in 2012, Nepean Hospital will have six additional operating theatres, extra day only and extended day only beds, two new purpose-built surgical wards, new purpose-built surgical outpatient clinics to replace existing clinics, a 12-bed intensive care pod and a new eight-chair haemodialysis inpatient unit. Planning is also well underway for new and expanded mental health and oral healthcare facilities.

These additions and upgrades represent a substantial boost to health services for the people of Penrith. I am advised that the major works are due to commence early this month. They will create up to 150 new construction jobs, representing another boost for the local community. This is just the latest stage in the redevelopment of the Nepean health campus. In 2009 the \$11 million north block redevelopment at Nepean Hospital was completed. The Government will continue to work hard to deliver health services of the highest quality to the people of Nepean.

MINISTER FOR STATE AND REGIONAL DEVELOPMENT DUBAI VISIT

Mr GEORGE SOURIS: My question is directed to the Premier. Does the Premier believe that Minister Macdonald's five-day trip to Dubai was in taxpayers' interests when he, his wife and two staff stayed in a \$700-a-night hotel, he tacked on a two-week personal trip to Rome and, despite the Government's obsession with spin, there was not one public mention about the trip until he was forced to update his pecuniary interests register—two years after the event?

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

Ms KRISTINA KENEALLY: I refer to my previous answer.

UNPAID TRIAL WORK

Mr ALAN ASHTON: My question is addressed to the Minister for Industrial Relations. How is the New South Wales Government protecting young people in the workplace?

Mr PAUL LYNCH: The law states clearly that all workers must be paid for their work in an employment relationship, including work completed during a trial period. The practice of employers offering unpaid trial work exploits some of the most vulnerable members of the workforce. It significantly, though not exclusively, rips off young people. Many young people are looking to find part-time or casual work and are susceptible to this type of exploitation. They need to be wary of employers offering unpaid work trials. New

South Wales Industrial Relations recently resolved a matter where a young woman was employed on a trial basis as a cashier. The employer terminated the worker because she was unable to fulfil the duties of a cashier. The employer was not willing to pay her for the three hours she worked in his shop as he alleged she was in training.

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

Mr PAUL LYNCH: After being contacted by New South Wales Industrial Relations and advised of his obligations, the employer back-paid the claimant, who came from a non-English speaking background, the appropriate amount. In another case this year, New South Wales Industrial Relations inspectors recovered unpaid wages where the employer claimed that the employee was a volunteer who had approached her for work experience as an animal groomer. After being advised of their obligations, a successful outcome was achieved by the back payment of moneys due. Another recent example was that of a young woman sent out on door-to-door work. At the end of the day's work the woman was told not only is there no further work, but she would not be paid for what she had done. They then asked her to sign a form confirming this, but they refused to hand over a copy. That is unpaid trial work and it is illegal in this State.

There is, of course, a difference between completing a work experience program and working a trial or probation period in a job. Work experience programs are usually conducted through a registered educational training organisation or a school, TAFE or university, and that sort of process is legal. The purpose of work experience is for students to observe other workers and gain experience in the workplace. In many instances, work experience programs are integrated with vocational training courses. A business, however, cannot ask a person to work as a volunteer. A business must pay people for the work performed. Young workers can get help from New South Wales Industrial Relations, which has an active statewide inspectorate that helps workers recover unpaid wages and ensures employers operate fairly.

Since moving to the new national workplace relations system on 1 January this year, more than 95 New South Wales Industrial Relations inspectors have been issued with authorities under the Fair Work Act. New South Wales Industrial Relations inspectors, being authorised as Fair Work inspectors, play a major role in the implementation of the Fair Work system across the State. Young people are easily exploited, and it is important that they know their rights before entering into any type of work contract or agreement. This is why the New South Wales Government developed a website to help young workers. It is called the Young People at Work website and it provides people with information and assistance about the full gamut of the work cycle, including looking for work, getting a job and leaving work. The website also contains a warning about undertaking an unpaid work trial. It provides people with practical information about gaining evidence to support their case when seeking help from the office to regain their unpaid wages.

New South Wales Industrial Relations also conducts a comprehensive seminar program specifically targeted at young people. The seminars provide information about rights and entitlements. New South Wales Industrial Relations also conducts regular seminars at TAFE colleges providing information about working in New South Wales. So far this year New South Wales Industrial Relations conducted 124 TAFE, school and youth presentations to nearly 3,000 participants. Getting a job should be a positive experience for all young people. It should not include getting ripped off by employers who should know better than to take advantage of this vulnerable section of the workforce. Given the obvious lack of interest of Opposition members in this answer, one can be absolutely certain WorkChoices lives in their hearts.

F3 CLOSURE

Mr CHRIS HARTCHER: My question is directed to the Minister for Roads. Given an inquiry into the traffic incident on the F3 in April, which saw motorists stranded for up to 12 hours, is yet to be completed, why has the Minister pre-empted findings of the inquiry and promoted a person who played a key role in the handling of the incident?

Mr DAVID BORGER: Let me be crystal clear on this: The Roads and Traffic Authority has advised me that the officer in question has more than 25 years experience in the traffic and transport engineering industry. This included a three-week period in April when he acted as manager of the Transport Management Centre. He applied for the position of General Manager Traffic Management. This is a policy position. It does not place him in charge of the Transport Management Centre. The officer went through a recruitment process, which included several other candidates from within and outside the Roads and Traffic Authority. He got the job based on merit and a recruitment process that the Government played no role in.

The SPEAKER: Order! Members will come to order.

Mr DAVID BORGER: The Government's view is that if a public servant is promoted, it should be based on merit. If they are investigated—

The SPEAKER: Order! Members will come to order. I call the member for Murrumbidgee to order for the second time. The Minister has the call.

Mr DAVID BORGER: We have said it before and we will say it again: Public servants are entitled to due process. The comments from members opposite today demonstrate their willingness to jump at every shadow and exploit every headline.

The SPEAKER: Order! I call the member for Baulkham Hills to order.

Mr DAVID BORGER: At 6.30 this morning the Leader of the Opposition told radio station WSFM the Government has moved to promote to a more senior position someone currently under investigation by Ken Moroney for his role in the F3 debacle. One has to ask: What kind of operation would those characters opposite run if they were ever allowed on this side of the House?

The SPEAKER: Order! The member for Hawkesbury will come to order. The member for Epping will come to order. The Minister for Emergency Services will come to order.

Mr DAVID BORGER: The Leader of The Nationals is already promising to jump out of a helicopter with a lollipop sign to direct traffic every time there is a traffic incident.

The SPEAKER: Order! I call the member for Coffs Harbour to order for the second time. I call the member for Cessnock to order for the second time.

Mr DAVID BORGER: The Coalition is proposing to pre-empt the work of Ken Moroney, whose inquiry into the F3 incident is ongoing. The Coalition wants us to start demoting people. Let this be a warning to all nurses, teachers, police and other public servants in New South Wales. This Government stands by due process. I await the outcomes of the investigation by Ken Moroney. If Mr Moroney's recommendations are relevant to any particular policy or individual, we will respond at that time and not before.

ILLAWARRA JOBS SUPPORT

Mr DAVID CAMPBELL: My question is to the Minister for the Illawarra. What is the latest information on jobs support in the Illawarra?

Mr PAUL McLEAY: I thank the member for his question and his ongoing interest in the Illawarra. On Monday I had the pleasure of joining the Premier to officially open the new ING operations centre in Wollongong. This centre is a huge vote of confidence in the Illawarra economy. New South Wales is Australia's financial services hub and the ING operations centre will ensure Wollongong gets a slice of that action. Currently, ING has 350 people working at Wollongong and there are plans to grow this to 600 jobs over the next three years to reach capacity.

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

Mr PAUL McLEAY: In addition, the Keira Street building has a 4½ star energy rating, making it one of the greenest buildings in Wollongong. It is through the ongoing hard work of the member for Wollongong and the combined work of the other Illawarra members of Parliament—

The SPEAKER: Order! Members on both sides of the House will cease interjecting.

Mr PAUL McLEAY: —the member for Kiama, the member for Shellharbour and, of course, the member for Keira—that Wollongong is stronger and more vibrant because projects such as this have provided a buffer to the financial downturn over the past 18 months. At the height of the global financial crisis the development of this building employed more than 1,000 workers directly and more than 2,000 indirectly.

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

Mr PAUL McLEAY: This is an exciting development in the commercial hub of Wollongong. Wollongong is well placed for investment in financial services, offering collaborative research opportunities with the University of Wollongong and world-class business facilities. The New South Wales Government welcomes ING's continued investment in the Illawarra and its commitment to growing its presence in regional cities. We are proud to support the businesses that provide skilled employment opportunities across the Illawarra. Since the New South Wales Government established the Illawarra Advantage Fund it has offered assistance to 137 projects. These projects represent more than \$282 million in capital investment in the region and it is estimated that 3,140 jobs will be created and retained over the life of these projects.

Advantage Wollongong is the region's peak economic body, designed to provide a collaborative and focused approach to business attraction. Through promotional activities the strategy builds awareness of Wollongong as a superior location for growth sectors. The New South Wales Government is helping to accelerate Illawarra's growing ICT sector through initiatives including the creation of infrastructure, facilitating technology transfer and financially supporting world-leading innovation. The Illawarra ICT cluster supports local ICT businesses by building on local strengths and encouraging the ongoing economic health and development of the industry in the Illawarra region.

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

Mr PAUL McLEAY: I am disappointed. I think the member interjected that this is boring, but I think jobs in the Illawarra are very exciting.

The SPEAKER: Order! The Leader of The Nationals will come to order.

Mr PAUL McLEAY: There is no doubt the New South Wales Government is a strong supporter of the Wollongong business community and is working to attract further investment to the Illawarra. This is in stark contrast to the other side of the House. It is also in stark contrast to the Opposition's spokesperson for the Illawarra, who does not live there, does not work there and, Mr Speaker, you will be disappointed to hear, does not even support the Dragons. The fact is the Opposition does not have a policy for the Illawarra. If it does it must be well hidden. It must be right behind the pro-Tillegra Dam document of the member for Terrigal and the MyZone visions of the member for Pittwater. I am sure those two members have egg on their faces, but the Liberal candidate for Kiama had more on his face recently after a recent council meeting.

The SPEAKER: Order! The Minister will not use a prop in the Chamber. He will put his document away.

Mr PAUL McLEAY: As soon as he wipes the tomato sauce off his face, I hope he gets on with some policy development and works out what the Illawarra needs. Labor has developed the ICT Illawarra cluster strategy, the Illawarra Advantage Fund, the Advantage Wollongong business attraction strategy, Illawarra Green Action jobs and the Wollongong City revitalisation plan. It offers continuing support for the University of Wollongong, the Illawarra Regional Strategy and much more. Only Labor is committed to the future of jobs in the Illawarra.

LAKE MACQUARIE POLICING

Mr GREG PIPER: My question is to the Minister for Police. With the effective operational strength of the Lake Macquarie Local Area Command being 36 below authorised strength, already about half of the State average, will the Minister support a substantial increase in the number of officers in this command in a geographically challenging area with over 200,000 residents?

Mr MICHAEL DALEY: I thank the member not only for his question but also for extending an invitation to me to meet him in his electorate, which I did last week, to talk to him and his local police about policing issues. I also met the member for The Entrance and the member for Gosford and spoke to them and police officers in their local commands. The question goes to the core issue of resourcing of police assets. I remind the House that there is a clear distinction between policy and operational provisions in the Police portfolio. The Government's job, and my job, is very clear: to allocate all the support necessary, provide the policies and make sure that the laws we make support our police and that we allocate sufficient funding for them, particularly in respect of police numbers. I further remind the House, particularly the member for Terrigal, that we now have record numbers of police in New South Wales with the authorised strength of police at 15,556, an increase of 20 per cent since we took over the Police portfolio.

Mr Adrian Piccoli: Point of order: I refer to Standing Order 129, relevance. The Minister is addressing policing in Terrigal. He is not answering the question.

The SPEAKER: Order! The member for Murray-Darling will resume his seat. I will hear further from the Minister for Police.

Mr MICHAEL DALEY: Having said that, the allocation and deployment of assets fall fairly and squarely within the realm of the Commissioner of Police. The Commissioner of Police, and the Commissioner of Police alone, decides who works where and how many officers will be deployed to each local area command—not the Minister and not the Government of the day.

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

Mr MICHAEL DALEY: It is the role of the Commissioner of Police. Today Opposition members have already suggested that governments should interfere in merit selection processes for public servants. Let me tell them what happened on the last occasion that Ministers and governments interfered with the operational roles of policing: it led us into trouble, which is why we do not do it. Opposition members might operate in that way but this Government does not and it will not do so.

Last week when I met with the member for Lake Macquarie—it was a good and fruitful meeting with both him and his local area commander—I gave them an undertaking that I would faithfully take their concerns about the resourcing of police in their areas to the Commissioner of Police. Tomorrow I will meet with the Commissioner of Police for one of our regular meetings and I will faithfully represent to the commissioner the issues that were raised. I will refer those issues directly to the member, which is what I undertook to do.

CHILDCARE SERVICES

Mr RICHARD AMERY: My question is addressed to the Minister for Community Services.

The SPEAKER: Order! The House will come to order. The member for Mount Druitt has the call.

Mr RICHARD AMERY: How is the New South Wales Government supporting childcare services in my electorate?

Ms LINDA BURNEY: As always, the member for Mount Druitt asked a pertinent question that is of relevance to his electorate, where there are large numbers of young families. The Keneally Government's Preschool Investment and Reform Plan is the biggest investment in early education in 30 years. For the benefit of those opposite, I repeat that it is the biggest—

The SPEAKER: Order! I call the member for Murrumbidgee to order for the third time.

Ms LINDA BURNEY: It is the biggest investment in early childhood education in 30 years. Our goal is to create new places for an additional 10,500 children by 2013. What we are talking about is universal access for preschool children in New South Wales. That means that every child in the year before school, despite his or her circumstances and despite where he or she lives, will get 2½ days of guaranteed preschool before the first year of school. Everyone in this Chamber understands the importance of that: it is really about equity. No matter whether a child is from a poor family, an isolated family, a Aboriginal family or a family from a non-English speaking background, no matter what the circumstances, he or she will still get access to 2½ days of guaranteed preschool.

Mr Adrian Piccoli: You need to get on the phone.

Ms LINDA BURNEY: I will ignore the interjection of the member for Murrumbidgee because it is not worth taking any notice of him.

The SPEAKER: Order! Members will cease interjecting.

Ms LINDA BURNEY: This year alone there will be a \$50 million investment into preschools in New South Wales. The simple but important aim is to get more children into preschool. I say directly to the shadow

Minister for Education and Training that equity is at the base of this plan. We know that children who attend preschool have a better start to school. Services have created new places by increasing their days of operation or reducing fees, especially for low-income families.

The SPEAKER: Order! I remind the member for Murrumbidgee that he is on three calls to order.

Ms LINDA BURNEY: We have already created 700 new places in New South Wales, with thousands of more places to come. We are investing in additional funding to give services the means to do what is important—to lower fees and to employ additional teachers. We are investing additional funding to give services the means and the incentive to expand. Today I inform the House—and some of these services are in the electorates of many members in this Chamber—that any funded preschool that expanded by more than 15 per cent last year will receive an incentive of a one-off payment. That means that 63 preschools across New South Wales will receive an extra payment on top of their regular year-on-year funding increase. If any members are interested in whether or not it will apply to their electorates I am happy to provide that information through my office. As I said, funding will go to 63 preschools across New South Wales.

The total of this investment is \$1.3 million—money that was not there before that is being made available to encourage preschools to expand their places, in particular, for children from low-income families. I think that important incentive is worth noting. The additional funding could allow preschools to lower their fees or to hire additional teachers. One of the priorities under this Government's State Plan is to have children school ready. Members can clearly see from this Government's investment in preschools that that priority, which is highly regarded, is helping the Government meet its priorities. Two services in the electorate of the member for Mount Druitt will benefit from these one-off payments. The total amount that will be allocated to the services in the electorate of the member for Mount Druitt will be about \$61,500.

Glendenning Preschool will receive almost \$44,000 and Plumpton Long Day Care and Preschool will receive \$17,000. Those preschools have worked hard to expand their places. Fifteen families will benefit from that expansion—families that normally would not have been able to think about sending their children to preschool because they simply could not afford it—a real recognition of the importance of early childhood education. These preschools are doing a wonderful job to help us to achieve greater access to preschools and to improve outcomes for our children now and into the future, which is what this is all about. I look forward in the year ahead to seeing even more places created. As I said, 10,500 additional places have been created in preschools in New South Wales. Let me conclude on these points.

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

Ms LINDA BURNEY: I could speak for hours on this topic. These are exciting times for early childhood education. The national quality framework will deliver better quality services for the millions of Australian children attending long day care, family day care, outside school hours care and preschool. The Council of Australian Governments national partnership is worth more than \$280 million for New South Wales over the next four years—that is, \$280 million for early childhood education. The Federal Government is serious about this issue, and our reform plans are well underway, creating thousands of new preschool places. In conclusion, there is no better investment that a Government can make than investing in our future, that is, our children. That is precisely what the Keneally Government is doing.

Question time concluded at 3.08 p.m.

PETITIONS

The Clerk announced that the following petitions signed by fewer than 500 persons were lodged for presentation:

Hornsby Ku-ring-gai Hospital

Petition requesting the rebuilding of the Hornsby Ku-ring-gai Hospital, received from **Mrs Judy Hopwood**.

Wagga Wagga Base Hospital

Petition requesting funding for and the commencement of construction of a new Wagga Wagga Base Hospital in this parliamentary term, received from **Mr Daryl Maguire**.

Tumut Renal Dialysis Service

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

Wagga Wagga Respite Services

Petition requesting funding for a second respite house and the provision of accessible access to the existing respite premises in the Wagga Wagga electorate, received from **Mr Daryl Maguire**.

South Coast Rail Services

Petition opposing any reduction in rail services on the South Coast line, received from **Mrs Shelley Hancock**.

South Coast Rail Line Staffing

Petition opposing the reallocation of and reduction in staff on the South Coast Illawarra rail line, received from **Mrs Shelley Hancock**.

Hawkesbury River Railway Station Access

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

Bus Service 311

Petition praying that the Government urgently improve bus service 311 to make it more frequent and more reliable, received from **Ms Clover Moore**.

Bus Service 389

Petition requesting improved services on bus route 389, received from **Ms Clover Moore**.

Religious Education and School Ethics Classes

Petitions opposing the proposed ethics classes and requesting continuation of the scripture classes, received from **Mr Richard Amery**, **Mr Alan Ashton**, **Ms Katrina Hodgkinson**, and **Mr Wayne Merton**.

TAFE Employee Negotiations

Petition requesting fair negotiations with TAFE teachers, received from **Mrs Judy Hopwood**.

Tuckurimba Quarry Expansion

Petition opposing the proposed expansion of sandstone quarry operations at Champions Quarry in Tuckurimba northern New South Wales, received from **Mr Thomas George**.

Shoalhaven Police Station

Petition requesting funding for the establishment of a new police station in the central Shoalhaven area, received from **Mrs Shelley Hancock**.

Retail Electricity Pricing

Petition objecting to the Independent Pricing and Regulatory Tribunal recommendations to increase retail electricity prices, received from **Mrs Shelley Hancock**.

Drought Relief Worker Job Protection

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

Pet Shops

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

School Student Road Safety

Petition requesting appropriate traffic devices at the intersection of Victoria and Marsden roads in West Ryde to ensure the safety of local school students, received from **Mr Victor Dominello**.

Princes Highway Rest Areas

Petition requesting adequate toilet facilities on the corner of the Princes Highway and Sussex Road, received from **Mrs Shelley Hancock**.

Burrill Lake

Petition requesting the opening of Burrill Lake, received from **Mrs Shelley Hancock**.

The Clerk announced that the following petitions signed by more than 500 persons were lodged for presentation:

Walsh Bay Precinct Public Transport

Petition requesting improved bus services for the Walsh Bay precinct, and ferry services for the new wharf at pier 2/3, received from **Ms Clover Moore**.

Crown Land Reserve Sale

Petition opposing the sale of any part of the Crown Land Reserve R 27986 and requesting that the land remain reserved for a public hospital, received from **Mr Daryl Maguire**.

Coogee Bay Hotel Site

Petition opposing any redevelopment of the site bounded by Coogee Bay Road and Arden and Vicar Streets under part 3A of the Environmental Planning and Assessment Act 1979, received from **Mr Paul Pearce**.

Yamba Policing

Petition requesting a 24-hour-a-day police presence in Yamba, received from **Mr Steve Cansdell**.

Retail Electricity Pricing

Petition objecting to the Independent Pricing and Regulatory Tribunal recommendations to increase retail electricity prices, received from **Mr Greg Piper**.

BUSINESS OF THE HOUSE**Reordering of General Business**

Mr MIKE BAIRD (Manly) [3.09 p.m.]: I move:

That the General Business Notice of Motion (General Notice) given by me this day [Amendments to the Charter of Budget Honesty (Election Promises Costing) Amendment Bill] have precedence on Thursday 3 June 2010.

I bring before the House this particular issue because there is no better example to expose the Premier of this State. For the Premier to have the hide to come into this Chamber today and say she was all about integrity and honesty could not be further from the truth.

Mr Gerard Martin: You were a merchant banker. You can't talk about integrity.

The SPEAKER: Order! The member for Bathurst will contain himself.

Mr MIKE BAIRD: The member for Bathurst knows his accounting roots. He and his accountant mates were responsible for the global financial crisis.

The SPEAKER: Order! The member for Bathurst will come to order. The member for Manly will direct his comments through the Chair.

Mr MIKE BAIRD: If ever there was an example, this is it. The State Labor Party agrees. We all remember the debate. The Premier, with the Leader of the Opposition, Barry O'Farrell, had a chance to achieve historic change in this State by taking politics out of costings. It was not a stunt; it was something the Opposition would stand by should it win government next year. For once this State's representatives—Opposition members and Government members—would have had an opportunity to look every community in the eye and say that their election promises had been costed independently and rigorously. Government members had the opportunity to bring some honesty and integrity to that process. What did the Premier do? At the first opportunity she ran out of the House, just like she has done today.

Not only did she run out of the House, but she agreed with the Leader of the Opposition that under the provisions of the Government's bill costings would be done independently. The Premier agreed to the Auditor-General overseeing the independent process. The Government then introduced its bill, which effectively said, "Hang on, we actually want Treasury to do it." Treasury is an arm of government. The Opposition has no problem with Treasury, but does not like its political masters—that is, the lot opposite, the State Labor Government. We all remember what Graham Richardson said: "Whatever it takes"—and that is what will happen, to the detriment of the people of New South Wales, who want integrity and honesty in their Government. This debate provided that opportunity. It comes as no surprise that when the Government's bill was transmitted to the upper House the crossbenchers in that place said, "We actually want this costing to be independent."

We want a chance to reform this State. We want to redefine politics in this State because we are sick of playing the old games. This State Labor Government is sticking to the old rule book, which is all about itself, all about its mates and not about the community of New South Wales. This Opposition is different; it wants to stand up for its community and put in place this historic reform to make costings independent. What happened in the upper House? The crossbenchers in that place agreed that the costings should be independent but then the Government voted against its own bill. That is a classic Labor Government tactic. As soon as Government members are under pressure they go running.

Mr Gerard Martin: That's disingenuous and you know it.

Mr MIKE BAIRD: No, it is absolutely true. The Government went running. The Premier had a chance—I need to be clear so that everyone in New South Wales understands—once and for all to introduce reform that is in the interests of this State. The Leader of the Opposition took a principled stand and said he wants to lead a different government. He wants to change the narrative of this current State Government, which is all about itself and all about the old political games. Barry O'Farrell made a principled commitment. What happened? Make no bones about it, the Premier of this State, Kristina Keneally, squibbed it. She forgot her principles and ran. Why? Because the heavyweights in Sussex Street—Eric Roozendaal, Joe Tripodi and all of them—said, "No, no, no, we want to use costings against the interests of the people of New South Wales because that works." That is what the Government wants to do. If the Government votes not to debate this bill, it will prove once and for all to everyone in New South Wales that it has lost touch with the electorate, lost touch with doing what is right and lost touch with integrity. The Opposition is determined to pursue just that.

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [3.14 p.m.]: Sometimes in the heat of debate facts get lost. Clearly, the Opposition not only has lost control of the facts, but also is losing its way. The facts today are crystal clear. The Government supports reforms to election costing rules. That is no surprise to Government members or the public, but it may come as a surprise to the Opposition. Let me relate the history of what the Government has done on this matter. The Opposition is not interested in proper election costings—it has back-flipped on its promise to support reform, but it is grabbing for cheap political headlines. That is what this motion is all about. This is not about reforming the budget process.

The DEPUTY-SPEAKER: Order! I call the member for Coffs Harbour to order.

Mr JOHN AQUILINA: This is not about bringing proper costing on election promises. This is about getting cheap headlines, which is the hallmark and stamp of the Opposition time and again. This Government

introduced the Charter of Budget Honesty (Election Promises Costing) Amendment Bill to ensure a rigorous and impartial framework for costing each and every election promise made by the Government and the Opposition. Why do Opposition members not want their election promises costed by Treasury? Because they know they will not stand up to it. It has been explained time and again that the rigour of Treasury costing will undo the Opposition's false costing and false promises. The other aspect of the Government's proposal is that all costings are overseen by the Auditor-General.

Is the Opposition claiming that the Auditor-General is not independent? Is the Opposition claiming that the Auditor-General in some way is biased in his authority? If so, then say it publicly. The Opposition should come clean. If the Opposition is challenging the capacity of the Auditor-General to scrutinise those costings and make an impartial assessment, it brings the whole office of the Auditor-General into disrepute. The Opposition is pointing the finger at the Auditor-General, and does so to its shame. The Government took these steps because it firmly believes election promises must be costed and must be credible. That is another point the Opposition wants to overcome. The people of New South Wales deserve and demand no less.

The Opposition has long complained about having its election promises properly costed. The public knows that to subject those promises to the rigour of Treasury analysis would expose the Opposition's plans to pork-barrel its way into government. That is what this motion is all about. The Opposition wants to pork-barrel its way into office. Opposition members know that to have their election promises properly costed by Treasury and then overseen by the Auditor-General means they will be held to account regarding their pork-barrelling arrangements. They will be making promises not based on the needs of this State or on what is needed to improve the State, but based on which electorates they want to win and on what election promises will be most acceptable to the public.

Opposition members know that having their election promises costed by Treasury and overseen by the Auditor-General will reveal the true cost and will also expose the Opposition's plan to slap that cost on the taxpayers' credit cards. The Opposition complained when this Government introduced the Charter of Budget Honesty Amendment (Independent Election Costings) Bill before the last election and is complaining again today. History is repeating itself. The Government introduced this charter before the last election. The Opposition objected and complained. Now the Opposition is bitterly complaining again. The Opposition is not interested in a meaningful process or in coming to terms with the explanation. The Opposition is interested only in cheap headlines. Opposition members think they can be glib about reality and obtain cheap headlines at the expense of meaningful legislation that will ensure that the Opposition's promises are costed by Treasury and overseen by the Auditor-General. That is what the Government intends to do with its legislation. The Government will stick by its decision. The motion is opposed.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 39

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

Noes, 44

Mr Amery	Ms Gadiel	Mr Morris
Ms Andrews	Mr Greene	Mr Pearce
Mr Aquilina	Mr Harris	Mrs Perry
Ms Beamer	Mr Hickey	Mr Rees
Mr Borger	Ms Horner	Mr Sartor
Mr Brown	Ms Judge	Mr Shearan
Ms Burney	Mr Khoshaba	Mr Stewart
Mr Campbell	Mr Koperberg	Ms Tebbutt
Mr Collier	Mr Lalich	Mr Terenzini
Mr Coombs	Mr Lynch	Mr Tripodi
Mr Corrigan	Mr McBride	Mr West
Mr Costa	Dr McDonald	Mr Whan
Mr Daley	Mr McLeay	<i>Tellers,</i>
Ms Firth	Ms McMahon	Mr Ashton
Mr Furolo	Ms Megarrit	Mr Martin

Pairs

Mr Merton	Ms Burton
Mr J. H. Turner	Ms McKay

Question resolved in the negative.

Motion negatived.

BUSINESS OF THE HOUSE**Business Lapsed**

General Business Order of the Day (General Order) No. 826 and General Business Notices of Motions (General Notices) Nos 823 and 827 to 836 will lapse on Thursday 3 June 2010 pursuant to Standing Order 105 (3).

COMPANION ANIMALS AMENDMENT (DOGS IN OUTSIDE EATING AREAS) BILL 2010**Discharge of Order of the Day and Withdrawal of Bill**

Order of the day discharged and bill withdrawn on motion by Mr Chris Hartcher.

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY**Country Halls**

Mr GERARD MARTIN (Bathurst) [3.28 p.m.]: The motion of which I gave notice earlier should be given priority because country halls are of paramount importance to people in rural areas of New South Wales. It is important to support the impetus of the first-class initiative introduced by the Government last year, the Building the Country program. To date, 113 communities throughout regional and rural New South Wales have benefited from the allocation of funding for the maintenance, improvement and extension of the country hall, the local town hall or the local Country Women's Association hall, which are critical catalysts in the lives of people who live in small communities.

The Government already has expended \$2.5 million on extension of the program. On the eve of presentation of the State budget, it is timely to draw attention to the priority given by the Government to the country halls. The Government would gladly accept support from the Opposition for the motion because the electorates of some members opposite have been the beneficiaries of the Government's largesse. I am sure that members opposite appreciate that. I am equally sure they will support the motion of which I have given notice rather than according priority to some Opposition members who prefer trolling in the gutter.

Integrity in Government

Mr CHRIS HARTCHER (Terrigal) [3.29 p.m.]: It is a choice: members can talk about country halls or integrity in government. Labor members would rather talk about country halls than integrity in government because integrity in government is an area where they dare not go. One need only look at the row of ex-Ministers on the backbench during question time as they roll around, one by one—sacked, resigned, displaced or dismissed. There they are—integrity in government with a capital I. My motion relates to the integrity of three members, the Treasurer, who will be our guest next week, whether we like it or not, the Premier and the Minister for Primary Industries, Sir Lunch-a-Lot himself. The Minister for Primary Industries—Sir Lunch-a-Lot—was caught out having upgrades—

Mr Gerard Martin: Point of order: The member for Terrigal is not arguing why his motion should be given priority. Instead, he is launching a personal and substantial attack on a member in the other place, which he knows must be done by way of substantive motion. The member knows that he will get done like a dinner on this, so he is prostituting the rules of the House by using his five minutes—

[Interruption]

When we want the monkey we will get the grinder.

The DEPUTY-SPEAKER: Order! I will hear further from the member for Terrigal.

Mr CHRIS HARTCHER: For the benefit of the member for Bathurst, it is a substantive motion. The member wants to stop me because my motion relates to integrity in government. That is the worry. That is the member's concern. The Minister for Primary Industries received upgrades worth \$15,000. Many people get upgraded—there is no argument about that. However, the Minister was upgraded by the owner of Emirates Airlines, who was a direct beneficiary of a Government decision relating to coalmines and horse breeding studs in the Hunter Valley. That is what happened. The Arab sheikh, who was a beneficiary of a Government decision, owns a magnificent stud in the Hunter Valley and Emirates Airlines. He upgraded Ian Macdonald, and Labor members do not want to talk about it. Members opposite do not want to debate the matter in this House. Even better than Ian Macdonald, it has been revealed that the Premier also received upgrades.

Mr Alan Ashton: Point of order: The member for Bathurst outlined the substantive motion issue, and you said you would hear further from the member for Terrigal. We have heard further from the member but he has not changed tack. You should ask him to focus more on the priority aspect of the matter.

The DEPUTY-SPEAKER: Order! The member for Terrigal should be outlining why his motion should be accorded priority. I am sure that he is about to do that.

Mr CHRIS HARTCHER: The issue relates to the governance of New South Wales. If members want to talk about country halls, that is a wonderful idea. I have country halls in my electorate, and I would love to talk about country halls. But is it more urgent for members to debate integrity in government, the responsibility of Ministers and the Premier's integrity, or is it important to talk about country halls in various electorates? That is the choice. It speaks volumes about the Labor Party that members opposite would rather talk about country halls. I can understand that. The member for Bathurst can talk about the Country Women's Association hall in Blayney, the soldiers memorial hall in Lithgow and floorboards, or we can talk about the Premier and how she failed to declare upgrades. We can talk about Ian Macdonald's failure to disclose upgrades that he grabbed from the Arab sheikh.

We can talk about how the Treasurer—the \$5 million man—who will bring down the budget next week will be sued for \$5 million in compensation by one bidder in the sale of New South Wales Lotteries and another bidder said the State lost \$100 million because the Treasurer allowed the underbid to proceed. That \$100 million would buy an awful lot of country halls. It would buy a country hall for every house in New South Wales. Yet the Australian Labor Party runs away from integrity, as its members will run away on 26 March.

Question—That the motion of the member for Bathurst be accorded priority—put.

The House divided.

Ayes, 44

Mr Amery	Ms Gadiel	Mr Morris
Ms Andrews	Mr Greene	Mr Pearce
Mr Aquilina	Mr Harris	Mrs Perry
Ms Beamer	Mr Hickey	Mr Rees
Mr Borger	Ms Horner	Mr Sartor
Mr Brown	Ms Judge	Mr Shearan
Ms Burney	Mr Khoshaba	Mr Stewart
Mr Campbell	Mr Koperberg	Ms Tebbutt
Mr Collier	Mr Lulich	Mr Terenzini
Mr Coombs	Mr Lynch	Mr Tripodi
Mr Corrigan	Mr McBride	Mr West
Mr Costa	Dr McDonald	Mr Whan
Mr Daley	Mr McLeay	<i>Tellers,</i>
Ms Firth	Ms McMahon	Mr Ashton
Mr Furolo	Ms Megarrit	Mr Martin

Noes, 39

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

Pairs

Ms Burton	Mrs Hopwood
Ms Hay	Mr Merton

Question resolved in the affirmative.

COUNTRY HALLS**Motion Accorded Priority**

Mr GERARD MARTIN (Bathurst) [3.42 p.m.]: I move:

That this House:

- (1) congratulates the Government on supporting jobs and infrastructure in regional communities through the Country Hall Renewal Package; and
- (2) calls on the Opposition to support Country Labor's support of rural and regional communities.

I acknowledge the Government's commitment to small rural New South Wales communities through the Country Hall Renewal Fund. Those members who have been involved in lobbying for this package for some time have already seen great benefits flowing from it. The Country Hall Renewal Fund complements existing programs under the Building the Country package that was announced at a Country Labor conference, the second biggest political conference in Australia with more than 400 people. The package is designed to support

regional communities and will provide \$85 million over five years for a range of things including country halls. It is about supporting communities and jobs in rural New South Wales and is making a huge difference to small communities—113 to date and more to come.

The package will be of great benefit to small local halls in communities to provide much-needed repairs and renovations. I point out that specific funding has not been put aside for these halls for generations. Money has normally been raised by the community, which still happens, or through discretionary grants, depending on where they are located, for example, from the Department of Lands over the years, but certainly not under programs with the Department of Sport and Recreation and other departments. Thanks to the Keneally Government another 67 small communities will receive more than \$1.5 million to upgrade their local community hall in round two of the country halls package.

Round two builds on the \$1 million already provided. The take-up invitation for communities to respond has been excellent. I am pleased to say that 113 communities have already had their halls upgraded or renovated, and there are more to come. This program is helping to sustain jobs and infrastructure in rural towns. The Government was overwhelmed, to put it mildly, with the response to this fund. I am pleased to inform the House that the Government has committed another \$2 million towards the fund which will take the Country Hall Renewal Fund to a total of \$4.5 million over five years. Country halls are the heart of rural communities. They knit the community together through town meetings, community information, entertainment and a range of activities that are the catalyst of small communities.

Country halls are mostly managed by hardworking volunteers. Now that the volunteers have seen the assets being spruced up they have been able to use the halls more often for a variety of other activities. That stands in stark contrast to those opposite who probably need sprucing up themselves, judging by the front bench at the moment. The member for Lismore from The Nationals is on record in *Hansard* on 7 May, in that wonderful year of Our Lord in 2003, as saying, "we support any government that attempts to resolve a problem being faced ... by public halls right across this State". I thank the member for Lismore for his endorsement of this Country Labor initiative. To date the Government has provided funding to upgrade 113 halls, and more are on the way.

Mr Thomas George: Name them!

Mr GERARD MARTIN: I would but time is running away. It is good to know that the Government has the support of The Nationals and their members, like the member for Barwon. The Gurley Memorial Community Hall in his electorate will receive \$15,000. Four halls in the electorate of the member for Murray-Darling have been provided funding, including the Deniliquin Town Hall \$50,000 and Booligal War Memorial Hall \$41,556. The Government is targeting small isolated communities that have no other access to public meeting places and activities than a hall. I am sure the member for Bega is grateful for funding by the Keneally Government for Quaama School of Arts, a great little hall in his electorate, where it is vital to have this building in good working order. Unfortunately the hall was not safe, and last year the community was forced to move its Christmas party to the local park. Quaama School of Arts will receive \$50,000 to renovate and upgrade the hall. That is a great example of what this program is all about.

In the second round of funding, successful applicants have been the Illford Recreation Trust Reserve in my electorate of Bathurst that received \$20,000 for renovations of the hall and replacement of the roof. I have visited that hall and met the committee, which is doing an excellent job. Rydal Showground Trust is also in my electorate and has received \$7,000 to replace windows and install shutters at the local hall. The hall is used for the Rydal Show, which is billed as the best little show in the west, and starts the show season west of the mountains. Running Stream Community Hall is also in my electorate—obviously I have been very busy. It will be receiving \$6,190 to upgrade the electrical wiring and lighting and purchase a generator. The local women run a very good preschool there.

Portland School of Arts Hall, also in my electorate, will be receiving \$30,000 to paint the building, fix the roof and install security screens. The hall is used as the centre for the activities of the combined pensioners of Portland. The Country Womens Association at Wallerawang, just 15 kilometres down the road from Portland, received \$6,650 to renovate the internal rooms. These funds are well directed and targeted and are spread right across the community. The Government has made sure there has been no political populace in this and the funds have gone where they have been needed. I commend the motion to the House.

Mr JOHN WILLIAMS (Murray-Darling) [3.49 p.m.]: I am pleased to speak to this motion. I think the country halls fund is a great program and, as the member for Bathurst has alluded, it has certainly helped my

electorate. The fact is that this was an initiative of the Rural and Regional Task Force chaired by the Speaker of the House. He must have listened to his countrymen in 2003 when the member for Lismore suggested that this Government should start directing funds to country halls. The great work of the Speaker of this House is starting to come through and regional New South Wales is certainly benefiting from the task force that he chaired.

We have not addressed the second part of the motion, which relates to Country Labor's support of rural and regional communities. I suggest that the member for Bathurst might like to take the time to go to the shires conference and view some of the motions coming forward from that conference, and try to find out exactly what is happening with the New South Wales Government and the type of support it is giving to rural and regional communities. Most recently, where was Country Labor when we had the red gum forestry debate? Its members did not speak either way.

Mr Gerard Martin: Point of order: I am loath to do this given that we thought we would have a spirit of bipartisanship on this, but I think that the member for Murray-Darling is straying from the motion, which is about the stimulus that the country halls fund has had in rural and regional communities, it is not about wandering down the Murray or the Darling rivers or any other river.

The DEPUTY-SPEAKER: Order! I will hear further from the member. However, I remind him that the motion is specific in nature.

Mr JOHN WILLIAMS: I draw your attention to the second part of the motion, which reads:

- (2) calls on the Opposition to support Country Labor's support of rural and regional communities.

I think that is a broad enough part of the motion for me to address the fact that Country Labor has not shown any support at all on important issues. I agree that country halls are very important to our communities, but 1,300 jobs in the red gum industry are also important. What about the jobs in Fisheries that have been removed from New South Wales regional areas? What about workers in the forestry industry who have been offered redundancy? What about the redundancies offered to Department of Industry and Investment workers? What about the positions in courthouses that have been removed under this Government? We are now seeing people working flat-out in courthouses to the point of near exhaustion. Where is Country Labor?

These are important issues that need to be addressed. These are real jobs that put back into economies in regional New South Wales that Country Labor is not supporting. Country Labor is letting this go. In fact the Country Labor Minister in this House is part of the process. He is the Minister who is currently offering redundancies. We are going to have a call to order in the Department of Industry and Investment with a plague locust outbreak that will be upon us in September. What is its answer to that? It removes people who support the very important work to address the plague locust outbreak. Those people have been taken off the ground and given redundancies. We have a Country Labor Minister who is supporting these sorts of initiatives. I would be very concerned. Again, there are issues surrounding roads in country New South Wales. We have heard the Government announce that there is no money even to support its blueprint for transport in the metropolitan area. How does that pay out for roads in regional and country New South Wales? It pays out very badly, because there is no dough.

When we looked at the budget for the Country Halls Renewal package it was interesting that the member for Kiama said "Woo-hah" to the \$4.5 million over three years. That was a very, very small amount of money to put back into regional New South Wales, but we have some mileage out of it—we have to debate a motion on it and give the member for Bathurst an opportunity to suggest that Country Labor has some sort of recognition within Government. The recognition is not very good because \$4.5 million is about half of the real estate investment of the member for Kiama, so it is not a lot of money, and he can see that it is very insignificant in the big picture of things.

Country Labor needs to do a lot more before coming to this House and bringing a priority motion, giving itself a pat on the back and handing out bouquets for what it has done. It has a long way to go and I suggest that the member for Bathurst should pull out the earplugs, get into regional New South Wales and listen to what people are saying, listen to what they want, and support people in areas where they need support. *[Time expired.]*

Mr MATT BROWN (Kiama) [3.56 p.m.]: I am pleased to be speaking to this motion today in support of my colleague, the member for Bathurst, because we do not want to let the Opposition rewrite history here.

I am a very active member of Country Labor; I was there at its inception and have held the position of Secretary of Country Labor for many years, representing a beautiful rural area in New South Wales and a diverse range of agricultural businesses. It is a pleasure to be part of Country Labor. In touring with my colleagues in Country Labor, time and time again what we heard from the community was that The Nationals were not listening to them and were not representing their needs and aspirations. That is why they turned to Country Labor.

One of the things they wanted from Country Labor was a program that supported country halls. I was involved in numerous meetings across the State, and of course our regular meetings at Parliament House, where we continually lobbied to get a program to support country halls, and I am so pleased that we did. We heard nothing from The Nationals—not a peep, not a whisper—yet they have the hide today to try to rewrite history and say that they had something to do with it. The Nationals say they support it and then say that there is not enough money, and we heard a whole tirade of other rubbish coming from those opposite, which shows why The Nationals are not taken seriously in New South Wales and why the hopes and aspirations of country Australians in this State are coming to Country Labor with the support of our Premier Kristina Keneally.

The Country Hall Renewal Fund is about helping small communities in New South Wales spruce up their facilities so that local groups can get the most out of their local hall. These halls are the centrepieces of small towns and this fantastic program allows communities to take pride in their facilities. A number of these halls have historic value in the town. Several generations have used these halls for a variety of local celebrations and other activities, such as weddings, birthdays, debutant balls and other festivities of significance.

I would be feeling very guilty if I were an organiser for The Nationals going to one of these spruced up halls and having an event or a community meeting, a political party fundraiser, knowing that it was Country Labor that helped to get the hall to that state in the first place. It is about restoring country halls to their once-proud state. Similarly, The Nationals, who according to recent polls have sunk to 2 per cent of the statewide vote, could probably use some sprucing up as well. Maybe a fresh coat of paint and definitely some major structural renovations would return them to the once proud Country Party led by Doug Anthony, Black Jack McEwen and Ian Armstrong.

In my electorate the Shoalhaven Heads Community Centre will receive \$19,000 to upgrade the external blinds. These are the kinds of bread and butter upgrades needed for local halls—whether it is fixing dilapidated roofs, renovations to make sure the facilities are adequate for the many activities they are used for, installing shutters and improving security, or rendering and painting the buildings. This is the work that country people want to carry out on their halls. I am so pleased that this funding is being delivered by the Keneally Labor Government.

Unfortunately, the member for Burrinjuck is not in the Chamber but I am sure she will be happy to see the upgrades of the Koorawatha hall. A total of \$50,000 was provided to install a new kitchen, restump the hall, replace its timber flooring, build a disabled toilet and paint the exterior. As my colleague said, Country Labor is about fixing up these halls right across country New South Wales. For every \$2 the Government contributes the community only needs to contribute \$1. It is a \$4.5 million, five-year commitment to country halls that is delivering great outcomes for our State.

I want to make sure that history is properly recorded. While Labor is rebuilding country New South Wales we should not forget the 20-odd hospitals the Liberals-Nationals closed, the branch lines that were closed, and the teachers who were sacked. Our significant contribution to country New South Wales has been the ethanol mandate, as well as our contributions to country halls.

Mr RAY WILLIAMS (Hawkesbury) [4.01 p.m.]: No-one begrudges our rural and regional communities receiving upgrades to their very necessary community halls, but I rise to complain about the fact that my regional community of Hawkesbury missed out on this funding. I was very upset to have the funding for the Box Hill Nelson Community Hall rejected by this funding scheme because it is a very small rural community on the fringe of the rapidly growing Rouse Hill development area. It is still very much a rural community and it was deprived of funding under this scheme, which would have gone a long way to having the hall upgraded for the community, who use it frequently. I am a very proud member of the management committee of that hall and have been for some years. Unfortunately, the New South Wales Government would not allow funding to be secured for the hall.

This hall has quite a history in our area. It dates back to the 1940s when the Box Hill Nelson Progress Association was originally started. A good person by the name of Anthony Skerrett dedicated an acre of land to

the Box Hill Nelson community for the purpose of constructing a hall. Some years later a secondhand hall was located and moved to that land, where it sits proudly today. Since that time upgrades to the hall have been undertaken by the members of the community. They included good people such as Laurie Hession, who has sadly passed away, who spent many hours dedicating his services to upgrading and maintaining the hall. Ralph Warren and Johnny Fomiati are other good local people who have put their hard-earned money and time into upgrading the hall because the New South Wales Government has failed to ensure its upkeep.

It was interesting to hear the member for Kiama raise the point that the upgrading of all these halls across regional and rural areas of New South Wales would have been beneficial for holding Australian Labor Party fundraisers, branch meetings and conferences. That probably was the thought behind this program to secure funding for the halls. Since that time Country Labor has found out that it was a bit of overkill because it can hold its local branch meetings and conferences in the neighbourhood phone box. It has actually found the phone boxes quite a large venue when all the Country Labor members are present at one time. There is no need to upgrade all the halls to do that. As I said, it is sad that we could not secure the money for the Box Hill Nelson hall.

The motion congratulates the New South Wales Government for supporting jobs. It is another of those self-adulating motions that is meaningless and that would certainly be questioned by the people of New South Wales. Some of the people who would question it would be the 400 North Coast Area Health Service workers, whose situation has been raised in this House by the member for Clarence. Four hundred jobs were lost and there are 400 families who have a member who is out of work in the North Coast area. Other issues that should be looked at are the failure to upgrade certain areas of the Pacific Highway, which have cost many jobs and also many lives.

Mr Gerard Martin: Point of order: Almost from the start of his speech the member has been off the beam, but now he has strayed well away from the leave of the motion.

The DEPUTY-SPEAKER: Order! I uphold the point of order. The member for Hawkesbury will confine his remarks to the leave of the motion.

Mr RAY WILLIAMS: In relation to the purpose of halls, I refer to the halls that are desperately needed in our schools, such as Annangrove. That school wanted a hall, but received a library. It is interesting that the Minister for Education and Training is in the Chamber. She would know full well the scandal around the Building the Education Revolution funding where \$16 billion of taxpayers' money has been wasted. Halls have not been provided to schools. Cattai Primary School—

Mr Matt Brown: Point of order: The motion before the House has two points. First, it relates to country halls and, secondly, it refers to jobs in country New South Wales. It has nothing to do with the Building the Education Revolution.

The DEPUTY-SPEAKER: Order! I uphold the point of order.

[Time expired.]

Mr GERARD MARTIN (Bathurst) [4.06 p.m.], in reply: I thank members for their contributions to the debate, although to varying degrees. For the benefit of the member for Hawkesbury, the State Government has not discriminated against the Box Hill Nelson hall. There is another round of funding and if he does his job and is diligent the funding for that hall will be considered in round three. It is an ongoing program. Unfortunately, the scheme has been overwhelmed because of the number of halls that need renovation, so it is a matter of priority. The member for Murray-Darling and the member for Hawkesbury made a number of comments, but it is interesting that their parties did not send anyone of stature to take part in the debate. The Liberal Party got an urban metrosexual to do the job for it. It is interesting that it wanted to get away from the terms of the motion and talk about what Country Labor has done for New South Wales.

As there is an election within nine months I think it is high time we reminded people of what happened when the Greiner and Fahey governments were in power. Today former Premier Nick Greiner claimed that this Labor Government is the worst Government in 30 years. He conveniently overlooked the fact that the Greiner Government has that title. It was the worst Government that this State has probably ever seen, particularly when one considers that Government's decimation of country areas. It closed at least 20 hospitals around the State. It closed at least 18 branch lines, which really affected the small communities that rely on the halls we are talking

about. The Minister for Education and Training will recall the Metherell days. The then Coalition Government sacked 2,500 teachers and tried to bring public education to its knees. It closed schools right around small communities in New South Wales.

This is the rank hypocrisy of those opposite when they ask what Country Labor is doing for country areas. I tell you what: We are doing our best to save country areas from the scourge of another conservative government in this State. At the last election the Coalition went to the people saying that it would sack 20,000 public servants, many of whom were in crucial areas in regional New South Wales, such as those in the court service, the Department of Primary Industries and suchlike.

What rank hypocrisy from Opposition members! I referred earlier to the paucity of their arguments. It would have been better if my colleague the Liberal Whip from Wagga Wagga had made a contribution to this debate, as he would have been able to tell us how joyful he was that the Government had provided funding for Ladysmith Memorial Hall—a hall located in a village near Wagga Wagga that is receiving funding as part of the second round. I am sure that the member for Wagga Wagga would have been much more generous than other Opposition speakers in his praise of the Government. As I said, \$20,000 has been allocated for a hall in a Liberal Party electorate.

Another successful applicant is the Woolbrook Hall, which is located in the New England region. I have taken members on a tour of New South Wales to show them how widespread and generous this scheme is, and how it has transcended parochial political lines. Funding has been allocated on the basis of need and priority. I am sure that the Box Hill Nelson Community Hall would benefit more from the support of Opposition members than it would from their attempt to kick the Government to death. Opposition members should knock on the Minister's door and make decent representations about funding for the halls in their electorates. The Woolbrook Development Committee has been successful in obtaining funding to upgrade the hall structure, to fix the leaking roof and to paint the interior of the building.

I know that that is not sexy stuff, but it is vital to maintain important facilities that are at the core of the social and cultural life of these small communities. This money, which is not insubstantial, will assist in creating employment opportunities in local regions—local hardware stores supplying equipment, local contractors doing electrical and plumbing work, and so on. These halls are probably the most vital piece of infrastructure in a small rural town or village. Without any fear or favour the country hall renewal package is addressing those issues. Added to that, the \$11.6 million Broadband Development Fund is aimed specifically at these small communities. Many communities will be able to get broadband capacity to these halls, which will introduce another facet of life and assist those communities. I commend the motion to the House. I thank the member for Kiama and other members for their contributions to debate on this motion. When people read *Hansard* they will know who made the most telling contribution to this debate.

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

Motion agreed to.

The DEPUTY-SPEAKER: Debate on the motion accorded priority having concluded, the House will proceed to Government business.

HEALTH LEGISLATION AMENDMENT BILL 2010

Bill introduced on motion by Ms Carmel Tebbutt.

Agreement in Principle

Ms CARMEL TEBBUTT (Marrickville—Deputy Premier, and Minister for Health) [4.11 p.m.]:
I move:

That this bill be now agreed to in principle.

I am pleased to introduce the Health Legislation Amendment Bill 2010. This important bill introduces a range of amendments to health-related legislation. The bill includes significant amendments to the provisions of the Health Administration Act 1982 and the Private Health Facilities Act 2007 in respect of the appointment of root

cause analysis teams to investigate serious clinical events in public hospitals and private health facilities. Root cause analysis of serious clinical incidents in New South Wales public hospitals was introduced in 2005 in accordance with the recommendations of the Walker inquiry into Camden and Campbelltown hospitals.

The root cause analysis provisions required root cause analysis teams to be appointed by health service organisations in respect of the most serious category of clinical incident—so-called severity assessment code 1 incidents; required root cause analyses teams to investigate incidents and to provide a report setting out the underlying causes of the incident, and any recommendations to avoid such incidents in the future; gave statutory protections to the members of root cause analysis teams, including a statutory privilege against the disclosure of information acquired or documents produced for the purpose of a root cause analysis; and made it an offence for root cause analysis team members to disclose information acquired in the course of a root cause analysis except in accordance with the Act. An important characteristic of root cause analysis is that root cause analysis teams are prohibited from investigating the competence of individuals or making findings that identify individual patients or clinicians.

For these reasons, root cause analysis has been described as an investigation into the systemic causes of incidents. If during the course of an investigation a root cause analysis team considers there are concerns about the performance, conduct or impairment of any individual, the root cause analysis team must notify the chief executive of the health services organisation of the concern, but dealing with such concerns is not a function of the root cause analysis team. It is the responsibility of the chief executive to ensure that the concerns raised by the root cause analysis team are fully investigated and, if appropriate, referred to the relevant regulatory bodies, such as the health professional registration body or the Health Care Complaints Commission.

When the root cause analysis provisions of the Health Administration Act were introduced they included a requirement for a review of the provisions after a period of three years to determine whether the provisions were still appropriate. In 2009 the New South Wales Department of Health conducted a review of the root cause analysis provisions. The review included the release of a public discussion paper, extensive consultation with stakeholder groups and, in September 2009, the tabling of a report before Parliament containing recommended amendments to the Act. The bill before the House contains all the amendments proposed by the review.

Whilst the departmental review related to the root cause analysis provisions contained in division 6C of part 2 of the Health Administration Act, almost identical provisions are contained in part 4 of the Private Health Facilities Act 2007 in respect of private health facilities in New South Wales. It is, therefore, considered appropriate to amend both sets of provisions at the same time. The review of the root cause analysis provisions found that there was strong support among key stakeholders not only for retaining but also for strengthening the root cause analysis statutory privilege provisions. Root cause analysis processes were seen clearly as a vital part of the ongoing improvement of quality and safety in both public and private health facilities in New South Wales.

Overall, the proposed amendments support the retention of statutory protections covering internal root cause analysis processes, whilst also recognising the need to reinforce transparency in making the reports of the outcomes of root cause analysis more readily available. One of the main concerns raised about the current root cause analysis provisions was that the statutory privilege in section 20Q of the Health Administration Act, and section 46 of the Private Health Facilities Act against being compelled to disclose or produce root cause analysis documents or communications, applies only to root cause analysis team members. The privilege does not apply to individuals who were involved in or witnessed an incident in respect of any information they provide to the root cause analysis team or to any experts or consultants advising the root cause analysis team.

The statutory review was provided with evidence of instances where non-root cause analysis team members have been cross-examined in court proceedings in relation to what was said during a root cause analysis. Clearly, this is contrary to the intention of the statutory protections and is a loophole that has the potential to undermine the confidence of those assisting root cause analysis teams that any information they provide will be used only for the purpose of the root cause analysis.

Therefore, it is proposed to amend section 20Q of the Health Administration Act and section 46 of the Private Health Facilities Act to restrict the disclosure by any person of any communication whether written or verbal made for the dominant purpose of a root cause analysis. The proposed "dominant purpose" test is the same as the longstanding requirement for a claim of client-legal privilege under the Evidence Act 1995. It will ensure that the statutory protections cover clinicians and others who assist root cause analysis teams so as to facilitate greater cooperation and more effective review of serious incidents.

A further issue raised in the course of the review is the restriction of root cause analysis to so-called severity assessment code 1 incidents. Whilst these are the most serious category of clinical incidents, which clearly require root cause analysis, other less serious incidents may nonetheless provide evidence of problems or inadequacies in the health system. For example, a series of apparently minor clinical incidents will not meet the severity assessment code 1 criteria when considered separately, but when looked at together may give rise to a potentially concerning pattern of incidents. It is proposed to amend the legislation to permit the appointment of root cause analysis teams to review a broader range of clinical incidents where the incident is considered to be the result of a serious systemic problem.

The bill also proposes a number of amendments to the statutory provisions requiring root cause analysis teams to notify the hospital or health services organisation if it forms an opinion that an individual may have engaged in professional misconduct, unsatisfactory professional conduct or suffers from an impairment. Root cause analysis teams also have discretion to notify of concerns of unsatisfactory professional performance by individuals. The amendments to the notification provisions include, first, that the statutory review identify a gap in these provisions where the root cause analysis identifies an urgent quality or safety issue that does not relate to an individual clinician.

This may occur, for example, where a root cause analysis team investigating a death under anaesthesia identifies a potential product defect that may have contributed to the death, and which the root cause analysis team considers requires urgent consideration prior to formal completion of its report. The bill therefore proposes amending the legislation to permit root cause analysis teams to notify of concerns held by the team if it is of the opinion that the incident it is considering raises matters that indicate a problem giving rise to a risk of serious and imminent harm to any person.

Second, the bill proposes an amendment to require a root cause analysis team, at the time of making a notification of concerns about an individual clinician, to identify the clinician and the nature of the concern so as to expedite the further investigation of the matter by the organisation. This amendment will resolve current uncertainty as to the information that should be included in the notification, should increase the effectiveness and efficiency of any subsequent investigation of the matter and will ensure fairness to the individual concerned by restricting the information contained in the notification to the minimum necessary to enable an appropriate investigation to be commenced.

Third, the bill proposes including definitions of "professional misconduct", "unprofessional conduct", "impairment" and "unsatisfactory professional performance" that reflect the definitions of these terms that New South Wales will adopt under the National Registration and Accreditation Scheme. Currently these terms are not defined in the legislation and the amendments will introduce greater clarity as to the notification requirements of root cause analysis teams.

The bill also proposes clarifying that the final report of a root cause analysis team may be provided to any person, including patients, but that such reports cannot be adduced or admitted in evidence in any proceedings. Whilst the current legislation is silent on the issue of disclosure of root cause analysis reports, the Government's view is that the availability of root cause analysis reports is part of the quid pro quo for the protections given to root cause analysis processes and team members. This proposed amendment will clarify the availability of root cause analysis reports whilst at the same time broaden the restrictions on the use of such reports in court or other proceedings.

The bill proposes a number of other minor amendments to the root cause analysis provisions, including clarifying that a root cause analysis team may decline to make any recommendations where, following its review of an incident, it reaches the conclusion that the incident does not give rise to any system-wide issues or concerns; replacing the current requirement that root cause analysis teams are to apply "the rules of natural justice" with a requirement that they are to act in a "fair and reasonable manner", which is considered more appropriate given the role of root cause analysis teams does not include investigating individual clinician performance or conduct; and permitting the Clinical Excellence Commission or another appropriate independent body to carry out, on an annual basis, a review or audit of a sample of root cause analysis investigations and reports.

The proposed amendments to the root cause analysis provisions of the Health Administration Act and the Private Health Facilities Act have been the subject of extensive consultation and are strongly supported by key stakeholders, including New South Wales public hospitals, the private hospital sector, the Australian Medical Association, and major medical defence organisations and insurance bodies. The Health Legislation

Amendment Bill contains a number of other amendments to health-related legislation. This includes amendments to the Health Services Act 1997 to address an increase in the number of reported incidents of aggressive behaviour resulting in harm to New South Wales ambulance officers. Figures from the Ambulance Service of New South Wales indicate such incidents have increased from 75 in 2006-07 to 107 in 2007-08 and to 120 in 2008-09.

Therefore, it is proposed to amend the Health Services Act 1997 to create two new offences. First, the bill proposes introducing an offence of intentionally obstructing or hindering a New South Wales Ambulance Service officer who is in the course of providing ambulance services to a person. The proposed maximum penalty for the new offence is 50 penalty units or imprisonment for two years or both. Second, the bill proposes introducing a more serious level of offence where a person intentionally obstructs or hinders an ambulance officer by way of an act of violence on the ambulance officer. This proposed offence will carry a maximum penalty of five years' imprisonment. These new offences send the strongest possible message to the community that violence towards ambulance officers carrying out their duties will not be tolerated by this Government.

A further minor amendment is proposed to the Health Services Act 1997 to give two or more statutory health corporations the same powers that area health services currently have under section 30 of the Act to agree, with the approval of the Minister, to work together to manage or jointly manage public hospitals, health services or health support services under the control of one of them. This will allow statutory health corporations to coordinate or jointly manage hospitals and health services under their control under new models of care. For example, it will permit the proposed new statutory health corporation that will operate the Sydney children's hospitals at Westmead and Randwick to coordinate or jointly provide specific services with Justice Health, such as juvenile health or outreach programs.

The bill also proposes amending section 40 (1) of the Health Services Act, which currently allows an area health service to delegate its functions to a member of the New South Wales Health Service. The proposed amendment will broaden the category of persons to whom area health service functions can be delegated. This will include visiting practitioners, who may be appointed to clinical management positions or sit on area health service committees and bodies appointed by the director general or the Minister under legislation.

The bill also proposes an amendment to the Assisted Reproductive Technology Act 2007. This amendment will improve the capacity of the system to match up historical donors and offspring who wish to obtain information about each other. The Assisted Reproductive Technology Act currently makes provision for a central assisted reproductive technology donor register that records the details of gamete donors and offspring born from donor assisted reproductive technology procedures undertaken after commencement of the Act on 1 January 2010. The Assisted Reproductive Technology Act also currently makes provision for a voluntary register to record details of donors and donor-conceived children who were conceived before commencement of the Act.

While the provisions in the Act concerning the voluntary register will allow for the collection and release of information, there is little scope to cross-reference donor and offspring information without obtaining information from assisted reproductive technology providers. Therefore, it is proposed to amend the Act to allow the director general to require assisted reproductive technology providers to provide relevant information to the director general for the purpose of seeking to match up the voluntarily entered records of donors and offspring, and release this information to donors and offspring with their consent.

In conclusion, the bill contains a number of other minor amendments to the number of health-related Acts, including amending the definition of "NSW Health" in section 4 of the Health Administration Act 1982, to include bodies under the control and direction of the Director-General of the NSW Health Department; amending section 34 (2) of the Guardianship Act 1987 to provide that the principle that the provisions of the Mental Health Act 2007 prevail over the provisions of part 5 of the Guardianship Act in the event of inconsistency applies also in the event of any inconsistency between the provisions of the Mental Health (Forensic Provisions) Act 1990 and the provisions of part 5 of the Guardianship Act; and amending the Public Health Tobacco Act 2008 to increase the period for notification to the director general by tobacco retailers of any change in required business information from seven days to 28 days. This amending bill will bring the notification requirements under the Act into line with other similar reporting requirements under Commonwealth and New South Wales legislation for changes in business particulars. I commend the bill to the House.

Debate adjourned on motion by Mr Daryl Maguire and set down as an order of the day for a future day.

**ELECTRICITY AND GAS SUPPLY LEGISLATION AMENDMENT (RETAIL PRICE
DISCLOSURES AND COMPARISONS) BILL 2010**

Bill introduced on motion by Mr Paul Lynch.

Agreement in Principle

Mr PAUL LYNCH (Liverpool—Minister for Industrial Relations, Minister for Commerce, Minister for Energy, Minister for Public Sector Reform, and Minister for Aboriginal Affairs) [4.31 p.m.]: I move:

That this bill be now agreed to in principle.

The New South Wales Government is determined to ensure that all households and small businesses in New South Wales can access the lowest available prices for energy supplies. Small energy customers in New South Wales have been able to shop around for the best energy deal since January 2002. All households and small businesses can choose between being supplied electricity on regulated prices from their standard retailer, or entering into a negotiated contract with a retailer of their choice.

Energy, particularly electricity, is an essential service. Households and businesses do not have a choice about whether or not to purchase it. It is therefore important to ensure that households and small businesses have sufficient information available to them when choosing their electricity and gas contracts. In its final determination on regulated retail electricity prices for 2010 to 2013, the Independent Pricing and Regulatory Tribunal, or IPART, reported that small energy customers are finding it difficult to obtain price information for comparison purposes. This difficulty is mainly due to a lack of accurate, up-to-date and easily accessible information from retailers.

The Independent Pricing and Regulatory Tribunal also noted the benefits of a price comparator service, which is based on accurate and up-to-date information and which would reduce search costs for customers. The Independent Pricing and Regulatory Tribunal recommended that the Government introduce requirements for retailers to publish information on their prices and establish a price comparison service. The Independent Pricing and Regulatory Tribunal advised that these measures would encourage competition to continue to develop, and would provide customers with easy access to accurate, up-to-date information on which to make informed choices. These findings and recommendations are supported by key consumer advocacy groups, such as the Public Interest Advocacy Centre [PIAC].

The Electricity and Gas Supply Legislation Amendment (Retail Price Disclosures and Comparisons) Bill gives effect to the Independent Pricing and Regulatory Tribunal's recommendations. The bill introduces strengthened price disclosure requirements on energy retailers. These requirements will be placed on all electricity and gas retailers operating in New South Wales as part of their retail licence conditions. Retailers will be required to provide this information to the Independent Pricing and Regulatory Tribunal, the Minister for Energy and any customer, on request, free of charge. The Independent Pricing and Regulatory Tribunal is required to publish this information in a way that enables small customers to meaningfully compare the tariffs and charges of different retailers.

The bill makes amendments to both the Electricity Supply Act and the Gas Supply Act to ensure customers can benefit from these measures when looking for the best price for their electricity and gas supply. The energy price comparison service and complementary retail price disclosure requirements apply to both regulated and market offers that are generally available to small retail customers. Small customers are defined as any household or small business using less than 160 megawatt hours of electricity per year, which is equivalent to approximately 20 times an average household's consumption. These customers require the most assistance in finding accurate price information and comparing this information, given their lack of negotiating power in the market place. In consultation on the draft bill, consumer groups including the Combined Pensioners and Superannuants Association and the Energy and Water Ombudsman New South Wales expressed support for these new requirements.

In response to submissions from retailers, a ministerial review of these amendments will be undertaken in 2013 to ensure the provisions continue to be appropriate to achieve their objectives. This review will ensure that the provisions continue to serve the best interests of customers and do not create an unreasonable regulatory burden on retailers. The guidelines describe the time, manner and form in which price information must be disclosed by retailers. The use of guidelines recognises the dynamic nature of the energy industry and provides flexibility to respond to any changes in the market over time, in consultation with retailers and consumers.

The Independent Pricing and Regulatory Tribunal will publish the price and contract information it receives from retailers on its website, allowing customers to inspect and compare competing energy offers in a meaningful way. The price comparison service and price disclosure requirements will even encompass aspects other than simply cost, such as any available discounts for paying on time, or through a certain payment method. These measures recognise that everyone is different and allow customers to make an informed choice, based on what is most important to them.

The best deal for some customers is also not always the cheapest. Some might consider the best deal to be the one with the most amount of GreenPower, or the deal that provides one combined service for both electricity and gas. The information will be provided in a clear and transparent manner on the retailer's website, allowing people time to consider their options in the comfort of their own homes. The price comparison service will also be available through a telephone hotline that will be administered by the Government. The implementation of a phone line, in addition to an online price comparison site, is supported by the Combined Pensioners and Superannuants Association and the New South Wales Council on the Ageing.

This will ensure that customers who are unable to access the internet, or who do not feel comfortable using the internet to find out this type of information, will be able to enjoy the same benefits as those customers with internet access. The price comparison service and improved information to customers will be available to all small customers, which includes all households and most small businesses. This means that, regardless of a person's income level or living situation, the price comparison service will help all households get the best deal for their energy supply. This bill is in line with Queensland, Victoria and South Australia. Those States already are successfully operating price comparison services and complementary price disclosure requirements.

The New South Wales disclosure requirements and price comparison service have been modelled on existing arrangements in other States to the greatest extent possible. This approach is in line with the Independent Pricing and Regulatory Tribunal's recommendations and will minimise regulatory compliance costs on retailers. The energy price comparison service is one part of a suite of measures being rolled out by the Government to help customers manage their energy bills. The New South Wales Government will spend over \$800 million on energy concessions for five years commencing 1 July 2009. Approximately \$115 million will be spent in 2009-10.

From 1 July 2010, the New South Wales Government's energy rebate will be increased to \$145 per year in line with the energy price index. In 2011-12, the energy rebate will increase to \$161 per year. Also from 1 July 2010, the New South Wales Government's energy rebate will be extended to eligible households who hold a health care card. Health care cards are for people who are below aged pension age and who receive income support payments from the Commonwealth, due to their low income levels. The expansion and increases to the energy rebate are supported by the Energy and Water Ombudsman of New South Wales, the Combined Pensioners and Superannuants Association, the Public Interest Advocacy Centre, the Council of Social Service of New South Wales and by the Independent Pricing and Regulatory Tribunal itself. Strengthened price disclosure requirements and the establishment of a price comparison service are a crucial means of providing households and small businesses with the information and tools they need to find the best energy deal for their circumstances. I commend the bill to the House.

Debate adjourned on motion by Mr Daryl Maguire and set down as an order of the day for a future day.

RESIDENTIAL TENANCIES BILL 2010

Bill introduced on motion by Ms Virginia Judge.

Agreement in Principle

Ms VIRGINIA JUDGE (Strathfield—Minister for Fair Trading, Minister for the Arts) [4.39 p.m.]:
I move:

That this bill be now agreed to in principle.

I am pleased to introduce the Residential Tenancies Bill 2010, which will modernise and reform the existing tenancy laws. Before I commence my agreement in principle speech I thank the Department of Fair Trading officers for their amazing hard work on preparing this bill. Also, I thank my ministerial staff, particularly Gabby O'Neill and Lucas Kolenberg, for their effort and the tireless hours they spent working on this bill. I thank also

Parliamentary Counsel and anyone else associated with the drafting of the bill. It is a large piece of legislation. People have put in a tremendous amount of work and effort, and I am grateful for their support. The Residential Tenancies Bill 2010 will modernise and reform the existing tenancy laws. The structure and composition of the residential rental market in New South Wales has significantly changed since the current laws were developed more than 20 years ago.

Families and older people are now a much bigger part of the rental market. Shared households are becoming increasingly common and many tenants now rent for their entire lives, compared to the past when renting was often seen as just a stepping stone into home ownership. About one-third of New South Wales households are currently living in approximately 800,000 rental properties, and this figure will only grow in the years ahead as our population expands. The changing rental market means it is becoming increasingly important to ensure that our tenancy laws are up-to-date, unambiguous and responsive to the needs of the community. We need a regulatory regime that reduces unnecessary costs, promotes equity and supports the future provision of rental housing in this great State of New South Wales.

Members will be aware that the tenancy laws have been under review for some time, with a view to replacing the current laws with more contemporary legislation. The review began in July 2005 when an options paper was released by one of my predecessors, the Hon. John Hatzistergos. I commend him and his staff at the time for starting this much-needed reform process. The rental market today is regulated by two separate pieces of legislation: the Residential Tenancies Act 1987 and the Landlord and Tenant (Rental Bonds) Act 1977. These Acts have remained largely the same and are no longer the best way to regulate modern residential tenancy relations in New South Wales. A lot has changed since the 1970s and 1980s, and the rental property market has not been immune to these changes. Rents are now mostly paid by electronic means, not by cash or cheque as they once were. Tenancy databases are a relatively new phenomenon. In the 1970s and 1980s the main way to check a tenant's rental history was on the phone to the former landlord or agent.

Security, safety and water conservation are much more topical issues now than they were in the past. Tenants are staying in the same rental property for longer. The average length of a tenancy has increased from about 18 months in the mid-1980s to twice as long today. Most mum and dad investors own only one or two rental properties, and the majority now choose the services of a professional agent to manage the tenancy, rather than do the work themselves. It is essential therefore that the law regulating this area reflects current market practices—the new modality—and is ready to stand the test of time in the twenty-first century. This Government wants to see landlords being able to manage their investments in a way that optimises their returns; at the same time it wants to see tenants having access to suitable rental accommodation and being able to make informed choices about where they live, how long they live there and what exactly they are paying for.

We want landlords and tenants to be clear about their rights so that they are empowered to enforce those rights. We want landlords and tenants to take a responsible approach to their obligations to each other, to the people they share their home with and to their neighbours and the beautiful wider community. We want to see a rental market that is efficient, responsive and well informed. This bill enables that vision. The bill strikes a fair and equitable balance between the often competing interests of landlords and tenants. The reforms embodied in the bill are aimed at the clear need to bring the current law up-to-date, which is acknowledged by all sides. Even the harshest critics of the bill concede that the law in many areas is in urgent need of reform. There is an old saying that all landlords are not devils and all tenants are not angels. This bill protects those who do the right thing from those who would not, whether they are tenants or landlords. It is about striking a balance.

The bill has been developed following a long period of extensive community consultation. There have been no fewer than three major rounds of public consultation during the course of the review. As I mentioned, it began with the release of an options paper in July 2005, which identified the key issues for discussion and possible reform alternatives. Close to 100 submissions were received in response to the options paper. The next public stage of the review came in September 2007 with the release of the report titled "Residential Tenancy Law Reform—A New Direction". The report outlined more than 100 reform proposals. Feedback from more than 1,600 individuals and groups was received in response to the new directions report. This consultation directly led to changes and refinements being made to a number of the reform proposals.

The third stage of the review saw a consultation draft bill released in November last year. More than 350 landlords, tenants, agents and other interested parties have taken the opportunity to let the Government know what they thought about the bill. While support for various provisions differed according to the perspectives of the person making the submission, hundreds of suggestions for how the bill could be improved were received and many of these have been adopted in the final bill. In addition to the public round of

consultation, there have also been at least 20 meetings since 2005, either at a ministerial or departmental level, with key interest groups, including the Tenants Union, the Real Estate Institute and the Property Owners Association, to discuss the reform proposals. It cannot be said that the Government has failed to adequately consult on these long-awaited reforms.

Where sound policy arguments have been put forward in a constructive manner, the Government has taken these on board and amended the bill accordingly. Changes have also been made to the bill to address any unintended consequences that have been identified. This type of complex legislation, which affects so many people, given that almost everyone in the community is a tenants or a landlord at some stage of their lives, will always have critics. Landlords and agents will always say that the law goes too far, while tenants will say that the law does not go far enough. The Government believes that any fair reading will show that the bill contains a balanced and appropriate set of measures that will even-handedly update regulation of the rental market.

Many of the bill's provisions have simply been carried forward from existing legislation. Other provisions have been developed, having regard to effective legislation from interstate and internationally, and, importantly, in response to suggestions from tenants, landlords and the real estate industry. Arguments can always be made about why now is not a good time to make any changes to the tenancy laws. The rental market moves in a cycle. In some years there is a glut of rental properties and tenants have the upper hand. At other times, like now, when the vacancy rate is lower it can be difficult to find a place to rent in some areas. It seems that no matter where we are in the rental cycle the same cry is heard from real estate industry lobby groups and their supporters on the other side who say:

... making changes to the tenancy laws will drive away landlords ... push up rents ... which will, in turn, hurt tenants.

If we had listened to these doomsayers before we would still have the old feudal laws from the 1800s. One need only look at the history of the existing laws to see how wrong these claims can be. In 1977, when the Minister for Consumer Affairs, the Hon. Syd Enfield, first introduced the Rental Bond Board the Coalition vehemently opposed the bill, claiming it would result in fewer rental properties being built. They argued that within 12 months bonds would disappear because neither landlords nor tenants would want to be involved in the inevitable red tape that would follow from investing all this money in a government bureau. According to the Opposition at the time, in place of bonds, landlords would simply increase rents by 20 per cent. The Opposition came to that conclusion, having been taken in by a scare campaign run at the time by the Real Estate Institute and the Property Owners Association.

Were the critics right back in 1977? Did the practice of charging rental bonds disappear? No! They did not. Today every tenant still pays a rental bond, and having bonds held by the independent Rental Bond Board has been a hugely successful initiative. Similarly, the Coalition opposed the introduction of the current Residential Tenancies Act in 1987. The Opposition at the time said that it would frighten investors out of the rental market, until there are absolutely none left. The appalling legislation, according to the Opposition, would devastate the fragile private rental market, which will wither away as landlords take their money and invest elsewhere. Again, a fear campaign based on misinformation and untruths was run in the media. It is important to remember that in 1987 the vacancy rate was historically low at 0.6 per cent, a rate almost three times worse than it is claimed to be now.

However, with the benefit of hindsight we can all see that the scaremongering campaign whipped up in 1987 was wrong, and the dire predictions for the rental market never eventuated. Figures from the Rental Bond Board show an increase of more than 10 per cent in the total number of properties rented in the year or so after the current laws commenced. It was not long before the rental cycle had fully turned and prospective tenants were being enticed with offers of free rent and Gold Coast holidays. Today there are more than twice as many rental properties in New South Wales as there were then.

The Opposition has again fallen prey to industry scaremongering with wild claims that the bill, if implemented, will lead to landlords fleeing the State. Ironically, the Opposition now wishes to cling to some of the provisions from the 1987 Act it was so against at the time. There might be some validity in its argument if most of the reforms were pro tenant or the bill was generally biased in favour of tenants. But that is clearly not the case. The Government has gone to considerable effort to ensure this bill contains a balanced set of measures, which are not tilted towards either side. There are numerous reforms in the bill which address the concerns of landlords.

The number one issue for most landlords is the time it can take to evict a tenant who stops paying their rent. It can result in a significant financial loss for those affected and can particularly hurt landlords who rely on

rent to meet their mortgage commitments. Currently, most eviction notices are mailed, which means four additional working days must be allowed for delivery time and applications can only be made to the tribunal once the eviction notice runs out. This bill will cut up to three weeks from the current process by enabling landlords to serve notices directly to the tenant's letterbox and apply to the tribunal for a hearing at the same time as serving notice. The tribunal has also been given broader powers to overlook minor errors in the content or service of notices. This will prevent landlords from having to start the whole eviction process again because of a simple mistake.

The second major criticism of the current law from landlords is the lack of certainty when they want to get their property back after the lease has expired. Presently, if the landlord seeks an eviction order from the tribunal the circumstances of the case must be considered. If the tenant can mount a good enough argument the tribunal has the power to refuse to make an eviction order. The bill removes this discretion and makes it certain that the tribunal must grant an eviction order if the lease has expired and proper notice has been given. This is a major win for landlords.

There are numerous other provisions in the bill which address the concerns of landlords—too many to mention them all, but among them is a new streamlined process to deal with goods left behind when a tenant moves out, which will reduce red tape and compliance costs. Landlords will no longer have to put an advertisement in a newspaper about unclaimed goods or pay to have them moved and stored for 30 days. Extra grounds for gaining access to the rented premises have been added. The bill extends the time for landlords and agents to lodge a tenant's bond. Disputes about the accuracy of condition reports will be able to be taken to the tribunal at the beginning of a tenancy rather than left to fester until the tenancy ends. New grounds on which a landlord may seek immediate termination have been provided.

The bill will limit the capacity of tenants to recover compensation from the landlord following a break-in if they have previously failed to raise concerns about the security of the premises. Specific provision has been made for landlords to recover costs from tenants such as replacing lost keys and bank fees for bounced cheques. Sometimes landlords who go to the tribunal can find rent increase notices from years ago being trawled over and the slightest mistake can result in them having to repay thousands of dollars to the tenant. The bill will put an end to this unjust situation with tenants only being able to contest errors in notices from the past 12 months.

Of course, as well as these many benefits for landlords, the bill will improve and clarify the laws as they apply to tenants. For example, this bill will tighten the regulation of bad tenant databases to make them fairer, provide more protections and certainty for victims of domestic violence, and ensure tenants are given at least one free and easy option to pay their rent rather than being charged an extra fee for the privilege. These are only a few examples that will make life easier for tenants, but the most significant reforms in this bill are actually specifically designed to improve outcomes for both tenants and landlords.

One of the provisions that has attracted a lot of attention is section 75, under which tenants will be able to sub-let part of the property, such as a spare room or an unused garage, or change one of the named tenants on the lease, for example, if the relationship between flatmates breaks down. There has been a well-orchestrated misinformation campaign suggesting that tenants will be able to sublet without asking or even telling the landlord. That is simply not correct. The bill continues the current requirement for tenants to obtain the landlord's consent before making such arrangements.

The bill retains the existing control of landlords over sub-letting the whole property. In terms of partial sub-letting, landlords will still have the right to say no if they have a reasonable objection. As most landlords are reasonable people this should not present any major hurdles. All other States in Australia require landlords to be reasonable about any sub-letting request, not just sub-letting part of the premises as we are proposing in this bill. The Government does not believe that in 2010, with shared households increasing, it is appropriate that landlords have an absolute and unchallengeable right to decide who their tenants can live with.

Having said that, the Government has listened to those who asked for more clarity about what is meant by "reasonable" in those circumstances. Section 75 (3) has been inserted into the bill to make it clear, for instance, that it would be reasonable for a landlord to reject a request if it would exceed the number of occupants permitted by the landlord under the lease, or result in overcrowding, or if the person is listed on a bad tenant database.

Another area of the bill which has attracted comment in the media and elsewhere is division 6 of part 3. This deals with tenants' requests to add a fixture or make a minor alteration to the premises. Let me be clear that

tenants will still have to obtain the landlord's consent before making any alterations, as they do now. Any failure to do so will still be a breach of the lease. The types of minor changes intended to be covered by this provision include window safety measures for young children so they do not fall out, extra security features such as a deadlock on the front door, installing a grab rail in the bathroom to assist elderly occupants or tenants with a disability, getting a home phone or internet cable connected, hanging a picture in the living room or planting some flowers in the garden.

Remember, I am talking about minor changes that tenants are willing to organise and pay for themselves to improve their living conditions. Currently such requests can be unreasonably refused leaving no right of appeal for the tenant. Having a more balanced approach to this issue will encourage more tenants to do the right thing and ask up front, rather than make the change without seeking consent for fear of refusal. The bill will not give tenants a licence to do what they like to the property, despite the scare campaign from those opposite who claim tenants will be able to cement the garden, rip out the kitchen or add an extra room out the back, all without landlord or council approval. That is simply not true.

The bill makes it absolutely clear that a landlord is well within rights to refuse any request if it would involve structural changes, if it is inconsistent with the nature of the property, if the change would not be reasonably capable of rectification, repair or removal, or the work is prohibited under any other law. Furthermore, tenants can be required to make good at the end of the tenancy or compensate the landlord for the costs involved if the work is not done to a satisfactory standard or is likely to adversely affect the landlord's ability to let the premises to other tenants.

In submissions to the consultation draft the main area of concern raised by landlords and agents related to cosmetic changes, and in particular painting. It was suggested that tenants, if they do the work themselves, may not paint to an acceptable standard or may use a colour scheme that would not be palatable to future tenants or buyers, forcing landlords to incur considerable cost and effort in rectifying the work. In response to those legitimate concerns, the Government has omitted the word "cosmetic" from the bill and added "internal or external painting" to the list of requests that it would not be unreasonable for a landlord to refuse.

After subletting and alterations, the third area of major concern identified by landlords related to the proposed break fee. The break fee is a set penalty payable by a tenant who breaks their lease early. The intention here was to provide a simpler means for resolving the parties' obligations when a lease is broken, thereby providing certainty for both tenants and landlords, and removing these disputes from the tribunal. When added to the high cost of relocation, a break fee would ensure that tenants did not make a decision to walk away from a lease lightly.

Some submissions from landlords supported the proposal, correctly observing that in some cases they would benefit from having the outgoing tenant paying a break fee while the new tenant paid rent as well. Under the current legislation, this is not possible as the former tenant can only be charged until the new tenant takes over. Having a break fee would remove restrictions on landlords over the reletting process. It may also reduce the incidence of tenants simply packing up and disappearing or ceasing to pay their rent as a way of getting out of the lease. Other landlords submitted that a break fee would undermine the purpose of having a lease. It was considered that, while the break fee proposal may benefit some landlords, it may hurt landlords with hard-to-rent properties or those at the upper end of the market.

In order to accommodate the differing views about the merits of the break fee proposal, the bill has been refined to make break fees optional. The parties can agree to have a break fee term in their lease if they wish. Landlords who do not see any merit in the break fee proposal can choose not to include a break fee term in the lease, in which case the current law that a tenant who breaks a lease is liable to compensate the landlord for any loss, with the landlord having an obligation to mitigate those losses, will continue to apply.

A number of landlords and agents also expressed concern about the proposed extension in the bill of the notice period from 60 days to 90 days if tenants are asked to vacate after their lease has expired. On the other hand, tenant groups argue that even 90 days is too short, especially in a tight rental market like we have now, and some suggest landlords should not be able to give notice without a reason. This is a good example of the competing interests I mentioned earlier. The Government believes that 90 days is a fair and reasonable period of time for tenants who have done nothing wrong in which to try to find suitable and affordable alternative accommodation. It is the same period that they have in South Australia. A number of other jurisdictions have even longer notice requirements.

It is illogical to look at the 21 days' notice required from tenants who wish to vacate and say that the bill is biased because this number is not equal with the notice that landlords have to give. They are completely different situations. All the landlord has to do is advertise the availability of the premises. Tenants, on the other hand, will need to move out of their home. They will need to find money to pay for their moving costs; they will need to look for and find alternative accommodation; and then they will need to make arrangements for all of their goods and belongings to be packed and moved. If they have children, they may also need to find a new school.

Under the existing laws landlords have to specify a precise day for the tenant to vacate. Many tenants simply wait until after that day comes and goes before they start looking for another place because if they leave any earlier they have to give their notice or pay double rent. The bill will address this issue by giving tenants the flexibility to move out at any time during the notice period. This will encourage tenants to look for a place as soon as possible, meaning that many landlords may get their property back well before the 90 days run out, or even before the existing 60 days, reducing the need for a tribunal hearing.

A further claim from real estate industry groups is that the bill somehow opens the door to the possible reintroduction of rent control. The Government does not accept that this is the case given that the excessive rent provisions largely mirror those in the existing legislation and in other States. Nevertheless, to remove all doubt, a provision has been added to the bill making it abundantly clear that the income of the tenant or their ability to afford a rent increase are not relevant factors for the tribunal to consider in deciding whether or not a rent increase is excessive.

Some submissions drew attention to what they saw as a proliferation of penalty provisions in the draft bill. This largely resulted from the bringing together of the penalty provisions from the two existing acts. Naturally, there will always be more offence provisions against landlords, as tenants who do the wrong thing are usually penalised by being evicted and there is no need to impose further penalties on top of that. However, upon further review, a number of penalties have been reduced and a number of other proposed offences have been taken out altogether, as they are no longer seen as necessary.

Those matters I have just outlined address all of the major issues identified by some landlords and agents during the public consultation period. It would be wrong to try to imply that all landlords and agents are opposed to the reforms. Positive feedback has been received from a number of landlords and agents who support what the Government is trying to do. The bill contains a range of measures to improve the rights of tenants, who include some of the more vulnerable members of our community.

Part 11 of the bill will tighten the regulation of bad tenant databases. Any person listed on a tenancy database faces great difficulty in being accepted to rent a property. Such listings should, therefore, not be made lightly or for frivolous reasons. Importantly, part 11 of the bill will, for the first time, give the tribunal power to determine disputes and make orders in respect to listings. Currently, tenants have nowhere to go if they believe they have been wrongly or unjustly listed on such a database. Tenants who are knocked back when applying for a property because of a listing will need to be told how they can go about finding out what the database says about them.

Part 11 has been based on uniform provisions developed in conjunction with all other Australian jurisdictions in recognition of the fact that tenancy databases operate across borders. The bill will also, for the first time, introduce provisions to deal with disputes between co-tenants. One co-tenant will be able to give notice to the other co-tenant and the landlord to have his or her name taken off the lease if he or she decides to move out. Under the current laws, co-tenants can remain legally liable for anything that goes wrong even years later. Victims of domestic violence in rental properties will have the right to take action to secure the premises and to seek to take over the tenancy if their name is not already on the lease. Currently, the law protects the perpetrators of violence if they are tenants—not victims—and this is clearly an unjust situation in need of reform. These changes have been welcomed, particularly by domestic violence advocates.

The bill will also guarantee the continuation of a tenancy where a tenant, having fallen behind with the rent, catches up or complies with an agreed repayment plan. This is designed to help genuine tenants who encounter temporary financial difficulties. The current law says the opposite: Payment of rent once notice has been served does not prevent eviction action from continuing. This is in nobody's best interest. It provides no incentive to tenants to try to do the right thing and pay what they owe, leaving landlords with a large debt with little chance of recovery. Tenancies that can be salvaged should be. A guarantee of continuation will reduce unnecessary terminations and homelessness.

However, the bill has been amended in response to suggestions that it could be open to abuse by unscrupulous tenants deliberately and repeatedly waiting until the very last minute before paying their rent. The

bill now gives the tribunal the power to overrule the continuation guarantee where tenants show a flagrant or habitual disregard for their obligation to pay rent on time. Section 35 will require tenants to be given at least one free and easy option to pay their rent in response to the increasing use of third party rent collection agencies imposing fees on top of the rent. This is becoming a major concern for many tenants who are often given no choice but to pay by a method that incurs the extra fee.

Section 39 of the bill will require rented premises to contain water efficiency measures before tenants can be asked to pay for water usage. This has been modelled on the Queensland tenancy laws. As tenants pay for the water they use, the Government believes it is only fair and reasonable that landlords ensure that taps, showerheads and other water fittings in the property are efficient and are not wasting water at the tenant's expense. The bill provides a 12-month transitional period for existing landlords to get any necessary work carried out. This reform reinforces the Government's commitment to water conservation, particularly when a large part of the State remains in drought. It will not impose a significant cost on landlords. While the efficiency standards will be set by regulation, it is envisaged that Sydney Water's Waterfix service, costing only \$22, would be sufficient to make rental premises water efficient.

Division 2, part 6 of the bill will ensure that any personal documents that are left behind by a tenant at the end of a tenancy, such as photographs and passports, are not simply disposed of by the landlord because they are of no monetary value. While other goods can be more easily replaced this is clearly not the case with personal documents, some of which may be of huge sentimental value to the former tenant. The bill requires that such documents be kept in a safe place until reclaimed for up to 90 days.

The bill will also reform and modernise the laws surrounding reservation fees, or what are called in the bill, "holding deposits". Proposed section 24 of the bill ensures that multiple holding deposits cannot be taken from prospective tenants for the same property. The bill will also put an end to the practice of taking such fees from people who may not have even looked at the property or formally applied. Holding deposits will be able to be accepted only once the premises can be truly reserved, when the application for tenancy has been approved by the landlord.

These are only some of the main changes in a significant reform package, which the Government believes will benefit both tenants and landlords now and well into the future. The bill is predominantly about modernising and streamlining the existing laws and addressing areas of common dispute. It is the first comprehensive revamp of the laws in more than 20 years. In the last financial year almost 45,000 tenancy matters were heard by the Consumer, Trader and Tenancy Tribunal. While this figure was down some 13 per cent on the previous year, tenancy applications still make up the bulk of the tribunal's workload, accounting for 75 per cent of all applications. There will always be disputes between landlords and tenants; that is simply the nature of the rental industry. The bill seeks to provide greater clarity and certainty on a wide range of issues, including reasonable security, access for sale purposes, the fees and charges payable by tenants, bond claims and what cannot be put in a lease. This will help to reduce disputes in these areas.

I would like to thank all individuals and groups who have taken the time to have their say during the course of the review, including the Tenants Union, the Real Estate Institute, the Property Owners Association, the Law Society of NSW, the Legal Aid Commission, Shelter NSW, the Federation of Housing Associations, the Combined Pensioners and Superannuants Association, Housing NSW, the Property Council of Australia, EAC Multilist, the Council of Social Service of NSW, individual tenant advice and advocacy services, the Consumer, Trader and Tenancy Tribunal and many others. The bill is a positive demonstration of the Keneally Government's commitment to improving the lives of the people of New South Wales. I commend the bill to the House.

Debate adjourned on motion by Mr Daryl Maguire and set down as an order of the day for a future day.

BANANA INDUSTRY REPEAL BILL 2010

Bill introduced on motion by Mr Steve Whan.

Agreement in Principle

Mr STEVE WHAN (Monaro—Minister for Primary Industries, Minister for Emergency Services, and Minister for Rural Affairs) [5.13 p.m.]: I move:

That this bill be now agreed to in principle.

The Banana Industry Repeal Bill will repeal the Banana Industry Act 1987 and dissolve the Banana Industry Committee established under that Act. The bill will keep money in the pockets of banana growers in New South Wales. New South Wales is the second largest banana producer in Australia after Queensland, producing over 17,000 tonnes of bananas in 2008-09. Banana growing occurs in two zones, the southern zone, which includes Coffs Harbour, Woolgoolga and Nambucca and the northern zone, being Richmond, Tweed Coastal and Tweed West. New South Wales production is around 6.2 per cent of the national total, which last year was around 270,000 tonnes. Nationally, the farm gate value of the banana industry is estimated at over \$300 million.

I turn to the Banana Industry Act 1987 and the review. The Banana Industry Act 1987 established the Banana Industry Committee and allowed the committee to charge banana growers to fund the provision of its services. These functions include pest and disease control, research, education and promotion. Since its commencement in 1987, the Act has been significantly amended twice, in 1997 and 2000. The amendments in 2000 altered the functions of the committee to bring them into line with National Competition Policy principles and clarified the voting rights of banana growers in committee elections. In recent years, the committee's primary activity has been the banana bunchy top virus control program in New South Wales. Bunchy top virus is a dreadful disease which almost wiped out the Queensland banana industry in the 1920s. Bunchy top is spread by infected plant material or banana aphids feeding on the plant. Infected plants do not produce bananas. They cannot be cured and must be destroyed. Without proper controls this disease can cost the industry millions of dollars annually.

I would like at this point to acknowledge the current and past members of the committee, in particular the current Chair, Mr Trevor Black, and the Chief Executive Officer, Mr Bob Campbell. I would like to acknowledge the work of the committee in funding and managing the banana bunchy top virus control program in the northern zone to keep this serious disease under control in New South Wales and to prevent it spreading to the southern growing zone. In July 2009, the committee transferred responsibility for this program to the Australian Banana Growers Council. Together with Horticulture Australia Limited, the program has been expanded into a national eradication program funded by a levy on banana growers across the country. This national levy raises approximately \$238,000 in New South Wales.

In comparison, the NSW Banana Industry Committee raises \$47,000 per annum. The committee advises that the current charges would need to be increased fourfold, to \$432, for the committee to provide an effective level of service under the Act. Since the commencement of the Act in 1987, the number of banana growers in New South Wales has declined from around 1,000 to 400. This has reduced the committee's funds, limiting the services that the committee provides. With the transfer of the banana bunchy top virus program to a national body, services once supplied by the committee to New South Wales banana growers are now being provided nationally. The Act does provide for the committee to be dissolved by poll. However, the process prescribed in the Act is lengthy and complex.

It is in this context that the Banana Industry Committee requested the former Minister for Primary Industries to undertake a review of the Act. The review by Industry and Investment NSW was undertaken in accordance with National Competition Policy principles. The review ran from August to December last year. It included meetings with industry groups, including the Australian Banana Growers Council and Horticulture Australia Limited and growers in Tweed Heads and Coffs Harbour. Twenty-one submissions on the review were received and a review report produced.

The review made a number of findings. Firstly, the review found that there was strong industry support for the Act to be repealed and for the committee to be dissolved. There was also widespread opposition to paying the Banana Industry Committee charge on top of the national levy. Secondly, the review found that the committee's functions in relation to pest and disease control, promotion, research, development and education are a significant restriction on competition and that more effective measures exist to achieve the objectives of the Act. Thirdly, the review found that there is widespread industry support for the national banana bunchy top virus eradication program and for activities run by national bodies such as the Australian Banana Growers Council and Horticulture Australia Limited. On the basis of these findings, the review recommended the repeal of the Act and dissolution of the committee by the end of the 2010 financial year.

Dissolving the committee by 1 July 2010 provides the opportunity for any remaining committee funds to be transferred to a national body such as the Australian Banana Growers Council for the benefit and development of the New South Wales banana industry. If the committee is dissolved by this date, around \$75,000 could be transferred. This bill acts on the review's recommendations. The bill will repeal the Banana Industry Act and dissolve the Banana Industry Committee. The bill also repeals the Banana Industry Regulation 2008. The Government is proposing that this will happen by 1 July 2010.

The bill also sets out the process to finalise the committee's affairs. It does this by way of amendments to the Agricultural Industry Services Act 1998. All assets, rights and liabilities of the committee will be vested in the Crown and all rights, liabilities and costs of the committee dealt with. The bill provides me with the power to transfer any remaining funds from the dissolution of the committee to the Australian Banana Growers Council or to any other appropriate person or body with functions that promote the development and benefit of the New South Wales banana industry. Further, the bill will allow me, as Minister, to appoint a person to recover fees, charges and other moneys that are owed to the committee at the time that it is dissolved. It will also require the preparation of reports and statements required under the Public Finance and Audit Act 1983.

Finally, the bill provides that no compensation is payable to any person as a result of repealing the Act or dissolving the committee. Repealing the Act and dissolving the committee will mean that New South Wales banana growers no longer have a statutory body charged with providing pest and disease control, but this does not mean that the Government is focused on pests and disease and that the banana industry is waning. Under the New South Wales Plant Diseases Act 1924, inspectors are provided with a range of powers in relation to pests and disease control. This includes serving notices on owners or occupiers of land requiring certain measures to be carried out in relation to pests and diseases.

A current order under the Plant Diseases Act 1924 provides for the treatment and eradication of certain banana diseases and pests within the New South Wales banana protected area. Further pest and disease control issues are addressed by the 10-year national banana bunchy top virus eradication program that is run by the Australian Banana Growers Council and Horticulture Australia Limited. This program is better designed and resourced than the previous New South Wales program. The Australian Banana Growers Council board of directors includes amongst its members two New South Wales directors. This is in addition to directors from Queensland and the Northern Territory or Western Australia.

The New South Wales banana industry is represented on various banana bunchy top virus program management committees, ensuring a voice for New South Wales banana growers at these national forums. This bill will remove the burden on New South Wales banana growers of paying a State charge in addition to the national levy. This is sensible, given that these charges essentially funded the same services. The bill will deliver savings to banana growers in this State and it will reduce regulation and red tape. Mr Acting-Speaker, as a member representing an area with a banana industry, I am sure that you, along with other members in the region, will take a strong interest in this legislation. I commend the bill to you and to the House.

Debate adjourned on motion by Mr Daryl Maguire and set down as an order of the day for a future day.

INDEPENDENT COMMISSION AGAINST CORRUPTION

Report

The Acting-Speaker (Mr Thomas George) tabled, in accordance with section 78 of the Independent Commission Against Corruption Act 1988, the report entitled "Investigation into a Housing NSW Officer's Failure to Declare Conflicts of Interest and Secondary Employment", dated May 2010.

Ordered to be printed.

ANZAC MEMORIAL (BUILDING) AMENDMENT BILL 2010

Agreement in Principle

Debate resumed from an earlier hour.

Mr FRANK TERENCE (Maitland—Minister for Housing, Minister for Small Business, and Minister Assisting the Premier on Veterans' Affairs) [5.24 p.m.]: As the Minister Assisting the Premier on Veterans' Affairs, I support the Anzac Memorial (Building) Amendment Bill 2010. The Government's reforms are designed to secure the future of the Anzac Memorial Building by ensuring that the relevant government resources are made available to the trust. Key among these resources will be the Department of Education and Training. This education is key to the continued involvement of future generations in the community's remembrance. The education of younger generations about the sacrifices and bravery that are at the core of Australia's military past is essential for us to effectively bequeath to them our sacred duty never to forget.

The place of Australia's military past in our nation's history is an essential component of schoolchildren's learning. New South Wales has long recognised the importance of the teaching of history in schools. Under the New South Wales curriculum it is mandatory for all students to study history to the end of year 10. The high school curriculum includes compulsory components that require students to learn about the Anzac legend and, in particular, the significance of Gallipoli, World War II and Vietnam. The Anzac Memorial Building Trust, with the inclusion of the director general of the Department of Education and Training, will benefit from the insights available from educational professions enabling the trust to build curriculum connections to the memorial and its new exhibition the Spirit of Anzac.

The Spirit of Anzac exhibition, which was opened along with the refurbished building in November last year, provides a window into the various wars and conflicts involving members of the Australian defence forces. It is a small but strategic collection of wartime memorabilia illustrating, in particular, the stories of those who served Australia overseas. The exhibition provides school groups with an opportunity to learn about the devotion of veterans and their families in perpetuating the memory of those who paid the supreme sacrifice. Through the use of audio and visual media the history, significance and meaning of the memorial building is explored, along with the broader story of Australia's military engagement through more than 100 years. Last Sunday I had the privilege of representing the Premier at the first annual Boer War commemoration service that, fittingly, was held at the Anzac Memorial.

As the State's principal memorial to all wars, it was an opportunity to ensure that the memory of battles fought and sacrifices made more than 100 years ago in Southern Africa retain their place in our remembrance of the Anzac story. The distance from this conflict could persuade some that it no longer has importance in our collective memory; that, somehow, more recent events and more well known acts of heroism should take place in our hearts. However, during the three years of the Boer War there was sacrifice on a large scale—some 600 dead and many thousands wounded. A volunteer army fought in the British Imperial Forces alongside New Zealanders, setting the foundations for the Anzac story that was to unfold at Gallipoli and on the Western Front only a few years later.

Through the involvement of the Department of Education and Training at its most senior level, strong direct links to the New South Wales history syllabus will be built across a number of learning stages, illuminating the study of Australia at war and our nation's social and cultural history in the twentieth century. In keeping with this educational focus, the Memorial Trust will have added to its powers a responsibility to contribute to the education of the community about Australia's military history and heritage. The Government also recognises the contribution that will be made by cultural institutions to the community's understanding of the Anzac legend. In particular, the State Library, through its role as a collecting institution in the years after World War I, will build on its participation in the work of the memorial.

The State Library has been a member of the memorial's Collections Committee that assisted with the preparation of material for the Spirit of Anzac exhibition and the development of the necessary curatorial, archiving and disposal regimes that are essential for any collection of significant records. In recent years the Government Architect has, of course, played a significant role, particularly through its key responsibility for the Government's refurbishment of the building. As was mentioned earlier, the restoration and upgrades have been appropriately recognised with a National Trust heritage award for 2010. By making the State Librarian and the Government Architect trustees, the Government is ensuring that senior essential resources are involved in the future strategic directions of the trust.

The reforms for the trust are the result of a thorough process of consultation, for which the Government would like to record its thanks to Mr Peter Loxton, a former director general of the Department of Arts, Sport and Recreation, and for many years a member of the executive of the Premier's Department. His consultations involved various parties, including the Leader of the Opposition, the Lord Mayor of the City of Sydney, as well as the Returned Services League and relevant government agencies.

Following these consultations Mr Loxton provided advice on governance reform to the Government. I thank the Leader of the Opposition and the Lord Mayor for their cooperation during the preparation of these reforms. Of course, I record also the Government's gratitude to the RSL President, Mr Don Rowe. His assistance in generating these reforms is duly acknowledged. The new trust will ensure an enduring and effective partnership between the RSL, the Government and the community that will prevail for the benefit of future generations.

The Anzac Memorial Building is, of course, held in trust for the community's benefit so that future generations may remember. It is a trust held on behalf of the whole community so that even with our growing

distance from the World War generations, a living memorial will continue to stand. It will stand in testimony to the stewardship of succeeding generations and to the courage and endurance of our nation's Anzac legacy. I commend the bill to the House.

Mrs JUDY HOPWOOD (Hornsby) [5.31 p.m.]: The Anzac Memorial (Building) Amendment Bill 2010 will amend the Anzac Memorial (Building) Act 1923 and related legislation to make further provision in respect of the Anzac Memorial Building. The objects of this bill are:

- (a) to make the following people trustees of the Anzac Memorial Building (in addition to the existing trustees):
 - (i) the Director-General of the Department of Education and Training, the New South Wales Government Architect and the State Librarian,
 - (ii) community representative appointed by the Minister,
- (b) to provide for a veterans' representative to be a trustee in place of the President of the T. B. Sailors, Soldiers and Airmen's Association of NSW (Inc.), at a future date to be determined by the Minister,
- (c) to remove the Chief Executive Officer of the NSW Trustee and Guardian as a trustee,
- (d) to appoint the Premier as the Chairperson of the trustees and the President of the Returned and Services League of Australia (New South Wales Branch) (*the RSL*) as the Deputy Chairperson,
- (e) to include as a function of the trustees the education of the community about Australia's military history and heritage,
- (f) to appoint the RSL as the guardian of the Anzac Memorial Building.

I shall refer to some historical facts. The Anzac Memorial Building in Hyde Park is the principal State war memorial to all Australians who served their country in war. The building, completed in 1934, is a concrete structure clad in stone, designed by C. Bruce Dellit, with sculptures by Rayner Hoff. The memorial is administered by a board of trustees appointed under the Anzac Memorial (Building) Act 1923, as amended. On 25 April 1916, the first anniversary of the landing of the Australian Imperial Forces at Anzac Cove, a fund was opened to raise money to erect a permanent memorial. By the end of the war the fund had reached £60,000. However, there was disagreement about both the form and the location of the memorial. During 1923 the Anzac Memorial (Building) Act was passed and the decision was taken to erect the memorial in Hyde Park. However, no further action was taken until after the Cenotaph had been erected in Martin Place.

Parliament sanctioned the erection of the memorial on its present site in 1929. A competition was held for the design of the memorial and 117 entries were received from all over the world. On 9 July 1930 first prize was awarded to Mr C. Bruce Dellit, and tenders were called in November 1932. Kell and Rigby Pty Ltd were the successful building contractors. Foundation stones were laid on 19 July 1932 and the building was completed in 1934. Elements of the original design had to be deleted because of their cost, but the Pool of Reflection was built when the Council of the City of Sydney was granted unemployment relief funds for cost-assistance purpose. The memorial was opened officially by Prince Henry, Duke of Gloucester, on 24 November.

I shall give a brief description of the memorial. It is located on the central north-south axis of Hyde Park south. The memorial building is raised on a square podium, which houses offices for returned service organisations. On the podium is the main circular domed hall, which is approached by wide ceremonial stairs from the north and the south. Entrances to the lower level are from the east and west. The concrete structure is clad in red granite from the Bathurst district. The building has a stepped geometric form, which is typical of the Art Deco style. The stone cladding is unadorned. Sculpture is the decorative and symbolic element of the exterior. On each face of the building is a large window with a semicircular head glazed in amber cathedral glass. The building contains much more detail that I will not refer to now.

This Anzac memorial in Hyde Park is a most important expression of the outpouring of mourning after the Great War. With the passage of time it has been recognised as a symbol of the immense sacrifices in World War II and in subsequent wars and conflicts. It stands now as a haven to the memory of all who served in the wars. It is very much loved throughout the RSL community and beyond. Obviously, it will have greater significance in the lives of young people as they learn its history.

The Hornsby electorate has a strong RSL community and issues associated with this bill were raised with me. I have a series of questions to place on the record and ask that the Minister responsible for this

legislation respond so that I may inform my electorate. It is rumored that a chief executive officer with clerical assistance is to be appointed and will occupy an office at the memorial. If this is so, will the current manager be offered the position? He has managed the memorial for the past 10 years. If not, what will be his future?

Will current staff leave, long service and superannuation be carried over to the new employer? There appears to be a strong push to establish a volunteer system for the memorial. Will this endanger any permanent position numbers at the memorial? If the current staff are placed under a new employer—that is, New South Wales—will a medical examination be required? If so, and a staff member does not meet the required standard, will that person be pensioned off or terminated? Will a position description be provided and a position offered to current staff? Advice to date is that current staff will be given six months on probation. Will the current staff be treated as spill and fill employees? Who will be the staff's employer, the New South Wales State Government or the RSL? What role will the RSL play in the day-to-day management of the memorial?

Mr Alan Ashton: Point of order: I am loathe to take this point of order, but I do not believe these questions form part of the bill. They relate more to employment. The member also mentioned some names. I seek advice on whether the member should be permitted to put the questions.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! I will continue to listen closely to the member for Hornsby. However, I draw the member's attention to the bill before the House.

Mrs JUDY HOPWOOD: I am responding to issues raised with me by members of the RSL community in my electorate relating to this legislation because the future impacts on certain existing entities are unclear. I seek to put the questions on their behalf.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! I will continue to listen closely to the member for Hornsby.

Mrs JUDY HOPWOOD: Will the appointed custodian dictate management policy? What is the defined function of the custodian? Will the hours of work change for the permanent employees? As the current staff operates on a rolling roster to cover the opening hours of seven days per week, will the staff be considered for shiftwork entitlements? Will the current on-site hours of business supervision be maintained, including management? Will on-site management have suitable authority and delegation to continue the day-to-day management of the memorial? Will the memorial space be utilised for purposes other than its current use? Will the current staff be offered training to address any current or future scenarios? I thank the House for its indulgence in allowing me to place those questions on the record. In conclusion, obviously the Coalition supports the bill. This memorial is a most important building. I congratulate everyone who had input into its maintenance and ongoing work.

Mr ALAN ASHTON (East Hills) [5.37 p.m.]: As a former schoolteacher, I am delighted to support the Anzac Memorial (Building) Amendment Bill 2010. Like many people who have visited the Anzac memorial in Sydney, it was great that when I was a teacher I was able to show the site to many students. Obviously, the Anzac Memorial Building Trust is a non-partisan body that will comprise the Premier, the Leader of the Opposition and the Lord Mayor. Originally in 1923 three returned services organisations joined them: the State branches of the Returned Sailors and Soldiers Imperial League, which is the forerunner of the RSL, as well as the Limbless and Maimed Soldiers' Association, and the T. B. Sailors and Soldiers Association. The New South Wales branches of those three associations are dedicated to the welfare of returned soldiers and their families.

I remember when I was teaching the history of World War I that my research revealed many soldiers were told that they were saving the world, saving democracy, protecting Belgium and looking out for Australia. When they came back with extensive wounds, after a year or two many people simply took no interest in them. Suddenly there were a lot of people who appeared to be handicapped, and nobody was very interested. Thank God for organisations that care for returned service men and women. The Anzac War Memorial was unique in its dual role as a place of remembrance and as a place of welfare. Returned service personnel organisations wanted both a memorial to those who had fallen in the Great War and a service centre for returned service men and women.

My remarks will be brief because time for debate on this bill is short. I note the obvious unity between the Government and the Opposition. I acknowledge the presence in the Chamber of the Lord Mayor of Sydney and member for Sydney, who also wishes to contribute to the debate. In conclusion, I reiterate my full support for the bill and note the support of the Opposition. I presume that the Lord Mayor of Sydney also will speak in support of the bill.

Ms CLOVER MOORE (Sydney) [5.39 p.m.]: The Anzac Memorial (Building) Amendment Bill 2010 changes the Anzac memorial trust to strengthen its community education role, create new positions and appoint new trustees. The new trustees will be the Director General of Education and Training, the New South Wales Government Architect and the State Librarian. As Lord Mayor I will continue as a trustee, as will the Premier and the Leader of the Opposition. The bill removes the New South Wales Trustee and Guardian from the trust and provides for the replacement of the T. B. Sailors, Soldiers and Airmen's Association of New South Wales representative, when that organisation relinquishes its position.

The Anzac Memorial is not just a magnificent structure—although it is arguably one of the finest examples of Art Deco design in Australia. Most importantly, it is a tangible expression of our respect and recognition for all Australians who have served their country in war and during peacekeeping operations. It is almost impossible for us to imagine the experience of serving in war. Many people have their lives cut short and others are irreparably damaged. Even those who survive relatively unscathed—if anyone can survive unscathed from war—are often marked by the experience. Service men and women continue to represent Australia in hostile and dangerous conflicts. The memorial serves as an important reminder of the sacrifices that Australian service men and women continue to make for our country.

On 25 April 1916, one year after the Gallipoli landing, a fund was opened to raise money to build a permanent memorial to those who served in World War I. Construction began in 1932 and the building was opened in 1934. It is important that we treasure and protect this important memorial. I strongly support its listing on the State Heritage Register. The memorial holds a small collection of memorabilia donated by the public and by service associations, covering each conflict Australians have fought in from the Boer War to the present. The memorial helps to educate the public about Australia's military history.

The New South Wales Parliament appointed trustees for the Anzac War Memorial in 1923. I support this update with the addition of new trustees to help with the trust's strengthened role of community education. The memorial is located at the south end of the central walkway of Hyde Park, which is the city's central green open space and important parkland. I have some concerns about discussions to locate an education facility below the memorial because of potential impacts on access to parkland, which already is limited in the inner city. It would be more appropriate to find a suitable site that is adjacent the park and that has pedestrian links to the memorial. The Anzac Memorial is a Sydney icon that honours the courage and commitment of our service men and women. I commend the bill to the House.

Mr GRAHAM WEST (Campbelltown—Minister for Juvenile Justice) [5.41 p.m.]: My contribution to debate on the Anzac Memorial (Building) Amendment Bill 2010 will be brief, bearing in mind that the time available for debate is short. I place on record my congratulations to the RSL, the T. B. Soldiers, Sailors and Airmen's Association and the many public servants in New South Wales who have been involved in restructuring the trust. I also thank the Council of the City of Sydney for its continued involvement. The Anzac Memorial building is an extraordinary structure. Anyone who has stood in the main hall and looked down to the Anzac Memorial Pool of Reflection, around at the walls, and then up to see a star for every person who fell, would know that a visit to the memorial is an incredibly powerful and moving experience. The building deserves our protection. It deserves to be visited much more by people. I hope that this bill will go a long way towards achieving those objectives.

Mr JOHN WILLIAMS (Murray-Darling) [5.42 p.m.]: I speak briefly in support of the Anzac Memorial (Building) Amendment Bill 2010. I congratulate the RSL on its role. There is no doubt that commemorating the battles of the World War I are very important to our culture and to shaping future generations. Young people should be reminded of what happened in the past. Commemoration of 100 years since the invasion of Gallipoli will occur in 2016, and that will be a very important event, in particular for young people. People in my age group certainly have links to battles of the past through relatives who served in World War I. Two members of my family gave me a very strong link to the events of World War I.

Although I heard stories at a young age but may not have fully understood the complexity of battles of World War I, over time I have taken the opportunity to read about the personalities of the people involved and some of the events they experienced. There is no doubt that the culture of Australia has been forged by what happened at Gallipoli and during World War I battles in Europe. Apart from other important reasons for upgrading the Anzac War Memorial as an edifice, it stands as a constant reminder for people of the origin of the spirit of Anzac.

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [5.43 p.m.], in reply: I thank all members who participated in the debate to express support for the Anzac Memorial (Building)

Amendment Bill 2010. The bill will ensure that New South Wales has a professionally curated memorial in the heart of Sydney that will provide essential community education about Australia's military history and heritage well into the future. Given the number of questions asked by the member for Hornsby and the member for Ryde, as well as the time constraints, I will take the questions on notice and request that the Minister provide answers to them in due course.

In conclusion, I thank the Opposition and the Lord Mayor of Sydney for their support for the bill. It is always heartwarming when partisanship can be put to one side for this type of legislation and consensus in supporting reforms for the future of New South Wales can be reached. This bill will ensure that the legacy of our brave service men and women and the spirit of mateship emblazoned on the souls of all who lived through times of war in our history will live on in the hearts and minds of future generations of Australians. 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.

PRIVATE MEMBERS' STATEMENTS

GOULBURN ELECTORATE JOBS

Ms PRU GOWARD (Goulburn) [5.45 p.m.]: The prospect of the New South Wales budget next week has inspired the subject of my private member's statement. It is not that I intend to delve into the murky depths of New South Wales finances—certainly, in such shark-infested waters, I might never re-emerge!—but rather to put on record some local economic issues. While these are of deep concern to my community, they are also part of our State's regional development. Goulburn stretches for over 130 kilometres along the Hume and Federal highways. It is well connected to Australia's three most important cities and is also blessed with a rail line. It is not much of a passenger service, but the infrastructure certainly is there. With decent investment, it would make the Goulburn region an excellent place in which to live and do business. It would also take the pressure off Sydney and drive economic growth. That is what the Southern Tablelands should represent to this Government: an opportunity, not a problem; a place in which to invest, not to take. But that is not what is happening.

Two local businesses—the UGL Limited workshops in Goulburn and Bradken Resources in Braemar Avenue, Mittagong—are about to close their doors, putting more than 100 people in the electorate out of work. Both businesses have been impacted by State Government's lack of interest. As a result, more families will join the unemployment queue. I have spoken in this place about UGL Limited's workshops and the failure of the Government to develop a sensible leasing arrangement with Australian Rail Track Corporation Ltd [ARTC], a failure that has left 60 jobs on the line. The Government could quite easily help by reviewing its decision not to assist with the extension of the lease offer that was originally made to UGL.

Bradken, a company located at the opposite end of my electorate, has been driven to the wall by contracts going to China. Since Bradken's major clients are State governments, it is fair to lay part of the blame at the doorstep of the Keneally Government which, among others, wants work done in China, where the hourly rate, so I believe, is \$2.50. While the company is doing everything it can to relocate its workers, it is highly likely they too will join the unemployment queue at a time when food, energy and housing costs are escalating.

The subject of penny pinching at community expense brings me to the Bowral Courthouse. In 2005, when the State Labor Government in its wisdom transferred all court proceedings to the Moss Vale Court House—hastily slamming the Bowral front door for good—the local community and Wingecarribee Shire Council saw an opportunity to improve local cultural facilities. The community, council and individuals, such as my predecessor, Peta Seaton, and me, asked the Labor Government to ensure that this beautiful heritage

building remain in the hands of the local community. But the Government said no, and in a money-grabbing frenzy it insisted that the courthouse be sold to the highest bidder, which it was on the weekend just past, injecting nearly \$1 million into government coffers.

I cannot help wondering where that money might end up. Dare we hope that it could somehow find its way into the Goulburn electorate, perhaps into the cash-strapped Bowral Hospital, possibly putting an end to the letters that are being sent to patients telling them to go away and find another hospital to do their eye operation or joint replacement operation as Bowral Hospital simply does not have the time. We all know that Bowral Hospital has the time; it has the operating theatres, the specialists and the staff all ready to go. What it lacks is funding. Why should people leave their local area and their local well-equipped hospital to have an operation elsewhere?

Then there is the plight of Divalls Earthmoving company, which wrote to the Australian Rail Track Corporation in October 2007 for a lease on an ARTC-managed siding in North Goulburn. In November 2007 Divalls received an acknowledgement of that letter and now, some three years later, despite providing the required \$220 administrative fee, it is still waiting for an actual reply as to whether it will be granted a lease, which is strategically important in Goulburn. It would enable the establishment of a waste transfer and recycling centre in the city—a wonderful facility for Goulburn that would create much-needed jobs for local residents, to say nothing of contributing to the stewardship of the environment. I will attempt to remain optimistic that next week's State budget will address any or all of the issues I have mentioned this evening, but realistically, and on past performance, I cannot hold my breath. I hope that at least the Treasurer will not have the temerity to re-announce, yet again, that a new police station will be built in Bowral.

WASTE RECYCLING

Mr RICHARD TORBAY (Northern Tablelands—Speaker) [5.50 p.m.]: One of the intractable problems facing communities today is recycling the huge amount of rubbish we generate. Councils are under pressure through the State's Waste Avoidance Resource Recovery Strategy 2007 to reduce the amount of municipal waste and commercial and industrial waste going to landfill by 66 per cent and 63 per cent respectively by 2014. On the positive side, there is a lot of evidence that householders are improving their recycling practices. In Armidale the amount of domestic recyclables collected has been rising at about 10 per cent a year. However, until recently it was not the same story with waste from Armidale's industrial, demolition and construction sites. To encourage business to pre-sort their waste, Armidale Dumaresq Council imposed a cost of \$162.50 a tonne for unsorted waste. This will increase to \$180 a tonne in the near future. The charge for disposal of waste that has been sorted is less than half that amount.

The measure encourages on-site recycling and reduces materials going to landfill. It has also helped Armidale to cap the volume of waste going to landfill at approximately 15,000 tonnes per annum, despite population growth and unprecedented construction activity over the past few years. Reducing landfill disposal rates even further continues to be a challenge, and it is being greatly assisted by an innovative, unique and entrepreneurial business relationship. This week I visited the Material Recycling Facility at the Armidale Waste Transfer Station—the only one of its kind in regional New South Wales. The Material Recycling Facility, run by Jeff and Annette Ridley, is an offshoot of their successful industrial skip bin business. Their company has leased land from Armidale Dumaresq Council at the transfer station for the past three years and initially used it to recycle the contents of their own skips from building and industrial sites in the city. They have four trucks and 280 skips, which generate a considerable volume of waste. Their waste diversion rate from landfill is currently around 66 per cent and is expected to improve.

As their techniques and equipment for separating metal, paper, glass, plastic and other materials improved they entered a new arrangement with Armidale Dumaresq Council, which is undergoing a three-month trial. Now all trucks arriving at the transfer station with loads of suitable commercial waste are diverted to the Material Recycling Facility. The recycling activity has been stepped up and 12 people are employed to sort the waste that formerly went straight to landfill. The financial charge for trucks with unsorted material remains at the penalty rate and the Riddleys receive a share of that fee to finance their activities. The outcome benefits both parties—Armidale Dumaresq Council, which is under pressure to limit the volume of waste to landfill, and the company, which can expand and extend its activities that include developing purpose-built equipment. It is the only partnership of its type known to exist in regional New South Wales, and it is delivering excellent results halfway through the trial period.

Speaking with the Riddleys and with Mike Porter and Dr James Turnell from Armidale Dumaresq Council, I found that the key to the success of the partnership has been goodwill on both sides, excitement about

the opportunity to develop innovative waste management processes and a commitment to high industry standards. Compared to many similar operations, it is low cost. Other councils have spent millions of dollars on expensive plant and equipment that return nothing like the steady results emerging from this business relationship in Armidale. It is a model well worth exploring. Plans are now in the pipeline for Armidale to initiate a weekly collection of food waste with other green waste from households to convert into compost using an inexpensive process currently being promoted by the Department of the Environment, Climate Change and Water.

Armidale Dumaresq Council already converts green waste into mulch, which it sells back to the community. The council has been a leader in environmental practices for many years. Its effluent reuse farm recycles the city's sewage to irrigate and fertilise 200 hectares of land that now produces lucerne hay, cattle and timber. It saves the council money in load-based licensing fees by removing more than 4,000 kilograms of phosphorus that would normally be discharged into the local river catchment. As an operation it breaks even, but it is the environmental benefits that are of paramount importance and the reason why Armidale won a major award for engineering excellence not long ago. The council's environmental initiatives, plus the successful collaboration with Ridley's Material Recycling Facility, focus on delivering good environmental outcomes, sound business practice and implementing a sustainable local solution to a problem affecting communities across the nation.

OUR KIDS AND OUR HOUSE PROJECTS

Mr THOMAS GEORGE (Lismore) [5.55 p.m.]: Today I report on a great community day held in Lismore last Friday. It was a great win for the community when the Our House project was announced and the appeal was launched. I am proud to be a member of the board of the Northern Rivers Community Cancer Foundation, which is headed by Chris Ingall, a local paediatrician who has dedicated his life not only to the children in the area but also to health services. He started an organisation called Our Kids to support children's services at Lismore Base Hospital. He then decided that accommodation was necessary. Back in 2004 an integrated cancer unit for Lismore was announced. We got the board up and running to create accommodation.

I first spoke to Minister Craig Knowles about Chris's dream and we started to look for accommodation. We found a building owned by the North Coast Area Health Service that is located across the road from the unit. Finally, the Minister for Health signed over the building in the past month. The building cost \$1 million, and the State Government provided funding of \$500,000, which the community appreciates. In 2004 the then cancer Minister, Frank Sartor, visited Lismore to announce the Integrated Cancer Unit. The community thanks all the cancer Ministers who have assisted with the project, including Jodi McKay. Chris had a vision, and was encouraged by the local oncologist, Adam Boyce, who is also a member of the board. The community has continued to support the project.

Recently we received a Federal Government grant, which will help the project get underway, and the community appreciates that. Rebekka Battista is the coordinator for both the Our Kids and the Our House project. The community appreciates the job that Rebekka does and thanks her for that. The Chief Executive Officer of the New South Wales Cancer Council, Andrew Penman, attended the community day in Lismore last Friday and provided funding of \$500,000. The community expressed its appreciation to Andrew and the Cancer Council. When we launched the Our House project we needed \$25,000 to get the board up and running, and the Northern Cooperative Meat Company was only too pleased to support us with that. That funding kept us going over four years, until we received other funding.

Recently the Goonellabah senior citizens approached me when they decided to sell their own building and put part of the proceeds towards a project in Lismore. They decided on the Our House project, spoke to Chris Ingall and donated \$180,000. There will be a dedication to them, and they are very pleased about that. This is a win for the community. It is planned to have a new area of cancer accommodation across the road from the integrated cancer unit. People in Lismore will probably not use the accommodation as they will go home each night but people from Grafton to the border and Tenterfield to Ballina on the coast will be able to avail themselves of the facilities.

The board will continue to try to raise more money for this project. Our community was very proud at the launch last Friday of what started off as Chris Ingall's vision, and was supported by oncologist Adam Boyce. We are very honoured to have medical support staff for oncology services and we are waiting for the opening of the new cancer clinic in Lismore in the next couple of weeks. It was a proud day for us all on the launch of Our

House, and a day that the community has been looking forward to since 2004. I know the community will continue to raise money. My sister Ester Mason has raised more than \$50,000 in memory of her late husband Garry Mason. I know members of our community have been touched in some way by cancer.

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [6.00 p.m.]: As the Irish proverb says, it is in the shelter of each other that the people live. I congratulate the people of Lismore on this wonderful initiative that was supported by their committed local member. I pay special tribute to the Northern Cooperative Meat Company and Goonellabah senior citizens, who are typical of many of the people of Lismore in donating their time and money to assist those who will travel from outside Lismore to use these facilities. I have known Dr Chris Ingall since we were in year 4 at school, and I pay tribute to him because he is a fine paediatrician and a wonderful community leader. He is an example not just to our profession but also the wider community. Lismore is very fortunate to have Adam Boyce as its oncologist. He is also famous around Australia for his commitment and clinical skills.

This project has been a textbook example of successful community lobbying. The mantra of being reasonable, realistic and persistent was followed well by the people of Lismore. Our House is their lasting memorial. Good luck with the fundraising and with the future of Lismore. They have shown the way for all of us and this is a wonderful achievement by everybody involved. On behalf of the Government I congratulate them on what they have done.

CABRAMATTA VIETNAMESE COMMUNITY

Mr NICK LALICH (Cabramatta) [6.02 p.m.]: On Saturday 22 May 2010 I had the pleasure of attending, at the Vietnamese Community Centre in Bonnyrigg, part of a year-long program of events to celebrate the thirty-fifth anniversary of the arrival of Vietnamese people in Australia. It was a great pleasure to attend the event with my State colleagues, the member for Smithfield, Ninos Khoshaba, and the Hon. Barbara Perry, my Federal colleagues, the Hon. Laurie Ferguson, the Hon. Jason Clare and Chris Hayes, and my Fairfield council colleagues, Deputy Mayor Anwar Khoshaba, OAM, Councillor Denis Huynh and Councillor Nan Tran, and the Mayor of Bankstown, Tania Mihailuk.

I also had the pleasure and honour of unveiling the plaque alongside Mr Than Nguyen, President of the Vietnamese Community in Australia [VCA], NSW Chapter, Mr Phuong Nguyen, President of the Vietnamese Community in Australia, and Mr Tri Vo, a former president of the VCA, NSW Chapter. Mr Tri Vo was the architect of the monument and had the carriage of the project and the duty of bringing it to fruition. Mr Tri Vo brought the project in on time and on budget and everybody was happy with the finished product. Also present were former and current presidents and board members of Cabramatta community clubs and serviceman's clubs.

Since settlement in Australia, the Vietnamese community has continued to grow and prosper in many ways. This can be seen within my electorate of Cabramatta by the many business, social and academic achievements of the Vietnamese community. The Cabramatta and the Fairfield local government areas are home to roughly 25,000 people of Vietnamese background. Our community is the most ethnically diverse and culturally rich community in Australia, made up of more than 130 different nationalities. I have the pleasure of working closely with our Vietnamese community.

Part of the thirty-fifth anniversary celebrations included the unveiling of a memorial monument. The idea of having a monument for Vietnamese refugees in Australia, particularly in New South Wales, started in 2005. Fairfield City Council and I assisted in processing the development application for the construction of the monument. The monument has four sides to commemorate the Vietnamese community, the Royal Australian armed forces, the Army of the Republic of South Vietnam and Vietnamese refugees in Australia. Many people gave the ultimate sacrifice to uphold the ideals of freedom and democracy which we in Australia value so much. As the member for Cabramatta I am proud of how my local community embraces its many diverse cultures and the people who have come from all over the world to make Australia home.

Also on the day of the celebrations the Federal member for Reid, Laurie Ferguson, and the Hon. Jason Clare gave their impressions of the resource booklet which was launched during the ceremony. With the title "About the Vietnamese Australian Community", the booklet provides a history of a nation that reaches back some 4,000 years. According to legend the Viet nation was founded by King Hung of the Hong Bang dynasty in 2879 BC. The booklet tells us of the French colonisation and domination in 1859. After World War II the country was divided into two zones, Communist north and Nationalist south, the two zones separated by the Ben Hai River. It tells of the tragedy of the Vietnam War, with the loss of so many innocent lives, and the friendship

and support of the Australian armed forces in their fight for freedom and democracy, and finally their arrival in Australia and the long road to establishing their place in this country and expressing their everlasting thanks to Australia and its people.

Cabramatta is so fortunate and thankful to have communities such as the Vietnamese that have contributed their culture and traditions to our city. I offer my congratulations to the VCA and the Vietnamese community as a whole on their thirty-five years of contribution to Australian society and the local community of Cabramatta. I look forward to working with them in the future and to continuing to grow our working relationship.

PENRITH AND PARRAMATTA DISTRICT COURTS

Mr GREG SMITH (Epping) [6.07 p.m.]: I refer to the movement of the District Court from Penrith and the imminent movement of the court transcription services from Penrith to Parramatta. It is a feature of a city to have courthouses of its own. In Sydney's west there were three District Courts at Penrith, four and sometimes five at Campbelltown, two at Liverpool and four at Parramatta. Parramatta now has eight District Courts. It was always the intention, as mentioned to prosecutors who worked in the area and those who worked in the office of the Director of Public Prosecutions in the west, that Supreme Courts would be permanently based at Parramatta. For some reason the Government has not insisted on that occurring and it is said that judges do not want to go there. I personally do not believe that that is a ground for any such activity.

Mr Robert Coombs: Point of order: I hope that this is in relation to the electorate of Epping?

Mr GREG SMITH: No, it does not have to be.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! I remind the member for Epping that his private member's statement should relate to his electorate.

Mr GREG SMITH: I can make a private member's statement on these matters. The people of Epping come to Parramatta District Court as jurors and I am entitled to speak on things that cover other areas as well.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! The member for Epping will speak within the standing orders. He should have said that he was speaking further to the point of order. A private member's statement must relate to the member's electorate. I have yet to hear how this issue affects the member's electorate. I ask him to bear that in mind.

Mr GREG SMITH: I will bear that in mind.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! The member for Epping will show a bit more respect for the Chair.

Mr GREG SMITH: I am sorry if I showed any disrespect; it was not intended. The people of Epping are concerned that the Parramatta District Court is not operating efficiently because it has too much work. Long trials coming from Penrith and Campbelltown, where there used to be district courts, are now being bogged down. They used to get on much quicker at Penrith and Campbelltown. The inefficiency of moving courts to Parramatta affects people in the whole of Sydney's west and north-west, and constituents of mine have complained to me about the length of time it takes to get matters on at Parramatta. They are concerned that the Supreme Court, which was supposed to be at Parramatta, is not there and that the Attorney General has washed his hands of his responsibility when dealing with public infrastructure, that is courthouses, and millions of dollars have been spent not only at Parramatta but at Penrith and Campbelltown, and that money has been wasted by the fact that cases are being moved to Parramatta.

People who come to Parramatta from all over the place have to pay expensive parking fees. People coming from some areas have to travel on the same trains as people who are facing charges, or their relatives, which is most undesirable. It is a much more efficient use of the resources of this State, something that the Government still has not learned after 15 years in office, to centralise courts in areas where people live, where the accused live and where the witnesses live. That has not been practised by this Government because it suits the Government to have a Taj Mahal at Parramatta for the District Court and it suits the Government to let judges have their own way and to ignore areas such as Penrith and Campbelltown. Despite the fact that local members were asked to fight for this issue, they failed to do so. I can assure the people of Epping, Penrith, Parramatta and Campbelltown that as shadow Attorney General I will review this situation and I will fight—

ASSISTANT-SPEAKER (Ms Alison Megarritty): Order! A member's private member's statement should relate to his electorate, not stray into shadow portfolios. I ask the member for Epping to confine his remarks to his local community's concerns, not to election commitments.

Mr GREG SMITH: I dissent from that ruling. I suggest that the precedents show that you are allowed to speak about matters in your shadow portfolio.

ASSISTANT-SPEAKER (Ms Alison Megarritty): Order! No, that is clearly not the case.

Mr GREG SMITH: Many members are allowed to do that.

ASSISTANT-SPEAKER (Ms Alison Megarritty): Order! That is not within the standing orders.

Mr GREG SMITH: Nevertheless, the people of Epping are concerned that this wastage is going on. When Epping misses out on infrastructure—it does not get any parking for commuters; that is given to the west—we get nothing. We just pay lots of tolls. This Government has failed in its duty to the people of Epping, the people of Penrith, the people of Campbelltown and Liverpool and everywhere else where there were district courts and where now there are only really district courts for trials at Parramatta. It is a disgrace.

ASSISTANT-SPEAKER (Ms Alison Megarritty): Order! I refer to a ruling of Speaker Rozzoli—who some may recall was a fairly tough Speaker—dated 14 September 1988. He said:

... the type of matter raised perhaps in a member's capacity as a shadow minister would generally be outside the spirit of a private member's statement.

I hope that clarifies the matter.

WALLSEND DIGGERS CLUB

Ms SONIA HORNER (Wallsend) [6.12 p.m.]: What institution in the Wallsend electorate has stood the test of time? Nay, not only stood the test of time, but flourished over the years and been a backbone of the local community? This month the Wallsend Diggers Club celebrates 50 years—five decades—on its current site in Tyrell Street, Wallsend. Built to give support for returned soldiers and to provide a social outlet for the community, the original club was founded in 1955 by the RSL Sub-branch and was situated in the old council chambers in Cowper Street. By the 1960s the Sub-branch had outgrown its premises and needed to find a bigger venue. The decision was made to build a club of their own. It was a move that was also more inclusive, as you will see. The *Newcastle Sun* reported in June 1960:

At the old Council Chambers women were banned on Friday and Saturday nights due to the large membership and small premises.

The new club was state of the art and cost £110,000 to build—not an untidy sum in 1960. How impressive was that? It had a fountain in the foyer, a library and a barber shop. Even more impressive was the decision to allow women to enter the club! Brigadier J. James (ED) Commander of the 1st Royal Australian Armoured Corps officially opened the building on 10 June 1960. When the doors were opened for the first time, Wallsend RSL boasted a membership of 1,900. Today its membership stands at almost 17,000.

Central to the club's ethos is to give back to the community. One of its first acts, after opening the doors of the new premises, was to pledge more than £40,000 to improve the district sporting fields. I struggle to get my head around the enormity of that donation to the community. That was equivalent to \$80,000 in 1960. I cannot imagine what that would be worth in today's terms. The club's generosity to the community continues. Only last year the club donated almost \$102,000 to the local community under the Community Development Support Expenditure scheme and the recipients of this support were many and diverse.

Sporting clubs, Lifeline Newcastle and in the Hunter, Wallsend Area Community Carers and the Australian Drug Foundation are but a few of the organisations that have benefited from the generosity of the club. I am sure it will be no different this December when the club again hands out cheques to worthy local community groups. I do not know if anyone is keeping count of just how much the club has given to the community, but let me assure you it runs into the millions of dollars. This sum, I should remind all, does not include the in-kind donations that the club makes every year.

The club has never lost sight of what the name on the door is all about, and the support and counselling that is given to returned service personnel. Alan Hunter, Don Sheldon and Richard White deserve special

mention for their continuing commitment to the welfare of our returned soldiers. Here is not the place to discuss the horrors of war or to speak of those who have made huge sacrifices—there are other forums for that—but I am sure that the ex-service personnel who frequent the club are glad to have a place where their deeds will be forever recognised on a daily basis. I, as an individual and a parliamentarian, have the honour of recognising this club in the House today.

The club also supports Vietnam veterans in a practical way, by providing office space and supporting them with their charity days. At this moment Australia has soldiers in the battlefield, so this kind of support will be needed in the future. I have no doubt that the Wallsend Diggers Club will continue to support our armed forces. Let me congratulate the club on this wonderful milestone. I am sure it will continue to give the same wonderful service to the community that it always has.

SOUTHERN RIVERINA RED GUM FORESTS

Mr JOHN WILLIAMS (Murray-Darling) [6.17 p.m.]: Last week I visited the southern Riverina end of my electorate, for the first time since the passing of legislation that has locked up a major part of the southern Riverina red gum forests. I can only say that the feeling there was one of sheer devastation. I take this opportunity to read into *Hansard* a media release put out by the Wakool mayor:

'WE ARE OF NO CONSEQUENCE': WAKOOL MAYOR ON REDGUM BILL

Wakool Shire Mayor Cr Rod Chalmers has condemned the NSW Government's decision to close over 107,000 hectares of River Red Gum Forests as of July 1.

The bill was passed in the early hours of Thursday 20 May 2010 which will now see the implementation of National Parks across the Riverina area and the cessation of current logging operations as of the end of June.

Cr Chalmers said no consideration has been given to the communities who rely on Red Gum Forests as key parts of their town's industries.

'I don't know why they even bothered to talk to our communities during the assessment process as what we say, and our people, are regarded to be of no consequence.'

'This decision is not even about the environment; for the sake of green preferences in inner city Sydney, local communities in the Southern Riverina have now been destroyed.'

'After putting in an enormous effort to put forward truthful and logical arguments we have been totally disregarded in this one-sided decision,' Cr Chalmers said.

Since the release of the report in December, Wakool Shire have been advocating to various levels of Government to review recommendations and to visit the areas affected so as to understand implications of any decisions made.

'Dr Williams from the NRC assured us we would get a fair go, however he's integrity must be questioned when he put his name to a report full of half truths and sixty percent inaccuracies,' Cr Chalmers said.

NSW Premier, Kristina Keneally recently declined a request to meet with collective councils regarding this issue.

'It was pure arrogance on behalf of our Premier for not even acknowledging our submissions and our concerted efforts to meet with her. She is only the Premier for people in Sydney not hard working families in our region.'

'It's just disappointing - we felt that she may have had enough influence to make some changes, but again we have been sidelined,' Cr Chalmers said.

The Redgum review process has both Campbell's Island and Koondrook Pericoota forests remaining as State Forests which will ensure that some forestry will continue in the area.

'This is the one positive for Wakool Shire's Timber Industry in this whole mess, but the permitted forestry operations will no doubt be at a greatly reduced yield rate.'

'There are definitely some big changes ahead.'

The pitiful compensation package is not adequate enough to support timber mills let alone support our communities to adjust to this change.'

'Our Community now needs to support our local timber industry as we go through this inevitable change brought on by the NSW Labor Government.'

'We will be doing all we can to continue to make the NSW Government accountable for this disastrous decision and ensure that adequate assistance is provided to help our communities deal with the social and economic consequences,' Cr Chalmers said.

There is no doubt that for people to say that they are of no consequence is a huge concern to me as a local member representing the people of my electorate, but I think it pretty well sums up the feeling of people there that they have been totally ignored in this decision. The fact is the decision has been made and it is now left to people like me and Councillor Chalmers, the Mayor of Wakool Shire, and the mayors of the other shires affected to try to clean up the mess, re-establish community morale and look to the future. Without a doubt this decision has had a devastating impact and I do not think anyone can gauge how far-reaching it will be but, based on the Yango decision in Balranald, every indication is that it will take some time for the consequences to be felt.

RESIDENTIAL CCTV SURVEILLANCE

Mr TONY STEWART (Bankstown—Parliamentary Secretary) [6.22 p.m.]: I bring to the attention of the House significant concerns about the use of closed-circuit television [CCTV] surveillance cameras to spy on residential neighbours. On March 17 of this year I received a call from a constituent, Ms Elaine Stewart, who lives in Saurine Street, Bankstown. Ms Stewart advised my office that her neighbour had placed surveillance TV cameras around the perimeters of his property and pointed a number of the CCTV cameras directly into windows and the backyard of her residential premises.

At the time I thought that this would be a relatively simple issue to resolve; that is, if somebody is photographing or filming through the windows of your private home, or into your private backyard, this would be illegal. As a consequence my office sought the advice of Bankstown police on this matter. Police attended the address in question in Saurine Street, Bankstown, on several occasions attempting to speak to its occupiers, a Mr and Mrs Bem, who were totally uncooperative and rude and refused to allow police to view their CCTV footage or to participate in an interview with police. Police then interviewed surrounding neighbours and viewed firsthand the problems they were experiencing regarding CCTV cameras from the Bem residence being focused into their private properties and living areas. Police who spoke to these neighbours advised as follows:

Police have seen both cameras and taken photographs of the way the cameras face and how it impedes the lifestyle of the victims.

Police went on to report:

All the victims are suffering some form of stress, anxiety, scared, uncomfortable, and a general feel of them being intimidated by the persons of interest.

The victims are the neighbours surrounding the Bem residence. The police went on to say:

There are numerous children that come and go from each location as they swim in backyards and play. The victims do not allow this anymore since the cameras were installed.

Victim 4—Used to sunbake with her mum in the backyard. This has since stopped since the persons of interest put the cameras up.

Victim 4 has also put up a \$500 curtain so that the persons of interest cannot look in her lounge room.

This is ridiculous. The camera is actually focused from a residence into somebody's lounge room. Victim 3, another neighbour, does not allow his daughters aged 13 and 17 to go outside as previously they used to walk around comfortably in clothes like nightgowns. Also the camera faces in the direction of their toilet and therefore this toilet is not allowed to be used anymore because of the surveillance cameras used by their next-door neighbour. Police say victim 2 does not wear any short clothes anymore and dislikes hanging her underwear outside due to the camera facing right into her backyard. She does not go outside either to have a barbecue or a cup of coffee as she used to. Police say that victim 1, another neighbour, has a swimming pool that her grandchildren came and used on a weekly basis. The kids are all under five and usually wear just their Speedos. This has ceased since the cameras were installed. The police conclude:

It is evident that the actions of the persons of interest—

that is, the Bem residence—

has caused a great deal of stress on the neighbours who have resorted to calling police.

Astonishingly, despite the diligent work of Bankstown police on this matter and the obvious reality that residents are being spied on by a neighbour from hell, police have discovered that they have no legal powers to prevent this from happening under current laws in this State. This is because there is a loophole in the law, which does not allow police to treat such behaviour as a criminal act rather than a civil issue. I am advised that

the issue I have described is not an isolated matter and that with recent technology CCTV surveillance equipment is now readily and cheaply available for domestic use. Put to its proper application, that is to enhance domestic security needs, this is something to be applauded. But in the case I have described, along with many other similar cases that I have learnt about, this is a blatant and potentially dangerous use of CCTV technology and a direct invasion of residential privacy.

I have spoken to the Attorney General's Office about this matter and it has been very helpful and supportive. Also, Bankstown police have been, as always, absolutely fantastic, spending a lot of time with affected neighbours and my office over what should have been a simple issue. Given this situation, along with such surveillance becoming a growing community problem, I am now proposing to the Attorney General, John Hatzistergos, that the Government introduce a bill or an amendment to close this loophole and make it a criminal act for a person to use surveillance cameras to oversee neighbours' properties without their permission. Of course, police action would be exempted. The rights of the people in our neighbourhood are paramount and I will be doing everything possible to uphold them.

DUBBO DENTAL SERVICES

Mrs DAWN FARDELL (Dubbo) [6.27 p.m.]: At long last I can stand in this House and speak positively about rural dental services in my electorate. After years of funding neglect from both State and Federal governments, long waiting lists, horror stories of dental patients having to wait for months or even years for treatment, and the inability of health services to attract dental staff west of the Blue Mountains, some relief is finally in sight. I am pleased to advise the House that as a result of a joint venture between Charles Sturt University, Sydney University and the Greater Western Area Health Service, construction of an integrated, state-of-the-art dental training clinic in Dubbo is well underway and should be completed by August, and will be fitted out ready for occupation by the end of the year.

For the past 30 years or so the Dubbo Dental Unit, which began as a school dental clinic, has operated out of a small cottage attached to Dubbo South Primary School. As members can imagine of such an old building, facilities were terrible—outdated, overcrowded, with poor equipment. This made it difficult to attract staff, both dentists and dental therapists, and the clinic has regularly struggled to provide proper dental health care. Access was also a major issue as the adult patients all hold a health care or pension card and many have limited mobility. To give members an idea of how busy this clinic is, last year almost 5,000 appointments were made, with just over 4,000 of those kept. Given that there are only four dental chairs in the clinic and last year the equivalent of only one full-time permanent dentist, it is a tribute to members of staff that they managed to treat so many people.

The clinic also has a dental prosthetist who works two days a week making dentures, and it should have four dental therapists but basically it has only one who managed most of the child appointments. For about 10 years the Dubbo Dental Unit has been looking for a new home with suitable access. When Charles Sturt University announced it was establishing a satellite dental clinic in Dubbo, local staff members immediately recognised a great opportunity. Indeed, when they heard that the University of Sydney planned to send dental students to the Charles Sturt University clinic in Dubbo for hands-on training, they positively rubbed their hands in glee at the thought of a single dental clinic offering student training and access to dental treatment under the one roof.

All they then had to do was convince the State Government that a collaborative venture was needed to provide one outstanding facility rather than three smaller, separate ones. Fortunately, the Government agreed and NSW Health provided \$4.1 million to help build the facility, which will contain six dental surgeries and eight dental chairs for teaching. This means that each student can treat his or her own patients and there will be flexibility between teaching and practising. Even better for the people of my electorate, there will be a 50 per cent increase in capacity from the old dilapidated building. Just as importantly, it means that students from the University of Sydney can live at the clinical school across the road and, under the supervision of Charles Sturt University staff and suitably qualified dentists, gain practical experience while reducing the waiting list for public dental treatment.

At the same time, this state-of-the-art facility will make it easier to recruit dentists west of the Blue Mountains, who are happy to see patients for three days a week and to tutor for the other two days. With its new \$20 million theatre already attracting leading plays and concerts, a reasonably affordable housing market, and great lifestyle and professional opportunities such as those that I have just outlined, I have no doubt that dentists and dental therapists will soon be lining up to make the move to Dubbo to advance their careers.

A number of local staff have made this vision a reality. I wish to congratulate in particular Jenni Floyd, Area Manager of Oral Health Services with the Greater Western Area Health Service. I also mention Marj Bollinger from the Rural Dental Action Group who has worked tirelessly for many years for better dental health services in country areas. While all this is great news for Dubbo, there are areas in my electorate where dental services are still inadequate. Currently, there is a limited dental service at Forbes, Condobolin and Parkes, where dental therapists can treat children, as their dental problems tend to be less complicated than those of older people. However, the recruitment of staff is an ongoing issue. Currently, the position at Condobolin is vacant and the dental therapist from Cowra visits the town once a fortnight, but that is of little help to those older people who cannot afford to visit the town's one private practice dentist.

There is a voucher system or, to use its correct name, the Oral Health Fee for Service Scheme, whereby the Dental Health Service can refer patients on the waiting list to a private practice dentist. However, this is an expensive drain on the service's limited budget and, in country towns, often there is a long waiting period to see the private dentist anyway, so it is not particularly practical. Similarly, the Federal Government's enhanced Primary Care Scheme, or the Medicare Dental Scheme, as it is more commonly known, is supposed to provide public dental assistance, but because it is not means tested this scheme is a free-for-all which, I believe is costing the Rudd Government more than the proposed Commonwealth Dental Health Plan was supposed to do. It means that the local GP is the gatekeeper to these dental services, often resulting in treatment for those who can afford to pay but do not have to get help, and those who cannot afford dental treatment having to go without, which is clearly unacceptable. The Government will have to re-think its approach to public dental services in the future. I am pleased to say that it needs to look no further than the collaborative model in Dubbo to find at least a partial solution.

ITALIAN REPUBLIC DAY FESTIVAL

Mr NINOS KHOSHABA (Smithfield) [6.32 p.m.]: I take this opportunity to inform the House of the recent Italian Republic Day Festival held on Sunday 30 May at Club Marconi in my electorate of Smithfield. The birth of the Italian Republic marks a special place in Italian contemporary history. It is the day that marked a new beginning for Italy and Italians all over the world—a beginning that made Italy one of the key players in Europe, not because of its politics but because of its people. It is within this spirit that Italians all over the world celebrate the day Italy became a republic, and what better place to celebrate that important occasion than at Club Marconi.

When Club Marconi hosts an event it really knows how to put on a show. The festival attracted more than 18,000 visitors who enjoyed a mixture of food stalls, radio stands, car shows and entertainment centred on an Italian theme. In addition, the fireworks display attracted families from all across Sydney who viewed a night-time spectacular that has now become a yearly tradition. The Premier of New South Wales, the Hon. Kristina Keneally, along with my parliamentary colleagues Mr Nick Lalich, Mayor of Fairfield and the State member for Cabramatta, and the Hon. Joe Tripodi the State member for Fairfield, attended the festival. Also in attendance was the Leader of the Opposition and several councillors from Fairfield City Council, to name but a few.

Furthermore, I also acknowledge the Italian Consul General Dr Benedetto Latteri, the Hon. Marco Fedi, a member of the Italian Senate, the chief executive officer of the Italian Chamber of Commerce, Mr Nicholas Care, and Mr Enzo Luongo from the Italian Government Tourist Office. I appreciated their attendance at, and their support for, the festival. It is only fitting that I commend the Italian community for its contribution to our local community and country. Since arriving in Australia the Italian community has gone from strength to strength. It has helped to build our fine country and it has contributed to our cultural identity. This contribution stems from food, fashion, technology and, most importantly, the people.

I also acknowledge the sporting rivalry between our two nations. That rivalry will forever be cemented in that last-minute penalty goal scored by Francesco Totti for Italy against our Socceroos in the 2006 football World Cup. But that was four years ago and we definitely have our eyes on Italy's title in the upcoming World Cup in South Africa. With local heroes such as Brett Emerton, David Carney, Tim Cahill, Harry Kewell and Mark Schwarzer, I am sure that we have a good chance to do well. I also commend Club Marconi and the organisers for their great work in making the festival a great success. In particular, I acknowledge the hard work of Club Marconi President Mr Tony Campolono and the club's board of directors, who really went above and beyond the call of duty to ensure that the festival was a success.

Club Marconi has a strong history in our local community. Since its establishment in 1956, Club Marconi has been a place where Italians could be proud of their heritage and equally proud of the people and

nation that gave them a new home and future. Having said that, Club Marconi has always welcomed and encouraged people from different backgrounds to be part of the club. I have always had a close relationship with the Italian community and when I was growing up I spent a lot of time at Club Marconi. Many members know that my wife Angela is of Italian background and, therefore, my three children—Alyssa, Briannah and Anthony—are proud Australians who are also part Italian. I know firsthand the culture and traditions that the Italian community has shared with this wonderful country. Italian Republic Day is an important day in my family's diary.

In closing, I thank all those families who supported the Italian Republic Day by attending, and I congratulate them on teaching their children and grandchildren the Italian culture and traditions. I also congratulate the many families from non-Italian backgrounds who showed their support by attending the festival. I am proud of the direction in which our community is heading and I look forward to attending more festivals as the years go by.

JABULANI CHALLENGE

Mr JONATHAN O'DEA (Davidson) [6.37 p.m.]: The colony of New South Wales shared much with South Africa in its early days when a large number of immigrants from Britain settled in both the Cape colonies and the colonies making up present-day Australia. Shipping to Australia was mostly via the Cape of Good Hope and there were strong trade links between Britain, South Africa and Australia. These days few, if any, travellers to Australia round the Cape, with a recent notable exception—as the Minister for Ports would be aware—being Jessica Watson in her yacht *Ella's Pink Lady*. Both South Africa and Australia share dry, barren continents that demand understanding of, and care for, the environment.

In various respects over the past century our two countries drifted apart. Difficulties in developing political systems and climate have been harsher to the citizens of South Africa than to Australia. As the years progressed, largely due to political considerations, the ties between our countries reduced. However, in recent years many ties between our respective countries—Australia and South Africa—have been re-established or strengthened and new ones created. Reflecting this trend is the existence of an annual bush run in my electorate of Davidson—the Jabulani Challenge. It raises money to assist struggling citizens in the township of Kayamandi in South Africa. The run consists of two categories involving distances of 26 kilometres and 42 kilometres. Runners pay an entrance fee and obtain sponsors to support their cause.

Over the past five years the run has been organised by a group of Davidson residents concerned about the plight of people in Southern Africa. On Sunday 25 July 2010, the Jabulani Challenge run will again raise funds for the school in Kayamandi. I have advocated previously for citizens and the Government to better understand and look after local environmental areas in Davidson. These include Ku-ring-gai Chase National Park, Blue Gum High Forest, Garigal National Park, St Ives Showground area, Narrabeen Lagoon catchment area, Davidson Park and Duffys Forest vegetation areas. The run proceeds through many of these areas in northern Sydney and past the largely unrecognised bend in Middle Harbour Creek called Bungaroo where Governor Philip camped in 1788 on one of his first trips out of Sydney Cove.

Kayamandi has a population of 30,000 comprised of displaced people from rural areas. Life there is only marginally better than the areas from which they fled. Conditions are difficult, with high unemployment and poor local infrastructure. The Davidson-based Jabulani group sees the most immediate need as providing food for schoolchildren who do not receive sufficient nutrition and sustenance. This in turn leads to a better ability to learn. Education is proven to be one of the best ways to lead poorer communities out of poverty. The Stellenbosch Community Development Programme is a local community run charity in Stellenbosch, and children are the focus of its work.

Through the Jabulani sponsorship this charity feeds hundreds of children every day. This helps children to learn more effectively at school instead of sitting in class with an empty stomach. Two full-time care workers provide health support, monitoring and assessing children's health and nutritional status. The program supports and assists orphans and families headed by children, and children with HIV-AIDS. Monthly food parcels are provided for families who cannot afford to feed themselves, and families are educated and assisted to establish vegetable gardens and in craft making.

In these ways the Jabulani Challenge each year helps to provide funds for hundreds of children to receive three meals a day at school. I commend the efforts of the local volunteer organisers including Graeme Elgie, Damian Tynan, Geoff Lovell and Geoff Carrick for their efforts over the past five years. This year they

hope to raise a total of \$100,000, including generous contributions from corporate sponsors such as Macquarie Bank, Staminade and iSolutions. Next month, I plan on running at least part of the 26- or 42-kilometre Jabulani course for this excellent cause in support of the kids of Kayamandi.

Mr Phillip Costa: I'll sponsor you.

Mr JONATHAN O'DEA: I acknowledge the forthcoming sponsorship from the Minister for Water. It is gratefully accepted. In the meantime, this month we will witness the football World Cup in South Africa. The ball being used in the World Cup is manufactured by Adidas, which, coincidentally, is called the Adidas Jabulani. Let us hope the Jabulani Challenge is as successful as the World Cup promises to be. Any additional sponsorship of this other Jabulani-related sporting event would be welcome, including from Adidas.

PUBLIC EDUCATION DAY

Mr PAUL McLEAY (Heathcote—Minister for Ports and Waterways, and Minister for the Illawarra) [6.42 p.m.]: On Thursday 27 May I celebrated Public Education Day at a dinner held by the New South Wales Teachers Federation. The evening brought together parents, teachers and principals from approximately 100 public schools across the Illawarra. It promoted the achievements of public education students and staff in our region, and encouraged greater support from all levels of government for better investment in public education. It was a great opportunity to meet in a social setting over dinner with local teachers, parents and supporters of public education to celebrate achievements and to discuss the needs, hopes and aspirations of our public school communities.

Welcome to Country was performed by Keziah and Zachary Bennett-Brook, followed by a formal welcome and introduction by Nicole Calnan, who is the Regional Organiser of the New South Wales Teachers Federation. We then heard an inspiring speech by Keziah Bennett-Brook of Keira High School, who clearly expressed the virtues and values she saw in public education. She explained the long history of her family with public education as well as the breadth and depth of her involvement. Certainly, this young lady is an inspiring speaker with a lot to say and will make a magnificent contribution to public life if she chooses. We were then entertained by a fantastic musical interlude by Stefan Rusbourne and Ruth Baker of Bulli High School playing guitar and singing great songs, demonstrating some of the training they received through the public education system.

We heard also from Sally Ray, who is the regional parents and citizens association president. She told us of her involvement and why she remains so active in that movement even though her children have left the public education system. Sally stays because she understands the experiences obtained from working with passionate people and also because she can provide assistance to others. Maurie Mulheron, who is the New South Wales Teachers Federation executive member, introduced Chris Bonner, one of the keynote speakers. Chris is co-author of *The Stupid Country: How Australia is Dismantling Public Education* and is a well-known public education supporter and activist. He gave what could be described as a confronting speech about the need for governments to do more.

We then enjoyed a gentle rest with Chloe Dibbs of Wollongong High School, who sang beautifully. The other guest speaker was Jo-anne Schofield, Executive Director of Catalyst Australia. She spoke on public education and its role as a cornerstone in bringing about a socially just society. Gary Zadkovich from Bulli zone carried out the final formality of the evening. Gary is the Acting President of New South Wales Teachers Federation. He wrapped up the meaning of the night, outlined what we hoped to get from the night and detailed the way forward for public education. He explained the roles of the different players and congratulated all who attended, and then cut the cake. Gary is a strong advocate of public education. It was great that someone from the Illawarra was at the event. He also talked about the great history of activism in the region.

I was able to talk briefly to Jane Pretty, Sue Scott and Tracy Davies from Waniora Public School, and also touched base quickly with Aaron from Thirroul parents and citizens association. I provided him with an update on his claim for a community building partnership and assured him that \$9,500 will be coming to his school for its canteen. I talked also to Bruce Sanders from Bulli Public School, who tells me that by the end of this year 40 per cent of this 50-year-old school's teaching area will be less than five years old. This demonstrates clearly our investment in our local public schools. Finally, I remind members that last year the Minister for Education and Training held a forum for all principals in my area. Later this month I will be hosting a forum for parents and citizens associations within my electorate of Heathcote to meet the Minister to talk directly with her about their needs and aspirations and how we can help them continue to serve their local school communities.

Private members' statements concluded.

COMPANION ANIMALS AMENDMENT (OUTDOOR DINING AREAS) BILL 2010

Message received from the Legislative Council returning the bill with an amendment.

Consideration of Legislative Council's amendment set down as an order of the day for a future day.

The DEPUTY-SPEAKER: It being almost 7.00 p.m., the House will now proceed to the matter of public importance.

KINGSGROVE TO REVESBY RAIL QUADRUPLICATION PROJECT**Matter of Public Importance**

Mr ALAN ASHTON (East Hills) [6.49 p.m.]: I ask the House to note as a matter of public importance the Kingsgrove to Revesby quadruplication rail project. Certainly, this project is important to me, but I am sure it is equally important to members representing many of the electorates through which the project runs. They include parts of Bankstown, Menai, Oatley, Lakemba and Kogarah. Bankstown certainly is affected, if not directly, because although some patrons travel south to use the East Hills rail line, many travel north to use the Bankstown rail line. The New South Wales Government's \$2 billion Rail Clearways program is progressing well, with many projects already complete and providing benefits to the people of New South Wales. Members know that the program is designed to simplify the metropolitan rail network by separating the existing 14 CityRail lines into five independent lines.

For too long Sydney rail lines have resembled a spaghetti system without appropriate links to make it work as well as needed. Separating the lines will provide many advantages, which has been recognised by both sides of the House. Some projects that have been completed include turn backs at Berowra, Bondi, Macdonaldtown and, of course, in my electorate at Revesby, as well as the Hornsby platform No. 5 and stabling, Macdonaldtown stabling facility and, most recently, the Cronulla line upgrading and duplication project, which was commissioned in April.

One of the largest rail clearways project is the \$774 million Kingsgrove to Revesby quadruplication project. I emphasise that the cost of the project is \$774 million. It is important to emphasise that point at a time when it has become almost a cliché to suggest that the Government is not investing enough in infrastructure and does not get on with completion of its projects. The Government has allocated \$774 million to important projects. That is real money for real work, and it is happening now.

Work on that quadruplication project is well underway, and I know that for two reasons. First, I catch trains as often as possible. Second, my electorate office is less than 100 metres from the Revesby railway station. It is easy for me to go down to the railway station, take the lift, and have a look along the tracks to see the work that is taking place. The project involves construction of two additional rail tracks between Kingsgrove and Revesby. The tracks will pass through the Padstow, Riverwood, Narwee and Beverly Hills stations. The project also includes construction works at the Revesby station comprising completion of a new concourse, installation of a fourth lift—the station already has three lifts, which is great—and extension of the footbridge onto the new concourse.

One of the key benefits of the quadruplication project is that the additional capacity will create four additional services on the line. Recently an additional service began at Revesby. Fast trains come through and stop at Revesby and all-stations train services start at Revesby. Consequently, my electorate needs additional car parking spaces. Work has already begun at the Revesby shopping centre precinct on construction of a massive car parking station that will provide an additional 750 spaces. The construction program will mean additional all-stop and express services on the East Hills line. Current commuters will experience fewer difficulties when travelling by train to the city as a result of the provision of additional car parking spaces and additional train services. An additional benefit of the project will be that the improved facilities and services will attract more people to public transport. The upgraded services represent yet another project being constructed by the Government as part of its 10-year \$50 billion fully funded Metropolitan Transport Plan.

But the project is not as simple as laying two extra sets of tracks. It also involves the construction of 10 new rail bridges, modification of five existing rail bridges, installation of a number of noise walls to protect local residents, and associated work on the rail system. Currently all trains using the East Hills line share the two

tracks between Kingsgrove and East Hills. This constraint, combined with the high frequency of services and numerous stopping patterns, means that any delay to one service often causes delays to subsequent services. The two additional tracks will allow the separation of local all-stops services from express services on the East Hills line. That will greatly benefit not only commuters in my electorate but also commuters in the Menai electorate, Oatley, Lakemba, Kogarah and Bankstown.

Since construction on the project commenced in 2008, a number of works have been completed. They include the relocation of signalling infrastructure and the majority of major piling and bulk earthworks in the rail corridor; extension of a local road underpass in Narwee; the Webb Street underpass that will provide sufficient room for the additional two tracks across Salt Pan Creek, which is the boundary between my electorate and the Oatley and Lakemba electorates; replacement of two sections of the Bonds Road Bridge to provide sufficient room for the additional tracks; commuter car parks in Tooronga Terrace and Morgan Street at Beverly Hills to provide 19 additional car parking spaces; and significant critical work on King Georges Road bridge, which is one of Sydney's busiest roads, to enable two additional rail lines to pass underneath. I know the member for Menai will support construction of an additional commuter car park in Padstow, which formerly was part of her electorate, to replace some of the car parking spaces that were lost to accommodate widening of the rail corridor.

Extensive community consultation has been undertaken in preparation for changes to traffic and pedestrian access as part of the critical works on King Georges Road, Davies Road, which comes into my electorate, and right through to Bridge Street and Memorial Drive. Public consultation included regular community information sessions and forums. I received briefings at least every six weeks from the Transport Infrastructure Development Corporation to keep me up to date with all the work that is being done. The corporation also delivers information by letterboxing in my electorate to provide details on different aspects of the work that may affect my local community.

I acknowledge and appreciate that, in the short term, commuters will suffer some unavoidable dislocation and inconvenience caused by bridge works that will force closure of parts of Davies Road and Memorial Drive. Obviously, for the rail corridor to be widened, the bridge either has to be widened or dismantled and replaced. The work will necessitate some traffic being redirected. However, it has been very pleasing for me, when I visit local shops and meet people in the local community to express sympathy for dislocation being caused, that virtually everyone to whom I speak is completely impressed by the works being undertaken.

While I recognise that work needs to be done in other areas of Sydney, as members of the Opposition may wish to point out, I assure the House that throughout my electorate and in the Menai electorate, work on significant projects is being done. Infrastructure funds are being spent on important community projects. At times when people remark on four railway stations in my electorate competing against each other, I reflect on how fortunate I am that my electorate has four railway stations whereas some electorates would appreciate having three, two, or even one. I will have more to say on that topic during my reply.

Ms GLADYS BEREJIKLIAN (Willoughby) [6.56 p.m.]: I thank the member for East Hills for providing the Opposition with an opportunity to contribute to this important discussion. I am very pleased to convey to the House research that came to my attention after I became aware of the topic for discussion. I checked my files and, sure enough, I found a press release issued by the former Premier, Bob Carr, on 7 April 2004 containing a line item about the clearways plan. I agree with the member for East Hills on one point he made—the importance of clearways project and the need to ensure that the project in all its aspects comes to fruition.

The press release issued by the former Labor Premier in 2004 has a line item in the clearways project about the Kingsgrove to Revesby quadruplication. However, interestingly enough, the press release states that the project will comprise the addition of four tracks at an estimated cost of \$230 million and with an estimated completion date of 2009. That tells us that the project not only is nearly four years late—even the Government's updated website states that the project will not be completed until 2013—but also is more than triple the original cost stated by the Government in a press release in 2004. To be precise, the project has blown out in cost by 336 per cent, which is more than three times the original cost. Instead of the project consisting of four additional tracks, it has been pared to two additional tracks, and completion date has blown out from 2009 to 2013. All these facts are verifiable by reference to information on the public record.

Former Premier Carr's press release referred to the Kingsgrove to Revesby quadruplication and stated that the project would consist of four additional tracks at a cost of \$230 million and that the scheduled

completion date was 2009, but a more recent document published by the Government states that the Kingsgrove to Revesby quadruplication project will provide two additional tracks. The project has been scaled back from four additional tracks to two additional tracks at triple the cost and completion of the project will be four years later than forecast. That is hardly a record of which the Government may be proud, notwithstanding the importance of the project. The Opposition has no qualms about acknowledging the importance of the project. We appreciate, and have always emphasised, that meeting deadlines for the clearways project was absolutely essential. However, the timeframes for each aspect of the project unfortunately reveal that some parts of the program have fallen off the agenda and have been cancelled.

All other existing projects are running over time and over budget. Unfortunately the matter that has been brought to the attention of the House by the member for East Hills is but one example of the Government's failures. I refer to publicly available information from the major construction company involved in the project. The company confirms that the start date of the project was May 2007, but the updated website completion date is January 2013. That information is yet more confirmation that the project is four years late, given that the former Premier, Bob Carr, initially announced that it would be completed in 2009. When the Opposition sought documents under freedom of information in September last year, which shows how important we regard the clearways program generally, the eleventh project out of 15 projects was the Kingsgrove to Revesby quadruplication. Last year we were informed that the project was under construction and would be completed by 2012.

The cost as at 30 June 2009 was \$189 million, which represents what had been spent, and the estimated final cost is \$774 million. The Opposition does not have up-to-date information. The most recent information we have is dated June last year. Unfortunately it could be the case that costs have blown out even more. However, the information shows that between June last year and June this year the completion date blew out by at least a year. The most recent information available to the Opposition puts completion date at 2013, but a document the Opposition obtained under freedom of information legislation suggests that the completion date will be 2012. Regrettably, the project keeps falling behind. The Government does not dedicate adequate resources to the project, and the budget has blown out massively by more than 330 per cent.

The Government's website and the Transport Infrastructure Development Corporation information website show the works that are intended to occur in June this year. There is a long list of projects. Again, unfortunately, all indications are that even the January 2013 date could be at risk, given further delays anticipated on the project, according to the Government's websites. The Coalition regards the issue raised by the member for East Hills as important. I acknowledge that all the electorates and communities referred to by the member for East Hills will benefit from the completion of this project. When the project is finally completed it will provide important services not only to those electorates within which the quadruplication has occurred. The point of the Clearways Program is to untangle the existing rail network so that a train breaking down on one line does not stop trains travelling on other lines.

This issue is important. As the shadow Minister for Transport I have been extremely vigilant about the Clearways Program. Indeed, the Coalition issued a press release on 30 October last year with an update on the Clearways Program, and the first item mentioned was the Kingsgrove to Revesby quadruplication project. Unfortunately for the member for East Hills, of the Clearways projects undertaken so far, the project with the greatest blow-out in cost and time delays is the Kingsgrove to Revesby quadruplication. In our press release issued on 30 October last year we highlighted the cost and time blow-outs and, regrettably, the Kingsgrove to Revesby project had the greatest cost blow-out of all the Clearways projects.

Mr Alan Ashton: Pity I didn't see it.

Ms GLADYS BEREJIKLIAN: I have.

Mr Alan Ashton: I said it's a pity I didn't see it.

Ms GLADYS BEREJIKLIAN: I am sorry. I am on the record as commenting on this project last year, and I reiterate that this is an important transport issue. Regrettably, the cost blow-out and delays highlight the Government's incompetence in being able to deliver public transport projects on time and on budget. Since the time of former Premier Carr's press release to today we have seen a massive blow-out in costs and time delays, which impact on all commuters throughout New South Wales. I thank the member for East Hills for raising this important issue.

Ms ALISON MEGARRITY (Menai) [7.03 p.m.]: The New South Wales Government is delivering the Rail Clearways Program, which, when completed, will simplify the operation of Sydney's existing complex rail network, improving capacity and service reliability. The program is designed to simplify the metropolitan rail network, recognised as one of the most complex in the world, by separating the existing 14 CityRail lines into five independent lines. A number of significant projects have been completed, including turn backs in key locations across the network, as well as the Cronulla duplication. The official opening of the \$344 million Cronulla rail duplication was held just one month ago. The full duplication of the rail line between Cronulla and Sutherland fulfils the Government's election commitment and is the largest single investment in public transport infrastructure in the history of the Sutherland shire.

As the member for Miranda recently advised the House, this project generated about 3,000 jobs during construction and included 6.6 kilometres of new track. A new timetable for the Cronulla line will be introduced in December, and the duplication will make a real difference to commuters with a doubling of services between Cronulla and Sutherland in the morning peak, off peak and on weekends. Obviously, many Menai electorate constituents travel on the Cronulla line. However, many other constituents residing in the Sutherland shire and in the Liverpool local government area use the East Hills line. For instance, thousands of my constituents access the East Hills-Macarthur line at Holsworthy railway station. Just before Christmas—indeed, it was a wonderful early Christmas present—I was delighted to deliver a new multi-deck commuter car park at Holsworthy station.

This \$13.2 million project has increased the number of commuter car spaces at Holsworthy to 1,175. Other features include a passenger lift with access to all floors, a pedestrian bridge linking direct to the station concourse from an upper level, extensive new lighting and closed-circuit television, together with an open design to enhance visibility and security, and a bridge linking the old and new car parks. Indeed, this is the second car park the Government has delivered for Holsworthy commuters. The new car park is located next to the existing facility, and is delivering twice the number of additional spaces promised at the last State election. But wait, there was more: We delivered twice the number promised and finished the project well ahead of schedule.

In further good news, the interim car park, built while the new one was being constructed, was sealed with line markings and lighting as part of the project, and has remained for the benefit of people using the sporting facilities in the Hammondville Park sports complex nearby. The new Holsworthy car park and the Kingsgrove to Revesby quadruplication project are just two examples of this Government's significant commitment to this dedicated passenger line. I emphasise for members that it is a dedicated passenger line. The reason I emphasise that tonight is that members would be aware that the Federal Government announced in the recent budget a scoping study and a further commitment to the development of a freight intermodal facility at Moorebank, which is physically located closer to Wattle Grove.

Unfortunately, some people are saying that freight will travel along the East Hills line—the railway line we are talking about tonight—to access that facility. It is physically impossible, and the argument totally negates the reality that the Federal Government and the Australian Rail Track Corporation are building the southern Sydney freight line for that purpose. They are building a line that stretches from Macarthur to Sefton; if that intermodal facility proceeds it is the intended link across the Georges River, not to the East Hills passenger line, despite what people may be saying. It is simply impossible, and this Government has put too much investment into this dedicated passenger line to allow anyone to run freight on the East Hills line. I cannot answer for what the Coalition might do, but that is certainly the Government's commitment.

It is good news that the major construction on the quadruplication project is continuing, and we have two additional tracks between the stations running through Padstow, Riverwood, Narwee and Beverly Hills. It is great that commuters and the local community have been kept informed. I take this opportunity to pass on the thanks of the people who have been patient while this important project was being constructed. It is important that we remember that many of these benefits will be realised when the new trains start running on these lines in 2013, and a new timetable will be introduced to deliver the benefits of the Kingsgrove to Revesby quadruplication project. It is a massive investment by this Government, and I look forward to updating the House in the future.

Mr ALAN ASHTON (East Hills) [7.08 p.m.], in reply: I thank the member for Menai for her support. I thank the shadow Minister for Transport and member for Willoughby for her comments. I will have to take umbrage—I say "umbrage" because I used to be on Bankstown City Council with a mayor who used to talk about "umbarge". He was famous for saying "taj bazaar" instead of Taj Mahal. For the record, Ray McCormack

was a great left Labor guy. Interestingly, Ray and I met the Queen in 1980. Thirty years ago Bankstown was declared a city—the mayor, a council officer and I took the decision while in a tinny on the Georges River. We got to meet the Queen. My wife and the Queen both wore green. I do not know whether that was a good move.

I take issue with the comment of the member for Willoughby that Bob Carr announced the project and therefore it can only be spin. If it were only spin, why is the project being built now and two-thirds finished? In addition, the member quoted a figure of \$230 million. The computer needs updating and retooling—I do not profess to be an expert on computers. The member for Willoughby referred to a figure of \$233 million. I said it was \$774 million. I think there has been a bit of discounting and accrual accounting. Perhaps an accountant can explain it. The project is not four years late. The Government announced that the quadruplication project would be built. Often, future start dates are fluid to ensure that proper research is undertaken and people are advised.

It was always a \$500 million operation from day one, something that everyone in my electorate knew. I would know the figure because it is in my electorate. On top of that is the Revesby turn back at \$100 million, quite separate to the quadruplication which included three lifts, extra railway lines, a couple of million dollars worth of relocation of drains, gas pipes and the like. That is when there is what is called a blow-out of figures. There is no way it has blown out by the amount of millions of dollars referred to by the member for Willoughby, but 336 per cent sounds a lot. I appreciate she was doing a good job.

This project is not four years late. I made sure that we talked to the community and that people understood. The electorates of Kogarah, Lakemba, Oatley and Menai were very much affected by the plan at the time. We must not forget Alford's Point Bridge, the Bangor bypass, the Woronora Bridge and the billions of dollars spent looking after the people in the Sutherland shire. We wanted to bring them through into my electorate so they could catch trains at Revesby and Padstow and use the lifts. It is all good money for everybody. People often do not appreciate that you cannot make an omelette without breaking a few eggs—that is old expression, but it is true. This work is more than two-thirds finished. Whether it is opened in January 2013, December 2012 or earlier—

Mr Daryl Maguire: Or later!

Mr ALAN ASHTON: No, it will not be later. In the unlikely event that the Coalition opens it, I hope that the member for Menai, the member for Wollondilly and I will be invited to attend. We will survive, but we want to be invited. Four extra tracks were never promised. It is called the Revesby to Kingsgrove quadruplication.

Ms Gladys Berejiklian: Bob Carr said it!

Mr ALAN ASHTON: Bob made mistakes in his life. That would have meant there would be six tracks. There were never going to be six; there were to be four. That is why it is called a quadruplication. It has already got two tracks, and there would be two more.

Ms Gladys Berejiklian: Bob said four extra!

Mr ALAN ASHTON: Bob might have said four extra. Let us call that a typo. The Stasi obviously did not get on to him that day and say, "Hang on. You can't say that, Bob. Four extra means six, and in six years time the member for Wagga Wagga and the member for Willoughby will say you were going to have six tracks." We do not need six. We are not greedy out our way, are we?

Ms Alison Megarrit: No.

Mr ALAN ASHTON: But we will take four. We already have two. We are going to get two extra tracks. That is what a quadruplication is. The member for Menai, the member for Wollondilly and I will take \$774 million out our way any time. I thank members for their support.

Discussion concluded.

**The House adjourned, pursuant to standing and sessional orders, at 7.13 p.m. until
Thursday 3 June 2010 at 10.00 a.m.**
