LEGISLATIVE ASSEMBLY

Thursday 13 October 2011

The Speaker (The Hon. Shelley Elizabeth Hancock) took the chair at 10.00 a.m.

The Speaker read the Prayer and acknowledgement of country.

PLUMBING AND DRAINAGE BILL 2011

Bill introduced on motion by Mr Anthony Roberts.

Agreement in Principle

Mr ANTHONY ROBERTS (Lane Cove—Minister for Fair Trading) [10.00 a.m.]: I move:

That this bill be now agreed to in principle.

I am pleased to introduce the Plumbing and Drainage Bill 2011. Members may recall that a similar bill was introduced in this place at the end of last year by those on the other side of the House. Whilst Labor's bill was no doubt well intentioned and had merit, it was introduced in some haste without adequate industry consultation. Upon becoming Minister for Fair Trading one of my first priorities was to ensure that these reforms were re-examined and that further consultation took place with industry. As a result, this bill is an improvement on what was introduced last year by Labor.

The intent of the bill is to simplify what is currently a complex and fragmented system that is confusing and costly for industry. At present more than 100 separate bodies are responsible for regulating on-site plumbing and drainage work in New South Wales and each of these regulators requires compliance with its own local standards. The bill will establish a new regulatory framework with a single regulator and a single set of nationally consistent technical standards. It will provide a better regulatory system to the 17,500 plumbers working in New South Wales through the following key reforms. Firstly, responsibility for regulation of on-site plumbing and drainage work will be transferred from water utilities and local councils to NSW Fair Trading. Secondly, compliance with prescribed standards for plumbing and drainage works as set out in the Plumbing Code of Australia will be required. Thirdly, a risk-based inspection regime will be introduced across the State allowing the regulator to target compliance efforts at plumbing activities that pose the greatest risk to consumers and public health and safety.

A considerable amount of stakeholder consultation has been undertaken during the development of this bill. This consultation began in 2008 when the Better Regulation Office called for public submissions as part of its review of the plumbing regulatory framework. Sixteen submissions were received in this process, including submissions from water utilities, TAFE New South Wales, the Local Government and Shires Associations of New South Wales and the Master Plumbers Association of New South Wales. The final report of the Better Regulation Office released in 2009 called for the establishment of a single agency to take on the functions of standard setting, on-site regulation and licensing for plumbing and drainage work in New South Wales. The report also recommended the adoption of the Plumbing Code of Australia as the single technical standard in New South Wales.

Following further consultation with key stakeholders on how to best implement the recommendations, the Keneally Labor Government introduced a bill to this place in late 2010. As I stated earlier, this bill was introduced in a bit of a rush at the end of the year and stakeholders did not receive adequate time to provide input into the bill. This year I have undertaken further extensive consultation as part of developing a new and revised bill. Key stakeholders were given four weeks to consider the draft bill and provide comment. Stakeholders were also offered the opportunity of meeting with NSW Fair Trading to discuss aspects of the bill in further detail. Additionally, a number of stakeholders met with my office to discuss matters relating to the bill. Many stakeholder suggestions have been reflected in reviewing and revising the bill.

I believe that key stakeholders have been provided with ample opportunities to have their say about the bill. I am also confident that the views and concerns expressed by all stakeholders have been carefully

considered in the process of finalising the bill. However, I understand that, unfortunately, the Master Plumbers Association of New South Wales is not entirely happy with the bill. Governments often find themselves faced with the prospect of making reforms that do not please everyone. As we are all aware, these situations arise for a number of reasons: perhaps there has not been adequate consultation, perhaps the reforms proposed are wrongheaded, or perhaps the reforms are being rushed through. Let it be clearly understood that this is not the case in this instance.

The bill does not propose flawed policy; it proposes commonsense changes that will not result in major changes for plumbers on the ground. Rather, it will result in a less complex, more straightforward system of regulation of plumbing and drainage work in New South Wales. Instead of a proliferation of regulators, there will be just one. Instead of a convoluted technical standard that is applied inconsistently across the State, there will be one national standard that has the same effect in Bourke as it does in Burwood. It proposes no change to the current licensing framework for plumbers and other tradespeople. I ask the Master Plumbers Association of New South Wales to rationally see these reforms for what they are and to cease confusing and alarming stakeholders on unrelated issues.

This bill merely seeks to implement the recommendations of the Better Regulation Office review of which the Master Plumbers Association claims to be supportive. If the Master Plumbers Association supports the Better Regulation Office review recommendations, it should immediately stop telling its members that this bill will lead to changes in the licensing framework for plumbers, as it simply will not. It is difficult to conceive that any reasonable person could find fault with the reforms proposed in this bill. I am determined not to let one stakeholder's campaign, based on false premises and self-interest, bring this bill down. I will now outline the elements of each part of the bill. Part 1 establishes the new regulatory regime defining the "plumbing regulator" as the Commissioner of Fair Trading.

NSW Fair Trading is part of the Department of Finance and Services and will be responsible for the implementation and administration of the Act. The types of work that are defined as "plumbing and drainage work" are set out, ensuring that work on drinking water and sanitary drainage systems, which has particular risk to public health is regulated, while work that does not pose a high public health risk, such as stormwater drainage, fire suppression systems and roof plumbing, continues to be excluded. Under this framework NSW Fair Trading will be responsible for regulating plumbing work from the point of connection to a water supply—generally the mains, a recycled water device or other water system—through to the discharge point—that is, taps.

NSW Fair Trading will also be responsible for regulating drainage installations from fixtures such as toilets and drains to the point of connection to a sewerage system provided by a water utility, common effluent system or on-site wastewater management system. The new regulatory framework will not create any new regulatory responsibilities for stormwater drainage or on-site wastewater management, which will continue to be managed by local councils and network utility operators.

In addition, part 1 identifies the person responsible for complying with the regulatory requirements as the plumber who does the work, not the person or company that contracts for the work. This means that NSW Fair Trading will be able to link the work to the licence number of the plumber. If an apprentice does the work, the plumber overseeing them will be responsible for making sure that the work is done in accordance with the regulatory requirements.

Part 2 sets out the general requirements of the regulatory regime. This includes replacing the New South Wales Code of Practice for Plumbing and Drainage with the performance-based Plumbing Code of Australia as the technical standard in New South Wales. The Plumbing Code of Australia provides a more flexible outcomes-based approach and allows for new and innovative alternative plumbing solutions. By adopting the code, nationally consistent technical standards will apply across the State. This will also position New South Wales to easily adopt the Council of Australian Governments National Construction Code in late 2012.

It is important to note that, while there are these differences between the Australian and New South Wales codes, both codes are based on the Australian standard for plumbing and drainage. The practical impact on industry of changing the technical standards will be minimal, but it will remove the conflicting local variations that currently exist.

The adoption of the Plumbing Code of Australia will ensure also that New South Wales is ready to align with the national direction for plumbing and drainage regulation under the National Construction Code, which will incorporate both the Building Code of Australia and the Plumbing Code of Australia. Part 2 also sets out the pre-notification, inspection and certification procedures that will apply under the new regulatory regime. These procedures are based on those currently used by major water utilities such as Sydney Water and Hunter

Water corporations, but they will be streamlined and made consistent across the State. This part provides a requirement also for the owner or occupier of land to take all reasonable steps to ensure that water and sewerage installations on their property do not threaten public health or safety.

The functions of the plumbing regulator are set out in part 3. These functions include monitoring compliance with the Act, ensuring that plumbing and sanitary drainage installations and systems do not threaten public health or safety, and authorising fittings for use in plumbing and drainage work. Under this part the plumbing regulator may delegate these functions to a local council. As delegates of NSW Fair Trading, local council inspectors will need to interpret and apply the regulatory requirements consistently. To ensure that this occurs, the rollout of the reforms to areas outside the Sydney metropolitan area will be done in close consultation with local councils, water utilities and plumbers. This will allow NSW Fair Trading to capture the local knowledge and on-the-ground experience of local council staff in country areas around the State and allow for the most efficient use of resources. NSW Fair Trading will provide extensive support and guidance for local councils both during and after this transition phase.

Part 4 sets out the powers conferred upon authorised persons, that is, NSW Fair Trading or local council officers, and the purposes for which those powers can be used. These powers relate primarily to entry to property and land for the purposes of inspecting plumbing and drainage works. The bill allows for some inspection activities to be delegated to external contractors, but it does not allow for any enforcement activities such as use of force or investigation of suspected offences to be undertaken by anyone who is not a member of the government service or an officer or employee of a local council. Part 5 establishes an appeal process through the Land and Environment Court and sets out penalty notice provisions. Under the current regulatory regime there is no forum available for individuals to appeal decisions made by plumbing regulators. This provision provides a new formal review mechanism utilising the existing expertise that the Land and Environment Court has in building code and related matters. These appeals will come under section 38 of the Land and Environment Court Act, which will enable them to be dealt with swiftly and in a less formal way than other matters.

Part 6 includes a regulation-making power that will be used to provide further detail on administrative issues and to set out exemptions to the requirements of the Act where appropriate. It is intended that formal exemptions should apply to minor works such as changing tap washers and to work undertaken on water utility assets by their employees. This part also establishes protocols for disclosure of information by the plumbing regulator, local councils, network utility operators and the Department of Health to each other. The reforms outlined in this bill are significant, and to make sure that industry or consumers are not adversely affected the Act will be monitored and reviewed after two years of operation. The drafting of this bill's regulations will involve a full four weeks of public consultation, so that we ensure that we get the details right.

Industry stakeholders were consulted on these reforms as part of the Better Regulation Office review process last year when the bill was initially drafted and again this year when we reviewed and refined the proposed legislation. The Master Builders Association, the Housing Industry Association and the major water utilities support these reforms. Finally, I place on record my thanks to the shadow Minister, the member for Kogarah, for her constructive and positive attitude to this bill. Following a meeting yesterday with the member for Kogarah, we agreed that, after the legislation had been operating for six months we would convene a roundtable of plumbers to review its progress and effectiveness. This is good public policy and I thank the member for Kogarah for her commitment to work with the Government in a constructive manner. Industry recognises the need for a single regulator and a single technical standard to provide consistency and certainty to consumers and tradespeople. These reforms will bring obvious benefits in reduced costs, less red tape and increased flexibility for plumbers, builders and home owners across the State. I commend the bill to the House.

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

HOME BUILDING AMENDMENT BILL 2011

Bill introduced on motion by Mr Anthony Roberts.

Agreement in Principle

Mr ANTHONY ROBERTS (Lane Cove—Minister for Fair Trading) [10.14 a.m.]: I move:

That this bill be now agreed to in principle.

I am pleased to introduce the Home Building Amendment Bill 2011, which has two main objectives. The first is to make a number of reforms that will remove unnecessary red tape and reduce barriers to investment in

residential building work in New South Wales while at the same time maintaining adequate consumer protection. The second is to make several urgent legislative amendments, mainly as result of some recent unexpected court decisions, the outcomes of which risk the Act no longer working in practice the way it was intended to operate. A healthy building sector is a key component of a strong New South Wales economy that delivers jobs and opportunities: jobs for apprentices, work for tradespeople, opportunities for small businesses and homes for New South Wales residents.

The bill is a carefully balanced reform package that responds to the needs of industry and home owners. In putting together this package the views of key stakeholders have been taken into account and amendments made to reflect their views where appropriate. Some people may criticise the bill as going too far in one direction and others may criticise it for not going far enough. I firmly believe that this bill strikes the right balance and provides industry with red-tape reduction where possible without sacrificing fundamental consumer protections. As members would appreciate, building or renovating a home is one of the biggest expenses a home owner will ever make. In order to protect home owners and to ensure that the industry functions efficiently, the Home Building Act regulates residential builders and tradespeople in New South Wales.

The Act's statutory warranty provisions are the linchpin of its consumer protection framework. These provisions provide implied warranties against incomplete or defective work into all contracts for residential building work. The Act also establishes the Home Warranty Insurance Scheme, which provides a safety net that home owners can access in specified circumstances where they cannot recover losses arising from incomplete or defective work from their builder or developer. The bill does not attempt to rectify all the anomalies and concerns with the operation of these schemes; nor does it address all the current issues home owners and industry are experiencing with the regulation of residential building work in New South Wales.

Since taking office I have met with all key stakeholders. It has come to my attention that a great deal of work needs to be done to the home building legislation—a point on which stakeholders across the board agree. The present regulatory framework has many problems and, while some are relatively new, most have been evident for quite some time. The New South Wales Government is committed to tackling these problems. A considerable amount of work has been done over the past few years to identify issues with the legislation and come up with potential solutions. I thank all stakeholders who have spent time providing valuable input into these processes. But the New South Wales Liberal-Nationals Government will go where others stopped short; we will make the tough decisions and see that appropriate reforms are actually made. While this bill is not an entire fix of the Home Building Act, it is an important and vital first step. I have made it clear to stakeholders that one of my highest priorities as Minister for Fair Trading is to undertake a broader, comprehensive stocktake of the home building legislation, starting in early 2012.

I will now discuss the proposals contained in the Home Building Amendment Bill 2011. The first objective of the bill is to reform the home building legislation so that unnecessary red tape does not stymie investment in residential building in New South Wales. At the same time appropriate protections for home owners must be maintained. Compelling evidence supports the fact that the State's residential building sector is experiencing a downturn. In August 2010 Access Economics reported that the share of home building activity has been falling since 2004. In 2010 it was at an 18-year low. On 11 October 2011—just a few days ago—the Master Builders Association reported that residential and commercial builders are currently facing a worrying deterioration in business conditions. Accordingly, the bill proposes a number of measures to cut unnecessary red tape and to help stimulate this important industry.

The legislation currently provides that all residential building contracts be in writing and contain a number of requirements. This is an important consumer protection mechanism that, when complied with, helps to mitigate and resolve disputes. However, the legislation does not differentiate between low value work and other work. This means that a contract for a small job worth $1,200 must contain the same amount of information as a contract for a job worth $120,000. This does not make sense and places a high burden on industry. The bill provides that the current requirements for written contracts apply only to work with a value over $5,000. To ensure that adequate consumer protection remains, and to encourage informed decision-making, the bill introduces a written quote requirement for residential building work valued between $1,001 and $5,000.

This sensible reform removes unnecessary red tape while retaining proper consumer protections. Like all things, the cost of building has been increasing over the past years. However, the legislation has not been amended to reflect this. The legislation contains monetary thresholds above which certain requirements apply. For instance, home warranty insurance must be in place for building work valued at over $12,000. The monetary

threshold has not been increased since 2004. The bill raises the monetary threshold for mandatory home warranty insurance to $20,000. This takes into account building cost increases to date and allows for further increases in the near future.

Raising this threshold will increase competition for low value residential building. Builders who were previously unable to undertake work of this value because they did not meet the home warranty insurance eligibility requirement will now be able to compete for this work. When combined with not having to include a home warranty insurance premium for this work, this reform should reduce the cost of low value residential building work for home owners. It should be noted that all residential building work, including work under $20,000, will still be subject to statutory warranties and that builders will remain liable for any defective work. One of the most significant reforms in the bill is the alignment of the statutory warranty time periods with the home warranty insurance time periods.

As I mentioned earlier, statutory warranties protect home owners from incomplete and defective residential building work by requiring builders to warrant that their work will be done to a certain standard. These warranties are implied in all contracts for residential building work. Currently, a home owner can take action for a breach of the warranties up to seven years from completion of the work no matter how minor the defect. However, the home warranty insurance scheme warrants residential building work for six years for structural defects and two years for non-structural defects. Overwhelmingly, stakeholders on all sides have expressed support for these warranty periods to be the same—it is too confusing and inequitable to have different warranty periods.

At present "structural defects" are defined in clause 71 of the Home Building Regulation 2004. This definition provides that a structural defect is one that causes physical damage or prevents, or is likely to prevent, the continued practical use of the building or any part of the building. Any component of the external walls or roof, including weatherproofing, is considered to be a structural element of the building. "Non-structural defects" are, by default, anything that does not fall into the just mentioned definition. The bill does not propose any change to the current definition of "structural defect". I am aware that some industry groups have strong views that the current definition is too wide and requires urgent revision. I have asked Fair Trading to examine this issue in further detail, particularly in the context of a broader review of the home building legislation.

Requiring builders to warrant non-structural work for seven years is overly burdensome and impractical. Non-structural elements include painting work, kitchen cabinets and internal doors. Manufactured items like cabinets and doors may only have a 12-month manufacturer's warranty on them. It is sensible and fair to require builders to provide warranties on this type of work for two years as is currently required under the home warranty insurance scheme. Fair Trading complaints data supports these time periods. This data, which has been collected by the Home Building Service since 2007, shows that over 82 per cent of complaints about structural defects are made within six years and that over 80 per cent of non-structural defect complaints are made within the first two years.

Changing the statutory warranty time periods to match those for home warranty insurance will also encourage home owners to take action to address defective work in a timely manner. This is important, particularly in relation to non-structural defects, as over time it becomes increasingly difficult to distinguish between problems caused by fair wear and tear and problems caused by poor workmanship. A lack of maintenance can also become a factor with the passing of time, again creating problems in determining the cause of defective building work. I am confident that the proposed time periods—six years for structural defects and two years for non-structural defects—provide an appropriate level of consumer protection while removing an unnecessary burden on industry.

The bill provides that this amendment will commence on a date to be declared by proclamation. It is anticipated that this reform will apply to new contracts entered into after 1 February 2012. This will allow enough time for industry and consumer groups to be made aware of the new arrangements and will also give industry associations enough time to amend their standard contracts. This amendment is long overdue and necessary to foster a more balanced and effective market in home building. It represents genuine reform in the home building area, providing greater clarity and certainty for both consumers and industry. The bill will amend the Act to protect home owners who are currently uncertain of their ability to pursue their builder for faulty or incomplete work as a result of an unexpected court decision in 2010 that created a loophole in the current definition of "developer".

Prior to the 2010 Court of Appeal decision, this definition had been operating effectively. It ensured that the appropriate people and organisations were considered to be developers for the purposes of the

legislation and, therefore, subject to the legislative requirements for developers. It did this by ensuring that a developer was a person or organisation that owned, or would own, four or more units in the development and that the work was done on their behalf. One of the most important requirements in the Act for developers is that they assume the same level of responsibility for the statutory warranties as the builder. This gives a home owner the greatest chance of recovering any losses from defective or incomplete work.

However, in May 2010, the Court of Appeal took a narrow view of the Act's definition of "developer" in its decision. It effectively found that in order for the work to be done on behalf of the developer, the developer must have been in contract with the builder. This does not recognise that, in many arrangements entered into by developers, the party that owns the land—and on whose behalf the work is done—is not necessarily the party who enters into the contract with the builder. The most common example of where this happens is in joint venture arrangements where one organisation or person owns the land and the other enters into the building contract.

Under these circumstances, if the owner of the land has to also enter into the building contract in order to be considered a developer, many home owners risk not being able to pursue the developer for a breach of the statutory warranties. This would severely reduce the chances of home owners being able to recover their losses for defective or incomplete work. Accordingly, the Government is moving swiftly to rectify this situation for affected home owners by amending the definition of "developer" in the Act. The revised definition of "developer" will ensure that the owner of the land who also owns, or will own, four or more of the units in the development, is considered to be a developer, regardless of whether they entered into the contract with the builder.

As a result, developers will continue to assume the same level of responsibility for the statutory warranties as they did before the Court of Appeal decision. This amendment is to have retrospective effect, but not so as to affect any finalised litigation or claims or any claims or litigation currently underway. The bill revises the legislation's definition of "completion" for the purposes of residential building work. The term "completion" has a very important legislative role as it triggers the commencement of the statutory warranty and home warranty insurance time periods. Currently, the Home Building Regulation defines "completion" in relation to home warranty insurance.

However, the legislation does not provide a definition of when work is complete in relation to statutory warranties. As a result, the courts and the Consumer, Trader and Tenancy Tribunal have come to varying conclusions about when completion occurs and, therefore, when statutory warranty periods cease. Providing a statutory definition of when completion occurs for the purposes of both statutory warranties and home warranty insurance will remove confusion, help reduce litigation and provide consistency in the legislation. The bill provides a definition of "completion" for both these purposes, based on the regulation's definition. It also improves the current definition to better reflect the practical realities of building.

In the first instance, the bill defines "completion" as occurring in accordance with the completion provisions in the contract for residential building work. In cases where the contract does not provide a definition of "completion", or there is no contract for the work, completion occurs on the practical completion of the work. The bill defines "practical completion" as having taken place when the work is completed except for any omissions or defects that do not prevent the work from being reasonably capable of being used for its intended purpose. The amendment to "completion" also deals with residential building work that is completed in stages by providing that separate buildings can be regarded as being practically complete in their own right prior to completion of the entire project.

This responds to concerns that, in multi building projects such as large strata complexes, an argument may be mounted that completion does not occur until every single aspect of the project is completed, even though some elements may not prevent home owners moving in and effectively occupying dwellings. For instance, whether or not a swimming pool in a strata complex is completed should not have a bearing on whether a unit in that complex is complete in the context of statutory warranties on the unit. The amended definition of "completion" will commence on assent of the Act and will apply to contracts underway but not to any finalised claims or litigation or claims or litigation currently underway.

Another urgent issue addressed in this bill relates to the time limits for making claims against home warranty insurance policies and the process that must be followed in the making of these claims. Since 1 July 2010 the mandatory Home Warranty Insurance Scheme established by the Act has been underwritten by the Government through the NSW Self Insurance Corporation—an arm of New South Wales Treasury. Between

1997 and July 2010 a number of private insurers provided home warranty insurance policies to builders consistent with the Act's requirements. These insurers wrote home warranty insurance policies on the basis that they were insuring the residential building work for a fixed period of time. Generally, the time period covered by a home warranty insurance policy is six years and six months.

However, as a result of a 2008 Supreme Court ruling and subsequent amendments to the Act in 2009, there is potential for a claim against home warranty insurance to be made at any time. In effect, this means that insurers face the real risk of unending liability for home warranty insurance claims. As a direct result of this risk, some insurers are not releasing bank guarantees provided by builders as security against their home warranty insurance policies. At the time these securities were handed to insurers, all parties understood that they would be held for the period of insurance, and then returned.

This means that builders, many of whom are small business owners, are continuing to pay interest on securities being held, at a considerable cost. This situation is also affecting the ability of these builders to take on new jobs, as their capital is tied up. It has never been the intention of the home warranty insurance scheme for builders to be indefinitely liable for problems with their work. Neither should insurers be endlessly at risk for claims against policies. This is neither practical nor sensible. If the proposed amendments to the Act are not made to help rectify this issue, the home building industry in this State faces yet another major problem. To address this situation and avoid this possibility, the bill includes a number of amendments to the Act's home warranty insurance provisions.

First, the bill clarifies that claims for a loss must be lodged within the period of insurance, except in cases where the loss becomes apparent in the last six months of the insurance period, in which case an additional six month claim period is allowed. The only other exception to lodging a claim inside the insured period arises in relation to last resort policies. These policies indemnify the homeowner for losses that cannot be recovered from the builder due to the builder's death, disappearance, insolvency or failure to comply with a money order of the court or the Consumer, Trader and Tenancy Tribunal. In these situations, the bill allows homeowners to lodge a delayed claim, that is, a claim can be made outside the period of insurance but only where the insurer has been properly notified of the loss during the period of insurance. This provision protects the rights of homeowners who cannot lodge an insurance claim during the period of insurance through no fault of their own.

The bill clarifies that in order for a homeowner to make a delayed claim they must lodge a notification in writing and diligently pursue the builder to recover the cost. In addition to these amendments, the bill also clarifies the time limits for claims against home warranty insurance policies by revising subclause 63 (3) of the regulation. This subclause deals with related defects. Furthermore, the bill introduces a maximum 10-year cap on when claims of any type can be made against home warranty insurance policies issued before 1 July 2010. Put together, these amendments will remove the uncertainty around when claims can be made, and will facilitate the timely release of bank guarantees to builders. To ensure that homeowners are not adversely affected by these amendments, the bill allows for a six-month period of grace during which homeowners who have previously lodged a notification, but not in writing, will be able to lodge a written notification.

This bill reinforces the Act's consumer protection objectives and addresses an adverse 2010 Supreme Court finding by clarifying that the proportionate liability provisions of the Civil Liability Act 2002 do not apply to claims arising from a breach of statutory warranties. As I stated earlier, the statutory warranty and home warranty insurance schemes underpin the consumer protection framework for residential building in New South Wales. These schemes contain benefits not ordinarily available under the general law, by allowing successor-in-title homeowners to sue builders against contracts to which they are not parties, and by making developers liable to homeowners for defective work done by builders, with corresponding compensation available under home warranty insurance. A beneficiary can seek full recovery for all losses from the builder or developer, even where a third party, such as a subcontractor, was responsible for the defective work causing the loss. The scheme does not prevent the builder or developer from pursuing their subcontractors, or other third parties, under the general law to recover losses caused by subcontractors or others.

In 2010 the Supreme Court found that the defence of proportionate liability is available to those defending claims brought under the Home Building Act's statutory warranties scheme. The scheme of proportionate liability is established by the Civil Liability Act 2002 and applies to apportionable civil claims, which are claims for economic loss or damage to property caused by two or more concurrent wrongdoers that arise from a failure to take reasonable care. The liability of each wrongdoer is limited to that proportion of the loss for which they are directly responsible. Most residential building work is undertaken by subcontractors who work under contract to a head builder or contractor. The head builder or contractor holds a separate contract with the homeowner.

Allowing builders and developers to use proportionate liability as a defence in statutory warranty claims would undermine the scheme's intent which is for homeowners to be able to recover their total losses from their builder or developer for a breach of statutory warranty. Under proportionate liability, if any other liable third parties are dead or insolvent, the homeowner would not be able to recover those losses, even through the home warranty insurance scheme, as home warranty insurance policies only cover builders. Before the 2010 Supreme Court decision it was never considered that the proportionate liability provisions of the Civil Liability Act applied to statutory warranty claims. The bill therefore restores this situation by specifically excluding statutory warranty claims from the proportionate liability scheme.

Currently complaints about residential building work are primarily made by the homeowner. However, since 2009 New South Wales Fair Trading has been running a pilot program where contractors can notify Fair Trading about a dispute with a homeowner over residential building work they are carrying out. This pilot has proved to be highly successful, despite contractors facing the likelihood that an inspector who attends the site will provide the contractor with a rectification order. Contractors working in home building generally are more aware of where to go for help. Allowing contractors to lodge complaints with Fair Trading has therefore resulted in a greater number of disputes being resolved quickly without the costs and time delays of having to proceed to a judicial process.

Accordingly, the bill formalises this pilot program by specifically providing contractors with the ability to notify New South Wales Fair Trading of a dispute with a homeowner over residential building work they are undertaking. Other benefits for homeowners provided by the bill are the increase of the mandatory minimum amount of cover home warranty insurance policies must provide from $300,000 to $340,000. This increase reflects the rise in building costs since this threshold was last raised in 2007. This amendment updates the Act and ensures that it reflects market realities. Additionally, the bill reduces the excess charged on home warranty insurance claims from $500 to $250. This reduces costs for homeowners involved in making a claim, but still contributes to the administrative costs borne by insurers and acts as a deterrent against vexatious or frivolous claims.

Finally, the bill closes a loophole in the legislation that can lead to abuse of the home warranty insurance scheme by effectively allowing builders or developers, rather than homeowners, as is intended, to claim on their own policies. The bill addresses this problem by providing a broader definition of corporate bodies and entities related to a developer or builder. I thank all the key stakeholders for the contributions they have made to the development of the bill and the support shown for the proposals. I take this opportunity to say to stakeholders, once again, that I acknowledge that this bill does not address all of their concerns and that there is a lot more work to be done in the coming months. That said, the Home Building Amendment Bill 2011 represents a solid step forward in reforming the home building regulatory framework. I look forward to continuing the process of reforming the legislation in consultation with stakeholders through the review in 2012. I commend the bill to the House.

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

PROTECTION OF THE ENVIRONMENT LEGISLATION AMENDMENT BILL 2011

Agreement in Principle

Debate resumed from 11 October 2011.

Ms CARMEL TEBBUTT (Marrickville) [10.37 a.m.]: I lead for the Opposition in this House on this matter. The Hon. Luke Foley, the responsible shadow Minister, will lead for the Opposition in the other place and has overall carriage. The Protection of the Environment Legislation Amendment Bill 2011 seeks to amend environment protection legislation to provide for the appointment of a chairperson of the Environment Protection Authority; to reconstitute the board of the Environment Protection Authority; to expand the list of government authorities that must be notified and to require that they be notified immediately; to double the maximum penalty for the offence of failing to immediately give notice of pollution incidents; and to require public access to be given to certain monitoring data required to be recorded of the holders of environment protection licences, amongst other things.

While the Opposition will not oppose this bill in this House, between now and when the bill reaches the Legislative Council we will closely examine it. Little notice has been given about the bill, and we have not had a lot of time to look at it, so we reserve our right to make further comment and if necessary move amendments in

the other place. It is no surprise that the Opposition has been given little notice and, as of yesterday afternoon, there has been no briefing by the Government to the Opposition about the bill. That may have changed between yesterday and today. Given the way this whole incident of the leak of hexavalent chromium from the Orica plant has been handled by the Minister for the Environment, it is not surprising she has attempted to deflect attention away from the Government and her own poor handling of this matter by the introduction of this legislation, but the community will not be fooled.

At the heart of this issue was the Minister's delay of 54 hours in notifying the community of the chemical leak from Orica. The Minister can rightly criticise the length of time it took Orica to inform the Office of Environment and Heritage. It was too long. However, the fact is that the Minister and her office took almost twice as long to then notify the people of New South Wales, and that is unacceptable. If the delay in Orica informing the Office of Environment and Heritage is unacceptable and too long, certainly the Minister taking almost twice as long is unacceptable.

When the Government came into office, one of its first actions was to abolish the Department of Environment and Climate Change. It claimed that this would elevate environmental issues because they would be given immediate and direct attention by the Premier, with the guidance of the environment Minister. That is what the Government said at the time it abolished the Department of Environment and Climate Change. The Orica incident demonstrates how far from reality this claim was. From the time the Minister was made aware of the hexavalent chromium leak the Government has twisted and turned on this issue. It said one thing; then it said another thing—it contradicted itself. We have seen Ministers refuse to face media questioning on the issue, and we have seen Ministers running out of press conferences to avoid questioning on the issue.

There has been chaos and confusion in the Government's handling of the issue. Throughout all of this it is the people of Stockton who have suffered. They have been in the dark about the true situation. The area of Stockton that was affected by the leak ended up containing more than five times the number of homes that the Minister said were originally affected by the leak. The residents of Stockton have a right to be frustrated, alarmed and angry. Hexavalent chromium is a hazardous substance. As outlined in the O'Reilly report, it is toxic if swallowed, inhaled or absorbed through the skin. Its contact with other material may cause a fire. It causes burns by all exposure routes and may cause allergic, respiratory and skin reactions. So the residents of Stockton had a right to be concerned, scared, angry and frustrated.

It is cynical of the Minister to attempt to blame the Opposition for inflaming the concern felt by the community of Stockton when in reality it was the Government's poor handling of the issue, lack of communication and failure to alert the community in a timely way that caused the anxiety and confusion. It was the Opposition's actions that forced the Government to establish the O'Reilly inquiry and to take the issue seriously. It was the Opposition's actions that led to an inquiry being established by an upper House select committee, which will get to the bottom of who knew what and when, and why the community was not notified in a more timely way.

The upper House inquiry will look at why it took Orica 16 hours to inform the Government and why it then took a further 54 hours for the Government to tell Stockton residents about the toxic chemical leak into their community. The Minister for the Environment, the Premier and the health Minister have serious questions to answer about the Government's handling of the public safety threat in Stockton. The upper House inquiry will get to the bottom of this; as I said, it will reveal the truth about who knew what and when. The people of Stockton deserve answers, and the upper House inquiry will help uncover the answers for them. The Government can cry foul; it can say that the Opposition is playing politics. That is a bit rich coming from a bunch of people who spent 16 years elevating playing politics to an art form.

Despite Coalition members now occupying the Treasury benches, as I have said on many occasions, they are still struggling to make the transition from opposition to government. They are still playing politics. They do not seem to realise that when they are in government certain responsibilities come with the privilege and honour of serving the people of New South Wales. What we see from the Government is a continual playing of politics with this most serious and important issue. Strengthening the environment protection legislation is a good thing. No-one will argue with that. Indeed, we did it many times when we were in office.

Mr Tim Owen: Ha! Ha!

Ms CARMEL TEBBUTT: The member for Newcastle can laugh; he has been here for about two seconds. Throughout our 16 years in office we strengthened the environment protection legislation on many

occasions, and every time there were howls from the Coalition Opposition about our efforts to do so. The Coalition has absolutely no credibility when it comes to strengthening environment protection legislation. For the Minister to claim that in some way a weakness of the legislation resulted in the delay in informing the public is simply not believable. There is nothing in the current legislation and the new legislation that would prevent the Minister from making a media statement as soon as her office was made aware of the leak. There is nothing in the current legislation that forced the Government to hold on to the information about the leak, meaning that the community of Stockton was unaware of the need to take precautions. The Opposition will not oppose these amendments. We stand on our record that demonstrates that we are a party with a long-held and genuine commitment to protecting the environment, not one that is driven by political expediency.

ACTING-SPEAKER (Ms Sonia Hornery): Order! The Minister will remain silent.

Ms CARMEL TEBBUTT: The Government and the Minister can interject all they like. Nothing changes the fact that Labor introduced, for example, the pollution laws with the landmark Protection of the Environment Operations Act 1997. I took that legislation through the upper House. I can still remember the strident objections from the Coalition; one would have thought the world was about to end. That was landmark pollution protection legislation.

Ms Robyn Parker: Who introduced the Environment Protection Authority? The Coalition Government.

Ms CARMEL TEBBUTT: Yes, the Coalition Government introduced the Environment Protection Authority.

ACTING-SPEAKER (Ms Sonia Hornery): Order! The Minister will remain silent.

Ms CARMEL TEBBUTT: We also saw exactly what the Coalition thought of that legislation when it tried to appoint Terry Metherell; and the then Premier appeared in front of the Independent Commission Against Corruption for that exact action. So the Minister might be a little careful about lauding the Coalition's actions with regard to the Environment Protection Authority. We saw just how seriously the Coalition took the matter. The Labor Government introduced load-based licensing for air and water pollutants and linked licence fees to environmental impact, creating a financial incentive for pollution reduction. Labor enacted the State's first contaminated land remediation laws. Labor overhauled the State's hazardous chemical management laws to better protect the environment—and I could go on. Much of that landmark legislation was opposed by Coalition members.

The Coalition can attempt to rewrite history with regard to environment protection in this State, but the reality is that this legislation, which the Opposition will not oppose, follows a time-worn path of governments strengthening environment protection legislation. That is a good thing. But we know that the Coalition Government would never have embarked on this course if it had not been pushed and prodded every step of the way by the Opposition's work and the community's outrage. The Government would never have acted in this way if it had not been for the outrage of the community and the pushing and prodding by the Opposition. I congratulate the shadow Minister, Luke Foley, on the work he has done in this area. The Opposition is concerned that this legislation does not go far enough. As I said, we will be closely examining the legislation.

We have already indicated that we support a greater right for the community to know. We have called for an emergency planning and community right to know Act so that a repeat of the Orica incident cannot occur. This type of legislation would enshrine in law the community's right to know the amount and type of toxic chemicals being used at facilities near residential neighbourhoods, and the creation of a local emergency planning committee, with the local community, the Fire Brigades, the Police Force and hazardous materials [hazmat] and health representatives involved in the writing of toxic leak emergency plans. This type of legislation exists in the United States. The Opposition believes it should exist in New South Wales. I will leave further debate on this bill to the shadow Minister in the other place. I indicate at this stage the Opposition will not oppose the bill in this House.

Debate adjourned on motion by Mr Brad Hazzard and set down as an order of the day for a later hour.

LICENSED VENUES THREE-STRIKES LEGISLATION

Personal Explanation

Mr GEORGE SOURIS, by leave: I wish to make a personal explanation. Yesterday in the House I mistakenly referred to my agreement in principle speech on three strikes as containing a statement that the

draft bill was specifically introduced for consultation purposes. A statement of that nature does not appear in the agreement in principle speech. The status of the bill as a consultation draft was the subject of statements made by me at the time in the media, at stakeholder meetings and in departmental newsletters. That does not change the fact that the bill has been the subject of consultation while it lay on the table over the winter parliamentary recess. As I indicated, those consultations are drawing to a conclusion and the matter will be progressed shortly.

PROTECTION OF THE ENVIRONMENT LEGISLATION AMENDMENT BILL 2011

Agreement in Principle

Debate resumed from an earlier hour.

Mr TIM OWEN (Newcastle) [10.51 a.m.]: I am pleased to speak in support of the Protection of the Environment Legislation Amendment Bill 2011. The provisions of the bill considerably strengthen the ability of the Ministry of Health and the Environment Protection Authority to obtain information they need to minimise and manage risks to human health and the environment. Currently, the Environment Protection Authority can require a licensee to commission expert advice via a prevention notice or a clean-up notice where circumstances warrant. This includes the requirement to commission expert advice on the impacts and risks a pollution incident may have on human health. However, the O'Reilly review commissioned by this Government recommended that the Protection of the Environment Operations Act and any associated regulations are amended to allow the Environment Protection Authority, on advice from the Chief Health Officer, to direct the company responsible for the activity to fund the Ministry of Health for an independent analysis of the health risks associated with a hazardous incident.

The bill amends the Act to allow either the Ministry of Health or the Environment Protection Authority to require polluters to pay for expert studies where required. For health studies specifically, this would be determined by the Chief Health Officer. This provision applies the polluter-pays principle and will assure any affected community that NSW Health and the Environment Protection Authority have independent expert advice to inform them about the risks to human health and the environment in a timely manner. Such information also will inform clean-up and follow-up procedures to ensure that they are appropriate and thorough. The New South Wales Government has accepted all the recommendations of the O'Reilly review. The provisions in this bill go a long way towards implementing those recommendations. The Government's complementary non-legislative actions will address any outstanding matters. With the changes proposed in this bill, the people of New South Wales finally can be assured that the Environment Protection Authority has the tools and powers it needs to protect the community from the impacts of heavy industry.

Before I go on to the finite parts of the bill, I want to reflect on Labor's record in this context. I will focus on the promises made by the Leader of the Opposition, John Robertson, in relation to the Orica incident. He promised to bring out Erin Brockovich and do a video link-up for the people of Newcastle. Yet another broken promise—just a political stunt. As the Premier mentioned yesterday, the Leader of the Opposition could not even get Julia Roberts on the scene. As I said, yet another broken promise. John Robertson was Minister for Climate Change and the Environment for only two months and two days and two incidents occurred during his time in that portfolio. He provided nothing at all about them to the community. In fact, during Labor's torrid and turgid reign in this State, 76 incidents of this nature occurred. Labor said not a word to the press, they issued no press release, they made no parliamentary speech and they took no action in relation to those 76 incidents. Yet the Opposition now says that they are the upholders of environmental protection. That is a joke.

In October 2009 a similar incident to the Orica incident occurred at Matraville. One of my parliamentary colleagues will go through that in detail. The incident at Matraville occurred 663 days ago and we are still waiting for any information to be provided to the people at that location. The incident occurred 663 days ago, yet the then Labor Government has provided no advice, no comment in the press, not even a word to the residents of Matraville. As members know, I am the member for Newcastle. I have walked the streets of Stockton the past six to eight weeks to talk to people about the Orica incident. I can inform the House on some key issues. The majority of people I have spoken to said they want this issue fixed for their benefit and for the benefit of the people of Newcastle.

They said that the suburb of Stockton had years and years of neglect from the previous Government, particularly in relation to heavy industry, and that all Mr John Robertson and the Hon. Luke Foley talk about now is political process and all they want to do is lay blame and score political points. They do not address the problem, just as they did for years and years when they were in government. People have said to me that at least

our Government has put a process in place and delivered an outcome. They know we will take action. This Government looks at a problem, we identify the problem and we fix it. People are sick of the politics; they want the problem fixed. They basically have said to tell Robertson and Foley not to bother coming back. In respect to this incident, there lies the fog on the hill for our Labor friends.

I want to refer to the key points in the bill. They are self-explanatory as to what they will do to help the people of this State. The bill has two key parts. From an administrative perspective, we will appoint a chairperson to the Environment Protection Authority. That has been a long-needed requirement in the management of the environment. From an operational perspective, people who hold an environment protection licence will be required to make available the monitoring results that relate to pollution publicly and on the internet. That has not previously been a requirement. If the licensee does not have a website the amendment requires the licensee to provide a copy of the monitoring results to any person who requests them. Previously that has never been a requirement in the environment area.

The bill provides that pollution incidents causing or threatening material harm that are required to be notified must be notified immediately rather than as soon as practicable, as is currently the case. In the case of the Labor Party, 663 days have passed and the people of Matraville are still waiting. Under the bill, government authorities are required to be notified of pollution incidents immediately. That includes the Environment Protection Authority, the local authority, the Ministry of Health, WorkCover and Fire and Rescue. The onus to comply with this requirement will be on heavy industry. The bill doubles the maximum penalty for offences relating to the notification of pollution incidents from $1 million for a corporation and $250,000 for an individual to $2 million and $500,000 respectively.

The holder of an environment protection licence is to prepare a pollution incident response management plan in relation to the activity to which the licence relates. Companies will be required to put an emergency management plan in place—that has never been required before—and they will have six months to prepare those plans as needed. A pollution incident response management plan is to be kept at all times on the premises to which it relates. That is an unusual and novel concept—a good outcome. A mandatory environmental audit can be imposed on an environment protection licence if the appropriate regulatory authority reasonably suspects that an activity has been or is being carried out in an environmentally unsatisfactory manner. Never before has that been required.

With respect to human health risk, those responsible for a relevant pollution incident are to be given notice requiring them to pay reasonable costs and expenses for any analysis that occurs. Finally, details are to be recorded in the public register kept by regulatory authorities of each mandatory environmental audit undertaken in relation to a licence issue. They are just a small number of the key elements to this amendment in the bill, and they are not before time. Frankly, ladies and gentlemen, this reform had to be driven by this side of the House because for years and years we heard nothing from the Labor Government about this issue. It took the incident mentioned, which the Government has now rectified, to get some action. I strongly commend the bill to the House.

Mr CHRIS PATTERSON (Camden) [11.01 a.m.]: I speak in support of the Protection of the Environment Legislation Amendment Bill 2011. Yesterday during debate I made a comment about the former Government that, on a point of order, the member for Toongabbie asked me to withdraw. Not being familiar with the procedures in this place, I did not. I am more than happy to do so today. I would like to make that point. The bill is a direct response from this Government to recent incidents involving major hazardous facilities. Under the former Government a number of these incidents occurred regularly and nothing was done to make the companies involved accountable.

Nothing was done regarding government transparency and nothing was done to protect the community and give people confidence that legislation was in place to protect them. During the past 16 years of Labor Government 76 major pollution incidents occurred. The Leader of the Opposition—who has used the Orica incident as nothing more than a grandstanding stunt and offered nothing constructive in relation to it—was environment Minister for two months during which time two major incidents occurred. He was clearly inept in that portfolio and, thankfully, was moved on.

As I have said, before the Leader of the Opposition was moved on two incidents occurred: one in Matraville and another in Wagga Wagga. The Leader of the Opposition has given us a lot of advice about how we should handle such incidents. Here is his track record. On 28 October 2009 the Huntsman Corporation Australia plant at Matraville emitted into the atmosphere 685 kilograms of ethylene oxide, a toxic gas that at certain levels of concentration can have acute and chronic health impacts on humans. The environment Minister

at the time was the Leader of the Opposition. When the residents of Matraville were exposed to a carcinogen did he don the superman cape and leap into action? No, there was not a word—not a press release, no comments reported in the media, and no speech to Parliament.

The Leader of the Opposition really set the standard for being sloppy and for hypocrisy. It is 664 days since that incident. The Leader of the Opposition should explain why the people of Matraville are still waiting to hear from him. Not only did the Leader of the Opposition fail the people of Matraville but those who now sit opposite failed the people of New South Wales. With this bill the Government will ensure that serious pollution incidents are avoided to the greatest extent possible and, if they occur, are handled more effectively, quickly and transparently to protect the community to the very best of our ability and to make sure people have confidence that the Government is acting.

The Orica incident at Kooragang Island near Newcastle on the 8 August this year highlighted a number of practices that quite frankly were not good enough. The response from industry and a number of authorities did not meet community expectations, and certainly did not meet the expectations of this Government. The Orica incident highlighted how over the last four terms of the former Labor Government the Environment Protection Authority had its authority watered down and resources reduced and how it has lost its way in dealing with major hazardous incidents. It is time for an independent Environment Protection Authority once more, as introduced by the last Coalition Government.

Through this bill a series of amendments will be introduced to strengthen the ability of the Environment Protection Authority to regulate serious pollution incidents, improve notification requirements and ensure that response management provisions meet the expectations of both the community and this Government. Mr Brendan O'Reilly reviewed the Orica incident and has publically released his report. I am pleased to say that not only has this Government accepted his recommendations but we will strengthen them and go well beyond what was recommended.

Those opposite should be ashamed of their actions in dealing with the Orica incident. A scare campaign was run with the intention of grabbing media headlines. At no stage did members opposite offer anything constructive to achieve a positive outcome. The Opposition's actions amounted to hypocrisy on the largest scale as the company and the authorities handled the Orica incident in the same way as the former Government had handled similar incidents for the past 16 years. This is not acceptable—hence the bill before us today. The proposals in the bill include amendments to the Environment Administration Act 1992. They include appointing a new chairperson to head the Environment Protection Authority to replace the Director General, Department of Premier and Cabinet. It will be a statutory position.

The chairperson will manage and control the affairs of the Environment Protection Authority in accordance with policies determined by the board but subject to the directions of the Minister for the Environment, except in relation to decisions to prosecute under environment protection provisions as set out in existing legislation. The bill will also amend the Act to reduce the current expertise and representatives based board of 10 members to a more focused expertise-based board of five members, including the chairperson. The chairperson will head the board and the other members will be part-time, with expertise in environmental science, environmental law, corporate and financial planning, and business.

The bill proposes to amend the Protection of the Environment Operations Act 1997 to strengthen the Environment Protection Authority's ability to regulate serious pollution incidents by increasing maximum penalties, requiring immediate notification by industry of a pollution incident, explicitly allowing the Ministry of Health and the Environment Protection Authority to require polluters to pay for independent health or environmental risk analysis, and requiring industry to develop and implement pollution incident response management plans and community notification protocols to ensure that serious pollution incidents are avoided to the greatest extent possible and, if they occur in future, are handled more efficiently, effectively and transparently.

The community's right to know will also be strengthened by requiring industry to make its monitoring results available to the public and expanding the information on the Environment Protection Authority's public register. The Office of Environment and Heritage will continue to work with relevant response agencies and the Local Government and Shires Associations to ensure that the legislative reforms are implemented in a practical and efficient way and that the objectives of those reforms are achieved. As Chair of the Committee on Environment and Regulation, whose members include the Deputy-Chair, Tanya Davies, the Hon. Carmel Tebbutt, Jamie Parker and Thomas George, I welcome the introduction of this bill. I believe it is a much-needed

piece of legislation that is long overdue and that will make a real difference to how environmental incidents are dealt with in the future. I applaud the Minister for the Environment for introducing the bill, and I commend it to the House.

Mr CHRIS HOLSTEIN (Gosford) [11.09 a.m.]: I support the Protection of the Environment Legislation Amendment Bill 2011. The bill is a direct response to the recent issues arising from the incidents that occurred at Orica on Kooragang Island near Newcastle. This legislation forms part of a comprehensive response from the Government not only to those incidents but also to recommendations made following Mr Brendan O'Reilly's review. The O'Reilly report has been publicly released. The Government has accepted all of the report's recommendations and will go beyond them. Over the past 16 years the current Environment Protection Authority, which was established under the previous Coalition Government, has had its authority and responsibility immersed in the Office of Environment and Heritage.

The number of inadequacies highlighted by the Orica incident demonstrates the need for an independent Environment Protection Authority. The authority will comprise an experienced board that has control over what happens under direct lines of supervision. It will have a Chief Environmental Regulator and a chairperson employed to work with the community and industry to achieve good outcomes. The Government will ensure that if an incident such as the Orica incident occurs again, it will not be handled as the recent incident was handled. We are about fixing inherited problems by tightening reporting requirements so that there is no ambiguity and so that the industry is required to respond in a timely fashion—not when industry decides it is practicable to respond to a major incident, such as a chemical spill.

The Government has developed a wide-ranging package of initiatives that include both legislative and non-legislative reforms to strengthen the legislation and hold industry to account for its environmental performance; improve the community's right to know; provide for an independent and modern Environment Protection Authority to better regulate high-risk industry; increase penalties for non-compliance; and, importantly, improve the knowledge of the Environment Protection Authority as well as the community about the cumulative impact of industry when it coexists in close proximity to residential areas. The core changes in the bill will strengthen the ability of the Environment Protection Authority to regulate serious pollution incidents by significantly improving notification requirements and pollution incident response management provisions as well as by increasing penalties for non-compliance. This amending bill will ensure that serious pollution incidents are avoided to the greatest extent possible. However, if they occur, this legislation will also ensure that they are handled more effectively, more quickly and efficiently and more transparently in future.

The objective of this legislation is to create a new board with clear governance, accountability and reporting requirements that will oversee the effective, efficient and economical operation of the Environment Protection Authority. They will hold the Environment Protection Authority to account and will report directly to the Minister. The new statutory position of chairperson will be appointed by the Governor and will be responsible for managing and controlling the affairs of the Environment Protection Authority. The new chairperson will be the community's champion and will ensure that local government is given a voice through involvement in consultation committees and, when warranted, through consultation with individual councils on specific issues. Based on my experience as a councillor for 20 years, I welcome this measure. The board will be required to provide a national regulatory assurance statement to the Minister and the statement will be tabled in Parliament. The statement will detail the success of the Environment Protection Authority in reducing risks to human health and material harm to the environment as well as whether the level of protection satisfactorily compares with other Australian jurisdictions.

The maximum penalties for contravening the "duty to notify pollution incident" requirements will be doubled for both corporations and individuals. Instead of the current penalty being a maximum of $1 million, the new penalty will be a maximum of $2 million. All licensees will have six months from commencement of the provision to prepare and implement a pollution incident response management plan. It is also proposed to make matters more straightforward for the Environment Protection Authority to require mandatory environmental audits to be conducted when the authority reasonably suspects that an activity has been, or is being, carried on in an environmentally unsatisfactory manner. This provision has been included notwithstanding that this Government has already embarked on a comprehensive audit—the largest audit ever undertaken in New South Wales—of major hazardous facilities.

Other aspects of the legislation include improving the community's right to know by including measures to broaden public access to information. Industry will be required to make its monitoring results available to the public. Information on the Environment Protection Authority's public register will be expanded.

This amending bill responds comprehensively to the O'Reilly review and places the people of New South Wales at the heart of environmental protection in this State. The bill will re-establish and strengthen the Environment Protection Authority and give it the capability to deal with major industrial incidents. The bill also represents the Government getting on with the business of being prepared to fix the mistakes and sloppy behaviour of the past Government. This bill is founded in a common-sense approach. It addresses the community's expectations of swift notification of serious pollution incidents, severe penalties for those who do not comply, and audits to keep the industry on its toes. It will lead to industry becoming more diligent, more environmentally aware and more mindful of the community. I commend the bill to the House.

Mr JAMIE PARKER (Balmain) [11.15 a.m.]: I join in debate on the Protection of the Environment Legislation Amendment Bill 2011 on behalf of The Greens. The Greens welcome reform of pollution laws and are broadly supportive of many aspects of this bill. We are pleased that the Government has responded to strengthen notification requirements following the Orica incident and will require immediate notification, rather than notification "as soon as practicable". The Greens gave notice of our own legislation to require immediate notification of pollution incidents. I will discuss that matter in more detail at a later stage. We will be withdrawing that bill in the Legislative Council because the Government's legislation effectively supersedes it. The Greens welcome the Government's intention to implement the recommendation of the O'Reilly report to establish the Environment Protection Authority [EPA] as an independent, statutory authority that is headed by a Chief Environmental Regulator. However, we are unsure whether the bill will achieve the level of independence that we believe is required.

The new statutory authority will report to the Minister. The Greens will work with the Government to investigate whether there are other more independent models that might be adopted. We note the importance of ensuring that the Environment Protection Authority is adequately resourced to undertake monitoring and enforcement. Without increased funding to monitor polluting industries, the community cannot have any confidence that incidents like the Orica hexavalent chromium spill will not occur. During crossbench briefings The Greens raised the issues of membership of the Environment Protection Authority board being reduced from 10 members to five members and the loss of expertise from representatives of community interests that the reduction in membership represents. For example, there will no longer be a prescription for two appointed representatives from the Nature Conservation Council. Consequently, the board will comprise solely the experts to the exclusion of important stakeholders. I note that recommendation 7 of the O'Reilly report states:

- The Environment Protection and Regulation Group, by Administrative Order be created separately—

As I mentioned earlier—

> ... as an independent Environmental Regulatory Authority headed by a Chief Environmental Regulator who has appropriate qualifications and experience.
>
> - An Independent Board be established whose membership be drawn from people with regulatory expertise as well as representatives from community interests.

This bill does not comply with recommendation 7 of the O'Reilly report. Representatives of community interests will be excluded from the board. Any person who has had anything to do with the environmental protection board, irrespective of political persuasion or agency, will recognise that representatives of the Nature Conservation Council, who are members of the current Environment Protection Authority's board, have done a very strong job and have worked in a very positive, proactive and constructive manner. The Greens think it is a pity that membership of the board being reduced from 10 members to five will lead to the exclusion of representatives of community interests. The argument I am advancing now is confirmed by the O'Reilly report, which specifically states in recommendation 7 that the board should be drawn from people with regulatory experience "as well as representatives from community interests".

The Greens encourage the Government to consider accepting recommendation 7 and acknowledging the role of those people who specifically represent the community. One of the problems with pollution legislation and environmental matters in general is that bureaucrats get involved in the process but the community also needs to have a voice. The Greens are of the view that the current make-up of the board is positive and includes a range of different stakeholders, such as representatives of community interests.

We note the bill is part of a more comprehensive package in response to the O'Reilly review. The review was comprehensive and detailed, and The Greens welcome it. The Greens look forward to working with the Government on this bill to develop more substantive legislative reform of our pollution laws. I want to talk

about one of the key elements of the bill—that is, notification. The bill incorporates the important provision outlined in the Protection of the Environment Operations Amendment (Notification of Pollution Incidents) Bill 2011, which was introduced in the Legislative Council by my colleague the Hon. Cate Faehrmann. The intent of that bill was to amend the Protection of the Environment Operations Act to expedite the notification of pollution incidents that cause or threaten material harm to the environment.

The Greens and the Government bills are before the House because of the accident at the Orica plant that manufactures ammonia nitrate. I do not propose to go into a "he said, she said" slanging match about who did what and who did not. However, it is clear that there was a very significant release of hexavalent chromium on 8 August at about 6.00 p.m. We know that hexavalent chromium is one of the more potent carcinogens and presents a real risk to human beings when inhaled or digested. Serious issues were raised that have been the subject of much debate about how the accident happened and whether the response from the company and the Government was adequate.

One of the most troubling issues is that Orica took 16 hours to notify the Office of Environment and Heritage. Notification did not occur until 10:30 a.m. on Tuesday 9 August, which has led to a great deal of legitimate concern—which I am sure we would share if our children were in the path of a plume of hexavalent chromium. The bill provides an opportunity to deal with the issue and to restore some confidence that communities will be informed when such accidents occur. This confidence is extremely important not only to people who reside near polluting businesses and industries—and not just Stockton residents—but also to the community at large.

The Greens welcome this bill because it makes clear to companies that when there is an accident or failure at their business or operation that has the potential to cause material harm to the environment, and hence communities, it is their duty to notify authorities immediately after becoming aware of the incident. The Greens do not believe that is an onerous requirement, but it is an important provision. For those members who have significant industry in the electorate it is very compelling. The requirement for immediate notification is obviously critical. It means that the authorities can then set about notifying potentially affected residents and assisting with the clean-up if necessary. It was clear from the crossbench briefing that Orica could have performed a lot better—to say the least—in relation to the recent incident.

The change in the requirement for notification from "as soon as practicable" to "immediate" is vital for pollution incidents that cause or threaten material harm to the environment. The Greens are very strong advocates for increased provisions around the issue of pollution. We welcome the O'Reilly report and encourage the Government to work methodically through its recommendations to ensure they can be implemented. We look forward to working with the Government to see them implemented. The Greens call on the Government to reconsider its decision not to support recommendation 7 in the report, which states very clearly that representatives of community interests should be included on the board.

Mr ANDREW GEE (Orange) [11.23 a.m.]: I support the Protection of the Environment Legislation Amendment Bill 2011, and I congratulate the Minister for the Environment on bringing this important piece of legislation to the House. It is sad that this issue has been politicised so deeply by those on the Opposition benches. I think it is fair to say that members opposite are unable to accept the fact that for 16 years there were failures in environmental reporting. They do not care. Under the former Government there were more than 30 incidents of delays in reporting. Two major incidents occurred on the watch of the then Minister for Climate Change and the Environment, the current Leader of the Opposition. One was the Huntsman Corporation Australia incident at Botany Industrial Park—to which reference has already been made—when ethylene oxide, a toxic gas that at certain levels of concentration can lead to acute and chronic health impacts on humans, was emitted into the air. The other incident occurred at Wagga Wagga when the Big River Group was ordered to pay investigation costs of $24,644 after resin was discharged into a creek. When that happened on his watch what did the current Leader of the Opposition do? Nothing. There was the sound of silence.

Mr Paul Toole: The fog was still there.

Mr ANDREW GEE: The fog was still there. It was the Simon and Garfunkel approach: *The Sound Of Silence.*

Mr Nathan Rees: *50 Ways to Leave Your Lover*?

Mr ANDREW GEE: No, it was *The Sound Of Silence*. I thank the member for Toongabbie for chiming in with that important suggestion. Yet the Leader of the Opposition came into the House and talked

about Erin Brockovich and whipped up a scare campaign aimed at the residents of Stockton when the public is crying out for the Government to take action and to ensure that such accidents do not occur again. That is exactly what the Minister for the Environment is doing, and I congratulate her because it shows this is a Government of action. The bill provides that pollution incidents causing or threatening material harm to the environment that are required to be notified must be notified immediately, rather than as soon as practicable as is currently the case.

This is a major reform that will ensure there are no repeats of the delays in reporting incidents that flourished under the previous Government. The bill adds to the government authorities that are required to be notified of major pollution incidents. A person will be required to notify the pollution incident to the appropriate regulatory authority, including the Environment Protection Authority, local councils, the Ministry of Health, the WorkCover Authority, and Fire and Rescue NSW. As the Minister for the Environment said in her agreement in principle speech, the public's right to know aspects of the legislation have also been strengthened.

Under the bill if an environment protection licence contains a condition that requires the monitoring by the licence holder of the activity or work authorised, required or controlled by the licence, the holder of the licence is required to make the monitoring results relating to pollution publicly available on the internet. If the licence holder does not have a website, the amendment requires the licence holder to provide a copy of the monitoring results to any person who requests a copy of them. When a pollution incident occurs the Environment Protection Authority will now be able to direct an industry to notify other parties of the incident, including the immediate industrial neighbours and the community. The amendments will be supported by clear guidance for licensees and response agencies that will also be made publicly available. Appropriate methods of notification will be detailed in the guidance material.

The bill increases the penalties for failure to comply with notification requirements, to provide a more substantial deterrent to the offence. In essence, the maximum penalties for contravening the duty to notify pollution incident requirement will be doubled for both corporations and individuals. That means instead of a $1 million fine there will be a $2 million fine for a failure to notify. This is a substantial penalty that will ensure that companies that have a major pollution incident will phone immediately rather than waiting until they deem it "as soon as practicable". As the Minister advised, additional provisions in the bill allow the Ministry of Health and the Environment Protection Authority to require polluters to pay for independent expert advice or studies into the human health and/or environmental impacts needed to understand better the effects of and inform the response to a particular pollution incident.

The Orica incident also highlighted the need for companies that are engaging in activities that have a potential risk to the environment to prepare, implement and test pollution incident response plans. This legislation requires licensees to prepare these types of plans and to include in them community notification and communication protocols. All licensees will have six months from the commencement of the legislation to prepare and implement a pollution incident response management plan. It is not only a reporting requirement; the Government is also requiring industry to come up with plans so that in the event of such an incident it can be controlled according to a strategy.

A regulation-making power will also be included in legislation to allow a regulation to be made that specifies the content of such plans, and testing and review requirements. This may be extended to require some non-licensed industrial facilities also to prepare, implement, test and report on pollution incident response management plans. The Environment Protection Authority Board will also be modified under this new legislation. The Government will create a new board with new and clear lines of governance, accountability and reporting.

The chairperson and the board will oversee the effective, efficient and economical operation of the authority. This issue should be above politics, but unfortunately members opposite have deeply politicised it. That is a shame. The Opposition's—and particularly the Leader of the Opposition's—track record on this matter is far from glorious. In fact, members opposite should be ashamed. They had dozens of opportunities to introduce this legislation. They sit on the Opposition benches and joke; they think this is funny. They had 16 years during which to do something, but they did nothing.

ACTING-SPEAKER (Ms Melanie Gibbons): Order! The member for Shellharbour and the member for Wollondilly will come to order. I am having trouble hearing the member for Orange.

Mr ANDREW GEE: The Minister for the Environment has been proactive and on the front foot: She has introduced legislation that will improve conditions for the people of New South Wales. That could not be in

more stark contrast to the lacklustre approach taken by members opposite. The Leader of the Opposition led the charge up to Stockton and spoke of calling in Erin Brockovich. However, on his watch there were two major incidents about which he said nothing and did nothing. He was missing in action. Where is he now? He is still missing in action. That is appalling. I congratulate the Minister for the Environment on a job well done with this legislation. I also congratulate the Government on this great initiative, which will ensure that such incidents do not happen again. Members opposite can talk all they want, but, unlike the Labor Government, which did nothing for 16 years, this is a Government of action.

Mr GREG PIPER (Lake Macquarie) [11.32 a.m.]: It is very interesting to observe this debate from an Independent's point of view and to listen to members as they engage in the blame game. I do not think that members on either side of the House can say they have handled every aspect of this issue well. The Opposition's handling of it has left a lot to be desired. It has exacerbated the concerns of the Stockton and Newcastle communities; it has exaggerated those concerns out of all proportion to reality. That said it was given a good opportunity to do that because of the way in which the Government managed the early stages of the incident.

The regulators and Orica, in particular, have huge responsibilities and they must be addressed. The Government's response in the form of this legislation is very good and appropriate. Therefore, I am happy to support the Protection of the Environment Legislation Amendment Bill. The introduction of this legislation is a responsible reaction to the Orica incident because it will return the power to the regulators that the community expects. The Coalition Government should make some reference to its forebears during this debate, and I note that some members have done so. The Environment Protection Authority was established in the 1990s and prior to that the Hon. Jack Beale, the Minister for Environment Control in the Askin Government, was instrumental in the establishment of the State Pollution Control Commission. That honourable history should be recognised. We cannot disassociate the level of responsibility shown by this Government compared with that shown in the past.

I do not believe that any member of this place would disregard the safety of his or her community. Obviously, local members are parochial about what occurs in their electorate and I applaud the response of the member for Newcastle and commend him for his concern for his local community. As the member for Lake Macquarie and as a member of the local council for many years, I have observed the operation of the Pasminco Boolaroo Cockle Creek smelter and I am aware of and understand the local residents' concerns about the impact of the many pollutants that were emitted by that dinosaur facility before it was closed down in the early 2000s. The Minister and the Government have got it right with this legislation. They are returning power to the Environment Protection Authority, which is most appropriate. The Government and the Minister have also recognised that this incident could have been handled more effectively, and doing so is a noble and honest response.

I acknowledge the Minister for recognising the failures that occurred in the early stage of the incident, which could be attributed to the fact that the Government was relatively recently installed. It is easy for members of the Opposition and others to say that the Coalition is in government and that it should take responsibility, but there is a timeline for a government to come to grips with the existing legislation and the problems it has inherited. As has been said, those problems have developed over 16 years under the previous Government, which allowed regulatory powers to be dramatically diminished. The incident and its impact on the local community are unfortunate. However, I believe some good will emerge, and that is the best response we can expect. I congratulate the Government on owning up to the problems with its initial response and also on taking appropriate action in addressing those problems and introducing this legislation, which I commend to the House.

Mrs ROZA SAGE (Blue Mountains) [11.38 a.m.]: I support the Protection of the Environment Legislation Amendment Bill 2011. I thank the member for Lake Macquarie for his very tempered and fair assessment of this situation. The purpose of this bill is to modernise the Environment Protection Authority and to place it at the forefront of environmental protection, thereby protecting the community and improving its access to information. As has been said repeatedly, this legislation will also respond to the O'Reilly review commissioned by this Government to investigate the recent events at the Orica industrial complex at Kooragang Island at Stockton. Historically, New South Wales Coalition governments have led in the innovation of environmental regulation in Australia, including with the establishment of the Environment Protection Authority by the Greiner Government in 1992.

The Environment Protection Authority was designed to respond and, as a statutory body, to independently regulate industries involving major hazardous facilities and other pollutants. Members may not be aware that the old Environment Protection Authority also had regulating power over ionising radiation

equipment and clinical waste, which relates to my industry. The O'Farrell Government is renewing the commitment to a strong and accountable environmental regulator for the people of New South Wales. This bill continues that process by modernising and strengthening the Environment Protection Authority to deliver on the community's expectations of a strong regulator that protects their health and the environment. The amendments in this bill will ensure that the people of New South Wales have a single consolidated responsive and flexible environmental regulator with clear goals, functions and accountabilities. It will restore the Environment Protection Authority's independence and effectiveness.

The bill will amend the Protection of the Environment Administration Act 1991 to, first, include a new chairperson as head of the Environment Protection Authority. That position will be a statutory one. The chairperson will manage and control the affairs of the Environment Protection Authority in accordance with policies determined by the board, subject to directions of the Minister for the Environment except in relation to decisions to prosecute under the environment protection legislation as currently set out in existing legislation. Secondly, the bill will amend the Act to provide for a board of five members, including the chairman who will head the board. The other members will be part time with expertise in environmental science, environmental law and corporate and financial planning and business.

The bill will also amend the Protection of the Environment Operations Act 1997 to strengthen the Environment Protection Authority's ability to regulate serious pollution incidents by increasing maximum penalties, requiring immediate notification by industry of a pollution incident, allowing the Ministry of Health and the Environment Protection Authority to require polluters to pay for independent health or environmental risk analysis, and requiring industry to develop and implement pollution incident response management plans and community notification protocols to ensure that serious pollution incidents are avoided to the extent possible and, if they occur, are handled more efficiently, effectively and, importantly, transparently in the future. The bill will also strengthen the community's right to know by requiring industry to make its monitoring results available to the public and expanding the information on the Environment Protection Authority's public register.

These measures will ensure a board that is more focused and accountable. It will provide solid guidance in environmental science, environmental law, corporate, financial and risk planning and management, and in business. The new board will have responsibility to monitor and report on the performance of the Environment Protection Authority. It will also be required to provide an annual regulatory assurance statement to the Minister, which will be tabled in Parliament. How much more transparent could this be? The new statutory position of chairperson appointed by the Governor will be responsible for managing and controlling the affairs of the Environment Protection Authority, including economic operations. The chairperson will also be assisted by the new position of Chief Environmental Regulator, who will be responsible for the day-to-day administration of the Environment Protection Authority and its activities. The chairperson will also be required to actively engage with the community it serves to ensure that the concerns of local residents are heard firsthand.

Communities must be able to have a say about how industries operate in their area. The chairperson will ensure that local government is included in the consultation process through its involvement in consultative committees and, where the issue warrants, may seek face-to-face consultation. In addition, new provisions require industry to immediately notify the Environment Protection Authority and other relevant authorities of any serious pollution incident, and to develop a pollution incident response management plan with clear community consultation and information protocols. The word "immediate" has been bandied around in the media often of late regarding the Orica spill. I commend the Minister for the Environment on responding properly under the legislation that was in place. The Minister has done a fabulous job in community consultation and bringing forward this legislation. This is in stark contrast to the previous 16 years of Labor after numerous environment Ministers who did not notify—

[*Interruption*]

Mrs ROZA SAGE: Those opposite may have heard it, but it needs to be said again.

ACTING-SPEAKER (Ms Melanie Gibbons): Order! The member for Keira will come to order.

Mrs ROZA SAGE: More than 30 different incidents were not reported for periods of one day to more than 300 days—no comment. When the Leader of the Opposition was the Minister for Climate Change and the Environment he made no parliamentary statements and issued no media releases when these types of things occurred. How hypocritical! This bill doubles the penalty for failure to notify of a pollution incident from $1 million to $2 million. The penalty will be doubled for both corporations and individuals. Additionally, the

bill enables the Minister for Health and the Environment Protection Authority to ensure that polluters foot the bill for the necessary independent advice or studies into the human health and/or environmental impacts to formulate a particular pollution response.

This bill demonstrates that the Government has taken the recommendations of the O'Reilly review very seriously—in fact has gone well and truly overboard and done a lot more than the recommendations require. It has acted immediately to implement the recommendations in an effective manner and has indeed exceeded them. Combined with other government initiatives, the bill will again place New South Wales at the forefront as an innovator and give the Environment Protection Authority the authority it needs to tackle the environmental issues of today and into the future. I commend the bill to the House.

Mr ROB STOKES (Pittwater—Parliamentary Secretary) [11.46 a.m.]: In making my contribution to debate on the Protection of the Environment Legislation Amendment Bill 2011 I preliminarily note that pollution control and regulation is perhaps one of the most fundamental tasks for government. We tend to forget just how important the role of regulators is in protecting the public from pollution incidents. Looking back at the very origins of liberal democracy in nineteenth century Britain—the conditions suffered by workers in factory towns, the royal commission in 1833 that led to the introduction of the Factories Regulation Act of 1833 and the factory inspectorate, the horrendous conditions endured by working people that saw the Great Reform Act and the introduction of modern parliamentary democracy—it is very important that we reflect on how fundamental and important the regulation of pollution is to the role of government.

I have seen very old pictures of little three and four-year-old children in factory towns with legs horribly deformed by rickets from growing up without sunlight because of the thick layer of soot that lay over their working-class villages. We must remember that pollution control is fundamental and governments need to be constantly alert. It is very instructive that one of the first pieces of legislation that our excellent environment Minister has introduced relates to pollution control. It is worth remembering that it has been a fight. The struggles of the 1960s through to the 1980s have been largely forgotten.

In my neck of the woods on the northern beaches of Sydney, I remember as a young boy swimming in the brown tides that would drift up from North Head before the Liberal Government put in the deep ocean outfall. I remember the stinking mess that used to be the Parramatta River before it was progressively cleaned up during the 1980s. We are still dealing with the legacies of Union Carbide, which have been hampering development around the Rhodes peninsula, and of other companies as well as the nuclear waste issue around Hunters Hill. There are significant legacies resulting from the failure to manage pollution effectively.

The Labor Government inflicted upon us for the past 16 years was more focused on issues of inner-city sustainability and rhetoric about national parks during the 1990s and 2000s than the fundamental job of ensuring that people and places were protected from pollution. As Jennifer Norberry wrote some years ago, the effects of unregulated industrialisation in Sydney, for instance, where waterways were used effectively as disposal sites for factory waste, caused public outcry in the 1960s, which led the then Liberal Government—Jack Beale, as the member for Lake Macquarie pointed out—to enact the Pollution Control Act 1970 and the Clean Waters Act in the same year. They were initiatives of the Liberal Government. We have a proud legacy in these areas, which is worth pointing out. Noise control followed in 1975, again under a Liberal Government.

Sadly, under Labor, pollution control fell completely off the radar. It was not until the late 1980s that the first dramatic changes appeared in Australian environmental offence and penalty provisions with the introduction of the Environmental Offences and Penalties Act 1989, again under a Liberal Government in New South Wales. As originally formulated, that Act provided for aggravated pollution offences that applied to government for the first time. Previous Labor governments have been reticent to ensure that government bodies came under the ambit of pollution control laws.

The number of prosecutions undertaken increased from 15 in 1985 when Bob Carr was Minister for Planning and Environment to more than 70 in 1990 under the new Liberal Government. Significant action was taken on pollution control as soon as the Greiner Government came to office. At that time I was a clerk at one of the big Sydney law firms, and I remember the case of *EPA v Caltex*, which was one of the key cases at that time. The case related to the right of companies to seek privilege against self-incrimination in environmental offences. That right was overturned.

Some significant cases were dealt with around that time, all of which were the result of the strong pollution control laws introduced by the Liberal Government. In 1991 the Protection of the Environment

Administration Act was introduced as the next part of major reform and the State Pollution Control Commission was replaced by the Environment Protection Authority. The key objectives of the authority set up under this groundbreaking Liberal Government legislation were to protect, restore and enhance the quality of the environment in New South Wales having regard to the need to maintain ecologically sustainable development. The very concept of ecologically sustainable development was first introduced into New South Wales by a Liberal Government in the Protection of the Environment Administration Act.

The other objectives of the Environment Protection Authority were to reduce the risks to human health and prevent the degradation of the environment by promoting pollution prevention and adopting the principle of reducing to harmless levels the discharge into the air, water or land of substances likely to cause harm to the environment. The reform of pollution control in New South Wales was to be done in two stages: The first was the creation of the Environment Protection Authority and the second was the reform of the State's pollution control legislation, which ultimately resulted in the introduction of the Protection of the Environment Operations Act. Sadly, however, the bureaucratic restructures with the new Labor Government saw the Environment Protection Authority lost in a jumble of ad hoc administrative changes with countless ministers and countless restructures.

A few I remember were the Department of Environment and Conservation, then the Department of Environment and Climate Change, then the Department of Environment, Climate Change and Water—all sorts of different administrative bamboozling titles were introduced by the former Labor Government. The member for Marrickville, leading for the Opposition on the bill in this place, waxed lyrical about Labor's legacy. Let us see what the experts have to say about it. The new *Environmental Law Handbook* edited by David Farrier and the esteemed Paul Steen, formerly of the Land and Environment Court and Court of Appeal—I quote in reference to the environmental laws under Labor—said:

> They had been amended on a piecemeal, largely unprincipled basis as the need had been perceived to exist. A consistent theme had been the watering down of provisions designed to give environmental protection and conservation a substantial status in government decision-making processes.

That is what the experts have to say about Labor's legacy in this area. What do our reforms do? The first thing they have to do is to get the governance right. That will be achieved by the amendments in the bill to the Protection of the Environment Administration Act to reconstitute the Environment Protection Authority Board. The bill reduces the size of the board and makes it more streamlined by providing for five members only. It changes the expertise and make-up of the board to ensure that its members are appropriately qualified to fulfil their functions under the Act. The board will have the added functions of overseeing the effective, efficient and economical management of the Environment Protection Authority. The bill requires the board to provide an annual statement to the Minister on the success and effectiveness of the Environment Protection Authority—the body it oversees—in reducing pollution risks.

Importantly, the bill also provides for the appointment of a chairperson of the Environment Protection Authority who will assume most of the functions of the director general of the Department of Premier and Cabinet under the environment protection legislation, which includes managing and controlling the affairs of the Environment Protection Authority. Other parts of the bill amend the Protection of the Environment Operations Act, particularly the notification procedures, to beef up and clarify the existing duty to notify provisions in section 148—when to notify, who to notify and how to notify, and to make sure it is immediate. On 6 October 2011 Ben Cubby wrote an article in the *Sydney Morning Herald* under the heading "Cultural Hidden Leaks Uncovered as Firms Fail to Notify" in which he noted that the O'Reilly report uncovered:

> A pattern going back more than a decade with 32 documented serious pollution incidents in New South Wales since 1999 in which companies failed to notify authorities within 24 hours.

Only two of the incidents led to prosecution for late notification. The O'Reilly report noted a systemic failure by the former Labor Government in relation to notification of pollution incidents, which this legislation very clearly aims to set right. New sections 153A and 153B states that it is the duty of a licence holder to prepare pollution incident response management plans and they provide a very clear requirement to plan for what to do if a pollution incident occurs. They also provide that a holder or occupier of certain premises of an environment protection licence must prepare a pollution incident response management plan that complies with the legislation in relation to the activity to which the licence relates, the procedures of notification, the action and coordination of response, and ensure that the plan is tested and implemented. Obviously if we fail to plan, we plan to fail. This part of the bill very clearly sets out the obligation of licence holders and occupiers of premises in certain cases to plan for what would happen if the unthinkable happens and pollution occurs.

New section 175 will expand the range of circumstances in which a mandatory environment audit may be required. The bill makes significant changes to the public register maintained under section 308 to require public access to be given to certain monitoring data required to be recorded by the holders of environment protection licences and to require further details to be recorded in the public register kept by the regulatory authorities. The Environment Protection Authority has not provided detailed public information on actions taken in relation to specific non-compliance and that has been a clear failing in the existing law that this legislation seeks to set right.

In conclusion, I will reflect on a local incident that involved my community of Pittwater that would have been much better handled under these new provisions. A company called Unomedical had been emitting a known carcinogen called ethylene oxide from its plant in Mona Vale for many years. Despite being a known carcinogen, it had not been regulated by inclusion on the schedule to the Protection of the Environment Operations (General) Regulation, so it was not subject to an environment protection licence. A formal requirement requiring information to be provided to the public was clearly lacking. The company was unclear of its responsibilities and when a pollution incident was notified to the public there were widespread community fears. Local residents were left in the dark.

The legislation lacked information and clear guidance on how best to provide information. There was also confusion as to which entity within government should be responsible. Was it the Department of Health, the Department of the Environment, or the local council? Who was actually responsible for coordinating the response to this pollution incident? All this confusion and fear could have been avoided if the legislation had provided the appropriate guidelines. Following strong community reaction in 2008, the Protection of the Environment Operations Amendment (Scheduled Activities and Waste) Regulation was introduced to schedule the use of more than one tonne of ethylene oxide in the sterilisation of medical equipment. But that was a reaction to a problem; it was not the result of systemic change and hard work. This Government is doing the hard work. So often Labor responded to problems with a quick fix, ad hoc solution, not by undertaking the hard work of systemic reform which was so necessary.

There was a lack of clear direction to the company and a lack of clear information to the community, which created and exacerbated a bad situation in that case. I am pleased that after four cases in the Land and Environment Court the matter has finally been settled, with orders against the company. But it is not enough to undertake prosecutions after the event, which are often hollow victories. Instead, the Government and the Minister are taking action to ensure that companies undertake the necessary planning to prepare for what to do if things go wrong, to be crystal clear about their obligations to notify the appropriate regulator and to ensure that the community has the information it needs about pollution events that may affect it, all within the existing framework that pollution is a crime, regardless of intent, and that polluters must pay for the damage they cause. The culture of cover-up which has developed over the past decade and which has been exposed by the O'Reilly report must come to an end.

Mr MARK SPEAKMAN (Cronulla) [12.00 p.m.]: I support the Protection of the Environment Legislation Amendment Bill 2011. I congratulate the Minister for the Environment, and Minister for Heritage on her proactive and transparent approach to environmental law reform in New South Wales. This bill continues the proud history of environmental regulation by the Liberal-Nationals in New South Wales. The bill contains a wide-ranging package of initiatives, which will have with it some non-legislative reforms as well. It will strengthen the legislation holding industry to account for environmental performance; it will improve the community's right to know; it will provide for an independent and modern Environment Protection Authority which will better regulate high-risk industries; it will increase penalties for non-compliance; and, most importantly, it will improve the knowledge of the Environment Protection Authority and the community about the impacts of industry where they coexist in close proximity to residential areas.

The bill contains a series of amendments. The first set of amendments deals with the constitution and operation of the Environment Protection Authority. It was a Coalition Government that established the Environment Protection Authority, and it was a Labor government that created the problems with it that we are seeking to fix with this legislation. As a statutory body the Environment Protection Authority was designed to respond and independently regulate those industries that involve major hazardous facilities and other types of pollutant industries such as waste industries. But over the 16 years of Labor failure, the strength and responsibility of the Environment Protection Authority evolved or has been moulded into what is now the Office of Environment and Heritage. The Environment Protection Authority lost its way and resources were reduced. This bill seeks to redress those problems by commencing a process for an independent Environment Protection Authority. The authority will consist of an experienced board with control over what happens, with direct lines

of supervision. There will be a chief environment regulator and a chairperson who will work with the community and industry to achieve appropriate outcomes. The Environment Protection Authority will be modernised to ensure that New South Wales has a single, consolidated, modern environmental regulator. Therefore there will be a series of amendments to the Protection of the Environment Administration Act 1991 so that we have an Environment Protection Authority with an independent chairperson and a smaller reconstituted expertise-based board to make it more accountable.

The second set of amendments deals with the warnings and information to the community and others about pollution incidents as a result of the recommendations of the O'Reilly inquiry. What are those amendments? First, the Protection of the Environment Operations Act 1997 will be amended so that the holder of an environmental protection licence with a condition that requires the holder to monitor activity or work authorised, required or controlled by the licence, will have to make the monitoring results that relate to pollution publicly available on the internet. Secondly, pollution incidents causing or threatening material harm to the environment that are required to be notified will now have to be notified immediately, not as soon as practicable, as is currently the case.

Thirdly, the legislation will be amended to add to the list of government authorities that are required to be notified of pollution incidents. A person will be required to notify the pollution incident to the appropriate regulatory authority, the Environment Protection Authority, whether or not it is the appropriate authority, the local authority for each area in which the pollution incident occurs, the Ministry of Health, the WorkCover Authority and Fire and Rescue New South Wales. Fourthly, information about a pollution incident that is required to be notified to the expanded list of government authorities must be the information that is known when the report is made immediately after the pollution incident occurs, and if further information later becomes known it, too, must be immediately notified. The legislation will also double the maximum penalty for offences concerning notification of pollution incidents, from $1 million for a corporation and $250,000 for an individual to $2 million and $500,000 respectively.

The third set of amendments in the bill deals with the duties of holders of environment protection licences and other people to prepare and implement pollution incident response management plans. The fourth set of amendments deal with an addition to the circumstances in which a mandatory environmental audit may be required. There will also be amendments requiring further details to be recorded in the public register kept by regulatory authorities. This package of measures will be complemented by non-regulatory and non-legislative reforms as outlined by other speakers. The package continues the proud history of proactive environmental policy by the Liberal-Nationals in New South Wales. The Minister for the Environment can be proud of this package. She is an active, proactive Minister who, instead of sloganeering and scaremongering, which we get from members opposite, is concerned with sound public policy outcomes. I congratulate the Minister, and I commend the bill to the House.

Mr JAI ROWELL (Wollondilly) [12.06 p.m.]: I speak on the Protection of the Environment Legislation Amendment Bill 2011, and what an important bill it is. The bill will modernise the Environment Protection Authority, improving its access to information, among other things, in response to the O'Reilly review. The Orica incident highlighted the level of neglect in the area of environmental protection and response—a remanent of 16 years in office by members opposite. The Environment Protection Authority was proudly established by the last Coalition Government, but over the past 16 years it has been neglected and mismanaged. It lost its way after its resources were reduced by Labor, but this Government will rejuvenate it. This Government is working to fix the problems left by the last Government, including those highlighted by the recent Orica incident.

Almost immediately after the incident the Government introduced the notion of an independent inquiry with an independent chairperson, Mr Brendan O'Reilly, a well-respected individual who was commissioned to report on the incident. I am proud to say that the Government has accepted all of the recommendations and will go beyond them. The rejuvenation of the Environment Protection Authority will see alterations to the existing board. The existing board is made up of part-time members and it is the current view that the format is unsuitable. Whilst it has assisted in the past, it is difficult for a board of that nature to achieve the new intentions of our amendments. That is why the Government is making changes in that area. The Government intends to create a new board, with clear governance, accountability and reporting requirements.

The chairperson, along with the board, will oversee the Environment Protection Authority to ensure that it is effective and efficient, and remains economically sound. The chairperson will be tasked with holding the Environment Protection Authority to account and will report directly to the Minster. Furthermore, the board

will be required to provide an annual regulatory assistance statement to the Minster. The chairperson will be assisted by a new position of Chief Environmental Regulator, who will be responsible for the day-to-day running of the Environment Protection Authority and its activities. The board, and in particular the chairman, will actively engage with the community and be able to hear firsthand the concerns of local residents. In the first instance this will be achieved through the chairperson meeting the Community Consultative Committee.

That is the type of governance this State has lacked for 16 long years: the ability to appoint individuals with sound credentials to positions of authority with transparency. We are empowering boards to hold industry to account and, unlike members opposite, we are not taking the lax approach to environmental concerns. The Act will be amended to require industry to immediately report incidents not only to the Environment Protection Authority but also to the Ministry of Health, WorkCover, Fire and Rescue and the local council. Further amendments will ensure that the licensee can report the incident immediately without having to wait for further information. This is a significant change that was left unaddressed by those opposite. Another important component of the amendment is the proposal to make it more straightforward for the Environment Protection Authority to request an environmental audit when reasonable suspicion is evident that processes have been carried out in an unsatisfactory manner.

This complements the comprehensive audit that is already underway by the Government, the largest ever undertaken on major hazardous facilities. All these initiatives are evidence that this Government is a responsible, active and determined Government. We care about the environment, the economy, and the people who reside in this once great State. It is the management of how these components interact with one another that is of the highest importance. A sign of good governance is finding the right balance between protection and regulation, between preservation and progression, between a handout and a hand up. The announcement of the Dharawal National Park in my electorate of Wollondilly is one example of our constant endeavours to find that balance. The announcement of this park will see the preservation of pristine parkland, picturesque waterways and native flora and fauna. It will also increase tourism to the nearby town of Appin and surrounding villages and suburbs, helping to stimulate the local economy and promote job growth.

Thirlmere Lakes is another example of how, on a local level, we are attuned to the local environment. We are listening to those residents who share my passion for it and take the time to voice their concerns. Over a number of years Thirlmere Lakes has been drying out, and those opposite, despite their political rhetoric, did nothing about investigating it. After the March election all it took was a phone call to the Minister's office to see her spring into action, and a week later she and I inspected the lake firsthand. Consultation with local environmental groups resulted in a suggestion that an inquiry be undertaken featuring academics and industry professionals from a variety of fields. I am advised that this panel of experts is set to begin the inquiry shortly. Examples such as this highlight the difference between our side and those opposite. We identify a problem, then systematically work to resolve it. This is hallmarked by the amendments of which I speak today.

The Orica incident uncovered a number of areas of concern as a result of neglect from those opposite and the Government is determined to fix them. It is a shame that Labor did not learn from the various incidents that occurred under their watch. Had they acted, the people of Stockton would have been notified earlier. I note under Labor they had a revolving door of environmental Ministers—in fact they had seven—and I note that those Ministers failed to report various incidents that occurred. Of those seven the most hypocritical was the Leader of the Opposition, Captain Solar, John Robertson. He had two incidents where he failed. Let us look at the Huntsman Corporation incident where some 685 kilograms of ethylene oxide was emitted into the atmosphere.

Mr Bryan Doyle: Serious stuff.

Mr JAI ROWELL: It is serious stuff, as the member for Campbelltown says, and I know he shares my concerns about our local environment. We know that that toxic gas can be extremely dangerous to humans. But when this occurred, where's Wally? I am sorry, I mean John Robertson. The Leader of the Opposition took no action to explain to residents about the dangerous carcinogens. There was no press release. One would think he would have spoken in Parliament about it. No. Perhaps he spoke in the media? No. The now Opposition leader, who says he will be the hardest-working Opposition leader in history, worked just as hard then as he does now. He did absolutely nothing. It has been almost 700 days since the incident and the local community is still waiting to hear from him.

I note the member for Keira is not interjecting, so he must agree with me. As Minister he had the opportunity to change the legislation—as we are now—but he was too busy ensuring his transition to this place

and stabbing his colleagues in the back. Had he acted then, the Orica incident would have been different. It is the current Minister we must look to. In Robyn Parker we have a Minister who is hard working and is committed to the people of Stockton and the people of New South Wales. She is determined to do what is right, she is not afraid of hard work and she is getting on with the job. As the Minister rightly asserts, the amendments in this bill will tighten regulations that apply to hazardous industry and pollutant licensing. These amendments are a positive step to protect the environment now and into the future. I commend the bill to the House.

Ms ROBYN PARKER (Maitland—Minister for the Environment, and Minister for Heritage) [12.13 p.m.], in reply: I recommend that this bill be now agreed to. I thank the members who have addressed this legislation in quite comprehensive ways. I thank the members representing the electorates of Newcastle, Camden, Gosford, Orange, Blue Mountains, Pittwater, Cronulla and Wollondilly for their speeches and their consideration of the bill. I also thank Greg Piper, the member for Lake Macquarie, Jamie Parker, the member for Balmain, and the member for Marrickville. The considered response from members was that there is no opposition to the bill because it is sensible legislation.

The bill is in response to the O'Reilly inquiry and to an incident that happened at Stockton. That incident identified very quickly failures within the current legislation, failures that had been allowed to exist for 16 years under the former Government, and failures which can no longer continue. The Government does not shirk from admitting that the community of Stockton were not informed soon enough and should never have had to suffer the concerns they did. That is acknowledged up-front. We are taking swift and decisive action to fix what should have been done in the last 16 years, when under the Labor Government the Environment Protection Authority was diluted with bureaucratic reshuffling. I note the mock outrage from the member for Marrickville, a former environment Minister, who spent most of her speech discussing what happened at Stockton and her outrage at how long it took the Government to inform the local community.

Yet we know there were at least 76 incidents under the last Labor Government. We know there were no press releases and no statements to Parliament. On many occasions no information was given to the public. As other members have identified, the public are still waiting to hear from the revolving door of seven Ministers for the environment under the last Government. The member for Marrickville also went on to analyse hexavalent chromium and the effects it could have if it was inhaled. Of course it was not inhaled by the residents of Stockton. We acknowledge that is a serious chemical. The member for Marrickville failed to admit that when the Leader of the Opposition was the Minister for Climate Change and the Environment, in November 2009 there was an incident involving a company called Big River, an Environment Protection Authority licence holder, which took a day to inform the Minister or the then environment department that something had gone wrong.

What had gone wrong was that this company produced a resin that contained phenol formaldehyde, a carcinogen that overflowed into the stormwater system and into the wetland. The concentration and composition of that pollutant were sufficient to have rapidly killed any frogs, tadpoles, fish and aquatic invertebrates there. As a result of that spill the owners of private property had to move 140 stud cattle to another property. That is just one example of what went wrong under the last Government. There was also the Huntsman Corporation incident of 28 October 2009, when 685 kilograms of ethylene oxide gas escaped from the Huntsman chemical factory at Matraville. Of course, ethylene oxide is a carcinogen, and that exposed the residents of Matraville and workers to harm. Did we get a press release from the Minister? No. Did we get a ministerial statement? No. We did not get anything from the Minister, because that is what went on under the last Labor Government—no press release, no ministerial statement. At that stage perhaps Erin Brockovich should have been brought in. The incident indicated just how hopeless the Labor Government was.

Last Friday on ABC Radio the Opposition's shadow Minister for the Environment, the Hon. Luke Foley, was asked why the former Labor Government did not introduce similar amendments. His response was that it was not on their radar. It should have been on their radar because there had been 76 incidents. Certainly when the member for Marrickville, Carmel Tebbutt, was the Minister for Climate Change and the Environment there was at least one serious incident in which carcinogens were involved. Two serious incidents occurred in the two months when John Robertson was Minister for Climate Change and the Environment. Those two serious incidents, as I have already stated, occurred without being the subject of a press release or a ministerial statement and without the community being told. Those incidents could have had carcinogenic effects. The former Labor Government had an opportunity, but the issue was not on its radar. The issue is on this Government's radar and we will fix it.

The initiatives taken by the Government include both legislative and non-legislative reforms that will strengthen the legislation and hold industry to account for its environmental performance, improve the

community's right to know, provide for an independent and modern Environment Protection Authority to better regulate high-risk industries, increase penalties for non-compliance and, importantly, improve the Environment Protection Authority's and the community's knowledge about the cumulative impacts of industry where they coexist in close proximity to residential areas. The Opposition has called for other measures that it says will more effectively provide information to the community. Specifically, it called for the development of an Emergency Planning and Community Right to Know Act. This proposal is not necessary and at best is ill considered. Shortly I will explain why that is the case. First I will remind the House of some of the benefits of the bill we are debating today.

The bill will modernise and strengthen the ability of the Environment Protection Authority to regulate serious pollution incidents by significantly improving notification requirements and pollution incident response management provisions, as well as increasing penalties for non-compliance. These amendments will ensure that serious pollution incidents are avoided to the greatest extent possible and, if they occur, are handled more effectively, quickly and transparently in the future. The bill will restore the Environment Protection Authority's independence and effectiveness. The changes to the role of the chairperson and the board in particular will deliver greater accountability, transparency and a more effective Environment Protection Authority. We currently have a chairperson of the Environment Protection Authority that has no special function or power beyond that of a normal board member. The chairperson has no powers to direct industry or any person. It is also important to note that the community has no statutory representative on the current board of the Environment Protection Authority.

The new chairperson will be the head of the Environment Protection Authority. The new chairperson will have the power to manage and control the affairs of the Environment Protection Authority and will be directly accountable for the performance of the Environment Protection Authority and the way it exercises its powers under New South Wales environmental legislation. The new chairperson will be assisted by a new position of Chief Environmental Regulator who will be responsible for the day-to-day running of the Environment Protection Authority and its activities. The new chairperson will be the community's champion and ensure that local government also has a voice. A key function of the new Chairperson of the Environment Protection Authority will be to listen and respond to community views and concerns. When specific issues warrant it, the chairperson will also engage face to face with individual councils and their regional bodies. This will ensure that the Environment Protection Authority reconnects with the community it serves.

Therefore, in contrast to the current position, the new chairperson will be required to have a proactive and hands-on role in delivering an effective Environment Protection Authority to the people of New South Wales. The current board largely functions as an advisory board as opposed to a governing board. There are currently 10 members on the board with a mix of experience, expertise and interests. Its powers are currently limited to determining whether to proceed with prosecutions for serious offences, determining the strategic policies of the authority and developing guidelines for criminal proceedings. The existing board is too big and meets only monthly. While the functions of the current board have helped to inform new Environment Protection Authority policies and approaches, it is difficult to give a board of that type greater responsibility and accountability. I thank the current board of the Environment Protection Authority. The board comprises terrific representatives. The changes we are making are designed to strengthen the board of the new Environment Protection Authority. I hold many of the current board in great esteem and thank them very much for the role they will play until the changes are made.

The new Environment Protection Authority board will be responsible for the effective, efficient and economical management of the authority. The new board will be smaller, more focused and accountable. It will have members with expertise in environmental science; environmental law; corporate, financial and risk planning and management; and business. The new board will continue to exercise the power to determine prosecutions for serious offences. This new board, together with the new chairperson, will be responsible for delivering an effective Environment Protection Authority to the people of New South Wales. The bill includes measures to make the new Environment Protection Authority more accountable. Currently, the Environment Protection Authority's annual report is one part only of the usual annual report of the Office of Environment and Heritage.

Under the changes proposed in the bill, the new Environment Protection Authority board, through its chairperson, will be required to provide an annual regulatory assurance statement to the Minister for the Environment, who will be required to table it in Parliament. This statement will detail the success of the Environment Protection Authority in reducing risks to human health and material harm to the environment, as well as whether this level of protection satisfactorily compares with other Australian jurisdictions. It also will

provide an assessment of the performance by those industries regulated by the Environment Protection Authority in reducing risks to human health and preventing material harm to the environment. This is in addition to the normal agency annual report.

The annual regulatory assurance statement will provide greater transparency about the effectiveness of the Environment Protection Authority's regulation of industry and protection of the community and the environment. However, this bill goes further and requires the Environment Protection Authority and industry to provide more information to the public. Currently there is no requirement for industry to make publicly available the results of its pollution-monitoring data. That is appalling. The bill will make it mandatory for industry to make its monitoring results publicly available through its website or in hard copy on demand to any member of the public. The Environment Protection Authority will work with industries to make this requirement as simple and as effective as possible.

The Environment Protection Authority currently displays details of regulatory actions and prosecutions on its public register. This bill will introduce new standards of disclosure by expanding the public register to include mandatory environmental audits, pollution studies, pollution reduction programs and penalty notices that have been issued. The bill delivers on the community's right to know by providing greater and easier access to that information. I am aware that there have been some concerns about a perceived focus of a modernised Environment Protection Authority on pollution at the expense of other aspects of environment protection.

The Government's vision is for a single consolidated environmental regulator, which means a regulator that is responsible not only for pollution control but also for protecting human health and the environment, including ecosystems and biodiversity. In addition to providing a framework for an effective, more transparent and accountable Environment Protection Authority, the bill will make industry more accountable and more responsive to government and the community. Right now industry is required to report incidents to the Environment Protection Authority "as soon as practicable" when the incident has caused, or may cause, material harm to human health or the environment that is not trivial.

History shows that since the current legislation commenced in 1998 there have been only two prosecutions for industry's failure to notify. Yet we know that in the term of office of the previous Labor Government there were many instances of industry taking days, weeks and sometimes years to notify. Industry will have to change the way it operates. The community is demanding change and expects improved performance and quicker notification. Those expectations must be met. The Environment Protection Authority will work with industry to assist it to develop incident management plans, notification procedures and protocols and to understand when it must report and how. This bill will require industry to report such incidents immediately to both the Environment Protection Authority and to other relevant authorities. The bill also doubles penalties for companies and individuals for failure to notify a serious pollution incident. This will act as a strong deterrent. I understand that industry may have concerns about the word "immediately", but it is not possible to define this in every conceivable circumstance.

However, the Government and the community expect industry to report pollution incidents promptly and without delay. Right now there are no specific requirements for all licensed industry to have pollution response management plans in place. This bill requires industry not only to have these plans in place but also to test and activate them should an incident occur. There will be significant penalties for non-compliance. Importantly, these management and response plans must include community information and notification protocols. As I have said, the Environment Protection Authority [EPA] will work with industry and with other interested groups to ensure that these plans are appropriate, reasonable and effective.

A series of other important provisions in the bill will give the Environment Protection Authority the power it needs to ensure that serious pollution incidents are avoided to the greatest extent possible and, if they occur, are handled more effectively, quickly and transparently in the future. In addition to these legislative changes, the Government has developed a wide-ranging package of further initiatives, including directions I have given to the Environment Protection Authority to establish a pilot community advisory and consultative committee for the Lower Hunter area, and develop an environmental monitoring network for the Newcastle and Lower Hunter region. The Opposition's suggestions are ill considered. Labor has called for the development of an emergency planning and community right-to-know Act—an idea it took from the Legislative Council Standing Order 52 box of initial ideas of which the Government gave notice, without understanding how this might work. The Government's plans referred to a community right to know, but such an Act would duplicate existing legislation and Government initiatives, both in terms of emergency management and community access to information.

The local emergency planning committees proposed by the Opposition would duplicate existing functions and arrangements under the current emergency management framework and the State Emergency Management Act. Local emergency management committees already exist, comprising police, Fire and Rescue NSW, ambulance officers, local councils and other key stakeholders. They plan, review and communicate emergency responses to all incidents, including pollution-related ones. The functions include developing and maintaining plans and communicating those arrangements to the community. An example is the Port Botany precinct emergency plan. In other words, the Opposition's plan is a half-baked idea formulated with no understanding of its full ramifications and what is already in place. The Opposition is quick to try to attract media attention and get a headline. The Opposition spokesman tried to outplay the Leader of the Opposition in the hope that one day he might be leader. We know what that is about—and it is not serious policy and planning.

New South Wales already has community right-to-know provisions for environmental matters that compare favourably with, and in some measures go beyond, those in other jurisdictions in Australia and internationally. They include the National Pollutant Inventory reporting requirements and the web-based systems that allow the public to access this information, and the public register requirements listed in the Protection of the Environment Operations Act, which specify information that the Environment Protection Authority and councils must make available on a public register. I have already detailed how the bill will provide even greater transparency via an annual Environment Protection Authority Regulatory Assurance Statement, an expanded public register, and requirements for licensees to provide monitoring data to the public. These measures will ensure that the community is given more information about underperforming licensees and the actions that are being taken to ensure that these premises are addressing their areas of poor performance.

I have already detailed how the bill will provide better planning and community notification via the requirement for all premises that hold an environment protection licence to prepare, implement, regularly test and maintain a pollution incident response management plan. The Environment Protection Authority will also have the power to prepare a regulation that requires some higher-risk non-licensed industrial facilities to prepare, implement, test and report on pollution incident response management plans. The community will be involved in developing these plans. I have already detailed how the legislative measures will be complemented by the establishment of an industry-funded environmental monitoring network to provide information to the community about potential cumulative impacts from industry in the Lower Hunter area, particularly the suburbs of Stockton and Mayfield.

Several initiatives in the Government's response to the recommendations of the O'Reilly review will also improve the coordination of actions between emergency response agencies. They include improving notification and cooperation between the Environment Protection Authority and Fire and Rescue NSW through changes to the existing memorandum of understanding between the two agencies; developing a precinct plan for Kooragang Island and appropriate surrounding areas, which will be led by the State Emergency Management Committee with assistance from relevant government agencies; expanding the role of the community engagement system through the public information functional services area for hazardous materials incidents, including considering practical issues to ensure that the system can be implemented effectively and that the community's concerns about timeliness of information and its content are addressed; and involving the public and the media in all future emergency response exercises, and specifically in testing public communication protocols and mechanisms. In short, all the benefits that might come from developing an emergency planning and community right-to-know Act are already in place or are being addressed by the Government's response to the recommendations of the O'Reilly review.

I commend The Greens for the constructive way in which they have engaged in the discussion and debate about these matters. Regarding recommendation 7 of the O'Reilly report, which recommends that the Environment Protection Authority board include a community representative, I would like to explain why the Government has adopted the approach outlined in the bill. As I have said previously, there is no statutory position for a community representative on the current Environment Protection Authority board. There are two Nature Conservation Council representatives. While those members represent conservation group interests, they do not necessarily represent all communities and all diverse views. We have chosen to capture the community's interests in a different way because it is extremely difficult, if not impossible, to identify and provide a single community representative. The bill provides for an expertise-based board, which is necessary to deliver on the additional responsibilities of governance and accountability that this new board will have.

A fundamental responsibility of the new chairperson will be to be the community's champion—to engage and connect with members of the public, listen to their concerns and issues, and ensure that the Environment Protection Authority is addressing them. Similarly, the chairperson will meet and hear from local

government as both a co-regulator and a voice for its communities. I am happy to consider the views expressed by The Greens about the bill and to work with them to achieve suitable outcomes. To demonstrate further that the Government is serious about holding industry to account for its environmental performance, I advise the House that the Office of Environment and Heritage [OEH] has commenced prosecutions in the Land and Environment Court against Orica in relation to an incident that occurred at its Kooragang Island site on 19 October 2010, during the term of the former Government. It is alleged that a discharge of tonnes of nitric acid on that day resulted in the pollution of groundwater, the Hunter River and local air quality—I did not see a press release or hear a statement in Parliament from the Minister at the time, however.

Ms Linda Burney: How much longer?

Ms ROBYN PARKER: As these prosecutions are now before the Land and Environment Court it would not be appropriate for me to make any further comment. While a year would seem a long time to get the matter to court, this is due to the complexity of the industrial processes involved and the evidentiary requirements relating to matters of this type. The Office of Environment and Heritage has also commenced a program of audits targeting industries that pose a high risk of environmental harm. Initial audits are being conducted at 42 high-risk sites across the State that store toxic, hazardous or dangerous substances in large quantities or volumes.

These include oil refineries, chemical processing plants, large chemical and gas storage depots, and large chemical warehouses. The audits are focusing on making sure that industry manages potential risks to people and the environment, and that adequate emergency response procedures are in place should an incident occur. Any deficiencies found will be addressed systematically. Opposition members want to know how much longer I will take. That demonstrates how little they care about making substantial changes to benefit the environment. They simply indulge in mock outrage, issue press releases and make catchy statements. They are not interested in substantive changes, which they could have made when they were in government.

To inform industry and the community about the reforms, the Government is implementing what is expected and required of industry. I will convene a roundtable gathering with industry, the community and local government representatives on 21 October in Newcastle in response to the Orica incident. We will identify what happened. This Government is fixing 16 years of mistakes made by the Labor Government. That is what a responsible government should do, and the people of Stockton and New South Wales know that. These legislative and non-legislative measures will ensure that the New South Wales Government responds in a comprehensive and meaningful way to the lessons learnt from the Orica incident—specifically that pollution incidents must be responded to in a timely manner and that the community should be kept appropriately informed.

New South Wales will have a modern, strengthened Environment Protection Authority that places the community at the heart of its operations. The former Government should have made these changes. They must be made because of the way in which members opposite diluted the role of the authority, which was established by a Coalition Government. These changes will benefit the people of New South Wales and I am very proud of them. The Government will introduce more changes when the results of the audits are revealed. We will ensure that New South Wales has the strongest legislation and pollution regulation in Australia. 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.

UNIVERSITIES GOVERNING BODIES BILL 2011

Agreement in Principle

Debate resumed from 11 October 2011.

Ms CARMEL TEBBUTT (Marrickville) [12.44 p.m.]: I lead for the Opposition on the Universities Governing Bodies Bill 2011. This bill enables the governing bodies of universities to adopt progressively

standard governing body provisions that will allow them greater flexibility in determining their size and composition, and related matters. As the Minister indicated in his agreement in principle speech, this is an opt-in model—that is, universities can decide for themselves whether and when to introduce changes—and the New South Wales Vice-Chancellors' Committee supports its introduction. The Opposition does not oppose the passage of this legislation through the Legislative Assembly, but it reserves its right to make further comments and to move amendments in the Legislative Council.

We received this bill two days ago, when the Minister gave his agreement in principle speech. The Minister advised me at that time that the bill would be debated next week, but only last night I was informed that the debate would be conducted today. The Opposition has not had enough time to examine the bill carefully. It raises some important and significant issues, and we want to be able to consult further with stakeholders. As the Government has indicated, these amendments seek to provide a contemporary regulatory framework for universities in New South Wales. Of course, the Opposition does not oppose that in principle; in fact, the Labor Government commenced work on this issue before the election. The legislation contains some sensible proposals and it responds to the recommendations made by the Legislative Council committee that inquired into this matter a couple of years ago.

New South Wales universities are a critical part of the State's, and indeed the nation's, social and economic infrastructure. New South Wales universities account for a significant proportion of Australia's public and private tertiary education providers and much of its research and development infrastructure and investment. Our universities are leaders in cutting-edge research in several fields, they are home to a number of research council centres of excellence and they are host to several important national research facilities. According to recent Australian Bureau of Statistics figures, about 35.4 per cent of 25- to 34-year-olds in New South Wales have a bachelor degree or higher qualification, which is slightly higher than the national average. We also know that if we are to boost our productivity in the future we must increase the number of people who hold bachelor degrees and who have higher-level vocational qualifications.

Our universities are very important to New South Wales, and last year they received $1.2 billion in income from commercial sources. They are big corporate bodies, but, as we all know, they are much more than that. They are public education institutions and receive substantial public funding, so university governing bodies have a responsibility to govern in the interests of the communities they serve. Universities need to be informed by the needs of a broad group of stakeholders and they must have a diversity of representation on their governing bodies to ensure robust and informed decision-making. Having a university in my electorate—the University of Sydney—I am very aware of that.

Of course, universities have a range of responsibilities, including providing high-quality teaching and learning, undertaking research and scholarship, promoting critical and free inquiry, and enriching the cultural, intellectual and community life of the State and the nation. Good governance is fundamental to universities being able to fulfil their responsibilities, and it has been the subject of much discussion, debate and reform, particularly in the past decade. As I said, this legislation contains some sensible proposals, including the establishment of procedures to enable the governing bodies of universities that have lost confidence in their chancellor or vice-chancellor to remove them from office, to provide for the remuneration of their members and to use technology when holding meetings.

I have some concerns about the potential composition of governing bodies under the standard governing provisions, particularly with regard to the representation of academic and general staff and students. I am interested in hearing what the Parliamentary Secretary has to say about the consultation that has occurred with regard to this legislation. I understand that extensive consultation has been undertaken and, as I said, the New South Wales Vice-Chancellors' Committee supports the legislation. However, I would like to know what consultation has occurred with staff and students. The standard governing body provisions in the legislation guarantee that there will be at least one elected member of the academic staff, at least one elected member of the non-academic staff and at least one elected student member. The representation of these groups now varies between councils.

The University of New South Wales governing body has four academic staff members; the University of Sydney governing body has four academic staff members; the University of Technology, Sydney, governing body has two academic staff members; and the University of Western Sydney governing body has one academic staff member. There appears to be more standardisation of representation of non-academic staff and students. The Opposition would be concerned if there were to be a diminution on the governing body of the voice of the

staff and students of universities as a result of universities implementing the provisions in this legislation. I appreciate that some governing bodies might wish to change their composition or the overall number of members.

However, the Opposition believes it would be prudent to ensure that the proportion of those groups of members—academic staff, non-academic staff and students—remains the same. That is, the voice of the academic staff, other staff and students should not be diluted as a result of overall changes to the composition or the size of a governing body. Academic staff provide a unique and important perspective on governance given that universities are places of learning, research and critical thought, and non-academic staff have a detailed knowledge of the institution and the higher education sector. Of course, students bring their own perspective and, given that they are universities' immediate consumers, their needs and views are important to universities being able to fulfil their charter.

Of course, students, academics and other staff are not the only stakeholders in universities. The Opposition agrees that no individual category of membership should constitute a majority on a governing body. I give notice that the Opposition will closely examine the legislation and may move amendments in the other place to address the representation of academic and other staff and students. I also note that the bill gives universities the option of having between two and six ministerial appointments and that the Minister will no longer be able to appoint a member of Parliament to the governing body. I understand that this will not preclude members of Parliament from being members of the governing body, but they cannot be ministerial appointments.

The other day in this place the Minister made some gratuitous comments about political appointments. In doing so, he failed to mention that he had appointed Arthur Sinodinos to the governing council of the University of Newcastle. I want to ensure the House notes that. However, I think it is important for the House to note also that for some time the appointment of members of Parliament to governing councils of universities has occurred at the request of the councils. There were changes some time ago to the process of appointing members of Parliament to governing council bodies. Despite the disparaging comments made by the Minister, there is no doubt that many members of Parliament have made substantial contributions to universities through their membership of governing councils and have provided an important link between universities and the Parliament.

It is worthwhile to make that point, and we should not underestimate the importance of that link. The Opposition will look carefully at this change and may comment further in the other place. In closing, the Opposition does not oppose the passage of the legislation through the House. We think it contains some sensible proposals. Some of this process had commenced under the previous Government. However, we do not understand the Government's haste in bringing on the bill for debate in this place today. We would like to undertake further consultation with key stakeholders. We seek the Government's assurance that it will also listen to the views of staff and students prior to this legislation being debated in the other place.

Ms GABRIELLE UPTON (Vaucluse—Parliamentary Secretary) [12.51 p.m.]: I am very pleased to speak in support of the proposed amendments in the Universities Governing Bodies Bill 2011 that make very important changes to the governance of public universities in our State. I welcome the comments by the shadow Minister for education, Ms Carmel Tebbutt, in support of the bill, noting also that she said the Opposition would like to examine the bill a little further and perhaps raise some matters in the upper House. The bill not only makes important changes to the governance of public universities in our State but also reduces government regulation of those universities, allowing them to take control over some matters that they are in a better position to manage—I emphasise that point—and indeed have made such requests of the Government. With 10 public universities in New South Wales, we have some of the best universities in the world and we are very proud of them. Universities are a key sector in the New South Wales economy. They not only teach and research but innovate and support a significant export market for this State.

Universities are now recognised by our Government as being the focus of a specific industry action plan, which the sector deserves and applauds. They are indeed multimillion dollar enterprises that have significant public functions and significant commercial operations, including international businesses, and have growing needs for capital and therefore the complexities of large corporations. These changes recognise those complexities. Commercial and strategic realities mean that the university governing bodies need to be properly equipped to make critical strategic decisions that include the roles that I have outlined. Over half of university funding comes from non-government sources and there is a real need to ensure that university governing bodies have the right mix of expertise and experience to support strategic decision-making.

For all these good and important reasons, our public universities need a regulatory framework that helps them to get on with the critical tasks of teaching, researching, innovating and helping to drive the State's

economy. This bill does those things, and they are central things to our Government's approach to policy-making across the portfolios. The bill gives back to universities the power to make decisions about their governing bodies and it cuts red tape, allowing them better to focus on their strategic priorities. By supporting and streamlining key decision-making and the governing processes at university level, the Universities Governing Bodies Bill 2011 will help better align our State's priorities and universities' capabilities.

In response to the comments of the shadow Minister for Education and Training, I have indeed been working closely with vice-chancellors and chancellors and indeed the governing bodies of public universities in New South Wales on this important project. We first met as a group on 31 May 2011, not long after I was appointed as Parliamentary Secretary just over five months ago. We discussed how the new Government could assist them with their issues of greatest concern—issues that they thought were detracting from their ability to deliver in their important role. The desire of universities for more flexibility for their governance bodies was high on their list, and indeed was a longstanding request to the former Government. The Labor Government had failed to act on their request in relation to governance matters over a number of years. So the new Government set about working with the universities on a model that would meet their requirements and that they agreed to, and that would retain the Government's appropriate oversight of universities, as they are indeed public-facing institutions.

Since that meeting in May I have personally conducted extensive consultations with all universities through the New South Wales Vice-Chancellors' Committee and with the chancellors, and their unanimous agreement to these changes has the support of their governing bodies on which students and staff serve as participating members. I have also visited universities and met with senior management to discuss their particular issues, and indeed any other issues that they would like our Government's assistance on. I must say that those discussions have been uniformly productive and constructive. They have been conducted in the generous spirit of cooperation and within a very short time frame, and I commend the sector for stepping up in that regard. The universities have worked as a group with me on this project in a way that they see as setting a new benchmark of unity and collegiality in the sector.

I thank Professor Fred Hilmer, AO, convenor of the New South Wales Vice-Chancellors' Committee, for his leadership. I also thank all the chancellors and vice-chancellors, and indeed the New South Wales Vice-Chancellors' Committee secretariat, for their responsiveness and the significant goodwill they demonstrated through this process of just over four months. It is with this generous spirit of cooperation that I believe we can do much more to help one another. Indeed, this is the start of the process to make universities in the State work together more closely in pursuit of making New South Wales great again.

Turning to the bill before the Parliament, it is an agreed model, as I have said, for all New South Wales public universities. It will lift strict requirements on the size and composition of their governing bodies to better reflect their wishes. The reform bill contains two elements. The first is a major opportunity for those universities that wish to position themselves in the current climate to adopt a more streamlined governance arrangement. They can choose whether to opt in to the model—it is their choice. If universities decide to opt in, the standard governing body provisions are contained in schedule 1 to the bill and they will have greater freedom to determine within certain parameters the preferred size and composition of their governing bodies. Again, I emphasise that this is completely voluntary on the part of universities; they do not have to make any changes if their bodies do not so consent.

If universities want to adopt the standard governing body provisions they must be approved by the whole of their governing bodies, by a two-thirds majority of their members, including staff, students, external members and official members of the body. Such a resolution will enable university governing bodies to determine the total number of members they will have in a specified range, the total number of members in those categories of membership, and the time when that resolution to change their governance, size and composition should come into effect. The bill also makes clear that it is only when a student works full-time as an academic and general staff member that they cannot serve as a student on a governing body. This was a request of the universities to clear up when a student can serve and to make them eligible when they are working part-time as academic and general staff members. It brings clarity to a situation for that category of membership on councils and governing bodies.

The second part of the reforms is contained in schedule 3. It amends the Act of universities to help their operations and decision-making, whether or not they opt into the standard governing body provisions. Those changes include establishing a clear procedure that clarifies how governing bodies can remove a chancellor, a chair of the governing body or a deputy chancellor or a deputy chair from office. It enables university governing

bodies to provide for the remuneration of their members if the governing body deems that is appropriate, and it is going to enable the governing bodies to call their meetings using technology such as electronic teleconferencing. That will assist universities to work smartly and quickly in the new competitive environment. Currently the capacity to dismiss a chancellor for losing the confidence of the governing body is available to only two universities, the University of Sydney and the University of Newcastle—through the provision in their by-laws, rather than their enabling Acts.

Schedule 3 will extend those powers to all universities and put the provision in their Act rather than their by-laws. All current university legislation is silent on the power to remunerate and the amendment in the bill will provide legal certainty in relation to that power. The flexibility of these arrangements, at the request of the universities and with their unanimous agreement, means that the universities can be better placed to perform strategic decision-making and to tailor it to their specific needs. This will help us, as a Government that supports this sector strongly, to deliver on the strategic priorities that are important to the State. As the shadow Minister for Education highlighted, the reforms are going to provide decision-making competencies and new governing processes at universities. They will underpin the important role universities have in State and regional economies.

Universities are one of our most significant State resources, in both tangible and intangible ways. They are bastions of scholarship; they develop human capital for our employment market; they innovate and they are guardians of such intangibles as intellectual spirit and adventure. They provide a door to opportunity and self-improvement which is so important. They help impart knowledge, and that knowledge empowers. It minimises our differences in this House and outside in the local community and maximises our prospects of understanding one another. They are things that we really need in this world. Our public universities also have a practical and key role in creating a highly skilled workforce with skills that are relevant to the local business community. They help to retain skilled professionals in regional, rural and metropolitan areas so that critical essential services can be provided.

The Government, through its agencies, collaborates with universities in a wide range of initiatives across education and training, health, primary industry, science and medical research. Universities have an important role to play in supporting this State in addressing skills shortages in vital fields such as health, information and communications technology, engineering and professional services. They train secondary teachers specialising in maths, science and special education. One of the goals of the NSW 2021 State Plan is to ensure the State has a highly educated and skilled workforce able to support economic growth, innovation and social inclusion and to increase productivity.

We have set some pretty aggressive targets for the higher education sector. By 2025, 44 per cent of 25- to 34-year-olds in New South Wales will hold a bachelor level qualification or higher. By 2020, 20 per cent of undergraduate enrolments in New South Wales will be with students from lower socioeconomic status backgrounds. In order to lift participation and attainment the Government is promoting better links with our schools, our broad range of tertiary institutions and universities. A key part of the equality of opportunity we have to provide for the New South Wales community is to make higher education and vocational education in the training sectors more accessible. The Government is also working with business and education providers to develop effective pathway programs into tertiary education.

As Parliamentary Secretary I am pleased to be heading up an initiative that is going to review the situation and ascertain how this can best be done. Education, as the shadow Minister identified, is one of the State's largest export industries and universities are a key attractor of international students. They account for almost 25 per cent of students at New South Wales universities and contribute significant revenue. For example, in 2010 they contributed close to $1.3 billion. The New South Wales economy as a whole receives about $6.5 billion in export earnings from educational services in total.

And although international student numbers have been in decline since 2010 when the Commonwealth introduced a more stringent student visa migration policy—we note that New South Wales enrolments have declined about 10 per cent from the same time last year—future increases in international student numbers are now more likely with the Commonwealth moving recently to address some of the problems with its 2010 policy changes through a strategic review of the student visas program. I believe that this bill is going to provide the rebalance and refocus of university governing bodies to take those strategic advantages that come from the landscape with the Commonwealth policy now around visas for international students.

Through this bill the Coalition Government intends to facilitate a climate in which universities can grow and prosper and to give them what they reasonably request: greater autonomy and the flexibility and

control that they have asked to have and with which we are in full agreement. The Government aims to continue to provide a more flexible regulatory and planning environment where possible, consistent with maintaining all necessary accountable requirements. This bill is an important part of our very early efforts in government to create this essential environment. I commend the bill to the House.

Ms LINDA BURNEY (Canterbury) [1.06 p.m.]: I add my views on the Universities Governing Bodies Bill 2011 to the comments of the member for Marrickville. I come to this discussion with substantial experience in the area of university governance. I was a member of the governing council of the University of Canberra for over two years. I was also a member of the Board of Governors of the University of Western Sydney for a substantial period. I make the point that I was appointed to neither of those university councils in my capacity as a member of Parliament but because of the expertise that I developed over a long career in the education arena. I served the University of Western Sydney as a member of the governing board and chaired the Aboriginal Advisory Council within the university and participated in a number of other endeavours at the University of Western Sydney.

I want to reiterate and focus upon the position that the shadow Minister for Education has put forward: the Opposition reserves the right to have further discussions and consultations in relation to this bill but we will not be opposing it in this House. There are ten universities in New South Wales and, as other speakers have said, they play an important role in New South Wales and Australia in terms of research and the direction of higher education. I underscore the important and responsible role of the governing boards of universities. As the shadow Minister said, they are big places. Governing boards are looking after multimillion dollar budgets and have a responsibility to oversee the generation of millions of dollars of funds, to make sure that research and the other parts of universities operate. Universities are not just buildings; they are buildings full of thousands and thousands of people.

There is a big role for universities in ensuring the wellbeing and welfare of students and staff. Most universities have major infrastructure endeavours and undertake substantial building programs. There would not be one university that is not in the process of doing that. This requires all the things needed to design and build a building, but the university budget over the long term must be able to cope with those building programs. Most university governing councils have a big responsibility internationally not only in attracting international students but often in delivering university programs in other countries. In fact, the University of Western Sydney, with which I had a long involvement, had an arm in Malaysia. Universities are increasingly moving in that direction.

Other speakers have mentioned that universities have an enormous research responsibility. University councils have the task of ensuring that research is overseen properly, is relevant and will enhance not only the university but industry and other parts of the Australian economy. University councils have a huge responsibility in terms of equity issues not only in terms of student enrolments. They must demonstrate equity principles around staffing and the way they conduct themselves. University governing councils must have an enormous amount of business acumen, which is important when one considers the framework provided in the bill relating to the members appointed to university boards, the length of their appointment and, importantly, the qualifications of the people elected or appointed to university councils.

University councils have responsibility for student welfare. They must participate in an enormous amount of media management as well as looking after the legal issues being pursued against them in many cases. There is one matter I will mention in terms of the responsibility of university governing bodies. Universities play a crucial role in their relationship with the local community, the way they conduct themselves and the way the local community embraces the university. I saw this when I was on the governing body at the University of Canberra and at the University of Western Sydney. The University of Western Sydney had as part of its charter first and foremost to service the local community of western Sydney. As the member for Campbelltown knows, that is an important point. The University of Western Sydney has a campus—

Dr Geoff Lee: And a medical school too.

Ms LINDA BURNEY: —and a medical school at Liverpool. I was involved in the development of that. Indeed, the university has many campuses, including Liverpool, Campbelltown and Parramatta.

Mr Jai Rowell: Wollondilly.

Ms LINDA BURNEY: I know. I was a member of the council and I know where the university campuses are located, but I thank members opposite for their assistance. The University of Western Sydney

embraced the local community. I will curtail my comments here but I underscore the crucial importance of having the right mix and appointing the right people to university councils. I welcome the capacity provided in the bill to deal with chancellors and deputy vice-chancellors who may, on a rare occasion, need to be removed from office, as well as technology issues and the way university governing bodies meet. The provisions are eminently sensible. As the shadow Minister said, we reserve our right to make amendments in the upper House.

Mr DARYL MAGUIRE (Wagga Wagga) [1.13 p.m.]: This bill will bring the governance of New South Wales universities into line with contemporary governance practice. As the Minister for Education outlined in his agreement in principle speech, the bill will give universities greater flexibility in determining the size and composition of their governing bodies. Modern universities continue their traditional role as centres of learning and scholarship but are also large and complex business enterprises. It has become essential for the long-established student, graduate and staff representation on university governing bodies to be boosted and complemented by members with managerial and financial expertise. The Government recognises the importance of all categories of membership. This is why this bill strikes a balance between the critical presence of members with commercial skills and experience and the fundamental presence of representative membership.

The Government has been keen to ensure that the bill allows for appropriate representation from graduates. It also allows for staff and student representation and for the Minister and each university governing body itself to make their own appointments. Over the past two decades Australian universities have faced mounting challenges arising from a reduction in public funding as a proportion of their overall revenue, the need to diversify revenue sources and increased competition from new and different types of providers. Universities operate in a new environment and by bringing their governance in line with modern approaches the Government intends to enable our universities to respond promptly and effectively to these challenges. Globalisation of the learning and research marketplace, international competition for students and the fees they can contribute to university finances, commercialisation of research—all these factors place universities in an environment where specific financial and commercial expertise in their governing bodies is essential.

Most universities in New South Wales have been seeking greater flexibility to achieve governance arrangements that best suit their particular circumstances, aligned with the growing emphasis on commercial activities. These universities want to see a reduction in the number of their council's overall membership, where appropriate, allowing them to achieve a better focus on expertise. Engagement in commercial ventures is a critical aspect of our universities' development and financial viability. The income derived last year by New South Wales universities from commercial activities totalled $1.245 billion. This is a substantial amount. To put it in perspective, it represents almost 19 per cent of our universities' revenues. This is a significant argument in favour of the changes contained in this bill. The bill will allow universities to implement changes to their governance structures so that they can constitute their governing bodies to combine business acumen with representation of the range of voices constituting a university. However, the operation of our universities is by no means business-related only.

I will highlight to the House how responsive and flexible governance arrangements in universities can strengthen the existing relationships between universities and their local communities, and make them more productive. Our universities, particularly regional universities, have established and developed strong links with their communities, local industry and locally based professionals. However, to be able to fulfil their community engagement mission, educate and train a professional workforce and engage in business partnerships it is important for university governing bodies to include members who have relevant expertise and experience. Effective governance can enable Australian communities to realise more local benefits from their investment in universities. Effective governance can also provide many benefits which may flow from the university to its broader community.

Regionally universities and campuses play a significant role in advancing and sustaining the economic, cultural and social wellbeing of the communities they serve. They make a substantial contribution to regional economies, with direct and indirect benefits. The presence of a public university in a region or locality also carries the potential to distribute the intellectual and social benefits of globalisation to people who are not members of the university. Our rural and regional universities are often the major employer in their communities, thus strengthening ties with local communities that feel ownership and benefit both materially and intellectually from the presence of the institution. To emphasise this point I will mention a few figures which illustrate the importance of our regional universities.

Charles Sturt University is the leading provider of higher education in rural and regional Australia, with more than 31,000 enrolled in the first half of 2010. It has also seen the largest growth in demand experienced by

any university in the country. Almost 70 per cent of all enrolments of campus students are originally from a rural or regional area. Charles Sturt University remains the largest national provider for online and distance education, specialising in meeting national and regional workforce demands for professional skills—more than 200 courses are offered for online and distance learning, with more planned for the future. The online and distance offerings have generated over $81 million in revenue from outside New South Wales. Charles Sturt University operates its main rural and regional campuses in Albury-Wodonga, Bathurst, Dubbo, Goulburn, Orange and Wagga Wagga. This generates significant economic activity and employment within the communities. This activity includes spending on capital works, the purchase of goods and services in the local areas, as well as expenditure for family and friends from outside the area attending university activities.

According to an independent analysis by the Western Research Institute, Charles Sturt University contributed $524 million gross regional product, $331 million in household income and 4,996 full time jobs. For every $1 of Federal Government funding received the university returns approx $4.75 to the Australian economy. The university prides itself on providing access to courses that are relevant in rural and regional Australia. This increases opportunities and provides the necessary skills required in the regional labour markets. In 2010 the graduate destination survey showed that more than 77 per cent of Charles Sturt University graduates were originally from rural areas and had commenced working within rural and regional areas. This in turn addresses the critical skills shortage within the regional markets.

Charles Sturt University provides a comprehensive range of courses—natural and physical sciences, information technology, agriculture, environment and veterinary science, health, education, management and commerce, society and culture and creative arts. In the field of health, it is addressing the critical demand for qualified health professionals in regional areas. It offers degrees in the health field ranging from paramedics, nutrition and dietetics, radiography, nursing, physiotherapy and social work. And 70 per cent of the students in these fields are from rural and regional areas and in some fields more than 90 per cent commenced work in a rural or regional area. Charles Sturt University also engages in innovative teaching and research. A 2010 project called "Balancing the benefits of water" involved researchers from the university's institute for land, water and society as part of a working team on a CSIRO flagship program undertaking research to assist water managers to balance the multiple benefits of water.

Under a project called "Translating research into practice" the EH Graham Centre for Agricultural Innovation unveiled its new 15-hectare field. The site is located near Wagga Wagga and showcases the centre research outputs to assist farmers to develop and maintain robust and sustainable food production. New technologies that Charles Sturt University will assist in include weed resistance management, new crop varieties and minimising crop damage from herbicides. This shows that the capacity of our universities to build on their performance depends more and more on strong commercial investment and government performance. For many reasons, including these, it is important for us all to support and facilitate responsive and flexible government arrangements in universities. I urge the House to support this bill so that our universities can go forward to implement changes to the governing bodies so they continue to compete with the best universities in the world. I commend the bill to the House.

Mr JAMIE PARKER (Balmain) [1.23 p.m.]: This debate must conclude in only five or so minutes so I will try to be brief. First, this bill contains many positive amendments, in particular, it provides for standardised remuneration for members of governing bodies, more modern methods of conducting meetings—for example, teleconferencing—and, importantly for many of us who remember the situation at the University of New England where the chancellor had clearly lost the confidence of the governing body as well as the university community as a whole, it provides for a two-thirds majority of members to remove a chancellor or a deputy chancellor.

I also note from discussions with the Parliamentary Secretary, the member for Vaucluse, that an important threshold needs to be passed: a two-thirds majority of existing governing bodies must agree to implementation of this code. That is important because there is concern about a challenge to proportionality. I note that the National Tertiary Education Union issued a press release yesterday entitled "University board changes will further commercialise universities". The press release highlights a range of different points and indicates concern about the changes, in particular regarding the potential for a university body to have only one elected representative from the academic staff, only one from the general staff and only one from the student body. Obviously, on some university governing bodies such as that of the University of New South Wales there are four academic staff.

There is concern at present that university governing bodies provide a role for undergraduate students and postgraduate students. I note that the legislation only provides for "a student". Because these students will

be elected from the student body student organisations are concerned that undergraduate students, with a far greater student pool to call from, will be successful over the smaller postgraduate student population. Such issues need to be dealt with and I call on the Government to consult on these issues. The Parliamentary Secretary said that there was consultation with senior members of the university management. However, the press release from the National Tertiary Education Union and others indicates that there has been insufficient consultation with a significant proportion of members on university governing bodies—students, academics and general staff.

Another consideration is the power within these bodies. Are these bodies critical to the governing of our universities? The member for Wagga Wagga talked about the contribution from the corporate sector and other sources of income. It is important to note that students in fact provide a very significant proportion of funding to universities. With the introduction of the Higher Education Contribution Scheme, as many members here know, there is an increasing burden on students. So if we are to use the corporate model to advocate for who should sit on these governing bodies students should predominate, because outside of the Federal Government's contribution to the higher education system, students now provide billions of dollars in funding.

Undergraduate and postgraduate students should be recognised with the further democratisation of the boards. Scholarly community and intellectual value should be predominant on these governing bodies, not the values of organisations providing the majority of funding but of those organisations representing the university communities, students, academics and general staff and people in the community who are supporting the pursuit of research and more detailed education. The press release issued yesterday by the National Tertiary Education Union stated that the union:

> … is also deeply disappointed that the bill was introduced to parliament late yesterday, with no consultation for staff or student bodies.

As Genevieve Kelly from the union has stated, this bill constitutes massive structural change. It is important now to get the support of the entire governing body of the organisations—general staff, academic staff and students—by consulting them directly. I hope the Government takes that up. Members of the Opposition rightly said in the House today that they needed more opportunity to study the bill in detail and that amendments might be moved in the other place. While the New South Wales Vice-Chancellors' Committee is an important body, it represents only a small part of the university community. We need the support and ongoing input of students, academic and general staff.

The Government should reassure the student, academic and general staff community that this bill is not about changing proportionality on governing bodies but making these governing bodies more effective. I trust that it will be able to do that. I understand that the Government is under some pressure because it wishes to introduce a whole raft of bills before Parliament rises. I will facilitate that by ending my comments now. I ask the Government to consult with the student, academic and general staff bodies as soon as possible to get their views before this bill proceeds to the upper House.

Debate adjourned on motion by Mr. Gareth Ward and set down as an order of the day for a later hour.

[*The Acting-Speaker (Mr Geoff Provest) left the chair at 1.30 p.m. The House resumed at 2.15 p.m.*]

DISTINGUISHED VISITORS

The SPEAKER: I welcome to the gallery Mrs Cathy Stoner, the wife of the Deputy Premier. I also welcome and acknowledge the presence in the Gallery of Mr Malcolm Brooks, OAM, a former member for Gosford between 1973 and 1976 and a guest of the member for Gosford.

PARLIAMENTARY SECRETARIES

Mr BARRY O'FARRELL: I inform the House of the appointment of the member for Tweed as the Parliamentary Secretary for Police and Emergency Services.

REPRESENTATION OF MINISTERS ABSENT DURING QUESTIONS

Mr BARRY O'FARRELL: I inform the House that today and tomorrow I will answer questions in the absence of the Minister for Education, who is attending a Federal Government ministerial forum.

QUESTION TIME

[*Question time commenced at 2.22 p.m.*]

OFFICE OF FOOD SECURITY AND AGRICULTURAL SUSTAINABILITY

Mr JOHN ROBERTSON: My question is directed to the Deputy Premier. As part of the Government's strategic land use policy it promised to establish an independent Office of Food Security and Agricultural Sustainability within six months of taking office. Given that the Government has now been in office for almost seven months when will this office be established?

Mr ANDREW STONER: I am advised by the Minister for Primary Industries—a very fine Minister who is fulfilling a commitment made by this side of the House—

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

Mr ANDREW STONER: —to restore primary industries to their rightful place as a stand-alone portfolio with a stand-alone agency. I am advised by that very good Minister that the process of establishing an independent Office of Agricultural Sustainability and Food Security is well underway. This is a critical component of our Government's effort to support the interests of rural and regional New South Wales. The Department of Primary Industries is currently recruiting a director of the office, who will be located at the headquarters of the Department of Primary Industries in Orange. This position reports to the director general of Primary Industries, providing high-level advice to that department on those issues of agricultural sustainability and food security. We want to make sure that our State's policy objectives in relation to food and fibre production and availability are met. I advise the House and the Leader of the Opposition, who is quite sure about the geography of New South Wales and who has taken a sudden interest in our farming practices, that the establishment of this office is well underway and that it will be fully functioning shortly.

GOVERNMENT HOUSE

Mrs TANYA DAVIES: My question is addressed to the Premier. When will the Governor of New South Wales move back into Government House?

The SPEAKER: Order! Opposition members will come to order. The member for Keira will come to order.

Mr BARRY O'FARRELL: I thank the member for Mulgoa for her question, but I must say that it seems to be more than a remarkable coincidence that a former member for Gosford is in the public gallery when this question is asked: it has his fingerprints all over it. Once again this is an example of an outcome delivered by this Government that represents a win for everybody. I was very pleased to announce that Governor Professor Marie Bashir and her husband—that former great Wallaby captain and the conceiver of the Rugby World Cup competition—Sir Nicholas Shehadie have agreed to live at Government House. As I said last week, in 1996 Bob Carr had half a good idea when he decided to open Government House and its grounds to the people.

Ms Linda Burney: To all those 10,000 people—

The SPEAKER: Order! The member for Canterbury will come to order.

Mr BARRY O'FARRELL: Did she say 10,000 people a year? It is 150,000 actually—about a 15-fold difference. That is her approach to budgeting.

The SPEAKER: Order! The member for Canterbury will come to order. The member for Keira will come to order.

Mr BARRY O'FARRELL: Put brain into gear before opening mouth—it used to do me wonders as a primary school kid. The member for Canterbury still does not do it.

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

Mr BARRY O'FARRELL: I do not think anybody—not even the member for Canterbury—could argue that one of the finest, most historic buildings that belongs to the State should not be available for concerts, charity, education and community events.

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

Mr BARRY O'FARRELL: The bad half of Bob Carr's decision was his unilateral and ideological decision to evict the Governor from Government House. In one fell swoop the great would-be historian overturned the original purpose of the building, which was to be the home of the State's Governor. I point out for the benefit of the House, and particularly the Minister for Tourism, the member for Upper Hunter, that it was the home of the Governor for all those years up to 1996, except from 1901 to 1917 when the Governor General lived there. Whilst the Governor General lived there the New South Wales Governor lived at Cranbrook House, which was owned by a former member of this place, James White, a former member for Upper Hunter. Cranbrook House is now part of a school in the eastern suburbs. I did not go to those sorts of schools. It is a historical note.

The SPEAKER: Order! The member for Kiama will come to order.

Mr BARRY O'FARRELL: But back to Bob Carr's half bad decision. Last month in his much-loved thought lines blog the former Premier—

The SPEAKER: Order! The member for Heffron will come to order.

Mr BARRY O'FARRELL: No, not the member for Heffron, former Premier Bob Carr, who certainly did not lose an election by historic proportions. Former Premier Bob Carr said:

> You can't continue concerts like that on Sunday night if Government House is a residence. What are the Vice Regal couple to do? Enter and leave by back stairs? Tiptoe upstairs behind bolted doors? No, it is all one thing or the other: if the reform is reversed and the next Governor resides in Government House then public access must end.

Former Premier Carr has been proven wrong once again. Professor Bashir and Sir Nicholas will move into the chalet adjoining Government House so they will again be living on site. In response to those opposite, I can advise that many people out there on grandparents' day wished they lived in a granny flat like that. Professor Bashir and Sir Nicholas hope to move in by Christmas this year. As many people have told me, the Governor should be living at Government House, after all that is what it was built for. By accommodating the Governor in what is called the "chalet", we will be able to keep Government House open for public events. Approximately 150,000 people attend events at Government House or visit the grounds each year and they will continue to do so under the arrangements that this Government is putting in place.

Of course, Government House will continue to be used to raise millions of dollars for great charities across the State. The arrangement has been widely welcomed by the community as a short-term solution. In the longer term, the Government intends to ensure that appropriate accommodation is provided for future governors, especially if they are appointed from outside Sydney. Members opposite were always Sydney-centric when they were in government. They never understood issues outside Sydney, or even Wollongong and Newcastle, let alone rural and regional New South Wales. This Government will ensure that in the long term appropriate accommodation is provided for the Governor— [*Time expired.*]

Mrs TANYA DAVIES: I would appreciate additional information from the Premier.

The SPEAKER: Order! The Premier has an additional two minutes in which to answer the question.

Mr BARRY O'FARRELL: Members opposite would not be able to envisage a regional appointment to a vice-regal position—

The SPEAKER: Order! The member for Cabramatta will come to order.

Mr BARRY O'FARRELL: Members opposite should speak to their sole Country Labor representative, the member for Keira, to get an understanding of the concept of appointing a person from rural and regional New South Wales and the cost that that would impose on taxpayers because we would need to find appropriate accommodation in Sydney. That is why the Government is seeking quotes for work to be undertaken

to refurbish the section of Government House known as the Vernon Wing to provide accommodation for future Governors. I am delighted that Her Excellency and Sir Nicholas have joined the Government in ensuring that the grounds of Government House and the house itself are available to be used for community, public and charitable purposes and as the home, as was intended, of the Governor of New South Wales. This Government is getting on with the job and delivering on its commitments, and it is doing so giving proper respect to community interests and taxpayers' pockets.

INDUSTRIAL RELATIONS LEGISLATION

Ms ANNA WATSON: I direct my question to the Minister for Local Government. Did he undertake any consultation with local government unions before he introduced legislation that would pave the way for the transfer of local government employees to the Federal industrial relations system?

The SPEAKER: Order! The member for Kiama will come to order. He should control himself.

Mr DONALD PAGE: I am indebted to the member for that question because the United Services Union, the shadow Minister for Local Government and none other than the Leader of the Opposition have said this morning that one of the amendments to the Local Government Act that makes councils bodies corporate rather than bodies politic will result in the freezing of wages and conditions for local government employees—all 50,000 of them—for four or eight years. The Government is making these amendments because local government authorities in New South Wales—which, by the way, were corporations until 2004—will be able to attract—

Ms Anna Watson: That's not right.

The SPEAKER: Order! Members should listen to the answer.

Mr DONALD PAGE: I would have thought that members opposite would be interested in traineeships.

The SPEAKER: Order! The member for Kiama will come to order.

Mr DONALD PAGE: I will take a closer look at what the Leader of the Opposition said.

The SPEAKER: Order! The member for Fairfield will come to order.

Mr DONALD PAGE: He said that if the corporate model were applied, all 50,000 local government employees could be moved into the Federal scheme.

Ms Anna Watson: Point of order—

Mr DONALD PAGE: Guess what? That means that their wages would be frozen—

The SPEAKER: Order! The Minister will resume his seat.

Mr DONALD PAGE: The Leader of the Opposition might know something about the Gillard Government that I do not.

Ms Anna Watson: He can't even be told to sit down.

The SPEAKER: Order! The Minister will resume his seat.

Ms Anna Watson: That demonstrates his arrogance.

The SPEAKER: Order! What is the member's point of order? I do not want to hear the member's argumentative comments.

Ms Anna Watson: My point of order relates to Standing Order 129. My question was—

The SPEAKER: Order! I know what the question was.

Ms Anna Watson: Did the Minister undertake any consultation with the unions before he introduced the legislation?

The SPEAKER: Order! The member for Shellharbour will resume her seat.

Ms Anna Watson: I want to know about the consultation process.

The SPEAKER: Order! The Minister is being entirely relevant to the question. I am sure he will answer it if the member listens for long enough. The member for Wollongong will come to order.

Mr DONALD PAGE: The Leader of the Opposition issued a joint press release this morning stating:

> The corporatisation of local councils means workers could be moved into the federal industrial relations system and have their wages and conditions frozen at current levels

Does that tell us something that we do not know about the Gillard Government's wages policy? He went on to say:

> The NSW industrial relations system recognises that NSW local government workers have a far higher cost of living than workers in other states—forcing our workers into the federal system could send their pay and conditions backwards.

I will remind the Leader of the Opposition of a few facts. In December 2009, the New South Wales Minister for Industrial Relations signed the order declaring all New South Wales councils and county councils to be non-national employers. Who was the Minister for Industrial Relations at that time? It was John Robertson and he signed that document.

The SPEAKER: Order! The member for Shellharbour will come to order.

Mr DONALD PAGE: It clearly states that all local government employees—

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

Mr DONALD PAGE: They are not covered by the Federal system; they are covered by the State system. I thought the Leader of the Opposition would have known that.

The SPEAKER: Order! I will acknowledge the member for Maroubra when the House comes to order so that I can hear the point of order. The member for Bega will come to order.

Mr Michael Daley: Point of order: My point of order relates to Standing Order 129. The Minister has 28 seconds in which to answer a simple question. This Government has a history of not consulting workers.

The SPEAKER: Order! That is not a point of order. The Minister is being relevant to the question. I call the member for Shellharbour to order.

REGIONAL ROAD SAFETY

Mr KEVIN ANDERSON: My question is directed to the Deputy Premier. What action is the Government taking to improve safety on regional roads?

The SPEAKER: Order! The House will come to order. This is my last warning to members.

Mr ANDREW STONER: That is a very good question from a member who is passionate about roads in New England and the north-west of the State.

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

Mr ANDREW STONER: The New South Wales Liberals and Nationals went to this year's election with a simple but effective plan to improve road safety—

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

Mr ANDREW STONER: —that I was happy to announce earlier this year at The Nationals' campaign launch in Dubbo.

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

Mr ANDREW STONER: The Government has already implemented most of those measures. Our first budget allocated a massive $4.2 billion to our State's regional and rural road network. That is a significant increase in funding compared to that provided by the Labor Government and it is $700 million more than it committed in its 2010-11 budget. This is yet another example of this Government putting its money where its mouth is. Members are also aware that one of this Government's first actions was to direct the Auditor-General to investigate the operation of fixed and mobile speed cameras to determine whether they were saving lives or simply raising revenue.

After input from the community, the Auditor-General found that 38 out of 141 fixed camera locations were not providing the desired safety benefits and that alternative measures should be examined to reduce the risk of crashes. Drivers right across the State are applauding the news that work has begun to remove those fixed speed cameras found to be ineffective by the Auditor-General. Those opposite were always happy to raise revenue and fine the poor old motorist—do not worry about fixing the road, just put a camera in and milk the poor old drivers. That is what those opposite were about.

The SPEAKER: Order! The member for Keira will come to order. I call the member for Toongabbie to order. I call the member for Maroubra to order.

Mr ANDREW STONER: Those drivers are also pleased to hear that a safety route review is progressing to examine alternative safety measures at those locations. Yesterday at Tilbuster on the New England Highway the first of those fixed speed cameras, switched off in July, was physically removed. When that speed camera was installed it was on a bend but, thanks to safety work, the section of road was realigned, so were it to remain it would simply be there as a revenue raiser, not producing road safety results.

The SPEAKER: Order! The member for Cabramatta will come to order.

Mr ANDREW STONER: This week we began the process of removing cameras in locations with the lowest crash history. I can advise the House we will not see many of those cameras disappearing from roads used by the member for Lakemba. Those opposite want to talk about the Lamborghini or the electorate of the member for Kogarah—those cameras are staying. They have a big crash history. We are removing them at Quirindi—

[*Interruption*]

Your driving is a joke and you ought to obey police directions. You are a disgrace.

Mr John Robertson: Point of order: This refers to relevance under Standing Order 129. The Deputy Premier continues to raise issues that do not relate to speed cameras. He ought to remember that there is a driving under the influence conviction sitting there, as well as a speeding fine over there.

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

Mr ANDREW STONER: We are removing cameras at Quirindi and Llangothlin on the New England Highway, and at Angledale on the Princes Highway. As part of a route review of the decommissioned fixed camera sites, the Roads and Traffic Authority Centre for Road Safety, working alongside the New South Wales Police Force, the NRMA and the broader community will be developing other measures to improve road safety in those locations. This includes looking at crash history, traffic volumes, road conditions, land use and high-risk road user behaviour at each location. We are looking at other options for improvement, such as shoulder widening, realignment, safety barriers, line marking, signs and speed zones review. It was time for a change of culture away from revenue raising to road safety.

The SPEAKER: Order! I call the Leader of the Opposition to order for the second time.

Mr ANDREW STONER: The noted author Frank Sartor had something to say about that. In his wonderful book, *The Fog on the Hill*, he said that, under Labor, perfectly safe drivers are losing their licences.

Good citizens are being turned into serious offenders by stupid laws, all because some enthusiasts think they can eliminate traffic accidents and traffic injuries by punishing good people more. As he himself once said: He is Frank, he is frank.

LAND CLEARING

Ms LINDA BURNEY: My question is to the Minister for the Environment. Will the Minister rule out lifting or diluting the existing controls on broad-scale land clearing contained in the Native Vegetation Act 2003 and the Native Vegetation Regulation 2005? A clear answer would be good.

The SPEAKER: Order! Government members will come to order, despite the provocation.

Ms ROBYN PARKER: I thank the member for her question. We are undertaking a statutory review of the regulations that support the Native Vegetation Act 2003. That review has commenced. It is a statutory review—there is no ulterior motive—and is due to report by September 2012. We are committed to a balanced approach that enables farmers to get on with the business of farming while at the same time supporting native vegetation. The green groups and the farmers are working very well. They even took themselves off on a field trip together—we did not ask them—to come up with some sensible solutions, solutions that would not have happened under the former Labor Government.

The SPEAKER: Order! The member for Mount Druitt will come to order.

Ms ROBYN PARKER: Under this Government, there is an era of communication and cooperation between farmers and green groups about strategic land use, and this review of native vegetation acknowledges that there are private benefits from farming. We need to make sure that clearing is balanced with broader landscapes and socioeconomic benefits, and make sure that conservation and sustainable natural resource management are maintained—and that affects the whole community. I look forward to the review. So far, both the green groups and farmers are very pleased with the approach we are taking and the way in which we have provided an opportunity for this discussion.

STRATEGIC REGIONAL LAND USE MANAGEMENT

Mr ANDREW GEE: My question is directed to the Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW. How is the Government working to ensure that competing land uses in our regions are managed?

The SPEAKER: Order! Opposition members will come to order.

Mr BRAD HAZZARD: I thank the member for Orange for his question. He is a member of Parliament who understands the need to get competing land uses well balanced. From my knowledge of what he is doing in Orange, he is doing a first-class job, so well done. In 16 years in office, the former Labor Government failed to provide a comprehensive policy framework for the management of competing land uses in our regions. Labor never understood the need to have a framework in place to strike the right balance between our important agricultural, mining and emerging coal seam gas industries. Labor preferred to deal with each project in isolation, ignoring the need for a broader strategic framework to manage economic growth, food security and urban development.

The O'Farrell Government has done more in six months in providing a strategic framework for managing agricultural and mining pressures than Labor did in 16 years. In opposition, the Liberal Party and The Nationals developed a strategic land use policy with clear commitments that we are now implementing in government. I might add that that is the first time any government has made an effort to achieve the right balance in strategic planning. Already this Government has moved swiftly to introduce new measures to manage the pressures placed on our farming land from mining interests. We are developing the most stringent environmental standards for coal seam gas in Australia. The Government is committed to restoring balance and creating certainty for communities, farmers and industry. We will provide the strategic growth management required to make New South Wales number one again. Our policy will strike the right balance between competing land uses in our regions.

Dr Andrew McDonald: So what is it?

Mr BRAD HAZZARD: You have spent too much time on the nitrous oxide! It will provide security for our strategic agricultural lands while also providing certainty for the minerals industry. We will deliver where Labor failed. Labor did nothing on managing competing land use pressures whatsoever for its entire 16 years.

Ms Linda Burney: Stop fibbing.

Mr BRAD HAZZARD: You get a mention here too; I will come to you in a second.

The SPEAKER: Order! I advise the Minister not to respond to interjections.

Mr Barry O'Farrell: It is a small footnote.

Mr BRAD HAZZARD: It is a footnote.

Mr Michael Daley: Have you got the index?

Mr BRAD HAZZARD: You get a mention too. Far more concerned with their own ambitions than addressing the challenges of the State—

[*Interruption*]

I agree you did not get much of a mention, but Kristina certainly got quite a few mentions.

The SPEAKER: Order! The Minister will return to the leave of the question and not respond to interjections.

Mr BRAD HAZZARD: I was only answering an interjection.

The SPEAKER: Order! As tempting as it may be, I advise the Minister not to respond to interjections. The Minister will return to the leave of the question.

Mr BRAD HAZZARD: It is appropriate to observe that in this most excellent treatise, which really is a good read—I think it is $35, so members should buy one; how many are there, seventeen—Frank Sartor has done a first-class inside job on Labor, so those opposite should have a good read of it. Page 93, where it talks about the member for Heffron and former Premier, is a particularly good read. It observes that she had "no experience, poor judgement and no agenda". I cannot help responding to some of the interjections because we agree with Frank Sartor on some of his comments and insight, particularly where he says on page 92:

> Keneally's tenure as Premier proved to be a disaster.

Those opposite know that.

Mr Michael Daley: Point of order: I take this point on behalf of the member for Orange, who wants to hear a serious answer to his question, not this clown performing this sort of rubbish.

The SPEAKER: Order! The member for Maroubra will resume his seat. I note that he wanted to know if he was in the index. The Minister will return to the leave of the question.

Mr BRAD HAZZARD: I can see why you are upset. We are developing a planning system that will ensure that competitive land use tensions are recognised and resolved—as I am sure the member for Orange wants to hear. The planning system will recognise the important need to preserve our agricultural lands, our aquifers, our national parks and the sustainability of our towns and cities. The Government's Strategic Land Use policy is about creating certainty, delivering balance, building strong and resilient communities, involving people in local decision-making and giving farmers and industry greater control over their futures.

The SPEAKER: Order! The member for Macquarie Fields will come to order.

Mr BRAD HAZZARD: We will deliver certainty for communities by developing these plans across all of New South Wales. They will identify and protect productive farm land, involve communities in local

decision-making, ensure a sustainable and healthy mining industry and encourage industry's best practice. In short, the Government is doing what those opposite failed to do and what the community wants to see done—we are delivering good government.

REGIONAL SPORTING VENUES

Ms NOREEN HAY: My question is directed to the Minister for Sport and Recreation. Given that the Illawarra will have only one representative on the 11-member board of Venues NSW, can the Minister guarantee that the new authority will ensure that the Illawarra will continue to host 50 per cent of the St George Illawarra Dragons home games?

The SPEAKER: Order! The member for Wollongong asked a good question. She will now come to order. The member for Maroubra will come to order.

Mr GRAHAM ANNESLEY: It is such a good question it could have been asked by someone from our side. I reaffirm that this legislation will allow New South Wales Government-operated venues to be managed together as a single portfolio delivering better commercial and community outcomes.

The SPEAKER: Order! The member for Wollongong will come to order.

Mr GRAHAM ANNESLEY: Three local venue councils will be established to provide advice on the needs of the Illawarra, western Sydney and Hunter regions. The new Venues NSW board will include the chairs of each of the local venues councils because a key objective is to maintain a high level of regional engagement. To ensure that local communities continue to have a say in how their venues are managed, local venue councils will focus on the needs of their region. These councils will help with consultation with stakeholders to ensure venue operations meet regional needs; they will work with Venues NSW to provide feedback to the community about regional plans and initiatives; they will provide advice to Venues NSW on improvements to venues; they will provide input into the development of plans relating to venues, such as venues master plans; and they will provide advice to Venues NSW on strategies to meet government priorities linked to increasing regional events in tourism, sport, recreation development, community participation and impact on revenue generation.

The case for change is supported firstly by KPMG. In 2010, under the previous government, an independent review was undertaken by KPMG for the Department of Premier and Cabinet and it recommended that regional sporting venue responsibilities and operations should be combined. For reasons best known to those opposite, this report was not acted on. KPMG looked at the Illawarra Venues Authority, the Hunter Region Sporting Venues Authority and the Parramatta Stadium Trust when formulating their recommendations. The case for consolidation is supported by the following observations outlined in KPMG's report. The similarities involved in managing the venues will allow benefits to be gained from sharing experience and combining resources to achieve improved community and commercial outcomes. It will provide the most effective way for the venues to work together to source and promote events. Sharing opportunities will maximise commercial performance, community participation, utilisation and revenues. The KPMG review was framed to identify improved governance and supporting operational structures for these venues.

Mr John Robertson: Should we get David Gallup—

Mr GRAHAM ANNESLEY: This is your question.

Mr John Robertson: It's your answer.

Mr GRAHAM ANNESLEY: It is my answer, answering your question.

The SPEAKER: Order! The Leader of the Opposition will cease interjecting and listen to the answer.

Mr GRAHAM ANNESLEY: Secondly, in 2010, again under the previous Government, Ernst and Young, for the New South Wales Treasury, recommended consolidation measures in relation to stadia events and marketing to increase revenue. This report, also, was not acted on by the previous Government, Although Ernst and Young did not specifically consider consolidating the current entities, they did identify the same type of consolidation opportunities when looking at how to generate additional revenue. Ernst and Young proposed the establishment of central resources focussed on events and marketing.

Ms Noreen Hay: Point of order: My point of order relates to relevance under Standing Order 129. My question asked for assurances on the number of games the venue would get.

The SPEAKER: I understood the question and I have every faith in the Minister that he will get to that part of the question. His answer has been entirely relevant.

Mr GRAHAM ANNESLEY: I could go on and on about this but I am going to run out of time.

Mr John Robertson: You have.

Mr GRAHAM ANNESLEY: Answering your question, I have. Forgive me for answering the Leader of the Opposition's question. Late yesterday afternoon on the St George Illawarra Dragons website, Peter Doust is quoted as saying, "We have always been committed to playing in the Illawarra and we will work with any corporate body that oversees the management of the WIN Stadium venue. To suggest that such a decision may impact on the number of games the Dragons play in Wollongong is not relevant." [*Time expired.*]

The SPEAKER: Order! Members will cease arguing across the Chamber about football.

PUBLIC TRANSPORT

Mrs ROZA SAGE: My question is directed to the Minister for Transport. What recent improvements has the Government made for the provision of public transport services?

Ms GLADYS BEREJIKLIAN: The Government has delivered on many new services. We always said we would be a Government that restored services and increased the front-line presence in public transport, and that is exactly what we are doing. Changes to services that come in later this month represent a watershed for New South Wales public transport commuters because they include the restoration of hundreds of services that were slashed by members opposite. Many electorates will benefit but I note that the people of the Blue Mountains, Penrith, Kiama, Drummoyne, Strathfield and Londonderry will particularly benefit. However, the changes to services will also benefit people in the electorates of Keira, Wollongong, Macquarie Fields, Blacktown and Canterbury. Those communities should know that we are bringing back services that members opposite slashed. We are delivering on our commitments in public transport and getting on with the job of making our State the number one State it should be.

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

Ms GLADYS BEREJIKLIAN: Apart from the new services the Government is bringing in later this month, we have also embarked—

Mr John Robertson: What about capacity?

Ms GLADYS BEREJIKLIAN: We all know about your capacity.

The SPEAKER: Order! I call the Leader of the Opposition to order for the third time.

Ms GLADYS BEREJIKLIAN: The Leader of the Opposition is touchy about public transport because he slashed hundreds of services which we are bringing back. He talks about capacity but we all know about his limited capacity. Enough of him, we are back to public transport. The changes I will outline today will be the next step of our program to make our public transport system one that people want to use. But apart from these new services to be implemented at the end of this month, we have also embarked on a major timetable review, the biggest ever in the history of public transport, and I will have more to say about that in the near future.

The SPEAKER: Order! The member for Toongabbie will come to order.

Ms GLADYS BEREJIKLIAN: Obviously, when people think about Labor and public transport they think about the $500 million wasted on the metro and the 12 lines. I could go on but I do not want to bore anyone. Among all those failures, because we are talking about services, I remind members about the number of services Labor slashed. In 2005 Labor slashed 2,000 weekly rail services. In 2006 Labor slashed 1,500 weekly bus services. In 2010, when Mr Lack of Capacity was the Minister for Transport he eliminated 233 weekly ferry

services. That was Labor's shameful record in Government—cutting services and fewer trains. I am happy to say that from October 23 and 24 there will be 63 extra rail services every week, 91 additional NightRide services every week and 165 more weekly ferry services.

The additional services will benefit commuters. They will help families, students, pensioners and people who need to use public transport late at night. The member for Sydney raised that issue in the House a few weeks ago. The focus is on improving customer service as well as creating a more efficient network. Rail and bus changes take effect from 23 October, with the improvements to ferry services starting the day after, on 24 October.

Dr Andrew McDonald: What about the Southern Highlands? How many more trains?

The SPEAKER: Order! The member for Macquarie Fields will come to order.

Ms GLADYS BEREJIKLIAN: Some of the key benefits across the rail network include more rail services for the western, Blue Mountains, northern, north shore, eastern suburbs and Illawarra lines, 15 additional peak services on the western line every week and more Outer Suburban CARs to operate on existing South Coast line services, meaning an extra 240 seats for customers travelling between Kiama and Sydney during peak hour. There will be more weekend services on the Blue Mountains line and more carriages on selected peak services, meaning more seats and less crowding. But it does not end there. We are also increasing the number of NightRide buses, including 30 more NightRide services to western Sydney, 25 additional services to south-western Sydney— [*Time expired.*]

Mrs ROZA SAGE: I request an extension of time.

The SPEAKER: Order! The Minister has an additional two minutes to provide further information.

Ms GLADYS BEREJIKLIAN: This information is important, and I thank the member for Blue Mountains for the extension of time. As I said, the NightRide bus changes include 30 more services to western Sydney, 25 extra services to south-western Sydney, 17 more for the north and north-western suburbs, 10 to the southern suburbs and nine for the eastern suburbs. There will also be two new services for the Carlingford line and the Richmond branch line. These new services will help those wanting to stay in the city later, as well as people who work on night shifts, especially on Thursday, Friday and Saturday nights. I am delighted that ferry customers will be able to take advantage of 140 services being restored to the north side after they were slashed by the previous Labor Government.

On top of bringing back those 140 weekly services, we will also introduce 25 new ferry services on Parramatta River. There will also be a new weekday ferry service from Rydalmere to Darling Harbour in the morning period and a new service from Circular Quay to Meadowbank via Cabarita during the weekday afternoon peak. I take this opportunity to encourage public transport commuters to plan ahead for these changes by visiting our website or picking up information about these timetable changes from the local station or wharf.

Mr Bryan Doyle: Customer service.

Ms GLADYS BEREJIKLIAN: Indeed. I am also pleased to advise the House that the Department of Transport has taken some time speaking to schools and other education institutions, as well as community organisations, about the timetable changes to ensure that the community is consulted. I am delighted that we are bringing back these services. The contrast could not be more stark. Labor cut services and front-line jobs; we are about restoring front-line services and improving customer service. [*Time expired.*]

MORISSET AMBULANCE SERVICES

Mr GREG PIPER: My question is addressed to the Minister for Health, and Minister for Medical Research. Given considerable local concern, will the Minister investigate and rectify any reduced availability of ambulance services in the Morisset area arising from the transfer of responsibility for the Morisset Ambulance Station from the Hunter to the Central Coast?

Mrs JILLIAN SKINNER: I thank the member for Lake Macquarie for his sensible question and his great interest in matters to do with the health of his constituents. He has frequently raised these concerns with

me, and I am happy to work with him. The question is about what happens when ambulances get stuck outside hospitals. There is a thing called access block. I am advised that back in January this year, when the former Labor Government was in office—

[*Interruption*]

The member for Macquarie Fields, who is interjecting, was the Parliamentary Secretary for Health when the administrative control of Morisset was transferred to the Central Coast. As I said, the decision was made by the previous Government. I am advised that there is no change to the number or location of ambulances, and that the Morisset station continues to be a 24-hour service. The default position is that Morisset residents get taken to the Central Coast, and that is where the problem arises. Central Coast hospitals have the worst records of access block because a former government—

Dr Andrew McDonald: How do we know, because you haven't released the figures?

Mrs JILLIAN SKINNER:—simply refused to provide sufficient beds in those hospitals.

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

Mrs JILLIAN SKINNER: For years this was pointed out to the previous Government. I pointed it out to the previous Government in the Parliament. There have been many reviews.

The SPEAKER: Order! I call the member for Macquarie Fields to order for the third time. I have given him several warnings this afternoon.

Mrs JILLIAN SKINNER: The former Government refused to take note of reports written by the Auditor-General in relation to the Ambulance Service. I refer to a few of them. In 2001 there was a performance report entitled "Ambulance Service Readiness". In 2003 there was a performance report entitled "Department of Health NSW Ambulance Service—Code Red: Hospital Emergency Departments".

Mr Ryan Park: What are you doing?

Mrs JILLIAN SKINNER: I will tell the member for Keira in a minute.

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

Mrs JILLIAN SKINNER: The member for Keira could probably learn something. In 2004 there was a performance report entitled "Transporting and Treating Emergency Patients—NSW Department of Health Ambulance Service of NSW".

The SPEAKER: Order! Members will come to order. I warn members that a number of them are on two or three calls to order.

Mrs JILLIAN SKINNER: In 2007 there was a performance report entitled "Readiness to Respond: Ambulance Service". The Government at the time did absolutely nothing. I assure the House that, in relation to the hospitals at Gosford and Wyong, in the recent budget we allocated funding of $3.1 million to open 10 additional acute beds at Wyong Hospital and we have provided extra money for two special care nursery cots at Gosford Hospital. Statewide, we have provided $56 million to keep open the beds that were funded under the previous Council of Australian Governments arrangements, which were not allowed for by the previous Government in following years. That includes 16 acute care beds at Gosford and 10 at Wyong.

The SPEAKER: Order! The member for Marrickville will come to order.

Mrs JILLIAN SKINNER: I hope that that will make a difference. I am also happy to inform the member for Lake Macquarie that I have asked the Director General of NSW Health to engage an independent consultant to advise on ways the ambulance service can ensure the most timely access to appropriate health care for patients.

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

Mrs JILLIAN SKINNER: This will include demand, coverage and responsiveness for medical retrieval across New South Wales, medical retrieval systems that ensure best patient outcomes and the role of paramedics.

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

Mrs JILLIAN SKINNER: The Garling review recommended an enhancement of the role of paramedics. Paramedics are wonderful professionals in the health system. Every time I visit a hospital I make a point of speaking to the paramedics.

The SPEAKER: Order! I would have thought that Opposition members would agree that this was a serious subject.

Mrs JILLIAN SKINNER: Also included in the review will be consideration of aero medical operations—the Government made that commitment during a debate on Orange aero medical retrieval services. That matter has been neglected, despite all the previous reports. We will be picking up on not only the Auditor-General's reports but also the most recent report by the Department of Premier and Cabinet that was commissioned by the former Government. The former Government did not act on the recommendations in that report. I believe that will provide some answers in relation to patients in the Lake Macquarie electorate being denied access to timely retrieval to hospitals in the area.

ABORIGINAL DISADVANTAGE

Mr GREG APLIN: My question is directed to the Minister for Citizenship and Communities, and Minister for Aboriginal Affairs. What is the Government's response to the report into Aboriginal disadvantage released by the Ombudsman today?

Mr VICTOR DOMINELLO: I thank the member for Albury for his question and commend him for his ongoing interest in this important area. Opposition members should know that the Ombudsman has released a report entitled "Addressing Aboriginal disadvantage: the need to do things differently". I state from the outset that our Government shares the concerns of the Ombudsman and the priorities that he has identified. I will share with the House three areas that he identifies in his very comprehensive report on Aboriginal disadvantage in New South Wales. The first relates to service delivery. The Ombudsman says:

> Communities are frustrated by what they perceive to be the imposition upon them of a multitude of 'off the shelf' programs and services, combined with inadequate consideration of how service delivery can be integrated 'on the ground' …

and how it might best reach those who are most in need. Members will know that as soon as I became a Minister I went out, in concert with the excellent member for Barwon, and had frank discussions with the Aboriginal community. We had those discussions in the absence of the media; there was no spin associated with this initiative. The community told us that it was sick to death of the multitude of services provided. In Wilcannia alone, there were 57 different service programs for a population of only 650. That is an area of concern that this Government will address. A second area of concern is employment. The Ombudsman states:

> There is a strong relationship between educational outcomes and employment prospects. A vicious circle currently exists in which poor educational outcomes lead to poor employment outcomes.

The unemployment rate for Aboriginal people in this great State of ours is 21 per cent compared with 5 per cent for non-Aboriginal people. That is simply unacceptable in a nation as wealthy as Australia, and again it is something that our Government is determined to address. The third area I will identify is education. The Ombudsman says:

> Habitual non-attendance at school is a particular risk factor that is too often failing to trigger an adequate response from Community Services.

We all know that education is probably the greatest factor that will create generational change, but we must have the kids at school. On this side of the House we realise that we have to empower schools. Schools must have more power and a greater say in their communities. That is why we have already announced the policy Local Schools, Local Decisions. This is a real and a concrete way in which our Government has already started taking the initiative in this important reform area.

The Ombudsman said that we need to do things differently, and we have already started to do that. Within our first six months in government we announced a taskforce that, for the first time in Australian

political history, has Aboriginal members who participate equally, side by side, with Ministers of the Crown and with senior bureaucrats. A key stakeholder from the Aboriginal community said today in response to the Ombudsman's report:

> Despite only being in office a short time, [the Liberal-Nationals Government] has already moved quickly to put in place the first initiative to change this sad circumstance [for Aboriginal people in New South Wales].

That person went on to say:

> [the New South Wales Government] has established a ministerial task force at which Aboriginal people finally have a seat at the table. This is a strong acknowledgement from the O'Farrell Government that the old top-down approach has failed."

The person continued:

> The fact that Aboriginal people are at the centre of the ministerial taskforce is encouraging.

I conclude by saying this. The Ombudsman strongly urges us to do things differently, because the former Labor Government left behind a sorry mess. We are determined to be different, but, more importantly, we are determined to be different and to work in partnership with the Aboriginal community.

Question time concluded at 3.15 p.m.

OMBUDSMAN

Reports

The Speaker tabled, pursuant to section 31AA of the Ombudsman Act 1974, the following reports of the NSW Ombudsman:

> Addressing Aboriginal disadvantage: the need to do things differently, dated October 2011
> Kariong Juvenile Correctional Centre: Meeting the Challenges, dated October 2011

Ordered to be printed.

PETITIONS

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

Retail Electricity Pricing

Petition opposing the Independent Pricing and Regulatory Tribunal recommendations to increase retail electricity prices, received from **Mr Richard Torbay.**

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**.

Pet Shops

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

Animals Performing in Circuses

Petition requesting a ban on exotic animals performing in circuses, received from **Ms Clover Moore.**

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

Public Transport

Mrs ROZA SAGE (Blue Mountains) [3.16 p.m.]: My motion to be accorded priority states:

> That this House supports the Government's action in improving transport services.

This motion should be accorded priority because the people of New South Wales need to know that the Liberal-Nationals State Government can be trusted and relied on, and is delivering on its election commitments.

After 16 years of Labor neglect, of slashing services, and of grinding public transport infrastructure into the ground, the people of New South Wales have become jaded, cynical and distrusting of our public transport. This motion should be accorded priority because the people of New South Wales need to have the confidence to again use public transport. The Government and the Minister for Transport are proactive and passionate about delivering public transport on budget and on time. Our transport achievements to date include the establishment of the Integrated Transport Authority, comprising six divisions.

The SPEAKER: Order! Government members who wish to have private conversations should do so outside the Chamber.

Mrs ROZA SAGE: Six deputy directors general have already been appointed. The divisions relate to customer experience, planning and programs, transport services, transport projects, policy and regulation, and freight and regional development. This will take the politics out of public transport delivery after 16 years of inertia, 16 years of pork-barrelling. We on this side are once again delivering services that will benefit all the people of New South Wales. This motion should be accorded priority because this Government is a government that gets things done—actions speak louder than words. If it were the other way around and words spoke louder than actions, with all the talk, talk, talk from the previous deplorable government and equally inept transport Minister, who is now the Leader of the Opposition, we would have seen train tracks built to the moon. This Government is a government of action. We are delivering on our election commitments.

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

Mrs ROZA SAGE: Who can forget that we have started construction of the South West Rail Link and have begun geotechnical work and planning on the North West Rail Link? For the past six months I have listened to plaintive cries by Opposition members of "but it was our idea". Talk is cheap. This motion should be accorded priority because the people of New South Wales are seeing the results of our hard work in implementing better services—unlike the former Labor Government that lost its way, lost its direction, and lost all the maps to electorates in western Sydney, rural and regional New South Wales and for my electorate of Blue Mountains. The Government's success is evidenced by 14 new western Sydney Liberal-Nationals members of this House. This Liberal-Nationals Government has delivered cheaper train fares, and announced and budgeted for a new Sydney electronic smartcard, Opal. This Liberal-Nationals Government has expanded ferry services and is improving ferry wharves. This Liberal-Nationals Government is delivering 261 new buses and 91 additional NightRide bus services.

This Liberal-Nationals Government is developing a Sydney light rail strategic plan to expand light rail in inner Sydney. This Liberal-Nationals Government has opened tenders for an additional 197 new taxis, to be on the road by Christmas. And my favourite, as elucidated by the Minister for Transport during question time, is that this Government has already improved passenger services to the rail commuters of Sydney and beyond—to western Sydney, the Blue Mountains and the Illawarra region—by allocating $152 million for the purchase and upgrade of rolling stock and $102 million over four years to provide more express rail services. This Government's transport policies and actions are good for the people of western Sydney and for the people of New South Wales, who have been long neglected but who are now being listened to. For all the reasons I have stated, this motion should be accorded priority.

[*Interruption*]

The SPEAKER: Order! That interjection is typical of behaviour during the past four minutes and is an indication of the mentality of some members. I apologise for delaying the member for Bankstown, but I will not tolerate that type of behaviour from members. Some interjections made by members of the Opposition were pathetic. If members continue to interject, they will be ejected from the Chamber.

Western Sydney Police Resources

Ms TANIA MIHAILUK (Bankstown) [3.22 p.m.]: The motion of which I gave notice deserves priority because the O'Farrell Government must increase police resources in western Sydney so that communities in that area are not placed in jeopardy. The matter I draw to the attention of the House is of grave concern to my community and our State. In June the Government appointed Peter Parsons to conduct an audit of the allocation of police resources. Submissions closed in July. It is now October, but we have not heard the outcome. The Opposition is concerned because the Government has already shown that it is all too willing to take up the axe at the first opportunity.

Mr Barry O'Farrell: Point of order: No standing order allows a member to mislead the House. The budget included funding for 150 extra police officers.

The SPEAKER: Order! I thank the Premier for his advice. The member for Bankstown has the call.

Ms TANIA MIHAILUK: The Government has already slashed funding of $365 million from western Sydney. Of particular concern to me and to my Bankstown electorate is that we have the second-largest local area command in New South Wales, which serves my electorate and the electorate of East Hills. Both electorates need police resources, as do the electorates of Granville, Smithfield, Parramatta, Mulgoa and Campbelltown. All members of Parliament representing western Sydney electorates know how much we need police resources. Constituents right across western Sydney share my concern that a reallocation of police resources could place western Sydney communities in danger.

My motion should be accorded priority because it deserves bipartisan support and because Government members, particularly those representing western Sydney electorates, should take this opportunity to reassure their constituents and the State on the record that they will oppose any attempt to shift police resources away from their communities. It is time for the members for East Hills, Smithfield, Parramatta, Mulgoa and Granville to tell the O'Farrell Government that our communities will not be able to cope if there is any reduction in police resources. We have already seen Sutherland shire Liberal members of Parliament, such as the members for Cronulla, Miranda, Oatley and Heathcote, shirk their responsibility to their electorates by spinelessly not protecting the Cronulla Fisheries Research Centre.

Mr Brad Hazzard: Point of order: The motion of which notice has been given by the member for Bankstown was pretty lengthy but nevertheless clear. It relates only to the issue of western Sydney. The member should confine her remarks to the leave of the motion of which she has given notice and should not discuss matters outside western Sydney.

The SPEAKER: Order! I do not uphold the point of order.

Ms TANIA MIHAILUK: Sutherland shire Liberal members of Parliament shirked their responsibility and did not protect the Cronulla Fisheries Research Centre in this place.

Mr Brad Hazzard: Point of order—

The SPEAKER: Order! Is it the same point of order?

Mr Brad Hazzard: It is.

The SPEAKER: The nature of debate to establish priority is such that both Government and Opposition members sometimes make comments that are broader than the leave of the motion. That has happened on previous occasions. I do not uphold the point of order.

[*Interruption*]

The SPEAKER: Order! I suggest that Opposition members listen to their own member and cease interjecting.

Ms TANIA MIHAILUK: I am sure that the Liberal members of Parliament who represent western Sydney electorates are well aware of the current audit.

Mr Brad Hazzard: Point of order: The member for Heffron made rude hand gestures across the Chamber to me. Madam Speaker, I ask you to direct her to desist. She is becoming a little too excited. Perhaps there is a Labor leadership challenge. The member for Heffron should contain herself.

The SPEAKER: Order! I draw to the attention of the member for Heffron that making hand gestures is not acceptable or parliamentary conduct.

Ms TANIA MIHAILUK: As I said, the Liberal members of Parliament who represent western Sydney electorates are well aware of the audit but have remained silent and indifferent. Perhaps they are a little nervous. They have witnessed their colleagues in southern Sydney being dudded, and they know they are next.

Mr Barry O'Farrell: Point of order: Those statements are simply untrue. The member for Smithfield and I doorknocked with local police about outrageous attacks that occurred in south-western Sydney. No standing order allows the member to lie.

The SPEAKER: Order! There is no standing order that permits me to decide what is or is not true. The member for Bankstown has the call.

Ms TANIA MIHAILUK: The members for Granville and East Hills appear to be a little nervous. They know that it is just a matter of time before a few Liberal heavyweights in the dark corridors of Parliament House tap them on the shoulder and say, "You don't mind losing 20 or so police officers so that we can send them out to look after our friends on the North Shore do you?" [*Time expired.*]

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

The House divided.

Ayes, 65

Mr Anderson	Mr Gee	Mr Roberts
Mr Annesley	Mr George	Mr Rohan
Mr Aplin	Ms Gibbons	Mr Rowell
Mr Ayres	Ms Goward	Mrs Sage
Mr Baird	Mr Grant	Mr Sidoti
Mr Barilaro	Mr Hartcher	Mrs Skinner
Mr Bassett	Mr Hazzard	Mr Smith
Mr Baumann	Ms Hodgkinson	Mr Souris
Ms Berejiklian	Mr Holstein	Mr Speakman
Mr Casuscelli	Mr Humphries	Mr Spence
Mr Conolly	Mr Issa	Mr Stokes
Mr Constance	Mr Kean	Mr Stoner
Mr Cornwell	Dr Lee	Mr Toole
Mr Coure	Mr Notley-Smith	Mr Torbay
Mrs Davies	Mr O'Dea	Ms Upton
Mr Dominello	Mr O'Farrell	Mr Ward
Mr Doyle	Mr Owen	Mr Webber
Mr Edwards	Mr Page	Mr R. C. Williams
Mr Elliott	Ms Parker	Mrs Williams
Mr Evans	Mr Patterson	*Tellers,*
Mr Flowers	Mr Perrottet	Mr Maguire
Mr Fraser	Mr Provest	Mr J. D. Williams

Noes, 22

Mr Barr	Mr Lynch	Mr Robertson
Ms Burney	Dr McDonald	Ms Tebbutt
Ms Burton	Ms Mihailuk	Ms Watson
Mr Daley	Ms Moore	Mr Zangari
Ms Hay	Mr Parker	
Ms Hornery	Mrs Perry	*Tellers,*
Ms Keneally	Mr Piper	Mr Amery
Mr Lalich	Mr Rees	Mr Park

Pair

Mr Bromhead	Mr Furolo

Question resolved in the affirmative.

PUBLIC TRANSPORT

Motion Accorded Priority

Mrs ROZA SAGE (Blue Mountains) [3.35 p.m.]: I move:

That this House supports the Government's action in improving transport services.

I am pleased to move this motion.

The SPEAKER: Order! Members will conduct their conversations outside the Chamber.

Mrs ROZA SAGE: This Government has set out a clear and unambiguous plan to fix the public transport of this State. It is a Government that can be relied on and that has already delivered services and invested in infrastructure needed to resurrect a rundown and demoralised public transport sector. Nowhere has the sector been more neglected in the past 16 years than in western Sydney. The former Labor Government was appalling, with waste and mismanagement the legacy of its administration. The Blue Mountains electorate has a large commuter population that relies heavily on rail passenger services. We saw a deterioration in services that penalised those commuters who choose to live further from Sydney, with travel times significantly slower than during the old steam train era.

In the Blue Mountains we saw services and station staff numbers slashed. In 2007 the public discovered that there were 500 frontline staff vacancies because Labor was ignoring commuter safety. The Rail, Tram and Bus Union in its press release dated 19 November referred to "500 vacancies on stations that have resulted in lower cleaning standards and longer ticket queues". In June 2009 leaked Labor Government documents revealed that Labor was planning to slash 300 frontline jobs. Labor's subsequent station staff review cut 169 established frontline positions from stations, many of which were on the Blue Mountains line. Where were all the protesters then? Where were all the media headlines then?

This Government has committed to providing more services, and public transport customers in Sydney, and especially western Sydney, are benefiting from a package of extra services on trains, buses and ferries. This is good news for commuters, especially those travelling long distances. That stands in stark contrast to the former Government and its then Minister for Transport, the current Leader of the Opposition. He visited the Blue Mountains on his whistle-stop tour of New South Wales electorates. He came, dirtied the nest and left. The Leader of the Opposition had the gall to say that I had not delivered on upgrading services when clearly it was the former Government's election commitment. We have been, and are, delivering public transport services. We are delivering, and have delivered, for the people of the Blue Mountains. We are making New South Wales number one again.

Mr MICHAEL DALEY (Maroubra) [3.38 p.m.]: I move:

That the motion be amended by leaving out all words after "That" with a view to inserting instead:

"this House:

(1) congratulates the Opposition on protecting the rights and conditions of transport workers across the State by ensuring their current workplace agreements are maintained under Transport for NSW;

(2) condemns the Government for the proposed sell-off of Sydney ferries;

(3) notes that the Director General of the Department of Transport does not even have a seat at the board of Infrastructure NSW when it has the responsibility for transport planning;

(4) notes that the Government has not laid one piece of track on the North West Rail Link and is unable to provide an estimate of the cost, or when the first piece of track will be laid."

This motion is yet another demonstration of Government self-congratulation about transport. It is telling that the Government chose not to debate a worthy motion proposed by the member for Bankstown dealing with police resources. I congratulate the member for Tweed on his ascension to the role of Parliamentary Secretary for Police. While the Labor Party was in government he repeatedly criticised it for not providing enough police officers in the Tweed. He will now learn firsthand how difficult that is to achieve because every police officer

provided to a command must be transferred from somewhere else. It is telling that the Government chose not to debate that motion and instead to use this motion to congratulate itself on what it has done with regard to transport.

Mr JOHN SIDOTI (Drummoyne) [3.42 p.m.]: I support the Government's action in improving public transport. Under the new Government, Sydney has benefited from a package of extra services that have been mentioned by the Minister for Transport. They include extra rail services, NightRide bus services and, of course, 165 new ferry services. My constituents are ecstatic about the extra 25 RiverCat services that have been added to the morning timetable, the peak timetable and the late evening timetable. Those late evening services will enable people to go to Cockatoo Island, to have a drink and then to catch the ferry back. That is in dramatic contrast to what happened in 2005, 2006 and 2010, when the Labor government axed rail and bus services and slashed RiverCat services. The former Government was the most ineffectual administrator of public transport in the State's history. I thank the Minister for Transport for her efforts. Of course, the electorate of Drummoyne welcomes the additional services.

Ms NOREEN HAY (Wollongong) [3.43 p.m.]: I support the amendment to the motion moved by the member for Maroubra. The Government has introduced no additional rail services on the South Coast, and it has made no commitment to expand the highly successful Metro services to regional areas. Criminal activity on trains has increased. The privatisation of ferry services has also resulted in the sacking of front-line staff, and the director general of Department of Transport was not appointed to the Infrastructure NSW board. The Government has said much about funding for the Princes Highway, but it has delivered very little. It has also refused to expand the successful commuter car park program and to fund construction of a new station at Flinders. It was the former New South Wales Labor Government that introduced the successful shuttle bus service at Wollongong and I am pleased that it is being retained. I repeat: The former Labor Government invested the necessary funds to establish that service. I have heard serious complaints from people in the Blue Mountains about the lack of transport investment in that area, so I am surprised we are debating this motion today.

Mrs ROZA SAGE (Blue Mountains) [3.44 p.m.], in reply: I thank the member for Maroubra for his contribution to this debate. I assure him that any congratulations that come the Government's way are warranted. This Government is providing the infrastructure and public transport services that are so desperately needed by the commuters of Sydney and the rest of the State. The Blue Mountains electorate has a huge commuter population that relies on public transport—

Pursuant to resolution business interrupted and motion lapsed.

JOINT SITTING

Senate Vacancy

At 3.45 p.m. the House proceeded to the Legislative Council Chamber to attend a joint sitting to choose a senator in the place of Senator the Honourable Helen Coonan, resigned.

At 4.00 p.m. the House reassembled.

The SPEAKER: I report that at a joint sitting this day Arthur Sinodinos was chosen as senator in the place of Helen Coonan. I table the minutes of proceedings of the joint sitting.

Ordered to be printed.

LOCAL GOVERNMENT AMENDMENT (ROADSIDE VEHICLE SALES) BILL 2011

Agreement in Principle

Debate resumed from 5 August 2011.

Mr DONALD PAGE (Ballina—Minister for Local Government, and Minister for the North Coast) [4.02 p.m.]: The Government will not oppose the Local Government Amendment (Roadside Vehicle Sales) Bill 2011. However, the Government foreshadows that at the Consideration in Detail stage it will move an amendment to confine the operation of the proposal in the bill to the area covered by the City of Sydney. This

bill proposes that the Local Government Act be amended to give councils the power to erect notices to prohibit the parking of a vehicle on a road or road-related area for the purpose of offering the vehicle for sale. Like other activities undertaken contrary to notices erected by councils, the contravention of the notice would constitute an offence that attracts a maximum fine of 10 penalty units. This presently equates to $1,100.

In addition, the offence would be one for which a penalty notice may be issued, currently $110. Penalty notices of this type may be issued by the police and council rangers. It is the penalty notice system that finds favour with the member for Sydney, as the amendment will explicitly allow the signage erected to be enforceable. The object of the bill is to deter persons from parking vehicles on roads for the purposes of sale in circumstances in which that is likely to cause inconvenience or loss of amenity to nearby residents and businesses. The member for Sydney has identified Victoria Street, Potts Point, and Brougham Street, Woolloomooloo, as the places where this activity presents concern for the City of Sydney and local residents. I met with community representatives last month to hear their frustrations over the number of tourists who are using residents' on-street parking spaces as basic camping grounds, living in their parked vans until they can sell them and using residents' bins and taps.

Local residents are understandably upset because this stops them from accessing local parking and it makes it extremely difficult for delivery vans to park while they service local businesses. While very mindful of these concerns, the Government has recommended to the City of Sydney alternative measures that can be implemented under existing legislation. These include time restricted parking and metered parking. However, the member for Sydney has advised that these alternatives are opposed by the residents and business operators in the locality. Nevertheless, the Government readily acknowledges that the residents and business operators in this particular locality face problems with this activity. While street parking should be regulated ideally by roads legislation, the amendments proposed to the Local Government Act will not be opposed by the Government so as to provide affected residents and business operators with early relief from issues arising from the sale of vehicles on these residential streets.

That is why the action that the Government is taking will complement Sydney council's decision to reinstate a section of a local car park as a designated park-and-sell point for backpacker vehicles. Having an alternative park-and-sell location is important to this Government, as the people who own these campervans contribute to our tourism industry. I also emphasise that this legislation will not restrict mums and dads anywhere else, who have their cars for sale, from parking their cars in their street. As I have foreshadowed, the Government will move an amendment to confine the operation of the proposals contained in the bill to the area covered by the City of Sydney by regulation.

The DEPUTY-SPEAKER (Mr Thomas George): Order! There is too much audible conversation in the Chamber. Members who wish to conduct private conversations should do so outside the Chamber.

Mr DONALD PAGE: Although this issue appears to be localised to the Sydney city council area, other councils, which may experience these types of issues in the future, will be able to apply to the Minister for Local Government to include their local government area in that regulation. The Government believes that this problem is an isolated local issue unique to Victoria Street, Potts Point, and Brougham Street, Woolloomooloo, and does not require legislation of statewide application. As I indicated at the outset, we do not oppose the legislation. I foreshadow that during the Consideration in Detail stage I will move an amendment to the bill. I congratulate the member for Sydney on her initiative.

Mrs BARBARA PERRY (Auburn) [4.07 p.m.]: I lead for the Opposition on the Local Government (Roadside Vehicle Sales) Bill 2011. The bill seeks to deal with a problem that has been emerging in a number of local communities—that is, the utilisation of public roads and residential streets as de facto car saleyards. While the Opposition has no problem with individuals using private means to sell their own vehicles, we believe that large groups of car sellers should not be able to use streets and other forms of public land to conduct an unauthorised vehicle trade on a mass level. The need for this private member's bill has arisen following the formation of a de facto car saleyard in a residential area on Victoria Street in Potts Point. The shadow local government Minister, the Hon. Sophie Cotsis, recently visited Victoria Street to meet local residents and inspect the scale of the problem.

In doing so, Ms Cotsis has seen firsthand the way in which a public street in a predominately residential area is being misused by backpackers seeking to sell second-hand campervans. She has also witnessed how this practice has turned the area into a virtual shanty town. She has listened to the local residents who have simply had enough. I understand that Sydney city council has found itself unable to deal with the problem. While

limited parking time signs have been erected, these are easily avoided by backpackers doing regular block drives. Similarly, "no stopping" signs would be inappropriate. Local residents still want to have access to street parking and local shop owners want to attract legitimate shoppers. As part of the Opposition's consideration of this bill, the Hon. Sophie Cotsis has also consulted with other councils and local government peak bodies, including the Local Government and Shires Associations.

I turn now to the detail of the bill. The bill amends section 632 of the Local Government Act to specifically enable a council to erect a notice to prohibit the roadside parking of vehicles that are being offered for sale. Breaching the notice will thereby carry a maximum penalty of $1,100. There is an argument that section 632 could be used to deal with the unauthorised sale of motor vehicles. The section currently enables a council to erect a notice prohibiting the "doing of anything" in a public place. But while these provisions may have some potential, their wording does not provide a great deal of clarity. This bill will provide that clarity and give councils a firm basis on which to deal with the unauthorised sale of motor vehicles.

Accordingly, the Opposition supports the bill. However, like the Minister for Local Government, I also foreshadow that in the Consideration in Detail stage the Opposition will move two amendments. The Opposition is concerned about a potential unintended consequence from the use of the provisions in the bill. As many members will be aware, it is not unusual for ordinary residents to seek to sell their vehicle privately. To do this, some people place modest "for sale" or similar signs on their vehicles and I am sure few people, if any, would have a problem with this. But doing so could bring an ordinary private resident into conflict with the measures proposed in this bill and the Opposition wants to ensure this does not happen.

Accordingly, we will move an amendment to make it clear that a council cannot issue a fine in respect of a vehicle registered in the name of a resident of the area to which the vehicle sales notices relate. Local residents will still be permitted to offer their private vehicles for sale by using a simple "for sale" or similar sign. Our second amendment will ensure that communities are consulted on any decision to erect a vehicle sales notice. As part of its usual approach, a good council will consult residents before putting up notices of the kind contemplated in this bill. Accordingly, the amendment should not add unduly to the workload of councils, but it will guarantee that local residents will have a strong say in whether they want to prohibit roadside vehicle sales in their area.

The Minister has foreshadowed that the Government will also move an amendment to provide that the effect of this bill will be limited to the City of Sydney. However, it is my understanding that the Government amendment will allow additional councils to be included by way of regulation. This will enable councils to apply directly to the Government to use this new power. This seems to be a sensible way forward and accordingly I can foreshadow that the Opposition will support the Government, provided that it is in the terms that I have outlined. The Local Government Amendment (Roadside Vehicle Sales) Bill 2011 proposes a sensible way forward for dealing with this growing problem in many local communities. The Opposition supports the bill, noting the matters that I have already raised and foreshadowing the amendments to be moved by the Opposition.

Mr BRUCE NOTLEY-SMITH (Coogee) [4.12 p.m.]: I support the Local Government Amendment (Roadside Vehicle Sales) Bill 2011 with the foreshadowed Government amendments that will give the City of Sydney council the power to erect notices to prohibit the roadside parking of vehicles offered for sale. I can understand the concern of residents over the parking of these vans for sale in inner-city precincts. However, I also support the Government amendment introduced by regulation that applied only to the City of Sydney as that is where the problem is most acute. The bill also makes provision for other councils to apply directly to the Minister for Local Government for powers to erect the "no sale of vehicle" signs. While the sale of vehicles on roadsides has not been an issue in my electorate of Coogee, we have had some problems with campervans and backpackers camping overnight on Clovelly beach, which creates noise and other issues for local residents. I can understand the concerns of the residents of Potts Point, particularly the residents in Victoria Street.

The bill introduced by the member for Sydney, Clover Moore, clearly has the support of residents of Victoria Street, Potts Point where, on occasion up to 45 vans are for sale. I have firsthand knowledge of this because, as the electorate officer for the member for Wentworth, I visited Victoria Street on three occasions and spoke with the residents. On one occasion, at the request of residents, I took the member for Wentworth to Victoria Street and we saw firsthand just how acute the problem was. The member for Wentworth was in contact with the office of the Lord Mayor and we found that the ossification of the previous Government meant that nothing had been done to address the issue. This bill is clearly warranted and much needed, and I fully support the member for Sydney introducing this bill.

The City of Sydney should be given the right to protect residents but at the same time this very large sector of inbound tourism should be encouraged and given some latitude. I know from press reports that the City of Sydney passed a motion in August to create a 40-space car park for backpackers to sell their vans once they have finished their holidays in Australia. In her role as Lord Mayor of Sydney, the member for Sydney said that the Ward Street car park at Potts Point would be up and running by the end of the year. Whilst backpackers will be banned from sleeping in their vans overnight in the car park, it will still provide them with ample opportunity to sell their vans in just the same way as if they were parked on the street. The combination of the Government's amendment and the steps taken by the City of Sydney will keep both residents and backpackers satisfied.

This Government is committed to developing tourism in New South Wales and recently increased funding in the budget to $45 million. We also recognize the large number of backpackers that travel around Australia each year and we do not wish to discourage them from enjoying a memorable trip Down Under. However, turning residential streets into used car lots is not an option. The amendments will give council rangers the power to issue significant penalty notices. It is clear that residents and business owners in Victoria Street have become increasingly distressed. I have firsthand knowledge of this through my visits to Victoria Street over the past 18 months. I am fully supportive of this private members bill and with the amendment foreshadowed by the Minister.

Ms KRISTINA KENEALLY (Heffron) [4.17 p.m.]: I speak to the Local Government Amendment (Roadside Vehicle Sales) Bill 2011. The purpose of the bill has been outlined through its introduction and by the various speakers. I understand the intent of the bill is to assist the member for Sydney and the Lord Mayor with a significant problem on Victoria Street in Potts Point. It is a problem posed for the local community and I understand the intent of the member for Sydney in seeking to address a problem that has arisen in that local area. However, the Government's amendment, which the Opposition supports, restricts this amendment to the City of Sydney, which covers a significant portion of the electorate of Heffron—the communities of Redfern, Waterloo, Erskineville, Beaconsfield, Victoria Park, Green Square, Roseberry and Zetland. In my capacity as the member for Heffron, I speak to the foreshadowed Government amendment.

The intent of the amendment, as it relates to Potts Point, is well understood and is supported by the Opposition and by me. However, I am concerned that the unintended consequence of the Government's amendment to limit this to the City of Sydney gives the City of Sydney significant ability to impose the very same restriction on other parts of its council area. I strongly recommend to the House the Opposition amendments that have been foreshadowed by the member for Auburn. The amendments would do two things: First, ensure that any such notice does not apply to the parking of a vehicle registered in the name of a resident of the area to which the notice relates. That is, any resident of the area who has a vehicle registered in their name is still able to sell their vehicle on their street. That is an important recognition of the rights and expectations of the residents of the City of Sydney council area to enjoy the rights and expectations that residents in other council areas enjoy. Of course, that is to do something straightforward: to put their car, registered in their name, in front of their house on their street with a "for sale" sign. They should not incur a penalty for doing that.

The second amendment foreshadowed by the Opposition seeks to ensure that the council—the amendment applies only to the City of Sydney council—is required to directly notify each resident of the area that in the opinion of the council it is likely to be affected by the proposed notice and invite submissions to be made within 30 days of the notification, and for the council to consider any submissions made within that period. That seems to be a straightforward request. It will ensure that when the current make-up of the City of Sydney council, or any future make-up of the council, applies this restriction on other streets within the council's jurisdiction, residents are consulted and are given the opportunity to have their say.

Like most councils, the City of Sydney council has a traffic committee. Indeed, as a local member I sit on that traffic committee. However, I do not believe it is sufficient, in terms of consultation, to simply say that a matter will come before a traffic committee. With all due respect to council traffic committees and the important role they play, I sincerely doubt whether many residents of the City of Sydney council area, or indeed councillors, will be sitting at home on a Tuesday evening or any other night of the week and looking up on the council's website the agenda for the upcoming traffic committee meeting.

As local members we have a responsibility to make our constituents aware of what matters will be raised at local council traffic committee meetings. However, frankly, I see no harm in having a statutory requirement for a council considering the imposition of such a significant restriction on a street to consult with residents for 30 days beforehand. That would not be a significant impost on council, particularly as this is a

rather unexpected change for many residents in the City of Sydney council area. It would be an unexpected change for a resident to wake up one morning and suddenly find a sign on their street stating that they cannot put their family vehicle for sale in front of their house. In order to ensure that the residents of Roseberry, Zetland, Victoria Park, Beaconsfield, Waterloo and Redfern—

Dr Geoff Lee: Parramatta.

Ms KRISTINA KENEALLY: I thank the member for Parramatta for his interjection but he can speak about his electorate. I will confine my remarks to those communities that sit within the City of Sydney and the electorate of Heffron. We must ensure that those communities have the right to, first, be advised of any significant proposals such as what has been proposed for their street and, second, comment on it. I strongly encourage the House to support the Opposition's proposed amendment. I hope that the member for Sydney will support the amendments and that The Greens member, whose seat—

[*Interruption*]

I leave that editorial comment to the side. I hope that The Greens member in this House, part of whose electorate is within the boundaries of the City of Sydney, will support the amendments. I hope also that Government members will support the amendments. The Government came to power on a limited mandate. Nonetheless the Premier claimed that he would return decision-making powers to local communities. What could be more basic than this? What could be more basic than giving communities the right to comment for 30 days on a proposal that will affect their street? Surely the Premier could support that. Surely Government members could support a basic amendment that would ensure that residents in the City of Sydney have the right to comment on a change that could occur in their street, rather than have them simply wake up one morning to see a signed erected in their street. I would be flabbergasted if the Government could not see its way clear to support this amendment.

The member for Coogee and other members will want to think about cross-borders issues between councils. If the amendment is not supported, if it is the case that the City of Sydney council could simply erect such signs without consultation, surely it follows that residents will simply take their cars across the border. The member for Coogee might find that cars that are no longer eligible to be sold within the City of Sydney could be sold within the city of Randwick. I do not think the member for Coogee would want to wake up one morning and see that happen. I support the bill and the Government's amendment. How generous am I? On behalf of the people of Redfern, Waterloo, Erskineville, Beaconsfield, Victoria Park, Green Square, Rosebery and Zetland, I strongly support and commend to the House the two amendments foreshadowed by the Opposition.

Mr JAMIE PARKER (Balmain) [4.25 p.m.]: I will be brief because I understand there are time constraints. First, I acknowledge the work of the Minister. It is a positive development that the Minister can hear issues from a local community and members of this House and can act decisively on them. It is a good sign that the Government recognises that it can act on issues raised by local communities. I hope that this trend will be set for other Ministers; if members take to Ministers specific issues that can be remedied by legislation or in other ways, Ministers can take them up as a priority.

As the member for Heffron said, a major part of the Balmain electorate is in the City of Sydney council area. This issue is of concern to members of my community. Obviously I support the bill introduced by the member for Sydney. She has done fantastic work advocating on behalf of her community, in particular, the residents and business people who have been imposed upon by this trade. I acknowledge the work she has done in this area and congratulate her on it. I support the bill and the Government's amendment. I know we will be considering the amendments in detail so I will be brief. The Opposition's amendment relating to consultation seems to be straightforward. It is always worthwhile to notify residents and to put them on notice for 30 days. That is good practice; there is positive decision-making when residents have been consulted and there is no criticism of the council.

As the mayor of my local community for several years our consultation is always better. I am sure members opposite who have served in local government will agree that if we have good, solid opportunities for consultation we get better outcomes. I encourage the Minister to consider supporting the Opposition's amendment relating to consultation. The other Opposition amendment relates to the parking of a vehicle registered in the name of a resident. The member for Heffron said that the amendment will ensure that residents have a right to sell a vehicle at the front of their property. I understand there are some different views on this

matter. I will be interested to hear from the Minister and Government members when we consider the amendment in detail, but it seems to be reasonable. There would have to be a strong argument to overturn the view that residents should have the right to sell a vehicle on the street in front of their property.

It is important to note that residents in the area do not have off-street parking so they park their vehicles on the public road. That is their parking space. It is not appropriate to suggest that people can sell vehicles on their properties because the vehicles are never on their properties. People living in terrace houses and other forms of accommodation do not have car parking so there are no vehicle crossings onto their property. So this matter should be approached cautiously. Again, I acknowledge the Minister's work and the work of the member for Sydney in particular.

Ms CLOVER MOORE (Sydney) [4.29 p.m.], in reply: I thank all members who have spoken in debate on the Local Government Amendment (Roadside Vehicle Sales) Bill 2011. I commend the Minister, the Government and the Opposition for their support for the bill. It is fantastic that we have a bipartisan approach to an important problem in the heart of our city. We are talking about Victoria Street, a beautiful tree-lined inner city urban street that is located in a densely populated area and that has a business and tourist focus. It is simply inappropriate for that street to be used in the way that it has been used, that is, as a vehicle sales yard, a backpackers' campsite and all the associated activities.

These activities have caused enormous issues for businesses and residential communities in that area. Up to 35 campervans are parked on that street in the summer, with all the associated activity on the footpath. That has had a major impact on the limited parking that is available in the area and it has also had a major impact on people's amenity and standard of living. The problem has flowed into Brougham Street in Woolloomooloo, so we are looking at a specific but important problem for the Potts Point, Kings Cross, Woolloomooloo area.

Council, which has tried to address the problem, has had two full-time rangers patrolling both streets and spending in excess of 80 hours a week checking every parked vehicle to see whether there is a way to issue infringement notices. Council has conducted joint patrols with Kings Cross police. What the backpackers are doing has not been illegal but, because it is inappropriate, it has been causing serious problems. This bill will give council the power to take the necessary action. Council has resolved, in support of my mayoral minute, to establish a backpacker vehicle market in a nearby Kings Cross car park which will provide a safe and legal place for backpackers to sell their vehicles.

For the first three months it will be free of charge to encourage young overseas tourists who want to sell their campervans after the conclusion of their holidays to use it. After that three-month period the fee will gradually increase from $30 to $60 a week partially to offset the cost of running the car market. Overseas backpackers will not only be provided with secure parking and marketing services to sell their vehicles; they will also have access to advice on the transfer of vehicle registration, travellers insurance, vehicle maintenance and car wash services. This will give them an alternative place in which to carry out those activities.

Under the bill council will have the power to put up signs to ban the sale of vehicles on roads such as Victoria and Brougham streets. It will have the power to move on the campervans with the threat of infringement, or to tow them away to a designated tow-away zone, which will encourage backpackers to use the car market. This bill is a huge win for the Kings Cross-Potts Point community. In addition to removing the campervans and camping from Victoria Street, the City of Sydney is also proposing to allocate $1.4 million to beautify the street with new landscaping, an issue that will be presented to residents for discussion next Monday night. We can look forward to a new life for this wonderful street in the most densely populated part of Australia, and backpackers will be able to look forward to a safe and well-supervised car market.

The success of the bill is the result of the hard work of members of the local community who have lobbied hard for change because of the terrible situation facing them. They have sent emails, written letters, made phone calls and posted on Facebook and Twitter. I congratulate them and thank them for their hard work. I thank the Minister, the Government and the Opposition for listening to their concerns and supporting this action to make an enormous difference.

I support the Government's amendment which will ensure that this bill relates to the area covered by the City of Sydney. If other councils have similar problems they will be able to approach the Minister to introduce regulations in their local council areas. I do not oppose the Opposition's foreshadowed amendment relating to

consultation as I probably have the longest record for consulting with members of the community. I do not believe it is necessary but I also do not oppose it. Matters such as this would go before a traffic committee, or the Pedestrian Cycling and Traffic Calming Committee.

I invite members of the community to address these issues and I encourage local members to become members of that committee. If local residents have any issues of concern the local member will have an opportunity to tell them about it. As I said, this amendment is not necessary but I will not oppose it. Having had discussions with the Government about the exemption amendment, I am concerned that it might undermine the very basis of the bill by providing a loophole. I am sure that the Minister will refer to those issues when we consider the bill in detail. I think it will ring real alarm bells for the Potts Point community when they were just about to score a real victory. I express concern about that issue but again thank everyone for their support for the bill. 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 Mr Donald Page.

Consideration in Detail

The DEPUTY-SPEAKER (Mr Thomas George): By leave, I propose to deal with the bill in groups of clauses.

Clauses 1 and 2 agreed to.

Mr DONALD PAGE (Ballina—Minister for Local Government, and Minister for the North Coast) [4.36 p.m.]: I move:

No. 1 Page 2, clause 3 (2), lines 15 and 16. Omit "that is a road or road related area within the meaning of the Road Transport (General) Act 2005".

Insert instead:

That is:

(a) a road or road related area within the meaning of the Road Transport (General) Act 2005, and

(b) in the City of Sydney area or other area (or part of an area) prescribed by the regulations.

The effect of this amendment will be to confine this provision to the City of Sydney council area because the problem is seen, at this stage anyway, to be unique to Victoria Street, Potts Point and Brougham Street, Woolloomooloo. Those two streets are involved in particular, but the Government recognises that this problem might arise in some other area in the future. This amendment will confine the legislation to the City of Sydney but it will allow another council to come to the Minister for Local Government and indicate that it has a similar problem. It will give the Minister power to allow another council in New South Wales to erect signs that prohibit the sale of vehicles. The member for Sydney has indicated her support for this straightforward amendment. I thank the Opposition and the member for Balmain for their indications of support for the amendment.

I am also very flattered the member for Heffron spoke in debate on such an important bill. The Government chose to move this amendment because this could happen in some other area in the future. It was concerned that the bill might have some unintended consequences that it cannot foresee at the moment. Because the problem has arisen in the City of Sydney council area we are eager to resolve it. As other members have already said, this is a real issue. When I visited the area and spoke to residents I was persuaded about the seriousness of the issue. Approximately 80 vans were parked in that location which meant that local residents were unable to park their cars outside their houses, and businesses were unable to receive deliveries. This issue needs to be addressed, which is why I have moved the Government's amendment. I will deal with Opposition amendments as they are moved.

Mrs BARBARA PERRY (Auburn) [4.40 p.m.]: The Government's amendment clearly provides that the effect of this bill, which will be limited to the City of Sydney, will be extended to other councils by regulation. The amendment also will enable councils needing to implement this provision to apply directly to the Government, which is a sensible way forward. Accordingly, as I foreshadowed, the Opposition will not oppose the amendment.

Ms CLOVER MOORE (Sydney) [4.40 p.m.]: As I indicated in my speech during the agreement in principle debate, I support the amendment.

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

Government amendment agreed to.

Mrs BARBARA PERRY (Auburn) [4.41 p.m.], by leave: I move Opposition amendment No. 1 on sheet 2011-092C and Opposition amendment No. 2 on sheet 2011-083E in globo:

No. 1 Page 2, clause 3, line 16. Insert "However, any such notice does not apply in relation to the parking of a vehicle registered in the name of a resident of the area to which the notice relates." after "Road Transport (General) Act 2005.".

No. 2 Page 2, clause 3. Insert after line 16:

(3) Section 632 (4)

Insert after section 632 (3):

(4) Before erecting a notice referred to in subclause (2B), the council must:

(a) directly notify each resident of the area that, in the opinion of the council, is likely to be affected by the proposed notice and invite submissions to be made within 30 days of the notification, and

(b) consider any submissions made within that period.

I seek leave of the House to have the questions on the amendments put separately.

Leave granted.

As I mentioned during the agreement in principle debate, the amendment circulated on sheet 2011-083E deals with the Opposition's concern about potentially unintended consequences that might arise from application of the provisions in the bill. Many ordinary residents seek to sell their vehicles privately and often choose modest means, such as placing a "for sale" or similar signs on their vehicles. Such actions rarely create much, if any, harm. The Opposition's concern is that this modest action potentially could bring the resident into conflict with the provisions of the bill. We think it is hardly fair that a person could end up receiving a fine in excess of $1,000 for simply writing the words "for sale" on the back of his or her private vehicle.

The Opposition wishes to ensure that that does not happen. Accordingly, the Opposition's amendment makes it clear that a council will not be able to issue a fine in respect of a vehicle that is registered in the name of a resident of the area to which the vehicle's sales notice relates. In other words, local residents will still be permitted to offer their own private vehicles for sale by using a simple "for sale" or similar sign. I urge members to support this amendment.

Mr DONALD PAGE (Ballina—Minister for Local Government, and Minister for the North Coast) [4.43 p.m.]: I am mindful of the time, so my comments will be brief. The Government does not support this amendment. While it appears to be reasonable on the surface, it will create a loophole. It seems that it would be very easy for an overseas backpacker who is trying to sell a New South Wales registered campervan to avoid the restriction simply by phoning the Roads And Traffic Authority and changing his or her residential address to an address in the area in which the campervan is parked for the purpose of sale.

The Roads and Traffic Authority has advised that any persons who seek to transfer a vehicle into their name in New South Wales must provide a New South Wales residential address for registration purposes. In the case of an overseas visitor, that can be a hotel or a hostel. The point I make is that the Government is very concerned, as the member for Sydney has indicated, to avoid the creation of any loopholes that could lead to the legislation being challenged. Based on the advice I have received, I am not prepared to support the Opposition's amendment for the reasons I have stated.

The DEPUTY-SPEAKER (Mr Thomas George): I ask the Minister to clarify that the comments he has made relate to the amendment on sheet 2011-083E.

Mr DONALD PAGE: Yes.

Mrs BARBARA PERRY (Auburn) [4.45 p.m.]: I make it clear that I will reply first to the Minister's comments and later I will refer to the second amendment on sheet 2011-092C. In response to the comments made by the Minister relating to the amendment on sheet No. 2011-083E, I do not share the Minister's concerns that the amendment creates a loophole; rather I think it provides certainty for residents. We know that at times mums and dads want to sell their vehicles and merely wish to put a "for sale" sign on them. I do not believe a loophole will be created as the Minister has suggested. I disagree with the Minister vigorously in relation to that issue.

The amendment provides an exemption and councils will be able to work out with residents how to approach that exemption. It is pretty clear on the face of the amendment that a resident will be exempted and that it will apply to no-one else. I must say that the idea of a hostel owner agreeing to his or her name being put on a vehicle purchased by a backpacker and carrying the risk of liability for speeding, running red lights and other road offences is not realistic and rather fanciful. If that is the Minister's concern he is wrong.

Mr Donald Page: No, I am concerned with the address.

Mrs BARBARA PERRY: Even if there were merit in the Government's concern, there is potential for injustice. Residents receiving a $1,100 fine simply for writing the words "for sale" on the back windscreen of their car far outweighs the concerns expressed by the Minister. The Government should support the amendment. It is a very simple amendment which provides an exemption for residents who clearly live at a specific address.

The Opposition's second amendment, which appears on sheet 2011-092C, will ensure that communities will be consulted in relation to any decision to erect a vehicle sales notice. I understand that the City of Sydney, in common with many councils, has a consultation process relating to road and traffic changes. Accordingly, acceptance of the amendment will not unduly add to the workload of the council's budget but will provide a clear guarantee that local residents can have their say on whether or not they want to prohibit roadside vehicle sales in the area. The legislation will apply beyond Victoria Street, Potts Point to the whole of the city of Sydney. I urge the Government to consider supporting consultation. I commend both Opposition amendments to the House.

Mr DONALD PAGE (Ballina—Minister for Local Government, and Minister for the North Coast) [4.48 p.m.]: There are a couple of reasons why the Government cannot accept the Opposition's second amendment on sheet 2011-092C. The first one is a practical reason that relates to the current situation. The legislation was introduced by the member for Sydney to address a particular issue that is a problem here and now, and that can only become worse over the next couple of months during summer. In a practical sense, if the Government were to accept this amendment, we would be talking about a minimum of 30 days and possibly 60 days of public consultation. The amendment refers to a minimum of 30 days.

Ms Kristina Keneally: So what.

Mr DONALD PAGE: So what? Let me enlighten the Opposition. If the amendment is accepted, the bill will not be implemented to solve a particularly acute local issue that needs to be resolved. The reason we are debating the bill is that we wish to resolve the problem. In addition, next year the Government intends to review the Local Government Act. If some glitches emerge as a result of this legislation, which is a possibility, I am more than happy to give an assurance that the Government will examine this issue in the context of that review. The practical issue is that if the Government accepts the amendment the council then has to have a public consultation process—something that I assure the member for Auburn will not be well received by the people of Potts Point, who have been consulted to death, in a sense, by council and who are very keen for council to be proactive.

The Lord Mayor has been proactive in this regard. It seems unnecessary to return to those people and to tell them that they must wait a minimum of 30 days, and possibly 60 days, and at a cost to council. More importantly, if the Government accepts this amendment it will create a precedent because there is no similar requirement in respect of the erection of any other type of notice under section 632 for a council to have public consultation. It will create an additional burden not only for this council—when the Government is trying to reduce the amount of red tape—but also potentially for future councils that apply to the Minister to exercise this power.

As the member for Sydney indicated, matters relating to the erection of signs on roads are dealt with by the traffic committee on which local members serve. I have regularly attended traffic committee meetings for over 23 years and it is certainly my experience that an invitation is extended to residents who are affected by a potential change by the committee to implement some particular aspect of traffic management—for example, signage. If an issue arises the community is consulted in those circumstances. The member for Heffron, and I think the member for Auburn, claimed that people will wake up one morning to find there is a new sign that prevents them from selling their car outside their house. That will not happen. These powers are reserved for problems at Potts Point in the city of Sydney.

[*Interruption*]

It will be. The council will not rush out and put up a sign preventing people from selling their car in an ordinary residential street unless campervans take up all residents' car spaces. It is impractical to think that persons will be prohibited from selling their car in their street. For this legislation to work there must be "Vehicles prohibited" signage. In normal circumstances people can put "For Sale" signs on their cars and sell them outside their homes. The member for Sydney, the Lord Mayor of Sydney, told me that the council always puts advertisements in the newspapers to advise the community about changes to signage and so on. If we were to adopt this amendment the legislation would be delayed, which would make the people of Potts Point very angry.

They do not want unnecessary delays; they, together with the Government and the member for Sydney, want action. It is impracticable and unnecessary for the Government to accept this amendment. If councils use this provision irresponsibly—for instance, if they erect such signs in order to raise revenue—there will be an enormous backlash from local residents. I am normally in favour of consultation, but not in this case because of the practicalities involved and the timing issues. More importantly, a precedent would be set. This would be the only circumstance under section 632 where a council has to erect a sign after a public consultation process. It is nonsense.

Ms KRISTINA KENEALLY (Heffron) [4.53 p.m.]: How extraordinary that a Minister of the Crown, a member of the O'Farrell Government, should tell the House that consultation and asking the community what it wants is red tape. The Minister said that because we have made a change to the law we cannot take the time to consult before signs are erected. He said this is an unprecedented move; it has never been done before. I have news for the Minister: Just before the last election the previous Government changed the law in order to allow councils to erect alcohol-free zone signs.

[*Interruption*]

Look at that. Those opposite get so excited. The council of the City of Sydney wanted to put up a sign on Department of Housing land in Waterloo designating it an alcohol-free zone. So what did the council have to do? It had to consult the community before the sign was erected. The community had wanted that alcohol-free zone for a long time; it had the support of local residents. Nonetheless, the community benefit from that consultation was incredibly important. The process allowed a number of issues to be ventilated and concerns and questions to be addressed. It strikes me as extraordinary that if a council wants to put up an alcohol-free zone sign it has to consult the community, but under the O'Farrell Government—which claims it is all about letting people have a greater say about what happens in their own streets—the council will not have to consult before it puts up a sign that bans residents from selling private motor vehicles in front of their own homes. The O'Farrell Government is deriding community consultation by calling it red tape.

The Minister said he cannot have consultation because it would be another 30 days before the sign was erected. He has been Minister for Local Government for seven months. Will he explain to the community why for the past 210 days he has not addressed this issue? What is another 30 days if it ensures that this community, as well as every other future community in the City of Sydney, has guaranteed consultation before people wake up and find that the council has imposed a restriction in their street that does not apply to other parts of the council area? The member for Sydney does not oppose consultation, so why should the Government? The member for Sydney is a big supporter of community consultation. In fact, in the past I have sometimes pulled my hair out at the lengths to which she will go in support of community consultation. She is a strong proponent of community consultation. She does not oppose the amendments.

It strikes me as very strange that Labor, the Independent member for Sydney, and the member for Balmain, who is a member of The Greens, support this amendment and only Government members oppose it.

Given that the Government's amendment restricts this change to the City of Sydney, the fact that there will not be mandatory consultation is made all the more acute because the City of Sydney does not have wards. There are no ward councillors in certain parts of the City of Sydney. The Lord Mayor can correct me if I am wrong, but there is no City of Sydney councillor living south of Redfern to represent South Sydney.

Mr Tony Issa: Do you know how councils work? Have you been a councillor?

Ms KRISTINA KENEALLY: I love how excited they get. It is nice to know that those opposite care and they have missed me so much. In the absence of wards, it is incredibly important that, given this provision will be restricted to the City of Sydney, there be mandatory consultation. While I have noted that the member for Sydney is a strong proponent of consultation, we cannot assume that she will be Lord Mayor forever. God help us, one day we might wake up and find that Shayne Mallard is the Lord Mayor of Sydney. I have no confidence that Mr Mallard would be a strong proponent of community consultation, given that he is from the very party that is opposing consultation in this context. It should be clear to the people of Rosebery, Waterloo, Redfern, Erskineville, Beaconsfield, Zetland and Green Square that when this legislation is passed—and I have no doubt, given the numbers in this House, that it will be—and they have lost their right to be notified when the council wants to make a significant change in their street, the only people who have denied them that right are the Liberal-Nationals members in this place.

Question—That Opposition amendment No. 1 be agreed to—put.

The House divided.

Ayes, 21

Mr Barr	Mr Lynch	Ms Tebbutt
Ms Burney	Dr McDonald	Ms Watson
Ms Burton	Ms Mihailuk	Mr Zangari
Mr Daley	Mr Parker	
Ms Hay	Mrs Perry	
Ms Hornery	Mr Piper	*Tellers,*
Ms Keneally	Mr Rees	Mr Amery
Mr Lalich	Mr Robertson	Mr Park

Noes, 59

Mr Anderson	Mr Flowers	Mr Roberts
Mr Annesley	Mr Fraser	Mr Rohan
Mr Aplin	Mr Gee	Mr Rowell
Mr Ayres	Ms Gibbons	Mrs Sage
Mr Baird	Ms Goward	Mr Sidoti
Mr Barilaro	Mr Grant	Mrs Skinner
Mr Bassett	Mr Hartcher	Mr Souris
Mr Baumann	Mr Hazzard	Mr Speakman
Ms Berejiklian	Ms Hodgkinson	Mr Spence
Mr Casuscelli	Mr Holstein	Mr Stokes
Mr Conolly	Mr Issa	Mr Stoner
Mr Constance	Dr Lee	Mr Toole
Mr Cornwell	Ms Moore	Mr Torbay
Mr Coure	Mr Notley-Smith	Ms Upton
Mrs Davies	Mr O'Dea	Mr Ward
Mr Dominello	Mr Owen	Mr Webber
Mr Doyle	Mr Page	Mrs Williams
Mr Edwards	Ms Parker	*Tellers,*
Mr Elliott	Mr Patterson	Mr Maguire
Mr Evans	Mr Provest	Mr J. D. Williams

Pair

Mr Furolo	Mr Bromhead

Question resolved in the negative.

Opposition amendment No. 1 negatived.

Question—That Opposition amendment No. 2 be agreed to—put.

Division called for and Standing Order 185 applied.

The House divided.

Ayes, 22

Mr Barr	Mr Lynch	Mr Robertson
Ms Burney	Dr McDonald	Ms Tebbutt
Ms Burton	Ms Mihailuk	Ms Watson
Mr Daley	Ms Moore	Mr Zangari
Ms Hay	Mr Parker	
Ms Hornery	Mrs Perry	*Tellers,*
Ms Keneally	Mr Piper	Mr Amery
Mr Lalich	Mr Rees	Mr Park

Noes, 58

Mr Anderson	Mr Flowers	Mr Rohan
Mr Annesley	Mr Fraser	Mr Rowell
Mr Aplin	Mr Gee	Mrs Sage
Mr Ayres	Ms Gibbons	Mr Sidoti
Mr Baird	Ms Goward	Mrs Skinner
Mr Barilaro	Mr Grant	Mr Souris
Mr Bassett	Mr Hartcher	Mr Speakman
Mr Baumann	Mr Hazzard	Mr Spence
Ms Berejiklian	Ms Hodgkinson	Mr Stokes
Mr Casuscelli	Mr Holstein	Mr Stoner
Mr Conolly	Mr Issa	Mr Toole
Mr Constance	Dr Lee	Mr Torbay
Mr Cornwell	Mr Notley-Smith	Ms Upton
Mr Coure	Mr O'Dea	Mr Ward
Mrs Davies	Mr Owen	Mr Webber
Mr Dominello	Mr Page	Mrs Williams
Mr Doyle	Ms Parker	
Mr Edwards	Mr Patterson	*Tellers,*
Mr Elliott	Mr Provest	Mr Maguire
Mr Evans	Mr Roberts	Mr J. D. Williams

Pair

Mr Furolo	Mr Bromhead

Question resolved in the negative.

Opposition amendment No. 2 negatived.

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

Clause 3 as amended agreed to.

Consideration in detail concluded.

Passing of the Bill

Motion by Ms Clover Moore 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.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Bills

Mr BRAD HAZZARD (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [5.13 p.m.]: I move:

> That standing and sessional orders be suspended to permit the resumption of the adjourned debate and passage through all remaining stages at this or any subsequent sitting of the Local Government Amendment Bill.

The Local Government Amendment Bill, which had its agreement in principle speech read yesterday, will be brought on for debate tomorrow. I intended to bring on debate this evening, but I understand that the Minister indicated to the Opposition spokesman that it would likely come on tomorrow.

Mr MICHAEL DALEY (Maroubra) [5.14 p.m.]: The Opposition quite vigorously opposes this motion. We have seen crocodile tears and heard moans from the Minister. He has been copping a hiding from Alan Jones. This Government should learn what governments of all political persuasions have learned over the decades: that if one interferes with local government one does so at one's own peril, and if one interferes with local government workers without consulting them one does so at one's additional peril. The Local Government Amendment Bill deals with some important subject matters. It deals with community land, vacation of office, and, importantly, the voting system of councils. One of those councils happens to reside in my electorate.

This bill should sit on the table for five days, as the standing orders prescribe. Those standing orders are so prescribed for good reasons—so that all members of this place are given the opportunity to avail themselves of the knowledge that is requisite for the discussion of the bill. It is also prescribed thus in the standing orders so that on items such as this, which deal with issues that relate to the day-to-day activities of our local councils—and, therefore, our local residents—we are given the opportunity to talk to councils, to mayors and to general managers. I note that there are a few of them on the other side of the House. They should have more respect for their councils than to have them dealt with in this way.

What is inherent in this bill is entirely consistent with the dark and underpinning motive that has accompanied all the activities of this Government since it set foot in this place. One of the very first actions of this Government was to undermine the effectiveness of the Industrial Relations Commission of New South Wales in respect of occupational health and safety. It then passed bills that were rammed through in the dead of night under gag in the other place which removed the Industrial Relations Commission jurisdiction to deal with workers conditions and wages. Paragraph (b) of the explanatory note states that the object of the bill is:

> (b) to convert the status of councils and county councils from their existing status as bodies politic of the State to bodies corporate,

That is seemingly innocuous, but the former Government did just the reverse because the 55,000 people who work for local governments do not want to come under the Federal industrial relations system; they want to stay under the State industrial relations system. This is a further attack, a further diminishment, a further destruction by stealth of the Industrial Relations Commission of New South Wales and of the industrial relations system of New South Wales. This bill should sit on the table for another three sitting days so that all members of this place, particularly those with a local government background, can get out and talk to their constituents about the important provisions contained in this bill.

One of the things that has characterised this Government—apart from the fact that it cannot manage this place or this State—is that when it is in doubt it goes off to review. Approximately 48 reviews are currently being undertaken in this State—there are reviews into police numbers, reviews into speed cameras, reviews into the food system, et cetera. There are almost more reviews in this State than there are members of this place. One thing is very apparent from the way this arrogant O'Farrell Government conducts itself: When it wants to attack workers, there are no reviews, there is no consultation, there is no courtesy. The Government did not talk to the President of the Industrial Relations Commission when it attacked the commission. It has not consulted with councils on this bill; it has not spoken to the United Services Union; it has not consulted with workers. We know that 300,000 directly employed State government workers hate the Government—we can now add another 55,000 workers. [*Time expired.*]

Question—That the motion be agreed to—put.

The House divided.

Ayes, 56

Mr Anderson	Mr Evans	Mr Provest
Mr Annesley	Mr Flowers	Mr Roberts
Mr Aplin	Mr Gee	Mr Rohan
Mr Ayres	Mr George	Mr Rowell
Mr Baird	Ms Gibbons	Mrs Sage
Mr Barilaro	Ms Goward	Mr Sidoti
Mr Bassett	Mr Grant	Mrs Skinner
Mr Baumann	Mr Hartcher	Mr Souris
Ms Berejiklian	Mr Hazzard	Mr Speakman
Mr Casuscelli	Ms Hodgkinson	Mr Spence
Mr Conolly	Mr Holstein	Mr Stokes
Mr Constance	Mr Issa	Mr Toole
Mr Cornwell	Dr Lee	Ms Upton
Mr Coure	Mr Notley-Smith	Mr Ward
Mrs Davies	Mr O'Dea	Mr Webber
Mr Dominello	Mr Owen	Mrs Williams
Mr Doyle	Mr Page	*Tellers,*
Mr Edwards	Ms Parker	Mr Maguire
Mr Elliott	Mr Patterson	Mr J. D. Williams

Noes, 23

Mr Barr	Mr Lynch	Mr Robertson
Ms Burney	Dr McDonald	Ms Tebbutt
Ms Burton	Ms Mihailuk	Mr Torbay
Mr Daley	Ms Moore	Ms Watson
Ms Hay	Mr Parker	Mr Zangari
Ms Hornery	Mrs Perry	*Tellers,*
Ms Keneally	Mr Piper	Mr Amery
Mr Lalich	Mr Rees	Mr Park

Question resolved in the affirmative.

Motion agreed to.

UNIVERSITIES GOVERNING BODIES BILL 2011

Agreement in Principle

Debate resumed from an earlier hour.

Dr GEOFF LEE (Parramatta) [5.20 p.m.]: I speak on the Universities Governing Bodies Bill 2011. It is not my intention to reiterate the sentiments of the Minister for Education or the expansive debate raised by the members for Vaucluse and Wagga Wagga with their excellent coverage of the details of the bill, but it must be recognised that this legislation addresses the fundamental issues relating to the governance of universities in New South Wales. I understand universities have requested this legislation for many years. The bill has been developed in consultation with the 10 largest public universities in New South Wales and it is based on a premise that universities are large, complex organisations and they must react and adapt to the changing needs of their students and to changing public expectations if they are to be competitive and attractive to the community in general.

Universities need flexibility to become well-managed organisations that deliver the right outcomes for themselves and their stakeholders. Some challenges include the ability to operate their strategic plans and to meet their mission and the challenges in their local communities. University governing council members are the best people to decide on the size and composition of their university board, ensuring that they have the right skills and mix of experienced people who can make decisions in the best interests of all stakeholders. Universities must meet their mission and ensure that they are relevant to their communities. The bill provides

that the universities must ensure that the majority of their governing body remains external, allowing universities to perform at their best. Indeed, the bill looks at how universities can perform at their best in a changing world. OECD reports link the productivity of a nation directly to educational attainment.

Universities are an important part of the tertiary education sector, just as the vocational education and training sector is an important part of the tertiary sector. The tertiary sector is an important part of the New South Wales economy, with an estimated $1.2 billion in revenue from commercial sources for universities and an estimated $6.5 billion in export services for the New South Wales economy last year. Public universities have an essential role in not only teaching and learning, where students attend classes, but also research and innovation. The nexus between teaching and learning and research and innovation is a difficult issue for universities to solve. Universities face significant pressures in the twenty-first century, starting with things such as global competition, the rise of universities competing not only with the other States but throughout the world, and increasing local pressure from private providers competing with public institutions.

There are Federal pressures based on the Bradley Review of Australian higher education and adoption of the Federal Government's "Transforming Australia's Higher Education System" paper, which has a target of 40 per cent of the 25 to 34 age group attaining a bachelor's degree or higher by 2025. In past decades 15 per cent of students were classified as having low socioeconomic indicating scores. The new target is to have 25 per cent of the population enrolled in university by 2025. A big issue for universities is the transportability of funding—student-centred funding, with the funding following students, not the university. It will be about students choosing a demand-driven system, with universities being rewarded for their performance. Students also face pressures in terms of access and equity, and for many students from low socioeconomic groups, the family environment and the expectation of whether to go to university. Many students at the University of Western Sydney, where I worked for eight years, were the first in their family to attend.

Mr Richard Torbay: What a great associate dean you were.

Dr GEOFF LEE: I acknowledge the interjection of the member for Northern Tablelands. I thank him for his kind words of support. On the topic of first in family to attend university, it was always a privilege to attend graduation ceremonies and see the students graduate. Some 55 per cent of the students were the first in their family to get a degree. It was a fantastic celebration. Research shows that the first in family to attend a university changes the whole structure. It is difficult for the people of western Sydney to attend university because many of them must work and study at the same time. Often they do part-time study notionally while working full time as well. Many of them must respond to changes as they change careers—perhaps two or three careers.

However, there are opportunities, and university boards must respond to these challenges. I reiterate the member for Wagga Wagga's comments about Charles Sturt University and the importance of distance education. The internet offers some fantastic opportunities as a new learning channel—people can learn at any time and in any place. While we have not changed the way we learn, the demand for learning and the channels of learning have changed. Open Training and Education Network [OTEN] enrolments have risen by 30 per cent, thus showing that the demand for online learning is growing. Indeed, the growth in online learning is expected to be in the double digits in the next five years.

Online learning is not for everybody. When I was at the University of Western Sydney we estimated that some 30 per cent of students chose not to attend class but to go online in a place and at a time convenient to them. It is especially suited for students who have work issues—they may have to work during the day and study at night—or family issues in terms of having to look after small children. They can study at a time that is convenient to them. Work and family pressures are enormous. Online learning is important to cope with personal and family pressures. In addition, I think there will be an increase in delivery through personal digital assistants [PDAs] and tablets. This will enhance the existing learning space. Universities may choose to provide courses not only online but also in a blended approach. Students will be given a choice of attending classes, going online or a blend of both options.

That is particularly important for western Sydney, as one in 11 people in Australia live in western Sydney. It is an $82 billion economy. It is a powerhouse of the New South Wales economy, fuelling industries such as manufacturing, insurance, banking and financial services. We have about 250,000 small businesses in western Sydney, and many small business owners do not have tertiary qualifications. So there are opportunities. Western Sydney has its fair share of groups with low socioeconomic status. Many people in Parramatta have not

had the opportunity to attend university. The 2006 census showed that only 32 per cent of people in the Parramatta electorate had been to university and have tertiary qualifications, 13 per cent have only a trade qualification and 39 per cent have no qualifications.

Not everybody has the same opportunities to work and study at university as I had. Not everyone needs to go to university. These are my comments. We need pathways to and from university. We need to provide different ways for people to enter university in later life or to exit university. We need strategies to encourage participation, remove barriers to staying at university and help people progress. We need strategies that provide different channels of learning. That may not always be in a classroom; it could be online. That is a wonderful strategy. As a society we need to adopt life-long learning. Compared to the people of Sydney, the people of western Sydney have fewer choices and opportunities. With only one university in western Sydney, we have little choice—

[*Interruption*]

I acknowledge the member for Campbelltown's interjection. If the residents of Campbelltown choose not to attend the University of Western Sydney they must travel for many hours to get into Sydney. Those hours would be better spent with their families than at work. The people of western Sydney deserve better. We deserve to be treated equally. I will fight for the right of the people of western Sydney to be treated equally. It is our right to have more choice. A conglomeration of universities not in Sydney but in the western suburbs would provide the people of western Sydney with more options and provide more access to potential students. I commend the Minister for introducing this bill and these important reforms. I commend the bill to the House.

Mr RICHARD TORBAY (Northern Tablelands) [5.35 p.m.]: I commend the Government for the introducing the Universities Governing Bodies Bill 2011, and I also commend the previous speaker, the member for Parramatta. He gets the brave new world of higher education and some of the reforms. I highlight for him that the University of New England has recently signed an agreement with the Parramatta Eels—we are looking forward to some marketing opportunities with the Parramatta Eels, particularly with our health sciences and other degree programs at the University of New England. I look forward to working with the member in that regard. The significant policy changes that have been brought about as a result of the Bradley review have both Federal and State Governments working together to improve and enhance the sector. I commend the New South Wales Government for its approach. Previously, engagement with the university sector was poor.

Mr Jai Rowell: Pathetic.

Mr RICHARD TORBAY: It was poor. The involvement of the New South Wales Government can only be seen as very positive. In the past two months the Federal Government has introduced legislation to make it easier for regional students to access the independent youth allowance by eliminating the regional eligibility restrictions. The legislation also provides for an increase in value in the relocation scholarship for eligible students from regional areas in my electorate. This means that students from Armidale will now be able to access the full independent youth allowance, as is the case with students across the New England north-west. The passing of the Higher Education Amendment (Student Services and Amenities) Act in the Federal Parliament just this week provides additional student funding from 2012 and will mean better student services. Those benefits will flow on to country communities where often university and community facilities operate together.

Universities will be able to adequately fund student services such as sporting facilities, recreational activities, academic development, counselling and personal support. This is a time for great change in the higher education sector and I am pleased to see that the New South Wales Government is not neglecting its responsibilities. Whilst higher education is rightly seen as a principal Commonwealth responsibility, the States have always had an important influence on the way that universities function. By virtue of this bill the State has the capacity to improve the adaptability and flexibility of universities. This has been happening in recent times and I have been pleased to see it, both in my capacity as the local member and indeed the Chancellor of the University of New England.

The education environment is changing—the member for Parramatta outlined some of the changes—particularly as a result of technology and various pieces of legislation. This bill plays its own part in assisting universities to meet these challenges. I was very pleased to see the Government willing to engage with the higher education sector, not only with vice-chancellors but also more broadly with chancellors and university councils. I have heard some of the debate and I make it very clear that the consultation process in relation to this

bill was very good and involved contributions from all areas of the universities. From my perspective there was ample opportunity for consultation, including a meeting with Parliamentary Secretary Upton, who visited many universities. I was very pleased that the University of New England was part of her itinerary and that the vice-chancellor and other university officials could see her. In my view she is exactly the right person with the right background to be a Parliament Secretary in this portfolio area.

Consultation is important because a university council can consist of many representative groups. It is important throughout the consultation process that individual universities are given the flexibility to determine the size and composition of their governing bodies. That is a key point. Universities, given their uniqueness, are able to say, "This is the structure that suits us". We want to make that contribution consistent with this legislation to give the universities the ability to opt in with the changes—a very positive move. As one of my colleagues said to me today in relation to this bill, "Aren't you making it easier for them to get rid of you as a Chancellor?" This was suggested by me to the University of New England in relation to clearing up procedural matters relating to chancellors and deputy chancellors. It is important that there are clear rules around them. Like any organisation that one leads, if you lose the confidence of your people there should be a process to take corrective action. If you fear that, you are trying to hold on for the wrong reasons.

In my view this applies negative pressure on that institution which, as we have seen at the University of New England and other higher education areas, can cause major difficulties for the management of that organisation. It is sometimes difficult to find the right mix of people and expertise and experience with governing boards in regional universities. These changes give flexible opportunities for boards, councils and others to fill those vacancies in a more fixable way. The University of New England is working very hard to position itself for the deregulation of the student market in 2012. This bill, with the other reforms at both Federal and State level, are an incentive to ensure that the best people continue to be attracted to university governing bodies. I look forward to continuing what I think is a very good start by this Government in terms of the relationship with higher education and universities in New South Wales. We need to acknowledge that they are massive capacity deliverers to communities, particularly regional communities, and they deserve support. I absolutely commend the bill to the House.

Mr CHRIS HOLSTEIN (Gosford) [5.47 p.m.]: I support the Universities Governing Bodies Bill 2011. This bill facilitates amendments to each of the 10 Acts establishing the State's public universities. These amendments will bring the Government's arrangements of New South Wales universities in line with contemporary practice and will give effect to the key recommendations of the 2009 report of the Legislative Council General Purpose Standing Committee No. 2, entitled "Governance of NSW universities". Last year New South Wales universities received $1.2 billion in income from commercial sources, demonstrating their crucial role in the economy of this State. Universities are a major public institution of great strategic significance to this State, but they are also very significant businesses.

A number of universities have been requesting change for some time and that is why we have moved quickly and introduced this bill. The Government has consulted widely with the New South Wales public universities on a model for legislative change to university governance arrangements. The New South Wales Vice-Chancellors' Committee has advised that all 10 of the public universities, including chancellors and governing bodies, support the model for legislative change. The proposed amendments to the Universities Governing Bodies Bill 2011 will in essence ensure that the governing bodies of New South Wales universities are able to have a greater flexibility in determining their own size and composition, if they so choose. At the same time the bill maintains a representative model of university governance that ensures key stakeholders remain appropriately represented.

These changes also allow universities to take control over other important matters, such as the ability to hold meetings by electronic means, the ability to dismiss the chancellor or deputy chancellor if they deem it necessary and the ability to remunerate members. The deal is an opt-in model that allows each university to decide for itself whether and when to introduce changes to its governance structure. The capacity to remunerate members and to dismiss a chancellor or deputy chancellor if the need arises were key recommendations of the 2009 Legislative Council committee report to which I referred earlier entitled "Governance of NSW Universities".

The bill will provide legal certainty and give universities the capacity to remunerate only. They do not have to implement the provision if that does not suit their particular circumstances. It is not compulsory for universities to make changes, but the legislation provides them with the flexibility to opt in if they wish. This

bill is all about trust and flexibility for New South Wales universities. These changes will be enabled by clause 4 of the bill, which sets up a mechanism for effecting those changes by an order made by the Minister for Education after receiving notice of a governing body's resolution.

The Universities Governing Bodies Bill 2011 provides the public universities of New South Wales with much-needed flexibility to govern themselves in the way they see fit. For example, the bill helps reduce red tape by allowing for the removal of chancellors or deputy chancellors and holding teleconferences without universities resorting to government interference. The legislation is consistent with the Government's pledge in the State Plan to reduce red tape. Universities need flexibility to operate in a more globalised educational environment. The universities knocked on many revolving doors of Labor Ministers of Education over past years, but no-one answered those knocks.

This Government has opened the door to the first knock and has spoken with the universities. After the six-month consultation with all New South Wales universities, we have a proposal that has been assented to by all universities and enshrined in this bill. It has taken this Government only six months to do what the Labor could not do in 16 years. As if more examples were needed, this bill is confirmation of our commitment in government to the autonomy and independence of universities while at the same time ensuring that appropriate and effective representative governance arrangements are put in place. I commend the bill to the House.

Mr NICK LALICH (Cabramatta) [5.52 p.m.]: The objects of the Universities Governing Bodies Bill 2011 are:

(a) to enable the governing bodies of universities to progressively adopt standard governing body provisions allowing greater flexibility in their size and composition,

(b) to establish a procedure to enable the governing bodies of universities that have lost confidence in the Chancellors or Deputy Chancellors of the universities to remove them from office,

(c) to enable the governing bodies of universities to provide for the remuneration (if any) of their members by a resolution passed by at least two-thirds of the members of the governing body,

(d) to enable meetings of governing bodies of universities to be called or held using any technology consented to by all the members of the governing bodies.

As my colleague the member for Marrickville stated, the Opposition will not oppose the passing of the bill by this House but reserves the right to move amendments to it in the other place. Universities play an integral role in our society. As society has progressed and moved forward an increasing number of our young people, our Higher School Certificate graduates, are choosing to attend university and participate in higher learning. Large numbers of mature age students also attend university for retraining, re-skilling and up-skilling. Universities play an important role in the continuing education of society, in the conduct of important research, and in being a good facilitator of social interaction. One needs only to be part of the vibrant atmosphere that pervades any university and university clubs and societies to know that university is not just about books and lectures. These citadels of learning provide a place for people to learn—a place for those who are trying to further achieve and set themselves up for the future.

Because universities play such an important role in our society it is important that they are governed by appropriately qualified leadership and that university board members are allowed to govern efficiently and in a modern and professional manner. The bill will provide universities with greater flexibility when it comes to the composition and size of their governing bodies. As universities grow and develop, appropriately sized governing boards are needed to ensure that the best interests of the university are matched with the best interests of the students. Universities are huge organisations and have enormous budgets to cater for all students and staff as well as for the services they provide. It is of paramount importance that university boards reflect the correct mix of skills and experience to ensure the ongoing viability of our higher education institution. That said, I reiterate the point made by my colleague earlier: The Opposition hopes that these legislative changes do not result in any diminution in the input of students, academics and non-academic staff on university governing boards.

The bill also provides university boards with autonomy to establish a procedure for the removal of university chancellors or deputy chancellors, if confidence in them has been lost. When weak or bad leaders are in charge, sometimes the best thing to do is get rid of them. That is probably something to which Liberal and Nationals members should give considerable thought, given the current leadership of the Government. Perhaps they should get rid of their leader. Perhaps they should heed the Premier's own slogan and start the change. Perhaps they should start the change and get rid of their bad leader. It is a normal reaction, when a leader promises so much but delivers so little, that he places himself in an untenable position. But I digress.

It is worth noting that universities are not compelled to implement the remuneration provision if it does not suit their own individual needs. The bill attempts to provide legal certainty in this area and gives universities the capacity to remunerate, if they deem it necessary. The Labor Opposition stands in support of universities in New South Wales. My electorate of Cabramatta has increasing numbers of students attending university every year—in the city at the University of New South Wales, the University of Sydney or the University of Technology, Sydney, in the north-western part of Sydney at the University of Macquarie, and in our own backyard, the University of Western Sydney.

I acknowledge the $1.2 billion that has been contributed to universities by various organisations. I thank them very much for their great financial support, without which research and development would not be possible and educational facilities would not be provided. Their contributions of massive amounts of money lead to better education and important research being carried out. As I stated earlier, the Opposition will not oppose the bill being passed by this House but reserves the right to move amendments to it in the other place.

Mr JAI ROWELL (Wollondilly) [5.57 p.m.]: It is with pleasure that I join in debate on the University Governing Bodies Bill 2011. Universities are an important institution in our society. I am fortunate that the University of Western Sydney Macarthur Campus is located in my electorate of Wollondilly and that I graduated from that university. I was fortunate enough to welcome the Parliamentary Secretary, Gabrielle Upton, who is a former Deputy Chancellor and Pro Chancellor of the University of New South Wales, when she visited this fine institution recently. The bill will bring university governance arrangements in New South Wales into line with modern practice. Our universities provide a means for individuals, young and old, to further their studies, enhance their understanding and better equip themselves for the workforce.

Tertiary education is an important means by which many individuals progress their career either immediately after high school or by returning to study as a mature age student. While I was studying law at the University of Western Sydney I was heavily involved in the governance and organisation elements of university life. I was elected President of the Student Representative Council—a position that provided me with an opportunity to see firsthand some of the issues we are discussing today. In most cases, universities operate as a functional entity, both in their capacity as an educational facility and also, in essence, as a business. Education is often the focus of university discussion, and rightly so; but one must remember that a university must also remain financially capable of providing this education. It is for this reason that discussion on this bill is so important.

It is vital that our universities are well equipped to meet growing needs for skill and innovation. Modern universities are both education institutions and businesses, and that is an important consideration. As recently as last year New South Wales universities received $1.2 billion in income from commercial sources. Many universities have been requesting changes to their governing body size and structure to allow them to pursue further business endeavours. The relationship between business and universities is an important one. In many cases it is a positive that universities be progressive in their approach to relationship-building.

Recently I spoke at length with an organisation that was interested in undertaking business endeavours to build privately owned research centres on university land with the intention of opening its doors to thesis students for educational purposes. While this notion is more complex than I have the time to mention here, the important thing is that a university should have the flexibility to explore avenues such as this if to do so is in the best interest of that institution.

The purpose of the bill is to enable universities to have greater flexibility in their size and composition in regard to their governing structure. As the member for Orange well knows, this issue has been on the agenda for some time. Universities have requested the sanctioning of amendments by the Government, and we have listened. It has long been argued by vice-chancellors that they need greater flexibility if they are to maximise their revenue options from non-government recourses. Some universities, however, have voiced their apprehension about these proposed amendments and this has been addressed by the opt-in provisions of the bill.

If a governing council does not resolve by two-thirds majority to adopt standard governing body provisions, then their governance provisions will not change. If the governing body does indeed subscribe to the belief that greater flexibility will benefit the universities and the teaching capacity of that institution, then a two-thirds majority will need to vote accordingly.

If it does so, the Minister may then make an order to amend legislation relating to universities in a number of ways, including, but not limited to the following: requiring a governing body to have a minimum of

11 and maximum of 22 members; putting a stop to the practice of the Minister appointing members of Parliament to university boards, about which we spoke earlier today; allowing the Minister to retain absolute discretion over ministerial appointments in consultation with the governing bodies of universities; and providing that the actual number of ministerial appointees on each governing body be determined as for the other categories of membership, not in a by-law but in a rule approved by two-thirds majority of the governing body.

Mr Andrew Gee: This is great legislation.

Mr JAI ROWELL: It is great legislation. In addition, the Minister may also amend the legislation to provide for one, or more than one, elected member in the following categories: academic staff, non-academic staff, students of the university and graduates of the university. There have been requests for the structure to be revisited for some time now, and the action we are taking is yet a further example of this Government listening to the industry. If chancellors or vice-chancellors believe that greater flexibility is needed to increase revenue, which in turn ultimately increases education opportunities for our students, then surely this is a positive reform. Alternatively, as mentioned previously, if a governing body is apprehensive about the changes, the opt-in provisions should allay their fears in that regard. The bill offers universities a choice—a choice either to modernise their practises if their board believes that is necessary, or to continue as they have in the past. I commend the bill to the House.

Pursuant to standing and sessional orders business interrupted and 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.

[*During the giving of notices of motions*]

Mr Gareth Ward: Point of order: The standing orders state that members can introduce only five notices of motion per sitting day. I think the member for Wollongong has exceeded that number.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! I will hear the member for Wollongong and make some comments at the conclusion of notices of motions today, which I hope the clerks and Speaker will note.

NOTICES OF MOTIONS

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! Having sat through notices of motions today, I note that they are becoming like private members' statements in their length and detail. I suggest to members that they make their notices of motions pertinent and shorter so that they are not private members' statements. Several members of the House find it difficult to give their notices of motions, but I believe they are getting far too long.

CONFUCIUS CLASSROOMS

Discussion on Petition Signed by 10,000 or More Persons

Mr JAMIE PARKER (Balmain) [6.23 p.m.]: I wish to speak in support of a petition of 10,000 citizens opposing Chinese government funded language and culture classes in New South Wales public schools. I acknowledge the fact that this Government has allowed us the capacity to discuss issues in Parliament when 10,000 or more citizens sign a petition. I congratulate the people who have signed these petitions and those who have sought the petitions. I am fully supportive of the teaching of Chinese culture and language. I am strongly supportive of engaging with the people of China. I have visited China. My sisters speak Mandarin fluently, having completed degrees in the Mandarin language and lived and worked in China. I note for members who are watching this evening from their televisions in their offices that the public gallery is full of people who are concerned about this issue. This is the beginning of a campaign that will be run over time on this issue.

Concerns have been raised by teachers, parents and the community over the quality and impartiality of so-called Confucius classes. I note that the member for Parramatta has tabled another petition of 10,000 signatures on the same issue, so it is clear that there are community concerns. The Greens are concerned that the integrity of public education is being compromised by opportunities for a foreign government to promote views outside of the school curriculum for school students. The New South Wales Government has admitted that topics sensitive to the Chinese government—including Taiwan, Tibet, Falun Gong and human rights violations—would not be included in these classes.

Teachers in Australia's Confucius classes are employed by the Confucius Institute headquarters in Beijing, an arm of the Office of Chinese Language Council International, which is affiliated to the Chinese Ministry of Education. Teachers must meet certain criteria, including not having had any involvement in Falun Gong. It is clear that the teachers have been politically vetted and will be deeply prejudiced toward Beijing's orthodoxy on many sensitive issues. If it is true that the purpose of the classes is simply to teach Chinese language and culture, there is no justification for excluding teachers based on their own personal beliefs. Indeed, such discrimination may violate Australian workplace law. This indicates that teachers are being handpicked to support the Beijing regime and to ensure compliance with the views of the party in China. It is natural for students learning languages to ask questions about culture, tradition and history in China. I am greatly concerned that they will not receive the impartial responses that our curriculum highlights.

The Greens welcome the teaching of Chinese language and culture, but these classes are different from other international language programs, such as Alliance Francaise. Confucius classes are directly linked to, and funded by, the Chinese government. This is highly problematic in the teaching of language and culture, which should be free from government bias and control. That is why we have an independent curriculum process. Professor Chey, an expert on Australia-China relations in the Department of Foreign Affairs, discussed the distinction between Confucius institutes and other international language programs in an address to the Sydney Institute—a place that I am not often fond of quoting—when she said that with China's growing economic might it was using its soft power internationally through this program to counter the influence of Taiwan. She stated:

> The Chinese Communist Party sees promotion of Chinese language and culture as a way of creating a favourable public opinion climate, particularly among overseas Chinese.
>
> This programme is modelled on the century-old Alliance Francaise system but differs in that it is more closely managed by the Chinese Government.

What distinguishes Confucius institutes programs from other language programs is the level of control exercised by the Chinese Government in their administration. In 2007, in an article in the *University World News*, journalist Geoff Maslen said:

> Although the French Government subsidises the Alliance Francaise by an amount equivalent to 5 per cent of the total budget, outside the Paris headquarters local operations are independently run franchises. There is no Government representation in their administration and they are not hosted or sponsored by [other] organisations.

It is important to recognise that the level of control exercised by the Chinese Government over these classes is problematic when it comes to the treatment of a range of sensitive topics. Dr Lambert, one of the institute's six board members, highlighted in the *Sydney Morning Herald* the approach to history and culture in addition to the approved syllabus. He said:

> The syllabus provides baseline Mandarin, and the Confucius classrooms augment that and also add a lot more than that in terms of contemporary culture and also the history of China.

Impressionable students are therefore potentially being exposed to a biased view of Chinese history, human rights and world affairs. The right to determine what is taught in New South Wales classrooms is being compromised, in my view, by this program. Many schools do not have the resources, as the Government has claimed, to scrutinise the content of the so-called Confucius classrooms. It has also been said that these classes will only teach language and culture. The question of culture and politics cannot be separated when it comes to the party in China. The regime uses culture, such as the dominance of one culture over that of other ethnic groups, in a political manner to sustain the legitimacy of the one party state. Teaching language and culture is important and is supported, but it is clear that there are significant problems.

New South Wales is the first school body to form a partnership with the Confucius Institute, with a range of schools in July 2011. Research undertaken by Falk Hartig of the University of Technology found that around the world Confucius Institutes do not address issues which the Chinese Government considers sensitive.

These include topics such as Falun Gong, Tibet and the Tiananmen Square massacre, all of which are critical to an understanding of Chinese culture and history. The Confucius Institute is funded directly by the Chinese Government. The Manitoba University in Canada became concerned about hosting a Confucius Institute course after an instructor called on her students to work together to fight the Canadian Government's media coverage of the paramilitary effort to crush Tibetan unrest prior to the Olympic Games.

It is clear the track record of the Confucius Institute is not a positive one. The Greens fully support the teaching of Chinese language and culture but we are concerned by the extensive evidence linking these classes to foreign bias and interference. We call on the Government to remove these classes from New South Wales and replace them with classes run by Australian organisations to ensure the curriculum of any course in Chinese language or culture in New South Wales is free from censorship or propaganda.

Mr PAUL TOOLE (Bathurst—Parliamentary Secretary) [6.30 p.m.]: I start by stating that Australia regards its relationship with China as one of its most important and significant. This relationship is based on a common interest and mutual respect and provides opportunities to maximise shared economic interests and to promote Australia's strategic interests while also acknowledging our distinct societies and values. In recent years the bilateral relationship has grown and diversified. Not only does it extend beyond trade but it is now of significance to State and regional priorities and presents a growing number of opportunities. It is because of this that the Government has a responsibility to ensure that New South Wales is well equipped to engage competitively in the opportunities that are being generated as a result of the bilateral relationship that exists between China and Australia.

Part of this responsibility includes the provision of opportunities for young people to learn a Chinese language and develop an understanding of Chinese culture. The importance of teaching and learning Chinese language and culture in our current and future economic environment cannot be ignored. We should be looking to enrich the content of educational exchange and to enhance the level of educational cooperation between the two countries. Both sides are mature enough to also understand where and how we are respectively different. This is all at a time when globalisation is demanding that we keep up with the rest of the world. We have never been more aware of the value of a multiliterate and multilingual society that can appreciate all that makes other cultures and nations distinctive, even as it embraces all that they have in common.

Learning a language helps give young people the academic hunger, thirst and confidence to keep on exploring the world around them. The New South Wales Department of Education and Communities collaborates with many foreign governments, including Japan, France, Germany, Spain, Italy, Korea and China, to support language education in public schools. The establishment of a Confucius Institute strengthens the existing relationship between China and the Department of Education and Communities, to enhance quality teaching and learning of Chinese language in our public schools.

As early as 1997 the then Department of Education and Training and the Chinese Ministry of Education of the People's Republic of China entered into a memorandum of understanding to boost the teaching and learning of Chinese in our public schools. In 2002 the department signed a further memorandum of understanding with the Education Department of Jiangsu Province in China for a reciprocal student exchange program. The aim of the agreement was to foster language skills development and offer opportunities for inter-cultural learning. Over 300 Confucius institutes had been established in more than 90 countries to enhance understanding of Chinese language and culture and to strengthen our educational and cultural exchange and cooperation.

Across Australia there are nine Confucius institutes established within universities. Within New South Wales Confucius institutes are located at the University of Sydney, Newcastle University and the University of New South Wales. The department's Confucius Institute will be the first one to be established in an educational institution other than a university within Australia. In addition to the Confucius Institute, the department is in the process of establishing seven Confucius classrooms to promote and enhance Chinese language teaching in public schools in New South Wales. These schools are: Chatswood Public School, Kensington Public School, Coffs Harbour High School, Fort Street High School, Kingsgrove North High School, Mosman High School and St Marys Senior High School. The classrooms are to become operational in 2012. All of the seven schools offer Chinese language as part of the school curriculum and the introduction of Confucius classrooms will develop existing Chinese language programs within a rich learning environment.

Teaching programs within the Confucius classrooms will be taught by qualified department teachers with teachers' assistants provided through the Confucius Institute agreement. All programs within these

classrooms are aligned to the New South Wales Board of Studies-developed syllabuses for Chinese people. These syllabuses do not include the study of political content. School principals will monitor the quality and independence of this area of program and the New South Wales Department of Education and Communities Confucius Board will continue to work with stakeholders in the implementation and evaluation of the program. Staff at the Confucius Institute will support schools with Confucius classrooms through the provision of quality teaching resources and professional learning opportunities for teachers of Chinese language.

The interest in Chinese language and culture is strong for both cultural and commercial reasons. It can further be expected that China's growing global importance will continue to foster strong demand for the teaching of Chinese language programs within New South Wales schools. Confucius classrooms are an opportunity for our students that we cannot dismiss. They will provide rich learning activities and support for our teachers that will lead to the best possible learning outcomes for students in our schools.

Ms CARMEL TEBBUTT (Marrickville) [6.37 p.m.]: I thank all those people who signed the petition. It is a very important part of participating in the democratic process. I know they have strong views and it is good that we have this opportunity in Parliament to debate the issues raised in the petition. There is no doubt that the study of languages is important for the students of New South Wales, both for the intrinsic academic benefits it brings but also because it allows students to better understand and better engage with the world around us. The study of Asian languages is particularly important for Australia because we need to continue to build our links in the Asia-Pacific region and it is also important for our future economic prosperity.

Many of our major trading partners are Asian nations and we will need an increasing number of New South Wales students who are proficient in Asian languages to compete in the globalised economy of the future. According to figures from 2010, fewer than 6 per cent of students complete Asian languages in year 12, and between 2000 and 2008 there was a 22 per cent decline in Australia in the number of students studying one of Chinese, Indonesian, Japanese or Korean. We have a long way to go to be successful in meeting our targets of an increased number of students fluent in these languages.

I have sought advice from the Minister and the Government about the Confucius classroom program. I have been advised that the Confucius classrooms operate as learning facilities within a school where language lessons are delivered. We have already heard from the Parliamentary Secretary which schools the program will operate in. The students are taught by approved department teachers and the curriculum programs are based on prescribed Board of Studies New South Wales syllabuses. The schools and classes adhere to department policies and procedures, and teachers have access to regional and State office resources and support. Confucius classrooms will benefit from having additional funding to purchase appropriate resources, targeted expert curriculum advice from the department's Confucius Institute and the provision of volunteer teachers from China who will share their expertise in Chinese language with the classroom teacher.

I understand from advice I have received that the Office of the Chinese Language Council International and the Confucius Institute do not fund Chinese language teachers in government schools. Teaching and learning programs in Confucius classrooms will be based on the Mandarin language syllabuses prescribed by the New South Wales Board of Studies. These syllabuses do not include the study of political content. The New South Wales Department of Education and Community's Confucius Institute is a language centre and it is solely partnered with Jiangsu Provincial Educational Department in China.

It has been reported that staff at other Confucius institutes at Sydney universities have not had their academic freedom threatened, although the member for Balmain has indicated that it has been reported as an issue in other countries. I understand that the petitioners have deeply felt concerns about the potential for the Confucius Classrooms Program to have inappropriate political influence on students and that it will not allow for unbiased discussions about issues that are sensitive for China. I make it absolutely clear that there is no place for foreign governments to determine what our teachers teach and the values that are upheld in our schools. However, I understand that the memorandum of understanding between the New South Wales and Chinese governments makes it clear that the language and culture content taught in our schools will conform to the Chinese language syllabuses as independently prescribed by the Board of Studies. As has been said, these syllabuses do not include the study of political content.

Principals will monitor the quality and the independence of the program. In my experience, particularly as a former education Minister, it is not unusual for controversies to arise from time to time about what is taught in our schools, whether it be the Chinese language, environmental studies, some interpretations of history or sex education. On the whole, I have faith in our teachers and our principals to understand when they are dealing

with sensitive issues, but to teach with honesty and balance, and in a way that is age appropriate. I have always found that our teachers and principals are capable of doing that. New South Wales has a good curriculum and curriculum development process. So I have confidence that the concerns raised by the petitioners will not come to pass. Nonetheless I intend to monitor this issue closely to ensure that the Government adheres to its commitments.

Discussion concluded.

PRIVATE MEMBERS' STATEMENTS

BLUE MOUNTAINS FESTIVAL OF WALKING

Mrs ROZA SAGE (Blue Mountains) [6.42 p.m.]: On a typical Blue Mountains early morning with a cool mist enveloping the site, the inaugural Blue Mountains Festival of Walking was launched. This is another innovative development by the Blue Mountains, Lithgow and Oberon Tourism Organisation, another anchor to promote the Blue Mountains as a premier tourist destination in Australia. Since the 1800s the Blue Mountains has attracted visitors as a place of sanctuary where the visitor could soak in the breathtaking beauty and tranquillity of the area. There are scores of old postcards and pictures depicting walking parties in the bush, with the women of the era in their long gowns pausing beside the many waterfalls.

The concept was initiated by the germ of an idea from a very active community member, Marie Wood. As a community member of the Katoomba Chamber of Commerce and Community she brought this to the chamber, which in turn brought it to the attention of the tourism organisation. After 18 months of development and collaboration, the Festival of Walking was finally born. Represented in the Festival of Walking are more than 30 different events primarily focussed in the upper Blue Mountains. The festival extends over a period of a week. There are walks for every taste and ability, from bushwalks that are easy to difficult, from the purely nature loving to the historic walks around Katoomba and Leura. There is a Cittaslow or slow food walk, showcasing many Blue Mountains eateries. There are self-guided walks and there are guided walks with National Parks and Wildlife Service guides, as well as the local adventure tour guided walks.

There are walks that look at the bird life of the area, there are walks that focus on the unique flora of the Blue Mountains, there is the walk that features Aboriginal sites, the historic walk to the historic mining ruins of Newnes, and then there is the adventure wedding, where the adventure couple can exchange vows after walking through nature to a beautiful waterfall at Terrace Falls in Hazelbrook. I joined in with one of the mystery walks with Robert Stock, President of the Katoomba Chamber of Commerce, leading the way. The official launch began with the welcome to country by Kathleen and Trevor Brown representing the Gundungurra people of the Blue Mountains. They are also the young tour guides from the newly launched Muggadah Indigenous Tours. Next we heard from the prodigiously talented Gregory North, the Australian champion bush poet, who gave us a very entertaining rendition of a Banjo Patterson poem about the Blue Mountains and his own composition.

Randall Walker, the energetic and passionate chairman of the Blue Mountains, Lithgow and Oberon Tourism Organisation, outlined the tourism impact in the area. Local industries were also supportive of the event, sponsoring many of the walks, as well as developing events of their own to add to the appeal of the festival. This is the collaborative spirit of the tourism fraternity of the Blue Mountains, which creates the tourist success it already is. There was also an address from Sally Barnes, the head of the National Parks and Wildlife Service, which is an integral part of the success of the Festival of Walking and synonymous with the Greater Blue Mountains World Heritage National Park.

The morning was made all the more enjoyable with the performance of the Junior Rangers Troupe, who are the children and friends of the National Parks and Wildlife Service rangers in the Blue Mountains, with the help of the National Parks and Wildlife Service mascot, Wanda the wombat, which the children greatly enjoyed. They gave a very important message about safety when bushwalking, very cleverly put to a famous song. I am sure the Festival of Walking will gain further momentum with time and become another event in the Blue Mountains Tourism calendar to which people from throughout Australia will flock. The Festival of Walking ran for a week, so there is time for people to visit the Blue Mountains and go on numerous different bushwalks, stay at one of the many wonderful tourism places and enjoy other Blue Mountains tourist attractions. I commend the Festival of Walking to members of this House. I encourage them to go and get some exercise while enjoying the beautiful outdoors in the Blue Mountains.

HUNTER PAEDIATRIC DIABETES SERVICES

Ms SONIA HORNERY (Wallsend) [6.47 p.m.]: There should be no greater joy in life than the knowledge that a woman is going to have a child. The announcement brings joy, hope and expectation. Conversations often turn to the child's gender: "Do you hope for a boy or a girl"? This announcement is commonly met with the response, "As long as it is healthy, I don't care". This can be said almost glibly, as a throwaway line. When the reality is something else, parents have to face their worst nightmare. They have to come to terms with the fact that whatever hopes and dreams they had for their child have to be readjusted. Having a child with a disability is a life-changing event that mercifully few of us will ever have to comprehend.

One of my constituents, Kirrily McMurtrie, knows exactly what it feels like to have your life change completely. When Kirrily's seven-year-old daughter, Jessica, was diagnosed with type 1 diabetes at the age of three her family life was turned upside down. That day is etched in her memory. Type 1 diabetes is mainly known as childhood diabetes. It is a chronic condition and it is not related to lifestyle. Nor is it related to overeating, lack of exercise or laziness. Type 1 diabetes is not the fault of the child or the parents. Despite active research, type 1 diabetes has no cure. It has to be managed, and this is a 24-hour, seven-day-a-week commitment. This is the challenge that Kirrily took up. For all parents with a child with a disability there is a steep learning curve. Paid employment is virtually impossible. The level of understanding that would be required by an employer cannot be overstated. Kirrily would need to be able to leave work at the drop of a hat if Jessica's sugar levels got out of balance. That is when the paediatric nurse educator came into Kirrily's life.

The educators taught Kirrily everything she needed to know about diabetes in less than a week. Talk about a crash course in diabetes management! The educators are also Kirrily's lifeline: they are the first port of call. Kirrily is the first to say what a magnificent job the educators at John Hunter Hospital do. But here's the rub: The Hunter New England Health region has the highest incidence of juvenile diabetes in Australia. Its coverage area stretches from Newcastle to the Queensland border, some 130,000 sqare kilometres. The John Hunter Hospital paediatric team has the full-time equivalent of 1.5 educators and three endocrinologists to help support and encourage more than 380 children and their families. By comparison, the Royal North Shore Hospital, which cares for 85 children with type 1 diabetes, has two full-time educators and one endocrinologist. Put simply, the Royal North Shore Hospital has a ratio of 42.5 children per educator, as opposed to Hunter New England Health, with 253 children per educator. According to Kirrily, the reality of this is:

> These educators are extremely hard to get into contact with, sometimes taking days to return urgent phone calls which could cause our children more harm with the diabetes being out of control and this could cause problems in years to come with our children's health, diabetic complications in their eyes, kidneys, heart and just about every other place in the body …

No-one would agree that this situation is fair or equitable. The families of the Hunter deserve better. I call on the Government to alleviate what is an already stressful situation for these families.

PUBLIC SCHOOLS MAINTENANCE

Ms ROBYN PARKER (Maitland—Minister for the Environment, and Minister for Heritage) [6.52 p.m.]: As many in this place will be aware, the Minister for Education recently announced that the Government will conduct an assessment of public schools to establish the current backlog of demand for maintenance work. From my experience, this cannot happen quickly enough in the Maitland electorate. After just five months as the local member I must admit that I am troubled by some of the challenges that I see the teachers and pupils of Maitland public schools facing every day. So far I have had the opportunity to visit public schools at Morpeth, Rutherford, Woodberry, Bolwarra and Gillieston, and the Hunter River Community School for children with special needs. I thank the principals, teachers, support staff, parents and citizens associations, and the pupils for their warm welcomes and the insight that they have provided to me so that I can lobby on their behalf. I also had the pleasure recently of visiting several high schools, including Rutherford Technology High School and Maitland High School.

According to the media release of the Minister for Education the last assessment conducted in 2008 by the previous Government revealed a $397 million maintenance backlog. Responsibility for this neglect must rest squarely with the Labor Party, which controlled the State's purse strings for 16 years. There is one school in particular that is testament to this maintenance underfunding by the previous Labor Government. I will not name the school but I have written to the Minister drawing his attention to its extreme dilapidation. The following is a summary of what the school's parents and citizens association showed me, and from it members will begin to understand why I am so troubled by what I saw. Only one of the four classrooms for special needs pupils has a

ramp for disabled access. It has no feeding or wet areas and only one disabled toilet. Furthermore, there is no playground space for these students, nor is there a recreation area for the whole school when its oval is unavailable for use.

The oval can only be described as being in very poor condition generally. There are inadequate facilities for the 120 Aboriginal pupils. Home economics rooms at the school are unfit for food technology classes because the cupboards are rotting and mouldy. Demountable classrooms at the school leak and have been supplied without blinds to a location with a hot summer climate. Many demountables are unable to access the school's wireless information technology system for laptops or other computer connectivity—a problem that fortunately I now understand is in the process of being overcome. The library roof leaks and when I toured the school I walked on the same well-worn floor coverings that were traversed by the original students 26 years ago.

The Opposition may regard themselves as the 'friends of the worker' but the occupational health and safety conditions at this school prove that to be a fallacy. Staff offices have insufficient work and meeting areas, posing significant occupational health and safety concerns, and the staffroom is simply not large enough to accommodate school staff. The situation will not improve overnight because the school, built for 400 students, is currently catering for 1,100 pupils, and that figure is forecast to continue increasing in the years ahead. I am told that at this stage there appear to be no plans to build another high school that may help to alleviate the situation. Adding to the school's plight, it did not receive any large measure of the Federal Government's school stimulus funding even though other equivalent schools in my electorate received upgrades and renovations.

Recently I had the opportunity to raise the issues at this school and the problems highlighted at others with the Hunter Central Coast Asset Management Unit of the Department of Education and Communities. I applaud the Liberal-Nationals Government's foresight in deciding to have the condition of buildings and grounds at every public school across the State assessed every two years. By having regular condition assessments that identify emerging and urgent maintenance needs these can be dealt with in a more timely and efficient manner.

I note from the announcement by the Minister for Education that the results from the round of assessments about to start will be completed in time to be considered in the 2012-2013 State budget. Given what I have seen, I can only hope that the Department of Education and Communities looks closely at the Maitland electorate and begins the task of providing our public schools with the learning environment we should expect in the twenty-first century. On my tour of schools—I am trying to do them as often as I can—I continue to be impressed by the level of passion that I see from teachers, by how engaged students are, and by how willing the parents and citizens associations are for schools to be engaged. All they need is a government—and fortunately they now have one—that listens to their needs. But we have a huge task ahead in trying to turn around this huge maintenance backlog.

TRIBUTE TO MICHAEL MALLOY

Mr DONALD PAGE (Ballina—Minister for Local Government, and Minister for the North Coast) [6.57 p.m.]: I take this opportunity to publicly acknowledge the work of a very special man who made an outstanding contribution in my electorate, in particular to the community of Bangalow. Michael Malloy passed away on 24 September 2011 at the age of 61. I had the honour of delivering a eulogy at his memorial service, and it was a matter of some comfort that hundreds of people turned out to remember Michael and to celebrate the generous, kind and inspirational person he was. It was very appropriate that Michael's memorial gathering was held in the A & I Hall in Bangalow, where he, as venue coordinator, spent so much of his time. The A & I Hall was a second home for Michael, and his enthusiasm and hard work made the hall the most popular venue in the area. The A & I Hall was at one point in danger of being demolished. However, thanks to Michael Malloy and other community members it is now one of the most heavily used community venues in the Byron shire, hosting some 300 events a year.

To call Michael a champion for the Bangalow community is somewhat of an understatement. For those of you who have not had the pleasure of visiting Bangalow, it is a small town 10 minutes inland from Byron Bay. It has a quaint main street that oozes the charm of yesteryear. The fact that Bangalow is a blend of the old and the new, a village that has embraced its heritage whilst moving forward, has a lot to do with Michael Malloy. I first met Michael some 20 years ago when he was living in Byron Bay, running the Cape Gallery. When he moved from Byron Bay to Bangalow it was very much Byron's loss and Bangalow's gain. He threw himself into so many community activities that I often wondered how on earth he found the time to be involved so actively in so many organisations and activities.

Before moving to the North Coast Michael had worked for both Liberal Prime Minister Malcolm Fraser and Labor Prime Minister Bob Hawke. I understand that he was the only person to be at the last Fraser Cabinet meeting and the first Hawke Cabinet meeting in his capacity as Cabinet Secretary. Michael brought a reserved and clear-thinking approach to everything he did. He liked his meetings to be "short, sharp and pointy". He never wanted any accolades. He was almost embarrassed when I recently presented him with the prestigious Premier's Community Service Award for outstanding community service, yet a more deserving recipient of this award would be hard to find.

Michael Malloy was a very active member of the Bangalow community for more than a decade. Michael's commitment to his village and his community extended well beyond the A & I Hall. He was the President of the Bangalow Chamber of Commerce for eight years, initiating or coordinating the Christmas Eve Carnival, the Billycart Derby, the Hallelujah Choral Fest, the Bangalow Fire Appeal, Book of Bangalow and The Heritage Walk Project. He was president of the very successful Bangalow Music Festival, which attracts top-class classical musicians from Australia and overseas. The Artistic Director of the Festival is the talented clarinettist and now Artistic Director of the Australian National Academy of Music, Paul Dean—a great friend, like me, of Michael Malloy.

Michael was also Secretary of the Bangalow Rugby Club—I am told until the end he never missed a game—a member of the Bangalow Lions Club and director of community projects, Vice President of the Bangalow Pool Trust, volunteer at the Kids in the Kitchen Cooking School, Patron of the Bangalow Community Children's Centre, Patron of the Bangalow Public School, volunteer for 12 years at the Byron Bay Writers Festival, and instigator of the Sandi Dean Music Scholarships.

Michael was also a key player in the Taste of Byron food and wine festival, the Bangalow Outdoor Film Festival and the Bangalow Jazz Festival, and possibly other things I am not aware of. All of these contributions were voluntary. It is entirely understandable that Michael was often referred to as the "Mayor of Bangalow" or simply "Mr Bangalow"—although I suspect that, because of his modesty, those titles did not sit comfortably with him. He had one particular idiosyncrasy—wearing different coloured bright socks and long pants that were a bit short, ensuring we saw his socks. At his memorial service, there was a colourful display of his various socks for all to see.

Identifying all the organisations Michael has been associated with and his many roles does not really do justice to his contribution because he was involved in just about everything that happened in Bangalow, and often behind the scenes. He was such a good organiser and worker for the community it is little wonder he was awarded as the Byron Shire Volunteer of the Year in 2009 and received the Premier's Award for Outstanding Community Service this year. Michael Malloy's legacy in Bangalow is immense. I am humbled by his commitment to Bangalow and I pay tribute to a special friend. Michael Malloy will long be remembered for his tireless efforts and outstanding achievements in community service, especially in Bangalow. May his gentle nature, modesty and dignity be an example to us all. Vale, Michael Malloy.

GOULBURN ELECTORATE STUDENT LEADERSHIP GATHERINGS

GOULBURN GREYHOUND TRACK UPGRADE

Ms PRU GOWARD (Goulburn—Minister for Family and Community Services, and Minister for Women) [7.02 p.m.]: I take this opportunity to share with the House the pleasure I took in hosting two school captains pizza nights in the great electorate of Goulburn. On 19 August 2011 I met with school captains and vice-captains from both public and independent schools at Vin Santo Pizzeria in the Southern Highlands. I hosted a second gathering at my home on 9 September for student representatives from three Goulburn schools—the Goulburn High School, the Mulwaree High School and Trinity College. These evenings were a great opportunity to get to know students in an informal setting.

Meeting school leadership students is an annual tradition for me to learn about the concerns of young people in my area. At the end of each gathering I feel I always leave having learnt something more than they and with a great sense of hope, inspired by their youthful eagerness to take on the world. As any one of us can attest, adolescence can be a particularly difficult period—through pressure from peers and parents, for example—that can threaten to overwhelm, but I am always impressed by the energy, confidence and commitment of the students with whom I speak. And the school leaders of 2011 were no exception. They were aware of their responsibility to their communities and peer groups, and so we spoke at length about the challenges and prejudices faced by young people today.

Perhaps unsurprisingly for a generation so overwhelmingly peer connected, bullying and harassment were key issues for those young leaders. Every school has policies and protocols to deal with the problem. Despite their tender years, all those young people demonstrated familiarity with the problems and a wise understanding of the responsibility of friends and youth leaders in taking a stand. My portfolio, and the Government's reform agenda in Family and Community Services, certainly is about improving services and thereby the lives of vulnerable children, young people and families. So it was a pleasure to spend time with a group of local young people who show such promise for bright and successful futures.

I recognise and commend teachers and school communities whose care and guidance have produced such grounded and inspiring young individuals. Indeed, the Goulburn electorate excels in the production of stable communities. Other country and regional members of Parliament and I recognise the strong community role played by schools in our electorates. Students from different schools always seem to know each other, which is a very important local connection, or they know someone who knows someone else. Student leadership gatherings are always infused with a sense of camaraderie rather than competitiveness. The students are proud of their schools and of their towns and villages, and they want to make a difference.

I take this opportunity to send thanks and well wishes to the students: Anna Christoff, Tait Keller, Helen Devery and Josh Pender from Mulwaree High School; Gabrielle Browne and William Oxley from the Goulburn High School; Samantha Rose, Joseph Rowlands and Tassie Keramianakis from Trinity College; Sassie Economos, Jack Anderson, Rebecca Staats and Mitchell Curley from Bowral High School; Jonathon Boughton, Trystan Summers, Georgie Larter from Moss Vale High School; Katie Daniel and Emma Gorman from Frensham; and William Lawson from Oxley College. The vigour and commitment I witnessed certainly helped to assure me that the future of my electorate, our State and this country is safe in their hands. My thoughts certainly are with these students as they prepare for their final Higher School Certificate examinations. I wish them and their classmates all the best for the future.

I also take this opportunity to draw to the attention of the House the recent approval of a significant upgrade of racing facilities at the Goulburn greyhound track that has been made possible by the generous provision of $850,000 that will be funded in equal portions by the New South Wales Government, the Goulburn Mulwaree Council and Greyhound Racing NSW. The upgrade will involve the construction of a judge's tower and new kennels, which will allow the track to host TAB status race meetings that will be broadcast not only nationally but also internationally on Sky TV. This presents an exciting opportunity to the electorate because it will draw tourism to the area and promote the Goulburn name, electorate and community. It will also establish Goulburn as a hub for major country meetings, which are very much part of the social fabric of regional areas.

This project has been a long time coming. The Goulburn Mulwaree Council—including Mayor Geoff Kettle, General Manager Chris Berry and Patrick Day—Greyhound Racing NSW, the New South Wales Government and I worked tirelessly to ensure that the upgrade became a priority project. I congratulate all involved. I express my gratitude for the funding committed by the Stoner-O'Farrell Government during the 2011 election campaign and confirmed in its first budget. I also thank the Minister for Tourism, Major Events, Hospitality and Racing, and Minister for the Arts, George Souris, for his support of the upgrade and for his interest in promoting opportunities for regional communities.

POST-POLIO SYNDROME

Mr GARETH WARD (Kiama) [7.07 p.m.]: I draw to the attention of the House that from Sunday 9 October to Saturday 15 October is National Polio Awareness Week. On Saturday 17 September I had the great privilege of officially opening the Post-Polio Network Conference at the Bomaderry Bowling Club in my electorate. It was the Post-Polio Network's biennial country conference. It was hosted by the Shoalhaven Support Group, which is convened by Dorothy Schünmann. There were some excellent presentations from guest speakers, including Dr Diane Bull, who gave an address on "The Polio Mind"; Diana Aspinall, Director of Arthritis NSW, who covered the safe use of medication; and Mr Bill Pigott of the World Health Organization, who examined the reality of living with the legacy of polio and related his experiences as part of the World Health Organization's Polio Eradication Programs in Nepal and Cambodia.

My first experience with a polio survivor was when I started work for former Senator John Tierney. John is now the National Patron of Polio Australia and remains a great advocate for survivors of the condition. There is currently no cure for post-polio syndrome. What was highlighted to me during the conference was the importance of polio survivors and their medical professionals working together to achieve a post-polio management plan that is specific to the needs of the individual survivor, and the need for consistent basic

medical evaluations. Often bracing is required to support weak muscles and walking sticks or crutches are used to relieve weight bearing and prevent falls. Some survivors also use breathing machines to assist with underventilation.

According to Post-Polio Health International, post-polio syndrome is a new condition that affects the survivors of polio decades after the acute illness of poliomyelitis. The major symptoms are pain, fatigue and weakness. Post-polio syndrome is usually considered by the international medical fraternity as a specific condition. According to a report published in 1990 by the then Commonwealth Department of Community Services and Health up to 40,000 people were diagnosed with paralytic polio in Australia between 1930 and 1988. Some 25 per cent to 40 per cent of polio survivors experience post-polio syndrome. Through mass immunisation we have managed to almost eradicate polio throughout the world. However, cases are still being diagnosed in developing countries, where immunisation coverage has been somewhat slower.

Great progress has been made in the effort to end polio. In the two decades since Rotary and its global partners launched the Global Polio Eradication Initiative the number of cases worldwide has decreased by 99 per cent. The disease remains endemic in just four countries—Afghanistan, India, Nigeria, and Pakistan—although other countries remain at risk from imported cases. Rotary's commitment to ending polio represents the largest private sector support of global health initiatives. Since 1985 Rotary has raised more than $US800 million and is currently working to raise an additional $US200 million towards a $US355 million challenge grant from the Bill and Melinda Gates Foundation. The resulting $US355 million would help address the critical funding gap for polio immunisation activities— currently a $US240 million shortfall for 2009-10—and support eradication activities in remaining polio endemic and high-risk countries.

Many members of the House may know of polio sufferers. Indeed, even the former Federal Labor leader and Australia's Ambassador to the United States of America, Kim Beazley, is a polio survivor. Unfortunately, many members of our society lack a good understanding of post-polio syndrome. Of even greater concern is that many health professionals are also unaware of the condition, with many survivors reporting difficulty in obtaining a diagnosis, often having to go through years of testing and incorrect diagnoses prior to gaining access to the necessary support services. It is now generally accepted by health experts that in order to minimise the severity of any new syndromes and prevent further complications early assessment and intervention are absolutely essential.

Once a full medical assessment has been undertaken post-polio survivors may be referred to one or all of the following: respiratory specialists, speech therapists, occupational therapists or a pain clinic. For too long the needs of polio survivors have been largely neglected since vaccination against the disease became a reality. The effects of post-polio syndrome continue to grow in the community as the majority of survivors become older and more reliant on assistance and support from groups and carers.

As polio survivors age their health needs will become more complex. We cannot afford to be complacent about polio and its medical history. I call on the Commonwealth Department of Health and Ageing to allocate specific funding to support survivors with post-polio syndrome and Polio Australia as a matter of urgency. I certainly understand and recognise the need for funding to assist the many support groups that work alongside survivors of this disease. I also want to acknowledge the tremendous work of these polio support group volunteers. Many polio survivors in our community aim to educate the public, health professionals and members of Parliament and increase awareness in the community of post-polio syndrome and its effects.

TAMWORTH REGIONAL AIRPORT

Mr KEVIN ANDERSON (Tamworth) [7.12 p.m.]: I bring to the attention of the House the importance of the largest regional airport in Australia, Tamworth Regional Airport, and all that it encompasses. Primarily, the airport underpins the critical transport network that provides my region with the opportunity to experience growth and prosperity. It is the primary airport located on the north-south corridor between Brisbane and Melbourne, and halfway between Sydney and Brisbane. The airport is situated on 600 hectares of dedicated land in flat, open country and enjoys almost perfect flying weather. It has four runways capable of handling aircraft of up to a Boeing 737 or an airbus A320. It is equipped with full lighting services to international standards and navigation systems, including an instrument landing system [ILS].

Passenger numbers in the 2010-11 financial year totalled 155,980, an increase of 14.8 per cent over the previous financial year. The airport also handled 106,000 aircraft movements, which comprised circuit training activity, instrument approaches, military movements and corporate jet aircraft operations. QantasLink operates

five return services between Tamworth and Sydney per day, using a combination of the Q400 and Q300 turboprop aircraft, and Brindabella Airlines operates a twice-daily service between Tamworth and Brisbane, using the J41 turboprop aircraft. The airline also operates a twice-weekly service between Tamworth and Canberra, on a Friday and a Monday.

The airport is in controlled airspace, with a modern Airservices Australia control tower, and operates 24 hours a day with no curfews. The existing passenger terminal building provides a warm and welcome gateway to the region and will undergo a major $3.6 million development this year to expand the terminal to include full security screening to meet the Strengthening Aviation Security Initiatives announced by the Australian Government in February 2010. There is also an additional 500 hectares available for further infrastructure development.

A number of businesses operate from the Tamworth Regional Airport. The BAE Systems Flight Training Australia complex and the Australasian Pacific Aeronautical College both maintain a significant on-ground and air presence. The BAE Systems Flight Training Australia complex at the airport is a modern large-scale training and accommodation facility for 260 students, with high-quality housing, catering and recreational facilities. The college is a leading world-class aviation academy, providing exemplary training services to customers in the Australasian region. It is a trusted partner, delivering training outcomes for the Australian Defence Force, the Royal Brunei Air Force and the Republic of Singapore Air Force.

The Australasian Pacific Aeronautical College, or APAC as it is known, is a leading aircraft engineering training college with classrooms, staff and TAFE NSW technical training and practical facilities for students from more than 16 national and international airline and aerospace companies. The Australasian Pacific Aeronautical College is a partnership between industry, government and community, and includes representatives from QantasLink, BAE Systems, Tamworth Regional Council, local industry and the New England Institute of TAFE. The Australasian Pacific Aeronautical College has recently appointed a new business development manager to oversight and further develop the training initiatives that are available in the marketplace and to grow the business.

Apart from its commercial flights, QantasLink also operates from the airport with a heavy maintenance base and two hangars catering for avionics, components, wheels and brakes, sheet metal and composite support shops, as well as engineering administration, a technical library and stores complex. The workshops are primarily responsible for the heavy maintenance of the fleet's Dash 8-Q400, Dash 8-Q300 and Dash 8-200 aircraft. They also have an administration office on site that is responsible for debtors and creditors and payroll processing for the group. We value the company's commitment to our region, and the number of jobs it creates.

Other businesses based at Tamworth Regional Airport include Sigma Aerospace, which undertakes aircraft maintenance, and repairs and overhauls of turbine and piston engines; Country Capital Aviation, which runs aircraft charters and conducts general aviation maintenance; and Starcage Aviation, which operates a pilot training facility and freight operations in conjunction with Toll Aviation. We have a Civil Aviation Safety Authority regional office, as well as Britten-Norman. The Westpac Rescue Helicopter Service, the aeromedical retrieval service for north-west New South Wales, is housed in a brand-new hangar, complete with administration and five-star crew facilities. The Tamworth Regional Airport, the largest regional airport in Australia, is ready to increase capacity and to continue to contribute to the region's economic growth and prosperity.

CAMDEN ROTARY RELAY FOR LIFE

Mr CHRIS PATTERSON (Camden) [7.17 p.m.]: The Camden Rotary Relay for Life was held during the weekend of 17 and 18 September at the Camden Showground. Some 1,000 people participated and this year alone raised $145,000, making a total of $200,000 raised since its inception last year. These vital funds help those suffering from cancer and those who care for cancer sufferers by providing education and support, such as a helpline and, of course, cancer research. This event would not be possible without the dedicated group of volunteers made up of Camden Rotarians and other members of the community who give their time to ensure the success of this event.

I publicly thank committee members: Greg Eagles, Chris Evans, Bruce Farquharson, John Lee, Rowan Moore, Peter Claxton, Kevin Moore, Ken Macaulay, Alan Redman, Dylan Evans, Lindsey Thomas, Tania and Brian Franzman, Cindy Cagney, Jo de Souza, Aaron Hodges, John Saunderson, Stephen Humphries, Warwick Richardson and Ross Newport. As the event is held over 24 hours, many people camp out and the local

showground becomes a little tent city. My eldest daughter, Amelia, camped out with the St John's Church team and walked about 70 laps with her friend Chelsea Dickinson. Chelsea's mum, Christina, Sue Beckinsale, John Messham and Geoff Hoskins were instrumental in organising the 40 or so walkers for the St John's Church team. Another team, Circle of Friends, consisting of 43 walkers, won best team overall and walked in honour of John Dooner and Vicki Bevan. It was a great effort by the organisers, Jane Bevan, Kristy Fielding and Marissa Bishop.

Finally, I single out McArthur Anglican School, which raised almost $2,500—a wonderful effort. I am very proud of its efforts as three of my four children attend the school. This event is not only about raising funds but also about having fun and giving those who have survived cancer, or who are carers of sufferers, to come together and share their experiences and give much-needed moral support and encouragement. Camden Rotary has a long history in Camden. A mural dedicated in 1962 by the club sits at the entrance of Camden from the Old Hume Highway. It is dedicated to the local European pioneers who built our wonderful and historic town.

I know that the Rotary Club of Camden still has that sense of community and demonstrates hospitality to all who reside in the local area. I have already mentioned Rotarians on the Camden Rotary committee, but I also acknowledge all the other members: Alan Hamilton, Errol Best, Frank Brooking, Ian Clifton, Gordon Clowes, Ken Clowes, Richard Cornhill, Bill Darby, Hugh Davies, Jim Davies, Jim Drinnan, Rob Eaglesham, Terry Evans, John Fahey, Geoff Fowler, Terry Gordon, Bruce Harding, Cyril Houseman, Ken Hughes, Gary Ireland, Alek Jankowski, Dorothy Johnson-Kelly, Jeremy Keight, Roy Kellaway, Ian lane, Noel Lowry, Geoff McAleer, Rick McCann, David McDonald, Ian Mckenzie, Aneek Mollah, Rob Mulley, John Newman, John O'Grady, Andrew Perrin, Matt Playford, Noel Riordan, Mike Scarce, Ken Searle, Jim Selley, Peter Sidgreaves, Fred Small, John Southwell, Mark Stanham, Veronique Stevenson, Max Tegal, Rick Wade, Graeme Watson, Andrew Whiteman, John Williams, Hamish Wilson, Ian Wilson and David Yong.

I also acknowledge Young Rotarians Aimee Coffin, Katrina Deaves, Becky Eagles, Lisa Lewit, Adam Mulley, Michael Perich, Erin Polsen, Karina Ralston, Wes Rogers, Ben Simpson and Nick Wilson. As members can see from the vast membership, this is a very well-established club, which I know has the utmost respect and standing within our community. This club grows each and every year and I am sure its dedication to the community will continue to prosper. Camden Rotary is an extremely well-respected organisation within our community and one that always endeavours to help those in need.

CAMERAYGAL FESTIVAL

Mr ANTHONY ROBERTS (Lane Cove—Minister for Fair Trading) [7.22 p.m.]: Sunday 9 October was a big day in my electorate when we enjoyed one of the highlights of the Cameraygal Festival, which runs from August to October each year, the Lane Cove Village Fair, which is also the final event of the festival. Stallholders arrived bright and early to set up, starting at around 6.00 a.m., and although it was initially a cloudy day we were fortunate not to have any rain. State Emergency Service volunteers closed off the streets to cars to enable free pedestrian access. The fair officially commenced at 9.00 a.m. and it was not long before the whole area was packed. People were drawn by the smell of coffee and delicious food and the great items available for sale.

The entertainment included performances by group Go Seek, which my almost two-year-old particularly enjoyed. The group performed songs and dances about hungry pirates and other vitally important social issues. That performance was followed by a wildlife display and a hugely popular sustainable cooking show—which I did not watch. At my stall we handed out balloons to the children and maps of the Lane Cove area to their parents and other interested residents. The smiles on the faces of the young kids receiving the balloons were worth $1 million. This year's fair was the nineteenth organised by the Rotary Club of Lane Cove, and I thank all the members for all their hard work. These generous men and women give of their time and expertise to ensure those attending have a great day.

I particularly thank Ann Smith, one of my staff, who was again fair chairperson. Many community-based groups attended and the fair provides them with a wonderful opportunity to raise their profile and have their good work in the area recognised. Sustainability Lane, organised by Lane Cove Council, was a great success, with a wide variety of stalls promoting sustainable principles and sustainable products available for purchase. The Rent-a-Chook stall was very popular. I thoroughly recommend it to members because the

chook can always be sent back. Another group that deserves special recognition is the men and women of the State Emergency Service, who were there from 6.00 a.m. until 6.00 p.m. as stop-go volunteers. They ensured that the fairground remained accident free.

Rotary donated $1,500 to the North Sydney State Emergency Service and I thank them for their efforts. As usual, there were many colourful characters around in the course of the fair, including our Town Crier, Bill, who was dressed in his full regalia, the Carlisle Swim School frog and some walking shrubs, one of which was apparently on stilts. I thank all of the organisers, community groups, volunteers and the State Emergency Service. I cannot forget to thank the local shop owners and, most importantly, the residents of Lane Cove for creating such a fantastic atmosphere. It was an extremely successful day and I, along with most residents of Lane Cove, look forward to attending the twentieth Lane Cove Fair. I particularly thank and acknowledge the members of the Lane Cove and Longueville branches, who will join me this evening at a barbecue so that the community and I can thank them for their continued support.

MONARO PANTHERS FOOTBALL CLUB

Mr JOHN BARILARO (Monaro) [7.27 p.m.]: On 16 August 2011 a soccer team from my electorate of Monaro travelled to South Korea to represent Queanbeyan, the Monaro, New South Wales and Australia at an international youth soccer tournament. The Monaro Panthers Football Club under-13 side was invited to play in the Gyeongju International Youth Tournament, which included sides from most continents including teams from The Netherlands, Mexico, Spain, Brazil, Madagascar, South Africa, Japan, China and of course South Korea. The Monaro team included 17 players and three officials. The trip was fully funded by the parents and officials. The team played a series of pool games and qualified for the quarter finals, when they were knocked out by the number one South Korean team. The results were: Monaro versus Madagascar with a 2:1 win to the Panthers; Monaro versus South Korea, which the Panthers lost 0:4; and in the quarter final match Monaro went down to the South Korea Hwarang team 0:6. The team also played friendly matches against China and South Africa.

The team's excellent performance in reaching the quarter finals can be highlighted through comparison with the other country's selection processes. For example, the three South Korean teams were selected from a tournament involving 4,000 players and the Mexican team was selected from 1,000 players. In comparison, the Monaro Panthers team was selected from 20 players. Apart from the excellent soccer experience this tournament provided to the team members, the boys also experienced Korean culture during visits to local Gyeongju temples and the local city expo. Following the success of the tournament and the excellent performance by the team the Monaro squad travelled to Shingok for four days where they trained with the school soccer team, participated in school classes and were billeted with local families. Once again, this was a great cultural learning experience for the boys.

The squad members were invited to the Uijeongbu City Hall, where they were greeted by the mayor of the region. This once again highlighted the friendly and welcoming relationship between the Monaro Panthers Football Club and Shingok Public School. The Shingok Community was most gracious and accommodating in offering hospitality and all the boys acknowledged the cultural experience in which they participated. Over the past six years the Monaro Panthers Football Club has had a unique and special relationship with Shingok Public School. Over that period the club has hosted many kids from South Korea during July each year for the annual Kanga Cup tournament, which is held in Canberra. This experience has allowed Korean kids not only to share with us their fantastic football but also their culture, and in return they get to experience the Australian way of life. This trip is the second the club has organised, with the first trip being in 2008. It is a relationship and opportunity that is highly valued by the club, Shingok and the wider football community.

The Monaro Panthers Football club will continue to offer this cultural experience on a regular basis because it is an important bridge to understanding the diverse cultures in our region. The club views this exchange with the Shingok Public School as a great learning and development experience for young Australian's on the Monaro. Many know that I have had a long and strong relationship with the Monaro Panthers Football Club and I am very proud of that. I look forward to the continued Panthers football revolution. This trip undertaken by a club from a small regional community is a significant and remarkable journey and worthy to be recorded in *Hansard*. The squad includes the following players and officials: Ben Gibbs, Andrew Atchinson, Dominic Unic, Broderick Doran, Klass Pichelmann, Captain Lachlan Cooper, Phillip Joveski, Tom Read, Zachary Hara, Brandon Taliano, Daniel Felizzi, Jeffery Camm, Sam Hyland, Tony Spazeski, Lachlan Mason-Cox, Isaac Baz, Tyler Van Luin, head coach Darren Lynch, coach Simon Atchinson, and manager Grant Doran.

I also thank Nadia Colbertaldo, Amelia Efkarpidis and Wendy Lynch for the enormous task they undertook in organising the team for this trip. I extend a special thank you to my good friend Andy Kim, who

always volunteers his time to act as our Korean liaison person and interpreter during the visits. I also congratulate him and his wife, on the birth of their third child this week. I understand that mum and bub are doing well. I again congratulate all the players and officials, and extend a special thank you to the parents who support this grand initiative. Go the Panthers!

PITTWATER SURF LIFE SAVING CLUBS

Mr ROB STOKES (Pittwater—Parliamentary Secretary) [7.29 p.m.]: I note the wonderful work being done by the surf lifesaving movement in Pittwater, which has a proud past—more than 100 years in the case of some clubs. It has a powerful presence in Pittwater, with the beach and ocean forming such a fundamental part of our local culture and character. I note that of the 306 surf lifesaving clubs in Australia, 129 are located in New South Wales and 11 are located in the electorate of Pittwater. It is no wonder that those surf clubs form such an important part of the social fabric of the local community of Pittwater. The surf lifesaving movement has an enormously positive future in Pittwater, with hundreds of nippers being seen on the beaches of the Pittwater peninsula every Sunday in summer.

I note that surf clubs have already started their work this season, with beach patrols commencing on 1 October—there have been two weekends of patrols in Pittwater. I note that the Mona Vale surf club, with which I am involved, has 17 new bronze medallion holders just two weeks into the season. I congratulate Steve Miles, Andrew Hjorth and Ross James on their great work in training and assessing those wonderful and competent new lifesavers, who have been trained in first aid, oxygen-assisted resuscitation, defibrillation, basic spinal management, communication, surf awareness and aquatic rescue. Enormous skills are involved in handling a rescue board, for example, let alone a rescue board with a patient in dumping surf, yet last year rescue boards were used on more than 100 occasions during rescues.

Our lifesavers are involved in crewing and driving inflatable rescue boats, which were first used at Newport Beach in Pittwater, jet skis and helicopters. It is almost impossible to quantify the value of surf lifesaving to our Pittwater community, but I know that that has been tried and Surf Life Saving Sydney Northern Beaches Incorporated statistics indicate that there were more than 550 rescues within Pittwater clubs last season and thousands of first-aid interventions, including resuscitation, spinal management, fractures and serious marine stings, including blue-ringed octopus stings, all the way down to bluebottle stings, cuts and abrasions. It is important to note that there were also thousands of preventions. Prevention is really the fundamental task of the surf lifesaver, ensuring that when people are in situations that may lead them into difficulties, rescue is prevented from being necessary. I have watched surf lifesavers, who have been keeping an eye on toddlers at the water's edge, taking them away from a situation which, left unattended for just five minutes, could result in drowning. During patrol hours, lifesavers have looked after about 70,000 visitors to our beaches every season.

Guidance about the economic contribution of surf lifesaving to Pittwater and to the national economy is provided in an outstanding report released yesterday by Surf Life Saving Australia, which noted the economic contribution of surf lifesaving on Sydney's northern beaches is an incredible $477 million. This figure includes not only the value of the time of volunteer lifesavers but also a government-based figure on the value of a saved life and permanent incapacities. It includes the value of volunteering time, personal expenditure, the value of lives saved, the reduction in permanent incapacitation and the flow-on effect of surf life saving activities. The report by PricewaterhouseCoopers demonstrates that for every dollar invested in surf lifesaving there is a $29 economic benefit, so we literally have a saltwater economy where surf lifesaving is concerned.

I conclude with one tangible personal story of the real benefit of surf lifesaving. I want to boast about Andy Cross from South Narrabeen. Andy is a magnificent bloke and a wonderful lifesaver. He was just voted the nation's favourite surf lifesaver. Andy Cross won the inaugural Nikon Clubbie of the Year award, with a huge boost in funding to the excellent South Narrabeen club in which he is involved. He is the chief instructor at South Narrabeen Surf Life Saving Club and has made an enormous contribution to that club in training both bronze medallion holders and nippers, and as chief instructor. I congratulate and thank everyone involved in surf lifesaving in Pittwater. I am keen for this House to explore new ways that it and the Parliament can engage with the surf life saving movement and I note the idea of a parliamentary friends of surf lifesaving, which is in operation at the Federal level. With more clubs in New South Wales than in any other State, I think it is something that we need to look at.

Private members' statements concluded.

The House adjourned, pursuant to standing and sessional orders, at 7.34 p.m. until Friday 14 October 2011 at 10.00 a.m.