

LEGISLATIVE ASSEMBLY

Monday 17 October 2011

The Speaker (The Hon. Shelley Elizabeth Hancock) took the chair at 1.00 p.m.

The Speaker read the Prayer and acknowledgement of country.

PRIVATE MEMBERS' STATEMENTS

NEW SOUTH WALES FIREFIGHTER CHAMPIONSHIPS

Mr JOHN WILLIAMS (Murray-Darling) [1.00 p.m.]: Today I acknowledge the New South Wales Firefighter Championships in Finley on 10 and 11 September, which I attended and had the honour to open. For members who may not be aware of what the championships are all about, in the words of the firefighters they are to "develop, maintain and enhance the operational skills of firefighters and promote a professional image of the New South Wales Fire Brigades to the community". This is certainly the case. When we consider that all the firefighters and Rural Fire Service members who participated in the championships travelled there and were accommodated at their own expense it is a real credit to the firefighters of New South Wales and it demonstrates their preparedness to practise their skills and get ready for all emergencies.

There were a range of events including: urban pump collector and ladder; urban pump disabled; booster valve and remote access bag; and ladder practice. I can tell members that ladder practice is fairly vigorous. When one sees the firefighters in action and the time it takes them to get up a ladder it is absolutely amazing. Other events included urban pump and breathing apparatus; rescue; urban pump and breeching; hose hydrant and extinguisher; hose and hydrant; urban pump section; and hose hydrant and breeching. Anyone who has seen firefighters contest these events will be aware that they are entertaining and very vigorous and competitive. An outstanding feature of the championship was the camaraderie between the firefighters as they worked alongside each other.

The championship was held at Finley, a township in the southern Riverina, which is part of the Murray-Darling electorate. The Finley Fire Brigade has been around in one form or another since the 1930s when fire protection was provided by a bucket brigade with water drawn from rainwater tanks or horse-drawn tanks with hand-operated pumps. Today Captain John Hand and his crew provide first-class fire and emergency services to the local community. Finley Fire Brigade has been involved in the championships, formerly known as demonstrations, since 1954 when the post-war demonstration was held at Leeton. For a time Finley was known as the giant killers in the world of demonstrations. The brigade won four State titles in a row—in 1970, 1972, 1974 and 1976—making it the most successful team in the history of Fire and Rescue NSW Firefighter Championships. I thank Captain Hand and his crew for providing hospitality to all the visiting firefighters and Rural Fire Service members. There were fire crews and Rural Fire Service crews from Victoria alongside the New South Wales firefighters and Rural Fire Service crews.

There is no doubt that firefighters who participate in these championships should be recognised for their efforts to be ready to help us in an emergency. When one sees these demonstrations and the time it takes the firefighters to carry out some of the activities one realises that fractions of a second could save someone's life. I commend them for their readiness to get on with the job. I cannot let this opportunity pass without recognising a great firefighter in the upper House. He has told me how important it is to keep fit. Of course he is a Nationals member and he is prepared to get out there and do the job. I know Niall Blair would be pleased that I attended the opening of the Firefighter Championships in Finley.

FACES OF FAIRFIELD PROJECT

Mr NICK LALICH (Cabramatta) [1.05 p.m.]: I think it is important that everybody keeps fit all the time, especially the firefighters. I know the member for Murray-Darling keeps fit all the time. On Tuesday 12 July, as Mayor of Fairfield, it was my great pleasure to unveil three important artworks that are part of Fairfield Council's "Faces of Fairfield" project. Faces of Fairfield celebrates the substantial contributions of past

and present members of the Fairfield community with artworks throughout Fairfield town centre. This project recognises those people who have helped to shape the body and soul of Fairfield. The Faces of Fairfield program has previously unveiled artworks recognising the contributions of national identities including former Prime Minister Gough Whitlam, AC, QC, Australian Soccerroo Harry Kewell and former Olympian Michael Wenden. This year on 12 July we honoured three more respected Australians who have contributed not only to Fairfield but also the Australian community—Jon English, Sir Henry Parkes and Eva Stone.

Jon English is an Australian icon. Born in Hampstead, London in 1949, Jon migrated to Australia in 1961 at the age of 12. A former student of Cabramatta High School, Jon is one of the few Australian performers who have successfully combined a career in music, television and stage. As a teenager, John played guitar and sang in two bands including Sebastian Hardie, which for a time was the backing group for Johnny O'Keefe. In 1971, at the age of 22, Jon was chosen for the role of Judas in *Jesus Christ Superstar*, which role made him a national star. Jon has been part of a number of stage musicals including *The Pirates of Penzance*, where he played the role of the pirate king and was awarded the Melbourne critics' Green Room Award, and he received a Logie award for best new talent for his role in *Against the Wind*. He continues to perform across the country and we were pleased to have him with us on the day to assist me in unveiling the special artwork recognising his contribution to our nation and, of course, to Fairfield city.

The second artwork unveiled was dedicated to Sir Henry Parkes; one of the foremost figures of nineteenth century Australian politics. He was born in Warwickshire, England and migrated to Australia in 1839. In 1854 he was elected to the Legislative Council and he remained in politics for the rest of his life. From 1871 he was Premier of New South Wales five times. In 1871 he built a mansion near the railway line between Fairfield and Cabramatta, which he named Canley Grange after his birthplace. Canley Vale railway station was eventually located there. Sir Henry Parkes passionately believed in "one people, one destiny" and he called for a great national government for all Australia. Although he did not live to see the federation of Australian colonies, he is regarded as the Father of Federation. I thank the New South Wales Police Force for funding this artwork. Mr Corbett Shaw, great grandson of Sir Henry Parkes, helped to unveil the artwork in recognition of the outstanding contribution made by his great grandfather.

The final artwork unveiled was dedicated to Ms Eva Stone, who has been described as a living treasure. Eva passed away at the incredible age of 106 years. Her long life experience makes her an important part of the history of the City of Fairfield. Eva lived in Smart Street, Fairfield, for 97 years. For the majority of her life Eva lived in Caversham Cottage, the house in which she was born. Religion played an important part in Eva's upbringing as Eva and her sister Annie were both leaders in the Methodist church choir. As a child Eva attended Fairfield Public School and in 2001 she was recognised as the school's oldest surviving student. She married Alfred in 1925 but, unfortunately, in 1937 he passed away, which left Eva to raise three young children: Malcolm, Gordon and Joan. She was awarded an Australia Day medal by Fairfield City Council in recognition of her community service. Pleasingly, members of Eva's family were present on the day and her grandson, Mr Gordon Stone, unveiled the artwork designed in honour of his grandmother.

Other guests present on the day who helped to unveil the artworks included Mr Guy Zangari, the member for Fairfield; my councillor colleagues; Superintendent Peter Lennon, APM, Fairfield Local Area Commander; Alan Young, City Manager, Fairfield City Council; Wade Burns, President, Fairfield City Chamber of Commerce; Mr Jon English; Mr Gordon Stone and family; and Mr Corbett Shaw and family. I thank everyone who attended that day to celebrate the achievements of those wonderful people who have all played an important role in the history of Fairfield.

KEIRAVILLE PUBLIC SCHOOL 120TH ANNIVERSARY

Mr RYAN PARK (Keira) [1.10 p.m.]: Last weekend Keiraville Public School, which sits at the foot of the escarpment in the electorate of Keira—one of the most precious natural assets in the area—proudly celebrated its 120th birthday. For Keiraville Public School to be operating so strongly after 120 years is a wonderful achievement. Principal Sherylee Carroll has charge of approximately 250 students. On my visits to the school I have witnessed the fine work being undertaken by the teachers, the students and their parents. I am impressed by the clear articulation of the five key values of the school: respect, responsibility, honesty, fairness and pride—most of us could live by those values.

Keiraville Public School is one of the few centres for excellence in teaching and learning across the region. Importantly, teachers must be well trained and receive the most professional development available. As a centre for excellence Keiraville Public School is leading the way in providing ongoing professional support for

its teachers at all levels, which makes teaching and learning at the school a joy. The school library was built in 1891 and hopefully will be heritage listed. This beautiful building sits at the top of the school grounds in a village atmosphere. The school is well resourced and is keen on technology. I have watched teachers and students working with electronic whiteboards, laptops and a variety of different technologies.

The member for Fairfield, a former school teacher—as are the current Speaker and me—appreciates the important role that technology plays in teaching students and giving them an understanding of the applications they will need to access information and to make decisions in the future. The parent body at the school is passionate and contributes to a wide range of activities, including fundraising, donation of gifts or advocating on behalf of the school community in any important reforms taking place in the public education sector. I thank Sherylee Carroll, the staff, the parents, the school community and the fantastic kids who attend this great little public school in my electorate. I understand why it is a centre for excellence and I encourage other schools to take a look at the great work being done at Keiraville Primary School.

GRANNY SMITH FESTIVAL

Mr VICTOR DOMINELLO (Ryde—Minister for Citizenship and Communities, and Minister for Aboriginal Affairs) [1.15 p.m.]: On Saturday 15 October tens of thousands of people from the electorate of Ryde and beyond attended the famous Granny Smith Festival, which is held at Eastwood annually. The Eastwood community has long reaching hands, drawing people back for the day—some returning year after year—to remember when their children were young and participated in many festival events. I am sure people will continue to relive, remember and enjoy the Granny Smith Festival. The festival celebrates the life and legacy of one of the electorate's famous personalities, Maria Ann Smith, otherwise known as Granny Smith. In 1868 Maria grew the first batch of tangy green apples that now carry her name and are grown all over the world.

There was a hint of sadness at the festival because Edna Spurway, who impressively turned 101 this year and was a direct link to Granny Smith, passed away earlier this month. However, we are comforted and confident that Edna and Maria's stories are well recorded so that future generations may understand the history. The festival has a long tradition of appointing a Granny Smith Queen, and this year was no different. Last year's queen Ru Zhou handed her crown to Tamara Jones, with Zoe Alexiou as first runner up and Oliva Fusca as second runner up. The winners and contestants, Brittany Wilson, Kristy Walker, Courtney Ryan, Alison Naphthali, Francesca Bell and Rachel Chow, received beautiful prizes from local sponsor Lynn Lin of Phoenix Beauty.

The parade was awash with colour, sound and excitement and included the Marching Koalas; Epping RSL Golden Kangaroos Marching Band; Castle Hill Pipe Band; City of Ryde Council; Top Ryder free local bus service; representatives from Epping, Ryde, Hornsby, Five Dock and Manly Australian air leagues; West Ryde Public School; Marist College Eastwood; Eastwood Public School; Ryde State Emergency Service; Eastwood Fire Brigade; New South Wales Mounted Police; vintage cars owned by Terry Ryan, Len Gallo, Gregg Aynsley, Laurie Collis, Malcolm Lind, John Forsyth, Eric Bourne, Trevor Davis, Brian Haywood, and Kevin Hart; Jdance Performance Studio and Dance Academy; AJH Sports, Bike North Inc.; RG Music; Eastwood Uniting Church Musical Society; Gladesville Ryde Physical Culture Club; Tzu Chi Foundation of Eastwood; and Silk Caravan Belly Dance.

The parade also included Contours, North Ryde; Ryde Rainbow Alliance; the Chinese Australian Baptist Church, West Ryde; Northern District Chinese Christian Church from Marsfield; Eastwood Baptist Church; Eastwood Chinese Senior Citizens Club; Church of the Good Shepherd; Eastwood Uniting Church; the Falun Dafa Association, Lady Ann Funerals, West Ryde scout and guide groups from all over the electorate; Young Life Australia, Eastwood Epping Country Women's Association; Ryde Midwifery Group Practice; Mums @ Ryde; and last but not least, Able Education of Eastwood. There were a multitude of people and floats in the parade, and a sensational day was had by all.

The festival does not happen without the many dedicated people and organisations that work tirelessly to ensure its smooth running. The principal organisers, John Booth and the team from the *Weekly Times*, Roseanna Gallo, De'ann Hespe, John Manenti, Gavin Mussone and his team from the Eastwood Centre, Edna Wilde, Derek McCarthy and Courtney Long and the team from Ryde City Council, the Ryde Youth Council, Carla Kassab, Shane Olivo, Chris Tran and Enoch Ki and representatives from the local police and many more all made contributions to make the day the success it was. The Granny Smith Festival and its many faces—from the very young to the not so young—in every sense of the word is a community day. I am proud to represent such a wonderful electorate.

Our community is about bringing people together, and festivals bring everyone together, whether one is an Australian of Chinese background, an Australian of Italian background, an Australian of Korean background or an Australia of Indian background. Festivals such as this are the glue of our society and we should all be proud of them. Coming from a culturally diverse electorate such as Ryde it is fantastic to see this festival grow each year. The various food groups that are available on all the stalls and the wonderful richness of the festival are an example of why more and more people attend each year. People are not there just for the floats or the song, the dance and the fireworks; they are there for the food and, more importantly, the engagement with everyone else in the community.

RYLSTONE VOLUNTEER RESCUE ASSOCIATION AWARDS

Mr PAUL TOOLE (Bathurst—Parliamentary Secretary) [1.20 p.m.]: Today I will speak about the good work that is done by the New South Wales Volunteer Rescue Association and in particular the volunteer rescue association in Rylstone in my electorate of Bathurst. Volunteer rescue associations are located in 70 communities across New South Wales and the volunteers give up an enormous amount of their time. Their commitment is huge and they are out there working on behalf of so many people in their communities. The volunteers are the primary responders for road crash rescue, marine rescue, vertical rescue and just about any type of specialist rescue encountered by emergency service personnel. The volunteer rescue association also includes aerial patrols, communications, caving, bushwalking wilderness rescue, ski patrols and community first aid teams.

Members and their rescue squads are accredited by the Minister for Police and Emergency Services through the State Rescue Board as rescue operatives in their designated field. From the hostile marine environment to the unforgiving highways and roads, to the rugged forests and alpine areas of this great State, our small army of unpaid professionals is ready to respond at a moment's notice and ready to lend a helping hand anywhere and at any time. On Saturday night in my electorate I attended the annual awards dinner in Rylstone. It was an opportunity to come together and acknowledge those who have given so much over the past 12 months. It is not only an awards night; it is a night when we come together with family and friends to talk about and celebrate their achievements throughout the year.

That is important because the volunteers who give up their time for these programs are the first callout when there is an accident. When they go out it is not at the most convenient time; it might be in the middle of the night or in the middle of winter. They go out and witness many crashes and scenes that are not desirable. These people are a strong testament to the will of supporting their communities. I believe that being a volunteer is the ultimate in exercising one's democratic right. We in this Chamber go to elections every four years and vote for the people we want to elect. But people who decide to become a volunteer are deciding to do something every day in their community. By doing volunteer work they are helping to shape and service the community in which they live.

These volunteers do an enormous amount of good work. Obviously they run on a small budget and they raise funds throughout the year by holding barbecues and raffles. So any money they receive is valued. The community is a strong supporter of the Rylstone Volunteer Rescue Association. I am pleased to mention a number of businesses that have supported the association over the years. Some three months ago I had the opportunity to meet a number of members of the Rylstone squad and go through the shed. I was pleased that Glen Hinton, the Captain at Rylstone, was able to show me every aspect of their rescue equipment.

At the dinner on Saturday night two awards were presented. The first award was the Wayne Balfott Memorial Award, which is named after a member of the Rylstone volunteer rescue squad, who gave so much community service and time. This award went to Craig Martin, who is the Deputy Captain and the training officer. He received the award for the training he has given the other members of the Rylstone volunteer rescue squad. On Saturday night the members were at the function and on Sunday they would be back out at 9 o'clock attending further training sessions. The second award was the Ron Priestly Award, which was given for outstanding service. The award went to Lorna Anderson, who is the Secretary of the Rylstone Volunteer Rescue Association.

Other members I acknowledge who were also at the dinner with their friends, family and partners were Glen Hinton, the Captain; Arthur Mulholland, President and Deputy Senior Vice-President; Keith Grimshaw, founding member; Peter Anderson, Vice President; Tom McBean, life member; Bruce Fleming, Treasurer; Felicity Cresswell, member; Brett Gallagher, Deputy Captain; Craig Sams, member; Howard O'Regan, member and ambulance driver; and Ray, who was the president of the New South Wales Volunteer Rescue Association

for a number of years and who is now the patron of the New South Wales Volunteer Rescue Association. It was a great night. The volunteer rescue squad does a lot of work in remote and country communities and I am proud of its efforts.

TRIBUTE TO ALLAN FIFIELD, AM

Mr GREG APLIN (Albury) [1.25 p.m.]: On Friday 16 September I joined hundreds of people at St Andrew's Uniting Church in Culcairn to celebrate the life of Allan Fifield, AM, widely regarded as Mr Culcairn. The church, the hall and the area outside were crowded with those who had come to pay their respects to a man who had served his community over many decades. His good friend, David Skinner, OAM, gave the eulogy and I draw from that in this tribute to a great man who will be sorely missed. Allan Fifield was born on 30 January 1930, the youngest of four children. He was educated at Culcairn Central School, where he was elected School Captain; and while he may well have wished to further his studies, he chose to join his father and mother in the family grocery store in Henty Street. His older brother, Jack, a butcher by trade, joined the business a couple of years later.

Allan and Jack continued to run the grocery store for a number of decades, relocating and modernising the shop to keep abreast of changes in the industry and finally selling the business in 1985. Allan supposedly retired at the age of 55—retired from business perhaps but certainly not from public life. Allan immersed himself in community affairs at a very early age, becoming Secretary of the Culcairn Show Society at the age of 17, a position he held for 27 years. Allan's passion for the Culcairn Show continued well past his retirement, and we can well recall his jovial countenance as he sold the lucky envelopes every year.

In his formative years Allan was also appointed as Secretary of the Albury and District Football League, was a foundation member of the Culcairn former students association and in his spare time was an accomplished football umpire and a keen tennis player. Allan joined the Culcairn Fire Brigade in 1952 at the age of 22 and became Captain in 1967, holding that position until 1981. In 1955 Allan married Gwen Thompson, a young lady who worked as a typist at the local shire council and who loved and supported him for the next 56 years. Following a by-election in April 1966, Allan was elected to Culcairn Shire Council and served continuously for 38 years until the council was dissolved in May 2004. Allan was council's longest-serving shire president or mayor, holding the position for 17 terms.

A passion for local government and country people resulted in Allan being elected chair of G Division and a member of the Executive Council of the Shires Association of New South Wales from 1979 to 1989, vice-president from 1981 to 1985 and president from 1985 to 1987. His contribution to local government also included appointment to a New South Wales roads trust committee, chairman and judge of the A. R. Bluett Memorial awards, judge for the Sydney Morning Herald Management Excellence Awards and a director of Local Government Financial Services Pty Limited. His varied interests also saw him elected chair of the Riverina Regional Library from 1999 to 2004.

He was held in such high esteem that he was appointed as a commissioner of the New South Wales Local Government Grants Commission from 1986 to 1992, chairman from 1992 to 1997, chair of the Albury-Wodonga (New South Wales) Corporation from 1998 to 2004, member of the Albury-Wodonga Development Corporation from 2004 to 2007 and member of the Murray Regional Development Board from 1988 to 2005. Allan was honoured with the award of Member of the Order of Australia on 26 January 1987 for services to local government and to the community. That same year he was named Culcairn Shire Citizen of the Year.

Lawn bowls was probably the third love of Allan's life and he commenced playing at Culcairn in the late 1970s. Over the years he enjoyed success at club, district, zone and even State level. Allan competed in district pennant teams until 2010 and also was heavily involved in club administration. In later years Allan, along with others, such as Don Lowe, Bruno Biti and Gil Bahr, was instrumental in the establishment of the Kiltearn House Aged Care Hostel. Allan assumed the role of treasurer of the fundraising committee to ensure that a nursing home was established as part of a renovated hospital to provide a multipurpose health service for the Culcairn and district community.

Whether it was the Culcairn hall, Station House Museum or countless other community facilities and activities, there were not many that did not benefit from Allan's untiring love for his community. Allan had a caring and compassionate nature and despite his own personal achievements was always eager to recognise the achievement and contribution of others by nominating them for honours and awards. Because of his standing in

the community, his breadth of knowledge and his wise counsel, often he was sought out by local residents to provide advice and assistance on personal issues. Even in his twilight years Allan made a significant contribution to Culcairn's 125th birthday celebrations in 2008 and was a regular contributor to Culcairn's community newsletter *The Oasis*, writing obituaries, stories from yesteryear and unusual and humorous anecdotes. Allan Fifield epitomised the can-do attitude of country people. While there was sadness at his passing, his persistent advocacy for his town and region has ensured that his legacy lives on in his writing, the buildings and facilities he gained, and in the hearts of those who knew him.

ILLAWARRA EMPLOYMENT

Ms NOREEN HAY (Wollongong) [1.30 p.m.]: Today I raise an issue brought to me by constituents of my electorate of Wollongong to inform my colleagues of further outrage this Government has heaped upon the good people of my electorate and the whole of the Illawarra. After BlueScope Steel recently laid off more than 800 workers, and with that number possibly increasing to well over 1,000 due to the flow-on effect to contractors and the port facility through redundancies, the Minister for Finance and Services, and Minister for the Illawarra in his wisdom has put in place statewide changes under the guise of a restructure to the Department of Industrial Relations that will axe a further seven jobs in the Wollongong office. By March next year only 13 staff will remain to actively operate what could be considered one of the most important departments delivering compliance and education services to employers, and investigating claims about working conditions and entitlement breaches. Indeed, the department has been acknowledged for its great work regarding inspections, pay and conditions.

It does not take a genius to see that, without the appropriate staff to ensure such matters are thoroughly investigated and acted upon workers rights yet again will be eroded. Of course, the bigger picture is that the O'Farrell Government aims to axe over 5,000 public sector jobs, and Minister Pearce clearly is leading the charge. A New South Wales Department of Finances and Services document states that 48 of a total 157 positions will be cut across the State. It is no secret to people in this place that I have called on the Government to stimulate employment opportunities by relocating government departments, such as Finance and Services, to the Wollongong area, yet the Minister responsible for the Illawarra is actively laying off workers.

If the Minister were to visit Wollongong or any part of the Illawarra other than to attend dinner functions, he would see as plainly as the nose on his face that the region needs employment stimulus. The Minister's absence from the Illawarra and his ignorance of its needs are well documented in local media, and are becoming well-known throughout the business community. The Minister continues to dodge questions about not yet establishing a dedicated ministerial office in the Illawarra. I assure the House and my colleagues that my community is not fooled: it sees a Government full of pre-election commitments of jobs, security and economic stimulus but delivering nothing but cuts.

The Government has cut funding to the Illawarra Advantage Fund, removed the stamp duty exemption for first home buyers, closed the Emergency Department at Bulli Hospital, axed public sector jobs, introduced local government legislation that will slash employment protections for workers affected by council amalgamations, leaving them open to be sacked, and taken no action on the important upgrade of the Unanderra easy access railway station. Where will it end? The former Labor Government budget committed funding to the upgrade of the Unanderra easy access railway station. The first stage of the project began but, due to unforeseen circumstances, was delayed. However, the delay should now have been rectified and the lifts and second stage of the upgrade should have been undertaken.

Nothing but negative influence is occurring when the Illawarra is in desperate need of a hand-up. I have said in this place previously that the Illawarra is not looking for a hand-out. The State and country are facing difficult times, but the Illawarra region has specific needs, issues and difficulties requiring State Government assistance. The O'Farrell Government should quickly deliver some form of job creation and stimulus program. We need assistance now. My community is known for its long memory. It should be a warning to the Government to lift its game or see its game ended.

Mr CRAIG BAUMANN (Port Stephens—Parliamentary Secretary) [1.35 p.m.]: I acknowledge the comments of the member for Wollongong and will refer them to the Minister for Finance and Services. However, I point out that for the past 16 years the former Government, whose members now sit on the Opposition benches—

Ms Noreen Hay: We didn't cut any jobs. You did that in six months.

Mr CRAIG BAUMANN: No, but it created a \$5.2 billion budget black hole. We are trying to turn the economy around. We are cognisant of the problems faced by the Illawarra and will address them as soon as we possibly can.

ARMIDALE WAR MEMORIAL LIBRARY

Mr RICHARD TORBAY (Northern Tablelands) [1.36 p.m.]: Today I call on the Government to support a new war memorial library for Armidale and the wider community via the New South Wales program of events for the Centenary of Anzac. Libraries play an extremely important role in communities, especially those in regional, rural and remote New South Wales, offering a wide range of facilities and services to members of the community of all ages and cultural backgrounds. Libraries also are invaluable to the development of a child's education, and to the growth of knowledge and human capital. Free access not only is provided to library resources, but also modern technology enables the community to access information from around the world via the Internet. These services are particularly important in the Northern Tablelands, which is the third-largest electorate in New South Wales and has 10 libraries that provide services across 44,600 square kilometres.

The Armidale Dumaresq Council War Memorial Library was established in 1949 following community support and donations. The library is designated as a war memorial honouring, of course, the immeasurable contributions of the service men and women of the community. Armidale has served this nation continuously in some defence capacity since 1885, through the establishment of Light Horse militia units, which carry the guidon military banner—battle honours of the 12th Light Horse Regiment, which rode in the charge at Beersheba, and the 33rd Battalion formed in Armidale during the First World War. HMAS *Armidale* was also named after a town immensely committed to the service of its country. The Bathurst-class minesweeper, launched in 1942, served in Darwin, the Pacific and New Guinea and with the current day 12/16th Hunter River Lancers. The University of New England has also had a university regiment since it commenced in 1954.

The ties between the Anzacs and the Armidale region are strong, and this strong Anzac spirit within the community can be captured by a new memorial library—particularly as the community is in desperate need of a new library. The Armidale library uses what can best be described as a rabbit warren of buildings, some of which are well over 100 years old. It does not meet the standard of a twenty-first century library, nor does it meet the standards of the other libraries across my electorate. Guyra is the latest community in my electorate to receive an upgraded library. I praise Guyra Shire Council for its acknowledgement of the importance of libraries, and its commitment to enhancing the services available to the good residents of Guyra. I will have the pleasure of attending the official opening of the new Guyra Shire Council library on 2 November, something I am very much looking forward to.

However, Armidale remains left behind by comparison. New South Wales public library statistics indicate that the Armidale library is one of the most intensively used libraries in New South Wales. In 2009-2010, 129,917 people visited the library, with 310,870 total items in circulation. It has the fourth-highest number of loans per capita in all of New South Wales, the highest in regional, rural and remote New South Wales, and the second-highest circulation per staff member of all public libraries in New South Wales. With over 10,000 hours of public internet usage, the library services a diverse, large, and ever-increasing community comprised of people from all walks of life, including, of course, students from the University of New England. As indicated to the New South Wales Centenary of Anzac Commemoration Committee in May, there is substantial need to create memorials. Those memorials should not only be visible and lasting but also advance the wellbeing of the community.

The centenary of the First World War is a significant milestone in the history of New South Wales and Australia. The Anzac centenary program aims to create a contemporary and respectful commemoration of this legacy. The New South Wales committee submission to the National Commission on the Commemoration of the Anzac Centenary is based on commemorative and historical, civic, educational, community and cultural activities and initiatives. A new Armidale library will appropriately represent the significance of Anzac. It will commemorate the centenary and the sacrifice of the servicemen and women, facilitate the growth of education and awareness, and will be a community landmark for the centenary of the First World War. This proposal has community-wide support, not only from the Armidale Dumaresq Shire Council and the ex-service organisations, but across the entire community. I commend this proposal to the House.

OLD GUILDFORD PUBLIC SCHOOL PRESCHOOL

Mr GUY ZANGARI (Fairfield) [1.41 p.m.]: This morning I had the privilege of speaking to concerned parents about the Old Guildford Public School Preschool in my electorate of Fairfield. The Old Guildford Public School Preschool is one of 100 public preschools operated by the New South Wales Department of Education and Communities. As stated on the department's website:

These preschools are an integral part of the schools to which they are attached and provide educational programs for children for one year prior to enrolment in Kindergarten.

In this morning's meeting the parents spoke about the Old Guildford preschool community: It is a very close and proud community which prides itself on the fine educational achievements of its students and the sound teaching strategies of the dedicated teachers. The importance of preparing children for kindergarten is evident when talking to the young children who accompanied their parents. As it is term four, the children I spoke to this morning all said they were getting ready for the next big step—big school. These children demonstrated confidence and clearly understood that they had been preparing for big school this year. The program run by the school ensures the children familiarise themselves with the school environment.

However, today's meeting was not one that possessed the pomp and ceremony that accompanies the education Minister when he visits New South Wales schools. This morning parents were voicing their outrage over this Government's announcement in the 2011-12 budget about the introduction of compulsory fees for public preschools. Members of the Old Guildford Parents and Citizens Association discussed the negative impact that the rise in fees would have on the family budget; however, more importantly, the impact on the education of their children. Many parents I spoke to this morning cannot afford the fees at privately operated preschool centres. Old Guildford Public School Preschool was set up so that local children in low-income households do not miss out on the vital building blocks of learning.

One parent, Cara, whose young daughter, Ayah, is enrolled at the preschool for 2012, summed up the concerns of everyone present. When Cara asked Ayah if her bags were packed for preschool next year, Ayah enthusiastically nodded her head. Cara said all she wants is to give Ayah the same start that Ayah's older siblings received. Cara's older children all attended the preschool at Old Guildford Public School. Cara said preschool made the transition to school education so easy. Through preschool her older children were familiar with the school and the school environment. They had met all the teachers and were all geared up to learn from the first day of kindergarten. Cara states if these fees are introduced she would not be able to afford to allow Ayah to attend her placement at preschool next year. She states these new fees would price her family out of public preschool services that she knows are so vital to a child's education.

Parents from Old Guildford Public School are entitled to feel that this Government is selling off their children's education. Old Guildford parents clearly feel there is no guarantee this money will go back to the school to run preschool facilities. The new fee increases, which will begin on 27 January 2012, could cost parents up to \$40 a day per child in extra preschool costs. If a child attended on average three days per week over the four terms of the entire academic year, that would add up to a staggering \$4,800 per child in fees at a public preschool. That is absolutely disgraceful. I join with my constituents in condemning the O'Farrell Government's decision to increase public preschool fees. It is clearly evident today that this Government is neglecting the public preschool children of Fairfield.

SYLVANVALE FOUNDATION

Mr MARK SPEAKMAN (Cronulla) [1.46 p.m.]: I draw the House's attention to another success for Sylvanvale Foundation and the great work it does. Last Wednesday evening, 12 October, I attended the 2011 Sutherland Shire Local Business Awards at the Cronulla Sutherland Leagues Club. For the second year in a row Sylvanvale Foundation won the title of Most Outstanding Community Service in the Sutherland Shire. It is easy to understand how Sylvanvale Foundation has won this award when one looks at the support it has been providing for more than 60 years to people with an intellectual disability within the Sydney metropolitan region.

The Sylvanvale Foundation supports over 600 children and adults with an intellectual disability and provides essential support services to families and communities across Sydney. The Sylvanvale Foundation provides a range of services including housing, education, employment and early intervention. It employs over 500 staff including teachers, therapists, community health professionals and child care workers. The housing it provides includes group homes, community living, disability housing and support initiatives, specialist accommodation, independent living with drop-in support and an adult respite service.

On 19 July 2011 Her Excellency Professor Marie Bashir, Governor of New South Wales, declared open Sylvanvale's Mikarie Child Care Centre. This centre is the first of its kind in the area and will provide 59 much-needed child care places within the Sutherland shire. The centre is an integrated child care centre where children, with and without disabilities, learn and play together. Sylvanvale's vision is that this will create a future with greater acceptance of people with disabilities and acknowledgment in the community that we all have the same rights as one another.

The Mikarie Day Care Centre will offer children a safe, supportive and inclusive environment with all the benefits of a mainstream child care centre. Sylvanvale's vision is that through the centre it will influence the community's views on people with disabilities. The vision is if we can begin to change people's perspective we can provide real opportunities and more importantly social inclusion. Each child at the centre will have a specific program tailored to their needs. Children with disabilities will receive individualised services in an environment where they can enjoy the same style of early childhood education as their peers. Children without disabilities will participate in a highly staffed premium quality program.

On 23 June I attended Sylvanvale Foundation's annual gala dinner at the Cronulla Sutherland Leagues Club in my electorate. I was proud to be there when the Minister for Disability Services, Andrew Constance, announced that the O'Farrell Government would provide Sylvanvale Foundation with \$100,000 towards purchasing equipment for the integrated long day care centre. I also pay tribute to my constituent Lorna Stone. Lorna has been a Sylvanvale board member and chairman since 1999. In 2010 she received a Cook Community Classic award recognising her outstanding work with Sylvanvale.

Lorna has a long history of community work and a background in education, and that long history has included her presidency of the Women's Pioneer Society of Australasia, her directorship of the Hospital Contribution Fund of Australia, until a recent retirement 10 years as a trustee of Hospitals Contribution Fund of Australia Limited Health Medical and Research Foundation, her former service on Sutherland Shire Council, her former membership of this place as the member for Sutherland, and her former membership of the Community Welfare Appeals Tribunal. I offer my congratulations to Lorna and the team at the Sylvanvale Foundation. I am sure that last week's award of the most outstanding community service will not be the last time we see Sylvanvale recognised for its great work.

SYDNEY FILM CENTRE

Ms CLOVER MOORE (Sydney) [1.51 p.m.]: Today I wish to speak about an issue important to the cultural life of our city and important to many of my constituents, and that is the need to establish a film centre in Sydney. New South Wales is the confirmed leader of screen production in Australia. Screen production generates \$434 million a year and accounts for 66 per cent of all national drama production. More than 1,400 film and television-related businesses are located in New South Wales, employing more than 6,800 people and generating income in the vicinity of \$1.3 billion each year. Film remains the most popular and frequently attended art form for Sydneysiders. Yet, unlike Melbourne, which has the Australian Centre for the Moving Image; Canberra, which has the National Film and Sound Archive, and Queensland, which has the Cinematheque at the Gallery of Modern Art, Sydney has no hub for film culture.

There is no permanent year-round institution with an exhibition and curatorial focus on the history of the moving image and its various forms: cinema, television, digital media, the depth and breadth of current international and Australian film production and the representation of innovative trends in screen based media. Sydney deserves its own film centre and a group of distinguished writers, performers and directors approached me recently with a proposal for one. Director, Gillian Armstrong, producer, Jan Chapman, TV presenter Margaret Pomeranz, Australian Film, Television and Radio School Chief Executive Officer, Sandra Levy, Sydney Film Festival's outgoing director, Clare Stewart, and its Chief Executive Officer, Leigh Small, have formed the Sydney Film Centre Committee to work to make the centre a reality.

Their proposal is supported by film industry luminaries Dr George Miller, Cate Blanchett, Bryan Brown, Jane Campion, Toni Collette, Andrew Denton, Robyn Nevin, Guy Pearce, Richard Roxburgh, Geoffrey Rush and Peter Weir as well as organisations including the National Film and Sound Archive of Australia, the Motion Pictures Distribution Association of Australia, Australian Independent Distributors Association and Metro Screen. Members can see that there is incredible support for this initiative. A film centre would provide an exciting hub for film and contribute to Sydney's creative culture. It would be a place for staging major film exhibitions and events. The National Film and Sound Archive would have a place in Sydney to screen its extensive archive including its recently acquired film Australia archive. The centre would provide opportunities to screen classic and contemporary film that may otherwise not be seen in Sydney.

Facilities would enable people to watch films on demand using digitised technology. With the expansion of new delivery platforms the idea of film now broadens to embrace television, digital and other multiplatform media from the internet and mobile media to games. The era of fast culture and rapid redundancy makes it essential to have a centre with dedicated facilities that present technologies of the past while embracing the innovative platforms of the future. The centre could be a place where education programs are run for schools as well as other film-related education activities. It would provide a meeting place for film makers and people interested in film—informally and formally—with talks, lectures, film discussion groups and an office space for film-related organisations.

A Sydney Film Centre would be a dynamic focal point for visitors interested in the filmed history of this country, for film lovers wanting to learn about great cinema from the past and the present, and for audiences curious about the possibility of the many forms of the moving image. The centre would have museum status, enabling it to borrow from international organisations such as New York's Museum of Modern Art, Paris's Cinéma-thèque Française and numerous well-established centres in many countries around the world. Speaking on behalf of the Sydney Film Centre Committee, Margaret Pomeranz described the centre as:

An institution that will actively foster smart culture and become integral to the positioning of Sydney as Australia's leading creative city.

Sustainable Sydney 2030 outlines how the city of Sydney plans to put creativity at the heart of everything we do. We are working to build a creative Sydney, using streets, laneways and public spaces, and ensuring there are affordable places for artists. The city of Sydney has supported the proposal by contributing \$30,000 towards a feasibility study. The Sydney Film Festival will auspice the study, which will investigate the scale of a venue, infrastructure, operating model, possible locations and its benefit to the Sydney economy, culture and tourism. The feasibility study will help prepare a case to go to State and Federal Governments for support. A Sydney film centre would bring enormous benefit to Sydney's economy, cultural life and tourism, and I call on the Government to support this initiative and commit to future funding.

ORANGE ELECTORATE WINERIES

Mr ANDREW GEE (Orange) [1.56 p.m.]: Much has been said in recent months of the significance of food and wine in the Orange electorate. The *MasterChef* winner, Kate Bracks, certainly brought the city of Orange to the fore on the fine food front. In addition, the wine show season has resulted in great recognition for a number of wineries in the electorate and to individuals who have achieved excellence in the industry. Only last week Mudgee winemaker Jacob Stein was presented with the inaugural encouragement award for up-and-coming riesling winemakers at the 2011 International Riesling Challenge in Canberra. The award, for winemakers in their first seven years of working, was bestowed on the young Mudgee man who is following in the illustrious steps of his father and grandfather in the wine industry.

Stein's wines have won many medals for all varieties, including a bronze medal at the internationally renowned London Wine Show, but it is riesling that the next generation of the Stein family says is his favourite drop. The winery's 2011 half dry riesling and its 2011 reserve earned gold medals in competition, which marked Jacob Stein as a winemaker of the future. Jacob has been the winemaker for Robert Stein Winery Rieslings for the past three years after he returned to the family property at Budgee Budgee just outside the town of Mudgee. These wonderful results have been achieved in a year that Jacob has described as a difficult year when many wineries were not issuing wines from the riesling variety because of environmental factors that adversely affect the thin-skinned riesling grape variety. Stein's recognition for producing a top-class riesling comes in a variety that is not widely recognised for Mudgee adds to its diverse and well-respected range and variety of wines that attract tourists from far and wide.

In the Orange electorate, Logan Wines is toasting its success with its 2009 cabernet merlot at the 2011 New South Wales Wine Awards. Peter and Hannah Logan were delighted to win the best young red blend at the awards function held recently at the Sydney Opera House. This win was produced from grapes grown at an altitude of more than 800 metres in the rich deep volcanic soils on the north-facing slopes of their Mount Canobolas vineyard. Many other winemakers are doing great things in the Orange electorate: James Sweetapple from Cargo Road Wines at Orange is one such person. His dedication and contribution to the local wine industry cannot be overestimated. I commend all of these achievers in the Central West wine industry. No doubt they will continue to make great contributions to the economy of the Central West well in to the future.

[The Acting-Speaker (Ms Melanie Gibbons) left the chair at 1.58 p.m. The House resumed at 2.15 p.m.]

ADMINISTRATION OF THE GOVERNMENT OF THE STATE

The SPEAKER: I report the receipt of the following message from the Administrator:

T F BATHURST
Administrator

Office of the Governor
Sydney, 16 October 2011

The Honourable Thomas Frederick Bathurst, Administrator of the State of New South Wales, has the honour to inform the Legislative Assembly that he assumed the administration of the Government of the State at 8.25 a.m. on Sunday 16 October 2011.

BUSINESS OF THE HOUSE**Notices of Motions**

Government Business Notices of Motions (for Bills) given.

QUESTION TIME

[Question time commenced at 2.20 p.m.]

KEMPS CREEK RADIOACTIVE WASTE SITE

Mr JOHN ROBERTSON: My question is directed to the Premier, and Minister for Western Sydney. Will he stand by his statement that dumping radioactive waste at Kemps Creek in western Sydney is "stupid, a threat and not the way any government ought to be behaving" and rule it out?

Mr BARRY O'FARRELL: I thank the Leader of the Opposition. I remember this issue well. This morning I was amused, as I often am, by an ABC Radio report which cited a breathless Leader of the Opposition saying, "The O'Farrell Government, if they're serious about this, should be investigating other alternative locations for this radioactive waste, including interstate and overseas." It sounded as though this material has only just been discovered. I seem to remember that this was discovered on the watch of the former Labor Government. I seem to remember that its cause was championed in its place by the former member for Castle Hill. I seem to remember that Labor members were incredibly deaf to the concerns of people in Castle Hill and western Sydney throughout that process.

Indeed, the former Premier and member for Heffron had to be dragged, kicking and screaming, by opinion polls just before the 2011 election to initiate a review. I inform the House that the site at Nelson Parade, Hunters Hill, was used by a private company, the Radium Hill Company, to process uranium in the early part of last century. Some of the waste of that process remains on site and contains some residual radiological material. The original polluter, the Radium Hill Company, no longer exists, so the Government purchased the properties at numbers 7, 9 and 11 Nelson Parade. The State Property Authority is managing remediation.

The State Property Authority has been investigating disposal of waste to determine the most appropriate option. From the information provided to the authority on investigations undertaken by the former New South Wales Labor Government, Kemps Creek was determined to be the most appropriate site at which to dispose of the waste. However, instead of acting on that advice, Labor let the waste stay at Hunters Hill—costing taxpayers hundreds of thousands of dollars in delays. When we came into government we received advice that disposal of waste at Kemps Creek was the only option. In the light of the community's concern, the Minister for Finance and Services commenced a review of all available options, including interstate, Federal and international disposal. Rest assured we will leave no stone unturned. Let me be clear: My view remains that this waste should not be dumped at Kemps Creek. Labor wanted to dump it on western Sydney. Yet again, it has been left to my Government to clean up their mess, in this case literally. A decision will be made in the near future.

DHARAWAL NATIONAL PARK

Mr LEE EVANS: My question is addressed to the Premier. What progress has the Government made on the establishment of Dharawal National Park?

Mr BARRY O'FARRELL: I thank the member for Heathcote for his question and long-term commitment to the State's environment. I am delighted to inform the House that we have achieved a significant milestone in the creation of Dharawal National Park, which, hopefully, will see this new national park established by the end of the year. I am delighted that BHP Billiton has modified its planning application for the Bulli coal project to exclude the area of the proposed Dharawal National Park. The Government also has informed other holders of mineral and petroleum exploration interests in the area of its intention to create a national park in which mining activities will not be allowed to take place. This is a win-win situation: it is good for the environment and it is good for jobs. It will protect the current mining-associated jobs—mining activities cover 1.3 per cent of the State conservation area—while preserving the remaining 98.7 per cent forever as national park free from mining.

The national park will be established without any depth restrictions. This means no mining, no fracking and no coal seam gas extraction. The creation of Dharawal National Park will be a big win for the local community, which has fought for many years for the protection of the area. At the same time, jobs and investment in the Illawarra have been protected. This has been done at no cost to taxpayers and with no compensation and no deals. The national park will protect an iconic part of the Illawarra escarpment and preserve forever its extraordinary biodiversity, including endangered plants and animals such as Sydney's largest surviving koala population—outside of the front bench opposite.

I have been out there and walked this area, as has the Minister for Roads and Ports and the Minister for the Environment, who has done a terrific job on this initiative. I urge everyone to get out there and have a look at an incredible part of the natural environment of this State. Talking about people who have visited this area, one such person was that avid bushwalker and sometime State Premier Bob Carr, who did so in November 1993 when he was Leader of the Opposition. I just happen to have with me a copy of the *Macarthur Advertiser*, my usual bedside reading matter, which details that trip. It actually shows Bob Carr drinking—something that is not often seen. He is drinking from a pool of water at O'Hares Creek. Mr Carr said at the time, in the lead-up to the 1995 election when this area was fully located within the electorate of Camden:

The Dharawal National Park will be created in the first year of a Labor Government. This park is needed to protect the Georges River catchment from pollution.

Was it created in 1995, the first year of the Labor Government? No. Was it created in the first term of the Labor Government, which ended in 1999? No. For 16 years Labor failed to deliver on that promise.

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

Mr BARRY O'FARRELL: We have done in six months what it failed to do in 16 years, that is, protect this critical area, which includes 2,000 upland swamps, rich in plant and animal life, that feed pristine water to O'Hares Creek, the headwaters of the Georges River—from which the former Premier drank. The area is home to 20 endangered or vulnerable animal species—and I am not talking about those opposite—such as koalas and eastern pygmy-possums and three nationally significant plant species. The Dharawal also contains, as I have seen, significant Aboriginal cultural material, including sites as well as magnificent rock art. When this project is established the community will have improved visitor access so that they can enjoy the park's most outstanding natural and cultural features such as natural swimming holes, waterfalls and stunning gorges. We have plans to declare it a national park by the end of the year, which hopefully will allow families to enjoy this wonderful piece of New South Wales during the summer holidays.

ELECTRICITY COMPANY DIVIDENDS

Mr JOHN ROBERTSON: My question is directed to the Premier, and Minister for Western Sydney. Why has the Premier deserted the struggling families of western Sydney by breaking his promise to put a freeze on the dividends paid by electricity companies to the State Government?

Mr BARRY O'FARRELL: I welcome this question because, once again, the Leader of the Opposition is absolutely wrong. The problem with those opposite is that they cannot work out budget papers from statements of corporate intent. I will give an example. The member for Toongabbie would like to be the Leader of the Opposition but caucus will not let him. A statement of corporate intent is what an agency may want but the Government decides what it will get. We detail what agencies will get in the budget. It is

fascinating to compare this year's budget with last year's budget. For instance, the excellent budget delivered by the Treasurer a couple of months ago outlines the dividends for 2011-2012 are forecast to be \$696 million.

Mr Nathan Rees: Shame.

Mr BARRY O'FARRELL: I acknowledge that interjection from the would-be leader opposite, because that is \$207 million lower than he proposed in last year's budget. This year's budget details that in 2012-13 the dividends will be \$905 million—\$239 million lower than in the former Government's last budget. In the 2013-2014 dividends, according to this year's budget, they will \$808 million—\$246 million lower than last year's figure. Rather than being higher they are lower and rather than being greater they are lower than those proposed opposite. What is the impact? Clearly it follows that under those opposite, with their high dividends, power prices would have been greater. We are not talking about an increase but a \$696 million reduction in dividends that were set by those opposite.

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

Mr BARRY O'FARRELL: Our election commitment was that there would not be any increase in electricity dividends above current budget levels in our first term of government, and with all the savings to be delivered to electricity customers. We are honouring that commitment to the tune of \$692 million compared with what was proposed by those opposite. It is a fantastic question. It disproves once again the claim of the Leader of the Opposition when he became the Leader of the Opposition that he would be the hardest working Leader of the Opposition in the State's history. He cannot read the budget papers—or is it another case where the member for Maroubra has done the research for him?

It is not just the member for Toongabbie who has his statement of corporate intent but it is also the member for Maroubra. In fact, there are so many people on the Opposition benches who want the job of Leader of the Opposition that they cannot get a quorum in caucus. I am delighted to have that question. I am delighted to set the record straight. I am delighted to once again prove they have got it wrong because they have pulled this trick once before, and that was in relation to the dividends to be paid by Hunter Water. As with these electricity dividends, they do not know the difference between a statement of corporate intent—in other words a kid's Christmas wish list, or in this case the Christmas wish of the member for Toongabbie—and what is decided in the budget, because the Government signed off on it.

HIGHER SCHOOL CERTIFICATE EXAMINATIONS

Mr JOHN FLOWERS: Will the Minister for Education update the house about the Higher School Certificate examinations that commence today?

Mr ADRIAN PICCOLI: I thank the member for Rockdale for his ongoing interest in education. Today is a terrific day as it is the start of the Higher School Certificate exams.

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

Mr ADRIAN PICCOLI: A record number of students are doing the Higher School Certificate this year, with more than 72,391 enrolled. We are heading towards our terrific State Plan targets that were launched by the new Government a couple of months ago, one of which is to improve year 12 completion rates, particularly for students in disadvantaged areas of New South Wales. It is great news that more than 72,000 students are doing the Higher School Certificate. On behalf of the all members of the House I wish all of them the very best. For the benefit of the Minister for Tourism, the member for Upper Hunter, who is very proud of his Greek heritage, I advise that the first two subjects in the Higher School Certificate today are classical Greek and business studies. I do not think many people would miss the irony. Perhaps they should be held at separate times so students can do both subjects. More than 760 exam centres are in Australia and around the world, with 117 different exam papers. The member for Toongabbie interrupts. I still have the menu from the other day. On that famous lunch on the day of the strike out in the Domain the member for Toongabbie ordered revenge. He made a special request that it be served cold.

The SPEAKER: Order! The Minister will return to the question.

Mr Nathan Rees: Point of order—

The SPEAKER: Order! I have asked the Minister to return to the question.

Mr Nathan Rees: I would like permission to use those lines.

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

Mr ADRIAN PICCOLI: This is a significant day for all those students. The message is that this is a series of important examinations but it is not the end of the world. In three weeks time when the examinations are finished life goes on irrespective of the result that students achieve. Those students should also bear in mind that half of their assessment has already been made during years 11 and 12. It is important for them to know that these examinations are not the be all and end all. It is also important for parents and friends of New South Wales students doing the Higher School Certificate to be there to support them during this very stressful time for them and to listen when they talk about what they are pleased and not pleased with.

We are very proud of the New South Wales Higher School Certificate. It is an internationally recognised examination also conducted in Hong Kong, Indonesia and Malaysia, which is fantastic. Last week when I was in Dubbo with the member for Dubbo we attended an event at Delroy Campus, part of Dubbo College, and talked about the wonderful retention rates achieved for Aboriginal students at the college. One of the most important things about getting results in the Higher School Certificate is making sure that we have got great teachers teaching students important lessons. Today the *Sydney Morning Herald* reported an accurate but somewhat disturbing report about the performance of schools, particularly in disadvantaged areas. The article quoted me saying that it is not just about money but it is also about teacher quality. The Greens have condemned me for saying that.

I want to put a couple of things on the record. Do not listen to me when I say how important it is to have quality teaching; the McKinsey report about how the world's best-performing school systems come out on top states: "... the quality of an education system cannot exceed the quality of its teachers". The result of 1996 study showed that as teacher effectiveness increases, lower achieving students are the first to benefit. It is getting boring to criticise the Australian Labor Party so it is times for The Greens. The Greens are so one dimensional. All the problems in the world can be solved by more money. They do not want mining or agriculture to occur but all they want is more money. Teacher quality is so important and I commend the teachers in our education system. [*Time expired.*]

Mr JOHN FLOWERS: Does the Minister want more time to elucidate his answer?

The SPEAKER: Order! The Minister has an additional two minutes to give further information. The Leader of the Opposition will come to order.

Mr ADRIAN PICCOLI: I thank the member for Rockdale because he loves to hear criticism of The Greens. In a background paper "Teachers Make a Difference: What is the Research Evidence?" John Hattie stated:

[Teachers] account for about 30 per cent of the variance [in student outcomes]. It is what teachers know, do, and care about which is very powerful in this learning equation.

It is critically important to have high-quality teachers at the front of our classes. Last Friday in Melbourne I attended a meeting of the ministerial education council. The day before I gave a presentation on behalf of New South Wales about the rural remote education divide, comparing remote rural students with those from metropolitan parts of Australia. Teacher quality was a significant part of it. This Government and the governments of the other States provide incentives to get teachers into hard-to-staff schools, particularly in remote parts of Australia, but the key is to make sure that we have the right teachers in those classrooms.

Today's *Sydney Morning Herald* reported on the performance of particularly year 9 students in more disadvantaged areas of New South Wales and showed that the real key is to get highly qualified teachers and

those with the right experience into those more difficult to staff schools. That is the challenge in education. This State and the Commonwealth spend a lot of money in education but it is really about getting quality teachers in front of classrooms. I pay special tribute to the teachers in New South Wales who have done a wonderful job preparing Higher School Certificate students for this year. I thank all teachers across New South Wales in both government and non-government sectors for all the hard work they do in supporting students in New South Wales.

The SPEAKER: Order! The member for Murray-Darling will come to order.

ELECTRICITY COMPANY DIVIDENDS

Mr MICHAEL DALEY: My question is directed to the Treasurer. Given the Premier's promise to freeze electricity dividends, can the Treasurer explain why his signature is on a document to increase dividends from Endeavour Energy by \$113 million?

Mr MIKE BAIRD: It is great to have the member for Maroubra back after the weekend—another weekend when he has had a chance to watch re-runs of *The Office* so he can get up to speed with what is going on in middle management. I can imagine the discussion that went on this morning when Luke Foley, a member from the upper House, said, "Listen, I've got this issue. What do you think? I might run with it", and the member for Maroubra said, "Well, good idea. Out you go, Mr Foley." Another thing that Labor is not used to doing is delivering on election commitments. If you promise something before the election, you do it. But Labor does not understand that. Before the election we said that there will be no increase in electricity dividends above current budget levels in our first term of government.

The SPEAKER: Order! The Leader of the Opposition will come to order. The member for Mount Druitt will come to order.

Mr MIKE BAIRD: The budget shows that the dividends for 2011-12, as the Premier said, are forecast to be \$696 million—\$207 million lower than forecast in last year's budget. The savings go on and on because we are doing what we said we would do: ensuring lower dividends in our electricity sector. The Statement of Corporate Intent—

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

Mr MIKE BAIRD: The Statement of Corporate Intent is a forecast by the company of its capacity to pay. The actual dividends are paid following discussion between the company and its shareholders, and the Government has decided that it will deliver on its commitment. Where are the details of those dividends? They are in the budget papers.

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

Mr MIKE BAIRD: For the information of everyone in New South Wales the Opposition needs to put out a press release that says, "We have not read the budget papers". Rather than pretending every day that they have done so, those opposite should just tell everyone the truth. Why would they look at the budget papers?

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

Mr MIKE BAIRD: There are numbers and details in the budget papers about the finances of this State. If Opposition members were interested, they would look at it. But they would have no chance of finding the information because we know they did not get to page three of the Executive Summary, and this is in Budget Paper No. 2. If this matter came up in January or February next year they might have got to Budget Paper No. 2 by then. But I will give them a heads-up: it is table 5.10. What I love about this is the member for Maroubra knew that; he read the information but he did not pass it on to Luke Foley in the upper House. Table 5.10 has the dividend numbers, and if Opposition members were to pull out the papers from the last budget they would see that dividends are lower. It is not complicated. I am surprised that Opposition members have the hide to go on radio and talk about electricity prices, because every member of this House doorknocked in street after street and they heard people ask: Why did State Labor put up electricity prices 60 per cent over the last five years?

The SPEAKER: Order! Members will come to order.

Mr MIKE BAIRD: I can answer that question: It is because Labor cannot manage anything. Rather than investing in infrastructure to ensure the ongoing reliability of the electricity sector, Labor grabbed the money and ran. Now members of the Labor Party tell the people of New South Wales that suddenly they are interested in electricity prices. But the train has left the station, because their mismanagement has condemned every household in this State to higher prices.

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

Mr MIKE BAIRD: The good news is that the O'Farrell Government is on to it. Not only will we reduce dividends but we are in the midst of looking at a number of ways to produce savings in the electricity sector.

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

Mr MIKE BAIRD: Households across the State will no longer have to put up with the mismanagement that went on for the past 16 years. This Government cares about electricity prices and is doing all it can to lower them.

WESTMEAD HOSPITAL GENERAL PRACTITIONER CORRESPONDENCE BACKLOG

Mr TONY ISSA: My question is directed to the Minister for Health, and Minister for Medical Research. What has the Government done about the backlog of general practitioners' letters at Westmead Hospital left by the previous Government?

Ms Linda Burney: I liked that other T-shirt.

Mrs JILLIAN SKINNER: No T-shirts today. This is a very serious matter, and I thank the member for Granville for this very important question. The issue relates to a revelation made on 27 September in the *Daily Telegraph* in a front-page story that highlighted concerns from general practitioners who had not received letters from specialists at the Westmead Hospital Cancer Centre in relation to their patients. It was said that 700 follow-up letters dating back three years had not been sent. That is simply unacceptable. As everyone knows—and all members will acknowledge—the link with general practitioners for the follow-up care of their patients is critical. When I discovered the existence of this backlog I immediately required Westmead Hospital to clear it. I gave the hospital three weeks to clear the backlog. I told the hospital that if it had to employ extra administrative staff to do the work, so be it because the situation was simply unacceptable. The backlog was revealed only because one general practitioner wrote about the situation in the *Australian Medical Journal*, and I only just discovered it.

Ms Linda Burney: So you didn't discover it.

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

Mrs JILLIAN SKINNER: The situation goes back three years—when the former Labor Government was in office. Members may be interested to note that only this morning I discovered that the backlog of follow-up letters was not 700; under Labor's jurisdiction, the backlog amounted to 1,790 letters. It is absolutely unacceptable. Labor tried to sweep the matter under the carpet, pretend the backlog was not there and let those general practitioners forget they ever had a patient who needed feedback from their specialist. I am extremely pleased that I demanded the backlog be cleared. I gave the hospital three weeks to do so, and the three weeks is up next week.

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

Mrs JILLIAN SKINNER: I congratulate Westmead Hospital's administrator on clearing the backlog by today—a week ahead of the deadline I gave them.

The SPEAKER: Order! I call the member for Canterbury to order. She will cease interjecting.

Mrs JILLIAN SKINNER: This shows what can happen when a Government insists on open, transparent and accountable behaviour when there sufficient staff are employed to make sure that processes are followed properly.

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

Mrs JILLIAN SKINNER: This follows a time when the former Labor Government cut back on staff in western Sydney, particularly nurses, which meant they were run off their feet. I am very pleased to say that the almost 1,800 letters have now been typed up and sent to general practitioners. It can be guaranteed that this will not happen again because the hospital is switching to a new outsourced transcription service that has been in place for some time but was not implemented by the former Government. The rule now is that these letters will be sent to the outsourced transcription service, which is deemed faster and more reliable, so we will never again have a similar backlog.

A statewide audit of other specialist reports to general practitioners has been undertaken regarding pathology, imaging and cancer services, and I expect a comprehensive reply in relation to that and what is being done about it next week. I pay particular tribute to those at Westmead Hospital because this has been a very difficult time for them. They are now putting patients first and they are getting on with the job we gave them. In fact, I recently received a couple of letters from patients and their families indicating how grateful they are to clinical staff, in particular, at the hospital. One of those letters, which is addressed to me, states:

We wish to express our sincere gratitude and appreciation of the staff and services of Westmead Hospital. All too often we hear media comments & stories of negativity regarding Westmead Hospital ...

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

Mrs JILLIAN SKINNER: The letter continues:

... & after our third experience with the hospital in as many years, we have nothing but absolute praise to share about your services and staff.

In June 2008, we were booked for a c-section to deliver our first child, due to complications with the pregnancy. Being our first experience not only with the impending birth/parenthood but also interactions with hospital services, we were daunted by what awaited us (fear of the unknown). But this anxiety was alleviated by all whom we came into contact with.

I have many similar letters. I congratulate the medical staff and administrators at Westmead Hospital, who have risen to the occasion and who are now dealing with the horrors left by the former Government.

STATE REVENUE

Mr GUY ZANGARI: I direct my question to the Premier, and Minister for Western Sydney. In light of his pre-election commitment that a Coalition Government would help to reduce the cost of living in New South Wales, how will advocating an increase in the GST assist already struggling families in western Sydney?

The SPEAKER: Order! Opposition members will come to order. One of their number has asked a question and they should listen to the answer. Given that it was asked by the member for Fairfield, he in particular should be concentrating on the answer.

Mr BARRY O'FARRELL: We know when they are on the run—they hand the question to the backbenches. What I remember most about the State election campaign—that is, the one the member for Heffron led for the Labor Party—is the Fairness for Families package. At five minutes to midnight and after 16 years in office, the Labor Party finally committed to delivering on Bob Carr's 1991 election promise. As the Treasurer just said, the Labor Government ripped off more in electricity dividends than some members in this place have had hot meals—but I will not name them, including myself. The hypocrisy of members opposite is extraordinary. The Coalition made a commitment that when in government it would not rip off electricity dividends in the way the Labor Government had done.

Mr Guy Zangari: Point of order: I refer to Standing Order 129, relevance.

The SPEAKER: Order! I understand Standing Order 129. The Premier is only 30 seconds into the answer and I will accept some introductory remarks, which is standard practice. I am listening to the answer with regard to its relevance.

Mr BARRY O'FARRELL: I am addressing the cost pressures facing families. I said during the election campaign that a Coalition government would freeze electricity dividends. As the Treasurer and I have indicated today, this Government will collect \$692 million less in electricity dividends than members opposite

collected when they were in government. That will have a big impact on the power bills of New South Wales families. The point I made yesterday, and the point the Treasurer made at the tax summit and at the Menzies Research Centre meeting on Friday, is that we cannot have the Federal Government talking about scrapping inefficient State taxes and not putting compensation on the table.

As the Treasurer said, if the \$13.2 billion raised in petroleum and fuel excise across Australia were allocated on a pro rata basis, New South Wales would get about \$4.5 billion, not the \$1.3 billion we get each year. If stamp duty—which is an impost on people's homes—payroll tax and land tax were to be abolished, what will fill the void? That void would need to be filled in order to pay the police, teachers and nurses across this State who provide the vital services that families in Fairfield, Ku-ring-gai and the 91 other electorates across New South Wales rely upon.

I will continue to argue for a fair share for New South Wales. Contrary to the suggestion made by the Federal Treasurer, that does not mean the abolition without compensation of State taxes upon which State services depend. The Treasurer told the tax summit in Canberra that New South Wales would abolish the so-called "inefficient" State taxes, but only if the Federal Government put something on the table. But he got nowhere. He and the Queensland Treasurer—another Andrew Fraser, although I am sure he is not as good as our Andrew Fraser—have been asked to prepare a submission on this issue.

The tax summit was yet another stunt perpetrated by a Federal Government that is desperate to show the public that it is doing something. That is the same approach that resulted in the passage last Thursday of the Clean Energy Future Bill 2011—the carbon tax bill—which is the worst piece of legislation ever to be rushed through Federal Parliament. The carbon tax will hurt western Sydney more than any other place in this country. People in western Sydney will get less compensation than anyone else in the country because, as I have said previously, salaries and costs in Sydney tend to be higher.

Mr Michael Daley: Point of order: The Premier has 38 seconds of speaking time remaining and not once has he referred to increasing the rate of GST above 10 per cent.

The SPEAKER: Order! I have been listening very carefully and the Premier's answer has been relevant to the question.

Mr BARRY O'FARRELL: Not only will the carbon tax cause job losses, it will also lead to higher prices. This Government will continue to argue for a fairer approach to taxes because, regardless of whether they are inefficient State taxes or other taxes, they push up costs.

TAXATION POLICY

Mr DOMINIC PERROTTET: I direct my question to the Treasurer. What action is the Government taking to secure a fairer tax deal for New South Wales?

Mr MIKE BAIRD: I thank the member for Castle Hill for his question, for being a reformer and for being interested in responsible economic management. The New South Wales Government is taking action to secure a fairer tax deal for the people of this State. This is a critical issue and the Government is happy to pursue it. Families and businesses across New South Wales could be excused for believing that Federal Labor's approach to tax reform is simply to introduce and increase taxes. That was the approach taken by the State Labor Government during its 16 years in power. At last count, 19 taxes have been introduced or increased since 2007. That contrasts sharply with the O'Farrell Government's record in government so far. Within six months of coming to office, this Government has abolished Labor's homebuyers' tax, amounting to \$400 million, tick; reduced payroll tax payable through the Jobs Action Plan, tick; and extended the stamp duty concession for empty-nesters, another tick.

Why have we done that? Members on this side of the House understand that a competitive economy will ensure economic growth, and this Government is trying to make New South Wales as competitive as possible. It was with some scepticism that we participated in the recent tax summit in Canberra. We were determined to take a constructive approach, although we did have low expectations given the many caveats that were applied. We were not allowed to discuss the carbon tax. That is not surprising because, as we have heard from the Premier, it will cost this State \$1 billion over the forward estimates. Nor were we allowed to discuss the GST or the mining tax and its impact. However, we did point out that the New South Wales Government will continue to go to Canberra to fight for a fairer share for the people of this State.

Ms Noreen Hay: Rubbish.

Mr MIKE BAIRD: The member for Wollongong says "Rubbish".

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

Mr MIKE BAIRD: Is there anyone else who does not want a fairer share for the people of this State? Surely that is exactly what members want. I will press on without the member for Wollongong in the fight for a fairer share for the people of New South Wales. This Government took four recommendations to the tax summit. I know that members opposite do not read financial stuff.

The SPEAKER: Order! The member for Murray-Darling will stop inciting the member for Wollongong.

Mr MIKE BAIRD: The first recommendation was that surplus revenue should be returned to the States. That is exactly what we are doing in New South Wales; if there is surplus tax revenue, this Government will invest in infrastructure. In the early days of Federation, any surplus tax revenue was returned to the States, but I know there is not much risk of Federal Labor agreeing to do that. This Government also said that the States should be sharing in the most efficient taxes. That is a very simple proposition. We also suggested that a portion of income tax should be quarantined so that we can get rid of stamp duty and insurance taxes. If that were to be implemented, we would have more efficient taxes and a more reliable income source. We also recommended that changes be made to the distribution of the fuel excise. The Federal Government will raise \$13.2 billion from fuel excise in New South Wales in 2011-12. What will we get in return for investment in roads? We will not get \$10 billion, \$7 billion or even \$5 billion; we will get \$1.3 billion.

State Labor was very quiet about excise tax on the fuel levy when it was in power. But our per capita share is \$4.3 billion, and that is exactly what we should argue for: a fair share of the excise tax and more efficient taxation. We also argued for removing tax incentives to infrastructure investment. A person who invests in superannuation gets a concessional tax rate and a person who invests in infrastructure should get a similar tax rate to encourage more funding for infrastructure. We said that there should be a genuine discussion about detailed tax reform, and there has been some progress in this area. I am delighted that the Federal Treasurer has acknowledged that a serious discussion is needed. I will work with Queensland Treasurer Andrew Fraser on this issue.

But what was the one thing missing from the tax forum? It was the Opposition. Not only were Opposition members not invited but they made no submission to the forum. I would have thought if Opposition members wanted to talk about tax in any way, shape or form they would have submitted a detailed proposition on what they want to do with the tax system in this State. But they did not do that. Despite the Opposition and the member for Wollongong, the Government is going to get on with it and argue for a fairer share of tax revenue for this State. The Government will put the people of this State first. It is about time we stood up to Canberra and got a fair deal for New South Wales.

LAMAN STREET FIG TREES

Ms LINDA BURNEY: My question is directed to the Minister for the Environment. Why will the Minister not intervene in the Laman Street fig trees debacle and put an interim heritage order in place so that an independent assessment of the trees can be completed?

Mr Barry O'Farrell: It is a local council issue.

Ms Linda Burney: She has the power.

The SPEAKER: Order! The member for Canterbury has asked the question. She will resume her seat.

Ms ROBYN PARKER: Has the member for Canterbury always been nasty or has it just happened since the election? I thought I would be asked this question because the member for Canterbury popped up in Newcastle at the weekend and was grandstanding with a megaphone, for those who do not know. Unlike the member for Newcastle and I, who are very familiar with this issue—there is a row of fig trees in Laman Street.

[Interruption]

If you ask a question why don't you listen to the answer instead of squawking on and on? Council has been discussing the issue of what to do with the fig trees in Laman Street since 2008. There have been differing views about whether they are safe or pose a risk and should be removed. The council has voted to get rid of the trees, voted to rescind getting rid of the trees and voted to rescind the rescission motion. This has gone for on a long time, and we have now reached an impasse. Last week the council decided to remove the trees. For the benefit of the member for Canterbury who does not understand how legislation works, the council is using—

Ms Linda Burney: I do.

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

Ms ROBYN PARKER: Lesson one: The council is using section 88 of the Roads Act, which of course switches off other legal requirements and overrides the Heritage Act. Lesson two: The Government holds a different philosophical view to that of those opposite. It believes local government and local communities should determine their own outcomes. Most people felt it would be okay to have one more review, which is what the council was going to do before it rescinded—

Ms Anna Watson: You are so out of your depth, Robyn.

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

Ms ROBYN PARKER: Talk about a bad joke. In 2010 the council identified the trees as local heritage items. But it did not put the fig trees in its local environmental plan so they are not considered to be heritage items. I have considered the issue from my perspective as Minister for the Environment, and there is nothing I can do about it.

[Interruption]

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

Ms ROBYN PARKER: The member for Canterbury may not have a megaphone now but she still cuts through the noise by squawking. As Minister for Heritage, I could impose an interim heritage order but that would not necessarily save the trees. The council is able to revisit this issue and to consider it sensibly. I congratulate the member for Newcastle on bringing people to the table. We have been talking to all groups and appealing for a possible way to conduct one more independent assessment that all groups sign up to and agree should be the final arbiter. That is probably what the majority of the community want: people want the issue resolved and they want it resolved locally by their council. I am sure that a resolution will be found. We do not need Opposition members with megaphones trying to score political points. We know locally what needs to be done, and it is within the council's capabilities and capacity to do it. Everyone needs to agree that if there is a final review regarding the trees, whatever decision is reached will stand. We will continue to assist local government. The member for Newcastle and the Premier have been intensely involved in this matter, and we hope that there will be a satisfactory outcome.

COAL SEAM GAS EXPLORATION

Mr KEVIN ANDERSON: My question is directed to the Minister for Resources and Energy.

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

Mr KEVIN ANDERSON: What action has the Government taken to meet its election commitments in relation to coal seam gas and competing land uses?

Mr CHRIS HARTCHER: I thank the member for Tamworth for his question.

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

Mr CHRIS HARTCHER: I acknowledge his outstanding work representing landholders and his efforts to ensure that everybody gets a fair go. This Government was elected on an ambitious platform of restoring strength to the State's economy. Our plan to deliver economic growth includes improved trade and export performance. New South Wales gas consumption is projected to grow significantly in the next 20 years and potential coal seam gas reserves represent over 250 years of gas supply at current levels. The gas

distribution network supplies natural gas to more than one million gas consumers. Gas is supplied to Sydney, Newcastle, the Central Coast and Wollongong, as well as to more than 20 country centres including those in the Central West, central Tablelands, south-west, southern Tablelands, Riverina and Southern Highlands regions.

Ninety-four per cent of the gas used in New South Wales is imported from interstate. Over half of our needs are met from Victoria, with the balance from South Australia. The Australian Energy Market Operator [AEMO] forecasts that additional pipeline capacity may be required in New South Wales from as early as 2013 and that additional production capacity will be needed from mid 2015. The projections indicate that in a few years the traditional flow of gas from Victoria and South Australia to New South Wales will be reversed; gas will need to flow from Queensland and New South Wales to Victoria and South Australia. The key reasons for this change are declining reserves in the traditional areas of supply, along with an increasing demand for gas.

If the introduction of the carbon tax sees brown coal fired generation in Victoria close down, this generation capacity will need to be replaced by gas-fired generation. There is not likely to be sufficient gas available to support this without Queensland and New South Wales gas production. Over the longer term the carbon tax will also put pressure on New South Wales to replace coal-fired generation with less carbon-intensive gas-fired generation. Therefore, more gas will be needed in New South Wales to meet future domestic demand. But our energy needs must be balanced with an ongoing requirement for food security and agricultural productivity. As outlined by my colleague the Minister for Planning and Infrastructure last Thursday, the Government's strategic land use policy ensures a better balance between competing land uses.

With global food demand predicted to more than double by the middle of the century, strategic management of our resources will be essential. Last week my colleague the Minister for Primary Industries detailed our commitment to the Office of Food Security and Agricultural Sustainability. In Queensland conflict has arisen in relation to land access arrangements between resource companies and individual landholders. This was due to a failure of the Queensland legislation. In New South Wales the rights of landholders have always been recognised in legislation. Access must be negotiated as proper terms of compensation and, failing negotiation, be determined by an independent arbitrator with the right of the dissatisfied party to appeal to the Land and Environment Court.

The New South Wales Government has announced that all new coal seam gas exploration and extraction licence applications will be subject to new rules. The Government will implement a ban on the use of BTEX chemicals as additives during coal seam gas drilling. An extended moratorium on fracking during coal seam gas drilling will be introduced until 31 December 2011 while a scientific and engineering review is conducted. The review will be supervised by the Chief Scientist and Chief Engineer. The Government will introduce new water access licence measures for extraction of more than three megalitres per year from ground water sources and a ban on the use of evaporation ponds.

New public consultation guidelines to increase transparency and accountability are being finalised. The New South Wales Government has a clear vision of the economic future of this State in order to increase our agricultural and resource output. What a contrast to the members of the Opposition. The member for Heffron, as Minister for Planning, consented to an exploration licence in her own electorate. As Premier, she then endorsed an extension to that. Do members know what she did last week? She issued a press release.

Mr Michael Daley: Point of order: The question was about the Government's election commitments. In five minutes the Minister has not responded to the question, which was how the Government is acting in accordance with those commitments.

The SPEAKER: Order! The Minister's answer was relevant to the question. The Minister has concluded his answer.

Question time concluded at 3.13 p.m.

PETITIONS

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

Walsh Bay Precinct Public Transport

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

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**.

The Clerk announced that the following Minister had lodged a response to a petition signed by fewer than 500 persons:

The Hon. Duncan Gay—Riverstone Rail Overpass—lodged 9 September 2011 (Mr Kevin Conolly)

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

Dharawal National Park

Mr JAI ROWELL (Wollondilly) [3.14 p.m.]: My motion in relation to the creation of Dharawal National Park should be accorded priority. Yesterday the Premier announced a significant milestone towards the creation of the Dharawal National Park, a national park that will preserve the beautiful stretch of land from Appin to Darkes Forest and from Maddens Creek to Stokes Creek. This motion should be accorded priority because it demonstrates that we are a government that delivers on its promises and highlights that those opposite did not when in government. Members opposite will no doubt voice their objections, as they sit with their diminished numbers after the people of New South Wales voiced their objections to 16 years of hollow Labor promises and neglect.

I refer to a hollow promise of Bob Carr as reported in the *Macarthur Advertiser*. The article features the then Premier, Bob Carr, pledging support for Dharawal to become a national park. This was way back in 1993. I refer to Bob Carr, sipping water, clearly indicating beyond doubt that he is an environmentalist. Of course, we should trust him. Shortly after that, he made a written pledge to save Dharawal and make it a national park. Would it surprise members if I told them that he broke that promise when he became Premier in 1995?

Government members: No.

Mr JAI ROWELL: No, of course not. And that is why this motion should be accorded priority. This motion does more than just preserve the pristine land that is the Dharawal for future generations to enjoy; it demonstrates that the Government can be accountable and will deliver on its election promises. During the election campaign I asked the now Premier to visit the site with me, along with a number of environmental groups in the Wollondilly region and my friends here in the Chamber the member for Oatley and the member for Heathcote. They are also passionate about Dharawal. The Premier was taken by its beauty. Recognising the importance of the site, he turned a one-hour visit into a four-hour hike. I thank the Premier and Minister Parker for taking time to visit the site in the walk to its declaration as a national park.

This motion should be accorded priority because those opposite might finally realise the significance of this announcement. It should be accorded priority because those opposite might realise how to deliver on their election commitments. The motion should be accorded priority because the people of Wollondilly, Campbelltown, Heathcote and Oatley have been waiting for more than a decade for something they were promised by those opposite that we will deliver for them. This announcement is beneficial for a number of reasons that those opposite need to appreciate.

If the Leader of the Opposition could take a break from holding onto his leadership by the skin of his teeth for just one moment and visit the site he would realise a number of things. First, he will need sunscreen for his head. Secondly, he will see the beautiful display of the local flora and fauna, the sacred sites that are unique to the Dharawal; the demand for this national park in the community; the advantage to local tourism; and the economic benefits for local towns and suburbs. This motion should be accorded priority because it demonstrates that we are a government that recognises the importance of getting on with the job and getting the balance right. This announcement is 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. Make no mistake: We will make New South Wales number one again. The motion should be accorded

priority because of the overwhelming support from the local community, environmental groups, media and elected representatives. The Georges River Environmental Alliance secretary, Sharyn Cullis, said it was "extremely regrettable" that the Labor Government had never honoured its 1993 promise. She has welcomed the support of the Liberal-Nationals Government. National Parks Association officer, Kevin Evans, is quoted as saying:

The establishment of Dharawal as a national park would be an outstanding outcome for an area containing such rich natural diversity.

The editor of the Campbelltown Macarthur *Advertiser*, Jeff McGill, who has been a vocal advocate of the park's creation for many years, said:

The prospect of a Dharawal national park has been welcomed by many of our readers, local environmentalists, bushwalkers and even local Labor councillors on Campbelltown City Council. It is no less than what our great city deserves.

It is interesting that even Labor councillors are calling for the park's creation. Former Labor mayor Aaron Rule claimed, "This is an important issue and I want to see it delivered." These people are 100 per cent behind Premier O'Farrell's vow.

Mr Nathan Rees: Point of order: The member should be arguing why his motion should be accorded priority.

The SPEAKER: Order! The member's comments have been relevant. He is arguing why his motion should be accorded priority.

Mr JAI ROWELL: This motion should be accorded priority because those opposite were against it in 1993, during the election campaign and now. The motion should be accorded priority so it can be debated and the Liberal-Nationals Government can demonstrate that it delivered what those opposite could not.

Kemps Creek Radioactive Waste Site

Mr JOHN ROBERTSON (Blacktown—Leader of the Opposition) [3.19 p.m.]: My motion deserves priority because this Premier promised to protect the interests of western Sydney but is already sumo wrestling it to the ground. If we think of this Premier as a chef knocking up dishes for New South Wales in his rat-infested kitchen, this was the weekend his recipe for western Sydney became clear: hikes in the GST for entree, hikes in electricity prices for mains and a 5,000-tonne lashing of radioactive waste for dessert. That is right, seven months after the election this Premier, the so-called Minister for Western Sydney, has decided to dump North Shore radioactive waste in Kemps Creek. Five thousand tonnes of radioactive waste are destined for an area of western Sydney near families, childcare centres and schools—near innocent kids playing in the fresh air.

The SPEAKER: Order! Opposition members will be quiet while their Leader is speaking. They should be concentrating and listening. The member for Monaro will come to order.

Mr JOHN ROBERTSON: This is the king of Ku-ring-gai's most stunning betrayal yet of western Sydney. In October 2010 Barry O'Farrell looked the people of western Sydney in the eye and said that to dump radioactive waste in western Sydney would be "stupid, it's a threat and it's not the way any government should behave". Strong words, but as soon as the election was over and the west was won Kemps Creek was straight back in the frame. That is the ultimate betrayal from a Premier who always wanted to have his yellowcake and eat it too. This motion deserves priority because in recent days we have learned the Government never even bothered to consider an alternative to Kemps Creek.

On Friday the Minister for Finance and Services let the cat out of the bag in his rambling answer to a question when he described Kemps Creek as "the only place that can take the fill; the only place in Australia where the waste can be disposed of". There we have it. There was no attempt to identify alternative sites either interstate or overseas. There was no recognition that the Coalition made a solemn election commitment it would at least pretend to try to keep. This is a black day for the Premier and the hapless member for Mulgoa and member for Smithfield. If they do not stand up for their electorates when they are about to be swamped with radioactive waste, when will they stand up for them? It is also the latest embarrassment for the Minister for the Environment, Robyn Parker.

The SPEAKER: Order! Opposition members will come to order while their Leader is speaking.

Mr JOHN ROBERTSON: She napped for 54 hours over the Orica chemical spill and even then failed to prevent the waste—

Mr Andrew Cornwell: Point of order: The Leader of the Opposition is trying to use the periodic table to make personal reflections. He might think he is Einstein but he is proving himself to be plutonium.

The SPEAKER: Order! I do not know what the member for Charlestown is talking about. There is no point of order. The Leader of the Opposition has the call.

Mr JOHN ROBERTSON: She napped for 54 hours over the Orica chemical spill—

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

Mr JOHN ROBERTSON: —and even then failed to prevent the waste from that fiasco being stood in the open air for a week at Homebush. She is just another Cabinet Minister who looks at western Sydney and sees one big toxic dump. This motion deserves priority because western Sydney is under attack from not just radioactive waste but also the Government's radioactive decision to extract \$113 million over two years in increased electricity dividends from Endeavour Energy.

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

Mr Stuart Ayres: Point of order: The Leader of the Opposition is not addressing why his motion should be accorded priority.

The SPEAKER: Order! The Leader of the Opposition is arguing why his motion should be accorded priority. He may continue.

Mr JOHN ROBERTSON: By signing Endeavour's statement of corporate intent the Premier has breached his promise to freeze electricity company dividends. This can only mean power bills are set to skyrocket again in western Sydney—

Mr Stuart Ayres: Point of order: This is not relevant to the motion.

The SPEAKER: Order! I rule that it is relevant to the motion.

Mr JOHN ROBERTSON: This can only mean increased power bills for western Sydney after the Premier promised to keep them down. That is before we get into the weekend declaration by the Premier that he wants to raise the GST. What rate will the Premier propose at the next Council of Australian Governments meeting in Canberra—15 per cent, 25 per cent? Will he fight to broaden the GST to include—

The SPEAKER: Order! The Leader of the Opposition is now straying from the motion. He will return to the leave of the motion.

Mr JOHN ROBERTSON: This is an opportunity for the member for Mulgoa and the member for Smithfield to stand up for their electorates and do what they promised to do and hold this Premier to account.

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

Mr JOHN ROBERTSON: I know that last week we saw four members not standing by their electorates. Maybe today the member for Mulgoa will show her true colours.

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

The House divided.

Ayes, 61

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 Berejikian	Mr Holstein	Mr Speakman
Mr Brookes	Mr Humphries	Mr Spence
Mr Casuscelli	Mr Issa	Mr Stokes
Mr Conolly	Dr Lee	Mr Stoner
Mr Constance	Mr Notley-Smith	Mr Toole
Mr Cornwell	Mr O'Dea	Ms Upton
Mr Coure	Mr O'Farrell	Mr Webber
Mrs Davies	Mr Owen	Mr R. C. Williams
Mr Dominello	Mr Page	Mrs Williams
Mr Elliott	Ms Parker	
Mr Evans	Mr Patterson	<i>Tellers,</i>
Mr Flowers	Mr Perrottet	Mr Maguire
Mr Fraser	Mr Piccoli	Mr J. D. Williams

Noes, 21

Mr Barr	Dr McDonald	Mr Torbay
Ms Burney	Ms Mihailuk	Ms Watson
Mr Daley	Ms Moore	Mr Zangari
Mr Furolo	Mr Parker	
Ms Hay	Mrs Perry	
Ms Keneally	Mr Rees	<i>Tellers,</i>
Mr Lalich	Mr Robertson	Mr Amery
Mr Lynch	Ms Tebbutt	Mr Park

Pairs

Mr Kean	Ms Burton
Mr Provost	Ms Hornery

Question resolved in the affirmative.

BUSINESS OF THE HOUSE**Suspension of Standing and Sessional Orders: Precedence of Business**

Mr BRAD HAZZARD (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [3.32 p.m.]: I move:

That standing and sessional orders be suspended to permit between 17 October 2011 and, as an additional sitting day, 21 October 2011 inclusive:

- (1) Government business to be called on at any time and to take precedence of all other business; and
- (2) any items of Government business to be introduced and passed through all remaining stages at any one sitting or at any subsequent sitting.

The House needs to deal with a number of bills this week, so it will be a busy week. The O'Farrell Government is trying to address some of the shortcomings created by the former Labor Government over the past 16 years. Only a few Labor members have been in this place for any length of time—some of them are finding it a little tedious. Those members would well remember that long before the deadline of the upper House that now exists, under the former Government there was a mad flurry each session to address nothing but its own incompetence.

This House was scheduled to sit until Thursday this week, but because of the number of bills to be dealt with it may be necessary for it to sit on Friday. We may also have to sit late on Wednesday and Thursday nights, but not tonight.

Dr Andrew McDonald: Not the drainage bill?

Mr BRAD HAZZARD: The member opposite is down the drain. Last week eight bills passed through this Chamber and members on both sides worked cooperatively together. If members take the same approach this week and either do not speak to a bill if they do not have to or speak for a slightly lesser time then the bills may be dealt with in the requisite period. I will continue to liaise with the member for Maroubra and to advise him in advance as to what legislation is to be dealt with. In the urgency of the current arrangements, this will give shadow Ministers the opportunity to review the bills and have appropriate briefings. I have informed the member for Maroubra that the House will deal with three bills this afternoon. There will also be an agreement in principle speech.

Mrs Barbara Perry: What are the bills this afternoon?

Mr BRAD HAZZARD: The Technical and Further Education Commission (Staff Employment) Bill 2011, the Plumbing and Drainage Bill 2011 and the Home Building Amendment Bill 2011. The agreement in principle speech will be for the Clubs, Liquor and Gaming Machines Legislation Amendment Bill 2011. However, it is unlikely to move through all stages this afternoon.

Mr MICHAEL DALEY (Maroubra) [3.36 p.m.]: The motion is the procedural equivalent of surrender. The Government's attempt to properly regulate and run this place has now officially descended into a farce. On its face the motion acknowledges that the efforts by the Government to run this place properly over the past six months have failed. If it had succeeded in doing what it ought to have done then this motion would not have been necessary. The motion also seeks parliamentary ratification of what I call the "shemozzle policy". The Government has done nothing for six months. It is now trying to plaster over all of its mistakes and shortcomings, from the Premier down to the Ministers. The Library Bill was what can only be described as a first for this Parliament—there were more speakers to the bill than words in it.

Mr MICHAEL DALEY: The Graffiti Legislation Amendment Bill was debated at great length. If the Premier and his Ministers had been doing their jobs properly we would not be doing this now. We had the ignominy of the Legislative Council closing down because it had no work to do.

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

Mr MICHAEL DALEY: Six months after winning office the Leader of the House comes in here and proudly declares to the people of New South Wales, "Strap yourself in because we are about to get busy." This motion says everything about the Government rushing through legislation at the end of the year. Members opposite should not be shaking their heads.

Mr MICHAEL DALEY: For the past 16 years those on the opposite side who aspired to be Ministers could have been cooking up at least one bill each year. They could have put up 16 bills each and drip feed them through the process in their first term in office. Because the Government cannot get its act together these bills of some legislative moment, such as the Plumbing and Drainage Bill, are to be rammed through with only 18 sitting days left this year. Sean Nicholls from the *Sydney Morning Herald* had something to say about this sort of modus operandi on Saturday.

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

Mr MICHAEL DALEY: No doubt one or two members of the press gallery will look at this motion and shake their heads. This is a farce and a shemozzle. It is now official, and the Opposition will have none of it.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 61

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 Berejikian	Mr Holstein	Mr Speakman
Mr Brookes	Mr Humphries	Mr Spence
Mr Casuscelli	Mr Issa	Mr Stokes
Mr Conolly	Dr Lee	Mr Stoner
Mr Constance	Mr Notley-Smith	Mr Toole
Mr Cornwell	Mr O'Dea	Ms Upton
Mr Coure	Mr O'Farrell	Mr Webber
Mrs Davies	Mr Owen	Mr R. C. Williams
Mr Dominello	Mr Page	Mrs Williams
Mr Elliott	Ms Parker	
Mr Evans	Mr Patterson	<i>Tellers,</i>
Mr Flowers	Mr Perrottet	Mr Maguire
Mr Fraser	Mr Piccoli	Mr J. D. Williams

Noes, 21

Mr Barr	Dr McDonald	Mr Torbay
Ms Burney	Ms Mihailuk	Ms Watson
Mr Daley	Ms Moore	Mr Zangari
Mr Furolo	Mr Parker	
Ms Hay	Mrs Perry	
Ms Keneally	Mr Rees	<i>Tellers,</i>
Mr Lalich	Mr Robertson	Mr Amery
Mr Lynch	Ms Tebbutt	Mr Park

Pairs

Mr Provost	Ms Burton
Mr Ward	Ms Hornery

Question resolved in the affirmative.

Motion agreed to.

DHARAWAL NATIONAL PARK**Motion Accorded Priority**

Mr JAI ROWELL (Wollondilly) [3.47 p.m.]: I move:

That this House supports the creation of Dharawal National Park.

Earlier I said that this motion is important for a number of reasons. It is important because the creation of Dharawal as a national park was an election commitment by this Government, and we are determined to be an accountable Government that delivers on its promises. This promise featured in the 100 Day Action Plan, with significant progress already undertaken. Dharawal National Park is important because of the tourism and economic benefits it will provide. Creation of a national park will stimulate the local economies of nearby towns and suburbs as a result of increased tourism by nature lovers, city escapees—I am not talking about the Leader of the Opposition—looking for a change in scenery or fitness fanatics looking to challenge themselves with a

hike. Preservation of local flora and fauna is of the utmost importance. The Dharawal is rich in natural diversity, ranging from eucalyptus forests, freshwater creeks and wetlands of natural importance. The area is home to more than 280 species, including some of the State's most vulnerable species such as the powerful owl, the eastern pygmy possum and let us not forget our little friend—

[Interruption]

No, it is not the member for Toongabbie or the member for Keira: It is the Yellow-bellied Glider, a picture of which I have to show members. It is important that the Government take a stand to protect this fauna because those opposite certainly have not. They are too interested in spin and rhetoric. At times it appears that the left hand is too busy to try to figure out what the right hand is doing. The Left and the Right of the Labor caucus do not know what each is doing, except stabbing each other in the back. We on this side of the House are taking bets to see if Nathan Rees will be the next State Labor leader before Kevin Rudd is the next Federal Labor leader. However, I digress from the motion. Past Labor leaders claimed to support the proposal, but then abandoned the idea. Current Labor members of Parliament do not support it, but local Labor councillors support it. Labor councillor and former Mayor of Campbelltown City Council Aaron Rule made known his support for the creation of the park when he stated:

I want all stakeholders and all politicians of all political persuasions and all environment groups to get behind this proposal.

Current Labor Mayor of Campbelltown City Council, Anoulack Chanthivong, claimed that in relation to the protection of the upper Georges River he too supports the proposal. As well, stalwart councillor Meg Oates said:

I'm trying to advocate for the people of Campbelltown. It is very special to us.

Even Luke Foley in the other place bought in on the action by doing some fancy calculations in a press release. However, it seems that he was somewhat preoccupied with his claiming reference to national parks. He said:

New species will have evolved by then; we will have colonised other worlds.

That might be some time off for Luke, and chances are that he will still be a shadow Minister. Therefore, let us focus on what we can do right now. The creation of Dharawal National Park will enable mums and dads to take their families to visit the park, to hike through the native vegetation down towards the freshwater lakes, to have a picnic lunch and to share some quality family time together away from the hustle and bustle of city life. We will be able to protect, learn about and promote the sacred Aboriginal sites that bring such important cultural value to our community. The Dharawal National Park now will preserve the 2,000 upland swamps that feed into O'Hare's Creek. We could do nothing about it for another 16 years. We also could scrap the north-west and south-west rail links. We could waste \$500 million on the Rozelle metro or we could become so detached from the people of New South Wales that we forget why we are in this place.

I guess we cannot do those things because those opposite have already done them. We could actually do what we were voted in to do. We went to the last State election with a clear agenda of our intentions and election commitments. I am the proud member for Wollondilly and proud also that I am a member of a government that is delivering on what it said it would do. The people of New South Wales once again can have faith in the Government. We must continue to act in the best interests of the people and be willing to work with stakeholders and businesses to achieve the desired outcome. The sign of good governance is finding the right balance between protection and regulation, between preservation and progression, and between a hand-out and a hand-up.

The creation of Dharawal National Park will highlight the partnership of industry and government working together. BHP Billiton has modified its Bulli coal project to exclude the Dharawal National Park while protecting jobs and investment in our region. This outcome balances the establishment of the national park while securing jobs and investment. Dharawal National Park will cover 98.7 per cent of the current Dharawal State Conservation Area, excluding two small areas that are essential to BHP Billiton's ongoing and proposed mining operations in the region. The New South Wales Government informed other holders of mineral and petroleum exploration interests in the area of its intention to create the national park, in which mining activities will not take place. Discussions with other holders are being finalised.

This important step in the conservation of our land will benefit us now and into the future. It is essential to allow the natural beauty of the land of Dharawal National Park to remain untouched so that it can grow and thrive as it was meant to do. The proposal for no depth restrictions means that the park will remain completely

preserved. That means no coal seam gas, no fracking and no mining. I look forward to the day when I can take my wife and two boys to the park; I look forward also to the day when they can take their children to that same park. Recently, Minister Parker invited me, the member for Oatley, the member for Heathcote and the member for Campbelltown to inspect some of the park's wetlands. A photo of that inspection hangs proudly in my electorate office.

Few people have documented the beauty of Dharawal more passionately than the editor of the Campbelltown Macarthur *Advertiser* Jeff McGill. For more than 20 years the Campbelltown Macarthur *Advertiser* has fought for the establishment of Dharawal National Park in partnership with the Macarthur branch of the National Parks Association and other environmental campaigners. Jeff has advocated for some time, even filming a mini documentary and posting information on his paper's website in an effort to raise support. Walking with him in the 24-hour Fight Against Cancer Macarthur on the weekend was the Premier, who was kind enough to support that event, and they again discussed Dharawal, amongst other things. Jeff voiced his views on the matter recently:

Campbelltown remains the only major corner of Sydney without a national park to call its own ... until now—should Barry O'Farrell keep his own vow to declare a Dharawal National Park.

Finally, we will be able deliver what has eluded the people of New South Wales for too long. It is astonishing that those opposite voted against creating Dharawal National Park. Each one of them will be held to account. I welcome the creation of Dharawal National Park and commend the motion to the House.

Dr ANDREW McDONALD (Macquarie Fields) [3.55 p.m.]: The Opposition supports the motion. All members of Parliament are elected to represent the common interests of their constituents. At first glance, the Dharawal National Park is a good result as it will be a wonderful addition to south-west Sydney. At first look the creation of this national park appears to be well and truly in the common interest. Currently, Dharawal is a State conservation area protected from development. To further protect this land by making it a national park is a good thing. The Legislative Assembly is a House of scrutiny. As the member for Wollondilly said, those opposite are determined to deliver on their promises; it would be nice if they delivered on all their promises all the time. Although, the creation of the Dharawal National Park is a good result, the details of the deal need to be scrutinised because, as with every other situation, the devil is often in the detail.

I note that 98.7 per cent of the park is to be preserved. What of the 1.3 per cent? No mention has been made whatsoever by those opposite about how many hectares this involves, nor about what work will be required to access the part of the remaining mining lease, which is right in the middle of the park. In his reply I hope the member for Wollondilly will tell the House exactly how many hectares are involved in continuing mining and what work will be required to provide access to the area reserved for mining. The BHP Billiton lease covering Dharawal was signed in 1991 by the then Minister for Natural Resources, Ian Causley, in the Greiner Coalition Government.

Those opposite say that no deals have been struck and that BHP Billiton modified its lease purely through altruism. BHP Billiton is not a charity and I expect that it may require quid pro quo at some stage. I ask the member for Wollondilly to enlighten the House on the benefits BHP Billiton will receive for modifying its lease. What was given? What compromises were made? The fingers of this national park reaching the Georges River are being left to BHP Billiton for longwall mining, and a large tract of land in the centre of the park will be mined under the compromise.

Ms Robyn Parker: Point of order: The member for Macquarie Fields is misleading the House. The piece of land in the centre of the proposed Dharawal National Park was never part of the State conservation area. It is not to be mined—

The DEPUTY-SPEAKER (Mr Thomas George): Order! I have heard enough on the point of order. The member for Macquarie Fields has the call.

Dr ANDREW McDONALD: To the point of order: I quoted Erik Jensen regarding the piece of land in the middle of the park that is being used for mining under the compromise deal.

Ms Robyn Parker: No, it's not.

Dr ANDREW McDONALD: It is being used for mining. BHP Billiton still hopes to gain approval for some parts of its Bulli coal seam project, which has not been determined by the Planning Assessment

Commission. Protection of the national environment is a very proud part of the Labor tradition. A New South Wales Labor Government protected large amounts of the Sydney Harbour foreshore, including Taronga Park Zoo and Nielsen Park. William McKell, the architect of modern Labor, created the Kosciuszko National Park. The Wran Government saved the northern rain forests, expanded the Blue Mountains National Park system, banned sand mining in coastal national parks and introduced lead-free petrol.

The Carr Government saved the coastal forests of the north-east and south-east regions and created millions of hectares of magnificent new parks in western New South Wales and banned the broadscale clearing of native vegetation. In 16 years the Labor Government created 522 new national parks—I repeat, 522 new national parks—and it increased the protected areas from three to seven million hectares. The area of declared wilderness was tripled, the Brigalow scrub and the river red gums were saved, and the first marine park was declared. I note the member opposite has talked about having a look at the Dharawal National Park. I agree that this modern day bush tucker man and the Premier intrepidly walking through Dharawal National Park would be a great photo opportunity.

[*Interruption*]

I think they should, because it is physically beautiful sandstone.

Mr Jai Rowell: Point of order: Not only am I of Italian descent, I am also of Aboriginal descent, and I find that reference to "bush tucker man" very offensive. I ask the member to withdraw those remarks.

The DEPUTY-SPEAKER (Mr Thomas George): The member for Wollondilly has asked the member for Macquarie Fields to withdraw those comments.

Dr ANDREW McDONALD: I am very pleased to withdraw those comments. I apologise unreservedly. No offence was intended and I am sorry if any was taken. However, I will move on to the Premier talking about the usual bedside reading of the *Campbelltown Macarthur Advertiser*. I think, as do many who read the *Campbelltown Macarthur Advertiser* think, that it is a great paper, but bedside reading is probably taking it a bit too far. The Premier would do better to speak to his wife. However, as Jeff McGill said, everyone was involved in the creation of the Dharawal National Park. It had broad-based community support. I note the member for Wollondilly mentioned the support of the Labor Council, as well as my personal support, which is on the record if he chooses to Google my name. This is a good result and I congratulate everyone involved on the creation of the Dharawal National Park.

Mr LEE EVANS (Heathcote) [4.02 p.m.]: I am very proud to support the creation of the Dharawal National Park. Eighteen long years ago Bob Carr stood in this place with his hand on his heart and vowed to create the park. For 18 years the people have waited and waited, and for 18 years they have been disappointed. In 1996, just two years after making the commitment, Labor broke its promise and revoked part of the Dharawal State Conservation Area to make way for a rifle range. The National Parks and Wildlife Service rightly said that this shameful backflip "flies in the face of community efforts to protect this precious bushland". Sadly, Labor's priorities were rarely founded on the will and efforts of its communities.

Today, it gives me great pride to say that we have succeeded where Labor failed—we have achieved what those opposite never could. We are honouring our commitment to the people of New South Wales and now, at long last, they will have the Dharawal National Park, which was promised to them back in 1994. The park will provide a permanent safe haven for a unique Australian biodiversity, including more than 200 species. These include several endangered or vulnerable species such as the eastern pigmy possum, the yellow-bellied glider, the powerful owl and Sydney's largest surviving population of koalas, which obviously members opposite must not like. It will also preserve more than 2,000 upland swamps, which provide pristine water to the headwaters of the Georges River and O'Hare's Creek. It is also home to significant Aboriginal cultural values with a large number of cultural sites and priceless indigenous rock art.

I stressed the importance of these features during my inaugural speech and when I accompanied the Premier, Barry O'Farrell, on a walk through the park to announce this commitment. Since the election the Government has worked tirelessly to negotiate the best possible arrangements with BHP Billiton, which held leases in the area. The resulting agreement strikes the perfect balance between preserving this unique stretch of bushland and protecting local jobs and investment. Most importantly, it guarantees that the Dharawal National Park will not be undermined—BHP has now excluded the area from its Bulli coal project and all holders of mineral and petroleum exploration interests in the area have been told that mining activities will not take place there.

The national park will cover 98.7 per cent of the current Dharawal State Conservation Area, excluding two small areas crucial to BHP's ongoing and proposed operations. Neither of these areas is of the highest conservation value and one has already been subject to longwall mining. This significant change will ban activities that would compromise the ecosystem and will improve visitor access so that everyone can enjoy the natural swimming holes, walking paths, waterfalls and breathtaking landscapes. These features will be enjoyed by the local communities around the park and also visitors from all parts of New South Wales and Australia, and even overseas.

This is a big win for the people of New South Wales, now and for generations to come, and a big tick for this Government. It is truly gobsmacking that Labor could overlook the enormous benefits of this change for so many years. For this historic milestone the people of New South Wales have many groups and individuals to thank. For years community advocates fought in vain and put pressure on the Labor Government to honour its commitment. Amongst these campaigners have been the National Parks Association, the Nature Conservation Council of New South Wales, the Total Environment Centre, the Blue Mountains Conservation Society, the Colong Foundation for Wilderness, the Wilderness Society, the Georges River Combined Councils, the member for Oatley and many more.

I am proud of so much we have achieved in this place since the election, but this achievement is especially close to my heart, as it directly affects my electorate of Heathcote. This is also the case for the member for Campbelltown, the member for Wollondilly and the member for Oatley, whose electorate relies on the pristine waters filtered through this area. This landmark change proves that we will succeed where Labor failed—we will deliver what it never could. The people of New South Wales voted for real change in March and that is exactly what they are seeing today. When this Government makes a commitment to the people they can be certain that it will deliver.

Ms LINDA BURNEY (Canterbury) [4.07 p.m.]: It is quite amazing to sit here and listen to this debate, in the sense that the Government is crowing about the establishment of a national park. I wonder what its colleagues in The Nationals think of the creation of a national park when only two weeks ago they called for no new parks to be created. However, the Leader of The Nationals said that that sort of policy did not very much matter.

Mr Mark Coure: What did you do over the past 16 years?

Ms LINDA BURNEY: It seems to me that this debate should be above politics. I will tell the member for Oatley what those opposite have done for the environment since coming to Government. On 3 April the Premier dumped the Coalition shadow environment Minister, the Hon. Catherine Cusack, and then he abolished the Department of Environment, Climate Change and Water. On 4 April he handed responsibility for marine parks and catchment management authorities to the Department of Primary Industries.

Ms Robyn Parker: Point of order: The member for Canterbury is being completely irrelevant. We are talking about Dharawal National Park. I am sure she will get to that point. We are talking about creating a new national park, Dharawal National Park, nothing else.

Ms LINDA BURNEY: To the point of order: I was actually responding.

Ms Robyn Parker: No, you were being completely irrelevant.

The DEPUTY-SPEAKER (Mr Thomas George): Order! I will decide whether it is a point of order. I will hear further from the member for Canterbury.

Ms LINDA BURNEY: I am simply responding to the member for Oatley's interjection. When one considers this announcement of the establishment of the Dharawal National Park, which is being crowed about by the Government, one must understand that it is being established through a deal with BHP. It has been said that two sections of the national park have been excised for BHP—the section that runs down to the river and the section in the centre of the park. The Government promised that the entire State conservation area would become a national park, but that is not what has happened. The Government has broken its promise. This sneaky deal entered into by the Minister for the Environment to dump a massive coalmine in the middle of this national park is hardly staying faithful to that original promise.

How does the member for Goulburn, who advocated for a new national park, feel about this? Would she allow this coalmine to be maintained? We all know which party is protecting the environment—that is,

Labor. Government members cannot say anything that will detract from the record of the Labor Party. They can interject as much as they like, but I will ignore them. Under Labor about 8.7 per cent of the land mass of New South Wales was gazetted as reserves or national parks. I hardly think that the establishment of one national park by this Government measures up to the record of the former Government. Let us look at the record of this Government on marine parks. It lifted bans on high-risk fishing methods that were designed to protect critically endangered grey nurse sharks.

Ms Robyn Parker: Point of order: My point of order relates to relevance under Standing Order 129. We are debating the creation of Dharawal National Park, a new national park. This motion has nothing to do with marine parks. The member should be directed back to the leave of the motion.

The DEPUTY-SPEAKER (Mr Thomas George): Order! I have heard enough on the point of order. I am sure the member for Canterbury realises it has nothing to do with marine parks and I am sure she will return to the leave of the motion.

Ms LINDA BURNEY: The assertion that has been made is that there is no connection between marine parks and national parks. It seems to me that the connection is the environmental record of those on the other side.

The DEPUTY-SPEAKER (Mr Thomas George): Order! I remind the member for Canterbury that the motion is: That this House supports the creation of Dharawal National Park. It is not about marine parks.

Ms LINDA BURNEY: I have no option other than to accept your ruling, Mr Deputy-Speaker. However, Opposition members believe that there is a connection between marine parks and national parks, in the sense that we are talking about protecting the environment.

The DEPUTY-SPEAKER (Mr Thomas George): Order! The debate is about this House supporting the creation of Dharawal National Park.

Ms LINDA BURNEY: That is precisely what I am talking about. Dharawal National Park is probably the only national park that will be created by this Government. [*Time expired.*]

The DEPUTY-SPEAKER (Mr Thomas George): Order! I remind the member for Canterbury that she is already on three calls to order.

Mr JAI ROWELL (Wollondilly) [4.12 p.m.], in reply: It was amazing to hear some of the rubbish that was bandied about by those opposite in an attempt to mislead this House. I will respond to some of the comments made by the member for Macquarie Fields and the member for Canterbury. The section in the middle of the State conservation area that is Crown land contains only workings from previous BHP mining operations. That means that no mining can occur in the national park—certainly not from this point onwards. The small sections that will remain as part of the State conservation area will be used to provide access to mining outside the national park. The member for Macquarie Fields asked how many hectares that included.

One parcel is 47 hectares and the other is 29 hectares. Both those sites, which will be subject to the usual rigorous planning and environmental requirements imposed on mining exploration and leases, will look to the future supply of our coal. This will provide certainty for industry and result in the creation of jobs in the Illawarra and Wollondilly-Macarthur region. It is clear from the support that this motion has received from Government members that the Liberal-Nationals Government understands the importance of the creation of Dharawal National Park. This Government understands its importance for future generations, its importance to native wildlife and plant species, and its importance to the mums, dads, children and business owners in nearby towns.

The creation of the Dharawal National Park is a sign that this Government cares for the environment and that it listens to the residents who collectively make this great State of ours such a wonderful place in which to live. It is disappointing that those opposite do not share this view. Their leader is too preoccupied with internal conflict to stop and take note of this important motion. He does not believe that this side of the House should support a motion that aims to fulfil Labor's broken promise—a promise which it made in 1993 and which it failed to deliver for 16 years.

On the other hand, this Government, the Premier, the Minister for the Environment and the Liberal-Nationals Coalition understands. We understand that an announcement such as this means we will have

a national park that will preserve our beautiful natural heritage and protect our important wildlife. This park will be a legacy of which future generations can be proud. As a local member whose electorate hosts a significant part of the park, I welcome this motion. I support it as a candidate and as a local councillor on Campbelltown City Council. I support it as the father of two young boys who I know will want to swim in the waterholes, hike the paths and watch the many species of birds within the park.

I know that my colleagues the member for Oatley, the member for Heathcote and the member for Campbelltown feel the same way. The Federal member for Macarthur, Russell Matheson, is also keen to see this area become a national park. Macarthur bushwalkers, together with a number of other local environmental groups, have fought hard for the creation of this national park. I look forward to further treks and to discussing the future of the park with them. The creation of this park is supported by almost everyone other than those opposite, as we witnessed a few moments ago. It is disappointing that they do not put commonsense above political manoeuvrings or hollow rhetoric. Luckily, they are no longer in power.

What does this mean for the residents of New South Wales and the people of Wollondilly? It means that the area, which is home to more than 200 native species including some of the State's more vulnerable species such as the powerful owl, the eastern pygmy possum and the yellow-bellied glider, will be protected. It means that one of the largest surviving populations of koalas will be protected. It means that hundreds of swamps, waterways and streams will be protected. It means that more than 500 species of native plants, 17 of which are listed as vulnerable, rare or threatened, will also be protected. It means that after 16 years we finally have a government that delivers. Earlier this year the Premier visited the site. The Government has been in office only since March and it has achieved much more in this area than those opposite achieved since 1993. In the lead-up to the election a publication by the Nature Conservation Council of New South Wales was quoted as stating:

New South Wales' leading environmental groups have called on all parties contesting the New South Wales election to protect our natural environment by building a comprehensive, adequate and representative reserve system across the State. We see the Dharawal National Park proposal as an important step towards better conservation ...

It also states:

We are very pleased with the plans for securing the future of such an important, largely undisturbed conservation area.

These are important sentiments on which to reflect when discussing this motion: As a result, local towns will benefit, local jobs will benefit and many school groups and university students will benefit. It is unfortunate that prior to the election those opposite failed to heed calls from the community for a national park. Prior to the next election I will be reminding voters in Wollondilly that Opposition members voted against this motion. Bob Carr broke his promise all those years ago but they still cannot support the motion. The people of Wollondilly and New South Wales deserve better than the treatment they received from those opposite when they were in government. This Government will get on with the job of creating the national park. I commend this motion to the House.

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

Motion agreed to.

The DEPUTY-SPEAKER (Mr Thomas George): Order! It being close to 4.30 p.m. the House will now deal with Government business.

TECHNICAL AND FURTHER EDUCATION COMMISSION AMENDMENT (STAFF EMPLOYMENT) BILL 2011

Agreement in Principle

Debate resumed from 11 October 2011.

Ms CARMEL TEBBUTT (Marrickville) [4.18 p.m.]: I lead for the Opposition in debate on the Technical and Further Education Commission Amendment (Staff Employment) Bill 2011 and indicate at the outset that the Opposition cannot support the bill as it currently stands. This bill introduces a specific power to enable TAFE NSW to employ staff and to transfer all existing employees to the TAFE Commission. This bill was introduced late last Tuesday but there was no consultation with the 14,000 or more TAFE employees who will be affected by it. After it was introduced—in fact, the very next day—the House debated and passed the

Public Sector Employment and Management Amendment Bill. Members may recall that the Government lauded its commitment to the four principles that it said should underpin the public sector: integrity, trust, service and accountability. Lots of speeches were made about how important those four principles are and how this Government will apply them to its management of the public sector.

It seems that the Minister for Education clearly does not believe that those principles apply to his own behaviour and to the way in which he acts and responds with regard to his own agencies. To introduce legislation that fundamentally changes the employment arrangements for TAFE staff and not to consult the very people it affects shows how little regard the Government has for TAFE employees and the work they do. A discussion paper was released not three weeks ago by the Minister for Education covering a wide range of issues that relate to vocational education and training in New South Wales. It makes no mention of this very significant change to the employment arrangements for TAFE staff. If this is an issue to which the Government is committed in the belief that it needs to be taken forward, one would think it would include that in the consultation paper that covers vocational education and training.

Yet the consultation paper makes no mention of this issue. The only conclusion that can be drawn from the Minister's actions is that he is deliberately not consulting because he knows how unpopular the changes will be. He wants to rush them through Parliament with as little scrutiny as possible. We all know that TAFE NSW is the leading provider of vocational education and training in Australia. It plays a critical role in delivering both the skills and training needed by the New South Wales workforce and in being a provider of second-chance education. Numerous studies have highlighted the value that TAFE adds to our economy. For example, in 2006 the report of the Allen Consulting Group, "The Complete Package: The Economic Value of TAFE NSW", found that TAFE NSW would provide a 640 per cent return on government investment. During the 2008-09 financial year, for example, TAFE institutes generated close to \$170 million in revenue from their commercial and international businesses.

More recently a report released by TAFE, "Creating and Adding Value", highlighted the value of TAFE to the State's economy and to businesses in particular. It is precisely because of the importance of TAFE to our economic and social fabric that the Opposition calls on the Government not to proceed with this bill and to genuinely consult with TAFE staff about their employment arrangements as part of any transfer of employees back to the TAFE Commission. The Opposition has a range of concerns in relation to this bill. First and foremost the bill guarantees core conditions of employment for only 12 months during the transition phase. The conditions outlined in the bill include hours of work, salary, shift, overtime and penalty rates, allowances and leave. TAFE employees source their entitlements from a vast range of areas, and not all of their current conditions are protected by the legislation.

For example, I am advised that conditions that will not be protected are flexitime, professional development, ratios of part-time and casual staff to full-time staff, and the capacity of long-term and temporary staff to request appointment to permanent positions. I am sure there are many more conditions that are not covered in the legislation's "core conditions". Members would also be well aware that at the end of this year the TAFE teachers award expires and that TAFE teachers' salary negotiations are due to commence. I am advised that last month the union wrote to the Minister asking for negotiations to commence, but received no response—until this legislation was introduced.

The Teachers Federation, which represents TAFE teachers, is very concerned that this legislation will delay negotiations as they will now be brought into part of a broader range of negotiations over the enterprise agreement in the transitional phase and replace the award under which its members are currently employed. According to the Minister's agreement in principle speech, during the transition the TAFE Commission will endeavour to negotiate one or more enterprise agreements that will incorporate "where appropriate the existing award provisions". The Minister also stated in his agreement in principle speech that "the bill preserves existing conditions of employment for staff to the extent that that is possible".

Existing award provisions are not guaranteed by any stretch of the imagination, and that creates a great deal of uncertainty among TAFE employees—both TAFE teachers and administrative staff. The bill provides no legislative guarantee that existing conditions of employment will be carried over into a new enterprise agreement. If the enterprise agreement is not finalised within 12 months, TAFE staff may fall back to the Federal modern award for post-education services, which could result in a substantial reduction in salary and conditions for many TAFE employees. In effect there are no legislative guarantees in the bill and the Minister, with his use of heavily qualified language, is asking TAFE employees to take him on trust. That is simply not good enough.

TAFE employees train our future apprentices, helping to address skills shortages and helping us to address our need to boost future productivity yet the Minister will not give them any guarantee about their future employment conditions. The Minister must answer a very simple question: If this legislation is not about reducing the salary and conditions of TAFE employees, why has he not included a guarantee in the legislation that existing conditions will continue to apply? I hope the Minister responds to that question during his reply. I make it very clear that this is not, as the Minister has tried to claim, an issue about the Opposition not supporting the Fair Work Australia system. It is an issue about the Minister failing to give a clear commitment to TAFE employees about the conditions under which they will work. In fact, the Minister has tied the hands of Fair Work Australia by legislative limits he is placing on TAFE employees' conditions of employment.

If that type of transfer were to occur to a national system employee under the Fair Work Act the award conditions of the transferred employee prior to the transfer, would continue to cover the employee. There would be no 12-month limit on that. Alternatively, if the Government wanted to move TAFE employees to the Fair Work Australia regime, it could have referred TAFE employees to the Federal system and the award would become a Federal instrument. There would be no reduction and there would be a commitment in legislation to maintain the conditions of the TAFE employees. The former Labor Government did something very similar when in government in regard to the community service sector staff. There are many options available to the Minister to transfer TAFE employees to the TAFE Commission and to provide a legislative guarantee that the salary and conditions of those employees will not be diminished by the process, but this bill does not do that.

The fact that the Government has not done that has resulted in TAFE employees becoming confused and concerned about their future. Many members of the House and I have received thousands and thousands of emails in the few days since this bill was introduced. In fact, as of today I have received nearly 4,000 emails, and I am sure other members have had similar correspondence about this bill. Emails have come from right across New South Wales. I received one from a resident in Temora who stated among other things, "At a time when the O'Farrell Government should be entering into good faith negotiations with the Teachers Federation for a new award, it will instead delay negotiations by moving TAFE teachers to another jurisdiction and create uncertainty." The people who have sent me and other members emails feel disappointed and let down by the Minister's actions.

The community had very good reason to believe that the Minister understood and had a commitment to TAFE. In the lead-up to the election campaign the Minister for Education was the Opposition spokesperson for Education. He was one of 160 candidates—some of whom are members of the House—who signed a pledge to support the five-point plan, "Invest in TAFE for a Better State". I remind members of some of the elements of that plan. It called for, first, investing in services, the Government guaranteeing TAFE funding; second, looking after public assets, ensuring that TAFE jobs and courses would not be contracted out to the private sector; third, planning long-term investment, investing in infrastructure for TAFE; fourth, backing the workers; and, fifth, governing for the common good, ensuring that everyone in New South Wales has affordable access to a TAFE education. As I stated earlier, TAFE staff had a pretty good sense that when the then shadow spokesperson for Education signed the pledge he understood and had a commitment to TAFE.

TAFE staff are now seeing what Labor members have known for some time: in opposition the Coalition made all sorts of commitments and promises on a wide range of issues. It committed to implementing the equal pay case to remunerate community service workers. Of course, it is not funding it now. It said it would maintain the Industrial Relations Commission. Of course it has now stripped it of its powers. It said it would keep open all research centres. Of course it is now closing the Cronulla Fisheries Research Centre. It said it would not privatise Port Botany. Of course it is now privatising Port Botany. I could go on and on. In Opposition, the Coalition made many commitments to the people of New South Wales. When it gets into Government it breaks those commitments. It is a pattern of behaviour that we are seeing time and again. TAFE employees feel let down by this behaviour.

The Government wants to have it both ways. On the one hand, it wants to transfer TAFE employees to the Federal jurisdiction. On the other hand, it wants to tie the hands of Fair Work Australia by legislatively limiting what Fair Work Australia can deal with in relation to conditions of employment for TAFE staff. The Government must withdraw this bill and commence genuine discussions with TAFE employees, the teachers and staff, about its future directions for TAFE. The Government has released a discussion paper for consultation. It would be easy for the Government to include in that process of consultation the proposals in this bill. New South Wales TAFE and its employees are too important to our vocational and educational training system for the Government to treat them in a cavalier manner. TAFE provides for the whole community. It meets the needs of business and industry by providing skills training. It provides skills recognition services and training for people who are unemployed. It delivers training for young people who did not complete year 12.

TAFE provides second-chance education and educational opportunities for mature-aged people who missed out on an education when they were younger. They are able to go to TAFE to study and learn valuable skills. TAFE does all this. The reason TAFE is able to do it as well as it does is because of the hard work of the TAFE teachers and administrative staff. They deserve better than a Minister who introduces legislation that fundamentally alters their employment arrangements, does not consult with them and then tries to rush the legislation through the Parliament. I ask the Government to put aside this legislation, to consult with genuine integrity with the TAFE employees and give a clear commitment that TAFE employees will be able to continue to provide high-quality, accessible training in New South Wales. As I said, the Opposition cannot support this legislation in its current form.

Mr STUART AYRES (Penrith) [4.32 p.m.]: I make a short contribution to the Technical and Further Education Commission Amendment (Staff Employment) Bill 2011, which aims to provide the TAFE Commission with the ability to employ its own staff and to transfer to the employment of the commission staff currently employed in the TAFE Commission Division of the government service and in the Department of Education and Communities to assist the commission in the exercise of its functions. I support the bill. It is a step forward in how we deal with TAFE in this State, particularly in relation to its ability to be competitive and offer flexible arrangements to compete for work-based contracts. The role played by the Western Sydney Institute of TAFE in the electorate of Penrith and TAFE institutes in other western Sydney electorates is a critical one. The Government supports 100 per cent TAFE teachers and administrators.

In western Sydney we see firsthand the impact of TAFE to introduce people to tertiary education and sometimes reintroduce them. The shadow Minister raised the point that TAFE offers a second-chance opportunity for tertiary education. It also provides a pathway to university study. A significant portion of students at the University of Western Sydney are the first generation in their families to attend university. Many of them have used TAFE to progress to higher education. The Western Sydney Institute of TAFE provides progressive and innovative vocational education and training to more than 94,000 students every year through about 1,000 nationally recognised vocational and educational courses. The institute has received many awards in recognition of the excellence of its services to industry and the community. To name a few, it won the New South Wales Large Training Provider of the Year in 2009 and 2010 and was the proud recipient of the 2010 Australian Large Training Provider of the Year. One of the Western Sydney Institute's top priorities is to contribute to the economic, social and environmental development of the western Sydney region by fostering relationships with the community and industry organisations.

I recently attended a meeting with members of the Penrith Business Alliance and representatives of training providers and TAFE institutes from the Penrith region to talk about ways to improve training and skills and, in particular, access to apprenticeships. One of the glowing reports that came out of the meeting was the work of TAFE and private providers in linking up with community organisations and local businesses, small and large, to provide training packages and skills. A great deal of debate focused on apprenticeships and how to continue to support them. We discussed the recent Australian Industry Group's report into the first 100 days of an apprenticeship and the impact of employer organisations on apprentices in the first 100 days. The recurring theme in our discussions was the strong link between education providers and industry bodies. In many cases the education provider was TAFE.

This bill ensures that New South Wales TAFE will be competitive and flexible when bidding for those high-end training packages. The Western Sydney Institute recognises that the most innovative training solutions are developed in partnership and has many agreements with business, community and educational partners. For example, the institute has a partnership with the Western Suburbs Magpies Rugby League Football Club to recognise skills and provide training for youth in the club's development squad. In response to the extensive training commitments of the players, the Western Sydney Institute developed a program where learners use an e-portfolio methodology to complete competencies in both information technology and health and fitness qualifications in their workplace.

Another partnership that the Western Sydney Institute has with local industry is in the Hawkesbury area in the electorate of Londonderry, a seat held by my good colleague Bart Bassett. Racing NSW has established a racing and equine academy to ensure its industry has continued access to strappers, trainers, jockeys and stablehands. The academy is making a significant impact on the training of people in the industry. It would be catastrophic for this State, where an industry body has recognised the importance of training for future skills, to lose such a resource to a private provider in Queensland or Victoria. We must ensure that we protect these innovative practices introduced in recent years by the Western Sydney Institute of TAFE and foster and encourage partnerships such as the one established between the institute and Racing NSW.

Through the Nepean campus of the Western Sydney Institute significant work has been done in arts and design with the establishment of the Nepean Arts and Design Centre. Across the electorate of Penrith and western Sydney there has been a maturing of the constituency where it has started to embrace arts and design. We have seen that vertical integration occurring across the community with the establishment of the Joan Sutherland Performing Arts Centre and the Penrith Regional Gallery and arts funding in high schools. The role that TAFE plays to bring all those areas together is critically important. We are seeing that on the ground with the Nepean Arts and Design Centre. Another area of speciality for the Nepean campus of the Western Sydney Institute of TAFE is the hospitality industry, which has been a strong driver of employment across the region.

A great deal of the skills training in this area has been developed by the Western Sydney Institute of TAFE. A number of other programs are aimed at helping people from a language background other than English to further their education or to help them obtain skills they need to find employment. I also highlight the institute's Outreach Unit, which aims to negotiate appropriate vocational training programs for isolated and disadvantaged learners with community groups. Programs are delivered in community and neighbourhood centres, local farms, men's sheds, workplaces for refugees, people with disabilities, disengaged youth and unemployed people. Mature-aged and retrenched workers often find a way back into the workforce through such programs. It is that type of responsiveness that allows TAFE institutes to meet the needs of the community.

That kind of response requires us to have flexible arrangements to compete in a changing workforce. I want to ensure that while I am a member of this House that TAFE NSW continues to be at the forefront of training and education in this country and that we can back up some of the fantastic results that TAFE has had. For example, in 2010 TAFE NSW had enrolments of 54,000 students with disabilities, more than 135,000 unemployed students studying, more than 130,000 students came from a language background other than English and more than 35,000 students were from an Aboriginal background. They are the strong engagements that TAFE continues to play, and the future sustainability of TAFE NSW institutes is something that is absolutely critical to the New South Wales economy.

Our communities need TAFE NSW to be a strong, dynamic public provider of vocational education and training. This bill returns the power to TAFE NSW to be employer of its own staff, a power that it held until 2006. The bill ensures that the existing core conditions of employment for TAFE NSW staff including hours of work, salary, shift, overtime and penalty rates, allowances and leave are retained. The bill establishes a 12-month transition period. During this period the Technical and Further Education Commission will endeavour to negotiate one or more enterprise agreements. TAFE NSW will remain employees of the New South Wales public sector and subject to the New South Wales Government wages policy.

Like other New South Wales public sector staff, TAFE NSW employees will be eligible for a 2½ per cent pay increase in 2012. This bill further strengthens tertiary education in this State. It shows that the O'Farrell-Stoner Government is 100 per cent committed to making New South Wales the number one State again. To do that we need to make sure that we have a strong tertiary education sector that is underpinned by a TAFE arrangement that supports strong vocational training and investment in skills. I commend the bill to the House.

Mr RYAN PARK (Keira) [4.42 p.m.]: I oppose the Technical and Further Education Commission Amendment (Staff Employment) Bill 2011 on a number of fronts. Firstly, I acknowledge the achievements of the member for Marrickville. The achievements that members of the Government have talked about in the past 10 minutes were largely due to the reforms the member for Marrickville and others on this side of the House brought about during the term of the former Government. I am happy for the Government to praise and support TAFE—obviously as a former teacher I am happy for that—but let us be clear where credit lies.

The DEPUTY-SPEAKER (Mr Thomas George): Order! There is too much audible conversation in the Chamber.

Mr RYAN PARK: The credit lies significantly with the member for Marrickville. I am very glad to join her today to stand up for those thousands of TAFE teachers across New South Wales, many who live in my electorate of Keira, because Keira is home to the largest campus in the Illawarra Institute of TAFE at the Wollongong Campus adjacent to the University of Wollongong. The Minister for Education who is in the Chamber plays an extremely important role in this House and in Cabinet. He oversees reforms and education across a wide range of sectors whether it is pre-school, public schools, TAFE and university. He does an extremely important job. I want to make sure that he understands that processes are not started without having detailed discussions with those on the ground who are trying to provide a fantastic, world-class

service. As I have said before, all members, regardless of their politics, talk about the great work of our public education system or our hospitals, et cetera, but we all know that it can only happen if we have fantastic front-line staff.

The fantastic front-line staff in TAFE are mainly administrative and teaching staff. In recent years, we have seen incredible results in the TAFE Illawarra Institute, particularly the Wollongong campus. Recently two of its students won awards at a WorldSkills International competition in London—one winning a silver medal and the other a highly commended award for construction. Students do not achieve such results without the support of fantastic, committed, hardworking teachers. That is not achieved in any other registered training organisation that we know of. TAFE, over and above any other organisation in New South Wales, provides the greatest support and opportunities for students. I share in what the member for Penrith and the Minister said that often TAFE provides that second-chance opportunity for students who may not have considered education to be the best thing for them in their first attempt at school.

I want to focus on the 2,000 staff in the Illawarra Institute of TAFE and its campuses. They are renowned for their quality, experience, professionalism and dedication. In recent months they have been horrified by the way this Government has simply ignored opportunities to consult with them about their basic entitlements. That is not too much to ask of any Government. I have said many times and I will repeat, the Government has an enormous mandate and many teachers in the electorate of Keira voted for it. However, I am very confident that six months on those teachers are saying, "We did it once. We will never do it again," and that is exactly what they say to me in my electorate office each and every day.

The Government promised to improve services and support the workers. The Minister and many members of the Government signed pledges to "support workers". I do not understand how ripping the guts out of an Industrial Relations Commission, capping wage growth to 2.5 per cent and not consulting with front-line staff about changes to their basic award conditions is standing up for workers.

The DEPUTY-SPEAKER (Mr Thomas George): Order! The member for Dubbo will have an opportunity to speak to this bill.

Mr RYAN PARK: A couple of years ago the workers in the Illawarra Institute for whom the Government was going to stand up for received Australian Teacher of the Year Awards. They are not given out willy-nilly; they are some of the most prestigious awards that TAFE and the education sector can issue. I am sure that the Minister for Education is very proud of those teachers. However, it is important to reflect how proud he is in the decisions he makes and in the conditions the Government creates for them. It is also important to reflect that by giving them the common courtesy to consult with them.

I read with interest that the Government has put out a discussion paper. It is important to make provision in that discussion paper for discussion and debate on entitlements that the Government is effectively trying to take away by shifting them to a separate jurisdiction. That is not what I call consultation. It is very interesting to note that after 12 months these people will not have any guarantee. The Government should not say that it is going to guarantee this and guarantee that, because this time next year the guarantee will be about to run out and teachers will not know what their overall entitlements will be and how that will affect their everyday work. That is an important issue the Minister should clarify.

TAFE does an outstanding job supporting the Illawarra community. In fact, it was TAFE Illawarra that put its hand up to support the 800 workers who lost their jobs recently as a result of the closure of BlueScope Steel. The Wollongong campus of TAFE adjacent to the university put its hand up very quickly and said that in any field in which it could assist it would do everything possible to assist those workers. TAFE is more than just an educational institution; it is a part of regional communities. It is often the place where key research and key partnerships are formed and maintained, and that is achieved because of the professional, dedicated and committed teachers.

As I said at the beginning of my contribution, the Minister for Education has one of the most important roles in the Government. The Minister also has one of the most prestigious roles. However, the importance of that role must be reflected in the decisions he makes. The Minister and other Government members over the past 15 or 20 minutes have espoused the very achievements that the member for Marrickville and others on this side delivered in the former Government.

Mr Adrian Piccoli: Name the achievements.

Mr RYAN PARK: The member for Penrith just went on about them: about how TAFE was the most fantastic registered training organisation in Australia; how it had achieved all those partnerships in his local area; how it had enrolled huge numbers of people in western Sydney; how it had given western Sydney people a second opportunity; and how there had been massive increases in enrolments. If you are not making the reforms you generally do not get people going to your institute. I am happy for members on the other side to give us a pat on the back. I am happy for them to recognise the outstanding work that the member for Marrickville and others have done, but let us be clear: that comes with a commitment to continue to fund and support those hardworking front-line professionals.

I urge the Minister and all members of the Government to rethink this legislation and to focus on some of the most important people in our education sector—people who the Minister spoke about today in question time, and I could not agree with him more. The Minister said that schools and the education sector are only as good as the teachers out in front of the classrooms. So let us start treating those people with some respect. Let us start treating those people the way they deserve to be treated and let us start acknowledging the important role those people play in our local communities.

Ms GABRIELLE UPTON (Vaucluse—Parliamentary Secretary) [4.53 p.m.]: I am delighted to support the Technical and Further Education Commission Amendment (Staff Employment) Bill 2011. I have spoken before in this House about my commitment to a strong and vibrant TAFE NSW. I am proud to be a member of a Government which is a strong supporter of TAFE NSW. We recognise the value of TAFE NSW and see it as a critical part of our plan to make New South Wales number one again, which includes the important initiatives of rebuilding our economy, of which TAFE will be a part; returning quality services; and strengthening our local communities and environment.

The Labor Party let New South Wales languish, and we trailed for some time, and continue to trail, in economic indicators. That is shameful. We have abundant natural resources and some of the best universities and educational facilities across Australia. This Government has the courage to propose some reforms that TAFE needs, giving it flexibility and the capability to employ its own staff, as it did before. I am on the record as saying that we must continue to support TAFE NSW because it is going to be a critical part of what will help New South Wales become number one again. I am confirmed in this view by my many visits to the New South Wales Institute of TAFE over the past five months since I have been a parliamentary secretary. I attended the New South Wales State Training Awards and was delighted to meet many of the finalists.

It was wonderful to see TAFE NSW associated with such a large number of finalists and winners and it is recognition of the outstanding job done by TAFE teachers. A highlight of the night was TAFE NSW New England Institute winning the Large Training Provider of the Year award, and congratulations go to it. On 27 September the Minister and I farewelled participants in the forty-first WorldSkills Games held recently in London. The Australian Skillaroos team finished seventh on the ladder out of 51 countries, with 10 medals. It was great to see that 15 members of the Australian team were TAFE NSW students. TAFE NSW students won six medals, including a gold medal won by a student from Western Sydney Institute. I congratulate all the participants. This demonstrates the quality of the training provided by TAFE NSW and it showcases to the world the strong TAFE system we have.

In late September I was at the Hunter Institute of TAFE and I spent the afternoon with students and staff at Newcastle College. I listened and I learned. The need for technical training—such as Newcastle College provides—has always been a critical issue for government to embrace. I learnt that the first permanent Newcastle Technical College building was opened in 1894. So the college has been contributing to the development of skills in New South Wales for a long time. The building cost £8,022 to build, which was a significant investment at that time. The building in which I met members of staff and students was a wonderful piece of architecture to behold and it still forms part of the fabric of the Hunter Institute. The institute's training has changed significantly as the need for skills has changed. That is exactly why these reforms are before the Parliament.

I was pleased to hear about the institute's higher education pathways program, including its strong relationship with the University of Newcastle. We need to make the pathways between schools, the vocational education and training sector and universities more seamless to encourage them to be systematic rather than based on the goodwill of particular organisations and individuals. To that end, the Minister for Education has requested that I chair a committee to review pathways and to recommend to him strategies and initiatives for more effective pathways to support the achievement of the State Plan's goals and targets, which includes

supporting students from lower socioeconomic environments, the Indigenous community and students from rural and regional backgrounds. Coming from the Murrumbidgee area, the Minister understands that better than anyone.

As a society we know that we need more people with higher level qualifications to boost economic growth. Having such a qualification not only makes the economy stronger—which is a goal of this Government—it makes people more employable, it gives them more interesting work with better wages and it gives them a sense of purpose, which we all want in life. TAFE does a great job in helping people attain higher level qualifications. From 2006 to 2010 TAFE NSW increased enrolments at diploma level and above by more than 36 per cent; completions at diploma level and above by more than 39 per cent; Indigenous enrolments at Australian Qualifications Framework Certificate III and above by nearly 73 per cent; and, importantly, Indigenous completions at Australian Qualifications Framework Certificate III and above by more than 93 per cent.

That is really something. TAFE NSW has diversified and is now a higher education provider. That means it can enhance and expand pathway opportunities to people from all those communities and more. TAFE NSW Higher Education now has its first group of students studying its inaugural bachelors degree—a Bachelor of Design (Interior Design) at Sydney Institute. The degree was established with the support of both industry and former students who wanted to continue their higher education at TAFE. That again demonstrates the quality of training provided in TAFE facilities in New South Wales. TAFE NSW is also planning to deliver a further six higher education qualifications in 2012. Importantly, that involves delivery of courses in a number of regional locations. Some of those degrees will also be delivered in partnership with universities, which I applaud. This bill will strengthen the ability of TAFE NSW to contribute to the development of skills that this State desperately needs and to provide stronger pathways to higher qualifications.

For the benefit of the member for Keira I will revisit the history of TAFE in this State. TAFE NSW was established as a commission in 1990 and has been a statutory authority since that time. From 1990 to 2006 all staff were employed by the TAFE Commission. As the Minister said in his agreement in principle speech, the TAFE Act was amended in 2006 to transfer all staff to the Department of Education and Training. This bill simply reverses that amendment so that TAFE NSW can once again employ its own staff. The bill has three key features: first, it enables TAFE NSW to employ its own staff; secondly, it makes all existing employees, including teachers, institute managers, administrative staff and educational support staff in existing employment employees of TAFE New South Wales.

Thirdly, the bill maintains the existing core conditions of employment—including hours of work, salaries, shift, overtime and penalty rates, allowances and leave—for a transition period of 12 months while new agreements are negotiated. Those new agreements will incorporate award conditions, where permitted, under the Fair Work Act 2009. TAFE NSW will still be a part of the Department of Education and Communities and will continue to be subject to New South Wales Government policy. The amendments in this bill are important for TAFE NSW because, as I have said a number of times, it has a distinct and important role in supporting the New South Wales economy in responding to the skills needs of individuals, businesses and the community, including those in rural and regional areas.

To deliver on this important mandate in an increasingly competitive environment, TAFE NSW needs flexibility to ensure that it attracts more business and to create employment opportunities for its staff. The nature and delivery of vocational education and training is evolving in this State as it is across the world. Courses are now offered online in multiple workplace environments and these reforms are aimed at supporting educational outcomes that will assist in the development of our State's economy. Of course, these amendments will also underpin the national partnership reforms in supporting this State's fair share of what is on offer from the Commonwealth Government.

However, most importantly, they will help TAFE NSW to continue the success it has enjoyed as the State's leading training provider into the future. I want TAFE NSW to remain responsive and sustainable and to continue to provide the high-quality training it already provides. I am sure the people of New South Wales who elected this Government with a strong majority on 26 March want the same outcome. To achieve that TAFE NSW needs greater flexibility and independence to operate in this new, competitive and exciting environment. For those reasons I commend the bill to the House.

Mr JAMIE PARKER (Balmain)[5.05 p.m.]: I speak on behalf of The Greens on the Technical and Further Education Commission Amendment (Staff Employment) Bill. The Greens oppose this bill for a range of

reasons that have already been raised in discussions. We see it as a blow to the public provider of vocational education and training. It provides for the transfer of TAFE teachers to the Federal industrial relations system while protecting key conditions of employment for only 12 months during enterprise negotiations. It will force the public provider into competition with private providers, including for-profit institutions, which will invariably put pressure on the pay and conditions of teachers in the vocational training sector. The Greens believe that the quality of education and training being offered will be threatened under this model and that that will have an impact on students and, in the long term, our economy, which depends upon maintaining and growing a strong skills base.

One of the major issues that the Minister should address is the lack of consultation with TAFE teachers about this legislation. I understand that the Teachers Federation, which represents a vast majority of teachers in the TAFE system, had no idea that the bill was about to be introduced. If the Minister is committed to our teachers and to better vocational education and training why did he not consult with the teachers' representatives—that is, the Teachers Federation? It undermines the Government's statement that it supports TAFE teachers if there is not even the pretence of consultation with their representatives.

It is also important to note that this bill undermines the protections provided for TAFE teachers by the Public Sector Employment and Management Act and State awards. The first thing TAFE teachers and union representatives in my area knew about the bill was when notice of its introduction was given last week. This bill should not be rushed through Parliament; it should be deferred to allow proper consultation. I am sure that if legislation such as this were introduced that impacted on another sector of our community members would agree that further discussions should be held.

The bill has created a great deal of concern and uncertainty. Like many other members, I have received thousands of emails from TAFE teachers because their existing award will expire soon. If the enterprise negotiations take more than the 12 months provided for in the legislation it is not clear what employment conditions will be preserved and how they will be preserved. In 2006 the then Labor Government, with the support of The Greens, moved TAFE teachers from the commission to the public sector to protect them from the WorkChoices legislation. The TAFE Commission is a trading corporation and its employees are therefore subject to that legislation.

Public sector employees are not and are therefore subject to the Public Sector Employment and Management Act and the State industrial relations system. This legislation will expose TAFE workers to the reduced protections provided under the Fair Work Act. The award covering TAFE teachers, corrective services workers and school employees will expire on 31 December 2011. Clause 8.3 of the New South Wales Government's wages policy requires the Expenditure Review Committee or the Wages Policy Taskforce to approve bargaining parameters three months prior to the expiration of the award. I am advised that correspondence from the Teachers Federation to the Government has gone unanswered, which suggests that the Government has failed to meet its own timeline. The Greens are concerned that this bill represents the O'Farrell Government delivering another blow to the public provision of vocational education and training in this State.

If passed, the bill will also undermine the capacity of TAFE teachers to negotiate because they will be separated from teachers in the broader public sector. TAFE teachers will be subject to the Federal award and they may well be confronted with individual contracts. They may also be required to work longer for less remuneration, which happened under the last round of award negotiations, and students' learning will suffer as a result. Both the Gillard Government and the O'Farrell Government have not supported the direct public provision of vocational training to the extent that they should. That was evident in the competitive tendering of the Adult Migrant English Program. This is another attempt to dismantle public provision of this important service. During question time the Minister said that The Greens simply want to give the teachers more money and that that is a terrible thing.

Mr Adrian Piccoli: I am not quite sure I said that.

Mr Ryan Park: He said it is not just about more money.

Mr Adrian Piccoli: That is correct.

Mr JAMIE PARKER: I would not want to misquote the Minister. We are not arguing that there should be more money, and we know who is disadvantaged. Likewise, the TAFE sector provides an important service to many disadvantaged members of our community. Andrew Stevenson has dealt with the gap between

poor public schools and rich private schools. No-one is asking for money; we are simply saying that it should be better targeted. The money should indeed be better targeted. We understand that the gap between rich and poor schools is growing. We believe it is unfair to continue subsidising the elite private institutions when that money could be better directed to the disadvantaged schools in many regional and rural electorates and other electorates around Sydney. That \$250 million a year, \$65 million of which comes from the State Government with the rest from the Federal Government, could provide 3.7 additional education professionals for each of the State's 581 most disadvantaged public schools. If each one of those disadvantaged schools were asked whether it would like close to four additional staff members it would enthusiastically say yes.

This does not mean we oppose improved training and support for teachers to make them the best educators they can be. My mother is in public education and my two sisters are teachers. I know that training and support for teachers is a critical way to deliver quality of service. We support the Minister to that extent. Our number one concern is the lack of consultation. I am disappointed that the Government has not seen fit to engage with the Teachers Federation, speak to the representatives of the teachers and at least ask for their views. TAFE teachers who have contacted me and my office feel as though something is up. Why was no consultation? What is going on? Why was the federation not involved directly? I invite the Minister to clarify the Government's position when it comes to negotiating and engaging with the federation.

There is significant uncertainty in the TAFE sector. The discussion paper on vocational education and training has raised a lot of concerns. It promotes and discusses in detail the outsourcing for TAFE funds, a voucher-type system and a sort of Higher Education Contribution Scheme income contingent loan. I previously asked the Minister a question about that in this House. It is the same privatisation agenda that was pursued in Victoria and that saw a significant increase in fees and charges for students who in many cases were least able to afford it. We recognise that this Government is talking about TAFE, but it is talking about it in the wrong way. It is not talking about TAFE as the strong, vibrant public sector provider of vocational education that this State needs. The Greens do not support the bill. We will continue to stand up for the rights of TAFE teachers, and indeed all public sector workers, to have fair wages and working conditions, and to engage and organise collectively.

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

CLUBS, LIQUOR AND GAMING MACHINES LEGISLATION AMENDMENT BILL 2011

Bill introduced on motion by Mr George Souris.

Agreement in Principle

Mr GEORGE SOURIS (Upper Hunter—Minister for Tourism, Major Events, Hospitality and Racing, and Minister for the Arts) [5.13 p.m.]: I move:

That this bill be now agreed to in principle.

The Clubs, Liquor and Gaming Machines Legislation Amendment Bill 2011 represents the second stage of reforms arising from the Government's historic memorandum of understanding with ClubsNSW. These reforms focus on ensuring enhanced corporate governance and management, protecting the community-owned status of clubs and removing barriers to clubs amalgamating or merged clubs separating. They are comprehensive and will be implemented in consultation with the clubs industry. The Clubs, Liquor and Gaming Machine Legislation Amendment Bill 2011 also addresses several liquor and gaming-related issues that I will refer to later.

The best way for some clubs to continue operations and develop future prosperity is to amalgamate with another club. A key reform in the bill is the removal of all forfeiture requirements for gaming machine entitlement transfers between amalgamated club premises. This will enable amalgamated clubs to retain all their entitlements when relocating from their old premises. Existing forfeiture requirements can be a significant disincentive for clubs to amalgamate, and this reform is a practical and sensible measure that will further encourage and assist amalgamations. However, clubs will still be subject to the strict local impact assessment requirements of the Gaming Machines Act to ensure that any potential increase in gaming is properly assessed before it can be approved.

Clubs that previously merged may wish to de-amalgamate for a variety of reasons. This bill facilitates club de-amalgamations by enabling a club licence to be transferred to another club, enabling core property to be

negotiated by private treaty and exempting de-amalgamating clubs from the local impact assessment and forfeiture requirements for gaming machine entitlement transfers negotiated as part of a de-amalgamation. It will also apply appropriate controls around the de-amalgamation process to ensure transparency and protect members' interests.

Improving club corporate governance was a key issue identified in the Government's memorandum of understanding with ClubsNSW. The need for reform was acknowledged by the Independent Pricing and Regulatory Tribunal in its 2008 review into the New South Wales registered clubs industry. Reforms that deal with club corporate governance issues are complex and can be progressed only in close consultation with the clubs industry. This is why the bill inserts several regulation-making powers into the Registered Clubs Act. These powers will allow for the development of a mandatory training framework for club directors and managers. Comprehensive discussions will occur with the clubs industry and registered training organisations to develop training frameworks that meet the individual needs of club directors and managers. The Government and the clubs sector will consider how the training can be progressively introduced to reduce the cost impact on clubs.

The bill also inserts other regulation-making powers to enable matters to be prescribed relating to voting eligibility for various classes of club members, a definition of the core features of a registered club and the circumstances where a club board will be permitted to appoint club directors. These issues were identified by the Independent Pricing and Regulatory Tribunal as requiring reform to ensure that club boards are functional, represent the interests of all members and are effective. However, these issues are also contentious and need to be approached sensitively. Ideally, the Government and clubs industry representatives will be able to encourage and support clubs to address these matters voluntarily. However, the reserve powers in the bill to intervene via the making of regulations are necessary to ensure action can be taken in the event that these matters are not addressed voluntarily.

The bill also inserts regulation-making powers into the Registered Clubs Act to facilitate mandatory three-year rolling elections if required. ClubsNSW has requested that a requirement for three-year rolling elections be mandated to enhance board stability. It will also help to address concerns where funds spent on director training are wasted because of the short time some directors are appointed to club boards, and facilitate board renewal. While the Registered Clubs Act already provides for clubs to voluntarily adopt three-year rolling elections, inclusion of regulation-making powers to mandate this requirement will send a message to the clubs industry about the importance of this issue.

The clubs industry has expressed concern that some boards are quite large and at risk of being inefficient or dysfunctional. Therefore, this bill amends the Registered Clubs Act to provide for a maximum limit of nine board members of a registered club. The industry has indicated that it is important there is consistency across all clubs and that a maximum of nine directors is an appropriate cap. The necessary transitional arrangements will be developed with the clubs industry to ensure there is an orderly introduction of the nine-member limit. Protecting our registered clubs and their assets from falling into the hands of private interests is vital to help the ongoing viability of the clubs industry. Significant concerns were raised recently about private takeovers of clubs or financial and management contracts entered into between vulnerable clubs and private companies. The clubs industry contends that these companies may seek to take control over governance of a club to gain a share of the club's profits or property.

This bill will implement several measures to help ensure financial and management contracts comply with the law and are in the interests of clubs and their members. First, clubs will be required to notify members of a proposal to enter into a contract whereby the core property of the club is, or will be, used either directly or indirectly as security. Members can then voice any concerns directly with their club or, if necessary, to the Office of Liquor, Gaming and Racing. Clubs will also be required to provide a report on the proposed contract to the Director General of the Department of Trade and Investment, Regional Infrastructure and Services for review and comment.

If the director general finds that the management contract does not comply with the legislation or is not in the interests of the club or its members, he or she may direct the club to amend the terms of the proposed contract, not to enter into the proposed contract, or to terminate the contract if it has already been entered into. If the contract has been entered into, the club may be required to show cause why the contract should not be terminated. An aggrieved club may seek a review by the Casino, Liquor and Gaming Control Authority. The bill also amends the Registered Clubs Act in order to strengthen the requirement for clubs to be conducted in good faith by more clearly identifying factors that could be indicative of the club not being so conducted.

These include circumstances where clubs may be under continuous administration for an exceptionally long period or where arrangements have resulted in effective control of the club and its revenues being passed to a contractor or other party. The regulation-making power is also provided so that other factors may be prescribed in the future, if necessary. To better emphasise the not-for-profit member-based nature and status of clubs, the bill clarifies the principles governing benefits or advantages received from clubs. The bill also strengthens requirements to ensure that club operations are adequately controlled and supervised by the club manager and board. Our service veterans' exceptional contribution to our country deserves special recognition. That is why I am pleased that the bill will result in ex-service men and women who are service members of the RSL no longer needing to sign in when entering an RSL or services club. This reform will also apply to Australian Defence Force personnel as an appropriate recognition for their service to our nation.

The bill introduces a defence provision for club managers, where reasonable steps have been taken to comply with certain liquor laws. A similar defence provision previously existed under the Registered Clubs Act. Consistent with that previous legislation, a defence will not be available for the offence of permitting intoxication, nor will a defence be available where a specific defence is already available in the Liquor Act or where the Act provides that a club manager is guilty for failing to comply with a direction without reasonable excuse. The bill also makes another important club industry reform by removing the ability for royal commission-style investigations to be conducted under section 41X of the Registered Clubs Act. This reform is advanced because more appropriate and effective investigative powers already exist under the Registered Clubs Act and under the crimes legislation.

I turn now to the liquor-related reforms in the bill. The bill will amend the primary purpose test in the Liquor Act to enable hoteliers to trade at certain times of the day without the need to sell liquor but to continue to provide other services such as non-alcoholic beverages, food, entertainment and conference facilities. This reform will also help to decouple liquor and gaming by allowing hoteliers to operate gaming machines without the need to have liquor available, thereby helping to address concerns about poker machine players playing under the influence of alcohol. The reforms will also potentially limit late-night liquor sales in venues that operate gaming machines, as well as allowing hoteliers to diversify early morning operations away from liquor and gaming operations by allowing hotels to open for breakfast or provide other non-gaming services.

These reforms will help to create safer hotels and reduce levels of alcohol-related harm as well as help to reduce the incidence or intensity of problem gambling by players who are under the influence of alcohol. There is a range of existing controls to prevent hotels from focusing their day-to-day business on gaming, including a mandatory daily shut-down of gaming machines, a prohibition on advertising gaming machines, and controls on the location of machines in hotels. To address concerns that hoteliers may apply for extended trading to operate gaming machines, the bill specifically provides for regulations to be made so that the impact of gaming is addressed in a community impact statement that must accompany an application for permanent extended hotel trading. The Government will develop the necessary regulations prior to the commencement of these provisions.

The bill introduces a new power relating to directions that can be issued to a licensee who sells liquor or to the operators of other licensed premises, such as a licensed caterer. These directions will allow limits to be placed on the use of an authorisation to sell liquor away from the licensed premises, including controls on trading hours and preventing the exercise of the licence. This will help to ensure that a licence cannot be used in a way that undermines the integrity or the objects of the liquor laws. For many years the Liquor Act has provided an exemption from the requirement to obtain a liquor licence for gift sellers who may include up to two litres of liquor as part of a gift of flowers or food that is delivered to a third person. Some vendors have recently sought to exploit this exemption by delivering packaged liquor late at night that was included with a small amount of food such as a packet of chips or similar snack food. These deliveries have the appearance of home delivery liquor, rather than genuine gift sales.

The bill will therefore strengthen controls by requiring that vendors who take advantage of the exemption must market a genuine gift service, package the gift in a way that the recipient would assume it to be a genuine gift and limit delivery hours to between 7 a.m. and 7 p.m. To ensure that legitimate vendors are not adversely affected by delivery delays, the bill acknowledges that there can be unforeseen circumstances that may delay the delivery of the gift. The bill also introduces a range of miscellaneous amendments to the Gaming Machines Act regarding the cap and trade scheme that controls the distribution of gaming machines at clubs and hotels. These amendments aim to improve the operation of the gaming machine threshold scheme, particularly to address legislative gaps regarding poker machine permit trading.

The reforms will also bring permit trading into line with gaming machine entitlement trading to ensure a level playing field between hotels and clubs and improve the overall integrity of the gaming machine threshold scheme. The bill makes several other miscellaneous reforms. It will change the name of the Casino, Liquor and Gaming Control Authority to the Independent Liquor and Gaming Authority in order to better reflect its role. The bill will confirm that the authority has the power to reduce liquor trading hours when imposing conditions on a licence and to apply appropriate penalties to offences relating to responsible service of alcohol and responsible conduct of gaming training.

The bill will clarify the status of changes that are levied by the New South Wales Office of Liquor, Gaming and Racing for gaming-related applications and services, and, finally, it will amend the secrecy provisions to ensure that liquor and gaming information can be released to appropriate persons to promote better regulation of the industry in accordance with good regulatory practice. The bill before the House represents a landmark package of reforms aimed at ensuring the long-term viability of the clubs industry. It will help to protect the interests of club members and ensure that clubs continue to make a significant social and economic contribution to our community. It also represents a balanced and sensible approach to liquor and gaming machine regulation. 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.

TECHNICAL AND FURTHER EDUCATION COMMISSION AMENDMENT (STAFF EMPLOYMENT) BILL 2011

Agreement in Principle

Debate resumed from an earlier hour.

Mr GUY ZANGARI (Fairfield) [5.27 p.m.]: The Technical and Further Education Commission Amendment (Staff Employment) Bill 2011 seeks to change the employment structure that covers members of the public service who work for TAFE NSW. It plans to transfer the legislation covering TAFE employees to the Technical and Further Education Act 1990. This will give the Technical and Further Education Commission control over employment at TAFE NSW institutions and the conditions of its workers. While such changes are within the prerogative of any government, my main concern is the scope of the changes that will be implemented, in particular the unintended consequences for the teaching staff and other public servants who come under the TAFE NSW umbrella. The main sections of amending legislation that I wish to highlight are sections 15 to 17. Those sections set up a structure that enables the commission to regulate employment conditions of TAFE NSW employees. In schedule 1 [4], new section 17, "Regulations relating to staff", section 17 (1) gives the commission power to make regulations:

... for and with respect to the employment of the staff of the TAFE Commission, including the conditions of employment and the discipline of any such staff.

Schedule 1 [14] seeks to insert, amongst other things, in part 5 new section 16 that allows for the preservation of the current wage conditions that are enjoyed by TAFE NSW public servants until such time as the transition period ends. This transition period is defined in new section 13 as the commencement of new enterprise agreements under the Fair Work Act 2009, a Commonwealth employment structure. Finally, new section 17 will place such changes to employment conditions beyond the scope of the Industrial Relations Commission. This legislation seeks to not only change the legislative framework that anchors the employment and work conditions of all TAFE employees but also to place in limbo the rights and conditions of the dedicated public servants employed in TAFE throughout New South Wales.

Under new section 15 current working rights and conditions of TAFE workers will be up for renegotiation within the limits of the Fair Work Act 2009. These new reforms provide no guarantees that TAFE workers will have the same level of conditions in 12 months time as are currently in place. New section 16 will remove the ability of an independent arbiter to determine what is fair for the people of New South Wales and TAFE workers across the State. This will give the O'Farrell Government the ability to reduce the entitlements of TAFE workers to the legal minimum as espoused by the Fair Work Act 2009.

As we have already seen, this Government's idea of listening to the community is that it does all the talking and the workers, residents and taxpayers of New South Wales do all the listening, irrespective of what effect that will have on the people it affects the most—the workers, residents and taxpayers of the State. Already

this Government has passed legislation that severely limits the ability of New South Wales public servants to have their pay keep up with changes to the rate of inflation by capping all increases to 2.5 per cent. Despite the tens of thousands of workers who protested in The Domain and the streets outside this very building, this Government, on the very same day as the protest, chose not to listen. Instead it legislated away the livelihoods of the public servants of New South Wales. Now the Government expects the very people responsible for the successes of TAFE New South Wales—its teaching, administration and ancillary staff—to trust them with their livelihoods.

When the Minister for Education, the Hon. Adrian Piccoli, introduced the bill in this House he spoke of the need to ensure the quality of education being produced in TAFE colleges across New South Wales. He stated that TAFE New South Wales and its tradition of innovation were highly regarded around the world, both in terms of the wide range of qualifications TAFE offers and the quality of the students it produces. The Minister stated the important role TAFE New South Wales played in the industrial and economic base of New South Wales and Australia. It not only provides qualification and skills to people in New South Wales but also plays an important role in providing the relevant skill base required by Australian industry now and into the future.

The Minister stated that this tradition of innovation and excellence found within TAFE New South Wales is a key lever in the Government's vision for New South Wales to become number one by 2021. However, what this Government has failed to grasp is the importance of the everyday people who make up TAFE New South Wales to its successes and accolades. We can have the best facilities in the world and all the resources that a government can invest in an educational institution such as TAFE New South Wales, but they mean nothing if we do not have a talented and experienced group of teaching staff who are not only dedicated to the education of their current students but also committed to ensuring the ongoing quality of education that they produce.

The changes proposed in this bill are an attack on the staff and teachers that are the key to the current and future successes of TAFE New South Wales. It tells the staff and educators at TAFE New South Wales that they and the work they do are nothing more than a mere commodity. It tells them that this Government does not think that their efforts and experience are valuable enough to have an independent arbiter determine a fair and equitable reward for the important task with which they have been vested. Unless this Government changes the way it values the public servants of New South Wales, in particular its educators, not just within the TAFE system but in all public schools across the State, the NSW 2021 master plan will be nothing more than a glossy document that underlines what could have been for the people of New South Wales.

Mr RICHARD TORBAY (Northern Tablelands) [5.34 p.m.]: At the outset I indicate my opposition to the Technical and Further Education Commission Amendment (Staff Employment) Bill 2011 in its current form. I moved a motion in this place supporting TAFE and I was pleased with the contributions made by members from both sides of the House. Clearly there is support for TAFE and acknowledgement of the magnificent institution it has been for more than 100 years in providing vocational education services. I know the commitment the Minister and the Government made to the TAFE system in that debate. I commended them when the motion was unanimously passed by this House and I still commend them for the view they expressed then.

I have some concerns in relation to this bill and that is why I am opposing it. My first concern is the sudden introduction of the bill. I contacted members of my communities and received information from them indicating that this legislation has come as a complete surprise to them. Many members have also indicated they were surprised when it was introduced in the House. TAFE and other stakeholders, including the Teachers Federation, also have indicated that to me. I was unable to find evidence of a consultation process in relation to the bill, and it would appear that while the Minister's agreement in principle speech, which I read, touched on some of the issues, it did not highlight in any detail aspects of the bill relating to the changes from State to Federal jurisdictions and the removal of access to the New South Wales Industrial Relations Commission. I am sure there is more information that should be tabled or considered in relation to these matters but I could not get access to it in the short time I had to prepare for this contribution to the debate.

My second concern, which has been touched on by a number of members, is that a number of candidates made pledges in relation to TAFE. A five-point plan was put forward and I have been provided with a list of all members who signed the pledge. It is significant that many candidates signed, including 33 members of the House in this current Parliament, and I was certainly one of them. I know the Minister was one of the signatories to that pledge. The five points were, firstly, to invest in services: the Government must guarantee

TAFE funding. Members of the Opposition need to be aware that there has been regular underfunding of TAFE and a loss of direct funding under successive governments over many years. The second point was that we should look after public assets and ensure that TAFE jobs and functions are not contracted out to the private sector.

Thirdly, there must be long-term planning for investment in infrastructure for TAFE that ensures a skilled workforce. Fourthly, we must back our workers by increasing permanent teaching positions and investing in teacher training. Fifthly, we must govern for the common good and ensure that everyone in New South Wales has affordable access to a TAFE education. This pre-election pledge was signed by 33 members—nine Liberals, seven Nationals, 14 Labor members and three crossbenchers. That is a pretty good indication that everyone supports TAFE. However, when one signs a pledge one gives a commitment to what should be done when adverse impacts are proposed. The five areas mentioned in the pledge are admirable and I was happy to sign the pledge and to support the very important work TAFE does and will need to do in the future if we are to meet the needs of the community. I know many members from all sides would share that view.

The consultation process concerns me. We need to better understand the impacts of the bill. Those who sign a pledge—as members have done in this instance—believe they will be consulted when changes such as these are to be imposed by government. The New England TAFE is an outstanding contributor. It was also a recipient of one of the awards referred to by the Parliamentary Secretary, who is a strong supporter of TAFE colleges. It does an almighty job in the New England area and I again offer my congratulations on a job well done. But the TAFE in New England has been under pressure for a significant time. It is facing contestability provisions and all sorts of brave new world impacts, which we need to understand and prepare for. The introduction of this legislation without an opportunity for consultation, particularly for those who work on the front-line of our TAFE colleges, will not make it easy to bring the community on board.

I oppose the legislation. I ask the Minister to ensure that transparent community consultation process will take place with respect to these changes. I am not opposed to change or reform; it is important to keep an open mind. But people take a dim view of discussions held in a clandestine way behind closed doors and without proper consultation. In such a consultation process many people would be able to contribute valuable ideas, as many in the TAFE community want to do. The positive and negative impacts should be put out for genuine community dialogue in order to achieve the constructive change necessary to assist TAFE colleges in their future challenges. The ramming of legislation through Parliament because the Government has the numbers will disenfranchise many. It will also reduce the opportunity for positive change, given the lack of trust that emanates from an approach that many consider dismissive. I oppose the legislation.

Ms TANIA MIHAILUK (Bankstown) [5.42 p.m.]: The O'Farrell Government has a unique governance style. When the Library Bill was debated in this place we heard many Government members recount their childhood memories of visiting libraries and borrowing books, but legislation dealing with industrial relations, local government and the working conditions of public servants is rushed through Parliament to avoid any consultation or public scrutiny. The O'Farrell Government has rushed through legislation that will continue to impact detrimentally front-line workers, including nurses, teachers, emergency service workers and local government employees—as we saw last Friday.

TAFE colleges are the next target. TAFE teachers face major cuts to their wages and conditions. More than 10,500 full-time equivalent TAFE teachers and almost 4,000 support staff will be affected by this bill. TAFE colleges need a stable industrial environment to support decent working conditions and to provide incentives so as to recruit and retain qualified staff. Students from across the State, particularly those in western Sydney, who rely on TAFE colleges as their preferred option for career and skill development will lose out as TAFE teachers exit the system.

The Government will not guarantee that current employment will be maintained beyond 12 months, nor will TAFE college staff have access to the Industrial Relations Commission of NSW for arbitration. Also during the 12-month transitional period there will be no guarantee as to a number of conditions on which TAFE teachers rely, including flexitime and professional development. After the transitional period, the Government has clearly stated that it will no longer worry about protecting TAFE employment conditions at all. If this type of transfer had occurred to a national system employee under Fair Work Australia, all the award conditions that covered the employee prior to the transfer would continue to cover the employee without a 12-month limit. The electorate of Bankstown is home to one of the many campuses of the South Western Sydney Institute. The institute also has campuses at Campbelltown, Granville, Lidcombe, Liverpool, Macquarie Fields, Miller, Padstow and Wetherill Park.

The training provided at the South Western Sydney Institute provides employment opportunities and assists a variety of local industries to skill its workforce. The member for Penrith said that the bill is a step forward in how we deal with TAFE colleges. Not consulting with 10,000 teachers and almost 4,000 staff is not a step forward: it is a step backwards. TAFE NSW is the largest provider of vocational education and training in Australia and there is significant pressure from many State industries to require employees to obtain specific skills and qualifications uniquely offered by TAFE colleges. In the future more reliance will be placed on TAFE colleges to produce results to match industry expectation and a stable industrial climate is a necessity. This bill will clearly destabilise TAFE colleges. It should be opposed.

Ms ANNA WATSON (Shellharbour) [5.47 p.m.]: I make a contribution to the Technical and Further Education Commission Amendment (Staff Employment) Bill 2011. I support those hardworking, dedicated and skilled employees across New South Wales, particularly those in the electorate of Shellharbour, who have been the latest victims of treachery by this conservative Government. The Government was elected on a platform of accountability, trust, service and integrity. That is laughable. When I look across at those opposite each day I realise that it has nothing to do with them whatsoever.

Mr Richard Amery: That is a good observation.

Ms ANNA WATSON: Yes. The Government never told the people of New South Wales about its plans to strip the workers of this State of their award entitlements and conditions of employment. Those industrial instruments were negotiated after consultation with all stakeholders. The underhanded O'Farrell Government never told the people of New South Wales about its nasty plans for the ordinary working men and women of this State. More than 10,000 TAFE teachers are at risk. What a disgrace. TAFE teachers live far and wide in this State and Government members will be answerable to those who live in their electorates. There has been no consultation with the TAFE teachers or with the unions to which they belong. Once again the Government's promise of accountability in government has been broken. I will read the meaning of "consult" from the *Macquarie Dictionary* to give those opposite a better understanding of what it is and how it works. The word "consult" means:

1. to seek counsel from; ask advice of;
2. to refer to for information;
3. to have regard for (a person's interest, convenience, etc.) in making plans;
4. (sometimes followed by *with*) to consider or deliberate; take counsel; confer.

If Government members cannot find the meaning in the dictionary, I am sure that the unions would be more than happy to oblige them as to its meaning. TAFE teachers will be the next victims of the O'Farrell Government, which will de-unionise, demoralise and strip conditions off these workers. Once again the Government has proved that it cannot be trusted.

ACTING-SPEAKER (Mr Lee Evans): Order! Members will come to order. The member for Shellharbour has the call.

Ms ANNA WATSON: First it was schoolteachers, then nurses, firefighters and ambulance drivers; now it is government workers and TAFE teachers. I do not know where it will end. It is mind blowing. The Government is dizzy with power. Every clause in the award that covers TAFE teachers has a long and hard-fought struggle behind it. Every clause in their current conditions of employment has a story that goes back 50 to 100 years. With the stroke of a pen, the Premier and his anti-worker cronies will ensure that TAFE teachers no longer have a voice. This extreme move by the Premier proves that his Government is intent on reintroducing WorkChoices New South Wales. It is the same game with a different name. That is typical of the DNA of a Liberal-Nationals Government in relation to its behaviour. John Howard lost government over this very issue. TAFE colleges already struggle to recruit and maintain qualified staff.

ACTING-SPEAKER (Mr Lee Evans): Order! Members will come to order. This behaviour is not acceptable. The member for Shellharbour has the call.

Ms ANNA WATSON: In the end who will suffer? The children and adults who attend TAFE, Aboriginal communities, teachers who will be forced to exit the system and the most vulnerable in our society

who cannot afford it will suffer. Clearly, the State jurisdiction is much more broad ranging and it enshrines conditions that workers, the unions and employers have negotiated for more than 100 years. Existing industrial instruments have worked for more than 100 years. Again, this means removing the Industrial Relations Commission in New South Wales; it means that workers will have no independent umpire. The Premier will be the judge, the jury and the executioner. It is a disgrace.

During the March election I visited my local TAFEs, particularly at Shellharbour where I signed a five-point plan. The first point in the plan is to invest in services, that is, to guarantee that service funding and workforce size will increase as the population grows. Shellharbour is the fastest-growing area on the eastern seaboard. The second point is to look after public assets, that is, to ensure that no public asset will be privatised without an Act of Parliament. The third point is to develop and implement a long-term plan to establish world-class services and infrastructure for our communities. The fourth point—this is the big one—is to back our workers, that is, to guarantee the rights of workers who provide services to the public, not to strip them of their conditions. The fifth point is to govern for the common good, that is, to commit to govern for the common good and to be held accountable by community impact statements and State community audits. Make no mistake: The community will hold the Government to account when the time comes.

I gave my commitment to the TAFE workers and I meant it. This Government cannot be trusted. It says one thing and it does another. It has never been a friend of the worker. The Government will be responsible for widening the gap between the haves and the have-nots—we all know that people need a good education to get a good job. This legislation will cut so many people out of that option that the gap will definitely widen. This is nothing more than short-sighted policy on the run by a government that is obsessed with attacking the wages and conditions of front-line workers. This is a huge backward step and the Premier should hang his head in shame.

The cut in course hours at TAFE is a sure sign that the Government is moving to close TAFE and corporatise education. Students are concerned that they will not have time to complete assessments or graduating certificate requirements. This is similar to what happened to TAFE in Victoria, where private training providers compete for public education funding. To add insult to the TAFE workers, these people heard about this bill only a week ago. This is all news to them. I could go on but I will finish on this point: This is the latest example of the Premier meddling with public sector work contracts without consultation and without a mandate. It is already causing great alarm in my electorate and, judging by the influx of communication that has come through my office, it will affect all electorates in New South Wales.

Mr ADRIAN PICCOLI (Murrumbidgee—Minister for Education) [5.54 p.m.], in reply: I thank all the speakers who contributed to this debate. No doubt all members in this Chamber have great passion and respect for TAFE and TAFE teachers in their electorates. I will address a couple of matters that have been raised. The member for Marrickville raised the Smart and Skilled consultation that is underway and asked why the bill is not included in that process. That consultation canvases a much broader range of issues, particularly around the Commonwealth agenda dealing with contestability and the like. These two issues are separate. Members opposite referred to consultation. In 2006 the previous Government moved TAFE teachers out of the TAFE Commission and back into the Department of Education and Training. We are now seeking to move them back into the TAFE Commission. When Labor moved TAFE teachers in 2006 there was absolutely no consultation with them.

Ms Carmel Tebbutt: We did it at the request of TAFE.

Mr ADRIAN PICCOLI: There was absolutely no consultation. The idea that this legislation is being rammed through is wrong. The agreement in principle speech was given last Tuesday. The standing orders provide for legislation to lie on the table for five days. This bill has laid on the table for six days. Members opposite are asking for further consultation. Are six days not long enough to run a scare campaign? The Opposition has received more than 4,000 emails. Of course, the Teachers Federation sent out an email saying that sea levels would rise, volcanoes would explode and we would be hit by a meteor if this legislation was passed. Of course there would be a response, given that scare campaign.

I am trying to get my hand on the email from the Teachers Federation, which I think is along the lines of, "We are opposed to this because it would deny TAFE teachers access to the New South Wales Industrial Relations Commission." If I recall correctly, there was a protest at the back of Parliament House because

teachers said that under the current arrangements they do not have access to the Industrial Relations Commission. The Teachers Federation needs to decide whether it has access or it does not have access. What is the truth? Under the new arrangements, the transition period will be one year. The Opposition has raised a big fuss about that.

I remind the House—I said this last week in answer to a question—that in 2009 the New South Wales Parliament, under the former Labor Government, referred industrial relations powers for private companies to the Commonwealth. This does not affect 10,000 TAFE teachers; it affects millions of workers across New South Wales. When the previous Government referred the industrial relations powers to the Commonwealth employees were given the same protection. The arrangements were transitioned for one year, which is precisely what we are doing. Apparently it was not a problem when Labor transferred industrial relations powers to the Commonwealth, but when the Coalition Government does it, suddenly it is a big drama.

As for the five-point pledge signed by members of Parliament, I had the pleasure of signing a pledge at Cooma TAFE with the member for Monaro. I happily signed the pledge because I am committed to TAFE, particularly to strengthening TAFEs in regional New South Wales. We saw what happened in Victoria with the full corporatisation and commercialisation of TAFE. The regional TAFEs suffered. One of the five points is to ensure that TAFE jobs and courses are not contracted out to the private sector. I understand that to mean also that they are not lost to the private sector. I understand the new Labor members—not that there are many of them—have not experienced the past 16 years and perhaps would prefer to black that out of their memories. But I will give the history.

In 1990 the TAFE Commission was established as a government trading enterprise. In 2006, as part of a political stunt in the whole WorkChoices debate, the previous Premier, Morris Iemma, transferred all TAFE teachers back to the employ of the Department of Education and Training. This Government is simply moving them back to the TAFE Commission, where they were happily for 16 years. No-one complained; there were no issues. The union did not raise objections to TAFE teachers being part of the TAFE Commission and TAFE teachers liked being separate from the Department of Education and Training. They do not see themselves as schoolteachers, necessarily; they consider that they are different.

We are not proposing something new. We are moving TAFE teachers back to where they were happily for 16 years. What has happened since Labor changed things in 2006? TAFE lost two big Commonwealth contracts to the private sector that were put out to tender. TAFE was unsuccessful in winning the contracts because it does not have the flexibility to compete with other organisations. We want to give TAFE staff flexibility by having the TAFE commission employ them. The Language, Literacy and Numeracy Program and the Adult Migrant English Program were lost under Labor's watch and more than 200 TAFE jobs were lost. Part of this proposal is trying to protect TAFE jobs.

Ms Carmel Tebbutt: How?

Mr ADRIAN PICCOLI: By making sure that when State Labor's friends in Canberra put contracts out for tender, New South Wales TAFE can tender competitively. A big contract is due for renegotiation in Wagga Wagga. If TAFE does not have flexibility, it will lose those kinds of contracts. The alternative is to do nothing and to lose more TAFE jobs. Or we can make the organisation more flexible and enable it to compete as it did for 16 years. Labor's record is losing \$35 million worth of Commonwealth contracts. I could go on, but a number of bills need to be passed urgently. I repeat that this bill is not being rammed through. It was introduced on Tuesday.

A motion could have been moved last week to suspend standing and sessional orders to bring on debate the next day. It has been five clear days since the bill was introduced before debate commenced. The Teachers Federation was consulted after the bill was introduced and I understand that it is not happy about the proposal. However, as I stated, every time a Coalition Government does something in the industrial relations sphere the Labor scare campaign always surfaces. We support TAFE and its teachers 100 per cent. This bill will only strengthen TAFE and make sure that it is maintained as the fine institution for which it is renowned. I commend the bill to the House.

Question—That this bill be now agreed to in principle—put.

The House divided.

Ayes, 52

Mr Anderson	Mr Fraser	Mr Piccoli
Mr Annesley	Mr Gee	Mr Roberts
Mr Aplin	Mr George	Mr Rohan
Mr Ayres	Ms Gibbons	Mr Rowell
Mr Barilaro	Ms Goward	Mrs Sage
Mr Bassett	Mr Grant	Mr Sidoti
Mr Baumann	Mr Hartcher	Mr Souris
Ms Berejiklian	Mr Hazzard	Mr Speakman
Mr Brookes	Mr Holstein	Mr Spence
Mr Casuscelli	Mr Humphries	Mr Stokes
Mr Conolly	Mr Issa	Mr Toole
Mr Constance	Mr Notley-Smith	Mr Webber
Mr Cornwell	Mr O'Dea	Mr R. C. Williams
Mr Coure	Mr Owen	Mrs Williams
Mrs Davies	Mr Page	
Mr Dominello	Ms Parker	<i>Tellers,</i>
Mr Elliott	Mr Patterson	Mr Maguire
Mr Flowers	Mr Perrottet	Mr J. D. Williams

Noes, 21

Mr Barr	Dr McDonald	Mr Torbay
Ms Burney	Ms Mihailuk	Ms Watson
Mr Daley	Ms Moore	Mr Zangari
Mr Furolo	Mr Parker	
Ms Hay	Mrs Perry	<i>Tellers,</i>
Ms Keneally	Mr Rees	Mr Amery
Mr Lalich	Mr Robertson	Mr Park
Mr Lynch	Ms Tebbutt	

Pairs

Mr Kean	Ms Burton
Mr Provost	Ms Hornery

Question 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.

HOME BUILDING AMENDMENT BILL 2011**Agreement in Principle**

Debate resumed from 13 October 2011.

Ms LINDA BURNEY (Canterbury) [6.11 p.m.]: I speak on behalf of the Opposition in debate on the Home Building Amendment Bill 2011. There has been a fair bit of discussion between the Minister for Fair Trading and the shadow Minister in relation to this bill and other legislation. I speak in debate on this bill for a number of reasons. Some people in this Chamber would be aware that I spent some time as Minister for Fair Trading, so I have a good understanding of the importance of home building in this State and I have a solid

understanding of the importance of consumer protection across the board, but in particular in the home building area. Many members would have heard stories from constituents relating to extremely distressing situations about home building warranty and protection.

Many members would also have heard stories about families that had been destroyed or pulled apart when they found out that there was something wrong with their properties. Often those families are involved in lengthy court cases and other litigation which is extremely distressing and which causes financial difficulties for them. The Minister introduced legislation that will now protect families who are building a home. I state at the outset that the Opposition supports this bill which has a number of key provisions to which I will refer briefly. This bill will reduce the statutory warranty period for those with home warranty insurance to six years for structural defects and two years for non-structural defects. I will deal later with that point.

However, I am sure that the Minister is aware of the Opposition's concerns in relation to those issues. The bill will also raise the threshold in the Act from \$12,000 to \$20,000 and it will increase the threshold at which written contracts are mandatory from \$1,100 to \$5,100. It will introduce a written quote requirement for work between \$1,100 and \$5,000. That commendable part of the bill will provide certainty to those undertaking home renovations or building work. The Opposition supports those changes to the Act which will ensure that those who are performing work know exactly the scope of that work.

The bill will clarify the definitions of "developer" and those parties related to a builder developer to close off any loopholes arising from adverse court decisions associated with these provisions, which is a sensible provision. I have had some peripheral experience of this and I have listened to the experiences of many people. In any adverse court decision it is difficult to understand whether the builder or developer should be pursued. As I understand it, this provision will clarify to which party the adverse court decision will relate. The Opposition welcomes these amendments to the legislation.

This bill also provides a single definition of "completion of building works" for home warranty insurance and statutory warranties, which will reduce litigation in this area. I indicated earlier that it is often difficult for consumers who are involved in difficult and lengthy litigation. This clear definition will assist them in this area. This bill excludes statutory warranty claims made by consumers and owner corporations from the operation of the proportionate liability provisions of the Civil Liability Act 2002 to ensure that homeowners can take cost-effective and efficient action in relation to breaches of statutory warranties. That provision, which is fairly self-explanatory, makes it clearer for consumers and owner corporations. As much of the litigation in this area involves units and blocks of flats it is important to clear up the issue relating to consumers and owner corporations.

This bill provides for a reduction of the \$500 excess for home warranty insurance claims to \$250 for new insurance contracts, which will reduce costs for homeowners. It also increases the minimum home warranty insurance cover from \$300,000 to \$340,000, which will be of extra benefit to homeowners. Once again the intent of this part of the legislation is to provide additional benefits to homeowners by reducing the excess and by increasing the amount of insurance cover to achieve that goal. The bill clarifies the time limits for making home warranty insurance claims and introduces a 10-year cap for claims on policies entered into before July 2010. This will facilitate the timely return of bank guarantees currently held against builders by insurers, which will tidy up that aspect of the legislation.

New South Wales Labor supports reducing red tape in this crucial sector of the New South Wales economy and any changes that maintain protections for homebuyers. I am sure that many members would be able to relate stories from constituents, personal experiences or family experiences that demonstrate how this process has become a nightmare. The Opposition is broadly supportive of the provisions in this bill. In most part these proposed changes are sensible and logical, and will provide better outcomes for consumers across New South Wales. The Opposition reserves the right to move amendments in the other House as some provisions in this bill will not provide better outcomes for consumers.

The bill reduces statutory warranty periods for those with home warranty insurance. It reduces existing protections of seven years to two years for non-structural defects, and from seven years to six years for structural defects. That is one provision that the Opposition will be seeking to amend. Whatever the reason that the Government has put forward for this change it cannot be argued that it will maintain the current level of consumer protection. There has been consultation on this bill with community interest groups who expressed concern about the fact that any opposition to the reduction of protection might hold up the passage of this bill. I do not think it will hold up the passage of this bill and that is not the intent of the Opposition. The Opposition will be looking closely at that issue.

The reduction of the time frame within which a consumer can collect on a warranty is something that the Opposition cannot support. While we agree that burdensome regulation and red tape in the construction industry is inappropriate, improvements on this front should not come at the expense of consumers. Finally, the Minister indicated in his agreement in principle speech that he would be conducting a further review of the Home Building Act in 2012, which is welcomed. New South Wales Labor is supportive of any change to the regulatory framework that will ensure that people stay in work in the construction sector and that housing levels increase in New South Wales. This review should not be used to remove protections for homeowners in New South Wales. I ask the Minister to ensure that any further changes to the Act err on the side of protecting consumers.

Mr ANDREW ROHAN (Smithfield) [6.23 p.m.]: I support the Home Building Amendment Bill 2011 and commend the New South Wales Government, in particular, the Minister for Fair Trading, the Hon. Anthony Roberts, for introducing this bill. The Home Building Amendment Bill 2011 signifies the beginning of genuine reform for the New South Wales home building industry. The purpose of the Home Building Amendment Bill 2011 is to boost the New South Wales economy and stimulate investment in the New South Wales home building industry by making amendments to the Home Building Act 1989 and the Home Building Regulation 2004 to remove unnecessary red tape, maintain appropriate consumer protections and address other urgent issues.

The Home Building Act 1989 regulates home building work in New South Wales through a licensed regime with rules of conduct. It provides also for monetary statutory warranties on residential building work and establishes the home warranty insurance scheme which is triggered when a builder cannot be located, dies, is declared bankrupt, or fails to comply with a money order of a court or the Consumer, Trader and Tenancy Tribunal. Members are aware of significant housing problems that are facing Sydney. It is expected that the population of Sydney will grow by 1.6 million by 2030.

If current construction work continues, by 2030 there will be a shortfall of 600,000 dwellings. This extreme demand for housing will push up property prices and prevent the dream of owning one's own home from becoming a reality. The bill obviously is not an entire fix of the Home Building Act but it will go a long way towards quickly and effectively making changes that will assist the operation of the marketplace and it will help to stimulate home building work in New South Wales. I commend the bill to the House.

Mr NICK LALICH (Cabramatta) [6.25 p.m.]: I speak in debate on the Home Building Amendment Bill 2011, the overview of which states:

The object of this Bill is to amend the Home Building Act 1989 (the Act), the Home Building Regulation 2004 (the Regulation) and the Civil Liability Act 2002 as follows:

- (a) to consolidate and amend provisions that deal with limitations on when a claim can be made under a policy of home warranty insurance to specify comprehensive arrangements for notifying losses and making claims
- (b) to provide a comprehensive scheme for determining when residential building work was completed (for the purpose of establishing the commencement date of statutory warranty periods, insurance periods and other periods under the Act)
- (c) to align the statutory warranty periods for home building work with those for home warranty insurance (being 6 years for structural defects and 2 years for other defects)
- (d) to clarify the application of the Act to developers so as to include as a developer the owner of the land on which a developer does residential building work
- (e) to expand the list of persons who are not required to be beneficiaries under a contract of home warranty insurance because they are "related" to a developer or contractor to include related entities and related parties under the Corporations Act 2001 of the Commonwealth
- (f) to raise the threshold for the requirements for written home building contracts from \$1,000 to \$5,000 and to introduce a written "short form" contract requirement for work between \$1,000 and \$5,000
- (g) to raise the threshold for the requirement for home warranty insurance and a 5-day cooling-off period for residential building work from \$12,000 to \$20,000
- (h) to reduce the \$500 excess for home warranty insurance claims to \$250
- (i) to increase the minimum home warranty insurance cover from \$300,000 to \$340,000
- (j) to extend the statutory dispute resolution process to enable a contractor to notify a dispute with a consumer
- (k) to provide for the sharing of information between NSW Fair Trading and the NSW Self Insurance Corporation in respect of functions under the Act
- (l) to exempt a liability arising from breach of a statutory warranty under the Act from proportionate liability under the Civil Liability Act 2002.

Building a home comes at great expense, as do renovations. What is of utmost importance is getting the legislation right. This is even more pertinent as we have seen the O'Farrell Government's lack of commitment to first homeowners by the scrapping of stamp duty exemption in the budget. One slap in the face is one slap too many. It is crucial that legislation on home building does not negatively affect the home owner-builder or the tradespeople who are commissioned to undertake the work. Nothing could be worse than a couple saving up with discipline for their first home—being done no favours by this O'Farrell Government cutting out the stamp duty exemption—and then having something go wrong. Homeowners need protection; the financial risks are just too great otherwise.

Likewise, builders and contractors should also feel secure that any legislation that is enacted by this House will adequately protect their rights. The New South Wales Labor Opposition supports this bill but reserves the right to move amendments in the other House. The Opposition remains committed to cutting red tape so that the home building sector can efficiently continue to contribute to a strong and stable New South Wales economy. Largely the changes that will be effected by this bill are sensible and will provide better outcomes for consumers who are undertaking home building and renovations. However, the Opposition has concerns about some aspects of the bill such as reducing statutory warranty periods for those with home warranty insurance. The bill will reduce existing protection from seven years to two years for non-structural defects and from seven years to six years for structural defects. That provision does not maintain our current level of consumer protection.

Another aspect not supported by the Opposition is the reduction of the time frame during which a consumer may collect on a warranty. As I stated earlier, legislative provisions of this type must be right. Much of a family's finances can be placed at risk when building renovations are undertaken. The New South Wales Opposition supports measures designed to cut red tape so that improved efficiency in the home building sector is achieved, but not at the expense of consumer protection. The Opposition calls on the Government to ensure that any future changes will support and protect consumers.

Mr CHRIS SPENCE (The Entrance) [6.30 p.m.]: I support the Home Building Amendment Bill 2011. For years builders, tradespeople and home owners have been saying that the Home Building Act and regulations are desperately in need of reform. The reforms in this bill will help to boost investment in the home building industry, provide additional benefits to home owners and deal with other urgent issues. This bill puts forward a solid package of short-term reforms that will help to give industry an immediate boost by cutting red tape and reducing impediments to investment in home building.

Two of the most important reforms in the bill are the changes to the length of time for which a builder must provide a warranty for their work and the inclusion of a clear definition of completion. The Home Building Act establishes a statutory warranty scheme that requires builders and tradespeople to warrant that the work they perform for home owners is done in a proper and workmanlike manner. The bill will establish the Home Warranty Insurance Scheme, which will act as a safety net when a home owner is not able to have a builder fix defective or incomplete work because the builder is deceased, has disappeared, is insolvent or has not complied with an order from a court or tribunal. At present there is a seven-year blanket coverage against breaches of statutory warranty whereas the coverage provided by home warranty insurance is six years for structural defects and two years for non-structural defects. Overwhelmingly stakeholders on all sides have expressed support for warranty periods to be the same.

It is confusing and inequitable to have different warranty periods. The bill provides real reform that will align the two periods at six years for structural defects and two years for non-structural defects. Similar to the provisions under the Home Warranty Insurance Scheme, an additional six months of cover will apply when a defect becomes apparent in the last six months of the time period. That will make sure home owners have sufficient time to take proceedings against a builder. The time periods commence from completion of the work.

The bill also allows for the practical completion of each building in a multibuilding project to be considered independently so that the completion date for multistage projects does not extend beyond the appropriate time. The bill represents sensible and real reform to the regulation of residential building in New South Wales. I commend the bill to the House.

Mr CHRIS PATTERSON (Camden) [6.31 p.m.]: The Home Building Amendment Bill 2011 is a package of reforms that will address issues in the operation of the Home Building Act and boost the New South Wales home building industry. The amendments in the bill will maintain an appropriate level of consumer protection and effectively balance the needs of home owners, builders, tradespeople and insurers. Due to the

wonderful efforts of members who preceded me in this debate, I will not deal in detail with the amendments. If we fail to act, the building industry will suffer the consequences. The Coalition Government came to govern in March this year with its number one priority of rebuilding New South Wales. That begins with rebuilding the economy. If we are to rebuild the economy, it is essential that we support the housing industry.

The amendments in the bill, which have been discussed in detail by members who preceded me in the debate, close loopholes that disadvantage home owners, builders and developers in our community. If those loopholes are left untreated, they will have a continuing negative effect on the very industry that we need to support to ensure that our economy flourishes. The bill will protect future homeowners by ensuring that the owner who is developing their land will be accountable to fix any defective work or problems that arise from the building process. That will give future home owners confidence and certainty in investing in new homes. This bill also will assist builders, developers and insurers of new homes by taking away the unrealistic expectation that a builder is perpetually liable for wear and tear in homes they have constructed.

As matters stand now, many builders face undue financial distress by each year having to pay hundreds of thousands of dollars in bank guarantees, which prevents them from taking on new work. This amending bill will greatly benefit the people of my electorate because Camden is one of the fastest-growing electorates in New South Wales. It is estimated that Camden's population will increase from its current 70,000 people to an expected 300,000 people over the next two to three decades—an increase in population that will result in approximately 60,000 new homes being built in my electorate during that time. The amendments in the bill will go a long way towards giving purchasers renewed confidence, giving builders the ability to do their job unhindered, and removing any uncertainty about the timing of lodgement of home warranty insurance claims. A thriving building industry is the first step in creating a thriving local economy that in turn will lead to wider economic performance and a thriving New South Wales. I commend the bill to the House.

Mr KEVIN CONOLLY (Riverstone) [6.34 p.m.]: I support the Home Building Amendment Bill 2011 and will confine my comments to changes in proportionate liability. Until 2010 it was considered that the provisions of the Civil Liability Act did not apply to statutory warranty claims under the Home Building Act. However, in July 2010 the Supreme Court allowed a builder to use the rules of proportionate liability to defend himself in a statutory warranty claim. I understand that stakeholders such as insurance groups and consumer groups have serious concerns about the impact of this decision on consumers, particularly on owners' corporations.

Most residential construction work is undertaken by subcontractors under contract to a builder who is the principal in a separate contract with an owner. Allowing builders and developers to use proportionate liability as a defence undermines the scheme's intent, which is to allow the home owner to be able to recover total losses from their builder or developer for a breach of statutory warranty. In such circumstances, a home owner has to chase the builder, developer and all the subcontractors, which costs both time and money. In fact, they may be deterred from pursuing claims at all with the result that the scheme would become inoperable. Because the scheme is structured in a way that holds the builder and developer responsible for the statutory warranty, only the builder takes out the home warranty insurance policy.

Other third parties, such as subcontractors who may actually carry out the work, do not have to take out home warranty insurance. Requiring them to do so would only increase the cost of building in this State. Consequently, if proportionate liability is applied to statutory warranty claims, the Home Warranty Insurance Scheme will no longer work. For example, under proportionate liability a developer may be found not to have contributed to losses in any way because they did not attend the building site or a builder may be found to be responsible for only 10 per cent of the loss, with the remaining 90 per cent of losses attributable to subcontractors.

However, because subcontractors do not carry home warranty insurance for the work, if they become insolvent as a result of the judgement, a home owner will not be covered by home warranty insurance. Clearly, that was not the intent of the legislation. The proposal to amend the Home Building Act to clarify that proportionate liability does not apply to statutory warranty claims and related recovery actions will restore certainty to the Act. This amending bill will restore the intent of the scheme and ensure that home owners will be able to enforce statutory warranties against the developer of their property. I commend the bill to the House.

Mrs LESLIE WILLIAMS (Port Macquarie) [6.36 p.m.]: I am pleased to support the Home Building Amendment Bill 2011 and to congratulate the Minister for taking some real and much-needed steps towards fixing the Home Building Act. The changes in the bill will provide long-awaited assistance to home owners and

home builders and will stimulate the marketplace as well as building work in New South Wales. The object of the bill is to amend the Home Building Act, the Home Building Regulation 2004 and the Civil Liability Act 2002. The bill has a balanced package of reforms that will cut unnecessary red tape, close legislative loopholes and provide real benefits to home owners. It is well known that there are problems with the operation of the Home Building Act and that a lot of work has been done to identify the main areas of concern it causes. While the bill does not resolve all the issues and problems with regulating residential building, it is a significant and solid first step in reforming the sector. A broader-scale review of the sector is due to commence in early 2012.

As members know, most insurance policies have an excess as a way of keeping premiums as low as possible and help to contribute to the administrative costs involved in processing claims. Home warranty insurance is no different. Home owners currently are required to pay a \$500 excess when a home warranty insurance claim is approved. This bill will halve that excess under new home warranty insurance policies so that when the reforms commence a home owner will have to pay only \$250 towards the cost of their claim. The \$250 excess will continue to operate as a deterrent for small, vexatious or frivolous claims and will contribute to meeting the scheme's administrative costs, thereby ensuring that the Home Warranty Insurance Scheme continues to operate with the lowest possible premiums.

Currently the legislation provides that all home warranty insurance policies have a minimum level of cover of \$300,000. After the reforms commence, new policies will have a minimum cover of \$340,000. This change reflects increases in the cost of building since the threshold was last increased in line with movement in the Producer Price Index, which is an indicator that is maintained by the Australian Bureau of Statistics to monitor movements in the prices paid for goods by businesses. The bill also amends the threshold for having mandatory home warranty insurance in place. Currently, it is mandatory that all residential building work worth over \$12,000 is covered by a home warranty insurance policy. The minimum cost of a home warranty insurance policy is around \$200.

The reforms contained in the bill increase the threshold at which home warranty insurance must be taken to \$20,000. This reform not only will remove the cost of home warranty insurance premiums for small residential building work but also will increase competition at this end of the market. Home owners, therefore, will be able to get better value for money, which is great news. This is a sensible package of amendments offering reforms in the area of residential building that will provide real benefits to home owners. We all know how important the building sector is and the impact it has on the New South Wales economy. The New South Wales Liberal-Nationals are making the tough decisions and introducing appropriate reforms and legislative amendments to ensure that we restore a healthy building sector that provides confidence to those wishing to invest in our State. I commend the bill to the House.

Mr CRAIG BAUMANN (Port Stephens—Parliamentary Secretary) [6.40 p.m.]: I make a very brief contribution to the Home Building Amendment Bill 2011. After graduation in civil and structural engineering I joined the building industry, and 30 years later I am still involved, being the sole shareholder and director of two residential building companies operating in the Hunter from a base in Maitland. My member's returns have details of that involvement. The building and construction sector is the canary in a cage for the Australian economy. The economy rises and falls on the strength of the building and construction sector and in New South Wales the sector, after 16 years of abuse, is experiencing a decline. The Australian Bureau of Statistics reports that building activity in New South Wales decreased over the last three quarters. Within the building and construction sector home building activity is contracting more rapidly than other building work.

However, while home building activity falls, the demand for housing in New South Wales continues to rise. The National Housing Supply Council predicts that present levels of dwelling construction are not high enough to meet Australia's emerging housing needs. The council expects that an additional 3.2 million dwellings will be needed to meet population growth projections. Of these dwellings, 16 per cent are expected to be in and around Sydney. This prediction is supported by Access Economics, which estimates that 390,000 new dwellings will be needed in New South Wales by 2020. In line with this, the New South Wales Government has made a commitment to release 10,000 housing blocks within four years in order to make Sydney housing more affordable and help families buy a home. It is clear that the home building industry needs to be robust and healthy to address predicted housing shortfalls.

However, as the current home building legislation stands, stakeholders are concerned about the ability of the sector to meet future expectations and needs. The amendments contained in the bill will go some way to revitalising the building and construction industry and stimulating investment. They will remove unnecessary red tape while at the same time ensure an adequate and appropriate level of consumer protection. The

amendments will result in a more vibrant and competitive sector which, in turn, will benefit the future home owners of New South Wales. A significant amendment raises the threshold for home warranty insurance from \$12,000 to \$20,000. Since 2004 home warranty insurance must be in place where the value of building work exceeds \$12,000. Industry stakeholders have repeatedly expressed concern that this figure does not represent the increases in building and labour costs that have occurred since 2004.

This requirement has had a negative effect on small-to-medium builders and tradespeople. In order to be eligible for home warranty insurance, builders and tradespeople must meet stringent prudential requirements. Builders and tradespeople also raise concerns about the cost, time and effort required to obtain home warranty insurance for small-scale building works. Small-to-medium builders and tradespeople are the backbone of the home building industry. However, the level of regulation imposed on small building jobs is preventing these people from being able to get on and do the jobs they want to do. I have much more to say but I will leave it to another day.

Mr GREG APLIN (Albury) [6.43 p.m.]: The Home Building Amendment Bill 2011 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 and at the same time maintain adequate consumer protection. The building and construction industry makes a significant contribution to the New South Wales economy, and it needs to be robust and healthy if it is to continue to contribute to this great State. Accordingly, the bill proposes a number of measures to cut unnecessary red tape to help stimulate the industry. This includes raising the threshold of home warranty insurance from \$12,000 to \$20,000, raising the threshold of home building contracts from \$1,000 to \$5,000 and introducing a written quote requirement for work above \$1,000. The bill also aligns the period of statutory warranties with those of home warranty insurance. Aligning the periods of cover will reduce confusion for consumers and better reflect market realities.

The second objective of the bill is to make several urgent legislative amendments, mainly as a result of recent unexpected court decisions. The outcomes of these decisions risk the Act no longer working in practice the way it was intended to operate. The court decisions prevent consumers from accessing warranties, exposing insurers to unforeseen costs and risk and impacting upon the building industry by stopping builders from taking on new projects. As the Act currently stands, the application of the legislation in practice is no longer consistent with the Act's policy intent in certain key areas. Obviously, the changes contained in the bill are urgently needed to address a number of issues and to ensure that the statutory warranty and home warranty insurance scheme is operating as intended.

The amendment bill makes urgent changes, such as excluding the statutory warranty and home warranty insurance claims from the operation of the proportionate liability provisions of the Civil Liability Act. The bill clarifies the time limits in which a home warranty insurance claim can be made, introduces a 10-year maximum cap on claims and clarifies the meaning of "notification" and "related defect". The bill confirms access to statutory warranties for home owners who have purchased properties from developers. These amendments improve the efficiency and effectiveness of the Act and improve the operation of the legislation. While the bill may not be a complete fix of the Home Building Act, it will go a long way to quickly and efficiently make changes that will assist the operation of the marketplace and help stimulate home building work in New South Wales. I commend the bill to the House.

Mr CHRIS HOLSTEIN (Gosford) [6.45 p.m.]: I support the Home Building Amendment Bill 2011 because any measure that helps reduce or remove unnecessary red tape, boosts the New South Wales economy and stimulates investment whilst maintaining appropriate consumer protections has to be good for the citizens of New South Wales. Building activity in New South Wales is contracting rapidly. One of the reasons, we have been hearing for some time, is that our current regulatory regime is inhibiting investment. The bill contains proposals for reform that are designed to complement other reforms already undertaken by the O'Farrell Government. The package will add a number of additional reforms to provide benefits to home owners, such as reducing the excess from home warranty insurance claims and increasing their minimum level of cover. The bill also addresses existing loopholes in the legislation and other issues that have come to light after some adverse court decisions. Those loopholes have been used by some parties to avoid their statutory obligations.

The bill amends the Home Building Act 1989 but it is not designed to be a fix-all solution. It will make quick and efficient changes that will help stimulate home building work in New South Wales. I will refer to a few of the main reforms in the bill. They include aligning statutory warranty periods with those for home warranty, raising monetary thresholds in the Act to reflect increased building costs and to reduce red tape, such as increasing the threshold at which home warranty insurance is mandatory. Other main reforms in the bill are

clarifying the time limits for the making of home warranty insurance claims and introducing a 10-year maximum cap for claims on policies entered into before 1 July 2010 to facilitate the timely return of bank guarantees currently being held against builders by insurers. I have much more to say on the matter but I will reserve it for a future date. I commend the bill to the House.

Mr ANDREW GEE (Orange) [6.47 p.m.]: As someone who has practised in the field of building and construction law for many years, I support the Home Building Amendment Bill 2011. The bill clarifies that the proportionate liability provisions of the Civil Liability Act 2002 do not apply to claims arising from a breach of statutory warranties. The recent decision of the Supreme Court in *Dasco Constructions* had far-reaching implications for home owners wishing to enforce the statutory warranties provided under section 188 of the Home Building Act 1989 and which are implied in all contracts for work undertaken under the Act. It allowed defendants to limit their liability by invoking the concept of proportionate liability provided by the Civil Liability Act. In other words, a defendant could be liable only for that portion of his or her wrongdoing.

The Civil Liability Act 2002 allows the liability of a wrongdoer to be apportioned amongst one or more other persons "whose acts or omissions caused, independently of each other or jointly, the damage or loss that is the subject of a claim". This meant that the amount of damages payable by any one of the concurrent wrongdoers could be limited to a portion of the total claim for which that person could be said to be responsible. A subsequent Court of Appeal decision cast further uncertainty over the issue and left the law in a state of flux. The decision required the homeowners and owners corporations to join not only the builder in any legal proceedings but also any other potential wrongdoer, leading to both substantial costs and additional complexity in any proceedings commenced under the Home Building Act for defective building work.

This bill removes this uncertainty by excluding statutory warranty claims from the operation of the proportionate liability provisions of the Civil Liability Act. This will make it easier and more efficient to bring claims for defective work under the Home Building Act. It means that plaintiffs will not be forced to join casts of thousands for fear of not being able to appropriately recover their losses under the Home Building Act. I commend this worthwhile bill to the House.

Mrs TANYA DAVIES (Mulgoa) [6.50 a.m.]: I support the Home Building Amendment Bill 2011. As the member for Mulgoa I represent families, businesses and local communities in western Sydney. For many years thousands of new families either moved into the area or remained in the area because they could afford to purchase a home. Over the recent decade in New South Wales the rising price of housing has far outstripped the ability of many families to save a deposit and purchase their first home. In fact, under the historically inept leadership of those opposite New South Wales now has the lowest home building starts in more than 30 years.

The O'Farrell Government is facing up to the significant problems it inherited from those opposite and is delivering on practical solutions to make New South Wales number one again. The Home Building Amendment Bill supports its NSW Plan 2021. This bill will support the rebuilding of the economy by stimulating the home building sector and those numerous industries that are directly linked to the home building sector and the rebuilding of our State's finances, and it will place downward pressure on the cost of living. To boost the New South Wales economy and stimulate investment in the home building industry this bill will make amendments to the Home Building Act 1989 and Home Building Regulation 2004 in order to help remove unnecessary red tape, maintain appropriate consumer protections and address other urgent matters.

Building activity in New South Wales is rapidly contracting. This bill delivers a range of reforms to address this attraction, such as: aligning statutory warranty periods with those for home warranty insurances; raising monetary thresholds in the Act to reflect increased building costs and reduce red tape—sensible reforms; and reducing the \$500 excess on home warranty insurance claims to \$250, thereby effectively reducing costs for homeowners. I am pleased to inform the House that the New South Wales Self Insurance Corporation, the current sole provider of home warranty insurance in New South Wales, has provided advice that these changes will see a reduction in the number of insurance policies needing to be taken out by almost 20 per cent—once again reducing costs for home owners and builders. I congratulate the Minister for Fair Trading, Mr Anthony Roberts, on this bill, and I commend it to the House.

Mr JOHN BARILARO (Monaro) [6.51 p.m.]: I support the Home Building Amendment Bill 2011, which, simply put, makes good sense. Many in this place would know that prior being given the honour of entering this house as the member for Monaro my background involved a 20-year association to the building industry. Over that period we have seen the cost of building works rise because of higher labour costs, material

costs and transport costs, yet many thresholds that government has set in place have not kept pace. Also red tape has increased, resulting in a further burden and cost to the tradie, builder and consumer. I also add that whenever there is an abundance of red tape it can lead to non-compliance by many, be it deliberate or not.

This bill addresses many issues that I have seen firsthand, but I will talk about a couple of important points. Firstly, the change to the contract threshold is an important and justifiable amendment. Increasing the threshold from \$1,000 to \$5,000 is appropriate, as even minor building works in one's home easily exceeds the \$1,000 mark in this day and age. The increase in the threshold means the use of complex multiple page contracts will be required only for works over \$5,000. This is proper and will mean for those minor works around your home will be simplified for both tradie and consumer.

Introducing a written quote requirement for work between \$1,001 and \$5,000 is also a sensible step in saving unnecessary paperwork but at the same time it will give consumers a clear written document identifying the works to be completed as part of the quote by the builder or tradie. Members may be surprised to know that many tradies in the industry do not even use quotes in this day and age. In border communities such as in Queanbeyan in my electorate of Monaro, just a stroll over the border into the Australian Capital Territory the monetary thresholds are already at \$20,000 for works over \$12,000 in regard to home owners warranty insurance.

Increasing the threshold of \$300,000 to \$345,000 in regard to home warranty insurance also addresses, as previously stated, the higher prices of building works today. These amendments, along with many other policies and pieces of legislation announced by the O'Farrell-Stoner Coalition Government, are all about getting on with the job of doing business in New South Wales. That is why I support this bill, because, put simply, it makes good sense. I commend the bill to the House.

Mr JAI ROWELL (Wollondilly) [6.54 p.m.]: The Home Building Amendment Bill 2011 will remove unnecessary and burdensome red tape while ensuring that adequate protection for consumers remains. A component of this bill will be to make amendments in light of recent court cases which may inhibit the legislation in its current form ineffective. This bill is important because the building industry is important. As our Minister rightly asserts, a healthy building sector is a key component of a strong New South Wales economy that delivers jobs and opportunities, jobs for apprentices, tradespeople, opportunities for small businesses and homes for residents of New South Wales.

The Wollondilly region is growing steadily. However, I am a firm believer that any growth should be matched by the appropriate infrastructure. At the moment there is an infrastructure deficit in the Macarthur region and this is something that must be addressed. Appropriate planning and an assessment of impacts of new development must be undertaken to ensure the region develops in a harmonious manner with appropriate consultation. The Home Building Act 1989 currently regulates home building work in New South Wales through a licensing regime with rules of conduct, a main component of which is the Home Warranty Insurance Scheme. An important element of the scheme should cover situations in which the builder becomes ill, dies, becomes bankrupt or fails to comply with the Consumer, Trader and Tenancy Tribunal.

These amendments are needed because the building industry is rapidly contracting. There have been many reasons cited for this stagnation. However, one prevailing idea is that the current regulatory framework is inhibiting investment. This is an area, according to many, that those opposite have been particularly poor at—policies made on the run, things announced then re-announced only to be scrapped and revived again later on. There has been an identified reason for these amendments. We have consulted with the relevant bodies and the proposed amendments we believe will appropriately address the situation. I commend the bill to the House.

Mr ANTHONY ROBERTS (Lane Cove—Minister for Fair Trading) [6.56 p.m.], in reply: As members have heard, the key objectives of the Home Building Amendment Bill 2011 are to stimulate industry through cutting red tape, where appropriate, and address a number of urgent issues with the legislation. The amendments proposed in the bill are an important step forward in fixing this messy, complex area. However, I have made very clear that these reforms only mark the beginning of a comprehensive program of reviewing and reforming the legislation. I turn now to some of the specific issues raised by the member for Canterbury.

Since 2002 only 7 per cent of claims and notifications relating to structural defects are lodged six years after the issue of the insurance certificate. Complaints and claims data produced by Fair Trading's Home Building Service dating back to July 2007 show that more than 80 per cent of non-structural defect complaints are made within the first two years. Even now, there may be a few people who will make a complaint about a

possible structural defect more than seven years after completion. But there must be a time limit for how long a builder is liable for this work and this time limit should be sensible and practical and reflect the time periods in which the vast majority of complaints about this work are made.

It is inappropriate to have a seven-year warranty period for non-structural items such as painting and plastering. After a few years it is often difficult to determine whether a loss was caused by a defect from a breach of the statutory warranties or the general effect of wear and tear on the building. Finally, because some homeowners are waiting until the end of the seven-year period to enforce the statutory warranties for non-structural defects, it is necessary to prepare extensive, expensive reports in order to determine whether the defect is the result of a breach of the statutory warranties or the result of general wear and tear. This often results in lengthy and costly legal proceedings.

In conclusion, this bill will make a number of important reforms to the regulation of home building in New South Wales. I again thank members representing the electorates of Canterbury, Smithfield, The Entrance, Camden, Riverstone, Port Macquarie, Port Stephens, Albury, Gosford, Orange, Mulgoa, Monaro, Wollondilly, Baulkham Hills and Cabramatta for their contributions to this debate and all the stakeholders who have contributed to the development of 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.

Passing of the Bill

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

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

PACIFIC HIGHWAY UPGRADE

Matter of Public Importance

Mr ANDREW FRASER (Coffs Harbour—The Assistant-Speaker) [7.07 p.m.]: My matter of public importance today is the Pacific Highway. I do not believe any member who lives on the North Coast could find a more important issue than the Pacific Highway. In 1996 Minister Carl Scully, the Minister for Roads in the Labor Government, promised us a divided dual carriageway from Hexham to the border by 2006. It is now 2011 and 51 per cent of that carriageway has been completed. The cost blowouts on the Pacific Highway have been huge. For example, the Halfway Creek dual carriageway was originally estimated at \$65 million but blew out to \$123 million—a blowout of 95 per cent—and the Ulmarra bypass upgrade, which was originally estimated at \$12 million, at this stage has blown out to \$31 million. These are 2001 and 2003 figures.

The amount of money wasted by the previous Government is obscene. It was not until this year, when the Coalition was elected to government, that people started to have some faith in the prospect of the Pacific Highway being completed. A target of 2016 has been given for completion of the work but, unfortunately, I do not believe that will be physically possible. However, we will work with the Federal Government to ensure that the money is allocated. In this year's budget the State Government, on a challenge from the Federal Government, increased funding by \$468 million, which is an increase of 94 per cent from 2009-2014. That increase more than meets the \$450 million challenge by Minister Albanese.

The electorate of Coffs Harbour received a huge bonus, as did the electorate of Clarence, which received \$10 million in this year's budget for the upgrade of the Pacific Highway to four lanes at Glenugie, \$5 million for the upgrade at Devils Pulpit, \$4.4 million for maintenance work on the Clarence River Bridge at Harwood, \$2 million for planning for the upgrade of the stretch from Woodford to Ballina, and \$1 million for

planning for the upgrade of the stretch from Wells Crossing to Iluka. The budget also included an allocation of \$500,000 for resurfacing and widening of the Pacific Highway at Broadwater and \$236,000 for the upgrade from Woodburn to Ballina.

That reminds me of last weekend's preselection of former Mayor of Maclean Chris Gulaptis as The Nationals' candidate for the electorate of Clarence. I well remember when I was shadow Minister for Local Government meeting with him on the bridge at Maclean, where he impressed upon me the urgent need for the Pacific Highway to be upgraded so that traffic was not interrupted. I must admit that on that occasion the traffic flow was interrupted because we were participating in the Bugger Off Bob campaign, which was being waged in opposition to council amalgamations. Chris Gulaptis arranged for some sailing vessels to force the bridge to be raised in order to demonstrate how traffic is delayed for up to an hour when that happens. Unfortunately, that campaign fell on deaf ears, but his strength and his attention to detail as the mayor of Maclean on issues such as the appropriate funding the Pacific Highway will stand Chris in good stead with the voters of Clarence.

The Labor Party's candidate in the by-election is the editor of the *Daily Examiner*, who wrote a wonderful editorial telling everybody what a great fellow Chris Gulaptis is and what a great job he did as mayor not only with regard to Pacific Highway funding but also the flying fox colonies in Maclean. I am surprised that, as the Labor Party candidate, he gave The Nationals candidate such a ringing endorsement. The Labor Party preselection process was not a legitimate process because there was only one candidate—who I understand is employed by Janelle Saffin—and he had to be convinced to stand. It will be an interesting contest given that editorial. Every member of the House would know someone who has been affected by the unacceptable condition of the Pacific Highway—either a loved one or someone else who has been killed or injured or who has been stuck in a traffic jam as a result of an accident. It is a major road, and for 16 years the Labor Government refused to acknowledge the number of deaths that were occurring on it.

At one stage there was an average of one death a week. That number has been reduced, but accidents are still occurring. Blockages are a daily fact of life and people are often inconvenienced when deliveries are delayed. People's travel plans are being impacted because they are being held up or diverted to the New England Highway, which is another dangerous stretch of road forgotten by the previous Government. It is high time that the complaints of the people of the North Coast were heard. They made their dissatisfaction clear in March by electing members of The Nationals in electorates from Tweed to Myall Lakes. I commend my colleagues on the North Coast who have put their money where their mouth is and supported the upgrade of the Pacific Highway, and who will continue to do so until the upgrade is completed and there are no more deaths and injuries.

Mr ROBERT FUROLO (Lakemba) [7.14 p.m.]: What a shame. Discussions of matters of public importance are generally above politics. They are not about scoring cheap political points or trashing the history and reputation of a political party or a former government; they are usually non-partisan. If the member for Coffs Harbour wants to attack the former Government he can do so by way of substantive motion. He does not need to use the discussion of a matter of public importance to launch such an attack. These discussions are generally used to draw attention to issues such as schizophrenia awareness, sporting volunteers—

Mr Andrew Fraser: Point of order: This matter of public importance is about the Pacific Highway. The member has been speaking for one minute and we have not heard him mention it once. Mr Acting-Speaker, I ask you to draw him back to the leave of the discussion and to ensure that this very important road is discussed, not his idea of politics.

ACTING-SPEAKER (Mr Lee Evans): Order! I draw the attention of the member for Lakemba to the matter of public importance.

Mr ROBERT FUROLO: It is a shame because if there is one issue that all members, regardless of their political persuasion, want addressed it is the Pacific Highway. Successive roads Ministers, including the current Minister, have made upgrading this major national road a top priority. No road in Australia has had as much invested in it over the past few years, and rightly so. The former State Government, together with the Federal Labor Government, committed more than \$3.6 billion to upgrade the Pacific Highway over the five years to 2014. It is important that we set the record straight and not accept the drivel uttered by the member for Coffs Harbour. That \$3.6 billion equates to an average of more than \$700 million a year committed by the former State Government and the Federal Labor Government compared with the \$1.5 billion committed during John Howard's 11 years in office, when the Liberal Party ran the show. The Howard Government provided only \$1.5 billion over those long, miserable years, or an average of \$136 million a year. We must look even further back to see a Coalition government's impact on the Pacific Highway.

Mr Jai Rowell: Point of order: In the first minute of the member's contribution we heard his views about parliamentary procedure and he is now indulging in a diatribe and doing exactly what he accused the member for Coffs Harbour of doing. Mr Acting-Speaker, I ask you to draw him back to the matter of public importance.

ACTING-SPEAKER (Mr Lee Evans): Order! I draw the attention of the member for Lakemba to the matter of public importance.

Mr ROBERT FUROLO: In 1995, after the Liberal Party and The Nationals last ran New South Wales into the ground, the Pacific Highway had a mere 67 kilometres of four-lane, divided dual carriageway along its entire length. While we hear members opposite bleating, moaning and complaining about the state of the highway, after their eight years in government they had presided over the construction of only 67 kilometres of divided road. After record investment by Labor governments, as of January this year more than 332 kilometres of the highway is four-lane, divided dual carriageway and another 69 kilometres is under construction. That is 400 kilometres of divided dual carriageway constructed by Labor governments compared with 67 kilometres constructed by Coalition governments. That investment includes \$2.5 billion allocated by the State Government between 1969 and 2009 compared with John Howard's measly \$1.5 billion over 11 years.

Recent upgrade projects on the Pacific Highway include the \$618-million Kempsey bypass project. I am sure the member for Port Macquarie appreciates that. That project was commenced in 2010 and is expected to be completed by mid 2013. The funding for this vital project was provided by the former Government, which set aside funds in its last budget and in the forward estimates. Yet within two weeks of the election, after bagging the former Government for not spending enough on the Pacific Highway, the Leader of The Nationals and the member for Port Macquarie issued a press release congratulating themselves on the Kempsey bypass bridge project. Talk about rank political opportunism and hypocrisy. Following the delivery of this year's budget the Minister for Roads and Ports issued a press release dated 6 September in which he congratulated himself on the Government's investment in the Pacific Highway. The press release refers to funding of \$1 billion for the Pacific Highway, most of which was money that the previous Labor Government had pre-committed to the project in the forward estimates.

The press release also outlines the projects being funded in this year's budget: \$260 million to continue construction of the federally funded dual carriageway bypass of Kempsey, \$190 million to continue construction of the jointly funded dual carriageway upgrade between Coffs Harbour and Woolgoolga, \$135 million to continue construction of the jointly funded Banora Point upgrade near Tweed Heads, \$100 million to continue construction of the jointly funded dual carriage upgrade at Bulahdelah, \$32 million to complete construction of the jointly funded dual carriageway bypass at Ballina, \$28 million to continue construction of the upgrade between Herons Creek and Stills Road south of Port Macquarie, and \$13 million to complete construction of the jointly funded dual carriageway upgrade at Glenugie south of Grafton. It is clear from the Minister's press release that all these projects were committed to and funded by the previous Labor Government. This Government is only continuing the work that has already been started.

Mr Andrew Fraser: They should be continued.

Mr ROBERT FUROLO: Indeed, they are worthwhile projects and they have our full support—that was why they were funded in the first place. To try to rewrite history by claiming that the Labor Government did not support the Pacific Highway is— *[Time expired.]*

Mrs LESLIE WILLIAMS (Port Macquarie) [7.21 p.m.]: I join my colleagues who represent North Coast electorates, including the member for Coffs Harbour, Mr Andrew Fraser, in recognising the importance of the Pacific Highway. This highway is important not just today but every day. It is important to the people of this State because it is the major road link for freight and transport along the east coast from Tweed Heads to Ballina, Coffs Harbour to Kempsey, Port Macquarie to Hexham and through Grafton in the Clarence electorate. Like Mr Fraser, I acknowledge the upcoming Clarence by-election because I am pleased that yesterday we preselected a great candidate for The Nationals in Chris Gulgaptis, a resident of the Clarence Valley for—

Mr Robert Furolo: Point of order: I am sure the member for Port Macquarie has a genuine interest in the Pacific Highway but continual references to The Nationals candidate for Clarence suggests that this matter of public importance is more about the Clarence by-election than it is about the Pacific Highway.

ACTING-SPEAKER (Mr Lee Evans): Order! I draw the member's attention back to the matter of public importance.

Mrs LESLIE WILLIAMS: I think I said his name once. Anyway, he has been a resident of the Clarence Valley for 31 years and is a former mayor and councillor.

Mr Robert Furolo: Point of order: This is a discussion of a matter of public importance regarding the Pacific Highway.

ACTING-SPEAKER (Mr Lee Evans): Order! What is the member's point of order?

Mr Robert Furolo: It is not an opportunity to talk about—

Mr Andrew Fraser: What's your point of order?

Mr Robert Furolo: It refers to Standing Order 129, relevance.

ACTING-SPEAKER (Mr Lee Evans): Order! I draw the member's attention back to the matter of public importance.

Mrs LESLIE WILLIAMS: As I said, Chris Gulaptis understands the local community and will stand up for that community by supporting the upgrade of the Pacific Highway. By joining a strong team of Liberals and Nationals he will be able to continue the work of his predecessor, Steve Cansdell. He is focused on the people of Clarence and the Pacific Highway upgrade, and he will be a great local member. Like everyone who lives on the North Coast, the people of the Clarence Valley have been fighting for the upgrade of the Pacific Highway to dual carriageway. Our first budget reflects the importance of the Pacific Highway and why the dual carriageway upgrade will have a positive impact on the lives of people on the North Coast. Representation under Labor and the Independents did not deliver efficiently and effectively when it came to the Pacific Highway.

We saw backflipping on funding promises and a clear indication that the completion of the Pacific Highway was not Labor's top priority. It is worth looking more closely at the record of broken promises under Labor because it highlights why the people of the Clarence need a member who is part of the Liberal-Nationals team. In 1996 the former Labor Government promised to upgrade the entire length of the Pacific Highway by 2006. But in 1998—just two years after it made that promise—it changed the completion date to 2012. Unsurprisingly, it then broke that promise and changed the dual carriageway completion date to 2016. We lost a decade on the original completion date. This demonstrates yet again that Labor does not deliver on its so-called promises and cannot deliver on major infrastructure projects such as the Pacific Highway.

To make matters worse, Eric Roozendaal's infamous 2008 mini-budget saw State funding for the Pacific Highway cut over the five years from 2008 to 2013, from \$800 million to \$500 million—a shameful 37 per cent cut in funding for something Labor claimed was a top priority. Contrast this with the billion-dollar investment in the dual carriageway upgrade that the Liberals and The Nationals committed to the Pacific Highway in their first budget. Despite the \$5.2 billion black hole we inherited from Labor, this side of the House is committed to this vital infrastructure project—a commitment that is consistent with the terms of the National Partnership Agreement on the Nation Building and Jobs Plan. The Federal Government must breathe a sigh of relief now it is working with a New South Wales Government that is true to its word and delivers results rather than countless spin and broken promises.

Let us consider how this Government is already delivering real commitments for the Pacific Highway in my electorate. This year's budget committed \$28 million for the continuation of the construction of the dual carriageway between Herons Creek and Stills Road, and an additional \$12.8 million for planning for the upgrade of the Pacific Highway between the Oxley Highway and Kempsey. The people of the Clarence were equally pleased that the Liberal-Nationals first budget delivered on the commitment to complete the dual carriageway in their patch of the North Coast. There is close to \$80 million in the budget for Pacific Highway upgrades in the Clarence, including funding for planning the upgrade between Woolgoolga and Ballina, \$29 million to commence construction of the dual carriageway upgrade of the Pacific Highway at Devils Pulpit, and \$13 million to complete construction at Glenugie. [*Time expired.*]

Mr ANDREW FRASER (Coffs Harbour—The Assistant-Speaker) [7.26 p.m.], in reply: I was disappointed by the contribution of the member for Lakemba. One has to question whether he has ever driven the Pacific Highway.

Mr Robert Furolo: Indeed I have.

Mr ANDREW FRASER: Then I am glad he did not take his mate's Lamborghini up there because it would not have got past the dual-lane section of the highway that finishes just south of Bulahdelah. I guarantee that a Lamborghini would fall apart on the other sections of the Pacific Highway that have not been completed. The member for Lakemba said Labor did a great job, so I must tell this House why it took action in the first place. For years the Pacific Highway was a State road. When I started to raise questions as to why the Bonville bypass had not even been started—although the Government promised to start it in 1997 and in 2003 there were 13 deaths on that section of road—then Premier Carr ordered that the Roads and Traffic Authority website be changed to show that it was actually a dual funding process. He went to his mates in Canberra and asked them to provide Federal Government funding for the Pacific Highway funding because, even though this State had previously unheard of revenue, the Carr Government could not put any money into the Pacific Highway to stop the deaths on that road.

Who started Federal funding for the Pacific Highway? It was the Howard Government—and rightly so. As the member for Lakemba mentioned, the Howard Government contributed \$1.5 billion to that State road, and it is now accepted that both the State and Federal governments will fund it. I commended Kevin Rudd when he became Prime Minister and increased the funding in line with John Howard's promise. Even now we welcome the Federal Government funding, but I am disappointed by the money wasted in cost blowouts under the former Labor Government, as demonstrated by the statistics I provided. No-one knows where that money went—but I have a fair idea. I think it was used to run the Roads and Traffic Authority head office; it did not go into pavement or dual carriageway improvements on the North Coast, and as a result more lives were lost. Taking the Bonville deviation as an example, it started life as a project of about \$70 million but cost well over \$200 million by the time it was finished. If my memory serves me correctly, the final cost was \$232 million.

One really has to question why a piece of road that was supposed to start in 1997 and be completed in 2003 did not start until 2006. I am not proud of the infamous act that I committed in this House, but it saddens me that I had to chase the then Minister for Roads around this table to get money spent on the Pacific Highway and lives saved through its upgrading. Thirteen lives were lost on that section of road. Those opposite who were not members of this place at the time should realise how upset members become when they receive a phone call from emergency services or the police telling them that there has been a death on the Pacific Highway. The first thing they worry about is whether it is a neighbour, a relative or a friend. And no matter where they live—whether in Port Macquarie, Taree, Ballina, the Tweed or Coffs Harbour—I guarantee that those members will know either the person who has been injured or killed or someone who knows the person.

It is a tragedy that the previous Labor Government gave a lot of lip-service but little money to upgrading those sections of the highway. Those opposite promised a completion date of 2006, but at that time they had less than 50 per cent—it was something like 34 per cent—of the road finished by 2006. We are only up to 51 per cent now. The challenge we put to the Federal Government and Mr Albanese is: we have put our money on the table. You have accepted the fact that this is a jointly funded road. You need to put your money where your mouth is. You need to give us an assurance that you will give us the funding to enable us to work towards a 2016 completion of this road because we have put our money on the table. Mr Albanese did not think we would find it. We found it—and I compliment the Treasurer and the Minister for Roads on the great work they did in that regard. The Pacific Highway continues to take lives on those sections of the highway that have not been upgraded. I challenge the member for Lakemba to drive up the highway at Christmas time and see whether his mate's Lamborghini makes it.

Discussion concluded.

**The House adjourned, pursuant to standing and sessional orders, at 7.31 p.m. until
Tuesday 18 October at 10.00 a.m.**
