LEGISLATIVE ASSEMBLY

Wednesday 17 October 2012

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

The Speaker read the Prayer and acknowledgement of country.

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

SWIMMING POOLS AMENDMENT BILL 2012

Bill introduced on motion by Mr Donald Page, read a first time and printed.

Second Reading

Mr DONALD PAGE (Ballina—Minister for Local Government, and Minister for the North Coast) [10.08 a.m.]: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Swimming Pools Amendment Bill 2012. As we head into the warmer months, families will use their backyard swimming pools increasingly. Swimming pools are an important part of family life as they bring families together and provide everyone with endless hours of healthy fun. But it is a sad fact that each year a number of children continue to drown in backyard swimming pools. Each year, approximately 60 young children are admitted to hospital following a near drowning. Each drowning or injury in a backyard pool is a tragedy for the families and for the local communities. The greater tragedy is that effective and well-maintained swimming pool fences, combined with vigilant adult supervision, could have prevented most, if not all, of these drownings.

This has led to increasing calls by pool safety advocates for a further strengthening of the Swimming Pools Act 1992. The case put forward is that too many pools that are inspected have deficient barriers and that each deficiency in a pool barrier that is identified and rectified potentially saves the life of a child. The New South Wales Deputy State Coroner has conducted a series of inquests into swimming pool deaths and has made recommendations to strengthen the Swimming Pools Act. It is clear that more needs to be done to ensure the safety of children in relation to private swimming pools.

This Government has undertaken a two-year comprehensive review of swimming pools legislation. After a review of the evidence, proposals have been developed through a cross-agency working group. Consultations have been held with those who have an interest in pool safety in New South Wales. I thank all the stakeholders who have provided their expertise in the development of the pool safety laws, such as Hannah's Foundation, the Royal Lifesaving Society of New South Wales, the Samuel Morris Foundation, the Commission for Children and Young People, local councils and numerous organisations from pool, building and health sectors, as well as all the members of the community who provided their input.

I wish to acknowledge the efforts of Kelly Taylor in this regard. Kelly lost her two-year-old son Jaise in a swimming pool tragedy two years ago. I met with Kelly and the member for Mulgoa recently in Kingswood on National Drowning Prevention and Awareness Day. In my discussions with Kelly it was clear that she had been advocating strongly for the strengthening of swimming pool laws in New South Wales. This proposed legislation could be known as Jaise's law. The evidence supporting change is overwhelming. Now is the time to act to protect the lives of children in New South Wales. The State President of the Australian Medical Association, Associate Professor Brian Owler, in welcoming these changes, said:

Ensuring that pool fences are compliant with the safety standards is the key to minimising the risk to children's safety.

The bill proposes amendments to the Swimming Pool Act to achieve this. The amendments are designed to address the concerns about the high rate of non-compliance with swimming pool barriers with the Act's requirements. The amendments will identify where swimming pools are, educate pool owners about pool safety, and enable inspections to be carried out to ensure that pools, particularly those that pose the highest risk to children, are made safe.

To achieve this objective the bill includes amendments to establish a statewide online register of all private swimming pools in New South Wales to require that pool owners self-register free of charge and certify, to the best of their knowledge, that their pool complies with the relevant requirements; to require that councils develop and adopt a locally appropriate and affordable inspection program in consultation with their communities; to require that councils conduct mandatory periodic inspections of pools associated with tourist and visitor accommodation; to amend the Building Professionals Act 2005 to allow accredited certifiers to conduct inspections and issue certificates of compliance for swimming pools when requested by pool owners; and to amend the conveyancing and residential leases legislation to require that vendors and landlords have a valid swimming pool compliance certificate before offering a property for sale or lease.

Targeting pool safety messages and inspection requires councils to know where pools are located in the community. Although a number of councils already hold this information, many do not. The proposed amendments in the bill will require pool owners to self-register their pool, free of charge, on a statewide online register. The register will become operational after six months of the commencement of the Act, which will allow development and testing of the technology required to operate the swimming pool register before it goes live. The registration process will require pool owners to self-assess to the best of their knowledge that their pool barrier complies with the legislation. Pool owners will be provided with a simple checklist to help them identify defects in swimming pool barriers. Sometimes these are relatively easily remedied. These defects include gates that do not self-close or gaps under fences that allow young children to access a pool when a responsible adult is not present. These defects are common and present as much risk as other defects that may need much more expert attention.

The registration and self-assessment checklist is designed to raise awareness of pool safety and to ensure that pool owners take responsibility to make their pool barriers compliant. There may be a small number of pool owners who are unable to use the online register. In order to ensure that all pools are registered, pool owners will be able to have their pools registered on their behalf by their local council for a token registration fee of no more than $10. To ensure pool owners have sufficient time to register their pools, the bill will allow a six-month phase-in period from when the register goes live. During this time all private pools in New South Wales must be registered. This Government believes the way to ensure the safety of children around swimming pools is to ensure that pool owners take responsibility for their pool and for providing information on what makes a safe pool.

The stakes of pool safety are high and the consequences of getting it wrong can be tragic. That is why the proposed amendments also include a new offence for failing to register a swimming pool, attracting a penalty notice of $220 with a maximum court imposed penalty of $2,200. The requirement to have pool owners register and self-assess their pool will help raise awareness of pool safety. In addition, the statewide register will provide for the first time an overall picture of pool ownership in New South Wales. Councils will also be provided with access to a consistent database to update information, plan local community education programs and manage an inspection program.

To reinforce the registration and self-assessment process, councils will be required to develop locally tailored risk-based inspection programs in consultation with its communities. With an estimated 340,000 pools in New South Wales, it is not practical to inspect all pool barriers in a reasonable time frame. Councils are best placed to decide which pools should be inspected and how often. Guidance on how to do this will be provided to the councils. Such inspections will come at a cost to councils and ratepayers so the councils will be provided with the option of recovering the cost of these inspections from pool owners with a capped maximum fee.

The bill requires councils to act to ensure child safety around pools that pose a higher risk to children. The bill requires councils to conduct inspections every three years of swimming pools associated with tourist and visitor accommodation, as well as other multi-occupancy developments. This is necessary to address the higher risks associated with pools used more frequently and by a wider range of people. This includes pools in hotels, motels, serviced apartments, backpacker accommodation and unit complexes. If a swimming pool is inspected and found to be compliant, the council will issue a compliance certificate that will be valid for three years, subject to certain conditions.

Importantly, swimming pools in rental properties pose the greatest danger to children in New South Wales. Coronial findings have demonstrated an increased risk in relation to pools at these types of properties because landlords may be unaware of any deficiencies in the integrity of the pool barrier and may be reluctant to make repairs due to the cost involved. Alarming evidence provided to a coroner's inquest by the Hannah's Foundation suggest that in the area in relation to which the foundation was collecting statistics more than 50 per cent of child deaths in home swimming pools occurred in rental properties.

The Government will not accept these tragedies as inevitable. For that reason the bill requires pool owners who want to lease a property with a swimming pool to first obtain a swimming pool compliance certificate. At the same time the bill contains amendments requiring that property owners obtain a compliance certificate for their pool before it is sold. To achieve this, the bill makes a number of amendments to the Conveyancing (Sale of Land) Regulation 2010 and the Residential Tenancies Regulation 2010 that will prevent the sale or lease of properties with swimming pools unless the pool is registered and there is a valid certificate of compliance for the pool.

Recognising the challenge that the implementation of this proposal may place on local councils and pool owners, the bill introduces a number of measures designed to reduce any potential delays in the process of sale or lease of properties with swimming pools. First, the bill allows accredited certifiers licensed under the Building Professionals Act 2005 to carry out inspections and to issue compliance certificates if they are requested by pool owners to do so. The bill also makes consequential amendments to the Building Professionals Act 2005 to ensure that all provisions of that Act, including disciplinary proceedings such as suspension or revocation of an accredited certifier's licence, apply to the accredited certifiers. Allowing the private sector to step in to an area previously regulated only by local councils will ensure there is sufficient supply of qualified inspectors on the market and the process of selling and leasing of properties is not delayed.

Secondly, the bill expressly provides that a council must inspect a property with a swimming pool where it is necessary to enable the sale or lease of that property. If, following an inspection, a council or an accredited certifier is satisfied that the pool is compliant, they must issue a compliance certificate. This will enable the sale and lease of properties to proceed smoothly and without delay. As a result of extensive consultation with pool safety advocates, industry and councils, the provisions in the bill that introduce council inspection programs and mandatory certification of properties with swimming pools offered for sale or lease by accredited certifiers will commence 18 months after assent to this bill. This will allow sufficient time for councils to build capacity by employing and training increased numbers of staff and to introduce an inspection program. The private sector will also be in a position to develop a sufficient supply of qualified inspectors to meet pool owners' demands.

Also, the 18-month phase-in period will allow sufficient time for landlords and property owners to understand and comply with new provisions, including taking any remedial action to ensure that pool fences comply. The bill provides that a council or an accredited certifier must issue a certificate of compliance at the conclusion of an inspection if the pool is registered and its barrier is compliant. As I mentioned earlier, the certificate will remain valid for three years unless a council has issued a direction under the Swimming Pools Act requiring a pool owner to bring the pool barrier to the required standard. Importantly, where a complaint has been made or it is suspected a pool does not meet the required standards an authorised council officer will be able to enter premises that contain a swimming pool to investigate.

The bill exempts owners of new swimming pools from the need to obtain a certificate of compliance for a period of three years where an occupation certificate has been issued. The proposed exemption will avoid duplication with the requirements of planning legislation and prevent undue costs being imposed on pool owners. The proposal is supported by the Department of Planning and Infrastructure. This bill seeks to amend the Swimming Pools Act to remove the automatic exemption for pools that are fenced voluntarily. The proposal addresses the issue of currently exempt pools that are voluntarily fenced but to an unsatisfactory standard. Anecdotal evidence suggests that a number of children may have drowned in voluntarily fenced pools with deficient barriers: They create the illusion of a safe barrier but present a safety hazard for young children.

The intent of this amendment is to remove ambiguity about exempt pools that have been voluntarily fenced by removing that exemption. The bill provides other minor amendments to clarify the intent of the Act and the role of local councils and to make the Act more consistent with other legislation. The amendments include a minor change to the prescribed minimum depth of a swimming pool by replacing the words "300 millimetres or more" with the words "greater than 300 millimetres". This will make the Act consistent with the Building Code of Australia, which is referenced in the Swimming Pools Regulation 2008. It will also make the Act consistent with the minimum depth of a swimming pool prescribed in other jurisdictions.

An amendment replaces the words "hotel or a motel" with the words "tourist and visitor accommodation". This means that the Act's requirements for swimming pools will apply to a wider range of commercial and shared residential accommodation such as backpacker, bed and breakfast and farm stay accommodation and serviced apartments. It will also ensure consistency with the standard local environmental plan under planning legislation that provides for a definition of "tourist and visitor accommodation". The bill also ensures that the powers of entry under the Swimming Pools Act are consistent with those in the Local Government Act.

In summary, the bill has been designed to strike the right balance between pool owner responsibility and government regulation. The proposals aim to ensure that pool owners take responsibility for pool safety, that councils have the right tools to make sure pool barriers are compliant and that the Government provides the best possible legislative and policy framework to reduce drowning in swimming pools. To make sure pool owners and the various affected sectors, such as the real estate and legal sectors, know of the new obligations for pool safety the Division of Local Government is developing a targeted education and awareness campaign.

I will request that all councils include with the next rates notice a notice detailing the changes to ratepayers' obligations under the Swimming Pool Act. In tandem with continued pool safety education the bill will provide a balanced and sensible approach to swimming pool safety that will protect the lives of young children in New South Wales. I wish to acknowledge the presence in the public gallery today of Kelly Taylor, whose son Jaise tragically drowned in a swimming pool. Her commitment will ensure that some good arises from the tragic death of her son through the introduction of legislation that will improve swimming pool barrier safety. I commend the bill to the House.

Mrs BARBARA PERRY (Auburn) [10.25 a.m.]: The Opposition supports the Swimming Pools Amendment Bill 2012, a significant and important bill that builds upon the work done by the previous Government with regard to swimming pool safety and minimises the risk of children drowning in backyard pools. I thank Kelly Taylor for being present in the gallery today. Kelly, I know this is a difficult time for you. The proposed legislation is testament to your strength. Too many families have tragically lost children to drowning. You are courageous, and your memories of Jaise are reflected in this legislation today. I express my sympathy to you and all parents who have lost a child in this way. I acknowledge also the Samuel Morris Foundation and its work relating to drowning prevention and awareness.

Debate adjourned on motion by Mrs Barbara Perry and set down as an order of the day for a later hour.

DIRECTOR OF PUBLIC PROSECUTIONS AMENDMENT (DISCLOSURES) BILL 2012

Bill introduced on motion by Mr Greg Smith, read a first time and printed.

Second Reading

Mr GREG SMITH (Epping—Attorney General, and Minister for Justice) [10.30 a.m.]: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Director of Public Prosecutions Amendment (Disclosures) Bill 2012. The purpose of the bill is to clarify the obligations of law enforcement officers to disclose to the Director of Public Prosecutions sensitive material, being material that is subject to a claim of privilege, public interest immunity or statutory immunity. Such material might include, for example, documents revealing the identity of an informant or undercover police officer, in which case the immunity is claimed to protect their safety. The amendments also put in place arrangements for the disclosure of material subject to a statutory publication restriction.

The requirements for disclosure of material by the police to the Director of Public Prosecutions are set out in section 15A of the Director of Public Prosecutions Act 1986. Pursuant to that section, a police officer is obliged to disclose to the Director of Public Prosecutions all relevant information, documents or other things obtained during the investigation that might reasonably be expected to assist the case for the prosecution or the case for the accused. For many years it has been the practice in this State that in order to comply with their requirements pursuant to section 15A in relation to sensitive material, police have advised the Director of Public Prosecutions of the existence of this material but have not been required to produce it to the Director of Public

Prosecutions. Police would advise of the existence of the material that has not been provided in the brief of evidence provided to the Director of Public Prosecutions by way of a disclosure certificate prescribed by the Director of Public Prosecutions Regulation.

The Director of Public Prosecutions will then inform the defence of the existence of the sensitive material, who in turn may issue a subpoena to the police for the disclosure of the material. Any challenge by the police to the request in the subpoena for disclosure is argued before the court, with the Crown Solicitor's Office representing the police. However, in the 2011 case of *The Queen v Lipton*, the Court of Criminal Appeal stated that in order to comply with their duty of disclosure, police officers are required to provide copies of sensitive material to the Director of Public Prosecutions not simply to disclose its existence. Implementing the obligation imposed by the Lipton case would have impacted heavily upon current practices of both the police in providing all material, not only non-sensitive material, and the Director of Public Prosecutions, with an increased workload, in having to review this additional material.

The Government decided to preserve the existing disclosure practices and introduced the Director of Public Prosecutions Amendment (Disclosures) Act 2011 for that purpose. That Act amended section 15A to provide that where a police officer has sensitive material, he or she is not obliged to disclose it to the Director of Public Prosecutions, but must inform him of its existence. The amending provisions sunset on 1 January 2013. Following last year's amendments, the Government undertook a review of disclosure practices between the police and the Director of Public Prosecutions. Following consultation with the relevant agencies, this review was extended to other agencies engaged in investigating indictable matters, being the Police Integrity Commission, the New South Wales Crime Commission and the Independent Commission Against Corruption. The amendments proposed in this bill reflect a consideration of the law, current practice and how best to respond to the operational needs of the agencies concerned. This last point has been an important part of the Government's deliberations.

The amendments proposed today strike a balance between an investigatory body's need to protect the safety of its witnesses and its investigative processes, and the prosecution's duty of disclosure and the need to ensure a fair trial for the accused. I now turn to the main detail of the bill. Item 1 of schedule 1 amends sections 15A (1), (3), (4) and (5) of the Director of Public Prosecutions Act to replace the words "police officers" with "law enforcement officers". At present, the disclosure obligations in section 15A apply only to police officers. However, agencies other than the NSW Police Force, such as the Police Integrity Commission, the New South Wales Crime Commission and the Independent Commission Against Corruption, also carry out investigations into criminal behaviour. Prosecutions resulting from their investigations are undertaken by the Director of Public Prosecutions where indictable offences are charged. It is sensible, therefore, to extend the disclosure obligations in section 15A to these agencies.

Proposed new subsection (9) of section 15A found in item 3 of schedule 1 defines the term "law enforcement officer" to include a police officer, or an officer of the Police Integrity Commission, New South Wales Crime Commission or the Independent Commission Against Corruption, who is responsible for an investigation into the suspected commission of an alleged indictable offence. Such law enforcement officers will be subject to the duty imposed by section 15A (1) to disclose all relevant material that might reasonably be expected to assist the case for the prosecution or the case for the accused to the Director of Public Prosecutions. Item 2 of schedule 1 inserts a proposed new subsection (1A) clarifying that a law enforcement officer's duty of disclosure arises when the Director of Public Prosecutions exercises any functions under the Act with respect to the prosecution of offences. Those functions include instituting, conducting and taking over criminal proceedings.

Proposed new subsection (6) of section 15A in item 3 of schedule 1 confirms the current practice that the law enforcement officer must disclose to the Director of Public Prosecutions the existence of sensitive material. It further requires the law enforcement officer to inform the Director of Public Prosecutions of the nature of both the material and the claim of privilege or immunity. Proposed subsection (7) provides that the Director of Public Prosecutions may access sensitive material, in that an officer must provide copies of the sensitive material to the Director of Public Prosecutions on request. Items 1 and 2 of schedule 2 to the bill amend the regulation to provide for a new form of disclosure certificate to be completed by law enforcement officers. The new certificate includes schedules for the law enforcement officer to complete, describing all material, both sensitive and non-sensitive. Where there is sensitive material, the schedule requires the nature of the immunity or privilege claimed to be described.

It is anticipated that the Director of Public Prosecutions will not require copies of the sensitive material to be provided in every case. With the description of sensitive material in the schedule to the new disclosure

certificate, the Director of Public Prosecutions will be aided as to when it is appropriate to seek access to the material in order to consider how it might impact on the prosecution or the defence's case. This change reflects the observation of the Court of Criminal Appeal in Lipton that the Director of Public Prosecutions can effectively discharge his role in conducting prosecutions only by having access to all information relevant to issues in the case. The change also takes a common sense approach in not burdening both the police and the Director of Public Prosecutions in having to copy, send and review all sensitive material, but only that material which the Director of Public Prosecutions decides on a case-by-case basis is necessary to review.

Proposed new subsection (8) in item 3 of schedule 1 recognises that there are statutory restrictions on the publication of evidence gathered in the course of hearings undertaken by the Police Integrity Commission, the New South Wales Crime Commission and the Independent Commission Against Corruption. For example, section 45 of the Crime Commission Act allows the commission to direct that evidence given before it must not be published. It also provides for the commission to give permission for the evidence to be provided to such persons as the commission specifies. Similar provisions exist in the Police Integrity Commission Act and the Independent Commission Against Corruption Act, and are defined as a statutory publication restriction in proposed new subsection (9).

There may be occasions when evidence given to one of the commissions at a hearing might meet the test for disclosure in a particular prosecution, in that it might reasonably be expected to assist the case for the prosecution or the case for the accused person. In those circumstances, subsection (8) applies and requires the law enforcement officer to inform the Director of Public Prosecutions of the existence and nature of the material by completing the schedule provided in the disclosure certificate, but only to the extent not prohibited by the statutory publication restriction. As I said, this bill broadens the obligations relating to disclosure of material to the Director of Public Prosecutions by applying it to all law enforcement officers who brief the Director of Public Prosecutions and strikes a balance between the investigator's need to protect the safety of its witnesses and investigative processes with the Director of Public Prosecutions' duty to ensure a fair trial for the accused. I commend the bill to the House.

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

MISCELLANEOUS ACTS AMENDMENT (DIRECTORS' LIABILITY) BILL 2012

Bill introduced on motion by Mr Greg Smith, read a first time and printed.

Second Reading

Mr GREG SMITH (Epping—Attorney General, and Minister for Justice) [10.41 a.m.]: I move:

That this bill be now read a second time.

The purpose of this bill is to implement nationally consistent and principles-based reforms to the legislation governing the criminal responsibility of directors and officers for corporate offences. The bill implements a Council of Australian Governments commitment under the Seamless National Economy Partnership Agreement. It continues to advance the Government's unrelenting goal of reducing unnecessary red tape, which imposes a brake on national economic activity. Corporations are now the prevalent form of conducting business. A corporation is considered at law to have a separate identity from that of its shareholders, directors and managers. It follows that directors and officers are not automatically taken to be criminally liable for an offence committed by a corporation unless they personally were an accessory to the particular offence, for example by aiding and abetting it. However, provisions which impose personal criminal liability on directors and officers for corporate offences beyond normal principles of accessorial liability have proliferated over many years.

Of course, there are circumstances when it is right and proper that individual directors and officers should face criminal sanctions for offences committed by their corporations. Certainly where those individuals have personally aided and abetted, or been knowingly concerned, in the particular offence, no-one could reasonably argue that they should not be held to account. Further, where a corporation commits an offence as a result of any director breaching his or her fundamental duties as a director, then the director has no cause to complain if a prosecution is brought against him or her under the Commonwealth Corporations Act.

Further, there are circumstances where compelling public policy reasons justify the imposition of additional standards and obligations on directors under State legislation. We see this in areas like occupational

health and safety and environmental legislation where public health and safety is potentially at stake. However, directors' liability provisions have been applied inconsistently and without clear justification. In many cases, such provisions have been applied as boiler-plate provisions, without any genuine consideration of whether they are necessary or appropriate in the circumstances. Often, a reverse burden of proof has applied, with directors and officers deemed to have committed the offence unless they can prove their innocence by showing that they took all reasonable steps to avoid the particular offence occurring. The result has been undue complexity, a lack of clarity about responsibilities and unnecessary regulatory burden.

The issue came to particular national prominence in 2006 with reports by the Taskforce on Reducing the Regulatory Burden on Business—the so-called banks review—and by the Corporations and Markets Advisory Committee. These reports found that there was a need for a more consistent and more principled approach to personal liability for corporate offences across the Commonwealth, States and Territories. They noted that such an approach would reduce complexity, aid understanding, increase certainty and predictability, and assist efforts to promote effective corporate compliance and risk management.

In November 2008 the Council of Australian Governments committed to reforming directors' liability and adopted high-level principles. With little progress having been made, in 2011 the Council of Australian Governments Business Regulation and Competition Working Group established a committee chaired by New South Wales to expedite the reforms. The working group developed detailed guidelines setting out the circumstances in which more stringent directors' liability provisions should apply and the types of provisions that should apply in different circumstances. These guidelines were approved by the Council of Australian Governments on 25 July 2012. All jurisdictions are now in the process of implementing those guidelines through their own legislation.

On 27 July 2012 the Premier issued a memorandum—Premier's Memorandum No. 2012-09, which is available on the Department of Premier and Cabinet website. The memorandum attaches a copy of the guidelines and directs that they are to be applied in the development and drafting of all new legislation in New South Wales. As well as applying the guidelines to future legislation, all existing New South Wales Acts have been audited against the guidelines. This audit was led by the Department of Premier and Cabinet, with the assistance of the law firm Allens. Each department responsible for the administration of each Act was consulted during this process. The bill now before the House will implement the outcomes of that audit.

The reforms contained in the bill will reduce the number of offences to which special directors' liability provisions apply from over 1,000 to around 150. Of those that remain, the bill also removes any reverse onus of legal proof, except in the case of a small number of core environmental offences where such provisions are justified by compelling public policy reasons. These amendments add to the reforms already implemented by the Government in 2011 in the Miscellaneous Acts Amendment (Directors' Liability) Act. I commend the bill to the House.

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

COASTAL PROTECTION AMENDMENT BILL 2012

Second Reading

Debate resumed from 12 September 2012.

Mr ROB STOKES (Pittwater—Parliamentary Secretary) [10.48 a.m.]: I support the Coastal Protection Amendment Bill 2012. Australia is a lucky country in so many ways. For around 6,000 years we have had a largely stable coastline that has not experienced the scale of coastal erosion that has plagued other similar jurisdictions, such as the coast of East Anglia in Great Britain, the Baltic coastline of old Prussia and the United States coast from the Carolinas to Florida. However, our blessing also contains a curse in that the appearance of permanence has masked the true ambulatory nature of our coastline so that we have built towns, roads and communities in an ever thicker, higher and denser ribbon right along the coastal zone on the false assumption that the shape of the coastline will never change.

Much of our development also has ignored the coastal processes that have maintained the shape of our beaches for so long. By building on the back dunes and even foredunes we effectively have dammed the reservoir of sediment that can gradually repair the beach after periodic destructive storms, or can interrupt the

flow of sand via longshore currents to other parts of an embayment. Projections, modelling and historical evidence about sea level rise from anthropocentric global warming, and for other reasons, indicates that the coastal hazards from erosion and inundation are likely to become more severe. So we have a problem. However, that problem is not insurmountable and it should not be the cause of alarmist concern. The problem with the response of Labor to this issue is that it has, unwittingly or not, incubated uncertainty and fear with rhetorical, unreferenced and alarmist claims that, reflected in planning regulations, have undermined community and market confidence, sterilised land resources, and depreciated land values.

That is why this bill is seeking to ensure that the language employed on section 149 certificates is simple. The point of a section 149 certificate is to provide information to a potential purchaser about the uses to which a piece of real property can be put in the context of real estate transactions. The right place to deal with complex planning and zoning issues is in the relevant local environmental plan, or local plan as it is to become known under the new planning legislation. Clarity and certainty in coastal planning are central issues that residents in my coastal community raise with me. Members opposite would be surprised to know that people living near the coast appreciate that coastal storms erode beaches. I said that members opposite would be surprised to know that as I was fascinated to hear the member for Marrickville in her contribution note:

> I recall representations being made to me by people who had purchased properties but who were not aware of the danger of coastal erosion and its impact on their properties. This change was made to try to ensure that future purchasers understood the risks.

I suggest that such purchasers should find another solicitor or, failing that, they should look out the window when they inspect a coastal home that they are thinking of buying. The reality of coastal erosion is obvious when one lives on the coast. The reality of an ambulatory coastline and of coastal storms and erosion are not reasons to completely sterilise the development potential of coastal land, nor is uncertainty about the impact of a changing climate on sea levels always a reason to stop residents protecting their homes while also preventing them from making any improvements to their properties, forcing retreat when it is not the only option. The response to uncertainty should not be atrophy. In this context I note the following gem paraphrased from the contribution of the member for Marrickville to this debate, "However, we believe that that is not necessarily the case [that the climate change science is unclear]." Sir Humphrey would be proud, albeit confused.

It may well be that coastal hazards, amplified by rising sea levels, render some coastal properties ultimately too vulnerable or too expensive to protect. Local and State governments historically have stepped in to purchase such properties, as Warringah Council has done in the case of certain properties at Collaroy, and as the State Government did in the case of the hamlet of Sheltering Palms on the far North Coast. But a policy that uses uncertainty over climate change as a reason to make notations on conveyancing documents that reduces property values and facilitates emergency works that are too small to provide any benefit in an emergency was never going to work. It is no surprise then that the emergency protection works authorised under Labor's legislation in a process begun by environment Minister John Robertson have not been used once. That fact, more than anything else points to the failure of Labor's approach.

This bill provides for more effective temporary coastal protection works than Labor's approach, although I endorse the comments of the Minister for the Environment in her second reading speech that it is important to recognise that temporary coastal protection works involving sandbags will, by their nature, provide protection from erosion only during minor storm events. We are not under any illusion that this is a measure to deal with major storm events. It certainly is a temporary protection measure. Ultimately, the whole concept of emergency or temporary coastal protection works should be rendered obsolete once long-term strategic planning and permanent works have been delivered. In preparing this bill the Minister engaged in a detailed process, including a ministerial task force, to bring together relevant departments, an expert panel and the publicly available advice of the Chief Scientist.

It is important to recognise, as the Minister recognised in her second reading speech, that the coastal protection regime has two parts. The first part is a focus on operational matters, that is, a system for dealing with legacy issues such as those structures and properties built in areas of risk that with the benefit of hindsight would not have been placed in harm's way. This involves the need for a clear system to deal with existing hotspots and to provide a clear process for what to do, and who should act, in an emergency. The second part is a focus on strategic planning, that is, the need to focus on ensuring better development on presently undeveloped or underdeveloped parts of the coastline. This may involve the creation of a coastal council, a subcommittee of the Planning and Assessment Commission, or some like body to provide strategic advice on coastal management, subdivision and development issues, as well as providing advice on coastal zone management plans prepared by local councils.

In my view we should deal with operational matters in the second tranche of reforms in the following way: we should produce management plans for coastal areas in each of the hotspots. Most of these management plans effectively already exist, and it would not take long to pull them together, at least as interim plans until a more permanent plan is developed. The management plans would explain what works should be done in an integrated manner in areas threatened by coastal hazards, and what processes should be followed in an emergency. Again, there is a strong case that councils should take the lead in undertaking specific actions. I note the general community discomfort with the concept of providing private owners with the ability to undertake works that may alienate public access to public land, particularly on our beaches.

Such concerns would be alleviated in the second phase of coastal reform if only public authorities are empowered to undertake protective works under an integrated, strategic plan prepared in the light of public participation, and not individual owners whose interests terminate at their property boundary. Ultimately, the landowner is not the right person to be putting protection works on the beach. Instead, the system needs to empower and require the local council to take action on the landowners' behalf. If councils are responsible for undertaking protective works the issue of penalties for breaches of the Act also goes away. Quite simply, if council is undertaking the protective works landowners will have no role in property protection, and any unauthorised development could be dealt with under the existing provisions of planning legislation.

If councils ultimately are to assume responsibility they will need money to undertake whatever actions are identified in their coastal zone management plans. Money has always been the main problem in addressing coastal hazards in a systematic and strategic manner. However, I note that over the past generation huge sums have been spent on coastal hazard mapping, planning, land acquisition and consultant reports. Tens of millions of dollars have been spent with very little to show in permanent solutions. If these funds could be leveraged together with moneys otherwise spent by councils and waterfront property owners on temporary solutions we would have access to a sinking fun—pun intended—that could finance permanent solutions, one by one, to each of the coastal erosion hotspots along the coast.

The permanent solutions would be those identified in the coastal zone management plan and might include sand replenishment, permanent seawalls, property buybacks, temporary seasonal structures and so on, depending on the embayment. The other benefits of such an approach would be that landowners would be freed from the legal liabilities that they would attract if poorly designed private works caused damage to other landowners on the beach, and councils could rely on the statutory defence provided under the Local Government Act, assuming that works were undertaken in good faith on the basis of properly prepared coastal zone management plans.

In relation to existing settled areas we will need to look seriously at the need to source sand from on and off shore for beach nourishment to offset the adverse environmental impacts from protection works. Of course, coastal planning for undeveloped areas is much easier. Here the role of government is to identify land at risk and take action to ensure that land uses are not intensified in such a way that future problems will be created. This also would reduce the tragedy, in my view, of uncoordinated ribbon development along the coast. We have a beautiful coastline in New South Wales and our planning system should look for opportunities to focus new development in existing coastal towns rather than facilitating a ribbon of sprawl by permanent homes built in harm's way.

I note that this bill deals with some of the difficult legacy issues created by the former Government and that it envisages a second stage that will continue and cement the proud legacy of the Liberal and Nationals parties in being leaders in innovation in coastal management in New South Wales—from starting the coastal lands protection scheme and introducing this State's first coastal policy. Finally I note that these reforms are being undertaken in the shadow of two wider reforms that provide a great opportunity to deal with some outstanding problems. First, the reform of the New South Wales planning legislation provides a great opportunity to deal with the problem of the legal standing of coastal zone management plans. I believe the commonsense approach would be to integrate these plans into local plans under the new planning legislation.

I note that the green paper indicates that coastal management will be one of the State planning policies to be determined by Cabinet. Second, the Intergovernmental Panel on Climate Change is soon to release its assessment report No. 5. While the former Government's sea level rise policy was overly simplistic, consent authorities will continue to base their decisions on evidence. Surely one of the most recognised and cited compilations of evidence of the contribution of changes in climate to sea level rise will be the report of the Intergovernmental Panel on Climate Change. I strongly encourage planning authorities to consider the

recommendations of the forthcoming assessment report No. 5 as I suspect this will be the reference point used by courts in determining the issue of good faith when statutory immunity is relied upon. I also thank Bruce Thom, Angus Gordon and Phil Watson for their articles in preparing my comments on this bill.

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

EMERGENCY LEGISLATION AMENDMENT BILL 2012

Second Reading

Mr BRAD HAZZARD (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [10.59 a.m.], on behalf of Mr Greg Smith: I move:

That this bill be now read a second time.

This bill was introduced in the other place on 22 August 2012 and the second reading speech is in the same form as delivered in the Legislative Council. It appears at pages 14161 to 14162 of *Hansard* for that day. I commend the bill to the House.

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

COASTAL PROTECTION AMENDMENT BILL 2012

Second Reading

Debate resumed from an earlier hour.

Mr GREG PIPER (Lake Macquarie) [11.00 a.m.]: In contributing to the debate on the Coastal Protection Amendment Bill 2012 I will speak on those aspects of the bill that are relevant to Lake Macquarie. I draw on my knowledge of coastal issues from my 21 years as a councillor on Lake Macquarie City Council and having been involved in the development of the Estuary Management Plan for Lake Macquarie, the remediation of Lake Macquarie and the development of the coastal protection plan. It was interesting to listen to the contribution of the member for Pittwater. He is very well versed in these issues but I cannot agree with all of the conclusions he has reached.

The bill seeks, amongst other things, to allow coastal landholders to place sandbags as temporary protection works for up to two years without certification on private property and with certification on public property. It is not clear from the bill or from the Minister's second reading speech of 12 September whether temporary protection works will be allowed only in the 15 scheduled erosion hotspots or more generally in all coastal zone locations subject to erosion.

The Minister referred in her speech to planned changes in the current code of practice to expand the locations covered by the Coastal Protection Act but did not explain what these changes will be. It is therefore unclear whether new locations will be added to the schedule or whether all eroding areas will be eligible. This raises the question of who will decide if a location is subject to dangerous coastal erosion and what criteria will be used. I am advised that if there is to be a general coverage of the whole coastal zone Lake Macquarie City Council would like to see tidal estuaries such as Lake Macquarie specifically excluded from the provisions, because the temporary protection works described in this bill are designed for conditions on the open coast rather than on enclosed tidal waterways. I support that view.

I also question the reasoning used to have the bill reduce penalties for works which do not comply with the Coastal Protection Act. As the bill presumably contains adequate definition of which works are permissible and which are not there seems to be no reason to reduce these penalties. The bill seeks to allow private protection works on public land provided they are certified to meet the basic provisions of the Coastal Protection Act. I believe the question of certification will involve other unforeseen implications. No other studies or approvals are required and the works can remain in place for up to two years. In addition, a development application can then be lodged, allowing works to remain longer than the two-year period while the development application is assessed and decided. As an applicant under this scenario could wait until the last minute to lodge a development application it seems reasonable to question the integrity of this process.

It appears that public authorities such as councils will have little or no control over the placement or maintenance of private protection works on public land under their control and will have little or no power to require modification or maintenance of those works within the two-year period. It is not clear what roles and responsibilities council will carry as a certifying authority in issuing certificates for temporary protection works on public land, what criteria are to be used, what role councils will have in identifying and dealing with illegal works or what role councils will have in monitoring and assessing the effects of temporary works on public safety, on neighbouring properties and on the environment.

If this is not exclusively the responsibility of the Government the question arises of what additional resources, training and guidelines will be made available to local governments to help them carry out this expanded role. Either way there will no doubt be an additional burden on officers of the Office of Environment and Heritage or on councils as they will need to monitor the impacts of these works on a regular basis, particularly following storm events. I am advised that Lake Macquarie City Council is concerned about the legal liabilities arising where certified coastal protection works by private landholders damage adjacent properties. Such damage may be caused by certified works on public land or works on private land that do not require certification, and these both raise the issue of liability if councils do not seek removal or modification of these works.

A more important aspect of this bill for me is that it will change the requirements for notification on section 149 property certificates of certain coastal hazards, particularly those related to projected sea level rise. It is difficult to comment on proposed changes to requirements for coastal hazard notification on section 149 certificates as the proposed new wording is not available. However, the stated intention to consider only current hazards and to ignore the effects of projected changes in sea levels during the life of an asset puts councils in a difficult position regarding liability for future damages to property if they fail to heed current expert advice on risks from climate change.

The coastal reforms abandon statewide sea level rise benchmarks and instead establish local planning levels. The bill does not specify how these local levels would be arrived at, although I acknowledge the Minister's statements in her second reading speech that the Government will support local councils with information and expert advice on projections for future sea level rises. However, the bill includes no mechanism or timing for this. Frankly, it is a joke. Rather than delivering the surety and consistency that councils and the community were asking for, this bill timidly capitulates to the bullying antics of a minority—a minority with a vested interest in their property values but no responsibility for future landowners and communities. That is the Government's responsibility.

The Minister cited the recent report by the New South Wales Chief Scientist and Engineer, Mary O'Kane, which identified the evolving nature of the science in this area and raised questions about the certainty of projected sea level rise. That questioning was not about whether sea level rise is happening, yes or no; it was about scientific exactitude of the projections. I have read the review by Mary O'Kane and I do not know how the findings can be used to justify this bill. In fact, the review supports the previous projections for sea level rise along the New South Wales coast. So if sea level rise is happening why would the level be different in Newcastle, Wyong and Gosford from in Lake Macquarie? I note that Jeff McCloy is in the Speaker's gallery and that he is going to fix this in Newcastle, but I do not believe that it is a reasonable position for the Government to take.

The impact of sea level rise will clearly differ according to local geography and development pattern, but these impacts are relatively easily defined using existing modelling and better topographic mapping from methods such as light detection and ranging [LIDAR]. No doubt some smaller councils will benefit from additional resources or help from the State in preparing plans based on this information, but that does not change the fact that we need a consistently accepted and applied sea level rise benchmark.

The bill has a significant impact on local government planning and coastal protection regimes and I am concerned that there has been a lack of notice and consultation with local councils affected by the stage one reforms. This has created uncertainty and left councils lacking critical information: in particular, information on what scientific basis will be used for establishing local planning levels following the removal of the use of a statewide sea level rise benchmark. Coastal councils have been seeking a resolution of this matter for some time. Unfortunately, the lack of strong and timely advice allowed many coastal councils to be unfairly attacked over their responsibilities in the lead-up to the recent local government elections.

This bill really is a bit of a dog's breakfast. Indeed, it appears to have little to do with good science and planning and everything to do with short-term politics. It could lead to the ludicrous situation where adjoining or

nearby coastal councils will have completely different positions on and responses to sea level rise, the principle of and projections for which have not been changed by the New South Wales Chief Scientist and Engineer. As the Minister has not received advice that sea level rise is not occurring, the question must surely be asked as to how the State will deal with the issue in determining a State-significant development? I do not for one moment believe that this bill is based on the solid advice of experts within the Office of Environment and Heritage or the Department of Planning. This bill is clearly a political fix, and a poor one at that—a poor one for the Tweed and a poor one for the Central Coast. This bill is short-sighted and incompetent and I therefore cannot support it.

Ms GABRIELLE UPTON (Vaucluse—Parliamentary Secretary) [11.09 a.m.]: I welcome the opportunity to speak on the Coastal Protection Amendment Bill 2012 and stage one of the Government's coastal reforms. The vast New South Wales coastline stretches for approximately 2,000 kilometres, and that makes coastal erosion a significant issue for communities in this State. I am proud to represent the coastal electorate of Vaucluse, to our east. The coastline, including low-lying estuaries, must be protected from extreme weather events. Unlike the member for Lake Macquarie, I believe that landowners need to be able to protect their properties in the face of those serious events. That is what this bill will allow them to do.

Right now coastal erosion is threatening at least 200 homes in New South Wales. That is not a threat taken lightly by this side of the House. It is estimated that there are at least 15 hotspot areas up and down the coast. We know this issue is not new. This side of politics is attempting to address the issue. Records showing coastal properties being affected by coastal erosion date back to the 1940s. The Government recognises that red tape and regulatory restrictions have prevented landowners from taking immediate action to protect their properties. In addition, local councils have been under financial and regulatory constraints with ratepayers on this issue. The Government is committed to giving local communities certainty when it comes to coastal erosion and managing coastal hazards. This is about making them feel safe in their homes, which are their sanctuaries. Therefore the Government has recently announced significant changes to the way in which the New South Wales coast will be managed.

The bill before the House and the Government's reforms aim to reintroduce what I call a common-sense approach to managing our coastline after the Labor Government's reforms in 2010 caused concern to many people in our coastal communities. This is not the only reform that the previous Government undertook that caused our local communities concern. We had a massive slide to this side of politics last March, which indicated that a change was required in a lot of policy areas that concern our community. This bill will make it easier for landowners to place large sandbags on beaches as temporary—I emphasise temporary—coastal protection works to reduce erosion impacts during minor storm events. These works are currently permitted under the Coastal Protection Act 1979 but the reforms will relax some of the requirements for placing those works.

The changes mean that councils will have the freedom to consider local conditions when determining future hazards. This is about something the Coalition Government thinks is very important: handing power back to the communities to determine what best protects them in circumstances where the coastline and their homes are under threat. The Government realised that addressing our coastal erosion needed cooperation between government, councils and landowners—the key stakeholders in coastal management. Untying some of the unnecessary red tape around temporary coastal protection works is an example of how the Coalition Government supports landowners who may be vulnerable in these circumstances. The Government has committed to a goal of reducing red tape for business under its NSW 2021 Plan and aims to reduce red tape by 20 per cent by June 2015. This bill is part of the action the Government is taking to meet that important target.

Let me turn to the key elements of the Government's reform. The first is to amend the Coastal Protection Act to make it easier for landowners to place large sandbags on beaches as temporary coastal protection works to reduce erosion during minor storms. The bill implements that component of these reforms. The second key element is to clarify what information council should put on a section 149 certificate relating to projected sea level rise impacts. New guidelines will be prepared for councils in that regard. The bill will also give councils the flexibility to consider coastal hazards in the context of local circumstances. The State Government will no longer recommend statewide sea level rise benchmarks for councils.

More specifically, the first stage of the Government's comprehensive coastal reforms will allow landowners to more readily place large sandbags as temporary coastal protection works, which are currently described as emergency coastal protection works in the Coastal Protection Act. The main changes are that the works will be able to be placed at any time: landowners will not need to wait until erosion is occurring or imminent. The current restrictions which limit landowners to placing these works on their land only once and

only for 12 months will be lifted. Landowners also will no longer need a certificate from council or the Office of Environment and Heritage before placing works on their land. The amendments also will double the time that landowners can place works on public lands to two years.

The bill also includes halving the maximum penalties for offences under the Act relating to the inappropriate use of sandbags on beaches, because the Government believes the current penalties are excessive. The maximum penalties will reduce from $495,000 for a corporation and $247,500 otherwise down to $247,500 for a corporation and $123,750 otherwise. The bill also will remove the requirement in the Coastal Protection Act for councils to include information on coastal hazard category information on section 149 certificates. The current important requirement relating to notations on section 149 certificates under the Environmental Planning and Assessment Act will continue to apply.

The Ministerial Coastal Task Force was established to ensure that New South Wales has the most appropriate plans, legislation and other arrangements in place to manage coastal erosion and other coastal hazards now and in the future. It has carefully considered the best ways to empower coastal communities to take the best preventative measures when a threat is imminent and before erosion occurs, not after, and to give that power to communities to decide when that threat is imminent in order to protect their homes. The premise is that landowners in at-risk erosion-prone areas need to be free to take sensible measures to protect their land and their homes from coastal erosion and not be tied up by unnecessary red tape.

There will be a further round of coastal reforms. The stage two reforms will include further initiatives to support councils in managing erosion risks to coastal communities. The Government is committed to improving the management of our magnificent coastline. It will do this in continuing partnership with local councils. The Government has listened to the concerns of communities and councils about the previous coastal erosion reforms and the uncertainty they caused for landowners about the safety of their homes. The stage one reforms, of which this bill is a key component, as well as the forthcoming stage two reforms are a clear demonstration of this Government's commitment to developing the right, and consultative, approach to managing our coastline. In doing so the Government is giving residents in at-risk erosion-prone areas better control over their properties and the sense of security that they rightfully should have in their homes. I commend the bill to the House.

Mr CHRISTOPHER GULAPTIS (Clarence) [11.17 a.m.]: I support the Coastal Protection Amendment Bill 2012 and commend the Minister for the Environment, and Minister for Heritage for introducing it. Coastal erosion is an important issue in my electorate. It is threatening at least 200 homes in New South Wales and it is estimated that there are at least 15 hotspots up and down the coast. Red tape restrictions have prevented landowners from taking immediate action to protect their properties when needed. Local councils are under severe financial and regulatory constraints to resolve this matter and they have been desperately seeking help from the New South Wales Government. The Government is committed to giving local communities certainty when it comes to managing coastal hazards.

My electorate of Clarence has two hotspots. One is at Brooms Head and the other is at Wooli. People in both of these communities deserve the right to protect their homes, and that is exactly what this bill aims to give them. The three main objects of the bill are: to amend the Coastal Protection Act 1979 to ensure that landowners can more easily place sandbags to reduce the impact of coastal erosion; to remove the requirements for councils to include coastal hazard risk category information from coastal zone management plans on section 149 certificates; and to reduce excessive penalties for offences relating to works protecting property. The bill is a key component of the Government's coastal erosion reforms. Whilst management of the coastline may have been too difficult for the former Labor Government to implement, the Coalition Government is committed to working hard to achieve real solutions. As part of this process the Government has consulted with communities all along the coastline.

The process also has involved the Deputy Premier and Minister for Regional Infrastructure and Services, the Minister for Local Government and Minister for the North Coast, the Minister for Police and Emergency Services, the Minister for the Central Coast and obviously the Minister for Environment and Heritage—all working together to develop practical solutions to what Labor saw as an insurmountable problem. The reforms announced by the Government include amendments to the Coastal Protection Act 1979 to clarify what information councils should put on section 149 certificates relating to projected sea level rise impacts. The bill will clarify the use of sea level rise benchmarks by councils. The Government will support local councils with information and expert advice on projections for future sea level rises that are relevant to local areas, and not just impose a blanket sea level rise across the entire coastline—the sort of information that severely devalued coastal properties because of ridiculous predictions for sea level rise that have no scientific foundation.

As a surveyor working in the lower Clarence floodplain I understand what mean sea level means, what flood level means and the impact that increasing the levels at random has on property values. I have seen the flood level requirements change three or four times in the past 25 years in the lower Clarence. Most recently the predicted sea level rise has increased beyond comprehension because there has been no scientific evidence to support those heights. Every time there is a change in the flood level height it creates angst and frustration within the community because it devalues existing residences and makes future residences unaffordable when they have to be built up beyond reason. This bill will deliver some certainty for landowners and councils when 149 certificates are issued.

A man's home is his castle. He should have the right to protect his property when it is at risk without fear of being prosecuted. This bill will allow that to happen. This bill recognises that people are important and that they are entitled to protect themselves during a storm event or when erosion threatens their homes. The communities of Wooli and Brooms Head in my electorate are entitled to protect their properties from coastal erosion without fear of prosecution. This bill supports their efforts in trying to protect their homes. The people of Wooli have been very proactive in protecting their coastline and quite some time ago they formed the Coastal Communities Protection Alliance so that they could make a coordinated and cooperative approach to protecting their homes.

Wooli is a small village on the Clarence coast of New South Wales. It is uniquely situated on a river in the middle of almost 60 kilometres of pristine coastline protected by Yuraygir National Park. Set midway between the busier coastal regions of Yamba and Coffs Harbour, Wooli has managed to maintain a quiet and laid-back coastal charm that has been long lost elsewhere because of development. During the October long weekend Wooli held the Australian National Goanna Pulling Championships. It was a wonderful event that was attended by many people, although they do not pull goannas. Wooli was once the centre of a thriving fishing industry and has long been a favourite holiday destination for families, fishermen, surfers, and people who just love its unique natural environment. Wooli is an important ecological and economic asset to the Clarence region.

The future of Wooli is important, not just to those who know and love it but to coastal communities everywhere as a precedent and a benchmark for the way that we plan for our shared future. That is why the Coastal Communities Protection Alliance was formed. The people of Wooli recognise that the most serious and immediate threat to them is the progressive abandonment of much of Wooli village under a process termed planned retreat. This proposed abandonment threatens the history and community spirit of Wooli as well as its unique environment, its tourist potential and the assets of many elderly retirees who have invested much of their savings in their Wooli homes. The second problem facing Wooli is that as yet there is no well-founded plan for managing the increase in coastal erosion that is forecast to happen progressively this century.

I support this bill because it is a step in the right direction for common sense and a step in the right direction to redress the balance back in favour of the people who live in these coastal areas. The Coastal Communities Protection Alliance is a well-organised, responsible group that has taken a very practical and scientific approach to solving their problems. They commissioned an expert review on Wooli beach and options for defending it. The review was conducted by ASR Ltd, which is an international firm specialising in the design and implementation of solutions for coastal protection. Its report, "Wooli Beach Erosion: Moving Forwards", concluded that many defensive options are available. That shows that people who live in coastal communities can work together to protect their homes. This bill encourages them to do so. This is not rocket science; simply the placing of sandbags and the like during periods when coastal erosion threatens their homes. It stops people from feeling helpless, relieves anxiety and gives them hope knowing that the State Government is working with them to protect their most important investment, their home.

The bill will allow landowners to place the works at any time on public or private land. Landowners will no longer need to wait until erosion is occurring or is imminent to take action. In addition, landowners will have the opportunity to reinstate works, if needed, whereas currently landowners could place those works but then were restricted by not being able to make changes in the future as required. This bill will give councils an opportunity to take action rather than say, "It's all too hard", and not do anything. The classic example is the policy that councils came up with—the policy of planned retreat and nothing else. I know that this bill will be very well received in the coastal communities in my electorate. I thank the Minister for introducing the bill. I commend the bill to the house.

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

PASSENGER TRANSPORT AMENDMENT (TICKETING AND PASSENGER CONDUCT) BILL 2012

Bill introduced on motion by Ms Gladys Berejiklian, read a first time and printed.

Second Reading

Ms GLADYS BEREJIKLIAN (Willoughby—Minister for Transport) [11.26 a.m.]: I move:

That this bill be now read a second time.

The Government is committed to delivering a better transport system for the people of New South Wales and I am very pleased to introduce this legislation. We want to provide a system that people want to use. We need to ensure that we have the right legislative instruments to deliver efficient and effective public transport services. The purpose of the Passenger Transport Amendment (Ticketing and Passenger Conduct) Bill 2012 is essentially twofold: firstly, it will consolidate regulation-making powers to allow for future consistent passenger ticketing and conduct offences for all transport modes into the Passenger Transport Act 1990; and, secondly, it will enable the introduction of an integrated electronic ticketing system across the transport network.

I will outline the context and reason for this bill. As part of the implementation of a National Rail Safety Regulator and national rail safety law in early 2013, the Rail Safety Act 2008 will be repealed. The national rail safety law will not make provisions for operational issues related to ticketing, revenue protection and passenger conduct. To avoid the loss of these regulation-making powers, the bill will insert the power in the Passenger Transport Act 1990. Currently, some of the legislation that governs passenger transport is inconsistent. This makes no sense when we are trying to create an integrated transport system. Two regulations govern ticketing, revenue protection and passenger conduct. They are the Rail Safety (Offences) Regulation 2008 for rail and the Passenger Transport Regulation 2007 for bus and ferry. These regulations broadly cover the same subject matter, but do not treat passenger conduct offences committed on the network in the same way. It will make it easier for public transport customers to understand their rights and responsibilities when travelling on the public transport network.

As members are aware, the Government is currently conducting a review of New South Wales passenger transport legislation to make sure we bring it into line with modern advances in public transport. The New South Wales passenger transport legislation discussion paper was released recently and gives customers and industry stakeholders an opportunity to comment on any proposed changes. Having all public transport regulation-making powers under a single piece of legislation will make any future changes easier to implement. This bill also allows for future amendments to regulations to provide consistency across all transport modes. Integration is key. New South Wales has been promised an electronic ticketing system for about 14 years. The former Labor Government promised public transport customers they would have an electronic ticketing system by the Sydney Olympics in 2000. Regrettably, it did not happen then, nor did it happen in subsequent years. I am pleased to advise that, after only 18 months, this Government is delivering on our commitment to introduce electronic ticketing.

This bill is important as it will enable the future consistent introduction of an electronic ticketing system, to be known as the Opal card, across all public transport modes. As this is a first for New South Wales, it is necessary to define this new type of ticket in legislation. As the Government is trialling the Opal card on ferries from December 2012, it is necessary, first, to amend the legislation to define what an electronic ticketing system is, and, secondly, to amend the regulations to enable the Opal system to operate in parallel with current ticketing arrangements. Customers will experience a ticketing system—once Opal is fully implemented, which will take some years—that is simple, convenient and efficient. The Opal card will make travel on public transport easier and simpler for people living, working and visiting Sydney, the Hunter, the Illawarra and the Blue Mountains. This is a significant improvement and demonstrates the importance of this legislation.

Currently there are a number of significant differences between the powers of revenue protection officers operating on the bus and ferry network, and transit officers operating on the rail network. This bill will make the powers for authorised officers, such as revenue protection and transit officers, consistent. It is important to have consistency across all modes of transport, as well as integration, to make sure customers know exactly where they stand. A consistent approach to these roles will make it easier for passengers to understand their responsibilities, rights, and obligations as well as the roles and responsibilities of enforcement officers across the public transport network.

The power for an authorised officer to require a person to state his or her name and address will be transferred from the Rail Safety Act—and I explained the changes in relation to that Act—to the Passenger

Transport Act. This applies in circumstances where a person is reasonably suspected of committing an offence against the Act or against the regulations in relation to graffiti offences. The retention of this power for authorised officers maintains their ability to enforce the current offences. Additionally, the power of an authorised officer to enter railway premises for the purposes of inspection, investigation or inquiry will be transferred from the Rail Safety Act to the Passenger Transport Act. The consistent application of authorised officers' powers will create more certainty for public transport customers and ensure regulations continue to play an effective role in deterring antisocial behaviour.

As members would be aware, in February 2012 the Premier, the Minister for Police and Emergency Services and I announced the establishment of the NSW Police Transport Command. The safety and security of transport customers is a priority for the Government, which is why we are increasing the number of police who patrol the public transport network. The bill proposes that New South Wales police officers will automatically be authorised officers for the enforcement of regulations on public transport. This is very important indeed. This will remove any need for an instrument of appointment for New South Wales police officers to be appointed as authorised officers under the Passenger Transport Act, as is currently the case. This, and the consolidated regulations that will follow, support the operation of the dedicated Police Transport Command that will patrol trains, buses and ferries. Having an increased police presence on our public transport networks will ease the fears of commuters and also drive down crime on the network, which is so important. I know every member of this House regards safety on the public transport network as paramount.

The bill also proposes to transfer the provision for penalties for railway offences affecting safety from the Rail Safety Act into the Passenger Transport Act. I have explained already why that is necessary. Under the current Rail Safety (Offences) Regulation 2008 the maximum penalty for unauthorised use of certain railway equipment is 250 penalty units, which equates to a fine of $27,500. This maximum penalty will be transferred to the Passenger Transport Act, and is applicable to the offence of unauthorised use of certain railway equipment—for example, someone interfering with equipment in a rail corridor that results in or contributes to a rail accident, a very serious offence indeed. If a person commits an offence that does not involve the unauthorised use of certain railway equipment, the existing maximum penalty of 50 penalty units, or $5,500, under the Passenger Transport Act will continue to apply as the maximum penalty for passenger conduct offences.

Under this bill, the larger maximum penalty is applicable to that specific serious railway offence and only by a court, as I described. The maximum penalty amount recognises the serious safety risks that can result from certain forms of conduct on trains and railway property. The measures I have proposed today will amend the Passenger Transport Act to provide for consistent and integrated electronic ticketing, revenue protection and passenger conduct provisions on public transport in New South Wales. They send a clear message that the Government is getting on with the job of improving public transport. I commend the bill to the House. I hope the Opposition will support the bill. I acknowledge the contribution made by the member for Lakemba in his role as shadow Minister for Roads and Ports. He is no longer in that role. He represented my counterpart in the other place in this Chamber, and I wish him well for the future.

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

PORTS ASSETS (AUTHORISED TRANSACTIONS) BILL 2012

Bill introduced on motion by Mr Mike Baird, read a first time and printed.

Second Reading

Mr MIKE BAIRD (Manly—Treasurer, and Minister for Industrial Relations) [11.38 a.m.]: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Ports Assets (Authorised Transactions) Bill 2012 to authorise the lease of Port Botany and Port Kembla to the private sector. The bill will enable the long-term lease of these ports and associated port land for a term of no greater than 99 years. The bill also allows for the lease of other port assets, including the Cooks River and Enfield logistics terminals, with some industrial land at Enfield to be sold to the private sector, but it does not include the ports of Yamba or Eden, Sydney Harbour wharves and cruise functions, the Port Botany landslide improvement strategy functions and a range of other maritime roles including the Harbour Master, sea pilots and emergency response obligations and, obviously, the Port of Newcastle.

The freehold title to land at Port Botany and Port Kembla will remain in Government ownership and will be vested in a public sector agency. The Government is seeking approval for this important initiative to help free up billions of dollars to help fund a critical backlog of infrastructure across the State. This backlog, which the Government has already articulated, includes such vital work as the Government's billion-dollar commitment to the Pacific Highway and the upgrade of the Princes Highway as well as WestConnex, which will provide the missing links in Sydney's arterial road network and address the challenges that Sydneysiders face daily on our roads.

The long-term lease of Port Botany and Port Kembla will enable the private sector to invest in the ongoing development of the ports to meet growing freight demands across all sectors of the economy, such as the import of consumer goods, and the export of coal and other mineral resources and agricultural commodities. Ongoing private sector investment in the ports will help drive growth in the State economy and support jobs while allowing the Government to focus its limited resources on areas that affect people's day-to-day lives—our hospitals, roads, transport and schools. Proceeds from this transaction will be paid into the Restart NSW Fund, which the O'Farrell-Stoner Government established to kick-start major infrastructure investment across the State. From the fund 30 per cent is dedicated for rural and regional areas, and $100 million from the lease of Port Kembla will be spent on meeting some of the Illawarra's urgent infrastructure needs as prioritised by Infrastructure NSW.

Similar to other government transactions, the bill allows the Treasurer to direct the establishment of special purpose transaction entities, including transaction State-owned corporations and transaction companies, to facilitate the lease of the port assets. The special entities may include trusts that are commonly used for infrastructure transactions of this kind, such as the recent Sydney desalination transaction. The bill also allows for the exercise of port State-owned corporation functions through the creation of subsidiaries for the purposes of the lease. The bill enables the Treasurer to designate associated port land vested for historical reasons in other public sector agencies, such as Roads and Maritime Services, for transfer to the ports corporations or other public sector agencies for the purpose of the transaction. The intention is that only land owned by government agencies in or around Port Kembla will be transferred, which will be important for the port lessee's future management of the port.

In addition, the bill establishes the Ports Assets Ministerial Holding Corporation, to be managed by the Treasurer or an authorised Minister, to hold the port assets to be leased to the private sector on behalf of the Crown. Consistent with other government transactions, some employees will transfer to the new private sector lessee following an employment expression of interest process. Enterprise agreement employees have the option to remain with the public sector. The bill includes a number of provisions that sets out commitments made by government to employees transferring to the private sector. These provisions are consistent with other government transactions, such as the contract for the private operation of Sydney Ferries, and include a two-year employment guarantee for enterprise agreement employees and the transfer to the lessee on at least the same terms and conditions.

Employees will have continuity of entitlements, including those relating to superannuation, sick leave, annual leave and long service leave. Finally, all employees transferring to the new lessee, whether they are enterprise agreement or contract employees, will be eligible for a transfer payment of up to 30 weeks pay, depending on length of service. To allow for continuity in the management of the ports assets by the lessee, the bill allows for the secondment of public sector employees to the private sector on the same terms and conditions for a period of time after the transaction is finalised. Staff seconded to the lessee will remain employees of the port State-owned corporation concerned. The bill lays out how the operation of current and future planning controls will apply to Port Botany, the effect of which will be to remove the existing artificial limit on container throughput at the port.

The removal of the throughput limit enables Port Botany to reach its natural capacity, which was expanded significantly as a result of the addition of a third terminal at the port, which was approved by the former Labor Government. The removal of the cap is necessary regardless of who owns the port, and plans were put in place by the Sydney Ports Corporation to apply to have it lifted regardless of any transaction. By allowing for the throughput limit to be removed, the Government is ensuring that taxpayers receive value for the investment which has been made already; aligns Port Botany with major ports around the world, none of which has such a cap; and allows the State to receive full value for the lease. In terms of planning and approvals for any future development of the two ports, we intend to continue the application of the current New South Wales planning regime, subject to the changes provided by the provision addressing throughput limits at Port Botany.

The existing planning instruments applying to the two ports are being reviewed by the Department of Planning and Infrastructure to determine how they need to be rationalised to reflect the change from public to private operation. The Government is carrying out a number of major transport and freight improvements while maximising the use of existing infrastructure links to move trucks efficiently in and out of the area, noting that the vast majority—some 85 per cent of all containers—has an origin or destination within 40 kilometres of the port. It is clear that the ongoing imposition of the cap on throughput at Port Botany would result in a massive inefficiency in the future that would greatly constrain the State's economy.

On the matter of congestion, it is important to note that airport traffic is by far and away the biggest contributor to congestion in the Port Botany-Sydney airport precinct. For example, the airport accounts for almost 30 per cent of all traffic on the M5 East compared to only 1.8 per cent for port-related trucks. In terms of managing future growth and mitigating impacts on local communities, the Government has a clear and achievable policy set out in its 10-year plan, NSW 2021, to double the proportion of container freight movement by rail from New South Wales ports by 2020. The State and Federal governments are also taking various other important steps to improve traffic flow around the port and to shift greater volumes of goods from road to rail. These include the announced Moorebank Intermodal Terminal, development of the Southern Sydney Freight Line and the Enfield logistics terminal, the truck marshalling yard at Port Botany and implementation of the Port Botany landside improvement strategy.

The new operator will be required to make an annual contribution to improving road and rail landside logistics related to the port. As I mentioned earlier, the Government has announced also its support of WestConnex, an important long-term initiative to support the efficient movement of freight between Port Botany and logistics hubs in western and south-western Sydney. In particular, the widening of the M5 East to four lanes in each direction will help alleviate congestion in the area. My intention is that the port leases will include a number of important stewardship requirements to ensure the ports are managed and developed appropriately in the future. These stewardship requirements include obligations to use the land for port-related purposes only, to provide ongoing access for road and rail transport, to develop the port where feasible and to maintain the port in good working order. As is usual with long-term leases of infrastructure assets, the Government retains step-in rights and can terminate the lease if the lessee breaches key obligations.

As outlined in the bill, the Government will retain oversight of price monitoring of the ports. In accordance with principles adopted by the Council of Australian Governments, commercial outcomes should be promoted by establishing competitive market frameworks in preference to regulation, but where there is a need for regulatory oversight of prices, the introduction of price monitoring should be considered a first step. Port users tend to be large, sophisticated businesses with significant commercial bargaining power. Little or no asymmetry of market power would necessitate heavy-handed price regulation by the State. However, as part of the Government's price monitoring regime, all New South Wales ports, including the private port lessees, must give notice of any proposed change in its service charges, and provide a rationale for how the increase is calculated and why it is needed.

The port lessee also must provide an annual reporting of charges to the relevant Minister, and the Minister has the power to require that information relating to port charges be supplied to the Government. If the port lessee's pricing behaviour is inappropriate, the Minister has the ability to refer the port to the Government's independent pricing watchdog, the Independent Pricing and Regulatory Tribunal [IPART], should this become necessary. In addition, a port user can always apply to the National Competition Council to have the asset declared as nationally significant infrastructure under Commonwealth legislation in the event of pricing disputes, but I am advised that to date this has not been necessary in respect to container ports in Australia. Our proposed pricing regime features more ongoing oversight than regulations put in place by the Queensland Labor Government when it recently leased the Port of Brisbane.

The bill provides an important authority to the port lessee to give directions to maintain or improve safety and security at the port. These directions could regulate port activities that include the driving and parking of vehicles and the movement, handling and storage of dangerous goods. The bill gives the port lessee some ability to enforce compliance with its directions, such as powers to enter land or premises at the port for the purpose of determining compliance with directions. The port lessee's enforcement powers do not extend to issuing fines. Importantly, the bill ensures that any directions given by the port lessee are subordinate to and cannot contravene the State's regulatory powers, such as the dangerous goods regulation and directions given by the Harbour Master. The port direction regime gives the port lessee a means of managing its commercial risks without usurping the Government's role as regulator.

These provisions are consistent with powers of the Sydney Ports Corporation and the Port Kembla Port Corporation to ensure safety and security at its ports. The lessee must, in turn, report back to the Minister a range of matters, including the giving or cessation of any port directions, any contravention of which the port lessee is aware, any exercise by the port lessee of the power to enter premises and any action taken by the lessee to enforce compliance with a port direction. The bill includes a number of other provisions to facilitate the authorised transaction, such as the inclusion of land acquired by the Ports Assets Ministerial Holding Corporation in the lease. A further arrangement allows for the adjustment of the objectives and functions of the Sydney Ports Corporation and the Port Kembla Port Corporation to take into account their changed role following the transaction.

The Government's plans to drive regeneration in this State through greater private sector investment in our economic infrastructure will deliver both proceeds and savings by shifting capital obligations to the private sector. That will allow the Government, through balance sheet flexibility, to focus on key social investments and policy objectives. I have previously indicated that the proceeds of the transactions will underpin increased investment in the Pacific Highway, the Princes Highway, WestConnex, and Bridges for the Bush. There is also $100 million in new infrastructure spending in the Illawarra. The priority objectives for the Illawarra will be determined by Infrastructure NSW.

We cannot underestimate the significance of this transaction on the Government's ability to deliver the infrastructure needs of this State. It is a simple case of maintaining the triple-A credit rating versus the capacity to deliver on those projects. Without this transaction those projects cannot proceed. That is why the Government is determined to complete the transaction on behalf of the people of New South Wales. This bill is a key part of the Government's commitment in NSW 2021. It is about building the infrastructure that makes a difference to both our economy and people's lives. The enactment of this legislation will free up funds that the State desperately needs and will allow private sector capital to drive efficiency to our overall economy. I commend the bill to the House.

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

COASTAL PROTECTION AMENDMENT BILL 2012

Second Reading

Debate resumed from an earlier hour.

Mr GEOFF PROVEST (Tweed—Parliamentary Secretary) [11.52 a.m.]: I speak on the Coastal Protection Amendment Bill 2012. Coastal erosion and protection are key issues within my electorate. I applaud the environment Minister for presenting this bill to the House. In April 2011 Kingscliff suffered significant beach erosion that attracted attention throughout the community and the State. The Minister was one of the first people to travel to Kingscliff to sight the damage and work hand in hand with Tweed Shire Council to provide possible solutions. The Minister was respectful of local issues and council concerns. I congratulate the Minister on her response to that issue. This bill instigates amendments to the Coastal Protection Act 1979, and is the core component of the Government's stage one coastal management reforms. It proposes reforms that take a common sense approach to coastal erosion responses. It expands opportunities for private landowners and ensures that appropriate checks and balances are in place to ensure the safety of landowners is not put at risk.

Ongoing consultation with local communities and councils will take place in a process that integrates the bill with changes to the planning system and a review of the Local Government Act. The following reforms are the first steps in the process. The bill will support local councils with information regarding local projections on sea level rises and will no longer recommend statewide sea level rise projections for council use. This decision is based on the evolving nature of the science in this area as identified in a report by NSW Chief Scientist and Scientific Engineer Professor Mary O'Kane. It is not a denial of the existence of sea level rises, but recognition that the science is still being debated. In the future the Government will draw on the knowledge of experts in fields relevant to sea level rise projections thereby enabling interpretation and adaptation of global models to build more precise local models for New South Wales coastal areas.

New guidelines will be prepared for local councils by the Department of Planning and Infrastructure, and the Government will ensure local councils have correct information—unlike the former Labor Government's projections that went up and down like the tide and ignored local influences. As part of a

two-stage process of reform the Government will develop a statewide hazard mapping methodology for councils to use that provides consistent coastal hazard mapping. The bill will reduce restrictions on landowners placing large sandbags as temporary coastal protection works. Large sandbags are currently known as emergency coastal protection works in the Coastal Protection Act 1979. After the bill has passed updates to the statutory code of practice under the Coastal Protection Act 1979 will be passed to further relax requirements of private landowners regarding temporary coastal protection works. The purpose of the code is to identify locations where temporary coast protection works can be installed—currently 14 locations are identified and authorised for the placement of temporary works.

The Government considers this overly restrictive and recognises that there are places where erosion has a huge impact and yet those places have traditionally not been identified under the code. The code will be updated. However, it will be done in a considered way, ensuring there is no impact on other locations and properties. It has been made clear to the coastal task force that the way some councils have conveyed information about future coastal hazards has been unclear and confusing. In response to this the Department of Planning and Infrastructure will issue updated guidelines to councils, giving them advice about notations on their section 149 planning certificates. In line with supporting local councils, this bill will also repeal the corresponding provisions in part 4 of the Coastal Protection Regulation 2011, which have never been used.

Instead of stigmatising land with hazard category labels, councils will be supported so that they can provide clear factual information about current and future coastal hazards. In relation to temporary protection works on public land, certificates will still need to be obtained for works to be placed on public land to ensure appropriate use and reasonable public access to the beach. The amendments will double to two years the time landowners can place works on public land. This two-year period can be extended if a development application is pending under the Environmental Planning and Assessment Act 1979 for consent to construct coastal protection works on the same land. That means landowners will not have to remove works while their development application is being assessed.

The bill does not reduce the number of protections but rather gives stronger support to councils in coming up with their coastal plans. Councils will have the right to evidence in order to understand what might happen and what projections might be. They will then be able to plan accordingly within their communities. Ongoing consultation will occur. As mentioned previously, this is the first step in a series of reforms aimed at ensuring the coastline and those who live along it are protected. This legislation will work effectively with other areas such as planning and emergency measures. This is a common sense bill that illustrates this Government's commitment to open and transparent governance for the people of New South Wales. I commend the bill to the House.

Mr CHRIS HOLSTEIN (Gosford) [11.58 a.m.]: As the member for Gosford I support the Coastal Protection Amendment Bill 2012. Coastal erosion is an issue that has impacted on the constituents of my electorate over the past few years and has led to the formation of advocacy groups. The community felt a need to defend their property and air their concerns about the negative impact that unclear section 149 certificate notations have had on property values. They are fighting against higher insurance premiums and striving to bring clarity to the high level of uncertainty left by those opposite. Their anxiety was further heightened by scaremongering by the member for Robertson last year when she declared the Central Coast to be the most at-risk area from sea level rise in the country. She made that statement at a time when she was helping the Prime Minister sell the deal with The Greens that resulted in the carbon tax. That is why this bill is the result of a measured and logical approach to these issues.

It is not in the too-hard basket for us, where the previous Government had put it, because people were stressing over it. We decided to bring a balanced approach to the issue and to listen to the concerns that had been expressed. Red tape restrictions have prevented landowners from taking any action to protect their properties thanks to Labor's onerous statewide sea level planning benchmarks. Local councils have had an exceedingly difficult time in dealing with this issue and they seek help from the Government with respect to it. New South Wales has over 2,000 kilometres of coastline and its management demands some certainty. We believe these changes strike the right balance between protecting property and managing the State's vast coastline. It means also that councils will have the freedom to consider local conditions when determining future hazards which are different in every coastal area. What happens north of the Central Coast is very different from what happens in our coastal lagoons.

We now have differing heights in our normal tides and this can be affected by weather conditions, rain and storm events. There is no certainty along the coast; it differs all the time. Councils need the ability to

consider local conditions when determining future hazards. The objectives of the bill seek to amend the Coastal Protection Act 1979 to ensure that landowners can more easily place sandbags to reduce the impact of coastal erosion, to remove the requirement for councils to include coastal hazard risk category information from coastal zone management plans on section 149 certificates and to reduce excessive penalties for offences relating to works protecting the property. We as individuals have the right to protect our properties. People may have to protect their properties at the drop of a hat in a small storm event or whatever, and it is ridiculous that they have to go to council to get permission to do so. The time it takes to do that is quite unrealistic when one considers that this is during an emergency.

The New South Wales Government has listened to the concerns of communities and councils about previous coastal erosion reforms and the uncertainties caused to landowners. The ministerial task force has carefully considered the most appropriate ways for coastal communities to take preventative measures on their properties. The task force brought together the Deputy Premier, and Minister for Regional Infrastructure and Services, the Minister for Local Government, and Minister for the North Coast, the Minister for Police and Emergency Services, the Minister for the Central Coast and the Minister for the Environment, and Minister for Heritage in a collaborative effort that resulted in the bill before the House.

The Liberal-Nationals Coalition invested time and effort in this issue because it understands its importance. Senior staff members from each department also have been involved and have worked well together as both planning and environmental issues were involved. The key role of the task force was to examine the 2010 amendments of the previous Government that were a cause for ongoing concern by coastal residents. A panel comprising hydrologists, engineers, and financial and local government experts was formed to test the work of the task force. The first stage of reform will include amendments to the Coastal Protection Act 1979. New guidelines will be prepared for council by the Department of Planning and Infrastructure. The bill will clarify the use of sea level rise benchmarks by councils and the Government no longer will recommend statewide sea level projections for use by councils.

Those benchmarks caused unbelievable angst in my community. My colleague the member for The Entrance referred to an article in the *Central Coast Express Advocate* of March 2012 that highlighted a jump in insurance premiums from $600 to $4,000 based purely on sea level rise maps. I say openly that this was nothing more than a grab by insurance companies to hit their customers on the Central Coast with higher insurance premiums, which had a major impact on the area. The Government has worked clearly and concisely to come up with an appropriate bill that deserves the support of the House. The changes will deliver clarity to councils in the preparation of section 149 certificates by focusing on current known hazards. Our changes will support councils by providing information and expert advice on sea level rise relevant to their local area. I commend the bill to the House.

Mr BRUCE NOTLEY-SMITH (Coogee) [12.05 p.m.]: I speak in debate on the Coastal Protection Amendment Bill 2012 as a fortunate member in this place. Whilst I am a coastal member of Parliament, many of my constituents' properties on the coast generally are immune to sea level rises because of those properties relative height to the sea and the beaches nearby. Of course, my fortune does not diminish the importance of this issue and I know that many of my colleagues on this side of the House are seriously concerned about the impact of coastal erosion on some of the townships in their electorates.

This bill recognises one of the most fundamental rights that we enjoy in a free society—the right to acquire, deal with and exercise control over one's private property. When we as legislators begin to take for granted and interfere with those rights, we put ourselves at odds with the freedoms and prosperity to which we aspire. As John Adams, one of America's founding fathers, once said, "Property must be sacred or liberty cannot exist." I will spare the House a tiresome lecture on the importance of private property rights, but this fundamental and inalienable right should inform the manner in which we approach this debate.

That the climate is changing and that humans are contributing to accelerating that rate of change is now something beyond any reasonable doubt. Ross Garnaut in the 2011 update to his climate change review noted that "new data and analysis generally are confirming the likelihood that outcomes will be near the midpoints or closer to the bad end of what had earlier been identified as the range of possibilities for human-induced climate change". The changes occurring in our climate are not just warming but also increasing the volatility of weather and the frequency and severity of severe weather events. These events and their associated impacts will be one of the defining environmental issues of this century.

More volatile weather events, as well as rising sea levels, represent a great threat to the coastal environment that we value so much in Australia. The continuous encroachment of erosion along our coastline

also represents a great threat to private residences. For the majority of people their homes are their biggest asset. Our homes are places where we should feel safe, comfortable and free. Homes are our own properties and we should take every practicable measure to ensure their safety. The former Government seemed to have forgotten the right to do what we feel is necessary to protect our private properties.

The bill supports landowners by allowing them to place temporary works wherever they see the need. They no longer will need to wait until erosion is imminent or occurring. They will not have to remove these works from their land after they have been in place for a year. This unnecessary restriction assumes that erosion problems will go away after 12 months. Landowners no longer will need a certificate from the council or the Office of Environment and Heritage before placing works on their own land. The Act and related code of practice will specify sensible standards for these types of sandbag works. Moreover, the Act imposed draconian penalties for those who sought to break through this restrictive red tape—up to $495,000 for corporations and $247,500 for individuals.

My colleagues from the Central Coast and those in the coastal areas from the northern border to the southern Victorian border are very happy with these reforms. They can tell their constituents that they now have certainty in protecting their private property from damage. They will no longer be liable for a $250,000 fine simply for sandbagging their own private property to protect it after storm damage. The bill will ensure the safety of those who seek to protect their property by allowing them to place the works at any time rather than forcing them to do the works only in an emergency. Some members opposite do not believe that landowners should be able to exercise these rights and that they should be at the whim of regulation after regulation, which makes little sense. If property owners are so concerned about the risk of their biggest asset, they will take every practical step to ensure that the structures they erect are compliant, structurally sound and effective at mitigating the effects of erosion.

People who are serious about protecting their homes will spend the appropriate time and money to ensure that whatever structure they build does not pose a risk in inclement weather. Those who wish to protect their homes will seek advice from someone knowledgeable about tidal movements and water management so they will be protecting their homes as best they can. Considering the average processing time by councils for development applications around the State, irreparable damage could easily be done in the time between noticing the need for emergency work, submitting a development application and finally having it approved. A thoughtless regulation such as this unnecessarily hampers the lives of those living on the coast, which is why the Act needs to be changed.

The Minister also announced that the code of practice under the Coastal Protection Act 1979 will be amended to allow works in all erosion-prone areas, not just in the 14 locations currently authorised by the code. Imagine living on a beach being impacted by erosion but having one's hands tied simply because one was not in a hotspot—more short-sighted, nanny state regulation from those opposite. I welcome this bill and I commend the Minister for the hard work that she is doing to protect and properly manage our coast instead of imposing cumbersome requirements on property owners who are threatened by coastal erosion. I also congratulate the Minister on listening to the legitimate concerns of families up and down the New South Wales coast and on taking steps to strengthen the rights that people can exercise over their own properties. I commend the bill to the House.

Mrs LESLIE WILLIAMS (Port Macquarie) [12.10 p.m.]: I acknowledge the presence in the House of the Minister for the Environment and thank her for initiating the passage of the Coastal Protection Amendment Bill 2012, which is extremely important for my local electorate. The Department of Climate Change and Water has identified 15 coastal erosion hotspots spanning 11 council areas in New South Wales. They are defined as areas where five or more houses and/or a public road are located in a current or immediate coastal hazard area, as identified by a coastal hazard study. One of those 15 hotspots is at Lake Cathie, just 15 kilometres south of Port Macquarie in the Port Macquarie-Hastings local government area. Illaroo Road, which hugs the coastline as one turns left over Ocean Drive Bridge, contains 17 houses—a combination of permanent residences and holiday houses.

Following the completion of a hazard study, the council commissioned the Snowy Mountains Engineering Corporation [SMEC] to prepare a coastal zone management study and earlier this year placed the document on public exhibition for a 10-week period. The study identified four options to address the erosion issues on Illaroo Road, including planned retreat, which it estimated would cost approximately $10.5 million, being the price to compulsorily acquire the 17 houses. That is compared to a cost of approximately $3 million to

build a protective revetment wall that would provide protection from erosion risks. Not surprisingly, the preferred management option of planned retreat, which was identified in the document, attracted unprecedented criticism from both the local community and coastal scientists from further afield.

Save Lake Cathie, a lobby group of local residents, went into overdrive with banners once again adorning every one of the 17 houses along Illaroo Road and media, both local and national, catching on quickly to the enormous and growing dissent throughout the community. During the exhibition period almost 4,000 individual submissions went to council, with more than 90 per cent of them opposing the study's recommended planned retreat and supporting the construction of a revetment wall, complemented with beach nourishment, to protect public assets and private residents along Illaroo Road. My husband Don and I have lived in Lake Cathie for over 16 years and have raised our two children in our own piece of paradise. I know all the residents on Illaroo Road and it has been extremely distressing to witness the emotional stress it has caused them, particularly elderly residents such as Russell and Ann Sercombe.

In my submission to council I mentioned the social cost of compulsory acquisition, which I believe was substantially underestimated in the report presented by the Snowy Mountains Engineering Corporation. Currently, in relation to the consideration of coastal hazards, councils are required to reflect the recommended statewide sea level rise benchmarks. No consideration is therefore given to the uniqueness of individual localities. On the coastal strip in Lake Cathie adjacent to Illaroo Road and extending along Chepana Street the presence of the underlying and extensive coffee rock has not been taken into account which clearly has had a significant and positive influence on the hazard zone, as well as dunal erosion.

The Coastal Protection Amendment Bill 2012 therefore provides welcome news to the residents of Lake Cathie for a number of reasons, but particularly because it will allow councils such as the Port Macquarie-Hastings Council flexibility to consider coastal hazards in the context of their local circumstances. Additionally, and just as importantly for those residents on Illaroo Road, the bill will amend the Coastal Protection Act 1979 to "make changes to the regulatory scheme governing the placement of certain coastal protection works (such as sandbags) on beaches, or sand dunes adjacent to beaches, to mitigate the effects of wave erosion on land, and to reduce the maximum penalties for offences relating to the placement, maintenance and removal of such coastal protection works". This will mean a reduction in the red tape associated with when and how protection works can be placed, the main change being that the works will be able to be placed at any time on public or private land. In other words, landowners no longer will need to wait until erosion is occurring or imminent. Additionally, the current restriction on private landowners to place protection works only once and only for a period of 12 months will be lifted.

Whilst a certificate from council or the Office of Environment and Heritage no longer will be required before placing works on private land, a certificate will still be required for public land. The erosion risk notated on section 149 certificates also has been a genuine concern for both Chepana Street and Illaroo Road property owners. Many property owners are of the opinion that the risk of beach erosion has been substantially overestimated, with anecdotal evidence that properties in this vicinity have been devalued by up to 50 per cent as a result. The third objective of the bill also has been applauded by local Lake Cathie residents because it removes the regulation-making power in the Coastal Protection Act 1979 and repeals existing regulations relating to the inclusion of coastal hazard category information on section 149 certificates. It should be noted, however, that the current requirements relating to notations on section 149 certificates under the Environmental Planning and Assessment Act will continue to apply.

In conclusion, I congratulate the residents of Lake Cathie, who have been both diligent and unwavering during the development of stage two of the coastal management study, which has spanned many years. They have been rewarded for their efforts by the recent decision of council administrator Neil Porter, which reflects the resounding view of the local community to pursue the option of a revetment wall with beach nourishment to protect the dunes and the adjacent public assets and properties. I particularly mention those who have led the charge and who have put an enormous amount of effort into informing and educating others about the process and outcomes. Those people can take much credit for the current status of the coastal protection issues in Lake Cathie. Paul and Priscilla Flemming, Malcolm MacDonald, Stephen Hunt, Gareth Livingstone and Brian and Sandra Tobin have all been instrumental in the fight for common sense.

The challenges ahead now focus on funding for a revetment structure, which is estimated to cost $3 million, and approximately $100,000 for beach nourishment and ongoing maintenance. I assure local residents that I am committed to working towards securing funding for this project and I hope that all levels of government will work cooperatively to ensure commencement of work on this project in the short term. Such

works will provide social, economic and environmental security not only for the Lake Cathie community but also for the many people who visit the area from afar for recreation and to enjoy its stunning and unique beauty. Once again I thank the Minister for the Environment for introducing this legislation and I commend the bill to the House.

Mr GARETH WARD (Kiama) [12.17 p.m.]: I make a brief contribution in debate on the Coastal Protection Amendment Bill 2012. As I look around the Chamber I see many proud representatives of coastal communities. In New South Wales we represent 2,137 kilometres of coastal communities. I represent some of the most beautiful parts of that coastline in the electorate of Kiama—places such as Shell Cove in the north right through to Shoalhaven Heads in the south, Gerringong, Kiama, Kiama Downs and Minnamurra. It is a beautiful part of the world but it certainly has faced many challenges, and coastal erosion is one of them.

I congratulate and thank the Minister for the Environment, who is in the Chamber, who has done her utmost to stand up for those who, as the member for Gosford said earlier, want to protect their homes. In many instances people have worked hard to buy their little piece of paradise on the coast only to find that the value of that piece of paradise has been significantly devalued because of legislation introduced by the previous Government. With the previous Government we saw prescriptions uniformly across the New South Wales coastline with no recognition of the fact that coastal protection and erosion had a different impact on individual communities and locations. Labor ignored those calls by local councils and the Local Government Association to vary those guidelines. Eleven environment Ministers had an opportunity to challenge those guidelines but only one Minister took up the challenge. Only one Minister fought for local communities and only one Minister delivered legislation in this place to support local communities—the Minister for the Environment who is in the Chamber today.

The bill introduced by the Minister seeks to cut the red tape that is entangled in the current legislation, which is so complicated that experienced local government bureaucrats find it difficult to understand. Previous amendments to the current legislation came out of cases such as the landmark Walker case, which involved an area called Sandon Point in the northern part of the Illawarra. In that case the section 79C assessment under public interest was challenged on the grounds that coastal protection and climate change should be included in any development assessment. From that the previous Labor Government developed guidelines that were confusing, imposed onerous penalties and delivered a difficult blow to some people who owned coastal properties.

The provisions included that action could be taken only when climate change was imminent. Climate change and coastal erosion is not something that started to happen yesterday; it has been occurring for thousands of years. We need to ensure that people do not just take action when they realise that their properties are folding into the sea; they must have an opportunity to do something about it with foresight and sensible consideration. I am pleased that the Minister changed the provisions relating to this matter and allowed for the institution of temporary measures so that people can take the action that is needed.

I am pleased that these amendments will come into force because there also are insurance issues. For many people in coastal New South Wales insurance premiums have gone through the roof. The notations on 149 certificates have meant that properties become devalued. The risk as articulated by the current legislation has been enunciated to a point that seems hard to understand. I am pleased we have appointed Mary O'Kane to examine the changing nature of the science and extrapolate the information that we need to achieve the right sorts of controls. This legislation seeks to impose those controls with a code of practice that will give guidance to councils as to how this legislation should be implemented.

As a part of Shoalhaven City Council I know that when we were putting together our development control plan 118 we found it difficult to work with the legislation because it was so prescriptive, narrow in its casting and difficult to understand. What we seek to do by the introduction of this new legislation is to give councils and residents the advice that they need. Many people were not merely concerned but terrified by the fact that their property values could be reduced. They were terrified that prescriptions would be so narrowly cast in relation to how coastal erosion would affect their property that they may not have been able to develop the land. In certain instances councils were coming up with plans that would have sought to completely quarantine coastal New South Wales. Imagine having worked for one's piece of paradise all one's life only to be told that the Labor Government in Sydney—unconcerned and uninformed about how climate change and coastal erosion may affect the regions—will sterilise according to an equation or a prescription.

That is not good enough for regional New South Wales and it is not what people will get from this Minister and this Government that are prepared to work with local government to ensure that people have the

assistance they need. The coastal areas are a beautiful part of our State but we must ensure that we have a government that stands up for property owners. We certainly have seen that from this Government. Labor seems to think that everybody living on the beachfront in New South Wales is a wealthy property owner, which is not the case. There are inland areas with waterfront properties where the current legislation applied. We are seeking to amend the legislation because we must look after those people who may have purchased their piece of paradise many years ago only to be told that their plans for redevelopment would be stymied by the prescriptive controls that were introduced.

I thank the Minister for the Environment, who has great foresight and vision and is seeking to help regional New South Wales. She saw that the Coastal Protection Act required amending and introduced the bill before the House. I hope that members take on board the fact that coastal communities want to be able to preserve their coastal areas. We believe that coastlines and the climate are changing. We believe that we need to maintain our environment but it should not be done by prescriptive controls that do not acknowledge local situations, take on board the advice from local government or the changing science that occurs in this area every day. I commend the bill to the House and I thank the Minister.

Ms ROBYN PARKER (Maitland—Minister for the Environment, and Minister for Heritage) [12.24 p.m.], in reply: I am thrilled to speak in reply to debate on the important Coastal Protection Amendment Bill 2012 and thank the members representing the electorates of Marrickville, The Entrance, Vaucluse, Myall Lakes, Pittwater, Coogee, Port Macquarie, Clarence, Tweed, Kiama, Gosford and Lake Macquarie for their contributions to debate on the bill. We heard some passionate speeches, particularly from members representing coastal communities, because communities up and down the coast have been crying out for this important piece of legislation.

As my colleagues and I have pointed out, the proposals in the bill represent a significant step forward for managing erosion threats along our coastline. This is only stage one of the Government's coastal reforms but they clearly demonstrate that this Government will not shirk its responsibility to help communities and councils deal with this difficult issue. The bill is an important part of the stage one reforms and winds back some of the excessive red tape that the former Government introduced into coastal management. The main provisions in the bill relate to improving the ability of coastal landowners threatened by coastal erosion to take responsible action to reduce erosion impacts. The ability of landowners to place large sandbags as temporary coastal protection works will be increased and the requirements relating to where and when these works can be placed will be reduced. These changes are sensible and practical.

No longer will landowners need to wait until erosion is occurring or imminent, or wait until they have obtained a certificate from council or from the Office of Environment and Heritage. They will be able to place these temporary works on their land at any time. Landowners no longer will be limited to placing temporary works on their land only when a building is threatened by erosion. The restriction will be lifted, which will allow works to be placed to benefit vacant land. Under related changes to the code of practice, landowners will not be limited to placing these works at only 14 authorised locations. The provisions will be expanded to cover any coastal erosion prone area, although they will not apply to estuaries such as Lake Macquarie.

The bill continues the ability of landowners placing temporary works on their land under the Coastal Protection Act to avoid the need for any other type of approval. If landowners want to place large or longer term protection works on their land, the opportunity for them to lodge a development application remains open. Where it is necessary for landowners to place temporary works on public land, the bill makes this easier for landowners while retaining important controls to ensure the appropriate use of public land. The bill doubles to two years the allowable time for landowners to responsibly use public land. These changes reflect the Government's commitment to supporting landowners while also protecting the public interest.

When the previous Government increased the Coastal Protection Act penalties for illegal dumping it got it half right. Higher penalties for dumping rocks, construction waste and other dangerous objects such as car bodies on beaches were reasonable. However, it forgot the important principle of letting the punishment fit the crime. Should the punishment for placing sandbags on beaches be as high as the punishment for dumping a rusty car body? Clearly not. The bill restores the balance by halving the maximum penalties for lesser offences relating to sandbags and the inappropriate use of temporary works.

Section 149 certificates play an important role in informing future purchasers of land about development restrictions and hazards that affect a property. However, it is important that the information on these certificates is appropriate, accurate and not misleading. Concerns have been expressed by many Central

Coast residents, for example, about inappropriate section 149 certificate notations relating to sea level rise. The bill removes the requirement to include notations on these certificates relating to coastal hazard categories. It is more appropriate that the requirements relating to coastal information on section 149 certificates be under the Environmental Planning and Assessment Act. To support this, the Government will develop new guidelines for councils to provide clear guidance on how to describe coastal hazard information on these certificates. We want section 149 certificates to inform and not inadvertently to mislead.

The Opposition has raised a number of concerns related to this bill that demonstrate either a clear misunderstanding of parts of the bill or a lack of support for vulnerable coastal landowners. The Opposition claims that landowners will be able to do whatever they want to protect their properties from erosion. That is wrong. Landowners will be able to place sandbags only as temporary works. They will need development consent for any other types of work. Opposition members also claim that landowners will cause damage to land on either side of their properties when protecting their homes. That also is wrong. If temporary works cause erosion the council or the Office of Environment and Heritage will be able to issue orders requiring removal of those works.

The power to make orders also applies to works that present a risk to public safety. This bill retains important safeguards to ensure that the beaches of New South Wales are not compromised. Another Opposition misunderstanding is that landowners can place temporary works on public land at any time in an unregulated manner. Public land is a community asset. The private use of public land by private landowners is a privilege that the Government recognises. Landowners will be able to use public land only after they have obtained a certificate from the council or the Office of Environment and Heritage and only after they have clearly demonstrated that public land needs to be used for the placement of the works.

Another Opposition claim is that councils will be unable to address the inappropriate action of landowners who have vastly different views from the councils on what is deemed to be excessive in the protection of their homes. In reality, the situation is quite simple: under this bill landowners will be able to more easily place sandbags as temporary works or lodge a development application for other works. The Opposition concerns relating to changes to the section 149 certificates in this bill are also unfounded. As I mentioned earlier, the certificates are important for providing information to future purchasers but they also need to be accurate. The bill effectively removes duplication of section 149 certificate notations relating to coastal hazards. They will be consolidated under the Environmental Planning and Assessment Act.

Another Opposition claim is that the Government has not consulted in relation to its coastal reform proposals. This is another departure from reality by the Opposition. Late last year the Office of Environment and Heritage held eight workshops along the coastline from Ballina south to Moruya. I opened the workshop in Ballina. The workshops were attended by community groups, councils and other stakeholders. The Office of Environment and Heritage has held the first two of 14 additional workshops with community groups, local government representatives and other stakeholders that will be held in October. Additional workshops will be held late this month and early in November. The workshops will provide further information on this bill and the Government's stage one coastal reforms. The Government also will consult while it is developing its stage two coastal reforms.

The final issue raised by the Opposition that I will address during my reply is the proposed reduction in penalties, which the Opposition opposed during debate on the motion moved by the member for Myall Lakes in support of the Government's coastal reforms. The Opposition claimed that halving some of the penalties is inappropriate as the penalties need to be strong to send a clear message that damaging the coastline is not acceptable. This Government agrees that damaging the coastline is unacceptable. The current penalties will remain for actions that seriously damage our coast or risk public safety. However, the Government recognises the difference between sandbags and construction debris, and this bill appropriately adjusts the penalties.

Local councils have an important role to play in coastal management. As I outlined in my second reading speech, the Government is committed to providing support for councils in relation to coastal management. Some concerns have been raised about the implications of new temporary coastal protection works and arrangements for councils. To provide additional support for councils the Office of Environment and Heritage will be developing guidelines for council officers that have been authorised under the Coastal Protection Act. The Office of Environment and Heritage also will continue to provide training for the councils' authorised officers, at no cost to councils, which will support councils should they need to take regulatory action relating to inappropriate temporary coastal protection works.

Another concern that has been raised during this debate and outside Parliament relates to the potential liability for councils in connection with temporary works. I draw the attention of the House to section 733 (3) (f6) of the Local Government Act. This section provides an exemption from liability for councils acting in good faith regarding the negligent placement or maintenance of emergency coastal protection works by a landowner. The bill updates the section to ensure that the same exemption from liability applies to the bill's new arrangements for temporary coastal protection work. This is a sensible bill that aims to better support landowners who are threatened by erosion while ensuring that public interest also is preserved. It will reduce red tape introduced by the previous Government. It is an important step in this Government's path towards a sound approach to managing erosion threats to our coastline. I commend the bill to the House.

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

Motion agreed to.

Bill read a second time.

Third Reading

Motion by Ms Robyn Parker agreed to:

That this bill be now read a third time.

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

SWIMMING POOLS AMENDMENT BILL 2012

Second Reading

Debate resumed from an earlier hour.

Mrs BARBARA PERRY (Auburn) [12.35 p.m.]: Earlier when the Minister for Local Government and Minister for the North Coast made his second reading speech Ms Kelly Taylor was in the gallery. I acknowledge Ms Taylor, who has returned to hear continuation of this debate. The Minister outlined the proposals in the bill. They can be summarised as measures that are all about minimising risks to children by making backyard swimming pools a safer place for children and young people. As a former Minister for Local Government and having dealt with swimming pools legislation tragic events made the importance of pool safety very clear to me and to the entire community. At the outset I express my deepest sympathies to all parents and loved ones of children who have died tragically or who have been injured as a result of accidents in pools.

Although the average number of toddler drownings and drownings generally probably has been halved since the introduction of swimming pool fencing regulations in the 1990s, it has always been my view that one child's death by drowning is one too many. I think that is also the community's view. It is timely as summer approaches for Parliament to pass new laws and to acknowledge that pool safety is everyone's business—governments, councils and parents. Even though we have laws, clearly they are no substitutes for ongoing education campaigns, for ongoing supervision of children around pools, for ensuring that children learn how to swim properly, and for learning cardiopulmonary resuscitation [CPR]. I reiterate that message in the hope that it is accepted in the spirit in which it is being expressed.

The Auburn electorate is a fair distance away from water. Water safety in communities such as mine is often taken for granted. I know from personal experience of my own children that unfortunately children can overcome their fear of water and that they sometimes do not have a fear of the dangers of unsupervised swimming. It is important that we get as many children as possible to the programs that are available. It is important to acknowledge work that had been done by the task force that was set up by me in government to look across agencies to see what could be done following the recommendations by the coroner. It is also important to acknowledge the previous laws that were made to try to minimise the issues surrounding safety of children near pools. The deputy coroner summed it up quite well. He said these things in his latest report which led to this raft of legislation:

> A barrier fence surrounding a home swimming pool is not a first line of protection for young children. Supervision is always the first line of protection. However, no matter how vigilant a carer may be, supervision of a young child can break down. It is in these situations that the barrier fence gives added protection by preventing the child from gaining access to the danger that the pool poses for them. It is trite to say there is no point in having a barrier fence around a home swimming pool if it is not compliant or effectively maintained.

With these amendments today we see some force given to what the deputy coroner has said. These amendments propose to establish a statewide online register of private swimming pools in New South Wales; to require the pool owners to self-register free of charge and to notify to the best of their knowledge that the pool complies with the relevant requirements—I will come back to self-registration later—and to require that councils develop and adopt a locally appropriate and affordable inspection program in consultation with their communities. The legislation also requires that councils conduct mandatory periodic inspections of swimming pools associated with what we are now going to call tourist and visitor accommodation. The bill amends the Building Professionals Act to allow accredited certifiers to conduct inspections—I will come back to that as well—and it amends the conveyancing and residential tenancies legislation to require that vendors and landlords have a valid swimming pool compliance certificate before they may offer the property for sale or lease. That would have to be provided at the time of contract or lease.

Before I come back to some of those issues I put on the record some of the reforms that have led up to this. The House will recall that legislation in 2009 removed the automatic exemptions from four-sided barriers for new pools on very large, small and waterfront properties. At the same time there was an increase in the maximum on-the-spot fine for pool owners if their backyard pool fence failed to meet safety requirements. That fine increased to $550, with the maximum court imposed penalty increasing to $5,500. Those laws also allowed councils to urgently fixed pool fencing where there was an immediate risk to public safety and the owner refused to fix the problem. Those laws also provided for mandatory investigation by councils of any complaint received about a potential breach of backyard safety. This legislation does not change those laws; in fact this legislation strengthens the provisions put in at that time.

When I, as Minister, brought in that raft of laws education was the strongest thing. At that time the Government provided some money to the Royal Life Saving Society to distribute to councils and to child care centres the Pool Safety in a Box Safety Kit. I hope that has been ongoing under this Government and that that continues. Those safety kits were quite popular and have been utilised by the community. At the same time, the Division of Local Government, Department of Premier and Cabinet—as it was then and I think still is—had arranged the printing and bulk distribution to councils of the Swimming Pools Law brochure and the Home Swimming Pools Safety Checklist. I hope they will be brought up to date and those brochures redistributed after this legislation passes.

I thank the Minister because yesterday in discussion with his staff, the Opposition and the shadow Minister for Local Government, the Hon. Sophie Cotsis, raised the need to ensure that when these laws pass they are communicated, in the most effective way possible through people's rates notices, to the community, particularly in high non-English-speaking background communities. I am pleased that today that was taken up by the Minister. Even then, some people will just look at the rates notice and not at what came with it, but there is a high chance of people having more knowledge about these changes and acting appropriately as a result. The amendment to the Swimming Pools Act 1992, which commenced on 14 December 2009, strengthened councils' powers to enforce the requirements of the Act, and the penalties for non-compliance of the requirements of the Act and regulations were increased significantly. I believe that increased compliance with the Act. I think these measures will further increase compliance with the Act.

I now go on to raise some of the remaining concerns. I am not sure what the Minister will say in response to these concerns. The first is the statewide online register of swimming pools. The Minister alluded in his speech to the fact that not everyone is computer savvy. Again, the Government will have to ensure that members of the community are made aware of that and are aware of the support as well. As to self-registration, we would like to think that everyone tells the truth, and I believe everyone does tell the truth. However, in a small number of cases I am concerned as to how councils can assure themselves, other than by periodic inspections—which will not happen regularly to everyone, and councils will have to decide how that is done—that that registration is correct. I know there are penalties for failure to be honest but if the balance of these proposals is about prevention rather than penalising we need to look at the best ways to do that and ensure there are no loopholes for people through self-registration and that no misinformation can be given.

It is understandable that councils, which have many things to do, will need to find an affordable inspection program and how best to deal with that, and that will be in consultation with their communities. However, I am concerned that in developing that program councils should have sufficient resources to get out to see pools as much as they need to. That can only be done with support through funding. I know there is an inspection fee and if there is a requirement to return after the inspection there is a further fee. But I am concerned that the Government should support councils financially to ensure they inspect a certain number of pools a year. I appreciate that the number of pools in every area is different, but some target should be set and the Minister and the department should know how many pools have been inspected.

It is important for there to be some reporting back, to measure these things. to give some insight as to how many pools there are. But the outcomes and how they are measured are important for further policy work in this area, as well as to maintain safety. I accept the Minister's statement about getting the balance right. It is not all about the families and parents taking responsibility. As I said, this is a whole of community responsibility. It is not all about local councils just having the powers or resources to enforce the laws or about government making good policy; it is a three-way thing. If there is not mandatory reporting to the Department of Local Government, other than on just how many pools there are, I am concerned that further good policy will not result.

That should be put in place now rather than down the track. I ask the Minister to address that matter. I understand how difficult these things are and how difficult it is to get the balance right—I have been there and understand. Some people in the community will say from their point of view and life experience from what has happened to them, that the legislation probably has not gone far enough, and I respect and understand that. This is a further step in the right direction. We support good information coming from councils and good oversight by councils. That oversight needs to be maintained. Then, hopefully, there will be a further reduction in drownings.

The Government has promised more funding. I am not sure of the amount but it cannot be just lip-service. We need to ensure that adequate funding goes to councils and government efforts in this regard. The laws in relation to pool safety generally should be well publicised. I thank the Minister for introducing the bill. The Opposition will support the bill but Ms Cotsis in the upper House no doubt will raise further issues as we continue to improve the legislation, bearing in mind that we have not had much time to talk to people about the legislation and obtain their views.

Mrs TANYA DAVIES (Mulgoa) [12.53 p.m.]: I support the Swimming Pools Amendment Bill 2012. I have never been as proud to be part of the O'Farrell-Stoner Government as I am today. I congratulate the Minister for Local Government, the Hon. Don Page, who is at the table, on introducing this legislation. The core aim of the bill is to improve the safety and public awareness of pool fencing and compliance matters. It is our earnest desire that this legislation, when obeyed by pool owners and councils, will be matched equally with supervision of toddlers to protect them from harm in backyard swimming pools by ensuring that the pools comply with the regulations. These changes have been a long time coming. New South Wales has approximately 340,000 backyard swimming pools but, sadly, this State is consistently overrepresented in statistics on national backyard swimming pool drownings.

On average, six children drown in private rentals in New South Wales each year and approximately 60 children are admitted to hospital each year for non-fatal drownings. Every drowning, whether or not fatal, is a preventable incident. The proposed changes have been based on the 2010 coronial findings and recommendations on infant pool drowning deaths. The recommendations call for strength and swimming pool barrier legislation, including fence inspections and the development of a swimming pool register. Taking these recommendations, the O'Farrell-Stoner Government also has been informed by a cross-agency working group. The working group was convened by the Division of Local Government to develop a response to the coroner's recommendations. Feedback also was sought from councils, water safety advocates and pool owners.

Evidence abounds about the action to be taken, and I am pleased that it is the O'Farrell-Stoner Government taking this action. Anecdotally, councils report that on average between 60 per cent and 80 per cent of pools they inspect have non-compliant barriers. At this point I acknowledge former Penrith City Councillor Robert Adrill, who was a strong voice in our local region for government to take action to reduce the rate of this type of drowning. For the above reasons the Minister has introduced this bill to amend the Swimming Pools Act 1993 to introduce a new scheme to maximise compliance with swimming pool fence legal requirements. The bill will require pool owners to self-register free of charge on a statewide, online register and certify to the best of their knowledge that their pool barrier complies with the legislation. Currently, as I have previously stated, the department's best estimate is that New South Wales has approximately 340,000 backyard pools. However, the reality is that no-one really knows how many pools there are and where they are located.

A register of all pools will allow councils to enforce fence legal requirements and allow the Government to know which suburbs and regions have potentially higher risk of toddler drownings in backyard swimming pools. More importantly, it will allow pool owners to know what to check on their pool and it will get people thinking about the importance of the safety of their pool fence. To enforce this change the bill will establish a new offence for failing to register a swimming pool with an associated fine ranging from $220 to a maximum of $2,200. As part of this change councils will be required to develop a locally appropriate and

affordable inspection program in consultation with communities on a cost recovery basis, with a one-off fee of $150 for an initial inspection and $100 for a reinspection. The scheme will include random inspections and mandatory periodic inspections of pools associated with tourist and visitor accommodation and multi-occupancy accommodation every three years.

Property owners will have the new requirement that any property with a swimming pool must be inspected and registered as compliant before that property can be sold or leased. This will give peace of mind to new occupants that the swimming pool barriers are safe. This bill will enable accredited certifiers and councils to conduct swimming pool inspections and issue compliance certificates. If this provision had operated in September 2010 Jaise, the son of pool safety advocate and St Marys mother Kelly Taylor, could have been saved. I acknowledge the presence of Kelly Taylor in the public gallery today. Two-year-old Jaise passed away two days after drowning in a swimming pool on a property his relatives were renting. Kelly and the family were Queensland residents and had travelled to New South Wales to join their family on holidays, where they rented holiday accommodation with a pool. Kelly did not know, the relatives did not know and the agent did not know that the pool fence was non-compliant and that a tragedy was waiting to happen. Since Kelly's personal tragedy she has been a tireless advocate for mandatory certification of all backyard pools, especially in rental properties. In sharing her story Kelly said:

> I speak for the safety of children, the safety of the community and most of all my campaign as personal and raw as it has been is now a partial reality that Jaise's story has been heard. His death will not be in vain ...

I acknowledge the courage and bravery of Kelly in the face of her personal grief and tragedy at the loss of her son and in the face sometimes of criticism from strangers about what she has endured. Kelly Taylor is the champion of, and face for, many other parents and grandparents who have endured a similar experience. She has had the courage to step into the public arena and shine a light on the issue; to stand up and advocate on behalf of all families and ensure that governments, councils and communities do everything in their power to make sure that no other child is lost through drowning. Her advocacy of this issue will ensure that grandparents—or, in Kelly's case, great grandparents—do not have to farewell a grandchild.

The bill contains provisions to create a compliance certificate to be issued when a pool fence is found to comply with legislation. Pool owners will have one year from the date of proclamation to register and self-certify compliance of their pool. This will allow time for community education about the new requirements. Every drowning is preventable and I firmly believe the Government should do everything it can to protect the lives of children. But there is only so much government can do. It needs to form partnerships with local councils and pool safety advocates and ambassadors to raise the profile of this issue and awareness of the fact that the most effective prevention of childhood drowning is supervision. As I said earlier, I like to use the term "super eyes": always watch children when they are in and close to pools or other bodies of water.

I acknowledge Andrew and Kat Plint, residents of Queensland, who established Hannah's Foundation. Kelly Taylor is a member of Hannah's Foundation. The foundation was formed following the drowning death of Andrew and Kat Plint's daughter Hannah on 4 October 2007. They instigated a national day of drowning prevention and awareness on 4 October in honour of their daughter. The Minister for Local Government visited my electorate with Kelly Taylor to promote the proposed swimming pool legislation. I understand that Kat Plint is currently in Queensland watching the New South Wales Legislative Assembly proceedings online. She was not able to get a flight from Queensland to be here so she is watching from afar. I thank Kat and Andrew Plint for their dedication to helping families and individuals who continue to be faced with this tragedy.

This is only the beginning for the childhood drowning issue. Education will now commence to increase awareness of the importance of supervising young children. One method is to nominate someone at a party to wear a hat that indicates that person is responsible for watching children around the pool. That responsibility can then be circulated amongst the adults in attendance. Using this method parents can be assured that at any time a person is designated to watch the children. An easy way to mitigate another potential hazard is to tip out the esky and not leave the ice to melt overnight. Community education is a key factor in reducing risk. I acknowledge the courage and strength that Kelly Taylor has exhibited. I commend the Minister and the O'Farrell-Stoner Government for introducing this bill, which I commend to the House.

Dr ANDREW McDONALD (Macquarie Fields) [1.03 p.m.]: The Swimming Pools Amendment Bill 2012 is certainly a step in the right direction. However, it should not have been forced through all stages in one day. This issue involves difficult questions have been addressed over many years. It reduces the credibility of the proposed legislation if the usual processes are not followed. I acknowledge that the Minister for Local Government has been helpful in providing a copy of his second reading speech and the bill and that his staff

gave a briefing last night. Explanations of good legislation are read into *Hansard* and bills are circulated so that all stakeholders are able to give a considered response. That will not happen in this instance. The now Premier in opposition described this process as "sausage factory legislation". Unfortunately, that is what is happening this morning with this very important bill. I expect the Minister in reply to state precisely why the bill had to be forced through all stages today and why, on 16 October, adequate consideration could not be given to widening the debate to allow the bill and the second reading speech to be perused by all stakeholders.

As one who has been responsible for the resuscitation of many child drowning victims, I can tell you there is nothing more confronting. When a cold and apparently dead child arrives in your emergency department you simply do not know whether they will survive. We do know that children who have been submerged for more than 10 minutes have a very small chance of intact neurological recovery or survival. The details of each incident are often not available because the reality is that inquisitive two-year-olds frequently explore their environment and, despite everyone's best efforts, sometimes escape from adult supervision. That was the case with Jaise: He went missing for the briefest moment while his family was holidaying at a rental property, with tragic consequences. I note that this bill would have saved Jaise's life. We know that the second factor in determining the outcome of a child drowning is the time taken until basic life support is administered. It is absolutely vital that effective cardiopulmonary resuscitation be taught to the general community.

With 340,000 pools in New South Wales, six drowning deaths and 60 near misses every year, the only real solution is to have somebody on hand who is able to provide effective cardiopulmonary resuscitation. Some difficult issues that have been on the agenda for some time remain unaddressed. It would have been beneficial for stakeholders to peruse this bill in greater detail over five days. I was completely unaware that pools built before 1990 do not have to comply with the code. Of the 340,000 pools in this State, we have no idea how many were built before 1990 and were therefore exempt. The bill will allow for an appraisal of pools in New South Wales and the current safety measures. I note that children drown not just in pools but also in lakes, bath tubs and rivers. Having said that, this bill is a significant improvement on the present legislation.

I have concerns about the self-reporting aspect of the bill. About 60 per cent to 80 per cent of pools inspected by someone else are found to have a noncompliant pool barrier. It is now not possible to discuss with local councils at greater length the issue of large numbers of noncompliant pools being reported as complying under the self-reporting process. This bill is a step in the right direction and will result in greater pool safety compliance. It will not address other drownings or the difficult question of pre-1990 pools, but the legislation deserves support. Had there been a chance to scrutinise the bill, it would have gained greater credibility than it presently has. I commend the bill to the House.

Mr CHRIS PATTERSON (Camden) [1.09 p.m.]: I am pleased to speak in support of the Swimming Pools Amendment Bill 2012. I commend the Government for its balanced approach to State regulation versus individual responsibility and education, and this bill is an example of that. The Government, as regulator, is providing a good framework but individuals, through education, must take responsibility for their actions. I commend Minister Page, who is at the table, for his wonderful work in local government. I thank him for the time that he has given to my electorate of Camden, whether it is addressing 20 general managers at a forum at Campbelltown or attending the Camden Council Paws in the Park event, which is to be held on 28 October this year. I thank him for spending time in Camden and for his support of my electorate and all local government areas. I like to give credit where credit is due—and I am sure the Minister will not mind my mentioning this—so I also commend Namoi Dougall, Paul Terrett and Darren Bark, who are in the advisors area, for the wonderful job they do.

The bill has bipartisan support. I will try to be positive but we do not need comments such as those by the member for Macquarie Fields that the Government has rushed through the legislation or any such garbage—and it is garbage. At the end of the day the member for Macquarie Fields said quite succinctly that this is extremely important legislation—indeed, his words were "very, very important". Rather than speaking about why it has taken so long for the bill to come before Parliament, we should look to the positives. The bill is extremely important, which is why it is being pushed through and given the priority that it deserves. Any further delay would be a travesty. I support the Government in bringing this legislation to the floor of the House as quickly as possible.

Regulation has an important role to play in keeping children safe around backyard swimming pools and I support the proposed amendments to require pool inspections, particularly of pools that pose the highest risk to children. However, we are aware that regulation via inspection has its limits. Councils will be able to inspect only a limited number of pool fences at any point in time. I am not making derogatory comments

about councils; council officers are extremely busy. The bill does not seek to place a further impost on councils but to work with them to produce good community outcomes. It is important that pool owners do not prop open a pool gate the day after an inspection. Pool owners must take personal responsibility to ensure that their pool and pool fence complies at all times. They must understand how to make their pools and pool fences safe.

The New South Wales Government is providing Royal Life Saving NSW with more than $700,000 per year over three years—that is just over $2.1 million—for a range of water safety education initiatives. These education initiatives include the Royal Life Saving Society's Keep Watch toddler drowning prevention program, which includes fact sheets on home pool safety, fencing, supervision, resuscitation and a home pool safety checklist for pool owners. It is pleasing to note also that the web page of the Division of Local Government provides a significant amount of information for all pool owners to refer to as an education resource. This includes an easy-to-use checklist to assist pool owners to understand the standard to which a pool fence should be constructed. These vital safety messages will have an even greater effect if they can be targeted directly at pool owners. The proposal to establish an online register will help councils know where pools are located in the community and target vital safety messages.

Importantly, the amendments in the bill will require pool owners—whether residential, tourist or visitor accommodation pool owners—to undertake self-assessment as part of the registration process. This self-assessment will ensure that they are aware of the pool safety standards in the Swimming Pools Act and take corrective action to address any deficiencies prior to self-certifying that their pool barrier complies. As I stated earlier, the reasoning behind this is to work with pool owners to let them know, through education, what is required of them. Therefore, through self-audit, they can take on the daily responsibility to ensure that the pool under their jurisdiction is safe. The proposals are not designed to catch people out or penalise them for making a mistake when assessing whether their pool meets the required safety standard; they are about providing pool owners with the tools to take responsibility for the safety of their pool.

Given the importance of the registration and assessment process in raising awareness and supporting inspection programs, it is important that all pool owners register. That is why it is also important that the bill includes penalties for failing to register a pool, which, given there is a sufficiently long transition period, is more than adequate and in the public interest. Unfortunately, penalties are needed to ensure that some owners comply. Such owners need to consider whether they are suitable people to have a pool under their jurisdiction. It is important to provide an adequate incentive to those who, for whatever reason, fail to act in the spirit of the proposed reforms in a timely manner.

It is critical that pool owners are educated about their responsibility to ensure that pool barriers comply with the prescribed standards at all times. This includes the ongoing maintenance of the barrier, ensuring that gates are kept closed and that a child is unable to climb under or over the barrier. No-one wants to deny New South Wales families the enjoyment and benefits of owning a swimming pool but it is vital that all children are protected from the dangers that backyard swimming pools can pose. Targeted education messages, greater pool owner responsibility and an effective inspection program will make this a reality. I commend the bill to the House.

Ms TANIA MIHAILUK (Bankstown) [1.17 p.m.]: I note at the outset that the New South Wales Opposition will not oppose the Swimming Pools Amendment Bill 2012. However, we reserve the right to amend the bill in the upper House. The bill seeks to amend the Swimming Pools Act 1992 to impose further measures to improve safety around swimming pools. Anecdotal evidence suggests that up to 80 per cent of pool fences in New South Wales are non-compliant with existing laws so there is a real and obvious need to improve pool fence safety. Sadly, each year on average we have six drownings in New South Wales and, as the Government has noted, every drowning is preventable. One issue of considerable concern is the Government's decision to allow for self-certification of pools on private property. Given recent events, including the recent tragic fire in Bankstown, the Government indicated it had concerns about self-certification processes. These concerns are likely to be legitimate, and I call on the Minister for Local Government to consider carefully whether self-certification is the best way forward.

With approximately 340,000 backyard pools in New South Wales, the task of ensuring compliance is fairly daunting. Luckily for the State Government, the burden falls on local councils to undertake the heavy lifting when it comes to pool safety compliance. The Government, however, has an obligation to support local councils in exercising this important function. I note also that we are coming into summer and therefore the bill is timely. However, I note that the bill was the result of a lengthy process but now has been rushed into

Parliament with particular haste. Once again, the O'Farrell Government has rushed through not one but five pieces of legislation. That is particularly strange given this legislation was always likely to have bipartisan support. This Government has demonstrated again that it cannot manage its legislative agenda.

As a mother, I am a strong supporter of childproofing high-risk areas such as swimming pools. Over the past 12 months I have also been campaigning to introduce another safety measure I believe is important: safety devices on high-rise windows. I have called on the Government to require all strata owners corporations and apartment owners to install reinforced screens or window-limiting locks to prevent children from falling from windows. I will continue to campaign on this important issue to keep our children safe. As many members of this House will know—particularly those members with a background in local government—compliance is a major issue with swimming pool fences. Councils have limited resources and are unable to bear the cost of enforcement on their own. The bill will introduce an inspection fee and councils will be able to recoup costs on a cost-recovery basis. The bill will also introduce a mandatory registry system for pool owners. As previously mentioned, this will be run on a self-certification basis. The registry system will be run online and registrations will be free of charge.

The bill places particular emphasis on the inspection of public pools or pools located in shared spaces. This includes pools at holiday accommodation locations and pools at shared residential centres. The bill will require these pools to be inspected every three years. Pools on private property will also have to be inspected, but only when a property is sold or leased. Pools on private property will be self-certified—that is, when owners register they will be required to demonstrate that their pool is compliant. Once the bill is proclaimed, private pool owners will have 12 months to register and the owners of pools on properties used for holiday accommodation and multiple-owner pools will have 18 months to register. I take this opportunity to ask the Minister to confirm that there will be an appropriate campaign to ensure that all owners are aware of their new responsibilities. I also ask the Minister to outline, if possible, the form this campaign will take and the media that will be used to communicate the information. I commend the bill to the House.

Mr DONALD PAGE (Ballina—Minister for Local Government, and Minister for the North Coast) [1.21 p.m.], in reply: First, I thank all members who have participated in debate on the Swimming Pools Amendment Bill 2012—the member for Auburn, the member for Mulgoa, the member for Macquarie Fields, the member for Camden and the member for Bankstown. I also thank the Opposition for its support of the legislation. I note that the member for Auburn raised a number of concerns, which I will address in a moment. But first I endorse her comment about supervision always being the first line of defence. If it breaks down because, for example, a parent has to answer the phone, go inside or retrieve a ball that has been thrown over a fence, it is important that a pool barrier is the second line of defence. The member for Auburn outlined the reforms that were passed in 2009 and acknowledged that this legislation strengthens them significantly. Swimming pool legislation is a somewhat evolving phenomenon and I suspect that down the track—perhaps in a few years—there will be a review of how well the new proposals are working. I am sure that a future government will address any shortcomings it finds in this legislation.

The member for Auburn asked about financial support for surf lifesaving, and generally. I am happy to advise the House that last month the New South Wales Government announced that an additional $3 million a year in funding had been targeted for water safety programs. Some of the beneficiaries of that funding are: the Samuel Morris Foundation, with $50,000; Westmead Children's Hospital, with $201,000; and Royal Life Saving, with $563,000. The member for Auburn also raised the issue of safety kits, swimming pool brochures and the general need for education. I assure the House that the Government, through the Division of Local Government, will be promoting the new legislation and swimming pool safety generally as part of our two-pronged attack: education and regulation to back up that education. I also acknowledge and thank the member for Auburn for her comments in relation to the Government's decision to ask councils to communicate the changes in the legislation via rate notices. I think that is eminently sensible and I will ask the Division of Local Government to ask councils to do that.

As to online registration, the member for Auburn expressed concern that not everyone is computer literate. That is true, but under the legislation there is a capacity for people who are not comfortable registering their pool online to get the council to do it for them. Councils will charge a maximum fee of $10 for performing that task. The member for Auburn also raised the question of funding for councils. Councils will, of course, be able to charge for pool inspections: $150 for an initial inspection and $100 for any subsequent inspections. So there is cost recovery in relation to council inspection regimes. The member for Auburn argued that councils should set a target in relation to inspections and provide feedback to government. Councils will have to state in their annual reports how many pools they have inspected and the level of compliance as a result of those

inspections. So each year there will be available to members of the public, and indeed to government, via the annual report of each council the number of pools that have been inspected in that council area and the level of compliance. If there is a problem with a council refusing to become involved in an inspection program that will become evident after the first year when the annual report is published.

I thank the member for Mulgoa for her generous remarks and acknowledge her ongoing advocacy in support of tougher swimming pool legislation. Her support for Kelly Taylor, who is in the public gallery today, following the loss of Kelly's son, Jaise, has been outstanding. I join the member for Mulgoa in acknowledging Kelly Taylor's advocacy and her determination to ensure that her son's unfortunate death was not in vain. A legacy of that tragedy is the improved swimming pool legislation that this House is passing today. I agree with the member for Mulgoa in relation to the importance of education and awareness in preventing drownings because, as some members have said—and as I remarked in my second reading speech—every child drowning is preventable. We should consider every such event a tragedy and we must do everything we can to make sure it does not happen again.

I thank the member for Macquarie Fields for his remarks. I know that he is most sincere when he speaks about the absolute tragedy not only of losing a child through drowning but, as a doctor, of having to treat a child who has suffered water immersion and subsequent brain damage—often permanent brain damage. I have met some of those brain-damaged children and it is heart wrenching to think that because a child fell into a pool as a toddler they will be brain damaged for the rest of their life. It is a tragedy not just for the child but for the family who will have to care for them for the rest of their life. As to the timing of this legislation and the need to debate it today, I indicate to the member for Macquarie Fields that the Government engaged in a lot of consultation through a discussion paper that was released last summer.

The proposals in this legislation are substantially the same as those in the discussion paper. Members who read the discussion paper know where the Government is coming from and therefore what was likely to be in the legislation. There has been a long lead-up period to this debate today. We also have stakeholders who do not want any further delays in the passing of this legislation, and we are required to get legislation to the Legislative Council by a certain date; if we do not, it will not be considered. With summer approaching it is important to enact this legislation as quickly as possible. I thank the member for Camden for his generous remarks. We must get this legislation through today.

The member for Camden clearly articulated the rationale for this bill and the balance of education regulation to maximise safety outcomes. I repeat to the member for Bankstown what I said to the member for Macquarie Fields about the need to get this legislation through and in relation to self-certification: it is about education as well as regulation. The Government will be conducting an awareness campaign to ensure that all pool owners are aware of their responsibilities under this legislation, assuming it goes through the Legislative Council. Even more important is for those pool owners to educate themselves about the importance of preventing child drowning. I thank all members who have participated in the debate. I commend the bill to the House.

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

Motion agreed to.

Bill read a second time.

Third Reading

Motion by Mr Donald Page agreed to:

That this bill be now read a third time.

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

[*Acting-Speaker (Mr Lee Evans) left the chair at 1.32 p.m. The House resumed at 2.15 p.m.*]

ELECTORAL REGULATION RESEARCH NETWORK FORUM AND PANEL DISCUSSION

The SPEAKER: I remind members of the forum and panel discussion organised by the Electoral Regulation Research Network on ideas for engaging ordinary citizens in constitutional referendums, which is to

be held on Thursday 18 October 2012 in the Macquarie Room commencing at noon. The forum is being held as part of the Australian Electoral Commission's Year of Enrolment and will be opened by Australian Electoral Commissioner Ed Killesteyn, PSM. The event is being hosted by the member for Wollondilly in his capacity as Chair of the Joint Standing Committee on Electoral Matters. I encourage all members to attend.

BUSINESS OF THE HOUSE

Notices of Motions

Government Business Notices of Motions (for Bills) given.

QUESTION TIME

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

NETWORKS NSW CHAIRMAN APPOINTMENT

Mr JOHN ROBERTSON: My question is directed to the Treasurer. Why has Roger Massy-Greene's appointment still not been gazetted?

[*Interruption*]

The SPEAKER: Order! Government members will cease interjecting.

Mr Brad Hazzard: Point of order: The Leader of the Opposition seemed to swallow the last few words. Perhaps he could repeat the question.

The SPEAKER: I invite the Leader of the Opposition to repeat the question. I did not hear the second part of it because Government members were interjecting.

Mr JOHN ROBERTSON: My question is directed to the Treasurer. Why has Roger Massy-Greene's appointment still not been gazetted?

The SPEAKER: Order! The Leader of the House will come to order. The Treasurer has the call.

Mr MIKE BAIRD: It is amazing that the Opposition has returned to this subject. Can anyone believe that Labor has returned to the subject of appointments?

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

Mr MIKE BAIRD: I would have thought the Leader of the Opposition would have endeavoured to maintain a low profile, which he has done so well during the past few years. I state very clearly to the Leader of the Opposition that the O'Farrell Government is very proud of the quality of appointments it is making. The Government is making appointments on the basis of the skills and experiences of the appointees, which is in contrast to Labor. The Leader of the Opposition is particularly relevant to the topic of quality appointments. The Leader of the Opposition was the leader of the Electrical Trades Union [ETU] and the Secretary of Unions NSW.

Mr John Robertson: Point of order: My point of order relates to relevance under Standing Order 129. The question was very specific.

[*Interruption*]

The SPEAKER: Order! The member for Baulkham Hills will come to order. The Treasurer is being relevant to the question asked. I reserve my ruling on the point of order.

Mr MIKE BAIRD: The question asked by the Leader of the Opposition is about appointments. While the Leader of the Opposition had those roles between 1998 and 2007, the former Labor Government was in government. What directorships did the Leader of the Opposition enjoy on the back of that? He was appointed a

director of EnergyAustralia, a director of WorkCover NSW and he was appointed to the Long Service Corporation. He also was appointed a trustee of the Parramatta Stadium Trust and became a member of the Heritage Council of NSW—one for The Greens.

Mr Richard Amery: Point of order—

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

Mr Richard Amery: My point of order relates to relevance under Standing Orders 129 and debating the question under Standing Order 130. The question relates to a position that is not gazetted; it has no relationship to past positions held by the Leader of the Opposition.

The SPEAKER: Order! The Treasurer has stated that his answer is relevant to the issue of appointments. I ask the Treasurer to respond more specifically to the question that was asked. I uphold the point of order.

Mr MIKE BAIRD: This question reminds me of the Mafia being interested in an improved justice system. Suddenly Labor wants an improved justice system. While the Leader of the Opposition was overseeing organisations to which I have referred and while those organisations were pouring donated funds into the re-election campaign of the former Labor Government, what was the Leader of the Opposition's responsibility? Today we heard about criticism of the Leader of the Opposition. The member for Lakemba has taken a stand—one that we all endorse.

Mr Michael Daley: Point of order: Madam Speaker, I refer to your earlier ruling. Forty seconds remain for the Treasurer's answer. Roger Massy-Greene is being paid $200,000 a year. Why is his appointment not in the *Government Gazette*?

The SPEAKER: Order! I refer the member for Maroubra to my previous ruling on this point of order.

Mr MIKE BAIRD: The member for Maroubra is trying hard. Good on the member for Lakemba. While the Leader of the Opposition was the leader of the Electrical Trades Union and the secretary of Unions NSW, what was his contribution to those boards? In 2007 WorkCover held 11 directors meetings. How many did the Leader of the Opposition attend? He attended absolutely none. He takes the money, but he does not contribute. I will obtain a response relating to the *Government Gazette*.

FEDERAL FUNDING AGREEMENTS

Mr JAI ROWELL: My question is directed to the Premier. What impact will expiring Federal funding agreements have on New South Wales hospitals?

Mr BARRY O'FARRELL: I thank the member for Wollondilly for his question. I am slightly confused because I thought I heard the Treasurer say that the member for Lakemba had resigned from the Opposition front bench. I have checked the Labor Party's website. According to that, the member for Lakemba is still the shadow Minister for Roads—lazy, lazy, lazy. What is worse—and this is a massive insult to the electors of Heffron—is that if we look at the Labor website to see who the local member for Heffron is, do we see the member, Mr Hoenig?

Government members: No.

Mr BARRY O'FARRELL: No, we get dear, departed Kristina Keneally.

The SPEAKER: Order! Members will come to order. The Premier will return to the leave of the question.

Mr BARRY O'FARRELL: The Treasurer and I have spoken many times in this House about the financial challenges facing the State Government, the financial challenges that we on this side understand cause us to ensure that we spend only what we have. Within weeks of delivering the budget this year we were notified that our GST receipts would be cut by $5.2 billion by the Federal Government. That is $5.2 billion taken off the people of New South Wales, money that would otherwise have been spent on education, health and the like. That is why we are tightening belts. It is why we are making savings, because we understand you cannot spend

money that you do not have. If an individual, a family a business or a government spends money it does not have, there will be a day of reckoning, which will be worse than doing what you should have done in the first place, which is to put in some fiscal discipline.

[*Interruption*]

The member for Canterbury laughs. The member for Canterbury was part of a government that wasted $20 billion over 16 years. That is $20 billion that could have built two WestConnex; $20 billion that could have upgraded the Pacific Highway probably a decade ago; $20 billion that could have delivered hospital upgrades in electorates members opposite represented like Blacktown, but which those opposite refused to do for the 16 years they were in office. I regret to inform the House that another storm cloud is gathering over New South Wales, and it relates to the Federal Labor Government's refusal to indicate what is going to happen to national partnership agreements entered into—national partnership agreements that affect health, that affect education, that affect housing, that affect services to indigenous people, and that even affect preparedness for natural disasters.

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

Mr BARRY O'FARRELL: Since I have been Premier I have attended three Council of Australian Governments meetings—three meetings of all the Premiers, the Territory leaders and the Prime Minister. At each one of those meetings every State and Territory has sought to get the Federal Government to say what is going to happen on 1 July next year. Will the funding continue? If the funding does not continue from 1 July next year, that is another $459 million taken away from the people of this State. That is another $459 million that we will have to make up—and as anyone can see, we are not exactly flush with funds because of the state of the finances left to us—that may result in further savings. If the national partnerships are not continued next year, that is a further $352 million that will come out of the State's expenditures.

In other words, having been made $5.2 billion worse off within weeks of delivering this year's budget because of Federal cuts to GST, we stand to be $2.4 billion worse off over the next four years if these partnership agreements are not renewed. These are partnership agreements that provide funding to people, for instance, in our hospital system. They provide 195 acute beds across 23 hospitals for additional elective surgery—14 beds and one intensive care bed at Westmead, 11 beds at Gosford Hospital, 14 beds and two high dependency beds at Liverpool, and six beds and one intensive care bed at Port Macquarie.

The SPEAKER: Order! I call the member for Macquarie Fields to order. The member for Macquarie Fields and the member for Cessnock will cease interjecting.

Mr BARRY O'FARRELL: The reaction of those opposite show they do not care. [*Extension of time granted.*]

I welcome the question from the member for Wollondilly because he understands that beds at Campbelltown Hospital or Liverpool Hospital that are taken away because this funding is not renewed or is axed will affect people living in his electorate, people who deserve to have the services that these programs provide. Around 20,000 preschool places will be placed at risk as well as a program that provides information technology aids to students with intellectual disabilities. That funding could provide services to people living in communities of indigenous disadvantage. The Minister for Aboriginal Affairs understands the importance of those programs in delivering services to those most in need. We need to know from the Federal Government what it is going to do with national partnerships. Later this year at the Council of Australian Governments meeting the Prime Minister will seek to negotiate outcomes on the Gonski reforms and the National Disability Insurance Scheme, important issues that need commitments to see them resolved in a bipartisan way.

Mature and responsible governments do not announce expenditure without first understanding their revenues. Mature and responsible governments live within their means. My message to the Federal Government is simple: If it genuinely wants to progress discussions in areas like the National Disability Insurance Scheme and Gonski it first needs to provide the States with some funding certainty. That means guaranteeing the future of expiring national partnerships, a sentiment that I am confident is shared by all other States and Territories. That means determining the future of the GST, a review that has been underway since March last year to which New South Wales and other States have made positive and constructive contributions.

Mr Michael Daley: You want more money.

Mr BARRY O'FARRELL: And you don't? The Labor Party does not want additional money. It wants to see $2.4 billion taken away from the people of New South Wales by the Federal Government with the resultant devastation of health, education and other services.

POLITICAL LOBBYING

Ms LINDA BURNEY: My question is directed to the Minister for Transport. How many times has the Minister met with lobbyist and Liberal Party powerbroker Michael Photios since her appointment to the Ministry?

Ms GLADYS BEREJIKLIAN: I am pleased to take this question because I know this is a concept that is foreign to the Labor Party, but all meetings with lobbyists are undertaken in compliance with the New South Wales Lobbyists Code of Conduct. Of course, I abide by that code. But I want to know this: Why is it that after 18 months in opposition they have run out of questions to ask me on public transport? Have they asked me a question on the South West Rail Link?

Government members: No.

Ms GLADYS BEREJIKLIAN: Have they asked me a question on electronic ticketing?

Government members: No.

Ms GLADYS BEREJIKLIAN: Have they asked me a question on light rail?

Government members: No.

Ms GLADYS BEREJIKLIAN: Have they asked me a question on cycling?

Government members: No.

Mr Clayton Barr: Point of order: Madame Speaker, you have previously ruled that calls for responses by Ministers and answers from members are out of order. I ask you to rule that way again.

The SPEAKER: Order! I have ruled that interjections and noisy behaviour are disorderly. I am not happy about members responding to the Minister, but they are not interjecting. There is no point of order. The Minister has the call.

Ms GLADYS BEREJIKLIAN: We know that the member for Lakemba has seen the light. He knows his party is out of touch with what matters to the people of New South Wales. Have members opposite asked me about all the bus services we have reintroduced?

Government members: No.

Ms GLADYS BEREJIKLIAN: What about all the rail services we have reintroduced?

Government members: No.

Ms GLADYS BEREJIKLIAN: What about all the ferry services we have reintroduced?

Government members: No

Ms Linda Burney: Point of order—

The SPEAKER: Order! Government members will come to order. I will not tolerate disorderly behaviour.

Ms Linda Burney: My point of order is relevance under Standing Order 129. We know you have only one speech, but I asked you a very clear question: How many times—

The SPEAKER: Order! That is not a point of order. The member for Canterbury will resume her seat. The Minister has the call.

Ms GLADYS BEREJIKLIAN: Members on this side of the House focus on issues that matter to our constituents, to the people of New South Wales. Until members on the other side of the House realise that, they will be remain in opposition for years and years.

PACIFIC HIGHWAY UPGRADE

Mr CHRISTOPHER GULAPTIS: My question is addressed to the Deputy Premier. What progress has been made to secure funding for the Pacific Highway upgrade?

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

Mr ANDREW STONER: I thank the member for Clarence for asking a very good question. The upgrade of the Pacific Highway is a critical project not just for North Coast communities but, indeed, for the entire State. This Liberal-Nationals Government has made it clear that along with the North West Rail Link, WestConnex and Bridges for the Bush, the Pacific Highway upgrade is a top infrastructure priority. That is why we have committed more than $1.5 billion to this project since coming to government, including $403 million from Restart NSW. Unfortunately, the Federal Labor Government has repeatedly refused to hold up its end of the deal on the Pacific Highway. The longer we wait for the upgrade the more it will cost the community and the more it will cost taxpayers.

Indeed, last night the Secretary of the Federal Department of Infrastructure and Transport, Mike Mrdak, told a Senate estimates hearing that failure to complete the duplication of the Pacific Highway by the 2016 deadline agreed to by the Prime Minister, Ms Gillard, could cost taxpayers more than $1 billion. It is now clear that the only way the Pacific Highway will be built quickly and taxpayers can avoid that additional expense is under a Federal Coalition Government, with Tony Abbott and Warren Truss guaranteeing more than $5.6 billion in funding to finish the job on the Pacific Highway. The Federal Coalition's announcement restores the historic 80-20 split that was in place when New South Wales Labor was in government and when, of course, the Liberal-Nationals Government came to office last year.

Ms Linda Burney: You can't have it both ways.

Mr ANDREW STONER: I hear interjections from those opposite. The shame in all of this is that now in opposition Labor has simply stood by quietly while its Federal counterparts moved the funding goal posts for this critical national land transport network project, including a man who, until last night, was the shadow Minister for Roads and Ports, the member for Lakemba. After yesterday's events, the Premier revealed the skulduggery of the Labor colleagues of the member for Lakemba while he was on his honeymoon. We know that he quit the Opposition front bench last night ostensibly to spend more time in his electorate. Under a former Premier, the electorate of Lakemba—

Mr Michael Daley: Point of order: My point of order is relevance under Standing Order 129. The comments of the Minister are entirely irrelevant. I object to the Deputy Premier's discourse on this matter pursuant to Standing Order 73.

The SPEAKER: Order! The Deputy Premier will return to the leave of the question.

Mr ANDREW STONER: I was merely pointing out that the former shadow Minister for Roads and ports was silent and now that he has left the portfolio we have nobody else in this place to speak up for the people of New South Wales. Last night he said that he would spend more time in his electorate of Lakemba, but the reality is that it remains one of Labor's great deceits. What is the real reason for his resignation? As Simon Benson reported in today's *Daily Telegraph*, the member for Lakemba had "become despondent about the"—

Mr Michael Daley: Point of order: My point of order is under the same standing order on which you ruled previously. The Deputy Premier, in his typical boofheaded fashion, is flouting your ruling.

The SPEAKER: Order! That language is not acceptable. There is no point of order.

Mr ANDREW STONER: It takes one to know one. Already he is starting to act like he did on the last night of the sitting of the spring session.

The SPEAKER: Order! The Deputy Premier will return to the leave of the question.

Mr Nathan Rees: Point of order: My point of order is relevance under Standing Order 129. If you want to go down this path, bring it on tiger.

The SPEAKER: Order! That is not a point of order. Members will come to order. The Deputy Premier has the call.

Mr ANDREW STONER: We simply want to know who will represent the road users, the people of New South Wales. Will it be the member for Kogarah? I think she is self-excluded. Will it be the member for Wollongong? No, it will not. Perhaps it will be the future of the Australian Labor Party in New South Wales, the ageless member for Heffron. [*Time expired*.]

SYDNEY FERRIES

Mr MICHAEL DALEY: My question is directed to the Minister for Transport. What discussions did the Minister have with Michael Photios prior to the Sydney Ferries contract being awarded to Harbour City Ferries, which is co-owned by Transfield Services?

Ms GLADYS BEREJIKLIAN: I repeat my previous answer, because obviously those opposite are rather slow.

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

Ms GLADYS BEREJIKLIAN: This is a foreign concept to those opposite: All meetings with lobbyists are undertaken in compliance with the New South Wales Lobbyists Code of Conduct.

Mr John Robertson: We heard that.

Ms GLADYS BEREJIKLIAN: Well listen again. Of course I abide by that conduct. Every Minister in this place abides by that conduct.

The SPEAKER: Order! An Opposition member asked the question; surely Opposition members would like to listen to the answer.

Ms GLADYS BEREJIKLIAN: Let us not open that can of worms because I still wonder why it was possible that when the member for Maroubra was the Minister for Roads, the member for Keira was the deputy director general of the department. The member for Keira was formerly the Labor chief of staff to the previous Minister for Roads and then when the member for Maroubra became the Minister for Roads, suddenly the member for Keira was the deputy director general.

Mr Ryan Park: Point of order: The Minister is misleading the House.

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

Mr Ryan Park: She is misleading the House.

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

Mr Ryan Park: And second, it is her director general—

The SPEAKER: Order! That is not a point of order. The member for Keira will resume his seat. The Minister has the call.

Mr Brad Hazzard: To the point of order: The quicker the Leader of the Opposition sorts out his front bench, the less likely we will have these ongoing spurious points of order. It is his job—sort it out.

The SPEAKER: Order! That is not to the point of order. The Minister has the call.

Ms GLADYS BEREJIKLIAN: I repeat: This side of the House cares about the issues that matter to the community; those opposite do not. I shall talk about Sydney Ferries because they raised the issue. When the member for Maroubra was the Minister for Roads he cancelled more than 233 weekly ferry services.

Mr Michael Daley: Point of order: Apart from the fact my point of order relates to Standing Order 73, the question was very specific. The question was: What discussions did the Minister have? What does the Minister have to hide? Tell us what discussions were had.

The SPEAKER: Order! The Minister has been relevant to the question asked. She responded to the question at the beginning of her answer.

Ms GLADYS BEREJIKLIAN: Those opposite cannot handle the truth. They cannot handle the fact that they botched process after process with Sydney Ferries. We had a smooth transition.

The SPEAKER: Order! I warn all members that further interjections will result in their being removed from the Chamber.

Ms GLADYS BEREJIKLIAN: Those opposite cannot handle the fact that everything relating to the important process of Sydney Ferries was done completely with due process by this side of the House. When those opposite were in government, eight unions controlled or worked on Sydney Ferries and Labor wasted about $6 million or $7 million going down the path of franchising Sydney Ferries. Did it have the guts to actually make a decision?

Government members: No.

Ms GLADYS BEREJIKLIAN: Those opposite cannot handle that this side of the House successfully negotiated with eight different unions. We treated each other with respect, made sure a proper decision was reached and ensured also that we got great value for our customers and taxpayers, something those opposite failed to do. Rather than explain why they cut ferry services and why they botched the process time and again and wasted millions of dollars, they are casting doubt on this process. That is disgusting. It is not only disgusting but demonstrates that they know nothing about private sector involvement in transport. It demonstrates the Opposition's complete inability to do what is right for the people of this State. Until those opposite focus on the issues rather than attempt to debase the quality of debate in this House, they will sit on that side of the House.

EDUCATION REFORM

Mr CRAIG BAUMANN: My question is addressed to the Minister for Education. What action is the Government taking to support education in New South Wales?

Mr ADRIAN PICCOLI: Earlier today I had the pleasure of meeting some of the students from the Port Stephens electorate. I will commence by clarifying some issues surrounding the Board of Studies and the School Certificate. It may surprise Opposition members but last year the Government made an announcement that it was abolishing the School Certificate. For many years a request for reform was made of the former Government but that reform was undertaken only by this Government. This education reform is broadly supported by those students who would have been doing the School Certificate this year and it is strongly supported by educational stakeholders. As a result of this reform the Board of Studies no longer has to mark and is not required to employ people to mark School Certificate papers, which results in a cost saving. Today Opposition members issued a media release and suggested that the Government, in an underhanded way, is cutting millions of dollars from the Board of Studies that will affect all kinds of things.

Ms Carmel Tebbutt: Yes, $8.7 million.

Mr ADRIAN PICCOLI: The figure that Opposition members used in their press release was $8.7 million. Abolishing the School Certificate will save $7 million so there is $7 million of that amount of $8.7 million. An additional amount of $1.7 million in curriculum development was allocated to the board for the development of the Australian curriculum. The board has completed its work in delivering new K-10 syllabuses, so the money is no longer needed, which goes a long way towards explaining what happened. It could be said of Opposition members that they never let the facts get in the way of a good story.

Yesterday I had the pleasure of visiting Ultimo Public School to announce a number of education measures. The first measure was to launch the new syllabuses that the Board of Studies proposes to implement as part of the national curriculum in 2014. It is a fantastic online resource for schools. It is teacher friendly, it is

clean and innovative, it has the capacity for teachers to link to worldwide resources and have access to online syllabuses, including Australian curriculum content, anywhere, any time and on a variety of devices. It also will give parents a chance to look at the syllabus in New South Wales to see what their children are learning in school and the educational level that they should be achieving.

The second measure was to announce that $25 million will be allocated over the next two years to assist in the professional development of teachers as we move towards the implementation of the national curriculum. That funding will be for government and non-government sectors. It is up to the sectors as to how they distribute that funding to schools and students. The third measure that I had the pleasure of announcing yesterday followed advice from the Board of Studies, agreed to by the Department of Education and Communities, that an additional school development day be provided for all teachers in New South Wales government schools on the first day of term two next year. This additional day is a one-off measure to assist with the implementation of the national curriculum. Essentially there are already six pupil-free days or professional development days in the school year. This is an additional day of professional development for the implementation of the national curriculum.

The non-government sector has been consulted about this measure and we expect a large number of non-government schools, if not all of them, to avail themselves of this opportunity for additional professional development time as we implement the national curriculum. Last week I had the opportunity to announce how the New South Wales Government intends to spend $30 million in national partnership funding over the next two-years for a range of initiatives in support of the State's early childhood education sector. As the Premier said earlier, the Government is concerned about the future of the national partnership funds. The $30 million that was announced last week will be well spent but the Government needs to know with some certainty that the national partnership funds will be secured so that it can continue its good work. [*Extension of time granted.*]

As a former teacher I note the Speaker's enthusiasm for good news in education. The Government intends to spend the $30 million by allocating $8 million for fee relief for Connected Communities families—a proud initiative of the O'Farrell-Stoner Government—to support 15 of our most disadvantaged communities in New South Wales. That $8 million will directly benefit up to 1,400 children from Indigenous and low-income families at Connected Communities sites that do not already have access to a Department of Education and Communities preschool. These sites are at Bourke, Brewarrina, Menindee, Toomela, Moree and Hillview in Tamworth.

The Government is allocating $3 million in infrastructure funding to provide preschool facilities to Connected Communities schools, on top of the $10 million for capital works announced by the Premier in Parliament a few weeks ago. A transition initiative of $2 million has been allocated to support teachers and parents in preparing children to transition from early childhood to kindergarten through a cluster management program. I presume that a number of members in this Chamber are members of parent committees, community preschools or long day care centres, which often is a demanding task. An additional resource of $1 million will provide expertise in governance and accountability processes for those organisations. There are several other measures. Early childhood is critical and I know that this Government is proud of the work it is doing to support all students in New South Wales, but particularly in early childhood. I commend those positive measures for education in New South Wales.

SYDNEY FERRIES

Mr PAUL LYNCH: My question is directed to the Minister for Transport. When was the last time the Minister met with Michael Photios?

Ms GLADYS BEREJIKLIAN: I refer the shadow Attorney General to my two earlier responses to this issue. I reiterate that members on this side of the House are focused on due process and on fixing the mess they inherited from the former Government. If those opposite do not learn that lesson they will be subjected to the Opposition benches for years to come. Let us go back to the mess left to us in Sydney Ferries. The Opposition wasted millions of dollars and had no respect for due process. Members on this side of the House know that whenever one is engaging with anybody in the private sector during a bid process one is not allowed to be lobbied.

Members on this side of the House understand due process when they are engaging in a formal and live bid process, but those opposite do not know what due process is as they have not been party to it. The Opposition wasted millions of dollars on botched bids and processes. The Treasurer described more eloquently

than I could how the former Government proceeded with electricity privatisation, but that is a matter for another day. I refer the member to my answers to earlier questions. I say to those opposite: Get out of the gutter. Use the member for Lakemba as an example. He had enough and he got out of the gutter. Focus on the issues that matter to the people of this State. Focus on the issues that matter to constituents. Focus on the quality of life that people expect, whether it is through the provision of better services, health or education. If Opposition members do not do that they will be in opposition for many years to come.

BOARDING HOUSE ACCOMMODATION

Mr THOMAS GEORGE: My question is addressed to the Minister for Ageing, and Minister for Disability Services. What is the New South Wales Government doing to protect vulnerable people living in the State's boarding houses?

Mr ANDREW CONSTANCE: I thank the member for his question and in doing so acknowledge Sister Myree Harris, Convenor of the Coalition for Appropriate Supported Accommodation, who for more than a decade has advocated for government to introduce the legislation that will be introduced to the House later this afternoon. The Boarding Houses Bill 2012, which is a major milestone, will correct the injustices that have occurred in the boarding house sector over many years. It is time that legislation such as this was introduced, given the many reviews that have been undertaken over the years.

Page 15 of the New South Wales Social Justice Directions Statement of October 1996 states that the Government—that is, the Carr Government—will examine ways to protect the rights of people in boarding houses through reviews. Eight years into that review the then disability services Minister in the other place again spoke of the ongoing review, the need to address the conditions in which people with disabilities were living in the State's boarding houses and sought to make it a more positive experience.

Over the past 10 years the New South Wales Ombudsman handed down reports—in 2004, 2006 and 2011—calling for an overhaul of the State's regulations that govern boarding houses and the introduction of this type of legislation. For the first time the legislation will result in principle-based occupancy rights being put in place for the State's boarding house residents. As part of the reform the Minister for Fair Trading will have responsibility for a registration process. This centralised register will enable State and local governments to identify the location of boarding houses, the conditions under which residents are living and the nature of those residences.

There will still be two forms of boarding house—general boarding houses and assisted boarding houses. Assisted boarding houses will be regulated and managed by the Department of Ageing, Disability and Home Care which will have responsibility for two or more people with disability, mental health conditions or chronic illness and who require additional assistance in the form of medical-based assistance, feeding, showering and so on. As part of the reforms the Government will make a number of changes to penalties and powers of entry. However, the main thrust of the bill is to ensure maintenance of a viable boarding house sector in the State. We believe also that by having in place the appropriate legislation and regulations, boarding house residents will be protected.

Only yesterday Shayne Mallard, the Liberal candidate for Sydney, and I met at the Wayside Chapel with Pastor Graham Long, who said clearly that he was aware of examples in which people had gone to hospital only to return to their boarding houses to find their belongings out in the street. In recent days we have seen reports of the slum-like conditions in which residents have been forced to live. The time has come for the Government to act. The Government has done this in 16 months while Labor merely conducted a 16-year review. I make the point that we are yet to hear the Opposition's position on the bill and the reforms. The exposure draft bill has been on the public record for the past few months.

I note that a number of submissions have been made to the exposure draft bill but, curiously, instead of receiving a single, coordinated response from the Opposition calling for more reviews, I received two responses—one from the member for Auburn and the other from the member for Bankstown. One would have thought in light of reports in the *Sun-Herald* last Sunday that an issue such as this would have required a single coordinated response from the Opposition. Indeed, for many years the Opposition neglected residents, forcing them to live in unacceptable conditions when Ministers in that Government knew full well about the deaths and abuse of residents. It is time to change. I look forward to the Opposition supporting the Government's bill later today. [*Time expired.*]

ARMIDALE RURAL REFERRAL HOSPITAL

Mr RICHARD TORBAY: My question is addressed to the Minister for Health. Will the Minister advise the House what action is being taken to address the significant workforce pressures relating to the three vacant physician positions at the Armidale referral hospital?

Mrs JILLIAN SKINNER: I thank the member for Northern Tablelands for a very good question. It is good to see members asking good questions about health. Back in August I enjoyed visiting Armidale with the member for Northern Tablelands. It was an exciting visit and we were well received.

Mr John Robertson: That is not what he said.

Mrs JILLIAN SKINNER: The Leader of the Opposition, who should be quiet and let me answer this question, is not interested in the answer. The member for Northern Tablelands and I met with the Medical Staff Council and also with those in the community health service who were excited about our $6.3 million redevelopment of the ambulatory care centre—$5 million from the State Government to create clinical rooms for specialists and others to enable diabetes services to be operated on the ground floor, and an additional $1.3 million from the Commonwealth Government for chemotherapy. The only thing that saddened me was that it needed another floor, which is something I am looking into. On that occasion I met also with Dr Gary Baker, Chair of the Medical Staff Council, who in an article in the *Armidale Express*, raised concerns about staff shortages. I have made inquiries about this and I have been sent a copy of the letter from the Chief Executive of Hunter New England Health that was sent to the paper. For the information of members I will read onto the record part of that letter which states:

> As recent as August—

when I was visiting—

> NSW Minister for Health Jillian Skinner and I met with Dr Gary Baker to discuss his concerns around recruitment and retention of medical staff, and to outline our plans to ensure we have the medical coverage needed to meet the needs of the hospital, its staff and the local community …
>
> While two doctors have resigned from Armidale Hospital for personal reasons and one has relocated to Tamworth this month, we will interview seven new physicians this week. Provided the candidates are suitable we will fill all four of our general physician vacancies and be operating at full strength.

For the first time in a long time this is full house for the staff at Armidale hospital. The letter concludes:

> Armidale Hospital continues to perform well and consistently exceeds targets for emergency department performance. The hospital is already meeting the new National Emergency Access Target (NEAT), which mandates that all emergency patients are either admitted to hospital or treated and allowed to leave the department within four hours.

Well done to the staff at Armidale hospital whom I was pleased to visit. Clearly this community pulls together in providing services not only for the people of Armidale but also for the broader district. The area is well linked with telehealth into some of the outlying hospitals. I believe that the new ambulatory care centre will be the hallmark for how we provide that kind of care in the future—providing rooms for doctors to hold clinics without patients having to be admitted to hospital. For those who do not know the medical jargon, that is ambulatory care. It is about providing patients with an opportunity to access expert care which does not mean they have to be put in an acute hospital bed but enables them to be treated in more appropriate ways—whilst at home or perhaps even as an outpatient of the health system. I am pleased that I was able to join the member for Northern Tablelands and I hope to visit again in the very near future.

DRUG AND ALCOHOL TREATMENT PROGRAMS

Mr BART BASSETT: My question is addressed to the Minister for Mental Health, and Minister for Healthy Lifestyles. How is the Government enhancing the State's drug and alcohol treatment programs?

Mr KEVIN HUMPHRIES: I thank the member for Londonderry for his interest in the Government's commitment to improving the State's drug and alcohol treatment and rehabilitation services. Everybody in this House will acknowledge there are few problems that we as a society face that are more cruel and more debilitating than the scourge of drug addiction. It is a problem that affects us all in our communities. It affects firsthand those who succumb to addiction and their families and friends who are all struggling to help. It affects

our communities, our hospitals, our prisons and our community services and the effects are damaging to us all. That is why the New South Wales Government is determined to address this issue. That is why it is determined to give communities the tools to help them fix this problem and that is why we are determined to help drug and alcohol treatment services to provide more programs to people who want help to rid themselves of their addiction.

A government can be judged on how it helps its most marginalised and vulnerable citizens, so it gives me great pleasure to inform the House that this morning I announced that the New South Wales Government will provide an extra $10 million to strengthen and enhance drug and alcohol treatment services to help thousands more people beat their addiction. I am proud to say that through this commitment we are delivering on another key election commitment. Unlike those opposite who spent years in government failing to deliver and repeatedly breaking promises to the people of New South Wales, this Government is a government of reform and delivery. This funding will provide faster help to thousands of people seeking treatment who currently have to be turned away because of a shortage of treatment services. It will ease the burden on hospital emergency departments and acute care beds, which have to cater for nearly 40,000 cases each year because there is nowhere else for them to get treatment—a benefit that the Minister for Health has long been championing.

This funding will help thousands of people throughout New South Wales end their addiction. Some of the organisations that will receive funding through this commitment are the Samaritans Foundation in Adamstown in the electorate of the member for Newcastle; Bridges at Blacktown; the Community Restorative Centre in Chippendale, where I was this morning; the Drug and Alcohol Multicultural Education Centre [DAMEC] in Strawberry Hills; Freeman House in Armidale—I note the interest of the member for Northern Tablelands in this area; Kedesh Rehabilitation Services; Watershed Drug and Alcohol Recovery and Education Centre in Berkeley; Maari Ma Health Aboriginal Corporation in Broken Hill; WHOS—We Help Ourselves—Cessnock, based in the Hunter; WHOS—We Help Ourselves—Sydney, based at the Rozelle Centre; and the Women's Alcohol and Drug and Advisory Centre based at Little Bay in the Maroubra electorate.

A primary focus of the new funding will be additional support for people who are receiving opioid substitution treatment—otherwise known as methadone and buprenorphine—and in particular those who wish to stop the treatment and to live a drug-free life. There also will be more support in the community for people coming out of prison and for those with high levels of social disadvantage who have drug and alcohol dependencies. This Government is committed to addressing the cycling in and out of prisons that became the norm under those opposite. We are working hard to reduce the rate of recidivism and to ensure that young people do not get caught up in the criminal justice system. The Attorney General has led significant change in this area, including through the Drug Court program, which will soon be located in three parts of New South Wales—Parramatta, the Hunter region and in Sydney, where a new metropolitan court will be opened. I also thank the Attorney General for his visit to Brewarrina last week when we visited a Corrective Services institution about 60 kilometres south of Brewarrina.

If we are to break that cycle and keep our prison populations down and our streets safer, we have to address the problems and triggers that send people back into crime. That is what we are working to achieve through this announcement today. The new drug and alcohol treatment programs are to be delivered through the drug and alcohol non-government organisation [NGO] sector. These non-government organisations have a proven track record in the provision of high-quality treatment, prevention and health promotion services in New South Wales. These services are based in the community and they play a vital role in assisting people who are experiencing problems with drugs and alcohol. The services are well recognised by those in the non-government organisation sector—they have been a long time coming. It is about people living meaningful and productive lives in their community. [*Extension of time granted.*]

Most importantly, this commitment will help thousands more people in New South Wales break the addiction cycle in which they are caught up. I conclude with a quote from Larry Pierce, chief executive officer of the Network of Alcohol and Drug Agencies, who today welcomed the New South Wales Government's determination to address this issue. He said:

> On behalf of the Network of Alcohol and Drug Agencies I would like to congratulate the NSW Government on its much needed injection of significant new money into NGO drug and alcohol treatment agencies across the state.
>
> This new funding will be essential for supporting better treatment outcomes for the high complex needs patients that our services see and will assist them to stay well after treatment and lead productive lives back in the community.

SYDNEY FERRIES

Ms GLADYS BEREJIKLIAN: Earlier in question time the member for Maroubra asked me a question about Sydney Ferries. I wish to provide a supplementary answer. There were extremely strict probity conditions surrounding the bid for the operation of Sydney Ferries, as I mentioned. Neither I nor anyone from my office spoke to any bidding parties or their representatives in regard to Sydney Ferries franchising before the issuing of this contract.

NETWORKS NSW CHAIRMAN APPOINTMENT

Mr MIKE BAIRD: Earlier in question time the Leader of the Opposition asked me a question about the appointment of the chairman of Networks NSW. I wish to provide a supplementary answer. I am advised that under the State Owned Corporations Act there is no obligation for an appointment to the board of a State-owned corporation to be published in the *Government Gazette*. I am advised also that when Michael Daley and Eric Roozendaal appointed Michael Williamson to the board of the State Water Corporation there was no publication in the gazette. However, there has been no secrecy about the appointment of Roger Massy-Greene. I issued a press release on 2 July announcing Mr Greene's appointment and I am happy to table it for the Parliament.

Question time concluded at 3.17 p.m.

HUMAN TISSUE LEGISLATION AMENDMENT BILL 2012

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

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

REGISTER OF DISCLOSURES BY MEMBERS

The Speaker tabled, pursuant to section 21 of the Constitution (Disclosures by Members) Regulation 1983, a copy of the Register of Disclosures by Members of the Legislative Assembly as at 30 June 2012.

Ordered to be printed.

COMMITTEE ON LAW AND SAFETY

Report

Mr John Barilaro, as Chair, tabled report 1/55 entitled, "Inclusion of Donor Details on the Register of Births", dated October 2012.

Ordered to be printed on motion by Mr John Barilaro.

PETITIONS

The Speaker announced that the following petition signed by more than 10,000 persons was lodged for presentation:

China Human Rights

Petition urging the government of China to stop the persecution of Falun Gong practitioners and release all Falun Gong prisoners of conscience and requesting that New South Wales residents be discouraged from travelling to China for organ transplants and that New South Wales hospitals not train Chinese surgeons in transplant surgical techniques or undertake sponsored organ transplant research or training with China, received from **Mr Jamie Parker**.

Discussion on petition set down as an order of the day for a future day.

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

Coal Seam Gas Mining

Petition calling for a royal commission inquiry into the impacts of coal seam gas mining, a moratorium on coal seam gas mining and a ban on the extraction technique known as hydraulic fracturing, received from **Mr Jamie Parker**.

Bail Act Reform

Petition requesting immediate action on the recommendations contained in the Law Reform Commission's report on the Bail Act, particularly recommendation 11.1 which would allow for greater recognition of the special needs of young people, received from **Mr Darren Webber**.

Cooks River Sewage Flows

Petition requesting the limitation of sewage flows into the Cooks River such that levels of E. coli and other human pathogens are reduced below safe levels for swimming and boating activities, received from **Ms Linda Burney**.

BUSINESS OF THE HOUSE

Business Lapsed

The SPEAKER: Order! I advise the House that, pursuant to Standing Order 105 (3), General Business Notice of Motion (General Notice) No. 548 either not having commenced or not having been completed will lapse tomorrow.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Routine of Business

Mr BRAD HAZZARD (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [3.20 p.m.]: I move:

> That standing and sessional orders be suspended to permit the passage through all stages, at this or any subsequent sitting, of the Boarding Houses Bill and the Statute Law (Miscellaneous Provisions) Bill (No. 2).

As I indicated to the House yesterday, some very urgent bills have to be dealt with, particularly in the context of the cut-off time that is imposed upon the Legislative Assembly by the Legislative Council. The House is making progress in dealing with the bills I mentioned yesterday. I understand that members on both sides have been working well in regard to briefings and I thank the Ministry and the shadow ministry for achieving that outcome. The motion refers to two further bills. The Boarding Houses Bill was the subject of a notice of motion by the Minister. As members would be aware from the discussions that have just taken place and from the long history, there is a degree of urgency about the Boarding Houses Bill. It has taken more than a decade to get to this point. There have been many opportunities for public discussion and there has been an exposure draft. It is critical that the bill pass through this House in order to protect the most vulnerable in our community. The Statute Law Miscellaneous Provisions Bill (No. 2) is very important and will interest a variety of members. I see a degree of mirth on the other side but that bill amends 23 very important Acts.

Mr John Robertson: What are they?

Mr BRAD HAZZARD: Since you ask, I will mention one or two.

Mr Barry O'Farrell: Mention them all.

Mr BRAD HAZZARD: All 23 might be pushing your luck, Premier. I thank the Premier for his confidence in me but I do not know that I am in a position to do that at this point. I can, however, mention some

critical ones such as the Australian Museum Trust Act, the Museum of Applied Arts and Sciences Act, the Sydney Opera House Trust Act, and—one that members opposite love—the Library Act. The bill also contains amendments that will receive strong support from both sides of the House, such as the Children and Young Persons (Care and Protection) Act amendments. The amendments seek to simplify applications to the Children's Court for care orders. I am sure that members on both sides would like to have those amendments addressed as quickly as possible. Whilst one or two of the Acts might not command the entire interest of the House, I am sure the Opposition will be far more concessional than it normally is in these matters and agree that the Boarding Houses Bill and the amendments to the Children and Young Persons (Care and Protection) Act are important matters. If not, we look forward to the wisdom—or whatever is going to come forward—from the member for Maroubra.

Mr MICHAEL DALEY (Maroubra) [3.23 p.m.]: Yesterday when addressing a similar motion I reminded the House that the Opposition has been forthcoming with a great deal of cooperation over the past 18 months when urgent bills have arisen. We lamented the fact yesterday, and I say again today, that it is unfortunate that some bills which were very important have not been able to sit on the table for members to have time to adequately speak to relevant parties. In this regard I refer to the ports bill and the swimming pools bill—judging by the debate this morning. However, I am advised by the member for Auburn that an exposure draft was published on the Boarding Houses Bill about 10 weeks ago. In that spirit the Opposition will not oppose the suspension motion.

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

Motion agreed to.

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

Pacific Highway Upgrade

Mr ANDREW FRASER (Coffs Harbour—The Assistant-Speaker) [3.24 p.m.]: Since 18 September, which was the last time I moved a priority motion on the Pacific Highway, there have been at least two deaths on the Pacific Highway and a number of other serious accidents which by luck rather than good management did not result in deaths. A truck ran off the road at Macksville in the electorate of the Leader of The Nationals and Deputy Premier. There was also an accident at Tyndale in the electorate of the member for Clarence. Both of those accidents could have very easily claimed lives but they did not.

Since then we have yet again had an obstinate reaction from the Federal Labor Government, which is refusing to match the funding that has been committed by the Federal Coalition to the Pacific Highway. I note with interest that when the Federal Minister for Roads, Mr Albanese, turns up on the North Coast to either turn a sod or make an announcement in relation to the Pacific Highway he is at pains to advise the media and all those present of the lopsided funding for the Pacific Highway. He wishes to claim credit for 80 per cent of the funding which went towards upgrade works in the past such as the Kempsey bypass and the longest bridge in the southern hemisphere. He wishes to claim the credit for the Ballina bypass, which had well in excess of 50 per cent of its funding provided by the Federal Government. But in the lead-up to a Federal election he does not wish to commit to an 80:20 funding arrangement that had been in place between the Federal Labor Government and the State Labor Government when it was in power.

This motion should be accorded priority so that we can flesh out these issues and challenge members opposite to commit to an 80:20 funding split and to put pressure on Mr Albanese and the Federal Government to ensure that 80:20 funding is given to this important project. It is interesting to note that the member for Lakemba will not be in the House to debate this today, but in the past when this matter has been up for debate he has run the Labor line and he has always said to me outside the House, "Mate, it's politics". This is not politics; this is people's lives. People are being maimed and killed. The Federal Government has failed in its commitment to continue a funding ratio which was alive and well whilst those opposite were in government. All we are asking for is that the commitment that was given in 2009 be continued now and into the future.

Education Funding

Ms CARMEL TEBBUTT (Marrickville) [3.27 p.m.]: This motion calling on the Government to reverse its $1.7 billion funding cuts to education, including funding cuts to the Board of Studies, deserves

priority because there is no doubt that momentum is growing across the State in opposition to the cuts. The anger is palpable and every member in this House knows it. People are starting to realise what these cuts mean for their child's school, for their child's education and for their local TAFE. They do not like it one little bit. Every member in this House knows what I am saying is true. In the past few weeks every member has had parents visit them in their electorate office. They have been to the schools, where they have been lobbied by the teachers and principals. They have had their TAFE officials brief them about the impact on TAFE. They have received invitations to the protest meetings.

Members know that this is a matter of priority and that it should be debated in the House so that we can see these cuts reversed by the Government. Only yesterday the Minister for Education launched the new K-10 syllabuses, yet at the same time the Government cut $8.7 million from the Board of Studies, which is 10 per cent of its budget. The Board of Studies is not some bloated bureaucracy; it is a lean organisation that is respected across the spectrum of both government and non-government schools. The board is responsible for some of the most important education functions, including overseeing examinations for the Higher School Certificate and the development of the curriculum that sets out how and what our children are to be taught.

Mr Barry O'Farrell: Point of order: My point of order relates to relevance. The member for Marrickville knows she is repeating mistruths in this House. The so-called savings and job reductions relate to a decision made last year to remove the School Certificate. There are no cuts. There are no savings. The funding is commensurate with changes that have been urged upon the Minister for Education by school communities.

The DEPUTY-SPEAKER (Mr Thomas George): Order! I direct the member for Marrickville to confine her remarks to establishing why her motion should be accorded priority.

Ms CARMEL TEBBUTT: Thank you, Mr Deputy-Speaker. It is very interesting that the O'Farrell Government and the Premier do not believe that the Board of Studies needs that $8.7 million. I inform Government members including the Premier that teachers and the Board of Studies will not thank them for that. Only six months ago the Minister for Education was saying he needed $70 million to implement the national curriculum, so who is telling the truth? Is the truth what the Minister said six months ago, or is it what the Premier said today? The House should debate this motion. [*Time expired.*]

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

The House divided.

Ayes, 62

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

Noes, 23

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

Question resolved in the affirmative.

Motion agreed to.

PACIFIC HIGHWAY UPGRADE

Mr ANDREW FRASER (Coffs Harbour—The Assistant-Speaker) [3.38 p.m.]: I move:

> That this House condemns the Federal Government for its lack of infrastructure investment in New South Wales and congratulates the Federal Opposition on its funding commitments towards the Pacific Highway duplication.

The DEPUTY-SPEAKER (Mr Thomas George): Order! Members who wish to have private conversations should do so outside the Chamber.

Mr ANDREW FRASER: On Tuesday 15 October 2012 at a Federal budget estimates committee Mr Mrdak advised the committee that if the Pacific Highway duplication completion was delayed until 2020 an additional $800 million would need to be allocated for its completion. If completion is delayed until 2024 the estimate of funding in current values would be approximately $1.3 billion on top of the original cost of completion. If the Federal Government and Mr Albanese had any sense of fiscal responsibility in relation to the Pacific Highway they would realise that meeting the cost blowout could be achieved in only one way, and that is by contributions from New South Wales taxpayers. They would also realise that an increasing number of deaths will occur on the Pacific Highway. It is becoming increasingly obvious that fatal accidents are occurring on sections of the Pacific Highway that are not a four-lane divided dual carriageway.

As I said before, in the debates we have had in this House the member for Lakemba—I tease him quite often about being the member for Lamborghini—really did have a conscience about the Pacific Highway. But he had been directed by his party and the Leader of the Opposition to take a Federal Government line and delay funding of the Pacific Highway, play politics in relation to the people who have been killed and maimed on the highway and not support the motions put forward by me to ensure the 80-20 funding split, as has historically been the case with the Pacific Highway, is continued. I draw the House's attention to a media release that was put out by the Hon. Warren Truss, The Nationals shadow Minister for Infrastructure and Transport in Federal Parliament. It is headed "Slippery Albanese put skids on Pacific Highway completion" and states:

> Anthony Albanese's 2016 deadline for fixing the Pacific Highway is dead. Now he is playing the blame game trying to shift responsibility—apparently, it is the Coalition's fault that he has failed his ministerial responsibility to fix it.

In a lot of the media and a lot of stuff that comes from Mr Albanese and members on the other side of the House they are trying to blame the O'Farrell-Stoner Government for the 2016 deadline. That 2016 deadline was set by the Prime Minister herself and Mr Rudd—and I have to compliment Kevin Rudd: when he was Prime Minister he did increase funding for the Pacific Highway. The 2016 deadline was always a Federal deadline that we agreed with and it was always subject to a continuation of the 2009 agreement. The media release went on:

> The funding deal for new Pacific Highway projects with the NSW government, signed by Mr Albanese on 4 June 2009, enshrined an 80:20 federal/state split, but Labor started backing away from the deal the instant the NSW Coalition won the state election last year.

When the then Minister for Roads—the current Opposition leader of the House—was in my electorate opening the Bonville bypass he bragged about how good it was and how much money had been put into it by Labor. If it were not for a Liberal Minister, who instigated the Bonville bypass after my disagreement with Mr Tripodi, that section of road would not have been completed. Even then, that section of road was funded 80-20, 80 per cent by the Federal Government and 20 per cent by the State Government. That is a section of road that cost

$272 million and we have not had one death on that section of road since it was opened. Those opposite and Mr Albanese love to claim credit for this but the reality is they do not want to take any of the blame when it comes to funding.

Mr MICHAEL DALEY (Maroubra) [3.43 p.m.]: On this motion and on establishing priority the member for Coffs Harbour made certain comments about the member for Lakemba and things that he had allegedly said to him. I have just got off the phone to the member for Lakemba. He denies in their entirety all of the claims made by the member for Coffs Harbour. If it were not for the fact that it was the member for Coffs Harbour delivering that verballing he would probably come down and make a personal explanation, but he will not waste his time. It is good that the member for Coffs Harbour mentioned the Bonville bypass. I know it well. The first act I performed as Minister for Roads was to go up there on a Sunday with the Coffs Harbour community and open that $256 million, 9.8 kilometre bypass. The only person who was missing on the day was the member for Coffs Harbour. His community was there but he was not. This motion, like a great many motions put—

Mr Andrew Fraser: Point of order I point out to the House that I was there on the day. The Minister had disappeared. I did not receive an invitation from the Minister to be there as the local member at the opening of that important piece of road.

The DEPUTY-SPEAKER (Mr Thomas George): Order! That is not a point of order.

Mr MICHAEL DALEY: This Government is good at the blame game: Premier O'Farrell is going to be known as the infrastructure Premier; $5 billion will be sunk immediately into the Restart NSW Fund; there will be rivers of gold; and there will be concrete trucks and steel and concrete being laid everywhere. As yet, a shovel has not hit the ground, except on things such as the South West Rail Link that we started. The member for Coffs Harbour and his ilk here today seem to be going back to the old adage that if you repeat an untruth often enough it becomes true. Sadly, when it comes to funding that is not the case. We hear again today more bleating that the Labor Federal Government is not giving New South Wales its fair share.

Under the Nation Building Program $11.6 billion of Federal money has been allocated to New South Wales. That is more than double the infrastructure investment in New South Wales made by the Howard Government, from $132 to $265 per person. Federal Labor has already significantly increased funding for projects in Sydney. Indeed, it has committed $3.7 billion, or more than 10 times what the Howard Government spent in its entire 12 years in office. I remember that the Rudd-Albanese-Swan first budget committed more for the Pacific Highway in one budget than John Howard spent in 10 years. When we were in government I answered questions as Minister for Roads and I offered a standing invitation to members of the Opposition—members of the now Government, particularly the Deputy Premier and the member for Coffs Harbour—to produce a diary note of a single conversation, a fax, a letter or any other form of written or recorded communication they sent while they were in opposition to the Howard Government asking for more money to be spent on the Pacific Highway. As yet, five years later, nothing has been produced. They made no effort to obtain more money.

The delivery of additional funds for the Pacific Highway was made by a Federal Labor Government in concert with a State Labor Government. Since 2007 New South Wales has received $840 million of Federal money for the Northern Sydney freight line; $172 million for Port Botany rail improvements that are underway; funding for planning of the Moorebank intermodal; $93 million to widen the F5 at Campbelltown; $300 million to upgrade the Great Western Highway; $2.1 billion for the Parramatta to Epping rail link has been offered and is still sitting there as this Government will not take it out; $1.7 billion of 100 per cent Federally funded money for the Hunter Expressway; and, one of my favourites given my family's heritage, $618 million for the Kempsey bypass—100 per cent Federally funded money. Just because you repeat an untruth does not make it true.

Mr CHRISTOPHER GULAPTIS (Clarence) [3.48 p.m.]: I support my colleague the member for Coffs Harbour in this priority motion. He has been a staunch vocal advocate for the Pacific Highway upgrade for a long time and his resolve is unwavering. As member for Clarence I welcomed the announcement a few weeks ago that if the Federal Coalition wins government it will divert funding from the Parramatta to Epping rail link towards completion of the Pacific Highway duplication. This is great news for Clarence, because we are the last link in the duplication program. This funding commitment by the Federal Coalition puts us back on track on funding and demonstrates the Coalition's commitment to regional communities.

We have more than 140 kilometres of upgrade to be carried out between Woolgoolga and Ballina. The communities of the North Coast can clearly differentiate between Labor and the Coalition at the upcoming

Federal election. Labor is doing what Labor does best—spin and lies. How is it that an 80-20 funding split for the Pacific Highway between Federal and State Labor becomes a 50-50 split between Federal Labor and the Coalition State Government? They are more intent on weaving that spin than in meeting their funding obligation. They play politics instead of helping regional communities by making roads safer and improving the transport route between Australia's largest and third-largest city. It is disappointing for the North Coast that the Federal Labor member for Page, Janelle Saffin, is more concerned with closing down the live cattle export industry than in upgrading the Pacific Highway. She is prepared to fight her Government against cuts to foreign aid, but will not fight against Pacific Highway funding cuts in her own electorate.

This is in stark contrast to The Nationals candidate for Page, Kevin Hogan, who paid his way to Canberra to lobby the Federal Coalition to find funding for the Pacific Highway upgrade. A comparison of what New South Wales and Victoria receives by way of GST and Federal funding shows that New South Wales has received less than its fair share. The Pacific Highway upgrade is the ideal project to redress this funding shortfall as it would be the single biggest investment in the history of the Clarence electorate as the region does it tough. Now is a suitable time to inject some stimulus funding into a real infrastructure project that would be a real boost to motorists and the transport industry and for local jobs. The Federal Coalition has demonstrated that it is committed to the regions whilst the Federal Government continues the same old spin that the people of New South Wales have endured for 16 years. I commend this priority motion to the House.

Mr RYAN PARK (Keira) [3.51 p.m.]: I find it amazing that we are debating a motion that condemns Federal Labor for its investment in infrastructure. I can list project after project and initiative after initiative to show how Federal Labor has transformed the country's infrastructure. I shall refer to just one of those initiatives in relation to which differing views exist even in my community—the National Broadband Network [NBN]. The member for Kiama was fortunate enough to have in his electorate one of the first roll-out sites for the National Broadband Network. Most people support it—even some members of The Nationals—and that is fair enough.

Mr Stephen Bromhead: I do not think so.

Mr RYAN PARK: No, The Nationals do not support it? I just wanted to check because they change their views quite a bit, unlike the Liberals. The National Broadband Network is supported by the vast majority of locals in my community, including Liberal councillors. The former Liberal mayor of Shellharbour, Councillor Kelly Marsh, is an avid supporter of the National Broadband Network.

Mr Gareth Ward: Point of order: My point of order relates to Standing Order 76. As much as I always enjoy my friend's speeches, what Shellharbour or Wollongong councillors think about infrastructure investment is not relevant to this debate.

Mr RYAN PARK: The National Broadband Network is extremely important. Transformative infrastructure that changes the way we do business, socialise and invest et cetera is what Federal Labor delivers. Federal Labor provided $25 million for a Maldon to Dumbarton freight line study to make sure that the project is shovel ready to start—the first Federal Government in decades to put that sort of money on the table for an important freight line in the local community. Infrastructure has increased to $269 per Australian under Federal Labor compared with $141 per Australian under the Coalition. That is a massive boost in Federal infrastructure spending.

Mr Stephen Bromhead: Point of order: My point of order is relevance. How much is spent per head has nothing to do with the Pacific Highway. This motion is about the Pacific Highway upgrade and the funding split between the Federal and State governments, not about what is happening in Wollongong.

The DEPUTY-SPEAKER (Mr Thomas George): Order! I note that the time available to the member for Keira has expired. However, I remind members that the motion states that this House condemns the Federal Labor Government for its lack of infrastructure investment.

Mr GARETH WARD (Kiama) [3.54 p.m.], by leave: I commend Government members who have advocated for funds for their regions. As this motion talks about infrastructure investment, I draw the attention of the House to the Princes Highway. Recently, I was pleased that the Premier visited my electorate to see the progress of the Princes Highway upgrade. All members of this House want to see investments in roads. For

this reason I ask the Leader of the Opposition to give the member for Keira responsibility as shadow Minister for Roads because that part of the Princes Highway in that member's electorate needs vital improvement. This State Government has invested record funds in upgrading the Princes Highway as it is doing in other parts of regional New South Wales that are represented by strong advocates, my friends in the Liberal Party and The Nationals.

The Princes Highway received $310 million in State Government funding for stage one linking Mount Pleasant with Toolijooa. Not one single red cent has been invested by the Federal Government in that road. Those opposite talk about Pacific Highway funding arrangements. At one time the funding split was 80-20 and with the change of State Government the split became 50:50. I would love to have a 50:50 funding split for the Princes Highway upgrade. I would love nothing more than to see those in Canberra own up to their responsibility to provide my community with the funds needed to complete the duplication of the Princes Highway to the next stage. My friend the member for Shellharbour spoke about the Albion Park bypass but did not mention that this State Government has invested $100,000 in considering studies to progress that bypass. Nothing was invested by Labor for 16 long years. It is almost as if all that was old is new again: Labor members come into to the Chamber asking for those things they failed to do when they were in office.

I say to those opposite, be it the future shadow Minister for Roads, Ryan Park, the member for Shellharbour or any other Opposition, "If you are serious about advocating for road upgrades, do not just make those statements in here. Pick up the phone, pick up the pen, and tell those in your Federal Government to give to New South Wales." Those opposite made no attempt to do anything for the State; they merely sought to justify their lack of contribution when they were in government. The $500 million spent on the Metro project could have made a great contribution to the upgrade of the Pacific and Princes highways. The Minister for Transport, who is at the table, knows all about that. Labor is the party for indulgence and debt: this side of the House gets on with the job. [*Time expired*.]

Mr ANDREW FRASER (Coffs Harbour—The Assistant-Speaker) [3.57 p.m.], in reply: I thank the member for Clarence and the member for Kiama for their contributions and I acknowledge the contributions of the member for Maroubra and the member for Keira. I agree totally with the member for Kiama that the contribution of the member for Maroubra was not a defence of the Federal Labor Government but an attack on the New South Wales Coalition Government—a Government getting on with the job. The member for Maroubra made the inane comment that even though we had announced extensive road and infrastructure funding in New South Wales, a shovel has not been used. The only shovel that needs to be used in this debate is the one that follows the member for Maroubra and the member for Keira. The reality is that this Government is getting on with the job. Minister Albanese is not prepared to commit to this Government the same level of funding that was committed to the previous New South Wales Labor Government.

One thing that absolutely amazes me, and I am sure the member for Clarence would agree, is that the Federal member for Page, Janelle Saffin, and the Federal member for Richmond, Justine Elliot, have been absolutely silent in relation to funding for the Pacific Highway. They were there when the ribbons were cut and the first sods were turned, but they are not there defending the people from their electorates of Richmond and Page who have to travel sections of the Pacific Highway that are dangerous, to say the least—indeed, they are death traps. They are not saying to the Federal Government, "We need to get the road completed." I can see that the Federal Nationals candidate for Richmond, Matthew Fraser, and the Federal Nationals candidate for Page, Kevin Hogan, will belt the Labor candidates at the next Federal election for not doing what the public expects of them.

Mrs Leslie Williams: The same goes for Oakeshott.

Mr ANDREW FRASER: As the member for Port Macquarie says, the same goes for Bob Oakeshott. I have information concerning what Mr Oakeshott has been saying about the Pacific Highway: he defends the Federal Labor Government. He ought to remember that the majority of the Pacific Highway through his electorate was completed prior to his becoming the Federal member. It is the member for Clarence and the member for Oxley who have put their noses to the grindstone and found the necessary funding for their electorates. I commend the motion to the House and I condemn the Federal Labor Government and those sitting opposite. At least the member for Lakemba, who has now grown a beard to disguise his allegiance, has had the courage of his convictions and gone to the backbench because of his dissatisfaction with the State Labor Opposition in New South Wales.

Pursuant to sessional orders business interrupted and motion lapsed.

HUMAN TISSUE LEGISLATION AMENDMENT BILL 2012

Consideration in Detail

Consideration of the Legislative Council's amendment.

Schedule of amendment referred to in message of 17 October 2012

No. 1 Page 4, schedule 1 [7]. Insert after line 17:

Review of amendments

(1) The Minister is to review this Act to determine whether the amendments made by the *Human Tissue Legislation Amendment Act 2012* have been effective in achieving an increase in the rate of tissue donation in the State.

(2) In conducting the review the Minister is to consider any matters affecting the effectiveness of those amendments, including matters relevant to the administration of this Act.

(3) The review is to be undertaken as soon as possible after the period of 5 years from the commencement of the *Human Tissue Legislation Amendment Act 2012*.

(4) A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 5 years.

Mrs JILLIAN SKINNER (North Shore—Minister for Health, and Minister for Medical Research) [4.05 p.m.]: I move:

That the Legislative Council amendment be agreed to.

The Government is pleased to support the amendment passed in the other place concerning the Human Tissue Legislation Amendment Bill 2012. The amendment will require a review of the effectiveness of the amendments set out in the bill to take place within five years following commencement. That is what I would have proposed to do anyway. It is appropriate that a review take place so that the Government, this Parliament and the greater community can assess the effectiveness of the amendments and the associated policy and administrative changes to determine which measures are effective in increasing rates of organ donation. A statutory review of the bill is something that the Government will support. The ministry will be reviewing and evaluating the amendments and associated policy changes as soon as the changes commence. A comprehensive and ongoing evaluation of system performance related to organ and tissue donation has already been planned. Organ donation targets will be included in local health district performance and funding agreements and there will be a rigorous review of potential donors' medical records accompanied by case review of all potential and actual donors.

Local health districts are establishing a collaborative governance committee to ensure engagement of senior clinicians and relevant departments with representation from the senior hospital executive, operating theatre, emergency department, intensive care unit, social work and the local organ and tissue donation staff. This committee will oversee the development, coordination, implementation and ongoing monitoring of local action plans with quarterly meetings and regular reporting to the New South Wales Organ and Tissue Donation Service. Finally, the education programs for health professionals that are so critical to ensuring culture change favourable to organ donation will be monitored with targets set for mandatory attendance, and statistical and events reporting of clinical education to outreach facilities will be forwarded to the New South Wales Organ and Tissue Donation Service. This bill, together with associated policy changes, is aimed at increasing rates of organ donation, and that is really important to those members of the community and their families who are waiting for organ transplants in order to lead full and healthy lives.

The bill will amend sections 23 and 24 of the Human Tissue Act to allow a designated officer to consider the most recent views of the deceased, and not outdated objections to organ donation, in determining whether or not to authorise organ donation. Similar changes are also made to the Anatomy Act 1977 to ensure that the most recent views of the deceased can be taken into account in determining whether or not a deceased person's body can be used in an anatomical examination. The bill inserts new section 27A into the Human Tissue Act to allow the Director General of the New South Wales Ministry of Health to establish guidelines with respect to organ donation. Importantly, these guidelines will ensure that necessary and appropriate information is recorded where a family refuses to proceed with organ donation despite a deceased person's express consent to organ donation. New section 27A will allow for relevant information to be collected and analysed in order to assist NSW Health in developing campaigns that focus on addressing the outcomes that lead to family refusal.

The bill amends section 27 of the Human Tissue Act to allow medical practitioners appointed by the Director General of the New South Wales Ministry of Health to remove cardiovascular tissue that will enable cardiovascular tissue to be retrieved more frequently and in a more timely way. While the bill is aimed at increasing rates of organ donation, increasing rates of organ donation is not just a matter of changing legislation. It requires changes in community attitudes, and most importantly it requires individuals to discuss the matter with their families so that their families are aware of their views in relation to organ donation. As I have done in the past, I urge all members of the community to discuss the matter with their families and to let their views in relation to organ donation be known. Family knowledge about an individual's views on organ donation is vital in ensuring that donations continue to save lives. I support the amendments and I commend the bill to the House.

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

Motion agreed to.

Legislative Council amendment agreed to.

Message sent to the Legislative Council advising it of the resolution.

BOARDING HOUSES BILL 2012

Bill introduced on motion by Mr Andrew Constance, read a first time and printed.

Second Reading

Mr ANDREW CONSTANCE (Bega—Minister for Ageing, and Minister for Disability Services) [4.10 p.m.]: I move:

That this bill be now read a second time.

The key purpose of the Boarding Houses Bill 2012 is to protect the rights of residents living in all boarding houses through the introduction of major reform to the industry and to promote the sustainability of the boarding house industry in New South Wales. Boarding houses play an integral role in the provision of low-cost, affordable housing, particularly for people who may otherwise struggle to afford private accommodation. Although there is no clear data available on the exact number of boarding houses in New South Wales, it is estimated that there are around 750 boarding houses operating, the vast majority of which are located in the Sydney metropolitan region.

In New South Wales the boarding house industry is largely unregulated. Boarding houses accommodating two or more people with a disability are regulated under the Youth and Community Services Act. Since the Act came into force around 38 years ago it has largely remained unchanged while the number of boarding houses licensed under it has actually been steadily diminishing. Today there are only 23 boarding houses, providing 526 beds, licensed under this Act. The unlicensed sector, on the other hand, is only partially regulated. It is estimated that around 7,000 people live in unlicensed boarding houses. While some aspects of these boarding houses are regulated, such as fire safety and food preparation, many smaller boarding houses do not have to comply with accommodation or operating standards. There is also a lack of information about the sector, making it difficult for local councils to monitor and enforce any standards that do apply.

People living in boarding houses are some of the most disadvantaged in our society—people who are reliant on low incomes or pensions, people with mental health issues or have an intellectual disability, people who are frail aged and have multiple and complex health needs and people who are socially isolated. Many boarding house residents pay fees similar to those paid in the private rental market. Despite this they have fewer rights or protections than tenants and have no formal mechanisms to assert their rights.

Residents commonly face problems with inadequate security and concerns for their personal safety. Many, despite having significant needs, struggle to access health, social, legal and financial support services, and this can impact significantly on their quality of life. The bill will address longstanding issues in the industry and decades of inaction by government—issues impacting on the safety, welfare and wellbeing of boarding house residents and on the viability and quality of boarding houses—inadequate information about the unlicensed sector, an outmoded and inadequate regulatory framework, gaps in protections for residents and a lack of occupancy rights.

In report after report the New South Wales Ombudsman, and more recently the State Coroner, have highlighted these issues and found the current system wanting. In fact, the New South Wales Ombudsman has produced three reports in seven years—in 2004, 2006 and 2011—that have been critical of the slow pace of legislative reform in this sector and have highlighted issues such as the lack of regulation of the unlicensed boarding house sector, inadequate rights of entry to Ageing, Disability and Home Care officers for monitoring purposes, residents' lack of occupancy rights and their limited access to advocacy services.

Since becoming Minister I have been incredibly concerned about the state of play as it relates to a number of licensed boarding house facilities where people have been subjected to unacceptable environments. This relates to a number of boarding houses in more recent times, one being the subject of a number of Ombudsman reports, such as the Grand Western Lodge in western New South Wales. This bill has not come out of the blue. There has been talk of reforms over many decades. The bill is the result of an extensive analysis of the issues and consultation with key stakeholders. Since October last year the Government has been working, with the assistance of the Interdepartmental Committee on Boarding House Reform, to develop a final reform proposal that strikes a balance between the need to maintain the viability of the boarding house sector and the need to provide appropriate protections for some of the most disadvantaged people in our community.

In July and August this year an exposure draft bill was released for consultation with key stakeholders. Face-to-face consultations were also held providing an opportunity for stakeholders to inform the Government about the potential impacts and possible improvements to the exposure draft bill. Over 126 submissions and comments were received, the majority of which demonstrated strong support for the reforms from peak bodies, advocacy groups, service providers and key stakeholders, many of whom consider the reforms to be long overdue.

The bill being introduced today is the culmination of this process. The bill provides a comprehensive, contemporary and robust legislative framework for the regulation of all boarding houses in New South Wales comprising the following elements: central registration with the register of boarding houses, common accommodation standards, mandatory inspections by local government, the introduction of occupancy rights and an enhanced replacement scheme for the licensing and operation of boarding houses for people with additional needs. All registrable boarding houses as defined in the bill will have to comply with the central registration and inspection requirements in part 2 of the bill while boarding house proprietors and residents will be required to abide by their obligations under the occupancy principles scheme, which is contained in part 3. Accommodation standards, which previously only applied to boarding houses accommodating 12 people or more, will apply to smaller boarding houses.

Part 2 of the bill provides for the registration of registrable boarding houses with the Commissioner for Fair Trading. Clause 9 requires boarding house proprietors to provide basic identification information as well as information about the number of residents, the number of beds and bedrooms, and other profiling information for inclusion on the register. This will help the register achieve its objectives of assessing risk and monitoring trends in the boarding house industry. Proprietors of existing boarding houses will have six months after the Act commences to register. Proprietors of boarding houses that are established after the Act commences will have 28 days to register.

All boarding house proprietors will be required to update their register annually. The costs of registration will be a one-off fee of $100, which will go towards the costs of the registration scheme. Clause 13 details what information is to be recorded on the register and what will be made available to the public, the name and address of the boarding house and the proprietors, and the category of boarding house. It will be an offence not to register a registrable boarding house and to provide false and misleading information for the register. Those penalties prescribed include 50 penalty points or $5,500 for an individual or 100 penalty units or $11,000 for a corporation. The Minister for Fair Trading, who is in the Chamber and will contribute to this debate, will have carriage of the centralised registration process.

Division 4 of part 2 contains provisions requiring local councils to undertake initial compliance investigations of registered boarding houses within 12 months of their being registered unless the premises have been inspected in the past 12 months. The purpose of inspection is for the council to determine whether the premises comply with planning, building and fire safety requirements and accommodation standards. All boarding houses will have to comply with the standards for shared accommodation set out in the Local Government (General) Regulation 2005. Previously these standards applied only to boarding houses accommodating 12 people or more. Under the bill they will apply to all registrable boarding houses, that is, boarding houses accommodating five people.

If, as a result of an inspection, a boarding house is deemed to be operating without proper authorisation or in breach of a standard, it is a matter for the council to take the appropriate action under its existing powers. Part 3 of the bill introduces a principles-based approach to occupancy rights for boarding house residents based on the model adopted by the Australian Capital Territory in its Residential Tenancy Act 1997 but with enhancements for New South Wales residents. The principles will provide legal protection to both proprietors and residents and guide their relationship. Under this part a resident of a registrable boarding house is entitled to be provided with accommodation in compliance with certain occupancy principles. The occupancy principles are detailed in schedule 1 and provide for a range of entitlements such as the right to live in premises that are reasonably clean and in a reasonable state of repair, to know the house rules before moving in, to quiet enjoyment of the premises and to be given written receipts for payment of any money to the proprietor.

Occupancy principle 10 provides that a resident is not to be evicted without reasonable written notice. In determining what is reasonable notice the proprietor can take into account the safety of other residents, the proprietor and the manager of the boarding house. For example, where a resident has threatened the safety of others it will be reasonable to evict that person straightaway. Yesterday, when I visited the Wayside Chapel, Pastor Graham Long made the point that he was aware of instances when residents who had gone to hospital had returned to their boarding house to find their belongings out on the street. The New South Wales scheme includes additional occupancy principles: that a resident be entitled to four weeks written notice before a proprietor increases the occupancy fee, that a resident be given prior notice that he or she will be charged for utilities, and that the proprietor can only charge a reasonable amount for these utilities based on the cost to the proprietor.

Occupancy principle 8 provides that the proprietor can require a security deposit from the resident but of no more than the fee for two weeks of occupancy, and that must be repaid to the resident no more than 14 days after the end of the occupancy agreement, less any amount necessary to cover certain costs, such as repairs, occupation fees, cleaning and replacing locks. There is no requirement to register or lodge a written occupancy agreement. However, the bill provides for a written agreement to be adopted and for the Commissioner for Fair Trading to approve standard forms of occupancy agreements. A written occupancy agreement must give effect to the occupancy principles.

Occupancy principle 11 states that a proprietor and a resident should try to resolve disputes using reasonable dispute resolution processes. This means that the proprietor and resident should try to talk about the dispute first. If that does not work, either the proprietor or the resident can apply to the Consumer, Trader and Tenancy Tribunal to resolve the dispute. The tribunal will be able to make a range of orders, depending upon the nature of the dispute. For example, the tribunal could make an order about the amount of notice the proprietor is required to give the resident, it could make an order about whether the proprietor should repay the whole or part of a security deposit, or it could make a finding about whether the proprietor has given prior notice to the resident about utility charges. The tribunal can also order compensation where either party has suffered damage as a result of a breach of the occupancy principles.

The bill divides boarding houses into two categories: general boarding houses and assisted boarding houses. A general boarding house is defined in clause 5 as a boarding house accommodating five or more residents for fee or reward, which does not fall within a list of exclusions in the bill, such as hotels and motels, backpacker hostels, aged care homes and retirement villages—premises that provide temporary accommodation or that are regulated in some other way. General boarding houses will be required to comply with the requirements I have just described: registration, accommodation standards, inspections and occupancy principles. An assisted boarding house is defined in clause 37 as a boarding house that accommodates two or more persons with additional needs. Assisted boarding houses will also be required to be authorised, and to comply with standards and protections specifically designed to ensure the safety, welfare and wellbeing of boarding house residents with additional needs.

Part 4 of the bill deals with the regulation of assisted boarding houses and is consistent with contemporary approaches to regulation. These provisions will come under my administration, with Ageing, Disability and Home Care responsible for ensuring their effective operation. Guiding the provisions in part 4 are specific articles from the United Nations Convention on the Rights of Persons with Disabilities, which was ratified in 2008. Clause 34 references those articles relevant to boarding houses and expresses the Government's commitment to the convention. It also provides guidance on the scope of the provisions and will help ensure that the new scheme is clearly focused on better outcomes for boarding house residents.

Under clause 36, a person with additional needs is defined as someone who is frail-aged, has a mental illness and/or an intellectual, psychiatric, sensory or physical disability and—I emphasise "and"—the person

also needs support or supervision with daily tasks and personal care such as showering, preparing meals or managing his or her medication. A person who is able to manage without such support will not be considered a person with additional needs. It is not the Government's intention to intervene in the lives of people with a disability who can manage independently. Rather, our aim is to ensure that people with additional needs living in boarding houses receive additional protections, and the assistance they need to promote and protect their rights and their dignity.

Clause 39 enables the director general to declare premises to be an assisted boarding house if the director general is satisfied that the premises accommodate two or more persons with additional needs and that the premises do not fall within the list of exemptions. Premises can be exempted from the Act with or without conditions, such as accommodation and service standards and inspections and investigations of the premises by Ageing, Disability and Home Care and the NSW Ombudsman, but only for a period of 12 months, after which a final determination has to be made. Under clause 41 it will be an offence for a person to operate an assisted boarding house without proper authorisation. The maximum penalty for such an offence will be 120 penalty units or $13,200 in the case of a corporation and 20 penalty units for each day the offence continues, and 60 penalty units or $6,600 in the case of an individual and 10 penalty units for each day the offence continues.

Under the old Act the penalty is a mere $500 and $200 for each subsequent day—hardly a disincentive to running an illegal operation. All penalties under the old Act have been updated and are now expressed in penalty units, allowing penalties to be increased appropriately over time. Boarding house authorisations can be made subject to conditions and will be subject to various requirements prescribed by the regulations, which will be prepared immediately after the passage of the bill. The regulations will deal with a whole range of requirements in greater detail, such as standards for services provided to residents, including standards to ensure privacy, personal protection and meals; and standards for accommodation provided to residents, including standards for bedrooms, bathrooms and other rooms used by the residents.

Clauses 44 to 53 deal with applications for authorisations for assisted boarding houses. An authorisation may only be granted to an applicant that is considered to be suitable to be involved in the management or operation of a boarding house and has the financial capacity to operate one. Under these provisions, boarding house licence applicants will be required to undergo probity checks, including criminal record checks and financial probity checks. A person who has been convicted of a serious criminal offence, such as murder, a prescribed sexual offence or an assault for which the offender has been sentenced to imprisonment, will not be able to hold a licence. The regulations enable other offences to be taken into account in considering an application. These checks also apply to an individual proposed as the approved manager or to a partner or close associate of the applicant, or in the case of a corporation, to any person involved in the control or management of the corporation such as a director, or majority shareholder.

Boarding house managers and staff will also be required to undergo criminal record checks every three years. A potential or current staff member who has committed a serious criminal offence cannot be employed or continue to be employed. The provisions also deal with the variation, suspension, cancellation and surrender of licences and provide clear time frames for these processes. Clause 49 provides that a licence can be suspended or cancelled where the licensee or a close associate is no longer considered to be a suitable person, or where the continued operation of the boarding house would pose an unacceptable risk to the safety, welfare or wellbeing of the residents, or where there has been a breach of the Act, the regulations or licence conditions. Clause 48 also allows the director general to appoint a substitute licensee where there has been a change of circumstances or where the existing licensee has died. A copy of the licence must be displayed in a conspicuous position in the boarding house.

Clauses 54 to 58 provide for interim permits to be issued for a period of six months to enable an assisted boarding house to operate on a short-term basis, such as when a licence applicant is waiting for a final determination, where the premises have been sold to someone else, or where it is necessary to appoint a temporary licensee, but only to a person who is considered suitable. Clauses 59 to 65 provide for the requirement for managers of assisted boarding houses to be approved, subject to probity checks, and for manager approvals to be made subject to conditions, varied, suspended and revoked. Clauses 66 to 86 detail the various powers that will be available for ensuring compliance and enforcement of assisted boarding houses with the Act and regulations. Clause 66 provides for the appointment of enforcement officers—who must be employees of the Department of Family and Community Services—whose role it will be to investigate and enforce compliance issues.

Enforcement officers will be required to carry an identity card and produce it when carrying out their duties. Enforcement officers will have the power to request the provision of documents and information, and to

require answers to questions. Obstruction of an enforcement officer or failure to comply with a request to produce documents or information or answer questions will be an offence. When exercising these powers, enforcement officers will be required to warn the person that failure to comply is an offence. Enforcement officers will now be able to enter an authorised boarding house without consent or without a warrant to make inquiries and ensure the premises comply with relevant conditions, and can do that with the assistance of others, such as a police officer or a medical practitioner. Clause 78 details a circumstance in which a search warrant is required.

Clause 79 provides that where an authorised boarding house is in breach of these conditions, a compliance notice can be issued. Failure to comply with a compliance notice is an offence that carries with it a penalty of 40 penalty units for a corporation and 10 penalty units for each day the offence continues, and 20 penalty units for an individual and five penalty units for each day afterwards. Having dealt with a number of issues in the past 16 months in relation to a particular boarding house we have found the current Youth and Community Services Act entirely inappropriate and inadequate. Various sources connected to that boarding house, including the official community visitors who do a wonderful job, have suggested to me that these changes are absolutely and fundamentally necessary. Under the current Act residents who wish to access support or advocacy services must be assisted by the operator to access them. In the past some licensed boarding house operators have been reluctant to allow support and advocacy services to enter premises.

Clause 78 allows authorised service providers such as support, legal, financial or advocacy services to enter premises without the operator's consent or a warrant in order to talk to residents about the services they can provide and will provide to any resident who would like to access them. Before entering the premises, an authorised service provider must identify himself or herself to the manager or anyone else in charge and produce his or her authorisation if requested. As with the current Act, the bill requires the manager of an authorised boarding house to notify certain incidents, such as the death of a resident and a sexual assault or allegation of sexual assault to the director general and the police. The manager will also be required to notify the director general if a resident is absent for more than 24 hours and has not told the manager of his or her whereabouts. The intention of the provision is to ensure that where a resident with additional needs appears to have gone missing, prompt action is taken to find that resident and ensure the resident is safe.

Clauses 85 and 86 provide for the removal of young persons with additional needs from unauthorised boarding houses and for the department to be compensated for removal and other expenses where the department has had to move a person with additional needs from an unauthorised boarding house. Clause 87 provides for the review of a range of decisions by the Administrative Decisions Tribunal including authorisation and exemption decisions, a declaration that premises are an assisted boarding house and compliance notices. Clause 91 details a broad range of matters that can be dealt with in the regulations, including applications for authorisations and manager approvals, probity checks, service and accommodation standards, screening of staff members and residents, the assessment of persons as persons with additional needs, the qualifications and skills required of staff members of assisted boarding houses, complaints handling procedures for assisted boarding houses, inspections, compliance notices, record keeping and returns. This will address previous concerns about limitations on the regulation-making power under the Youth and Community Services Act.

Part 5 of the bill, which applies to both general and assisted boarding houses, deals with a variety of matters aimed at facilitating the operation of the Act, including the ability of agencies to exchange information to carry out their functions, and the issuing of penalty notices and proceedings for offences under the Act. Proceedings for offences can be brought either in the Local Court or the Land and Environment Court. Clause 100 adopts circumstantial evidence provisions similar to those found in the Environmental Planning and Assessment Act 1979 in relation to backpacker hostels and brothels which explicitly allow a court to consider circumstantial evidence in proceedings to obtain a search warrant or to remedy or restrain an unregistered or unauthorised boarding house from operating.

The kinds of evidence a court can take into account can include evidence that the premises are advertising themselves as a boarding house, evidence of the layout of the premises and the layout of beds, and evidence relating to people entering and leaving the premises in a way which suggests that the premises are operating as a boarding house. Clause 104 provides for the repeal of the Youth and Community Services Act and Youth and Community Services Regulation. This will only be done when the new Boarding Houses Regulation is in place. Schedule 2 provides for the conversion of orders, exemptions, licences, permits and approvals made under the Youth and Community Services Act to remain valid under the new Act.

Schedule 3 provides for various protections under the Youth and Community Services Act to be retained. These include powers under the Coroners Act 2009 which enable the coroner to hold an inquest into

the death of a person in declared or licensed premises and provisions under the Community Services (Complaints, Reviews and Monitoring) Act 1993 which provide for the resolution of complaints about boarding houses, inspections by official community visitors, reviews by the New South Wales Ombudsman into boarding house services and investigations into the deaths of boarding house residents. Clause 105 provides for the review of the Act after five years of operation to determine whether the Act and its objects are still appropriate.

The introduction of the bill is in many ways the first step in the reform process. The next step will be to establish an implementation committee comprising relevant government agencies, non-government organisations, residents and boarding house proprietors to oversee the required changes to the boarding house industry as well as to policies, programs and services across administering government agencies. Effective implementation and commitment by all involved will be critical to the success of the reforms. I am pleased to be able to lead this process. The Minister for Family and Community Services, the Minister for Fair Trading, the Minister for Local Government and I will also be required 18 months after the commencement of the bill to report back on the impact of the reform process on the boarding house industry.

This process will commence with an examination of the need for further incentives and assistance to support the supply of boarding house accommodation. I will also work closely with the Minister for Family and Community Services and the Minister for Mental Health to identify the needs of boarding house residents and the need for any additional incentives to improve residents' access to services. The Government acknowledges that well-run boarding houses can provide safe, affordable accommodation for people who would otherwise struggle to rent in the private market. One resident who wrote to us during the consultation process said:

> I am a Pensioner living in a boarding house in Surry Hills. As Pensioners we are old and some of us have health concerns. However, we have all been looking after ourselves for over forty odd years. We take pride in our independence ... All common areas are clean as are the bathrooms and are kept so fervently. Every room has smoke detectors and sprinkler system. There are no vermin and regular checks are made to keep it so. We share a pleasant garden at the rear of the house. We enjoy these conditions because the owners are humane and responsible and know their business will run smoothly with happy tenants. Boarding houses are essential to people like myself and my friends ...

The Government's attention is not on boarding houses such as the one described by that resident, but on those that are exploiting disadvantaged residents in need of urgent or affordable accommodation. I acknowledge the work done by the member for Ryde following his election to this place in the 2008 by-election. He did an enormous amount of work on reform related to student accommodation and boarding houses after hearing of examples of people being exploited in his local community by unscrupulous operators. Our focus is on developing a better understanding of the unlicensed sector of the industry, the conditions that have allowed this sector to proliferate and on regulating the industry to bring poor performing operators to a higher level of professionalism and quality of service. In designing these reforms, the Government has been cognisant of the need to take a light touch and a positive approach to regulation. The reforms should assist proprietors to streamline their operations, become better informed about government incentives and become more viable, thereby improving the profile and legitimacy of the boarding house industry as a whole.

Finally, I thank the individuals and organisations that participated in and made contributions to the exposure draft consultation process. These include boarding house proprietors from the licensed and unlicensed sector, boarding house residents, peak bodies, resident and disability advocacy groups, numerous non-government organisations including community legal centres, members of the Boarding House Expert Advisory Group, and various government agencies that participated in the interdepartmental committee on boarding house reform. I also thank my fellow Ministers, in particular the Minister for Fair Trading, the Minister for Local Government, the Minister for Mental Health, and the Minister for Family and Community Services. The Government acknowledges that this is not an easy process and it is very easy for mixed messages in the community to impact on people's perceptions of what it will mean.

We could not continue to stand by while review after review was being undertaken and recommendation after recommendation was being made by the NSW Ombudsman and more recently the State Coroner, who made a number of key recommendations following a coronial inquest into six deaths at the 300 Hostel in Marrickville. This is not an easy process. The Government recognises that some proprietors are deadset against this reform, but they need to reflect on the fact that people in this State have been forced to reside in unacceptable and intolerable conditions. We cannot continue to allow that to happen. The NSW Ombudsman has consistently called for an overhaul of this legislation and I recognise his role in this process. The great thing about this legislative reform is that although it operates across a number of government agencies, it is a whole-of-government approach.

It is not just reform as it relates to the current licensed sector in New South Wales, which I spelled out earlier today. I know that the Minister for Fair Trading will deal with the unlicensed sector in greater detail

tomorrow. Ultimately we as a community cannot continue to stand by and allow any environment in which people are subjected to abuse or find themselves in completely unacceptable and unhygienic slummy conditions. I know that the legitimate and good operators in this State do not want to see their industry harmed by those who are doing the wrong thing. I particularly recognise the work of departmental officials of Ageing, Disability and Home Care who are very keen for me to use the following quote from Winston Churchill, which I believe is very pertinent to the Government's reform process: "I never worry about action, but only inaction." I commend the bill to the House.

Debate adjourned on motion by Mrs Barbara Perry and set down as an order of the day for a later hour.

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL (NO. 2) 2012

Bill introduced on motion by Mr Greg Smith, read a first time and printed.

Second Reading

Mr GREG SMITH (Epping—Attorney General, and Minister for Justice) [4.42 p.m.]: I move:

That this bill be now read a second time.

The Statute Law (Miscellaneous Provisions) Bill (No. 2) 2012 continues the longstanding statute law revision program. Bills of this kind have featured in most sessions of Parliament since 1984 and are recognised as an effective tool for making minor policy changes, repealing redundant legislation and maintaining the quality of the New South Wales statute book. Schedule 1 to the bill contains policy changes of a minor and non-controversial nature that are too inconsequential to warrant the introduction of a separate amending bill. That schedule contains amendments to 23 Acts. I will mention some of the amendments to give members an indication of the kinds of amendments that are included in the schedule. Schedule 1 amends the Australian Museum Trust Act 1975 to provide that a trustee of the Australian Museum Trust, the director of the Australian Museum or a person acting under the direction of the trust or the director is not personally liable for an act or omission done in good faith for the purpose of executing that Act. The amendment does not affect the liability of the trust for any such act or omission.

The DEPUTY-SPEAKER (Mr Thomas George): Order! The member for Heffron will have an opportunity to participate in the debate.

Mr GREG SMITH: The schedule contains equivalent amendments to the Library Act 1939, the Museum of Applied Arts and Sciences Act 1945 and the Sydney Opera House Trust Act 1961. Schedule 1 contains miscellaneous amendments to the Children and Young Persons (Care and Protection) Act 1998. These include an extension of the present scheme under which mandatory reporters, such as teachers, health care workers and police officers, can refer their suspicion that a child is at risk to assessment officers within the child welfare units of their agencies as an alternative to reporting directly to the Director General of the Department of Family and Community Services. In the interests of consistency, the amendments extend the scheme by enabling mandatory reporters to refer to assessment officers where the person suspected of being at risk is an unborn child, or a young person who is 16 or 17 years of age.

Another amendment to that Act will simplify applications to the Children's Court for care orders in line with recommendations of the 2008 Special Commission of Inquiry into Child Protection Services in New South Wales. The amendment will achieve this by generally requiring an application to be accompanied by a written report summarising the circumstances of the case only if the application is for an initial care order, rather than, for example, an order rescinding or varying a care order. Schedule 1 will update a definition of offences involving violence in the Criminal Procedure Act 1986 by correcting a cross-reference to the offence of recklessly causing grievous bodily harm and inserting a cross-reference to the offence of recklessly causing bodily harm in company. Alleged victims of offences involving violence who have made a written statement generally cannot be directed to attend committal proceedings.

Schedule 1 amends the Public Finance and Audit Act 1983 by requiring the Audit Office to be reviewed by the Public Accounts Committee every four years, rather than every three as is currently the case. This amendment gives effect to that committee's recommendation in a report on the 2009 review of the Audit Office to align the frequency of these reviews with the four-year term of the Legislative Assembly. Schedule 1

amends the Residential Tenancies Act 1998 to enable proceedings for an offence relating to a rental bond to be commenced within three years after the commission of the offence or the termination of the residential tenancy agreement, whichever is the later. This Act generally prevents proceedings for an offence being brought more than three years after the offence is committed.

However, an offence relating to a rental bond, such as the landlord's failure to deposit the bond with NSW Fair Trading at the outset of the tenancy, may not come to light until more than three years after it is committed—for example, when the tenant claims the bond after terminating the tenancy. Schedule 1 also amends the Special Commissions of Inquiry Act 1983. The amendments will make the eligibility criteria for appointment as a commissioner for a special commission of inquiry similar to the eligibility criteria for appointment as a commissioner for a standing commission, such as the New South Wales Crime Commission, the Independent Commission Against Corruption and the Police Integrity Commission. As a result, the range of persons who may be appointed as a commissioner generally will be broader, enabling a person to be appointed who holds, has held, or is qualified to hold judicial office in Australia, or who is an Australian lawyer of seven years standing.

Currently, appointments generally are limited to New South Wales judges or Australian lawyers of seven years standing. Finally in relation to schedule 1, I mention an amendment to the Water Management Act 2000. The amendment enables the Minister for Primary Industries to amend an access licence held by the Commonwealth or the State by increasing the shares in a water source or management area that are held under the licence in order to give effect to a Commonwealth or State agreement and where the licence is to form part of the Commonwealth's environmental water holdings or is to be used for environmental purposes. This proposal is in line with the Minister's existing powers to grant access licences to the Commonwealth or State in order to give effect to such an agreement.

Schedule 2 deals with matters of pure statute law revision consisting of minor technical changes to legislation that Parliamentary Counsel considers are appropriate for inclusion in the bill. Examples of amendments in schedule 2 are those arising out of the enactment of other legislation, those correcting numbering and typographical errors and those updating terminology. Schedule 3 repeals a number of Acts and provisions of Acts and instruments that are redundant. Schedule 4 contains general savings, transitional and other provisions. These include provisions to limit the effect of amendments on amending provisions and a power to make regulations for savings or transitional matters if necessary.

The various amendments made by the bill are explained in detail in the explanatory notes set out beneath the amendments to the Acts or statutory instruments concerned or at the beginning of the schedule concerned. I am sure members will appreciate the straightforward and non-controversial nature of the provisions in this bill. However, if any amendment causes concern or requires clarification it should be brought to my attention. If necessary, I will arrange for government officers to provide additional information on the matters that are raised. If any matter of concern cannot be resolved and may delay the passage of the bill, the Government is prepared to consider withdrawing that matter from the bill. 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 later hour.

DIRECTOR OF PUBLIC PROSECUTIONS AMENDMENT (DISCLOSURES) BILL 2012

Second Reading

Debate resumed from an earlier hour.

Mr PAUL LYNCH (Liverpool) [4.52 p.m.]: I lead for the Opposition in debate on the Director of Public Prosecutions Amendment (Disclosures) Bill 2012. The Opposition will not oppose the bill in this place but it reserves its right to review it in the other place. I say that because whilst I received a copy of the briefing note and the bill yesterday and I have had an opportunity to look at it, I would like to give it a bit more consideration before I give a definitive view about what the Opposition might do. Having said that, my suspicion is that we will end up supporting it, bearing in mind the history of the matter and what I have seen of the bill to date.

The object of the bill is to amend the Director of Public Prosecutions Act in a number of ways. It will require officers of the New South Wales Crime Commission, the Police Integrity Commission and the

Independent Commission Against Corruption when investigating alleged indictable offences to disclose to the Director of Public Prosecutions all relevant material that might reasonably be expected to assist the case for the prosecution or the case for the accused person in the same way as the police. It also has as an object to clarify an exception from the duty of disclosure that applies in respect of material that is the subject of a claim of privilege, public interest immunity or statutory immunity and to remove the sunset provision that applies in relation to that exception. It also has as an object to allow law enforcement officers to withhold providing to the Director of Public Prosecutions material obtained during investigation that is the subject of a statutory publication restriction.

These matters were discussed in this place last year as a result of the Court of Criminal Appeal case of Lipton. Legislation was moved and dealt with urgently with the Opposition's consent because of the time constraints essentially to provide a status quo position. That legislation had a time limit on it and that time will end, I think, in January next year. Unless the legislation is dealt with now there will be difficulties. Effectively, this bill allows the current situation to continue, albeit there are some increased requirements on disclosure on the part of some people, so probably a measured approach has been taken to it. As I said earlier, I would like an opportunity to consult further before I give a final view of where I think we should be going. On the basis of what I have seen to date, the Opposition will not oppose the bill in this place.

Mr RON HOENIG (Heffron) [4.54 p.m.]: At this stage the Opposition commends and does not oppose the Director of Public Prosecutions Amendment (Disclosures) Bill 2012 because it enshrines in legislation the concept of fairness of criminal prosecutions. It requires not only the police but also the Independent Commission Against Corruption, the Police Integrity Commission and any other investigative body to disclose to the Director of Public Prosecutions material that aids the prosecution or, alternatively, aids the defence. It enshrines in legislation that a prosecution for indictable offences by the Crown is a prosecution by the State. It enshrines the concept that the Crown is not divisible. If the State is in possession of material that either aids the prosecution or, alternatively, aids the defence, the Director of Public Prosecutions or a Crown prosecutor, no doubt on his behalf, has to disclose that material.

In the past organisations other than the NSW Police Force that are undertaking their own statutory investigations have sought to retain information for their own purposes for the best possible motives, but this has hindered the Crown in the prosecution of particular matters. On occasions there has been a miscarriage of justice because the Crown has not been able to satisfy its duty of disclosure—not because the director or the police have not had access to material but because some other independent State agency has been undertaking its own investigation.

Some of us who have practised in the criminal law area—I am sure that the Attorney General has seen this as well—have discovered that when an arrest and prosecution occurred during the course of a much wider investigation and police have been given some of the information to effect an arrest and prosecution, the balance of that material has not been disclosed. This places the Director of Public Prosecutions or a Crown prosecutor on his behalf in a position where they should be informed of the nature of that material. Even if the material is sensitive—and there are many occasions when not just police but also independent investigators are in possession of sensitive information—the nature of that material should be disclosed, at least to the director as that is fundamental to the administration of justice in this State.

The Director of Public Prosecutions or Crown prosecutors must be made aware of the nature of that material so that all issues can be addressed. Many law enforcement officers, organisations and commissions will not necessarily be happy about such a disclosure if they are discharging their own obligations. It goes without saying that the strength of many investigations lies in the information provided. Information is so sensitive that it can risk the lives of those who provide it so it is understandable that concern has been expressed by these organisations and agencies. However, in a prosecution for an indictable offence the prosecution authorities who are acting on behalf of the State must disclose that material.

Item [3] of schedule 1 to the bill relates to the need to disclose sensitive information. New South Wales courts have developed a practice in indictable offence cases, particularly serious sexual offences, of being reluctant to hand over or even disclose to the Director of Public Prosecutions the nature of material that law enforcement agencies possess. One example is the case of two accused, Johnson and Usher, who were convicted when police were reluctant to hand over sensitive and shocking child pornography photographs to a Crown prosecutor. Through the Crown prosecutor's assistance and negotiation, ultimately the material was handed over. Each accused pleaded guilty and was given a sentence with a non-parole period of 20 or 22 years.

I believe the Court of Criminal Appeal reduced Usher's sentence to 18 years. The size of the sentence imposed in this case indicates the seriousness of the matters that were not disclosed at first instance. This House should be concerned about the requirement to sign the disclosure certificate. I do not know whether careful consideration has been given to this requirement, which is probably why the member for Liverpool reserved his option. At first blush, I thought it was just another piece of paper with which law enforcement agencies have to comply in discharging their obligation. However, the full requirement set out in clause 5 of schedule 2 provides, in part:

> For the purposes of section 15A of the Act, disclosures by a law enforcement officer to the Director must:
>
> (a) be in the form set out in Schedule 1, and
>
> (b) be completed, signed ...

The form is that of an undertaking. It continues:

> I undertake to advise the DPP in writing, as soon as practicable, if I become aware of any additional information, documents or other things that might reasonably be expected to assist the case for the prosecution or the case for the accused person.

Whilst no doubt the director and those who practice in criminal law are happy that those undertakings are signed, I am not too sure that any careful consideration has been given to the consequences of signing such an undertaking. The consequences of failing to discharge a signed undertaking relating to court usually are dealt with as contempt of court. If the Police Integrity Commission, the Crime Commission or the Independent Commission Against Corruption are required to undertake to disclose material and fail to do so, those bodies could be held liable for the criminal prosecution of contempt.

Prior to this bill being considered in the other place and in the event that I am wrong in my assessment of clause 5, certainly the Attorney General, or perhaps the shadow Attorney General, should consider the ramifications of signing the form contained in the bill. As I said, I saw the bill only this afternoon and my assessment may be wrong. I do not see anything wrong with these bodies being accountable; parliamentary oversight committees have not been sufficient. For example, those who practice in the criminal law area have been aware of the Crime Commission's failings for quite some time. Recent legislative or Executive Government intervention has improved that body's legal requirements. Certainly, the Opposition supports the concept of enshrining this legislation, but in the intervening period someone should give careful consideration to the wording of clause 5.

Mr GREG SMITH (Epping—Attorney General, and Minister for Justice) [5.04 p.m.], in reply: I thank the member for Liverpool and the member for Heffron for their contributions to the debate. I note that the Opposition does not oppose the Director of Public Prosecutions Amendment (Disclosures) Bill 2012, but wants to examine it closely before it is debated in the other place. I have no issue with that. The secrecy provisions of the Independent Commission Against Corruption, the Crime Commission and the Police Integrity Commission are covered in the legislation and the provisions regarding material in the possession of police for a particular purpose may be limited. When those agencies give out information to other agencies, conditions sometimes are applied. The commission may be willing to waive that for the purposes of a particular case if the Director of Public Prosecutions is allowed to look at the material and consider its relevance to the issues in the case.

The courts have dealt with such matters. In fact, on occasions courts uphold claims for public interest immunity even though the material may be of some assistance, but they balance the arguments and decide whether the public interest is greater than that of the accused. I remember that the infamous Milperra massacre case led to such a decision. Justice McHugh in the Court of Criminal Appeal ruled that it was not unfair to the accused to not have access to certain material. Many similar decisions have been made subsequent to that case, the name of which escapes me at the moment. This bill makes a number of amendments to the Director of Public Prosecutions Act 1986. It broadens the obligations relating to disclosure of material to the Director of Public Prosecutions. It strikes a balance between the investigation process and the need to protect witnesses in the duty of the Director of Public Prosecutions to ensure a fair trial for the accused. I commend the bill to the House.

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

Motion agreed to.

Bill read a second time.

Third Reading

Motion by Mr Greg Smith agreed to:

That this bill be now read a third time.

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

MISCELLANEOUS ACTS AMENDMENT (DIRECTORS' LIABILITY) BILL 2012

Second Reading

Debate resumed from an earlier hour.

Mr PAUL LYNCH (Liverpool) [5.07 p.m.]: I lead for the Opposition in debate on the Miscellaneous Acts Amendment (Directors' Liability) Bill 2012. The Opposition will not oppose the bill in this place but, for obvious reasons, granted the time frame regarding its introduction, wants to examine it more closely and, therefore, reserves its position in the other place. Yesterday I received a briefing, but received the bill only today. I would like to read the bill before I reach a final and concluded view about it. In general terms, the bill arises from a Council of Australian Governments process that the previous Government committed to in 2008. Obviously, some logic exists for the Opposition therefore supporting it, granted that when in government we were part of at least the in-principle agreement to this piece of legislation. I note that a similar piece of legislation early last year was the first the current Attorney General introduced in this place dealing with similar issues that the Opposition did not oppose.

My only concern is that, since the commencement of the Council of Australian Governments process, considerable commentary has been made and concerns have been expressed flowing from the global financial crisis about the effectiveness of the liability placed on directors. As I have not had the opportunity to read the bill I would like a proper opportunity to consider how that intersects with the bill's provisions. Therefore, we reserve our position on the matter. I notice, certainly from the briefing note, that the number of offences to which special director liability provisions apply has been reduced from 1,000 to around 150, and I note also the removal of the reverse onus of legal proof. That may be entirely unobjectionable from the Opposition's point of view but, in light of the historical circumstances I just mentioned, it deserves closer scrutiny than the Opposition has been able to apply, having had the bill for only three hours. On that basis, at this stage the Opposition does not oppose the bill.

Mr DOMINIC PERROTTET (Castle Hill) [5.09 p.m.]: I support the Miscellaneous Acts Amendment (Directors' Liability) Bill 2012 and commend the Premier and the Attorney General for their commitment to implementing a nationally consistent and principle based approach to the imposition of a personal criminal liability for corporate fault. This bill represents fulfilment of a commitment made under the National Partnership Agreement to Deliver a Seamless National Economy and reflects the dedication of the New South Wales Government to reducing red tape.

Two concepts that are relevant to this bill relating to corporations should be noted. First, a corporation has a separate identity from that of a director or manager of a corporation. Consequently, a director or manager is not criminally responsible for an offence committed by a corporation unless separate provision for this exists. Second, a person, including a director or manager, can be prosecuted as an accessory to the commission of an offence by a corporation, for example, by aiding and abetting its commission. Individual acts, however, impose a more stringent liability, known as an executive liability, on a director or a manager of a corporation for an offence committed by that corporation under the Act concerned.

Three types of executive liability can create an offence on the part of a director or manager when a corporation commits an offence. Type one executive liability requires the prosecution to prove every element of the offence alleged to have been committed by the director or manager, including the responsibility element that he or she failed to take all reasonable steps to prevent or stop the commission of the offence by the corporation. Type two executive liability provides that the responsibility element is to be presumed without the need for further proof unless the director or manager adduces or points to evidence that suggests a reasonable possibility that there was no such failure to take reasonable steps.

Type three executive liability provides that the responsibility element is to be presumed without the need for further proof and the director or manager bears the burden of proving, on the balance of probabilities, that

there was no such failure to take reasonable steps. The object of this bill is to amend certain Acts that impose this executive liability and to amend certain regulations made under those Acts so as to, first, change the type of liability imposed for certain offences under those Acts and regulations from executive liability to accessorial liability and, second, to change the type of executive liability that is imposed for certain offences from type three executive liability to type one executive liability, thereby removing any reverse onus of legal proof consistent with amendments made by the Government to the occupational health and safety legislation last year.

The bill will make amendments to include, in or near each provision creating an offence committed by a corporation that gives rise to executive liability, a note drawing attention to that liability. It also will include, where practicable, standard provisions for executive liability and accessorial liability and make other minor or consequential amendments to the Acts referred to in schedule 1 to the bill. Corporations are a major driver of business in this State. While a corporation has a separate identity in the eyes of the law, it is possible for directors and officers of the corporation to be held responsible for its actions.

If it is found that a director or officer of a corporation has aided and abetted an offence committed by a corporation they should not be shielded by the corporate veil. The amendments set out in this bill will not amend this position but will ensure that the onus of proof lies with the prosecution, except in a small number of core environmental offences where such provisions are justified by compelling public policy reasons. This issue was recognised in 2006 by the task force on reducing the regulatory burden on business and by the Corporations and Markets Advisory Committee. It was decided then that a more consistent and principled approach to personal liability for corporate offences was needed across jurisdictions in Australia.

In November 2008 the Council of Australian Governments committed to reforming directors' liability and in July this year the Premier formally adopted the Council of Australian Governments guidelines to ensure that all Australian jurisdictions interpret and apply all the Council of Australian Governments agreed principles for assessment of directors' liability provisions consistently and in accordance with the intentions of the Council of Australian Governments. The Council of Australian Governments guidelines provide a policy framework describing different types of directors' liability provisions that may be used in future development and drafting of legislation and setting out policy criteria that must be considered before any directors' liability provision is applied.

This bill will seek to implement the outcomes of the audit of existing New South Wales Acts against the Council of Australian Governments guidelines. In doing so this bill will reduce the number of New South Wales offences to which special directors' liability provisions apply from over 1,000 to fewer than 150. These outcomes were announced by the Premier on 27 July 2012 under a Premier's memorandum following the auditing process conducted by the Department of Premier and Cabinet. I commend the work of the Premier and the Attorney General and commend the bill to the House.

Mr GREG SMITH (Epping—Attorney General, and Minister for Justice) [5.16 p.m.], in reply: I thank the member for Liverpool and the member for Castle Hill for their contributions to debate on the Miscellaneous Acts Amendment (Directors' Liability) Bill 2012. In response to the query of the member for Liverpool about whether the global financial crisis affected the need for this reform I inform him that the global financial crisis focused attention on the adequacy of financial market regulation and ethical standards throughout the world. This is a matter of considerable importance. However, it does not change the necessity or appropriateness of the reforms contained in this bill.

It does not appear as though anyone is suggesting that the issues that have arisen around the world would be affected whether or not a directors' liability provision or an accessorial liability provision applied to offences under the Rural Workers Accommodation Act. Further, and more importantly, this bill is not about reducing the obligations or standards of behaviour expected and required of corporations and their directors and managers. This bill does not change the high standards that are expected of corporations and their directors and managers. Corporations are expected at all times to comply fully with their legal obligations. These reforms will not reduce the incentive for directors to do the right thing. Instead, these reforms are about increasing both certainty and fairness. Currently there are over 1,000 corporate offence provisions in New South Wales for which directors are deemed to be criminally liable without any evidence of fault or even neglect on their part. I quote from the Council of Australian Governments guidelines which state:

> Imposing a Type 2 or Type 3 [directors' liability] provision does not increase the substantive standard of behaviour expected of directors. Rather, the type of provision effects the procedural requirements that apply when enforcement action is taken because the relevant substantive standard has not been met. As such, Type 2 and Type 3 provisions should not be applied merely as an attempt to indirectly increase (or to be seen to increase) the standard of behaviour expected of directors.

By taking a more principle-based approach to the types of directors' liability provisions that should apply, these reforms will increase certainty, clarify responsibilities, provide for directors and managers to be prosecuted when they are genuinely responsible for a corporate offence, and increase the ability of directors to understand their obligations. In doing so, these reforms will assist our efforts in maintaining more effective corporate compliance and risk management. This bill delivers on the Council of Australian Governments' commitment made many years ago to reform the inconsistent, inequitable and inefficient directors' liability regime that applied, not only in New South Wales, but throughout the nation. As members will appreciate, the development of the Council of Australian Governments guidelines and the detailed audits of legislation across all jurisdictions have involved a long and detailed process.

I commend the work of the Council of Australian Governments Business Regulation and Competition Working Group [BRCWG] in driving this reform, as well as the other reforms under the National Partnership Agreement to Deliver a Seamless National Economy. That agreement, and the work of the Business Regulation and Competition Working Group, will end at the end of this year. The Productivity Commission has estimated that the National Partnership Agreement to Deliver a Seamless National Economy reforms have the potential to increase the gross domestic product by around $6 billion per year. The reform to directors' liability contained in the bill now before the House is a key element of those reforms. I commend the bill to the House.

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

Motion agreed to.

Bill read a second time.

Third Reading

Motion by Mr Greg Smith agreed to:

That this bill be now read a third time.

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

PORTS ASSETS (AUTHORISED TRANSACTIONS) BILL 2012

Second Reading

Debate resumed from an earlier hour.

Mr DOMINIC PERROTTET (Castle Hill) [5.21 p.m.]: I speak in support of the Ports Assets (Authorised Transactions) Bill 2012. Despite the scare campaign from those opposite, the Government's decision to enter into a long-term lease of Port Botany and Port Kembla will provide immediate income to invest in the infrastructure that Labor failed to invest in over the past 16 years. Importantly, it will also ensure that the Government will maintain a residual interest in the ports, which, once returned, will be improved by a private developer, with ongoing oversight by the Government. The Government expects that the 99-year lease of Port Kembla and Port Botany will be completed by the first half of 2013.

The bill authorises, first, the lease of Port Botany, Port Kembla and the Cooks River and Enfield logistics terminals and the sale of some industrial land at Enfield to the private sector. Second, the bill authorises the Treasurer to exercise all functions as may be necessary for the purposes of the transaction. Third, the bill authorises the establishment of transaction entities to facilitate the lease. Fourth, it will implement a transfer package for relevant employees electing to transfer to the new lessee and, finally, it authorises changes to the operation of both current and future planning controls and how these will apply to the land included in the port transaction. The effect of it will be to remove any current direct or indirect limits on container throughput at Port Botany in existing planning controls and to prevent future direct or indirect limits on container throughput in future planning controls being imposed on the land the subject of the transaction.

The long-term lease of Port Botany and Port Kembla to the private sector presents a huge opportunity. The combination of critical infrastructure upgrades and improved efficiencies under private management will most certainly enhance economic productivity in this State. Private management will allow port businesses to

focus on efficiency and service outcomes such as enhancing the operation of the supply chain. These leases will provide a boost in funds for priority infrastructure and provide significant opportunity to enhance port operations in this State. The introduction of a private operator at the ports will increase contestability and productivity and will help drive further efficiency on the waterfront, which will, in turn, help to strengthen the New South Wales economy.

The recent $2.1 billion transaction of a 99-year lease by the Bligh Government to operate the Port of Brisbane demonstrated that there is a strong private sector interest in operating port facilities and that value can be realised for taxpayers. These approaches are not unique to New South Wales and Queensland; Victoria and South Australia have also privatised many of their ports, a strategy encouraged by the Federal Government's infrastructure advisory body, Infrastructure Australia, as a way to encourage investment in the terminals. We are facing an immense challenge to fund the backlog of critical infrastructure across New South Wales and more needs to be done to free up the vital funds to deliver long overdue road, school and hospital projects across New South Wales.

To that end, proceeds from the lease transactions will be invested in the New South Wales Government's Infrastructure Fund, Restart NSW, with 30 per cent of the funds reserved for projects in regional areas. The proceeds will be invested in much-needed infrastructure, including upgrades of the Pacific Highway, the Princes Highway and the WestConnex. I note importantly that WestConnex will join the North West Rail Link as the two largest transport infrastructure projects in the country. I note also that $100 million from the proceeds of the transaction is earmarked for infrastructure projects in the Illawarra region. The combined proceeds of the lease of the ports, together with the $2.3 billion recently received for the Sydney desalination plant, will provide a significant boost in funds for the critical roads, hospitals and schools needed in communities across our State.

Other components of the bill include removing the limits on container throughput, to which I referred earlier. This will ensure that taxpayers receive a fair price for the asset and provide clarity on this matter consistent with the transaction timetable. There may be concern with respect to the status of employees currently working at the ports. The Government is committed to ensuring that current employees have the option, if they want, to remain with the Government. Those employees who transfer to the new lessee will do so on at least the same terms and conditions as their current employment. The bill will ensure that superannuation, continuity of service and leave entitlements of transferred staff are expressly preserved. A transfer payment of up to 30 weeks pay is also included. I commend the Treasurer for his foresight, his vision and his determination in pursuing a reform agenda here in New South Wales, an agenda that will ensure that the cranes return to the skies above our cities in New South Wales, an agenda that will ensure productivity in New South Wales improves and that efficiency on the waterfront also increases. I commend the bill to the House.

Mr RON HOENIG (Heffron) [5.27 p.m.]: The Opposition opposes the Ports Assets (Authorised Transactions) Bill 2012, which was provided to the Opposition at 9.30 this morning.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! Is the member for Heffron leading for the Opposition on this bill?

Mr RON HOENIG: No, I am not. We were grateful to the Treasurer, however, for making available to us an officer of Treasury, a representative of Morgan Stanley and members of his staff to provide at least some information. I am not going to talk about the difference in philosophy between the Coalition parties and the Labor Party over the sale of government assets—I will leave others to talk about that—but no doubt the Labor Party has learnt its lesson in various States from engaging in the sale of government silverware. The Tories are now going down the same path and no doubt the public of New South Wales will deal with them at the appropriate time. The issue is: Why the hurry to rush through this legislation without much scrutiny? What is there to hide when one is selling off Port Botany, the gateway not just to New South Wales but to Australia's economic lifeblood? It is because the Government does not want its decision to be scrutinised.

The first question one should ask is: How much is the Government getting for selling off the silverware? The Government does not want to say how much it expects to get because this will impact upon its commercial return. There has been some discussion that the sale of Port Botany and Port Kembla will get the Government $2.5 billion, but say it is $2 billion. Over the years how much has the New South Wales Government pumped into Port Botany? How many billions of dollars have gone into that facility? The latest expansion involved $1.1 billion. How much money does Sydney Ports still owe for Port Botany? If the ports are

only worth $2 billion and the Government still owes about $900 million that leaves about $1.1 billion. How much revenue will be lost to the State by the flogging off of the asset? We are not too sure but we think it is about $180 million a year.

When you flog off the silverware and the silverware happens to be a revenue-generating asset what do you do to replace the money? The Government will say that it is going to build these super-duper roads or some other infrastructure that the former Government failed to build over 16 years. That will be the Government's assertion in selling off the silverware. But the problem is that the Government is not a company. If a company alienates an asset and capitalises an asset the company invests the money to generate revenue. But the Government proposes to flog off Port Botany and it does not even know how much it is going to get for it. The Government is getting rid of a revenue source of, say, $180 million—it will not say what it is—and it is incurring a liability. If a Government is building a road or a hospital it is incurring a liability.

What is the Government going to do to replace the $180 million a year? There is a vertical fiscal imbalance and States are being squeezed. The easy way is to sell off the silverware. What is the Government going to do to replace revenue in the future? What is the Government's plan? The Government's plan is only for the next election: if the Government announces a WestConnex motorway and a railway line out to the north-west is to be built in 10 years it might get past two elections and say it is actually doing something, hoping that because the public have not yet forgiven the Labor Party for its last term in government no journalist will ask the government of the day to account for the details.

By selling off the silverware in respect of Port Botany the Government will create a new financial obligation in the future for the people of New South Wales to move the freight out of Port Botany to the rest of New South Wales and Australia, because there is no infrastructure mechanism to do it. In the 1970s Kirby and Simblist both provided reports recommending the movement of freight from Port Botany by rail. Of course, that has not happened. Frank Sartor, on behalf of the former Government, granted bodgie approval to expand the port—and it was bodgie approval because the commission of inquiry recommended against an expansion of the port to that level because there was no mechanism in place to move the freight. Despite giving planning approval that had very little substance, a condition was attached to the approval that the movement of containers by rail was to be capped at 3.2 million, or 40 per cent of the movements.

The movement of containers by rail was 24 per cent at the time of the approval and it is now 14 per cent—they cannot move the containers in and out of the port and they have only reached two million. There is no mechanism to move them. The Brereton report in 2005 talked about cutting the railway line and Enfield and Moorebank being the only way to get to 40 per cent. The Government thinks that somehow or other it can wave about the WestConnex as the solution. It will not be a solution because there is no plan. There is no funded mechanism other than in the bottom drawer of Roads and Maritime Services as to how they are going to get the containers from Port Botany onto any road or rail system. There is a forecast in Greiner's report of port expansion to reach 294 per cent, but there is no mechanism for movement and there is a planning condition of approval that caps the port to a level we are not even at.

This bill provides open slather and removes the Environmental Planning and Assessment Act from the issue of the movement of any containers to and from the port. The consent requires environmental assessment. Why is the Government so concerned about an environmental assessment of Port Botany? Because the fund managers and the establishment that are going to put their money into this port as landlords do not want any environmental assessment of their operation. I hold no brief for Sydney Ports; I am probably one of its biggest enemies. I do not hold any great philosophy that Sydney Ports is necessarily the most competent landlord to run our port. Going back to the sixties and the Maritime Services Board, there is not much to commend it. At least the Maritime Services Board was bound by environmental legislation. At least there was an environmental assessment in relation to its operation.

I warn this Government that it will not be able to move those containers out of the port. WestConnex is nothing but a $10 billion political fix to get the Government past two elections. But at the end of the day the Government is going to have an economic disaster on its hands. The Government cannot assess what is required to move containers out of Port Botany until it knows how to move them. If the Government cannot put the containers on a railway line, it will have to put them on a road. If the Government is going to put them on a road, how many lanes will be needed on the WestConnex motorway? Six each way? Eight each way? Ten each way? The Government has no idea, and if the Government has no idea about that, it has no idea about funding.

The people of New South Wales have invested billions of dollars in this port since the sixties. The Government will get back a lousy $2 billion, and it owes about $900 million. It is going to give away

$180 million a year, a revenue source for the people of New South Wales. The Government is going to worry about that afterwards and it is going to tell the people of New South Wales that it is going to build them super-duper roads, but it is not going to be able to move the containers. This is an example of what governments do when they do not want scrutiny and they do not want to answer: they just appease the tabloid journalists and give the impression they are doing something while they look after the establishment by handing them a government asset. It might be a good idea to find superannuation funds to invest within Australia because they have a surplus, but at the end of the day the people in my electorate, the people in Maroubra and the people in New South Wales are going to be the real losers.

Mr BRUCE NOTLEY-SMITH (Coogee) [5.37 p.m.]: I am pleased to speak on the Ports Assets (Authorised Transactions) Bill 2012. The member for Heffron said that there are a whole lot of problems around Port Botany. I think he may be concerned that we may solve some of the ongoing problems around Port Botany that the Labor Government failed to address. He was not a member of the former Government but his predecessor in the seat that he now represents and his party failed to address the serious problems of moving freight and the community concerns about the operation of the port.

The member for Balmain will probably contribute to this debate. I know some members of The Greens who live near the port and they have said that they have never got a great deal of satisfaction out of Sydney Ports so they could not do any worse if the port is privately owned. This bill will enable the long-term lease of the ports and the associated port land for a term of no greater than 99 years. The bill also allows for the lease of other port assets, including Cooks River and Enfield Intermodal Logistics Terminal, with some industrial land at Enfield to be sold to the private sector.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! I commend the standing orders to the member for Heffron, who is rather new to this House. Standing Order 52 states that a member is entitled to be heard in silence, as he was.

Mr BRUCE NOTLEY-SMITH: Thank you, Mr Assistant-Speaker. Importantly, the proceeds of this transaction will be directed into the Restart NSW fund, which the O'Farrell-Stoner Government established to kickstart major infrastructure investment across this State. "Major infrastructure" is a foreign term to those opposite, who during their 16 years in government did not initiate any major infrastructure projects to ensure the future prosperity of New South Wales. Thirty per cent of the fund will be dedicated to rural and regional areas and $100 million from the lease of Port Kembla will be spent in the Illawarra to address its urgent infrastructure needs as prioritised by Infrastructure NSW. Government is not a business as we know it. Although it may hold on to assets that generate income, the most sustainable way that government can generate revenue is by investing in infrastructure that will grow the economy of the State and ensure that ongoing revenues flow into government coffers.

Some older members of this House have told me that some years ago there was a sign at the entrance to the press gallery which read, "See New South Wales before Neville Wran sells it". So it is not only this side of the House which has contemplated selling government assets; the Labor Party also has a long history of it. The difference in this instance is that the money will be invested in infrastructure which will ensure continued economic benefits for this State. One of the most bizarre changes to the management of Port Botany took place in the dying days of the last Government when the member for Maroubra instigated a change to truck routes to keep B-doubles out of the Matraville town centre. Unfortunately, it was later discovered by the Roads and Traffic Authority—and I have the pictures in my office to prove it—that the route selected and approved by the previous Government could not accommodate B-doubles. They could not get around the streets on the alternative route put into place by the previous Government. That is why this Government has had to redirect the trucks until a long-term solution can be found.

Consistent with other government transactions of this nature, some employees will transfer to the new private sector lessee following an employment expressions of interest process. Enterprise agreement employees will have the option to remain with the public sector. The bill includes a number of provisions which set out commitments made by this Government to employees transferring to the private sector. These provisions are consistent with other government transactions, such as the privatisation of Sydney Ferries, and include a two-year employment guarantee for enterprise agreement employees and the transfer to the lessee at the time on the same terms and conditions. Staff seconded to the lessee will remain employees of the port State-owned corporation concerned.

The bill lays out how the operation of the current and future planning controls will apply to Port Botany, the effect of which will be to remove the existing artificial limit on container throughput. The removal

of the throughput limit will enable the port to reach its natural capacity. The Opposition asks why this cap is being removed. In reply one has to ask why the Opposition allowed the port expansion in the first place. This is an artificial cap. The fact is that the now Opposition would remove the cap if it was in government today. The former Labor Government did not spend all that money to keep the port running at less than its optimum efficiency. The removal of the cap is necessary regardless of who owns the port and the Sydney Ports Corporation had plans in place to apply to have it lifted regardless of whether this transaction went through.

The Government is carrying out a number of major transport and freight improvements while maximising the use of existing infrastructure links to efficiently move trucks in and out of the area. Any member on the opposite side of the House who has ever taken an interest in Port Botany will know that 85 per cent of all the containers that arrive at Port Botany have a destination in the Sydney Basin within 40 kilometres of the port. It is clear that the ongoing imposition of the cap on the throughput at Port Botany will result in incredible inefficiencies into the future which would greatly constrain our State's economy. Inefficiencies are something which members opposite became used to during 16 years of their ineffective and lazy style of government.

As I said, the most important way that we can sustain revenues that this Government can use to fund the essential services that people demand is to ensure that we have a strong, prosperous economy into the future. The Government is getting on with doing that by recycling this public capital and putting the money into new projects which will benefit this State for many years. The Government will get our economy moving and make New South Wales number one again by using these funds responsibly. The bill implements a responsible way to deal with a government asset that does not need to remain in government hands. I commend the bill to the House.

Mr MICHAEL DALEY (Maroubra) [5.47 p.m.]: I lead for the Opposition in debate on the Port Assets (Authorised Transactions) Bill 2012. The member for Coogee concluded his contribution by mentioning the word "responsible" on several occasions. That is quite a bizarre word to use in respect of the way in which this bill is being rammed through this place on 24 hours notice and the way in which the Government has handled this blatant grab for cash, which is one of the most irresponsible transactions in the history of this State. The asset at Port Botany is worth several hundreds of millions of dollars. The expansion of the third terminal alone was worth $1.1 billion. The revenue to Sydney Ports Corporation from the operations of Port Botany is $175 million a year and gross revenue from its operations at Port Kembla is around $50 million a year.

This Government is moving today with maximum haste and maximum disrespect to members, stakeholders and the people of New South Wales—particularly the residents who live around the port and alongside the transport routes—by ramming this legislation through today without giving members the opportunity to consult or conduct negotiations or discussions with those stakeholders. A pre-transaction scoping study was done, but where is it? It will not be released. The Government refuses to release it. This morning the Treasurer afforded me, as the shadow Treasurer, the member for Heffron and the member for Wollongong a briefing by Treasury officials and some of his ministerial staff, which was good. They answered the limited questions that we had formulated, given that we had been given a copy of this 64-page bill only 30 minutes before the briefing commenced.

It is difficult to read a bill of that size in such a short preparation time and produce questions of any clarity, but nonetheless I thank the Treasurer, Treasury officials and the Treasurer's staff for the briefing. The upshot of this legislation is that the Government wants to flog off this multibillion-dollar asset—which produces revenue at the rate of $175 million from Port Botany and $50 million from Port Kembla annually, aside from revenue from the Enfield and Cooks River facilities—on the basis of what published documents? The Government has produced a one-page briefing note. Compare that to my handwritten notes of just over two pages from a 60-minute briefing with the Minister's staff and Treasury officials today.

Mr Clayton Barr: And Morgan Stanley.

Mr MICHAEL DALEY: And Morgan Stanley. That is about as contemptible as it gets. The library bill was treated with more respect and consideration in this House than is this legislation, which deals with an asset that is important not only to Sydney, the Sydney region and New South Wales, but also to Australia. The bill deals with arguably one of Australia's most important and significant international trade assets, yet it is being rammed through this House on the back of a one-page briefing note. That says everything about the way this Government operates. Add to the contempt inherent in that sort of treatment, the documentation and information that has not been released publicly. A pre-transaction scoping study was undertaken. Where is it? The Opposition asked for it but did not receive it. Access to that document by the Opposition was refused.

No-one has seen it. Who prepared it? Was it done as a result of a parliamentary inquiry? No. Was it done with any public consultation? No. Who prepared it? An investment bank prepared it, Morgan Stanley, at a cost of $10 million of taxpayers' money, yet no-one has seen it. Morgan and Stanley is where it is.

I am informed that $485,000 was spent on Minter Ellison for its work and $425,000 went to PricewaterhouseCoopers. Almost $11 million has been spent on preparation of a document that has been hidden by the Treasurer and the Premier from the people of New South Wales. The Government issued a half a dozen press releases, some grandiose statements, uttered some rubbish in the House under questioning and the Opposition has one briefing note. That is all the Opposition has to go on. What are the published impacts on international and national shipping transport? What are the possible implications for transport costs of imported and exported goods—goods that will arrive and leave the port by road and rail? Where are they published in respect of this transaction and its possible impacts? They are published nowhere. Where are the impacts on the environment published? Where is the discussion paper on the potential impacts on the environment and the local neighbourhood of the lifting of the cap from 3.2 million twenty-foot equivalent units [TEUs] to infinity? Where is it? Can someone please answer that question for me?

Where is the potential impact on traffic congestion discussed or published? Where were views sought by this Government on the potential impact of this dodgy transaction on competition in the port and transport sector? It is nowhere. Nothing has been released. The wool has been well and truly pulled over the eyes of every single person in New South Wales. This is a Government that is screaming about revenue. Cabinet members like to walk into this House and talk about non-existent budget black holes and squeal about how GST revenue has decreased. This Government likes to blame everyone but itself for its economic woes. We are in the midst of a Treasurer introducing a poll tax for increased revenue. He will not refer to it as a poll tax, but that is what it is. It will be a levy imposed on every home in New South Wales to pay for emergency services.

The Treasurer is screaming about revenue, yet he is willing to give away $175 million a year from Port Botany, $50 million a year from Port Kembla, potential revenue from the Enfield intermodal terminal and revenue from the Cooks River facility, and for what? Something that he strangely suggests may be worth $2.5 billion. This transaction might be worth $2 billion, it might be worth $3 billion or a bit more than $3 billion, but all the revenue streams to which I have just referred will disappear. All the Government is doing with this legislation is auctioning off a revenue stream. All the money that the Government would have received on behalf of New South Wales residents is being brought forward, given a net present value and flogged off in one hit. Not a cent will come from this facility to anyone in New South Wales for the next 99 years. This Government is converting all that revenue into one book value, and to do what? It is being done so that the Government can shove it into the North West Rail Link. That is where it is going. This entire revenue stream will be converted into concrete and steel on the North West Rail Link.

I am a former Minister for Roads so I know all about accounting standards for depreciation and actual depreciation. From an accounting point of view, as soon as an asset is built, it starts to depreciate and increasingly depreciates physically over the years. If the Government is taking a revenue stream from Port Botany and converting it into WestConnex, the North West Rail Link, and the Princes Highway—in other words, turning it into concrete, steel and bitumen—it will begin to depreciate and it will become a liability on the balance sheet of the State from day one. The Government will deprive itself of the opportunity of any revenue to put into the State's coffers. From this point forward, the Premier and the Treasurer will have no right to walk into this House and squeal about being deprived of revenues from any source.

Multiply 99 years by $175 million from Port Botany, $50 million from Port Kembla and all the other attendant revenues, and work out the return on that to the New South Wales taxpayers, considering that those assets run at a profit margin of approximately 20 per cent. Government members should do the maths. This is the great Barry O'Farrell in "My Fair Rip-off". People have been locked up for less than the type of robbery that is going on now by this legislation being rammed through the New South Wales Parliament with only scant detail provided. Inherent in this bill is a new power for the probable purchasers of these assets, superannuation funds. We can forget about the term "lease". If the port is leased for 99 years, that is as good as a purchase. This bill gives the purchaser power to introduce port infrastructure charges. Division 6A clause 66A of the bill states:

> **(**1) This Division applies to the following persons (referred to in this Division as ***port users***):
>
> (a) the owners of cargo loaded or unloaded in the course of stevedoring operations at a designated port,

If you are a consignee of goods coming through Port Botany in a container or if you are a consignee of bulk liquids coming through Port Botany, your new landlord will have the power to levy a port infrastructure charge upon you. The Government currently has that power. I like the fact that with these monolithic

monopolies that that power resides in the Government. With all the supervision that attends government landlords—from the local member to the local mayor to the councillors to the residents who sit around the table in neighbourhood liaison meetings who have the power to express their concerns to a shareholding Minister and portfolio Minister, and a Premier, a government and an opposition that all oversee aspects of this port—I like the fact that they have the power to do that, to supervise it and change it by democratic will if the need arises. It has arisen from time to time, and I will say more about that in a moment. This power will be flogged off for 99 years. If you are a consignee, a private sector company and not the Government will have the power under this part to levy you with a port infrastructure charge.

The owners of vessels and shipping companies that berth at a wharf, buoy or dolphin at a designated port at Port Kembla or Port Botany similarly will be subject to a port infrastructure charge, as will persons liable to pay a site occupation charge or persons who operate road or rail cargo transport services as part of the port-related supply chain. Could that be worded any more widely? Trucking companies, operators of rail cargo transport services, it does not matter where you are, if you operate those services as part of the port-related supply chain, you can be levied with a port infrastructure charge. This will not involve the Independent Pricing and Regulatory Tribunal; the Australian Competition and Consumer Commission will handle competition issues and we talk about price monitoring as part of the Council of Australian Governments process. But there will be no democratic oversight of what those port infrastructure charges might be; nor is there any constraint upon what those port infrastructure charges might be used for.

I am told that currently there is a $12 per full container load levied on shipping companies—and if my details are not entirely accurate, I invite the Treasurer to correct me—for cargo that comes off a ship in Port Botany to pay for things like the construction of the truck marshalling yard. I am told that it nets about $10 million a year, and I am told as well that even though the Government will not disclose that levy; that charge or that revenue stream has now been included in the tender documents to auction off that revenue stream as well. That means that that cost, which is passed as a throughput to the port and is ultimately levied on consumers to pay the local infrastructure around the port, can now be levied as part of the revenue stream, flogged off by the new port operator, and there will be no conscionable requirement or democratically supervised imprimatur on that operator to spend that money on local infrastructure. Clause 66B of the bill says:

> Port infrastructure charges are payable by port users—

That I have already defined—

> to fund investment (and return on investment) in Port infrastructure projects being the acquisition or development of land or the provision of services and facilities by the port operator.

The operator can do what it likes with that charge and pay off its return on investment. No-one can do anything about that; it is just part of the revenue stream that is being flogged off by this Government. There is not much detail on that. The Minister no longer has to sign that off. The only obligation the operator has is to publish—and what an onerous requirement that is—every six months or thereabouts a summary, a brief or otherwise as the author determines, to tell everybody what it has been doing around the port. Basically, that is it. If people object to that, all the mechanisms that are available now to complain to a number of Ministers will no longer exist. It will be left up to the market. Basically that is the rationale behind this bill. If you do not like the deal you are getting from Port Botany, you can go to Brisbane. That is about the closest port where you could exercise your right to seek competition. What happened in Brisbane when it was privatised? Ross McAlpine from Shipping Australia said in his 2011 chairman's report:

> Shipping Australia was concerned at the decision by the NSW Government to sell Port Botany by 2013 on the basis of a 99-year lease similar to what occurred in Brisbane. SAL disagreed with the sale of the Port of Brisbane and given the subsequent cost increases by stevedores and empty container parks, as a result (in their view) of very significant increases in land rentals, it appears to us that concern was justified. The major container ports in Australia are in a very strong market position with the exception of Adelaide, which competes with Melbourne. There is some marginal competition, for example, exports from northern NSW can go through Brisbane, rather than Sydney and similarly exports in the southern region of NSW can go via Melbourne. For container imports and many exports there is no real alternative to Sydney. We look forward to discussing this issue further with the NSW Government—

Good luck—

> There was no consultation with any stakeholders, as far as we can understand, prior to the decision being taken—

How surprising—

> In particular, we would like to know whether other options such as possible public-private partnerships arrangement were considered—

Good luck, because he will not see the scoping study. He went on:

> Another issue of significance is how the current Port Botany Landside Improvement Strategy which is backed by government regulation will be applied in a pure private enterprise environment.

That is a very good question indeed. There is an opportunity for price gouging here because this facility is a monolithic monopoly, and it always is. There are also some potentially onerous business conditions embodied in the Act. According to part 3A, private ports, the entry on to land on the port by the port operator empowers them to issue what could be onerous directions to people on the port—people who do business on the port. I have not had the time to go into that in any great detail. I recall the Hon. Duncan Gay saying about a year ago that there were no plans to privatise Port Kembla—I know the member for Wollongong will have more to say about this.

Mr Clayton Barr: Who said that?

Mr MICHAEL DALEY: I think it was the Hon. Duncan Gay. He is the Minister for Roads and Ports, so he might know a thing or two about ports. But when you get rolled by a Treasurer who is on the biggest cash grab in the history of New South Wales, Ministers for Ports, particularly if they are National Party Ministers, get steamrolled. The stated intention, and that is all it is, to spend $100 million of the proceeds from the sale of Port Kembla in the Illawarra or the wider Illawarra area—I am sure the member for Keira or the member for Wollongong will talk more about that—is not legislated in this bill. The $100 million is a take it or leave it, all you get. It does not matter what return is realised on Port Kembla; $100 million is all you are getting. The people of the Hunter might be interested to know that the previous Australian Labor Party Government's policy under the ports growth plan said that when Port Botany reached its capacity of 3.2 million twenty-foot equivalent units [TEUs] per year Newcastle would become the next container port in New South Wales.

Mr Clayton Barr: Good planning.

Mr MICHAEL DALEY: The member for Cessnock who knows a thing or two about the Hunter, quite rightly says, "Good planning." Indeed, it was. That proposal now has been forsaken by the O'Farrell-Stoner Government, which pays lip-service to the Hunter—not much of an announcement was made about it. The O'Farrell-Stoner Government rejected a proposal for a coal facility on the former BHP Mayfield site. It was to be the next container port, but it will be no longer. All the jobs, diversity, growth and stimulus that would have brought to the Hunter is now gone. That is what this State Government thinks about the Hunter region. We are concerned that the new operator will negotiate leases, particularly with the stevedores at Port Botany, to remove the inherent performance measures. From memory, the leases our Government executed with the stevedores were termed "performance leases". The leases with Hutchison and DP World are performance leases; I am not sure about the Patrick's lease, but I venture to say that it is probably a performance lease.

All of the provisions around capital investment schedules, truck turnaround times, crane rates and maintenance are now gone from the leases, or could be if the new operator seeks to relinquish those requirements on the stevedores. Another aspect of the potential sale about which I am concerned is that this transaction proposes disposing of all the facilities at Port Botany, Port Kembla, Cooks River and Enfield as a single package. This Government likes to talk about fostering competition, but how will the principles of competition be improved when Port Botany, Port Kembla—which, if not in 10 years, certainly within 20 years, might be a competitor to Port Botany—Cooks River and Enfield are bundled off in one package together? The exercise is simply to create an even bigger monopoly and fatten the lamb for sale—that is contemptible. This bill contains a great deal about the treatment of employees. I shall not refer to the detail except to say that we believe insufficient security is offered to employees affected by this transaction.

I refer briefly to the cap on containers, the 3.2 million twenty-foot equivalent units imposed by Minister Sartor as a condition of consent. The limit was not artificial, as described by the Treasurer and the member for Coogee. The cap was imposed for very good reason. Traffic congestion, the local people in whom I and the member for Heffron are particularly interested, and all other factors and considerations, including the local environment, were considered in respect to the imposition of that cap. Today we have a Government that not only wants to lift the cap, but also wants to remove it. The Treasurer referred to it as an artificial cap and also said that 80 per cent of containers that leave Port Botany travel no further than about 40 kilometres. At the moment all those containers are travelling by road. The Treasurer also said that only 1.8 per cent of traffic on the M5 East is port related. That might be so if only the number of vehicles is counted, but when one considers that a container truck is an average length of 19 metres, the road space it takes up is quite substantial and contributes significantly to congestion.

In school holiday periods the 5 per cent reduction in traffic on our roads frees up congestion. One has only to calculate the effect on traffic congestion around Port Botany when the cap is lifted. At the moment we are at just over two million twenty-foot equivalent units. Within 10 years that will hit three million. The member for Coogee quite strangely described as bizarre the fact that over the past few years along Botany and Bunnerong roads we managed to institute heavy vehicle restrictions. The reason for that was that Foreshore Road was built to service the port and many truckies were taking shortcuts to the port along Anzac Parade, Botany Road and Bunnerong Road. Container trucks were thundering through narrow streets with no restriction.

As the member for Maroubra I was proud that we instituted bans on heavy vehicles on those roads. The Hon. Duncan Gay agrees with those restrictions. The member for Coogee is quite wrong in his assessment that there was a hitch. It was discovered that because of height restrictions on Qantas Drive vehicles that, from memory, exceeded 3.6 metres, a small number of 19-metre plus vehicles—B-doubles that exceeded a certain length and height—could not get to and from the Kellogg's factory without going along those routes. Therefore, for that small number of vehicles a ministerial exemption was executed by the Hon. Duncan Gay. By implication he agreed that the remaining vehicles should be kept off those roads. I thank him sincerely for that as it has made an enormous amount of difference to those who live along those routes.

I could speak at length about this issue, notwithstanding the scant time we have had to examine the bill. However, I shall commence winding up my remarks. No justification exists for lifting the caps other than to completely remove any constraints on the amount of cargo to and from Port Botany. If the Government wanted to be responsible, it should say that the caps will be lifted only after the WestConnex is built and only after we reach the target set by the Freight Infrastructure Advisory Board of 40 per cent of containers moving in and out of Port Botany by rail. Even if that 40 per cent were achieved now, which is impossible, in 10 years the same number of containers will still be entering and leaving Port Botany by road.

The Opposition objects in the strongest possible terms to the sale of this asset. It is economic vandalism of unprecedented proportions in New South Wales. The Government is flogging off this asset stream for a short-term revenue gain. The member for Coogee is quite wrong; I remember the car stickers because I had one on my car that said, "See New South Wales before Greiner sells it." In the area of asset sales this Government is making the Greiner Government look like a schoolboy amateur. This Government is not just flogging off the silver; it is getting rid of the drawer and also the cupboard.

This is a shameful episode of economic vandalism. No justification whatsoever has been put forward by this Government that would satisfy any reasonable examination of this shameful exercise. The Opposition will not support this bill under any circumstance. I know that The Greens will side with Labor but I hope that the Christian Democratic Party and the Shooters and Fishers Party read my speech and the speeches of others that follow it and realise that the consequences of this horrendous bill are of such magnitude that it must be voted down in the other place.

Mr CLAYTON BARR (Cessnock) [6.25 p.m.]: I oppose the Ports Assets (Authorised Transactions) Bill 2012 as do my colleagues on this side of the Chamber. In what is best described as a fire sale of the assets of New South Wales it would be remiss of me to not ask what will be the end process. It strikes me as a little odd, but it is predictable, that two of the State's three port assets are listed in the Ports Assets (Authorised Transactions) Bill 2012 and the one that is not listed is the Port of Newcastle. The Port of Newcastle and the New South Wales Ports Growth Plan, which was locked into place and pursued by the former Labor Government, gave some certainty and assurances to the people of New South Wales and the international import-export industry in New South Wales. Government members criticised the Labor Government for its lack of planning. When it comes to ports the Labor Government had a plan in place since 2003 and delivered on that plan, which provided for growth in three of the most significant regions of New South Wales—Sydney, the Illawarra region and Newcastle.

The New South Wales Ports Growth Plan, which has been abandoned in this bill, allowed for 3.2 million containers per annum into the Port of Botany. Shipping containers were to be transported to a new facility to be built at Newcastle. The car and automobile import industry was to move to Port Kembla and be an import cog in the import-export market and in that way the three facilities would all prosper. The Leader of the Opposition, in his reply to the Treasurer's Budget Speech, said that this Government privatised Port Botany in its 2011-12 budget, privatised Port Kembla in its 2012-13 budget, and he asked whether the Port of Newcastle would be next. Interestingly, at the time the member for Newcastle, who was sitting directly opposite the Leader of the Opposition, said audibly—and it can be heard on the audio recording of the proceedings—"I hope so." If that is the message from the member for Newcastle he should go back to his electorate and make it clear that he endorses and supports the sale of the Port of Newcastle.

I note that the Treasurer, who is in the Chamber, will have a fan in the member for Newcastle if he proposes to sell the Port of Newcastle, but I know that 600,000 constituents in the Hunter will not be his fans. I caution the Treasurer to look further than the dollars when he is proposing to sell off the world's biggest coal terminal, despite the fact that he constantly refers to New South Wales as a non-mining State. Three berths are exporting coal out of Newcastle and a fourth berth that is under construction also will export coal out of Newcastle, so there is no doubt that coal is an important part of our economy. Another proposal was for Newcastle to become a shipping container terminal. The Ports Assets (Authorised Transactions) Bill 2012 specifically mentions the port of Sydney and Port Kembla, but it does not mention the Port of Newcastle. The people of the Hunter have significant concerns about the future of the Port of Newcastle.

I say to anybody in New South Wales who may be listening to or watching this debate that only three members of the Coalition Government are in the Chamber while we are debating an important bill—the member for Gosford, the member for Vaucluse and the Treasurer. No Coalition members representing the Hunter or the Illawarra region are in the Chamber, and members of the Coalition are not showing the same interest and enthusiasm that we witnessed when they debated the Library Amendment Bill. The Ports Assets (Authorised Transactions) Bill 2012 provides this Government with an opportunity to sell assets that currently provide New South Wales with a predictable and reliable source of income or revenue stream that is predicted to be around $2 billion to $2.5 billion. When we take account of the existing debt of almost $1 billion we are left with $1 billion to $1.5 billion which equates to about 10 years worth of revenue from those ports.

If the lease were for only 10 or 15 years I could almost understand the reasoning for it, but the Government is signing off on a 99-year lease, which is ridiculous, absurd and bizarre. As I have moved around my electorate I have heard significant criticisms of the former Labor Government's willingness to privatise some of the State's assets, particularly those that provide a regular and reliable revenue stream. In March last year the voters of New South Wales passed judgement on the Labor Government for its actions. I would suggest that this Government is foolishly going down a path that equally defies logic. I am not really sure what a 99-year lease means because I am pretty sure I will not be alive when the lease expires, but to sell or lease an asset for 99 years in return for revenue equivalent to about 10 years worth of that 99 years is ridiculous and bizarre.

I conclude by asking the Treasurer to give the people of the Hunter an assurance that in 2013 we will not see the Ports Assets (Authorised Transactions) Bill 2012 amended to add the Port of Newcastle. I similarly challenge those Coalition members representing the Hunter to seek an assurance from the Treasurer. I call on them to come into the Chamber and to speak in debate on this important bill, as they have done in debate on so many other frivolous and meaningless bills that have been introduced in this place since this Government came to office. This important bill is significant to the revenue streams of New South Wales yet it was handed to the Opposition only this morning, tabled only this afternoon and the Government is determined that debate will be concluded by tonight.

It is bizarre and ridiculous that one of the most significant pieces of legislation that the Government has introduced in its almost 19 months in office is being rushed through the House in 12 hours. It is indicative of the contempt with which this Government holds the Parliament. Members of Parliament have many opportunities to contribute to debate on how the State will be run and managed. This is an important opportunity for members on both sides of the Chamber to put forward their beliefs, to outline what they stand for and to let their communities know what they believe in, yet in this debate we have almost a complete absence of Coalition members. They are either ashamed or afraid to state their position on the legislation for fear of repercussions.

It is one thing to go back to their communities and to say, "I did not speak on the bill; I did not really support it. We just had to do it." It is another thing for members to come into this Chamber, to stick out their chests and to say that they are proud of their position because, as members of Liberal Party or The Nationals, they believe in privatisation—despite the fact that they did not take that issue to the election—they are proud of privatisation, proud to sell New South Wales assets, and proud of the short-sighted, short-term thinking of the Government. I oppose this bill. I hope that all members of the House join Labor in opposing this ridiculous bill.

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

BUSINESS OF THE HOUSE

Routine of Business

Mr BRAD HAZZARD (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [6.24 p.m.]: I inform the House that debate on the Ports Assets (Authorised

Transactions) Bill 2012 will proceed until 6.30 p.m. I will not seek to adjourn this debate in order to enable debate on another bill. I remind members that debate on the State Infrastructure Strategy will take place at 7.30 p.m. when the Premier and the Leader of the Opposition lead for the Government and the Opposition respectively. The House will then return to debating and concluding the Ports Assets (Authorised Transactions) Bill. However, there is one qualification. Depending on the number of speakers, I might adjourn that debate to a later hour in order to deal with the Passenger Transport Amendment (Ticketing and Passenger Conduct) Bill 2012. We will attempt to conclude debate on both bills this evening. At this point, with the goodwill of members on both sides of the Chamber, we will adjourn at 10.00 p.m. tonight.

[*Acting-Speaker (Ms Melanie Gibbons) left the chair at 6.33 p.m. The House resumed at 7.00 p.m.*]

SNOWY MOUNTAINS CLOUD SEEDING TRIAL AMENDMENT BILL 2012

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

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

PRIVATE MEMBERS' STATEMENTS

GOULBURN ELECTORATE EVENTS

Ms PRU GOWARD (Goulburn—Minister for Family and Community Services, and Minister for Women) [7.01 p.m.]: September literally has been a blooming marvellous month in my electorate. The unseasonably warm weather this year—notwithstanding the surprising fall of snow last Friday—produced a spectacular display of blossoms and bulbs that brightened up the wintery landscape and heralded a new season. The two major centres in my electorate both make sure that they make the most of the spring displays with their annual festivals—Tulip Time in the Southern Highlands and the Lilac City Festival in Goulburn. Tulip Time, which is now in its fifty-second year, offers a more intimate tulip display in Corbett Gardens than those at Floriade. Wingecarribee Shire Council park staff worked hard to produce a spectacular display this year from dramatic beds of black tulips and pansies to drifts of soft pinks and wild beds of clashing yellows, reds, purples and orange. I had no idea that so many tulip varieties were still around and I can now see why the Dutch succumbed to tulip-mania back in the seventeenth century.

There were two weeks of festive events including the glamorous Tulip Time Ball and a parade down Bong Bong Street. The newly instigated and popular Tulips after Dark music and food festival adds to market stalls and produce fairs, and even a rugby tournament was included. Tourists flock from far and wide not only to visit Corbett Gardens but also to visit the local district. This year the event supported Lifeline Macarthur and I thank my friend Dian Ball for her work with this vital support network. One other element of the Tulip Time festival that should not go unmentioned was the Southern Highlands Battle of the Bangers—a competition run by local pubs to find the tastiest sausage in the highlands.

By the time I joined fellow judges around the barbecue on the first Sunday in October at the historic Surveyor General Inn in Berrima, there had already been several elimination rounds, and people were showing the consequences of those rounds on their waistlines. You name it they made it: sausages such as chicken sausage with garlic and camembert, and pork spiced sausage with cinnamon, nutmeg, fennel, ginger and garlic. The winner was local beef grower Matt Major with his home-grown beef, pork, honey, chilli and garlic sausage. Mr Major represented the Burrawang Hotel, which is in the electorate of my colleague the member for Kiama. While I congratulate him, I hope that the pubs in my electorate rise to the challenge and get the trophy back next year.

Tulip Time is a huge local event, which understandably disrupts the gentle pace of Southern Highlands life. Cars, coaches and people crowd the streets and locals dart around them trying to admire the tulips while avoiding the tourists. Steve Rosa, tourism manager for Wingecarribee Shire Council, once again has drawn together numerous volunteers and community groups to work collaboratively to produce a wonderful local event. I commend Steve and his hardworking team and the hordes of volunteers. Down in Goulburn the long-weekend holiday was marked by a series of events that comprise the Lilac City Festival. Based in the beautiful Belmore Park, the organising committee, which has been steered for many years by the most able Yvonne Neale, puts on a wonderful community event. It is the longest running community festival in New South Wales.

This year the festival was bigger than ever with carnival rides for the children, market stalls, fireworks and spectacular spring garden displays. Local retailers competed for best window displays, everyone made a fabulous effort to spruce up the town and, of course, the lilacs flowered late. After the official launch and crowning of the Lilac Queen on Saturday there was a parade through the town on Sunday. I was delighted to participate, sitting in a sulky driven by Ray Roach. Thank you, Ray. Garden competition prizes, a charity auction and a pet parade were held on Monday, with other events, including a bush dance and a children's scarecrow building competition, all providing wonderful family and community entertainment and self-made fun.

Coming up this weekend is Get Wet at the Weir—a day of fun at the historic Waterworks in Goulburn and a great fun family day. That will be followed in early November by the Southern Highlands Arts Festival, featuring a studio art trail and the inaugural sculpture exhibition called "Sculpture High" at the Old Governor's Residence, Hill View. The spring racing carnival does not forget regional race tracks either with both the famed Bong Bong Races and the Goulburn Cup allowing locals and tourists to dust off frocks and hats and cheer on a favoured nag. Along with award-winning vineyards and hatted restaurants, the electorate of Goulburn is certainly the place to be this spring. I encourage my colleagues—indeed the whole State—to come down and enjoy the spring weather and to take time, literally, to smell the roses which soon will be in full bloom.

TASTE MOBILE KITCHEN

Ms TANIA MIHAILUK (Bankstown) [7.06 p.m.]: Last Thursday I attended the official launch of the Taste Mobile Kitchen run by the Benevolent Society in partnership with Banksia Road Public School. I acknowledge that my colleague the member for Hawkesbury was also in attendance and helped to launch the event. The Taste Mobile Kitchen is designed to promote community participation and to give parents the opportunity to become involved in their school community. It is a fully resourced professional kitchen and it is hoped that its use in this capacity will subsidise its use for community activities. The Benevolent Society informed me that it is the first kitchen of its kind in Australia. It is a social enterprise that will rely on the income generated by commercial hire to pay for community activities. The goal of this approach is to ensure that the kitchen is not reliant on government grants or charity. This is a particularly wise approach, given the O'Farrell Government's slash-and-burn approach to community grants.

One of the great features of the Taste Mobile Kitchen is that it is portable: the entire kitchen folds up into a single shipping container and it can be hired out for use at festivals and food fairs. The Taste Mobile Kitchen is located at Banksia Road Public School at Greenacre. As I have previously advised the House, Greenacre is a great suburb in my community and it is one of the most culturally diverse areas in Australia. It should come as no surprise that the kitchen will be used to showcase multicultural food, with supervising volunteers cooks coming from all over south-western Sydney, representing many of the great cultures that make up our community. This program hopefully will promote social cohesion and enable different groups and people from south-western Sydney to bond over a shared love of food—something I am sure that can unite us all. As Jenny Eggins, the principal of Banksia Road Public School said, "Nothing brings people together like the sharing of food".

As I have mentioned, Banksia Road Public School is the other partner in this initiative. Students from the school will have the opportunity to work in a fully equipped and stocked professional kitchen. One of the programs to be run at the kitchen is Produce to Plate. In this program school students will use local produce grown in the school's veggie patch to cook their own meals. I take this opportunity to commend the Benevolent Society for the great work it does in our community. The Benevolent Society, one of Australia's oldest charities, prides itself on the fact that 89 per cent of all the funding it raises gets returned to the community. The Benevolent Society helps many people in our community, including those suffering from financial hardship, mental illness and the aged. It also works to improve child protection and it advocates for children's rights.

I note also that yesterday was World Food Day, so it is important to take this opportunity to remember that in 2012 one in eight people in the world are still starving. In a country where the biggest struggle for many is losing weight, we must always remember that 900 million people still go to bed hungry. This is despite the fact that 30 per cent of the world's food is wasted each year. I take this opportunity to acknowledge a number of the guests who were present at the launch. I thank Anne Hollands, the Chief Executive Officer of the Benevolent Society. I acknowledge also Cathy Quinn, who is the local coordinator and the chief architect of this concept and who has been very passionate about making sure that this Taste Mobile Kitchen would be delivered for the Bankstown community.

I congratulate both Anne and Cathy and Cathy's team in Bankstown. The Benevolent Society is very active in Bankstown. I acknowledge also Jenny Eggins, the Principal of Banksia Road Public School. Jenny is always eager to be involved in a range of community activities and programs and makes sure the children at her school have tremendous opportunities to be involved in those activities. I pay tribute to Jenny and her team at the school for their commitment to this project. I thank them for the invitation to be part of the launch of the kitchen. I wish all those involved in the Taste Mobile Kitchen every success with this great initiative.

RON FINEMORE TRANSPORT ROAD FREIGHT FACILITY

Mr ANDREW GEE (Orange) [7.11 p.m.]: Last Wednesday I had the privilege of welcoming the Premier to the city of Orange. The occasion was the opening of the new Ron Finemore Transport freight facility at Orange. Mr O'Farrell officially opened the new facility, which represented an investment of $9 million on the part of Ron Finemore. The facility employs 120 people and will be the base for 50 large vehicles that will travel throughout the Central West and at times throughout the country. This is a wonderful example of a private firm seeing the benefits of making a large investment in regional New South Wales. In his address to the 150 guests present on the day, the Premier commended Ron Finemore for supporting the New South Wales Government's goal of economic development not only for city areas but for the whole of New South Wales. The Premier noted it was the role of governments to provide the conditions that encourage the private sector to make investments of this type and employ the number of people that this firm has in the city of Orange.

In his response to the Premier's address, Mr Finemore acknowledged a number of important factors, including how refreshing it was to deal with a government that was making it easier for private enterprise to undertake this type of investment and create jobs in New South Wales. Mr Finemore also noted that Orange was an ideal location for his company's new facility because of its relative proximity to Sydney and its accessibility to other Central West towns. He noted that placing the facility in Orange enabled his firm to grow. He also recognised that Orange provides a great quality of life for his employees. The facility also enables the trucks to be located outside the city centre and away from suburban traffic, which he also saw as a benefit.

Guests, including the Premier, were treated to a tour of the new facility and were able to see features such as the monitoring area where all trucks are monitored, the state-of-the-art training room, the accommodation that is available for drivers to rest, and the extensive work bay, which is a major investment in itself. One of the great things about this facility is that there is plenty of room to expand. Mr Finemore noted the facility has been designed to enable its expansion should that be required in the future. The great thing about an investment like this for Orange is that it diversifies Orange's economic base. It is very important for regional communities to ensure that all their economic eggs are not in the same basket. This is a wonderful example of economic diversification occurring in a key regional centre.

I praise Mr Finemore's entrepreneurial spirit in making this investment. At the end of the day it is entrepreneurs like Mr Finemore who make these investments. They take risks and they borrow money and pay it back, but ultimately it is entrepreneurs like Mr Finemore who create wealth and prosperity not only for regional New South Wales but for the whole of the State. By making this investment in the city of Orange, Mr Finemore has shown he is a man of vision and one who is passionate about the development of regional New South Wales, not just in Orange but in other key regional areas as well. Mr Finemore proudly had his family on hand on the day to share the occasion. The whole Orange community appreciated seeing this great family venture and learning more about the Ron Finemore story. I thank the Premier for travelling to Orange for this auspicious occasion and I thank Mr Finemore for his great investment and his vote of confidence in the future of the city of Orange.

CANTERBURY LOCAL BUSINESS AWARDS

Ms LINDA BURNEY (Canterbury) [7.16 p.m.]: It is with pleasure that I speak today and congratulate all nominees and winners of the Canterbury Local Business Awards held at the Clarence House Function Centre in Belmore on Wednesday 10 October 2012. The event was very enjoyable and was well attended and 11 local businesses in my electorate of Canterbury were successful. It was a fabulous opportunity for us all to catch up with each other and exchange ideas at a social event, as we all lead busy lives and the stresses of trying to do well do not leave much time for quality time together.

The winner of Business of the Year was Vee Love Couture in Earlwood. The director, Mrs Vivien Challita, who has just recently had a baby, was quite emotional when receiving her award and was very surprised that her business had won the big one. I will note the other winners operating in my electorate of

Canterbury. The Automotive Motor Repairs-Service Station Award was won by Better Service Centre on Canterbury Road, managed by Mr. Steve Liska; the Cafe Award went to the Frappe Cafe Bar in Earlwood, managed by Ms Maria Tziomakis; the Dance Studio Award went to the Pole Fitness Studio in Canterbury; and the Fashion Shop Award went to Vee Love Couture and its director, Mrs Vivien Challita. As I said, this business also ended up winning the major award on the night as Business of the Year. The Fast Food-Takeaway Award went to one of my favourite local shops, Campsie Charcoal Chicken in Beamish Street, Campsie, managed by Ms Panayiota Theodorou. They sell the best chips and roast beef with Greek salad rolls on earth.

The Health and Fitness Award went to Snap Fitness Canterbury, owned by Todd Howard; and the Long Serving Business Award went to Earlwood Uniting Church Preschool, of which Mrs Lynn Marshall is the director. This facility has served three generations of children in the Earlwood area. The New Business winner was the Blue Chook Cafe in Hurlstone Park, and head chef Antony Perring was there to accept the award with his colleagues. The Pharmacy Award went to Christina's Community Pharmacy in Earlwood. The owner, Mrs Christine Tsatsoulis, is well known to me and endured my time working at her business when I participated in the Pollies for Small Business exercise some time ago. The Specialised Retail Business Award went to the Heartfelt Mind, Body and Spiritual shop in Earlwood, owned by Mrs Christine Safi.

One point that was well made by many speakers on the night was that small business is the backbone of the New South Wales economy and, in a real sense, the Australian economy. These are people who have to rely on their intuition and hard work and very often they put in seven days a week 52 weeks a year. They also provide so much to the economy and the spirit and culture of the communities in which they operate. I congratulate the winners of the Canterbury Business Awards and thank the evening's sponsors. I once again congratulate Vivien Chalita from Vee Love Couture, who took out the Business of the Year award. I wish her and all of the winners and nominees great success in the future

AUSTRALIAN RALLY CHAMPIONSHIP

Mr ANDREW FRASER (Coffs Harbour—The Assistant-Speaker) [7.19 p.m.]: I congratulate all those involved in last week's round of the Australian Rally Championship at Coffs Harbour. I congratulate the chairman of Rally Australia, Mr Ben Rainsford from South Australia, who attended with his wife, Jodie; the chairman of the Confederation of Australian Motor Sport [CAMS], Mr Andrew Papadopoulos, and his wife, Janice; and Scott Pedder, who is on the board. I also congratulate Scott Bedford, who is the local organiser for the Australian Rally Championship as well as the World Rally Championship, which is coming to Coffs Harbour next year. I thank the directors and owners of Snake Racing Australia, who sponsored the rally. All of the volunteers who attended said that the sponsorship was fantastic. Everyone received a cap, a lanyard and a beer can cooler. Snake Racing looked after all the volunteers, whose work is important to the running of the rally.

The rally was won by Michael Boden and Helen Cheers from Wauchope on the North Coast. They not only won the rally at the weekend, they also wrapped up the Australian championship in the four-wheel drive sector. Eli Evans from Queensland is a man I have had a lot to do with over the years. He and his brother Simon are characters. Eli, together with co-driver Glen Weston, won the two-wheel drive section and also wrapped up the Australian championship. Cody and Glen Foletta won the Side by Side Rally Challenge. Cody has previously won four Australian rally championships. The little beach buggies they went around in at phenomenal speed were new to the Coffs Coast region and new to rallying in Australia. The vehicles are exciting and were enjoyed by all spectators, including me.

Thousands of people turned out for the ceremonial start in the Coffs city centre on Friday afternoon. The businesspeople in Coffs Harbour appreciate that the rallies, which attract crews, drivers and spectators, bring a lot of money into town. We had some local success as well. Wayne Keogh and Pip Bennett came third in the two-wheel drive section in an old Datsun 1600, and they had a ball. Mark Beard and Tom Flegl had a lot of fun in a Subaru, which tipped on its side at one stage. But the stars of the rally were two young fellows by the names of Matt Amos and Tom Ryan who were driving a Falcon V8 ute, the biggest handful I have ever seen, and came third in the two-wheel drive section. Tom is only 16 years of age and I do not think Matt is much older. They obviously enjoyed themselves immensely and they were spectacular to watch.

Most importantly, I thank the volunteers. I was a Confederation of Australian Motor Sport official for more years than I care to mention. For this rally I conducted four control drives with the assistance of my daughter, Elizabeth, and her partner, Mathieu Luciani, who is visiting from France. We all got a ride in a rally

care and Mathieu had a hell of a lot of fun. The car I rode in belonged to Jack Monkhouse, who had the misfortune of rolling his car on rally day. It was the first major accident he has had and he turned the car into a ball. Thank God he did not do it when I was in the passenger seat.

An event such as this requires hundreds of volunteers. At 5.00 a.m. on Sunday section commander Tony Creer and I led the road crews to block the side roads. We had about 27 side roads to block. It was a long day but it was most enjoyable, and without volunteers the rallies cannot take place. The rallies provide a major financial benefit for Coffs Harbour. I am sure that all the businesses that benefitted from the event are looking forward to the World Rally Championship, which returns to Coffs Harbour next September. It will be a spectacle to behold. I encourage members who want a bit of excitement to attend. They will see skilful drivers and navigators travelling at up to 200 kilometres an hour on dirt roads. It is worthwhile coming to have a look.

SURF LIFE SAVING CENTRAL COAST

THE ENTRANCE COAST TO LAKE SCENIC WALK

Mr CHRIS SPENCE (The Entrance) [7.24 p.m.]: I have spoken on several occasions about the great work of our surf lifesavers who patrol our beaches every year. The launch of the New South Wales surf life saving patrol season is traditionally honoured by a Raising the Flags ceremony, which is held at surf life saving clubs across Australia. Surf Life Saving NSW is the largest surf rescue organisation in Australia, with 72,000 members across 129 clubs voluntarily spending more than 600,000 hours patrolling beaches in New South Wales. The Central Coast has a strong surf life saving community and this is evident from the Central Coast branch being recognised as the New South Wales Branch of the Year multiple times.

On 22 September I attended the annual Raising the Flags ceremony at Shelly Beach Surf Life Saving Club. It was tremendous to see the presidents from surf life saving clubs not only from my electorate but also from the electorate of Wyong. A number of families and nippers attended the occasion, which was a fantastic way to kick off the surf life saving year. I wish our volunteer surf lifesavers all the best for the 2012-13 season and thank all of them for the outstanding contribution they make to our community each year.

The start of the surf life saving season unofficially marks the start of our summer tourist season, particularly on the Central Coast where our beaches are a great tourism drawcard for the summer holidays. In time for the peak tourism season, the Coast to Lake Scenic Walk has also recently been launched. With a New South Wales Government grant contribution of $800,000 through the Central Coast Regional Development Corporation, in partnership with Wyong Shire Council, the Coast to Lake Scenic Walk has been developed as a 7.6 kilometre stretch of The Entrance peninsula connecting pedestrians to attractions, landmarks and facilities. It is all about promoting The Entrance peninsula as a key tourist destination and showcasing the area's natural beauty. The Coast to Lake Scenic Walk is broken into sections that are designed for families and people of all abilities to walk, at least in part, and enjoy activities and sights along the way.

The walk creates opportunities for families to picnic at The Entrance Memorial Park, go fishing, play around the boardwalk, see the markets and festivals, swim at The Entrance beach and baths, exercise on the outdoor fitness equipment, and barbecue at the lake edge where children can ride bikes and scooters. This project has incorporated landmarks and improved existing ones, such as, viewing platforms, lookouts, seating, pathway signage and community art, and covers a variety of terrains including a boardwalk, concrete paths and steps, grass, sand, and rock platforms. I am sure the Coast to Lake Scenic Walk will be immensely popular over the coming summer as Central Coast residents and tourists alike take advantage of the new facilities and attractions.

Private members' statements concluded.

SNOWY MOUNTAINS CLOUD SEEDING TRIAL AMENDMENT BILL 2012

Consideration in Detail

Consideration of the Legislative Council amendment.

Schedule of amendment referred to in message of 17 October 2012

No. 1 Page 7, schedule 1 [10], proposed section 5, lines 18 and 19. Omit "The relevant Ministers may require an application for approval of an EMP to". Insert instead "An application for approval of an EMP must".

Mr BRAD HAZZARD (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [7.28 p.m.], on behalf of Mr Andrew Stoner: I move:

That the House agree to the Legislative Council amendment.

The Snowy Mountains Cloud Seeding Trial Amendment Bill has been debated and dealt with in this Chamber. Clearly there was an understanding that some aspects of the Snowy Mountains cloud seeding trial needed to be resolved. As members know, the cloud seeding trial has been underway for some time. The bill progressed through this Chamber and was then sent to the Legislative Council. The Coalition agrees with the amendment and will not oppose it.

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

Motion agreed to.

Legislative Council amendment agreed to.

Message sent to the Legislative Council advising it of the resolution.

STATE INFRASTRUCTURE STRATEGY 2012-2032

Mr BARRY O'FARRELL (Ku-ring-gai—Premier, and Minister for Western Sydney) [7.30 p.m.]: I move:

> That this House take note of the State Infrastructure Strategy 2012-2032.

The State Infrastructure Strategy released on 3 October is the culmination of 15 months work by Infrastructure NSW. Infrastructure NSW, in its State Infrastructure Strategy, has built on the lessons learnt from 16 years of a Labor Government in this State. Roads need to be built that reflect the public interests and the State's economic interests and not the political interests of the government of the day. It is important to ensure that the infrastructure is built not just for today but also for the future. That is what is needed in a city that aspires to be a global city with a balanced transport system that accommodates rail, buses, light rail and ferries, as well as cars, bicycles, pedestrians and the like.

Given the great regions that make up New South Wales, it is important for the Government to deal with the State's infrastructure on a whole-of-State basis. That aim is achieved in the State Infrastructure Strategy. Further, this strategy is not just about 2012 or the next election in 2015, which was the type of approach taken by past governments. This is unashamedly a 20-year strategy, which will ensure that the State's economy and economic growth, and all that goes with it, are front and centre when it comes to investing in infrastructure across New South Wales. In his opening statement, Paul Broad, Chief Executive Officer of Infrastructure NSW, said:

> A sustained improvement in economic performance requires the basic platforms for growth to be in place; in other words it needs a "first things first" approach. As such, the Strategy concentrates on the State's infrastructure networks: the transport links that connect people with jobs and goods with markets, and the utilities that supply power, water and data across NSW. It also ensures that the fundamentals of community wellbeing, especially health and education, will be addressed.

Mr Broad went on:

> Effective implementation of this Strategy would increase the size of the NSW economy by over $50 billion and add over 100,000 more jobs.

There is no greater lesson to be learned by any government of this State than to never again forget the importance of focusing on economic growth. Economic growth creates jobs that people rely on to support their families and provides opportunities for the citizens of this State to fulfil their unbounded potential. Economic growth generates the revenue for the Government to provide the basic services that our citizens deserve. Economic growth ensures that future generations will have living standards and opportunities that are second to none. The State Infrastructure Strategy 2012-2032 is an important document because it illustrates that the Government is focused on getting on with the job. One of the first pieces of legislation that the Government introduced and which was passed on 26 May last year related to the creation of Infrastructure NSW. During debate in this place on that bill, I said:

> The creation of Infrastructure NSW will, at long last, take the politics out of infrastructure decision-making, to get the right infrastructure projects delivered on time and on budget.
>
> ...
>
> The 20-year strategy will detail recommended major infrastructure projects backed by sufficient evidence and analysis to gain broad community support and confidence.

That is exactly what has happened since this report was presented publicly on 3 October. The Government will listen to the experts as it plans and delivers the future of New South Wales infrastructure. Gone are the days of Labor's back-of-the-envelope approach to infrastructure, which saw $500 million wasted on the so-called Rozelle metro where not one centimetre of rail track was built. The $500 million for the Rozelle metro would have been better invested in infrastructure in the regions and across this city. That was typical of Labor. This Government has received the State Infrastructure Strategy 2012-2032 and it will formally respond to it in full by the end of this year. A fully funded five-year infrastructure plan will be released next year and incorporated in the 2013-14 budget process.

The community will be confident that this plan, unlike others previously, will be delivered because it will be attached to funding in the budget. Given the urgency around infrastructure, on 3 October the New South Wales Liberal-Nationals Government committed to two of the report's key recommendations: WestConnex, which will unclog Sydney's congested road network; and Bridges to the Bush, which is an important initiative for regional New South Wales. The investment in those critical transport links will boost not only the State's economy but also regional economies. The green light has been given to both of these infrastructure projects. This Government is getting on with the job of delivering the infrastructure that is needed by the people across this State.

This Government went to the last election with a commitment to start work on a major motorway project in Sydney. It is clear in the report from Infrastructure NSW that WestConnex is that project. This 33 kilometre road will link Sydney's west with the airport and the Port Botany precinct. The M4 from Parramatta to North Strathfield will be widened and then extended to Taverners Hill. That extension will be designed to allow the renewal of Parramatta Road by putting some sections underground and some above ground, in the same way that South Dowling Street was dealt with in relation to the Eastern Distributor.

Ms Linda Burney: How are you going to pay for it?

Mr BARRY O'FARRELL: One of the challenges for the Leader of the Opposition tonight is to say how he would pay for it. He has opposed every asset proposal we have brought to this place. With his colleagues, he maxed out the credit card before the election, and he opposes any attempt to ensure that funds are raised alternatively. The real challenge for those opposite is to say which infrastructure projects in this report they would not build.

Mr John Robertson: We know there is a challenge—

Mr BARRY O'FARRELL: If I were the Leader of the Opposition I would not be talking about challenges, given what is being said around the corridors upstairs tonight. It is one of those occasions when he says something that is on his mind that he did not mean to say. "Did I say that out loud?" he says. The projects include a tunnel from Taverners Hill to St Peters via Camperdown. This section is also known as the Inner West Bypass. There will be a Sydney Airport access link between St Peters and the M5 East tunnel with links to the airport, Port Botany and surrounding industrial areas, and the duplication of the M5 East motorway to King Georges Road, including a new tunnel.

Work has already started in order to ensure that this concept becomes a reality, and with the creation of Building Sydney Motorways we are getting on with the job. Funding of $1.8 billion has been allocated to the project. I am delighted that the Federal Coalition has committed $1.5 billion should they win the next Federal election campaign. The model put forward by the State Infrastructure Strategy indicates that a quarter will be paid for by the Government directly and three-quarters through a public-private partnership and tolls.

Unlike Labor, we will ensure that people who do not wish to pay tolls will have a toll-free alternative road. There will be no tunnel funnels and no lane closures. It will be a genuine alternative. Of course, the State's $1.8 billion will come from the Restart NSW Fund, which will ensure that discipline is applied to the Government. The fund will be the base for any money raised through asset realisations and used in relation to Waratah bonds. But, importantly, should State and national economies recover and the State again receive windfall revenues, the Restart NSW Fund is where the receipts will be held. That is important because Labor wasted $20 billion that the State received in windfall receipts. The money was not put in an infrastructure fund and not invested in the infrastructure that regional, rural and metropolitan areas of New South Wales needed.

On 3 October the Government committed to Bridges for the Bush. I am sure that the Deputy Premier will have more to say about that. All I want to say is that five of the major projects, including one that is close to

the heart of the member for Wagga Wagga, the Kapooka Bridge, are expected to result in 8,000 fewer truck movements across New South Wales and an injection of $200 million into regional economies. That is another example of this Government ensuring that we do not invest just in major cities but also in regional and rural areas of New South Wales. That investment is on top of the $403 million for the Pacific Highway upgrade, $170 million for the Princes Highway, $3.8 billion for the State's regional and rural road network, and $1.73 billion across a range of hospitals in rural and regional areas which the time allotted to me in this debate does not permit me to discuss. On a few occasions in the past couple of days I have been able to say more.

Investments in Bridges for the Bush and WestConnex are a win-win for local communities and a win-win for the State's economy. At the same time it is worthwhile again pointing out the type of investments the Government has been making across a whole range of areas since being elected. While the focus of some people has been on road projects, such as Bridges for the Bush and WestConnex, it is important to note that the State Infrastructure Strategy is comprehensive. It deals with urban roads, buses, light rail, passenger rail, international gateways such as Sydney Kingsford Smith Airport and Port Botany, regional interstate transport, the energy sector, water, health infrastructure, social infrastructure and, of course, funding and delivery. Not everything in this report is popular, such as, the State Government committing to tolls on improved roads to try to complete Sydney's road network. This certainly is not popular but being in government means we have to do the responsible thing, particularly when making decisions for the medium to long term.

Unlike the approach adopted by Labor of short-term political gain, the decisions that are being made by this Government are what is in the best interests of the people of this State, what is best for their future, and what will lead to the greatest opportunity for them to develop and pursue their potential. The point about the State Infrastructure Strategy is that this Government will respond to it comprehensively. It sits beside projects that the Government already has undertaken in Sydney, such as roads in western Sydney, the Erskine Park link road, the South West Rail Link, which I am delighted to say is four months ahead of schedule and will feed into the south-western growth corridor, and the North West Rail Link, to which the Government already has allocated $3.3 billion—a project that Labor in government supported and never delivered but that Labor in opposition apparently does not support.

The State Infrastructure Strategy provides a very clear map for effective and wise expenditure that the community can be confident will deliver their priorities—the priorities of people who live in rural areas, regional areas or in suburbs across Sydney. I thank a number of people in relation to this report. I thank Paul Broad and the team that worked full time on this project. I thank the board of Infrastructure NSW, which is chaired by Nick Greiner and also comprises five private sector members—Roger Fletcher from regional New South Wales, David Gonski, who is well known, Carolyn Kay, Max Moore-Wilton and Rod Pearse. They have brought business acumen, experience in infrastructure and an understanding that investment in infrastructure is essential to achieving desired outcomes and goals.

The board was matched to a number of directors general from the New South Wales public sector: Chris Eccles, who is the Director General of the Department of Premier and Cabinet; Sam Haddad, who is Director General of the Department of Planning and Infrastructure; Phil Gaetjens, who is the Secretary of the New South Wales Treasury; Mark Paterson, who is the Director General of the Department of Trade and Investment, Regional Infrastructure and Services; and, at the start when people had to get up to speed with one of the biggest challenges the State and Sydney have ever faced, Les Wielinga, who is the Director General of Transport for NSW.

All the people to whom I have referred have worked hard to ensure that the report that has been released, State Infrastructure Strategy 2012-2032, meets the objectives the Government set for it in the Infrastructure NSW Act 2011—objectives that are all about ensuring that not this Government, not the next government, but the government after that and the government after that—as has been the case in other States—will benefit from decisions taken to ensure that scarce dollars in tough economic times are invested wisely to deliver the infrastructure on which people rely, the infrastructure that delivers services that people look to, and the infrastructure that will ensure that this State has the best possible future. We know that our greatest asset is our people. We also know that, given the right encouragement, given the right environment and given the right tools, they will get on with the job and build a new garden here in New South Wales.

Mr JOHN ROBERTSON (Blacktown—Leader of the Opposition) [7.45 p.m.]: I welcome the opportunity to participate in debate on the State Infrastructure Strategy 2012-2032—a strategy that supposedly will take the politics out of infrastructure planning. So far, all we have seen from this Government is a plan that is not for the State's future but for this Government's political future. This is not a plan. It is nothing other than a

piece of paper and a plan for a plan. After the Infrastructure NSW report was released by Nick Greiner and Paul Broad on 3 October, the Premier declared, "We are building the next generation of transformative economic infrastructure." That is a pretty big claim.

It is the type of claim we expect from a Premier who is standing on a building site with a shovel in his hand and turning the first sod of a big infrastructure project. It is the type of claim that we expect from a Premier who has just secured a suite of projects that are under construction. But we do not have that kind of Premier in New South Wales. This is a Premier who has promised so much, but who in 17 months has delivered so very little. What we have here is a plan for a plan. We have a plan that says we will have another plan, a five-year plan. Even the Infrastructure NSW report states under the heading "Next Steps":

> The Strategy that is adopted by the Premier will be implemented through annual Five Year Infrastructure Plans which identify specific major infrastructure projects to be undertaken as a priority. Infrastructure NSW will be required to prepare these plans and expects to deliver the first Five Year Infrastructure Plan in early 2013.

Early in 2013 we will see another plan. Early next year we will see the five-year plan of this Government and it will be yet another plan. This is a Premier who has so proudly announced that he has another plan. But why did he tell the people of New South Wales on 3 October, "Work begins right now", when clearly the remotest possibility of anything happening in this State is work commencing on any proposal contained within the State Infrastructure Strategy. It is ironic that the Premier of New South Wales, Barry O'Farrell, spent so much time when in opposition attacking the former Government for announcing too many infrastructure plans. We heard him doing that again during this debate. Yet now, when he announces another plan, he has solved the problems of New South Wales. How has he solved all those problems? He has announced another plan.

While the Premier was speaking I noticed he was flicking through the State Infrastructure Strategy 2012-2032. The pages looked a little bit glossy. He should beware the criticism of too many glossy plans. I remind the House that we have had not just one plan released in the last three months but three plans—three glossy documents. The first is Sydney's Rail Future, which was announced on 20 June. I am sure we all remember that plan. That was when the Premier and the Minister for Transport announced they would abandon the North West Rail Link for the second-rate Hills to Chatswood shuttle service. I am sure we all remember that. I saw the member for Hawkesbury skulking out of the Chamber because he is ashamed that that second-rate shuttle service is nowhere near what was promised by the Premier and the Minister during the election campaign. They were promised a direct rail link from Rouse Hill via North Sydney into the city. What they got was a second-rate shuttle service that will never be integrated into the rail network, and certainly not in the next 20 years.

The second plan is the NSW Long Term Transport Master Plan announced on 4 September. Everyone knows that it is unfunded, uncosted and undeliverable. I am sure that is a day that the Minister for Transport would like to forget. She has forgotten to come into the Chamber to listen to the Premier talk about the State Infrastructure Strategy 2012-2032—probably because it contradicts so much of her plan. The third plan is the State Infrastructure Strategy, which bizarrely contradicts the other two plans. Which plan will it be? Will it be Sydney's Rail Future, the NSW Long Term Transport Master Plan or the State Infrastructure Strategy 2012-2032? We do not know and we will not know until at least December, and we will not know about the five-year plan until early 2013. The people of New South Wales do not know because the Government does not know what it will do. In fact, all these plans are evidence of a government that has wasted a great deal of time. Members opposite wasted their time in opposition and did not come to office with a plan. In fact, they came to office with no idea what they would do.

The Government has come up with WestConnex, the M5 East duplication and the M4 East extension. We needed Nick Greiner and Paul Broad to come up with them because no-one else has ever thought of building the M4 East or duplicating the M5 East! The Government has spent all this money to have two people and a board confirm what has been on the table for some time, that is, that we should build the M4 East. The Government talks about WestConnex and getting on with the job. The Opposition and the people of New South Wales do not know when it will be commenced or completed. How will it be funded? We do not know how this project will be built. Why? Because the plan for which we have waited 17 months cannot explain how it will happen. The plan contains no detail and it does nothing to solve the problems facing New South Wales and Sydney.

I will deal with the North West Rail Link. The State Infrastructure Strategy 2012-2032 does not acknowledge a need for a second harbour crossing within the next 20 years. According to Nick Greiner and Paul Broad, the people of north-west Sydney should have a second-rate shuttle service. They will not be getting the

direct connection they voted for at the last election. Why? Nick Greiner has admitted that it was a political decision to build the North West Rail Link, in complete contradiction of what the Premier told us, that is, that Infrastructure NSW would take the politics out of infrastructure planning decisions. Instead, we will have the second-rate, privately operated North West Rail Link. The only thing that the WestConnex project has in common with the North West Rail Link is that we do not know when it will be commenced, what it will cost and when it will be completed. The Government says it is getting on with the job. However, it cannot tell the people of this State how much the projects will cost and when they will be commenced. More importantly, it cannot tell them when they will be able to drive on WestConnex and or travel on the North West Rail Link.

I will again set the record straight because members opposite do not listen. The Opposition has always told the Government to stop talking about the North West Rail Link and get on with it. At no stage have members of the Opposition said that they oppose the project. I know that members opposite like to pretend that the Opposition does not support it, but our position is that the Government has promised it and it should get on with it. The problem the Government is confronting is that it cannot deliver what it promised. It is incapable of delivering it because even Nick Greiner has said that it is not value for money. He said that the Government should not build a second harbour crossing and that it will not be on the cards within the next 20 years.

I will address some of the other infrastructure projects that also will not be built by this Government. I refer members to the Government's recommendations about education. The State Infrastructure Strategy 2012-2032 states that we should cram children into already overcrowded schools. Members of the board of Infrastructure NSW are making recommendations about the education of the children of New South Wales. Nick Greiner, the chairman of the board, says that we should increase class sizes and crowd children into already overcrowded schools. Let us consider his track record with regard to education. He sacked 2,000 teachers and closed schools—

Mr Brad Hazzard: Point of order: It is clear that this is the first time in the State's history that we have had an opportunity to debate an independent report—

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

Mr Brad Hazzard: Relevance. The Leader of the Opposition is clearly speaking outside the leave of the debate. I ask that he be directed to take this first and great opportunity to discuss the infrastructure potential—

ACTING-SPEAKER (Mr Gareth Ward): Order! Given the broad nature of the strategy, I do not believe that the Leader of the Opposition is straying too far from the leave of the debate. However, I am listening intently.

Mr JOHN ROBERTSON: I acknowledge the interjection from the Leader of the House. I hope that Hansard was able to hear it.

ACTING-SPEAKER (Mr Gareth Ward): Order! The Leader of the Opposition will return to the leave of the debate and not canvass my ruling.

Mr JOHN ROBERTSON: This recommendation that we crowd children into already overcrowded schools has come from a government that has cancelled the replacement program for demountable classrooms. Its solution for education infrastructure is to force more children into overcrowded schools. What is probably most telling is that the Premier is going back to road projects.

Mr Brad Hazzard: Talk about regions.

Mr JOHN ROBERTSON: I will leave that to my colleagues to discuss. I refer again to roads because it is important that we remember Nick Greiner's track record.

ACTING-SPEAKER (Mr Gareth Ward): Order! I call the member for Oatley to order.

Mr JOHN ROBERTSON: When Nick Greiner was elected in 1988 motorists could drive on the M4 for free.

ACTING-SPEAKER (Mr Gareth Ward): Order! Government members will come to order. The Leader of the Opposition will be heard in silence.

Mr JOHN ROBERTSON: On taking office he introduced tolls on roads that had already been paid for by the motorists of New South Wales. Why does that sound familiar? Nick Greiner's recommendation in the State Infrastructure Strategy 2012-2032 is to reimpose tolls on roads that motorists have already paid for. There is nothing new in this report. There are no new ideas about roads. This report contains only recycled ideas. The only problem for members opposite is that they were hoping that everyone would forget what Nick Greiner did from 1988 until 1995.

ACTING-SPEAKER (Mr Gareth Ward): Order! I call the member for Dubbo to order.

Mr John Sidoti: He built infrastructure.

Mr JOHN ROBERTSON: That is right. Members opposite, led by Nick Greiner, built the airport link. If I remember correctly, it went broke. That is what happened to that wonderful piece of infrastructure that Nick Greiner built. The operator went broke and we are now paying airport station network levies well above the amount paid elsewhere. That is the sort of infrastructure that is delivered by members opposite. That is what we get from people such as Nick Greiner.

ACTING-SPEAKER (Mr Gareth Ward): Order! I call the member for Dubbo to order for the second time.

Mr JOHN ROBERTSON: There is nothing new in this. Nick Greiner wants to toll existing roads. Nick Greiner wants to crowd schools. Nick Greiner wants to increase class sizes. This is not a new idea.

ACTING-SPEAKER (Mr Gareth Ward): Order! I call the member for Dubbo to order for the third time.

Mr JOHN ROBERTSON: This is a recycled idea from 1988—1988 revisited with Nick Greiner and Paul Broad. The only thing we have seen this Government being good at building is expectation. It built expectation during the election campaign but it has built nothing. It talks about the South West Rail Link. It knows, if it were honest about it, that contract was underway and signed by the former Government. The only thing it talks about is the North West Rail Link—unfunded, no budget and no completion date.

ACTING-SPEAKER (Mr Gareth Ward): Order! I call the member for Strathfield to order.

Mr JOHN ROBERTSON: WestConnex—no start date, no completion date and no funding. This infrastructure strategy sadly lets the people of New South Wales down. It does not meet a single election promise from Barry O'Farrell, from his Minister for Transport or his Minister for Roads and Ports. It is a failure and it fails the people of New South Wales.

ACTING-SPEAKER (Mr Gareth Ward): Order! The behaviour of Government members during the contribution of the Leader of the Opposition was appalling. I ask members to show a little more respect for this important debate.

Mr ANDREW STONER (Oxley—Deputy Premier, Minister for Trade and Investment, and Minister for Regional Infrastructure and Services) [8.01 p.m.]: I welcome the opportunity to contribute to what is an important debate and offer a regional perspective on the challenges faced in bridging the State's infrastructure backlog.

ACTING-SPEAKER (Mr Gareth Ward): Order! I call the member for Canterbury to order.

Mr ANDREW STONER: Margaret Thatcher once said—

ACTING-SPEAKER (Mr Gareth Ward): Order! I call the member for Canterbury to order for the second time.

Mr ANDREW STONER: Margaret Thatcher once said:

> You and I come by road or rail, but economists travel on infrastructure.

I am sure many of us feel the same way. That is, while this debate is about the economic imperatives behind the State Infrastructure Strategy, we are talking about the way we live our lives—how we take the kids to school, to

their sporting activities or even, hopefully rarely, to hospital. It is about how the local farmer or regional small business person gets his or her products to market more quickly than the competitor down the road in another town, in another State or, indeed, in another country. It is a matter of record that this Government was elected with an overwhelming mandate to rebuild the State's infrastructure. This followed years of underinvestment in quality infrastructure—as the Premier mentioned in his contribution to the debate, $20 billion of wasted opportunity courtesy of Labor. The Chairman of Infrastructure NSW, Nick Greiner, puts it starkly in his foreword to the State Infrastructure Strategy:

> The costs to the State can be seen most starkly in the erosion of public confidence in Government to plan and deliver major infrastructure successfully and in the retreat of private investors from the infrastructure sector. The effects on daily life in NSW are yet more profound. For every dollar that has been wasted on abandoned on poorly scoped projects, there is a commuter whose train journey is significantly longer than it should be and a business whose road freight transport costs could have been reduced by well-directed investment.

For the past 16 years there was not a strategic approach to allocating scarce funds to infrastructure—there was a political one. We now know that this strategy will always be subject to the law of diminishing returns, as political imperatives do not necessarily lead to optimal economic outcomes. Just take the ill-fated Rozelle metro, which wasted $500 million of taxpayers' money for nought—absolutely nothing. We were determined to fix the mess that was Labor's infrastructure process. The release of the State Infrastructure Strategy by Infrastructure NSW marks an important milestone in our task. As Deputy Premier, Minister for Regional Infrastructure and Services and Leader of The Nationals I am pleased to report that regional New South Wales has secured its fair share of projects and is to secure its fair share of funding.

Because we have delivered on our election commitments regional New South Wales has secured 30 per cent of the funding available through Restart NSW for critical economic infrastructure for our State. Commitments to infrastructure in regional New South Wales to be funded from Restart NSW include $403 million for the Pacific Highway; $170 million for the Princes Highway; and $135 million for the new Bridges for the Bush Program. These funding announcements come on top of current programs such as the $3.8 billion for the State's regional and rural road network and $1.73 billion for health-related infrastructure projects at regional hospitals across New South Wales, including major works at Tamworth, Dubbo, Parkes and Forbes, Wagga Wagga, Port Macquarie, Bega—

Mr Andrew Fraser: Kempsey.

Mr ANDREW STONER: Let us not forget Kempsey, and regional cancer centres at Tamworth, the Illawarra and the Central Coast.

ACTING-SPEAKER (Mr Gareth Ward): Order! Government members will come to order.

Mr ANDREW STONER: They are just excited about all this investment into regional New South Wales after 16 years of neglect.

Mr Andrew Fraser: Sixteen years.

Mr ANDREW STONER: Sixteen years. Turning to the strategy itself, it is worth dwelling on the regional chapters, which make this point:

> NSW has the largest and most diversified regional economy of any State in Australia. Over one third of the population live and work in the regions, contributing around a quarter of the State's economic output … over the last decade, regional NSW has experienced a two-speed economy caused by increased demand for coal and minerals on one hand and pressure on other industries, particularly manufacturing, on the other. This raises challenges for the ability of infrastructure to service increased demand.

Mr Andrew Fraser: And Labor did nothing.

Mr ANDREW STONER: Labor did absolutely nothing, as the member for Coffs Harbour points out. Infrastructure NSW has identified four infrastructure objectives for regional New South Wales. The first is to improve access to employment and to connect people and communities; second, to improve local transport networks; third, to ensure efficient access to markets, particularly mining and agriculture products to domestic and international markets; lastly, to improve water quality and security. These objectives and, indeed, the whole strategy, have been warmly received by the New South Wales Government and, I know, by the broader

community. We welcome the time and effort that has gone into producing an outstanding, strategically robust piece of work that for the first time in the State's history seeks to advise the Government in a holistic way on future infrastructure needs and the possible solutions to achieving them.

Infrastructure NSW is an independent body providing advice to the Government. We have received the report and will respond to it fully in our five-year State Infrastructure Plan. However, in two important areas we did not wait. The Government has already announced two key recommendations from the Infrastructure NSW report. We have announced real money for WestConnex and for Bridges for the Bush. Both the Premier and I spoke about WestConnex and Bridges for the Bush in this House earlier this week, so I will not go over those details. Suffice to say both projects mean that regional produce will get to market, whether domestic or international, far more efficiently. That means productivity, economic gains and real jobs in the city and in the country.

While the comprehensive Government response will be delivered via a fully costed five-year State Infrastructure Plan in the coming months, there are three important areas upon which I would like to comment, given Labor's mischievous and ill-informed scare campaign in regional New South Wales, and we just heard a little of that from the Leader of the Opposition—ill-informed stuff designed to scare people. First, recommendation 52 talks of merging regional water authorities. The Government is aware of the maintenance and capital upgrade backlog that exists in many local water and sewerage plants because of the neglect from those opposite—16 years. While the Government encourages local water authorities to consider all possible solutions, we will not require them either to merge their water and sewerage authorities or to enter into public-private partnerships.

In regard to the comments in the report about the ageing XPT CountryLink fleet, I indicate that we have no plans to sell or close down CountryLink. Indeed, Minister Berejiklian, through her agency Transport for NSW, currently is assessing the proposal to reopen the Casino to Murwillumbah rail corridor closed by those opposite. We want more, not fewer, public transport options in regional New South Wales and rail remains an important part of the mix. The Government cannot be any clearer about the Pacific Highway: We want the full length of the Pacific Highway duplicated, made safer and more efficient. We will not pull up short. After 16 years of neglect by the former Labor Government this Liberal-Nationals Government continues to invest in infrastructure across regional New South Wales that makes a difference to our economy and to people's lives. Actions speak louder than words. Currently we are delivering a $61.8 billion infrastructure investment program over four years. For the information of members I make available a copy of the Government's latest document about that investment entitled "Infrastructure Investment Program Update October 2012".

Mr Clayton Barr: It's a pretty thin document.

Mr ANDREW STONER: I know the member for Cessnock is not interested. On average, this represents $1 billion more per annum than in the previous four years, excluding Commonwealth stimulus spending—a 17 per cent increase compared with the previous four years under Labor. This is proof once again that the New South Wales Liberals and The Nationals are getting on with the job of making our State number one again.

Ms LINDA BURNEY (Canterbury) [8.11 p.m.]: In my contribution to the debate on the State Infrastructure Strategy 2012-2032 I shall focus on one New South Wales region that seems to have been completely ignored—the Hunter. No members from the Hunter are in the Chamber, apart from my colleague the member for Cessnock, because Government members are so embarrassed by the way in which the second-largest city in our State has been completely ignored in this infrastructure plan. The plan is missing something fundamental: the commencement and completion times of projects. I would have expected that such a hotly anticipated infrastructure plan would contain much more detail about how projects will be funded.

Clearly, the Government's only strategy is to sell anything not nailed down. Government members can smile, laugh and joke about that, but we have only to look at recent election outcomes to know that the public does not want or appreciate its public assets being sold off. Only so much can be privatised, Treasurer, and eventually we will run out of public assets to sell. The Commonwealth cannot be blamed because of funding arrangements. The Premier cannot say he is going to be the infrastructure Premier without having the confidence of the public and a proper process in place. Nick Greiner has picked up this plan from where he left off. Every Government member knows exactly what I am talking about.

I refer now specifically to the Hunter. I cannot help reflecting on last week's performance by Minister Gallacher, the Minister for the Hunter, in budget estimates. He took almost every question on notice, and he

answered those he did not take on notice by reading rote from his papers. He did not know anything about what was happening in the Hunter and he certainly paid little heed to what the infrastructure plan has or has not done for the Hunter. On behalf of the Opposition I can state that the infrastructure plan does absolutely nothing for the Hunter area. The Coalition Government has missed a tremendous opportunity to put some sort of credibility into its words about the Hunter. I ask the Premier, the Treasurer and Infrastructure NSW: Where is the promised brand new hospital for the Hunter?

Where is the money for school infrastructure, which is stretched to capacity in the Hunter? I have visited Hunter educational institutions. The Government's infrastructure plan does nothing to relieve the overcrowding and other conditions of many educational institutions in that region. The Government's plan contains no new plans and no new funding for Hunter schools. What is the Government doing to fund new classrooms for The Junction Public School? The Junction public school parents and citizens association has called on the Government repeatedly to replace the school's eight demountable classrooms, which are in terrible condition. Senior school community representatives of the Hunter River Community School for children with special needs in Maitland tell us:

> Our school is entirely made up of demountable buildings that are in horrendous condition. Our children are faced with enough disadvantages in life as it is without having to put up with an unsafe and unhealthy school environment.

When can schools such as The Junction Public School and Hunter River Community School expect to have their demountable classrooms replaced? This infrastructure plan is silent on that issue. What is being done about revitalising the Newcastle central business district? The report leaves no-one any the wiser. The Hunter will be waiting for 10 to 20 years for an express train service or any improved commuting between Newcastle and Sydney, because all it is getting are a couple of quiet carriages. It is all well and good for this plan to talk about Walsh Bay or the Sydney Opera House, but it does nothing for the Newcastle arts precinct. A whole chapter in the plan devoted to investing in the arts, recreation and tourism does not mention Newcastle at all. All it talks about are Sydney arts cultural institutions.

What is going to happen to the Newcastle Art Gallery? Prior to the election the Newcastle Liberal candidate Tim Owen said that a Coalition government would support the expansion of the Newcastle Art Gallery. The Government has allocated $350 million over four years to the Hunter Infrastructure Fund. The gallery is looking for just an additional $7 million. Why have Tim Owen and the Premier broken their promise to the people of Newcastle and refused to find any money for this project, even though the Federal Government met its commitment along with the Newcastle local government? What does the plan say about the construction of the Newcastle central business district rail line? The Minister for Planning and Infrastructure said that the decision is close, but, of course, we know that it is not.

Mr Brad Hazzard: Who is that? Name him.

Ms LINDA BURNEY: He sits opposite me wearing the black and white tie. The infrastructure plan makes no mention about the Newcastle central business district rail line. This infrastructure plan disregards a region that put its trust at the last election into a Coalition government. I am sure that region will be sorely disappointed. This complete disregard for the Hunter is hardly surprising given the performance by the Minister for the Hunter in budget estimates last week. This morning Newcastle ABC radio had the Minister defending his performance about visiting the Hunter. He said he marked his diary to go there every Friday. It will be interesting to see how many Fridays the Minister for the Hunter actually makes it there. I might make it my business to find out.

The Minister for the Hunter also said that he has never visited John Hunter Hospital. When I commenced my remarks in this debate I said that the infrastructure plan provided no start or finish times for projects. The Premier, who wants to be known as the infrastructure Premier, has definitely failed in his first task. We have no idea when or how the Coalition Government is going to respond to Nick Greiner's plans. I have made the point already that you can only privatise so much and there is only so much privatisation that the public will tolerate.

ACTING-SPEAKER (Mr Gareth Ward): Order! I call the member for Oatley to order for the second time.

Ms LINDA BURNEY: I finish my comments by saying that conflicts between the Transport Master Plan and the 20-year Infrastructure Plan, as the Leader of the Opposition has pointed out, indicate dark clouds hanging over several projects announced last month, including the second harbour crossing. How can you have

two major plans released by the same Government that conflict with each other without something blowing up down the track? The idea that this is going to fix the infrastructure issues within New South Wales is fanciful. The idea that the O'Farrell Government is going to be able to fund these projects is also fanciful. I can assure members that people in other parts of New South Wales know that their education and health services will be cut to build a rail line or shuttle service that is going to provide no benefit to most people in New South Wales. Members in this Chamber know as well as I do that this plan has as much hope of being successful as a snowflake in Hades has of surviving.

Mr BRAD HAZZARD (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [8.21 p.m.]: What a great occasion it is to have for the first time in my 21 years in this place a debate about infrastructure for the State. What a great occasion it is to have had an independent body put together a report and a recommendation to Government about what is necessary to drive the economy of this State through a restructure and the capital required to support that restructure. It is incredible to listen to the words of members on the opposite side, and whatever I may think—

Ms Linda Burney: They didn't even invite you to the press conference.

ACTING-SPEAKER (Mr Gareth Ward): Order! I call the member for Canterbury to order.

Mr BRAD HAZZARD: I acknowledge the enthusiasm, but not the accuracy or substance, of the contribution by the member for Canterbury. I must not refer to the member for Canterbury unkindly.

Mr Mark Coure: It will be hard.

Mr BRAD HAZZARD: It is challenging when the member carries on about issues she knows nothing about. I have said this publicly on a number of occasions: If the member had read the estimates transcripts she would know that I indicated to the members that I was invited.

Ms Linda Burney: I was there.

Mr BRAD HAZZARD: The member for Canterbury was there cutting up an apple and doing other magnificent things behind the action—and she is talking about the invitation. At that time I was overseas researching infrastructure and planning in Canada, Washington State and Portland, Oregon. I do not know why the member has mentioned that. I have been side-tracked by the former shadow Minister for Planning—as of a half hour ago. The Labor Government did absolutely nothing in the Hunter, which is why we have new, efficient and effective members for Newcastle, for Charlestown and for Swansea who are not members of the Labor Party.

ACTING-SPEAKER (Mr Gareth Ward): Order! I call the member for Canterbury to order for the second time.

Mr BRAD HAZZARD: The remnant group of Labor Party members on the other side could not in fact represent the Hunter. That is why we put in place the Hunter Investment Fund and invited Peter Blackmore to chair it. That is why we have people who are knowledgeable about the Hunter. Those opposite should forget trying to debate any issue regarding the Hunter. They are an embarrassment to all the folks in the Hunter. I will return to the substance of the debate. For years the people of New South Wales have suffered from the indecision, waste, and mismanagement of a Labor Government that failed comprehensively to deliver the infrastructure and land use planning required to support growth. The former Labor Government ditched more transport plans than it delivered. In 2008 the former Labor Government announced a plan for the Rozelle Metro—a grand scheme scribbled on a beer coaster in a back room of Sussex Street—only to ditch it less than two years later.

Mr Mark Coure: How much did that cost?

Mr BRAD HAZZARD: Not a single centimetre of rail built and, as I was just asked, at a cost to the taxpayers of this State of no less than $500 million. The State's reputation in Europe was trashed. Companies in Europe that provide rail infrastructure have indicated in forums overseas that they did not want to do business in New South Wales while Labor was in government. The good news is that those companies are back in town. I am meeting with those companies and they have told me that they had no confidence in the former Labor Government, a Labor Government derided by its Federal counterparts for having a complete lack of

infrastructure planning and securing for this State less than 2 per cent of the Infrastructure Australia largesse. The contrast between those opposite and the Liberal-Nationals Government could hardly be starker. In opposition, this Government committed to creating a truly independent infrastructure adviser, and committed to debating that advice on a 20-year infrastructure strategy for the State in this Parliament.

Today the Government is delivering on that commitment. It is delivering on the commitment it made to seek the best independent advice on the identification, funding, and delivery of the infrastructure projects required to make New South Wales number one again. It is delivering on its commitment to end the deals-for-dollars culture created by Labor, where billion-dollar decisions were made on a whim without proper analysis, property deals were done for Labor mates and taxpayers' money was poured down the drain because of the thought bubbles of transient Premiers. The State Infrastructure Strategy is an assessment of priority infrastructure problems and solutions for the next two decades. It is the first time that statewide priorities spanning two decades have been identified for delivering critical public infrastructure.

This strategy is about creating certainty for the long-term future of this great State. The State Infrastructure Strategy is a 20-year strategy to identify and prioritise the critical public infrastructure that will drive productivity and economic growth. Infrastructure NSW has presented the Government with clear and strategic options for prioritising and delivering infrastructure in a way that is best value for taxpayers. After years of Labor waste New South Wales cannot afford to keep spending. It is the quality of our investment that counts. That is why the State Infrastructure Strategy will link in with a number of strategic documents to guide the future of the State: The whole-of-government 10-year plan in NSW 2021, the Long Term Transport Master Plan, the Metropolitan and Regional Strategies, and the State Infrastructure Strategy will all be linked to rebuild the economy, provide quality services, renovate infrastructure, restore Government accountability and strengthen our local environment and communities.

The Long Term Transport Master Plan outlines a 20-year plan for the development of a world-class transport system for New South Wales. The Government will evaluate public feedback to the master plan and the recommendations of Infrastructure NSW in the State Infrastructure Strategy before releasing the final plan by the end of this year—a fact that seems to have escaped the member for Canterbury. Metropolitan and Regional Strategies will guide future land use planning decisions by responding to key directions and commitments in the State Infrastructure Strategy and the Long Term Transport Master Plan by informing investment decisions on employment and housing. It will create for the first time in the State's history a genuinely integrated approach to land use planning and infrastructure programming and delivery.

A draft Metro Strategy for Sydney will be released by the end of the year with the Government's response to the State Infrastructure Strategy. Infrastructure NSW has recommended 70 infrastructure projects and reforms that it believes should take priority over the next five, 10 and 20 years. These projects are estimated to cost a total of $30 billion but if executed appropriately will, according to Access Economics, add $50 billion to the New South Wales economy and create an extra 100,000 jobs. A targeted infrastructure investment strategy is critical to reversing the relative decline this State endured under 16 years of the miserable Labor Government.

The assessment by Infrastructure NSW of the State's existing infrastructure has highlighted major deficiencies in urban road capacity, the capacity of bus and train services to the central business district, regional rail, regional water and waste water, flood mitigation and the capacity of hospitals and schools. Right across the State, the State's infrastructure networks are in need of renovation, renewal, and expansion. That is why we have moved quickly on the most critical of priorities. The Premier has announced the Government's commitment to the WestConnex project, committing $1.8 billion to begin the motorway that will finally link Sydney's west with the airport and Port Botany precinct. This project will deliver the M4 East, the inner west bypass, the Sydney airport access link and duplication of the M5 East motorway to King Georges Road, a total of 33 kilometres of new and improved motorway to connect Sydney's west with our international gateways, the engine rooms of the economy.

Mr Mark Coure: Hear, hear.

Mr BRAD HAZZARD: Yes it is a "Hear, hear" situation. The community wants to see action from this Government. As the Premier has indicated, we are also delivering for regional communities, communities ignored by the former Labor Government. We are committed to the Bridges for the Bush Program, unlocking regional productivity, with major flow-on benefits to the whole State. This is just the beginning, but it is an approach that underscores this Government's approach to making New South Wales number one again: consideration of independent expert advice and evidence, the making of policy and investment decisions based on merit—a concept that is an anathema to the former Labor Government—coordination across government

agencies to deliver on our priorities, again something that the former Labor Government never attempted to do but which is well underway under the Liberal-Nationals Government, and accountability to the people of this State and to this Parliament for delivering on our commitments.

This is the approach to infrastructure we promised the people of New South Wales. This is the approach to infrastructure this State needs and this is the approach to infrastructure the Government is delivering. We are doing that with the incredible support of Infrastructure NSW and the team that makes up Infrastructure NSW. I personally thank the chairman of the board, Nick Greiner, and each of the members of the board, who are some of the most experienced businesspeople in New South Wales available to do what is an incredibly momentous job for New South Wales. They are doing a first-class job and I thank them. I thank also the chief executive officer, Paul Broad, and his staff.

I meet regularly with the staff in my capacity as the Minister for Planning and Infrastructure and they are doing an amazing job on behalf of the citizens of New South Wales. I thank the various directors general, Chris Eccles from the Department of Premier and Cabinet, Phil Gaetjens from NSW Treasury, Les Wielinga from Transport for NSW and, in particular, Sam Haddad, from the Department of Planning and Infrastructure, who has done an incredible job to ensure that this State moves from the quagmire that was left by the former Labor Government to where New South Wales needs to be in the twenty-first century. I thank him and the Planning and Infrastructure staff, who are doing a first-class job on behalf of the citizens of New South Wales.

ACTING-SPEAKER (Mr Gareth Ward): Order! I call the member for Oatley to order for the third time.

Mr MICHAEL DALEY (Maroubra) [8.31 p.m.]: There comes a time in the life of a government or an opposition, but particularly of a government, when something is overhyped, overegged and oversold, and expectations are increased to a point where one cannot deliver, and this is such an occasion. I am sorry to tell the Government that we learnt the hard way about these things. The Government is making exactly the same mistakes by promising things it cannot deliver. Promising the most simple thing, that is, an infrastructure plan for New South Wales that contains some new revelation is the most simple of promises, but the Government has failed at the first hurdle. Although this is a well put together, well considered report—and it ought to be when one considers its cost to taxpayers—it contains no marquee revelation. That is to be expected. Whatever one might think of Nick Greiner's politics, former leaders of this State, former Prime Ministers and people of that ilk deserve more respect, certainly from this Premier, who derides former leaders personally, which is beneath his office. Nick Greiner has given many years of his life to making New South Wales a better place and he deserves some thanks for that, as does Paul Broad. I do not know Paul very well, but he is a highly regarded fellow.

Nick Greiner, Paul Broad and their board were set up to fail: they were given a mission impossible. This report was designed to do nothing more than the other reports that have accompanied it over 18 months, and that was simply to delay. There was no prospect of any new revelation in this report, and if there had been it would have been ironed out in meetings before we got here. I know that Nick Greiner would have liked to have addressed the economics of transport a lot more than is apparent in this plan, which has scant economic information, except for vague costings. I know that Nick Greiner would have wanted to treat that differently, as would have Paul Broad. They were told by their political master, the man who, according to the Infrastructure NSW Act sits over the top of them with an imprimatur, not to do it and they have heeded the call of their political master.

This report turns out to be nothing more than other reports commissioned by Premier O'Farrell and is designed to delay. Delay until what? Delay until the fire sale had begun in earnest. And how apt it is that we are debating this now after the bill has been introduced, rushed through with obscene haste to flog off one of the most pristine and best income-producing assets in this State, that is Port Botany, and also Port Kembla. There is no statement of anything here except the obvious. The geography of Sydney has not changed since the last report on this subject matter was done. Therefore, this one was designed to completely restate the obvious. Page 11 of the report says we should build the M5 East duplication, the M4 and the F3 to M2. We know all that and we knew all that before Nick Greiner and Paul Broad were commissioned to do this report.

The only new revelation is a restatement, which says, "We have created this new piece of road called the WestConnex". It is a hybrid of the M5 East duplication and the M4, and we know that. It might have some little idiosyncrasies of its own, but that plan has been around in two forms for a very long time. I think Tony Stuart from the NRMA said it best when he said, "After 65 years it really is time to get on with it", but Premier Barry O'Farrell has designed this report to do the opposite—to not get on with it. The Premier says that he wants to focus on economic growth because economic growth provides revenue. I say to the Premier, "Talk to the

hand. Do not walk into this Chamber ever again after what was offered here this afternoon: this Government is going to auction off a revenue stream of $225 million a year from Port Botany and Port Kembla for $1.5 billion, $2.5 billion, $3 billion or even $4 billion." The Premier has abdicated all right he might have had to talk about revenue projections, revenue streams and revenue growth because he is giving away not only the silverware but also the income that goes with it.

The Premier says he wants to take the politics out of infrastructure decision-making. If that is the case, why is the Government ploughing ahead with the North West Rail Link, a project about which the infrastructure tsar, Nick Greiner, said, "Well, you might build it but it wouldn't be a priority. It's way down the list of other things." One would do the WestConnex before that or the F3 to M2. In my view one would upgrade the rail coming out of Port Botany long before even thinking about the North West Rail Link, but at a cost of in excess of $10 billion a political decision has been made by the Premier and he is going after the political decision. Members should keep in mind that the only thing the Premier is good at is politics. He has not worked in a real job in a real workplace for a single day in his life. He has been on the Liberal Party drip-feed since the day he left school.

If he did not want to have any politics in infrastructure-making there would be some treatment about a second airport in Sydney. No matter what report one reads, the conclusion with respect to a second airport, whether at Badgerys Creek or Wilton, is the same: Sydney Airport will reach capacity at some stage in the next couple of decades. The Premier of New South Wales wants a second airport, but nowhere in his State: he wants to build it in Canberra. If that is not an indication that politics is driving the decision-making process in relation to infrastructure in this State then nothing else is. He says that WestConnex will unclog the State's road network. I started my contribution by talking about overcooking the goose. That is the biggest overstatement of all overstatements in this place for a very long time.

Let us assume that WestConnex is built in the next decade—which it might be—at great cost to the commuting motorists of New South Wales. The plan to sell Port Botany, with no treatment in either the Infrastructure NSW report or in the Port Assets (Authorised Transactions) Bill 2012 to do anything in relation to upgrading the port access coming out of Port Botany, will dump all the trucks expected to carry in excess of three million 20-foot equivalent units from Port Botany onto WestConnex. With a B-double measuring 19 metres and taking the road space of four or five cars, do the mathematics about what will happen to the surface area of the WestConnex motorway with no treatment about rail coming out of Port Botany. This Infrastructure NSW report begins by talking about some philosophical treatment of productivity. Paul Broad's opening statement is as follows:

> The Nobel Prize winning economist Paul Krugman famously said that "productivity isn't everything, but in the long run it is almost everything".

If that is the case and Paul Broad and Nick Greiner believe that, there should have been a serious treatment in this report of doing something about rail coming out of Port Botany. The issue gets lip-service because their political master wanted it to get lip service as he has no intention of spending a cent on increasing the capacity of rail at Port Botany. If he did there would be something in the report. There would be something in that flop of a Transport Master Plan, which was a joke, which was released a couple of weeks ago, and there would have been something in the ports privatisation bill that came before the House today. But there is nothing of significance about that most important project in any of the three documents and pieces of legislation that I just mentioned. I wish I had another two hours to talk about this issue.

Mr Brad Hazzard: I'm glad you haven't.

Mr MICHAEL DALEY: I am also glad that I do not as it is a waste of time coming into this Chamber to talk about infrastructure. Government members have overcooked the egg: they have overhyped it. Until the shovels are in the ground and the concrete trucks are rolling this report assumes the same status as all the reports that went before it—it takes up space on the bookshelf. Actions speak louder than words.

ACTING-SPEAKER (Mr Gareth Ward): Order! Government members will come to order.

Mr MICHAEL DALEY: Until the shovels are in the ground this report is just another report and Government members' words are just more words.

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

Motion agreed to.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Routine of Business

Mr BRAD HAZZARD (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [8.42 p.m.]: I move:

That standing and sessional orders be suspended at this sitting to permit:

(1) the consideration of government business past 9.30 p.m.; and

(2) the House to sit past 10.00 p.m.

As I indicated to the House a little earlier today and yesterday, various pieces of legislation must be concluded by next week. We are expecting more legislation to come through to ensure that this State is well managed. On that basis it will be necessary to sit a little later tonight. I note that there is a vast amount of enthusiasm on both sides of the Chamber to follow that process and to ensure that this State is well run.

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

Motion agreed to.

PORTS ASSETS (AUTHORISED TRANSACTIONS) BILL 2012

Second Reading

Debate resumed from an earlier hour.

Ms NOREEN HAY (Wollongong) [8.44 p.m.]: I contribute to debate on the—

ACTING-SPEAKER (Mr Gareth Ward): Order! The member for Wollongong will be heard in silence.

Ms NOREEN HAY: Tonight I contribute to debate on the Ports Assets (Authorised Transactions) Bill 2012. Not for the first time I am the voice of the people of the electorate of Wollongong, within which electorate the port of Port Kembla resides, who object to the privatisation of the port. I have said in the past that we are yet to see detailed information from the Government about the impact on the community, in particular in the Illawarra, of the privatisation of the port of Port Kembla. At one stage the Treasurer referred to a $500 million price tag on Port Kembla. It now appears as though there is an assumption that that is the total cost, even though bids have not as yet been received. I would have thought that that might influence bidders who may be thinking about offering more money.

On a number of occasions the Treasurer talked about the $100 million allocated to the Illawarra from a $500 million sale. I point out that for us that is a $400 million negative. I also point out that the Illawarra extends much further down the coast and $100 million would be nothing more than a drop in the ocean. Government members are laughing at this concept but the people of the Illawarra are concerned about the loss of income from and economic involvement in Port Kembla. The member for Drummoyne should stop laughing, because his own constituents would be very concerned about what is happening with that port. They would be concerned about the influence and the effect it would have on a predominately migrant population.

The member for Drummoyne might not care about that but I can assure him that my community most definitely cares about it. I am concerned also about the prospect of the same person purchasing both Port Botany and Port Kembla. I raised this issue in the past and I raise it again tonight. I was assured today that the Australian Competition and Consumer Commission would oversee this purchase, but I am concerned because if the same person purchases both ports it would further negatively impact on the people of Wollongong and the people of the Illawarra. Where would that leave the community?

[*Interruption*]

I can see why members opposite would be concerned only about my accent. One of the problems with Government members today is that instead of dealing with these problems they focus on my accent.

Mr Troy Grant: Point of order: The member for Wollongong should direct her comments through the Chair and should not incite interjections from those opposite.

ACTING-SPEAKER (Mr Gareth Ward): Order! I ask Government members and Opposition members not to incite the member for Wollongong. I remind all members to direct their comments through the Chair in accordance with the standing order.

Ms NOREEN HAY: I listened to a number of debates today in which the interjections of the member for Dubbo were appalling and outrageous. He interjected just to use up the time of Opposition speakers. I am talking about the privatisation of the port of Port Kembla and I will not be silenced by either the member for Dubbo or the member for Murray-Darling. I speak on behalf of my community in opposing the privatisation of the port of Port Kembla. The community is yet to see a cost-benefit analysis for the privatisation of Port Kembla. We are yet to see the details that at least would make the community aware of exactly how this will impact negatively on them. It makes no sense to me to sell off the most profitable port in the country and to give the Illawarra region $100 million in return. It is insulting.

Mr John Williams: I'll have it.

Ms NOREEN HAY: The member for Murray-Darling does not have the most profitable port in the country in his electorate, so he is not entitled to anything. Government members should be called to order if they insist on interjecting and laughing when I am speaking about the difficulties that may be faced by the people of the Illawarra. Government members should be told to raise their objections by taking a point of order rather than making jibes whilst I am addressing serious points on behalf of my community. I remind members that a number of rallies have been held by members of the Illawarra community to show their opposition to the Government's proposed sell-off of the port. In fact, I lodged a notice of motion on the matter on 11 September. Debate on the motion was postponed due to time constraints. It was intended that the Port Kembla car import plant would provide 1,000 direct or indirect jobs. What is to happen to those jobs? That is a question to which we need an answer. The Labor Government made the decision to put the car imports through Port Kembla, which led not only to direct jobs but also to indirect jobs such as detailing cars and provided other opportunities for mature age workers. That decision caused an extra 250 ship visits which brought in 240,000 cars and 30,000 containers through the port annually.

The fact is that the former Government made that decision and invested hundreds of millions of dollars of taxpayers' money to make the port the efficient and effective port that it is today. We are now expected to just accept a decision to sell it off—with plenty of publicity around the fact that perhaps a single purchaser should buy both—with complete disregard to the regional community of the Illawarra. When it suits them some members in this place shout out, "What about the regions?" Yes, what about the regions? I notice that the member for Dubbo never says a word about the Illawarra region losing income from the port. We also never hear him say anything in relation to the cuts to health and education, the attacks on workers, or the fact that there are no lifts at Unanderra railway station.

In the run-up to the election Deputy Premier Andrew Stoner went public in the Illawarra and said that his party had no intention of privatising the port at Port Kembla. As I have said in the past, where I come from we call that a lie. In this place we will call it misleading the public. Nonetheless, Government members went on public record as saying that they were not going to do something. And they expect to be trusted in their other commitments! They have not kept their word yet. The Government is a disgrace. Government members are a disgrace to the Illawarra. They have not kept their word regarding Bulli Hospital. They have not yet kept a promise anywhere in the Illawarra. I assure the House that the people of the Illawarra did not trust the Coalition the first time around—Mr Acting-Speaker excluded of course—and they will not trust it the second time around, because it has proved that it cannot be trusted.

Mr KEVIN HUMPHRIES (Barwon—Minister for Mental Health, Minister for Healthy Lifestyles, and Minister for Western New South Wales) [8.54 p.m.]: I support the Ports Assets (Authorised Transactions) Bill 2012. I wish to put some of the comments of the member for Wollongong into perspective. There is no doubt that Port Kembla is one of the key assets of the Illawarra area. It provides some 3,500 jobs and it is asserted that the port generates roughly $420 million to the local economy. The fact that the Liberal-Nationals Government wants to increase freight out of Port Kembla is a good thing. We also want to increase freight out of Port Botany.

Ms Noreen Hay: How would you do that?

Mr KEVIN HUMPHRIES: Let me tell Opposition members. A problem we had in Port Kembla following a long drought and then a number of good seasons was the cap on grain truck movements. That was the protest that was going on in the electorate of the member for Wollongong.

ACTING-SPEAKER (Mr Gareth Ward): Order! I call the member for Wollongong to order.

Mr KEVIN HUMPHRIES: This Government was able to drop that cap and transport another 200,000 tonnes of upcountry grain out of Port Kembla. If the cap was not lifted there is no way that grain would have been moved. The member for Wollongong talks about the regions and about having a whole-of-government policy. As she is on the coast and is currently representing that area I find it quite disingenuous of her to say that she is not connected to upcountry ports. She has no idea what happens in western New South Wales. And what came out today? The shadow ministry was published about two hours ago. Does the Opposition have a shadow Minister for western New South Wales? No. It could not give a damn. We can now move 200,000 tonnes of grain annually through Port Kembla, which is the largest grain export facility in New South Wales, and the member for Wollongong wants to oppose it. She is inflexible and she has no idea.

ACTING-SPEAKER (Mr Gareth Ward): Order! I call the member for Wollongong to order for the second time.

Mr KEVIN HUMPHRIES: I will add the Cooks River and the Enfield logistics terminals in Sydney to this debate because they are often left out. When in government the Opposition did not realise the connectivity between upcountry road and rail transport and how it fits into the ports. The ports are largely for export and not for import in that sense. As a primary production State, whether the produce is grain, ore or coal, New South Wales must make sure that the ports function effectively and efficiently and that they are able to grow. In July this year Port Botany moved 170,000 20-foot containers—an increase of 8 per cent in container freight movements in the first year of this Government.

The member for Maroubra and the member for Heffron said that lifting the cap on containers would create chaos. The Government is providing connectivity between road and rail that will ensure that container movements in this case will work far more effectively. Lifting the cap at Port Botany will not create chaos. Lifting the cap on Port Kembla to increase grain movements into the port, albeit by truck, did not create chaos. In fact, it was far more efficient. It kept people employed and it made the port run smoothly. It also helped what we would call the regions in moving primary products through our ports. Some of the arguments made by Opposition members have been spurious. There has been no change to the cap in the Illawarra since 1985. In a historical context, the Government is doing the right thing. It will not cause chaos in those communities; in fact, it will enable growth. As the member for Wollongong rightly identified, funds will go back into those areas to improve infrastructure and connectivity into those ports.

Last week I had the opportunity to inspect the three export grain lines in northern New South Wales. The southern one runs from Coonamble to Dubbo—and I acknowledge the presence in the Chamber of the member for Dubbo—and more than $35 million in additional funding will enable heavier and faster trains to access the port of Newcastle as part of the grain export process and access Port Botany for the delivery of containerised freight. Off the back of that, two new businesses in that area, Agrigrain at Coonamble and Amps Commercial at a little place named Armatree, will benefit. With the introduction of faster and more efficient transportation, not just by rail, a more diversified economy will develop upcountry because of better access to ports. The other two lines are the Walgett line and the Moree to Mungindi line.

This Government is making improvements in rail. By improving that first mile upcountry through the bridges program and the last mile through connectivity to Port Botany or WestConnex, with access to all the additional infrastructure advantages that will be achieved, this legislation is a good news story for New South Wales. We know that with the opening up the State's plan, private industry has been attracted to taking up the leases for Port Botany and Port Kembla. There is keen interest among the private sector to move into ports. To achieve the State's economic goals, we need the private sector to make the efficiency gains and develop the networks and connectivity between upcountry, regional centres and ports such as Port Botany and Port Kembla. The member for Murray-Darling pointed out that the member for Wollongong was not in the State when the car transportation wharf at White Bay was relocated to Port Kembla.

Mr John Williams: She was overseas.

Mr KEVIN HUMPHRIES: The member for Murray-Darling probably wishes he had joined the member for Wollongong on that trip, but alas that was not the case. Port Kembla is critical infrastructure for the

Illawarra and does not serve just Wollongong. Many people work within the port infrastructure, not just the 3,500 people who work in and around the port. Port Kembla's infrastructure extends right into south-west and central western New South Wales. As the member for Dubbo would know, freight was diverted out of Port Botany into Port Kembla because of freight constraints that existed in Port Botany. To suggest that Port Botany is State infrastructure and does not just service Wollongong is an understatement.

Regional intermodal sites that are absolutely looking forward to leasing the ports to the private sector include the upcountry intermodal terminals, not just at Enfield, not just at Cooks River, and not just the private sector at Minto, Yennora or Chullora. Other sites that will benefit are Auscot at Warren in western New South Wales; the Bathurst regional intermodal terminal; Danovitz Warehousing, which has now been taken over by Louis Dreyfus—a world commodity trader that is investing not just in New South Wales but interstate in the intermodal sites in Moree; the Ettamogah Intermodal Hub, Inland Container Terminals at Dubbo, the Linfox line haul at the Parkes intermodal site; IPS Logistics at Narrabri; Mountain Industries at Kooragang Island and at Parkes; and the Sutherlands Transport site at Cootamundra. All those sites are upcountry intermodal sites that are really looking forward to a more efficient and more productive way of doing business at the ports.

Ms Noreen Hay: Point of order: My point of order basically—

The DEPUTY-SPEAKER (Mr Thomas George): Order! What is the member's point of order?

Mr John Williams: Scurrilous.

The DEPUTY-SPEAKER (Mr Thomas George): Order! That is for me to decide.

Ms Noreen Hay: My point of order is relevance. I am not quite sure what the Minister for Western New South Wales has been talking about for the past 10 minutes, but I do not think it has been the legislation.

The DEPUTY-SPEAKER (Mr Thomas George): Order! If the member for Wollongong is not sure what the Minister has said, she cannot take a point of order in relation to relevance. There is no point of order.

Mr KEVIN HUMPHRIES: The point is that this legislation is part of a statewide strategy of a responsible Government that wants to do business with the private sector for all people in New South Wales.

Ms Noreen Hay: Rubbish.

Mr KEVIN HUMPHRIES: If the member for Wollongong wants Wollongong to be the next container terminal in New South Wales we will remember her interjection. [*Time expired.*]

Mr GREG PIPER (Lake Macquarie) [9.04 p.m.]: I wish to contribute to debate on the Ports Assets (Authorised Transactions) Bill 2012. It is really difficult to know just what to say about the bill, but my obvious first concern is its introduction and the indecent haste with which it is being pushed through. Absolutely no opportunity has been provided for any proper scrutiny of this bill, which is absolutely unacceptable in relation to such an important issue. I have listened to the contributions made by Government members. There is clearly much to be said on the matter. Members of this House cannot do justice to the issue within the time allowed for preparation and debate.

The speed with which this bill is being moved through the House alone should make residents of New South Wales angry as they watch their assets disappear. They should fear what is next to come. The reality is that this Government is presuming a mandate to sell public assets—a mandate that the Government does not have. This deal was never part of the contract that New South Wales voters made with the New South Wales Coalition in March 2011. Despite the major points of the bill being reduced to a one-page briefing note that has been provided to the Opposition and crossbench members, the reality is that the bill is complex and appears to have substantial implications in areas such as its impact on recurrent income for the State, its impact on local assets and potential industrial actions.

I am not automatically a detractor of the State Infrastructure Strategy. It is obviously a complex document and its recommendations will be implemented over a long period. I believe that the infrastructure plan will contain many worthy proposals and raise many worthy issues. However, I reserve the right to apply critical reasoning to it. While I must say that much of the infrastructure is needed, I am quite aware that it must be paid

for somehow. However, I am unconvinced that the only way to leverage the value of these important assets is by way of sale or long-term lease. When I use the term "sale", let us not play with words: a 99-year lease by anyone's genuine definition is tantamount to a sale. We can use the terms interchangeably, and I will.

As is, or was, the case with electricity generating and distribution assets, the port assets do return and have for many years returned a healthy dividend to the State. There are only so many assets that can be sold, but it appears that we are well on our way towards divesting future generations of assets that are tantamount to blue chip shares. There has been no mandate for this legislation. As the Premier is deferring any consideration of the sale of the poles and wires of electricity assets until after the next election, he should do the same in relation to this proposal. This bill is about obtaining a short-term cash injection for New South Wales with no guarantee that the longer-term outcomes will not be met with absolute regret and disbelief by future generations who will reflect on this move. I cannot support the bill. I believe it is wrong for the Government to be pushing through such significant legislation with such haste.

Mr JOHN SIDOTI (Drummoyne) [9.08 p.m.]: I support the Ports Assets (Authorised Transactions) Bill 2012. The member who preceded me in this debate referred to selling off assets, and I point out to him that the previous Government would sell off assets and put the proceeds into general revenue, which led to its being squandered away. This situation is totally different. I support this legislation because it is another great Government initiative that will help the people in my electorate of Drummoyne. This bill formalises the Government's plan to lease Port Botany and Port Kembla. The proceeds of the leases will be directed into funding of much-needed infrastructure, which includes WestConnex. Part of the WestConnex project will be widening the M4. Widening of that horror stretch of traffic congestion has been deferred for a very long time. The Gillard Government reneged on an agreement to spend $300 million to widen the road, and traffic congestion on that motorway worsens each day. I am pleased to tell the House today as a Liberal that, once elected, an Abbott-led Government in Canberra will commit funds to the M4.

I return to the provisions of the bill. The bill provides for lease of these two key ports for a term of no longer than 99 years. Members opposite might have to redefine what a sale is and what a lease is. The legislation also provides for the lease of other port assets including Cooks River and Enfield logistics terminals. The freehold title to land at Port Botany and Port Kembla will remain in government ownership. This is important legislation because it creates immediate funding for critical infrastructure projects—including the M4—which were left ignored for 16 long years under the Labor Government. As well as the M4, the funds will allow vital upgrades to the Pacific Highway, which the member for Coffs Harbour speaks about so frequently, and the Princes Highway, and will further develop parts of the city access road network which create a daily headache for all commuters.

Importantly, the private sector will have the opportunity to invest in the development of our ports to meet the growing freight demands of the State. Freight movements in both the import and export spheres play an important role in the development of the State's finances. Imports such as consumer goods and the growing markets for our exports of coal and other mineral resources are critical to the economic growth of New South Wales. The leases will give the Government access to funds to provide for better health and education as well as roads and transport. I congratulate the Treasurer on this legislation and his approach of fiscal responsibility to deal with the State's finances.

Proceeds from the lease will be paid into the Restart NSW Fund, with 30 per cent dedicated to rural and regional areas. That is a big thing for our colleagues such as the member for Murray-Darling, who wants his fair share of funding for rural areas. This is a responsible way of ensuring that funding for projects is not just confined to the metropolitan area. This Government is looking after the whole State, unlike the previous Government. As with other legislation, current jobs at the ports are protected. Some employees will be transferred to the new lessee after employment expressions of interest processes. All enterprise agreement employees have the option to remain with the public sector. You cannot get much fairer than that.

In addition, employees transferring to the private sector will be able to maintain their current entitlements such as superannuation, sick leave, annual leave and long service leave. A transfer payment of up to 30 weeks is also included in the provisions, and this will be determined by length of service. But the Government is looking after these valuable assets which will still remain under State ownership. Provisions in the bill allow for the removal of the cap on the container limit at Port Botany. As members would be aware, the Port Botany facility has been expanded as a result of the construction of a third terminal and there is no reason for the existing cap to remain in place. It will ensure that the private sector lessee of the port, as well as the taxpayers of New South Wales, is getting major dollar value from the investment. It is clear that were the cap to remain in place there would be inefficiency that would constrain the State's economy.

I am pleased to note that the legislation includes management requirements set down by the State Government and to which the lessees must comply. This is important as the ports will remain in State-owned hands. It is therefore a strict requirement that they are looked after and managed appropriately. These requirements include obligations to use the land for port-related activities only; to provide ongoing access to road and rail transport; to develop the port where feasible to do so; and to maintain the port in good working order. These requirements will be closely monitored by the State Government and, should the Government find that the lessee is failing in any area, the lease can be terminated immediately.

The bill also allows the Government to retain oversight of price monitoring at the ports. Safety at the ports is also addressed and the Government retains the right to intervene if safety and security are substandard. As part of those requirements the lessees will be subject to the Dangerous Goods Regulation and directions given by the harbourmaster. They are consistent with powers of the Sydney Ports Corporation and Port Kembla Port Corporation and ensure safety and security at ports. The Minister must receive reports from the lessee on a regular basis to ensure the provisions of the bill are being enforced. This legislation is a further example of a government living within its means while at the same time accessing funds to improve infrastructure. Better infrastructure will ensure long-term growth and prosperity for the entire State without putting it further into debt. Again I congratulate the Treasurer and commend the bill to the House.

Mr RYAN PARK (Keira) [9.15 p.m.]: I want to thank some people tonight. I thank the staff, I am assuming from Treasury, in the Chamber. It is getting late in the evening and they have to listen to this drivel. I know how much work goes into briefing notes and when they are delivered so poorly by members it is very disappointing. On behalf of this side of the House I thank the staff for their efforts in that regard. The issue I raise is one of mathematics. As the Minister for the Environment once said, I am going to make this really simple. If you have an asset that earns you $50 million a year, that is number one. Point number two is that same asset brings $400 million return to the local economy. What the Government is asking the Illawarra community to do is sell an asset that brings $50 million into the State coffers every year and $400 million into the regional economy and it is saying it has a deal for us. The deal is we get a one-off payment of the gigantic sum of $100 million.

For those on the government side who are not very experienced in infrastructure I will give them a little lesson in how small $100 million is and how little it buys. A three-kilometre stretch of road in my electorate called Memorial Drive cost approximately $115 million. Even if the Government is as fantastic and as wonderfully efficient as it says it is in delivering projects, it would not get such a road a lot cheaper. Again I say that what the Government is asking the community of the Illawarra to do is accept a deal that wipes $50 million off the State's coffers, wipes $400 million from our local economy, but part of the deal is we get $100 million. What does that $100 million buy? It does not buy more than three kilometres worth of road and it will not buy significant health upgrades. I would like the Treasurer and others to tell us tonight what is defined as the Illawarra. Does it go down as far as the electorate of my good friend the member for Bega? The Bega electorate is what I loosely call the far South Coast or the South Coast. Does it go as far west as the electorate of the member for Goulburn?

As the member for Wollongong articulated, despite the constant interruption from the lot opposite, I remind the House that it was the member for Wollongong and others who drove investment down to the Illawarra region to expand the port under the New South Wales ports growth policy. That is the reality. I ask those opposite what they would do if they had to explain to their communities that they never again will see that $100 million and it will not deliver the infrastructure needed. The definition of what covers "the Illawarra" is not clear in the plan and we remain uncertain whether these funds will simply be allocated to the Princes Highway, which has money already allocated, or is new money. Those very important points involve basic mathematics.

I ask Government members to think clearly about this matter and try to get a basic understanding of it instead of just reading their prepared scripts. Those opposite said it is a lease. Technically it is but my two-year-old son will be 101 years old when that so-called lease expires. I am happy to say it is a lease but when my two-year-old son will probably never know when it is not leased one has to ask whether it really is a lease or simply a sale put in different terms. I ask Government members to think clearly about this issue and not simply read a prepared script. I congratulate the member for Wollongong on her advocacy on this issue and I condemn members opposite for not sticking up for the Illawarra community.

Mr JAMIE PARKER (Balmain) [9.22 p.m.]: The Greens will not support the Port Assets (Authorised Transaction Bill) 2012 for a range of reasons. Even if this bill were sensible and did not threaten the working conditions of the staff in the facilities, even if it appropriately dealt with the increasing throughput limits and

even if it proposed to spend the intended revenue appropriately, I am sure those opposite would have been screaming if a Labor Government had introduced this bill on such short notice. Of course, this bill is one of Labor's great challenges because its position on this issue is undermined by its past views on privatisation. I acknowledge and respect those Opposition members who highlighted that they have learned that lesson, although it is difficult for them to concede. However, it is important that this Government does not make the same mistakes. Even though the time is late, I shall address a few important issues.

We have heard how the staff in these facilities will be protected and looked after well, but that is only for two years. The bill contains a two-year protection clause and thereafter I am sure all the pressures on this private company that will own the facilities will flow on to the port workers. I refer particularly to those older port workers. Several reside in my electorate and are concerned about the pressure that will be placed on them. The company will seek to maximise its profits by attacking those from whom they believe they will get the largest return—the workforce. Another important issue is cargo throughputs. The member for Heffron and others said that if this Government was fair dinkum and responsible it would comply with the Environmental Planning and Assessment Act and also follow the 2005 decision, which made clear that throughput limits were introduced because the environmental impact statement identified problems with the site as it was constrained by the impact on the local community, roads and a range of different measures. The throughput limit can be increased if another environmental impact statement is produced and the Minister supports it, but on page 22 the bill states:

> A planning control is of no effect to the extent that it would operate to impose a cargo throughput limit for Port Botany.

In other words, the Government is saying, "We don't like the rules, we don't want to do another environmental impact statement and we don't want to have to follow all the rules that any other facility would have to follow; we are just abolishing any throughput limits." That important provision ensures that this asset remains a critical strategic asset for the State. When implementing particular environmental initiatives, such as trying to manage that asset, this Government does not seem to care about the 40 per cent target for rail freight—that seems to be abolished. This plan is all about providing for freight on roads. I will not dwell on the issue regarding WestConnex as it is not directly related to the bill, but WestConnex will not provide the long-term solution. This Government is not developing a transport orientated solution with Infrastructure NSW, unlike the positive vision put forward by Transport for NSW that we have a $10 million plus tollway, which supposedly will solve a future problem. It will not.

The Government needs to invest in rail and recognise that the cargo throughput limit exists for a reason. We need a commitment to rail because B-doubles and large vehicles carrying freight throughout Sydney will continue to be a problem without a significant investment in rail. By privatising this asset the Government will not have the ability to ensure that the strategic objectives of this State can be implemented, particularly regarding issues around import-export facilities, the priority of the facility and how we manage these assets to minimise the impact on the community. It is interesting to note also the comments about the near monopoly capacity of this facility. This facility acts similarly to a monopoly provider and this privatisation will impact on the charges imposed on the community, on vessels, on stevedores and, of course, ultimately on the consumers and citizens of New South Wales.

The recent increases in charges and fees in Queensland have flowed on to consumers. This Government has presented no evidence that the financial performance of this privatisation will benefit the people of New South Wales. All we have are assertions and a one-page document for a multibillion dollar project that was given to the Opposition and crossbench members with about one day's notice. The Government says we should just front up and support it because we have a page to read and we can support a $2 billion or perhaps $3 billion privatisation. Many millions of dollars have been spent—one might say invested—on the report the Government received that outlines all the options and issues. That report is not released for the public or for the members of this place, yet we are supposed to take the Government on its word.

My final point is that this is similar to the electricity privatisation about which we have talked so much. The Treasurer can determine what risks and liabilities remain with the State and what go to the private sector. One great problem with the electricity privatisation was that so many risks and liabilities remained with the State and few were transferred to the private companies. The risks and liabilities being afforded to the private sector and to the State have not been identified in this bill or outlined to members of this Parliament or the community. Unfortunately, the Government is trying to impose its will on the House and on the people of New South Wales without adequate information. I recognise that the Government is focused on one or two things.

The Government is focused on allowing this bill the shortest amount of time possible for discussion and getting the result it wants without adequate and full information being disseminated in the House. On that basis I do not support the bill.

Mr STUART AYRES (Penrith) [9.32 p.m.]: I strongly support the Ports Assets (Authorised Transactions) Bill 2012. It is fundamentally what the people of New South Wales voted for. They voted for something different. They voted for a new Government to take action. Every single day we hear from the people of New South Wales, "Do things differently to the previous Government. Make things happen in this State. Build the pieces of infrastructure that are desperately needed but that were not built by the previous Government." The only way the Government can do that is with money. It has to release capital in existing assets, and that is what this bill does.

I want to touch on a couple of points made by previous speakers. The member for Heffron earlier commented on the movement of capital. I thought it was particularly interesting that there were quotes on what might be achieved. It is worth pointing out that the full amount of capital generated by this asset will not be known until it goes to market. I will use a figure that has been mentioned in the debate: $2.5 billion. If the asset was generating $180 million of revenue for the State each year it would take us 14-years to earn $2.5 billion. That is the same length of time the former Government spent figuring out how it was going to pay for the pieces of infrastructure that enable the State to function.

The other fundamental issue here is that the presumption on the other side of the House tonight is that any of the money invested in the infrastructure that the fund supports does not generate any economic activity. It is a ridiculous proposition. The ability to move people, freight, assets and stock around New South Wales generates economic activity for the State and generates revenue for New South Wales. Anyone living in western Sydney and driving on the M4 Motorway every day, whether commuting to work or driving the family around Sydney, comes to the end of the M4 Motorway at Strathfield because the former Government did not do anything about it.

This Government is finishing the road network that should have been completed years ago. It continues to invest in other parts of the road network that have suffered from inadequate investment. The bill clearly states that revenue raised from the lease of this asset goes to the Restart NSW Fund. When this Government introduced Restart NSW 18 months ago the House was told it was a bank account. It is the most important bank account in this State. It makes this Government different from the former Government. It makes sure that the revenue generated from asset sales is not placed in consolidated revenue, not paid in wages that will never generate an outcome for the State; it is cordoned off into the Restart NSW Fund for reinvestment into New South Wales. That is want the people of New South Wales want.

They want responsible government that invests in infrastructure, and this bill ensures that. The bill ensures that Restart NSW will continue to hold those funds to allow investment in things such as WestConnex and Bridges for the Bush—infrastructure that is desperately required by the State. The member for Keira in his contribution to the House gave an economic mathematical equation about Port Kembla. He talked about the $400 million of economic activity mysteriously disappearing when it becomes a non-government entity. The member speaks as though the port disappeared, thereby ending $400 million of financial activity. One thing I would propose to the members of the Opposition is that whatever port it is—

Mr Greg Piper: Port Goulburn.

Mr STUART AYRES: Port Goulburn—if it continues to operate more efficiently it will generate more revenue. One other key point I will touch on is the idea of privatisation. We hear a lot from those opposite about privatisation. I want to propose one thing for members on the opposite side to think about: If superannuation funds are to be one of the key purchasers of and investors in these key assets because they are safe, secure, solid assets, then would not one of the potential purchasers be industry super funds—workers' funds, union funds? These funds are actually buying the asset. It is really changing from public ownership to public ownership via the superannuation scheme.

The privatisation of these assets is maintaining a social benefit. It is, as has been said in the media recently, social privatisation—particularly if that privatisation is being driven by industry insurance funds. The member for Balmain raised a point about the monopolistic potential of this asset. I draw the member's attention

to the Minister's second reading speech. The Minister can refer such issues to the Independent Pricing and Regulatory Tribunal. Ultimately this is about releasing capital to ensure that we invest in infrastructure such as WestConnex, which for the people of Penrith means the M4 and M5 motorways.

Mr BRAD HAZZARD (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [9.36 p.m.]: The Ports Assets (Authorised Transactions) Bill 2012 is clearly an important bill that will withstand scrutiny. The community understands the bill is necessary to release capital to address the infrastructure shortfall that the former Government left behind. The Treasurer will inform the House more fully on that issue.

Mr MIKE BAIRD (Manly—Treasurer, and Minister for Industrial Relations) [9.36 p.m.], in reply: I thank the members for Heffron, Maroubra, Cessnock, Wollongong, Lake Macquarie, Keira, Balmain, Barwon, Drummoyne, Penrith and Wakehurst for their contributions to debate on the Ports Assets (Authorised Transactions) Bill 2012. The purpose of this bill is to enable the long-term lease of Port Botany and Port Kembla. The bill also allows for the lease of the Cooks River and Enfield logistics terminals, with some industrial land at Enfield to be sold to the private sector. Under the lease arrangement the Government will retain ownership of the lands as well as a number of important maritime functions such as the harbourmaster, marine pilots, emergency response, Sydney harbour wharves and cruise shipping functions.

As the member for Penrith articulated, the bill requires the net proceeds of the transaction to be paid into the Restart NSW Fund. If the transactions proceed as anticipated we expect to have $2.5 billion in that fund to put towards infrastructure for the State. The funds raised through these transactions will allow the Government to begin addressing an enormous backlog of critical infrastructure. The proceeds from the transaction will underpin increased investment on the Pacific and Princes highways and the WestConnex project, and the Illawarra will benefit from a $100 million commitment to new infrastructure. We have heard tonight in crystal clear terms that Labor members now have a financial crisis on their hands. They have clearly opposed the bill. Therefore they need to tell us how they are going to fund the Pacific Highway, the Princes Highway and the WestConnex project.

Every member in this House from western Sydney needs to explain to their communities that the Labor Opposition does not support the WestConnex project—unless they tell us how they are going to fund it. They need to tell us how they are going to fund it because this bill is the funding mechanism. Everybody needs to understand that without this bill the spending on the Pacific Highway, the Princes Highway, the WestConnex project and the $100 million to the Illawarra will be gone. Obviously, they do not support any of these projects. In stark contrast, the O'Farrell Government is releasing funds for critical projects, delivering for communities up and down the highways of this great State and for the people of western Sydney, indeed for the entire Sydney Basin. Despite that, Opposition members oppose the bill.

In response to the points raised by the member for Heffron I advise the House that the bill is designed to maximise the proceeds from the sale and exceed the retention values set for the assets. I say to the House—and I will say this every day before the transaction—that we will not necessarily proceed with this transaction. We will only proceed if we exceed the retention values for the assets. That is not what happened with the gentrader transactions. The former Labor Government sold those assets for less than the retention value and members opposite know it. That should not have occurred, but it happened under Labor. It will not happen here. The O'Farrell-Stoner Government stands for producing transactions for the community that deliver the funds we need for infrastructure. But we will not do it at any price; we will do it only at a price that ensures there is maximum value for the people of this State. We make that commitment here today.

I note that the member for Maroubra and the member for Keira accused the Government of auctioning off an existing revenue stream for short-term gain. A critical part of the transaction is that private sector investment in these ports will deliver proceeds and savings by shifting capital obligations to the private sector, allowing the Government to focus on building the infrastructure that makes a difference to both our economy and people's lives. We have not heard much from members opposite about the impact on the balance sheet, but if one is not borrowing against the port, one is able to put that balance sheet capacity to the infrastructure needs of the State. That is an important consideration. The member for Maroubra seems to have some ideological objection to this particular transaction, despite his support for the sale of electricity assets when Labor was in government. Now in opposition he is against these types of transactions. He is playing two roles. The Opposition opposes this bill and we know what that means for the infrastructure needs of this State.

The Government will retain oversight of all regulatory matters such as those relating to price, the environment and the handling of dangerous goods. In response to some of the claims made by the member for Heffron and the member for Maroubra during this debate, let me inform the House about issues of price control, competition, and environment and planning regulation. First, the Government is already engaged in dialogue with the national competition regulator, the Australian Competition and Consumer Commission, which is reviewing the competitive landscape around the transactions and, where required, will provide competition clearance as the transactions proceed. Competition will be governed by the Australian Competition and Consumer Commission, which is the appropriate body to oversee that competition.

Second, the bill provides for a transparent pricing regime consistent with the principles adopted by the Council of Australian Governments. This includes regular reporting obligations to the Minister and the opportunity to refer any price issues to the Independent Pricing and Regulatory Tribunal for review. Third, the infrastructure charge, which the member for Maroubra raised, is subject to robust government oversight, including the price monitoring regime. The bill provides that the new port operator must provide details to the Government regarding the details of the infrastructure project, the basis of the charge, the persons required to pay and the time frame of the charge. The Opposition missed the point that any concerns can be referred by the Government to the Independent Pricing and Regulatory Tribunal. Accordingly, protections remain around those critical pricing issues. Fourth, I point out to the member for Heffron that the ports will remain under the normal planning framework, and that includes consideration of environmental impacts on the area.

In response to interest in the Government's plan to remove the cap on throughput at Port Botany via this legislation, I indicate that it is absolutely clear that it would have been necessary to lift the cap regardless of any transaction. The Opposition is being disingenuous in this regard. The former Government doubled the capacity of the board. It approved an investment of close to $1 billion in relation to doubling that capacity. Labor members know that to achieve the value for those proceeds the cap will have to be lifted. The difference between what we are doing and what they did is that they did not tell the State about that. Tonight through this transaction we have confirmed that to receive value for the investment and to ensure that taxpayers receive value for an investment already made, the cap needs to be lifted. Furthermore, removing the cap will prevent a major inefficiency in the future that would constrain the State's economy. That is a clear reason that it is necessary to take this action as part of the transaction.

In response to the request by the member for Balmain for greater investment in rail, I advise that the Government is committed to implementing various steps to improve traffic flow around Port Botany and shift greater volumes of goods from road to rail. These include the announced Moorebank intermodal terminal, the development of the Southern Sydney Freight Line and the Enfield Logistics Terminal, the Sydney Ports Landside Improvement Strategy and the recently opened Sydney Ports truck marshalling yard at Port Botany. Complementing these improvements, the new port operator will be required to make a significant annual contribution to improving road and rail landside logistics. We have specifically asked for that, understanding the impacts around the local community, and we will ensure that it is part of any lease arrangements that are executed.

In addition, the Government is committed to delivering WestConnex, which will support freight movements between Port Botany and logistics hubs in western and south-western Sydney. I note that the long-term lease of Port Kembla is an important part of this transaction program because of its diversified revenue base and enormous potential for growth through the outer harbour development commenced by the New South Wales Government. The member for Keira and the member for Wollongong spoke about the negative impact on the Wollongong community of the transaction but they have failed to grasp what this will mean for their communities. The new lessee, having invested a substantial sum to acquire the lease of the port, will continue to invest in its future growth and development. I have stated this consistently when talking to the community and employees. Access to additional capital means that they have the means to achieve growth; they are not constrained by the State's balance sheet.

They have additional capital to put into developments needed in a shorter time frame—a time frame obviously determined by them and one that can be determined without the constraints of the State Government's balance sheet. There will be more jobs and a boost to the local economy, and at the same time the legislation contains appropriate protection measures for employees. If ever there was a win-win for a community, this is it. Members opposite have failed to acknowledge that this is complemented by an additional $100 million infrastructure spend in the Illawarra as part of the transaction. In response to a question raised by the member for Cessnock, I advise the House that the Government has no plans for the transfer of the Port of Newcastle.

The Government has embarked on a sensible program of releasing capital from the State's balance sheet, ensuring that new capital comes into the new ports to drive the efficiencies of the ports and the overall economy. The proceeds generated from the transaction program will provide the much-needed funds to get this State moving. The O'Farrell-Stoner Government is proud to say that this bill, should it be passed by the Parliament, will enable the State to invest in the WestConnex, to continue the funding of the Pacific Highway and Princes Highway and to fund the Bridges for the Bush program. It is worth repeating—and I will say this again and again over the days and months ahead—that if members opposite oppose this bill and in so doing put forward no alternatives for funding these projects, and it is clear that they oppose every single transaction, they will do so at their peril. We are getting on with the job of getting this State moving. We are getting on with the job of releasing capital to build infrastructure. I commend the bill to the House.

Question—That this bill be now read a second time—put.

The House divided.

Ayes, 56

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

Noes, 20

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

Question resolved in the affirmative.

Motion agreed to.

Bill read a second time.

Third Reading

Motion by Mr Mike Baird agreed to:

That this bill be now read a third time.

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

BUSINESS OF THE HOUSE

Routine of Business

Mr BRAD HAZZARD: Just by way of information for members, I advise that the House will now deal with the Passenger Transport Amendment (Ticketing and Passenger Conduct) Bill 2012. I understand that is a matter that will be debated earnestly by both sides, but will probably not lead to a division. Members should be aware of that over the next hour or so. At the conclusion of that debate there will be the matter of public importance and the two final private members' statements.

COASTAL PROTECTION AMENDMENT BILL 2012

Message received from the Legislative Council returning the bill without amendment.

PASSENGER TRANSPORT AMENDMENT (TICKETING AND PASSENGER CONDUCT) BILL 2012

Second Reading

Debate resumed from an earlier hour.

Mr MICHAEL DALEY (Maroubra) [10.01 p.m.]: I lead for the Opposition in debate on the Passenger Transport Amendment (Ticketing and Passenger Conduct) Bill 2012. The Opposition will not oppose the bill. The bill effects a number of machinery provisions to streamline provisions of passenger transport law in New South Wales, particularly in relation to passenger ticketing and conduct offences. It allows these provisions to be consolidated into a single regulation and facilitates the objectives of the Government in its pursuit of an integrated electronic ticketing system for public transport in New South Wales. As we have been advised by the Government, there are three main provisions of the bill. The first will incorporate all ticketing, revenue protection and passenger conduct that relate to rail into the Passenger Transport Regulation 2007. Bus and ferry modes are already covered in the regulation.

The second provision will amend the regulations to allow for the introduction of an electronic ticketing system, which the Government has announced will be called the Opal card, across all modes in the future. The third will provide for greater consistency with respect to the powers of authorised officers. As we understand it, the Government believes that current legislative provisions that govern passenger transport have some inherent inconsistencies. The two regulations that govern ticketing, revenue protection and passenger conduct are the Rail Safety (Offences) Regulation 2008 for the rail mode and the Passenger Transport Regulation 2007 for buses and ferries. It is the will of the Government to remove these inconsistencies and to streamline the responsibilities that are inherent in those provisions.

I recall from ministerial councils when I was the Minister for Roads that the implementation of the national rail safety regulator will come into effect in 2013. Therefore the Rail Safety Act 2008 will be repealed and some regulations need to be dealt with in this bill to facilitate those changes. Government members will talk about the electronic ticketing system in a minute, so obviously I need to say nothing about that. Additionally, the bill will make powers for authorised officers consistent. At the moment there are differences between the powers of revenue protection officers operating on the bus and ferry network and transit officers operating on the rail network. The Opposition has no objection to a streamlining of these roles to make it easier for those officers to do their jobs, for passengers to understand what is expected of them and to protect passengers on the networks from those who would wish to misbehave. The Opposition does not object to the bill and I think I need say no more.

Mr DOMINIC PERROTTET (Castle Hill) [10.05 p.m.]: I support the Passenger Transport Amendment (Ticketing and Passenger Conduct) Bill 2012 and commend the Minister for Transport for its introduction. The bill will incorporate all ticketing, revenue protection and passenger conduct relating to rail into the Passenger Transport Regulation 2007, which currently covers buses and ferries. A number of inconsistencies exist within the current passenger transport framework. As per the current transport system two regulatory bodies oversee ticketing, revenue protection and passenger conduct. These are the Rail Safety (Offence) Regulation 2008 for rail and the Transport Regulation 2007 for bus and ferry. As it stands, these two regulatory bodies have different systems of dealing with passenger conduct offences for their respective networks. The bill will allow a simplification of these processes by removing the inconsistencies. That is of benefit to passengers, who will be able to understand more easily their rights and responsibilities when travelling on any transport system in New South Wales.

As the member for Maroubra said, I will talk about the electronic ticketing system. I do not think there is a single project or failed project that better represents the former Labor Government than the failed Tcard project. I do not think I need to remind members about the absolute debacle of that system promised by the former Labor Government, but I will. In 1997 the former Labor Government announced that it would implement an integrated electronic ticketing system by the year 2000. Then transport Minister Brian Langton announced in July 1997—when I was in year 9—that his government would see an electronic card-style system up and running before the Sydney Olympics. This was the first of many deadlines missed in this long, horribly drawn-out project. I would not have thought it would be so hard.

After securing what turned out to be a doomed contract with ERG Group and Westpac in 2001, the former Labor Government then promised a 2004 deadline. In 2005 the Government announced that the Tcard project would be delayed until 2007, following some disastrous trials in 2005 where numerous bus drivers went on strike over the system. In 2007 software problems caused yet more delays. At the back end of the year the Government announced that it would scrap the program 10 years after first promising it, with an estimated $95 million of taxpayers' money wasted on the project. It was a complete and utter failure by the former Labor Government at what does not appear to be such a difficult proposition in other States and other countries around the world.

Interestingly it is alleged by ERG that at the end of the debacle the Tcard was apparently ready to go but, as set out in the legal proceedings brought by ERG, it was scrapped because the former Labor Government wanted to enhance its prospects of re-election in 2011. Why Labor thought that could possibly occur is beyond me. The Coalition Government is committed to bringing the people of New South Wales a better transport system. The Government is trialling the Opal card on the ferry system from December of this year, and from there the bill will usher in the necessary amendments to legislation to define what exactly an electronic ticketing system is. It will also be necessary to make changes to the regulations to allow the electronic ticketing system to operate in parallel with the current ticketing arrangements that are in place.

The Passenger Transport Amendment (Ticketing and Passenger Conduct) Bill 2012 will ensure that the powers of authorised transport officers are consistent. At present, the powers and duties of transit officers on the rail network differ from those of revenue protection officers who are operating on the bus and ferry networks. By bringing those duties into line, the transport system in New South Wales will be made simpler for officers and passengers alike. This Government is committed to cutting red tape and making life easier for travellers. Consistency across ticketing arrangements and passenger conduct rules ensure that travellers have a greater awareness of their obligations, responsibilities and rights, and that will go a long way to ensuring a hassle-free transport experience. I commend the work of the Minister for Transport. I commend the bill to the House.

Mr JOHN SIDOTI (Drummoyne) [10.09 p.m.]: I support the Passenger Transport Amendment (Ticketing and Passenger Conduct) Bill 2012, which is important legislation. Like much of the legislation that has been introduced by this Government, this bill will streamline delivery and cut back on red tape. The bill proposes three important changes to the current legislation governing public transport. The Government has done this because it wishes to offer a better transport system for all users. To achieve that, we need to have the right laws that will ensure we have a public transport system that people want to use. This legislation will also enable the smooth introduction of the Opal card, which is an integrated electronic ticketing system that will cover all three modes of public transport.

What particularly excites me about this legislation is that it addresses the issue of safety for all passengers who are using the public transport network and makes it easier for public transport passengers to understand their rights and responsibilities as well as the roles and obligations of enforcement officers across the network. The ability of an enforcement officer to demand that a person state his or her name and address will be transferred from the Rail Safety Act to the Passenger Transport Act. It will apply when a person is suspected of behaving in an antisocial manner and therefore suspected of committing an offence against the Act. In February this year the Premier, the Minister for Police and the Minister for Transport announced the establishment of the Police Transport Command. The unit was created in response to a number of incidents that had occurred on the public transport network.

The Government recognised that the visible presence of police on public transport would deter would-be offenders from embarking upon antisocial behaviour. On the Cabarita ferry wharf in my electorate, some antisocial behaviour occurred and people experienced difficulty in catching public transport. Fishing from the wharf was banned because of antisocial behaviour, safety issues, and the mess left behind by fishermen. The presence of police will raise public awareness of behaviour and safety—safety and security are top priorities for

this Government. The number of police patrolling the transport network has increased. This legislation goes further by allowing police officers to automatically become authorised officers for the enforcement of regulations on public transport. That will support the current operational police who are involved in patrols on trains, buses and ferries.

A consistent approach to this will make the entire network safe for all passengers to use. As mentioned earlier, important provisions in the bill will allow the introduction of electronic ticketing, which is referred to as Opal. In December this year the Opal smartcard system will be introduced on Sydney ferries and then extended to other modes of transport. The electronic ticketing system is similar to the Oyster card that is used on the London transport system, and which worked so effectively and efficiently during the recent London Olympic Games. By using the new Opal card, passengers will be able to tap on and off when entering or alighting from different modes of transport and link their card to an account from which the price of the trip will be deducted.

People will be able to top up their accounts online and arrange for automatic deductions. The Opal card will make travel on public transport easier, simpler and quicker for passengers in Sydney, the Illawarra and the Blue Mountains. The Opal card and the electronic ticketing system will bring New South Wales public transport into the twenty-first century. I congratulate the Minister for Transport and the Government on its introduction. This legislation provides for a safer, more efficient and state-of-the-art public transport system. It also enables the delivery of efficient and effective services but at the same time the presence of police will hopefully drive down crime. I commend the bill to the House.

Dr GEOFF LEE (Parramatta) [10.13 p.m.]: I support the Passenger Transport Amendment (Ticketing and Passenger Conduct) Bill 2012. I will focus my contribution to this debate on the electronic ticketing system provided for in the bill. People expect a seamless, convenient, and accessible and modern transport system. With today's technology, we have the ability to issue one ticket for use on our rail, bus and ferry networks. Electronic ticketing is available in many cities around the world and Sydney, as well as other cities in New South Wales, should be no exception. Transport links could be described as the arteries of a city: They connect people to their work and homes, and allow people to visit their friends and relatives. Public transport should be safe, convenient and efficient. Good public transport experiences encourage increased usage. Electronic ticketing through the use of the Opal card is another step towards achieving a twenty-first century public transport system.

Everybody agrees that public transport is important for western Sydney and Parramatta alike. Parramatta is the capital of western Sydney. It has the sixth-largest business district in Australia. It is home to approximately 20 per cent of Australia's top 500 companies. In 2011, 50,000 people worked in the Parramatta central business district. Parramatta hosts a major transport interchange for bus and rail, and is the fourth-biggest interchange on the network outside the central business district of Sydney. In 2011 Transport for NSW estimated that more than 33,220 people went through ticket barriers each day at the Parramatta station. Parramatta is a centre for the intersection of eight out of 43 major arterial bus threads in Sydney. Public transport and its efficiency are important for the workers who come to Parramatta each day and for Parramatta residents. As well as improvements for workers and businesses, public transport initiatives are essential for major sporting events.

I thank the Minister for Transport, Gladys Berejiklian, and acknowledge her presence in the Chamber. I also thank the Minister for her support of the Western Sydney Wanderers by introducing an integrated ticketing system. One ticket will buy a train or bus fare as well as entry to the game. The arrangement will drive up visitation and decrease the use of cars, thereby freeing up roads and improving local parking conditions. This weekend's game of the Western Sydney Wanderers versus Sydney Football Club is a sold-out event, with more than 20,000 spectators expected to attend. In terms of the economic contribution of that game, if a spectator spends $50 in direct spending and a 2.37 multiplier effect is applied, this weekend should result in a $1 million turnover in direct investment into the area, or $2 million in direct and indirect investment for the region. Transport is essential for festivals and events. No-one can deny the impact of congestion on our road network. It is estimated to cost billions of dollars. There are future challenges in view for public transport. This legislation is an important step in improving the efficiency, effectiveness and convenience of public transport. I commend the bill to the House.

Mr CHRIS HOLSTEIN (Gosford) [10.15 p.m.]: I support the Passenger Transport Amendment (Ticketing and Passenger Conduct) Bill 2012. My contribution to the debate will be brief. The bill has been introduced by the excellent and hardworking Minister for Transport. This Government's aim is to deliver an effective and efficient public transport service for the people of this State. We need the right legislation to achieve that outcome. Conduct offences and passenger ticketing for all transport modes will be consolidated into

one regulation under this bill, and it will enable the introduction of an integrated electronic ticketing system across the entire transport network. The Government is committed to delivering an integrated transport system, and to do so it will implement changes such as incorporating all ticketing, revenue protection and passenger conduct relating to rail into the Passenger Transport Regulation 2007, which currently includes buses and ferries. This will mean all provisions relating to conduct offences will be in one regulation.

The Government also will amend regulations to allow for the introduction of an electronic ticketing system known as the Opal card across all modes of transport in the future, and make powers for authorised officers, such as revenue protection officers and transit officers, more consistent. Currently there are inconsistencies in some of the legalisation that governs passenger transport. When trying to develop an integrated transport system, this makes no sense. Two regulations govern ticketing, revenue protection and passenger conduct, the Rail Safety (Offences) Regulation 2008 for rail, and the Passenger Transport Regulation 2007, for buses and ferries. Those two regulations do not treat any conduct offences committed on the network in the same way. The bill will ensure that those inconsistencies are removed, which in turn will make it easier for public transport customers to understand their rights and responsibilities.

Everyone would be aware that the Government is currently conducting a review of the New South Wales passenger transport legislation—the discussion paper was released recently. Customers and industry stakeholders now have the opportunity to comment on any proposed changes. It is highly desirable to have all public transport regulation-making powers under a single piece of legislation as it will make any future changes easier to implement. The bill will make the powers of authorised officers, such as revenue protection and transit officers, consistent. The power for an authorised officer to require a person to state his or her name and address will be transferred from the Rail Safety Act to the Passenger Transport Act. This applies in circumstances where a person is reasonably suspected of committing an offence under the Act or under the regulations in relation to graffiti offences.

Additionally, the power of an authorised officer to enter railway premises for the purpose of inspection, investigation or inquiry will be transferred from the Rail Safety Act to the Passenger Transport Act. The bill also proposes that New South Wales police officers will automatically be authorised officers for the enforcement of regulations on public transport. This removes any need for an instrument of appointment for New South Wales police officers to be appointed as authorised officers under the Passenger Transport Act, as pertains currently. In summary, the measures contained in the bill will amend the Passenger Transport Act to provide for consistent and integrated electronic ticketing, revenue protection and passenger conduct provisions on public transport. I commend the bill to the House.

Mrs ROZA SAGE (Blue Mountains) [10.21 p.m.]: I am pleased to make a contribution to the Passenger Transport Amendment (Ticketing and Passenger Conduct) Bill 2012, as public transport, in particular rail transport, is such a vital service in my electorate. The bill will amend regulations to allow for the introduction of the electronic ticketing system announced by the Minister for Transport—the Opal card. After only 18 months, the O'Farrell Government has been able to achieve what the former Labor Government was incapable of doing in 14 years. The much-heralded Labor Tcard was to have been introduced in time for the Sydney Olympics in 2000. It stands now as a $100 million monument to a failed Labor Party and a waste of money.

At each of the 16 train stations in the Blue Mountains electorate stands a lonely vandalised post, a sentinel and poignant reminder of the failed Labor Tcard. The Blue Mountains electorate, with its 16 train stations from Bell to Blaxland, has more than 40 per cent of its workforce using the rail network to travel to and from work. Additionally, on the weekend in particular, many tourists, both overseas backpackers and Sydney day trippers, travel into the region. The transport experience is a very important aspect of the whole tourism experience and leaves a lasting impression. I know many of these commuters use multiple transport modes to reach their destination, mostly bus and rail. The introduction of an integrated ticketing system will be a great boon for these users. It will provide a fuss-free, seamless ride to their intended destination.

I cite as a personal example my daughter, who commutes to Macquarie University from our home in the Blue Mountains. She travels on two trains and a bus or three trains, depending on the time of day. Using an integrated ticket will make her trip a seamless ticketing journey. It will save her time by not having to buy a separate bus ticket, time waiting that sometimes means she misses a connection in her trip. When the integrated ticketing system comes into being and the regulations are the same across all modes of transport, it will be easier for customers to understand their rights and responsibilities. Having all public transport regulation-making

powers under a single piece of legislation will make any future changes easier to implement. The bill also ensures that authorised officers have the powers they need to deter graffiti vandalism and antisocial behaviour on all forms of public transport.

The formation of the NSW Police Transport Command is another important initiative of the O'Farrell Government to make our public transport network safe. The powers of arrest that police have compared with transit officers makes for a more effective deterrent on our public transport system. Importantly, the bill proposes that New South Wales police will automatically be authorised officers for the enforcement of regulations on public transport. I congratulate the Minister for Transport on a very sensible bill that will tidy up ticketing, revenue protection and passenger conduct to pave the way for the integrated ticketing system, the Opal card, which the O'Farrell Government committed to and is delivering. I commend the bill to the House.

Ms GLADYS BEREJIKLIAN (Willoughby—Minister for Transport) [10.24 p.m.], in reply: I thank the member for Maroubra, who responded to this bill on behalf of the Opposition. I welcome the Opposition's support for this important legislation, which will set up the State for the future of electronic ticketing. It will also streamline and make consistent all the rules and regulations relating to customer behaviour, conduct and related offences in and around our transport network. In particular I thank and acknowledge the member for Castle Hill, the member for Drummoyne, the member for Parramatta, the member for Gosford and the member for Blue Mountains for their valuable contributions to the debate.

Each of these members articulated strongly and eloquently the importance of the bill, what it means for their electorates and also what it means for every single commuter in the future. The Government is committed to delivering an integrated and effective public transport system that meets the needs of our customers and a public transport system that brings our city, State and regions into the twenty-first century. As has been mentioned, one of the most important aspects of the bill is that it will allow for the future introduction of electronic ticketing. As I have mentioned in the House on previous occasions, the Government looks forward to starting trials on Sydney Ferries in December this year. That is an important milestone given the many years that have plagued this project under the former Labor Government.

An integrated ticketing system means that the community expects, and should expect, an integrated, efficient and safe public transport network in our State. That is why we will make sure that all the legislation and regulations that govern passenger transport are consistent. It is important for that to occur, especially when we talk about integration. On behalf of the Government, I appreciate the support of all members of this place for this important legislation. I again acknowledge the contributions by members on this side of the House and the way they articulated how the bill will pave the way for future public transport ticketing and consistency in the number of regulations regarding offences in and around the public transport network. I commend the bill to the House.

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

Motion agreed to.

Bill read a second time.

Third Reading

Motion by Ms Gladys Berejiklian agreed to:

That this bill be now read a third time.

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

BREAST CANCER

Matter of Public Importance

Dr ANDREW McDONALD (Macquarie Fields) [10.30 p.m.]: It gives me great pleasure to talk about Breast Cancer Awareness Month. Worldwide, October is Breast Cancer Awareness Month. It is absolutely vital that this month be celebrated because breast cancer is the most common cancer in women worldwide,

comprising 16 per cent of all female cancers, and is a major killer worldwide of women, with well over half a million deaths per year in 2004. Australian women have a one-in-eight chance of developing breast cancer at some stage in their lives, making it the most commonly diagnosed cancer among women in Australia. The greatest risk is for women between the ages of 50 and 69, with the average age of diagnosis being 60. In 2008, more than 13,500 women were diagnosed with breast cancer, and this will rise to more than 15,500 by 2015—about 40 women per day. There is so much we do not know about the causes of breast cancer. About 5 per cent to 10 per cent of cases are known to be caused by genetic defects that we know about, but for the vast majority of women who develop breast cancer the cause is unclear.

The good news is that breast cancer mortality fell by 29 per cent between 1994 and 2007. Despite that, in 2007 nearly 2,700 Australian women lost their lives to breast cancer. The five-year breast cancer survival rate on a population basis is about 88 per cent. From 1982 this increases substantially for women aged 50 to 59, with a 70 per cent five-year survival rate to now well over 90 per cent, and for women aged between 60 and 69 the five-year survival rate has risen from 70 per cent in 1982 to nearly 93 per cent in 2006. This means that close to 160,000 Australian women are alive with breast cancer having had a breast cancer diagnosis in the previous 27 years. Events such as Breast Cancer Awareness Month are important because every person will know someone who has received a diagnosis of breast cancer.

Australia has four main breast cancer organisations: the Breast Cancer Network, the McGrath Foundation, the National Breast Cancer Foundation and Cancer Australia. These organisations use October to raise awareness about breast cancer. Their work involves all aspects of breast cancer, including research, treatment and family support. The Pink Ribbon breakfast held this morning in this place for the National Breast Cancer Foundation is over 10 years old, and Pink Ribbon Day is 22 October. Since its inception in 1994 the National Breast Cancer Foundation has raised over $81 million. This money has gone towards research into every aspect of breast cancer from genetics to treatment to family support.

Last year over 2,000 Pink Ribbon breakfasts in Australia raised $2.16 million for breast cancer research. One of the most important aspects of Breast Cancer Awareness Month is to remind women of their need to be screened. Two methods of screening are available: early diagnosis through the recognition of signs and symptoms or screening mammography. According to the World Health Organisation, mammography screening can reduce the mortality of breast cancer by 20 per cent to 30 per cent because screening detects cancer at an early stage with a higher cure rate. Of course, mammography needs to be followed by ultrasound and biopsy if the mass is suspicious. Breast cancer symptoms are well known: usually a lump is found by a woman herself or by a healthcare provider during a routine examination, though there may also be dimpling of the skin, a change in the size or shape of the breast, or nipple changes.

Treatment is individualised and should be carried out only by units that treat a lot of breast cancer using a multidisciplinary approach. Mastectomy is now less common than breast conserving surgery and often is accompanied by radiotherapy, chemotherapy or hormonal treatment, depending on the characteristics of the person affected by the tumour. That is why organisations such as the Cancer Council are so vital in supporting women diagnosed with breast cancer. One major determinant of outcome is the presence or absence of lymph node involvement. Often this guides decisions about treatment and is associated with the treatment stage. New drugs such as Herceptin hold great hope, but we need to know so much more. I commend Breast Cancer Awareness Month to the House.

Ms MELANIE GIBBONS (Menai) [10.35 p.m.]: I thank the member for Macquarie Fields for bringing this important topic to the House today. In New South Wales one in 11 women develop breast cancer by the age of 75 years and one in nine by the age of 85 years. The colour pink, in particular the pink ribbon, has now become synonymous with the breast cancer cause. I consider it to be one of the most recognisable public awareness campaigns of our time assisted by celebrities and companies embracing cause-related marketing. October is Breast Cancer Awareness Month and acts as a reminder of the facts and the staggering statistics of this disease. I am wearing my pink ribbon today. Today breast cancer accounts for 28 per cent of all new cancers in women in New South Wales and 16 per cent of deaths of women from cancer.

Between 1999 and 2008 the mortality rate for breast cancer fell by 11 per cent, with deaths now second to lung cancer. In 2011 approximately 4,600 women were diagnosed with breast cancer, and the disease caused over 900 deaths. Already we have seen improved detection and more effective treatments that have seen breast cancer survival rates significantly improve over the past two decades. The National Breast Cancer Foundation now has the aspirational goal of zero deaths from breast cancer by 2030. BreastScreen Australia provides the national mammography screening program. It places great importance on the early detection of breast cancer

before it has a chance to spread. It is important to know that BreastScreen NSW is a free breast screening service targeting women aged between 50 and 69 years—the age group where the risk significantly increases and mammograms are the best way to detect abnormal growths.

I encourage women to take up this service and I hope that within my lifetime we will see a cure for this insidious disease that has cut short far too many lives. While free screening begins for women over 50, breast cancer can occur at any time. My good friend Kim Honeyman was a reminder for my friends and me to take this issue seriously. I ran into her at Menai Marketplace where I learned that she was 24 weeks pregnant and just that week had been diagnosed with breast cancer. She had six tumours in multiple areas and also pre-cancerous tissue areas. A week after diagnosis and then being 25 weeks pregnant, the decision was made to remove her breast.

Kim is one tough lady and she knew she had a growing family on whom to focus. She tells me that it helped to talk to people who had been through it as they best understood. I admit that I had no idea what to say or do when I heard about her diagnosis. I was worried about saying the wrong thing or upsetting her. Her friends and family supported her by cooking meals, providing physical support and looking after Madison, who was four at the time, and Cameron, who was just two. Now she spends much of her time talking to women who are newly diagnosed because she knows how much she valued that opportunity. She found she had to develop the right attitude and to look for the positives. After a period of grief and having her world turn upside down, she wrote a list of things for which she and her incredibly supportive husband, Brad, were thankful.

They were thankful that they were close to a hospital, that they had good doctors and that their children were too young to understand. Much of Kim's focus was spent worrying about her unborn child, Holly, throughout the high-risk pregnancy. She feared that the chemotherapy and the drugs being pumped into her body to save her would hurt her unborn child. She found precious little information available about pregnancy and cancer. Brad and Kim had to do their own research, spoke to specialists, and learnt medical terms to put their own minds at ease that their growing baby would stay healthy. Because of the pregnancy, Kim's treatment was postponed, so she had to have chemotherapy just two days after the birth. A caesarean, hormones, and chemotherapy—she had the trifecta.

But while she has her hard and emotional times, Kim believes that dealing with cancer is all about attitude and she is determined not to let it get control of her. She is in control, not the cancer. I remember when her hair started falling out, she uploaded a photo of herself on Facebook. The picture was of her shaving her head, becoming GI Jane and taking control, becoming the strong woman who has now beaten this illness and becoming a role model for her kids, and demonstrating that life gets tough but living is worth fighting for. As women, we must remain vigilant and proactive in our health. Research has proven that early detection is the key. It is up to us to make sure we get any abnormalities checked out by a doctor, even if we are not sure. Women should get a second opinion if they believe that they need it. The sooner it is detected, the sooner it can be treated.

Mr CLAYTON BARR (Cessnock) [10.39 p.m.]: I thank the member for Macquarie Fields for bringing this matter of public importance to the attention of members. I thank also the member for Menai for the inspirational story of her friend because I shall talk about some people in my electorate who have been affected by breast cancer. Personal stories provide us with great opportunities in this place. October is the designated month when we recognise, acknowledge and support those who are living with breast cancer. I deliberately say "living with" because I refuse to use the term "suffering" when I talk about a cancer experience. One can be diagnosed, treated and be living with cancer, but we should never talk about suffering because those who experience cancer generally are far braver, far more noble and far more gracious than that. We recognise, acknowledge and support their families, their friends and the medical staff who assist them on their difficult journey. We also recognise and acknowledge the fundraisers, the fundraising groups, the donors and the researchers who are working tirelessly to find a cure for this disease. Breast cancer affects many different age groups, not only the elderly. It has many treatments and no one diagnosis is the same or reacts the same to treatments.

I know of a girl who attended the high school at which I taught who was diagnosed with breast cancer at the age of 24. She had a mastectomy, lost her hair during chemotherapy and suffered ill health. Since finishing her treatment she returned to her employment, got married this year and is getting on with life. Katrina, another champion of the Breast Cancer Awareness cause and a constituent of the Cessnock electorate, was diagnosed when she was 36. She has had a double mastectomy—her treatment included chemotherapy and radiation. Given what we now know about breast cancer, thanks to the campaigns and research funded by Breast

Cancer Awareness Month, this brave and inspirational journey with cancer will now become a journey for her daughter too. At the age of 17 Katrina's daughter knows that there will always be a genetic possibility that she too may be one day diagnosed with breast cancer.

Since Katrina was diagnosed her mother, aunt and two of her cousins also have been treated for breast cancer. Katrina fits into many of the breast cancer categories—namely, she had a diagnosis of breast cancer and other family members also have had breast cancer diagnosis. Proudly, Katrina is a leader of a local breast cancer support group. She has raised many thousands of dollars that have been donated for research. She has instigated, created and organised work on events such as the Pink Ball, which is held at various wineries in the Hunter, and the Breast Cancer Bubbly Breakfast, which is held annually at Crowne Plaza, Hunter Valley.

The mother of one of my staff was diagnosed with breast cancer since I have been elected. She has had a mastectomy. She has been treated with both chemotherapy and radiation and is now getting back into a normal routine. These women fit all different age groups. There is no age limit on breast cancer. These personal examples remind us of the journey that we all take and of the need to stay positive. We need to recognise that cancer is and will be a part of our lives at some stage. We will all be the better for the support of Breast Cancer Awareness Month to enable ongoing research and improved treatment.

Dr ANDREW McDONALD (Macquarie Fields) [10.42 p.m.], in reply: I thank the member for Menai and the member for Cessnock for their contributions to debate on this matter of public importance. Over the past few years there has been a significant change in community attitude towards breast cancer. As recently as six years ago this debate probably would not have occurred. Breast cancer has now come out of the shadows and we need to continue to raise awareness about it. Early detection of breast cancer is life-saving, which is one of the reasons for the increase in the survival rate to 88 per cent, along with better treatment. The member for Menai spoke of Kim Honeyman. That brave woman has done an amazing job in keeping her family together at a very difficult time. The member for Cessnock spoke of the recent diagnosis of a lady by the name of Katrina. Every person in this State—all seven million of them—will have had personal contact with someone who has had breast cancer.

Modern breast cancer treatment is a test of the health system. It is not treatment for the occasional player. Communication between professionals is vital. Treatment by those who are expert in breast cancer is the most important aspect of such treatment. That means surgeons who are aware of the latest techniques, oncologists who are aware of the pros and cons of chemotherapy, expert nursing staff being able to take patients through their sometimes harrowing journeys, breast cancer support nurses and community groups such as the Cancer Council are vital to the modern treatment of women diagnosed with breast cancer. This is a test of how we as a society react to a cancer that for too long has never been spoken about. Anyone who has attended a rugby league or cricket match where the players are wearing pink will agree that breast cancer now has a profile, and the the pink ribbon badge is one of the most widely known, certainly in Australia. But we need to find out so much more and we need to do so much more. Months such as Breast Cancer Awareness Month are vital. Once again I thank those members who contributed to this debate.

The DEPUTY-SPEAKER (Mr Thomas George): With the indulgence of the House, I thank the member for Macquarie Fields for bringing this matter of public importance to the attention of the House this evening. I am also sure that everyone in this place will join me in acknowledging the efforts this morning of the Hon. Lynda Voltz and the Hon. Sarah Mitchell in organising the Pink Ribbon breakfast at Parliament House this morning. Breast Cancer Awareness Month is about developing awareness amongst us. I doubt whether there would be anyone in this place who would not have been touched by cancer in some way.

Discussion concluded.

PRIVATE MEMBERS' STATEMENTS

TRIBUTE TO IAN DURRINGTON

Mr CHRISTOPHER GULAPTIS (Clarence) [10.45 p.m.]: Tonight I pay tribute to Ian Durrington, who passed away on Wednesday 26 September, shortly after a work-related accident at Maclean. He will be dearly missed by his wife, Kerry, and children, Alysha, Bethany, James and Thomas, his family and the whole of the Lower Clarence community. "Durro", as he was widely known to the Lower Clarence community, was only 51 when he passed away. I have lived in the Lower Clarence for the past 32 years and, like most residents

of the Lower Clarence, was immediately befriended by Durro. He had a shock of blonde hair, always wore a wide smile and was always friendly and upbeat with everyone. He was an uncomplicated man who enjoyed the simple things in life. This revolved around his family, his friends and his community. He was a true country gentleman.

Durro was not only a devoted family man but also devoted to his community. He was the Maclean State Emergency Service controller, having been a member of the State Emergency Service for over 20 years. He truly was committed to the State Emergency Service—I am sure he spent more time in his State Emergency Service uniform than in his civvies. He also was actively involved in other local causes and charities, including the Maclean skate park, the building of the Maclean Sports Centre and literally any other local charity—especially dress-ups. Durro was never worried about pitching in and getting his hands dirty if there was a job to be done. Durro's charity did not end with his passing; his last act of kindness was to give two other Australians a second chance at life. His organs were donated by his family to help save the lives of others. A young man and a woman have successfully undergone kidney transplants thanks to Durro's outstanding generosity.

The community came out in force to farewell their mate Durro. The service was held at the Maclean Showground in front of 1,000 mourners. It was the last time Durro rode in his beloved 1963 red Falcon station wagon, with his coffin ushered into the showground by members of the Blue Liners Bike Club. In lieu of flowers, the Durringtons asked for donations to be made to the Westpac Life Saver Rescue Helicopter. More than $1,000 was donated at the funeral service. Remarkably, even after his life had passed, Durro was still contributing to the community that he loved so much. The Clarence Valley has lost a true hero and a valued local community member. Durro was an inspiration to us all and I extend my sincere condolences to his family during this time of grief.

TRIBUTE TO CLYDE JOSEPH "SNOW CONE JOE" REDMAN

Mr CRAIG BAUMANN (Port Stephens—Parliamentary Secretary) [10.50 p.m.]: There are few harder things to do in this place than to show appropriate acknowledgment and respect for a recently deceased friend in the five minutes allotted. I paid tribute to my predecessor, John Bartlett, in this place in February 2008 and I now pay tribute to Barty's fellow ward councillor and fellow Freeman of Port Stephens, Joe Redman. I have only five minutes to pay tribute to 90 years of life and 25 years of close friendship and treasured memories. Joe Redman was a true Aussie character with a fascinating past and a wealth of colourful stories. Born in Dungog in 1922, he dabbled in a variety of occupations but admitted his real passion was for country showgrounds and the interesting people he encountered.

Joe was the race broadcaster at country show meetings for 47 years and called the races at Macksville, Grafton, Maclean, Coffs Harbour, Bellingen, Wauchope, Taree, Lismore and Ipswich. Joe's other claim to fame was his culinary creation, the snow cone. A book about Joe's life by Wendy McCormack was published in 2004. Joe's position as race caller always ensured him a favourable spot from which to sell his snow cones, pluto pups and the like. Joe was a man who devoted himself to family and community and was a born practical joker. When he was a child Joe was talked into working as a caddy for sixpence a round. By his own admission he did not do very well. One golfer was spraying balls and Joe could not keep them in sight. After 18 holes the golfer paid him but said, "You would have to be the worst caddie I've ever seen." Joe pocketed the sixpence and replied, "What a coincidence."

Twenty years ago Joe and I attended a conference in Melbourne. A mate of mine, Wally, met us at Tullamarine airport and drove us to our hotel. I told Wally that we had to attend a civic reception in Melbourne that night, to which Wally replied, "If you see the Lord Mayor tell him he's an idiot for wanting to close one of the Yarra bridges to traffic." For the sensibilities of *Hansard* I have left a few Aussie expletives out of that quote. Joe and I were standing in a crowd of about 1,000 people at the reception when some gent walked up and introduced himself. The name sounded familiar. Joe asked, "What do you do, mate?" The reply was, "I'm the Lord Mayor." Joe said, "Now isn't that a coincidence", and then faithfully carried out Wally's request.

The previous year a group of us attended the Urban Development Institute of Australia [UDIA] annual congress in Perth. On arrival we found a quiet table near the pool at the Burswood Convention Centre and awaited dinner and the informal opening of the congress. All went well until a rather imposing lady approached the table with the keynote speaker, the United Nations Under-Secretary, in tow. "We'll sit here", she announced and then talked non-stop, monopolising the entire table conversation. A relaxing drink on a balmy evening after a long flight turned into a more stressful situation.

Following 15-odd minutes of this mindless conversation, Joe, who was sitting next to the lady, dropped a spoon which he then picked up. The lady erupted out of her chair, looked at us all for a second and said, "Mr Under-Secretary, perhaps we should find a table where there are more women." As she grabbed him and left, we were bemused by our apparent change in luck. "I wonder what that was all about," I said. We then noticed Joe grinning like a Cheshire cat and obviously guilty. We grilled him and Joe said, "When I dropped the spoon I simply ran my hand up her calf and it looks like she didn't like it."

Joe was very much involved in the Port Stephens and Soldiers Point communities. He was a councillor from 1979 until 1995, serving five terms as Deputy Shire President. He was inducted as a Freeman of Port Stephens in 1996 and spent the next 16 years continuing to actively work for his community. He was inordinately proud of his Freeman jacket and wore it at any and every opportunity. His funeral was held last Tuesday 9 October. I was very sorry that Victoria and I were in the United Kingdom on a private visit and could not attend. When Mayor Bruce Mackenzie quietly asked why Joe's Freeman jacket was not on the coffin, he was told Joe was wearing it—a community stalwart until the end.

Joe also attended his own wake, admittedly 10 years prior to his death on his eightieth birthday. He knew the wake would be a good one and he wanted to be there to enjoy it. Clyde Joseph "Snow Cone Joe" Redman was born on 6 February 1922. He died on 3 October 2012 aged 90. He was the much-loved husband of Joan for the last 50 years and husband of Irene, deceased. He was the loving father and father-in-law of Keith, Faye and Peter, Sharyn, Gary and Narelle, and he was Poppy Red to his grandchildren and great-grandchildren. I know the House joins me in expressing condolences to his family for their loss and thanking them for sharing Joe for most of his life with the Port Stephens and wider community. Vale Joe Redman, a truly great Australian.

The DEPUTY-SPEAKER (Mr Thomas George): I thank the member for Port Stephens for his dedication to Joe Redman. As someone who has been involved with country shows in the Northern Rivers, I can say that Joe Redman was a household name. He left his mark on the showgrounds, not only through his presence at sideshow alley but also through his calling of the races. He will be sadly missed. On behalf of country members in the north, I extend my sympathy to his family.

Private members' statements concluded.

The House adjourned, pursuant to standing and sessional orders, at 10.55 p.m. until Thursday 18 October 2012 at 10.00 a.m.