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LEGISLATIVE ASSEMBLY

Tuesday 26 February 2013

The Speaker (The Hon. Shelley Elizabeth Hancock) took the chair at 12 noon.

The Speaker read the Prayer and acknowledgement of country.

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

[During the giving of notices of motions]

Mr Gareth Ward: Point of order: I seek your ruling on a member of this House using a notice of motion to attack the spouse of another member for their comments.

The SPEAKER: Order! That type of thing is done repeatedly. There is no point of order. The member for Kiama will resume his seat. The member for Macquarie Fields has the call.

[Interruption]

The SPEAKER: Order! I advise the member for Wollongong not to respond to interjections. The member for Kiama will resume his seat. I will remove the member for Kiama from the Chamber if he continues to interject.

PRIVATE MEMBERS' STATEMENTS

HORNSBY ELECTORATE VOLUNTEER FIREFIGHTERS

Mr MATT KEAN (Hornsby) [12.09 p.m.]: I draw to the attention of the House a matter of which the people of my electorate and I are very proud—the work of the Rural Fire Service over the summer months. While many of us were able to enjoy a relaxing and festive season with family and friends, many others throughout New South Wales did not enjoy such a privilege. January was a month when we sweltered and it was defined by hardship and challenge as a result of bushfires that devastated communities throughout the State. From the Warrumbungle shire to the Shoalhaven, countless residents were evacuated and suffered significant property damage.

The photographs and news clips that we saw every night provided only a glimpse of the bushfires' consequences. The image of the weather map of Australia being absolutely red was frightening for all of us. Land and homes were destroyed, local economies were impacted, and the emotional stamina of those affected was put to the ultimate test. Fortunately, New South Wales residents are resilient and will overcome this sad chapter in our State's history. But we are also fortunate to have approximately 70,000 volunteer firefighters serving in the NSW Rural Fire Service.

Without the support and work of the volunteer firefighters throughout the State, the consequences would have been far worse than occurred. Our State's emergency volunteers put their own personal safety at risk to assist and protect others, and for this we are all forever grateful. By its very nature, much of the work of firefighters is inherently dangerous and is conducted in the most inclement weather and stressful conditions. My electorate of Hornsby is known as the bushland shire. Despite being at high risk of bushfires, we were blessed not to have to face bushfires this season. Our community was spared the devastation that we saw nightly on the news, but a considerable number of volunteer firefighters from the Hornsby Ku-ring-gai Rural Fire Service dedicated their time and energy to help other New South Wales communities that were damaged by bushfires.

It gives me great honour to recognise the heroes in our community—the men and women who served our State and protected so many from the devastation of bushfires. I acknowledge Grahame Horne, Ron Raffaelli and Chris Hunter of the remote area fire team that was deployed to Tasmania; my friend Bill Lea, Ray Mychalewycz, Warwick Thomson, Chris McIntosh, Gus Gulicher, Tim Lyle, Russell Steen, Leon Smith, Stefan Kadareanu, Stuart Davidson, Jeremy Hugman, Peter Bowlker, April Meredith, Paul Morris, Phil Dunn, Robert Clarke, Anthony Macvean, Angela Simpson, Ed Barton, Murray Campbell, Steve Hayes, Warren Willis and Jon Carlo Messina, who assisted at the Dean Gap fire in the Shoalhaven; Grant Wargren, who served in the Coonamble area; and Dave McMonnies, Theo Klich, Jack Stoner, Ken Lyle, Paul Norman, Andrew Webster, Adam Streichler, Daniel Sokolnikoff and Chris Koedam, who served at the Wambelong fire in Coonabarabran.

Gordon Morgan assisted in both the Dean Gap fire in the Shoalhaven and the Wambelong fire in Coonabarabran, while Robert Warzyniak assisted in both the remote area fire team that was deployed to Tasmania and the Wambelong fire in Coonabarabran. I wish to recognise also Hornsby Ku-ring-gai Rural Fire Service staff members who assisted with fighting various fires in New South Wales. They include Mark Sugden of incident control; Peter Marshal of fire investigation; Jon Gaibor of air operations; Kate Carter of logistics; Kane Lambkin of media liaison; and Brett Storey of operations. It should also be noted that Mark Sugden, who is the district manager, and Brett Storey, who is the learning and development officer, are currently assisting their Tasmanian counterparts. In addition to their firefighting duties, both volunteers and staff from the Hornsby Ku-ring-gai Rural Fire Service spent many days being on stand-by, predominantly at the station ready to respond to fires, and filling roles of pre-emptive incident management teams when a total fire ban had been declared due to the extreme fire danger in the Hornsby area.

Volunteer firefighters are unique people. They go above and beyond the call of duty when asked, and represent the values that all citizens should aspire to embody—service, leadership, honesty and teamwork. Volunteer firefighters do not serve for personal gain or commendation; rather, they serve to protect their communities for the betterment of present and future generations. And they serve, knowing they are risking their lives for our livelihoods. Although each firefighter has a different story to share and comes from a different background, they are bound by their belief in unity and community service, for which they should all be commended. I am humbled to represent a community that demonstrates both compassion and empathy towards those experiencing difficulty. I look forward to working with the Hornsby Ku-ring-gai Rural Fire Service in the future to ensure that the local community remains safe and protected.

Mr DONALD PAGE (Ballina—Minister for Local Government, and Minister for the North Coast) [12.14 p.m.]: On behalf of the Government, I join the member for Hornsby in commending to the House the wonderful efforts of the Rural Fire Service, particularly during the January bushfires that occurred throughout the State. We are very privileged and fortunate to have approximately 70,000 volunteer firefighters who, as the member for Hornsby said, often put at risk their personal safety to prevent damage to property and livestock, and injury to people. I am often amazed when I read about an individual volunteer bush fire fighter who has been fighting a fire at the same time as his own home has burnt down. That is an indication of the commitment and dedication of our Rural Fire Service personnel across this State.

The SPEAKER: I ask the member for Hornsby to convey my personal thanks to members of the Hornsby Ku-ring-gai Rural Fire Service who attended the Deans Gap fire in the Shoalhaven.

BELMORE DIGITAL TRAIN RADIO SYSTEM TOWER

Mr ROBERT FUROLO (Lakemba) [12.15 p.m.]: I draw to the attention of the House an issue of concern to a number of residents in the community, to acknowledge their role in working through advocacy to achieve an improved outcome, and to acknowledge that RailCorp worked to find a compromise solution to the issue. Many members of this House are familiar with the Waterfall rail disaster that occurred a few years ago and the special commission of inquiry that made a number of recommendations, including an upgrading of radio systems for train operators and train drivers. The digital train radio system is the upshot of one of those recommendations.

The digital train radio system [DTRS] program has been rolled out by RailCorp. Residents of Knox Street, Belmore, received notification from RailCorp that a tower would be erected on RailCorp land at the rear of their homes. Like many people, the residents were concerned about the potential impact of that 20-metre communications tower, which is very similar in design and use to a mobile phone tower. Residents are genuinely concerned about the potential impacts of communications towers. After Knox Street residents received notification from RailCorp, they contacted my office and asked for my help.

I was very pleased to meet the residents, listen to their concerns and help them to understand the implications of RailCorp's proposal. I then agreed to meet with RailCorp and was very pleased that RailCorp made staff available to explain the proposal to me. Having spoken to RailCorp and having met with and listened to the residents, I noted that the residents expressed concern relating to the notification process and material provided by RailCorp, the impact of the tower on visual amenity, and the potential safety impacts of a device that continuously emits radio frequency signals. I am pleased to inform the House that after meeting with RailCorp and discussing alternative arrangements that could be considered, RailCorp undertook further analysis and recalculated. As a result, the tower that was proposed to be erected near the backyards of homes in Knox Street, Belmore, instead will be situated in an industrial area.

I know that RailCorp's reconsideration of the issue has brought enormous relief and satisfaction to local residents. Two childcare facilities and a large number of apartments with families and young children are in the vicinity of the proposed location of the tower, which caused residents of the area a great deal of concern regarding health implications. I am very pleased that RailCorp listened to the concerns expressed by residents and was able to take on board the issues as well as find a solution to those concerns. This issue serves as a reminder of what can be achieved when people are prepared to work together.

The residents conducted a very good campaign; they worked together and supported each other. To its credit, RailCorp responded to the residents' campaign and relocated the tower. This is an example of what can be done when people have good intentions and are prepared to make a positive outcome their first priority. I again congratulate the residents on their hard work and acknowledge the role played by RailCorp, in particular by one of its staff, Vicki Jarvis, who was very understanding and engaging and certainly worked very hard to find a solution. I put on record the appreciation of the residents of Belmore.

ROYAL FLYING DOCTOR SERVICE AIRCRAFT NAMING CEREMONY

Mr TROY GRANT (Dubbo—Parliamentary Secretary) [12.20 p.m.]: I bring to the attention of the House the naming of a Royal Flying Doctor Service aircraft recently by the Governor of New South Wales. I had the very great pleasure of witnessing this event in the presence of Her Excellency Professor Marie Bashir, AC, CVO, at the wonderful Royal Flying Doctor Service Base in Dubbo. The aircraft was named in honour of the late Dr Bruce Reid, AM, KNO, a noted Australian entrepreneur who had been both a generous benefactor and a committed supporter of the Flying Doctor Service for many years. Members of Mr Reid's family, including his son David, attended the naming ceremony in front of a gathering of some 100 invited guests and dignitaries. Also attending with me were the Minister for Western New South Wales and member for Barwon, Kevin Humphries, and the Federal member for Parkes, Mark Coulton, both of whom are very well aware of the great service the Royal Flying Doctor Service gives to communities and constituents in their electorates.

The aircraft, a Beechcraft King Air B200, will be one of three Royal Flying Doctor Service planes based in Dubbo. The naming of this aircraft in the year that the Royal Flying Doctor Service celebrates its eighty-fifth anniversary is indeed significant. Those of us who represent regional electorates know just how important the service is to isolated communities when time and distance to travel can be a patient's greatest obstacle. I have spoken before in this place of the critical role played by the Royal Flying Doctor Service in airlifting my then infant daughter to hospital in 1999. There can be few worthier recipients of this particular honour than Bruce Reid, who during his lifetime donated in excess of half a million dollars to the Flying Doctor.

Having commenced his working life as a telegraph boy during the Depression, Dr Bruce Reid went on to find commercial success in the gas industry while introducing the first Primus liquid petroleum gas products into the country. He held other diverse interests including cattle and horse breeding. When his horse Savabeel won the W.S. Cox Plate some years ago, he immediately donated the entire prize money to the Royal Flying Doctor Service. His interest in the Flying Doctor was sparked by his association with the Reverend Fred McKay and the Presbyterian and Uniting churches. The Reid family continues to take a close interest in and provide valuable and generous ongoing support for the Royal Flying Doctor Service.

I was delighted that the Governor was in Dubbo to mark the happy occasion. It was indeed an honour for me to welcome her, as a proud Narrandera girl, home to Wiradjuri country. The Governor was quoted in a *Daily Liberal* article following her visit as stating, "I only need to step off the plane in Dubbo and smell some air and I am renewed and that's no exaggeration." I experience the same sense of exhilaration every time I step onto the tarmac of Dubbo airport upon my return home. I thank the Governor and congratulate the Reid family and thank them for their ongoing support.

Mr DONALD PAGE (Ballina—Minister for Local Government, and Minister for the North Coast) [12.23 p.m.]: I thank the member for Dubbo for drawing the attention of the House to the naming of the Royal Flying Doctor Service aircraft after Dr Bruce Reid, AM, KNO. I also thank Dr Reid for his generosity in donating half a million dollars to the Royal Flying Doctor Service. That is an amazing contribution. I join the member for Dubbo in thanking everyone involved with the Royal Flying Doctor Service for the very important role they play, including their service to the member's family. I cannot think of a better person to officiate at such a ceremony than the Governor of New South Wales, who of course is a doctor in her own right and a most compassionate person.

GOULBURN ELECTORATE AUSTRALIA DAY AWARDS

Ms PRU GOWARD (Goulburn—Minister for Family and Community Services, and Minister for Women) [12.24 p.m.]: I was grateful to spend the parliamentary recess in my electorate catching up with family and friends. An Australian summer that combines the Christmas celebrations with the holiday period is a perfect opportunity to celebrate what it is to be an Australian. Australia Day celebrations are always well attended in the electorate of Goulburn and I take a moment to mention those Goulburn constituents who were recognised both locally and nationally for their contributions. Marie Hodgson was named Wingecaribee's Australia Day Citizen of the Year. Marie's contribution to the community started more than 70 years ago when she served with the Australian Women's Army Service as an anti-aircraft gunner and signalwoman with the coast artillery.

Marie later became involved in the Guiding movement as a Brownie Leader, District Commissioner and Regional Commissioner, and as a member of the Trefoil Guild was awarded the Wattle Award, Guiding's highest award for service. Marie has also been involved in numerous other community groups, including Meals on Wheels, Moss Vale Horticultural Society, Moss Vale Methodist Church, and the friendship club, and she was a founding member of the widow's club and an active member of the Wingecaribee Seniors Advisory Committee. She always has a lovely warm smile whenever I greet her. The Young Citizen of the Year was awarded to Chevalier College student Erica Longhurst, who manages to combine a very successful academic career with community commitments to organisations as diverse as Youth Radio and St Johns Ambulance, the Berrima Museum and the environmentally concerned group Can Win.

In Goulburn the Citizen of the Year was Ian McMurdo who was able to turn a cancer diagnosis into an opportunity to help others by founding the local Can Assist branch to help families affected by cancer. He has been instrumental in raising \$55,000 through fundraising activities, which has benefited almost 50 families. The young Australian of the Year in Goulburn was a young man whom I have met before. Jakub Nabaglo came to Australia with his family from Poland when he was 11 years old. He has got stuck into life in Goulburn becoming an active member of the Youth Council. He was my representative in the YMCA Youth Parliament and made a speech at a recent commemorative parade for the New South Wales Police Academy. Ros Loftus and Dawn Giles were awarded the Community Event of the Year Award for the Riversdale Garden Fair. Members must visit Riversdale. Riversdale is renowned for its collection of fine Australian colonial furniture, arts and crafts, and for the garden with its 1918 espaliered apple trees and flowering shrubs.

Nationally, we had the annual announcement of Australia Day Awards. A number of my constituents have been recognised for achievements that went beyond the call of duty. The Goulburn RSL Sub Branch president, my good friend Gordon Wade, was the proudest of fathers this year as his son, Sergeant Andrew Wade, was honoured for outstanding service in the Air Force with the Conspicuous Service Cross. Although now based in Windsor, Andrew was brought up in Goulburn and always stands by his father at local Anzac Day services with his children. Five other civilians were also honoured. Reverend Harry Herbert from Bundanoon was named a Member of the Order of Australia [AM] for significant service to the community through leadership and advocacy roles in the area of social justice and welfare. His association with UnitingCare dates back 25 years. He has been an adviser to governments in various capacities and is a former chair of the Council of Social Service of New South Wales.

Four people received the Medal of the Order of Australia [OAM] and included David Tattersall of Moss Vale for service to music as an educator and administrator; my good friend Dr Allan Beavis, also from Moss Vale, for service to music and to education. He was Master of New College at the University of New South Wales until 2002 and has been involved not only in secondary schools but also in supporting the musical direction of our beautiful St Jude's Anglican Church, Bowral. He has been the organist since 1997 and the conductor of various musical groups and events that I am occasionally lucky enough to attend. Mr Warwick Hansen, from Colo Vale, received the award for service to the community and to the funeral industry. He has involved himself in many community groups and is on the advisory committee of the Illawarra Centenary of Anzac 2015.

I cannot finish this list of worthy members of my community without mentioning my friend and resident of the Southern Highlands Ita Buttrose, who deservedly was named Australian of the Year 2013 for her service to the media and to the many charitable organisations on which she serves. In my view, her life as an outstanding role model for all Australian women was, alone, enough to earn her this great honour. I am always left in awe of the wonderful people whose contribution to our community and our country is the backbone of Australian and New South Wales society. I am very proud to congratulate the Goulburn electorate alumni of 2013.

KEIRA ELECTORATE INFRASTRUCTURE

Mr RYAN PARK (Keira) [12.29 p.m.]: Today I will outline some future priorities for the Keira electorate and surrounds. This is important for all members of Parliament to do given that we have a budget coming up in the next few months. I expect all of us will be advocating hard for our communities. Without doubt the biggest priority remains health delivery. That requires an important injection of funding into Bulli Hospital. It is disappointing that that funding has not come about two years into the term of this Government despite its being outlined as a priority in the local health care plan. That has not translated into a priority in the Government's action plan for the region. Bulli Hospital is at breaking point and needs an injection of funding. Bulli Hospital will never be a major regional hospital like Wollongong but it is in desperate need of funding, which should be delivered in this year's budget.

The electorate of Keira has within it the main campus of the University of Wollongong. It is one of the premier universities in the country. As an alumnus of this university I remain a strong advocate and supporter of it. It is located in a built-up residential area, particularly around Keiraville. We need to put forward suggestions—as the community and I have—on how to alleviate congestion in this densely built-up area as the university grows. Those who live in Sydney will benefit largely from the express buses, loosely called the metro bus network. The bus services are essentially hop on, hop off, no timetable, and minimal stopping, meaning they can get from point A to point B in about the same time as a motor vehicle.

I have sought advice from the Minister as to whether such a network could be rolled out in our major regional areas, particularly regional areas that have a large university or a very large population in a residential area. That would not apply only to areas with universities but to areas around the State with highly concentrated populations in already congested residential areas. Young people do not want to ride on a bus for 50 minutes if driving a car on the trip takes them 15 or 20 minutes. But if the bus time matches the time of a car there will be a modal shift. That is why metro bus systems work, as they have in Sydney. We now have to look at rolling out that model into our larger regional areas, particularly areas such as mine where a university is embedded.

For the past couple of years I have advocated strongly—and will continue to do so—for the upgrading of library facilities and central education facilities at Figtree High School. It is a growing school. At the moment the location, size and function of the library are unacceptable. We all know that libraries are very different places from what they were when most of us went to school. They are certainly different from what they were originally set up to be. They are now hubs for learning and they need to be equipped as such. If we truly support students and their new ways of learning as they move through the next 5, 10, 15 or 20 years, with the rapid changes in technology, we need to invest in this infrastructure. That is important and I will certainly be lobbying on behalf of my community in the next few months in the lead-up to the budget. [*Time expired.*]

TRIBUTE TO LESLIE JOSEPH WATSON

Mr THOMAS GEORGE (Lismore—The Deputy-Speaker) [12.34 p.m.]: Today I pay tribute to Leslie Joseph Watson—Les, as he was affectionately known—who passed away on 9 February. I attended his memorial and funeral service on 16 February in Woodenbong, where the hall was packed. Everyone attended to recognise Les' contribution not only to public life but to his family as well. Les had a lifetime in the Woodenbong district, moving only about 20 or 30 kilometres in his 88 years. He was on the baths committee, which might not sound a lot to this place, but he was instrumental in making sure the little community of Woodenbong, right up on the border of the State, had swimming baths. The community was granted a pool by the council but the local community had to fund its ongoing expenses. He worked very hard to make sure that pool continued.

Les was a very important part and chair of the Australia Day Committee, organising celebrations west of the ranges, and certainly contributed a lot of his time to the Australia Day Committee. The Woodenbong Progress Association was another committee to which he dedicated his life. He contributed a lot to the

community through the progress association. Les worked on two other committees. First was the Summerland Way Promotional Committee started in 1976. Les and another strong advocate, the late Jack Hurley, were community members who continued to pursue an alternative route to the Pacific Highway—a more direct route. The Summerland Way branches off at Grafton and goes through Woodenbong. Les and Jack advocated an alternative route from the Summerland Way through Beaudesert to Brisbane. Even though Les was well into his eighties he attended every meeting of the committee.

The second committee was the Downs to Rivers Action Committee, which advocated for improvements to the Woodenbong to Legume Road. Les was dedicated to that committee, which was formed in 1996. In recognition of his years of work he was made patron of both committees. He worked throughout his lifetime to improve the road network in that area. He was also been a strong advocate of a highway to the east of Mount Lindsay Highway, which, by cutting 10 kilometres across country, would come out at Palen Creek and would cut off many steep miles for trucks and give them a more direct route into Brisbane. I often have west of the range trips, as I call them. Whenever I got to Woodenbong Les would be there to meet me in case no-one else had any issues. He would always have a cup of coffee with me and make sure I continued to have the west of the range trips. He loved his rugby league. He was an avid Manly supporter.

Before the finals last year he had to forgo the opening of the new Rural Fire Service buildings in Woodenbong as his son-in-law took him to Brisbane to see Manly play the Broncos. He was so proud he did that, and I am so pleased that he did. Above all these achievements that I have talked about, Les' commitment to his family and his love of his God meant everything to him. The only thing he would have been disappointed about was that he was not there to see the whole family together at his service—Bruce and Gail, Max and Judith, Jean and Allen Thomas and Rodney and Kim and all their children and grandchildren. It was a lovely sight to see them all gathered together. The eulogies and tributes paid by the family recognised the contribution of their father, their grandfather, their mate, Leslie Joseph Watson.

Mr DONALD PAGE (Ballina—Minister for Local Government, and Minister for the North Coast) [12.39 p.m.]: Les Watson made a great contribution to his community. Last Saturday *The Northern Star* published a tribute to Les Watson. It stated:

Les Watson's extensive experience and highly developed practical skills gave him a unique insight into transport and road construction. Together with his ability to communicate with wisdom and humour, they made him an effective advocate and he fostered productive relationships with bureaucrats and politicians across the political spectrum.

I endorse the comments of the member for Lismore and join with him on behalf of the Government in extending our condolences to his family.

BOATING SAFETY EQUIPMENT

Mr GREG PIPER (Lake Macquarie) [12.40 p.m.]: It is fitting that I follow the member for Lismore who spoke about a local hero, Les Watson. I draw attention to the important and inspirational work of one of my constituents, also a hero to Lake Macquarie's community, Cathy Simon of Toronto. Cathy is campaigning for the compulsory use of life jackets following tragic drowning incidents on our waterways. On 11 June 2011 Mrs Simon's 14-year-old daughter, Courtney, set out on a small boat with her 16-year-old boyfriend and a 17-year-old male friend. They were headed for Elizabeth Island. Inclement weather and rough water conditions were forecast. The boat was overloaded, overpowered and unregistered. The teenage skipper was unlicensed and, despite being minors, the party had an esky full of beer.

It was the perfect storm: trouble was inevitable and, sadly, that is what came to pass. The boat capsized and the three teenagers were thrown into the water. Two of the youths made it back to shore, but Courtney did not. Her mother later received news that no parent would ever wish to hear: her daughter was missing, presumed drowned. Courtney's body was not discovered for another ten days. She had not been wearing a life jacket and struggled for hours in an attempt to reach the shore. Her boyfriend, who had stayed with her throughout the ordeal, said she appeared to suffer a seizure before she died. The coronial inquest was held last year. The Deputy State Coroner, Mark Buscombe, was critical of the adults who drove the young trio to the boat ramp, but ruled there was insufficient evidence for a charge of manslaughter by criminal negligence to be considered against the teenage skipper. Mr Buscombe described Courtney's passing as a tragedy that should not have happened. According to figures for the 10-year period ending June 2012 that were published in *Boating Incidents in NSW*, Courtney was one of 103 people who had drowned as a result of a boating incident. More than 90 per cent of the victims were not wearing life jackets.

Cathy Simon wants her daughter to be remembered for something more than a grim statistic. She has resolved to take action against others senselessly losing their lives as Courtney did. The effectiveness of her personal campaign is a measure of her character and determination. Mrs Simon is lobbying for legislative change, known as Courtney's rule, which will make the wearing of life jackets compulsory for anyone on board a vessel more than 100 metres from shore. Currently under New South Wales law only children under 12 must wear a life jacket at all times on boats under 4.8 metres in enclosed waters. Those over the age of 12 need only wear a life jacket when boating at night or alone.

Mrs Simon has promoted her cause prominently on social media such as Facebook and Twitter and in press interviews and she has made appearances at local boating functions such as the Lake Macquarie Classic Boatfest. She has met with governmental staff to discuss her proposed change to the law and has worked closely with fellow life jacket advocate Peter Hackett, who runs the prominent Wear It Australian campaign. Mrs Simon has produced stickers and posters advertising Courtney's rule, which she distributes among the boating community. She has worked tirelessly to increase the awareness of the importance of people of all ages wearing life jackets on the water. To this end she is on the same page as the Minister for Roads and Ports, Duncan Gay, who launched a water safety campaign in December emphasising the uniform use of life jackets by boaters and other recreational users of our waterways.

The Royal Life Saving Society of Australia is also in favour of tighter legislation. It has called for an increase to 18 years for the compulsory wearing of life jackets. It takes a special person to be able to pull themselves from a mire of grief and to make something constructive of an inexplicable tragedy such as the loss of a child. I commend Mrs Simon for her work. I pay tribute to her effort to ensure that no other life is tragically lost in this way. Perhaps lives have already been saved by her efforts. I trust that the raising of the matter in the Legislative Assembly will bring more attention to Cathy's cause. I ask that her representations be considered by the department in any review of life jacket legislation.

ST IVES LIONS CLUB YOUTH OF THE YEAR

Mr JONATHAN O'DEA (Davidson) [12.45 p.m.]: I pay tribute to the St Ives Lions Club and all those involved in this year's Youth of the Year competition. I attended the function last night, which was held at Checkers Resort and Conference Centre, Terrey Hills. The evening was enjoyable and interesting. It provided an opportunity to listen to young people from my local community. Each of them delivered a speech on a subject of their choice and responded to impromptu questions.

As the House has previously heard, Lions clubs have a membership of 1.3 million people in more than 200 countries, making it the largest and most active service organisation worldwide. The first Lions Club in Australia was formed in Lismore in 1947. Since then more than 1,400 clubs have grown across Australia. Today there are more than 30,000 active members, which includes members of the St Ives Lions Club. Last night I was welcomed at its celebration of our youth. I thank St Ives Lions Club President Frank Anello, his wife, Christine, and the organiser and Chair of the Youth of the Year Quest, Maureen Owen, who was present with her husband, Mike. Another Lions member present who played a central role was Michael Ferns.

Last night's activities included the public speaking component of the Youth of the Year Quest. The six year 12 students who competed set a high standard. It was inspirational to know that my local area has such youths who will continue to contribute to the community in future years. Each student spoke on a subject of their choice. The art of public speaking was developed in ancient Greece by citizens who wished to succeed in court, social life or politics. Many of us still wish to succeed. The Attorney General, currently at the table, has been successful in court, is successful in his social life and is successful in his politics largely because he is a good public speaker.

Five of the six youths who participated were from schools in my electorate. I acknowledge each of them. Curtis Chan from Killara High School spoke about why Australia does not value language learning enough. Daniel Coppel from Masada College spoke about the Lance Armstrong saga and the impacts it has on youth in sport today. Ramona Iranzadi from St Ives High School spoke on the topic that Australia should be a republic. Katherine Kendall from Roseville College, who won the competition and was Youth of the Year, spoke on the many impacts of modern media. Alexandra McInnes from Brigidine College spoke on the topic that we all want our stories told. Jessica Orchard from Loreto Normanhurst spoke about Australia's asylum seeker and refugee policies and their contradictions to the national identity as global citizens. Jessica was the runner up for the public speaker component of the Youth of the Year Quest.

In addition to being outstanding speakers, the youths demonstrated extensive involvement in their school communities and as volunteers and participants in our society. I particularly congratulate Katherine Kendall from Roseville College, who will go on to compete in the zone final and potentially progress to State and national finals within the Lions Club movement's Youth of the Year competition. I acknowledge the judges: Stephen Casey from the National Australia Bank, also a sponsor of the event; Adrienne McLean, who chaired the judging; Tricia Meers; and Jan Nash. It was a great evening and I congratulate all those involved.

CARDINAL STEPINAC VILLAGE

Mr ANDREW ROHAN (Smithfield) [12.50 p.m.]: I am pleased to speak about my opportunity to be a part of the Cardinal Stepinac Vocation Day on 10 February 2013 at the Cardinal Stepinac Village in St Johns Park. The village is located on Canley Vale Road and was founded in 1986 by the Australian Croatian "Cardinal Stepinac" Association Incorporated. The association comprises volunteers from the Croatian community. The association's aspiration was to build an aged care facility for the Australian Croatian community that provides guidance, nurturing and assistance under the teaching of the Croatian martyr Alojzije Stepinac. I believe the association has achieved this feat.

I have made two visits to this wonderful village. On the first occasion I was invited by the chief executive officer Mr Matt Smolcic to take a tour on 25 January, which I happily accepted. Mr Smolcic and Sister Tereza Kuznic showed me around the entire village and I saw a magnificent establishment. The elderly residents who have worked hard throughout their entire lives rightfully deserve to be hosted in an equally high class retirement facility. I believe the facility could be considered as a model for current villages in the area. At the end of the tour I was informed by Mr Smolcic that changes by the Federal Government to the Aged Care Act 1997 and by the State to the Environmental Planning and Assessment Amendment (Fire Sprinkler Systems) Regulation 2012 would mean facilities such as St Stepinac Village will now require fire sprinklers to be installed all around the building.

Some older sections of the facility do not have sprinklers installed as they were not required by government when the facility was built. Mr Smolcic asked me for my assistance in this matter and told me that \$250,000 is needed to install the required sprinkler system. The sprinkler system is necessary as a safety measure to safeguard the elderly residents against the risk of fire. The legislation was introduced as a result of incidents that occurred at a number of retirement villages—they did not have sprinklers installed and when facilities caught fire it placed residents at risk. Mr Smolcic told me that St Stepinac Village has applied to the New South Wales Government for a community building partnership grant. This program by the New South Wales Liberal-National Government provides \$35 million over four years to support not-for-profit groups through community infrastructure.

My second visit to St Stepinac Village was on 10 February 2013 to celebrate St Stepinac Vocation Day. It is a significant day that reaffirms the work done by the volunteers at Cardinal Stepinac Village and their commitment to their patron and religion. On this day staff and volunteers were presented with awards for their care of and service to the elderly in the village. Religious ceremonies such as mass and the lighting of candles were carried out in celebration of the event. I was honoured to be part of such a spiritual and sentimental occasion: a day where the efforts of the workers are celebrated. Residents, workers and volunteers all preach the teachings of the Blessed Cardinal Stepinac, whom the village is named after. His martyrdom inspired this group of people to serve Catholicism through the belief that it is important to value and respect each individual. That is admirable to say the least.

On a different note I will raise the formation of the Croatian Ministerial Consultative Committee under the portfolio of the Minister for Citizenship and Communities, and Minister for Aboriginal Affairs. The Minister has appointed me and the Hon. Natasha McLaren-Jones of the Legislative Council as co-chairs of the committee. It is a new initiative by the New South Wales Government to engage and work with ethnic communities. It is hoped that through the Croatian Ministerial Consultative Committee the New South Wales Government will further encourage engagement and consultation between government and the Australian Croatian community.

MID NORTH COAST FLOODS

Mrs LESLIE WILLIAMS (Port Macquarie) [12.55 p.m.]: This afternoon I will speak about the floods that hit the Port Macquarie electorate over the weekend and acknowledge the wonderful work of the various volunteer groups that work so hard helping our community to cope during a very tough time. Following the

heavy rain and winds that lashed the North Coast on Friday morning the low pressure system made its way down the coast, hitting the mid North Coast on Friday night and continuing throughout Saturday. It left a path of devastation in its wake. With hundreds of millimetres of rain falling on already rain-soaked ground, flooding was inevitable. This flood event was the worst since 1978, with floodwaters cutting many local roads, including the Pacific Highway just north of Port Macquarie, the Oxley Highway between Port Macquarie and Wauchope, Hastings River Drive and Settlement Point Road. The water also rose in Short Street, affecting many local businesses. It appears that homes on the north shore were the worst hit, with floodwater still affecting Shoreline Drive and Riverside Drive.

The floodwaters caused the Hastings River to peak at 1.9 metres at Settlement Point. When you look at the rainfall figures it is not hard to see why we had the flood. In the past week Mount Seaview, at the top of the catchment, received 615 millimetres of rain—the highest recorded rainfall in New South Wales. Add to that the 245 millimetres that was recorded in Port Macquarie and a rather waterlogged picture is painted. Last weekend's flood event showed how resilient our community is in the face of mother nature showing her darker side. While Port Macquarie did not bear the brunt of the low pressure system as our coastal neighbours to the north did, it was certainly a storm event that we are not likely to forget any time soon. The near cyclonic winds caused widespread damage in our area, blowing over many trees, damaging roofs and bringing down powerlines.

Essential Energy brought in approximately 500 personnel from around the State who worked tirelessly and continue to be on the ground on the mid North Coast restoring power to households and businesses. This morning Essential Energy has advised that only 200 customers, to the north of my electorate, are still without electricity. That is an amazing effort considering that at the height of the disaster approximately 40,000 customers were without power. I make particular mention of Rachel Hussell, Essential Energy, Manager Community Relations, North Coast, whom I regularly heard on the media providing updates of current outages and supply disruptions.

The clean-up will continue for many days to come. I make special mention of the courageous work performed by the State Emergency Service volunteers in Port Macquarie under the control of Kevin Sherwood, Michael Ward, Michael Brumby, Dave Chandler, Ray Richards and Alison Richards. This team of dedicated men and women of the Port Macquarie State Emergency Service did an outstanding job attending to 240 calls for assistance as well as undertaking countless rescues. These people put their own lives at risk during extreme weather conditions such as those we experienced over the weekend. I know I speak for my entire community when I say we are extremely grateful to the State Emergency Service and extend to each and every volunteer our heartfelt thanks. I also thank the Rural Fire Service brigade members, police, the Ambulance Service of NSW and the Port Macquarie-Hastings council staff. All our emergency service personnel deserve a pat on the back.

I know that Deputy Premier Andrew Stoner inspected the situation yesterday and I am very pleased the State and Commonwealth governments have acted so quickly in declaring the Port Macquarie-Hastings area, as well as 10 other local government areas throughout the State, natural disaster areas, thereby enabling residents to apply for financial assistance. Tomorrow New South Wales Governor Marie Bashir, who is also the Acting Governor-General, will tour flood affected areas of the Port Macquarie-Hastings region. I would like to mention the great work of our local radio stations in keeping our community informed during these storms and floods. Cameron Marshall, Michael Spooner and staff from ABC Mid North Coast, Nick O'Callaghan and Mark Strachan and staff from 2MC and Star FM all did a wonderful job—like no other media can—in bringing us the most up-to-date information on road closures and flood levels. Well done to all of you.

As the floodwater recedes repairs to the damaged households, businesses and infrastructure will begin, but the physical and emotional impact on the community will take a lot longer to heal. Our thoughts and prayers go out to the family and friends of Luke O'Neill of Bonny Hills, who tragically lost his life on Friday night during the storms. I know that the Camden Haven community—as they always do when such heartbreaking losses occur—have already extended support to this family and will continue to do so in the days and weeks ahead.

ROCKDALE CHINESE NEW YEAR CELEBRATIONS

Mr JOHN FLOWERS (Rockdale) [1.00 p.m.]: I acknowledge the 2013 Chinese New Year and the Year of the Snake and the celebrations that took place in my electorate of Rockdale. Cultural diversity enriches our society by being a key instrument through which all communities feel encouraged to contribute actively to the life of our State in becoming vital and valued parts of it. One of the great strengths of our multicultural society is the capacity to share our cultural riches with one another. An important tradition of the Chinese New

Year celebration is the dragon and lion dance. Eye dotting on the dragon and on the lion is the symbol of giving life and dragon and lion dances have been part of Chinese culture for thousands of years. According to Chinese tradition, the lion is the symbol of power and wisdom and lions bring happiness, longevity, good luck and prosperity for the New Year. This year is the Year of the Water Snake. The snake is a creature of myth and legend and is associated with beauty, wisdom, esoteric knowledge and spiritual discovery.

Cultural celebrations such as those held in King Street Place, Rockdale, provide an excellent opportunity to celebrate our State's rich cultural diversity. The Chinese were among our earliest immigrants. They are recorded as having first arrived in 1827 and they have played an important role in the development of Sydney and New South Wales. Today, Chinese tourism generates millions of dollars a year, and that is great news for our economy. The 2011 census revealed that more than 866,000 people living in Australia were of Chinese heritage and approximately 10 per cent of the Rockdale population has Chinese ancestry. Almost 400,000 people living in New South Wales claim Chinese heritage and, of them, 275,000 speak either Cantonese or Mandarin. This is a tremendous asset for our State both culturally and commercially and it will encourage a stronger focus on the importance of learning those languages in our region.

The Chinese New Year celebration has grown into one of Rockdale's biggest festivals. Sydney is also a favourite destination for Chinese tourists, with more tourists arriving from China than from any other nation. Chinese Australians are committed to and are a longstanding and significant part of this State's community. They are an essential part of the New South Wales economy and an integral part of what is now one of the most culturally diverse societies in the world. King Street Place was alive with activity with the lion dance taking pride of place with loudly beating drums. The dance delighted the many children, as did the yum cha that was set up on white tables under red lanterns and extended the length of the connecting laneway. A number of people commented that the event had brought people together in a happy atmosphere. It will no doubt become an annual fixture on the Rockdale civic calendar. Fu Amin, the Consul, and Han Jiangtao, the Vice Consul, from the Consulate-General of the People's Republic of China in Sydney were Rockdale's guests of honour. It was a very successful event and I congratulate those responsible at Rockdale City Council, especially the events team.

PARLIAMENTARY FRIENDS OF ISRAEL STUDY TOUR

Ms GABRIELLE UPTON (Vaucluse—Parliamentary Secretary) [1.03 p.m.]: Between 6 and 10 January this year I had the privilege of participating in a New South Wales Jewish Board of Deputies-led study tour of Israel together with nine of my parliamentary colleagues. Since the New South Wales Parliamentary Friends of Israel group was established in August 2011, with me as chair and with the Hon. Walt Secord, MLC, as deputy chair, it was intended that the group would have the opportunity to undertake such a tour. The opportunity presented itself with the New South Wales Jewish Board of Deputies hosting the tour, ably led by Vice President Yaron Finkelstein and Yossi Tal. It was a unique experience and I relished every moment. I believe it is fitting that I share some of my reflections with the House. At the outset my hopes were dashed. I had hoped that the study tour to Israel would clarify my understanding of the Israeli-Palestinian conflict and the solutions. It did neither: It did not offer easily digested analyses or conclusions.

However, it did rigorously challenge my thinking and added many layers to my understanding of the conflict and the solutions. It was a far cry from the breezy two weeks I spent in Israel as a backpacker in 1989. The weather also challenged us. Our study group struck the worst January weather experienced in Israel in a decade. There were freezing storms for five days and snow fell on Jerusalem. However, the weather could not obscure the sheer beauty of Jerusalem, with its gleaming cream stone and architecture paying respect to its geography, history and spirituality. The inherent strength of the study tour lay in the variety of perspectives presented. Only a mature democracy like Israel has the confidence to offer such an opportunity. We visited Palestinian territory and an Israeli settlement and the respective leaders. We viewed an Israeli settlement from the Governor of Bethlehem's office. We also shared a home-cooked dinner with a senior education official and his colleagues in Abu Gosh and had a lively discussion with Isi Leibler—who is well known to the Australian Jewish community—in his lounge room resplendent with Judaica.

Observing how Israelis and Palestinians live close by one another on the ground gave me hope for a broader solution to deliver long-term peace. The study group spoke with Israeli Arabs, journalists, academics, a former Supreme Court judge and people at the highest levels of the Israeli Defence Force and foreign ministry personnel. All were generous with their knowledge, patient with our unflagging questions and intensely passionate to have us understand their perspectives. We visited Yad Vashem—the holocaust memorial—and it was extraordinary. How and why could such evil occur? Visiting Sderot and the Erez Checkpoint at the Gaza border served to contemporise the horror experienced by the people who live in the area.

How can young children enjoy carefree play when their playground equipment serves as bomb shelters and why is that the case? The tour group also shared dinner with Tel Aviv business entrepreneurs whose ideas and products will make their way into international markets and to our shores in Australia. I am firmly convinced more than ever before that Israel's proven capacity to innovate through high-risk tolerance and to commercialise is its competitive advantage and a key to enhancing its international standing. Through our strong links with Israel we can do much on this front for our mutual benefit. The Israeli spirit shone through all this. There is resilience, ingenuity and steely strength, and the pragmatism and excellence go hand in hand.

For many, day-to-day life seemed unaffected by the political maelstrom of the campaigning for the impending national election. After the study tour my family and I visited Museo Sefardi in Toledo, Spain, which is a medieval city that is home to a former synagogue. Five centuries after the expulsion of the Jews from Spain it stands as a stark reminder of the Jewish people's rich contribution to the development of Spain and, indeed, to Western Europe. It is another reminder of the plight of the Jews throughout history and why a secure State of Israel is an unyielding and essential aspiration. I sincerely thank the New South Wales Jewish Board of Deputies for the opportunity to participate in this magnificent study tour and my colleagues who added to that tour and made it an experience of a lifetime.

BLUE MOUNTAINS CROSSINGS BICENTENARY

Mrs ROZA SAGE (Blue Mountains) [1.08 p.m.]: Last weekend was very busy in the Blue Mountains with the start of events for the bicentenary of the crossing of the Blue Mountains by explorers Blaxland, Wentworth and Lawson. The proceedings began with a gala dinner on Friday night attended by Her Excellency, Professor Marie Bashir, Governor of New South Wales. The Governor has graciously consented to be the patron of the Crossings Bicentenary. The dinner was held at the Carrington Hotel, Katoomba, and was attended by many local community leaders and I as well as councillors and mayors from the Blue Mountains, Lithgow, Oberon and Penrith councils. We were also pleased to have descendants of the three explorers present at the celebration. We were entertained during the dinner by the local Orpheus String ensemble—a very talented semi-professional group of string musicians ably led by Julie Cooney. Saturday morning began with a crossings community interfaith blessing and breakfast at the Katoomba Cultural Centre.

Mid-morning we departed for the media launch at Echo Point, organised by the Blue Mountains Lithgow and Oberon Tourism organisation. Unfortunately, the weather was very wet so proceedings were held under a large marquee. What we missed out on with the usual stunning view of the Three Sisters was made up for by the extraordinary talent showcased at the launch. Master of ceremonies was Michael Brischetto, a remarkable young man who is the co-owner of the Carrington Hotel, vice-chair of Blue Mountains Lithgow Oberon Tourism [BMLOT] and winner of Young Achiever in Tourism during the 2011 New South Wales Tourism Awards. The Katoomba Theatre Company performed a skit called "The Prisoner's Plea", with performers Adam Quinn, Chris Gabardi, Georgia Adamson, Alan Cinis and James Tredinnick as convicts and troopers asking for the Governor's pardon. Her Excellency Professor Bashir joined in the spirit of the skit and played her part with conviction.

Welcome to Country was performed with song and dance. Elders Aunty Mary King, a Gundungurra woman, and Aunty Carol Cooper, a Darug woman, gave the formal welcome to country. Jacinta Tobin, another talented composer and performer and also a Darug woman, performed an original song in the Aboriginal language and in English. The Gundungurra Mulyang Dance Troup entertained us with traditional men's dances. As befitted the occasion, Domino Houlbrook-Cove, the Manager of Corporate Functions and Events at the Jenolan Caves, and I might add a fantastic singer, sang the national anthem. Next to entertain was the Junior Rangers Choir made up of children of National Parks and Wildlife staff and friends. Conductor and lyricist was Sandy Holmes, Tinker Duffy was on piano accordion, and the scene would not have been complete without Wanda the Wombat, who also made an appearance.

The choir, with performers Julian Brischetto, Mia Brischetto, Emmagen Cooper, Ruby Duff, Elly Hope, Lucy Hope, Alice Ridley, Arabella Walker, Sasha Walker and Xavier Walker, sang an original song, *The Three Explorers*, written for the occasion. Another special and original composition, *Crossing the Blue Mountains—a Fanfare for Brass*, was composed by Hayden Walker, who grew up in the Blue Mountains. It was performed by professional group The Brass Ensemble. Wendy Blaxland, writer and descendent, premiered an excerpt from her play, "Crossings", which is an interactive play for children and those who are young at heart. It will be performed in schools throughout the Blue Mountains, Lithgow, Bathurst and Sydney areas. It tells the tale of a family who cross the Blue Mountains, and is based on many true accounts that have been gathered together. Gregory North, a local Linden resident and Australian champion bush poet, wrote and recited an original poem about the crossing titled *How Far We Have Come*.

To finish the entertainment on a great high note was a performance by my favourite group the Blue MUGs, the Blue Mountains ukulele group, who always bring sunshine with them when they perform. They also performed an original piece for the Crossings Bicentenary, called *Our Australia*. At the conclusion of the speeches and program the Governor was presented with flowers from Sophia Long and Amalie Paterson, captains of Katoomba Public School. The Governor was invited to cut the ribbon and officially declare the celebrations open. To finish the day, along with the Governor I attended the launch of the Gully Aboriginal Interpretive Walk at the Katoomba Aquatic Centre, the event being well supported by many descendants of the Gully and the local Aboriginal community. This was a wonderful weekend on the Blue Mountains. I encourage everyone to come and join in the celebrations.

ZIMBABWE GREENHOUSE PROJECT

Mr GREG APLIN (Albury) [1.13 p.m.]: Many colleagues are aware of my Zimbabwean background and would not be surprised at my interest in projects that could benefit the unfortunate people struggling in that country. I was recently approached by an former Zimbabwean woman named Rose, who lives in my electorate and who is endeavouring to draw attention to a significant opportunity to provide practical, long-term assistance to the impoverished people who live near Bulawayo, in Matabeleland. While the State Government is not in a position to offer financial assistance for this project, Rose has few avenues open to her for funding, even from our Federal Government, so I would like to outline the essence of her dream for the information of Parliament in the hope that it stimulates interest from some quarter.

The projects in question involve both Zimbabwe and Israel as the idea emerged from a conference held in South Africa in 2006 called the Jerusalem Summit Africa Conference. A high-ranking Israeli delegation was investigating how Israel could meaningfully contribute to development in Africa. After the conference, and recognising the tremendous difficulties facing the thousands of Zimbabwean refugees living on the outskirts of South African cities, Rose approached the Agricultural Consultant at the Israeli Embassy in Pretoria to ask what would be needed to apply Israeli expertise to assist those Zimbabweans wanting to return to Zimbabwe. In his view, all that would be required locally would be a level piece of ground the size of a rugby field, with its own water supply. A large greenhouse could be assembled, and agronomists from Israel would provide on-the-spot training.

For the next 3½ years Rose endeavoured to acquire such a piece of land for a pilot project; but her efforts proved fruitless. However, when she was attending a conference in Israel in October 2009 she made contact with the Zimbabwean delegation. One of the men was an agriculturalist with farmland in Matabeleland. He wanted to develop his farm for the very purpose that the Israeli agriculturalist had suggested. Following this brief conversation Rose made contact with Avi Telman, initially from Ganei Tal in the Gush Katief region, now known as Gaza, but who now lives near Tel Aviv.

Avi Telman operates Telman Greenhouses, which manufactures and markets tunnel greenhouses and shade houses in Israel and around the world. They have established greenhouses in Azerbaijan, Mexico, India, Venezuela, Chile, China, Nigeria, Turkmenistan, Nicaragua, Honduras and even Australia. They provide staff to supervise the installation, guiding the local construction team from the initial phase of marking out the area, to construction through all stages until the greenhouse is ready for planting. They provide training by a certified agronomist, who guides and supports the local managers and employees in all phases of work in the greenhouse in order to maximise their ability to produce quality produce. An accompanying agronomist gives advice on the choice of appropriate crops, preparing the ground, use of irrigation systems, fertiliser training, pest and disease control and the harvesting and sorting of produce.

Avi said that he and his business partner would be prepared to assess the piece of land in Matabeleland to see whether it was suitable. Rose set herself the new task of trying to obtain funding to pay for these two Israelis to fly out to Zimbabwe to examine the land. In August last year she was successful in obtaining the funds and the two specialists were able to investigate the situation on the farm outside Bulawayo. They made a detailed study of the water supply, the quality of the soil, road access to the farm and the political viability of the initiative including security arrangements and border controls. Following this assessment they returned to Israel to draw up the necessary plans and to estimate the total cost of the project.

As a sponsor of the project I have now met with Avi in person; he spoke with enthusiasm about the plan. He said there was ample water with two dams, and the soil was excellent. Although he had experienced the trauma of being forcefully relocated from his former home and resettled elsewhere and having to rebuild his life and business from scratch, he was deeply affected by what he called the "sadness" of the local community in

Matabeleland. His work has taken him to many poor countries but he has never before experienced the hopelessness and despair that confronted him in this part of Zimbabwe. He understood that if this greenhouse project could be developed it could become the focal point for a whole community, and that a school, a clinic and even dwellings could be established around it.

The farm is 87 hectares in size and Avi is convinced that with only one hectare covered by tunnel greenhouse, and drip irrigation over another 20 hectares, they would have the potential to produce at least five times the quantity of vegetables that the whole farm currently produces. As one would imagine, there is no-one in Zimbabwe able to invest the money needed to establish this greenhouse. The total cost of the project including construction, supervisors, agronomists for three months and establishment of a fully operational 400-square metre vegetable nursery within the greenhouse would be \$306,000. I recognise the extraordinary effort and tenacity shown by Rose in promoting this project. Even had I not been born in central Africa I would be inspired, and I sincerely hope that this dream can in some way be realised.

"OUR MATES, OUR FAMILIES" CHARITY WALK

Mr ANDREW CORNWELL (Charlestown) [1.18 p.m.]: Today I inform the House of the "Our Mates, Our Families" fundraising event, in which I have had the privilege of being involved, to raise money for NSW Police Legacy and the family of David Rixon, VA. At 6 o'clock in the morning yesterday, Monday 25 February 2013, my colleague the member for The Entrance, Chris Spence, and I joined a contingent of NSW Police, leaving Wyong police station on a walk to Tamworth police station, which is a distance of approximately 370 kilometres. I was to walk the first 70-kilometre leg, although I admit I completed only 62 kilometres of that, from Wyong to Newcastle with Superintendent David Swilks, APM, VA, Local Area Commander for Tuggerah Lakes Local Area Command, Superintendent John Gralton for the Newcastle Local Area Command, and Superintendent Craig Rae, Local Area Commander for the Lake Macquarie Local Area Command.

The walk will conclude in Tamworth on Saturday 2 March 2013 as a commemoration of the first anniversary of the tragic passing of Senior Constable David Rixon, VA. The 40-year-old father of six lost his life after being shot while on duty in west Tamworth. Throughout the walk participants will be joined by other colleagues as they pass through six local area commands within the northern region—an outstanding testimony to the honour that exists among those who have chosen to become part of the police profession and an opportunity to show our respect, our grief and our resolve to continue despite the hardships that may confront the NSW Police Force. All police officers gave of their time to support this honourable cause; that is, they did not participate during work hours.

Over a coffee with Craig Rae, Local Area Commander for Lake Macquarie, I suggested that we organise a benefit night in aid of NSW Police Legacy and David Rixon, VA. Over the past two weeks a small contingent of people organised a benefit night aptly entitled "Our Mates, Our Families". Last night more than 180 people joined us at the Western Suburbs Leagues Club to commemorate and celebrate the work of NSW Police Legacy for widows, widowers and children within their community. We also celebrated the life of David Rixon, VA, and the legacy that he left behind.

As always Newcastle business community members came together to support this worthwhile cause. I thank in particular those local businesses that dug deep on the night—the McCloy Group, Clubs NSW, the Australian Hotels Association, Allambie, the Newcastle Port Corporation, Port Waratah Coal Services, NIB, Orica and the Greater Building Society. Tooheys supported the event by donating the beer. I also thank Andrew Margan and my colleague Craig Baumann, the member for Port Stephens, who donated wine. I acknowledge my parliamentary colleagues for their kind involvement. Tim Owen, the member for Newcastle, Craig Baumann, the member for Port Stephens, and Greg Piper, the member for Lake Macquarie, all made generous donations. On the night we were ably assisted by our wonderful emcee, Jaimie Abbott, who generously donated her time.

Local area command officers were integral to the success of the evening. I specifically note the work of Inspector Sam Crisafulli, Senior Constable Rod Griffin, Senior Constable Evan Chivas and Constable Jessica Wilkinson who donated their time on the evening to sell raffle tickets and to welcome guests. Approximately \$4,000 was raised from the sale of raffle tickets alone, so I would suggest that they did a fabulous job. I anticipate that events held throughout the evening will raise in excess of \$20,000. Yesterday was great. I spent some of the 11 character-building hours walking with three of our local area commanders and with Assistant Commissioner Caroline York. They all provided me with an interesting insight into the personality and character traits that enabled them to be selected and to perform their role as local area commanders.

They all had in common sincerity, compassion, earnestness and great loyalty, which is why the NSW Police Force is so successful and why those individuals were chosen to perform that role. I was provided with an insight into what made the NSW Police Force tick and I witnessed the types of people that it chose to perform a leadership role. Even though I am a little stiff and sore today, I had a great day yesterday and a fantastic night. I hope that members of the public embrace these walkers as they make their way into Tamworth. I urge anyone who drives past these walkers to pull over and to make a generous donation. I also encourage all those living in communities through which these participants will be walking and staying to become involved. The NSW Police Legacy is a fantastic organisation and one that is worthy of support.

MACARTHUR DISABILITY SERVICES AND CITYRAIL TRAVEL INITIATIVE

Mr BRYAN DOYLE (Campbelltown) [1.23 p.m.]: Today I inform the House of a wonderful initiative I shared with Macarthur Disability Services Ltd, the Macarthur Wheelchair Users Support Network, the Low Vision Group and CityRail. On Tuesday 18 December 2012 I accompanied the Macarthur Wheelchair Users Support Network and the Low Vision Group on a day train trip into the city. The idea for a field trip, which was generously sponsored by the Minister for Transport, arose from an earlier meeting between Macarthur Disability Services and CityRail, at which meeting they discussed the possibility of safe, comfortable and confident travel for people with a disability.

Members of that group, who came from Picton, Campbelltown and Camden, boarded the train at Campbelltown. With the assistance of helpful rail staff, 20 people were seated quite comfortably in two train carriages and we commenced our trip to the city. We were met at Central by other staff members and we were escorted to a meal room where a light lunch was provided, courtesy of the Minister. Staff and fellow commuters were able to discuss the safety and support aspects that were available to members. The friendliness of staff impressed my fellow commuters as they located help points and assisted with ramps and carriages. The Wheelchair Users Group was pleased with the news about installation in the near future of the Ingleburn commuters lift, the tenders for which will be called later this year. They were pleased to hear that the Glenfield rail interchange will have state-of-the-art lifts.

The confidence of group members grew after they had used the services and tested the support that was available to them. On the return trip to and from the city of Campbelltown—that great opal of the south-west and probably the best part of Macarthur—it was wonderful to see people making friends and talking to such a diverse group of commuters. Macarthur Disability Services, which hosted this group—a wonderful organisation of which I am sure all members would be aware—has provided 30 years of service to the Macarthur region, wonderfully led by its chief executive officer, Anne Thorne, and many other staff members with whom I have dealt, for example, Patrick Vasquez, Caitlin Pearson and Angus Ng.

Macarthur Disability Services is a dynamic and innovative non-profit community organisation that helps people with a disability, people with a mental illness, the aged, their families and carers. It provides a range of services to people with a disability, including intellectual, physical, sensory, neurological and psychiatric. We take for granted our ability to travel on the public transport network and we do not give much thought to the obstacles that are placed in the way of those who are disabled at birth or later in life. I am pleased with the services provided by CityRail staff for commuters with a disability. I was impressed by their genuine friendship, honesty and willingness to help. I was impressed also by the way in which staff helped 20 people with a disability to board and disembark the train. I pay tribute to them and to the Minister and I thank the Minister for her support, for the lunch and for the day trip to the city.

Private members' statements concluded.

[Acting-Speaker (Ms Melanie Gibbons) left the chair at 1.28 p.m. The House resumed at 2.15 p.m.]

ADMINISTRATION OF THE GOVERNMENT OF THE STATE

The SPEAKER: I report the receipt of the following message from His Excellency the Lieutenant-Governor:

T. F. BATHURST
Lieutenant-Governor

Office of the Governor
Sydney, 23 February 2013

The Honourable Thomas Frederick Bathurst, Lieutenant-Governor of the State of New South Wales, has the honour to inform the Legislative Assembly that, consequent on the Governor of New South Wales, Professor Marie Bashir, having assumed the administration of the government of the Commonwealth, he assumed the administration of the government of the State at 12.30 p.m. on Saturday, 23 February 2013.

BUSINESS OF THE HOUSE**Notices of Motions**

Government Business Notices of Motions (for Bills) given.

REPRESENTATION OF MINISTER ABSENT DURING QUESTIONS

Mr BARRY O'FARRELL: I advise members that the Minister for Mental Health, Minister for Healthy Lifestyles, and Minister for Western New South Wales, will answer questions relating to the portfolio of the Minister for Health, and Minister for Medical Research, who is absent from the Chamber today.

QUESTION TIME

[Question time commenced at 2.18 p.m.]

WESTERN SYDNEY HEALTH FUNDING

Mr JOHN ROBERTSON: I direct my question to the Premier, and Minister for Western Sydney. Given that Kristy Jones was forced to give birth alone and without medical attention last week at Blacktown Hospital, will the Premier apologise to Ms Jones and commit to reversing the Government's \$7.2 million funding cut to the staffing budget of the Western Sydney Local Health District?

Mr BARRY O'FARRELL: Any Premier and any Minister for Health should be concerned about the two incidents that occurred over the course of the last week, but I am not going to stand here and allow the member for Blacktown to criticise hardworking health professionals in our hospitals across this State.

The SPEAKER: Order! Opposition members will listen to the answer to the question asked by the Leader of the Opposition. The member for Auburn will come to order.

Mr BARRY O'FARRELL: As the Leader of the Opposition well knows—because I have said it often enough in this place—the removal of waste and mismanagement in the bureaucracy of the Department of Health is all about providing more resources for the front line. It is also about providing additional money to enable emergency services to be better manned, to enable more overnight stays and to enable more elective surgery operations to be undertaken.

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

Mr BARRY O'FARRELL: The Government has also recruited 3,000 additional nurses across the system. I, like members of the community, have questions about these incidents but they will be separately investigated and we will learn our lessons. What has gone on is absolutely unacceptable.

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

Mr BARRY O'FARRELL: As I said at the start of my answer, any Premier and any Minister for Health would apologise for such incidents, but I will not jump to conclusions as the Leader of the Opposition has—

Mr John Robertson: Point of order: My point of order relates to Standing Order 129, relevance. The question is about whether the Premier will commit to reversing the \$7.2 million funding cut.

The SPEAKER: Order! There were two parts to the question. The Premier has answered one part of the question; he is now moving to the second part of the question.

Mr BARRY O'FARRELL: I did answer the other part of the question as well. The savings that have been made from the Health bureaucracy are ensuring that resources can be directed to the front line. That is how the Government is going to pay for the 3,000 additional nurses, for additional overnight stays, more elective surgery and more emergency department presentations. I repeat what I said a moment ago: I am as mystified as the rest of the community as to how this could happen when, for instance, at Blacktown Hospital last week the Health Administrator said that there were additional nurses at the hospital and that all those nurses were on

deck. I am not going to prejudge the independent inquiries that are presently underway to work out what went on, but I can inform the House that those reports will be released publicly when they are available and the public will have an indication as to what went wrong.

PUBLIC SERVICE CODE OF CONDUCT AND ETHICS

Mr JONATHAN O'DEA: I address my question to the Premier. What action is the Government taking to lift ethical standards in the public service?

Mr BARRY O'FARRELL: I thank the member for Davidson for his question and his long-term interest in this matter. One of the key commitments of the New South Wales Liberals and Nationals during the last election was to restore accountability and honesty to government. It is not necessary for me to remind the public why such a commitment was necessary.

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

Mr BARRY O'FARRELL: Although we had some inkling of what had been wrong and rotten about the former Government, no-one had any idea about the extent that has been uncovered by a number of Independent Commission Against Corruption inquiries. I am delighted to advise that since coming to government we have got on with the job; from the abolition of the corrupt part 3A, which created what the Independent Commission Against Corruption described as conditions conducive to corruption to a report put out in August 2009 but ignored by those opposite, to the ban my Government introduced on lobbyists' success fees, all the way through to the toughest political donation laws in the country. In addition, we have restored democracy to Wollongong, Shellharbour and Port Macquarie-Hastings councils, as well as ending Labor's rorting of taxpayer-funded advertising.

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

Mr BARRY O'FARRELL: Today I can announce further measures to raise standards of integrity across the public service. We intend to introduce legislation, as suggested by the Independent Commission Against Corruption, to permit disciplinary action to be taken against a public servant who has been found by the Independent Commission Against Corruption to have engaged in corrupt conduct. This will enable the relevant disciplinary body to take action against a public official on the basis of Independent Commission Against Corruption findings. Currently, when an individual is summoned to appear before the Independent Commission Against Corruption they virtually always take what is known as a section 38, which declares their objection to producing documents, information and answers for all their testimony. This means that evidence given to the Independent Commission Against Corruption is not admissible in criminal, civil or disciplinary hearings against that person.

Under the changes proposed, a witness who admits to corruption will no longer have the benefit of the protection of section 38 in disciplinary proceedings. We believe this is a long overdue change and one that the public, law-abiding public servants and members opposite should support. Importantly, individuals will be given the opportunity to make a submission in relation to any proposed action against them. But if someone is acting corruptly, they should not be part of the New South Wales public service. It is as simple as that. Their continued employment simply tarnishes the good name of the 99.99 per cent of public servants in the State who work hard, work honestly and work to provide those services that citizens across the State rely on each day. The community would expect us to weed out and deal with the few bad eggs. Indeed, I think it would be surprised to know that that power does not already exist.

I know that the media focus at the Independent Commission Against Corruption of late has been on former Labor Ministers, but there have been cases uncovered of corrupt and other conduct within RailCorp, the education department and the Sydney Harbour Foreshore Authority. It is absolutely astonishing that evidence at the Independent Commission Against Corruption cannot be used immediately to take action against these individuals. In other words, the Government needs to start the investigation from scratch, although the Independent Commission Against Corruption has been through it. This leads to delays and in some cases it means that individuals who are found guilty of corrupt conduct by the Independent Commission Against Corruption can effectively get off scot-free because they get to keep their jobs. I will provide the House with one recent Corrective Services example.

Despite a clear finding by the Independent Commission Against Corruption of corrupt conduct—conduct relating to the admission of contraband into a prison—a recommendation that the Director of Public Prosecutions consider criminal charges and that Corrective Services commence disciplinary action with a view to dismissal against an employee, its hands were tied for months. As a result the individual was still employed, still on full pay and still undertaking the same role for which the Independent Commission Against Corruption had recommended charges be laid in an agency where a high level of trust is not only required but, frankly, is also demanded by the wider community. The current law—the law we are seeking to change—required Corrective Services to reinvestigate the whole matter, although it had been comprehensively dealt with by the commission. It is a ludicrous situation that the Government intends to remedy so that in the future people in the community can have confidence that disciplinary action that they expect should occur actually does occur in these instances.

WESTERN SYDNEY HEALTH FUNDING

Dr ANDREW McDONALD: My question is addressed to the Premier, and Minister for Western Sydney. Will the Premier reverse his \$3 million cut to the staffing budget at Nepean Hospital and Blue Mountains Hospital, after Paula Bailey was sent away from Nepean Hospital despite being in labour and subsequently forced to give birth in the car park?

Mr BARRY O'FARRELL: I stand by my answer to a previous question.

NORTH COAST FLOODS

Mrs LESLIE WILLIAMS: My question is directed to the Deputy Premier. How is the Government helping communities affected by the latest flooding on the mid North Coast and the North Coast?

Mr ANDREW STONER: Yesterday I spent the morning touring flood-affected areas on the mid North Coast with State Emergency Service personnel, including Steve Hart, Gary Jones and the local Macleay Valley legend May Gill. On Sunday I inspected parts of the Hastings Valley, including Wauchope and Port Macquarie. What I observed was incredible: a vast inland sea to the east and north of Kempsey, with small islands being the isolated communities of Smithtown, Gladstone and Kinchela. Other communities, including South West Rocks, Crescent Head and the north shore of Port Macquarie, remain isolated today. In all, about 25,000 people were isolated as of yesterday morning. I observed above Kempsey where the levee had been breached.

Kempsey has been hit by at least half a dozen floods since 2009 but this flood was the first one to breach the levee. Coming hot on the heels of, just three weeks after, a similar flood event, it was quite extraordinary. In Port Macquarie and Hastings I saw communities, including Wauchope, under water that had not been in that stage for more than three decades. So this was a huge event for many communities across the North Coast, from the Tweed down to the Hunter. It was patently obvious that farmers, including dairy farmers and oyster growers, have been particularly hard hit, with pasture inundated, cattle still surrounded by floodwater and oyster pontoons washed away by water that had an incredible force to it.

As one of the local members whose electorates have been affected by this extreme weather event, I welcome yesterday evening's announcement by the Prime Minister and the Premier of natural disaster declarations for 11 local government areas affected by the weekend's severe storms and flooding in our State. Those local government areas are Ballina, Bellingen, Byron, Camden, Clarence Valley, Coffs Harbour, Kempsey, Kiama, Nambucca, Port Macquarie-Hastings and Randwick. As members will be aware, those declarations trigger a number of disaster assistance schemes to help families, business owners, primary producers and local councils with the cost of storm relief and recovery. The schemes are made available by the New South Wales Government through the New South Wales disaster assistance arrangements and are jointly funded by the Commonwealth through the natural disaster relief and recovery arrangements. Anyone seeking information about disaster assistance should go to www.emergency.nsw.gov.au or visit their nearest recovery centre, and one has been established in Grafton as a result of the floods just three weeks ago.

I understand that the New South Wales State Emergency Service has received a total to date of 16,141 calls as well as 5,330 requests for assistance. I acknowledge the magnificent effort of our State Emergency Service volunteers and personnel, many of whom worked almost around the clock during that tempestuous weekend. They were working alongside our other emergency service personnel, including police, Fire and Rescue and the Rural Fire Service, as well as community groups. We should all take a moment to

contemplate the heartache and distress that is now faced by many of the people forced to make those calls, and those who are undertaking the very unpleasant task of clearing their homes of dirty, smelly flood sludge. Anyone still needing help from the State Emergency Service should contact their local unit on 132500, and anyone in a life-threatening emergency should always ring 000.

At this stage the focus for all State Emergency Service regions moves to recovery, although plans are in place to maintain the response capability across the footprint of this event for a prolonged period because sadly there is a likelihood of further heavy rain towards the end of this week. The Government will continue to work with affected communities to assess what further assistance is necessary. Full assessment of whether damage to crops and property meets the criteria necessary for Category C level assistance, which includes clean-up and recovery grants, must necessarily wait until floodwaters fully recede.

WESTERN SYDNEY HEALTH FUNDING

Mr RICHARD AMERY: My question is directed to the Deputy Premier. Why is he wasting thousands of dollars on a pay rise for himself when more than \$10 million is being cut from the staffing budgets for hospitals in western Sydney and the Blue Mountains, impacting on patients like Kristy Jones?

The SPEAKER: Order! Members will come to order. The member for Monaro will come to order. Members, including the Leader of the House, will cease arguing across the table. The Minister for Transport will come to order. The Deputy Premier has the call.

Mr ANDREW STONER: The change gazetted last Friday in relation to the periods of time when the Deputy Premier acts in the Premier's position brings New South Wales into line with the Commonwealth Government and recognises the significant additional responsibilities involved when acting as Premier.

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

Mr ANDREW STONER: In fact I did not hear one word from those opposite when the same arrangements applied to Wayne Swan. If members opposite want to come into this place and argue—

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

Mr ANDREW STONER: —that, as a matter of principle, people performing duties of a higher responsibility ought not be remunerated at the appropriate rate, I think they will have to go and talk to their union mates because it is in every award.

Mr John Robertson: Point of order.

The SPEAKER: Order! The Deputy Premier will resume his seat. Opposition members will come to order.

Mr John Robertson: I was waiting for those on the other side to save him and they were obviously leaving him to drown.

The SPEAKER: Order! Opposition members will cease interjecting so that I can hear the point of order. What is the member's point of order?

Mr John Robertson: It relates to relevance. This is about the Deputy Premier justifying this pay increase, and so far he is struggling. This is about what he does to deserve the pay increase, and his performance so far shows that he does not deserve it.

The SPEAKER: Order! The Leader of the Opposition will resume his seat. I call the Leader of the Opposition to order. There is no point of order. The Deputy Premier was being relevant to the question. Government members will come to order.

Mr ANDREW STONER: Since those opposite seem to be so interested in the issue of waste I think it is an opportune time for us to revisit some of the waste that occurred under their government.

Mr Ryan Park: Point of order: My point of order relates to Standing Order 129. We are not talking about anything else other than the Deputy Premier's pay rise.

The SPEAKER: Order! The member will resume his seat. I have ruled on the point of order. The Deputy Premier was being relevant to the question and I will hear further as to what he has to say in relation to the question. The Deputy Premier has the call.

Mr ANDREW STONER: That was a bit rich, coming from a bloke who walked into the position of Deputy Director General with the Department of Transport. Where did he come from?

Dr Andrew McDonald: Point of order—

The SPEAKER: Order! The Deputy Premier will resume his seat. The member for Keira will come to order.

Dr Andrew McDonald: As you would be well aware, that was an improper attack under Standing Order 73.

The SPEAKER: Order! I do not believe that is correct.

Mr ANDREW STONER: An improper appointment perhaps, but not an improper attack. When it comes to waste, when it comes to looking after their mates, the people opposite are hypocrites.

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

Mr ANDREW STONER: We could talk about the \$500 million that they wasted on the Rozelle Metro, without a centimetre of rail line built.

Mr Michael Daley: Point of order: My point of order relates to Standing Order 129. With 60 seconds to go, if the Deputy Premier cannot justify his own pay rise, he should just say so and sit down. It has nothing to do with any actions by any of us on this side of the House.

The SPEAKER: Order! As I have said in relation to the last four points of order, there is no point of order. The Deputy Premier is being relevant to the question asked.

Mr ANDREW STONER: They can throw rocks, but they do not like to take them back because when it comes to wasting taxpayers' money, those guys are in a league of their own.

Mr Nick Lalich: Point of order: My point of order is on relevance under Standing Order 129. The Deputy Leader is trying to mislead this Parliament. In local government, the deputy mayor's allowance comes out of the mayor's allowance. The Deputy Premier's increase should come out of Barry's allowance.

The SPEAKER: Order! No such point of order can be taken under Standing Order 129. The member for Cabramatta will resume his seat.

Mr Nick Lalich: Barry's money should go to him. That is where it should go.

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

Mr ANDREW STONER: I will send to the Deputy Prime Minister the objections of those opposite to his being paid the relevant rate. [*Time expired.*]

The SPEAKER: Order! Members will come to order before I take the next question. If members do not cease their arguments across the table, question time will finish early.

VOCATIONAL EDUCATION AND TRAINING REFORM

Mr JOHN BARILARO: My question is directed to the Minister for Education. What has been the demand for vocational education and training at TAFE New South Wales this year?

Mr ADRIAN PICCOLI: Can I start with a question? What do the Independent Commission Against Corruption and maternity wards have in common? They are both full of people in Labor.

Ms Carmel Tebbutt: Point of order: My point of order relates to relevance under Standing Order 129. Once again the Minister for Education has shown that he has no interest in talking about matters of education or training but simply wants to make jokes all the time.

The SPEAKER: Order! There is no point of order. The Minister has uttered only one sentence. I am starting to lose my patience with members who are interjecting constantly and taking unnecessary points of order.

Dr Andrew McDonald: Point of order: Those comments are clearly out of order.

The SPEAKER: Order! There is no such standing order—

Dr Andrew McDonald: They were unparliamentary language, and I ask him to withdraw.

The SPEAKER: Order! No unparliamentary language has been uttered in the Chamber. There is no point of order. The Minister has the call.

Mr ADRIAN PICCOLI: Under the Government's Smart and Skilled reforms to be introduced next year students and employers will have even more choice in accessing government-supported training places. We are currently bargaining with the union and other parties over a new enterprise agreement for teachers and proposing workforce reforms to ensure jobs stay in TAFE in a more competitive environment. The union's position is no change and a 2.5 per cent pay rise. I make it perfectly clear to the union that we are moving ahead with the next stage of Smart and Skilled; in fact, we have just launched the consultation process and the quality framework. Changes to TAFE are urgently needed in this environment to remain competitive. TAFE also needs to change to meet the needs of our economy so as to remain relevant.

It is disappointing that the teachers' union, the Australian Education Union, is resisting these changes and even threatening industrial action. The union has stated that there can be no agreement between the parties without a political settlement to secure back pay for a pay rise for TAFE teachers. The Government has made its policy position very clear on this matter: There will be no 2.5 per cent pay increase for TAFE teaching staff without a "yes" vote in the next enterprise ballot in March, and back pay is not an option. TAFE is making very positive moves to implement reforms. The TAFE board, chaired by Margy Osmond, will shortly lead a consultation process with key stakeholders to better understand how and why customers value TAFE. Feedback from this process will be valuable in informing future directions for TAFE.

I encourage all members to visit the Government's "Have Your Say" portal and tell us how they think TAFE should change to remain relevant and competitive. I am also very pleased to report that early enrolment trends in TAFE have been very positive, with more than 158,000 enrolments to date for 2013, which is 1,000 more than there were at the same time last year. This is a fantastic start for the TAFE year, highlighting that TAFE continues to be a popular choice for people right across the State and TAFE's important role as the backbone of our training system. TAFE is widely valued by our community and industry, which is clearly shown in the early indications of our final 2012 enrolments, which were in excess of 565,000, up from the previous year's number of 552,000. There were 13,000 more enrolments last year than there were the year before.

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

Mr ADRIAN PICCOLI: Members opposite should stop talking down TAFE. In line with our Government's commitment, enrolments in areas of employment growth remain a priority. Enrolments in apprenticeship programs in skill priority areas are growing, with electrical trades courses a popular choice in both metropolitan and regional areas. Demand for enrolled nurse training has also been strong across TAFE. TAFE is also reporting an increase in enrolments in higher level qualifications. TAFE NSW is reporting strong interest in diploma level fine arts courses, with students taking up the opportunity to access vocational education and training [VET] fee-help student loans.

The SPEAKER: Order! The member for Marrickville will cease interjecting.

Mr ADRIAN PICCOLI: Those opposite forecast doom and gloom for fine arts students, but we are seeing very strong demand for places. Flexibility of TAFE training is paying dividends in rural and regional areas, an issue very close to the hearts of all members of the Government. In Tamworth a new course in fitting and machining is helping students across engineering programs broaden their skills base and increase job prospects. In western New South Wales there are already more than 800 enrolments in the innovative Western Connect program. That shows the great work being done by TAFE NSW. I will not listen to the Labor Party talking down TAFE any further. [*Time expired.*]

ACTING PREMIER REMUNERATION

Mr MICHAEL DALEY: My question is directed to the Deputy Premier. In light of the oft-repeated statement by his Premier and his Treasurer that the State must live within its means, will the Deputy Premier now advise the Premier that he no longer requires his seemingly inexplicable pay rise?

Mr ANDREW STONER: Seemingly inexplicable? This is simply in line with what the Commonwealth does—

The SPEAKER: Order! This is not an opportunity for the member for Maroubra to argue. The Deputy Premier has the call.

Mr ANDREW STONER: —and, I am told, what previous State governments had in place.

The SPEAKER: Order! I remind the member for Cabramatta that he is already on a call to order.

Mr ANDREW STONER: When it comes to this Government and its financial management we will stand on our record as opposed to the record of members opposite. I refer to some of the budget enhancements being delivered by this Government in relation to Health. For example, the Nepean Blue Mountains Local Health District budget has been increased by \$28.5 million, or 5.2 per cent, since 2011-12.

Mr Michael Daley: Point of order: It is Standing Order 129, relevance. The question has nothing whatsoever to do with the Health budget. Will the Deputy Premier give back the pay rise that he cannot justify?

The SPEAKER: Order! There is no point of order. The Deputy Premier is being relevant. The member for Maroubra will resume his seat. I call the member for Maroubra to order. When I direct the member to resume his seat that is what I expect him to do.

Mr ANDREW STONER: He is such an angry man. His question referred to the Government's savings measures. I am saying that our financial management is delivering savings that are going into front-line services. Members opposite do not like to hear of the success of this Government. The member opposite might be interested in Blacktown Hospital. Its budget has increased by \$17.1 million—

Dr Andrew McDonald: Point of order: It is Standing Order 129, relevance. The question is about the Deputy Premier lining his pockets, not about Health budgets.

The SPEAKER: Order! The member for Macquarie Fields referred earlier to accusations being made across the Chamber. That remark was quite inappropriate.

Mr ANDREW STONER: It was inappropriate. Clearly those opposite do not want to hear about this Government delivering front-line services for the people of New South Wales. They would rather hear about their waste and mismanagement during the 16 long years that they were in power. I refer to the \$500 million they wasted on the Rozelle metro. What about the \$500,000—

Mr Guy Zangari: Point of order: It is Standing Order 129, relevance. This is irrelevant to the question that was asked.

The SPEAKER: Order! The Deputy Premier is being relevant to the question asked. It may not be the answer the member for Fairfield would like to hear, but it is entirely relevant to the question. The Deputy Premier has the call.

Mr ANDREW STONER: There was the \$500,000 that the now Leader of the Opposition was going to spend on his ministerial office when he was in government. That was axed after the media found out about it.

There was \$1.2 million in payouts to staff that they made redundant, including Graeme Wedderburn, when Nathan Rees was axed as Premier by the puppet masters of the Labor Party after only 14 months in the job. I think the hypocrite from the other place, Walt Secord, got a fairly substantial payout when they engineered a redundancy for him.

Mr Barry O'Farrell: Eddie Obeid's replacement.

Mr ANDREW STONER: Indeed he was. There was \$3.2 million that Bob Carr spent on Rehome Australia Monitoring Services.

Ms Linda Burney: Point of order: It is the same point of order. This is about the Deputy Premier, not about the other things he is raising—

The SPEAKER: Order! There is no point of order. The member for Canterbury will resume her seat. I call the member for Canterbury to order for the third time.

Mr ANDREW STONER: The question referred to the financial management of this Government, and savings and expenditure measures. That is why I am talking about numbers that had many zeroes—

Mr Nick Lalich: Point of order: It is Standing Order 129, relevance. Could the Deputy Premier tie his wage rise to the Local Government Act and not to the Federal legislation? He should change the local government legislation and then accept it.

The SPEAKER: Order! The member for Cabramatta will resume his seat. When I direct the member for Cabramatta to resume his seat I would appreciate it if he did so rather than stand at the microphone and argue as the member for Canterbury is wont to do. The member for Macquarie Fields will resume his seat. I remind members, such as the member for Cabramatta, who is now on two calls to order, and the member for Canterbury, who is on three calls to order, that any further outbursts at the microphone or the taking of frivolous points of order to erode the time for the Minister's answer will result in further calls to order or removal from the Chamber.

TRANSPORT ACCESS PROGRAM

Mr ANDREW CORNWELL: My question is directed to the Minister for Transport. How is the Government providing better access to our transport interchanges in the State?

Ms GLADYS BEREJIKLIAN: I thank the member for Charlestown for his excellent advocacy on behalf of his constituents regarding this issue. It is a sad fact that when we came to government approximately 130 of 307 railway stations were accessible. In 16 years there were six different programs. However, on average, the previous Government managed only two upgrades a year. If this Government had stuck to that timetable, it would have taken 90 years to make all railway stations accessible. The two members who oversaw those years of stagnation are well known. This Government has brought the six disjointed programs together to establish the Transport Access Program. The funding boost will enable \$770 million to be spent over four years to make the transport infrastructure more accessible.

Work is currently underway at 60 locations, including railway stations, car parks, wharves and transport interchanges. Improvements to interchanges and stations have already been made at 25 locations under the Transport Access Program. Since being elected, this Government has delivered on promises at a number of stations, such as Martin Place, which has two new lifts, Windsor station, Newtown station, Gerringong station, Kingswood commuter car park and Mount Druitt commuter car park. The member for Marrickville should keep quiet because this Government has delivered on two stations in her electorate when those opposite did not. Improvements have been made at the Kogarah interchange and also to the Balmain Thames Street Wharf.

In addition to projects that have been completed, an enormous number of projects are underway. I turn to the region of the Hunter and Central Coast. As the member for Charlestown alluded to in his question, I am proud of the upgrade being made to Cardiff station. The Opposition spoke about Cardiff for 10 years. Under this Government new lifts, ramps and extra security will be provided. I look forward to going there in the near future to publicly present the important improvements being made at that station. There are also improvements at other stations such as Hamilton, Scone, Singleton, Aberdeen, Adamstown, and Gosford, with more to follow.

In the western Sydney and Blue Mountains region, the new upgrade at the Fairfield interchange will commence soon. I am pleased to talk about that this week. There have been improvements at Riverstone station. The member for Campbelltown has been lobbying for an Ingleburn upgrade, which will happen soon. The member for Granville will get the new car park he has been lobbying for. His predecessor could not deliver, but the member for Granville will deliver. Glenbrook will get a new car park. There are ongoing improvements at other stations such as Auburn, Guilford, Quakers Hill, Schofields, Canterbury, Penrith and Canley Vale. These are all-important locations. We will get to the member for The Hills. Those communities have been asking for these improvements for a long time and this Government will deliver them.

Let us turn to southern Sydney. At Sutherland the interchange is being upgraded with access ramps and lifts to the platform. A new commuter car park is being provided. Sutherland will get 300 new car parking spaces. The improvements will assist not only people from the Sutherland community but also those who live further south who have to drive to different locations to park their cars. I am pleased that the Oatley station is being upgraded. The member for Oatley has been vocal about that issue. A new car park is proposed for Padstow station. Other improvements will take place at Arncliffe, Punchbowl, Rockdale and Jannali. There will be improvements in regional New South Wales as well. It has already been announced that Ivanhoe station will get a new access ramp. I know the member for Murray-Darling is pleased about that. There will be other improvements at Bundanoon and Coffs Harbour. Let us turn to the Illawarra. Time is running out, so I will continue this speech on another day. *[Extension of time granted.]*

The members from the Illawarra are waiting keenly to hear what I have to say about their region. There will be new commuter car parks at Oak Flats and Kiama. Dapto station will receive new ramps and shelters. Albion Park station will receive new ramps, lighting and pedestrian access. This Government is pleased to announce a new station at Shell Cove. I thank the member for Kiama for his advocacy regarding that issue. Members opposite had a lot to say about that issue as well, but they could not deliver. This Government will deliver. I was pleased to visit Waterfall station recently with the member for Heathcote to announce its major upgrade. It will not only help the constituents of Heathcote but also the many residents further south who drive to Waterfall station to commute to the city. There are improvements happening in northern Sydney at Epping station, Lindfield and Gordon. This is a big job, but it is an improvement on the two or three upgrades the former Labor Government managed. All these projects are underway.

Ms Noreen Hay: Point of order: It is relevance pursuant to Standing Order 129.

The SPEAKER: Order! Is the member for Wollongong seriously taking a point of order under Standing Order 129?

Ms Noreen Hay: The member for Charlestown asked about his area. The Minister is insulting the people of the electorate of Wollongong by not dealing with the lifts at Unanderra.

The SPEAKER: Order! The member did not ask the question specifically about his electorate but about transport interchanges and stations in general. The member should listen to the question before she takes a point of order.

Ms GLADYS BEREJIKLIAN: Members opposite are understandably embarrassed about what little they did compared with what we are doing. I assure all members that the job is getting done. I look forward to announcing progress on this issue in the near future.

ACTING PREMIER REMUNERATION

Dr ANDREW McDONALD: I direct my question to the Premier. In light of the fact that he can afford to give his Deputy Premier a pay rise, will he guarantee that no hospital ward will be closed under his Government's budget cuts?

Mr BARRY O'FARRELL: For the umpteenth time I make the point that those savings that are occurring in the Department of Health are about directing resources to the front line.

Ms Carmel Tebbutt: No-one believes that.

Mr BARRY O'FARRELL: There have been 3,000 nurses recruited over the past two years. People are getting elective surgery, attending emergency departments as a beneficiary and staying overnight in

hospitals. Those people are benefitting directly from those resources. I do hear the cry. I understand why members opposite would be concerned about acting leaders; there is only someone acting in the position of the Leader of the Opposition. As I was doing my sudoku in the *Australian* yesterday, I noticed there was a front-page story about the Leader of the Opposition's latest ratings.

Dr Andrew McDonald: Point of order: Not surprisingly, the point of order is under Standing Order 129. The question was about Health budget cuts and the Deputy Premier's pay packet.

The SPEAKER: Order! I note the member's point of order.

Mr BARRY O'FARRELL: The point is relevant. If the Leader of the Opposition were simply acting, he would be earning \$143,000 a year, but he is paid another \$118,000 a year. It is clear that at least 19 per cent of the electorate is asking why.

Ms Carmel Tebbutt: Point of order: My point of order is relevance under to Standing Order 129. The question was about the Health budget. It is an important question. The Premier is treating the question with contempt and should be asked to return to the question.

The SPEAKER: Order! The Premier is not treating the question with contempt. He is attempting to provide relevance. There is no point of order.

Mr BARRY O'FARRELL: The savings made in the Department of Health are to provide additional front-line personnel, such as the 3,000 nurses who have been recruited, and it is about providing additional procedures.

Ms Carmel Tebbutt: If the question has been answered, sit down.

Mr BARRY O'FARRELL: Questions are asked and members of the Government get to answer them. It is called question time, but it should be called answer time. There has been a \$17.1 million increase in the Blacktown Hospital budget since this Government came to office and the Nepean Blue Mountains Local Health District budget has been increased by \$28.5 million. That budget increase includes funds for the construction of a new car park at the hospital.

Mr John Robertson: Point of order: My point of order relates to Standing Order 129, relevance. The question asked whether the Premier would guarantee that there would be no ward closures as a result of the budget cuts. He was gone nowhere near answering the question.

The SPEAKER: Order! The Premier is talking about hospital budgets and is therefore being relevant. There is no point of order.

Mr John Robertson: The question was about ward closures, not budget cuts in the health system.

The SPEAKER: Order! The question was specific and the Premier is being relevant. The Leader of the Opposition knows the standing orders. There is no point of order.

Mr BARRY O'FARRELL: I am reminded that the budget for the South Eastern Sydney Local Health District was increased by \$46 million. Whether they are in the east, the south or the west, local health districts are receiving more resources because this Government is getting rid of the member for Maroubra's middle management. We are trying to direct savings made in the head office and regional offices into front-line services. When people turn up at hospital they want to see a health professional, not someone like the member for Maroubra. I was trying to sing the praises of the Nepean Hospital when I was interrupted by the Leader of the Opposition. I do not know what he has against those who work at that hospital. It is a good hospital and this Government is investing in it. One of the biggest issues at the hospital was parking and a new car park is being built.

Dr Andrew McDonald: Point of order—

The SPEAKER: Order! If the point of order relates to relevance—

Dr Andrew McDonald: The question was specifically about ward closures.

The SPEAKER: Order! I know the question was specific. As I ruled on the previous point of order, I can require only that the Premier be relevant to the question. If the member for Macquarie Fields behaves in that manner again he will be ejected from the Chamber.

Mr BARRY O'FARRELL: How relevant do I have to be? I referred to the \$28.5 million increase in the Nepean Blue Mountains Local Health District, the \$17 million increase in the Blacktown Hospital budget and the additional 3,000 nurses appointed since this Government came to office. There has also been a \$46 million boost to the South Eastern Sydney Local Health District budget. This Government is delivering across the State without making any excuses. We are trying to redirect money from head offices and bureaucracies, and from the member's union mates to the front line. That is in stark contrast to the headway, or lack of headway, being made by someone who sits opposite and who earns an additional \$118,000 each year simply for reading the newspapers each day. Hamlet over there is in two minds and Luke Foley, our Macbeth in the other place, sees a dagger before him. We should get ready for it.

STATE INFRASTRUCTURE

Mr CRAIG BAUMANN: I direct my question to the Treasurer and Minister for Industrial Relations. How is the Government ensuring that we get better value for money while building New South Wales infrastructure?

Mr MIKE BAIRD: I thank the member for that question, and his long interest in the construction industry and in driving New South Wales forward. It gives me another opportunity to explain how the O'Farrell Government is driving the economy, improving services and building the infrastructure that our community requires. This Government is building the hospitals, schools and roads that were long promised by members opposite but were never delivered. Thursday is an important day because acceptance of submissions about the draft New South Wales guidelines for construction procurement will close. This Government is trying to stop cost blowouts, illegal activity and time delays. In other words, it is sticking up for taxpayers and delivering infrastructure across the State. It is doing that because the Gillard Government disbanded the effective Australian Building and Construction Commission. Why is that important? It is important because it was revealed that the average cost blowout on construction projects was between 2 per cent and 11 per cent.

This Government wants to crack down on illegal activity in New South Wales. We have an infrastructure program involving \$61.8 billion of expenditure over four years. If those costs are allowed to blow out, the cost to taxpayers would be between \$130 million and \$700 million for no benefit whatsoever. This Government is happy to stand up for the taxpayers of this State. While the Government consults with the industry to ensure that the guidelines protect the New South Wales taxpayers, the Federal Government is doing what it does best—that is, looking after its union mates. The Minister responsible for that is Bill Shorten. Members can imagine his in-tray. At the top would be a memo telling him to look after his union mates. Next would be a note about Kevin versus Julia and which way he should go.

Dr Andrew McDonald: Point of order: I refer to Standing Order 129. The question was about State infrastructure.

The SPEAKER: Order! That is what the Treasurer is talking about. He has strayed a little, but I am sure he will return to the leave of the question.

Mr MIKE BAIRD: What happened when all of a sudden there was a problem with the unions? The Minister's phone rang and he was told, "Houston, we have a problem." What did he do? He responded to his union mates as only he knows how. While he is trying to work out whether to support Kevin or Julia—and I think this House is happy to endorse Kevin—

Mr Guy Zangari: Point of order: My point of order relates to relevance.

The SPEAKER: Order! I have ruled that the Treasurer is being relevant.

Mr MIKE BAIRD: The issue is clear: The day the Federal election was called was the day Minister Shorten tried to remove the States' right to build their own infrastructure. Why did he do that? He did that because the Federal Government's union mates did not want their cosy deals scrapped. The O'Farrell Government is determined to stand up for States' rights and to protect the taxpayers of this State because that is what they expect. Stakeholder groups also support this Government's stance. The Australian Industry Group

commended the leadership shown by the New South Wales Government and the use of government purchasing power to drive positive workplace relations. The Australian Constructors Association, whose members employ 100,000 people across the State, stated:

The Government has a significant infrastructure program in front of it over the next decade and it rightly should expect to receive value for money for that program.

The Master Builders Association NSW not only congratulated the Government but also stated:

... these guidelines will help ensure that unlawful union militancy is not allowed to run out of control.

That is what members on this side of the House support. Will the Leader of the Opposition do as Government members do and stand up for New South Wales taxpayers or will he stand up for his union mates? It is a clear question. I predict that he will now leave the Chamber, call a press conference and say that he stands up for New South Wales taxpayers. That is what he should be doing and that is what the O'Farrell Government is doing, and we are proud to be doing it. While we build our infrastructure program we will ensure that we have a construction code that protects the taxpayers of this State.

Question time concluded at 3.07 p.m.

BUSINESS OF THE HOUSE

Notices of Motions

Government Business Notices of Motions (Outside the Routine of Business) given, by leave.

AUDITOR-GENERAL'S REPORT

The Clerk announced the receipt, pursuant to section 63C of the Public Finance and Audit Act 1983, of the Auditor-General's Report for 2013, Volume One, received out of session and authorised to be printed on 26 February 2013.

PUBLIC ACCOUNTS COMMITTEE

Inquiry

Mr Jonathan O'Dea, as Chair, informed the House that, pursuant to Standing Order 299 (1), the Public Accounts Committee had resolved to conduct an inquiry into the efficiency and effectiveness of the Audit Office of New South Wales, the full details of which were available on the committee's home page.

LEGISLATION REVIEW COMMITTEE

Report

Mr Stephen Bromhead, as Chair, tabled the report entitled, "Legislation Review Digest No. 31/55", dated 26 February 2013, together with the minutes of the committee meeting regarding Legislation Review Digest No. 30/55, dated 19 February 2012.

Report ordered to be printed on motion by Mr Stephen Bromhead.

PETITIONS

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

Albion Park Aeromedical Services

Petition requesting the retention of aeromedical services operating out of Albion Park, received from **Mr Gareth Ward**.

Education Funding

Petition calling on the Government to stop cuts to education, TAFE and school funding, received from **Mr Richard Amery**.

Rooty Hill Railway Station Access

Petition requesting the installation of elevators at Rooty Hill railway station, received from **Mr Richard Amery**.

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

Aboriginal Deaths in Custody

Petition requesting the reopening of the coronial inquest into the death of T. J. Hickey, the erection of a memorial to commemorate him and all other Aboriginals who have died in custody, and calling for an end to all Aboriginal deaths in custody, received from **Mr Greg Smith**.

BUSINESS OF THE HOUSE

Business Lapsed

The SPEAKER: Order! I advise the House that, pursuant to Standing Order 105 (3), General Business Notices of Motions (General Notices) Nos 856-870, 891, 892, 902-912, 914 and 915 either not having commenced or not having been completed have lapsed.

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

Compulsory Third Party Insurance Scheme

Mr STUART AYRES (Penrith) [3.12 p.m.]: This House welcomes a fairer and cheaper compulsory third party insurance scheme for New South Wales motorists and this motion deserves priority. It should be noted at the outset that this Government is introducing reform that is changing the way New South Wales does business. Government members want to lower the cost of living for people in New South Wales and that is why the people wanted a change of government. They told us that there was a lot of cost of living pressure, the greatest of which was the cost of running the family car, which has driven up by the cost of the compulsory third party insurance scheme. Since 1999 the present inefficient scheme has seen costs paid to people injured in an accident decrease by half. The scheme is meant to support people who are injured in motor vehicle accidents, and more money should go to them.

The scheme is incredibly expensive to operate and that is why this type of reform is required. In relation to premiums, since 2008 this scheme has seen increases of 9 per cent per annum. This money has come out of the pockets of families in Penrith, Campbelltown, Blacktown and regional New South Wales, which is completely unacceptable. That is why this scheme must be reformed and why this motion should be accorded priority. We need to remove the at-fault component of the scheme as it makes it incredibly difficult for people to access scheme funds. We must support people who have been injured. We should not be concerned with whether someone is at fault when they have been injured; we should support them and ensure that they get back on their feet and working again.

I have no doubt that the unpredictability of this scheme has also led to quite significant costs and in some sense created the opportunity for insurance agencies to generate larger profits as the cases of those who are injured cannot be resolved quickly. This reform will assist that process and will also drive down premiums. For example, the no-fault claim process exists in Victoria and its premiums are approximately \$362 compared with \$518 in New South Wales, which is completely unacceptable. This Government understands the need for reform, which is why my motion should be accorded priority. This Government wants to introduce reform that will lower the cost of living for people in New South Wales, provide better quality cover and ensure that the scheme is less complex and more affordable and accessible. That is what the people of New South Wales are asking this Government to do and why we are making this reform. And it is why my motion should be accorded priority.

Nepean Hospital Patient Incident

Dr ANDREW McDONALD (Macquarie Fields) [3.15 p.m.]: There is nothing more important to any person in society than having a happy family. Tuesday 5 February 2013 should have been a red-letter day for Paula

and Scott Bailey. After a five-year wait they believed they could trust the care provided by the New South Wales health system at Nepean Hospital. Instead, they experienced a highly dangerous near miss. The daughter of Paula and Scott Bailey is alive through luck rather than good management at Nepean Hospital. It is a Health truism that every system is perfectly designed to deliver the outcome required. I have spent many years dealing with staff at Nepean Hospital and can attest to the fact that they are first-rate—highly professional and respected.

I am not talking about them; they have devoted many years' service to their community. They are not responsible for the underfunding and lack of resources that confronts them every day. Let us look not at what those opposite say but at what they do. Immediately after this near miss Paula and Scott approached the Minister's office. Did they receive sympathy? No, they got the run-around. They were told to approach the local health district. Past press releases say it all. On 12 April the Minister for Health said, "Only a New South Wales Liberal-Nationals Government with Stuart Ayres as the Liberal member for Penrith will return New South Wales to number one again."

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

Dr ANDREW McDONALD: Rather than addressing vital issues in his local hospital, the member for Penrith moved a motion about cars. What has the Government done? It has cut \$3 billion from the New South Wales health system.

Mr David Elliott: Rubbish.

Dr ANDREW McDONALD: You may say "rubbish"—

The SPEAKER: Order! Government members will cease interjecting.

Dr ANDREW McDONALD: They are refusing to answer any questions about the facts of the New South Wales health system. In August last year I asked the simple question: How many staff are in the maternity unit? The Minister did not provide a response, but it is something that Paula and Scott Bailey, and indeed every member of this House, should know. Paula and Scott have received no explanation as to how such a tragic near miss occurred. When something goes wrong three things must happen: There must be an apology, an investigation and the problem must be fixed. To date, there has been no apology, no investigation and no commitment whatsoever to fix the problem and stop it recurring.

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

The House divided.

Ayes, 64

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

Noes, 22

Mr Barr	Ms Hornery	Mr Robertson
Ms Burney	Mr Lynch	Ms Tebbutt
Ms Burton	Dr McDonald	Mr Torbay
Mr Daley	Ms Mihailuk	Mr Zangari
Mr Furolo	Mr Park	
Mr Greenwich	Mr Parker	<i>Tellers,</i>
Ms Hay	Mr Piper	Mr Amery
Mr Hoenig	Mr Rees	Mr Lalich

Question resolved in the affirmative.

COMPULSORY THIRD PARTY INSURANCE SCHEME

Motion Accorded Priority

Mr STUART AYRES (Penrith) [3.24 p.m.]: I move:

That this House welcomes a fairer and cheaper Compulsory Third Party Insurance Scheme for New South Wales motorists.

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

Mr STUART AYRES: The people of New South Wales are looking to the Government to reform our broken compulsory third party [CTP] insurance scheme. As I said earlier, those on this side of the Chamber recognise the need to reform broken schemes that no longer work appropriately. The New South Wales compulsory third party scheme clearly falls into that category; it needs to change. Since 1999 people injured in motor vehicle accidents have received less than 50¢ in every dollar spent on premiums. This level of inefficiency has resulted in the scheme being very expensive to operate, and that expense has been passed on through increased premiums. Since 2008 the price of premiums has increased by an average of more than 9 per cent per annum. That is completely unacceptable to householders across this State, most of whom are living on the margins and to whom every dollar is crucial. Indeed, the scheme's very name illustrates that people do not get a choice; vehicle owners cannot avoid it.

In New South Wales the price of a green slip is around \$518 per annum compared with the price in the Northern Territory at \$456, in Victoria—which operates a no-fault scheme—at \$362, and in Tasmania at \$319. Alternatively, we can look at the percentage of average weekly earnings that a green slip represents. In New South Wales it is 30 per cent—which is way too high—or 10 per cent more than average weekly earnings under the Victorian no-fault scheme. When people are injured we should not be too focused on determining fault; we should focus more on ensuring that they receive an appropriate amount of money to help them get back on their feet and recover. Too often the scheme takes too long to pay out this money—three to five years after an accident is the norm. This longevity of payout should be remedied because it leads to unpredictability and results in increased costs. It also allows insurance companies to generate larger profits.

The Government wants to ensure that the people of this State have a fairer and more equitable opportunity to be protected when driving a motor vehicle. As part of the reform process we will move to a no-fault scheme. This will ensure that injured people are eligible for benefits regardless of fault. They will also receive those benefits more quickly—including lost wages—which will allow them to focus on their recovery. It will also help to drive down the price of the compulsory third party scheme in this State. A more stable and predictable premium environment will be created, which will focus on those who have been injured rather than on the profits of insurance companies or others such as the legal fraternity that are taking a lot of the resources from the scheme. Our compulsory third party scheme needs to be less complex, more affordable and more accessible for everyone in New South Wales.

Everyone who drives a car will save as a result of this reform to our compulsory third party scheme. The people of this State want this scheme. The current system has caused us to fall behind the other States and is costing New South Wales residents an unnecessary amount of money. They want the scheme to be fixed so that they can understand it better, so that fewer lawyers are involved and so that people receive their money more quickly and thus get back on their feet faster. This reform is required in order to lower the cost of living for the people of New South Wales.

Mr MICHAEL DALEY (Maroubra) [3.29 p.m.]: When it comes to all types of insurance, particularly green slips and personal injury insurance, the motorists of New South Wales have a simple expectation: first, that they pay no more than they deserve to pay; and, secondly, that if they are injured in a motor vehicle crash the scheme that covers them will look after them for as long as they reasonably require it. That is the crux of the issue. The motion moved by the member for Penrith mentions the notions of fairness and affordability. The question is: fairness for whom? Another question is: cheaper for whom? If we consider how these changes to the scheme have evolved, the answers to those questions about the scheme being fair and cheap for motorists is no.

In due course we want to see more detail from the O'Farrell Government about these reforms. We are concerned that the so-called reforms will reduce cover to motorists and at the same time gradually increase the cost of premiums. The Government has already increased the cost of green slips by 10 per cent, or \$50 a year, on the average policy—which has demonstrated how close it is to insurance companies. Earlier this month it was reported initially by the *Sydney Morning Herald* that green slip prices were to be allowed to rise by \$50 despite falling administration costs for insurance companies. Indeed, the Minister for Finance, Greg Pearce, said:

... administration costs, including legal fees "are running away in this scheme, and that's why they've got to increase the premiums".

That flies in the face of the figures from the Motor Accidents Authority. The authority's latest annual report shows that legal and investigative costs, far from increasing as indicated by the Minister, have fallen from \$239.9 million in 2007-08 to \$229 million in 2011-12. The article stated:

Mr Pearce said the scheme was inefficient and less than 50¢ in every dollar paid in premiums went to those who were injured.

But as the president of the Law Society of NSW, John Dobson, pointed out, the benefits paid out equalled 64 per cent of premiums ...

So the Law Society and the Motor Accidents Authority—the body that administers the scheme—are saying that the Minister is wrong. Figures from the Motor Accidents Authority further report that, of the \$6.26 billion in total payments from 2007-08 to 2011-12, \$5.1 billion—or 81 per cent—covered direct compensation payments to claimants. That was reported in the *Sydney Morning Herald* on 4 February. The article further stated:

A further \$1.16 billion (19 per cent) went towards non-compensation costs involved in settling claims such as investigations and legal costs which include payments to lawyers.

Here is the crux. The member for Penrith had the hide to talk about affordability. The article in the *Sydney Morning Herald* on 4 February stated:

The estimated profit margin for 2010 and 2011 is 12 per cent. The average profitability has increased from 7.1 per cent at June 2011 to 10.9 per cent at June 2012.

Under the O'Farrell Government, in one year the biggest winners from the compulsory third party insurance scheme have been not the motorists but the insurance companies. What did the sympathetic Minister, the one who ruined WorkCover, say about that rise? He said, "Regrettably, we can't retrospectively apply these changes." So the Government made a blue and gave insurance companies more than they should have received, and motorists are paying more than they should under the scheme but they can suck it up. That is life under the O'Farrell Government. The director of the New South Wales branch of the Australian Lawyers Alliance, Andrew Stone, said, "Currently, those injured through the fault of another in a motor vehicle accident are fully covered for lost wages."

The Opposition is concerned about his claim that under the new scheme 90 per cent of accident victims will be pushed out of the compensation system altogether within two years of their accident, leaving them reliant on Centrelink benefits. The crux of these so-called reforms by the Minister, approved by the Premier and Cabinet, resemble what has happened with WorkCover when the rights and benefits of injured people were placed at the bottom, certainly far below the interests of insurance companies. We do not trust the Government to introduce a scheme that is fairer for people injured in motor vehicle accidents.

Mr MATT KEAN (Hornsby) [3.34 p.m.]: The contribution of the member for Maroubra was simply more shrill hysteria, which is what the Government has come to expect from him. During question time today we heard the member for Maroubra described as the "member for middle management". His enthusiasm for defending the profits of insurance companies and the broken scheme, which he presided over when he was

Minister, has led me to change his name to the "member for QBE". Under the existing scheme, of which Labor was the architect, he presided over windfall profits to insurance companies. We can take more from what members opposite did not say about the scheme than what they did say.

Labor members did not say anything about improving efficiency—efficiency in a system where only 50 per cent of the premiums paid go to injured people. We heard nothing about that from the member who when Minister presided over the scheme. We heard nothing from Labor about how to make this scheme more affordable. New South Wales scheme costs are 62 per cent higher than the scheme in Tasmania and 42 per cent higher than the Victorian scheme. Under the scheme, prices have increased by 70 per cent since 2008, which is when the member for Maroubra became the Minister for Finance. We have heard nothing from members opposite about reducing red tape—red tape in a scheme where over 50 per cent of claims take more than three years to process. If people have a car accident today, it comes down to the toss of a coin as to whether they will get compensation within three years. That is a disgrace, and that is what these reforms seek to address.

Labor does not care about efficient government, small government, reducing red tape and lower taxes. The member for Maroubra continues to highlight his addiction to red tape and higher taxes. That is what this motion is seeking to address: reducing the costs imposed on the taxpayers of New South Wales, getting better outcomes and making the scheme more accessible. These changes will open up the scheme to 7,000 more claims a year than under Labor's scheme. Allowing more people to access the system is not taking away their rights; it is enhancing people's rights. Currently, the scheme is too bureaucratic. It is too costly, it is inaccessible, and it is unfair. The changes proposed by the Government will go to the heart of addressing all those issues. We are about getting better outcomes for the taxpayers in this State. We are about protecting vulnerable people who are injured and need to be protected by this system.

Mr RICHARD AMERY (Mount Druitt) [3.37 p.m.]: The motion moved by the member for Penrith flagged some changes by the Government to the compulsory third party personal injury scheme and highlighted some directions in which the Government intends to take its reform. The major one, on which the two Government speakers focused, was a comparison of the premiums paid by motorists in New South Wales with those in other States. Clearly the Government intends to reduce the premiums paid by motorists in New South Wales. I think many people in my electorate will say that they like any reform that reduces the cost of keeping their motor vehicle on the road.

We must examine those issues to which the member for Maroubra referred when he said that we needed more detail. Today the Government gave us no detail about where it is heading. Obviously the Government is moving away from a fault scheme and will be implementing instead a no-fault scheme, with which I have no difficulty as it appears as though that would save some court and legal costs from the premium pool. We are reforming a scheme that not only has the highest premiums in Australia but also has the highest benefits paid to injured motorists and other persons. In reducing premiums and in cutting back the legal costs involved in the scheme we must ensure that we do not move too quickly. We must ensure also that the benefits paid to motorists who are injured in motor vehicle accidents in New South Wales are not severely affected—an issue that was not touched on by Government members.

The member for Hornsby referred to the scheme as "inefficient" and as an "administrative nightmare". The third party personal injury insurance scheme was a government scheme until the election of the Greiner Government. The Greiner Government gave third party personal injury insurance to insurance companies. If insurance companies are milking the system, as has been implied, if their profits are too high, which has been suggested, and if their administration costs are too high, let us not point the finger at the Labor Party. The scheme was handed over from a government body, which at the time was said to be inefficient and which was a non-profit organisation—many said that it ran at a loss—to a for-profit private industry. We will be looking for more detail and we will welcome any reforms that will make the system better. Let us look after injured motorists and not have them affected too severely by these changes.

Mr STUART AYRES (Penrith) [3.40 p.m.], in reply: I thank those members who contributed to debate on this motion—the member for Maroubra, the member for Hornsby and the member for Mount Druitt. I love getting history lessons from the member for Mount Druitt about which government was in office and at what stage. This Government has retained all the programs that were implemented in the time of the Labor Government. Essentially new governments should always improve and reform programs that are in place when necessary. Earlier the member for Maroubra referred to the profitability of this scheme and to the profits that exist amongst insurers. If governments are running complex schemes that people do not understand, that are not accessible, that are less affordable and that lock out up to 7,000 people a year, insurance companies will pay out less and get more money.

We want to ensure that the compulsory third party [CTP] scheme that is operating in New South Wales is more affordable, more accessible and less complex and that more people will be able to participate in it. The member for Mount Druitt said earlier that the no-fault approach would result in fewer legal costs and the removal of one of the barriers to entry. If more people were able to engage in the scheme, insurance companies would have to pay out more money, which in turn reduces their profits. Taking into account some of the costs that exist in relation to compulsory third party green slips in other States, another component of the no-fault scheme is the opportunity for us to apply downward pressure and to lower the cost to households when it comes to funding compulsory third party green slips. We must continue to follow the reform process because, as we heard in debate today, these costs are unaffordable.

Costs are increasing too quickly for people in New South Wales and the cost of green slips in New South Wales is much higher than it is in other States—a 9 per cent increase each year, or a 70 per cent increase since 2008. The scheme is expensive to operate, involves too much legality, reduces revenue and puts upward pressure on premium prices. Compulsory third party insurance costs are \$362 in Victoria compared to \$518 in New South Wales. The Minister for Finance and Services is doing an exceptional job in pushing through this good quality reform which will apply the downward pressure that is needed, make the scheme less complex and more affordable, and make it more accessible.

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

Motion agreed to.

LOCAL GOVERNMENT AMENDMENT (EARLY INTERVENTION) BILL 2013

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) [3.45 p.m.]: I move:

That this bill be now read a second time.

I am pleased to introduce the Local Government Amendment (Early Intervention) Bill 2013. The object of the bill is to put in place a more effective framework for addressing dysfunction and poor performance in local councils and to drive improvement. Of course, dysfunction and poor performance are rare, and most councils do an excellent job of serving their communities. The people of New South Wales should be proud of the efforts and behaviour of the overwhelming majority of councillors and council staff who demonstrate a commitment to the highest standards of community service and ethical conduct. However, most members of Parliament will be all too aware of recent media coverage of a few dysfunctional and poorly performing local councils. In particular, we have seen media reports of individual councillors who persistently engage in disruptive behaviour that impedes the effective performance of their councils and we have also seen groups of councillors in bitter disputes that get in the way of the council meeting the needs of its communities. I frequently receive requests from members of the community asking me to do something about this type of behaviour in their local councils.

Councils themselves want to put a stop to behaviour that tarnishes the reputation of local government and stops councils delivering for their communities. Members will remember that in response to those concerns the Local Government Act was recently amended to improve the regulation of the conduct of individual council officials. Briefly, the amendments gave effect to a more robust regulatory framework for the model code of conduct for local councils in New South Wales by, firstly, improving the efficiency and effectiveness of investigations by the Division of Local Government; secondly, strengthening penalties for misconduct; thirdly, strengthening the implementation of the code of conduct by councils; and, fourthly, ensuring fairness.

This bill seeks to address collective dysfunction and poor performance by councils. Unfortunately, the powers for dealing with poor performance that are currently available under the Local Government Act are limited and unwieldy. They basically allow for either an investigation by the Division of Local Government or, as a power of last resort, a public inquiry, which can then lead to the dismissal of the council. The whole process can take up to 18 months. Public inquiries generally follow a long period of dysfunction, often lasting for years. While this is going on, ratepayers often have to put up with suboptimal service and the reputation of individual councils and local government as a whole suffers as a result. Early intervention in these situations may have helped. There have been no fewer than 10 public inquiries in recent years, costing millions of dollars.

Had the Government had powers to act sooner to bring about improvement in those councils, the problems could have been resolved more quickly to the benefit of the community. At the same time, it is often the case that council dysfunction does not ever reach the level of needing a public inquiry. Examples include situations where the councillors cannot properly manage the poor performance of the general manager or where a group of councillors deliberately deprive the council of a quorum, which results in the frustration of the council's business. In these circumstances an early intervention with softer and more flexible options encouraging council-led improvement would be much more appropriate.

The bill puts in place an early intervention framework to drive improvement. It proposes to do this in the following ways: stronger powers to gather information from councils to identify dysfunction; new powers to issue a performance improvement order; new powers to suspend a council for up to three months, with a possible extension of a further three months if required; and changes to the existing powers of investigation and public inquiry to ensure consistency with the new order-making and suspension powers. I will deal briefly with these in turn.

In relation to information gathering power, it is proposed to strengthen and broaden the existing power by allowing the director general or the Minister to require or direct a council, a councillor or the general manager of the council to provide any relevant information concerning the council or its operations. Failure to comply with the direction to provide information would constitute an offence. The new power will enable the Division of Local Government to quickly assess any deficiencies in councils' operations, determine the most appropriate and effective intervention measure, and prevent the situation from worsening.

Secondly, it is proposed to introduce a new power to enable the Minister for Local Government to order a council to improve. A performance improvement order will be used where the council is failing to properly apply administrative or procedural frameworks or to comply with legislative requirements, where there is a significant adverse impact and where softer options, such as writing a letter requesting compliance, have failed. To assist councils in complying with the order, the Minister will have an option of appointing an adviser or a panel of advisers with the necessary qualifications and experience. The council will be required to cooperate fully with the advisers.

A new performance improvement order will also allow the Minister to determine what constitutes a quorum at a council meeting, where failure to attain a quorum is frustrating the business of council. The new power will provide an important early intervention tool and encourage councils to drive their own improvement. This shows an important commitment to finding local solutions for local problems in line with the goals of this Government's NSW 2021 State Plan. Importantly, giving notice and ensuring that the council is afforded an opportunity to be heard before making a decision satisfies the requirements of procedural fairness. The order will be made public to ensure greater public accountability for poor performance. When an order is issued, the council must report on any actions and initiatives undertaken by the council that demonstrate the council's compliance with the order.

Thirdly, it is proposed to provide the Minister with a power to suspend all councillors for a period of up to three months if the Minister believes, on reasonable grounds, that such suspension is warranted. Currently the Local Government Act does not contain a power to suspend whole councils. Rather, it provides for the suspension of individual councillors or a dismissal of the full council by the Governor following a public inquiry. The power to suspend a whole council exists in a number of other jurisdictions including Western Australia and Queensland. Put simply, the proposal could be characterised as a "time-out". This power would work well in situations such as where a group of councillors walk out of meetings on a regular basis to deprive the meeting of a quorum. This leads to disruption in a council's decision-making process and ultimately to a breach of public trust by the council.

In these circumstances a short time-out could be called with, for example, a requirement that the councillors attend training sessions to work toward re-establishing themselves as a cohesive, effective and representative decision-making body. Again, to ensure procedural fairness, the council will have 14 days to respond to the notice to suspend. In the majority of cases the suspension of councillors would follow a previously issued performance improvement order. This is because the strategy will always be to use the softest intervention option first to encourage council self-improvement. Where a suspension of a council is ordered, the Minister will appoint an interim administrator, to be paid for by the council, to exercise all the functions of the council during the period of suspension.

At the end of the suspension period the interim administrator will provide the Minister with a report and recommendations to assist the elected council to restore its effective governance. The maximum initial

period for which a council may be suspended is three months. However, in more serious cases the suspension period may be extended for a further three months. To prevent misuse, a council will not be able to be suspended on more than two occasions, where the suspension is related to the same factual circumstances. The implication is that if things are that bad we should be seeking to hold a public inquiry after the second suspension. The new suspension power is a vital sanction underpinning the emphasis on council-led improvement. It sends a strong signal that poor performance will not be tolerated and where there is an urgent need to protect the public interest, the Government will act.

Fourthly, new supplementary powers are also proposed to integrate the new powers with the existing powers and interventions available under the Act. It is proposed that investigations and public inquiries that relate to a recurring problem with the administration of a council will be funded by the council. A recurring problem means any facts or circumstances with respect to the council, its work or activities that have been the subject of a previously issued performance improvement order, suspension order or both. This potential cost will hopefully serve as a further deterrent to ongoing disruptive behaviour by councils.

It is further proposed that a report prepared as part of a formal investigation be that of the director general rather than of a departmental representative. This will ensure consistency with the legislation governing other investigative bodies such as the Independent Commission Against Corruption and the Ombudsman and will contribute to fairness, integrity and good public administration. As an additional measure to enhance the process of conducting public inquiries, it is proposed that the Minister will have a discretion to suspend a council during the conduct of a public inquiry. The suspension power will be exercised if the Minister believes, on reasonable grounds, that the continued operation of the council during this time is not in the public interest.

Finally, where following a public inquiry into the affairs of a council the council is not dismissed the Minister will have power to issue a performance improvement order. This is in addition to the existing power of the Governor to make orders on the Minister's recommendations. Where a council fails to comply with the order the option of dismissal by the Governor on the Minister's recommendation will be retained without the need to undergo a second public inquiry. This proposal will expand the currently available options of no action on the one hand, or dismissal on the other hand, and will serve as an effective measure to encourage councils' compliance with the performance improvement order. In addition, it will avoid substantial expense that would otherwise be incurred by the Government in conducting a second public inquiry.

This Government has built a positive and collaborative relationship with local government. Most councils operate successfully and meet the needs of the community. Where they do not, however, it is important that the Government has the ability to take action to ensure councils deliver local and State priorities and make decisions that are in the best interests of the communities they serve. There is widespread support for the Government taking this action, including from the Local Government and Shires Associations. The President of the Local Government and Shires Associations, Keith Rhodes, said on radio:

We think it [early intervention] is a terrific idea.

He went on to say:

The LGSA has backed this from the first time the Minister's office raised this idea with us.

Councils have called on the Government to act to prevent poor behaviour and performance from damaging the reputation of councils and disrupting services to the community. The recently published New South Wales Auditor-General's report, "Monitoring Local Government", also supported the need for government to have greater powers in tackling poor performance. The report concluded that the Act provides the Government with few options to intervene in a council, other than dismissing all the elected councillors, and that these arrangements may not provide effective oversight of council operations and timely warning of performance issues. It recommended additional powers in this regard.

New councils are in place following the 2012 local government elections. This Government has shown a commitment to local representation and, for the first time in 17 years, there are no councils under administration. We want to keep it that way. It is my hope that by addressing dysfunctional councils up-front, as provided in this legislation, we will reduce the need to dismiss councils in future. I strongly emphasise that the focus of the proposed intervention frameworks is on deterrence and improvement. The measure of their success will be that the powers conferred on the Minister and the division under them will be exercised with decreasing frequency, if at all. I commend the bill to the House.

Debate adjourned on motion by Ms Carmel Tebbutt and set down as an order of the day for a future day.

CRIMES (SENTENCING PROCEDURE) AMENDMENT (PROVISIONAL SENTENCING FOR CHILDREN) BILL 2013

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) [4.00 p.m.]: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Crimes (Sentencing Procedure) Amendment (Provisional Sentencing for Children) Bill 2013. The purpose of the bill is to introduce a scheme for the provisional sentencing of children who are convicted of murder. Murder is the most serious crime that can be committed in our community and the Government is determined to provide sentencing courts with the tools needed to properly sentence those who have committed this extremely grave offence. It is particularly important that courts, when sentencing for murder, are able to assess an offender's future dangerousness and prospects of rehabilitation so that these considerations can be properly reflected in the sentence imposed.

However, sentencing young offenders, particularly for a crime as serious as murder, can pose particular challenges for sentencing courts. In the case of *R v SLD*, Justice James Wood noted the limitations of ordinary sentencing principles when determining the length of a sentence for a child murderer. The sentencing process requires consideration of an offender's likelihood of reoffending and prospects of rehabilitation. However, the human mind develops rapidly during childhood years, making it hard for a judge at the time of the initial sentence to determine a young person's rehabilitation prospects or the likelihood that he or she will reoffend. Following Justice Wood's decision in *R v SLD*, research and consultation were commissioned by the NSW Sentencing Council and a paper entitled "Provisional Sentencing For Children" was produced. The council ultimately recommended the introduction of provisional sentences for child murderers in New South Wales.

This bill implements that recommendation. The amendments enable a court, when sentencing a person who was under the age of 16 at the time of the offence and who is still a juvenile at the time of sentence, to impose a term of imprisonment on a provisional basis. A provisional sentence can be imposed only if the court considers that insufficient information is available at the time of sentence to assess relevant matters going to the likelihood of reoffending and/or the offender's prospects of rehabilitation. The bill provides that a provisional sentence can be periodically reassessed by the court and a final sentence must be imposed on the offender within five years. This will provide the court with an opportunity to keep track of the offender's personal development and progress in custody so it can make a better assessment of the child's future dangerousness before confirming his or her final sentence.

I will now outline each of the amendments in turn. Item [1] of schedule 1 inserts new division 2A into the Crimes (Sentencing Procedure) Act 1999, which contains the substantive provisions governing provisional sentencing. New section 60B provides that the provisional sentencing scheme applies when a court is sentencing an offender who is under 18 years of age to imprisonment for the offence of murder if the offender was less than 16 years of age when the offence was committed. The court can impose a provisional sentence if it considers that it cannot, at the time of sentencing, satisfactorily assess the offender's prospects of rehabilitation or likelihood of reoffending because it is not clear whether the offender has developed or is likely to develop a serious personality, a psychiatric disorder or a serious cognitive impairment.

New section 60C provides that in determining whether or not to impose a provisional sentence the court may have regard to a case plan prepared by the body responsible for the detention of the offender. The case plan will set out the way in which the offender will be managed in custody and the services and rehabilitation programs that will be offered to him or her. New section 60D provides that a provisional sentence is a sentence that is subject to review and redetermination but is not to be regarded as a sentence for an indeterminate period. New section 60E provides that all provisional sentences must be reviewed at least every two years and otherwise as often as the court considers appropriate. When reviewing a sentence, the court will receive reports from the body responsible for the detention of the offender, outlining the care and treatment the offender has received in custody and the psychiatric, cognitive and psychological development of the offender.

Other people or organisations that have responsibilities related to the care and treatment of the offender may also be requested to provide a progress report. Wherever practicable, a progress review is to be undertaken

by the same court and the same judge who imposed the sentence. New section 60G provides that following a review the court may impose a final sentence or decline to impose a final sentence. However, under new section 60H, a final sentence must be imposed within five years of the date on which the provisional sentence was imposed and at least one year before the expiry of the non-parole period for the provisional sentence. A court imposes a final sentence either by setting aside the provisional sentence and substituting another sentence as the final sentence or by confirming the provisional sentence as the final sentence. The final sentence is taken to have commenced on the day on which the provisional sentence commenced. It must not exceed the term of the provisional sentence.

New section 60I provides that both provisional sentences and final sentences are subject to appeal under the Criminal Appeal Act 1912. On appeal against a provisional sentence, a court may substitute a new provisional sentence or a final sentence. Item [3] of schedule 1 provides that the new scheme of provisional sentencing applies to offences committed before the commencement of the scheme, but only to sentences imposed after its commencement. The changes to the law set out in the bill will enable judges to make more informed decisions about the detention of young people convicted of murder. In doing so, it will promote the protection of the community and uphold the integrity of the justice system. I commend the bill to the House.

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

SMALL BUSINESS COMMISSIONER BILL 2012

Second Reading

Debate resumed from 21 February 2013.

Mr DAVID ELLIOTT (Baulkham Hills) [4.09 p.m.]: I will conclude my contribution to the Small Business Commissioner Bill 2012 by reminding the House that as the sitting concluded last week more statistics were provided to the Government and the NSW Business Chamber highlighting the growth that small business is enjoying in New South Wales. We are not used to that growth after 16 years of Labor Government. I join the Treasurer and the Minister for Small Business in congratulating the Government and all those in the small business fraternity on the employment opportunities they are providing to so many people in this State. During my contribution to the debate last week I referred to proposed sections 5 and 9. They mean that small businesses will no longer be required to suffer in silence at the hands of unethical larger enterprises.

We have been quick to protect large businesses from unconscionable conduct, and this bill will ensure that we also protect small businesses. To fulfil this function the commissioner will be granted wide investigative powers and will have the ability to refer matters that adversely affect small business to the Director General of the Department of Financial Services. The Small Business Commissioner will also be a provider of low-cost alternative dispute resolution and mediation to small businesses. I remind members that one of the great costs of doing business in this increasingly litigious society is obtaining legal assistance in the event of conflict. Having represented small businesses over the past decade, I know that this measure will be most welcome. Small businesses are frequently the victims of prolonged and costly litigation. All members would have seen thriving business driven to the wall by litigation. There is a need for alternative dispute resolution services within the small business sector, and I compliment the Minister and the Cabinet for highlighting and acknowledging that.

The Small Business Commissioner will also be also tasked with identifying and supporting measures designed to reduce the administrative burden for small businesses, which have long waited for an advocate within government who is dedicated to removing the unnecessary and bureaucratic burden that is placed upon them by government. In the Small Business Commissioner, small business will finally have such a dedicated advocate who is responsible for furnishing advice to the Minister on relevant issues. The growth of industry associations in this State highlights the fact that small business operators feel comfortable only when they have the support of such bodies. Those associations act on behalf of their members, but small businesses should not be required to bear the cost of joining such groups. That might sound strange coming from someone who was the chief executive officer of an industry association.

However, I was horrified during my 10 years in that position that the body I represented was used as a last resort because people were convinced that the Government was not safeguarding their interests and their competitors, and large corporate entities were not as sympathetic as they believed they should have been. The Labor Government could not be bothered supporting small business. Despite the yearning from the small

business sector for an advocate such as the Small Business Commissioner, members opposite did nothing. Given this experience, the small business sector must have been very surprised, if not amused, by the newfound enthusiasm of the shadow Minister for Small Business when he introduced the Small Business Commissioner and Small Business Protection Bill 2012 in the other place. That was astounding. While it was good to see the Labor Party endorse a Liberal-Nationals policy, appropriate legislation would have been welcome a long time ago.

This bill guarantees that the Small Business Commissioner will become what the Premier has referred to as a "burr under the saddle of government". That is exactly what the small business sector needs. Mr Deputy-Speaker, I know that you have been an advocate for small business, as you have been involved and employed in the sector. Many members, including the members for Londonderry, Coogee, Port Macquarie and Murray-Darling, have been employed in the small business sector. Their experience is evident in the Coalition party room when the small business sector is discussed. We have some passionate advocates for small business and I am thrilled and proud that this Government has introduced legislation to give the Small Business Commissioner the authority and assistance necessary to fulfil that function. I commend the bill to the House.

Mr GUY ZANGARI (Fairfield) [4.16 p.m.]: The object of the Small Business Commissioner Bill 2012 is to create the Office of Small Business Commissioner and to outline the functions and objectives of the office. Among the commissioner's objectives will be to deal with issues concerning the small business sector in a neutral and independent manner. The commissioner will also serve as a central point of contact for small businesses to make complaints about their commercial dealings with other business and government agencies. The commissioner's functions include the following: first, to investigate complaints made by or on behalf of small businesses; secondly, to provide low-cost alternative dispute resolution services; thirdly, to make representations or to take action on behalf small business; and, fourthly, to require any person or government agent to provide such information or to answer questions relating to a person's or agency's dealings with small businesses as the commissioner reasonably requires for the purposes of the investigation under the proposed legislation.

Many small businesses in this State experience financial hardship, which can be compounded by ongoing disputes with another business or a government agency. Without a governing body or the facilities available to conduct low-cost mediatory action for businesses to resolve a dispute, often the only course of action is to attempt to resolve the dispute through the courts. Unfortunately, courts involve onerous fees for both parties, although it is clear that small businesses would be the underdog when entering any such arena. There is often no alternative available for either party to explore to resolve a dispute, which means they engage in the battle of the budget.

Small businesses face numerous dangers. On 14 October 2011 a decision was handed down in the Court of Appeal by their Honours Mr Justice Young and Mr Justice Campbell providing large shopping centres with the arsenal they needed to bypass any low-cost mediatory actions before proceeding directly to court. Bypassing low-cost mediation in any scenario opens a window of opportunity for small businesses to be taken advantage of and/or bullied into a fiscal battle. Any such actions are deplorable and will always be shunned by the Labor Party. Any instance in which there has been no attempted mediation to resolve a disputed matter may result in the mildest of issues being dragged through the courts. That is an injustice to all small businesses throughout New South Wales and it will often result in dire financial duress.

I am sure all members would agree that small businesses are the backbone of our communities and they deserve better. They deserve a fair fight when defending themselves in any unresolved dispute whether it be against another small businesses, any large business or a government agency. The introduction of a governing body that may intervene and mediate any disputes via a low-cost resolution service should be commended and any financial burdens that may be alleviated from our small business community would be a welcomed introduction. I acknowledge the Fairfield City Chamber of Commerce, ably led by Mr Vince Movizio, who is a strong advocate for small businesses in the Fairfield local government area.

I note that this debate is resumed from last week. I refute the ridiculous claim made by the member for Blue Mountains that Opposition members do not understand small business. My family has been in small business for more than 40 years. I grew up in a family that relied on my father's primary industry fishing business: we understand small business. Members who have parents from migrant backgrounds know how tough it can be to establish a successful small business and the obstacles that confront it. It is a bit rich for Government members to suggest that Opposition members do not understand small business. The Opposition does not oppose the bill.

Mr BART BASSETT (Londonderry) [4.21 p.m.]: I support the Small Business Commissioner Bill 2012. It was an election commitment by the Liberal-Nationals Government to establish a Small Business Commissioner. The bill puts in place the legislative framework that creates the Small Business Commissioner as a statutory officer with appropriate powers and resources to represent the State's 680,000 small businesses. The Government appointed Yasmin King in 2011. Small business is a major contributor to the State's economy and a major employer. It is a diversified sector that provides a wide range of goods and/or services. Small businesses need a proper champion to ensure their views are heard by governments, councils, public servants, regulators and larger businesses.

Unlike bigger businesses and governments, small businesses are usually mum and dad type operations that have a few employees who are committed and dedicated to those businesses. They have limited resources at their disposal to help them navigate through the myriad issues and complexities they face on a daily basis such as regulations, paperwork, industrial relations laws, growth of the service sector and use of contractors by larger entities, financial institutions, cash flows, finance and credit, and superannuation funds. Small business is more often than not running with very lean resources and a tight cash flow that has to cover wages and bills, and keep the business operating to make a profit. Small businesses do not have huge budgets to pay for expensive lawyers to provide advice on complex rules and regulations, represent them in disputes with suppliers or larger businesses, or advise them on any employee-related issues.

Small businesses are the drivers of employment and economic growth yet they are underrepresented and left to defend themselves. They do not have unions to come to their aid. Quite often unions have been aggressive in their unjust and unnecessary campaigns against small business. I have been involved in small business, and I know what it is like to struggle to ensure a cash flow and to keep the doors open. I know first-hand that decisions made by governments and bigger businesses can have an effect on small businesses. I know that small business owners—the mums and dads who are struggling to pay the bills—are the forgotten people. They work hard and put their employees first: in most circumstances they pay their employees before they pay themselves.

The bill to enshrine the Small Business Commissioner as a statutory officer protected by a strong legislative framework finally gives small businesses a voice. The bill contains provisions to allow for proper reporting to the Minister, government and Parliament on issues faced by small businesses, but does not impinge on the independence of the Small Business Commissioner and her ability to advocate on behalf of the small business sector. The bill contains a number of key objects to enable the Small Business Commissioner to comprehensively represent the State's small business community, including: dealing with issues to do with small business in a neutral and independent manner; providing a central point of contact for small business to make complaints about their commercial dealings with other businesses and government agencies that adversely affect the small business sector; encouraging and fostering better communication and understanding between small businesses and other businesses and providers; providing advice to small businesses about regulations, government agencies and others issues; and providing low-cost alternatives such as mediation, and facilitation to help resolve disputes before they escalate to the court.

One of the major issues small business face is negotiating retail tenancy leases. The bill will bring retail tenancy issues under the oversight of the commissioner. The bill provides for the commissioner to transfer to the Director General of the Department of Finance and Services—the government agency that oversees government-wide procurement—any finding that a person and/or body has engaged in anti-competitive practices that are in contravention of the law and adversely affect the small business sector. It is important to ensure that government department agencies that have major dealings with businesses and the buying power are aware of bad operators who are treating the small business sector with contempt. This provision will help facilitate a better culture and lessen the imbalance that currently exists between small businesses with limited resources and bigger operators who have money and resources at their disposal.

It is vitally important that this bill be passed and receive bipartisan support. The bill has been endorsed by the NSW Business Chamber and Independent Contractors Australia. The Small Business Commissioner has consulted widely on this proposal, including hosting 15 listening tours across New South Wales and speaking directly to more than 300 small business owners. The Minister will be required to conduct a review of the Act within five years from the date of assent to ensure that the objects set out in the bill are being met, and that the small business sector is being properly represented and has a strong voice across all the areas it deals with.

Previous speakers referred to the importance of small businesses, which are often run by mums and dads. I heard sighs from Opposition members today and I have heard them previously when I have spoken about

small business. Those Opposition members have never had to worry about where their payments on a lease, on a business overdraft, or to employees will come from. I will always emphasise in this Chamber that in most circumstances small business operators put their employees first—pay their employees before they pay themselves. The Opposition can scoff at that, but that is the reality. That is how I operated and how the majority of small businesses operate. I commend the bill to the House.

Ms TANIA MIHAILUK (Bankstown) [4.28 p.m.]: I join with my colleagues the member for Maroubra and member for Fairfield in making a contribution to the Small Business Commissioner Bill 2012, which the Opposition will not oppose. I put on the record that my family has a small business. Small business is an important industry for all New South Wales, particularly in western Sydney. I have been a strong, long-term supporter of small business. When I was Mayor of Bankstown I oversaw the creation of, and became chair of, the Bankstown Business Advisory Service. I note the presence of the member for Parramatta in the Chamber, who volunteered his time to be on that board when he was at the University of Western Sydney. I thank him for the service he provided to the Bankstown community.

The Bankstown Business Advisory Service provides assistance and support to small- and medium-size businesses throughout Bankstown. This bill is remarkably similar to the Small Business Commissioner and Small Business Protection Bill 2012, which was introduced by the shadow Minister for Small Business, the Hon. Adam Searle, in the other place in May last year. The Hon. Adam Searle engaged in a substantial consultation process and actively worked with the small business sector to produce legislation that would address the needs of all small businesses in this State. I commend him for his work. A report on the website of Dynamic Business at the time stated:

Sick of waiting for the NSW Government to legislate for Small Business Commissioner Yasmin King's role and give her any legal power to do *anything*, Shadow Small Business Minister Adam Searle has this week launched his own Bill into Parliament.

I note that the Opposition will move amendments to the Government's bill in the other place to allow greater statutory authority and independence for the Small Business Commissioner. If the Government supports those amendments it will prove that the Government is committed to small business and to putting the needs of small business above political expediency. The Opposition introduced the Small Business Commissioner and Small Business Protection Bill 2012 to hold the Government to its promise. Before coming to office the Coalition committed to appointing a Small Business Commissioner to act as an advocate for small business in government. It said the commissioner would also provide a low-cost mediation service for small businesses in disputes with other businesses and be a one-stop-shop to cut red tape. Unfortunately, the Government's bill was introduced more than 12 months after the first Small Business Commissioner was appointed. When the Small Business Commissioner was appointed there was no legislative framework in place to support the role. The Opposition is glad the bill is now before the House, but it took the Government 20 months to introduce it.

The Legislation Review Committee considered the bill when it was introduced into this place in November last year and noted some freedom of information issues—namely, the bill prevents the commissioner from making reports critical of the Government or a government agency without first notifying that agency. The Government bill is a toothless tiger. Members well know that the Government prefers to keep a tight hold on the reins wherever possible. In his second reading speech the shadow Treasurer pointed out that the bill "only provides for the appointment, role and limited function of the Small Business Commissioner". It provides the bare minimum of what is required to be specified in this legislation; the rest will be under the Minister's discretion. The commissioner is to refer to the Director General of Finance and Services if a person or body has "persistently engaged in anticompetitive practices that are in contravention of any law and that adversely affect the small business sector".

The commissioner has no power to address these issues and can only make a referral to a government appointed bureaucrat. No rights for small businesses are provided for in the bill, nor does the bill strengthen the position of small businesses in dealing with larger businesses or local and State government agencies. While the bill permits the commissioner to provide a mediation service for small businesses, the commissioner has no capacity to ensure that the other party to a dispute takes part in the mediation process. Unlike Labor's bill, in this bill there is no requirement for the commissioner to report regularly on the regulatory burden on small businesses in this State, the source of that burden and recommendations for alleviating any such burden. Sadly, this is a poor copy of the bill introduced by Labor last year. I urge Government members to support the amendments that the Opposition will move in the other place.

Mr JOHN FLOWERS (Rockdale) [4.34 p.m.]: I support of the Small Business Commissioner Bill 2012. In so doing I acknowledge the hard work done by the Minister for Primary Industries, and Minister for

Small Business. The Minister also works hard in the interests of those residents in Rockdale who work long hours to maintain their small businesses. In recent times she visited the St George area, as did the mobile mentoring and information service for small businesses. The object of the bill is to create the Office of Small Business Commissioner and to specify the objectives and functions of that office. It is intended that the commissioner will deal with the issues concerning small businesses in a neutral and independent manner, and will provide a central point of contact for small businesses to make complaints about their commercial dealings with other business, as well as with their dealings with government agencies.

The commissioner's functions will include investigating complaints made by or on behalf of small businesses, providing low-cost alternative dispute resolution services and making representations or taking action on behalf of small businesses. The commissioner will have the power to require any person or government agency to provide such information or answers to questions relating to the person's or agency's dealings with small businesses as the commissioner reasonably requires for the purposes of an investigation under the proposed Act. The bill is designed to provide support and services to small businesses, which constitute 96 per cent of all businesses—or 680,000 individual businesses in New South Wales—and provide employment for around 50 per cent of the New South Wales workforce.

The inaugural New South Wales Small Business Commissioner, Ms Yasmin King, was appointed by the Government in 2011. Her role is to provide a strong and independent voice for small business operators to ensure their voices are heard. The bill demonstrates the importance that this Government places on the small business sector in this State. This is the first time a bill has been introduced in New South Wales to establish the role of New South Wales Small Business Commissioner. The commissioner, who is to be a statutory officer, will be a strong and truly independent advocate for small businesses in my electorate and across the State. The bill confers the necessary legislative powers and responsibilities so that specified objectives and functions of this office can be carried out effectively. It will provide support and services to a vital part of the New South Wales economy.

Several Australian jurisdictions have already introduced similar legislation in recognition of the importance of having an advocate for the small business sector, but no small business commissioners exist in those States without legislation. Small businesses in New South Wales deserve the same opportunity as their counterparts to be supported by a small business commissioner with a strong legislative framework. Without legislation, New South Wales would be perceived to be providing less support to small businesses compared with other States. The object of the bill is to create mechanisms that motivate changes in behaviour to improve the overall operating environment for both business and government. Only legislation has the ability to give the commissioner appropriate tools to help change behaviour and assist small business. The role of the Small Business Commissioner is to provide a strong and independent voice for small business operators and to ensure that their voices are heard.

If the Small Business Commissioner is not established as a statutory officer small businesses will feel as if nothing has changed and that the Government has failed to deliver on its promise to provide an independent voice for small business. In June and July last the commissioner hosted 15 listening tour events across the State and engaged with approximately 330 small business operators regarding the legislative framework for this role and general issues impacting on small business. Overall, the support for the proposed legislative framework was overwhelming. The legislation includes a number of powers to allow the commissioner to investigate government agencies. The commissioner has received feedback from the small business sector that it needs assistance in its dealings with State and local government bodies when it feels that it has been dealt with unfairly. When speaking with local businesses in Rockdale I am constantly reminded that action is needed to improve the conditions and efficiency of their businesses.

The commissioner will not be able to intervene in departmental decisions on planning approvals, the granting of licences or any similar determinations. The only role available to the commissioner will be when an agency is required to provide information or answer questions regarding that agency's dealings with a small business. When there are allegations of unfair practices or there is a public interest concern the commissioner will need to implement a sound administrative process to deal with complaints about government bodies so that procedural fairness for both parties can be maintained. The New South Wales Small Business Commissioner will work collaboratively with government bodies such as the NSW Ombudsman, the New South Wales Cross-Border Commissioner and Fair Trading by referring matter to those bodies that have jurisdiction or legislative responsibilities for particular matters.

The Small Business Commissioner has been appointed to represent the interests of small businesses in New South Wales. However, the commissioner still has to work with big business. By earning the trust of big

business the commissioner will be able to develop effective working relationships to help resolve issues between big and small businesses to the benefit of both parties. In this way the commissioner is an aid to big businesses and government bodies as much as to small businesses. This is because the commissioner, by developing strong working relationships with all parties, will be more likely to enable disputes to be resolved in a timely fashion than if those parties were left to reach a conclusion themselves without assistance.

It should be noted that the services offered by the Small Business Commissioner differ from those offered by the NSW Ombudsman or NSW Fair Trading through its provision of specialist small business knowledge and dedication of resources to deal with small business issues. In reality, the Ombudsman's office does not have the staff or resources to focus on small business issues. Consultations have taken place with the Ombudsman and Fair Trading. This legislation is an important step forward for small business owners, who can now have a voice in dealing with unfair practices and onerous administrative burdens that affect their business. I congratulate the Minister for Small Business on working on behalf of small business, including in Rockdale, and giving them a commissioner who can address their concerns. I commend the bill to the House.

Mr RICHARD AMERY (Mount Druitt) [4.43 p.m.]: The explanatory note of the Small Business Commissioner Bill 2012, which has been read out a few times by members, states:

The object of this Bill is to create the office of Small Business Commissioner and to specify the objectives and functions of that office.

The process for appointing the commissioner, establishing the framework for remuneration, removal of a commissioner and the commissioner's general functions are set out in the bill. However, I think it falls short of the expectations of the small business community when the then Opposition promised to establish a small business commissioner in New South Wales. I can recall one instance of a person whose plight has received much publicity. Trevor Banks had a Wendys ice-cream business in Mount Druitt and was involved in a long and protracted dispute with the franchisors of that organisation. He felt that a small business commissioner would be able to provide a low-cost alternative to solving the matter in the courts and having to employ expensive lawyers and the like. He had seen a small business commissioner appointed in South Australia.

Mr Banks was angry with not only the government of the day—which was Labor—but also all facets of government as far as it was unable to provide him with an avenue through which to air his grievances and, importantly, to have the issue adjudicated and determined. I received a lot of correspondence about the establishment of the Small Business Commissioner in South Australia. Mr Banks was a strong supporter of that model. I do not put to the House that I am a student of the South Australian legislation or the role of the South Australian Small Business Commissioner. However, the correspondence seemed to indicate that the South Australian commissioner had a lot more power not only to hear a complaint but also to adjudicate who is right and who is wrong. It appears from this document and the contributions I have heard, including the Minister's second reading speech, that the New South Wales Small Business Commissioner does not have that authority, which many small business people expected would be the case after the Coalition made its promise when in opposition.

I am pleased that the Opposition has a private member's bill on this issue. I understand that the shadow Minister in the upper House, the Deputy Leader of the Opposition, may move amendments to this bill to incorporate aspects of the Opposition's private member's bill effectively to give the Small Business Commissioner more teeth in dealing with small business complaints and the like. Under this bill the Small Business Commissioner will have the right to deal with a complaint on behalf of a small business, investigate it, hear the grievances and so on. However, after that process is finished, although the evidence taken by the commissioner can later be used in a civil court, the commissioner will not be able to make an adjudication to settle a dispute between the businesses or, as in the case I referred to, franchisees and franchisors and the like.

In effect, the Government has fulfilled a promise if it is dealing with the headline of the issue—that is, it has established a Small Business Commissioner. The Government has introduced legislation that gives that person certain roles and so on. However, I think what is before the Parliament is a lot less than what the small business sector in New South Wales was expecting from the new Coalition Government. The Minister might comment on that. I understand there will be more debate on this matter in the Legislative Council. We wish the Small Business Commissioner every success. Even if the Small Business Commissioner cannot adjudicate or make a determination as a Local Court or one of the various tribunals that operate in this State can, I hope that at least this body will give some small business persons an opportunity or a forum at least to air their grievance.

That would give them a feeling that someone is listening to their plight or complaint and may be able to make representations to another government agency to resolve the problem—which is why they went to the commissioner in the first place.

To state the obvious, why is it necessary to have an alternative dispute resolution system? It comes down to cost. While some businesses are very successful and have large financial resources, the great majority are small businesses—perhaps family businesses employing family members and a couple of other employees—and they do not have the cash reserve to hire a solicitor or barrister to take someone to the Local Court or the Supreme Court. That is why it was important that a small business commissioner be established in New South Wales. On my first reading and understanding of this bill, I think it falls short of the expectations of many small business people who had great hopes for this legislation.

Dr GEOFF LEE (Parramatta) [4.50 p.m.]: I support the Small Business Commissioner Bill 2012. I reiterate that members on this side of the House support and understand the importance of small business in New South Wales. There are something like 640,000 small businesses in New South Wales, 160,000 small businesses in western Sydney and around 16,000 small businesses in my electorate of Parramatta. The importance of small businesses cannot be underrated. They constitute about 30 per cent of the economy. Indeed, they are the engine room of our economy, providing innovation and employment and making economic contributions that far outstrip what could ever be perceived from the name "small business".

Small businesses are of particular interest to me, having had small businesses for most of my life and understanding the challenges they present. For a long time the biggest difference between big business and small business owner-operators is that the latter make decisions and use their own money. Small business people make decisions every day, whether in relation to marketing or sales, customer service or accounting. They perform many and varied tasks and, as owner-operators, are responsible for all their decisions. They often put their houses on the line, mortgaging their homes against their businesses, so each decision they make is crucial to their future.

Part of my university research involved examining how government could best service and assist small business and what assistance programs would work. I suspect that the solution is not one method but a series of different approaches. The Small Business Commissioner Bill 2012 goes some way towards addressing the needs of small businesses. I think it was Lincoln who said that government should do things that enterprise cannot do or should not do. Certainly this bill contains a suite of measures that enterprise cannot introduce. It addresses how to assist small business owners in their struggle to care for their families and to grow their businesses so that they thrive and employ more people.

I commend the Minister for Small Business, Ms Katrina Hodgkinson, for her efforts. Testament to her success is the increase in funding for small business programs from \$5 million to \$7.5 million in this financial year. That is a sterling effort, which is appreciated by a significant number of small businesses throughout the State. I commend her approach. One of the services that the Minister has supported and is expanding is the SmallBiz Connect program. It is a valuable service that will deliver for western Sydney. The University of Western Sydney will deliver the SmallBiz Connect business advisory service program across six local government areas of Parramatta, Auburn, Holroyd, Fairfield, The Hills and Blacktown through the Western Sydney Pilot Project.

The focus is on diagnosing a business based on its stage and business situation, and developing achievable and measurable action plans to accelerate growth and build sustainability. The program will provide services including business information services, business guidance and advice, business skills training, and one-on-one business advisory sessions, including diagnostic and action planning. One of the great things about this service is that it uses experienced facilitators who go out and meet small business people and address their particular concerns. It is not one size fits all; it assists small business operators individually. All the research shows that small business owners are hungry for knowledge. They may be an expert in their field, they may be an excellent tradesperson or an excellent retailer, but they require business and management skills in order to improve, grow and expand their business.

Through the small business program the university will offer a range of advisory services aimed to help small businesses improve their efficiency and innovation, and to boost sustainable growth. Existing and intending small business owners receive comprehensive, tailored and timely recommendations underpinned by detailed diagnostic and benchmarking tools, New South Wales Government advocacy and dispute resolution

services. To support them on their journey they are also given appropriate referrals to business professionals, such as chartered accountants and solicitors. Strategic introductions to potential supply chain partners and networking groups are facilitated.

In collaboration, adviser and client can develop realistic, straightforward action plans, allowing the measurement of success in real time. That is fantastic because often in small business—I have been there many times—you need to benchmark yourself not only against peers in your industry but also against other industries. This is an important step in supporting small business. I commend Jenny Hannon at the University of Western Sydney for devising and planning the business case for the SmallBiz Connect program, as well as program manager Don Wright. His oversight of the program will ensure its success. Don Wright has owned a small business and worked as an adviser, and I have every confidence in his delivering this program successfully.

The SmallBiz Connect program at the University of Western Sydney will help existing and intending business owners to make informed decisions, develop straightforward action plans, develop skills through face-to-face training, and access affordable workshops that help develop important skills and knowledge that can be used to assist in accelerating business growth and achieving economic sustainability and are provided in a way and at a time and place that suits their learning needs. The program will help operators to understand the importance of innovation in business growth and success, and link with other small business owners and expert professionals with real business experience. The program will be used to drive economic growth within the small business sector, including jobs growth, productivity gains and increased economic output, which is vital for western Sydney. The current employment deficit in western Sydney—estimated to be 200,000 jobs—can only be addressed by assisting the small business sector and improving its efficiency and growth so that it can employ more people.

The program is being promoted and rolled out in western Sydney through the business community; through strategic partnering with local councils, business chambers, educational institutions and professional associations as well as local community groups, colleges, disability and employment services, and other outreach programs; through partnering with the New South Wales Small Business Commissioner's mentoring bus; through attendance at key networking, business and cultural events; and through the SmallBiz University of Western Sydney website and an eventual integrated online social media strategy, as well as a lot of hard work in phone and face-to-face cold calling. I commend this integrated approach to western Sydney and the networks in that area. Reaching out to small business grassroots is a unique feature of the university.

The University of Western Sydney Small Business Toolkit provides for trade and investment. The website is dedicated to small businesses and to helping them improve their financial planning and business case management. It looks to upskill owner-operators free of charge. Some of the statistics are very interesting. Since the launch in September 2009 of this free online service it has had more than a million visits, with about 855,000 unique visits and something in the order of three million page views. It has been a very successful website for providing information but, more than that, it has something like 17,000 active users who are building business plans online. That is a fantastic effort. The feedback from one user was, "I like the step-by-step advice and the easy-to-navigate site. Nice and clear." I commend the Minister, the Hon. Katrina Hodgkinson, for her dedication to small business, for the SmallBiz Connect advisory service website, and for bringing the Small Business Commissioner Bill 2012 to the House.

Mr GLENN BROOKES (East Hills) [5.00 p.m.]: The Small Business Commissioner Bill 2012 will ensure that small businesses are treated fairly by other businesses and by State and local governments. It will grant more legal rights to small businesses so that they can go about delivering for the community with peace of mind. While all previous consumer and trade laws were targeted at customers' and employees' rights, this bill will ensure the rights of the small business operators, without whom many employees would be jobless and the economy of this State and country would be in disrepair.

This Government deserves to be congratulated on introducing such a bill. Many people, especially those opposite, do not realise what is involved with running a business. Business owners and operators put everything on the line every day they open for trade. With no-one to talk to or get good advice from, it can be a very big burden to carry. They are responsible for not only their own income but also that of the people they employ and the livelihood of their families. Business operators will now have someone they can go to when it comes to investigating complaints made by or on behalf of small businesses. We will be providing low-cost alternative dispute resolution services. Not only will this free up our courts but it will mean that many business owners will not lose the lot when defending or fighting a claim. This is not only about small business but also about families and family time. Small businesses will have someone with the power making representations or taking action on their behalf.

We cannot live without small business or the operators of those businesses. Small business is the backbone of this country. It keeps people employed and generates much-needed funds for the State. Unlike those opposite, the Liberal Government supports small business and the growth that it brings to New South Wales. Without small business the road to recovery for New South Wales will be impossible to follow. The O'Farrell Government is getting on with the job. No-one said small business was easy. People think eight hours of work a day is plenty but in reality for small business owners 15-hour days are the norm. Just think where Australia and the State of New South Wales would be if it were not for small business. They are simple people—mums and dads having a go. Because of the dedication required to fulfil the dream and the responsibility of working for themselves and employing others not everyone succeeds in small business. With that said, I could continue for hours but at this point—

Mr Guy Zangari: Shame.

Mr GLENN BROOKES: What is that?

Mr Ryan Park: I didn't say a word.

Mr GLENN BROOKES: Your mate behind you did. I commend the bill to the House.

Mr CHRIS PATTERSON (Camden) [5.04 p.m.]: Mr Assistant-Speaker—

Mr Ryan Park: Talk to him about it; don't look at me. What are you threatening me for? I'm not going to be intimidated by him.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! No-one is intimidating the member for Keira. If he continues to make comments, which I heard, he can expect some retaliation.

Mr Ryan Park: I didn't say them.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! If the member does not want members to retaliate, he should not make comments. If he wants to continue in that manner he can do so outside the Chamber.

Mr CHRIS PATTERSON: I support the Small Business Commissioner Bill 2012. I have said it many times before but it is my utmost belief that small local businesses are the backbone of our communities. I recently had the pleasure of attending a Narellan Chamber of Commerce meeting. The topic of the evening was the expansion of the Narellan Town Centre and the commitment to pour \$200 million into our area and create more than 1,200 permanent jobs. This type of investment in our area is extremely positive and is to be applauded. Members of the Narellan Chamber of Commerce are business people from many different areas of business and they bring a dynamic and vibrant mix to the chamber. Members all share the goal of encouraging the success and growth of not only their own business but also all business in the area. Clearly evident also amongst this group is the community-orientated passion that every member shares.

I single out the hardworking committee president, Stephen Grabowski, vice president Adriana Care, secretary Maria Sapienza, treasurer Amy Woodley, membership coordinator Bryn Robinson, web executive Nathan Sams, events coordinator Paul Stevens, office bearers Sandra Bartlett, Kim Hill, Paul Mingay and past president and extremely close friend of mine Matt Leighton, OAM. Matt was president of the Narellan Chamber of Commerce for 24 years. I also take the opportunity to mention Camden Chamber of Commerce whose members promote business very actively within our area and, like their Narellan counterparts, are extremely passionate about our local community. I single out the hardworking committee president David Cadden, vice president David Waudby, past president Miriam Roberts, secretary Pania Gregson, membership officer David Lewry, events coordinator Jeramie Winsor, speaker-entertainment coordinator Nada Mihajlovic, treasurer Les Coulcher, marketing and communications officer Angela Martinez, public officer Deb Vardy, sponsorship officer Marion O'Brien and council liaison officer Josephine Luna. The New South Wales Parliamentary Research Service e-brief 16/2012 states:

Small businesses are the backbone of Australia's economy, representing 96 per cent of all businesses. An estimated two million small businesses across the nation provide nearly half of all employment. In New South Wales alone, there are 650,000 small businesses which provide employment for around 50 per cent of the New South Wales workforce. In addition to contributing to the economy directly, the small business sector is a crucial platform which underpins the efficient operation of many medium- sized and large businesses.

Clearly I am not alone in my thoughts on this subject. I take my thoughts one step further though in saying that I believe small businesses also underpin our local sporting groups, our local schools—I challenge any member in this Chamber to find a local parents and citizens association newsletter these days that does not have a number of local businesses supporting the school's fundraising efforts every week—our charity groups and all other non-government organisations within our communities. The Government supports these small businesses because they support us in so many ways. This Government takes seriously our communities' thoughts and experiences so that we may better support small business through equipping the Small Business Commissioner in the most effective way to assist small business when required.

Last year small business, industry associations and government representatives were asked for their comments and input on the consultation paper entitled "A Legislative Framework for the NSW Small Business Commissioner." Of the 64 submissions received 67 per cent were from small businesses that overwhelmingly supported the legislation. Ms King was well received on the listening tour. She will work collaboratively with government bodies to endeavour to resolve issues. Minister Hodgkinson has since reported overwhelming support for the proposed legislative framework that is now part of this bill. The New South Wales Government has fulfilled another election commitment by appointing Small Business Commissioner Yasmin King. It has been positive to hear of her successes so far in assisting with the problems of small businesses.

Ms King has a diverse background. She has a strong interest in speaking up for small business, as well as improving the operating environment for the sector. Small businesses can only benefit from her personal experience as a former small business operator and also her experience in both the corporate and governance fields. The commissioner's objective is to deal with small business in a neutral and independent manner, to facilitate low-cost mediation and alternative dispute resolution services, and to encourage the fair treatment of small business. With this bill the commissioner can identify measures to reduce the administrative burden that small businesses face daily. Any measure that reduces bureaucracy, red tape and the administrative burdens that are placed on small business owners will be welcomed. This legislation is necessary to give the commissioner the appropriate tools to help change behaviour and to assist small businesses. The office of the Small Business Commissioner will have a strong, independent voice that will ensure that all concerns are heard.

Small businesses need to know that the new commissioner is there to hear their concerns. Although the commissioner will not be able to intervene in departmental decisions such as planning approvals, granting of licences or similar determinations, she will be able to investigate complaints from small business owners relating to unfair treatment or where there is a public interest. The commissioner can make representations or take action on behalf of small businesses, facilitate in the development of codes of practice by industry, or advise the Minister on matters that affect small businesses. Small businesses have been neglected for too long.

Many small businesses are family-run operations with mum and dad or husbands and wives at the fore. Their time and effort should not be wasted on interpreting red tape or layers of bureaucracy that offer no value to the running of their businesses. I am regularly approached by small business owners who express their frustration at having to deal with red tape. The commissioner will provide a central point of contact. Small business owners voice their concerns on a regular basis. This legislation is welcomed by the small business sector of New South Wales. I commend the bill to the House.

Mr KEVIN ANDERSON (Tamworth) [5.14 p.m.]: I support the Small Business Commissioner Bill 2012 and congratulate the Minister for Small Business on the outstanding job she has done in this difficult portfolio. Minister Hodgkinson has broken down the barriers. It is now easier for small businesses to create the goods and services that help our State to progress. The Small Business Commissioner holds an important position. The objectives of the commissioner are as follows:

- (a) to deal with issues concerning the small business sector in a neutral and independent manner,
- (b) to provide a central point of contact for small businesses to make complaints about their commercial dealings with other government agencies ...

A number of innovative policies that deal with government agencies are already in place. The objectives of the commissioner continue:

- (c) to encourage government agencies and larger businesses to enter into productive working relationships with small businesses,
- (d) to facilitate the resolution of disputes involving small businesses through mediation and other appropriate forms of alternative dispute resolution,

- (e) to facilitate and encourage the fair treatment of small businesses,
- (f) to promote a fair operating environment in which small businesses can flourish,

That critical component has been difficult to achieve in the past. The objectives continue:

- (g) to identify and support measures to reduce the administrative burden for small businesses.

This will reduce red tape and enable investigation into other areas such as workers compensation, occupational health and safety, and a raft of bureaucratic requirements that businesses need to undertake and fulfil before they can open their doors. Under clause 14 the Small Business Commissioner's functions include the following:

- (a) to receive and deal with, subject to section 15, complaints made by or on behalf of small businesses (either on an individual or collective basis) regarding their dealings with other businesses and government agencies,
- (b) to investigate complaints that are dealt with by the Commissioner or to refer any such complaint to such other person or body as the Commissioner considers appropriate,
- (c) to provide low cost alternative dispute resolution services for small businesses,

As a former director of the Tamworth Business Chamber, one of the most progressive and largest regional chambers in New South Wales, I know that finding dispute resolution services for small businesses can be difficult. One has to work through a myriad of web pages when trying to find the correct agencies to assist with resolving their challenges. The Small Business Commissioner can now offer low-cost alternative services for small business owners who are experiencing difficulties. Other functions of the Small Business Commissioner are as follows:

- (d) to make representations or take any action on behalf of small businesses (including making applications to be joined as a party in proceedings involving a small business) either at the Commissioner's own initiative or at the request of a small business,
- (e) to conduct investigations into the way in which small businesses are treated by other businesses or government agencies,
- (f) to facilitate the development of codes of practice by industry that deal with issues concerning the small business sector,
- (g) to advise the Minister, either at the Commissioner's own initiative or at the request of the Minister, on any matter affecting small businesses or that is relevant to the Commissioner's objectives or functions.

It is important to highlight those objectives and the commissioner's functions, which will make it easier for businesses to access those important services. The Tamworth Business Chamber will be keen to access the services offered by the Small Business Commissioner. The chamber has an active membership and up to 150 members attend monthly business breakfast meetings. Guests have included the Small Business Commissioner and innovative entrepreneurs who share their experience of growing their businesses, managing growth and dealing with challenges. It would be appropriate to invite the Small Business Commissioner, Yasmin King, to revisit Tamworth. She visited during her listening tour last year and heard firsthand the problems facing small business, which included dealing with government agencies.

It is great to see that one of the commissioner's objectives and functions will be to deal with agencies when communication challenges arise or when payments are late. As members know, late payments are a serious concern because cash flow is vital for small businesses. I join the Tamworth Business Chamber in inviting the Small Business Commissioner to revisit Tamworth to meet with the chamber and the business community. It would be a wonderful opportunity to show the local community that this Government is supporting small business. This Government thinks highly of small business and values, respects and acknowledges its contribution to the New South Wales economy.

Our local agricultural operations are small businesses in their own right. The central business districts of small and large centres and cities in regional New South Wales are the hub and heartbeat of a strong economy. A strong, vibrant local business sector is the way forward for economic growth, prosperity and development. We must provide employment for our growing population. Who creates that employment? It is the business sector. We must support small business and the Government has done that by appointing Yasmin King as the Small Business Commissioner. The people of Gunnedah, Tamworth, Werris Creek, Nundle, Manilla, Barraba and Boggabri will be comforted by the knowledge that this Government is thinking about small business—it is on the Government's radar.

We aim to make it easier for small business operators to open their doors, to turn on the lights and to make a dollar. We will work with small businesses and make it easier for them to contribute to the economy. I often ask small businesses in my electorate how the Government can make it easier for them to do their job. The appointment of a small business commissioner is a very good start. I wish Yasmin King all the very best and I know that she will do a great job. I sincerely thank the Minister for Small Business for her vision, foresight and strategy and for ensuring that small business is at the heart of this legislation. I thank the Minister for looking after New South Wales.

Mr LEE EVANS (Heathcote) [5.24 p.m.]: I hope that members will be enlightened after hearing my contribution to the debate on the Small Business Commissioner Bill 2012, which I have great pleasure in supporting. The role of the commissioner is to manage issues relating to small business. That includes investigating complaints made by or on behalf of small business, providing low-cost alternative dispute resolution services, making representations or taking action on behalf of small businesses, and requiring any person or government agency to provide such information or to answer questions relating to a person's or an agency's dealing with small businesses as the commissioner reasonably requires for the purpose of an investigation under this legislation. This long-awaited bill will cut red tape for small businesses in New South. It will also make it easier for small businesses to conduct their operations and to concentrate.

I welcome this legislation as a non-revenue receiving partner of a small business. It will ensure that we have a government ear listening to small businesses in this State; that is, someone will be in the corner for small business owners. The announcement of Ms Yasmin King as the first Small Business Commissioner was welcomed by small businesses across the State. The commissioner will hold office for a term not exceeding five years, as may be specified in the instrument of appointment, but is eligible, if otherwise qualified, for reappointment. A person is not eligible to be appointed for more than two terms of office as commissioner. The office of commissioner is a full-time position and the holder of the office is required to hold it on that basis, except to the extent permitted by the Minister.

The commissioner's objectives are: to deal with issues concerning the small business sector in a neutral and independent manner; to provide a central point of contact for small businesses to make complaints about their commercial dealings with other businesses and about their dealings with government agencies; to encourage government agencies and larger businesses to enter into productive working relationships with small businesses; to facilitate the resolution of disputes involving small businesses through mediation and other appropriate forms of alternative dispute resolution; to facilitate and encourage the fair treatment of small businesses; to promote a fair operating environment in which small businesses can flourish; and to identify and support measures to reduce the administrative burden for small businesses. Small business is the backbone of New South Wales and unemployment will skyrocket if it does not flourish. The Government is assisting businesses such as chemists, bakers and candlestick makers by cutting red tape.

The commissioner may by notice in writing require any person or government agency to provide such information relating to the person's or agency's dealings with small businesses as the commissioner reasonably requires for the purposes of any investigation by the commissioner under this legislation. Any such notice may specify the time within which the information is required to be provided. A requirement under this provision to provide information relating to a person's or an agency's dealings with small businesses may include a requirement to answer questions relating to those dealings. A government agency is not required to provide any information if there is an overriding public interest against the disclosure of the information for the purposes of the Government Information (Public Access) Act 2009, or if access to the information would otherwise be denied under that Act. That will make it easier for those who are considering establishing a small business and ensure that they can access assistance if they find themselves facing difficulties.

As soon as practicable after 31 December each year the commissioner is required to prepare a report on his or her work and activities for the 12 months ending on 31 December and provide a copy of the report to the Presiding Officer of each House of Parliament. The commissioner may, at any time, make a special report on any matter relating to the functions of the commissioner and provide a copy of the report to the Presiding Officer of each House of Parliament. A report under this section may, without limitation, include recommendations relating to such matters as the commissioner considers relevant to the small business sector. The commissioner may include in a report under this section a recommendation that the report be made public immediately.

Small businesses, which represent 96 per cent of all businesses in Australia, are the backbone of our economy. The Heathcote electorate has plumbers, electricians and painters who work in the construction

industry. I am proud of the large number of people who own or operate small businesses in my electorate. In New South Wales alone 680,000 small businesses provide employment for approximately 50 per cent of the workforce. In addition to contributing to the economy directly, the small business sector is a crucial platform that underpins the efficient operation of many medium and large businesses. The role of the Small Business Commissioner was established by this Government in recognition of the fact that small businesses are an integral part of the economy. Once again the Coalition Government is delivering on its promise to make New South Wales number one again by introducing legislation that, for the first time, establishes the role of the Small Business Commissioner—a truly independent and strong voice for small businesses across this State.

Mr CHRIS HOLSTEIN (Gosford) [5.32 p.m.]: I support the Small Business Commissioner Bill 2012 for a number of reasons, the most important being that for the past two decades my family and I have been involved in small business on the Central Coast. We owned a number of businesses and we know the difficulties that are associated with them. Many people might be attracted by the fact that as small business owners they will be in charge of a business. However, the tasks that are associated with the running of a small business are not necessarily allocated to other people. Small business owners do everything—from buying and selling to cleaning, unloading trucks and getting rid of the rubbish. The Gosford electorate has an exceptional number of small businesses. As I have been involved in the running of small businesses I know that 33 per cent of them will fail in the first year because of their unreal expectations. They do not always find a pot of gold at the end of the rainbow and more often than not they are faced with reality.

Earlier the member for Heathcote said that small businesses in New South Wales and Australia employ approximately 50 per cent of all those who are employed. The Government should take the time to put in place necessary legislation to assist these important small businesses. It has been said that small business is the backbone of our economy. This bill reflects this Government's commitment at the last election to appoint a Small Business Commissioner. Yasmin King has been appointed. When I met Yasmin King at the Gosford Chamber of Commerce soon after her appointment, I was confident that she would do a great job for small businesses in this State.

This bill seeks to establish the legislative framework for the Small Business Commissioner. Other jurisdictions have implemented legislation that supports their small business commissioners. New South Wales deserves a strong legislative framework that will enable its Small Business Commissioner to achieve her objectives—that is, to bring about a change in behaviour and to improve the overall operating environment for both businesses and the Government. The role of the commissioner is to provide an independent voice for small business—someone that small businesses can trust. A small business commissioner has already been appointed in Victoria and a chief executive officer has been appointed in Western Australia and their positions are supported by a statutory body. In South Australia the commissioner, who is appointed by the Governor, is the go-between for businesses and government agencies when businesses have no-one else to whom they can turn. The independence of the commissioner is vital, given his or her role in undertaking alternative dispute resolution.

In June and July 2012 extensive consultations were held throughout this State. Fifteen events were held that engaged more than 300 small business operators in a legislative framework, amongst other issues. There was overwhelming support for the proposed legislative framework. Under the proposed legislation the commissioner will be able to require a State and/or local government body to provide information or to answer questions regarding an agency's dealings with small business when there are allegations of unfair practices or a public interest concern. The commissioner will work collaboratively with government bodies, such as the NSW Ombudsman, the New South Wales Cross Border Commissioner and the Commissioner for Fair Trading through referrals to those bodies when they have jurisdiction or legislative responsibility for a particular matter.

The commissioner has some important objectives that touch at the heart of small business: to deal with small business in a neutral and independent manner; to provide a central point of contact for small business; to facilitate low-cost mediation and alternative dispute resolution services; to encourage and facilitate the fair treatment of small business; and to identify measures that reduce the administrative burden for small business. Those objectives can be achieved by the commissioner investigating complaints from small businesses relating to unfair treatment or, where there is a public interest, by making representations or taking action on behalf of small business, facilitating the development of codes of practice by industry and advising the Minister on matters affecting small business. The bill will enable the commissioner to investigate issues that have the potential to significantly harm the interests of a group of small businesses, to be known as a collective complaint. This bill represents a significant step forward for small business.

Small business is the backbone of the New South Wales economy, with approximately 680,000 small businesses in operation throughout this State. People who operate small businesses often think there is a pot of gold at the end of the rainbow and they are glad to be in charge of their own business, but I know that it is not an easy task. Small business owners are so focused on the delivery of services to customers and the maintenance of an income that they lose sight of other issues, for example, rules, regulations and government requirements. This Government must cut the red tape that faces small businesses and make life easier for them. In times of need those small businesses will now be able to approach an independent commissioner to seek advice. We must ensure that our economy is strong by assisting small businesses to work effectively and we must look after them. This bill will give them the strong and independent voice that they deserve and the legislative framework to back it up. I commend this bill to the House.

Mr CLAYTON BARR (Cessnock) [5.38 p.m.]: The Labor Opposition supports the Small Business Commissioner Bill 2012 but I foreshadow that it will move amendments in the Legislative Council. We will seek to amend this bill because in 2012 Labor members in the Legislative Council introduced legislation that would result in the appointment of a small business commissioner. The creation of this office was promised in the lead-up to the election. The Government promised it again in 2011, and in March 2012 we were told it would be available shortly. By May 2012 it had not arrived so Labor took the step to put something in place—the Minister managed to get something on the table after that. I acknowledge that Labor had 16 years to introduce this bill but those opposite had 16 years to draft it—

Mr John Sidoti: Lazy, lazy, lazy.

Mr CLAYTON BARR: I note the interjection by the member for Drummoyne, but I am uncertain as to who he is referring to. Is he referring to the laziness of those opposite who, for 16 years, did nothing about preparing this legislation? I suggest that the member for Drummoyne should look in the mirror—although no doubt he has several hundred mirrors throughout his house.

The ASSISTANT-SPEAKER (Mr Andrew Fraser): Order! I remind the member for Cessnock of Standing Order No. 74, which states that members will not incite debate and argument across the Chamber. The member will return to the leave of the bill.

Mr CLAYTON BARR: I recognise, support and appreciate the work of all small business owners. I have never been a small business owner, nor have any members of my family, but I am proud of the work that I and members of my family have done in helping small business achieve better outcomes. I take this opportunity to lament the closure last Saturday of Taylor's Retravision, Cessnock, after 80 years of being in business. I grew up next door to the Taylor family: Ian, Dale, Gloria and Allan. I do not know that the Taylors ever really had a weekend—they were always at work. I acknowledge the 650,000 small businesses in New South Wales and the ever-increasing expansion of small business in New South Wales because of how big business wants to operate.

Recently 500 jobs were wiped from the Hunter Valley coalmining industry but not one person was sacked by the coalmines. Who was sacked? The contractors, the small business operators, were sacked. The workers who ensured that the mine operated at its peak while the golden money was flowing in were sacked when there was a slight downturn. The coalmining industry said to those men and women, "We are big business. We are going to operate at X. We do not want to take on any more responsibility, but we want to get more coal out of the ground. You need to get an ABN and then come and see us. We will employ you, but when things go bad you will be removed without any recourse." That is terrific for a big company but not so great for a small business operator who needs to make ends meet.

I know of several families who went to the wall because of a big company decision that impacted significantly on small business. That gap in fairness is what instigated Labor to introduce its bill in the other place. Some 18 of the 24 points noted in the legislation introduced by Labor have been adopted in this bill, but more work needs to be done. The Opposition will be seeking to amend this bill in the other place. Labor does not oppose the level of bureaucracy created by the creation of the Office of the Small Business Commissioner. In 2012 Labor introduced the NSW Jobs Commission Bill. I turn now to some of the comments made by Government members in that debate. The member for Parramatta said:

...we are divided by our philosophical differences. Those differences are highlighted by this legislation. If passed, it would result in an even bigger bureaucracy. It would create a letter-and-report-writing department ...

Today we are talking about the Small Business Commissioner; then we were talking about the NSW Jobs Commission. Where is the consistency in the member's approach? In essence they are both bureaucratic departments and both worthy. The hypocrisy of members to mock, pass cynicism and judgement on bureaucracy as a whole and then speak warmly and glowingly of bureaucracy in this place to suit the Government should be recognised. The member for Orange said:

... there is no problem that cannot be solved by throwing bureaucrats at it ... Labor calls in the special operations force: middle management.

The member for Baulkham Hills then interjected, " ... middle managers". The member was implying that bureaucracy is all about middle managers and the member for Orange concurred. In one bill bureaucracy is bemoaned as some sort of devil existence, yet in the current bill it is the saviour. Those opposite cannot have it both ways. I acknowledge that commissions should be set up to ensure that people outside of this place are given a fair go but the suggestion cannot be made that it is all bad. The Government claims to be a friend of small business, yet its actions since winning office are to the contrary. Under the O'Farrell Government the Small Business September program has been scrapped; MicroBiz week has been scrapped; the Young Entrepreneurs Mentoring program has been scrapped; the Women In Business Mentoring Program has been scrapped; and regional trade investment offices at Broken Hill, Tweed Heads, Coffs Harbour and Goulburn have been shut down. The Government has introduced this bill but it does not have the robustness of the bill introduced by Labor in the other place.

Mrs TANYA DAVIES (Mulgoa) [5.48 p.m.]: The contribution of the member for Cessnock to this debate was, to say the least, very interesting. I am proud to support the Small Business Commissioner Bill 2012, which is a fulfilment of an election commitment made by the Liberal-Nationals in the lead-up to the last election. Last year Ms Yasmin King was appointed as the first Small Business Commissioner in New South Wales. Following her appointment, a discussion paper was released in June detailing options for the specific role of the commissioner. The member for Cessnock commented that the Government delayed the introduction of this bill. I note that the Liberal-Nationals are about consultation with the people of New South Wales, not dictatorship. Government members consulted widely with constituents, small and medium business and chambers of commerce to get their input on the role of the Small Business Commissioner. The bill provides for the legislative framework for the Small Business Commissioner as a statutory officer to have the power to carry out the functions of a truly independent and strong voice for small business in New South Wales.

The functions of the Small Business Commissioner are set out in the bill as follows: to deal with issues concerning the small business sector in a neutral and independent manner, provide a central point of contact for small businesses to make complaints about their commercial dealings with other businesses and their dealings with government agencies, encourage government agencies and larger businesses to enter into productive working relationships with small businesses, facilitate the resolution of disputes involving small businesses through mediation and other appropriate forms of alternative dispute resolution, facilitate and encourage the fair treatment of small businesses to promote a fair operating environment in which small businesses can flourish, and identify and support measures to reduce the administrative burden for small businesses.

To achieve these objectives, the function of the Small Business Commissioner will be to investigate complaints of unfair treatment, make representations for small business and advise the Minister on matters affecting small business. The legislation will be welcomed in my western Sydney electorate of Mulgoa and the neighbouring electorates, as our local and regional economy depend heavily on small business. Last year I hosted a small business forum in St Marys with the Small Business Commissioner, Ms Yasmin King, and the Minister for Small Business. They spoke to small business owners, franchisee owners and representatives of small business. Many topics were raised, such as issues with franchising, employment law, payroll tax and over-regulation.

The Small Business Commissioner was able to provide valuable information and explain her role as an advocate, a mediator and a source of information and advice for small business. Representatives from the Penrith City and District Business Advisory Centre were present and were able to see the value in having a dedicated, strong independent voice in the Government to speak for small business. The Small Business Commissioner Bill 2012 demonstrates the importance that this Government places on the small business sector. For the first time in the history of New South Wales a bill has been introduced to establish the role of the Small Business Commissioner for New South Wales, and it was introduced by the O'Farrell-Stoner Government.

Small businesses are the essence of Australia's economy, representing 96 per cent of all businesses. In New South Wales alone approximately 680,000 small businesses provide employment for about 50 per cent of

the workforce. My husband and I have a small business. Almost two years ago we took the leap and decided to enter into our own small business. We made the decision after many years of carefully weighing up whether to take the leap from what was a comfortable and secure employment situation into being a business owner. We spent a lot of time and money on investigating the potential business opportunity, and we made a substantial financial contribution to that business to secure and build it.

My husband runs the business on more than a full-time basis. Anyone who thinks they can buy a business, work six hours a day and retire in 10 years is living in la-la-land. It simply does not happen. One has to work very hard to make a small business successful. It involves many long hours every week day and on weekends; one must give up family and holidays. One must invest a significant amount of personal energy and finances into the business to make it work. When I was working full-time I also ran a small home-based business. It was challenging. I am pleased and excited not only that the Government recognises the value of small business but also that Government members have had or have their own small business and therefore understand what it takes to support and encourage small businesses in New South Wales.

Clause 4 of the bill provides for the appointment of the commissioner by the Governor on the recommendation of the Minister. The appointment of the commissioner as a statutory officer by the Governor will mean that the commissioner is truly independent, which is a necessary requirement of this role. It is essential for the Small Business Commissioner to be independent to ensure that there are frank and honest discussions and identification of obstacles, of which the Government needs to be aware, to reduce the bureaucracy. Western Sydney is the powerhouse of the New South Wales economy. It has a melting pot of hundreds of thousands of small and medium businesses. There are many home-based businesses and family-owned businesses, including farms and small egg producers, throughout western Sydney. There are new initiatives.

In the past month I have met two people in my electorate who started their own business. One is a not-for-profit organisation called Little Wings Limited, which will be the subject of a private member's statement I will make this week. Little Wings is an extraordinary, brilliant concept that will help rural and regional families with children who are sick by providing free flights to bring them to hospitals in Sydney for treatment. My private member's statement will go into more detail about this extraordinary concept by Kevin Robinson. Another gentleman, Tim Shiel, is starting Picture Wall, which is another brilliant business. People in western Sydney are creative and full of enterprise, and I am proud to represent them in this place.

Many networking groups have been established in Penrith to support small businesses. I congratulate Andrea Turner-Boys from Women with Altitude, who recommenced the networking group a couple of months ago; Michael Todd and councillor Ben Goldfinch on establishing GenYQ, which is a networking opportunity for young people up to the age of 30 who have a small business or who are seeking to get involved in a small business; Peter McGhee and Jill Woods from the Penrith Valley Chamber of Commerce; Steve Perry from the St Mary's Town Centre Management; John Todd from the Penrith and District Business Advisory Centre in Penrith—I note that he won the 2012 Business Enterprise Centre Australia Award for performance, highlighting the excellence that exists in western Sydney; I congratulate John Todd and his team—and the Penrith Valley Home Based Business Network.

The Government recognises the value and importance of small business not only to families but also to our economy. That is why the Government is determined to do everything within its power to support small business, to work with them, to identify obstacles that prevent small businesses from growing and to work through those obstacles. On that point, the member for Cessnock mentioned the NSW Jobs Commission Bill 2012, which he thought was the best thing since sliced bread. Sadly, that bill is simply another middle management bill. Labor's bill simply referred to inquiries, studies and reports. That is simply more bureaucracy; it would do nothing directly to support small business. However, the Small Business Commissioner Bill will impact directly on small businesses in terms of mediation assistance and through the bureaucracy by finding ideas to give to the Minister to make changes that will support and enhance small business. I commend the bill to the House.

Mr JAMIE PARKER (Balmain) [5.58 p.m.]: I welcome the Small Business Commissioner Bill 2012. I welcome the fact that the Government has introduced the legislative framework for the Small Business Commissioner. The legislation is important. However, The Greens are of the view that the legislation could be improved, and I will spend some time addressing the opportunities that the bill provides for us to ensure that we protect, nourish and support small businesses in our local community. As we have heard, the object of the bill is

to establish the role of the Small Business Commissioner. The commissioner will be able to input on behalf of the small business sector in relation to policy development and assist small businesses in their dealings with other businesses and government agencies.

The commissioner will be able to investigate and assist in the resolution of disputes involving small business, and is responsible for providing low-cost mediation services for small businesses to keep disputes out of court. Those are all positive things. As we have heard, low-cost mediation is important, as is helping to negotiate the minefield of government. We have also heard about the importance of small business in the community. It is fairly clear that we have all seen in our electorates the power of individual enterprise and collective enterprise, the importance of the self-reliance that can come from starting one's own business and the important role that entrepreneurship plays in our local community.

When the Small Business Commissioner introduced the consultation paper, I made a contribution on behalf of The Greens. In my submission I highlighted the important role that small businesses play in our community. In particular we identified the important elements that the Small Business Commissioner could contribute to small business. Small businesses are the heart of my community, which has two fantastic chambers of commerce—the Balmain Rozelle Chamber of Commerce and the Leichhardt and Annandale Business Chamber—both of which do incredible work to promote small business and to make sure that these local areas are a great place for shopping. The Glebe Chamber of Commerce also does excellent work promoting its area as a destination in the local community.

I mention in particular from the Balmain Rozelle Chamber of Commerce the president, Jodie Stewart, the treasurer, Sue Tayler, the policy and advocacy representative, Grant Crowle, and the secretary, Pam Meale, and from the Leichhardt and Annandale Chamber, Simon Dyer, who is a fantastic president who has been involved in the retail industry for many years and is a real leader in the Leichhardt retail community, the executive officer, Anitra Morgana, the treasurer, Perry De Pasquale, and Maria Bellissimo-Magrin, who is involved in the management committee and who does fantastic work, as well as Darren Speer, Barbara Horgan, Andrea Comastri, Derek Raithby and, last but not least, Jennifer Aaron. All of those people are making a fantastic contribution to their communities. It is important for us to recognise, as I highlighted in my submission, that small business plays an important role and governments do need to provide additional support to small businesses.

Appropriate support and advice can make a significant difference. Working through the bureaucracy of government is important, but we feel there are opportunities for the Government to strengthen this bill because small businesses and farmers are vulnerable to exploitation by big business and the supermarket duopoly. The Greens have been consulting with small businesses around New South Wales, experts and other stakeholders to develop a legislative framework that recognises and protects small businesses and farmers. I gave notice of the Small Business and Farming Commissioner Bill 2012. I think it was about the same day as this bill was introduced. This bill provides the legislative framework for the New South Wales Small Business Commissioner protecting small businesses—including farmers—from exploitation by big businesses and vested interests.

The Small Business Commissioner, in our view, should be given legislative powers to stand up for small businesses, including farmers. The Government's bill, unfortunately, does not seem to provide the commissioner with effective powers. It is our view that the commissioner must be able to protect and support small businesses, especially when dealing with large players when there is an imbalance in power and influence, particularly when it comes to farmers who need protection from monopolistic behaviour, for example, by supermarkets and other supply chain actors. We do not have any additional legal rights in this bill and I will spend a few minutes addressing things that the Minister might consider. I note that federally the Australian Greens have announced their intention to formalise the role of the Federal Small Business Commissioner in legislation with a private member's bill to be introduced into the Senate in late February.

We believe that a legislated Small Business Commissioner is important and, while we will not oppose the bill and I support the elements of the bill that we have before us, there are actions that the Government could consider taking. I note that Labor has introduced a bill in the upper House modelled on bills in other States in Australia. It has three basic elements, including an alternative dispute resolution role for the Small Business Commissioner and provision for industry codes of practice, which is something that this bill does not incorporate. I think industry codes of practice are useful. They allow the Small Business Commissioner to ensure that there are penalties for breaches of codes and that there is enforceability in particular sectors of the economy. There is also an element of unfair contract terms in business-to-business contracts involving small

businesses. When it comes to large retail proprietors and smaller businesses, we have seen what can be described as very difficult contractual arrangements where small business often comes out second. Before I conclude, I will address four key points. Clause 16 of part 2 states:

16 Requirement to provide information

- (1) The Commissioner may, by notice in writing, require any person or government agency to provide such information relating to the person's or agency's dealings with small businesses as the Commissioner reasonably requires for the purposes of any investigation by the Commissioner under this Act.

So the commissioner can say, "I want you to give me all of the information you have about the dealings that you have made with this small business." What if the business—Woolworths—says, "No"? What can the commissioner do? The commissioner basically can do nothing. There are no penalties attached to it. In our view this legislation should have a penalty clause that, for example, a person must not, without reasonable excuse, fail or refuse to comply with the requirements under this section—50 penalty units. That would be reasonable to ensure that people comply. At the moment there are no enforceable powers under this legislation.

Secondly, government agencies get off the hook. If they say, "We do not want to provide anything to the Small Business Commissioner. We have really dragged this small business over the coals" and the commissioner says, "I want to see the information about the engagement you had with this small business", what can happen? All the department has to say is that it is not in the public interest and the commissioner cannot get a thing. That should be changed to make sure that the public interest cannot be misused, to make sure that they are treated the same as businesses and that they have to give information to the Small Business Commissioner when required. The worst thing—this is the big stick that we have when Woolworths or Coles do not act—is that the commissioner may refer to the Director General of the Department of Finance and Services—and who knows why the director general is getting involved—any finding by the commissioner that a person or body has persistently engaged in anti-competitive practices that are in contravention of any law.

The worst thing is that they do not have to reply to you when you ask for information. Big firms do not have to reply or provide any information. If they do get some information, if someone writes a letter to the director general saying, "We think they did something naughty", big deal. What steps should be taken? If the director general is satisfied that there has been anti-competitive behaviour—the legislation says that if anti-competitive behaviour has taken place we write a letter to the director general—the director general should be required to make a referral to the Australian Competition and Consumer Commission [ACCC] and, if anti-competitive behaviour has been proved, there should also be some type of parliamentary involvement, some other oversight.

My point is that the types of request for which this legislation provides are positive, but there is no penalty if people fail to respond to those requests. Where is the incentive? If a large organisation is acting in a monopolistic way or in an anti-competitive way, if it is predatory in its behaviour, and the Small Business Commissioner wants to get information and the organisation does not provide it, no penalty can be applied. Furthermore, if there is an issue where the commissioner feels there is anti-competitive behaviour, a letter is written to the director general, and then what happens?

There should be very clear steps to ensure that the Australian Competition and Consumer Commission is involved. There must be a referral to the commission or other steps must be taken to ensure that it is not a toothless tiger. It is also very important to state clearly that any interference with an investigation by the commissioner is subject to some kind of penalty—for example, 50 penalty units—to ensure that if there is anti-competitive behaviour that is destroying or impacting negatively on small business, small business can have faith that the commissioner has power to make sure that it stops. We must support small businesses so that they can continue to grow and prosper and act as the backbone of our local economic and social community.

Mr DOMINIC PERROTTET (Castle Hill) [6.08 p.m.]: I support the Small Business Commissioner Bill 2012. It is business individuals, not government, who are the true creators of wealth and employment, and in our great country of Australia small businesses represent 96 per cent of all businesses. The approximately 680,000 small businesses in New South Wales provide more than 50 per cent of the State's workforce. When small business is going well in this State, in this country, our economy is going well. That is why today I am very proud to support this bill. The establishment of a small business commissioner is indicative of our Government's support for small business in this State. A small business commissioner will provide a strong and truly independent voice for small businesses across New South Wales. I will touch on some of the issues raised, particularly by Opposition members, in respect of consultation.

Some members, such as the member for Mount Druitt and the member for Maroubra, have come into the Chamber and had the gall to say that more consideration should be given to the bill, that they are not sure about it and that it is potentially a toothless tiger. On the other hand, the member for Cessnock asked what had been happening for the past 12 months and why had it taken such a long time for the bill to reach the Parliament. It is called consultation; it is called thinking it through. I know that might be a foreign concept to members opposite, who gave us the Solar Bonus Scheme and thought it was a great idea. If you have a great idea, you devise a policy and then you think it through. You do not just come up with a great idea as though you are in a year 4 science class and come into Parliament and introduce legislation.

I know it is very difficult for those opposite to appreciate that there should be consultation and ideas should be thought through. Who would be surprised at the arguments of members opposite, bearing in mind they gave us the Solar Bonus Scheme and their comrades in Canberra gave us the Building the Education Revolution program, Grocery Watch and the set-top box scheme? When that is the level of policy development from those opposite it comes as no surprise that they come into this place and ask, "Where have you been for the past 12 months?" But the Minister introduced the bill in November. The member for Cessnock said we have taken too long, but some of his colleagues said they will wait to see what members of the other House have to say about the bill. Where have they been for the past three months?

Mr John Sidoti: Skiing.

Mr DOMINIC PERROTTET: That is right. They have been on an extended holiday and they come back to Parliament and say the bill's introduction has taken too long. We have undertaken a significant consultation phase in respect of this bill and members opposite have the hide to ask why it has taken 12 months. At the same time some of those opposite have said they will wait for the upper House to do some work before they decide whether they will support the bill. My view is that members opposite want to support the bill but they are looking for an opportunity to have a go at the Government for doing something for small business, which members opposite failed to do over the 16 years they were in government.

There has been significant consultation in respect of this bill not just by the Small Business Commission but also by the Minister. I congratulate her for that. Throughout June and July last year the commissioner hosted 15 listening tour events across the State and engaged with approximately 330 small business operators regarding the legislative framework for the New South Wales Small Business Commissioner and general issues impacting on small businesses. Submissions were taken from the public and private sectors. Sixty-four submissions were received in both written and survey format. Of these submissions, 67.2 per cent were from small businesses, 23.4 per cent from industry associations, 3.1 per cent from members of Parliament, 3.1 per cent from big businesses and 3.1 per cent from local government.

Of the small businesses that responded to the survey, 94 per cent supported the five principles outlined in the survey. Overall, there was overwhelming support for the proposed legislative framework. On top of that a number of government agencies were consulted. A high-level interagency steering committee comprising representatives from the Department of Premier and Cabinet, the Department of Attorney General and Justice, Community Justice Centres, NSW Fair Trading, and NSW Trade and Investment was convened by the Office of the Small Business Commissioner to inform the development of the legislative framework.

I note the great work that the Small Business Commissioner, Ms Yasmin King, has done in the short space of time since she was appointed by the Governor. The member for Baulkham Hills and I will be writing to the commissioner shortly to ask her to hold a workshop in our electorates with many small businesses that will be affected by the construction phase of the North West Rail Link, which is underway. There is no doubt that the significant period of construction that will occur as a result of the North West Rail Link will have some impact on small businesses, so we will be getting ahead of the game and ensuring that small businesses feel they can raise their concerns with the Small Business Commissioner and receive some advice with respect to their business dealings.

Turning to the purpose of the bill, part 2 deals with the appointment of the Small Business Commissioner—which, as I have indicated, will be by the Governor on the recommendation of the Minister. Division 2 deals with the objectives and functions of the commissioner. The commissioner is to act in a neutral and independent manner. She will look at the facts objectively and engage with both parties involved in making a determination whether there has been unfair treatment and that it is in the public interest to deal with the complaint. The commissioner will act as a central point of contact for small businesses to make complaints about their commercial dealings with other businesses and government agencies. The bill will encourage larger

businesses and government agencies to enter into productive working relationships with small businesses. It will also assist—this is very important—in the resolution of disputes and the provision of low-cost mediation and other forms of dispute resolution.

As someone who worked as a lawyer in commercial litigation insolvency prior to entering Parliament, I worked very closely with small businesses and I am acutely aware of the difficulties that protracted litigation can create for small businesses. It happens almost every day and many small businesses can end up in litigation that will have a detrimental impact on both sides. The role the Small Business Commissioner will play in assisting small business to avoid going down that path, where possible, is very important. I support the Small Business Commissioner Bill 2012. I commend the work of the Minister and of the Government for once again having small businesses and the great work they do at the forefront of their minds in bringing legislation to this Parliament.

Mr JOHN BARILARO (Monaro) [6.17 p.m.]: As someone who has spent 20 years of his life in the small business sector I am pleased to support the Small Business Commissioner Bill 2012. The bill enables the appointment of a small business commissioner whom I see as the independent voice of small business operators. The commissioner is there to voice concerns and to lobby government on behalf of the many small businesses across this State. My colleagues have referred to the objectives of the commission, which include dealing with small business in a neutral and independent manner; providing a central point of contact for small businesses; facilitating low-cost mediation and alternative dispute resolution services; facilitating and encouraging the fair treatment of small business; and identifying measures to reduce the administrative burden for small businesses. These are important objectives when dealing with small businesses that have to cope with such issues every day.

The functions of the commissioner include investigating complaints from small business relating to unfair treatment or where there is a public interest; making representations or taking action on behalf of small businesses; facilitating the development of codes of practice by industry; and advising the Minister on matters affecting small business. The bill will give the commissioner the necessary legislative power to carry out the statutory functions of a truly independent and strong voice for small business. I wish that in my time as a small business operator I had had the opportunity to avail myself of the expertise of someone such as the Small Business Commissioner. Difficult decisions have to be made at times, and mostly within a short time frame. It is very hard for small businesses, particularly for those people who work in their business. Most of us do that in small businesses.

Mums and dads do not have the time and opportunity to sit in an office above the business and go through the burdensome red tape that government and statutory agencies place on small businesses. These reforms are important for the many small businesses in the electorate of Monaro, particularly those in regional centres. The bill gives small businesses somewhere to go. Queanbeyan, for example, is challenged by cross-border issues concerning different jurisdictions, licensing and rules. The Small Business Commissioner and the Cross-Border Commissioner are important resources for small businesses in my electorate of Monaro. The statutory framework for the Small Business Commissioner is another piece of the puzzle in stimulating the State's economy and making New South Wales number one again. We are all aware of the important role that small businesses play in the economies of this State and the country.

Big businesses have a greater capacity to use resources to make their cases to governments and to run campaigns on important issues. Small business operators are often too busy to lobby government on reforms to end unfair practices that could benefit their operations. Many small business owners do not know where to begin to resolve issues. This legislation levels the playing field. Statistics show that small businesses make a significant contribution to the economy and account for a large slice of industry employment. With this in mind, small businesses deserve the opportunity to be supported by a small business commissioner and by the Government's legislative framework.

It is important that the Small Business Commissioner address the problem of red tape—which is known colloquially as the heavy hand of government. The small business sector is diverse and covers all areas of the economy. Small businesses are impacted by a range of regulatory requirements, depending on the nature of their activities, their location and their stage of development. While all businesses have taxation obligations, small businesses must also consider issues such as superannuation, workplace relations, insurance, and workplace health and safety. In addition, industry-specific regulatory requirements can vary significantly from business to business. For instance, small businesses that operate in the retail sector are likely to face a number of State- and Territory-based requirements, including retail trading and licensing, and planning and zoning regulations.

Small businesses in the building and construction sector must meet specific requirements under the building code, a range of licensing, planning and zoning regulations, and workplace health and safety and insurance obligations. Small businesses in the hospitality sector need to meet specific food safety requirements. These businesses are also required to meet local government regulations. Councils can have specific requirements, including regulations governing the operation of home-based businesses, signage, planning and zoning, waste management and parking. In many cases, local government is enforcing State- and Territory-based laws. As a result, burdensome red tape starts to accumulate, making it increasingly difficult for small businesses to meet those specific requirements. This can be most frustrating for small business operators.

Ineffective regulation is a key concern for small businesses. Owners are often overwhelmed by the regulatory burdens that impact on their business operating environment. No one policy or specific regulation causes this frustration; it is the cumulative effect caused by myriad regulations and compliance requirements. While the root cause of small business owner frustration is the perceived lack of engagement by government at the policy development stage, the impact of industry-specific regulation was identified as an unnecessary burden, followed by the impact of broader matters such as local government issues, workplace health and safety, taxation and employment regulations. Small business owners have voiced their concerns regarding the implementation of a regulatory framework, with less focus on risk assessment and outcomes-based regulation and the role of regulators to help the parties achieve compliance.

Understanding the regulatory burden also requires an appreciation of the diversity of small business and its capacity to meet regulatory requirements. The small business sector is not homogenous; it covers a range of activities across many industries and professions, but it also reflects a range of different skills, attitudes and behaviours. This is a key consideration when developing appropriate education and awareness-raising activities about regulation and compliance issues. The development and maintenance of good regulatory processes needs to be agreed upon in order to successfully deliver more consistent regulation across jurisdictions and address unnecessary or poorly designed regulation. This will reduce excessive compliance costs on businesses, restrictions on competition and distortions in the allocation of resources in the economy.

To this end, a small business sector that is unimpeded by burdensome regulation and free to operate without the constraints of excessive red tape is vital to the Australian economy. Government leadership plays a crucial role by developing the right conditions for industry action. A best-practice regulatory framework that is effective and efficient is critical to the support of productive and internationally competitive Australian small businesses. Governments need to commit to a minimum of well-designed, effective regulation that is enacted only when absolutely necessary and at least cost to small business owners. The continual reform of the government regulatory process, including changes to the regulatory culture, will ensure that the environment in which small businesses operate does not impede their productivity and growth.

Ultimately, the best thing any government can do is not impose unnecessary red tape in the first place. The O'Farrell-Stoner Government made an election commitment to reduce red tape on small business by 20 per cent, and it is working to achieve this result. While on occasion small businesses will face unintended impacts from regulations, we must put an effective mechanism in place to ensure that they have the opportunity to raise their concerns about regulatory burdens with government. The Small Business Commissioner will fulfil that requirement. I commend the bill to the House.

Mr GREG APLIN (Albury) [6.26 p.m.]: This State has a long and varied history of uncertainty in knowing how to legislate for the good health of the small business sector. It is well known that small businesses employ about half the workers in this State. It is an incredibly important part of our State and national economies, yet at times the interests and needs of small business simply get lost under the legislative gaze. Agencies have been created to support small business. For example, regulation of small business has spent time jammed in with Consumer Affairs within Fair Trading departments and offices. Consumers and small business are not natural bedfellows. Big business issues can hog centre stage, whether they be about coalmining, energy generation, infrastructure development or public health. Finally we have a government that is prepared to take action on behalf of small businesses, their owners and employees to give them services that are specific to their expressed needs, low-cost dispute resolution, assistance with working through government channels, action to remove red tape, and identification of systemic problems or unfair treatment.

As we have so often found, the most passionate and well-informed representatives are not departments, agencies or offices, but individuals. We remember successful and innovative Ombudsmen and government ministers by name. They break through the noise, the clamour and the clutter. In New South Wales Ms Yasmin King was appointed to the role of Small Business Commissioner in 2011. Here before us is the legislative

framework to outline her powers, responsibilities and areas of work. The bill establishes the role of the Small Business Commissioner as a statutory officer, a demonstrably independent voice for small businesses and their owners across New South Wales. The commissioner will have all necessary legislative powers and responsibilities. This is what we have been waiting for: a person who can provide genuine insight into policy development to assist small business through the development of more helpful legislation and regulation.

The bill sets out clear objectives. The commissioner will work on policy, help business owners to navigate through government requirements and will be responsible for providing low-cost mediation and dispute resolution services. It is pertinent that the commissioner's first objective is to operate in a neutral and independent manner. This is not to become a Star Chamber pushing the views of individual businesses onto other stakeholders in the marketplace who are unheard and unwilling. The commissioner has a responsibility to listen to all sides of a dispute and attempt to engage all parties in finding solutions. However, in clause 16 the commissioner may, by notice in writing, require any person or government agency to provide such information relating to the person's or agency's dealings with small businesses as the commissioner reasonably requires for the purposes of any investigation by the commissioner under the Act.

In accordance with clause 14 (f), the commissioner is charged with assisting in the creation of industry codes of practice where these impact on the small business sector. The commissioner should become a well-informed voice when codes of practice are being hammered out, particularly where there is an imbalance of power around the table. The independence of the commissioner has been enshrined in the bill. The commissioner will not be subject to the control and direction of the Minister in relation to matters under investigation following complaints made by small business owners or operators. The commissioner will report to Parliament. Under clause 18, the commissioner is given power to refer to the Director General of the Department of Finance and Services any finding that a person or body has persistently engaged in anticompetitive practices where these contravene laws and impact adversely on the small business sector.

I am pleased that the consultation process for this bill was extensive, with the public release of "A legislative framework for the New South Wales Small Business Commissioner" for a six-week consultation period and meetings held with about 330 small business operators across the State. The groundwork has been well established. Early in her role as commissioner, Ms King came to Albury as part of her regional listening tour. We have also welcomed the Small Biz Bus, which is a converted motorhome. It draws a crowd wherever it goes. The bus has two meeting rooms where local business owners can meet with mentors who are there to share their expertise and to provide solutions for businesses that are facing difficulties or looking for options. Typical mentors might be retired business managers or owners who have experienced the ups and downs of running a small business.

This problem-solving aspect of the bus and its mentors is a great benefit. It brings outside expertise into a local shopping centre and comes at no cost to those seeking assistance. This is a terrific expression of the ideal of a government that provides face-to-face support services tailored to the needs of the specific individual. I understand that the bus is particularly popular in regional towns and smaller commercial centres. Meetings can also be arranged with local councils, ensuring that whole communities derive benefit from having the Small Biz Bus come to town. It has been wonderful in the nearly two years that the Coalition has been in government to see the implementation of a range of initiatives seeking to deal with the real problems facing small businesses.

In particular, I express my appreciation for visits made to my electorate by Ms Yasmin King as Small Business Commissioner and Mr Steve Toms as Cross-Border Commissioner. These two roles share a path with the Decentralisation Taskforce, of which I am a member, to reshape the regions and their competitiveness. As I have mentioned before in this place, Albury businesses and residents have been quick to respond and generous with their time in meeting the visiting commissioners and in preparing written submissions that summarise the issues of greatest concern. All of us in the Albury electorate are hopeful that red tape will be cut and annoying administrative hurdles simplified through the work of the Small Business Commissioner and the Cross-Border Commissioner. In fact, we are not only hopeful of positive change but also expectant.

I find community goodwill to be elastic. However, it requires evidence of prompt action if it is not to stretch badly out of shape. On the border we truly expect answers; we need solutions that facilitate business and encourage investment and employment. After all the meetings, we are concerned that the border's red tape issues do not figure prominently nor very publicly in the current priorities for action. I support the Small Business Commissioner and the Cross-Border Commissioner. The Government has implemented innovative structures and we on the border are waiting for results. We are watching. When it comes to government policy affecting small business, the border region is on the front line. Changes in government policy in Macquarie Street,

Sydney, or in Spring Street, Melbourne, are fought out in the marketplace on the border. By our policy and legislative agenda we either attract business and residents to the State or we see investment and associated employment opportunities shift over the river.

Mr Geoff Provest: Absolutely.

Mr GREG APLIN: The member for Tweed knows exactly what I am talking about.

Mr Geoff Provest: I am sitting right behind you.

Mr GREG APLIN: He is sitting behind me and supporting me. The same can be said for unnecessary administrative red tape. The two commissioners can work to make our side of the border a more attractive place to do business, a less burdensome place to do business and a more competitive option all round. When it comes to the fight between two States and their bundles of red tape, Albury is on the front line—along with the Tweed—where the consequences of interstate competitiveness are played out daily.

Mr Geoff Provest: We are brothers in arms.

Mr GREG APLIN: I acknowledge that interjection. The localised problems are well known—indeed, they are painfully obvious—to those who must live with and work around them. These issues have been notified with clarity to the two commissioners during their listening tours. Much can be achieved and, as I have said, expectations are high. I will read the respective reports of the Small Business Commissioner and the Cross-Border Commissioner with interest, paying particular attention to successes realised for regional New South Wales. As artist and businessman Andy Warhol once said:

Being good in business is the most fascinating kind of art. Making money is art and working is art and good business is the best art.

The Small Business Commissioner Bill 2012 is an important step in arming the Small Business Commissioner for action to facilitate an environment in which small business can flourish creatively and become good business. I support the bill.

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

COURTS AND OTHER LEGISLATION FURTHER AMENDMENT BILL 2012

Message received from the Legislative Council returning the bill without amendment.

KIAMA ELECTORATE STORM DAMAGE

Matter of Public Importance

Mr GARETH WARD (Kiama) [6.36 p.m.]: On Sunday morning at about 3 o'clock I was awoken by a storm the likes of which our region has never seen before. The rain was latterly beating against the windows at a right-angle as haunting, howling wind hammered our region. It was a tweet from the State Emergency Service just after 3.00 a.m. that alerted me to the fact that a mini tornado had hit Kiama. The storm did not seem to last long, but its damage has left a distinct impression. As I headed into Kiama, I was struck by the intensity and the focus of this most unusual weather event. As I surveyed the damaged with Mayor Brian Petschler, it quickly became clear that this was no ordinary wind storm.

The South Coast is familiar with strong winds, but this disaster left some homes destroyed while others were completely untouched. As we wound our way towards the State Emergency Service headquarters, the scale of the disaster became clearer, with roof sheeting strewn on the roadside and large branches and foliage bashed, beaten and scrambled. The NSW Fire Service, which so diligently serves the Kiama community in times of crises, faced its own crisis with the strength of the wind blowing a section of roof from its building. Behind it, the Kiama Leisure Centre—where I learnt to swim—had parts of its roof swept off and deposited in pieces on the ground below.

The mayor and I arrived at the Kiama State Emergency Service headquarters to witness a hive of activity, with all government agencies in full swing from the early hours. John Wall, the State Emergency

Service Deputy Local Controller, gave an assessment of the damage. There were about 190 callouts to power interruptions and, miraculously, only one injury. I spoke later with Greg Murphy, the State Emergency Service Region Controller, about the coordination effort. The always cool, calm and collected local area police commander, Wayne Starling, led the briefing sessions and coordinated the response. In the control room I bumped into Kiama Council Director Bryan Whittaker, who had been studiously on the job shortly after the storm hit. At this point, I pay particular tribute to the mayor, councillors, General Manager Michael Forsyth and his team of hardworking and dedicated staff who swung into action with an impressive zeal to get the job done.

In order to get a better view, the State Emergency Service took the mayor and me up in a helicopter to survey the damage over Kiama, Jamberoo and Gerringong. The severe but isolated damage confirmed that the Bureau of Meteorology's so-called "micro burst" was better termed a tornado, which cut a swathe through the landscape. Back on the ground, we drove to the vicinity of Minnamurra Street and Gipps Street. The stunningly beautiful backdrop of these streets was juxtaposed with what resembled a war zone, with one car destroyed by flying bricks and building materials scattered like puzzle pieces. Asbestos from shattered buildings quickly became a concern. While bonded asbestos poses little danger, in its fragmented form it can present serious risks to public health. The humid and damp conditions on Sunday and Monday assisted in contending with asbestos-related concerns.

On Sunday evening I attended two public meetings. The first, which was held outside the Kiama council chambers, drew a small but interested crowd. One man showed me photos of the hole in his roof and the debris that remained. Another couple offered a place to stay for those who needed it. Such is the touching and powerful nature of the community in our region. I then drove to Albion Park to meet briefly with residents who had been affected by floodwaters. I then went back to Jamberoo, where people at a 70-strong public meeting asked questions about a range of issues. Because power supplies were still inconsistently connected, concerns emerged that the pressure-pump sewerage systems that service many homes would not be able to function.

I thank the Minister for Finance and Services, and Minister for the Illawarra and his office for assisting me so quickly and for ensuring that crews were dispatched to assist in that region. The next morning, when I spoke to the Premier, I asked him to come to the region to survey the damage. The Premier, who travelled by helicopter, was given a bird's-eye view of the extent of the damage and the support that would be necessary to get Kiama back on its feet. Once on the ground the Premier and I met with Kiama State Emergency Service volunteers and personnel to get an update on the recovery effort.

On Sunday and Monday I spoke on many occasions with the Premier. I thank him for his sincere, warm and genuine concern for the welfare of people in the Kiama electorate. I am grateful that the Premier and the Government were able to make an announcement about disaster relief funding so quickly. I ask insurance companies also to act quickly and to assist primary producers, businesses and residents to get back on their feet. Now that the storm has passed I call on insurers to provide expeditious responses to claims that have been lodged by the locals.

While Kiama and its surrounds copped the brunt of the storm, the tornado went back out to sea, along the land to Gerroa Road, through areas of Coolangatta and Berry as well as the townships of Nowra and Terrara. In all instances emergency services, both paid and unpaid, responded swiftly and soundly. They exemplify the true Australian spirit of mateship. We are fortunate to live in a community in which it is characteristic to help one's neighbour in a time of crisis, where virtual strangers become friends through their shared experience of adversity and where altruistic services are a benchmark and not a rarity. I take this opportunity to thank all those who gave of themselves, in whatever circumstances, to ensure the safety and security of the community that I am so proud to represent.

Mr MICHAEL DALEY (Maroubra) [6.41 p.m.]: Last Saturday at 12.45 a.m. I was awoken by the sound of wind in Chifley, near Malabar where I live, which is located in the southern part of the Randwick City Council area. I looked at my heavily planted backyard and saw what I had never seen before—mature gum trees leaning at a 45-degree angle. I woke up my wife so she could see what was happening. As we were looking at our backyard a 60-centimetre bough from a mature umbrella tree that stood about 30 feet high snapped in half, flew into the air and landed on our roof. It took out our television antenna, ripped off the gutter and fell down onto the ground without causing any further damage. I knew then that we were witnessing a savage event that we had never seen before. The next morning when I drove around and surveyed my local area of Chifley I was amazed at the devastation.

Mature trees—I could not guess their height—at Chifley Public School in Mitchell Street had been ripped out by their roots and the buttress roots, in old parlance, were probably 20 to 25 feet in circumference.

I drove through Malabar and saw mature gum trees that had been planted on the Anzac Parade median strip that had been ripped out and flung around like twigs. I could not go any further in Malabar because police had blocked off the streets. The roof of the Malabar RSL Club had been ripped off and shards of asbestos roofing were strewn over parts of Malabar, including at St Andrews School which was closed yesterday. The roofs of homes had been torn off and cars had been destroyed. What is remarkable about this inclement weather is that it did not come from the south as usual; it had travelled down the coast from the north-east which might explain why some of the mature trees that had evolved over the years and that could handle big southerlies were not capable of withstanding wind coming from the opposite direction.

As we just heard from the member for Kiama, when such events occur all over New South Wales we do not have to wait very long for State Emergency Service volunteers to appear. In this week's *Southern Courier*, Carlos Da Rocha, a Matraville resident, described volunteers who came to help as "superheros in orange overalls". On Sunday morning I attacked the fallen tree in my yard with a chainsaw and then realised that I would need about 50 green waste bins to get rid of the cuttings. However, after only one call to the State Emergency Service volunteers arrived yesterday afternoon and took it away. Volunteers put in a lot of effort and provide a terrific service.

About a decade ago our area fell victim to the biggest and most expensive natural disaster that Australia has ever seen—a hailstorm in Botany and in the southern parts of the City of Sydney region. State Emergency Service volunteers were magnificent then and they were magnificent last weekend. They are still scouring the streets of Malabar and Chifley and they are cleaning up. On behalf of all local residents in my area I take this opportunity to thank them and Randwick City Council, a terrific council that we love and that we do not want amalgamated. I thank Mayor Tony Bowen, general manager Ray Brownlee, all the members of the Randwick State Emergency Service and in particular State Emergency Service spokesperson Terry Pappas who has been with them for a long time. He is quoted in the *Southern Courier* as saying:

... "straight line microburst" displayed the same behaviour of a Category 2 cyclone when it beelined to Ireton St and across Anzac Pde before stopping at Chifley.

At least it stopped in the lovely suburb of Chifley where I live. My electorate got off pretty lightly. We have to be thankful that no-one was killed at 1.00 that Sunday morning as several kids were returning home after a night out. It is a miracle that no-one was killed. I am thankful to those volunteers in the State Emergency Service who are continuing to clean up our suburb. I again thank all members of the community, in particular, Peter Garrett, who took the time to wander around the community, to see the devastation firsthand and to talk to local residents.

Mr GEOFF PROVEST (Tweed—Parliamentary Secretary) [6.46 p.m.]: I make a brief contribution to debate on the matter of public importance raised by the member for Kiama and referred to by the member for Maroubra. I pay tribute to State Emergency Service volunteers who receive no financial reward for putting their lives on the line to protect our local communities. The member for Maroubra referred earlier to a "straight line microburst" to describe the damage that occurred in Sydney, Kiama and in the Shoalhaven area as a result of a storm that began on the North Coast. In recent times New South Wales has experienced severe weather conditions. When I visited Cooma not so long ago I felt the intense heat of the bushfires. I then travelled to the north-west of New South Wales and witnessed fires and floods. Our local communities are resilient but these events have come at a great cost to local government. I praise the Minister for Police and Emergency Services for responding so quickly and declaring various parts of this State as natural disaster areas.

When there are storms and floodwaters rise people are exposed to sheer horror. Over the past few days there have been 27 white water rescues on the North Coast and South Coast. Those rescues were necessary because people did not heed advice and they drove along roads that were flooded. I find disturbing the fact that other people had to put their lives on the line to rescue them. We have not yet seen the end of the storm season as another low is forming off the northern New South Wales and Queensland coasts. My electorate is experiencing torrential rain and winds are forecast that no doubt will travel down the coast. I call State Emergency Service volunteers the orange angels—if one rings them, they will come. The State Emergency Service continues to get a lot of support from the Government and local communities but people have to start being responsible for their own evacuation plans to keep their families safe. I commend the State Emergency Service across this great State.

Mr GARETH WARD (Kiama) [6.49 p.m.], in reply: I thank the member for Maroubra and the member for Tweed, who is also the Parliamentary Secretary for Police and Emergency Services, for their contributions to debate on the matter of public importance. I also acknowledge the presence in the Chamber of

my friend and colleague, the Speaker, who makes her presence felt in all debates that are important to her electorate. She, like me, has served as chair of the Rural Fire Service committee of Kiama council, and well knows how important volunteers are to those in need. When I walked into the office of the State Emergency Service at Kiama last Sunday I was struck by how seamlessly the operation came together. It mattered not what was happening in someone's personal life because the community need was greater. Without hesitation those men and women put on their uniforms, got onto the truck and went to work.

The member for Maroubra spoke about the devastating effects of the storm in his electorate and the metropolitan area generally; it was replicated in the country. It matters not which side of the table we sit on in this place; the effects of natural disasters unite us all. All members support our volunteers who continue to deal with the clean-up long after our natural disasters have passed. I thank all sectors of Federal and State governments for their work with our communities in providing services. I thank also my electorate staff who continued to contend with inquires today. Finally, I thank the Insurance Council of Australia for establishing a hotline to assist people with insurance premium issues.

As I said earlier, I hope that insurance companies will spend more time helping people rather than seeking to avoid paying premiums. It is important that their needs are met. The Government is seeking to do that, which was evidenced by the Premier's visit. I was heartened by the number of calls I received and the interest shown by the Premier in the part of the world that I share with the Speaker. As I said earlier, Nowra and Terara in the Shoalhaven were also significantly affected. The Shoalhaven is a great part of this wonderful State but it is made even greater by those volunteers who diligently and duly serve there. I thank all volunteers and their families for the training, the hours and the energy they invest. We are so proud of them and today this Parliament salutes them.

Discussion concluded.

PRIVATE MEMBERS' STATEMENTS

CELLAR DOOR SUBSIDY SCHEME

Mr CLAYTON BARR (Cessnock) [6.53 p.m.]: Tonight I inform the House about an incredibly important issue in my electorate—namely, the Cellar Door Subsidy Scheme. The Cellar Door Subsidy Scheme, which ceased on 30 June 2012, provided a subsidy to wineries that sold in excess of \$500,000 worth of product directly to the public. It allowed wineries to offer wine tastings at the cellar door at comparable cost to bottle shops such as Dan Murphy's or Liquorland. The subsidy has a long and convoluted history. In the past the States levied a tax of about 15 per cent on point of sales for alcohol other than at cellar doors. In the 1990s a decision by the High Court deemed that inappropriate. The Howard Government then offered to increase the Federal Government wholesale sales tax on alcohol from 26 per cent to 41 per cent—this would include the 15 per cent previously collected by the State Government. This was done on the condition that the money would be returned to the State and the State would then return that money to the cellar door. It was acknowledged that cellar doors played an important role in the wine and tourism industry economies and no-one wanted those industries affected.

In 2000 the goods and services tax [GST] was introduced and the wholesale sales tax became impractical. The Howard Government then introduced the wine equalisation tax, which was set at 29 per cent—because under the GST the sale of alcohol would be caught at 10 per cent and the taxation for both levels of government would be impacted. The State Government, led by Bob Carr, and the Federal Government, led by John Howard, agreed that cellar doors needed to continue to be subsidised in order to compete with the larger liquor outlets and that the wine and tourism industries needed to be protected from the sales tax to be imposed on all other points of sale for alcohol—that has been the case since the introduction of the GST in 2000.

In New South Wales \$3.5 million in subsidies are provided, \$3 million of which goes directly to the biggest cellars in the Hunter Valley vineyards. Some may ask why the big cellars need to be subsidised when they are doing so well. For example, Tyrrell's Wines is entitled to about \$600,000 of that subsidy—Bruce Tyrrell gave me that number—but it costs Tyrrell's \$600,000 to operate its cellar door. To make that \$600,000 Tyrrell's has several options: it could shut the cellar door completely, shut it on slower midweek days, charge for tasting or not replace staff. It also makes Tyrrell's less competitive in bidding for premium juice. None of those options is as palatable as the cellar door subsidy. Where to next? We are trying to get Treasury's decision overturned. The Cellar Door Subsidy Scheme should be reinstated to protect the tourism industry and jobs in the Hunter.

TILSTON FAMILY CENTENARY

Mr ANDREW GEE (Orange) [6.58 p.m.]: The Tilston family recently celebrated 100 years of service to the building industry in Orange and surrounding districts. Tilston family members arrived in Australia in 1912. Like many migrants who came to Australia, they worked hard and prospered. The first to arrive was Ernest Tilston. Ernest was little more than five years of age when he came from England on the ship *Belgic*, which had blown so far off course towards the South Pole that it had been announced that the ship was lost with all hands. On arrival in Australia the family went straight to Orange because it had relatives living there. Ernest began building cottages in Orange with his father and the Tilston family continues to carry out building work to this day. Since Ernest Senior arrived, many of the family members followed the tradition into the building industry, including builders Ernest Junior, Eddie, Robin, Patrick, Ronnie, Graham and Tim. Others included Tim, an electrician; Colin, a plumber; Christopher and Philip, plasterers; Mark, a carpenter; and Glen, a project manager.

Colin Tilston passed away not long ago, but I can attest to the fact that he was a much-loved and respected figure in Orange. I knew him personally. He was famous for the slippers he wore when he was carrying out plumbing work around Orange. He would put on the slippers so that he would not dirty the floor of the homes and buildings on which he was working. He was a legendary figure in Orange and its surrounding districts. The Tilston family has helped to shape Orange through its traditions in the building industry, and today many buildings in the city are a testament to its craftsmanship. Some of its projects include Bloomfield Hospital—one of the largest building projects ever undertaken in Orange—the Orange Function Centre, the UPA Building, Wontama nursing home, the St Joseph's Primary School upgrade, the ABC radio station, renovations to the Strand Theatre, Orange Preschool, Waratah Early Learning Centre Pty Ltd, Officeworks, renovations to the old woollen mills, Video Ezy premises conversions, and the PE and FJ Tilston Building Exhibition Centre, which opened in February 1995.

In addition to these major projects, the Tilston family has been actively involved in housing developments throughout Orange and in other centres in the Central West, as well as the construction and refurbishment of many commercial premises. Recently the Tilstons were involved in extensions to the Bowen Community Technology Centre, which was made possible with a Community Building Partnership grant by the State Government. Not only has the family been tight-knit as builders; it has relished its family ties with its regular Boxing Day family socials. It has also maintained contact with relatives who remained overseas, some of whom have visited the family in Orange and attended its Boxing Day events. Some members of the Australian branch of the family have also visited their relatives in England and explored the family's heritage.

The 80 descendants of the original family who arrived on these shores a century ago can feel rightly proud of their legacy. No doubt the Tilston family has had a significant impact on the development of the wonderful central western city of Orange. The Tilston family has achieved legendary status around Orange. Tilston family members are renowned for their workmanship and the quality of their work. They are also highly respected people. They have gained that respect not only through their hard work but also from the way in which they deal with members of the community in Orange, which is in a dignified and honest manner. They have been embraced by the community of Orange and they have helped to build the future of Orange city. Through the work that goes on today, they continue to build the future of the city of Orange. It gives me great pleasure to recognise the many achievements of the Tilston family of Orange who continue to build the future of that city.

Mr CRAIG BAUMANN (Port Stephens—Parliamentary Secretary) [7.03 p.m.]: I thank the member for Orange for paying tribute to the Tilston family. I was fortunate to work with Pat Tilston in the late 1970s when I was the engineer and manager for a steel frame building product that we manufactured and designed called Rollbeam. If Pat is still with us, I ask the member for Orange to pass on my best regards. One hundred years for a family prominent in an area such as Orange is a fantastic achievement, and I thank the member for Orange for drawing it to the attention of members.

HAWKESBURY-NEPEAN VALLEY FLOOD MITIGATION

Mr STUART AYRES (Penrith) [7.04 p.m.]: I inform the House about the possible impacts of flooding in the Hawkesbury-Nepean Valley and action that I believe should be taken to protect residents and infrastructure in this part of New South Wales. Since the early days of European settlement—and I suspect long before that—along the banks of the Nepean, people have had to live with floods impacting on their living and

economic conditions. However, in the past 20 years we have seen this area operate relatively flood free. I am concerned that this flood-free period has diminished the importance of planning for floods and mitigating their impacts.

Recently Infrastructure NSW recommended that the New South Wales Government review all major flood mitigation options available to reduce the potential of economic and social impacts of major floods in the Hawkesbury-Nepean Valley. Specifically, Infrastructure NSW requested the inclusion of raising the Warragamba Dam wall as part of this review. I am encouraged that the Government, via Minister Hodgkinson, has established a review of flood management in the Hawkesbury-Nepean Valley. I am confident that this review will provide a number of worthwhile recommendations. However, we must be serious about addressing the capabilities of Warragamba Dam.

Infrastructure NSW identified that raising the Warragamba Dam wall had one of the highest benefit-to-cost ratios of any project recommended through its extensive State Infrastructure Strategy. I encourage the Government to move quickly towards identifying possible solutions and funding options for raising the Warragamba Dam wall. I am also concerned that the recent Queensland floods and the operation of the Wivenhoe Dam have confused the public about the operation of Warragamba Dam. Warragamba is a storage dam and does not operate in the same way as Wivenhoe Dam operates in the event of a flood. Not only does pre-releasing water from Warragamba Dam reduce Sydney's drinking supply; it may actually create unnecessary or unpredictable flooding forward of Warragamba Dam, particularly if that section of the catchment is full of water. Earlier this week Warragamba Dam conducted a spill; in short, this means that the dam is full.

At this level Warragamba Dam has no capacity to provide flood mitigation without significantly compromising Sydney's most important drinking water asset. This situation would place several government agencies, such as the Sydney Catchment Authority and the State Emergency Service, in conflict with each other in the event of flood activity, where one agency is trying to protect the city's water assets whilst the other agency is trying to protect residents, homes and economic infrastructure. Without the raising of the dam wall the Hawkesbury-Nepean Valley continues to operate without an appropriate way of mitigating flood damage. Infrastructure NSW identified that a repeat of the 1867 flood could cause damage in excess of \$3 billion and impact on more than 7,600 homes. These figures are considered to be conservative.

The construction of the desalination plant in Sydney has provided Sydney with a drinking water insurance policy but without raising the dam wall western Sydney is without a genuine flood insurance policy. There is no doubt in my mind that the decision by the then Carr Government to construct a spillway at Warragamba Dam, instead of investing in a flood mitigation wall, was incorrect. It is critical that the O'Farrell Government not allow the mistakes of the past to go unrectified. Investing in a flood mitigation wall at Warragamba Dam should be a high priority for this Government.

PRIDE OF THE ILLAWARRA AWARDS

Ms NOREEN HAY (Wollongong) [7.07 p.m.]: Today I wish to make my colleagues aware of a special launch I attended recently at the Illawarra Regional Airport in Albion Park. February saw the launch of the prestigious 2013 Pride of the Illawarra Awards, which are open to all Illawarra-based personnel from officially recognised emergency service organisations such as the Ambulance Service of NSW, Fire and Rescue NSW, Marine Rescue NSW, the NSW Police Force, the NSW Rural Fire Service, the NSW State Emergency Service and the NSW Volunteer Rescue Association. The Pride of the Illawarra Awards ensure that all emergency services personnel, both paid and voluntary, are recognised in a combined awards program.

The awards have been officially endorsed by all seven New South Wales emergency service organisations, and provide an opportunity to thank and give back to those who support our community in its times of greatest need. The launch attendees included the Hon. Mike Gallacher, the Minister for Police and Emergency Services, the member for Keira, the member for Kiama, Illawarra Hawks legend Glen Saville, Rotary District Governor Bill Salter and his wife, Chris, Detective Inspector Tim Beattie, Chief Inspector Ken McDonald, Wollongong Local Area Command Superintendent Kyle Stewart, NSW State Emergency Service Commissioner Murray Kear, Fire and Rescue NSW Commissioner Greg Mullins, Fire and Rescue NSW Superintendent Chris Jurgeit, and Aerial Patrol General Manager Mr Harry Mitchell.

The aim of the awards is to uncover and recognise those unsung heroes who do a selfless act or provide exceptional service to the community purely for the nobility of their profession and the service organisation they proudly represent. It is extremely important that the community acknowledge the significance of these vital

emergency services and appreciates the efforts of personnel who have excelled in their roles to save lives. The awards program is organised through local Rotary clubs. There are 11 Rotary clubs in the Illawarra region, from Bulli in the north to Kiama in the south, with more than 300 active members. In line with the Rotary motto, "Service Above Self", the Pride of the Illawarra Awards recognise local emergency services personnel for community service above and beyond the call of duty.

I take this opportunity to wish all the nominees for the award the very best of luck, and look forward to the winners being announced in August later this year. I express my gratitude to all local emergency service employees for their hard work in the Wollongong community. Also I must mention Dot Hennessy and her outstanding efforts in putting the awards together each year. I have no doubt that without her dedication and commitment the Pride of the Illawarra Awards would not be the success that they are. Recent events and terrible tragedies in the electorate of Kiama, as well as those over the Christmas break, put the Illawarra under catastrophic fire watch. I place on record my appreciation of calls that I received from Minister Chris Hartcher, Minister for Police Mike Gallacher and Premier Barry O'Farrell.

They called me to inquire about the situation in our area, to offer their support if needed and to offer the opportunity to make a direct call should we need assistance. Whilst I do not agree with much that this Government does, I believe fair is fair. These obviously very busy people took time out of their schedules to go to the area, to go to the headquarters of the emergency services and to contact me as the local member and offer support. That deserves recognition. The emergency services personnel, the volunteers and paid employees, put their lives at risk. Time and again they give of their time, and their families give them to the community for its use. They deserve the highest recognition and as large an increase in resources as can be mustered to assist them in the tireless work that they do. I will be eternally grateful to them for their efforts in the community.

Mr CRAIG BAUMANN (Port Stephens—Parliamentary Secretary) [7.12 p.m.]: I thank the member for Wollongong for her contribution. I will pass on the member's congratulations to the Premier, in case he is not listening to us at the moment, and to his very good and capable Ministers. I am sure they will be appreciative of the remarks made by the member.

CAMDEN SES AND EMERGENCY SERVICES VOLUNTEERS

Mr CHRIS PATTERSON (Camden) [7.13 p.m.]: Today I pay tribute to the wonderful Camden State Emergency Service volunteers and all those people who have assisted and are continuing to assist my local community after the terrible weather events on the weekend. Yesterday the Prime Minister and Premier declared Camden a natural disaster area as a result of the heavy rainfall and extreme wind conditions experienced in the Camden local government area. Our local State Emergency Service volunteers were called out to more than 230 incidents requiring assistance or response over the past three days. To those people in my community that have been affected by these extreme weather conditions it has been a comfort knowing we have a group of community volunteers as committed, experienced and passionate about helping others as the Camden State Emergency Service continually proves to be.

In the Camden area alone there were trees down, substantial roof damage, other property damage and a number of key roads affected by the severe weather event. The people of Bellinger Place, Cedar Wattle Place, Grevillea Grove, Hacking Drive, Holdsworth Drive, Kent Road, Lady Anne Way, Manna Gum Road, Phoenix Place, Stuckey Place Narellan Vale, Sarborough Close, Sirius Circuit and Lodges Road, Narellan and The Clearwater, The High Water and Waterworth Drive, Mount Annan who were affected by the weekend wild weather would be extremely appreciative of all that the State Emergency Service has done and will continue to do. The number of calls received by the State Emergency Service and the professionalism with which those calls were handled has only enhanced the trust and confidence that the community has in this fine organisation.

This is not the first time in this House that I have highlighted what a wonderful organisation Camden State Emergency Service is and I am sure it will not be the last. I remind the House of what I said in October last year. Over the years Camden State Emergency Service has assisted my area in times of need—the 1988 and 1998 floods, the Cobbitty storm of 1996 and the evacuation of residents in the 2001 bushfires at Silverdale in which members protected five homes with garden hoses and subsequently received a citation for their extraordinary action—and it has assisted our fellow Australians far and wide and assisted in responses to the Ku-ring-gai and eastern Sydney storms, Sydney south bushfires, the Thredbo landslide, the Wollongong floods and the Hunter Valley and Blacktown storms. In good times the SES also pitched in as Olympic volunteers for the Sydney 2000 Olympics.

The Camden State Emergency Service provides support by way of traffic control to many community events including Celebrate Camden, Anzac Day, Australia Day, Light Up Camden, Camden Show and to community-based organisations that do a great job—like the Lions clubs of Macarthur, Narellan, Camden, the Lioness club of Camden, Camden RSL sub-branch, the Camden Show Society, the Rural Fire Service and the Carrington Aged Care Facility. All events also have a mounted display for community education and engagement. I wish there was never the need but Camden State Emergency Service provides regular support to police in searches and, something less commonly known to us all, provides lighting at road crash sites for the gathering of evidence.

I would like to single out all the hardworking men and women who helped my community in their time of need over the past three days. Local controller Andrew Ellis does a fantastic job leading his men and women: Geoff Hook, Garry Barnott-Clement, Frank Battam, Christine Banzer, Bruce Everett, Louis Scicluna, Peter Humphries, Erin Ivsic, Dianna Goonan, Tim Battam, Judy Morris, Andrew Arthurs, Joy Blunt, Domenico Evangelista, Stephen Wood, Bill McCole, John Hobbins, Patricia Rawnsley and Daniel Shanks. I thank the New South Wales State Emergency Service Sydney Southern Region headquarters and units including Hurstville, Liverpool and Fairfield.

I thank Andrew MacDonald from the NSW Rural Fire Service and the many volunteers from the Rural Fire Service. I also note for the benefit of members Andrew's involvement in helping to battle recent bushfires around the country along with his fellow Rural Fire Service members. I also thank NSW Fire Brigades, Camden police and Camden council. They always work extremely well in crises such as these and do an outstanding job in our area. As I have said before, if we as a Government had to pay the State Emergency Service volunteers for the work that they do we could not afford to do so. Either the work would not get done or it would not be done with the same great effort with which it has been done in the past. To all those involved, the community and I thank them.

Private members' statements concluded.

**The House adjourned, pursuant to standing and sessional orders, at 7.19 p.m. until
Wednesday 27 February 2013 at 10.00 a.m.**
