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LEGISLATIVE ASSEMBLY

Tuesday 13 August 2013

ABSENCE OF THE SPEAKER

The Clerk announced the absence of the Speaker.

The Deputy-Speaker (The Hon. Thomas George) took the chair at 12 noon.

The Deputy-Speaker read the Prayer and acknowledgement of country.

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

PRIVATE MEMBERS' STATEMENTS

HOMICIDE VICTIMS SUPPORT GROUP

Mr MARK SPEAKMAN (Cronulla) [12.08 p.m.]: Today I inform the House about the Remembrance Ride for Justice and Unite Against Violence Walk held on 4 August 2013 to mark the twentieth anniversary of the Homicide Victims' Support Group. The Homicide Victims' Support Group was formed in 1993 to provide support, counselling and information for families and friends affected by homicide in New South Wales. It aims to educate the general community and professional bodies about the needs of those affected, to improve communication between parties involved in assisting families and friends of homicide victims, and to promote and advocate for the interests and rights of families of homicide victims. The group includes families, friends and kin of victims of homicide.

The Homicide Victims' Support Group offers extended support by employing fully qualified trauma and bereavement counsellors to provide grief counselling at its office, at a member's home or over the phone; by providing an opportunity for grieving members to meet each other through support meetings held in the presence of trauma and bereavement counsellors; by assisting members in understanding the criminal justice system and court process; and by offering a 24-hours-a-day, seven-days-a-week support line. Currently, more than 3,300 family members receive services from the group.

The NSW Police Force directly referred 86 homicides to the group in 2012 and another four notifications came from Fiji, Tasmania, the Australian Capital Territory and the United Kingdom for family members living in New South Wales. So far in 2013 the NSW Police Force has directly referred 56 homicides to the group, with another two notifications coming from Queensland and one from New Zealand in relation to family members living in New South Wales. On 4 August 2013 the Ride for Justice and Unite Against Violence Walk marked the twentieth anniversary of the Homicide Victims Support Group. Simon Bouda and Retired Assistant Commissioner John Laycock, APM, coordinated the ride. Registered riders included commissioners of the NSW Police Force, Fire and Rescue NSW and the Ambulance Service of NSW; the NRMA patrol cycle fleet; members of the State Crime Command; State Emergency Service assistant commissioners Mark Jenkins, Peter Dien and Michael Corboy; and Director of Public Prosecutions prosecutor Pat Barrett and his family.

Peter Simpson, founding member of the Homicide Victims' Support Group and father of Ebony Simpson, led the ride, along with Warwick and Damian Anderson, brothers of Chief Inspector Bryson Anderson. Riders met at Ebony House at Waterfall for a barbecue breakfast. Senior Sergeant Bill Green arranged the breakfast, assisted by the Lend a Hand team from Our Lady of Fatima Lourdes Church, Peakhurst. Escorted by police motorcyclists from the Traffic Support Group, the ride travelled from Ebony House to the late Senior Constable Allan McQueen memorial at Cathedral Street, Woolloomooloo, for a brief break before continuing across the Sydney Harbour Bridge.

Simultaneously with the Ride for Justice was a 2.5 kilometre walk across the Sydney Harbour Bridge, starting from Observatory Hill. Family members of the Homicide Victims' Support Group and other community members led the walk. I and other State members of Parliament had the privilege of joining the walk. In the middle of the walk and in the middle of the Harbour Bridge the bikes—more than 100 in number—rode over the bridge past the cheering walkers. The walkers then went to Bradfield Park for a barbecue lunch organised by the Rotary Club of Wetherill Park. Many participants in the walk wore the colours olive green and white, universally recognised colours of peace. This created a distinctive presence to highlight and make society aware of the reality that any type of violence can lead to death. Many walkers brought along a photograph of their loved one. The walk was a special event to commemorate, reflect, share and celebrate in a safe and understanding arena.

The vast majority of us will never be family members of homicide victims and so will never know or be able to fully comprehend the grief and suffering of those family members. I commend the Homicide Victims' Support Group for its outstanding work for those family members and recognise in particular Robert Taylor, president; Mary Cusumano, vice-president; Rosalie Taylor, secretary; Tim King, treasurer; committee members Vanya King, Tom Menhennitt and Lee Williams; Ron Lockhart, honorary treasurer; John Laycock, policing consultant; and Martha Jabour, executive director. I congratulate the Homicide Victims' Support Group on its twentieth anniversary and I wish it many more years in service of the interests and rights of families of homicide victims.

Mr DONALD PAGE (Ballina—Minister for Local Government, and Minister for the North Coast) [12.13 p.m.]: I commend the member for Cronulla for drawing the attention of the House to the Homicide Victims Support Group. We as members of the community can never really comprehend the impact of losing a loved one through homicide. On behalf of the Government I join the member for Cronulla in expressing our appreciation of the Homicide Victims Support Group for the wonderful work it has been doing over the past 20 years.

LIVERPOOL WOMEN'S HEALTH CENTRE

Dr ANDREW McDONALD (Macquarie Fields) [12.14 p.m.]: I bring to the attention of Parliament concerns about the future of the Liverpool Women's Health Centre. This excellent women's health centre has been operating for 38 years and as a non-government organisation has provided enormous support to the women of Liverpool, especially to those who are marginalised. Governor Marie Bashir is the centre's patron. The centre's mission is "to strive to achieve better health for women and enhance their status in society". Its budget of about \$670,000 per year is funded by NSW Health. The centre employs a variety of health workers such as counsellors, a nurse practitioner, health promotion workers and an Aboriginal worker, and it provides medical and administrative support.

However, with the reorganisation of the Non-Government Organisation Grant Program I understand that tenders are to be called by the New South Wales Government with a view to switching this type of service to a tender-based system. That places the Liverpool Women's Health Centre at great risk when its funding ceases in June 2014. There is no guarantee that the services provided by the centre will be continued. As all members should be aware, in poverty marginalisation the most important thing in health care is continuity of care: having a provider who is trusted and available when needed. Many of the most marginalised women in our society do not have a primary general practitioner or any guaranteed continuity of care. That is why the Liverpool Women's Health Centre, which is a one-stop shop for women in Liverpool, is so vital: it provides services and programs within a social determinant of health framework informed by best practice principles of holistic care.

For many of our most vulnerable citizens the services provided by the Liverpool Women's Health Centre are unable to be provided in general practice. Last year the centre provided 10,051 occasions of care and 63 per cent of its clients came from culturally and linguistically diverse backgrounds. The services provided involve counselling for trauma associated with domestic violence, sexual assault, mental health issues such as anxiety and depression, grief and loss, and the impacts of torture and trauma. Vital health care is also provided, such as pap smears, contraception, fertility counselling and screening for sexually transmitted infections.

These services are vital for the Liverpool community and probably will not be replaced if this service is abandoned by NSW Health. The centre is a vital soft-entry point for people who have just arrived from overseas and are trying to negotiate the at times very confronting and confusing Australian health system. The centre

provides a welcoming and supportive environment. It often receives referrals from groups such as the Refugee Health Network, Housing NSW and other community providers. Centrelink and Housing NSW often refer women to the centre. The women say they were told the service would help them.

The centre also undertakes violence prevention work. For example, recently a woman presented at the centre because her daughter had attended a session at school on healthy, respectful relationships and learnt about domestic violence. She had told her mother to go to Liverpool Women's Health Centre and talk to someone about what was happening to her at home. The centre staff were able to help this woman, as they do many other women who are in situations of domestic violence. Women want and choose to use services run by women for women. The centre's services provide a women-only safe space and are unique in the NSW Health system. Only this service can provide such care. If the funding situation is not resolved the service will close in June 2014 when funding ceases.

The provision of women's health services is at the interface of Commonwealth and State health care. It is distinctly possible that the New South Wales Government will choose to no longer provide this type of service. That would leave these marginalised women in the lurch because this population would not easily assimilate into Commonwealth-funded general practice. Over the next 20 years there will be 300,000 new inhabitants in south-west Sydney. The Liverpool Women's Health Centre was set up 38 years ago to meet a vital need, and it has continued to meet that need to date. It is a unique service. I call on the Minister for Health to give an unconditional guarantee that these services will continue to be provided to the women of Liverpool and south-west Sydney as they have been provided for the past 38 years. The people of the Liverpool area expect and deserve nothing less than an unconditional guarantee.

LOWER MID NORTH COAST RUGBY UNION

Mr STEPHEN BROMHEAD (Myall Lakes) [12.19 p.m.]: Last Saturday the Forster-Tuncurry Dorvik Steel Dolphins and the Manning River Rats from Taree played in the Lower Mid North Coast Rugby Union grand final. What more important event could there have been in New South Wales in the past 12 months? It was a close game and a great spectacle. The Dolphins led by 11 points to five at half time. The Rats took the lead just after half time before the Dolphins came back and ran away with the win at 37 points to 12. The Dolphins have played in five of the past six grand finals, but this match was the Rats' first appearance in a first grade grand final since 1976. They had great support and carried great expectations from their Taree fans as they played in the grand final for the first time in around 40 years. I am sure the schoolchildren in the gallery could tell me exactly how many years it has been. It was a tremendous achievement for the Rats to play in the grand final and it is unfortunate they did not win, but that was great news for the Dolphins.

I congratulate Forster-Tuncurry Dorvik Steel Dolphins players Lee Crozier, Ricky Clifton, Ben Manning, Nigel Pereira, Chris Simon, James Clarke, Troy Haines, Ryan Scott, Tim Chilton, Tom Bolton, Matthew Minor, Tom Harris, Chris Wynne, Steven Stanton and Mark Hagarty. I also congratulate replacement players Luke Wilson, Colin Harris, Jack Woods, Andrew Griffis, Matt Nuku, Matthew McKay, Michael Johnson, Trae Wilkins and Dean Mitchell. I congratulate Ron McCarthy, who has coached the Dolphins for the past seven years. As I said, in those seven years the team has played in five grand finals and had three premiership wins. I also congratulate assistant coach Mark Coble and strapper A. J. Johnson. No game can be played without a referee. Lee Sullivan did a great job refereeing this match, along with assistant referees David Rogers, Graham Sonter and the fourth referee, Chris Mylonas. The Rats also were well coached this year by Danial Stone with the assistance of Graeme Dun.

I commend both clubs for their leadership on the mid North Coast. In 2003 the Manning River Rats were the only team in their area of the mid North Coast. Now, seven clubs from the area play in the competition. The boys and girls in the gallery today might be interested to hear that rugby sevens is now an Olympic sport, so they can now aspire to represent Australia at the Olympics in this sport. Young men and women should take advantage of the opportunities provided to them when development officers from New South Wales and Australian Rugby Union visit their area, because people of all sizes and shapes can take a position in a rugby team. Those who are short, stocky and not so pretty can play in the front row. Extremely tall and lanky people can play lock in the second row. Whippy, good looking fellows or girls are suited to play in the back row. I recommend that all boys and girls take a close look at the sport of rugby, because it will be played at the next Olympics. It is already a Commonwealth sport. Once again, I commend the Forster-Tuncurry Dorvik Steel Dolphins and the Manning River Rats for a great day of rugby and for putting on a great spectacle.

Mr DONALD PAGE (Ballina—Minister for Local Government, and Minister for the North Coast) [12.23 p.m.]: I thank the member for Myall Lakes for drawing the attention of the House to the Forster-Tuncurry

Dolphins' grand final win over the Manning River Rats by 37 to 12. I congratulate the Dolphins. I commiserate with the Rats but congratulate them on making their first grand final since 1976. The member for Myall Lakes did not say that he is the chairman of the Parliamentary Friends of Rugby Union. He is doing a fantastic job in that role. As a former halfback who played for the New South Wales country team and the North Coast I can attest to the pleasure that people derive from playing rugby and the lifelong friendships that result from taking part in the great game. Let us wish the Wallabies success on Saturday against the All Blacks.

CAMPBELLTOWN ACADEMIC CHALLENGE

Mr BRYAN DOYLE (Campbelltown) [12.24 p.m.]: I am glad that students from Shell Cove Public School are in the gallery as guests of the member for Kiama. I believe in the importance of education and am proud to be the founding patron of the Campbelltown Academic Challenge, which is in its second year. The Campbelltown Academic Challenge is designed to be a fun, team-based activity for our very best year 6 students to showcase and celebrate their academic excellence. It also highlights the role that our teachers and principals play in providing high-quality education to our youth. Eighty of Campbelltown's finest year 6 primary public school students—the best and brightest—gathered in teams of four at Sarah Redfern High School to test their academic, problem solving and creative skills in an open academic challenge. They came from places such as Sarah Redfern, Glenwood, Glenfield, Campbellfield, Ruse, Sackville Street at Ingleburn, St Andrews, Bradbury, Campbelltown North and Campbelltown, Eschol Park, Minto, Curran, Wattle Grove, Leumeah, mighty The Grange, Ingleburn, Ingleburn North, Macquarie Fields and last year's champion school, Robert Townson Primary School.

This year's challenges included the Tower of Terror, which involved building a tower out of McDonald's straws using only sticky tape, Blu-Tack and the will to make the structure stand. The students had to work in teams and were given points for the size of the base, the height of the tower and its stability. The tower had to hold a golf ball and proudly display the McDonald's logo, which sponsored the event thanks to my good friend Peter Meadows. The winning tower was a little over two metres tall and was quite a feat of engineering. The *Jeopardy*-style round this year was based on the school reading book *Thai-Riffic* by Albert Lengviriyakul. The students also played a twisted game called Braingle, which was based on the game show *Hot Seat*. The *Who Wants to Be a Millionaire* segment tested the students' knowledge in the three key learning areas of history, geography, and personal development, health and physical education and sport. There was also the dreaded spelling bee, which I am sure Hansard is pleased to hear about.

I am proud that Glenwood Public School triumphed at the end of the day and became the 2013 champions. The team included: Justin Bromley, who enjoys mathematics and aspires to be an orthopaedic surgeon; Tahlia Mauala, who enjoys netball and dreams of being a lawyer, which is a worthy profession; Darina Karell, who loves English and literacy; and Ruben Dsouza, who is a big fan of James Bond movies. The Glenwood Public School motto is "Learn to live", which is a sentiment I hope the students carry with them throughout their schooling and later careers. I look forward to hosting the winners and other students at Parliament House to see how this institution operates. We are fortunate that some of the very best opals of the south-west who were on display at Macarthur will soon visit Parliament House. Our youth today probably have the greatest access to information and knowledge of any generation.

The quality of young people coming through the system bodes well for the future of our great nation. As I tell people, Australia is a migrant nation. The family tree of every one of us contains a history of our relatives coming to Australia for a better life for themselves, their children and their grandchildren. We are all beneficiaries of that great legacy. That is one of the reasons why Australia is such a great country and why Campbelltown is the best place of all. It has a great sense of community and its citizens share a common desire to see their children do well. I am proud to be the founding patron of the Campbelltown Academic Challenge, which is now in its second year. I trust it will run for many years to come.

RIVERWOOD PUBLIC HOUSING ESTATE

Mr ROBERT FUROLO (Lakemba) [12.29 p.m.]: Today I draw the attention of members to ongoing concerns from a number of constituents and housing tenants in my electorate. Not surprisingly, many tenants and local residents are concerned about the \$22 million cut in funding for new housing stock across New South Wales. They are also disappointed at the delays in responding to maintenance concerns and the increase in their rent by the O'Farrell Government, using the Federal Government's carbon pricing energy supplement payment. Many tenants are worried about the new bedroom tax announced by the O'Farrell Government to slug families with a tax of up to \$30 for each unoccupied room in their homes. But these are not the concerns I highlight today. Today I raise a different problem with housing in my electorate.

Public housing has been a significant part of the local community in Riverwood since the end of the Second World War. Many of the old army huts and the old Herne Bay US Army Hospital buildings were transformed into post-war housing for returned veterans and their families. They formed the basis of a significant public housing estate in the suburb of Riverwood. Two buildings subsequently built in Riverwood, colloquially known as the high-rise buildings—the Jefferson and Lincoln buildings—house hundreds of residents, nearly all of them elderly and aged pensioners. Being seven storeys high, the buildings are each served by two lifts.

Over the past few months one lift in the Jefferson building has been out of service on a regular basis. In fact, this year alone my office has been contacted on seven separate occasions to report a fault with the lifts. Not surprisingly, this has made the tenants of the building anxious as the lifts are the only way up and down to their apartments. If the other lift fails they will be stranded or unable to get back to their homes. The residents have been trying for some time to have this issue resolved, but for a range of reasons the repairs have not been finalised. Many residents have complained about the impact of the faulty lifts and the difficulties they are experiencing as a result. It is widely acknowledged that part of the problem is the age of the buildings and the lifts servicing them. This suddenly makes the need for investment in these lifts all the more urgent.

Another issue of concern to residents in these high-rise buildings is the lack of security in the buildings. Many residents of both buildings have contacted me and expressed concern about the ease with which people can access private areas of their buildings. At present there are no security measures to prevent non-residents from accessing all levels and potentially harassing or illegally entering the homes of these elderly tenants. Members know that elderly people are particularly vulnerable and feel at risk in relation to security issues. The residents have been calling for a security intercom system to be installed in their apartments to add a basic level of security to their homes. That seems to be fair and reasonable. On behalf of the tenants in these buildings, I request urgent action on the upgrades and repairs to the elevators, particularly in the Jefferson building. I also call for the installation of a modern security intercom for the tenants in both the Jefferson and the Lincoln buildings.

BEYOND EMPATHY

Mr ADAM MARSHALL (Northern Tablelands) [12.33 p.m.]: I take this opportunity to inform the House of the great work of Beyond Empathy, a local non-government organisation in the Northern Tablelands electorate that is using the arts to influence change in the lives of thousands of people experiencing recurring hardship and difficulties. Based out of the garage of its Executive Director, Kim McConville, Beyond Empathy has been using the arts to improve the lives of disadvantaged people in Armidale and across regional Australia since 2004, winning many awards along the way but, most importantly, turning around the lives of countless young people in our rural communities. Like many great organisations, Beyond Empathy is engaged in social work, but it does so in a unique way as it supports artists working in community, arts and cultural development to create new opportunities for marginalised people to engage with their local community. Beyond Empathy focuses on a range of art forms, including film, digital media, music, dance, theatre, public art installation and small and large-scale visual arts.

Another great organisation doing amazing things for disadvantaged youth in the Northern Tablelands—it has been mentioned in the House previously—is BackTrack, led by Bernie Shakeshaft. While Bernie and his team use dogs and dog jumping as a way of connecting and personally developing young people—I know the member for Tamworth is a great supporter of the work being done by Bernie and his team—Beyond Empathy uses a different method. Beyond Empathy uses the arts to achieve the same outcome. It is something I had not conceptualised until I met recently with Kim McConville and another member of her team, Adam Williams, himself a success story from the early days of Beyond Empathy's programs.

Currently, Beyond Empathy is working with more than 200 people in my region and is committed to making change in their lives over the long haul. As Kim told me during our recent discussion, multiple interventions over many years are required to break cycles of disadvantage and embed new skills and attitudes among the individuals with whom they work. Using art forms that resonate with their participants, Beyond Empathy has been successful in disrupting old ways of thinking and empowering marginalised people—often the most marginalised in our community—to re-engage with their local community, create new narratives and shift perceptions, both in themselves and in the way the community views them. I commend Beyond Empathy for being so flexible and adaptable in its approach. It has to be adaptable because, as we know, no two communities are the same and their circumstances are always changing.

Beyond Empathy's artists work with some of the most disadvantaged people in our communities, teaching new skills and encouraging expression to feed into both personal and artistic outcomes. At the same time they connect people to local, State and national services. Each project leaves an imprint across the cultural and social landscape that cascades into the next. One great success story last year was Silver City Songlines, a culmination of year-long workshops and community research where elders came together with their young people re-imaging stories from the 1960s when they lived in tin shacks at Silver City, which was the local mission at the time. The stories were about the good old days when living conditions were tough and discipline was strict.

This culminated with a performance last year at the Armidale Showground in front of more than 300 people, and the more than 140 young people involved were given a rousing standing ovation. The more than 140 people involved ranged in age from as young as four years to as old as 85 years, with local elders. Local businesses backed the project, as did the University of New England, the local police and Lifeline. This year Beyond Empathy is going bigger and better, with a performance in October of Rainbow Ridge Songlines, celebrating things that connect us through dance, music and song. I look forward to attending the performance on Friday 11 October to support our young people and to support the great work that Kim McConville, Adam Williams and the entire Beyond Empathy team are doing. Their work will have enduring benefits for the communities of the Northern Tablelands for many years to come.

Mr DONALD PAGE (Ballina—Minister for Local Government, and Minister for the North Coast) [12.37 p.m.]: On behalf of the Government I thank the member for Northern Tablelands for drawing our attention to the wonderful work being done by Beyond Empathy and, in particular, the contribution being made by Kim McConville. Beyond Empathy is an innovative and wonderful program that is turning around the lives of young people by supporting artists and other marginalised people to expand their capacity and re-engage with the community. The member's contribution was most interesting.

INTERNATIONAL CHILDREN'S GAMES

Mr GREG PIPER (Lake Macquarie) [12.38 p.m.]: I inform the House that the International Children's Games is about to get underway in Windsor, Canada, and remind members that the next staging of this fantastic goodwill event will take place in just under 16 months' time in Lake Macquarie. In December 2014 Lake Macquarie will be the first city to bring this significant international event to the Southern Hemisphere. It will provide a wonderful opportunity to showcase our city and New South Wales to the world.

The International Children's Games was born in the Cold War era of the 1960s and instigated by physical education teacher, Metod Klemenc, from the former Yugoslavia, who wanted to promote peace and goodwill among children of different cultural backgrounds. I had the pleasure of meeting Mr Klemenc at last year's games in Daegu, South Korea. Since its beginning in 1968 the Games have developed to become the largest multi-sport youth event in the world—so much so that in December next year Lake Macquarie expects to welcome approximately 2,000 athletes, coaches, team representatives from 80 cities across 40 countries and spectators. As well as bringing prestige to the city of Lake Macquarie, the event will provide a welcome boost to business and tourism, with projections that it will inject \$5 million into the local economy.

Lake Macquarie was the first Australian city to participate in the International Children's Games in 2008 and the team that is now in Canada is the fifth to represent the city. That team consists of track and field athletes Emma-Sue Greentree, Isobel Warby, Grace Weir, Celeste Alley, Bernice de Jager, Nicole Ogle, Lachlan Bent, Blake Anderson, Matteo Mazzantini and Nicholas Zander; gymnasts Bailey Sansom, William Bradley and Peter Newell; and tennis players Nicholas Lochrin and Matt Abbott. The coaches are Mavis Godber, Colin Muir, Ryan Phillips and Colin House. As the Mayor of Lake Macquarie at the time, I initiated the city's involvement in the Children's Games when the first team competed in San Francisco in 2008. I was pleased to be invited later to make a presentation in Bahrain in 2010 that won the Games for Lake Macquarie in 2014. It is a big deal to host such a prestigious event.

I acknowledge the support of the Minister for Sport and Recreation, Minister for Tourism, and Major Events and Destination NSW who recently announced a funding contribution towards the staging of the Games. Unfortunately, I was unable to attend the funding announcement at Awaba House as I was away, but I was pleased that the State Government and its major tourism agency had recognised the importance and potential of this event in this way. The wonderful thing about the event is that it provides participants with much more than an opportunity to pit their sporting prowess against an international field. It also introduces them to the cultures and ways of the wider world, which promotes tolerance and understanding. I have attended the Games myself

and witnessed the wonderful effect it has on young people—not just those who are competitors. Like the Olympic Games, the Children's Games creates a widespread spirit of goodwill wherever the event is staged. Hunter people can look forward to experiencing that special Games high next year.

The International Children's Games at Lake Macquarie will be staged over a week from 6 December to 11 December and will incorporate the sports of swimming, gymnastics, track and field, football, sailing, water polo, golf and, for the first time ever in the Games, BMX. The events will be spread across a range of venues, including the Forum swimming complex at the University of Newcastle, the Hunter Sports Centre at Glendale, the Macquarie Football Complex at Belmont Bay, the Speers Point Pool, the Waratah golf course at Argenton, and the Lake Macquarie BMX Club, which also is at Argenton. The football complex is the subject of a submission before the Government for \$7.3 million in funding to build a world-class football facility on the site. The proposed regional football centre will incorporate two full-sized synthetic fields, a commercial complex for five-a-side games, administrative headquarters for Northern New South Wales Football and other modern amenities for players and spectators.

The availability of such a wonderful facility would be a huge boost not only to the Children's Games but also to the region and the State into the future. I ask the Government to give speedy consideration to funding this worthy project in the hope that it may be approved, built and opened in time for the event. I wish the athletes competing in the International Children's Games that will commence in Windsor tomorrow the best of luck. I know those representing Lake Macquarie and Australia will be fine ambassadors for their city and country and will return with many great memories, new friends and an enhanced appreciation for and understanding of others peoples and cultures. I wish the Lake Macquarie City Council and its many partners all the best as they work toward delivering what will be a wonderful event here in New South Wales next year.

VAUCLUSE ELECTORATE FERRY SERVICES

Ms GABRIELLE UPTON (Vaucluse—Parliamentary Secretary) [12.43 p.m.]: I will update the House on recent community efforts to secure better ferry services for the Vaucluse electorate. Our home, the Vaucluse electorate, is a peninsula. Travelling in and out of the electorate on the three age-old arterial roads is challenging, with traffic congestion during peak hour snaking its way east and west. Travelling by ferry is a unique and pleasant public transport option available to the residents in the electorate I represent. It is quick, it is efficient and it is a very pleasant way to travel to the city or other destinations from the city. Improving ferry services not only benefits ferry customers, but is an important way to help to ease traffic congestion on our local roads. I know many residents in the electorate are very keen to see additional local ferry services at eastern suburbs ferry wharves in Rose Bay, Double Bay, Darling Point and Watsons Bay.

I have been working closely with the Minister for Transport, Gladys Berejiklian, in my campaign to secure better ferry services. I have been providing her with regular feedback from ferry customers so that she is aware of their specific needs. The announcement by the Minister for Transport on 22 May 2013 of additional ferry services is an important first step in improving our local services. I know that residents in the Vaucluse electorate and indeed ferry customers across Sydney will benefit from the short and long-term commitments outlined in the State's first plan for ferries—Sydney's Ferry Future. More than 50 new services a week across the network are planned in the new timetable, which will be released in October, and we know that there will be an increase in peak hour commuter services for Rose Bay—Sydney's third busiest commuter wharf—as part of those new services.

But there is more to do to improve our services. That is why I have been working with my local community to better understand the specific ferry needs of customers in the electorate and to make sure that the Minister for Transport clearly understands those local needs. In June 2013 I presented a petition to this House that was signed by more than 500 residents, calling for improvements to our local ferry services. The petition was driven by three local residents—Ms Beverley Brandon, Ms Deanna Mastellone and Ms Jennifer Turner. I take this opportunity again to thank that group for all the effort they contributed to collecting more than 500 signatures. I thank the Minister for her response to the petition. I know it will form a very important part of ensuring that ferry customers in the Vaucluse electorate get the best outcome from the new timetable. Since the petition was lodged, I also have been regularly visiting Rose Bay, Double Bay and Darling Point ferry wharves and doorknocking in Watsons Bay seeking feedback on how best to improve ferry services as well as asking my local residents what they want to see in the new timetable.

Yesterday at the Rose Bay ferry wharf I spoke to residents on the first day of the rollout of the Opal card on the eastern suburbs ferries—a good day indeed. I also have called for residents' views through my local

paper, the *Wentworth Courier*, my newsletter, through my website and also through my Facebook page. I really have been very pleased with the response: Many calls to my office, emails and comments on my website followed from those activities. On 24 June 2013 I sent a letter to every enrolled resident in Watsons Bay, Rose Bay, Vacluse and Dover Heights seeking feedback on all local ferry services. I again was really pleased with the response to my letter. I have now collated all that feedback and provided it to the Minister this week. I will further strengthen our argument for the need for better local services.

Broadly speaking, resident feedback to date falls into a few main categories: residents tell me loud and clear they want more services from all eastern suburbs ferry wharves; they want an increase in evening services so they can get home after work or after an evening out in the city; many residents want to see commuter ferry services to and from Watsons Bay and residents want to see better public transport connections to the ferry wharves so they can leave their car at home and avoid trying to find a park right near the local wharf. Thank you to all the residents who have taken the time to provide me with valuable feedback on our ferry services. I assure them in this House that as I expand my campaign for better ferry services for the whole electorate, I will continually work with the Minister for Transport so that she clearly understands our electorate's local ferry needs. I thank the Minister for all her efforts to date to make sure that Sydney has the world-class ferry service it indeed deserves. I commend my private member's statement to the House.

ALBURY ELECTORATE ROADS

Mr GREG APLIN (Albury) [12.47 p.m.]: Roads are all about history. They are so often the literal pathways of our lives and the wider community as well as witnesses to the parade of history. One of the last official acts of former Prime Minister Julia Gillard was to open the Holbrook bypass on 23 June. Who knew that just three days after one road was opened, another would close for her. Immortalised in song and story, the Hume Highway remains an iconic part of the nation's road infrastructure, fundamental to the daily working lives of generations of freight drivers and car-bound families on holidays. It is a journey that began on 3 October 1824 when Hamilton Hume and William Hovell commenced their epic trek from Sydney, heading south until they reached the ocean near present-day Geelong on 16 December of that year. The first European settlements at Albury-Wodonga were established in 1836 as convicts began construction work on the Great Southern Road. Two years later Albury was declared to be the place where this major inter-city road would cross the Murray River.

We jump ahead to 1900 when in May of that year a mechanic by the name of Herbert Thomson became the first person to drive from Sydney to Melbourne. By 1922 we have the Hume Highway's most famous song, *Along the Road to Gundagai*, to guide travellers along the way. But it was not until 1928 that the Great Southern Road was proclaimed by Government Gazette and renamed the "Hume Highway". The history of the Hume Highway is a progression of small steps. By 1940 the road was sealed all the way between Sydney and Melbourne. Then, in 1961, the first four-lane section was completed at Craigieburn. It was a sign of what was to come: a renewal process that would continue until 2013, when the final town was bypassed and the highway duplication was completed.

As I stood by the roadside on Sunday 23 June for the official opening of the Holbrook bypass, I had cause to reflect on the road's great history and its place at the heart of the nation's trade and commerce. Back in 2002 I began advocating for duplication of the highway, from start to finish. I nominated this as a priority heading into my first election and have long since promoted the need to expedite the process for the safety of motorists and truck drivers. In 2003 the NRMA, having heard of my campaign for the Hume, visited me in Albury to discuss my views. Soon it was the NRMA leading the charge to get the job done.

By 2007 the last piece of duplication on the Victorian side of the border was completed at Wodonga. On the New South Wales side, the \$265 million Woomargama bypass was officially opened on Monday 7 November 2011. Now came Holbrook's turn. Roadworks were undertaken in 59 stages, with a total cost for the highway duplication thought to be around \$20 billion. As but a small part of this project, the cost of the Holbrook bypass came in at \$237 million, funded by the Commonwealth. The Holbrook bypass starts four kilometres north of Holbrook, where it crosses west of the cemetery and industrial area and then crosses Culcairn Road. We go past Ten Mile Creek before rejoining the Hume two kilometres to the south of Holbrook.

Sixty-nine-year-old Barry Herring of Gundagai, now a Superintendent Officer with Roads and Maritime Services, is the longest-serving employee on the Hume Highway duplication. Since commencing work on the roads at the age of 16, Barry believes he has repaired or built approximately 100 bridges. He has had a

life measured in steel, concrete and carpentry. In the time that Barry has worked on the Hume duplication, which began for him in 1972, he has had occasion to demolish a bridge that, years before, he had helped to build. Highway realignment was the factor that changed. That is when you know it has been a long haul.

What does duplication mean for us? It means improved safety. As Ms Gillard stated at the opening, "In 1976 there were almost 2,500 crashes and 71 deaths along the New South Wales sections of the Hume alone." Crashes are now in the low hundreds and fatalities this year are in single digits. It means shorter travel times—three hours have been cut from the Sydney to Melbourne trip. Driving time from Sydney to Albury has reduced from more than seven hours behind the wheel to approximately 5¾ hours, plus refreshment breaks. What was once a genuine barrier to travel—in fact, an ordeal—is now an approachable drive, despite crossing from the capital all the way to the State's southern border.

There are benefits for the environment. There are now no traffic signals or school crossings on the Hume between Sydney and Melbourne. Forty-nine towns have been bypassed: 26 in New South Wales and 23 in Victoria. Fewer stops and starts means fuel savings. After delays due to rain, the Holbrook bypass was opened to traffic on 7 August. The first car to drive the new road was a 1951 FX Holden, painted pink. Next time you find yourself driving down the Hume, going past Yass and the Dog on the Tuckerbox outside Gundagai, I hope you break your trip at Holbrook and enjoy this wonderful Australian town and its country hospitality.

LUMINOSITY YOUTH SUMMIT

Mrs LESLIE WILLIAMS (Port Macquarie) [12.52 p.m.]: Late last month in Port Macquarie an important youth summit was held to inspire and lift the leaders of tomorrow. The event was organised by Luminosity Youth Inc., which is a committee comprising local business, university educators and youth representatives from the Port Macquarie region who are passionate about, and committed to, investing in the leaders of the future. They are dedicated to providing a diverse range of programs and opportunities to youth from all walks of life in order to inspire and propel their personal development.

The summit, held from 24 to 26 July at the Glasshouse, engaged more than 230 regional youth and encouraged them to strive for excellence by providing them with direct access to inspirational entrepreneurs, artists, performers, musicians, academics, environmentalists, sporting champions, marketing strategists and social media experts. As I said, the Luminosity Youth Summit attracted 230 young people, mostly from throughout the mid North Coast. In fact, 89 per cent of attendees were from our region, with a further 11 per cent from Newcastle, Armidale, Bathurst, Wagga Wagga and the Central Coast as well as Sydney, Melbourne and Brisbane.

The compelling program placed Port Macquarie on the national stage for youth and excellence, and challenged regional delegates to utilise the summit as a platform to launch their bright futures in their chosen fields. The theme of the summit was "Dangerous Ideas"—meaning thinking big, daring to dream and create, and taking calculated risks to achieve success. All are quality attributes that will help set young people up for the future. From all accounts, the Luminosity Youth Summit was a huge success. The feedback from those attending was outstanding. I will share some of the Facebook comments. Cameron Gan wrote:

Living the dream!!!! Luminosity has been so great this past week. I have had so much fun with all the great people that I have met.

Courtney Renae wrote:

Had the best couple of days, met some amazing people. Big thank you to all the organisers and speakers, fantastic job!

Joe Wright said:

Had a very long, hard, emotionally draining and brilliant 3 days learning about how much potential we all have for change. It's crazy the type of people out here who just don't stop trying to help others and follow their dream. Amazing experience!

Many more comments offered similar praise. I make special mention of the Hon. Victor Dominello, Minister for Citizenship and Communities, who generously accepted my request to sponsor four local students. For that, may I say a big thank you! Those students were: Danielle Davis, Camden Haven High School; Emma Piper, year 11, Port Macquarie High School; Melissa Parsons, Wauchope High School; and Ashley Sweetnam, year 11, Westport High School. I look forward to welcoming the Minister back to the Port Macquarie electorate next Saturday.

I mentioned earlier about the committee behind Luminosity. I will single out some of its members, while acknowledging the commitment of the entire committee. Dr Muyesser Duru from Charles Stuart University is an amazingly committed woman of incredible knowledge and dedication, and was the patron of this first-time event. Kate Woods Foy and Louise Beaumont, who both do incredible work on a variety of charity events and functions, were the driving force behind Luminosity and Pix Jonassen is another tireless community worker. I have had the opportunity of working with the four women I mentioned as well as with some other members of the committee.

This event was not a one-off for them. Kate, Louise and Pix have all moved on to organise other charitable functions: Louise with Dancing with the Hastings Stars, raising money for the Cancer Council; Pix working to promote Bravehearts; and Kate with the Masquerade Ball for Mid Coast Care, which will be held next Saturday night. Those dedicated people all worked hard to make Luminosity such a success. To say that planning is well underway for next year's summit would be an understatement, with the ultimate plan of making it a national event. If other members of Parliament want details about how to send youth from their electorates to our summit, I will be more than happy to pass on the committee members' details and to welcome those young people to the beautiful Port Macquarie electorate.

BAULKHAM HILLS ELECTORATE EVENTS

Mr DAVID ELLIOTT (Baulkham Hills) [12.57 p.m.]: My electorate of Baulkham Hills was awash with activity across the winter recess, such is the desire of local residents to show their spirit of community and charity. I was pleased to join the Castle Hill RSL Sub-Branch on its annual veterans lunch to acknowledge the service of veterans in defending our nation. My congratulations and thanks go to Colonel Don Tait, OAM; Mr Ron Smith, OAM; and the entire team at the Castle Hill RSL for their tireless dedication to our community and to those veterans who are doing it tough. Castle Hill RSL is often mentioned as one of the RSL clubs in New South Wales that is closest to its sub-branch members, and the members and I are pleased to see that those close ties only grow stronger as the sub-branch maintains its position as the heart and soul of the club.

Whilst on the topic of our returned servicemen, I was honoured to march in the sixty-fifth national Reserve Forces Day parade as one of many soldiers who has served in this Parliament. Her Excellency the Governor was on hand to take the general salute, with the crowd demonstrating that she remains as popular a figure in our State as ever. My congratulations and thanks go to Lieutenant Colonel John Moore, OAM, and the Hon. Tim Fischer, AC, for their efforts in staging this wonderful recognition of those who sacrifice their time to continue the legacy of our elderly veterans.

As any reader of Ginger Meggs comics knows, many Australians are fans of billycart racing. I was taken back to my own childhood when I attended the Rouse Hill Billy Cart Derby with the member for Hawkesbury and the Federal member for Mitchell. However, I must say the design work on bilycarts has come a long way since my childhood—as has, thankfully, the steering and brakes. My thanks go to Men In Action, and especially its support director, Kerrie Sheaves, for making this event possible. It would be remiss of me not to thank the Riverstone and Dural men's sheds for their enormously generous donation of 12 bilycarts for use by competitors on the day.

The Hills Men's Shed at Castle Hill also held its Christmas in July lunch during the winter recess and, once again, the craftsmanship of our men's shed volunteers was on display in the wooden box with which they presented me. Men's sheds play a vital role as a support network for older men who want to stay connected with the community. I hope that our men's shed volunteers know just how valued their efforts are. I was delighted that they used this event to show off the new awning that was completed recently, thanks to last year's community infrastructure grants.

Each year Western Sydney is treated to the annual Cumberland Gang Show. The forty-fourth annual show lived up to the standards set by its predecessors. The Cumberland Gang Show is an opportunity for local scouts and guides groups to show their abilities in the performing arts as a complement to their outdoor survival skills. The Cumberland Gang Show is about believing—believing in oneself, that one can achieve anything and that one can make a difference. I congratulate all those who were involved in delivering a wonderful performance. Last month Nicole and I were thrilled to be guests at a matinee performance of the Cumberland Gang Show and to mingle with the young performers after the show.

The Castle Hill Model Railway Exhibition drew many rail enthusiasts from far and wide to see the latest in model train displays. I was encouraged to attend by a number of young people who showed me their

displays. They told me that they appreciate the value of keeping their minds fresh and working on hobbies such as model railways. The "Where Is It?" display was among the most popular, and many in the crowd were also mightily impressed by the Wallerawang and Binalong displays. Congratulations to the Hills Model Railway Society on its exhibit and the Australian focus of its displays.

Finally, as the member for Baulkham Hills and following in the footsteps of my predecessor, Mr Wayne Merton, AM, perhaps the most important event to attend to further his legacy is the Rattle'n'Hum Car Show at the Castle Hill RSL Club. As always, the show raised much-needed funds for one of the great causes in the Hills: the Tallowood School, which caters for children with profound intellectual impairment. The show was a revhead's paradise, with all manner of cars on display and plenty of fun and games to keep children entertained while their dads relived their youth. In keeping with the local tradition, the biggest winner was Tallowood School, with plenty of money raised to help those who need it most. The sense of togetherness in The Hills not only binds people together but makes The Hills one of the great places to live. Far be it from me to butcher a classic movie, but The Hills are alive with the sounds of community.

NEWCASTLE REVITALISATION

Mr TIM OWEN (Newcastle) [1.01 p.m.]: On 19 June this year, newsstands across the Hunter were adorned with copies of the *Newcastle Herald* that had the headline "This is Our Time" splashed across the front page. The *Newcastle Herald* promotes itself as "A voice for the Hunter" and in my view, that headline was 100 per cent right: It is Newcastle's time. Our city is thriving; in fact, it would be fair to say that it is on the verge of a major boom. This vitality presents a stark contrast to the doom and gloom that filled our city under the corrupt and inept former Labor Government. During its 16 years in power, debate about the inner-city rail line raged, causing uncertainty in the marketplace. The lack of leadership displayed by Labor in failing to make a decision meant businesses deserted the city in droves. It was not just small businesses that had had enough; even retail giant David Jones left its iconic home in the Hunter Street Mall after decades of trade.

Today, I am proud to say it is a different story. When walking through the heart of Newcastle, one can feel a sense of optimism in the air. Investor confidence is on the up and up, alcohol-fuelled violence in the streets is down, development of key sites is under way, and credible funding for infrastructure development has been committed by the O'Farrell Government. I entered politics not for personal ego, the salary, or for late nights in this House. I became a politician because I believed I could work with the community to deliver real change for Newcastle. I was elected on that promise—a promise that would see me work relentlessly with my Coalition colleagues to reinvigorate our city, a city full of opportunity.

Over the past two years it has been my honour and privilege to be Newcastle's voice in Macquarie Street. As a member of the O'Farrell Government, I am proud to be delivering real change for Newcastle—visible change, not just words on a press release promising future change, the value of a proposed change or the possibility of a change. Do not just take my word for it. As I speak today, a 55-metre crane is towering over the Australian Taxation Office and the city council building in Newcastle, as construction of a \$94-million courthouse development progresses. Sixty workers are on the site but that number will more than double in the future, with work set to be completed late next year.

The entire city of Newcastle is about to undergo a major overhaul, thanks to almost \$1 billion to be invested in the city by the O'Farrell Government. Other central business district projects that have attracted funds from the O'Farrell Government include the University of Newcastle's inner-city campus, light rail in the heart of the city, a transport interchange and an east end specific revitalisation project, in partnership with the GPT Group. This historic funding commitment is complemented by a high level of enthusiasm displayed by an array of proactive, innovative and community-based organisations such as Newcastle Alliance, Newcastle Now, Renew Newcastle, the Lunaticks Society of Newcastle, the Newcastle Tourism Industry Group [NTIG], the Hunter Business Chamber and Tourism Hunter and the City of Newcastle particularly Lord Mayor Jeff McCloy and councillors Lisa Tierney, David Compton, Brad Luke, Sharon Waterhouse and Andrea Rufo. Other larger organisations, such as the Property Council of Australia and the Urban Development Institute of Australia also have a strong presence in the Hunter.

It is Newcastle's time. I thank those community-based organisations and residents of the city of Newcastle who had faith in my ability to ensure that Newcastle gets the attention it deserves from government. For many, it took a huge leap of faith to vote for me and the party I represent. I am the first Liberal member for Newcastle. However, if I were a gambling man I would say that voters backed the right horse because, despite my predecessor's best efforts, she was unable to get any rubber on the road or, perhaps more appropriately, any buildings in the sky or money into the figurative Newcastle piggy bank.

I take this opportunity to thank my parliamentary colleagues—particularly my colleagues in the Hunter, including the members for Charlestown, for Swansea, for Port Stephens, for Maitland and for Upper Hunter—and many Ministers, officers and their staff, including the Minister for the Hunter, the Minister for Planning and Infrastructure, the Minister for Transport, the Premier and the Treasurer. Their support has meant that Newcastle will no longer be seen by our Sydney counterparts only as the "Steel City" but as a city full of opportunity—a city for the future.

FAIRFIELD HOSPITAL

Mr ANDREW ROHAN (Smithfield) [1.06 p.m.]: I speak today about a place that is extremely significant not only to my electorate of Smithfield but also to the nearby and surrounding communities—that is, Fairfield Hospital. Fairfield Hospital is a major metropolitan hospital that provides approximately 200 beds. It has been a part of many people's lives, witnessing births, deaths, and cures for illness and disease. Last year the hospital admitted 26,000 patients and treated 292,000 people in outpatient services. It has been a rock of support for people in need of health services within the Fairfield area—my family and I included. The hospital opened at its current location in the suburb of Prairiewood in 1988, after relocating from its old site on The Horsley Drive in Fairfield.

Calls for a local hospital came after Fairfield's population increased rapidly following World War II. The first Fairfield Hospital was opened on 15 September 1956, on the corner of The Horsley Drive and Mitchell Street, Fairfield. However, Fairfield city continued to blossom, which meant that, in time, the hospital grew short of space. The solution was to relocate the hospital in 1988 to its current location at the intersection of Polding Street and Prairie Vale Road. The land on which the hospital stands was a farm homestead belonging to the Gray family until it was purchased in 1988 for the construction of the hospital. Since then the hospital has stood majestically in the heart of the suburb of Prairiewood.

Fairfield Hospital provides 24-hour emergency care, heart care, dialysis treatment, maternity care, paediatric care, comprehensive medical and surgical care, and a variety of outpatient services. The hospital also has a specialised knee surgery unit. The staff consists of genuinely caring people who are attentive and supportive. This is evident through the mother-daughter nursing team of Hellen and Scharokin Davood. Scharokin—inspired by her mother's love of nursing—decided to follow in Hellen's footsteps. The pair did not become nurses in order to gain recognition but were driven by their love of helping those in need. It is truly wonderful to see the passion the Davoods have for helping their community.

Fairfield Hospital not only provides for the health and medical needs of the community but also provides invaluable support through education. Local universities such as the University of Western Sydney and the University of New South Wales have student placements at the hospital. Years three and four medical, obstetrics and gynaecology, orthopaedic, surgical and paediatric students are given hands-on experience in the workplace. I take this opportunity to congratulate Arnold Tammekand on taking up the position of General Manager of Fairfield Hospital. Over the past few years Fairfield Hospital has had acting managers until I lobbied to have a permanent manager appointed. It is crystal clear that I hold this hospital in very high regard.

The Minister for Health, the Hon Jillian Skinner, and I visited the hospital on 3 May this year and met with the new General Manager, Arnold Tammekand; the Director of Emergency Services, Dr Harry Doan; and other senior staff, doctors, nurses and volunteers, who are all lovely and welcoming people. During this visit the Minister announced that Fairfield Hospital will receive \$570,000 in funding—a phenomenal amount. This money will be used to purchase a new X-ray machine, which will produce clearer images faster. Fairfield Hospital performs about 27,000 X-ray scans a year and with this new technology doctors will be able to help patients more efficiently. Funding will also go to providing 104 new electric hospital beds. Previously, many beds in Fairfield Hospital were up to 25 years old and had to be wound up or down manually—a difficult physical task for many of the nurses. Now nurses can do this with a simple push of a button. Four of these beds will be allocated to the coronary care unit for patients who need to raise beds to a sitting position.

I am pleased to confirm that all the new equipment has been delivered. Once again, I thank the Minister for Health for her continual support for our hospital. My electorate is an ever-growing, culturally diverse community with differing medical needs. Without the appropriate funding, Fairfield Hospital would not have been able to achieve its goals over the past 57 years of serving the community. I commend the staff of Fairfield Hospital for taking the hospital from its humble roots and building it up to become one of the best health facilities in our area.

BLUE MOUNTAINS, LITHGOW AND OBERON TOURISM AWARDS OF EXCELLENCE

Mrs ROZA SAGE (Blue Mountains) [1.11 p.m.]: It gives me great pleasure to report again on the annual Blue Mountains, Lithgow and Oberon Tourism Awards of Excellence. It has been a remarkable year for Blue Mountains regional tourism, with the crossings of the Blue Mountains celebrations spanning from Mulgoa to Hartley Valley and bringing with them a greater recognition of the region. This year a record number of entries vied for 38 awards. The night was a who's who of Blue Mountains tourism, with a few new and presently lesser-known tourist ventures, such as Wild Valley Art Park, which won the Excellence in Sustainable Tourism Award, and Lavender Majestic Guesthouse, which was the recipient of the Hosted Accommodation Award. I am sure we will be hearing more from those enterprises in the future.

The awards this year were a reflection of the bicentenary celebrations, with special awards for individual contributions to the Blue Mountains Crossings Bicentenary. I congratulate winners Dr Anne-Maree Whitaker and Dr Shiobhan Lavelle from the Royal Australian Historical Society; Randall Walker from Blue Mountains, Lithgow and Oberon Tourism; Phil Hammon and Tom Colless from Businesses supporting the Bicentenary; John O'Sullivan, Trevor Lloyd and Uncle Graham Cooper from the Blue Mountains Blue Wave crossing re-enactment; Ken Goodlet, local historian; Melissa Mylchreest and Meryl Butworth, authors; and Blue Mountains mayor, Daniel Myles, on their awards.

This year the event was hosted at Scenic World, Katoomba, where a multimillion-dollar investment in the world's steepest railway and iconic tourist attraction was made recently. Scenic World won prizes for New Tourism Development for the Scenic Railway; Young Customer Service Employee of the Year, Cam Jones; and one of the most prestigious prizes, Young Achiever in Tourism, which was won by co-director Anthea Hammon. Anthea is a remarkable young woman who has an honours degree in engineering and who shares her family's talent and drive to place this business at the forefront of the tourist attraction marketplace. Anthea, along with her co-director brother, David, are the third generation of Hammons to run the family business.

As these were regional tourism awards it was great to see support from Lithgow and Oberon in the guise of ever-elegant Mayor Maree Statham and Councillor Ross Higlett from Lithgow and Mayor John McMahon and General Manager Alan Cairney from Oberon. To begin the proceedings Uncle Graham Cooper gave the Welcome to Country and we were entertained with a traditional Gundungurra welcome dance by the Waradah Dancers, who perform at the Waradah Aboriginal Centre at Echo Point. It is only one of two such experiences in Australia and it is pleasing that this new attraction is now gaining the recognition it deserves. The centre's owner, Farid Nayer, is working with the local Darug and Gundungurra people, who are the traditional custodians of Echo Point, to employ local Aboriginal people and showcase both local and national culture. The Waradah Aboriginal Centre was highly commended in the New Tourism Development category and was winner of the Tourist Attractions and the Indigenous Tourism awards—a fitting reward for the hard work that staff have put into developing this premier attraction.

I was delighted to present the Award for Destination Marketing, sponsored by Destination NSW, to Blue Mountains, Lithgow and Oberon Tourism for the www.bluemountaincrossings.com website. The website was the central collection point for all information relating to the Blue Mountains Bicentenary Crossings information and events, with a portal for descendants to facilitate connecting with each other. The website received an amazing response, with many people connecting to distant relatives whom they had never met, including many who live in the Blue Mountains.

Other award winners included the National Parks and Wildlife Service for Heritage and Cultural Tours and Ecotourism. Lew and Catherine Hird were multiple winners in the Unique Accommodation category for their Silvermere guesthouse, and won Tourism Restaurants and Catering Services awards for their restaurant, Nineteen23 at Wentworth Falls. The award for Tour Operators and Adventure Tourism went to Life's an Adventure, owned by Mark and Nicki Norek. The prestigious Outstanding Contribution by an Individual to NSW was awarded to Mark Jarvis, the co-owner of the Carrington Hotel at Katoomba, for his tireless charitable work within the community and to tourism—a very well-deserved award. I congratulate all the winners and now look forward to seeing our wonderful Blue Mountains tourism operators scooping the pool at the NSW Tourism Awards.

BUDOKAN JUDO CLUB

Mr DOMINIC PERROTTET (Castle Hill) [1.16 p.m.]: I have spoken before in this House about the importance of sport in our local communities and how junior sport, in particular, teaches our children quality life

lessons, ranging from self-discipline, courage and sacrifice to being part of a team environment. As Australians, sport is part of our national conversation. It is the camaraderie and good spirit that is part of our sporting culture that makes me look back with fondness and profound gratitude to the sporting opportunities I had and that abound across our State and our country.

Castle Hill has a proud commitment to community sport. I have paid tribute to the Budokan Judo Club of Castle Hill on previous occasions in this House—and for good reason. The club is an example of how grassroots organisations can benefit local communities. The club has a proud history of success built on the commitment and dedication of volunteers and its members. In 2011 the Budokan Judo Club was named NSW Club of the Year—a great achievement for a club that in 2009 had only 110 members. The club's vision is to be recognised in the judo and general community as the premium judo training centre in Australia.

The club is based at the Castle Hill Showground and during the early phases of work on the North West Rail Link the first environmental impact statement raised significant concerns that the club may have to be relocated. Fortunately, as a result of consultation—and in particular the work of the Minister for Transport, Gladys Berejiklian—the location of the proposed line was changed and a number of organisations, including the judo club, that utilise the showground will be able to continue to do so. That is a fantastic result for all those organisations, and I am pleased that the Budokan Judo Club, in particular, will be able to continue its wonderful work in our area.

The club has gone from strength to strength and reached a new milestone when it sent 29 New South Wales team representatives to the 2013 national championships that were held over the June long weekend. They won 23 medals—10 gold, three silver and 10 bronze, which equates to 31 per cent of the State's gold medals and 22 per cent of the New South Wales overall medal tally, which was by far the best result by any club in Australia. I note that each of the 10 gold medals was won by a different athlete—a great result for the club. I shall name those who were awarded medals during the national championships.

Gold medals went to Maddison Edwards, Saskia Brothers, Zach Colman, Katelyn Boyd, Kiernan Tafft, Naomi de Bruine, Kyle McIndoe, Cameron Leishman, Josh Katz and Nathan Katz. Silver medals went to Finn Tafft, Naomi de Bruine and Kiliane Beunard. Bronze medals went to Kendall Lane, Xavier Tafft, Amber McIndoe, Josh Katz, Cameron Leishman, Jakob Edwards, Naomi de Bruine and Nathan Katz, and Vanessa Hall won two bronze medals. Those who fought for bronze and placed fifth were Lachlan Brothers, Conor Edwards and Logan O'Brien, and Amber McIndoe achieved two. Since the 2006 Perth nationals the club's tradition has been to have a special commemorative Budokan medal struck at the Perth Mint for club athletes who win gold medals. For those young athletes who do not win a medal, competing at a national level is a significant achievement and a major milestone in a judoka's career.

During the Parliament's winter recess I had the honour of presenting the medals for this year's national championships. It was not my first visit to the club. Once again I was a sucker for punishment by getting dressed in the judo get-up and ending up on the canvas a number of times while trying to take on the coach and the national champions. Certainly, I enjoyed it and the club has offered to give me more private lessons because I clearly need them. It was an honour to present the awards to those young champions on that evening. The Budokan Judo Club is a prime example of the type of grassroots sporting club that makes the Castle Hill community thrive. By providing our young people with an outlet for physical exercise as well as an environment in which to develop key personal skills, the club highlights the importance of local sports initiatives. It is fantastic to see this part of the Castle Hill community contributing at State and national levels. I particularly pay tribute to the club president, Rob Katz, and vice-president, Greg Tafft, all committee members and all parents involved in the club. I wish the club the best in future competitions.

TRIBUTE TO ALBERT KURT LANCE

Mr RAY WILLIAMS (Hawkesbury—Parliamentary Secretary) [1.21 p.m.]: I take the opportunity to advise the House of the passing of a wonderful Australian and constituent of the Hawkesbury electorate. Albert Kurt Lance—better known as Kurt Lance—was well known as a former champion snow skier. Sadly, he passed away on Wednesday 24 July. I first met Kurt when he visited my office in 2007 following my election to this Parliament. We quickly became friends and I benefited from his remarkable and simplistic view of hazard reduction and the importance of ensuring regular hazard reduction to minimise bushfire risk. Kurt was never backward in coming forward and I remember him contacting me when hazard reduction in his area of East Kurrajong was being held up through bureaucracy after receiving every excuse under the sun to prevent the area being cool burned. As Kurt always reiterated, regular and constant mosaic hazard reduction preserves all native species, whereas bushfire destroys everything in its path.

Kurt was very much a guardian angel not only of the environment but also of the many vulnerable community members who had no-one else to turn to. He would ring me sometimes as late as 9.00 p.m. or 10.00 p.m. on a Saturday if someone needed help for urgent medical assistance or homelessness. I always knew when Kurt called that it was an important issue and never hesitated to take his calls. In 2007 when Kurt visited me we discussed his large 250-acre property on Coobah Road, East Kurrajong, which is covered in sensitive native bushland gently sloping down to the Hawkesbury River on both sides. Kurt said he was concerned that when he eventually passed away the land would be sold and cut into 25-acre parcels. While he did not have a problem with subdivision, he felt compelled to try to retain the natural vegetation as much as possible. He had discussed this matter with Hawkesbury City Council, which had suggested that a cluster subdivision with community title arrangement could be approved for the land and would retain as much as 200 acres in its natural state, thereby protecting the natural environment in perpetuity.

By allowing approximately 11 or 12 blocks of land no bigger than two acres to be subdivided, the remaining parcel of land would be retained in a community title ownership thereby protecting his beloved sensitive environment. Kurt completed this subdivision a few years ago and he continued to maintain the bushfire asset protection zone around the new homes. Little did I know that sometime later several new residents in the estate would be in the middle of building their Beechwood homes only to be left high and dry with partially completed homes when that company went into liquidation—another issue both Kurt and I helped to resolve. I was amazed that this subdivision could take place given that I had advocated for similar development under a new local environment plan in the sensitive bushland areas of the Hills shire portion of my electorate in order to allow owners relief to subdivide their large blocks of land so their children could remain residing in the area.

The idea met all three pillars of sustainable ecological development by, first, providing homes befitting a social outcome for families, second, invigorating the local economy by increasing the population in rural areas and, finally, protecting vast areas of sensitive bushland and maintaining the natural environment for future generations. It provided also the only possible and practical way any subdivision could be approved for this land under the protected species Act, the Native Vegetation Act, and the environmental protection and biodiversity conservation Acts of Federal and State parliaments. I was amazed that Kurt already had actually achieved this important outcome, which provided a sustainable form of development in highly sensitive areas and would pave the way for similar approaches in the future. I had also written the thesis for my master's degree in planning based on this land ownership ideology. Hopefully, it will lead to changes in planning legislation in this Parliament in the near future. In a small way we have Kurt to thank for this due to his vision and strong environmental beliefs.

One of this country's most successful conservative journalists, Miranda Devine, also was charmed by Kurt's knowledge and regularly consulted him on matters pertaining to bushfires. Miranda graced us with her presence at Kurt's funeral and recently wrote a lovely article in the *Daily Telegraph* entitled, "A special man", which Kurt certainly was. Miranda wrote:

IT IS a rare gift for a journalist to meet a person whose knowledge, intellect and clarity of thought shine through the fog of information like a beacon of truth.

... He was the Cassandra who warned us that the failure to manage fuel loads in national parks with regular hazard reduction would lead to catastrophic bushfires.

That happened in Canberra some time later. Miranda concluded:

Kurt is a genuine environmentalist, who once carved off a portion of his own farm as a wildlife reserve, and has fought against environmental degradation in his district and in the Snowy Mountains. Through force of will and the strength of his argument, he came to be invited onto government bushfire inquiries, where his testimony really made a difference.

He concentrated on what he could fix in the world, not what had gone wrong, helping others as he was helped and contributing richly to his adopted country. How fortunate Australia is to have had such a man.

I could not agree more. Vale Albert Kurt Lance.

[The Acting-Speaker (Mr Lee Evans) left the chair at 1.26 p.m. The House resumed at 2.15 p.m.]

DISTINGUISHED VISITORS

The DEPUTY-SPEAKER (Mr Thomas George): I acknowledge in the gallery this afternoon Boniface Supa and Ray Sibisopere from the National Parliament of the Solomon Islands. They are here on a two-week secondment with the New South Wales Parliament Library as part of the twinning arrangement between our two Parliaments.

ASSENT TO BILLS

Assent to the following bills was reported:

Courts and Other Miscellaneous Legislation Amendment Bill 2013
Service NSW (One-stop Access to Government Services) Bill 2013
Government Sector Employment Bill 2013
Members of Parliament Staff Bill 2013
Heavy Vehicle (Adoption of National Law) Bill 2013
Local Government Amendment (Conduct of Elections) Bill 2013
Local Government Amendment (Early Intervention) Bill 2013
NSW Self Insurance Corporation Amendment Bill 2013
Public Health Amendment (Vaccination of Children Attending Child Care Facilities) Bill 2013
Statute Law (Miscellaneous Provisions) Bill 2013
Appropriation Bill 2013
Appropriation (Parliament) Bill 2013
State Revenue and Other Legislation Amendment (Budget Measures) Bill 2013
Local Land Services Bill 2013
Ports Assets (Authorised Transactions) Amendment Bill 2013
Succession to the Crown (Request) Bill 2013
Work Health and Safety (Mines) Bill 2013

ADMINISTRATION OF THE GOVERNMENT OF THE STATE

The DEPUTY-SPEAKER (Mr Thomas George): I report the receipt of the following message from Her Excellency the Governor:

MARIE BASHIR
Governor

Office of the Governor
Sydney, 1 July 2013

Professor Marie Bashir, Governor of New South Wales, has the honour to inform the Legislative Assembly that she has re-assumed the administration of the Government of the State.

MINISTRY

Mr BARRY O'FARRELL: I advise the House that on 2 August 2013 Her Excellency the Governor accepted the resignations of the Hon. Gregory Stephen Pearce, MLC, as Minister for Finance and Services, and Minister for the Illawarra and a member of the Executive Council, and the Hon. Andrew James Constance, MP, as Minister for Ageing, and Minister for Disability Services. On 2 August Her Excellency the Governor appointed the Hon. Andrew James Constance, MP, as Minister for Finance and Services and the Hon. John George Ajaka, MLC, as a member of the Executive Council, Minister for Ageing, and Minister for Disability Services, and Minister for the Illawarra.

REPRESENTATION OF MINISTERS IN THE LEGISLATIVE ASSEMBLY

Mr BARRY O'FARRELL: I advise honourable members that the Minister for Family and Community Services, and Minister for Women will represent the Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra in the Legislative Assembly.

BUSINESS OF THE HOUSE

Notices of Motions

Government Business Notices of Motions (for Bills) given.

QUESTION TIME

[Question time commenced at 2.21 p.m.]

DEPARTMENT OF FAMILY AND COMMUNITY SERVICES CASEWORKER VACANCIES

Mr JOHN ROBERTSON: I direct my question to the Minister for Family and Community Services. Given that the Minister has been claiming for months that there are 2,000 caseworkers in New South Wales, and that that number has been increasing, will she apologise for misleading this House because her own Ernst and Young report has confirmed that there are only 1,797 caseworkers?

Ms PRU GOWARD: I certainly have not misled Parliament on this issue. I have at all times made it clear that caseworker numbers constantly move up and down. In March this year there were, by headcount, 2,182 community service caseworkers, which is 1,797 full-time equivalents. Headcount has always been the measure used; it is what the former failed Minister used in this place and referred to on many occasions. It is also the measure published in the annual report. I made it very clear in this Chamber on 12 March that caseworker numbers will change, and they always have. This question is about the Labor Party trying to hide the fact that it left office seeing just one in five children at risk of significant harm, despite injecting more than \$1.2 billion of new money into its child protection system. That money was wasted.

[Interruption]

The DEPUTY-SPEAKER (Mr Thomas George): Order! The Leader of the Opposition has asked a question. There is too much audible conversation in the Chamber and I am having trouble hearing the Minister's answer.

Ms PRU GOWARD: Under this Government caseworkers are seeing 4,150 more children than were seen during the Labor Party's last year in office. If members opposite cared about child protection they would know that in the end that figure is what matters. Caseworkers are now seeing one in four children compared to one in five under the Labor Government. It is an improvement, but it is still too few. The Government has not cut the budget for front-line caseworker positions.

Ms Carmel Tebbutt: Then why are there 200 fewer?

Ms PRU GOWARD: Goodness me. The budget for front-line caseworkers is—

[Interruption]

Be quiet!

Mr John Robertson: Point of order: My point of order relates to Standing Order 129, relevance. The question was not about the budget. It was about the number of staff. The Minister should be brought back to the question.

The DEPUTY-SPEAKER (Mr Thomas George): Order! The Minister's answer is relevant to the question asked. There is no point of order.

Ms PRU GOWARD: I will provide some background for the benefit of members opposite. The budget for front-line caseworkers is \$199.5 million in 2012-13, which is an increase of \$7.3 million since 2009-10. That provides funding for 2,068 caseworkers. If there is funding for 2,068 caseworkers, the Government expects to see 2,068 on the ground. As I have already advised the public, I have made it very clear to my department that in March this year I instructed the former director general to fill all budgeted caseworker positions, and that is what I expected to happen. The 2013-14 budget invests \$1.5 billion to protect vulnerable children and people at risk. That is a 4.3 per cent increase on last year's budget and a 2.1 per cent increase in real terms since 2010. In other words, the Government has invested an additional \$132 million to support vulnerable children since 2010.

The Auditor-General reported 497 vacant front-line positions as at 30 June 2010. That is the legacy of the former failed Minister, the member for Canterbury. I announced in this Chamber on 12 March that the Government would commence regular publication of caseworker numbers and I wrote to the director general on 7 March requesting that all vacancies be fully funded. I have been advised that when it became apparent that the departmental systems for tracking and addressing vacancies were underdeveloped and not robust—another legacy of the Labor Party's 16 years in government—the department appointed an executive director of front-line resource management. On 10 May this year, the department commissioned Ernst and Young to help support the work of analysing workforce data. That is one of several inputs that the department is using to improve its management of staff to deliver transparent reports, and it is something members opposite never to bothered to do.

PUBLIC SECTOR ANTI-CORRUPTION MEASURES

Mr JONATHAN O'DEA: I direct my question to the Premier. What steps is the Government taking to strengthen anti-corruption measures in New South Wales?

Mr BARRY O'FARRELL: Of course, all governments need to be vigilant about the potential and actuality of corruption across the public sector. This Government is determined to stamp out, to root out and to prevent corruption wherever it occurs in public administration in New South Wales. If we were not determined to do that before Commissioner Ipp delivered his last three reports, we certainly have been since. I personally congratulate Commissioner David Ipp and Assistant Commissioner Geoffrey Watson, SC, for the forensic work they have done in getting to the bottom of some of the issues that troubled those of us who have been in this place since before the last election.

We were reminded at the Kennedy Awards on Friday night that those issues have made the reputations and caused distress to more than a few journalists in this State for more than a decade. I note that certain people were missing from the awards ceremony. I am sure that I did not see one member of the Labor Party there to celebrate investigative journalism—and that is a wonder, given that it is the basis of their question time strategy—or to support the two great charities that benefit from the event, the Aboriginal Medical Service and Redkite. The other reason is that those opposite ignored it each time there was a story on the front page of the *Sydney Morning Herald*, the *Australian Financial Review*, or somewhere else in the media.

Someone once said that evil will triumph where good men and women refuse to do anything. There are people opposite, from the Leader of the Opposition down, who sat in Cabinet with evil—evil which has now been called corrupt by the Independent Commission Against Corruption—and did not a thing. They did not raise a concern; they did not lift a finger; they did not seek to refer matters to the Independent Commission Against Corruption. They sat there mute. Why would that be? That reason has come to light, too—probably more since the reports came out than during the inquiry. One of those named as corrupt, Eddie Obeid, has made clear that people such as the Leader of the Opposition and the former General Secretary of the New South Wales Labor Party used to wear out the carpet to his door, seeking favours.

Where are they now? We know where they are now. They are trying to do everything possible to distance themselves from their former colleagues. They are trying to do everything to distance themselves from their inaction in office, which enabled this corruption to exist, to grow and virtually to bring this State to a standstill. Why is that? The Leader of the Opposition owes every position he has had in Parliament to Eddie Obeid. It was Eddie Obeid who opened the door to him to come into the upper House. It was Eddie Obeid who—

Mr Michael Daley: Point of order: Unless my memory has failed me, the question was about what the Government was going to do in relation to anti-corruption measures. It was not an invitation to the Premier to launch into a broadside against the Leader of the Opposition, which contravenes Standing Order 76.

The DEPUTY-SPEAKER (Mr Thomas George): Order! There is no point of order. The member for Maroubra will resume his seat.

Mr BARRY O'FARRELL: I am clearly establishing the need to continue to strengthen anti-corruption measures in this State. But I do note, thanks to the interjection and the point of order from the member for Maroubra, that it was he who thanked Eddie Obeid in his maiden speech in this House. There is barely a person opposite—perhaps save for the member for Heffron—who does not owe their position in this place to Eddie Obeid.

Mr Ron Hoenig: Point of order—

The DEPUTY-SPEAKER (Mr Thomas George): Order! I cannot hear the member's point of order.

Mr Ron Hoenig: First, the Premier's answer is clearly not relevant under Standing Order 129. Secondly, he is referring to me as he has infringes Standing Order 73. I do not wish to be complimented by the Premier in any way.

The DEPUTY-SPEAKER (Mr Thomas George): Order! There is no point of order.

Mr BARRY O'FARRELL: I am happy to withdraw any compliment paid to the member for Heffron, because the compliment was that he had not been associated with Eddie Obeid. I have been told that that is wrong. He has met with Mr Obeid. He has been involved in Liverpool dealings with Mr Obeid, as I am sure Trotsky would tell us! [*Extension of time granted.*]

Not only did the Leader of the Opposition owe his place initially in the upper House to Eddie Obeid, he owed his place in the Ministry to Eddie Obeid. Eddie Obeid did not leave this place until he had secured the

leadership of the parliamentary Labor Party for John Robertson. It is all very well for the Leader of the Opposition to try to distance himself from the corruption uncovered by the Independent Commission Against Corruption.

Mr Michael Daley: Point of order: This is completely and utterly irrelevant. If the Premier wishes to launch into a broad-ranging attack under the standing orders he knows how to do it—that is, to bring on a substantive motion. His remarks are well beyond the leave of the question.

The DEPUTY-SPEAKER (Mr Thomas George): Order! There is no point of order. The member for Maroubra will resume his seat.

Mr BARRY O'FARRELL: That is why there is an additional \$2 million going to the Director of Public Prosecutions this year to assist with his consideration of charges for those friends of the former Leader of the Opposition who are affected. There is an additional \$3.5 million for the Independent Commission Against Corruption. That will make it the largest ever budget provided to the Independent Commission Against Corruption in its history. The question remains: In all the utterances of the Leader of the Opposition, has he ever apologised to the people of New South Wales for doing nothing whilst he sat in Cabinet and nothing whilst he was a member of the Labor Party to root out the evil and to stop the corruption that has been exposed by the Independent Commission Against Corruption? Until he does that, he has no credibility on these issues.

DEPARTMENT OF FAMILY AND COMMUNITY SERVICES CASEWORKER VACANCIES

Ms LINDA BURNEY: My question is directed to the Minister for Family and Community Services. What involvement has the Minister or her office had in the commissioning, drafting, reviewing and finalising of the report that identifies serious shortfalls in caseworker numbers?

Ms PRU GOWARD: As I advised the House in my first answer, when it became clear to me that we had no way of publishing reliable data about caseworker numbers in this State—other than a headcount measure, which I considered to be inadequate—I instructed the director general, in March this year, to develop a new and transparent way of enabling us to report on a regular basis the number of caseworker positions.

Mrs Barbara Perry: You were forced to do that because of the Ombudsman. Let us remember that.

The DEPUTY-SPEAKER (Mr Thomas George): Order! The member for Canterbury has asked a question and I would like to hear the Minister's answer. There is too much audible conversation in the Chamber. The Minister has the call.

Ms PRU GOWARD: My instruction to the director general was that all vacancies were to be filled and that we needed a robust and transparent way of reporting regularly.

Ms Linda Burney: Point of order: I refer to Standing Order 129, relevance. My question was not about the letter to the director general. My question was about what the Minister was involved with. How was she involved in this report? Yesterday she said that she was not; today she said that she was. Mr Deputy-Speaker, I ask you to bring the member for Goulburn back to the question. These are serious points.

The DEPUTY-SPEAKER (Mr Thomas George): Order! There is no point of order.

Ms PRU GOWARD: The department set about this task. The first thing that was established by the department was that it did not have the capacity to develop a transparent and robust data system. That is why it then appointed a person to a position specifically to manage caseworker and workforce numbers. In May the department commissioned—

Ms Linda Burney: Those are lies!

Ms PRU GOWARD: The member has forgotten. Ministers do not have discretionary budgets and they do not commission reports. Departments commission reports.

The DEPUTY-SPEAKER (Mr Thomas George): Order! The member for Canterbury has asked a question. The Minister has the call.

Ms PRU GOWARD: The department was given a directive, and in May this year commissioned Ernst and Young to give advice on how it would best measure and report on caseworker numbers. As part of developing that advice Ernst and Young provided several pieces of information to the department, the last of which was the Ernst and Young draft that was released yesterday by the Opposition, and discussed in estimates. I had not seen that draft, and I would not have expected to see that draft. Whilst I welcome the transparency, my job as Minister is, in the end, to make sure we have a robust, independent—

Ms Linda Burney: You said on Adam Spencer's program that it was your—

The DEPUTY-SPEAKER (Mr Thomas George): Order! I call the member for Canterbury to order for the first time.

Ms PRU GOWARD: I did not say any such thing. My job as Minister is to ensure that we have a robust and transparent way of reporting the data. Of course, since estimates I have seen the report. I have asked for the report and I have discussed it with my department. It confirms that the data that the department has used in the past—the headcount data that the former Minister so frequently relied on—is unreliable and does not tell us anything about effort.

Mrs Barbara Perry: It confirms that you maintained vacancies to save money.

Ms PRU GOWARD: Let me remind the Parliament that the budget for caseworker numbers has not changed; indeed, it has gone up in real terms, and that means that the budgeted number cannot have changed.

Mr John Robertson: Point of order: The Minister seems to be answering the first question.

The DEPUTY-SPEAKER (Mr Thomas George): Order! What is the member's point of order?

Mr John Robertson: It is relevance. The question was whether the Minister or her office had been involved at any stage in this report, and so far she has gone nowhere near answering that question.

The DEPUTY-SPEAKER (Mr Thomas George): Order! The Minister's answer is relevant to the question asked.

Ms PRU GOWARD: I have certainly answered that. I have said that Ernst and Young were commissioned to do the report. I had not seen the report until after the estimates hearing yesterday.

Mr John Robertson: What about your office?

Ms PRU GOWARD: My office was never involved in any discussions with Ernst and Young about this report. I have never met Ernst and Young—

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

Ms PRU GOWARD: I have never met with Ernst and Young over this report and neither has my office. Indeed, as the Leader of the Opposition might know if he reads the newspapers, Ernst and Young made that very clear in its subsequent advice. [*Time expired.*]

RURAL AND REGIONAL INFRASTRUCTURE AND SERVICES

Mr ADAM MARSHALL: My question is directed to the Deputy Premier. How is the Government continuing to support rural and regional New South Wales?

Mr ANDREW STONER: I thank the member for Northern Tablelands for his question. He is still smiling following his record by-election swing in that beautiful part of regional New South Wales. No doubt he and the member for Murray-Darling are also smiling because over the next few weeks Ministers of the Liberal-Nationals Government will travel to Armidale and Broken Hill to attend community Cabinet meetings. Our regional Cabinet meetings highlight the difference between this Government and those opposite. This is a government that listens and responds and represents all people in New South Wales, not just those who live in the metropolitan areas. To us New South Wales does not mean just Newcastle, Sydney and Wollongong, it also

means the North Coast, the South Coast and west of the Great Dividing Range. Since the House last sat many Ministers have visited regional communities across the length and breadth of New South Wales and we have seen tangible evidence—

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

Mr ANDREW STONER: Does the member for Canterbury not know that it is rude to turn her back and talk when a member is speaking in the House? We are seeing tangible evidence that the Government is getting on with the job of rebuilding regional economies. Recently I travelled to Singleton with my colleague the member for Upper Hunter and Minister for Tourism, Major Events and many other important things. We had the great pleasure of opening improvement works to Bridgman Road on the New England Highway. This was one of the first projects funded under the Government's Resources for Regions program, which returns vital funds to communities such as Singleton to relieve pressure on communities affected by mining activity.

The Resources for Regions program, as announced in this year's budget, will deliver up to \$120 million to those communities this year. That is \$110 million more than last year and, by the way, \$120 million more than Labor delivered, who, of course, had no such program. On the North Coast I inspected the ongoing construction of the Tintenbar to Ewingsdale section of the Pacific Highway upgrade with the local member for Ballina and Minister for Local Government, and Minister for the North Coast. This critical infrastructure link is tracking on time and on budget, in contrast to those opposite who promised but did not deliver the whole Pacific Highway upgrade before they were booted out two years ago. The same could be said of upgrades to the Princes Highway and the Bells Line of Road, announced in this year's budget, which this Government is getting on with the job of building.

Whilst in Coffs Harbour I announced a string of improvement projects for the harbour precinct, including dredging works—the first since 2009—to restore navigation depths for the local fishing fleet and other boaters. This important project came as great news to the large yachting fraternity. Over the winter break my ministerial colleagues were also hard at work in regional New South Wales and a number of key initiatives have been launched. They include new front-line health services with the announcement by the Minister for Health of 44 new paramedics in regional communities and 24-hour aeromedical bases in Tamworth, Orange, Lismore and the Illawarra; the rollout of seatbelts on buses for regional school students, announced by the Minister for Transport; the opening of the State's very first one-stop shop Service NSW centre in Kiama, with others to open across regional New South Wales in coming weeks; the massive new solar energy infrastructure project at Broken Hill and Nyngan with State government funding of around \$64 million; and the announcement by the very good Minister for Roads and Ports in the other place that modular B-triple truck configurations will soon be allowed on the Newell Highway from Narrabri to Goondiwindi. All this attention from this Liberal-Nationals Government is because we understand that growing our regional competitive advantages in key sectors will grow regional jobs and the State's economy overall. [*Extension of time granted.*]

I thank the member for Northern Tablelands for his interest, because this is good news indeed for one-third of the New South Wales population, that is, those who live outside the metropolitan areas. I contrast all our measures—funding, policy, personal visits, community Cabinet meetings—with those of the Opposition and their Federal Labor mates who have introduced the job-killing carbon tax as well as the mining tax, which is affecting mining projects and employment right across regional New South Wales. Dare I mention the daft plan of the Leader of the Opposition to shut down the New South Wales coal industry? They are a disgrace. When it comes to the regional economy, which of course underpins our national and State economies, Federal Labor are economic vandals. Just like Federal Labor, when it comes to regional New South Wales Labor in this State is part of the problem, not the solution. This Liberal-Nationals Government has regional New South Wales at the heart of its priorities, at the front and centre of government policy, and we are delivering for that one-third of the State's population who live outside metropolitan New South Wales.

DEPARTMENT OF FAMILY AND COMMUNITY SERVICES CASEWORKER VACANCIES

Mrs BARBARA PERRY: My question is directed to the Minister for Family and Community Services, and Minister for Women. Why did the Minister tell the *Sydney Morning Herald* that there are "over 2,000 Community Services caseworkers in NSW" when this morning the Minister told ABC radio that "as far as I can see" the 2,068 caseworker number "has never been reached"?

Mr Brad Hazzard: She already explained that. You guys don't listen. You wasted \$1.2 billion and didn't fix the system.

Ms PRU GOWARD: Exactly, they spent \$1.2 billion since 2002 and ended up seeing fewer children. What a tragedy for those children when only one in five were seen, after the former Government had spent an additional \$1.2 billion. It was a lazy government that thought it could just throw money at the problem and it would go away, and it did not.

The DEPUTY-SPEAKER (Mr Thomas George): Order! Opposition members will cease interjecting and listen to the Minister's answer in silence.

Ms PRU GOWARD: The question goes to the vexed issue of how we measure caseworker numbers. Let me say this clearly: For many years we have had around 2,000 caseworkers in this State. As the former failed Minister would acknowledge, that is measured by headcount. When it comes to budgeted positions, we have budgeted for 2,068. So my comment on the ABC this morning that I doubt that on my watch, or on the watch of members opposite, that 2,068 had been reached was a reflection of the difficulty of placing people in hard-to-reach locations, such as western and northern New South Wales. It was a reflection of the fact that caseworkers tend to be young women, and we have maternity leave to balance from time to time. That is more challenging than for other departments. I have said all of that before and it is perfectly understandable. We need to improve our human relations practices. I have always said that we have around 2,000 caseworkers. Again, for the information of members opposite, the budgeted number is 2,068. That number has not changed. What changes is vacancy rates, and we know that at any one point—

Mr Clayton Barr: This is the first time we have asked.

Ms PRU GOWARD: No, that is not the case.

Ms Linda Burney: Point of order: My point of order relates to Standing Order 129. The question goes to the heart of the Minister's integrity. We are asking about what the Minister said in the *Sydney Morning Herald* and what she said on ABC television today. I ask you to draw the Minister back to the leave of the question.

The DEPUTY-SPEAKER (Mr Thomas George): Order! There is no point of order. The Minister is being relevant to the question asked.

Ms PRU GOWARD: I am aware of the member for Canterbury's innumeracy, but I will explain again. There is a difference between headcount, which the former failed Minister was keen on using and which is always used in annual reports—

Ms Linda Burney: Who is the failed Minister now?

The DEPUTY-SPEAKER (Mr Thomas George): Order! I call the member for Canterbury to order for the second time. I call the member for Maroubra to order for the first time.

Ms PRU GOWARD: The headcount number varies from time to time. On the weekend when I heard the member for Canterbury trashing the tragic suicide of a young girl for political points it reminded me of something she said in 2008, which I went back to *Hansard* to confirm. On 22 October 2008, in answer to a question in this place, while claiming she was doing a great job, she said:

The number of caseworker positions increased from 1,202 in June 2003 to 2,197 ... this year.

However, the figures of the department show that the actual number of full-time workers at that time was only 1,880. One cannot have it both ways. I thought the former failed Minister, who some time ago committed to bipartisanship on reform, would welcome a reform that led to greater transparency and the publication of data the definition of which we all understand. There is no hiding behind whether it is full-time equivalents or whether it is a headcount. I thought the member for Canterbury would welcome that. Of course, members opposite lived and thrived on secrecy because it was secrecy that enabled them to spend \$1.2 billion of additional money. They were so bad at what they did that they ended up in a special commission of inquiry, and they saw fewer children despite the fact that they claimed these additional resources. That is why members opposite do not like transparency. One can be absolutely confident that if there were a change of government members opposite would get rid of it immediately. They are condemned to stay in Opposition until they understand that transparency drives reform. [*Time expired.*]

QUALITY TEACHING INITIATIVES

Mr JOHN BARILARO: My question is directed to the Minister for Education. What is the Government doing to improve teaching quality in New South Wales?

Mr ADRIAN PICCOLI: Today I had the pleasure of visiting St Michael's Primary School in Stanmore. I know there is a Federal election campaign, but it is always great to visit a marginal seat. We were in the seat of Marrickville this morning to give an update on the Great Teaching, Inspired Learning blueprint and the progress we are making. In particular I acknowledge the Director General of the Department of Education and Communities, Michele Bruniges, Brian Croke and Dan White from the Catholic Education Commission, Geoff Newcombe and others from the Association of Independent Schools, Tom Alegounarias, the President of the Board of Studies, and the former chief executive officer of the Institute of Teachers, Patrick Lee. The chief executive officer of the Board of Studies, Carol Taylor, sent her apologies. We were there, essentially, to make two announcements. One was an update on how we are progressing through the Great Teaching, Inspired Learning blueprint, and to announce some of the measures to which the department, independent schools and the Catholic Education Commission have committed.

In terms of the broader, across-sector approach to improving quality teaching—it is part of the reason the Government signed up to the Gonski reform—we have recommitted to improving teacher quality and quality teaching. Part of that has been the announcement that people will need three band 5s, including a band 5 in English, to get into teacher training. The department is working with the universities to make that happen, improving the way we provide practicum. All university students will have to undergo a literacy and numeracy assessment to get their last year of practicum, essentially to allow them to graduate as teachers. That shows that we support teachers in their professional development and it is how we get all teachers registered and accredited with the Institute of Teachers. So we gave an update on how that is progressing, and it is all progressing very well.

It was also an opportunity for the three sectors—I was there with all sectors because as the Minister for Education I am the Minister for all schools—to announce the different initiatives they are taking within their sectors. We had announcements from the Association of Independent Schools, the Catholic Education Commission and the Department of Education and Communities. A few weeks ago, during Education Week, I had the pleasure of visiting Engadine High School with the member for Heathcote to talk to principals of government schools about the things they want done in their schools to support teachers. Today I had the pleasure of announcing initiatives worth \$155 million, which will be rolled out across public schools in New South Wales over the next four years.

They include 170 scholarships over the next four years—20 next year and then 50 in the year after. Starting next year, teacher rural scholarships will be offered. Scholarship winners will receive \$6,000 per year of full-time study as well as \$5,000 on successful completion of their course and will be guaranteed employment with the department in rural schools and in hard-to-staff schools in country New South Wales. As members are aware, I remain committed to improving what is happening in country New South Wales, and that is part of that process. We have announced internships and cadetships. We also announced a significant investment in support for first-year teachers. From next year all permanent beginning teachers will be provided with the equivalent of two hours per week release time in their first year and one hour in their second year. That triples the amount of support we give to teachers in their first couple of years of teaching. All of these initiatives are supported by evidence and best practice around the world.

The third announcement related to changes to the performance management of teachers in public schools. As part of the award negotiations, we will seek to halve the time of performance management processes for teachers who are not up to scratch. For teachers who continually disobey directives from principals, a principal will have the authority to initially counsel them and provide a written warning. If the behaviour continues, the principal has the authority to give the teacher a written direction not to engage in that conduct. If there is a third breach of the code of conduct the principal has the authority to refer the matter to the department with a recommendation that disciplinary action be taken, which could result in dismissal. This moves performance management of public school staff closer to a private sector approach to performance management. Teachers get warnings and they have an opportunity to improve their conduct but if they do not do so they may be dismissed. [*Extension of time granted.*]

Teachers get warnings, and they get an opportunity to respond and improve their behaviour. However, if they continue to be recalcitrant, for whatever reason, there is a process in place for those teachers to be

dismissed. As I said, this system will move teachers within the public education system closer to the performance management processes that are in place in the private sector. The system is most effective when this procedure does not need to be used. The procedure will not affect the vast majority of teachers who work very hard but clear signals must be sent to the small minority of teachers who disobey reasonable and lawful directions from their principals that they could ultimately be dismissed.

For example, this process could apply to a teacher who continually refuses to attend parent-teacher interviews or staff meetings or regularly breaches the code of conduct. This process is about raising the bar on standards, supporting teachers to maintain those standards and guarding those standards by ensuring that those who do not meet or refuse to meet the standards can be moved on. These are significant reforms. The Government signed up to the Gonski reform not only for financial reasons but also to support teachers and ensure that New South Wales has the best teachers professionally placed. We are part way through a significant journey, and I welcome the support of all three sectors. [*Time expired.*]

DEPARTMENT OF FAMILY AND COMMUNITY SERVICES CASEWORKER VACANCIES

Mr JOHN ROBERTSON: My question is directed to the Minister for Family and Community Services, and Minister for Women. Given the Minister's previous answers acknowledging that she knew about problems with caseworker vacancy rates, did she deliberately mislead the community about the critical caseworker shortages or does she simply not know and does not care what is going on in her own department?

Ms PRU GOWARD: There they go. Despite having put \$1.2 billion into community services, they left New South Wales with the highest number of children in out-of-home care, a rate of 11 in 1,000; they saw one in five children who were the subject of risk of significant harm reports; and the Auditor-General reported that as at 30 June 2010 497 positions had not been filled. Under this Government one in four or 27 per cent of children is seen. Yet the Leader of the Opposition asks another fatuous question. I have not misled Parliament, as I have explained several times. At all times I have made it clear that caseworker numbers move up and down.

Ms Carmel Tebbutt: They moved a long way below 2,000.

Ms PRU GOWARD: They were even worse under your watch. As at March this year there were 2,182 headcount caseworker positions, which is 1,797 full-time equivalents. That needs to be understood from the Ernst and Young report. The headcount was the measure that the former Government relied on and the figure that was used in annual reports. On 12 March 2013 in this Chamber I made it clear that caseworker numbers will change. I also made it clear that we needed to improve the system of measuring and reporting and ensure that it was transparent.

Given Labor's record, it is beyond me how the Leader of the Opposition can pursue this matter. It left the State with an appalling legacy and now it quibbles about definitions which its frontbench can barely understand. Budgeted caseworker positions is one concept; full-time equivalents is another; and headcounts, which they relied on, is yet another concept. I refer the Opposition to my previous answers. We believe in reform. Join us in reform so we can ensure that children and young people at risk of significant harm in this State are better off, that children removed from the family home are provided permanent placements and better options, and that children at risk are identified early. These are the targets of reform. The Opposition is morally bankrupt when it persistently misreports and ignores these reform measures.

Mr John Robertson: I expect you to tell the truth. Are you sorry for not telling the truth?

Ms PRU GOWARD: I have told the truth. The Leader of the Opposition does not tell the truth and, unfortunately, does not have the intellectual capacity to understand that a leaked report is limited. He does not know the difference.

STATE ECONOMY

Mrs ROZA SAGE: My question is addressed to the Treasurer, and Minister for Industrial Relations. How is the New South Wales economy performing relative to the rest of the nation?

Mr MIKE BAIRD: I thank the member for Blue Mountains for her question. She is a fantastic local member and the people in the Blue Mountains electorate have never been happier. I am pleased to be able to deliver good news about the New South Wales economy. Those opposite are not interested in budgets and the

State economy. I can inform the House that the New South Wales economy is now outperforming the rest of the nation. I refer to various reports that support that statement. They are not the Government's words; they are the words of external experts. The ANZ bank—for the benefit of those opposite, that is an Australian bank—in its Australian economic report released last week stated:

... the NSW economy has shown signs of genuine recovery and is now outperforming the rest of Australia. NSW is leading the national economy, which is something that hasn't happened for a decade or more.

When a responsible government is in office, the O'Farrell Government, good things start to happen. I refer to the latest Deloitte Access Economics Business Outlook. For the benefit of those opposite, that is an economic firm that does market analysis. I know the shadow Treasurer is on its mailing list and reads every single word of its reports. I look forward to his future press releases. On 22 July Deloitte Access Economics said about New South Wales:

... small business confidence is now stronger ... job growth is comfortably outperforming the national average ... indicators for housing construction are up ... NSW is dodging some of the bullets that are hitting other States hard.

The New South Wales economy is moving forward under a responsible Government that is taking the appropriate actions and investing in the economic drivers. I can see that the Deputy-Speaker is pleased with this news. A BIS Shrapnel report stated:

... population growth is running very strongly, affordability is at its best it has been in a long time and the NSW Government is also making progress on removing those planning barriers.

That has occurred under our great planning Minister. The report continued:

We're fairly optimistic that Sydney will be at the forefront of this recovery.

That is happening across New South Wales. It would be remiss of me not to remind the House that despite all the efforts of the Government in Canberra, New South Wales continues to move forward. If there is any lead in our saddlebags it is Kevin Rudd. Many of those opposite are telling their constituents they want Kevin gone. Kevin Rudd is the biggest risk to our economy. His Government changes its policies each week, it hits industry, and it dampens investment and confidence which threatens jobs. The chaos in Canberra is undoubtedly the biggest challenge this economy faces. Despite that, New South Wales continues to move forward.

I wish those opposite would learn. The Premier has raised the issues that were identified by the Independent Commission Against Corruption. One would have thought that those opposite would have looked after someone who stood up to that culture. In the redistribution the seat of the member for Toongabbie has almost disappeared. One would think the Labor Party would stand up for him, but there has been not a word of support. Labor members want gone the guy who stood up to what was going on. They have not learned a thing. They want to kick out the only one who stood up to them. The good news for the people of this State is that a responsible government that is interested in the taxpayers and the welfare of New South Wales is making the right decisions and taking this economy forward.

DEPARTMENT OF FAMILY AND COMMUNITY SERVICES CASEWORKER VACANCIES

Ms LINDA BURNEY: My question is directed to the Minister for Family and Community Services. Will the Minister finally admit that she has overseen a moratorium on caseworker recruitment to cut costs and put this ahead of protecting the most vulnerable children in New South Wales?

Ms PRU GOWARD: The member for Canterbury asks another question like that with her shameful record! She should move on. Let me say this and let me say it clearly: There is no moratorium and there has never been a moratorium on caseworker recruitment by me. I have budgeted for 2,068 positions and that is exactly what we have funded the department to provide. The department was told in March this year—

Ms Carmel Tebbutt: It's always someone else's fault.

Ms PRU GOWARD: No, executives run community services and Ministers take responsibility for budget outcomes, and that is exactly what I instructed the department to do: fill its vacancies. The budgeted number of caseworker positions is 2,068, and that number and the financing of it has not changed. Like members opposite, I know that the number of people in seats on any given day can go up or down. I am as positive of this as my counterparts opposite because I think of when the member for Canterbury was Minister.

On the weekend she attacked the department over the terrible and tragic suicide of a young girl, trying to score political points. Then yesterday the member for Canterbury gloated about some measurement of caseworker numbers. I remind her of what she said in *Hansard* in 2008, when according to her own figures there was a shortfall of 317.

Ms Linda Burney: I never lied about it, Pru.

Ms PRU GOWARD: Yes, you said it had increased.

The DEPUTY-SPEAKER (Mr Thomas George): Order! The member for Canterbury has asked a question. She will listen in silence to the Minister's answer.

Ms PRU GOWARD: You said that it had increased; we have the *Hansard*. A month later the member for Canterbury said in this place that the number was over 2,200. She never came clean with the public. She talked about headcount—which she might not know means something different from full-time equivalent. She might not have known that it was misleading as she was so ignorant, but she did not care. There we have the nub of the issue: The public was told that caseworker numbers were increasing when they were not. But did Labor try to improve transparency? No, Labor members buried their heads in the sand; they thrived on secrecy and misinformation. That is exactly how Eddie Obeid got away with his millions; that is how Ian Macdonald and friends lined their own pockets. That is why those opposite will be sitting on the Opposition benches for a very long time. Until they get the point that transparency is what drives accountability, honesty and reform—

Mr Paul Lynch: None of which has anything to do with you.

Ms PRU GOWARD: It has everything to do with this Government. Until that time those opposite are not fit to sit on the Government benches. As I have said over and over again, I have committed to publish a full breakdown of the information relating to caseworkers in a quarterly report. I am on the record as saying that many times. The information in the Ernst and Young report will help my department to produce transparent quarterly reports that Opposition members can believe and the public can believe—that we can all believe. That concept was alien to the Labor Party in government—we saw it over and over again. It is a party that hides, runs, lies and lives on secrets. The former failed Minister did not make any effort to fill 497 positions. She let the vacancies blow out and did not do anything about it. She just fudged the figures.

Mr John Robertson: Point of order: My point of order is relevance under Standing Order 129. The Minister has been speaking for quite a while but has avoided answering the question. I ask that you bring her back to the leave of the question, which was about a moratorium on caseworker recruitment to cut costs.

The DEPUTY-SPEAKER (Mr Thomas George): Order! The Minister is being relevant to the question asked. There is no point of order.

Ms PRU GOWARD: Caseworker numbers went down under Labor. As I have said many times, caseworker numbers vary from day to day. On the matter of caseworker recruitment, I certainly welcome a discussion. I know the former failed Minister has made the point herself that it is difficult to recruit in some areas of the State and that we need to be much more nimble and innovative in the way we recruit. We commissioned Ernst and Young to enable us to provide transparency.

Mr John Robertson: Who is "we"? You said you didn't.

Ms PRU GOWARD: The department commissioned Ernst and Young to provide transparency. It is a top priority. I do not apologise for having the department use Ernst and Young to give decent advice. [*Time expired.*]

WESTERN SYDNEY HEALTH

Mr BART BASSETT: My question is addressed to the Minister for Health, and Minister for Medical Research. How is the New South Wales Government delivering better health services for the people of Western Sydney?

Mrs JILLIAN SKINNER: It was my great pleasure yesterday to join the member for Londonderry, the member for Mulgoa, the member for Blue Mountains and the member for Penrith as we opened the new

Nepean Hospital car park, a \$23.1 million commitment. The member for Penrith and I turned the first sod less than a year ago and yesterday we celebrated the opening of this facility, which comprises six floors with 657 extra parking spaces. This is part of a \$100-million commitment over our first term to increase car parking capacity. This is most important because staff, patients and visitors have told us that without sufficient car parking they cannot access hospital services.

In addition, the member for Parramatta and I recently visited Westmead to celebrate the opening of the upgraded emergency department, a marvellous \$5-million facility. The director of the emergency department, Dr Matthew Vukasovic, and his nurse unit manager have completely redesigned the department, which is making a real difference to patient care. The Government has also committed a record \$324 million to the Blacktown-Mount Druitt upgrade. Early works are already underway and bulk excavation is ongoing. This hospital was ignored by Labor, as were so many much-needed capital works, including Blacktown car park. We have allocated \$24.2 million for that car park and main works have commenced. On completion, the facility will comprise an extra 600 car spaces. As I have stated previously, \$139 million has been allocated for Campbelltown Hospital. The Premier, the member for Campbelltown, the member for Camden and other members joined me on a visit to that site not so long ago.

The DEPUTY-SPEAKER (Mr Thomas George): Order! There is too much audible conversation in the Chamber. This is the final question and the Minister will be heard in silence.

Mrs JILLIAN SKINNER: I would have thought this matter would be of great interest to everyone, especially those who claim concern for Western Sydney health. We are also recruiting more staff not only across the State but also across Western Sydney. Across New South Wales people will know that we have a headcount of an extra 4,000 nurses—that is, 2,700 full-time equivalent nurses.

Dr Andrew McDonald: Point of order: Is it headcount or full-time equivalent?

The DEPUTY-SPEAKER (Mr Thomas George): Order! There is no point of order. I call the member for Macquarie Fields to order for the first time.

Mrs JILLIAN SKINNER: The Opposition is not interested in what is happening. As at the end of May there were 4,000 extra nurses based on headcount and 2,700 full-time equivalent positions. That has occurred since the election. Of that number, 600 of the headcount are located across Western Sydney, South-western Sydney, the Nepean and the Blue Mountains. That is 360 full-time equivalent positions. I had the pleasure of announcing last Friday at the New South Wales Nurses and Midwives' Association annual general meeting that, as well as the extra nurses, the Government has committed to fund in this year's budget an additional tranche of 40 clinical nurse educators and clinical nurse specialists for small to medium rural facilities. That is in addition to the 275 positions committed to prior to the election.

There will be 35 extra senior nurses to provide a consistent level of in-charge support in our busiest emergency departments. That will help hospitals such as Westmead. There will be 60 new clinical support officers to free nurses to do the jobs they are meant to do. In addition, the Government will provide more doctors. More than 1,400 full-time equivalent positions have been established for doctors since March 2011, which is an increase of over 16 per cent. This year 260 intern positions will be accepted in Western Sydney alone and there will be more than 920 intern positions across the State. The local health district budgets have just been completed and I can advise that the Western Sydney local health districts have an allocation of nearly \$2.8 billion this year for recurrent health services. [*Time expired.*]

Question time concluded at 3.20 p.m.

VARIATIONS OF PAYMENTS ESTIMATES AND APPROPRIATIONS

Mr Mike Baird tabled, pursuant to section 24 of the Public Finance and Audit Act 1983, the variations of the payments estimates and appropriations for 2012-13 flowing from the transfer of functions from the Department of Finance and Services to Treasury, dated 27 June 2013.

Mr Mike Baird tabled, pursuant to section 24 of the Public Finance and Audit Act 1983, the variations of the payments estimates and appropriations for 2012-13 flowing from the transfer of functions from the Department of Education and Communities to the Office of the Children's Guardian, dated 28 June 2013.

INDEPENDENT COMMISSION AGAINST CORRUPTION**Reports**

The Deputy-Speaker announced the receipt, pursuant to section 74 of the Independent Commission Against Corruption Act 1988, of the following reports dated July 2013:

- (1) Investigation into the Conduct of Ian Macdonald, Edward Obeid Senior, Moses Obeid and Others
- (2) Investigation into the Conduct of Ian Macdonald, Ronald Medich and Others
- (3) Investigation into the Conduct of Moses Obeid, Eric Roozendaal and Others

Ordered to be printed.

COMMITTEE ON ENVIRONMENT AND REGULATION**Government Response to Report**

The Clerk announced the receipt of the Government's response to report No. 1/55, entitled, "Inquiry into the Regulation of Domestic Wastewater", received out of session and authorised to be printed on 10 July 2013.

AUDITOR-GENERAL'S REPORTS

The Clerk announced the receipt, pursuant to section 63C of the Public Finance and Audit Act 1983, of the following Performance Audit Reports of the Auditor-General:

- (1) Managing Operating Theatre Efficiency for Elective Surgery: NSW Health, dated July 2013, received out of session and authorised to be printed on 17 July 2013
- (2) Reducing Ambulance Turnaround Time at Hospitals: Ambulance Service of NSW, NSW Ministry of Health, dated July 2013, received out of session and authorised to be printed on 24 July 2013
- (3) Making the Best Use of Public Housing: Housing NSW, NSW Land and Housing Corporation, dated July 2013, received out of session and authorised to be printed on 30 July 2013
- (4) Cost of Alcohol Abuse to the NSW Government: NSW Treasury, NSW Police Force, NSW Ministry of Health, Department of Premier and Cabinet, Department of Attorney General and Justice, dated August 2013, received out of session and authorised to be printed on 6 August 2013

LEGISLATION REVIEW COMMITTEE**Report**

Mr Stephen Bromhead, as Chair, tabled the report entitled, "Legislation Review Digest No. 40/55", dated 13 August 2013, together with transcripts of evidence and minutes of proceedings regarding Legislation Review Digest No. 39/55, dated 18 August 2013.

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

COMMITTEE ON COMMUNITY SERVICES**Report**

Mr Kevin Anderson, as Chair, tabled the report entitled, "Outsourcing Community Services—Interim Report", Report 1/55, dated August 2013.

Ordered to be printed on motion by Mr Kevin Anderson.

PUBLIC ACCOUNTS COMMITTEE**Reference: Inquiry into Cogeneration and Trigeneration in New South Wales**

Mr JONATHAN O'DEA: I inform the House that pursuant to Standing Order 299 (1) the Public Accounts Committee has received a referral from the Minister for Resources and Energy, Special Minister of State, and Minister for the Central Coast to conduct an inquiry into cogeneration and trigeneration in New South Wales, the full details of which are available on the Public Accounts Committee's home page.

PETITIONS

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

Dubbo Radiation Treatment Centre

Petition requesting the development of a radiation treatment centre in Dubbo, received from **Mr Kevin Humphries**.

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

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

Doonside Public Land Preservation

Petition requesting the preservation of land along Denis Winston Drive, Doonside, as open space, received from **Mr Brad Hazzard**.

Commonwealth Clean Energy Supplement

Petition requesting that social housing tenants receive the full benefit of the Commonwealth Clean Energy Supplement to offset increased living expenses, received from **Mr Alex Greenwich**.

Branxton Mobile Telecommunications Tower

Petition requesting an inquiry into the approval process for the construction of a Telstra mobile telecommunications tower in Branxton, received from **Mr Clayton Barr**.

Bathurst Bullet Rail Service

Petition requesting that the Bathurst Bullet commuter rail service include a daily stop at Tarana station, received from **Mr Paul Toole**.

School Bus Safety

Petition requesting the review and adoption of recommendation No. 7 of the New South Wales School Bus Safety Community Advisory Committee, received from **Mr Paul Toole**.

Walsh Bay Precinct Public Transport

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

Pet Shops

Petition opposing the sale of animals in pet shops, received from **Mr Alex Greenwich**.

Inner-city Social Housing

Petition requesting the retention and proper maintenance of inner-city public housing stock, received from **Mr Alex Greenwich**.

Container Deposit Levy

Petition requesting the Government introduce a container deposit levy to reduce litter and increase recycling rates of drink containers, received from **Mr Alex Greenwich**.

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

Mortlake Public School Security Fence

Petition requesting the installation of a high-security fence around the perimeter of Mortlake Public School, received from **Mr John Sidoti**.

Child Protection Services

Petition requesting the reinstatement of the Kings Cross and Central Sydney Adolescent Unit and the Cabramatta Street Team, received from **Mr Guy Zangari**.

Muswellbrook District Hospital Aged Care Facility

Petition opposing the closure of the Muswellbrook District Hospital Aged Care Facility, received from **Mr George Souris**.

The Clerk announced that the following Ministers had lodged responses to petitions signed by more than 500 persons:

The Hon. Jillian Skinner—Albion Park aeromedical services—lodged 18 June 2013 (Mr Gareth Ward)

The Hon. Jillian Skinner—Mount Druitt Hospital cardiac unit—lodged 19 June 2013 (Mr Richard Amery)

The Hon. Jillian Skinner—St George Public Hospital—lodged 20 June 2013 (Mr Anthony Roberts)

The Hon. Andrew Stoner, on behalf of the Hon. Chris Hartcher—Mount Thorley Warkworth Mine—lodged 30 May 2013 (Mr George Souris)

The Hon. Chris Hartcher—Rocky Hill Coal Project—lodged 30 May 2013 (Mr George Souris)

The Hon. Gladys Berejiklian—Eastern suburbs ferry services—lodged 20 June 2013 (Ms Gabrielle Upton)

The Hon. Gladys Berejiklian—Unanderra railway station easy access upgrade—lodged 20 June 2013 (Ms Noreen Hay)

The Hon. Katrina Hodgkinson—Feral animal eradication program—lodged 18 June 2013 (Mr Alex Greenwich)

The Hon. Anthony Roberts—Synthetic drugs—lodged 19 June 2013 (Mr Kevin Anderson)

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

Rural and Regional School Bus Safety

Mr ANDREW FRASER (Coffs Harbour—The Assistant-Speaker) [3.28 p.m.]: I submit that the motion to support the Government's commitment to regional school bus safety deserves priority because for 16 years the Labor Party paid this matter lip-service while it sat on its hands. If my memory serves me correctly, the Labor Government undertook two inquiries but never released the reports. Minister Gay and Minister Berejiklian established a committee in 2011 and the Government has considered its report. The Ministers have now proposed a range of measures that will be implemented over the next 10 years, including installing seatbelts in all school buses travelling on class-A routes. We must be sure that all members support this important initiative. The Howard Government provided \$40 million to the State Labor Government to implement this strategy, but to my knowledge that money remains unspent because members opposite were unwilling to support school bus safety and the installation of seatbelts.

I am sure that every country member has been approached by parents, teachers, concerned school officials and the community raising fears about school bus safety. In 2007 a talented 17-year-old student of the arts was tragically killed at Urunga when a school bus was forced off a narrow country road. Despite such accidents, the Labor Government in its final years in office did nothing to rectify the situation on narrow, winding country roads. When the Coalition was last in government it lowered the average age of school buses to ensure that older buses were not used on unsafe routes, but for the next 16 years the Labor Government did nothing. This motion should be accorded priority so that all members can demonstrate their support for the committee's report and the actions taken by Minister Gay and Minister Berejiklian.

Child Protection Services

Mr GUY ZANGARI (Fairfield) [3.31 p.m.]: My motion should be accorded priority because in 2001 the Carr Labor Government established the Cabramatta Street Team under the umbrella of the Department of Community Services. The street team was part of the Carr Government's Cabramatta Anti-Drug Strategy and its focus was youth. The team worked with community service providers, community groups and schools to implement early intervention measures targeted directly at at-risk young people in the area. These measures included counselling services, risk assessments and referrals.

This year the O'Farrell Government, under the guidance of the Minister for Family and Community Services, the Hon. Pru Goward, decided to shut down the Cabramatta Street Team and the Kings Cross and Central Sydney Adolescent Unit, and it did so with little community consultation. I say "with little community consultation" because during the short period since learning about its closure the member for Cabramatta, Mr Nick Lalich, and I have managed to collect more than 3,000 signatures of concerned residents asking that the decision to shut down both the Cabramatta Street Team and its Kings Cross equivalent be reversed. I am pleased to inform the House that the petition was lodged with the Clerk today.

We have many questions about the handling of the closure of these services, particularly about the transition of young people's case files held by the Cabramatta Street Team and the Kings Cross and Central Sydney Adolescent Unit to the newly created Adolescent Response Team. That concern is a result of the revelation regarding the tragic death of a 14-year-old girl whose case file had been managed by the street team until 1 July, when it was forced to close its doors. There is no group in our community that is more susceptible to abuse, poverty and neglect than children and young people. A government has no greater responsibility than ensuring the welfare of children and young people. That is why serious questions must be asked about the handling of children's welfare by this Government and its attack on essential services and front-line staff.

Ernst and Young was commissioned to undertake a review by the Minister's department and we were informed yesterday that it revealed a shortfall of 270 community service caseworkers whose job it is to protect the most vulnerable children in New South Wales. Minister Goward has always maintained that there are more than 2,000 community service caseworkers in New South Wales. The report contradicts those statements and reveals that only 1,797 caseworker positions have been filled. That represents a 16 per cent cut in the number of caseworkers since the O'Farrell Government came to office. As a Parliament we should always ensure that the safety and wellbeing of young people are paramount. I urge the Government to reverse its decision to close the Cabramatta and Redfern street teams.

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

The House divided.

Ayes, 63

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

Noes, 21

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

Pair

Mr Maguire

Ms Burton

Question resolved in the affirmative.**RURAL AND REGIONAL SCHOOL BUS SAFETY****Motion Accorded Priority****Mr ANDREW FRASER** (Coffs Harbour—The Assistant-Speaker) [3.45 p.m.]: I move:

That this House supports the Government's commitment to regional school bus safety.

Earlier this year a committee comprising Anne Crabb, Jack Haley, John Karaboulis, Darryl Mellish, Glenda Staniford, David Hall, Michael Davis, Katherine Ible, Adam Marshall—now the member for Northern Tablelands—Keith Simmons and Dr Alan Tankel, who is the doctor in charge of the emergency section of the Coffs Harbour health campus, handed up a report to the Government. That report contained a large number of recommendations. Unfortunately, not all of them could be accepted by the Government. However, the important thing is that one of the major recommendations—that is, the provision of seatbelts in school buses—has been accepted by the Government. There was provision in the announcement by the Ministers last week for 1,700 school buses across regional New South Wales to be provided with \$208 million over the next 10 years to provide seatbelts.

Mr Acting-Speaker, the member for Monaro comes from a country electorate. The Parliamentary Secretary at the table, Ray Williams, also comes from a country electorate. I know that they have concerns in relation to school buses on dangerous, windy, gravel country roads. I mentioned previously the young lass whose life was lost. In 2007 Whitney Welsh died from internal injuries because she was thrown from the bus at the back of Urunga. There was also an incident at Ulladulla in 2001, in which a young person, Kristian Carruthers, aged 15, died and 36 other students were injured.

The previous Government gave this issue lip-service but never did anything positive. The reports that it commissioned were never tabled in this Parliament. If the reports had recommendations, they were never acted upon. I commend Minister Berejiklian and Minister Gay for accepting this report. Not only did they bring in the 1,700 dedicated school buses on class-A runs so that they could be fitted with seatbelts, but also they ensured that there would be regular monitoring of new and emerging safety techniques. There will be a student code of conduct to ensure that parents, students and bus operators know their responsibilities when it comes to wearing seatbelts. We will be encouraging schools to use buses fitted with seatbelts for excursions and other charters.

We will develop guidelines that outline the responsibilities for rural and regional bus operators to encourage students to wear seatbelts when fitted. That has been an issue over a number of years. School bus drivers say, "If there are seatbelts fitted, whose responsibility is it if there is an accident and one of the children is not, as instructed, wearing a seatbelt and happens to be injured?" I believe that gives an opportunity to industry. I have already had an approach from one company that has developed a system for which it has a worldwide patent, which will enable bus drivers to know which children, if any, do not have seatbelts on and to take appropriate action to ensure they do. It will cost about \$5,000 per bus to fit out, but I believe it is a good system that should be considered as part of this process.

A standard will be developed for rural bus stops to improve safety. Quite often there are issues around school bus stops and rural bus stops in relation to the buses and the vehicles that traverse those areas. There will

be a review of the speed limits around buses when school bus warning lights are flashing. We will explore new ways to communicate with stakeholders to improve students' safety around school bus zones. Rolling out communication strategies to identify, share and promote good school bus safety practice should be taken on board by every school.

More than 60,000 students across regional New South Wales travel on dedicated school buses each and every day. I know that there are people such as Mrs Gill from Valla who have concerns that buses on the Pacific Highway are not covered by this report, but I have spoken to her and I intend for her to put a proposition to us that I can take to the Minister. If there are some exceptional circumstances, such as areas on the unimproved section of the Pacific Highway, perhaps we could include them in this program. [*Time expired.*]

Mr CLAYTON BARR (Cessnock) [3.50 p.m.]: I commend the Minister for Transport for introducing and making possible the seatbelts on school buses concept and campaign. I acknowledge that \$208 million has been set aside over the coming 10 years to fit seatbelts in school buses in regional and rural New South Wales. However, I use this motion accorded priority as an opportunity to make a plea to the Minister. There has been significant concern in the community that I represent about why it has not been identified as rural or regional. In the recommendations handed down in the report of the Independent School Bus Safety Community Advisory Committee one of the priorities was a key identifier of what rural and regional areas would qualify and be funded for seatbelts in buses where the bus had to travel on a dirt road and/or on roads that had a speed limit of 80 kilometres per hour or more.

A significant number of bus runs in the Cessnock electorate—in fact, right across the Hunter—regularly travel on roads that have speed limits of 80, 90 and 100 kilometres per hour. While all compliments are paid to the Minister for the step taken by her thus far, I implore her to go further and to do more and to follow more closely the recommendations in the committee's report. Many of the recommendations have been adopted but not all of them, and not all of them in full. It is disappointing that if people want to relocate their home under the Regional Relocation Grant, by definition that regional relocation would be to relocate to anywhere that was not Newcastle, Sydney or Wollongong. So people would be regional if they were in Lake Macquarie, Maitland, Port Stephens, Charlestown, Cessnock or any of the other places in the Hunter—Gloucester, Dungog, Myall Lakes. But according to this program those areas are not considered regional. That is a really disappointing spin of convenience.

The importance of seatbelts in all areas and not just in high-speed zones was brought home to me by a constituent who rang to speak to me about this issue. He wanted me to raise in Parliament his concerns that the program was not going to include all school students. I spoke with the gentleman on the telephone and told him how I totally recognise and appreciate the fact that our buses travel into areas with 80 and 100 kilometres per hour zones. But he made this point very clearly and very well: Young Harry and Luke Dunn, nine and seven years old respectively, who died in a school bus accident in Singleton in September 2012, were both travelling on a bus in a 60-kilometre per hour zone. The bus was travelling in the very tight, narrow streets of Singleton suburbia, in Church and Kelso streets—not much wider than about 10 metres—and it was at a give-way sign. The boys died in a tragic school bus accident in a very residential, very urban, very metro-based scenario.

This gentleman's message to me and the message I bring on his behalf to this Chamber is that whilst this is a step in the right direction we ultimately need to take the big step and ensure that all students—whether they are on a bus in Surry Hills, on a bus in the main street of Broken Hill or on a bus travelling on a 100-kilometre road on John Renshaw Drive between Cessnock and Newcastle—are seated and wearing a seatbelt on school buses so that their safety is maximised. That man's final words to me were:

Clayton, I'm telling you, if one more child dies on a school bus because they haven't got a seatbelt and you haven't done anything in Parliament and Parliament hasn't done anything about this problem then I will be down your neck like your worst nightmare.

I commend him for his thoughts.

Mr GREG APLIN (Albury) [3.55 p.m.]: I support the Government's commitment to regional school bus safety. Along with the member for Coffs Harbour, I welcome the investment of more than \$200 million from the New South Wales Government at the end of July that will see seatbelts installed on almost 1,700 buses on dedicated school runs in rural and regional New South Wales. As a regional member I commend the Government for listening to the views of people in rural and regional communities and for taking action after the former Labor Government had failed to take any action.

Over the years that I have been a member of this Parliament I have tracked the responses that we have received to questions on notice in this House. In June 2009 the then Minister for Transport, David Campbell—

who was the Minister before the current Leader of the Opposition—said that the safety of schoolchildren was important but that he had outsourced the issue to the Australian Transport Council. That response came four years after the current Deputy Premier asked questions of the then Minister for Transport in April 2005. The current Deputy Premier was told back then that any plan to fit seatbelts in school buses would be progressed by the Australian Transport Council through the Australian Design Rules process.

In December 2005 the former Labor Government advised that national guidelines approved by the Australian Transport Council on 18 November that year did not prescribe the interventions or initiatives that jurisdictions should implement to address school bus safety but rather provided the means for jurisdictions to implement their own policies. The Minister for Transport at that time said that the Government would assess school bus routes in relation to those guidelines. So from that position in 2005 the issue was again swept under the carpet in 2009 right up to the election in 2011. There was little care for rural and regional New South Wales from those opposite.

But all that changed with the election of the O'Farrell-Stoner Government in 2011. The Government took school bus safety seriously and set up, under the visionary Minister for Transport and the assiduous Minister for Roads and Ports, the Independent School Bus Safety Community Advisory Committee on 29 April 2011—only a month after the election. The committee was chaired by Carolyn Walsh, a safety expert with 25 years experience in policy development, regulation and safety management at State and Federal levels. The committee focused on the safety of schoolchildren in rural and regional New South Wales, and I attended their hearing in Albury with Melissa Sweetland, who had been a most active campaigner for seatbelts on school buses.

This is a significant investment by the New South Wales Government in the safety of children in rural and regional New South Wales. It is a first for this State. The commitment comes as the Government announced, as we heard from the member for Coffs Harbour, that it will adopt the majority of the recommendations made by the Independent School Bus Safety Community Advisory Committee inquiry into school bus safety in rural and regional New South Wales. I welcome the commitment and I look forward to the implementation of the recommendations across regional New South Wales.

Ms SONIA HORNERY (Wallsend) [3.58 p.m.]: Like the member for Cessnock, the member for Coffs Harbour and the member for Albury, on behalf of the people of the Hunter I, too, commend the O'Farrell Government for the introduction of the concept of seatbelts on school buses over the next 10 years. It is a wonderful initiative and it will be great for regional kids. The word "regional" is operative here. The member for Cessnock and I have spoken about this issue because wearing seatbelts on school buses has been raised a number of times in our local papers, particularly the *Newcastle Herald*. One person, who is a lawyer and a mum, has long been advocating in the Port Stephens area for seatbelts on school buses—indeed, since Labor was in government. She lives in Medowie, as does the member for Port Stephens. Unfortunately, like the member for Cessnock, she has raised the issue that students in places such as Port Stephens, which cover large geographical areas, are not covered by this program.

Like my colleague the member for Cessnock, I commend the Government for its project. However, I ask the Government to widen the initiative to include areas in the west of Newcastle, such as Port Stephens, and the Cessnock and Kurri Kurri area. I know the Kurri Kurri area well because I taught in the school there and I know that students travelled some distance to and from school every day, particularly over Mount Vincent, which is a fairly hairy drive. So while I commend the Government for its initiative, as does the member for Cessnock, I also support Kate Washington and others living in the Hunter who wonder why their areas have been excluded from the project.

Pursuant to sessional orders business interrupted and motion lapsed.

PROTECTION OF THE ENVIRONMENT OPERATIONS AMENDMENT (ILLEGAL WASTE DISPOSAL) BILL 2013

Second Reading

Debate resumed from 30 May 2013.

Mr RON HOENIG (Heffron) [4.00 p.m.]: I have the honour of leading for the Opposition in debate on the Protection of the Environment Operations Amendment (Illegal Waste Disposal) Bill 2013. I indicate to the

House that the Opposition supports the bill on the basis that any enactment that increases the power to take action against illegal dumpers should be supported. Amendments to legislation are often enacted because of some particular event or occurrence. Something triggers the need for the government of the day to increase the powers of the Environment Protection Authority and to increase penalties.

I read the Minister's second reading speech. I noted that she commenced her speech by making it clear that the Government will not tolerate serial waste dumpers—those who flout the laws that are there to protect the health of our communities and the health of our environment. She told the House that we are sick and tired of people who take the law into their own hands, flout the law, and illegally dump; illegal dumping is a despicable criminal act and the Government is taking action to ensure that those people's illegal actions are dealt with by application of the full force of the law. That is the premise of this bill.

However, when one looks at what caused the bill to be introduced, and when one looks at the way the Environment Protection Authority has conducted itself, that asserts that the bill is a solution to a difficulty experienced by the authority in dealing with rubbish dumping, one sees that that assertion is erroneous. The reality is this: The bill is a result of a decision by Justice Pain in the Land and Environment Court on 19 February 2013 in the case of the *Environment Protection Authority v Hanna*, NSWLEC 41, whereby Mr Hanna was found guilty of contempt of court, sentenced to three months imprisonment and had his sentence suspended. When one looks at Justice Pain's decision and the circumstances relating to this conviction, one is concerned about the way the Environment Protection Authority mishandled one of the most serious criminal environmental acts that a person can commit. Indeed, that criminal act should not have been dealt with in the way Mr Hanna was dealt with but should have been dealt with in another way.

I remind members of the facts of the case. Mr Hanna was dumping building material that contained asbestos. He was not new to the process of dumping asbestos; he had quite a lengthy record for being an illegal dumper. He had eight prior convictions for illegally transporting waste to a place that could not lawfully receive waste, in breach of section 143 of the Act. On 2 September 2009 Mr Hanna was convicted in the Liverpool Local Court of three offences of illegal dumping. On 29 April 2010 he was convicted in Hornsby Local Court of offences of illegally transporting waste to a place that could not lawfully receive it, contrary to section 143. On 3 June 2010 Mr Hanna was convicted in the Land and Environment Court of four offences of illegally transporting waste to a place that could not lawfully receive waste, contrary to section 143.

Mr Hanna had also previously been issued with 22 penalty notices: on 31 May 2007 for unlawfully transporting asbestos; on 8 July 2008 for transporting waste to a facility that could not lawfully receive waste; on 10 February 2009 for unlawfully transporting asbestos; on 13 February 2009 for neglect and failure to comply with requirements under the Act; on 19 March 2009 for failure to comply with a clean-up notice; and on 2 April 2009 for failure to comply with a clean-up notice. As I said, 22 penalty notices were issued, the last of which was issued on 23 March 2012 for neglect and failure to comply with chapter 7 of the relevant legislation. That is a horrendous record of rubbish dumping and dumping asbestos. The fact sheet of the Department of Health on asbestos and health risks states:

Breathing in asbestos fibres can cause asbestosis, lung cancer and mesothelioma ...

Asbestos fibres can pose a risk to health if airborne, as inhalation is the main way that asbestos enters the body ...

If asbestos fibres are in a stable material such as bonded in asbestos-cement sheeting such as fibro and in good condition they pose little health risk.

As noted by Justice Pain, the asbestos dumped in the building material by Mr Hanna was not bonded but was broken. WorkCover NSW, in its guide note, states:

Evidence suggests that asbestos causes gastrointestinal and laryngeal cancers in humans, but to a far lesser extent than lung cancer. Usually, asbestos-related diseases have a delay or latency period of 20 to 40 years between first exposure and the onset of symptoms ...

We know how serious it is for rubbish dumpers to be dumping asbestos in building materials. Indeed, it is outrageous for a person with eight previous convictions and 22 penalty notices to dump asbestos in building materials. What did the Environment Protection Authority do when it caught Mr Hanna dumping building material containing asbestos? It went to the Land and Environment Court and commenced class 4 proceedings, civil proceedings, seeking injunctions and restraining orders.

So the Environment Protection Authority went to the Land and Environment Court with this criminal rubbish dumper, to use the Minister's words, and commenced civil proceedings. An injunction was obtained in

relation to a man who has had eight convictions and 22 penalty notices. The matter was returned to the Land and Environment Court three times with variations of orders by Justice Sheehan and others in the form of an injunction. What did Mr Hanna do? He again dumped rubbish. Contempt proceedings were issued, as a result of which Mr Hanna received a three months suspended sentence. That is the penalty for contempt of this nature.

The Minister said that the Government does not tolerate rubbish dumpers and their terrible criminal acts and hurriedly introduced this legislation. What else could the Environment Protection Authority have done at the time? I refer the House to section 115 of the Protection of the Environment Operations Act 1997, which clearly states that if a person wilfully or negligently disposes of waste in a manner that harms or is likely to harm the environment the person is guilty of an offence. One would think that a serial waste dumper who dumps asbestos is wilfully or negligently disposing of waste in a manner that harms or is likely to harm the environment. The maximum penalties under section 119 of the Act for tier 1 offences are:

- (b) in the case of an individual—to a penalty not exceeding \$1,000,000 or 7 years' imprisonment, or both, for an offence that is committed wilfully or \$500,000 or 4 years' imprisonment, or both, for an offence that is committed negligently.

I suggest the evidence before Justice Pain in the Land and Environment Court indicated that Mr Hanna acted wilfully, particularly bearing in mind that he admitted his offences. On prosecution of an offence under section 115 Mr Hanna could have faced seven years' imprisonment. A serial unlawful rubbish dumper of asbestos waste deserves the full force of the law. After all, that is what the Minister for the Environment told this House in her second reading speech, in which she said:

The Government is taking action to ensure that those people's illegal actions are dealt with by application of the full force of the law.

The Minister should find out why in relation to Mr Hanna the Environment Protection Authority did not act in accordance with the powers that are vested in it. Under the operations Act the Minister does not have the power to direct a prosecution because the Act requires the board of the Environment Protection Authority to make decisions. The guidelines issued under the Act guide the board of the Environment Protection Authority, and the decision to prosecute under the Act is contained in the Environment Protection Authority prosecution guidelines. In the well-known prosecution guidelines that apply in both the United Kingdom and New South Wales, paragraph 3.1, "Evidence", states:

The basic pre-requisite of any prosecution is that the available evidence establishes a prima facie case.

A prima facie case clearly exists because there was sufficient basis for a civil remedy under class 4. Paragraph 3.2, "Discretion", states:

Sufficiency of evidence is not the sole criteria for prosecution ...

- (b) the dominant factor in the exercise of that discretion is the public interest.

Is it in the public interest to apply the prosecution guidelines to a serial waste dumper and a dumper of asbestos, who could be liable to imprisonment for seven years, and prosecute him under section 115 of the Protection of the Environment Operations Act? Paragraph 3.4 states:

In criminalising breaches of environmental laws a primary, though not the sole, aim of Parliament is deterrence.

It is important that those terrible dumpers of asbestos, which could cause cancer in 20 to 40 years, know that they will go to jail for a long time if they continue with that practice. Deterrence under the Environment Protection Authority's prosecution guidelines is an important measure. Under "Factors to be considered", paragraph 3.7 of the guidelines states:

- (a) the seriousness or, conversely, the triviality of the alleged offence or that it is of a "technical nature" only

It is hardly trivial. One would think dumping asbestos is one of the most serious offences under the Environment Protection Act. It continues:

- (b) the harm or potential harm to the environment caused by the offence

One might think that is obvious. It goes on:

- (c) any mitigating or aggravating circumstances

Dumping building material and being a serial dumper of asbestos and illegally handling asbestos fits within that guideline. It further states:

- (d) the degree of culpability of the alleged offender in relation to the offence

Mr Hanna was the rubbish dumper. It continues:

- (e) the availability and efficacy of any alternatives to prosecution

The Environment Protection Authority proceeded under part 4 and got an injunction instead of prosecuting. It goes on:

- (f) whether the offender had been dealt with previously by non-prosecutorial means

He received 22 penalty notices. It further states:

- (g) whether the breach is a continuing or second offence

He had eight previous convictions and 22 penalty notices. It continues:

- (h) whether the issue of Court orders are necessary to prevent a recurrence of the offence

Obtaining an order was of no value because he ignored the injunctions by the court, as well as the previous conviction. It continues:

- (i) the prevalence of the alleged offence and the need for deterrence, both specific and general
- (j) the length of time since the alleged offence

The dates of the offences are consistent. I will not read the remaining provisions. On virtually any test of the Environment Protection Authority prosecution guidelines Mr Hanna should have been prosecuted, faced a decision of the court on a serious environmental offence and, if found guilty, sentenced to a maximum of seven years imprisonment. Why did the board of the Environment Protection Authority not make a decision to proceed with a prosecution? If the Minister is serious about ensuring that these heinous offences by rubbish dumpers are dealt with by the full force of the law she must conduct an inquiry of the Environment Protection Authority and its board. Instead of introducing legislation that tinkers around the edges, she must examine them to find out whether the board that is giving her advice to address the problems of the Environment Protection Authority is a fit and proper body to provide accurate advice. The Environment Protection Authority cannot even make decisions to prosecute some of the worst environmental offenders.

The question must be asked: Is the Environment Protection Authority a competent organisation to decide on prosecutions or should the prosecution provision be removed from it and handed over to the Director of Public Prosecutions? Any law student could tell the Minister that this is a serious criminal offence and that Mr Hanna should have been prosecuted under section 115 of the Protection of the Environment Operations Act. If the prosecution guidelines of the Environment Protection Authority were applied to Mr Hanna, there would be no reason not to take the most serious criminal action against him. Mr Hanna had received 22 penalty notices and had eight previous convictions in the Local Court which had not been a deterrent. How many similar offences are occurring in New South Wales? On how many other occasions have the people of New South Wales not been properly protected by this statutory organisation because of, I suggest, a failure in its duty? The Minister should not be a pedestrian Minister. She should discharge her duty by ensuring that this organisation becomes properly accountable to this House and the people of New South Wales. This is a scandalous matter.

Bearing in mind that the Environment Protection Authority board is supposed to make these decisions, there should be a record. No doubt the Minister will have asked for and received advice from the Environment Protection Authority on the records and decisions of the board so she can conduct a review of why this man was not dealt with in the appropriate way. Justice Pain's decision was made public. The facts of the Hanna case are contained within her judgment and people will be able to read the reasons for the judge's findings in that case. It was not a failure of the Act but a failure by the Environment Protection Authority to be accountable to various Ministers for more than two decades. For decades the Environment Protection Authority has failed this State in not exercising its statutory powers.

The Environment Protection Authority has had the power to prevent incidents such as the Orica spill at Newcastle and to prevent people from suffering as a result of contamination at Port Botany, groundwater

contamination, air pollution or contamination from coal dust at Newcastle. The Environment Protection Authority has the power to prosecute when there is a breach but it has failed the State, just as the State Pollution Control Commission, its predecessor, failed. It was Tim Moore under the conservative Greiner Government who formed the Environment Protection Authority on the basis that the State Pollution Control Commission was a failure. He introduced legislation into this House, made the appointments and gave the Environment Protection Authority power to tackle those with vested interests and polluters and to take action to protect the people of this State. However, like its predecessor decades ago, the Environment Protection Authority has been a failure. This failure has occurred under the Minister's watch and she is accountable to the House for the conduct of the Environment Protection Authority.

I turn to a matter that was raised by the Southern Sydney Regional Organisation of Councils. Tucked in the bill is a provision to remove from the bill the exemption for payment of waste levies for recycled material. As members would be aware, recycled waste was exempt from the waste levy but this bill removes that provision. The Minister intends to insert that into the regulation. The Southern Sydney Regional Organisation of Councils has expressed concern about the removal of that exemption. The Minister's justification for the removal is that the Environment Protection Authority's investigations have uncovered sophisticated waste levy evasion schemes. She said that in a recent example the authority uncovered a levy evasion scheme between a landfill facility and a recycler which amounted to \$3 million in unpaid waste levies.

The Environment Protection Authority should get off its backside and make sure that sophisticated waste levy evasion schemes do not occur, rather than simply removing the exemption from the legislation and seeking to control it by regulation. I thank the Southern Sydney Regional Organisation of Councils and officers from Canterbury City Council for bringing this matter to my attention through the member for Lakemba. I ask the Minister to give that matter some consideration before the bill goes to the Legislative Council. The matter was only brought to our attention, and no doubt to the Minister's attention, subsequent to the introduction of the bill. Councils are quite concerned about the implications of the provision and I ask the Minister to consider it on a bipartisan basis between now and when the bill goes to the other place.

Mr BRUCE NOTLEY-SMITH (Coogee) [4.24 p.m.]: I speak in support of the Protection of the Environment Operations Amendment (Illegal Waste Disposal) Bill 2013. I am pleased to be part of a Government that is actually taking measures to protect our environment and hold people who commit waste offences to account. This amendment is designed to break the business model of rogue waste operators and remove the unfair financial advantage they have by illegally dumping waste. In addition, the bill seeks to remove the negative impact that these rogue operators are having on the financial viability of legitimate operators in the waste industry.

I am lucky to represent an aesthetically beautiful electorate. Coogee is home to a range of beaches including Coogee, Tamarama, Bronte and Gordons Bay, which are all adjacent to parks and open spaces. We have many other parks and open spaces in the electorate, such as Queens Park, and my constituents are frequent users of Centennial Park. Thankfully, illegal dumping of waste has not been a significant problem in Coogee for a number of years. However, the Environment Protection Authority has identified an increase in the practice of illegal stockpiling of waste and discovered significant roting being undertaken by these rogue waste operators which can erode local habitats and detract from the appeal of our communities. This can lead to all sorts of further problems like the driving down of real estate prices and reduced amenity for visitors affected by illegal dumping.

This bill tightens the penalties for those engaging in illegal waste dumping or being complicit with it in some form, as well as introduces a new common-sense offence related to strict liability of waste dumping. The new laws make provisions to better safeguard my local environment, indeed all environments across the State, starting with doubling the maximum fine for supplying false or misleading information about waste from \$250,000 to \$500,000 for a corporation and from \$120,000 to \$240,000 for an individual. From here onwards, corporations who lie or knowingly mislead authorities investigating illegal dumping will have to be prepared to surrender \$500,000 in fines. The bill also authorises the Environment Protection Authority to seize any vehicle or vessel that it believes could have been used to facilitate illegal dumping and polluting.

The bill changes the wording of "land" as a waste facility to "any place" to ensure all areas that potentially could be used as a waste facility, including bodies of water, are covered under the law. Previously, if polluters wanted to illegal dump waste at Coogee Beach, they might have been able to get away with it. I address concerns raised with me by Waverley Council, no doubt shared with many other councils, including the Southern Sydney Regional Organisation of Councils about potential cost implications of this bill resulting

from the removal of the section 88 levy exemption for waste disposal to landfill sites. This bill is not intended to financially disadvantage legitimate waste operators but, rather, to remove the financial advantage gained by illegitimate operators.

The intention of these amendments is that there will be no net increase in the amount of waste levy paid. Under these changes, council operators of scheduled waste facilities will pay the levy, which can be rebated for reuseable waste including green organics and recyclables and moved off-site for lawful reuse or further processing. As per current arrangements, Waverley Council will continue to pay a levy on waste that is disposed to landfill. Considering that the cost of the levy on disposal of residuals should already be factored into council contracts, there should be no contractual changes that result in an increase of the levy liability held by councils.

Although the proposed changes mean that waste received at a recycling or storage facility would be liable to a levy, the actual payment is not triggered until the waste is sent off-site for disposal. Minister Parker has advised me that although there will be no net increase in levy liability, councils may be required to install a weighbridge at their waste facilities. Should this be required, the New South Wales Government has committed to making funding available of up to 50 per cent or \$50,000 to local government and the industry for the installation of new weighbridges.

We need to effectively combat illegal dumping because it degrades and destroys the most beautiful parts of our communities, which are our outdoor spaces and facilities. We have a responsibility to protect our local area to ensure that measures are in place to deter anyone who wishes to pollute the local environment. These new laws will better protect Coogee's local environment from illegal waste operators who disregard their communities and the law. I understand that the Environment Protection Authority has been instructed by the Minister to ensure that stakeholders have the opportunity to provide input into the proposed amendments before they become law. Pending the passage of this bill the Environment Protection Authority is scheduled to commence consultation with councils and industry later this year to develop new frameworks with the active participation of local councils.

This bill makes it much harder for rogue operators to get away with illegal dumping and seeks to strike the right balance between protecting the environment, maintaining the integrity of the waste levy framework and ensuring the long-term viability of the waste industry in New South Wales. Businesses and individuals who produce significant amounts of waste should be prepared to dispose of it in compliance with the law. This means contacting their local council or an authorised waste disposal agent to arrange a rubbish collection or clean-up service, otherwise they will face new and appropriately strict penalties. I commend the bill to the House.

Ms TANIA MIHAILUK (Bankstown) [4.30 p.m.]: I speak to the Protection of the Environment Operations Amendment (Illegal Waste Disposal) Bill 2013. The Opposition will not oppose this bill but reserves the right to amend the bill in the upper House. The Opposition has concerns about the removal of the section 88 levy and the potential cost to taxpayers and councils. The bill strengthens the ability of the Environment Protection Authority to curtail illegal waste dumping and increases penalties for illegal waste dumping.

As the member for Heffron stated, the bill is in response to the community dismay and outrage at the lenient sentence given to Mr Dib Hanna in the case of the *Environment Protection Authority v Hanna*. That matter was heard before the Land and Environment Court earlier this year. Mr Hanna received a three-month suspended sentence for dumping 80 tonnes of waste, including asbestos, at Picnic Point in the Bankstown local government area. I support the concerns that the member for Heffron raised earlier. The community was dismayed by the lenient sentence given to Mr Hanna. Mr Hanna has on many occasions flouted the law. He has 22 previous fines amounting to over \$200,000 flowing from eight convictions. Obviously none of those convictions or fines deterred Mr Hanna from his criminal waste dumping behaviour.

The bill proposes to double the penalty and include a potential custodial sentence as punishment for giving false or misleading information with regard to illegal waste disposal. It authorises the Environment Protection Authority to incorporate a potential two year custodial sentence as punishment if a strict liability waste offence has been committed within the past five years. The Environment Protection Authority will also have the authority to seize vehicles it has reason to believe have been used for repeat illegal dumping offences and gives power to the Land and Environment Court to forfeit the vehicle. The bill also extends the offence of using land as a waste facility without lawful authority to include water, thereby ensuring that the use of a body of water as an illegal waste facility is illegal.

The bill removes from the Protection of the Environment Operations Act 1997 the exemption for paying a contribution for reusing, recovering, recycling or processing waste. It enables the regulations to create a protocol that examines the monetary benefit delivered by breaking the law and allows an additional penalty to be imposed that reflects this benefit. Essentially the bill strengthens the current penalties available in the Protection of the Environment Operations Act 1997 and will address and discourage future illegal waste dumpers. The current options available to the courts when penalising individuals and businesses that illegally dump waste do not outweigh the profits made from this activity, as demonstrated by the fines incurred by Mr Hanna. Over \$200,000 in fines did not deter Mr Hanna from his illegal activities. One can surmise that he was making some type of profit by removing asbestos and other waste from a range of different construction sites and dumping that waste on private and public property. Dumpers factor any potential fine into the organised dumping activity.

As previously stated, this bill is in response to the lenient three month suspended sentence received by Mr Hanna despite repeated offending as an illegal waste dumper. Mr Hanna illegally dumped waste across a range of council areas including Penrith, Liverpool and Bankstown. Mr Hanna has eight previous criminal convictions for dumping waste in the Liverpool, Hornsby and Blacktown areas. His actions show a complete disregard for the wellbeing of the communities that he has illegally dumped waste in and his actions are completely and utterly unacceptable. This bill will ensure that serial illegal waste dumpers are given harsher penalties for destroying the environment and inflicting an unnecessary burden on home owners, businesses and local councils to clean up after them. It also potentially causes health hazards for our community.

Justice Nicola Pain, who presided over the Hanna matter in the Land and Environment Court, stated in her judgement that the fines had become meaningless as a deterrent. The New South Wales Government must ensure that the penalties imposed on offenders are adequate to deter future offenders and that courts have sufficient power to punish offenders in accordance with their crime. The bill proposes a strict liability offence which the Legislation Review Committee notes might trespass on personal rights and responsibilities. The Legislation Review Committee notes that the maximum penalty for an offence includes a monetary penalty of up to \$250,000 for individuals or imprisonment for two years or both but will only apply to repeat offenders. The New South Wales Government must take a tough stance against illegal waste dumpers or they will continue to blatantly flout the law. I reiterate the concerns raised by the Opposition in relation to the removal of the section 88 levy.

Mr DAVID ELLIOTT (Baulkham Hills) [4.37 p.m.]: I support the Protection of the Environment Operations Amendment (Illegal Waste Disposal) Bill 2013 and in doing so I have to declare an interest. In my previous capacity as the chief executive of the Civil Contractors Federation I often worked with waste disposal companies. Many of them, as the previous speaker stated, did the wrong thing and they did so repeatedly. They did the wrong thing to the people and the environment of New South Wales. I will not embarrass them by naming them but I can say that they are often identified as donors to the Labor Party. It will be interesting to see the amendments the Labor Party moves in the upper House.

Mr Nick Lalich: Name them.

Mr DAVID ELLIOTT: I am happy to name them. The member for Cabramatta should look at his party donation list as some of the offenders are from his part of the world. The member knows who I am talking about. I put on notice in this Chamber that the amendments to be moved in the upper House by the Opposition, as the member for Bankstown has proposed, will originate from those waste disposal companies that have been embarrassed by the legislation and their donations to the Labor Party and by the fact that they have been previously penalised for doing the wrong thing when it comes to illegal waste dumping. I support the Protection of the Environment Operations Amendment (Illegal Waste Disposal) Bill 2013.

Illegal waste dumping appears to be on the increase in Sydney and surrounding areas. This activity impacts not only on our environment but also potentially on our community health. It is vital that the Environment Protection Authority, as the environmental regulator in New South Wales, has the appropriate tools at its disposal to take all necessary enforcement action to prevent rogue operators from continuing to dump waste unlawfully. For some repeat offenders—many of whom donate to the Labor Party—no financial penalty appears to be a deterrent. Indeed, they will pay the penalty, donate to the Labor Party and then continue to do the wrong thing. According to those operators, that is simply the cost of doing business and it is not outweighed by the cost of compliance.

This bill will strengthen the Environment Protection Authority's powers and provide the courts with increased sentencing options. Those sentencing options are probably the only thing to which those Labor donors

will respond. Specifically, the bill will enable the courts to impose a custodial sentence of up to two years for repeat convictions for serious strict liability waste-related offences within five years in addition to a financial penalty. It will apply the waste and environment levy to all waste received at any licensed waste facility, not only landfill sites, to remove the incentive to stockpile unrecyclable waste and potentially dump it to avoid paying the levy at a landfill site. I know of examples of that occurring outside the Sydney metropolitan area. Many companies send their waste as far away as Goulburn to avoid the levy.

This bill introduces a new offence for knowingly providing false or misleading information, which carries a maximum penalty of 18 months imprisonment and a fine of \$500,000 for a corporation or \$240,000 for an individual. It will enable the Environment Protection Authority to seize and impound vehicles used in repeat illegal waste disposal offences. The bill will also allow a court to order forfeiture of those vehicles on conviction, subject to appropriate safeguards. Finally, it will enable a monetary benefits calculation model to be prescribed for use in legal proceedings where a monetary benefits order is sought. It is logical to allow the Environment Protection Authority to seize and impound the assets that allow people to carry out these activities—that is, their vehicles. Without them they cannot do business; without access to their trucks or boats, these rogue operators will be unable to dump waste. This threat is likely to be an effective deterrent and one that will help to disabuse repeat offenders of the belief that they can continue their illegal activities unchecked.

This legislation sends a message to these people that if they dump waste they can expect to lose their truck. It clearly demonstrates that the people of New South Wales have had enough and will not tolerate these cowardly and unscrupulous acts, which place the health of the community and the environment at risk. I draw members' attention to another piece of legislation dealing with rubbish—that is, the proposed container deposit levy legislation, which I am on the record as supporting. I know that members opposite will probably be very uncomfortable when we debate that legislation because some of their donors are the worst offenders.

Mr Robert Furolo: It is a tax on recycling.

Mr DAVID ELLIOTT: No, it is a levy. I wonder why members opposite are not at one with their comrades in South Australia, who were keen to introduce such a levy. This is the sort of legislation that progressive Liberal governments introduce to make environmental protection more attractive to businesses and people who have in the past done the wrong thing. Like the Protection of the Environment Operations Amendment (Illegal Waste Disposal) Bill 2013, the proposed container deposit bill is designed to keep rubbish out of public places. I commend Minister Parker, who is very ably leading the debate on behalf of the States at the Council of Australian Governments. That is no mean feat, but she has her head around this issue. I look forward to participating in the debate on the container deposit legislation.

As I said, I am concerned that the Labor Party has advised that it will move amendments to the Protection of the Environment Operations Amendment (Illegal Waste Disposal) Bill 2013 in the other place. I suspect that they have been drafted by Labor Party donors who have been charged with illegal dumping. I plead with members opposite to clean up their act—pardon the pun—and to stay away from illegal dumping. They should stick with dumping on their leaders rather than on our environment. I encourage members to support this bill, and I commend it to the House.

Mr ALEX GREENWICH (Sydney) [4.44 p.m.]: The Protection of the Environment Operations Amendment (Illegal Waste Disposal) Bill 2013 aims to reduce the illegal dumping of waste and includes welcome increases in penalties for illegal waste disposal and new powers for the Environment Protection Authority. However, I am concerned that changes to how the waste levy is collected will undermine recycling and other alternatives to landfill. Currently drop-off centres and facilities that collect recycling and compost and treat waste are exempt from paying the waste levy—it is imposed only on waste that is deposited at landfill sites. Under the bill, the levy is extended to goods presented for recycling and is later refunded. The waste levy is the primary instrument used to encourage alternatives to landfill, making them competitive alternatives to sending rubbish to the tip.

The Department of Environment and Heritage website reports significant improvements in New South Wales recycling rates as a result of the waste levy. In fact, 63 per cent of total waste generated in 2010-11 was recycled, which was an increase from 45 per cent in 2002-03. We cannot let this trend slow down because we are generating significantly more waste. We are generating 17.1 million tonnes, which is an increase from 11.8 million tonnes over the same period. Creating additional landfill sites is not the solution. Landfill contaminates the natural environment and the further trucks have to travel to deliver waste the more expensive it is and the more pollution they create. Recycling is a vital factor in addressing this problem.

I understand that by charging recycling businesses a refundable levy the Government intends to address excessive stockpiling of waste intended for recycling at recovery centres and to prevent illegal disposal or fraudulent classification of waste as recycling. If some operators are avoiding the levy illegally then I share the Government's concern, and that must be addressed. However, while the levy will be reimbursed after material has been processed and returned to manufacture or to other productive use, recycling businesses will still incur significant and onerous administrative costs. Most existing contracts for recycling and waste processing are based on exemptions to the levy, and variations to these contracts would need to be negotiated. Extra costs would also be incurred for administrative compliance such as purchasing new equipment, increased working capital requirements to cover paying the levy and having it reimbursed, and through increased capital costs due to additional uncertainty that may be priced by banks. That uncertainty is a particular problem because the rebate system will be set out in the regulations, which can easily be changed by governments, and banks will take that into account.

New costs will add to the price of recycling, making it less viable in what is a very competitive and cost-sensitive sector. The change is not expected to increase the amount of recycling, but it will make it less competitive. There is a real and significant risk that more waste will be diverted to landfill sites. Costs to councils and ratepayers will also increase. Preliminary estimates from the City of Sydney indicate that prior to reimbursement it would need to cover about \$4 million, and the commercial building sector within the Sydney local government area would need to cover about \$13.5 million. As a result, the cost of recycled goods made in New South Wales will become less competitive with goods made from virgin materials. I do not believe this is the right way to address illegal waste disposal. The Government should instead target compliance by offenders through increased audits.

It is not clear whether the Government has done a regulatory impact statement that shows the expected increase in the cost of landfill alternatives and compared the proposal with alternatives such as audits. I would like the Minister to inform the House whether a regulatory impact statement has been prepared. If so, what were its conclusions? Councils are concerned that this proposal was not canvassed in the recent waste levy review, which meant that they had no opportunity to respond. I also understand that the Waste Contractors and Recyclers Association had no warning, nor did several large waste consultancy companies. Waste is a serious problem and the amount sent to landfill sites and illegally dumped must be cut significantly. Recycling and recovery are essential parts of the solution, and I am concerned that this bill will increase the costs of law-abiding recycling businesses and therefore make their vital operations less viable.

Mr MARK SPEAKMAN (Cronulla) [4.48 p.m.]: I support the Protection of the Environment Operations Amendment (Illegal Waste Disposal) Bill 2013. It is part of a strong suite of initiatives that the Government has taken in the area of environmental protection in its two-and-a-bit years in office. It is part of a package of reforms that has included passing new legislation to give the Environment Protection Authority its bite back. We now have the toughest environmental regulator in the country—an independent, modern environmental regulator. We have created two new national parks: Dharawal National Park and Berowra Valley National Park. We have abolished entry fees to the Australian Botanic Garden at Mount Annan and the Blue Mountains Botanic Garden at Mount Tomah. We have announced a package of tough new measures to strengthen regulation of the New South Wales coal seam gas industry. Those measures will make suburbs, country towns, villages and other urban areas no-go zones for coal seam gas. We have established the Environment Protection Authority as the lead regulator in that area. We have launched an Energy Saver registered clubs toolkit to help registered clubs across New South Wales save more than \$100,000 a year on their energy bills, by assisting them with water and energy efficiency upgrades.

The bill that is before the House today complements the new waste and recycling initiative—the Waste Less, Recycle More initiative—that the New South Wales Government has unveiled. It will transform waste and recycling. The initiative includes a \$465.7 million, five-year funding program and improvements to the waste levy system. It is a package over five years that includes \$250 million for waste and recycling infrastructure, \$137.7 million for supporting local communities, \$58 million for combatting illegal dumping, and \$20 million for tackling litter and improvement of the operation of the waste levy. The bill that is before the House today particularly complements that \$58 million illegal dumping program that is part of the \$465.7 million Waste and Resource Recovery Initiative. Just about everyone in this House will agree that illegal dumping is an environmental crime. It is a crime that can cause serious environmental pollution, pose a risk to human health and impact local amenities and community pride. The clean-up cost is significant for local communities, local councils and public land managers.

So the illegal dumping strategy, which complements this bill, is a multifaceted approach to combating illegal dumping. It includes the establishment of an illegal dumping fund, and two regional illegal dumping

squads to crack down on environmental criminals. The strategy includes, among other things, partnerships—the setting up of local waste drop-off centres—and capacity building, providing an online illegal dumping resource and a dedicated Environment Protection Authority illegal dumping unit. There will be strategic enforcement, which includes undertaking regular Environment Protection Authority and joint compliance campaigns; and establishing new regional illegal dumping programs, and working with Aboriginal communities to identify and target dumping hot spots. The strategy also includes education—with targeted campaigns for the community and industry—increasing community engagement, and facilitating community-based clean-up events and information sharing across agencies.

The Protection of the Environment Operations Amendment (Illegal Waste Disposal) Bill 2013 complements that \$58 million illegal dumping strategy. The bill will, first, enable courts to impose a custodial sentence of up to two years for repeat convictions of serious, strict liability waste-related offences within five years, in addition to a financial penalty for repeat offenders. Secondly, the waste and environment levy will be applied to all waste received at any licensed waste facility—not just landfills—to remove the incentive for people to stockpile unrecyclable waste, potentially dumping it to avoid paying the levy at landfills. Thirdly, the bill will introduce a new offence of knowingly providing false or misleading information, with maximum penalties of 18 months imprisonment and/or a \$500,000 fine for a corporation, or \$240,000 for an individual. Fourthly, the bill will enable the Environment Protection Authority to seize and impound vehicles used in repeat illegal waste disposal offences. It will enable the court to order forfeiture of these vehicles on conviction, subject to appropriate safeguards. Fifthly, the bill will enable a monetary benefits calculation model to be prescribed for use in legal proceedings where a monetary benefits order is sought.

What is important about the bill is that it will break the business model of illegal dumpers by making sure there are penalties in place that more than offset the potential profit to be made by illegal dumping. These are important initiatives. They are certainly important for the people of my electorate, where we have the prospect of a significant amount of illegal dumping on the Kurnell Peninsula. I am pleased that the Minister for the Environment has brought these proposed amendments to the legislation to the House to combat that problem. I support the bill. As I said at the outset, the O'Farrell Government has a proud record on environmental protection. We have sought to enhance environmental protection on many fronts, and this bill is part of an important suite of initiatives to do that. I commend the bill to the House.

Mr NICK LALICH (Cabramatta) [4.54 p.m.]: The object of the Protection of the Environment Operations Amendment (Illegal Waste Disposal) Bill 2013 is to amend the Protection of the Environment Operations Act 1997. It will ultimately grant additional powers to the Environment Protection Authority in order to curtail illegal waste dumping and increase penalties for illegal waste dumping throughout New South Wales. Illegal waste dumping is an ongoing problem in New South Wales, and I am happy to support legislation that will help put a stop to such deplorable acts by illegal waste dumpers within our great State. The dumping of illegal waste costs the Government approximately \$100 million every year and I have experienced first-hand—for many years I served on my local council—just how troublesome, costly and frequent illegal waste dumping can become.

Inclusions in this bill will double the penalty from \$250,000 to \$500,000, with the possibility of offenders incurring jail time for providing misleading or false information in regard to waste. A penalty for repeat offenders has been included. Should a previous strict liability waste offence have been committed within the past five years, the individual may be penalised up to \$250,000 and face a possible two-year jail sentence—or both. This bill also ensures that our waterways are protected, by extending to water the offence of using land as a waste facility without lawful authority. This will ensure that our bodies of water are recognised under this Act, and subsequent penalties will be imposed upon offenders who dump illegal waste into our waterways.

The bill will also empower the Environment Protection Authority to seize any vehicle that it has reason to believe has been used for repeat illegal dumping. It gives the Land and Environment Court the power to have the vehicle forfeited. Further amendments in the bill will enable the regulator to create a protocol that examines the monetary benefit delivered to those who break the law, and allows for additional penalties to be imposed that reflect this. During the time that I served on council we had to introduce a range of measures to attempt to stop individuals and businesses from dumping illegal wastes throughout our local government authority. We have heard stories in this House of Mr Hanna and his recidivist dumping within the Sydney metropolitan area. He incurred 22 penalties and eight convictions. What did he get? He received a three-month suspended sentence. I hope this legislation will change all that and make sure that people like Mr Hanna do not reoffend—or are sent broke and driven out of the industry.

Fairfield City Council dealt with a similar incident. Liquid waste was being dumped in the waterways of the Fairfield central business district. It took council quite a few months—six to nine months—to find where this liquid waste was originating. It went to the extent of installing cameras and following the waste from the creeks back up the drain to find out where it was coming from—one of the back alleys in the Fairfield central business district. A guy was driving his truck over the drain, taking the lid off and putting a pipe down. He then just sat in his truck for a time, as if he was waiting, and emptied the truck's contents into the drainage system. We saw him through our mobile cameras, which we had set up on buildings once we thought we knew where the liquid was coming from.

The gentleman eventually went to court and I think the court imposed a \$100,000 or \$150,000 fine on him. It sent him broke. I was mayor at the time. He came to my office—probably not knowing that I was both the mayor and the local member—asking me whether I could help by giving him a letter of support saying that he was a decent sort of person and that maybe he should not have been penalised so much in his business. I did not support him. I knew about him and indicated to him that he was wasting his time—that he had been caught fair and square. He tried to get away with it but the council used a lot of resources and staff time and eventually caught this gentleman. As I said, he went broke and lost his business. Let us hope that he never gets into that sort of business again.

The council implemented measures such as installing mobile cameras near dumping hotspots to catch perpetrators in the act and instigating regular patrols by council officers throughout targeted areas within the local government area to identify and investigate places that had been affected by dumped waste. The council also conducts thorough investigations of dumped waste in an attempt to identify the perpetrators. These initiatives were introduced by our council in an attempt to curb the problems of illegal waste disposal within our area. I am sure that other councils throughout New South Wales have had similar problems.

I am quite happy with the bill, with the exception of one aspect: the new tax, or levy—one has to call it a tax—on recycling material. I know it is a refundable tax but people have to negotiate the red tape. It is an impost on councils to have to pay the levy upfront and then wait some months until it is recognised where the material has gone and where it has been recycled before they can get that levy, or tax, back. I think the legislation is great but I do not like that aspect of it. That said, I am pleased to support the bill and the sensible improvements to the Act, which seek to impose more onerous penalties on serial waste offenders in line with the expectations of our communities.

Mr CHRIS PATTERSON (Camden) [5.01 p.m.]: I speak in support of the Protection of the Environment Operations Amendment (Illegal Waste Disposal) Bill 2013. Illegal waste disposal, also known as illegal dumping, not only is detrimental to our environment and costs our communities millions of dollars every year but can also have serious health repercussions for people who are exposed to it. The people of New South Wales are sick of dodgy dumpers and operators who have no concern for the health of others and the costs involved in the clean-up. The majority of people dispose of waste correctly but there are those who refuse to do so—for whatever poor excuses they make to justify their actions. These people tend to be habitual dumpers and are always on the lookout for a new place or way to dump illegally.

Illegal waste disposal is the unlawful placing of waste of any kind that is larger than litter onto public or private land or into water without licence or approval. This includes illegal landfilling, which has been a significant and ongoing issue for the Camden local government area and the neighbouring council areas of Wollondilly and Campbelltown. In addition to this bill, the State Government recently announced that more than 70 councils will share in nearly \$39 million from the Environment Protection Authority as part of the Waste and Sustainability Improvement Payment Program to increase resource recovery, reduce waste and tackle illegal dumping. This funding will assist councils in the transition to new council programs under Waste Less, Recycle More, which will see the largest commitment to waste reduction in New South Wales, with councils eligible for grants under the five-year initiative worth more than \$465 million.

Mr Nick Lalich: How much was that?

Mr CHRIS PATTERSON: It is \$465 million, and a little bit of change on top of that. In March we were horrified and outraged when we heard in the news that construction waste containing asbestos had been dumped outside two preschools in Sydney. A truck was caught on film with its tipping tray up travelling over speed humps to ensure the waste it was carrying was dislodged onto the street. Worse still, its numberplates were covered. What type of person would do that? It is shameful. However, that crime and a number of similar incidents that were reported recently in the media have raised community awareness about such activity. I am

sure the people of New South Wales will happily work together to expose anyone responsible for the illegal dumping of waste. The Environment Protection Authority has a 24-hour hotline for anyone concerned about or wishing to report illegal dumping. That number is 131 555, and I encourage anyone with concerns to contact the hotline sooner rather than later.

Through this bill the New South Wales Government seeks to make a number of amendments to the Protection of the Environment Operations Act 1997 to address waste dumping and waste levy fraud, and it will enable a monetary benefits calculation model to be prescribed. This bill will deter and crack down on serious waste-related offences, particularly repeat offenders and illegal waste operators. The Environment Protection Authority will receive additional powers and the courts system will be provided with a sentencing increase and penalty provisions. The amendments will introduce a new offence with a jail term of up to 18 months for knowingly providing false or misleading information about waste, for which currently there is only a fine. Provisions will be put in place to enable a court to impose custodial sentences of up to two years for repeat convictions for serious waste-related offences within five years. This will be a strict liability offence. It will not be necessary for mens rea to be proven; therefore, the offence can be successfully defended only if the accused can prove that the act did not happen.

The amendments will authorise the Environment Protection Authority to seize and impound motor vehicles that it believes have been used in repeat waste offences. The court will then be able to order the forfeiture of the vehicle on conviction. The amendments will enable the court to take into account the potential profit from a waste offence for consideration of an additional penalty if convicted. The amendments will also amend the application point of the waste levy to prevent possible stockpiling and illegal dumping of waste on private property, in State forests and in national parks. The current penalties do not outweigh the profits from illegal dumping.

These amendments are what our community wants and expects. Illegal waste disposal is a crime and the citizens of New South Wales want these criminals to face heavy penalties. These laws will now be the strongest in Australia, and they are indicative of what the community expects of a government. This bill and its tougher penalties for those who have no consideration for people's health and wellbeing or for the environment highlight this Government's commitment to this serious issue that is pertinent to all communities across New South Wales. For those reasons I commend the bill to the House.

Mr ROBERT FUROLO (Lakemba) [5.09 p.m.]: The Protection of the Environment Operations Amendment (Illegal Waste Disposal) Bill 2013 has two separate and distinct objectives. Members on both sides of the Chamber have spoken extensively about the first objective, which is to increase the penalties for illegal dumping and to increase the capacity of the Environment Protection Authority to pursue people who dump illegally and prosecute them appropriately. That objective is supported by all members and many people in the community. The other objective of the bill is a great shame and will introduce a great big new tax on recycling in New South Wales. While the Opposition has indicated it will not oppose the bill, I cannot make a contribution to this debate without highlighting what I believe is either a serious oversight or a direct attack on the environment and the cost of living in New South Wales. Schedule 1 of the bill states:

Omit ", but it does not apply to a facility that the EPA determines is used solely for the purposes of re-using, recovering, recycling or processing waste other than liquid waste" from section 88 (1).

That means that a facility used solely for the purpose of reusing, recovering or recycling waste will now not be exempt from the waste levy. The levy currently stands at around \$95 per tonne and will rise to \$107 per tonne. In effect, recyclable materials that were previously exempt from the waste levy will now be subject to the levy. Key stakeholders, including a number of councils, have identified concerns about this bill. The Southern Sydney Region of Councils [SSROC], which represents about 1.5 million Sydney residents, has agreed to work to have the provision overturned. A report to councils within the Southern Sydney Region of Councils has identified that the changes contained in the bill are estimated to cost those councils an extra \$30 million a year in tipping fees. A report presented to one of the councils in the Southern Sydney Region of Councils stated:

The levy is currently \$95.20 per tonne of municipal solid waste (i.e. kerbside collections) disposed of to landfill, which totals over \$35 million across the SSROC member Councils per year. If this levy were to be applied to all waste (not just that landfilled) the cost to Councils would be more like \$62 million, increasing as the levy increases.

The report continues:

The SSROC Waste Management group identified at its last meeting that this amendment appears to extend the waste levy to all licensed waste facilities, including recycling facilities, AWT facilities, processing and sorting facilities.

The report summarises the legal advice received by the region of councils as follows.

...that changes mean that the levy is to be paid upfront, when waste is received at any licensed facility. Following this, there will be a rebate or reimbursement available for waste that is recycled.

This would mean that the first licensed facility to receive waste would need to pay the levy in full, then seek to recover those costs either by way of the rebate, or from other parties in the waste stream (e.g. Council, recyclers). This will introduce additional complexity, and create the need for all waste services contracts to be reviewed, and varied.

That will massively increase red tape for councils and place an unnecessary burden on ratepayers. The bill does not identify why this change is necessary. The report continues:

The administrative/technical process to obtain the rebate is not yet known, so how the rebate/reimbursement will operate, and what additional administrative and other requirements will be imposed on sorting, recycling and AWT facilities are also unknown.

The economic and practical impacts on the waste industry in NSW are as yet unclear, but it is likely that costs will increase.

It does not make sense to introduce a system that will increase the waste levy on material that is currently tipped for free. Why would we want to charge \$95 a tonne for material which is currently collected and tipped without charge to councils or residents? It does not make sense. Removing the exemption for the waste levy on recycling facilities and alternative waste treatment [AWT] plants suggests that the O'Farrell Government does not support recycling. This amendment will act as a disincentive to recycle while virtually doubling the cost of waste collection and disposal for councils.

As I have outlined, the Southern Sydney Region of Councils estimates that the removal of this exemption will increase their combined tipping fees from \$35 million to \$62 million per year. The Minister has suggested that, as a result of this bill, the new tax levy on recyclable material will be managed by regulation and not by the Act. That feature greatly concerns me. Councils will have to pay the levy on recyclable material and seek to be reimbursed by operators of recycling facilities. Placing that provision in regulation instead of the Act will reduce the opportunity for members of this Parliament to have a say on the level of the rate or how it is levied. Putting it in a regulation will mean that the Minister can change it at his or her will at any time and without consulting with the industry. If this does not mean more red tape for a currently very simple process I do not know what does.

For a start, I am advised that all the waste contracts signed by councils will need to be rewritten to accommodate these changes. Of course, as outlined by the Minister, councils will need to install weighbridges to weigh the material as it enters recycling areas. That will mean an additional cost on the community and ratepayers to change a system that does not need to be changed. Dealing with this tax on recyclable material by way of regulation will mean that the Minister can change the regulation without any oversight or community consultation.

The O'Farrell Government promised to reduce the cost-of-living pressures faced by working families. Instead, we have seen public transport fares and energy and electricity prices go up. Fees have been introduced for previously free public preschools and rents for public housing tenants have been increased. Now we see a great big new tax on recyclable material. I do not understand why the Minister has to include this provision in a bill that seeks to increase penalties for illegal dumping. We can do one without changing the other. On that basis, the bill needs amendment.

Mrs LESLIE WILLIAMS (Port Macquarie) [5.16 p.m.]: I am pleased to speak in support of the Protection of the Environment Operations Amendment (Illegal Waste Bill) 2013. As a number of speakers have highlighted, the amendment is designed in the first instance to implement tougher penalties for people who knowingly engage in the illegal disposal of waste. The actions of rogue operators cost the people of New South Wales approximately \$100 million per year. More significantly, illegal dumping has an enormous cost on our environment. Whilst some penalties are currently in place, recent incidents demonstrate that the penalties need to be strengthened to deter people from undertaking such activities. This bill will achieve that.

The bill proposes the creation of a new offence with a jail term of up to 18 months for knowingly providing false or misleading information about waste. Currently, that offence is covered only by a fine. The bill also proposes provisions to enable a court to impose custodial sentences of up to two years for repeat convictions for serious waste-related offences within five years. It also strengthens the powers of the Environment Protection Authority in relation to sentencing. Members are hopeful that that will make those rogue operators reconsider their actions. Further, the bill provides provisions for the Environment Protection Authority to seize and impound vehicles used in illegal waste disposal offences.

A number of speakers have outlined incidents of asbestos dumping on the streets of Sydney. The case of the *Environment Protection Authority v Hanna* has been referred to and I will not repeat the specifics of that case. I will only say that the case demonstrated that the community views the actions of these rogue operators as appalling and unacceptable. In one incident the community was shocked to see that an operator knowingly dumped the waste outside a childcare centre. As well as the distress caused to the people at the childcare centre and nearby residents, an enormous cost was associated with cleaning up the waste. Sometimes the cost can run into hundreds of thousands of dollars.

While this bill deals with illegal disposal of waste products, it is worth mentioning that the disposal of waste and rubbish generally in Australia is a huge problem. Some might say that people who get away with dumping small amounts of rubbish or litter may have an incentive to dump even more rubbish. Then rogue operators start dumping waste, and unfortunately that flourishes, as we have seen in recent cases. I take the opportunity to commend Clean Up Australia Day activities. Despite those activities taking place for 23 years—Clean Up Australia Day is held every March; I am sure many members keenly participate in activities, which are a great community event with excellent outcomes—we continue to see a huge amount of rubbish being dumped. It is extremely disappointing that the evidence is still there and that we must continue to do our bit on Clean Up Australia Day, as do millions of volunteers across Australia.

In fact, this year more than 500,000 volunteers removed about 16,000 tonnes of rubbish Australia-wide. That is an impressive statistic but it would be much nicer if we did not have to undertake clean-up activities every year. I am pleased to have been a volunteer for Clean Up Australia Day for many years. On many occasions I have coordinated clean-up events in my local community. I take this opportunity to thank all the volunteers, not only in my local community but across the State and across Australia, who participate in this event. As I said, too often the environment suffers the most at the hands of these rogue dumpers. Whether it is in beautiful bushland, a national park, a State forest or simply on the side of the road, along a footpath or in undeveloped lots, illegally dumped waste is a blight on our landscape. The presence of illegally dumped waste also has the unfortunate consequence of attracting additional illegal dumping, which often compounds the problem. I have seen that in my local area, and it is a concern to my local community.

Near my home there is a walking track that circles the residential area. It is a beautiful place to be, and I walk there often. The track is well used not only by walkers but also by young children and cyclists. Because of its ease of access and level terrain, it is a popular area with our retired and senior residents. I often walk the track and, sadly, I am literally stopped in my tracks because there is rubbish dumped either on the side of the track or in the middle of the track. Usually it is household rubbish, kitchen waste, sometimes old furniture and old white goods. It is disappointing that people are simply too lazy to get in their car and, in my electorate where I have seen the dumping, drive either south to the waste depot at Dunbogan or north to the waste depot at Port Macquarie. That is extremely disappointing.

Hopefully, the threat of a custodial sentence or an increased financial punishment will deter these illegal dumpers and they may think twice about these offences. Impounding vehicles used in repeat illegal waste disposal offences will also help reduce the occurrence of illegal dumping. Finally, it is important to encourage members of the community to be vigilant, to keep an eye out for illegal waste dumpers, and to report any incidents they view to the Environment Protection Authority or their local council. I think we all want these illegal dumpers to get caught and face the full weight of the law and the consequences of their illegal dumping. On that note I commend the bill to the House.

Mr GUY ZANGARI (Fairfield) [5.24 p.m.]: The object of the Protection of the Environment Operations Amendment (Illegal Waste Disposal) Bill 2013 is to tighten the penalties for the illegal dumping of rubbish in public areas to make it more consistent with public expectations. This bill will confer additional powers upon the Environment Protection Authority [EPA] that aim to target the small portion of people who seek to continue to flout environmental laws and illegally dump waste and rubbish in local communities throughout New South Wales. According to the Minister with carriage of the bill, the Minister for the Environment, the bill will increase sentencing and penalty provisions to enable courts to crack down on illegal waste dumpers and break the business model of organised illegal waste activities.

This bill cannot come soon enough. There have been a series of incidents throughout New South Wales this year alone where callous individuals have placed at risk the health and wellbeing of New South Wales residents by dumping asbestos-contaminated waste on public land. On 6 August building waste was found illegally dumped in Jack Vanny Reserve, Maroubra. Last month, in July, sheeting asbestos was found dumped

in John Hines Avenue in Minchinbury. In June this year sheets of asbestos material were found in the middle of the road in Belmore at 2.00 a.m. The asbestos was dumped 25 metres away from a local childcare centre. Also, bags containing asbestos material were dumped near a Bondi public school.

The worst example I have come across so far this year was the dumping of 80 tonnes of waste by a private operator of two tip trucks onto a property on Henry Lawson Drive at Picnic Point in April. The person responsible is a repeat offender who has previously been fined more than \$130,000 for four incidents of illegally dumping waste. Yet despite the offender's previous convictions for related infringements, they still see the benefit of repeating their illegal activities. It is an activity that poses a threat to the health and wellbeing of everyday members of the community who unknowingly come into contact with asbestos. Asbestos is a naturally found fibrous silicate material used throughout the last century for the manufacture of building materials found in many homes throughout New South Wales and Australia. However, it was not until the end of the last century that the link between mesothelioma, a form of cancer that targets the lining of internal body organs, and asbestos was made.

Generally, mesothelioma develops after a person engages in long-term exposure to asbestos. However, short-term exposure to asbestos has been held to have resulted in the cancer. That is why illegal dumping, particularly of old household building materials, is so dangerous, especially when commercial waste management providers are responsible for this heinous activity. The issue of illegal dumping has more profound implications than just the aesthetics. I turn now to the contents of the proposed legislation. Schedule 1, item [3] of this bill seeks to create an offence of knowingly supplying false or misleading information in regards to waste. It includes a maximum prison sentence of 18 months and/or a fine of \$240,000 for individuals. The financial penalty increases to \$500,000 for individuals.

Item [5] creates a strict liability waste offence for repeat offenders. The provision will include repeat offences within five years for subsequent acts of polluting water with waste, polluting land, illegally dumping waste or using land as an illegal waste facility. It will introduce a maximum period of imprisonment of two years as an alternative or in addition to a financial penalty. Item [6] seeks to introduce part 7.6A, which confers on the Environment Protection Agency the authority to seize a motor vehicle or vessel that it has reason to believe has been used to commit any repeat offence. It also enables the Land and Environment Court to order forfeiture of a motor vehicle or vessel to the State if its owner is convicted of a repeat waste offence.

In a nutshell, this bill will extend the offence of using land as a waste facility without lawful authority. It will remove from licensees of waste facilities an exemption from payment of a contribution under the Protection of the Environment Operations Act 1997 that is currently applied to reusing, recovering, recycling or processing of waste other than liquid waste. Furthermore, the bill will enable a determination of the monetary benefit acquired by an offender as a result of committing an offence to be made, and will strip from an offender any profits gained by an offender from violating the Act. I support the bill.

Ms MELANIE GIBBONS (Menai) [5.30 p.m.]: I support the Protection of the Environment Operations Amendment (Illegal Waste Disposal) Bill 2013. I thank the Minister for the Environment for bringing forward this important amendment to the House and for helping to tackle the serious problem of illegal waste dumping. Apart from the illegal and unsightly implications that waste dumping has—and I do see an awful lot of it in my electorate of Menai—there are also some very real health concerns related to the content of the waste. We have seen the footage of building waste that is contaminated with asbestos being dumped in front of childcare centres without a care—all to avoid paying to dump the waste correctly at registered waste facilities. Vacant blocks of land are also drawcards as places to dump potentially dangerous waste. This must stop.

Some businesses have even incorporated this practice into their operating procedure. The current fines and penalties for illegal dumping are seen as a cost they are willing to bear, and this is why the legislation desperately needs to change. Fines are no longer a deterrent and therefore have become ineffective. On top of the dirty dumpers getting away scot-free, the New South Wales Government is footing the bill to clean up their mess. Each year the New South Wales Government spends an estimated \$100 million on clean-up costs and unpaid waste levies. What an absolute waste of taxpayers' money. That is \$100 million that could be better spent on the services and infrastructure we need most, not on paying someone else's cleaning bill.

This bill aims to tackle the issues by introducing tougher penalties to deter environmental criminals and by giving courts the power to punish them appropriately. There are five important reforms within this bill. For repeat offenders, who continue to commit waste-related offences, a new penalty of imprisonment will be introduced. Repeat offenders will be classified as those recommitting within a five-year period. The offences

may be prosecuted through the Land and Environment Court and will apply to specific waste offences, regardless of whether that waste is disposed of on land, water or unlicensed industrial premises. The penalties will be the same. Under this new legislation, offenders could potentially be sentenced to up to two years imprisonment for their crimes in addition to paying a fine.

After an incident earlier this year, many people were surprised to know that legislation to cover the offence did not exist. A similar incident occurred in the electorate of the member for East Hills, who, I am pleased to note, is present in the Chamber and to whom this legislation is important as well. This bill sends a strong message to illegal waste operators that that type of behaviour will no longer be tolerated and it cannot simply be paid off in fines. In another reform, this bill will provide the Environment Protection Authority with powers to seize vehicles for repeated waste-related offences. It also will allow for the forfeiture of the vehicles on conviction of an offence. Just like we have seen with repeat traffic offenders, the threat of having their vehicle seized, or worse destroyed, is a strong incentive to stay out of trouble. In the case of illegal waste dumpers, by seizing their vehicle, it may immediately stop the ability to reoffend, which could still occur if they retain control of their vehicle.

The third reform is the introduction of a new offence for fraudulently providing false or misleading information in relation to waste. It will carry an imprisonment penalty for those who are found guilty. Offenders will be subject to fines of up to \$500,000 for corporate offences and \$240,000 for individual offences. In addition, those found guilty of providing false information could be imprisoned for up to 18 months, which could be instead of or in addition to a fine. This particular provision will ensure that the penalties for waste levy evasion schemes are consistent with penalties for fraudulent behaviour as set out in other legislation. Another important reform is the restructuring of the waste levy to remove the incentive for illegal waste disposal. The existing waste levy is designed to encourage more waste to be recycled and ultimately to reduce the quantity of waste that is dumped in landfill.

Although it may sound strange to say so, in the Menai electorate I am lucky to have such an innovative waste facility at Lucas Heights. SITA Australia's Lucas Heights Resource Recovery Park not only collects waste but also is constantly introducing new ways to get the most out of waste, whether that is by turning it into rich compost or even creating energy. I have seen firsthand the importance of properly disposing of waste and know why we cannot simply continue to send most of it to landfill. We need to embrace the reuse and recycling of waste. The neighbouring Ridge Sporting Complex is built upon the former site of the Lucas Height landfill. It is now a championship 18-hole golf course, sports fields and recreation area. People can hardly believe it used to be a tip. On previous occasions in this House I have spoken about the Premier recently opening the final nine holes of the 18-hole golf course.

Over the years we have had some intermittent problems with illegal dumping along the roadside near the entry to the tip, but have been able to monitor the issue without too many problems with the help of SITA and the Sutherland Shire Council. However, that is not always the case in other areas. The Environment Protection Authority already is aware of illegal waste activity that occurs at waste storage, recycling and transfer facilities. In many cases, the waste that should be transported for disposal is being dumped illegally on private property, in our State forests and in our national parks. Currently the levy is applied at the landfill gate to drive increased waste avoidance and the recovery, reuse and recycling of materials. This bill proposes to apply the waste levy whenever waste is received at all licensed waste facilities, not just landfills. By changing when and where the levy is paid, that will help to remove the incentive for unscrupulous operators to transport waste long distances and to dump their waste illegally, simply to avoid paying the levy.

There is some good news too. For operators who are doing the right thing and paying the levy on waste going to landfill, this bill includes provisions that will ensure any additional levy they pay in the short term will be returned to them, once they apply for a rebate. That will mean more in their back pocket for simply doing the right thing. The bill will repeal current exemptions from the waste levy for certain waste facilities. This will mean that all waste facilities will be required to charge the waste levy and it will stop certain operators from using the loopholes in the current system. The shonky operators will be required to collect the levies and will be accountable for the actions of their customers. Suddenly, their businesses will not be so attractive. In addition, the courts can order a convicted offender to pay an additional financial penalty that is equal to the monetary benefit gained from committing the crime. Usually this benefit would be the avoided waste disposal costs and additional business gained by undercutting legitimate waste operators.

To enable the courts to consistently and transparently calculate the amount of the monetary gain achieved by those operators, this bill includes the regulations to prescribe a protocol for the courts. With a

standardised calculation model, courts will be able to easily and consistently total the amount those operators stood to gain from their illegal actions. That is just another way we can make illegal dumpers accountable for their actions and to show them we are serious about stopping their behaviour. Currently we have a system that is in need of repair. This bill aims to rectify the situation with a strong and consistent approach to stamping out illegal dumpers and providing tougher penalties to those who continue to offend. By granting greater powers to the Environment Protection Authority to enable it to prosecute environmental criminals and in relation to illegal waste operations, we hopefully will begin to see a reduction in these types of crimes. Once again I thank the Minister for the Environment for introducing this important legislation that will help to eradicate illegal dumping in New South Wales. I commend the bill to the House.

Mr GREG PIPER (Lake Macquarie) [5.38 p.m.]: I contribute to debate on the Protection of the Environment Operations Amendment (Illegal Waste Dumping) Bill 2013 to particularly bring to the attention of the House some of the significant implications the legislation will have for the Lake Macquarie City Council and most likely other local councils across New South Wales. The bill will create a number of criminal offences in relation to illegal waste disposal with prison terms of up to two years and fines of up to \$500,000. It also will provide the Environment Protection Authority with additional powers to take action against illegal dumping. The purpose of the bill is to deter illegal dumping. It targets organised groups that engage in illegal waste disposal.

While the bill's stated intention is laudable, the legislation presents potential difficulties for local councils that will bear the financial burden of compliance. I have received representations on this matter from the Lake Macquarie City Council, as have other members of Parliament in my area. I wish to make members aware of some of the concerns raised by the council. The council's key objections relate to the provision within the bill to apply the section 88 waste levy to licensed premises that are used solely for reusing, recovering, recycling or processing waste. The Protection of the Environment Operations Act 1997 requires licensed waste facilities in New South Wales to pay a contribution in respect of each tonne of waste received for disposal at the facility. The current rate for facilities in the Hunter area is \$107.80 per tonne. The aim of the levy is to reduce the amount of waste being disposed of and promote recycling and resource recovery, and so, to date, the levy has not applied to facilities that are used solely for the purposes of recovering, recycling or processing waste.

I heard Government members say that this catch-all is great and will be a solution. However, I very much doubt that that is the case because we are talking about clever rogue operators who will always find some loophole to drive their trucks through. We are also catching councils and others who are trying to do the right thing, and I think this problem has come about because the actions of the Environment Protection Authority in developing this legislation were not co-operative, collaborative or unilateral. The bill proposes to repeal those exemptions and apply a waste levy at all licensed waste facilities, rather than just landfills, with a rebate to be made available after material is sent off-site for recycling.

Lake Macquarie council has pointed out that this change will result in significant additional compliance costs for them due to issues with the storage of lead-tainted spoil that cannot be recycled. Due to contamination from the former Pasminco lead smelter at Boolaroo, elevated lead levels exist in some areas throughout the city. The city generates about 50,000 tonnes of excavated natural material from road works each year which, due to the Pasminco legacy, is not suitable for reuse. This spoil is classified as waste and is permanently stored at the licensed processing facilities. Currently no levy is paid on this material because the facilities at which it is stored are exempt. However, under the changes proposed in the bill, the council would have to pay the levy without any opportunity for reimbursement because the material is lead-tainted and cannot be moved off-site for recycling.

The council believes that the application of the levy to this quantity of spoil would impose compliance costs of about \$5 million per year and would therefore compromise its ability to maintain an effective road network. In addition, Lake Macquarie City Council would have to bear the cost of installing weighbridges at four licensed quarries that are used to process materials for civil works, at an estimated cost of \$1 million each. That is a far cry from the \$50,000 the Government is prepared to contribute, which was discussed earlier. I suggest that \$1 million per weighbridge is probably a much closer estimate of the cost.

Recycling and green waste contractors will face increased costs, which will not have been factored into existing contracts, including the construction of weighbridges and administration of the levy and rebates. There is concern as well about the bill's provision to create an offence of knowingly supply false or misleading information about waste in the course of dealing with waste. At face value it may seem to be a good thing. It is

dealt with in amendments to section 144AA of the Act and this provision is designed to clamp down on unscrupulous operators who conspire to evade levies. In her second reading speech the Minister gave the example of a landfill operator and a recycler who had devised an illicit scheme to avoid paying \$3 million in waste levies.

Unfortunately, this provision could place an unreasonable burden on senior council staff by removing the defence that a person took all reasonable steps to ensure information provided was not false or misleading. This new offence carries fines of up to \$240,000 for individual offenders and a prison term of up to 18 months, so the consequences of legitimate inadvertent breaches are potentially very serious. Even though it may well be argued such charges could be defended, I imagine there would be a huge cost personally, emotionally and financially in doing so. The Minister stated in her second reading speech that the only people who would oppose this bill are "rogue operators who undercut the market, pollute our environment and put public health at risk". However, I am sure other councils across the State will face similar compliance issues to those that have been raised by Lake Macquarie City Council and have similar concerns.

While the intent of removing exemptions to the waste levy might be aimed at deterring illegal operators, it will also place considerable burdens on local councils. The implications are significant and need to be addressed so that these organisations are not inadvertently penalised. I am aware that Lake Macquarie City Council has written to the Minister seeking the following amendments to the Protection of the Environment Operations (Illegal Waste Disposal) Bill 2013:

- That the waste levy exemption for licensed premises that are used solely for reusing, recovering, recycling or processing waste be retained.
- That the current legislative defence that a person took all reasonable steps to ensure that information provided is not false or misleading also be retained.

I understand that since writing to the Minister a month ago senior Lake Macquarie council managers have met with representatives of the Environment Protection Authority and received advice that funding will be available to assist councils with the costs of weighbridges and administration, and that consultation on application of the waste levy will be undertaken after the legislation is passed, with the outcome to be clarified in the regulations. While I acknowledge this advice may have been given in good faith, it is asking a lot of councils to accept the assurance that their problems will be sorted out later. Given the very real and serious implications for councils such as Lake Macquarie, I suggest that it would be better to provide certainty by dealing with these matters now, before the bill becomes law.

It is ironic that this comes from a government that when in opposition decried red tape and green tape, and in relation to waste levy was frequently critical of its application and the cost of it to the consumer. We now have legislation that was introduced with very little consultation with a wide range of impact, including increased costs on ratepayers or taxpayers. It is amazing that the Government has told us that the Environment Protection Authority, subsequent to the passage of the legislation, will enter into negotiations with councils in relation to those exemptions. I doubt that many councils will take heart from that process where their legitimate needs need to be negotiated retrospectively. This will not be cost-neutral to councils even though rebates will be available for materials that are eventually recycled as there will be a significant added cost created to administer the process including the need to install weighbridges in some instances.

There are elements of the legislation that are supportable, including increased penalties for persons and companies who illegally dump. The broadening of the application of the levy should be considered in the context of the increasing waste levy and it would be legitimate to suggest that while the levy has been successful in encouraging waste minimisation, waste reduction and recycling, it is clear that the growing waste levy also created an opportunity for, and therefore an increase in, illegal dumping of waste. I am concerned that this legislation is another lost opportunity to work more closely with local councils to solve the growing problem of illegal dumping. Councils are well aware of the problems in their local area and would be willing to work with the Environment Protection Authority to produce a better solution.

I am sure that the Government had no intention in introducing this bill to place unnecessary financial burdens and compliance costs on councils though I suggest that it actually has done that. I therefore urge the Minister to reconsider those aspects of the bill that will negatively affect councils and amend the proposed legislation accordingly. I look forward to the Minister in reply addressing these issues and perhaps bringing forward amendments. I also look forward to the foreshadowed amendments by the Opposition to be introduced in the Legislative Council.

Mr CHRIS HOLSTEIN (Gosford) [5.47 p.m.]: I support the Protection of the Environment Operations Amendment (Illegal Waste Disposal) Bill 2013. This bill is aimed squarely at serial waste dumpers who thumb their noses at the laws that are designed to protect our environment and communities. This bill sends a clear message of this Government's zero tolerance to illegal dumpers. This bill gives additional powers to the Environment Protection Authority by increasing sentencing and penalty provisions to enable the courts to crack down on these illegal waste dumpers and to break the business model of organised illegal waste activities. Unfortunately, the illegal dumping of waste is something that is increasing and must be stopped in its tracks. The dumping of waste is perfectly legitimate and a legal operation when carried out within the law. It is a profitable industry, after all; waste is always created in our society and money is to be made by its legal disposal. Good luck to those legitimate operators who turn a profit and make a decent living out of it. Where would we be without them?

However, the problem is that there are also a few who, in pursuit of the greedy objectives, show scant regard for the rule of law and cut corners to avoid dumping fees and other compliance costs. This bill is unashamedly aimed at them. The Government estimates that the annual cost associated with illegal dumping runs at about \$100 million both in lost revenue and environmental clean ups. Illegal dumping puts public health at risk as the dumpers do not care where or when they dump it. We have heard about asbestos being dumped near schools and on public roads. Indeed, earlier this year illegal dumping occurred in Sydney's south-west on private property at Picnic Point and in May up in Tamworth. This bill seeks to address those problems. The community has a right to be outraged. The public expects the Government to do everything it can to prevent illegal dumping and to apply the full force of the law to those who break the law in this way. Previous deterrents have not worked because the penalties being imposed by the courts on illegal operators that we inherited are not regarded by those lawbreakers as being anything more than the cost of doing business, and that is only if they get caught.

Illegal dumpers will utilise vacant blocks in residential areas such as Picnic Point, the outskirts of rural communities such as Tamworth and, quite frankly, the middle of the street if it is convenient to them. Incidents of illegal dumping are occurring on a daily basis; they are not rare occurrences. Therefore, the introduction of tough penalties is required to act as a deterrent. Court orders to stop dumping on the private property of innocent people are flouted by these illegal waste dumpers. The bill will strengthen the power of the Environment Protection Authority and provide courts with increased sentencing options. It will create an offence of knowingly supply false or misleading information about waste in the course of dealing with waste. The penalties will be \$500,000 for a corporation, \$240,000 for an individual and up to 18 months imprisonment.

The bill creates an offence of committing a strict liability waste offence within five years of any previous conviction and authorises the Environment Protection Authority to seize a motor vehicle or vessel if it has reason to believe that it has been used to commit such a repeat waste offence. Specifically, the bill will enable the court to impose a custodial sentence of up to two years for repeat offenders of serious strict liability waste-related offences within five years and/or a financial penalty for repeat offenders. The bill will allow the courts to impose a broader range of appropriate penalties on those who think they are above the law. It will act as a strong deterrent and should result in a change of behaviour. It will be subject to review within three years to ensure that it is having the desired effect.

The member for Lake Macquarie referred to the concerns of Lake Macquarie City Council. I have had 20 years of experience in local government and I share the concern that councils will always take the negative approach. However, councillors must have faith in what we are trying to achieve and understand that we are trying to seek a better outcome for their communities. In addition, I encourage the Minister to look at the options and, contrary to what happened with previous governments, liaise directly and develop good relationships with councils; we are both working towards the same outcome.

In three years the Government will undertake a review to ensure that the desired result is being achieved. Having reviewed the current waste mechanism it is now proposed to apply the waste levy not just at landfills, which is the current practice, but whenever waste is received at all licensed waste facilities. A waste levy rebate will then be available where waste is sent off site for recycling. This new system will provide an even playing field for lawful operators and expose the illegal operators. I believe the bill is in the interests of the community and that we can work with councils on their concerns. The Minister has introduced legislation to address what has become a recurrent and major problem within our communities that in some cases with the illegal dumping of asbestos is putting at risk the health of our communities. I commend the bill to the House and I commend the Minister for her actions.

Mr CRAIG BAUMANN (Port Stephens—Parliamentary Secretary) [5.53 p.m.]: I speak on this important legislation that will send a clear message to serial waste dumpers by providing additional powers to the Environment Protection Authority. The Protection of the Environment Operations Amendment (Illegal Waste Disposal) Bill 2013 aims to make amendments to the Protection of the Environment Operations Act 1997 to address waste-dumping matters and levy fraud. The community has asked for action and once again this is a Government delivering. Through this bill we will increase the sentencing and penalty provisions to enable the courts to crack down on illegal waste dumpers. This bill is about destroying the modus operandi of criminals who think they can flout the law and illegally dispose of waste with little penalty. No more. Enough is enough.

Today's front page of the *Newcastle Herald* bears the disgraceful image of rubbish strewn along the side of the Newcastle Link Road between the F3 and Wallsend. This road is the gateway to Newcastle, a wonderful city, with tens of thousands of motorists each day passing a pile of mattresses, clothes, soft drink bottles and general household rubbish. Newcastle City Council is reported to be considering using camouflaged cameras to catch the illegal dumpers. In my electorate, Port Stephens Council is having success in its own crackdown on illegal waste dumping. As someone who was on Port Stephens Council for 17 years and who lives in Medowie, a beautiful little village surrounded by State forest and national park, land that was always subject to illegal dumping, I am very familiar with the issue and I know the problems Port Stephens Council is facing.

In January 2013 Port Stephens Council was given a State Government waste grant to fund the illegal waste dumping education and enforcement project that provided for the setting up of a full-time, stand-alone response to illegal dumping. The first quarter results for 2013 revealed that out of 30 investigations, 22 piles of rubbish had been cleaned up by the offender. This equated to about 80 cubic metres of rubbish that the council did not have to remove, which is a great saving for ratepayers. The Government estimates that each year \$100 million is lost to the Government from illegal dumping. The community is sick of the clean-up costing us dearly and the perpetrators getting off with a slap on the wrist, only to repeat the crime again and again. The overview of the bill states:

The objects of this bill are to amend the *Protection of the Environment Operations Act 1997* for the following purposes:

- (a) to create an offence of knowingly supplying false or misleading information about waste in the course of dealing with the waste that will be punishable by a maximum period of imprisonment of 18 months as an alternative or in addition to a maximum fine of \$500,000 for a corporation and \$240,000 for an individual ...
- (b) to create an offence of committing a strict liability waste offence (which includes polluting waters with waste, polluting land, illegally dumping waste or using land as an illegal waste facility) within 5 years of any previous conviction for such an offence that will be punishable by a maximum period of imprisonment of 2 years as an alternative or in addition to a fine (at present a strict liability waste offence is punishable only by a fine),
- (c) to authorise the EPA to seize a motor vehicle or vessel it has reason to believe has been used to commit any such repeat waste offence and to enable the Land and Environment Court to order the forfeiture of the motor vehicle or vessel to the State if it convicts the person of the repeat waste offence,
- (d) to extend the offence of using land as a waste facility without lawful authority to using any place so as to cover illegally using a body of water as a waste facility,
- (e) to remove from the Act the exemption from payment of the contribution by licensees of waste facilities used for the re-using, recovering, recycling or processing waste other than liquid waste, so that the operation of any such exemption can be dealt with in the regulations—

I think that will address the problems outlined by the member for Lake Macquarie, a former mayor of Lake Macquarie—

- (f) to enable the regulations to prescribe a protocol that is to be used in determining the amount that represents the monetary benefit acquired by the offender in committing an offence and that the offender may be ordered to pay as an additional penalty for the offence,
- (g) to make consequential or related amendments.

The bill arises against the backdrop of some striking examples of illegal waste dumping that occurred in New South Wales recently. For example, one waste operator dumped truckloads of asbestos outside two inner-Sydney preschools. Another waste operator dumped nearly 80 tonnes of building waste laced with asbestos on private property in breach of a court order not to illegally dispose of waste. The Government estimates that it currently loses approximately \$100 million each year from clean-up costs, unpaid waste levies

and incidents of illegal waste disposal that cause significant and long-lasting environmental harm. That is money that could be redirected to our schools and hospitals. This bill will give the Environment Protection Authority the teeth it needs to be a strong and credible regulator. I commend the bill to the House.

Mr ADAM MARSHALL (Northern Tablelands) [5.59 p.m.]: I support the Protection of the Environment Operations Amendment (Illegal Waste Disposal) Bill 2013. I shall make a brief contribution to the debate. Our communities are sick and tired of illegal waster dumpers putting the health of the environment and, most importantly, our community at risk. This bill has been introduced to assist in the fight against illegal dumpers and that is why I support it. These laws will be the strongest in the country and could see repeat offenders being handed a two-year jail sentence. The legislation will introduce a maximum two-year jail term for offenders who commit a waste offence within five years of a prior waste conviction—a crime currently punishable with only a fine; introduce a maximum 18-month jail term for people knowingly supplying false or misleading information about waste—again, currently punishable by a fine; and enable the courts to take into account the potential profit from committing a waste offence as consideration of an additional penalty for a conviction.

Like many members in this House, as a former mayor and chairman of a local government regional waste organisation, Northern Inland Regional Waste, I understand all too well the extreme cost of illegal rubbish dumpers both to the environment and to local ratepayers. Last financial year it was estimated that across New South Wales local councils spent more than \$12 million cleaning up the mess created by those selfish people who illegally dump their waste in public places. I commend the efforts of Tenterfield Shire Council, Glen Innes Severn Council, Guyra Shire Council, Gwydir Shire Council, Inverell Shire Council, Uralla Shire Council, Walcha Council and Armidale Dumaresq Council in the Northern Tablelands electorate for their great work in trying to prevent illegal dumping and in diverting as much rubbish as possible from landfill. I am fortunate to live in a beautiful part of the world and have the honour to represent an electorate with plentiful State forests and national parks that for the most part are not sullied by the scourge of illegal dumping. However, isolated roadsides and public rest areas have not fared so well.

That is why local councils in the Northern Tablelands electorate, and the New England region more broadly, have expressed to me their support for tougher measures not only to discourage illegal dumping but also to deal more harshly with those who perpetrate it. Councils struggle under the cost of cleaning up after illegal dumpers. Smaller councils struggle also to find the human resources to undertake the necessary clean-up. As mayor I was always saddened to see ratepayers' precious resources being poured into cleaning up after illegal dumpers instead of important community activities, such as upgrading play equipment, grading unsealed rural roads before harvest or providing more books for our local library. This bill sends the strongest possible message to those contemplating dumping rubbish illegally: It simply is not worth it. I am glad to see this bill. I stand alongside my local communities in the Northern Tablelands to say no to the scourge of illegal dumping. I ask the people of the Northern Tablelands to report illegal waste dumping if they see it happening because the laws will be strengthened to give those who clearly do not think about anyone but themselves the punishment they deserve. I commend the bill to the House.

Mr GARETH WARD (Kiama) [6.03 p.m.]: Tonight I address the Protection of the Environment Operations Amendment (Illegal Waste Disposal) Bill 2013. This bill takes the toughest stand ever taken in this State on illegal waste dumping. For far too long this State's laws have failed to deter those considering dumping waste illegally. I shall respond to the comments of Opposition members, particularly the member for Lakemba, who suggested that this was just a great big new tax. Who introduced the waste levy? Was it the Coalition? I recall that the waste levy was introduced in 1999. Who was in Government in 1999? I do not think it was those of us on this side of the House. I think it was those opposite. The waste levy was introduced as a genuine attempt to provide a market mechanism to address environmental problems. Those who know me know that I love the use of market mechanisms to address environmental problems. As a Liberal I believe in that fundamentally.

[Interruption]

I hear the Balmain bandicoot interjecting right on cue. I am sure he will remind us all of how his view of the world will ensure that all New South Wales problems will be addressed. Of course, The Greens are really a relevant party. I am sure he shows his relevance. The tax was introduced to provide a deterrent to doing the wrong thing. The levy had an environmental purpose. It was a good idea to raise a tax on waste to divert it from landfill. But, of course, it was introduced by those opposite and when Nathan Rees became Premier he handed down a minibudget that imposed the most extraordinary waste levy increases on the people of this State in

\$10 increments through to 2015. I will not be lectured by the Labor Party about waste. It is appropriate for members of the Labor Party to talk about waste because all I see when I look at the Opposition benches is waste. Of course, it is Sussex Street's waste. They could not get elected to Federal Parliament, so they are still here. We hear that some of them might want to go there one day, so all the very best to them. We have a wasteland of members opposite and they should declare their interest.

The Minister for the Environment has been a frequent visitor to my electorate. I was pleased to join with her and the deputy mayor of Kiama, Warren Streel, to inspect work being undertaken by Kiama Municipal Council and to discuss the O'Farrell Government's commitment to illegal waste disposal. The Government is taking action to ensure that those illegal actions are dealt with by application of the full force of the law. Coming from a regional community I am well aware that those who seek to avoid disposing properly of unwanted goods frequently use parks and reserves as quasi dumping grounds. Every year I enjoy participating in Clean Up Australia Day. Every day of the year, not only one day, should be Clean Up Australia Day.

This bill seeks to provide environmental agencies with the legal teeth required to take swift and prompt action. Sentencing and penalty provisions will be increased to enable courts to take action on illegal waste dumpers and to break the business model of those involved in organised illegal waste-dumping activities. Those who adopt illegal practices will be stopped in their tracks. Plenty of people in the waste disposal industry are capable of running a business within the law and do so quite successfully. When speaking to anyone in business about regulation it is obvious they know that those who cut corners or act unscrupulously will always out-manoeuvre those who abide by the law.

This bill imposes tougher penalties on those who cut corners without any thought for our environment. Each year it is estimated that \$100 million is lost to the New South Wales Government from incidents causing significant and long-lasting environmental harm, associated clean-up costs and unpaid waste levies. Clearly, this is unacceptable. The community expects companies and individuals who habitually and deliberately break the law by placing human health at risk to face tough penalties. Sadly, courts have often handed out weak penalties for breaches of environmental law. These soft sentences have led to illegal dumpers simply factoring in any fines they may receive. It is almost akin to a transactional cost associated with doing business. Obviously, this does not act as a deterrent; it is simply a line on the balance sheet.

Illegal waste dumpers sometimes choose a vacant block in a residential area, and communities suffer the consequences. Not all illegal waste comprises asbestos, but asbestos is a large part of the equation. Illegal waste also comprises mattresses, tyres, building waste and a range of other illegal materials that should be disposed of correctly rather than left in parks and reserves. Communities on the rural fringes—such as those in the Kiama electorate—often suffer most. However, not only rural communities are adversely affected by illegal waste dumping. Recently, some particularly abhorrent examples showed that some waste operators have no regard for the wellbeing of the environment or the community. The emptying of truckloads of asbestos outside preschools and the deliberate ignoring of court orders to stop illegally dumping waste on private property must come to an end. However, these issues are not limited to a couple of rogue operators.

Over the past 12 months the Environment Protection Authority has conducted the largest covert intelligence operation ever conducted in its history. I look forward to the authority continuing to track down those responsible for illegal dumping, and naming and shaming those individuals. In country areas particularly, an illegal dumping site often is used by a number of operators or individuals. By introducing this bill the Government will ensure that sufficient penalties are in place to deter environmental criminals and that courts are empowered to punish them appropriately.

The bill includes five significant reforms designed to crack down on illegal dumping and waste activities and strengthens the penalties available to address and deter serious and repeated environmental crimes. These are: introducing a new penalty of imprisonment to punish repeated waste-related strict liability offences; providing the Environment Protection Authority with powers to seize vehicles used in repeated waste-related offences and allowing forfeiture of the vehicles on conviction of an offence; introducing a new offence that includes an imprisonment penalty for fraudulently providing false or misleading information in relation to waste; restructuring the waste levy to remove the incentive for illegal waste disposal; and creating an even playing field across the waste industry to ensure that a monetary benefits calculation model can be prescribed by regulation for use by the courts.

The bill includes a new offence of committing a repeated waste-related offence within a period of five years that may be prosecuted in the Land and Environment Court. Upon conviction of the offender the court may

sentence the offender to a term of imprisonment. This will act as a strong and unequivocal deterrent to offenders who feel that the current fines are too small to warrant changing their unlawful behaviour. Recalcitrant illegal waste operators will be put on notice that waterways and land in New South Wales are no-go zones. The Government will review the effectiveness of this measure within three years to make sure that what it thinks will happen does happen.

The waste levy is a marketplace mechanism designed to drive down landfill and to increase recycling. The more recycling there is the less waste goes into landfill. We know from Environment Protection Authority intelligence that illegal waste activity is occurring at waste storage, recycling and transfer facilities. Waste transported from these facilities for disposal is not showing up at lawful landfills and is likely to have been illegally disposed of on private property and in State forests and national parks. Other unscrupulous operators have been stockpiling large volumes of waste at recycling yards in the name of recycling, but these waste piles never end up in the appropriate place. The community carries the burden of the eventual clean-up bill and for the damage done to these sites.

To break the business model of these illegal waste operators it is proposed to apply the waste levy whenever waste is received at all licensed waste facilities and not only landfills. A waste levy rebate or reimbursement will then be available where waste is sent off-site for recycling. By requiring the levy to be paid up-front at all facilities the Government is removing the incentive for unscrupulous operators to transport waste long distances to dump it at unlicensed sites to avoid paying the levy. It removes the incentive for unscrupulous operators to run illegal waste dumping or dubious stockpiling operations and encourages them to use waste storage, recycling and transfer facilities. This scheme sends a clear message to those operators that this practice will not be tolerated in this State. It will have no effect on those legitimate recycling businesses that are currently paying the levy on waste going to landfill.

It is appropriate that this Government stand up for its environment credentials. This is the party of the environment. This is the party of the people who believe in doing something about ensuring our environment is protected, and it will continue to do so. While The Greens harp and carp, the Coalition is getting on with delivering a cleaner greener environment for the people of New South Wales.

Mr JAMIE PARKER (Balmain) [6.13 p.m.]: I will make a brief contribution to debate on the Protection of the Environment Operations Amendment (Illegal Waste Disposal) Bill 2013. Although I appreciate the contribution by the member for Kiama, I point out that the Government will not even support a container deposit scheme.

ACTING-SPEAKER (Mr Gareth Ward): Order! The member will return to the substance of the bill.

Mr JAMIE PARKER: I will. We are talking about resource recovery.

Mr Kevin Anderson: It should be Federal legislation for the whole of Australia.

Mr JAMIE PARKER: Australia is draconian in comparison to the rest of the world; it is ridiculous that we do not have a container deposit scheme. We are so far in the past it is not funny. The bill contains some positive provisions such as increasing penalties. Programs such as Clean Up Australia Day and recycling have merit but they do not deal with the source of the problem. Dealing with a problem at the end is always the least optimal approach to solving a problem. The focus and approach should always be on waste avoidance and resource recovery from an economic, social and ecological perspective. This bill focuses on imposing penalties for illegal waste dumping as a deterrent to illegally dumping waste but it does not approach waste reduction in the first place or manage the reduction and distribution of resources in society.

A container deposit levy is part of the notion for extended producer responsibility. At the moment, who pays for the environmental costs of the disposal of goods? Ratepayers do, not the businesses that produce them. The full cost of a product is not displayed at market price because it is subsidised by ratepayers. Previous contributors to the debate spoke of the importance of the market. If they believe in the market, then the full market price of goods should be calculated as part of the purchase price. But it is not; it is subsidised and supported by the ratepayer. We pay to dispose of someone else's product. That leads to the lack of durable products because the producer does not pay for the cost of disposal. Therefore, there is no financial incentive to produce goods that have recycled elements.

In many European countries pressure is placed on producers of televisions, computers and a range of other products because of the extended producer responsibility. Take-back schemes and other approaches have

been introduced in Europe as incentives to the producer. If a producer has to take back the whitegoods product at the end of its life it will transform the way that item is produced: It will be more recyclable and more energy will be used in production, because when the producer has to take it back they will want to recycle and gain maximum resource recovery. The problem with the present system in Australia is that no financial signal is being sent to producers to incorporate the costs of recovery into the item.

Mr Ray Williams: The cost goes up.

Mr JAMIE PARKER: It does go up but they are paying for it anyway.

Mr Kevin Anderson: That is why stuff is being moved offshore; we cannot afford to manufacture like that.

Mr JAMIE PARKER: That is because the social and environmental cost is not included. That is a philosophical and practical discussion that should be had. There are ways to manage the prices, which are not taken into account in countries where significant environmental damage takes place. I will not digress because time is short. I introduce a touch of that into the discussion. It is important to recognise that the bill deals with the issue at the end of the stream rather than at the beginning of the stream. I note the important role of local government in this matter because deterrence is not just about fines. It is something that councils have been looking at since 2011 through the Illegal Dumping Deterrence Project funded by the New South Wales Environmental Trust. That was a very useful document about how to deter illegal dumping. One of the most successful strategies is the placing of fences, bollards and other barriers to reduce the space available for dumpers. That is a practical approach that can make a significant difference.

Increasing fines is appropriate but we need to have a holistic suite of solutions and I encourage the Minister to highlight any initiatives the Government supports in that area. Moving from the broader issue of fines and other ways to deter dumping, I will address the matter that members who have local government experience have raised regarding the cost to local government. I understand that one of the key issues raised by the member for Lake Macquarie is the cost of weighbridges. I have to confess that during my time in local government I did not have much to do with weighbridges but they cost up to \$1 million. If a council has to construct four weighbridges, will that be funded by the State Government?

Mr Kevin Anderson: All the waste goes there anyway.

Mr JAMIE PARKER: There are no weighbridges there at the moment.

Mr Ray Williams: They go where weighbridges exist.

Mr JAMIE PARKER: If the member had listened to the contribution by the member for Lake Macquarie he would understand why weighbridges are necessary. I would appreciate a response from the Minister to that question. Another concern is that the levy is paid up-front and organisations, councils and recyclers will then get the levy back. There is no clear, detailed administrative or technical process as to the impact on cash flow, the period of time involved, or how the levy is received. The lack of clarity has raised a lot of concern amongst council members. The Government should address these concerns, particularly as local government carries a lot of the burden in relation to the recycling, recovery and waste management issue.

The practical impacts of this bill remain unclear. In my view, the quantum of the waste levy is very important so that the true environmental costs are incorporated into the process to ensure it is financially viable and that we plan well for our future, particularly the future of landfill. Many years ago, I think in 2000, I sat on the Inner City Waste Board. A lot of our time was spent examining the future of waste. It was fascinating and I found the experience useful. Many people think the environment is about rainforests, parks and climate, but it is also about garbage and where it goes. It is about the recycled components in whitegoods and other products we purchase. It is also about transparency: the true cost of the products we purchase, the lifestyles we live and the decisions that businesses make. I express my concerns about elements of the bill. The bill is focused on penalties but not on behavioural change and other measures that can affect illegal dumping. The Minister should outline more details about section 88 issues, which will add significant cost and complexity to local government. I appreciate the attention of the House to my contribution.

Mr ANDREW ROHAN (Smithfield) [6.20 p.m.]: I support the Protection of the Environment Operations Amendment (Illegal Waste Disposal) Bill 2013. The bill will help to prevent illegal waste

dumpers—especially serial dumpers who have been able to maintain profitable businesses by dismissing the current penalties as mere costs of doing business—from carrying out such a despicable act. This crucial piece of legislation is one of the many cogs set in motion to combat and stamp out the despicable criminal act of dumping. Dumping has far-reaching consequences not only on the preservation of the environment and surrounding ecosystems but also on the preservation and protection of healthy communities. This especially applies to regional communities where homes, businesses and land meet the urban fringe.

In relation to sentencing and penalty provisions imposed by the courts, the bill includes additional factors to be considered during sentencing. This exemplary provision of the bill breaks the business models of organised illegal dumpers, including rogue waste operators, who have profited even after factoring the current monetary penalties or fines into their operational costs. In response to reported collusive and fraudulent activities from which landfill and recycle operators profit, the bill creates the offence of knowingly supply false or misleading information about waste disposal. This offence is punishable by a maximum period of imprisonment of 18 months as an alternative or in addition to a maximum fine of \$500,000 for corporations and \$240,000 for individuals. These monetary amounts represent a doubling of current figures and are consistent with penalties in other areas of the law concerning fraudulent activities.

The bill will create a strict liability waste offence for repeat offenders, including any form of dumping or polluting over land or water within five years of any previous conviction for such an offence. This offence is punishable by a maximum period of imprisonment of two years as an alternative or in addition to a fine. Currently, the penalty is only a fine with no custodial punishment. The bill represents a powerful solution that provides additional powers to the Environment Protection Authority [EPA], which has already been strengthened under this Government. The Environment Protection Authority will be authorised to seize a motor vehicle or vessel if there is reason to believe that the seized vehicle or vessel has been used to commit repeat waste offences. The Land and Environment Court will have the power to order the forfeiture of the vehicle or vessel if a conviction is imposed. Further, by way of regulation, the courts are prescribed to use a protocol to determine any monetary benefit, such as profits, acquired by the offender and to order payment of such benefit. This amounts to an additional penalty for the offence.

The deterrence measures in these provisions are extended in order to put an end to the lucrative business models of illegal dumpers by amending the offence of using land as a waste facility without lawful authority to cover any place, including waste facilities and bodies of water. The bill takes into account that legitimate businesses in the industry operate pursuant to the law and guidelines and their operations are beneficial to society. However, in order to single out rogue operators, the waste levy is restructured and that part of section 88 under the current Act that allows licensees of waste facilities to be exempt from payment of the contribution is removed. This means that any such exemptions will be dealt with by way of regulation. It also means that the waste levy is applied and paid up-front whenever waste is received at all licensed waste facilities, including storage, recycling and transfer facilities as well as landfill sites. A levy rebate will be available where waste is sent off-site for recycling. This works in tandem with the provision previously mentioned of an offence for knowingly supplying false information with respect to waste activities. It will prevent the distortion of the waste market and make it fair and competitive for the legitimate operators.

I can attest to the stark reality of the effects of illegal dumping. Earlier this year the Minister for the Environment, the member for Mulgoa, Penrith mayor Mark Davies, Regional Illegal Dumping Squad coordinator, Mark Barry, and I visited a site in Erskine Park in my electorate of Smithfield where we observed various forms of dumping. There were many large items such as mattresses, construction waste, residential fencing, old furniture, and the list goes on. The site was in the vicinity of a residential area, which shows that urban fringes are not the only affected areas. It also shows that these brazen but unscrupulous illegal waste dumpers are willing to use vacant blocks even though there is a high possibility of being caught. There is no denying the severe impact that illegal dumping has on communities. It diminishes the community's aesthetic and economic value; it leaches into the soil contaminants such as leachate, which is difficult to contain and clean up; it compromises the health of local ecosystems; it attracts pests such as rodents and other vermin to the site; it poses risks to human health; and costs the State up to \$100 million per year in unpaid levies and clean-up work.

I thank the Minister for the Environment for cleaning up the mess left by the member for Blacktown. As a former environment Minister he failed to respond to 58 reported incidents of illegal dumping. I commend the Government for providing the funds necessary to support and enforce the regional illegal dumping strategy. There is much work to be done but, in partnership with the Environment Protection Authority, we are on the right track by uncovering systemic illegal dumping and waste levy fraud. I commend the bill to the House.

Mr KEVIN ANDERSON (Tamworth) [6.30 p.m.]: I speak in support of the Protection of the Environment Operations Amendment (Illegal Waste Disposal) Bill 2013. Four councils encompass my electorate—namely, Tamworth Regional Council, Narrabri Shire Council, Liverpool Plains Shire Council and Gunnedah Shire Council. Tamworth Regional Council manages and operates one of the most advanced waste management facilities in regional Australia, which comprises a weighbridge, recycling plant, a small vehicle transfer station for the convenient and safe disposal of waste by residents and a buy back centre. Waste items such as reusable goods, green waste, bricks and concrete, and timber and metal wastes are recycled and reprocessed for the benefit of the environment. Tamworth council is also actively involved in waste education and provides executive services to the 13 member councils of the group known as Northern Inland Regional Waste [NIRW].

A number of members spoke about what should be done to ensure that communities have these facilities. In recent years the Tamworth Waste Management Facility, which is located on Forest Road, has become a regional waste management hub. This innovative strategic direction by Tamworth council has resulted in the total amount of waste received at the facility increasing to about 76,000 tonnes annually. Approximately 50 per cent of this waste material is diverted away from landfill through resource recovery for reuse, recycling and reprocessing. This facility is also unique in the region's waste management portfolio as it operates a modern, new small vehicle waste transfer station. This station, which was completed in 2008, allows members of the community to dispose of their rubbish in a safer and more pleasant environment—namely, away from mud, dust and waste at their feet and the risks presented by large landfill vehicles. The aptly named Yaccannabuybetta Buy Back Centre at the Forest Road landfill on average has 300 visitors per week who either deliver goods or shop. Yaccannabuybetta operates like any other shop or store except for one small difference—namely, all goods for sale have been discarded as waste. Often these items undertake a transformation and become a valuable new usable product.

Tamworth council is also doing wonderful things in taking care of hazardous materials. A range of waste materials have properties that make them hazardous or potentially harmful to human health and the environment. Some liquid wastes can also be hazardous. Council runs a number of regional programs and participates in national initiatives designed to help residents and farmers dispose of hazardous wastes. Indeed, the council is leading the way in working closely with the Department of Environment, Climate Change and Water. Across the region the council also operates 12 waste management facilities designed for the disposal of general solid waste—commonly known as garbage. The facilities vary significantly in size and the way they operate but the operational capacity of each facility is designed to meet the needs of the local community. Some operate as landfills where waste is buried on site. Others operate as small vehicle waste transfer stations where waste material is placed in large bins and the collected waste is transported to the Tamworth Waste Management Facility for disposal. In Tamworth and its neighbouring areas much is being done in recycling and waste education.

Illegal dumping is estimated to cost New South Wales councils about \$10 million per year in the removal and cleaning of illegal dump sites but the cost to the community can be far greater in environmental and social terms. Illegal dumping contributes to the degradation of land and runoff can contaminate soil and water sources. Dump sites can present a health risk and reduce the recreational use of public land. Illegal dumping is the unlawful deposit or disposal of waste larger than litter on any land that is not designated landfill. Illegal dumping usually involves bags of household rubbish, old furniture, tyres, garden waste and other general household items. In May this year, despite the great work of the Tamworth Regional Council and neighbouring councils, hazardous waste was stumbled across in long grass off Scotts Road, Tamworth—an unsealed laneway. A large amount of broken pieces of asbestos sheeting, which was wrapped in black heavy duty construction plastic with orange coloured wide gaffer tape around them, and two pairs of white disposable overalls were found. One of the asbestos disposal bags council sells at Forest Road landfill was also dumped, with asbestos in it, in total disregard of the environment and surrounding health hazards.

The dumped material obviously came from a building renovation project. Not only did those who illegally dumped the material break the law; the potential health risk posed by the hazardous nature of the discarded material was evident. They obviously dumped it to avoid paying hundreds of dollars at the Forest Road landfill, which was only a few kilometres away, to dispose of that amount of asbestos. Those responsible for illegal dumping of asbestos waste in public places such as parks, streets or nature strips can be prosecuted for pollution of land and that is why councils welcome this bill. The bill will specifically enable the courts to impose a custodial sentence of up to two years for repeat convictions of serious strict liability waste-related offences within five years, in addition to, or as well as, a financial penalty for repeat offenders. It will apply the waste and environment levy to all waste received at any licensed waste facility, not just landfills, to remove the incentive to stockpile unrecyclable waste and potentially dumping of it to avoid the levy at landfill.

The bill will also introduce a new offence for knowingly providing false or misleading information, with maximum penalties of 18 months imprisonment and/or \$500,000 for a corporation or \$240,000 for an individual. It will enable the Environment Protection Authority to seize and impound vehicles used in repeat illegal waste disposal offences and the court to order forfeiture of these vehicles on conviction, subject to appropriate safeguards. It will also enable a monetary benefits calculation model to be prescribed for use in legal proceedings where a monetary benefits order is sought. It will ensure that the Environment Protection Authority has the power needed to be a strong and credible regulator so that it can effectively crack down on illegal waste operators and repeat offenders. I note the Minister is present in the House. The bill will also allow the courts to impose a broader range of appropriate penalties on those who think they are above the law. The proposal for custodial sentences for strict liability waste offences in particular will significantly tighten laws for illegal dumping recidivists. Those who dump illegal waste will be caught and will face the full weight of the law. I am pleased to support the bill.

Mr RAY WILLIAMS (Hawkesbury—Parliamentary Secretary) [6.38 p.m.]: I commend the Minister for introducing the Protection of the Environment Operations Amendment (Illegal Waste Disposal) Bill 2013. If my memory serves me correctly, about four years ago a similar bill was supposed to have been introduced in this place by the previous Government. But yet again, with no pun intended, it has been left to the O'Farrell Government to clean up the mess. It would be remiss of me not to make a brief contribution to debate, given the effect that the illegal and contaminated dumping of waste has had on the pristine areas of the beautiful Hawkesbury. The 3,100 square kilometres of my electorate encapsulate three local government areas—namely, Hawkesbury, the Hills and Hornsby, and vast rural patches of each of those shire areas.

Electorates on the periphery of the Sydney metropolitan area, like the one I represent, have rural areas which are an absolute haven for the dumping of millions and millions of tonnes of contaminated waste. That has been the case, sadly, for the past 20 years. The diligent surveillance of our local government areas—especially The Hills Shire Council area—has slowed the dumping of waste. But dumping has had a significant impact, not just on our environment, which certainly does suffer, but on the residents of our areas. That is why we need to provide a deterrent for the people who are undertaking illegal dumping. That is what the Protection of the Environment Operations Amendment (Illegal Waste Disposal) Bill 2013 does.

The Land and Environment Court would be very familiar with people who have dumped repeatedly. We have some recidivists in The Hills Shire Council area. The court needs to impose some of these fines that the Minister for the Environment, and Minister for Heritage has proposed in this bill. It is one thing to legislate; it is quite another for a judge to impose those sentences. These penalties should be treated as a minimum and not a maximum sentence. When repeat offenders dump illegal fill in our backyards the courts should bring the full force of the law on them to deter illegal dumping.

I would like to place on the record some of the experiences of residents who have been caught out by contaminated and illegal fill. Unfortunately, over the past 10 years I have been confronted with hundreds of these cases during my representation in the State Parliament and in my local council. Years ago, local residents used to put up a sign, "Clean fill wanted." Unscrupulous contractors—truck drivers supposedly transporting contaminated building waste to depots where it would be treated, cleaned up appropriately and reused or recycled—would take the opportunity of pocketing the money that they were given by building contractors to remove the waste. They would look for those signs on rural properties and then dump the waste there, usually when people were not home.

Sometimes those who erected the signs would be on holiday and sometimes they would be at work when this happened. It was not uncommon for people to return, even after a weekend, to find hundreds and hundreds of tonnes of contaminated illegal fill—usually building waste—dropped in their backyards. I have seen the devastating results of that. People have been on their knees in council because council compliance officers have imposed fines, restrictions and clean-up orders, sometimes at a cost of hundreds of thousands of dollars, on these unsuspecting people, who literally have been in tears, pleading to council for some sort of mercy. Someone has to clean up this contaminated fill—someone has to pay—and usually it is these unsuspecting landowners.

In another case the landlord of a rural property of some 25 acres in the Cattai area had rented out a home. The renters were taking considerable amounts of money from people who were illegally dumping hundreds of thousands of tonnes of illegal waste at the back of this property and the landlord did not suspect that waste was being dumped. As I said, these rural areas are a haven for dumpers because they are not lit up and they do not have many travellers passing through. These areas are not subject to the normal visual surveillance that one gets in residential areas, so people get away with dumping.

Usually, the only occasions on which these matters are brought to the council's attention are when neighbours dob in these dumpers. It is then hard to track down these people and to impose fines. Illegal dumping has caused an enormous amount of problems for our council. It has come at a great cost to our local ratepayers and at a significant cost to local landowners who have been impacted by such dumping. It has also contributed to many environmental disasters. I commend the Minister for the Environment, and Minister for Heritage. I also commend the bill to the House.

Ms ROBYN PARKER (Maitland—Minister for the Environment, and Minister for Heritage) [6.43 p.m.], in reply: I will respond to the issues raised by those members who spoke in debate on the Protection of the Environment Operations Amendment (Illegal Waste Disposal) Bill 2013. I understand how illegal dumping affects all of us—those on the fringes of rural areas and metropolitan areas alike. I thank those members representing the electorates of Cronulla, Coogee, Baulkham Hills, Camden, Port Macquarie, Menai, Gosford, Port Stephens, Northern Tablelands, Smithfield, Kiama, Tamworth, Hawkesbury, Heffron, Bankstown, Sydney, Cabramatta, Lakemba, Fairfield, Lake Macquarie and Balmain for their support for this legislation, including Opposition members.

The Protection of the Environment Operations Amendment (Illegal Waste Disposal) Bill 2013 will ensure that the Environment Protection Agency will have appropriately robust powers and sanctions available to it to deter offenders, crack down on serious waste-related offences and ensure that the courts have access to increased penalties to provide a stronger deterrent to committing environmental offences and to reoffending. The bill also removes the financial incentives for unscrupulous waste operators to opt the waste levy system and avoid the proper cost of disposal. As members are aware, several recent high-profile cases have increased the public's awareness and concern about the appropriateness of penalties for environmental crimes, particularly for repeat offenders and illegal waste operations.

The Environment Protection Agency has investigated issues relating to illegal waste operations and confirmed that there is systemic illegal activity in the waste industry and shortfalls in penalties for some environmental crimes. It is estimated that \$100 million is lost to the New South Wales Government each year from incidents causing significant and long-lasting environmental harm, associated clean-up cost and unpaid waste levies. Action is clearly needed to address these issues.

The case of serial illegal waste dumper Mr Dib Hanna and the prosecution decisions by the Environment Protection Authority have been raised by the Opposition. This case illustrates perfectly the reasons for the stronger enforcement measures introduced in this bill for repeat waste offences. I refer to the question raised by the Opposition about why the Environment Protection Agency decided to bring contempt proceedings against Mr Hanna, instead of a prosecution under section 115 of the Protection of the Environment Operations Act 1997. In this case, getting an injunction against Mr Hanna was the fastest and most efficient way to make sure he faced the possibility of going to jail. This is because, where a person like Mr Hanna is found to be in breach of a court injunction, this is contempt and the courts can impose any penalty, including a custodial sentence, for such contempt.

By contrast, a prosecution under section 115 would require the Environment Protection Agency to establish wilfulness or negligence on Mr Hanna's part in committing the offence. In this case, this would be a significant additional evidentiary hurdle that may not have been proven in the case. Further, I am advised that in the experience of the Environment Protection Agency, the courts are unlikely to find that the Hanna dumping incident would have amounted to significant environmental harm as required under the independent Environment Protection Agency prosecution guidelines. It is clear that Mr Hanna has a terrible record of criminal convictions for waste-dumping offences but it is well known that this prior record cannot normally be taken into account when considering whether or not he committed any breach of section 115.

The bill will add to the range of prosecutorial options available to the Environment Protection Agency. In addition to the tier 1 offences, which require proof of wilfulness or negligence, the bill will provide for a strict-liability offence with custodial sentences for repeat commission of waste offences. This bill will mean that rogue operators like Mr Hanna, who repeatedly commit waste-dumping offences, now face a potential jail sentence directly on conviction of the repeat offence, and also risk the seizure and forfeiture of the vehicle or vessel used in committing the repeat offence.

Imprisonment would only be imposed by courts on conviction of a repeat waste-related offence within five years. This new offence is focused on providing a strong additional deterrent for repeat illegal behaviour and it should be available for use in exceptional circumstances where the offender has clearly demonstrated

disrespect for the law. Imprisonment as a penalty option also allows the court to consider alternatives to imprisonment, such as community service orders, periodic detention, good behaviour bonds and home detention. This means that the court has a range of options to consider when developing appropriate sentences.

The new seizure and forfeiture provisions are important because they will act as a circuit breaker for repeat offenders, who otherwise will continue to break the law while they have access to their vehicles. These new measures combined will ensure serial offenders cannot reoffend with impunity. Many members have raised the issue of the proposed changes to the waste levy regime. The proposed changes to the waste levy regime do not represent a tax on recycling. The greatest threat to the recycling sector comes from the illegal actions of rogue operators in undermining the legitimate recyclers. This Government is committed to increasing recycling and diverting waste away from landfills. New South Wales residents and businesses currently recycle 63 per cent of the waste generated. This is a great achievement, but the Government has recognised that more needs to be done.

In February this year I announced the largest waste and recycling funding program to stimulate investment in recycling infrastructure in New South Wales. Over the next five years this Government will invest \$465.7 million to transform waste management for our local communities, including education, infrastructure and strong enforcement. The proposed changes to the levy system will mean that, while all waste received at a recycling facility would be liable to pay the levy, the actual payment of the levy will not be triggered until that waste is sent off site for disposal. Under this approach the Environment Protection Authority [EPA] will not be holding a facility's cash for waste that is stored onsite below its legal stockpile limits and awaiting processing. The levy liability will be extinguished when waste is transported off site to a facility for recycling or re-use, but not for landfill disposal.

Rogue operators who cannot demonstrate the proper re-use of recycled product will have to pay the levy. This will ensure that rogue waste operators obtain no financial advantage from waste dumping or trucking waste outside the levy-paying area. Systems will be put in place to ensure that levies are not paid twice on the same waste and that the levy is paid before waste is transported out of the waste levy area. Essentially, the new waste levy system will close the loop between the recyclers and the landfill, and expose illegal operators. I have instructed the Environment Protection Authority to consult extensively with local councils and industry during the review of the Protection of the Environment Operations (Waste) Regulation 2005 to ensure that the new system is efficient. Rigorous financial analysis will underpin the changes to the waste levy system. The Environment Protection Authority has commissioned the Centre for International Economics to undertake a full regulatory impact statement.

The proposed amendment will not represent a significant increase in red tape or costs for legitimate recyclers, as some members have claimed. The Environment Protection Authority has identified that rogue operators do not keep proper records on the movement of waste into and out of their site, whereas those who are legitimate operators certainly do. The bill proposes to break the business model of rogue operators. The Government does not resile from making it harder for unscrupulous operators. This bill removes the financial advantage obtained by rogue operators, who do not keep proper business records. The advice from legitimate operators is that the record-keeping requirement under the proposed levy system is consistent with good business practice, and will not significantly increase the cost of compliance. I would argue that that includes local councils.

Changes to the waste levy will result in all waste-receiving facilities being required to install weighbridges. I note that some members have identified that the cost of weighbridges is in excess of \$1 million. The cost of installing a weighbridge can be up to \$150,000 and there are additional costs for software, installation and ongoing operating costs. To mitigate the costs to councils and small business, under the Waste Less, Recycle More initiative, the Environment Protection Authority will fund up to 50 per cent of the cost of the installation of weighbridges at licensed recycling, storage and processing operations. The implementation of weighbridge systems can be beneficial to small business operators because it can help to improve business practices. Having weighbridges installed means that the business has real-time and accurate data on material movements, and better stock control.

I note the comments of the member for Lake Macquarie regarding the application of the waste levy to the lead-impacted waste soils around Lake Macquarie. I am pleased to advise that the Environment Protection Authority has granted a community service exemption to enable the disposal of this material as part of a lead abatement strategy for the people of Lake Macquarie. Under the proposed changes this levy exemption will continue to apply. Recent Environment Protection Authority investigations have uncovered sophisticated waste

levy evasion schemes in the waste sector. In particular, the authority has become aware of a growing trend for the production and use of high-quality fake landfill dockets by rogue waste operators to obtain payments for "ghost" disposals that did not occur or to dupe unsuspecting customers into believing that their waste has been sent to a lawful waste facility.

These investigations have also revealed that landfill operators and recyclers can collude to misrepresent either the amount or the types of waste delivered to the landfill. In a recent example, a weighbridge operator at a landfill and a recycler allegedly colluded to under-record the amount of waste sent to the landfill by the recycler. This scheme resulted in the identification of a multimillion-dollar waste levy avoidance scheme. Environment Protection Authority officers have also identified large stockpiles containing asbestos fragments at a number of resource recovery facilities in Sydney, ranging in size from 20,000 tonnes to more than 200,000 tonnes. The authority has issued clean-up notices to these facilities. These large stockpiles and the potential cross-contamination with asbestos waste means that they are a significant potential liability for the recycling businesses, with possible clean-up costs in the order of millions of dollars. The new offence of knowingly providing false or misleading information on waste will apply to these examples of deliberate fraud.

This bill introduces a regulation-making power to enable a monetary benefits calculation model to be prescribed by regulation. This will be used by a court to readily and consistently calculate the size of any monetary benefit orders by working out the compliance costs avoided and the financial gains that a person has made in committing an offence. That will allow the Environment Protection Authority to more easily recoup the monetary benefits that an offender has gained by avoiding the cost of complying with environmental protection legislation. While the authority can already seek a court-imposed monetary benefit order, these orders have not been used to date. However, the Environment Protection Authority intends to actively use monetary benefit orders in the future as they can provide an effective deterrent to reoffending and to other potential offenders.

The suite of initiatives that I have outlined to the House will ensure the Environment Protection Authority has the powers it needs to be a strong and consistent regulator. It follows on from previous bills that have helped put the Environment Protection Authority at the forefront of environmental regulation—and that started with this Government making it a stand-alone statutory authority. A number of the offences that were raised today occurred under the previous Government. Certainly, this Government has made up for the lack of action of previous governments. This Government has delivered strong regulation with the Environment Protection Authority. We have also clamped down on illegal dumpers, who represent a cost to everyone in the community.

The Government has an extensive waste and recycling package. It is something I am very proud of as Minister for the Environment. I am proud of these amendments. This is not the whole treatment solution for waste; it will always be a work in progress. But I think we have made huge progress in terms of what we are doing with waste and recycling. We are certainly making progress, with the support of the Opposition and crossbench members, in clamping down on illegal dumpers and those who choose to do the wrong thing. We want to encourage recycling; we want to encourage a reduction in what goes into landfill. This legislation will assist with that objective. I commend the bill to the House.

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

Motion agreed to.

Bill read a second time.

Third Reading

Motion by Ms Robyn Parker agreed to:

That this bill be now read a third time.

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

ACTING-SPEAKER (Ms Sonia Hornery): Order! It being before 7.00 p.m. and Government business having concluded, we will now proceed to the taking of private members' statements.

PRIVATE MEMBERS' STATEMENTS

KIAMA ELECTORATE INFRASTRUCTURE AND SERVICES

Mr GARETH WARD (Kiama) [6.59 p.m.]: On Tuesday 23 July I was extremely pleased to welcome the Premier of New South Wales, Barry O'Farrell, to my electorate for the official opening of the new Service NSW centre in Kiama, the opening of my new Kiama electorate office and to inspect progress on the Princes Highway upgrade in Gerringong. Kiama has the very first Service NSW centre to be opened in the State. It will provide a terrific one-stop shop for local families and seniors, allowing them to access a range of different Government services. Customers will be able not only to access the usual Roads and Maritime Services [RMS] licensing, registration and testing but also to pay their rates, enrol to vote, register to get a boating licence, get a national parks annual pass, and make inquiries of the Registry of Births, Deaths and Marriages New South Wales.

The Kiama Service NSW Centre is located within the former Roads and Maritime Services office at 64 Shoalhaven Street, Kiama. Since opening in July, 2,421 customers have been through the centre, including me. Customers are in and out of the centre in just 10 minutes on average. On both occasions I attended, my issues were resolved in around half that time. The customer satisfaction score is extremely high. There is a 24-hour phone service and a new internet portal to make it easier to access government services. This initiative, pioneered by the current Premier when he was in opposition, is all about making government services more accessible for those who need them. I am pleased to say that the days of queuing in crowded motor registries to renew your licence or being kept on hold by a call centre to pay your rates or change your address on the electoral roll are now well and truly over. The new one-stop shop will save time and money, as well as boost workplace productivity, with people being able to achieve multiple tasks at the one location.

This move to simplify access to government services is saving local residents and businesses time and money and is also improving their quality of life. I would like to acknowledge Kiama Mayor Brian Petschler, Kiama Councillor Gavin McClure and Service NSW staff who attended the official opening with the Premier, including Glenn King, Chief Executive Officer; Steve Griffin, Deputy Chief Executive Officer; and the local Service NSW team in Kiama, including local Vicki Anthony, service centre manager; Kim Nowakowski, concierge; and customer service representatives Tamika Mackenzie, Michaela Askew, Vanessa Parsons, Matthew Cotteral and Lyndelle Reezes. I would also like to acknowledge Shoshana Wall, Director of Corporate Relations at Service NSW, who helped make this event run smoothly.

Following the unveiling of the plaque at the new Kiama service centre, the Premier and I then walked to 102 Terralong Street for my new Kiama electorate office opening. I would first like to acknowledge David Auert, who is the Manager, Property Services, New South Wales Parliament House. David did an excellent job to ensure a relatively smooth and seamless transition to my new office and I was pleased that he was able to travel down and attend the official opening. I also thank Catherine Watson for her assistance in this endeavour. I acknowledge my close friend the Speaker, and member for South Coast, for attending the opening. Shell, you were at my campaign office opening and then at my office opening. Thanks for being there.

I acknowledge Kiama Mayor Brian Petschler and the 2013 Youth Member for Kiama, Riley Richardson, for their speeches welcoming the Premier to Kiama. I acknowledge also the Mayor of Wingecarribee, Juliet Arkwright; General Manager Jason Gordon; Councillor Holly Campbell; the Deputy Mayor of Kiama, Warren Steel, and his wife, Sandra; the Deputy Mayor of Shellharbour, Paul Rankin; councillors Kellie Marsh and Helen Stewart; Wollongong Councillor Leigh Colacino and his wife, Jennie; councillors Michelle Blicavs and Dennis Seage; my good friend and Shoalhaven Councillor Andrew Guile and Councillor Greg Watson; and Mark Grimson, Wollongong City Council's Economic Development Manager, for attending, along with a large crowd of locals who were keen to see the new office and meet our Premier.

I also acknowledge Bomaderry High School captains Ged Nielsen and Francesca Banks, and Kiama High School captains Michael Swain and Rachael Malin for attending. I thank Kiama Anglican Church Reverend Steve Stanis, who kindly donated chairs and a sound system that allowed all the guests outside to be seated and to hear the proceedings. I also thank local Kiama resident Bobbi East for preparing the wonderful cakes and muffins for the morning tea, and Jack Johnson and my staff, Paul Ell and Paulla Turnbull, for organising the event. I also acknowledge my mother, Margaret Bowcher, who was of great assistance on the day.

Following the Kiama electorate office opening, I joined the Premier and the member for South Coast on a progress tour of the Princes Highway upgrade in Gerringong. On that visit the Premier announced a further \$19 million for the Gerringong upgrade, taking the total project commitment to \$329 million. The additional \$19 million in funding will go towards consolidating individual driveways into four shared-access roads to improve highway safety following consultation between Roads and Maritime Services and local residents. These are ancillary works to the main road, which is still well on track to be completed by mid-2015. The four shared-access roads being built with the funding include one at Rose Valley Road—a northern shared-access road combining three existing accesses—another at Sims Road and a southern shared-access road north of the Pottery at the Old Toolijooa School. These safe access roads are necessary and I will never waver on these sorts of decisions. I will continue to campaign for my community for safer highway access. I thank the Premier for attending what was an excellent day in Kiama. He is, of course, welcome—along with any other members of Parliament—any time.

MOUNT DRUITT SWIMMING POOL

Mr RICHARD AMERY (Mount Druitt) [7.04 p.m.]: I wish to raise an issue of public concern in my electorate of Mount Druitt: the decision by the Liberal-controlled Blacktown City Council to close, without public consultation, the Mount Druitt swimming pool. The Liberal State Government has made dramatic funding cuts in the Mount Druitt electorate but this decision by another Liberal administration is a new low. At the last council elections the Liberals, with the support of one Independent, Russ Dickens, took control of the 15-member Blacktown City Council eight votes to seven. On 1 May this year, without any public consultation, the council ambushed all concerned during a debate on aquatic centres in the area when it suddenly moved that the Mount Druitt swimming pool be closed forthwith and that the land be reviewed to ascertain its full potential. Labor councillors have tried on a number of occasions to reverse this decision but were voted down by the Liberal and Independent controlled council.

The council even voted against a motion requesting that a sign be erected on the pool gate advising the public of the closure—that is, advising people that, just as the summer season starts, their swimming pool will not be opening. One has to ask what the secrecy is all about. My electorate is the youngest in the State and the Mount Druitt swimming pool has been well used by our community for decades. I recall taking my own children—who are now well in their thirties—to the pool for primary school swimming carnivals. In the six-month period to March this year the number of people using the pool totalled—these are official figures—51,700. A further 18 public schools use the facility for carnivals and Catholic schools also use it for zone and district carnivals and so on. The pool is situated in the Mount Druitt central business district near the town centre.

The rally last week outside the pool, which was organised by the United Services Union and local residents, highlighted the fact that the community is just starting to learn that, as we move into summer, the Mount Druitt swimming pool will not be opening. The Liberal councillors on Blacktown City Council have been indifferent to the pleas of locals, one of whom is the Liberal candidate for the Federal electorate of Chifley. Locals such as Ms Kerry Bradbury of Minchinbury, who has started an action group, and Tony Portelli, who has run learn-to-swim classes out of the Rooty Hill RSL Club for years, are among the locals who have made representations to my office and who are calling for the council to review this decision.

I call on those Ministers who have responsibility for schools—obviously the Minister for Education, who has answered one of my questions on the *Notice Paper* on this subject, perhaps the Minister for Sport and Recreation and any of those Ministers involved with learning-to-swim initiatives—to speak to their Liberal colleagues on Blacktown City Council and ask them to review this decision. As some residents said at the public meeting: Why not give it one more year so that there can be proper community consultation before the pool closure goes ahead? I ask that those Government members who are involved with school swimming carnivals and the various summer campaigns about learning to swim, water safety and so on think about this issue.

I do not think anyone envisaged that the new council would take such action. If I or the Labor councillors had said during the last election campaign that if a Liberal council were elected in Blacktown it would close the Mount Druitt swimming pool most people would have laughed at us. Even we would not have believed such dramatic action would be taken. Again, I ask Ministers involved in these very important areas of public administration to have a word with the Blacktown City Council. I ask the Mayor of Blacktown to reconsider this decision, which is only now becoming known in the general community.

DAVIDSON ELECTORATE CHURCHES

Mr JONATHAN O'DEA (Davidson) [7.09 p.m.]: The many churches in the Davidson electorate do outstanding work. I wish particularly to acknowledge two of them today. Northgate Ministries at Belrose is a growing community church that actively serves local families with a range of programs for all ages. Those programs include a weekly playgroup for young mothers, a youth group, men's and women's events, and church retreats. To help engage with the community the church provides a free morning tea or lunch following its 10.00 a.m. Sunday service and a free meal following the 6.00 p.m. service. Additional community programs include a value-based parenting course, including boundary setting, love languages, emotional development and family values. The church is also involved with Kids Hope Australia—a one-on-one World Vision mentoring program for primary school children—through the nearby Wakehurst Public School.

Northgate Ministries was established just over seven years ago by Paul and Renee Ravesteyn with just 11 other people. Paul and Renee later purchased a nearby scout hall to provide accommodation for single men, who are also offered assistance to develop life skills and make sound life choices. The program has helped change the course of men's lives. Northgate Ministries is the Australian headquarters of Live Connection, which is a Christian support and leadership program now operating in 10 African countries as well as Indonesia and the Philippines. Each year members of the church community and supporters of Live Connection travel to Africa to undertake community construction work. Through Live Connection Aid, which is the project arm of Live Connection, the church is developing an agricultural college on 25 acres of land in South Sudan that was given to the organisation by the South Sudanese Government. This Saturday morning Northgate Ministries is holding a car boot sale to raise funds for Live Connection and Live Connection Aid, which I hope will be supported by the local community.

C3 Church at Oxford Falls is another local church with a phenomenal ministry. During Easter 1980 the church was begun by Phil and Christine Pringle with just a handful of people. Today there are more than 300 C3 churches worldwide, boasting a total weekly attendance in the tens of thousands. Attendance at C3 Oxford Falls weekend services regularly exceeds 1,500 people, with hundreds more participating in a variety of children's and youth programs. The appeal of the nearby Oxford Falls Grammar School, which was instigated by the church in 1984, has seen it grow to now cater for around 1,000 students from kindergarten to year 12. The C3 College housed at Oxford Falls specialises in leadership ministry and creative arts. It attracts students from around Australia and overseas. As well as being a bible college, it has courses covering contemporary music and worship leading, songwriting, visual arts, dance, screen production and media, acting and theatre craft. Talented students have contributed valuably to a number of outstanding gospel stage productions which have received high praise, including *Ready for Broadway*.

Once a year, C3 Church Oxford Falls hosts the Presence Conference in Sydney's central business district. It attracts thousands of visitors each year both from around Australia and across the world and adds to the economy of the city and State. The church also funds a variety of initiatives locally and beyond to help the disadvantaged. These include youth services, debt counselling, single parent support, emergency relief, orphanages and microfinancing. In addition, it supports a number of Sydney-based not-for-profit groups which help with a broad range of needs. The annual funding for all these initiatives amounts to more than \$500,000. The impact these churches have on the local and broader community through the presentation of the gospel in a contemporary style should not be underestimated. The world in general and the Davidson electorate in particular is much richer thanks to the ministries of C3 at Oxford Falls and Northgate Ministries at Belrose.

HUNTER VALLEY WINERIES

Mr CLAYTON BARR (Cessnock) [7.14 p.m.]: I will speak about an issue currently faced by vignerons and cellar door operators in the Hunter, who have been fighting a number of fights on a number of fronts for some time. Several years ago Cessnock council sought to take away the funding that helped them to promote tourism in the area. Then the high Australian dollar made their exports unprofitable. They have competed with the mining interests which keep on getting closer to their doorstep. More recently, there have been discussions around the new State Environmental Planning Policy for coal seam gas, which may or may not come through our vineyards. Further, the Government recently removed the cellar door subsidy. That action has taken about \$3 million out of our local area and was meant to re-establish some of the bigger cellar doors so that they could sell their product at a price comparable to the bottle shop.

A new frontier has now been added to their challenge, and it harks back to the price of wine at the bottle shop. The local Aldi store at Cessnock is now selling wine. That may be fair and reasonable in most areas,

but it is not acceptable in an area where wine and viticulture is a major local product. The cellar doors just cannot compete with Aldi in dollar terms. On any given day a person can walk into an Aldi store and buy a bottle of wine for \$4 or \$6. We know that BWS, Liquorland and other stores have sold bottles of wine for anywhere between \$6 and \$12, but Aldi has gone past that. A bottle of wine can regularly be bought at Aldi for \$4 and at times wine is on sale for \$2 a bottle.

Mr Troy Grant: It is no good though.

Mr CLAYTON BARR: I would like to think that the wine is no good. I am not much of a wine drinker but, unfortunately, I have heard feedback that some of these \$2 or \$4 bottles of wine are quite palatable. I would have thought that they would be terrible and taste like vinegar. The problem is that the vineyards are peddling their wares and trying to sell their bottles of great, award winning wines at the cellar door at modest prices of between \$15 and \$30 and up to \$70 or \$100—maybe \$100 is not such a modest price. The point is, how can these sellers be expected to compete?

We have seen an increasing number of tourists come to Cessnock and stay in our pubs and motels in town. They go out to the vineyards to do their wine tasting during the day, but they do not carry bottles of wine back into the city centre. Instead, they go to Aldi to buy their \$2 bottles. Our industry just cannot compete. My neighbour Minister George Souris, the member for the Upper Hunter, might be able to deal with this problem in his role looking after gaming and liquor and associated ministries. Or it might have something to do with the Department of Fair Trading or the Department of Primary Industries. A strong contingent of this Coalition Government is made up of members of The Nationals who have vigneron in their electorates. I call on the Government to let us work together to find a solution to this situation. The wine industry in Australia is facing so many pressures. The sale of \$2 and \$4 bottles of wine at the Aldi store right in the heart of Cessnock is only making things more difficult. We must work together in a bipartisan way to find a solution. Otherwise we will find ourselves without any local wine industries of note.

TRIBUTE TO CELIA PAVEY

Mr TROY GRANT (Dubbo—Parliamentary Secretary) [7.19 p.m.]: The wonderful Forbes community's very own Celia Pavey stunned television audiences around Australia from her first appearance on the popular television show *The Voice* when it aired earlier this year. Little did we realise at the time of the blind auditions that not only would Celia win over all four judges but that she would also go on to reach the final of the series in June and later release an album that included the songs which helped propel her to national prominence. Such was Celia's impact on *The Voice* that she boosted the profile of her home town and instilled great pride and enthusiasm in the local community as they shared in the excitement of Celia's progress. The blossoming of a shy young lady blessed with a beautiful voice into a consummate stage performer capable of holding her own against the best singing talent in the country was a joy to behold.

As we learnt during the course of the program, Celia was a talented violinist from a young age. Seven years ago she began to take her singing seriously, following in the footsteps of her elder sister, who was a confident singer in her own right. Given her Celtic ancestry, which accounts for her distinctive red hair, it comes as little surprise to discover it was the 19-year-old's early exposure to folk music that sparked her interest in studying music once she had completed her schooling in Forbes. The decision to enrol as a student at the Australian Institute of Music meant leaving home and heading to Sydney to pursue her passion. The opportunity to audition for *The Voice* has given Celia a tremendous platform upon which to build a solid career in the music profession.

The impact this impressive young lady had upon this year's competition was clearly evident when she returned home ahead of the final accompanied by her coach and mentor for the series, the wonderful Delta Goodrem. Celia and Delta received an overwhelming reception from the students of her old school, Red Bend Catholic College, as well as from many people from Forbes and surrounding districts who were treated to performances by both artists. The impact Celia's success on *The Voice* has had upon the community she hails from should not be underestimated. While she was busy winning over the masses with her delivery of some timeless classics from the modern American popular songbook, Celia's success did much to lift the spirits of the people of Forbes, among whom can be found many of her most committed fans.

Celia's journey on *The Voice* began with her blind audition choice of the Paul Simon and Art Garfunkel song *Scarborough Fair*. This was the performance that had all four judges competing for the chance to coach her. Delta Goodrem prevailed, despite the flattering overtures made by Seal, Joel Madden and Ricky Martin. For

the showdowns, Delta wisely chose a song for Celia that would have meant a great deal to her, given that the artist, Joni Mitchell, is one of her idols. Her cover version of *Woodstock* paid respect to one of the greatest folk singer-songwriters of the age. For the first live final Celia delivered her rendition of one of Dolly Parton's signature tunes—and one of my favourites—*Jolene*. This performance drew praise from the coach, with Delta claiming that Celia was mesmerising and captivating.

Next up was *Edelweiss* from the Rodgers and Hammerstein musical *The Sound of Music*. Apparently this song was an old family favourite in the Pavey household, with both Celia and her sister often performing it as a duet when entertaining at home. Celia's third live final performance saw her delivering the Carole King classic from the early 1960s, *Will You Still Love Me Tomorrow?* Heading into the semifinal, Celia performed two songs, one of which was an original composition called *Candle in the Night*—a beautiful song—written when Celia was in her final year of school in Forbes. The song had already received significant exposure courtesy of Celia's YouTube channel. Celia's other performance on semifinal night was her version of *Xanadu*, a chart topper in the 1980s for Australia's very own Olivia Newton-John.

We know that Celia was pipped at the finish by Harrison Craig, a remarkably talented young singer with an even more remarkable story to tell. The most important thing about appearing on *The Voice*, however, is the opportunity it has given Celia and the other vocalists to show not only the rest of the country but also the world that we have among us some of the most talented young singers on the planet, and with the right management any of them could go on and forge successful musical careers. In Celia Pavey's case, she recently released her album *Journey*, including the single *Believe Me*. Forbes hosted a civic gala reception in Celia's honour in early July where she performed songs from her album in the presence of many of her friends and invited guests, as well as thousands of enthusiastic fans. Celia Pavey has many reasons to be grateful for having the courage to overcome her nerves and perform for Australia on *The Voice*. In return, we are grateful to her family for sharing this remarkably talented young woman blessed with the sweetest of voices with the rest of us. We are incredibly proud.

Private members' statements concluded.

RAIL SAFETY

Matter of Public Importance

Mr CHARLES CASUSCELLI (Strathfield) [7.24 p.m.]: Tonight I raise as a matter of public importance Rail Safety Week. Running from 12 to 18 August this year, Rail Safety Week is now in its eighth year. Once again it will target local communities and the general public, encouraging safety around railway lines. There are about 6,000 reported trespassing incidents in the corridor each year; each one is a potential casualty. The top 10 locations that represent the highest number of reported incidents of trespass for 2012 are Central with 247; Redfern, 102; Blacktown, 90; Cardiff, 86; Bulli, 82; Kingswood, 78; yard/siding, 73; Albion Park, 68; Wyee, 65; and Strathfield, 62. Although Strathfield is the second busiest railway station in New South Wales, I am pleased that it is only tenth on the list—something around there is working well.

I will give a year-by-year breakdown for the past five years on pedestrian injuries and deaths in the rail corridor. Each incident is unnecessary and avoidable; all of them represent pain and grief, and a cost to the community both in money and resource terms. In 2008-09 there were 21 incidents; in 2009-10 the number rose to 36; in 2010-11, 31; in 2011-12, 30; and so far in 2012-13, 16. The figures are trending in the wrong direction. The rail corridor is intrinsically dangerous. As with major roads, rail lines are no place for unthinking or distracted people. Trains simply cannot stop quickly. They cannot swerve around an object or a person in front of them, as can cars. After the driver realises they need to stop, it takes about 250 metres to stop an average passenger train going at 60 kilometres. That is the length of 2½ football fields.

Taking a risk and running or driving in front of a train at a level crossing is extremely dangerous. If a person is on the tracks for any reason it will be almost impossible for the driver to stop before hitting them. Some of the people killed in the rail corridor were involved in graffiti and vandalism. People have been seriously injured while trying to board moving trains or running to catch a train. There are measures and programs in place to try to increase rail corridor safety. For example, the rail network has more than 9,770 closed-circuit television cameras to assist with the detection of trespass and the timely deployment of Police Transport Command officers to hotspots. The Police Transport Command maintains a focus on targeting trespass incidents through intelligence-based deployments to detect and deter offences and raise awareness of the risks associated with trespassing.

Other measures are in place. For example, trespassing could result in a fine of up to \$5,500. Transport for NSW, to its credit, has launched a new campaign called Pearly Gates—that is a great tag line—to call on the public to stay vigilant at railway crossings, particularly in regional areas. The pearly gates were on display at Central station on Monday. The New South Wales Government is spending \$7 million a year to improve safety around level crossings. However much we spend on rail corridor safety, or how well we communicate the rail safety message, it ultimately comes down to personal responsibility and self-discipline. It was distressing to see a media piece only this week on an incident that showed a member of the public ignoring warning signs, flashing lights, barriers and audible warnings to virtually walk into a train at a level crossing. This was not just stupid; it was criminal because of the risk he posed to others.

At the end of the day it is about personal responsibility. Safety rules are put in place not to annoy us but to ensure our safety and the safety of others. They are not there as an inconvenience; they are there to protect life. It is up to each of us to obey the rules at all times. We have the power to choose to do the right thing. The important safety rules when on station platforms include: always walk and wait behind the yellow line until the train has stopped; keep your bag and other possessions behind the yellow line; and walk on the platform, do not run. You can always get the next train and it is better to be late than lose your life. We need to stay alert.

At a personal level, people must stay alert when around railway tracks, just as they would stay alert while crossing a busy road. On the platform and when crossing at a level crossing people should take off their headphones, put their hoodie down and stop texting. I know it is attractive to keep texting the love of your life, your wife and your children but it will endanger your life. In conclusion, sadly, whether due to negligence, stupidity, ignorance, distraction or any number of other factors, some people will expose themselves and others to risk around railway lines. We need not only to raise awareness but also to look after one another. If people see risk or a threat to personal safety, they should speak up and alert others. I commend the New South Wales Government, Transport Sydney trains, Transport for NSW trains, the Australasian Railway Association and others who actively participate in Rail Safety Week.

Mr RYAN PARK (Keira) [7.29 p.m.]: On behalf of the Opposition I will talk about Rail Safety Week. I thank the member for Strathfield for bringing this important issue to our attention. Rail Safety Week is important. It is important also to reflect on the lives that have been tragically lost on our rail network over many decades. Not long ago, tragically, the community I come from was caught up in the awful scenario that happened at Waterfall, which was our last major train disaster. Hopefully it will be our last train disaster ever but possibly not. It was harrowing for the community; it affected many people from the Illawarra and the Sutherland region. As with many other trains, our trains are packed every morning as people make their way along one of the largest commuter corridors in the country when they travel from the third largest city in New South Wales, Wollongong, to our largest city, the global city of Sydney, often through Central station and surrounding stations. That was a tragedy.

This week a journalist at the *Illawarra Mercury*, Cydonee Mardon, wrote a very powerful piece in that newspaper about train drivers and their experience when someone who should not be there makes their way onto the rail track. A local train driver, Robert Zelvis, was interviewed for the article and spoke about the dreaded crunch of a body beneath the train, despite everything possible being done to avoid the incident, such as applying the emergency brake and sounding the train's whistle or horn. He referred to persons who did not, could not or refused to get out of the way. That person's family loses someone, a community loses someone, but the wife and family of people like Robert Zelvis—the train drivers—also lose something by being a part of that. They have lost going to work and simply doing their job. It must be frightening to drive a machine that is pulling hundreds of tonnes and seeing a human being coming closer and closer, but not being able to stop.

All members of this place do not necessarily have an understanding of that type of trauma, but at least those of us who have worked in the transport space have some form of appreciation of what train drivers experience. From my personal experience of working in transport and speaking to train drivers who have experienced those types of grisly incidents, I am aware that some of them may be fortunate enough to be able to continue to work, but others find it is all too much. The experience of hitting someone along the rail corridor simply becomes too much to deal with, let alone the possibility of having to face it again at some time in the future. Therefore train drivers also lose. They lose a career that they obviously love and the one they chose. The experience is something that Mr Zelvis' family continues to deal with. Mr Zelvis is a principal driver. Over his 41 years of train-driving experience he has been involved in fatalities and near-misses. In the article he says that while he cannot forget, he tries to put the experiences behind him. It is a very difficult situation that few of us outside the train driver's cabin could experience.

Rail safety is about ensuring that people understand the importance of working safely on the rail network and the importance of people commuting safely to their destinations. I will strive to ensure that over the next two years the New South Wales Government places far greater emphasis on the commuter crime section in the Police Transport Command so that it is staffed and resourced appropriately to keep people, particularly vulnerable passengers such as women, elderly people and young children, safe on our rail network. We have seen significant cuts to numbers of transit officers that have not been superseded by an increase in the number of front-line police. I urge the Government to take to a new level the commitment it has demonstrated by initiating this debate by ensuring that those positions are filled so that, by the time we have the next discussion on Rail Safety Week, our rail network will be safer. All members of this House, particularly those of us who live near major transport commuting and rail corridors, would appreciate that and would expect that from any government of any political persuasion.

Mr TONY ISSA (Granville) [7.34 p.m.]: I am pleased to support the discussion initiated by the member for Strathfield in relation to Rail Safety Week. The most important aspect of our lives is being able to live in a safe environment. I was pleased to hear the member for Strathfield say that the busy Strathfield railway station is ranked tenth on the list of the highest number of reported incidents of railway trespass. The Granville railway station is a major CityRail junction station that serves trains on the Blue Mountains, western and southern lines and includes destinations such as Carlingford; yet, I am pleased to say, the Granville and Parramatta stations were not mentioned when the member for Strathfield read his list. I could share many experiences sourced from my previous life as a railway officer in charge for more than 13 years, particularly my supervision of rail crossings. One of the busiest level crossings I supervised was on Parramatta Road, and I also worked at the crossing on Grand Avenue, Camellia, prior to the Government constructing a bridge over the rail line.

It is difficult to describe the scene when a motorist ignores a warning sign as well as a warning bell and drives through the boom gate, not only smashing the boom gate but also crashing the car and placing other drivers on our very busy Parramatta Road at risk. On many occasions, I performed the duty of a railway flagman to protect motorists and allow trains to safely traverse the level crossing. From my experience of working on a signal box at that location or at Camellia, I gained an acute appreciation of the importance of safe work practices and what it takes to keep our communities safe. The member for Strathfield mentioned that a train travelling at 60 kilometres an hour requires 250 metres within which to safely come to a stop. Of course he was referring to a suburban electric train, not a freight train en route to country areas comprising a 44 or 48-class engine that is pulling behind it between 30 and 40 carriages.

Mr Troy Grant: Even 100.

Mr TONY ISSA: Perhaps 100, depending on the service being provided to different parts of the country. Freight trains are not travelling at 60 kilometres an hour but at much faster speeds. It is a matter of grave concern to me that when the brakes of a train pulling an enormous weight are applied, the momentum of the carriages pushes the train forward for a considerable distance. While it is important to highlight rail safety during Rail Safety Week, it is equally important to remember that rail safety cannot be maintained without educating the community in relation to rail safety and individual safe practices. The Government cannot achieve safe rail travelling conditions alone. The public must understand each person's role and responsibility in maintaining safe conditions and reducing risks. People must observe warnings and safety directions issued by this Government, which spends more than \$7 million on rail crossings each year. I congratulate the member for Strathfield on initiating this discussion of Rail Safety Week and highlighting the Government's commitment to transport and community safety.

Mr CHARLES CASUSCELLI (Strathfield) [7.37 p.m.], in reply: I thank my good friend the member for Kiama, who noted a number of important matters in relation to this motion. He called on us to reflect on the loss of life that has occurred up until now along rail corridors. He correctly said that rail moves large numbers of people and that incidents along rail corridors affect many people, not just commuters. For example, it has an effect on train drivers. In fact, I suggest it goes even further and affects staff who work along rail corridors and at railway stations. The member for Kiama pointed out the effect on the families of train drivers involved in incidents that have resulted in death or serious injury. The impact on drivers is long lasting and it has a significant impact on their families.

The member for Kiama said that Rail Safety Week should include staff and employees of rail operators and infrastructure managers. I accept his point about what the commuter crime unit should and should not do. The commuter crime unit is now the Police Transport Command, which is already achieving some outstanding

results. However, just like all new programs or initiatives, it takes a while for the Transport Command and many others to fill all its positions and reach maximum operating efficiency. I noted the recent achievements of the Police Transport Command, which were outstanding. I also thank the member for Granville, who noted that the major stations of Granville and Parramatta were not on the top 10 list of sites of injuries and deaths—thank God. He also recounted some personal experiences of observing people doing silly things at rail crossings. If a camera were placed at every rail crossing it would tell a story for many months about very silly and stupid acts undertaken by many people.

The member for Granville noted the extraordinary safety threat along the rail corridors. We speak about the long time that suburban trains take to stop, but if we look at the speed of express trains or the sheer mass of some of the freight trains we realise that the safety risk along that rail corridor is magnified by quantum leaps and bounds. The member for Granville said that much more needs to be done in delivering the rail safety awareness message outside of Rail Safety Week, which I acknowledge. I thank the member for Kiama and the member for Granville, who have some knowledge of transport, for contributing to debate on this motion.

Discussion concluded.

**The House adjourned, pursuant to standing and sessional orders, at 7.40 p.m. until
Wednesday 14 August 2013 at 10.00 a.m.**
