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# LEGISLATIVE ASSEMBLY

Wednesday 21 August 2013

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

**The Speaker** read the Prayer and acknowledgement of country.

## BUSINESS OF THE HOUSE

### Notices of Motions

**General Business Notices of Motions (General Notices) given.**

### ROAD TRANSPORT AMENDMENT (ELECTRONIC TRAFFIC INFRINGEMENT NOTICES TRIAL) BILL 2013

**Bill introduced on motion by Mr Stuart Ayres, on behalf of Mr Greg Smith, read a first time and printed.**

### Second Reading

**Mr STUART AYRES** (Penrith—Parliamentary Secretary) [10.08 a.m.], on behalf of Mr Greg Smith: I move:

That this bill be now read a second time.

The Road Transport Amendment (Electronic Traffic Infringement Notices Trial) Bill 2013 amends the Road Transport Act 2013 to provide for a proof-of-concept trial by the NSW Police Force for the service of electronic traffic infringement notices—or TINs, as they are more commonly known in the field. The project will occur in five local area commands for four weeks to allow a systems-testing and data-matching process to occur. The project findings will be used by the NSW Police Force to determine whether a larger production trial followed by an independent evaluation should occur. To undertake this four-week project certain legislative amendments are required to enable a traffic infringement notice to be issued in this manner if agreed to by the offender. The bill, therefore, inserts a new section 196A after section 196 of the Road Transport Act 2013 to provide that a traffic infringement notice may be sent via electronic transmission by the NSW Police Force upon the consent of the person concerned.

The new section clarifies when the infringement notice will be deemed to have been served, provides for the voluntary provision of email addresses and mobile phone numbers, includes a sunset clause, and provides that children under the age of 16 will not be issued infringement notices electronically. The legislative amendments required for the project have been the subject of consultation with the Office of Liquor, Gaming and Racing; Roads and Maritime Services; Transport for NSW; the Department of Attorney General and Justice; and the Department of Finance and Services. Agreement has been reached to limit the amendments to the statutory provisions necessary for the proof-of-concept trial to be conducted. The NSW Police Force consulted agencies including the State Debt Recovery Office, the Police Association of NSW and other Australian law enforcement jurisdictions. Without the legislative amendments, police will be unable to issue electronic traffic infringement notices in the field.

In the five local area commands involved in the project, police will issue electronic notices only with the consent of the individual concerned. Should the person refuse, infringement notices will be issued manually by police and sent by post, in line with current practice. For the duration of the project, 20 tablets have been supplied to police and will be returned to the manufacturer at the conclusion of the four-week trial. Pending the outcomes of the proof-of-concept trial, police will go to open market to determine which device best suits their needs. As the current communications supplier to the NSW Police Force, Telstra has supplied 20 individual 4G routers for the duration of the pilot. The provision of this infrastructure has been locked in for September 2013 and is unable to be deferred.

I now refer specifically to the provisions in the amendment bill. The bill inserts new section 196A into the Road Transport Act 2013 to establish a trial for the service of penalty notices to email addresses or mobile phone numbers that are voluntarily provided by the person on whom the notice is to be served. The new section provides an additional means of service to that set out in section 196 of the Act. Section 196 currently provides that a penalty notice may be served personally or by post. The section has effect for two years unless otherwise prescribed, to allow for the proof-of-concept and any further production trial. If the project does not proceed the section may be repealed or lapse after two years.

The section applies to a police officer who will be taking part in the trial. As there are other "authorised officers" currently included under section 196, the scope of this amendment is limited only to officers of the NSW Police Force. The section provides that a police officer may serve an infringement notice by causing the infringement notice to be sent to an email address or mobile phone number, but only if the police officer has been authorised by the Commissioner of Police to serve infringement notices in that way for the purposes of the trial, and the person who is being served with the infringement notice elected to have the infringement notice served on them in that way and has voluntarily provided an email address or mobile phone number for the purposes of that service.

The new section also provides that a police officer is not to serve an electronic infringement notice on children under the age of 16 years. Electronic traffic infringement notices will be issued only to individuals who are of legal driving age. Juveniles under the age of 16 years who commit traffic offences are dealt with pursuant to the requirements of the Young Offenders Act 1997. The proposed amendment, if not qualified, would have captured a range of other offences beyond those which are usually dealt with under the Young Offenders Act 1997. For example, had this provision not been included, police would have been able to serve infringement notices electronically to young people who had committed offences under the Road Transport Act 2013, such as travelling on public transport without a valid ticket, or riding a bicycle without a fitted and fastened helmet, and riding a bicycle on a footpath.

Section 196A provides that an infringement notice will be taken to have been served on a person if it is sent to an email address or mobile phone number that is recorded by a police officer as having been provided by the person for the purposes of the new section. The section clarifies that the provision of email addresses and mobile phone numbers is voluntary. The need to obtain consent is consistent with recommendation 6.2 of the New South Wales Law Reform Commission's Report 132: Penalty Notices, which was tabled in Parliament on 29 March 2012. Recommendation 6.2 proposed an amendment to the Fines Act 1996 to allow agencies to serve penalty notices and subsequent notices—including reminder notices and enforcement notices—electronically where the penalty notice recipient has provided consent in advance.

The initiative of the police aligns with NSW 2021 and complements the goals of the New South Wales Government's ICT Strategy. It is also the first foray for the NSW Police Force into ways to support and promote both the State Government and the Commonwealth Government commitment to using cloud technology. By a limited proof of concept, we can test the security and applicability of this next stage in efficient and cost-effective ways of government agencies doing business. The application will be fully integrated with the NSW Police Force Computerised Operational Policing System [COPS] database.

The project commences on 2 September 2013 and will run for four weeks across five locations: the Hunter Valley, Rose Bay, Sutherland, Moree and Goulburn. Utilising both urban and regional local area commands will ensure that the efficacy of the cloud technology is tested in remote sites. It is anticipated that the project will return significant time savings for frontline police by eliminating unnecessary data duplication and entry requirements. The State Debt Recovery Office has estimated that \$1.2 million could be saved each year by eliminating the manual handling of traffic infringement notices. The NSW Police Force Highway Patrol has estimated that approximately an hour per day per police officer will be saved through the service of traffic infringement notices electronically. This equates to around 240,000 hours a year, and will allow police to spend more time working on the front line rather than undertaking administrative tasks.

I will now describe the process of the trial. Police will first seek a person's consent to send the traffic infringement notice via email or text message, not both, or, should the person prefer, by Australia Post. This transaction will be recorded on the in-car video, which will be available for review in the event that there is a problem or complaint about the conversation. As the pilot is testing the efficacy of electronic transmission as a means of serving infringement notices, personal service will not be provided. The application contains a number of fields which the police populate with all necessary data in connection with one or multiple offences. These include the person's proof of identity—his or her drivers licence details—the location, date and time of the offence, vehicle registration number and the offences that are alleged to have been committed.

The location field uses global positioning system [GPS] technology and a map to pinpoint the exact spot the offence occurred. For the purpose of the proof of concept, all traffic infringement notices will be issued electronically, including exceed speed limit by less than 10 kilometres an hour; exceed speed limit by more than 10 kilometres an hour and less than 20 kilometres an hour; exceed speed limit by more than 20 kilometres an hour; failure to stop at a red light; use hand-held mobile phone when not permitted; driver not wear seatbelt correctly fitted or fastened; use unregistered vehicle; use uninsured vehicle; and not carry licence. If consent is given, a PDF of the infringement notice will be sent to the person via email or text message, which they will then be able to download and print or pay via a hyperlink to the State Debt Recovery Office site. The electronic infringement notice will contain the same information as that found on the existing paper-based notice.

However, unlike its paper counterpart, the electronic infringement notice will have the capacity for multiple infringements to be entered on the one notice, effectively reducing the amount of paperwork required. If the person receiving the notice chooses to pay one and challenge another in court, he or she will be able to do so via the unique penalty numbers. As with current practice, the electronic infringement notice will provide a number of payment options for the person concerned. If a person wishes to have one or all of the offences determined by the court he or she will be required to complete and submit the court election form provided on the website of the State Debt Recovery Office. If a person is submitting the request electronically the online court election form requires the person to enter the penalty notice number for the matter he or she wants dealt with. It is anticipated that additional paperwork and administration will be eliminated as a police officer will not be required to re-enter the data from his or her notebook onto the computerised operational policing system. Upon return to the station, the data will automatically upload to the computerised operational policing system database. If a person declines to provide a mobile number or email address the officer will issue the infringement notice manually and send it by post, which is in line with the current practice.

In the event that a person fails to provide a bona fide email address or phone number he or she will be dealt with via follow-up procedures of the State Debt Recovery Office. It issues reminder notices 28 days after the initial notice has been issued. These reminder notices are mailed to the person's residential address as shown on his or her drivers licence. If a police officer believes that the email address or mobile phone number provided is false he or she may choose to proceed with the manual paper notice. Avoidance of service in terms of electronic penalty notices will not differ from the current process when difficulties may occur with a person not receiving a paper fine. In the event that an electronic infringement notice is issued to an email address or mobile phone number that belongs to a person other than the intended recipient, a disclaimer will be provided on the infringement notice with instructions requesting that the person contact the police and quote the infringement notice number to advise them that the notice was sent in error.

A link will be provided that will take the person to the "Contact Us" page on the NSW Police Force website and from there the person will be able to select the area he or she wishes to contact, such as the Customer Assistance Unit, and the person can then proceed to enter all necessary details. The person may wish to provide additional details such as his or her name, email and contact number. However, it is not compulsory to do so. A number is also available for the Police Assistance Line and those staff have been advised how to record and deal with issues relating to the project. People who contact the police may be spoken to by a project team member to determine the issues that will be incorporated into the findings of the pilot. On notification of an error, police will mail an infringement notice to the correct recipient. If a tablet is lost, police have the capability to remotely locate, lock and wipe contents from the device. This is more secure than the current process for missing notebooks.

Accountability mechanisms have been put into the infringement notice application to ensure that all the required fields have been entered and checked prior to sending. This will lessen the chances of an error occurring. The evaluation of the proof of concept focuses on the testing of the software, with no capability to determine broader issues such as the level of productivity savings to be achieved through the elimination of manual handling and data application or the suitability of hand-held devices. These issues will be part of the larger evaluation if the project proceeds to a production trial. These are straightforward amendments that serve a good purpose. They enable the NSW Police Force to test a technological response in a highly technological society where electronic communications are fast replacing more traditional methods. I commend the bill to the House.

**Debate adjourned on motion by Mr Ryan Park and set down as an order of the day for a future day.**

**ENTERTAINMENT INDUSTRY BILL 2013**

**Debate resumed from 14 August 2013.**

**Second Reading**

**Mr GEOFF PROVEST** (Tweed—Parliamentary Secretary) [10.24 a.m.]: I speak on the Entertainment Industry Bill 2013. This bill is being reviewed to implement the recommendations of the final report from the review of the Entertainment Industry Act 1989. The recommendations made in the 2010 final report have largely been implemented by the terms of the bill with modifications to meet the specific regulations of the industry. They cover areas of regulatory concerns such as the removal of licensing and bond requirements, and the introduction of new definitions of "performer representative" to replace "agent" and "manager". These are complemented by a suite of protection for performers, including prohibition orders for persons engaged in repeat or serious breaches of industry laws, enforceable undertakings and a mandatory code of conduct.

Before I came to this place I was actively involved within the club industry of New South Wales. In the early 1980s I spent a number of years at a particular club for which I hold a soft spot: the fabulous Revesby Workers Club. That could be a subject dear to your heart, too, Madam Acting-Speaker. Undoubtedly it is. I was the assistant manager at the Revesby Workers Club and, as such, I performed the role of entertainment manager. That was in the heydays when the Revesby Workers Club was the centre of entertainment in the inner west. Legendary stars such as Tom Jones and Tina Turner performed there. For the younger members here—and we both fit into this category, Madam Acting-Speaker—other groups that performed there included the Angels, ACDC, the Coackroaches, the Radiators and many others. There were also standalone entertainers, duos, trios and so on. I gained a great deal of experience not only with the entertainers, who I highly respect, but also with their agents. There were some good ones but unfortunately some not so good ones.

The entertainment industry is a place where dreams are created and dreams are shattered. It can be fairly brutal. In some ways it is similar to the place in which I am now standing. We enter with good intent and certain things happen. It was a complex process with bonds. It is a complex process today with workers compensation and public liabilities, which began when animals such as tigers and lions started appearing in magic acts on stage. Following regulations can become a nightmare, particularly for the younger performers. The key recommendation of this amendment is to simplify the regulations. The State Plan is to reduce red tape. This bill is being widely negotiated. When this bill was first mooted, I spoke to some leading agents, particularly on the North Coast. As most of us would be aware, there is a circuit for these entertainers in Wallsend or Parramatta. The Parramatta Leagues Club would rely on a lot of entertainers because of late its members do not get much joy from their football team.

This bill offers comprehensive protections afforded to performers that are designed to increase transparency for performers and their representatives in their commercial dealings with one another and will help to address the imbalance between the two parties. Some of those imbalances can be horrific. I remember an occasion at the Revesby Workers Club when—the younger people will not know his name—Chuck Berry, a famous guitar player, was scheduled to perform. Approximately 2,000 people had paid \$25 a head to see him. Chuck came from the American entertainment industry in which there were quite a few less than honourable people. The arrangement deteriorated when he informed me, the entertainment manager, 10 minutes before appearing on stage that because he had been ripped off so many times before he would not perform unless he was paid \$15,000 in cash.

Back in the mid 1980s \$15,000 was a considerable amount of money. I was left with no option but to run around with a receipt book and raid every cash register in every bar and every poker machine. I had several members of my staff madly counting wads of money. I went back to his dressing room and dumped the money on the table with about three minutes to spare. He did not even check it. He said, "That will do", put it in his bag and took the bag on the stage with him. He put it under the little lectern on the stage and put his foot on it. The end result was that everyone was protected. That goes to show why these recommendations for the entertainment industry are very valuable. In recent times we have seen on television shows such as *The X Factor*, *Australia's Got Talent* and *The Voice*. Many people have become very involved with those shows and they have become very popular. I am sure all members support their local schoolchildren and young people who are pursuing their entertainment dreams. I commend the bill to the House.

**Mr LEE EVANS** (Heathcote) [10.31 a.m.]: I speak to the Entertainment Industry Bill 2013 and I will, hopefully, clarify a few of the reasons why this bill was introduced. First, I will inform the House of a story

about an entertainer who was not protected in the industry: Humphrey B Bear. Many years ago the person who created the Humphrey B Bear suit went to Channel 9 and asked for an opportunity to do what he did best in his Humphrey B Bear outfit. Unfortunately, the Dutch gentleman who created the character of Humphrey B Bear never spoke, and that was his downfall. After about two years of being Humphrey B Bear for the kiddies, Channel 9 unceremoniously got rid of him. One morning when he went into the television studios to perform his normal gig as Humphrey B Bear there was somebody else wearing the Humphrey B Bear suit. Unfortunately, he lost his job, he lost his income and he received no payment for his intellectual property because he never spoke. After that he was always seen around the traps as a very, very bitter entertainer. He used to say that he was the creator of Humphrey B Bear but he had no proof of that. Unfortunately, that is what happens when entertainers are not protected in the industry.

In the past day or so I have asked myself why this bill is necessary. The bill is necessary to provide effective, fair and consistent regulation for performer and venue representatives in the entertainment industry and to provide protections for performers. While the vast majority of representatives in the entertainment industry behave appropriately, there will be inevitably a number of them who do not comply with the relevant laws either intentionally or because they are not aware of their legal obligations. The entertainment industry attracts many performers, particularly the young and inexperienced who do not have well-developed skills and knowledge in negotiating work arrangements. Previous speakers have spoken about *The X Factor* and other shows currently on television. Performers in those shows sometimes fall prey to unscrupulous people who want to get them under their wing, use their talents and make a lot of money but, at the end of the day, the poor entertainer is left out in the cold.

The comprehensive protections afforded to performers are designed to increase transparency for performers and their representatives in their commercial dealings with one another and help to address the knowledge imbalance between the two parties. All performers in the New South Wales entertainment industry and agents and managers who represent them will benefit from the proposed reforms through the delivery of effective and contemporary regulation. Red tape will be reduced by removing the current licensing regime and the requirement to lodge monetary bonds. While the bill delivers important cost-saving and efficiency measures, those measures are complemented by a suite of comprehensive protections for performers, including capping fees to be charged by performer representatives, prohibition orders, enforceable undertakings and the introduction of a mandatory code of conduct. By increasing transparency in the industry and strengthening protections for performers, the bill will enable all members of the industry to better negotiate and manage their commercial dealings, careers and professional responsibilities.

The 2010 report on the Entertainment Industry Act 1989 by the Better Regulation Office and NSW Industrial Relations found that the existing licensing scheme is neither cost-effective nor necessary to secure efficient regulation of performer representatives and that it should be removed if alternative mechanisms are to be put in place to protect performers. The bill provides these mechanisms, which include increased penalties for non-compliance, a code of conduct, regulations limiting fees that can be charged and the introduction of prohibition orders for persons engaging in repeated breaches of entertainment industry laws.

Many speakers have spoken about the old days when pubs used to be centres of entertainment. It is very rare these days to see live acts performed in pubs. The member for Hawkesbury said that the death of pub acts, as they were known, was basically caused by poker machines. It is a shame that that has happened. I remember in my childhood some of the biggest acts that came from Australia and are known to the world started out as pub acts—the Angels, AC/DC, Divinyls, Icehouse and many more. They cut their teeth in local venues, working from pub to pub around the coast of Australia. Because of that experience those performers went on to perform around the world—the United States of America and the United Kingdom in particular—and have become very, very popular entertainers, and Australia should be proud of them. But those times have gone. These days performers have to go on to a television reality show to make a mark in the entertainment industry rather than starting off performing in pubs.

The bond requirements are designed to give performers access to funds owed to them by their representatives. However, the review into the industry found there was little or no evidence to demonstrate that the current provision was achieving its objective of underwriting any failure of representatives to pay performers. Trust account requirements, which can reduce the risk that a representative may fail to pay or prevent a delay in paying performers money held on their behalf, will be retained. The bill also requires entertainment industry hirers, performers and venue representatives to disburse moneys due to a performer within strict time frames. The recommendations contained in the 2010 final report into the Entertainment Industry Act 1989 have been largely implemented in this bill, with modifications to meet the specific regulatory

needs of the industry. The recommendation imposing fee caps unless performer representatives provide additional services has been implemented by capping fees unless career management services are provided in writing to the performer in a managerial agreement.

The bill prohibits performer representatives from charging fees above the amount capped under the regulation unless they are providing career management services. The capped amount is the percentage prescribed by the regulations of the total amount payable to the performer for a performance. A couple of entertainers live in the electorate of Heathcote. For instance, maybe some of the more senior members of the House would remember the entertainer Johnny Pace. He lives in my electorate, and is a good friend of mine. He was on a television show called *Blankety Blanks*. His partner is also in the entertainment industry, which is how they met. Rebecca Breeds from *Home and Away* also lives in my electorate. These entertainers are going to be better protected by this legislation and I recommend the bill to the House.

**Mr CHRISTOPHER GULAPTIS** (Clarence) [10.40 a.m.]: I speak to the Entertainment Industry Bill 2013. I congratulate the Treasurer, and Minister for Industrial Relations, the Hon. Mike Baird, on introducing this important bill to the House. The entertainment sector is an important part of the creative industries, which play an important role in the New South Wales economy, and its members deserve the protection the bill provides. I will now sing a verse of Irving Berlin's *There's no Business Like Show Business*, and I invite others to accompany me if they know the lyrics:

There's no people like show people  
They smile when they are low  
Even with a turkey that you know will fold  
You may be stranded out in the cold  
Still you would not trade it for a sack o' gold  
Let's go on with the show

My humble apologies to Irving Berlin, and to every other entertainer who has sung that song, but they are the people we are trying to protect. Entertainers put their all into a show. They are focused on the show, their passion is the show, and they will deliver the show rain, hail or shine or whatever personal circumstances impact upon their lives. I do have to declare an interest in this—not as a singer—but both my sons are involved in the entertainment industry. My son Leon is an actor. He has acted in some productions in Australia and been in commercials on television. He is currently in the United States where he has been fortunate to secure some roles in independent films, which will hopefully be released next year.

**Dr Geoff Lee:** They are all G-rated films, aren't they?

**Mr CHRISTOPHER GULAPTIS:** They are absolutely G-rated films. My other son, Jarrad, is studying filmmaking in Sydney at the school of audio engineering. Some would suggest that with me being a politician the whole family is in show business. But on a more serious note, the bill means real protection for people in the industry. People in my electorate who work as entertainers, such as the McClymonts, have been very successful on the country and western music charts and the pop music charts. They are terrific ambassadors for the Clarence Valley. Music is more than a passion for the McClymonts; it is their livelihood. It is important that the Government acts to protect their livelihood and their future.

The bill repeals and replaces the Entertainment Industry Act 1989 and specifically implements the recommendations of the 2010 final report from the 2009 review into that Act. The review was jointly conducted by the Better Regulation Office and NSW Industrial Relations. It canvassed the views of individuals and organisations representing a broad spectrum of views in the New South Wales entertainment industry. So it has been canvassed and people have been consulted. The review focused on the appropriate regulation of arrangements between performers and their agents and managers who represent them and help them to find work and develop their careers. A key conclusion of the review was that the licensing of entertainment industry representatives is neither cost efficient nor necessary to secure effective regulation of the industry. It was recommended that licensing should be removed but only if strong protections for performers are implemented and are working efficiently and effectively. The bill achieves this in a balanced and responsible fashion, taking into account the interests of the performers and the need to support the ongoing commercial viability of such an important industry.

I said earlier that the entertainment industry generates significant economic activity for the State. The value of that is in the order of hundreds of millions of dollars each year. In addition, the industry makes an important contribution to cultural life in New South Wales. It is important that we get this right because the New

South Wales legislation covers half of those working in the arts and entertainment industries in Australia. Most of the recommendations contained in the final report were supported by industry stakeholders, who expressed a strong commitment to implementing effective penalties and other compliance measures for the proper regulation of the industry and the protection of performers. The current Act provides a framework for the protection of performers in their commercial and professional dealings with entertainment industry agents, managers and venue consultants. The proposed legislative reforms are aimed at streamlining and improving the way the entertainment industry is regulated.

This Government is about removing red tape, and this bill will do that by removing the current licensing regime and the requirements to lodge monetary bonds. The bill also omits the provisions dealing with industry-based regulatory bodies and dispute resolution mechanisms. There are a number of key elements to the bill. The first is the single definition for "performer representative". The bill removes the separate definitions of "agent" and "manager" in the current Act and replaces them with the single definition of a "performer representative". The additional value provided by managers will continue to be recognised in the area of fees. In line with the current Act, the bill provides for maximum fees that can be charged by representatives when entering into agreements with performers. The fee caps will be set as a percentage amount of the remuneration due to the performer for a performance. The prescribed caps will be broadly in line with the current fee arrangements.

However, when management services are provided fee caps can be exceeded if a written managerial agreement has been entered into. The managerial agreement must include an additional fee acknowledgement which makes it clear that the performer understands that the agreement will allow the performer representative to receive fees that exceed the relevant capped amount in return for the provision of those managerial services. This ability to charge more for managerial services is consistent with current industry practice. The new measures are designed to increase transparency for performers and representatives in their commercial dealings with one another based on the informed agreement of the performer. An additional protection for performers who enter into managerial agreements will be a right to a statutory cooling-off period. This protection will allow performers to terminate a managerial agreement within three days of it being signed. This will give performers time to obtain appropriate advice concerning the arrangement they have entered into. If they wish, a performer can give a notice to the representative waiving their right to a cooling-off period at the time they enter into a managerial agreement.

The bill will also introduce a code of conduct. The code in the bill will provide performer representatives with clear guidance on the standards of service required to ensure professional and ethical conduct when providing services to performers. The code has been determined through considerable consultation and input from industry stakeholders. It will impose a general duty of care, due diligence and honesty on performer representatives in their dealings with performers. It will also be an important means of enhancing transparency in the way the industry operates by educating representatives in their responsibilities and making performers more aware of their rights. The new compliance regime outlined in the bill provides a comprehensive framework to ensure that key performer protections can be enforced, such as fees, money handling and information disclosure requirements. This includes the use of penalty notices by inspectors for specified criminal matters as an alternative to taking costly prosecution action, as well as the ability to accept enforceable undertakings where breaches of civil penalty offences are involved.

The use of enforceable actions will be particularly useful in managing compliance with the requirements of the code of conduct in a targeted and effective manner. Prohibition orders will be introduced. These orders will give the Supreme Court the power to make orders which could lead to temporary or permanent exclusion from the industry for those representatives who engage in unlawful conduct through repeated breaches of the entertainment industry laws. These laws will be used in exceptional circumstances, and when they are used the bill provides important safeguards to ensure procedural fairness. A representative will essentially be given an opportunity to show a cause of why. Another important part of the effective compliance regime is the establishment of a public register of information about breaches of the entertainment industry laws. Its integrity and fairness are to be maintained by requiring the removal of information relating to a conviction that has been quashed or annulled, or if two years have elapsed since the conviction. As my time has expired, I commend the bill to the House. In the words of Porky Pig, "Th, th, th, that's all, folks."

**ACTING-SPEAKER (Ms Sonia Hornery):** I am wondering whether I should organise an audition with the Attorney General's barbershop quartet. I know that he is looking for interested members.

**Dr Geoff Lee:** The Chamber quartet.

**ACTING-SPEAKER (Ms Sonia Horner):** The Chamber quartet.

**Mr ANDREW ROHAN** (Smithfield) [10.50 a.m.]: I support the Entertainment Industry Bill 2013, and I commend the Minister for Industrial Relations for his contribution to the bill. He is definitely the best industrial relations Minister that our State has had in a long time. I will not try to imitate the member for Clarence but I commend him for his talent. I think he will benefit from the bill in terms of his singing talent. Well done! The purpose of the bill is to repeal the Entertainment Industry Act 1989 and to provide for effective, fair and consistent regulation and protection for performers and venue representatives after the removal of licensing requirements for entertainment industry agents and managers. The entertainment industry in New South Wales is big. It provides employment for thousands of people and generates economic activity worth hundreds of millions of dollars each year. It involves a wide range of activities, such as acting, music, dance, theatre and modelling.

Agents, managers and venue consultants play a great role in the entertainment industry by acting as managers and negotiators on behalf of performers and clubs, pubs, theatres, production companies and others. While the vast majority of representatives in the entertainment industry behave appropriately, there will inevitably be a small number who do not comply with the relevant laws, either intentionally or because they are not aware of their legal obligations. The entertainment industry attracts many performers, particularly the young and the inexperienced who do not yet have well developed skills and knowledge in negotiating work arrangements. The comprehensive protections afforded in the bill to performers are designed to increase transparency for performers and representatives in their commercial dealings with one another, and will help address the knowledge and balance between the two parties.

I support this bill because performers in the New South Wales entertainment industry and their agents and managers who represent them will benefit from the proposed reforms through the delivery of effective and contemporary regulation. Red tape will be reduced by removing the current licensing regime and the requirements to lodge monetary bonds. While the bill delivers important cost savings and efficiency measures, these are complemented by a suite of comprehensive protections for performers. A 2010 report into the Entertainment Industry Act 1989 by the Better Regulation Office and NSW Industrial Relations found that the existing licensing scheme is neither cost-effective nor efficient enough and secure in the regulation of performer representatives and should be removed if alternative mechanisms are put in place to protect performers.

The bill provides these mechanisms, which include increased penalties for non-compliance, a code of conduct, regulations limiting fees that can be charged and the introduction of prohibition orders for persons engaging in repeated breaches of entertainment industry laws. The bond requirements were designed to give performers access to funds owed to them by their representatives. However, the review into the industry found that there was little or no evidence to demonstrate that the current provision was achieving its objective of underwriting any failure of representatives to pay performers. The main recommendations in the 2010 final report have been largely implemented by the terms of the bill, with modifications to meet the specific regulatory needs of the industry.

They cover areas of regulatory concern such as the removal of licensing and bond requirements, and the introduction of a new definition of "performer representative" to replace "agent" and "manager". These are complemented by a suite of protections for performers, including prohibition orders for persons engaging in repeated serious breaches of industry laws, enforceable undertakings and a mandatory code of conduct. In order to protect performers, the bill will also prohibit performer representatives from charging fees above the amounts capped under the regulations unless they are providing career management services to their clients and these services are described in a signed written managerial agreement. The capped amount is the percentage prescribed by the regulations of the total amount payable to the performer for a performance. This approach is consistent with current arrangements under the Entertainment Industry Act 1989 where licensed managers who enter into a written agreement with the performer can charge above the prescribed fee caps applying to agents.

A performer may also terminate without penalty a managerial agreement which allows representatives to charge above the capped amounts where career management services are provided and agreed to in writing. The termination must occur within a three-day cooling-off period, which runs from the time the performer signs the agreement. If termination occurs any services provided to the performer during that period will be subject to the relevant cap. If they wish, the performer can waive the right to a cooling-off period in writing at the time the agreement is signed. The provisions conferring a right to a cooling-off period is a standard consumer protection measure which gives performers time to seek legal or other advice in relation to the arrangement they have

entered into. The bill removes the separate definitions of "agent" and "manager" in the Entertainment Industry Act 1989 and replaces them with the single definition of "performer representative". This is because most of the provisions of the bill will apply equally to both kinds of representative.

I am pleased that a code of conduct is also being introduced for performers' representatives. The code of conduct has been introduced to discourage poor service, to raise the level of understanding of what constitutes good practice in the industry and to enhance awareness among performer representatives as to their ethical obligations and financial accountabilities. It is written in a clear and concise manner that is easy to understand and comply with. The code will facilitate transparency in the business undertakings of performer representatives in the industry. It contains requirements that will impose a general duty of care, due diligence and honesty on performer representatives. It requires that they do not act on behalf of a client unless full disclosure is made of any conflict of interest. Substantial civil penalties will apply to breaches of the code in line with the level of civil penalties applying under the Industrial Relations Act 1996.

Criminal penalties have been set in line with the scale of penalties set out in that Act. The penalties are fixed at a level that will provide effective sanctions for non-compliance with entertainment industry laws and act as an effective deterrent. In my electorate of Smithfield there are many clubs and other venues that host performances almost seven days a week. Many of these are ethnic venues and English is sometimes the second language of the performers and proprietors. The bill will benefit the performers, venue managers and agents because it will provide fair and transparent protection to all sides. For these reasons, I commend the bill to the House.

**Mr BRUCE NOTLEY-SMITH** (Coogee) [11.00 a.m.]: The Entertainment Industry Bill 2013 seeks to introduce fair regulation of talent representatives including performer and venue representatives in the entertainment industry. The bill will repeal and replace the Entertainment Industry Act 1989 in response to the 2010 final report into the Act by the Better Regulation Office and NSW Industrial Relations, which made 25 recommendations. Some of these recommendations have already been incorporated into the regulations.

New South Wales represents half of Australia's entertainment industry and is responsible for generating millions of dollars of investment and revenue in our economy. Therefore, we have a responsibility to ensure that those who work in this industry are adequately provided for and protected by the law regarding their work rights, and specifically in their dealings with their representatives. The bill distinguishes between performer representatives and venue representatives. A performer representative seeks to find work opportunities for the performer, negotiates terms and conditions for a job and organises the performer's payment. These are similar duties to those undertaken by an agent in the current legislation. A venue representative acts on behalf of an entertainment industry hirer for financial benefit to arrange a performance at their client's venue, such as a pub.

The bill will provide greater protections for performers following a removal of licensing requirements for industry agents and managers. It is inevitable in almost any industry that some people do not follow the rules. This can be intentional or unintentional. Nevertheless, the New South Wales Government is seeking to take the initiative and provide appropriate protections in an industry in which many young and perhaps vulnerable people are working or seeking to work. Inexperienced performers may be faced with negotiating work arrangements without prior experience or knowledge of their rights and responsibilities. Therefore, the bill outlines a new set of comprehensive protections that will increase transparency for performers in dealing with their agents and address situations in which there could be a knowledge imbalance.

The bill does not seek to and will not disadvantage representatives who do follow the rules. It will benefit both performers and their representatives through clearer and effective contemporary regulation. For example, the bill introduces a cap on fees to be charged by representatives under entertainment industry agreements. Representatives can only charge fees above the cap if they are assisting the performer in career management services in addition to their role of finding the performer work. In keeping with the strict new requirements, any such career management services will need to be described in a written and signed managerial agreement.

The removal of licensing and bond requirements in the entertainment industry is a key feature of the bill. That is based on a finding of the 2010 report that the existing licensing scheme was not effective in regulating representatives' behaviour. The bond requirements were designed to give performers access to funds owed to them by their representatives. According to the review, there was insufficient evidence to suggest that

the provision was underwriting any failure of representatives to pay performers what they were owed. The bill retains trust account requirements which can reduce the risk that a representative might fail to pay or delay paying an owed payment.

The general implication of the 2010 report was that despite the regulations of the licensing scheme in the existing legislation performers were still at risk and alternate mechanisms should be put in place to protect performers. Amongst the mechanisms introduced in this bill are prohibition orders when a representative has repeatedly breached industry laws. Such orders can only be granted by the Supreme Court on the application of the secretary of the Treasury acting in the capacity of industry regulator and can lead to temporary or permanent exclusion from the industry. The bill also increases penalties for non-compliance with regulations, including the possibility of a \$10,000 civil fine, in line with the maximum civil penalty in the Industrial Relations Act 1996. On top of these protections, the bill requires representatives to pay their performers within a strict 14-day period of receipt of the funds by the representative.

Under the previous legislation, the distinction between agent and manager created confusion because the provisions of protection for performers should apply equally to both kinds of representative. That is why the bill replaces the two separate definitions with one definition of performer representative. "Performer representative" will refer to someone who undertakes a range of professional duties on behalf of the performer including but not limited to "seeking or finding work opportunities for the performer" and "making arrangements for publicity attendances and related publicity responsibilities of the performer".

The new three-day cooling-off provision will benefit performers by giving them the ability to seek legal or other advice on the managerial agreement and terminate it if they wish to do so within that period. To provide protection for the representative, performers will still be liable for any expenses for services conducted during the three-day cooling-off period. The bill also introduces a code of conduct for representatives for the purposes of discouraging poor service and ensuring an understanding of what constitutes good practice in their role. The code of conduct includes requirements for duty of care, due diligence and honesty on behalf of representatives, including that they do not act on behalf of a client unless full disclosure is made of any conflicts of interest.

With regard to child performers, the bill requires performer representatives to provide a child with information prescribed by regulations relating to the employment conditions of minors under the Children and Young Persons (Care and Protection) Act 1998. The safeguards contained in the Child Protection (Offenders Prohibition Orders) Act 2004 will apply to performer representatives who work with children. The New South Wales Government is committed to ensuring that fair work regulations are present in all industries in New South Wales, including the entertainment industry. The bill replaces the old legislation to provide a contemporary framework of practice for the understanding of performers, venues and their representatives. I note that the bill has been developed in consultation with the appropriate stakeholders across the industry following the 2010 report that necessitated the changes. Some of the country's most famous entertainment venues are located in my electorate of Coogee.

**Dr Geoff Lee:** Tell us, Bruce.

**Mr BRUCE NOTLEY-SMITH:** Selina's Live at the Coogee Bay Hotel, which I am sure everybody here has been to at least once in their lives. Some of the bands that made their first appearances at the Coogee Bay Hotel have gone on to be world famous. So ensuring that the entertainment industry and those who participate in it are protected with necessary legislation and regulation is very important. Therefore I commend the bill to the House.

**Mr TONY ISSA (Granville)** [11.10 a.m.]: I was impressed when I heard a member from the Central Coast talking yesterday about entertainment in the area. I bring to the attention of the House the fact that the week before last I had to go to Gosford to attend a show where my nephew was playing a major role as Edna in *Hairspray*—I think there were about 16 different shows at the Central Coast to raise money for an important charity. Not only that, my niece has been on *The Voice*. We have a lot of talent in the family. So it is important for me to support this legislation today. I think it will make my nephew and my niece very happy to see that I am doing something important for their lives and for their careers.

I am pleased today to support an important bill, the Entertainment Industry Bill 2013, which will provide effective, fair and consistent regulation of performer and venue representatives in the entertainment industry and protection for the performers. There is no doubt that the majority of representatives in the entertainment industry are well behaved. There are those who do not comply with the relevant laws because

they are simply not aware of their legal obligations. The entertainment industry normally attracts many performers, particularly the young and inexperienced, who have no skills or not enough knowledge to negotiate their work arrangements. The protections afforded to performers are intended to increase transparency for them and their representatives in their dealings with one another and will help to address the imbalance of knowledge between the two parties.

All performers, agents and managers in the New South Wales entertainment industry will benefit from the proposed reforms. This bill will reduce red tape by removing the current licensing regime and the requirements to lodge monetary bonds. The bill delivers important cost-saving and efficiency measures, which are complemented by a range of comprehensive protections for the performers. In 2010 a report on the Entertainment Industry Act 1989 by the Better Regulation Office and NSW Industrial Relations found that the existing scheme is neither cost effective nor necessary to secure efficient regulation of performer representatives. The mechanisms provided for in this bill include increased penalties for non-compliance, a code of conduct, limits on the regulation of fees that can be charged, and the introduction of prohibition orders for persons engaged in repeated breaches of the laws.

The review of the industry found that the bond requirements were designed to give performers access to funds owed to them. It also found that there is little or no evidence that the current provision has achieved its objective of underwriting any failure to pay performers. This bill requires entertainment representatives to disburse moneys due to performers within strict time frames. The main recommendations made in the 2010 final report have mostly been implemented by the terms of the bill through changes that meet specific regulations of the industry. The regulatory concerns in areas such as the removal of licensing and bond requirements and the introduction of new definitions are complemented by a number of protections for performers, which include prohibition orders for repeated serious breaches of industry laws, enforceable undertakings and a mandatory code of conduct.

The bill also implements recommendations to ensure timely disbursement of moneys held for performers and imposes fees caps unless additional services have been agreed upon. This bill will prohibit representatives from charging fees above the capped amounts unless they are providing career management services and these services are described in a signed, written managerial agreement. The new provision will be complemented by measures that require representatives to provide the performers with information about their rights. This includes the right to a cooling-off period when entering into a managerial agreement. The cooling-off provision will benefit performers who terminate a managerial agreement where representatives charge above the capped amounts.

A performer can waive the right to a cooling-off period in writing when the agreement is signed. These provisions for a cooling-off period are standard consumer protection measures whereby performers have time to get legal advice regarding the agreement they have entered into. The bill removes the distinction between "managers" and "agents", replacing them with the term "performer representative", because most of the provisions of the bill will apply equally to both kinds of representatives. The bill provides for two different types of representatives in the entertainment industry: performer representative and venue representative.

A code of conduct for performer representatives has been introduced to discourage poor service and raise the level of understanding of what is good practice in the industry. It will also enhance awareness among performer representatives as to their ethical obligations and financial accountabilities. The code will facilitate transparency in the business undertakings of performer representatives in the industry. There will be substantial civil penalties for breaches of the code. The introduction of prohibition orders for repeated breaches of the entertainment industry laws will complement a comprehensive compliance regime for the industry. This bill provides important safeguards to ensure procedural fairness by giving the person an opportunity to show cause why a prohibition order should not proceed.

This Government is committed to ensuring that the vulnerable young performers in the entertainment industry are given protection from exploitation. Child protection measures in the Child Protection (Offenders Prohibition Orders) Act 2004 will apply to performer representatives working with child performers. A person subject to a prohibition order is prevented from engaging in conduct relating to children or working in specified employment, and there is a capacity for prohibition orders to apply to performer representatives in the industry. The bill also provides for significant information disclosure requirements protecting child performers.

Criminal penalties have been set in line with the scale of penalties in the Industrial Relations Act 1996. The penalties are fixed. They will provide effective sanctions for non-compliance with entertainment industry

laws and will be a very effective deterrent. The same approach has been adopted regarding civil penalty provisions, which will include contraventions of the mandatory code of conduct. It gives me great pleasure to support this bill and to commend it to the House.

**Mr CHARLES CASUSCELLI** (Strathfield) [11.19 a.m.]: I support the Entertainment Industry Bill 2013.

**Dr Geoff Lee:** Tell us.

**Mr CHARLES CASUSCELLI:** I will tell the member for Parramatta; he should listen to this. It is as unfortunate as it is true that some performers and their agents, managers or whatever they are called will try to get ahead in the industry by taking advantage of others. We call this exploitation. The term "exploitation" is used in various ways in the entertainment industry. A performer is exploited or taken advantage of when they pay a large sum of money to have their performance promoted by a management company but then find out that the company is a scam and has done nothing for them.

**Dr Geoff Lee:** Shame.

**Mr CHARLES CASUSCELLI:** I assure the member for Parramatta that it happens. In another scenario, a performer is manipulated when they agree to a commercial arrangement with an agent that provides a disproportionate benefit to the agent at the expense of the performer. In an industry that largely comprises creative types—and I do not mean this in any derogatory way; I simply acknowledge that I do not have a creative bone in my body and I find some creative types a little different from me—and an industry that has young and inexperienced people caught up in the glamour, historically the industry has had many issues regarding a lack of fairness, good governance and what are referred to as ethical practices. The bill is not about providing protection for the big names in the industry. It has not been introduced to protect the Geoffrey Rushes of the world, who is one of my favourite actors, or the Russell Crowes, who is another favourite actor of mine, especially in his role as Maximus in *Gladiator*. Hugh Jackman is another one of the big names who I am sure needs no protection under this bill; nor does my most favourite famous actress of all time, who is not Sophia Loren.

**Mr Geoff Provest:** Marilyn Monroe?

**Mr CHARLES CASUSCELLI:** It is not even Marilyn Monroe. It is Nicole Kidman.

**Dr Geoff Lee:** Australia's favourite.

**Mr CHARLES CASUSCELLI:** This is true, and she is my favourite. This bill protects performers who are not big names but who are bright-eyed and bushy-tailed and who are entering the industry for the first time with stars in their eyes, thinking about the glamorous future to which they aspire. This bill simply aims to increase transparency and protect new performers in the industry, especially in their commercial dealings with their representatives. Those who will benefit the most from the bill include not only performers but agents and managers who represent performers. As with all good bills, a significant amount of red tape will be removed. At the same time, cost savings and increased efficiency of administrative and commercial processes will be achieved. I will cite only one example. One of the provisions of the bill will remove licensing requirements in the industry that will give effect to two outcomes: one is the reduction in red tape and the other is reducing financial burdens created by the need to lodge monetary bonds for certain activities.

New South Wales is the only Australian jurisdiction to specifically licence entertainment industry agents. There is a range of approaches adopted in other jurisdictions. The Australian Capital Territory, Western Australia and South Australia require private employment agents, including those working in the entertainment industry, to be licensed or registered. Queensland requires private employment agents, including those working in the entertainment industry, to comply with private employment laws. Victoria, Tasmania and the Northern Territory do not specifically regulate entertainment industry agents and managers. There are 262 licensed agents and 199 licensed managers in New South Wales, and 84 people hold both licences. There are also 78 licensed venue consultants, 23 of whom also hold an agent's licence, six of whom also hold a manager's licence and 28 of whom hold all three licences. Those people represent many performers.

A review in 2009 by the Better Regulation Office found many problems with the licensing scheme and other provisions in the Entertainment Industry Act, including significant levels of non-compliance with

licensing and other requirements and problems with enforcement and entry requirements that are not particularly effective in assessing whether a licence applicant has the necessary skills to act as a representative. Unlike other licensed professions, such as many building professions or accountancy, there are no formal competencies that indicate suitability to work as a representative, with the possible exception of having the gift of the gab. The review also found that aspects of the licensing scheme are not operating effectively, such as bond requirements, licence suspension and cancellation provisions.

Lastly, the review found that significant elements of the Act are out of date or inoperable, including provisions that seek to establish a code of ethics as well as complaint and misconduct procedures. This bill therefore provides an alternative mechanism to the licensing requirements that should be welcomed by all. Other reforms detailed in the bill that complement the removal of the licensing system and the need for monetary bonds include a suite of protections for performers, including prohibition orders for rascals who think the entertainment industry is an easy way to make money for themselves at the expense of others.

**Mr Geoff Provest:** Rascals!

**Mr CHARLES CASUSCELLI:** "Rascals" is the right word: I looked it up in the dictionary. Prohibition orders will be used to discipline persons who repeatedly engage in serious breaches of industry laws, who breach enforceable undertakings such as contracts, and who fail to comply with a mandatory code of conduct. Prohibition orders exist to deal effectively but in a fair way with persons who have a history of doing the wrong thing and who are assessed as being likely to continue that unacceptable behaviour. Performers will be protected from outrageous fees charged by performer representatives by the application of a cap on fees. The capped amount will be prescribed by the regulations, but that will not inhibit performer representatives from charging additional fees—for example, in the provision of career management services to their clients—so long as they are described in written managerial agreements.

Performers also will benefit from greater disclosure requirements that affect performers' rights. Performers also benefit from intrinsic cooling-off periods that are similar to those that form part of other commercial negotiations or transactions. Of course the cooling-off period comes with a standard set of conditions but they are entirely reasonable and consistent with ensuring fairness applies to all parties. The code of conduct exists just like in many service-oriented industries and organisations. Codes of conduct exist to facilitate transparency and discourage poor service. The code sets out unambiguously not only the service objectives but also the behaviours and ethical standards demanded by the communities we serve. The code imposes on all stakeholders a general duty of care and a due diligence requirement that are supported by sanctions that include civil penalties for breaches. The entertainment industry is a substantial contributor to the New South Wales economy. It not only provides employment for many people in our State but also provides for the wellbeing of our communities through recreational pursuit and entertainment when we need it most. I commend the bill to the House.

**Mr JOHN SIDOTI** (Drummoyne) [11.26 a.m.]: The Entertainment Industry Act 1989 was introduced approximately 20 years ago to protect performers in their commercial dealings with agents, managers and venue consultants in the entertainment industry in New South Wales. Currently agents, managers and venue consultants are required to obtain a licence to operate in this State and must comply with a set of laws governing their operations, including maximum fees that can be charged and how money held on behalf of performers must be handled. In 2009 the Department of Premier and Cabinet's Better Regulation Office undertook a review of the need to licence 11 different occupations that are licensed only in New South Wales, or in New South Wales and only one or two other jurisdictions in Australia. Licences issued under the Entertainment Industry Act were examined as part of that review. The Better Regulation Office released its final report regarding the current regulation of the entertainment industry in October 2010. The introduction to the report emphasises the importance of this industry and states:

The entertainment industry employs thousands of people in NSW and generates economic activity worth hundreds of millions of dollars per year. It is diverse, covering a wide range of artistic endeavours such as acting, music, dance, theatre and modelling.

Agents, managers and venue consultants play a key role in the industry by acting as negotiators and important links between performers and the clubs, pubs, theatres, production companies and other employers that seek to engage them.

Many performers, particularly the young and inexperienced, do not have well developed skills and knowledge in negotiating working arrangements. For this reason, they may find it difficult to get performance work and to negotiate fair and reasonable fees with the people who represent them. They may also be less willing to complain if dissatisfied with the services of a representative.

At present, New South Wales is the only Australian jurisdiction to specifically licence entertainment industry agents. A range of approaches is adopted in other jurisdictions. The Australian Capital Territory, Western Australia and South Australia require private employment agents, including those working in the entertainment industry, to be licensed or registered. Queensland requires private employment agents, including those working in the entertainment industry, to comply with private employment laws. However, Victoria, Tasmania and the Northern Territory do not specifically regulate entertainment industry agents or managers.

The Government supports the report's conclusion that the existing licensing scheme is neither cost effective nor necessary to secure the efficient regulation of performer representatives in the entertainment industry in this State. In light of the comprehensive recommendations made by the Better Regulation Office, the New South Wales Government believes the licensing scheme should be removed, provided there are still strict guidelines, the establishment of a clear mechanism for dealing with complaints, and effective sanctions for breach of consumer protection provisions. The bill addresses all these concerns and requirements. Accordingly, this Government, while accepting and adopting the recommendations to update and improve the legislation regulating this industry, will also ensure, under the provisions of this bill, that any reform of the existing legislation will preserve and/or improve the protections already in the existing Act that are operating efficiently and effectively.

I do not propose to go through all the provisions of the bill, which have already been outlined by other members. However, I note that under the bill, first, the distinction between "agent" and "manager" in the new Act will be replaced with a single definition of "performer representative", which covers both functions; secondly, existing trust account requirements will be retained and venue representatives are to disburse any moneys received for a performer within 14 days of receipt; thirdly, employers will also be required to make a payment to a performer within one calendar month of a performance, unless otherwise agreed in writing, and will be required to keep appropriate and comprehensive business records for five years, which can be inspected by an officer appointed under the new Act; and, fourthly, performer representatives will have to provide information to performers about regulatory requirements and complaint and dispute resolution mechanisms. They will be required to provide performers with information about their rights and statutory protections, including their right to a cooling-off period once a contract is signed unless they chose to waive that right.

Performer representatives must also provide information to the parents or carers of child performers about the conditions of employment under the Children and Young Persons (Care and Protection) Act. Children's employment information will also be available on the websites of the Children's Guardian and NSW Industrial Relations. A mandatory code of conduct will also be put in place to ensure ethical behaviour and minimum competency requirements, with clear guidance on the standards required of performer representatives. Finally, this bill also provides for a review of the new Act in eight years and for an interim review to be conducted in three years, which will guarantee the new Act is working effectively. Overall, the reforms proposed by this bill will make it easier for representatives to do business, while still ensuring that performers are protected against bad representatives.

The licensing scheme for performer representatives will be replaced by a new mechanism for prohibiting unscrupulous operators from working in the industry that is equally effective but less costly for business. Performers will be given greater protection through measures including the introduction of a mandatory code of conduct for performer representatives, a name-and-shame scheme and an extension to the time allowed for bringing a prosecution. NSW Industrial Relations will also have increased auditing and inspection powers under the new Act. The changes proposed by this bill will be welcomed by all sections of the entertainment industry and other stakeholders who were consulted extensively prior to the recommendations in the report of the Better Regulation Office. I commend the Entertainment Industry Bill 2013 to the House.

**Mr DAVID ELLIOTT** (Baulkham Hills) [11.36 a.m.]: I begin by complimenting the member for Drummoyne on highlighting the extensive contribution made by many of our Italian Australian entertainers to the Australian entertainment industry.

**Mr John Sidoti:** Maria Venuti.

**Mr DAVID ELLIOTT:** Indeed. Maria Venuti has a couple of great hits to her name. She has made a wonderful contribution not only to the entertainment industry in Sydney and across our great nation, but also in promoting the fact that Italians did not just bring to this nation a love of pasta and inconsistency on foreign

policy; they also brought a love for classical music. Who cannot remember, as a kid, going to Italian weddings and christenings and other events where the Italian community in Australia embraced their heritage by having impersonators sing songs such as *That's Amore* and other wonderful Rat Pack songs?

**Mr John Sidoti:** *That's Amore?*

**Mr DAVID ELLIOTT:** Of course. I thank the member for Drummoyne. I might ask him to come to the lectern and sing it. Before turning to my substantive contribution, I must declare, as I have in the past, that as a director of a large registered club in this State I am conscious of the importance of entertainment. Entertainment in New South Wales is not just about the Opera House; it is not just about *Aida* at Homebush or our other great stadiums. Entertainment starts in many of the smaller clubs and pubs around this State. I will indulge you, Mr Assistant-Speaker, by reminding you that some of the smaller clubs in your electorate of Coffs Harbour have offered performance opportunities to wonderful acts who were attempting to break into the entertainment industry. There is a great saying—and in this Chamber we can see proof of it—that politics is simply the entertainment industry for ugly people.

**Ms Pru Goward:** Speak for yourself.

**Mr DAVID ELLIOTT:** I am reminded of that as I look around the Chamber this morning, with the exception of the Minister at the table and indeed your good self, Mr Assistant-Speaker—you have often been described as the Cary Grant of The Nationals. When we talk about the entertainment industry in relation to this bill, and indeed in relation to any deliberations in this House, we remember that it is not just about the large-scale events that we hear of so often in the mass media. It is about wonderful acoustic singers in Bathurst cafes and great impersonators in Coffs Harbour registered clubs.

**Ms Noreen Hay:** Wollongong.

**Mr DAVID ELLIOTT:** And in Wollongong. It is about those absolutely entertaining Italian Australians who make a wonderful contribution to the New South Wales entertainment industry—but I digress at the distinct request of the Deputy Government Whip. I return to the leave of the bill. This bill goes to the heart of Liberal Party philosophy, which is why I am delighted with the Opposition's support for it. The bill is for the Liberal Party's true believers because it exemplifies our proud tradition of microeconomic reform. As Liberals and Nationals we are constantly on the lookout to reform cumbersome and unnecessary regulations to benefit Australian businesses, employers and, therefore, employees. Australia is at its best when its businesses are free from unnecessary government intrusion. That is one of the fundamental differences between those opposite and this side of the House. The entertainment industry needs to be deregulated so that its businesses and performers—Maria Venuti or James Packer amongst others—can reach their full potential free from unnecessary government intrusion. By contrast, those opposite are keen on government intrusion, which is evident each time they speak in this Chamber.

This side of the House wants as many industries as possible liberated from regulation. To the delight of Liberals everywhere, the bill will remove the stifling red tape that burdens the entertainment industry and create a far more streamlined and responsive regulatory system for it. The best part of this bill is not that Maria Venuti will now be free from constraints, but that she will be subject to less regulation, which of course does not mean worse regulation. The bill reduces the regulatory burden on entertainment agents and managers, and creates extra protections for performers. The bill illustrates that regulations need to be efficient and streamlined while also being tailored to meet specific industry needs. The answer to regulatory reform is not more but smarter and leaner regulation to allow business to achieve its full potential. That is the ethos of this bill. The New South Wales entertainment industry not only makes a significant contribution to our State's economy, but also adds to Australia's rich cultural life. New South Wales is home to more than half the Australian entertainment industry. That is why we have a responsibility to get the regulations right.

The reduced regulatory burden proposed in this bill assists entertainment agents and managers while enhancing performer protections. The bill removes the need for entertainment agents to be licensed and the requirement to lodge a monetary bond. Understandably, this significant change surely will benefit entertainment entrepreneurs throughout the State. The current regulatory regime is costly and ineffective, and therefore the Government believes it should be repealed. The bill recognises also that many performers are vulnerable and need protection. Indeed, this side of the House has a great reputation for, and is steeped in the tradition of, protecting workers. The entertainment industry attracts many young and inexperienced people who, in focusing

on developing their skills and talent, perhaps do not give much thought to their protections and their rights at work. The Liberal Party and The Nationals have decided to protect those rights and to enshrine them in this legislation; it is what we do.

**Ms Noreen Hay:** You care about workers?

**Mr DAVID ELLIOTT:** The member for Wollongong is quite right; she finally acknowledges that the Liberal Party cares about workers. Our reason and motive for caring and improving the lot of workers is so that they remain workers. That is why this bill not only removes the regulatory burden on agents but also enhances protection for performers—the workers of the entertainment industry. The bill provides for a maximum cap on managerial fees that can be exceeded only if a written managerial agreement is entered into, with a three-day cooling-off period. Further, a comprehensive and mandatory code of conduct for agents and managers will be established to provide even greater protection for performers. Finally, a suite of compliance measures will be introduced, including prohibition orders, to exclude certain people from the industry. This bill is a win for all participants in the entertainment industry. Agents and managers no longer will be subjected to obsolete red tape, while performers can be confident that they will be protected more than ever. I commend the bill to the House.

**Mrs ROZA SAGE** (Blue Mountains) [11.46 a.m.]: It is my pleasure to contribute to debate on the Entertainment Industry Bill 2013. One thing I enjoy is live entertainment, particularly musical theatre and performances. Earlier in my life I was an amateur performer and many people in this place know I like to sing. But I also enjoy listening to and watching others sing and entertain. The Blue Mountains is rich with entertainers—amateur, semi-professional and professional—who add to its cultural tapestry. The entertainment industry started, in its crudest form, with the wandering troubadour and has become a multibillion-dollar industry. Entertainers from the United States and from Australia and New South Wales are involved in all forms of media, including film.

I, along with most people, appreciate a good artist and performance, and am willing to pay for the experience. This bill comes into its own by protecting the industry's performers so they can earn a living entertaining us and making our lives richer. Professional entertainers from all disciplines, certainly in Western society, are also the custodians of our cultural identity. These artists deserve to make a living free from the fear that unscrupulous managers, agents and venue consultants will take advantage of them. The Entertainment Industry Bill 2013 addresses those concerns by providing a cap on fees charged by agents or managers to be set as a percentage of the performer's remuneration.

Other provisions in the bill detail those arrangements, including compliance and prohibition orders. The entertainment industry is awash with sad stories of performers being taken advantage of by those purporting to look after their professional career and financial welfare. Most performers were exploited at the beginning of their careers when they were young and inexperienced and had little skill in or knowledge about negotiating work arrangements. Child stars such as Macaulay Culkin and, in the distant past, Mary Pickford—a well-known child entertainer of the 1920s—and Shirley Temple can be added to the list of those exploited entertainers. In these instances, they were victims of their families.

None is more disturbing than the relationship between Elvis Presley, the King, and his manager, Colonel Tom Parker. At the beginning of his career Elvis Presley, who was then a young truck driver, was signed to Colonel Tom Parker, who tightly controlled his career and finances. Towards the end of Elvis' career, Colonel Tom Parker was receiving a staggering 50 per cent commission on his performances and 80 per cent commission on all the merchandise generated by Elvis. That is a staggering sum and reveals the extent of the exploitation that occurred. How many young entertainers with stars in their eyes, and promises of fame and fortune, have come unstuck due to unscrupulous minders? That is a topic that features regularly in gossip magazines.

I have spoken to industry stakeholders, who are supportive and endorse the provisions in the bill. The bill has its origins in the 2008 Council of Australian Governments National Partnership Agreement to Deliver a Seamless National Economy. A raft of State legislation has been introduced since that time to harmonise laws and regulations between the States, recognising that many businesses, organisations and other entities work across borders and boundaries. The extra red tape that resulted from switching between States made the running of any enterprise more complicated and time consuming, and added extra expense. In 2009 the Better Regulation Office recommended removing licensing requirements in the New South Wales entertainment industry. The Better Regulation Office and NSW Industrial Relations conducted a review of the Entertainment Industry Act 1989, with a 2010 final report containing 25 recommendations to provide effective protections to performers after the removal of licensing and to improve regulation in the industry.

The Entertainment Industry Bill 2013 provides for the removal of licensing and other obsolete provisions such as bond requirements, which are rarely used. Importantly, the bill introduces a new definition of "performer representative" to replace the definitions of "agent" and "manager" because most of the provisions of the bill will apply equally to both representatives. Sometimes the boundary between the two is blurred but, as it was explained to me, the agent is a personal entity who contacts and books performers. They usually have a stable of artists and negotiate the fee for their performance. Managers, on the other hand, have a closer working relationship with performers in career development. They craft careers in the style of the performer, their image and the type of work they should be doing, and they can also manage a performer's financial affairs. It is a far more encompassing relationship with the performer. The manager can also receive a commission from the agent.

A performer representative must establish a trust account and reimburse moneys due to a performer within 14 days, provide relevant information to performers before entering into agreements, and are obliged to comply with the terms of the code of conduct. The code of conduct is a new provision in the bill that will ensure everyone knows what they should be doing. However, the additional value provided by managers will continue to be recognised in the area of fees payable by the performer. Where a performer representative is managing the reputation and career development of the performer by providing services in addition to those services usually provided by agents, fee caps can be exceeded in a written managerial agreement. This provides certainty to the performer, especially to young people who are not used to having work agreements.

The Blue Mountains is recognised as a city of the arts. We have a thriving and amateur visual arts community, but there is no local facility for performing arts even though there are many performing artists in the Blue Mountains. We have a whole industry, including screenwriters and those involved in film and theatre production. Many great performers are associated with the Blue Mountains, including Jack Thompson, who once owned a hotel in the area; Reg Livermore, who has since moved; and Tiriel Mora, as well as many other former talented amateurs who have moved on to professional careers. Jo Samuel, whom many may know as the wife of Mad Max, is an important and talented member of our community who teaches drama classes to children. Bell and Larry Buttrose are two entrepreneurs who have established the Katoomba Theatre Company, which will tie all those professionals together to achieve better-quality performances in the Blue Mountains. I am proud to support the Katoomba Theatre Company in its endeavours. Bell and Larry Buttrose are contributing to the wonderful cultural experiences to be had in the Blue Mountains. I commend the bill to the House.

**Mr STEPHEN BROMHEAD** (Myall Lakes) [11.56 a.m.]: I support the Entertainment Industry Bill 2013. The bill repeals and replaces the Entertainment Industry Act 1989. It implements the recommendations made in the report of the Better Regulation Office and NSW Industrial Relations following a review of the Act in October 2010. The bill originated with the 2008 Council of Australian Governments National Partnership Agreement to Deliver a Seamless National Economy under which jurisdictions, including New South Wales, agreed to remove unnecessary occupational licensing. This was followed in April 2009 by a recommendation from the Better Regulation Office to remove licensing requirements in the New South Wales entertainment industry. The Better Regulation Office and NSW Industrial Relations conducted a review of the Entertainment Industry Act 1989.

The review canvassed the views of a broad range of individuals and organisations in the entertainment industry. A key conclusion of the review was that the licensing of entertainment industry representatives is not cost effective or necessary to ensure appropriate regulation of the entertainment industry. The report recommended that licensing should be removed, but only if there were strong protections for performers. The 2010 final report contained 25 recommendations for providing effective protections to performers following the removal of licensing and improving regulation in the industry. Some of these recommendations have already been incorporated in the regulations.

The purpose of the bill, which repeals the Entertainment Industry Act 1989, is to provide for effective, fair regulation and protections for performers after the removal of licensing requirements for entertainment industry agents and managers. It is the product of careful deliberation and broad-ranging consultation with stakeholders across the industry. The bill strikes the right balance between removing the burden of unnecessary red tape for representatives in the entertainment industry and providing adequate protection for vulnerable performers, including children. The objects of the bill are, firstly, to regulate the entertainment industry and, secondly, to provide protection for performers.

In line with the current Act, the bill provides for maximum fees that can be charged by representatives when entering into agreements with performers. However, where management services are provided fee caps

can be exceeded if a written managerial agreement has been entered into. The fee caps will be set as a percentage amount of the remuneration due to the performer for a performance as set by the regulations. The bill provides for the removal of licensing and obsolete provisions, such as the bond requirements, which are rarely used. The current definitions for entertainment industry "agents" and "managers" are to be consolidated into a single category known as "performer representatives". A performer who enters into a managerial agreement providing for the removal of the fee cap has a right to a cooling-off period and can terminate the agreement without penalty within three days of signing.

The bill also provides a new code of conduct, which provides performer representatives with clear guidelines on the standards of service required to ensure professional and ethical conduct when providing services to performers. These provisions are complemented by a suite of compliance measures to ensure the proper regulation of the industry and the protection of performers. These include prohibition orders, which will give the Supreme Court the power to make orders that could lead to temporary or permanent exclusion from the industry for those representatives who engage in unlawful conduct through repeated breaches of entertainment industry laws. Penalty notices will be introduced for some offences, as well as enforceable undertakings, as an alternative to initiating costly, time-consuming formal prosecution action through the courts.

The member for Gosford spoke about some of the entertainers on the Central Coast. I will also mention another great organisation located on the Central Coast: G'day Hollywood Productions. During Senior Citizens Week earlier this year a series of concerts were held in the Myall Lakes electorate and we used G'day Hollywood Productions. One of the principals of that group is Wayne Cornell. The entertainers who performed at the concerts were: Wayne Cornell; Joey Fimmano, the former *Young Talent Time* singer, pianist and piano accordion player; and Lucky Starr. As the Assistant-Speaker and the Minister would know, Wayne Cornell was the original lead singer of the Delltones, who wrote that great Australian song *Hangin' Five*. Up until recently it was believed that one of the original members of the Delltones was the sole contributor to the writing of that song but it is well known that Freddie Kirkham was a co-writer of *Hangin' Five*.

Freddie Kirkham was born in 1937. He represented Australia at the 1956 Olympic Games as a rower. He then entered the NSW Police Force, where he studied for the pinnacle of legal qualifications—the Solicitors Admission Board Diploma in Law. He was then appointed a District Court judge in New South Wales and I had the great pleasure of appearing before Freddie on a number of occasions. He was a great jurist and a great man. Unfortunately, he passed away just a few years ago but before passing away he was recognised as one of the writers of that great Australian song *Hangin' Five*. Unlike the member for Clarence, I will not sing that song—

**Ms Noreen Hay:** Thank God.

**Dr Geoff Lee:** Hear, hear! Good member.

**Mr STEPHEN BROMHEAD:** —but if the member for Wollongong continues to interrupt I may give her the full song. I will not sing the words; I will recite them as a poem. The song begins:

Well it's early in the morn' and it's time to make a start  
And I put my polished surfboard on the rack upon my car  
I head down to the surfside, where the waves are makin' fine  
I'm gonna catch a mountain but I won't go down the line

It ends:

Hangin' five toes, upon the Malibu, upon the Malibu,  
Hangin' five, hangin' five

Wayne Cornell's partner is Jennifer Green. She is also an entertainer and she does the most magnificent Shirley Bassey tribute show. It is absolutely fantastic. More than 2,000 people attended those senior citizen concerts organised by G'day Hollywood Productions and, interestingly, after all these years they are still in love with Lucky Star. G'day Hollywood Productions also places entertainers on cruise ships and in other venues throughout Australia. This bill protects those performers and performers right throughout New South Wales.

Many members have spoken about how young entertainers starting out can be trapped. I remember the Bee Gees saying to their youngest brother, Andy Gibb, before he went to the United States, "If you want to come and join us, you've got to do the pub circuit in Australia." The greatest foundation for an entertainer in the world is to do the pub circuit in Australia and if an entertainer can get the audiences onside in Australia they can do it anywhere. Andy Gibb appeared at some of the great venues around the State, such as what was then the Pig N Whistle Hotel at Dural and the Vicar of Wakefield Tavern before he went to the United States.

I remember going to a pub and seeing an unknown, useless band at the time—I was in fifth form in high school—called AC/DC. Nobody got up to dance and nobody was listening to them; everybody was more interested in what other people in the room were doing. I am told that AC/DC went on to bigger and better things. I remember a few years ago going down to see the Melbourne Cup and whilst in Melbourne I saw that great Australian band called Machine Gun Fellatio performing at a pub—they brought the house down. It was a great concert. This bill will help to ensure that performers are being paid what is due to them. I commend the bill to the House.

**Dr GEOFF LEE** (Parramatta) [12.06 p.m.]: I support the Entertainment Industry Bill 2013. The object of the bill is to provide effective, fair and consistent regulation of performer and venue representatives in the entertainment industry and protections for performers. All performers in the New South Wales entertainment industry as well as the agents and managers representing them, will benefit from the proposed reforms through the delivery of effective and contemporary regulation. In speaking to the bill I note the great role played by Parramatta in the entertainment industry, in particular the film industry. Indeed, Parramatta, as the capital of Western Sydney, has the social, cultural and economic infrastructure to make an outstanding contribution. Members have raised several concerns in this debate. For instance, the member for Heathcote spoke about the intellectual property creator of Humphrey B Bear and his disappointment at being axed by Channel 9 at very short notice.

Parramatta is the entertainment and cultural hub of Western Sydney; not just its economic capital. The Parramatta City Council is to be commended for its efforts to attract the entertainment industry to the area, in particular the film industry. Parramatta is a film-friendly area and the council welcomes applications to film there. In fact, figures recently released by the council show a 240 per cent increase in filming applications since 2009. Parramatta has played host to the filming of shows such as *The Wolverine*, ABC's *Crownies* and Channel 7's *Packed to the Rafters*. The member for Wollondilly was very proud to have Hugh Jackman in his electorate during the filming of *The Wolverine* and whilst it is very nice in the country I can inform the House that the city environment shown in *The Wolverine* was filmed outside my office. I commend Hugh Jackman for spending the weekend at Parramatta. Parts of Parramatta were made to look like a high-tech Japanese urban environment for the filming. In fact, the Raine and Horne office of my friend John Surian was made to look like a Japanese office building. It was an interesting experience, and these kinds of productions make a substantial economic and social contribution to the area.

Parramatta has many more sites both natural and man-made, including Harris Park—the Little India of New South Wales, if not Australia. The Parramasala Festival will be held between 4 October and 7 October this year. It is the largest South Asian festival in Australia and I look forward to people visiting Harris Park and Parramatta for the occasion. We also have the Parramatta jail and Cumberland Hospital in the heritage precinct. Parramatta jail is often used as a location for filming scenes of *Home and Away*. I have met the actors. They are a fine bunch of people, and so are the support staff at Parramatta, who continue to go from strength to strength. Parramatta also has a great diversity of restaurants along what is known as Eat Street. That street connects with Church Street mall, where segments of the *Footy Show* are often filmed.

Parramatta River is one of the area's natural attractions, but the heart of entertainment in Parramatta is the nearby Riverside Theatres. Under the stewardship of director Robert Love, the Riverside Theatres have staged many great productions. Robert Love has been the director for more than a decade and I commend him for his good work. The theatres are now 25 years old and it is a credit to all involved that they are the busiest theatres in New South Wales outside of the central business district. It is a diverse theatre complex that showcases great performances and musical entertainment. It caters not only to professionals but also to school and community groups, including people with disabilities, and offers very competitive rates for volunteer organisations. In addition, it offers theatre appreciation courses.

The Riverside Theatres have a strong presence in the community and I commend the staff for their vision to expand the theatre operations in the future. I believe there is potential to combine Eat Street with an expanded theatre precinct that will join with the heritage precinct over the next 25 years or so. Robert Love is doing such an excellent job that this week's episode of *Q & A* was filmed at the Riverside Theatres. Guests on the panel included the Treasurer and the shadow Treasurer. Productions such as those I have mentioned show that Parramatta is an area of national significance that can provide world-class entertainment.

Entertainment in Parramatta is not limited to the Riverside Theatres. We also have great clubs such as Parramatta Leagues Club. I congratulate Steve Sharp, the newly elected chairman, on his election. I look forward to working with Steve and the new board on their plans for expansion of the club and to seeing what

wonderful work they will contribute to the community. We also have Parramatta RSL Club. As we heard, the member for Baulkham Hills is on the board of the Castle Hill RSL Group, which runs the Parramatta club. I also commend Warren Glenny for his efforts and work to grow the business at the grassroots level.

Parramatta also has some of the most historic pubs in this State—pubs that even my father used to go to. Thanks to the Government's small bar legislation we now have our first small bar in Parramatta. It is wonderful to have changed the infrastructure to allow people to avoid the potential problems that sometimes happen at larger venues. Smaller bars give workers the option of having a drink after work in a safe and sophisticated night-time atmosphere. They can have a glass of chardonnay or perhaps a shandy or two. The fast-growing entertainment and lifestyle options in the area support the businesses along Eat Street and contribute to making Parramatta a vibrant community. In conclusion, I support the Entertainment Industry Bill 2013. It is a logical approach to protecting the rights of performer and venue representatives and will provide consistent regulation in the entertainment industry. Parramatta is a centre of arts and culture and any protection that allows performers to reach their full potential should be commended.

**Mr MIKE BAIRD** (Manly—Treasurer, and Minister for Industrial Relations) [12.15 p.m.], in reply: I thank members on both sides for their entertaining contributions and obvious passion for the industry, for reform and for the removal of regulation that we are proud to provide through this bill. The Entertainment Industry Bill 2013 delivers on commitments made by the jurisdictions to rationalise occupational licensing as part of the National Partnership Agreement to Deliver a Seamless National Economy, which was initially endorsed by the Council of Australian Governments in 2008.

By repealing and replacing the Entertainment Industry Act 1989, the bill will remove unnecessary regulation of performer representatives while delivering protection to performers in the entertainment industry through an enhanced compliance regime. This is achieved by implementing the vast majority of the recommendations of the 2010 final report from the 2009 review of the Entertainment Industry Act 1989. The review, which was jointly conducted by the Better Regulation Office and NSW Industrial Relations, was the first step in a comprehensive and considered consultation process that has led us to where we are today.

At this point I will respond to a number of claims made by Opposition members during the debate. The member for Maroubra noted that the shadow Minister for Small Business, the Hon. Adam Searle, had received some submissions expressing certain concerns about the bill. One query focused upon the need for broad consultation on the regulations that are soon to be made to complement the Act. As I noted in my second reading speech, as part of the comprehensive consultation process associated with the development of the bill I intend to provide a copy of the draft regulations to industry stakeholders for their comment and feedback.

The bill is the product of extensive consultation with industry organisations and government agencies to ensure that it is targeted to the contemporary needs of the industry and delivers reform in the most effective manner. As part of the 2009 review into the Entertainment Industry Act, an options paper was released for public comment seeking input about the main risks for performers in their commercial relationships with their representatives. Key stakeholders, including licensees and groups representing performers and performer representatives including the Media, Entertainment and Arts Alliance, were invited to make a submission. Thirty-nine submissions were received from all categories of stakeholder.

The review was advertised widely to ensure all interested parties had an opportunity to make a submission. This included a campaign targeting performers in order to secure their contribution and input to the process. Importantly, most stakeholders supported the introduction of a new code of conduct to increase transparency in the entertainment industry and make performers more aware of the ethical and professional obligations of their representatives. The code, as first contemplated in the final report, has been the subject of considerable consultation and input from industry stakeholders to make sure that it reflects the needs of the entertainment industry and takes account of industry practice.

There was an initial round of consultations in August of 2012 and in May this year feedback was received from a meeting between various stakeholders and me about the development of the code and other important matters pertinent to the entertainment industry. The feedback helped to clarify the roles played by the various participants and, in particular, the distinct functions performed by agents, managers and venue consultants. Most recently, I have written to stakeholders on two separate occasions in June and August and provided copies of the draft entertainment bill for their consideration. In response, a number of submissions were received from groups representing agents and managers and the Media, Entertainment and Arts Alliance. These submissions were carefully considered and resulted in changes being made to parts of the bill before it was introduced into Parliament.

An important factor in ensuring the success of any regulatory reform is that it is broadly supported by those who have a significant stake in ensuring its effective practical application. I am pleased to acknowledge the valuable contribution of the many individuals and organisations, including performers, unions and performer representatives, who have participated in the consultation process and facilitated the development of this bill. The bill enjoys broad support from stakeholders because it delivers on what we set out to do—that is, to reduce the regulatory burden for business while ensuring performers are adequately protected.

The member for Maroubra also noted that there had been some concerns about the code of conduct itself. The code is a declaration of the minimum standards of ethical and professional conduct expected of performer representatives in the industry. These standards will be mandatory and enforceable in the industry. Substantial financial penalties of up to \$10,000, in line with the civil penalties under the Industrial Relations Act 1996, will apply to performer representatives who breach the code's requirements. I am confident that the code will promote efficient and transparent transactions within the New South Wales entertainment industry and ensure that performer representatives act honestly, fairly and professionally in the best interests of the client performer.

There were also some concerns about removing the definitions of "agent" and "manager" in the current Act and the possible loopholes this may create. While the bill replaces "agents" and "managers" with a single definition of "performer representative", the additional value provided by managers is to be maintained in the area of fees. Performer representatives will only be permitted to charge above the prescribed fee caps if they are managing the reputation and career development of the performer by providing services which are in addition to any or all of the other services that are usually provided by agents. These services are specified in the definition of "performer representative" in clause 5 of the bill. Importantly, these services must be agreed to in writing as part of what is referred to in the bill as an entertainment industry managerial agreement.

The bill removes licensing and bond arrangements for agents and managers and dispenses with industry-based regulatory bodies that are defunct and no longer serve any useful function. These are significant measures that will remove onerous red tape and streamline regulation in the industry. Another important reform is the removal of the separate definitions for "agents" and "managers" and their replacement with a single definition of "performer representatives". However, we have listened to industry feedback and ensured that the additional value provided by managers will continue to be recognised in the area of fees. That is why the bill ensures that a performer representative must not demand or receive a fee above the amounts prescribed by the regulations unless a written managerial agreement is in place.

While the bill delivers on important cost-saving and efficiency measures, these are complemented by a suite of comprehensive protections for performer representatives. These measures include prohibition orders, a serious sanction that could result in a Supreme Court order banning an individual or a corporation from being a performer representative; a code of conduct that sets minimum standards of ethical and professional conduct expected of a performer representative in the industry; a cooling-off period for managerial agreements; and the ability for inspectors to accept written enforceable undertakings for certain contraventions. Put together, this bill provides a balanced approach to regulation and compliance that will provide for the continuing commercial viability of the entertainment industry, which is worth hundreds of millions of dollars each year to the New South Wales economy. I commend the bill to the House.

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

**Motion agreed to.**

**Bill read a second time.**

### **Third Reading**

**Motion by Mr Mike Baird agreed to:**

That this bill be now read a third time.

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

**STATE AUTHORITIES NON-CONTRIBUTORY SUPERANNUATION AMENDMENT BILL 2013**

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

**Second Reading**

**Mr MIKE BAIRD** (Manly—Treasurer, and Minister for Industrial Relations) [12.23 p.m.]: I move:

That this bill be now read a second time.

This bill is necessary to give effect to the recent Commonwealth Parliament's amendments to the Superannuation Guarantee Charge Act 1992 and the Superannuation Guarantee (Administration) Act 1992. These Commonwealth Acts will increase the compulsory superannuation guarantee charge from 9 per cent to 12 per cent over the next six years. The first increase took effect on 1 July 2013, with the percentage of an employee's remuneration set aside for superannuation rising from 9 per cent to 9.25 per cent. In turn, this Commonwealth policy decision impacts on the New South Wales wages policy, which ensures that employee-related costs, including superannuation, do not increase by more than 2.5 per cent per annum.

As stated in the New South Wales wages policy that was introduced in 2007, "the net 2.5% limit covers all employee-related expenses, including wages, allowances, superannuation and other conditions." The wages policy is about maintaining real wages. The 2.5 per cent cap was selected as it is the average inflation rate for the Reserve Bank. Currently, the Reserve Bank expects inflation to be lower than this. The wages policy is fair for public sector employees and affordable for the State. When the superannuation guarantee charge commenced in 1992 it was absorbed into wages growth, and this remains Federal Labor Government policy. This was recently confirmed in the 2013 Annual Wage Review conducted by the Fair Work Commission, where the Federal Government advocated that increases to wages should take into account the superannuation guarantee charge increase. In its submission the Federal Government stated, "In the whole economy, the Superannuation Guarantee increases are expected to be absorbed into future wages growth." If the superannuation increases were not absorbed into the existing wages policy, it would cost \$800 million over the estimate, which is the equivalent of up to 8,000 public sector jobs.

The amendments contained in the State Authorities Non-contributory Superannuation Scheme Amendment Bill 2013 enable the 0.25 per cent increase in superannuation to be provided to members of defined benefit superannuation schemes as part of the 2.5 per cent cap. The bill ensures that members of these schemes are treated in exactly the same way as employees who are members of accumulation superannuation schemes such as the First State Super Fund. The bill requires relevant employers to pay the 0.25 per cent to the SAS Trustee Corporation, which is the trustee for the State Authorities Non-contributory Superannuation Scheme and the other defined benefit superannuation schemes. The approach taken by the Government is consistent with the approach advocated by the Public Service Association, which stated that the way to treat the defined benefit of members equitably would be to pay the 0.25 per cent superannuation rise into a separate account such as the account that is to be established under the State Authorities Non-contributory Scheme account. The SAS Trustee Corporation must establish a new account for each employee who is to receive the employer contribution of 0.25 per cent, allowing for the creation of an accumulation component in the State Authorities Non-contributory Scheme.

It is into these new accounts—to be called additional employer contributions accounts—that the employer contributions of 0.25 per cent will be paid. The SAS Trustee Corporation has advised that there will be no administration fees charged for the 0.25 per cent employer contributions. This will mean that relevant employees will be saved the inconvenience of establishing a separate account for these contributions and avoid the costs associated with a separate account. If the contributions were to be paid to a separate account held with a different superannuation fund the impact of the administration costs could be significant, considering the relatively small amounts that are likely to be paid into such an account.

The current benefit in the State Authorities Non-contributory Scheme is commonly known as the basic benefit, which is a defined benefit. The value of a defined benefit is calculated using a formula linked to salary that is specified in the State Authorities Non-contributory Superannuation Act 1987. The basic benefit was introduced in 1988 as part of an award agreement that traded a salary increase in favour of superannuation contributions. The basic benefit is often called the 3 per cent benefit because that is the rate at which it accrues every year. The basic benefit is an additional defined benefit for members of the State's State Superannuation Scheme, Police Superannuation Scheme and State Authorities Superannuation Scheme.

Clause 16A (4) of the bill in the definition of "excluded employee" describes those employees who will not be entitled to receive the employer contribution. This clause also contains a regulation-making power to declare by regulation any specific groups that are not entitled to receive the 0.25 per cent contribution. This provision is directed to some classes of employees who already receive the 0.25 per cent contribution courtesy of the superannuation guarantee charge Acts in addition to a 2.5 per cent wage increase because the award arrangements provided for increases to wages prior to the increased superannuation guarantee contribution coming into effect. These employees will not receive the 0.25 per cent employer contribution into the additional employer contributions accounts, as this would result in their total employee-related costs—salary and superannuation—being increased by more than 2.5 per cent per annum for the life of their current industrial arrangements.

These employees include police officers, who were exempted from the 2011 Wages Regulation until 30 June 2014; ambulance officers, whose current determination expires on 30 June 2014; rail employees, whose agreement expires on 31 March 2014; and bus drivers, whose award expires on 31 December 2014. Once the existing industrial arrangements have expired, relevant employees will receive the 0.25 per cent arrangements consistent with this bill as part of the wages policy requirement of increases to remuneration of 2.5 per cent per annum. Members employed outside the New South Wales public sector, such as university employees and employees in privatised agencies, will also be ineligible for the employer contribution.

The bill also makes consequential amendments to the First State Superannuation Act 1992 to update the current reference in section 8 of the Act to 9 per cent as the rate at which employers must contribute for superannuation payments. This is necessary as the minimum superannuation guarantee rate has increased to 9.25 per cent from 1 July 2013. A specific regulation-making power also is included in the amendments to the First State Superannuation Act 1992 to enable the superannuation contribution rates to be amended in line with any changes to the Commonwealth Superannuation Guarantee (Administration) Act 1992 as they occur. I commend this bill to the House.

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

## **BUDGET ESTIMATES AND RELATED PAPERS**

### **Financial Year 2013-14**

**Debate resumed from 15 August 2013.**

**Mr CHRIS PATTERSON** (Camden) [12.30 p.m.]: During my speech on budget estimates, I will discuss how the Camden electorate has a secure future under this Government. Although it has been two years since the election and we hit the ground running, we certainly do not take anything for granted. Since the Coalition won government decisively in March 2011, my electorate has seen investment of some real money and real infrastructure. While the Treasurer is in the Chamber, I express my thanks for his being not only a fantastic friend to the Camden electorate but also for understanding the need to provide infrastructure in one of the fastest-growing electorates in New South Wales. I would like to take credit for the huge investment and infrastructure in my electorate, but in all humility I cannot because the Government, the Premier, the Treasurer and the entire Cabinet know what needs to be done. They are getting on with the job of providing much-needed infrastructure to my electorate of Camden.

As I have said, Camden is one of the fastest-growing areas of New South Wales. Demand for infrastructure and services is growing rapidly. For many years under the previous Government, Camden Valley Way was neglected. Residents were promised the world but nothing was delivered. Under this Government, anyone can drive down Camden Valley Way from Camden to Liverpool and see the work that is currently being done. The work reflects the Government's commitment to once and for all making that road the major road it should be, not the goat track it was when I was first elected to Parliament. In this year's budget \$40 million has been allocated to continue that work. In 2011 when the Government was elected, the Premier committed to completion of the project in 2016, but the completion date has been brought forward to 2015 to provide an uninterrupted four-lane Camden Valley Way from Camden to Liverpool. I thank the Government for its commitment to my electorate.

Another road within my electorate is Narellan Road, which was constructed by the former Labor Government and remains in its original form. In 2007 when the road was opened, it did not meet the demand of

the community and reflected a Government that was not looking to the future, let alone the present. In March 2011, Narellan Road became this Government's problem, and we have worked towards achieving a good outcome for communities in my electorate. The Government has removed the 40 kilometres an hour school zone that the former Government said could never be removed. This Government has made all the speed limits consistent by removing the variations between 60 kilometres an hour and 80 kilometres an hour but, more importantly, has improved traffic conditions by completion of three lanes from Narellan to Campbelltown at the F5 to M5 turnoff. When work on the three lanes is completed, that will make a huge difference for long-suffering motorists in my electorate.

Currently the Camden electorate has a population of approximately 73,000. Over the next two decades the population will increase to approximately 250,000. Work to improve Narellan Road and the Camden Valley Way will meet consequential increases in traffic and work is planned for the Northern Road to take people out of traffic and into their communities in the hope that they will be able to spend more time with their families. Work has been completed between Camden Valley Way and the F5. Continuation of the upgrade of Narellan Road from the F5 to Blaxland Road, Campbelltown, will result in the people of New South Wales seeing this Government fulfilling another promise. As recently as four weeks ago, the Minister for Roads and Ports visited my electorate. Earlier I described the Treasurer as a wonderful friend to the people of the Camden electorate, and the Minister for Roads and Ports is a friend to my electorate as well. During his recent visit he gave a commitment to construction of the next stage of the Narellan upgrade. He assured my constituents that the Government knows about the condition of the road and will get on with the job of completing the upgrade. I thank the Minister for Roads and Ports for all his efforts to resolve roads issues in my electorate.

Almost \$20 million has been invested in regional tourism and events, which has been well received in New South Wales. The magnificent historical house, Camelot, is located in my electorate. It was featured in a recently screened television series, *A Place to Call Home*. I live in Camelot Close, so I have the good fortune to overlook that beautiful homestead every day, which is truly a pleasure. Camelot stands on the site of explorer John Oxley's Kirkham Mill. The original grant was made in 1810 and extended in 1815. John Horbury Hunt designed Camelot for James White of Cranebrook in the late 1880s. It is constructed of brick and has a romantic silhouette of turrets, chimney stacks, gables, arched verandas and projecting bay windows. I am sure everyone who has watched *A Place to Call Home* has enjoyed seeing the unique design of the house. Camelot was bought from the winnings of Chester, a racehorse that won the Melbourne Cup in 1877 and was owned by James White. The house also was used in the film *Australia*, which starred Nicole Kidman and Hugh Jackman.

As members can imagine, I am extremely proud to have such a historical house located within the Camden electorate. The current owners of the home also are very proud of Camelot. I commend them for the time, effort and money they have contributed to ensuring that Camelot is restored to the best it possibly can be. I look forward to hearing of the many ways in which Camelot is exhibited and assists in paying for its ongoing restoration. I commend Brendan and Rachel Powers for all their work and for the work they plan to undertake in the future. Almost \$400 million has been allocated in this year's budget to the South West Rail Link. The funding will result in completion of the project ahead of time and provision of rail transportation for my electorate, which has new residential developments in Oran Park, Gregory Hills, Leppington, Catherine Fields, Harrington Park, Harrington Grove, Kirkham Rise, Spring Farm, Turner Road and Smeaton Grange.

It would be remiss of me not to mention the Minister for Transport, the Hon. Gladys Berejiklian. Earlier I referred to Ministers who are friends of my electorate, and I include in that category the Minister for Transport, who committed \$2.1 billion to this project. Completion is scheduled for 2016 and this contrasts starkly with the 10 failed attempts by three former Labor Premiers to construct the link. The South West Rail Link had more starts than Tulloch under the former Government. The Hon. Gladys Berejiklian saw to the laying of the first track and what was a \$2.1 billion project with a 2016 finish, now has a finishing date of 2015. I commend the Minister for her commitment to my area. The \$400 million allocated in this year's budget is a testament to the Government's commitment to getting on with the job. Under the former mob we had 10 announcements. When the project was announced by Bob Carr—I am happy to be corrected—it was proposed to cost \$596 million. After Carr and Iemma, Rees and Keneally, it had blown out to \$2.1 billion.

**Mr David Elliott:** Shame.

**Mr CHRIS PATTERSON:** Shame? It is more than a shame; it is a travesty. But the Government has moved forward and got on with the job at hand. These developments will see new residents moving in and the infrastructure the Government has under way is keeping up with that. That is a hallmark of this Government. Bob Carr coined a phrase—"infrastructure before people"—and Iemma, Keneally and Rees all ran with it. It

never occurred in my electorate pre-2011. We have actually been criticised by David Bligh—a local Labor councillor and pig farmer—for providing the South West Rail Link before the people have come. Work out that mentality. The Government will provide trains before the people come. We have got it right. I commend the Minister for Transport for not listening to the meaningless waffle of those opposite.

New schools are part of this development. Oran Park will have a new school. I was out there last week and what was once just grass with cows on the horizon, now has wonderful school buildings ready for the opening next year. I commend the Minister for Education for committing to our area. The Hon. Adrian Piccoli has also announced a school in Spring Farm. I believe my electorate is getting more new schools than any other. Why? Because people are moving in. Again, we will be criticised for building schools before people come. It is a novel approach and one of which I am proud. It was very sad that one of the local private schools went belly up. It went to tender and Minister Piccoli—with foresight—considered that, although the school was not needed immediately, the Government would purchase the old Hope Christian School site because it would be needed in the future. I do not know how much was paid for it but I know the Minister has said that it has saved something like \$10 million on what it would cost if it were to be built from scratch.

Because of this budget, small business wants to invest in our area. An example of that is Martin Downs of the Bambinos childcare empire—he has about 30 of them, a number of which are in my electorate. Last week he was sod-turning another Bambinos. He said the reason he is opening another Bambinos in Oran Park—again, before the kids are there; he is providing the infrastructure early—is because he wants to invest in our area because the Government is doing so. Martin and his family of six children—including Rebecca and Brittany—are running the family business. I first met them as mayor of Camden in 2006 together with a fantastic former member in this House, "Killer Kerr", the former member for Cronulla. He took me to the opening of a Bambinos in Harrington Park. Why does Martin now have four Bambinos in Harrington Park? Because he believes in this Government and in investing in our area.

I spoke to the Perich family—Tony and Mark—the developers of Oran Park. They cannot get the blocks out quickly enough, because people want to live in our area. They have a tremendous relationship with council, working hand in hand to get the work done and they are selling more and more. This budget is all about providing that type of confidence in our area. This year's budget has set aside \$20 million for the Mount Annan Botanic Gardens project, part of which will be the building of a plant bank. The plant bank will be a best practice, world-class facility with some 200,000 seedlings banked for future generations. Not only are we adopting best practice in looking after our flora but it is also going to encourage tourism to the area. The Australian Botanic Gardens at Mount Annan were established in 1988. It showcases Australian flora amongst the most magnificent rolling hills and lakes in Sydney's suburban south west.

It is the largest botanic gardens in Australia, just shy of 1,000 acres. I am blessed in having that in my backyard. It takes in the Campbelltown electorate, the opal of the south west, and the electorate of the new Deputy Whip. It services the surrounding areas. I visited the gardens last month with the Hon. Robyn Parker—another friend of our area. I was out there with the hardworking Minister, touring the plant bank. We are all looking forward to its opening in October this year. I thank the Minister for the number of times that she has been out to Camden. The Minister is out in our electorate again tomorrow, opening another facility and I thank the Minister for all her hard work and for what she gives to our electorate.

**ACTING-SPEAKER (Mr Lee Evans):** Order! The member for Camden has the call.

**Mr CHRIS PATTERSON:** The first thing the Premier did when elected was to cut the tolls to the Mount Annan Botanic Gardens and in that time patronage has increased 500 per cent. This is just part of utilising this great facility. I have mentioned some wonderful Ministers. I hesitate to single out just one staff member but John McCormack has moved to the Minister's office and he is an outstanding member of staff. I compliment him on the wonderful work he is doing. It is good to give credit where it is due.

A biosecurity facility has been established at Elizabeth Macarthur Agricultural Institute providing a world-class laboratory for testing for diseases such as swine flu, equine influenza, the Hendra virus and citrus canker. It is safeguarding the \$9 billion primary industry sector throughout New South Wales. The Elizabeth Macarthur Agricultural Institute was begun by John and Elizabeth Macarthur almost 200 years ago. The original farm, Belgenny, still operates to this day and descendants of John and Elizabeth Macarthur—John and Edwina Macarthur-Stanham—still reside in the second farmhouse, Camden House.

Campbelltown Hospital has seen an investment of \$139 million to upgrade that facility and to make it a high-class health facility servicing the people of Macarthur. When Barry O'Farrell was Leader of the Opposition, he made a \$40 million pre-election commitment but, as this Government does, when we made the commitment in opposition we costed it and funded it and we knew that we could commit to it. But since getting into Government, the Premier and Cabinet have realised that amount would not do the job adequately and \$140 million has now been provided because that is what is needed to fix the problems and to properly service the people of my electorate. Again the Government is putting money in where the other mob did not. I have much more to say about our wonderful electorate. [*Extension of time agreed to.*]

The people of New South Wales have a Government that has delivered. They have a Government that has a record of good fiscal management. We inherited \$55 billion of debt and a \$30 billion infrastructure backlog, and receive \$2 billion less in revenue each year. But we have got on with the job of providing to the people, which the previous Labor Government never delivered. During the election campaign the Coalition's slogan was getting on with the job of rebuilding New South Wales with our aim to make it number one again. We are doing that with this budget.

Let me recap the benefits of the budget for my electorate. Spring Farm Public School will be opened in two years; \$7.5 million has been allocated to Oran Park Public School to ensure it is opened next year; \$400 million will ensure delivery of the South West Rail Link by 2015; and there is a total of \$20 million for the plant bank in 1,000 acres of the most magnificent tourist facility in our area. Obviously, increased patronage of Mount Annan botanic gardens will result in required upgrading of smaller amenities. This budget even allocates \$250,000 to upgrade public amenities and barbecue facilities to ensure the extra enjoyment of the hundreds of thousands of visitors to our beautiful jewel in the crown.

The Treasurer has ensured that the people of my area get the infrastructure they need to ensure the fastest growing New South Wales electorate keeps up. No-one in this House should be under any illusion that this allocation of money is a silver bullet; the problems remain, but we are getting on with the job. The other mob never did and just continued the rhetoric. We are going about the slow process of fixing the problems within my electorate. I referred earlier to the confidence of my constituent Martin Downs in this budget for his investment as a private operator. I commend the Downs family. It would be remiss of me also not to mention Narellan and Camden chambers of commerce as I discuss the budget. Those chambers comprise extremely committed business people who do everything to encourage investment and growth to promote businesses within our area. Both chambers held recent elections and I am sure will be taking new directions. I welcome and encourage them to work with all levels of government. I am confident the Narellan Chamber of Commerce executive will work with Federal, State and local governments for the betterment of Camden businesses and its community.

I welcome and look forward to working with the president, Adriana Care; vice-president, Bryn Robinson; secretary, Kate Drain; treasurer, Amy Woodley; Sandra Bartlett, who is responsible for sponsorship; Paul Mingay, a great friend of mine, responsible for Christmas in Narellan; Paul Stevens, a great guy, responsible for marketing and communications; Daniel Check, responsible for membership; Maria Sapienza, holding the positions of speaker and events coordinator; and Dominic Ooi, who is the web information technology coordinator. These people give their time. I cannot contain my excitement as I look forward to working with them. Only last week the Camden Chamber of Commerce elected a new executive and committee, who also give their time. I encourage them also to work with the three levels of government. We can all work together for the betterment of our area. I welcome and look forward to working with the president, Miriam Roberts—

**Mr Ryan Park:** Greg Warren.

**Mr CHRIS PATTERSON:** —vice-president, Peter Tapp; immediate past president, Dave Cadden; secretary, Leanne Wolf; membership officer, Pania Gregson; event coordinator, Angela Martinez; speaker and entertainment coordinator, David Waudby; treasurer, Les Coulcher; marketing and communications manager, Jeramie Winsor; public officer, Deborah Vardy; sponsorship officer, Marion O'Brien; and council liaison officer, Josephine Luna. The member for Keira rudely interjected. For 27 minutes I had no intention of referring to the former Labor mayor of Camden, Greg Warren. Recently, I read media articles that the former Labor mayor is now an Independent. The last I saw of him was in a news article about John Robertson scaremongering at a football ground under a headline along the lines, "All kids' sports over—Robertson and Independent Greg Warren". Next he was at Campbelltown railway station with Penny Sharpe. I think that was about some train stoppages, but I am not sure because I did not read the article. Then he was with Walt Secord in an article under a headline along the lines, "Let's close the fire stations".

Greg Warren is very independent. I thank the member for Keira for raising the matter and I say with respect to the member for Lakemba, who is in the Chamber, to never speak behind anyone's back. I thank the member for Keira for not doing the obligatory pose with hands on hips on the roadside with the former Labor mayor. If he considers doing so in the future, I suggest he bypass it and have the cup of tea we always said we would have. I return to wherever I was heading.

**Mr Kevin Humphries:** Camden Valley Way, or somewhere.

**Mr CHRIS PATTERSON:** I thank the House for this opportunity to outline my appreciation of the budget's support for my electorate. When we took office two years ago I was cognisant that we now are responsible and cannot just blame members opposite for the sins of the past. We have moved on and take full responsibility because it is now our job to upgrade this State. It must be understood also that it is a slow process. We are doing the job, but motorists in my area remain long suffering. We still have a lot of work to do. It is all right for me to spruik about what a great job we are doing, but I acknowledge also that we have a lot of ongoing work. I am grateful for the opportunity to take part in this debate. On that note I shall conclude my remarks.

**Mr RYAN PARK (Keira)** [12.59 p.m.]: I make a contribution to the budget take-note debate. It is an interesting budget for the people of Illawarra.

**Mr Kevin Humphries:** Just say thank you.

**Mr RYAN PARK:** I would thank the Minister for Mental Health because he is a Minister who is worthy of thanks, but the people of the Illawarra were a little disappointed in the budget. Members are not allowed to use props but, as my friends and colleagues from the Government often do, we are able to quote sources. I refer to a memorable headline in that great newspaper the *Illawarra Mercury* on Wednesday 19 June. It reads, "Budget a kick in the guts for region". That would be difficult for Government members to hear, but there is more. On 18 June the *Illawarra Mercury* reported:

The State Treasurer, Mike Baird, on Tuesday delivered a slap to the face of this community. Then, not content with that, he stuck the boot in for good measure.

Government members often talk about third party endorsements. I know that staffers in Ministers' offices run around looking at what has been said in media releases in response to the Government's announcements. The NSW Business Chamber comes out very strongly, unusually, in favour of announcements by the Liberal Party. It is a credit to the NSW Business Chamber that it operates in a bipartisan way in relation to government announcements. It is interesting to note that the *Illawarra Mercury* did not take the same view.

Why did the *Illawarra Mercury* take such a strong view? I refer to the budget. Government members on the backbenches who have an economics background can be trusted with a budget. There are not too many Nationals in the Chamber at the moment, but we have seen what happens when The Nationals get anywhere near Treasury. The members on this side of the House are very concerned about that, particularly for Liberal members. Let us look at the economics: The port of Port Kembla was leased for \$760 million. How much money did the Illawarra community receive? We were told to be grateful when we received \$100 million. It sounds fantastic. The issue is that the Illawarra was previously defined as five local government areas—Wollongong, Shellharbour, Kiama, Wingecarribee and Shoalhaven—so the money was spread thinly.

The Minister for Planning recently released a 20-year plan for the Illawarra and announced that the local government areas have changed and are now defined as Wollongong, Shellharbour and Kiama. I agree with that definition, but why is that problematic? Conveniently, a lot of Liberal members of Parliament represent electorates in the local government areas of Wingecarribee and Shoalhaven. Why is the money spread thinly over five local government areas under one definition and then the Government releases a forward plan for the Illawarra that includes only three local government areas? It gets worse.

I refer to my good friends in the Hunter and how they fared in respect of their port. The port in the Hunter was sold for approximately \$700 million. For those members of The Nationals who struggle with numbers, that is \$60 million less than the Illawarra received. Did the Hunter receive \$150 million? No. Did it receive \$200 million, \$250 million or \$300 million? No. It received \$340 million. Both communities had their ports assets leased and both communities received proceeds, but one community is \$240 million better off. For one community, the expenditure of the proceeds is restricted to the Newcastle local government area. The other community is told that the money has to be spent on projects as far down the South Coast as possible and up to the mountains in the north. That does not seem fair. What else about the budget attracts growth?

**Mr Stephen Bromhead:** Point of order: My point of order relates to tedious repetition. That is the eighth time the member has used a rhetorical question. Thomas Hanlon, that great authority on speech making, said that rhetorical questions are only used by members with a weak mind.

**ACTING-SPEAKER (Mr Lee Evans):** Order! There is no point of order. The debate is wide ranging.

**Mr RYAN PARK:** Liberal Party members often talk about pro growth. The member for Baulkham Hills often talks about pro growth, as does, I assume, his colleague the member for Castle Hill. Pro growth generally means attracting people, investment and businesses to a region. That is a basic economic model of the way to generate growth. Unusually for a political party with a pro growth mentality, the Liberal Party is providing \$7,000 for a person to move, as has occurred in some cases in my community, several hundred metres across a bridge. That pro growth program is the Regional Relocation Grant Scheme. I wish I had been a fly on the wall in the party room when this program was cooked up. It is an interesting program. The Treasurer often says the Government is about growing the pie and attracting business and investment. Why in a community such as the Illawarra or a local government area such as Wollongong—which has higher than average unemployment levels—where the community leaders, including my colleague the member for Wollongong, are trying to make sure that the community is attracting business and investment would the Government introduce a policy that pays people to leave? That is an unusual policy.

To be fair to the Liberal Party, it is part of a coalition. That coalition involves, tragically for them—and I know they find it very difficult—dealing with The Nationals. In the budget estimates the Deputy Premier announced that not many people have taken up this scheme. Surprise, surprise. Any year 9 commerce student who came up with this economic model would have failed the subject. The Deputy Premier said he is going to tweak it. He was asked in budget estimates the shortest distance a person had moved and received this grant. I thought it may be 30 or 40 kilometres. It is a relocation grant, so it is expected that people will move to another community. The economic theory of the Liberal Party is that people who are given this \$7,000 will leave their jobs, leave their homes, rid themselves of their mortgage, pay the removalist bill, find new friends and go running for the hills.

Not many people ran for the hills. Under this scheme, I think the shortest move was less than one kilometre—maybe 900 metres. The Liberal Party says in this Chamber, "We're so short of cash. We really have to put the screws on spending." The best way the Liberal Party can put the screws on the budget is, for heaven's sake, not let the Deputy Premier anywhere near the expenditure review committee or any budget or finance meeting. Let him talk about building a helipad but, for heaven's sake, do not let him anywhere near the allocation of forward estimates. This scheme is not working for the good folk of my electorate. In the Illawarra \$1 million has been spent on this scheme to move people from Wollongong to possibly as close as Shellharbour. As a resident and a representative of this great region, the Acting-Speaker (Mr Lee Evans) would know that the distance between the Wollongong and Shellharbour local government areas is separated by approximately 100 to 250 metres. A person could move from a suburb called Haywards Bay in the Wollongong local government area, go across the bridge and settle in a suburb called Albion Park Rail and be paid \$7,000. That is worrying. I can understand why the *Illawarra Mercury* reacted so strongly to the allocation of funding by this Government.

The Minister for the Illawarra—who is the second Minister for the Illawarra in this term of Government—has put on record his strong support for Bulli Hospital, yet the third budget of this Government has been delivered and there is still no allocation for Bulli Hospital. This is an important issue. Budgets are about priorities and what the Government considers important. Our region needs policies that, believe it or not, will attract growth and investment in infrastructure and services. I do not begrudge my good friends in Newcastle one iota for the amount of money they have received. All power to them.

**Ms Robyn Parker:** They have good representation.

**Mr RYAN PARK:** The member for Maitland says they have good representation. I am not sure that the member for Kiama and the member for Heathcote would be pleased to hear that. I am not sure that the deputy mayor, a Liberal Party member, would be pleased to hear that. I am not sure that the four Liberal councillors in the Illawarra would be pleased to hear that. My point is very simple: the Government must be fair and reasonable. The Illawarra expects a fair go. We do not expect a handout, we expect a fair go. When one of our assets is sold or leased—or whatever term the Government wants to use—and another area receives \$240 million more than we do for its asset, we consider that a kick in the guts. We would consider that a kick in the guts regardless of who is in power. It is a kick in the guts.

In future, we do not want places like Wollongong being involved in furphy schemes, such as the recent Regional Relocation Grant Scheme. We do not want the Government quoting misleading figures about how much we received from the budget, when in fact we got only half of the figure quoted. We do not want the Government making comparisons between the two largest regional cities in New South Wales and treating them differently in relation to the sale of their assets.

**Mr Craig Baumann:** Point of order: Are we working on Greenwich Mean Time?

**ACTING-SPEAKER (Mr Lee Evans):** Order! The member for Keira is concluding his speech. The House will then consider community recognition statements.

**Mr RYAN PARK:** If the Government does not want more headlines like the one that appeared in the *Illawarra Mercury* on Wednesday 19 June, "Budget a kick in the guts for region", and if the Government does not want a strong reaction from the region, it needs to make sure that it treats our region fairly in future. If it does not, this type of headline will appear over and over again.

**Pursuant to sessional orders business interrupted and set down as an order of the day for a later hour.**

## COMMUNITY RECOGNITION STATEMENTS

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### RETIREMENT OF MALCOM NIX

**Mr STEPHEN BROMHEAD** (Myall Lakes) [1.16 p.m.]: I inform the House that Malcolm Nix from Old Bar is retiring after 45 years of public service. Malcolm recently retired as the Executive Manager of Service Delivery at Midcoast Water with the satisfaction of knowing he has made a great contribution during a time of constant change and improvement. Malcolm is a civil engineer. He started work at Taree Municipal Council in 1968. During the 1980s Malcolm worked on the design and construction of reticulated sewerage into many local areas, including Taree West and Cundletown. Midcoast Water became a separate county council in 1997 and Malcolm worked there from the start of its operations. Midcoast Water monitors catchment health, rainfall, river flows, climate and water quality and Malcolm is very proud of the council's achievements. Malcolm is also proud of his staff and the development of talented people within the organisation. In retirement, Malcolm and his wife, Diane, are planning leisurely travel to various parts of the world.

### HORIZON THEATRE COMPANY

**Mr ROBERT FUROLO** (Lakemba) [1.17 p.m.]: I congratulate the Horizon Theatre Company on its successful Community Building Partnership Program application. The \$25,000 Community Building Partnership grant will contribute towards the installation of a new stage and lighting. The Horizon Theatre Company, which is located in Wiley Park, provides a place for the local community, especially the young, to become involved in the arts. Founded in 1997, the Horizon Theatre Company offers a diverse range of programs involving traditional and contemporary drama, puppetry, dance, special effects and multimedia. What makes the Horizon Theatre Company unique is how it tries to use the arts to address social issues in the community, with projects targeting young people who may be at risk of becoming involved in antisocial behaviour or crime. I acknowledge Ms Maddy Siabacu, Artistic Director of the Horizon Theatre Company, for her hard work in putting together the successful application and for the energy and creativity she brings to her job.

### TRIBUTE TO MRS COLLEEN MORRIS

### MAITLAND ELECTORATE CLUB GRANTS

**Ms ROBYN PARKER** (Maitland—Minister for the Environment, and Minister for Heritage) [1.18 p.m.]: I note the recent death of Mrs Colleen Morris, wife of the Hon. Milton Morris who was the member for Maitland from 1956 to 1980 and New South Wales Minister for Transport from 1965 to 1975. Mrs Morris provided great support to her husband, who is much honoured, as is the whole family, in the electorate of Maitland. I know that my colleagues will join with me in expressing condolences to Mr Morris and his family. I also note that the 2013 Maitland club grants were presented on Thursday, 15 August. Five local clubs in Maitland participated and 16 recipients shared \$51,300. The successful recipients included: Plan-it Youth

Mentoring, the Beacon Foundation, the Maitland Munch program, Autism Spectrum Australia's Aspect Hunter School, Maitland Neighbourhood Centre, Real Life Church, the Maitland Youth Development Unit and Ozzie Care Services.

### **CROATIAN NATIONAL DAY**

**Mr GUY ZANGARI** (Fairfield) [1.19 p.m.]: Croatian National Day was celebrated at the King Tomislav Croatian Club on Saturday 29 June, 2013. The event marked the twenty-second anniversary of the liberation of the Croats in 1991. The evening also acknowledged Croatia's move into the European Union on 1 July 2013. Local, State and Federal government representatives were present to join in the celebrations. Croatian community leaders were also present, together with Ms Mirjana Ana Maria Piskulic, Consul-General of the Republic of Croatia in Sydney, and His Excellency Vicencije Biuk, Ambassador of the Republic of Croatia in Australia and New Zealand. Entertainment for the evening was provided by Croatian folkloric ensemble Lindjo and musical group Sto Na Sat, and there was a recital by Ana Kumaric. I congratulate the United Croatian Clubs of New South Wales and the Croatian Australian Community Council, together with the Consulate General of the Republic of Croatia Sydney, on hosting the cocktail event and festive program.

### **TRIBUTE TO LINDA IRIS REYNOLDS**

**Mr CRAIG BAUMANN** (Port Stephens—Parliamentary Secretary) [1.20 p.m.]: I pay tribute to the late Linda Iris Reynolds of Banksia Grove, Williamstown. Mrs Reynolds was a stalwart of her local community and a much-loved mother, grandmother and great grandmother. Known as Nan of the Cove, she was a staunch defender of the environment. At 96 years young, Nan attended every Fullerton Cove no coal seam gas rally and famously refused to leave a blockade on request from authorities, resulting in a fine and publicity of her as "No Deal Nan". Mrs Reynolds was also a stalwart of the Stockton Centre fete, growing plants all year for her and her daughter Robyn Thompson to sell. She will be greatly missed.

### **VICTORY IN THE PACIFIC COMMEMORATION**

**Mr NICK LALICH** (Cabramatta) [1.20 p.m.]: On 14 August 2013 I attended the Victory in the Pacific commemoration at Cabravale Park. I attended the event, together with Her Excellency the Governor, Professor Marie Bashir; the Federal member for McMahon and Treasurer, Chris Bowen; the Federal member for Fowler representing the Minister for Veterans Affairs, Chris Hayes; the member for Smithfield, Andrew Rohan; and the Mayor of Fairfield, Frank Carbone. The day marks the end of all operations and hostilities in the Pacific 68 years ago. I took part in the wreath-laying ceremony to remember and pay my respects to all of the men and women who fought and died for our freedom during the Second World War in the Pacific. I congratulate and thank Cabra-Vale Diggers for holding a memorable day. I also thank all of the volunteers, police, military and staff members who helped out to make this commemoration ceremony a great success.

### **AUTHORS SARKIS CHAHINE KARAM AND SAYED MIKHAEL**

**Mr TONY ISSA** (Granville) [1.21 p.m.]: I acknowledge Sarkis Chahine Karam, the author of the newly released book *Youssef Bey Karam, The Prince of Heroes*. Sarkis Chahine Karam published his book in English and Arabic to promote the legacy of Karam and this was his contribution towards Youssef Karam Museum in Zgharta, Lebanon. I also acknowledge Sayed Mikhael, the author of the soon-to-be-released book *Open Heart*. Sayed Mikhael wrote the book to mark the steps of our Australian and Lebanese inspirational leaders during their visits to Australia and Lebanon and highlights the effect of these visits on Australians of Lebanese descent and Lebanese citizens.

### **MARRIAGE OF PAUL MCCARTHY AND TRENT KANDLER**

**Mr GREG PIPER** (Lake Macquarie) [1.22 p.m.]: I congratulate Lake Macquarie constituents Paul McCarthy and Trent Kandler who on Monday became the first Australian same-sex couple to marry in New Zealand under that country's historic new laws recognising marriage equality. The Speers Point couple were married in Wellington after winning a Tourism New Zealand competition to be the first married under the country's Marriage Amendment Act. Mr McCarthy and Mr Kandler penned their own vows and pledged their commitment before family and friends from Newcastle and Lake Macquarie who travelled to New Zealand for the event. The pair generously opened their ceremony to the media to help raise awareness of marriage equality and they are likely to be the first of many same-sex Australian couples who will head to New Zealand to marry.

**LYN LENNOX AM**

**Mr MARK SPEAKMAN** (Cronulla) [1.22 p.m.]: I highlight the contribution of Cronulla resident Lyn Lennox, who was made a Member of the Order of Australia in the Queen's Birthday honours list "for significant service to occupational therapy, particularly through support to children with developmental and learning difficulties". Learning difficulties can present a very difficult barrier for young people during their education. The important work of people such as Ms Lennox ensures that every student has the opportunity to be the best they possibly can be academically, socially and emotionally. Ms Lennox's impressive career includes her former vice-presidency of the Sutherland Shire Learning Difficulties Support Group and from 1996 to 2009 her chairmanship of the Southern Sydney Paediatric Occupational Therapy Study Group. She is also a foundation member of the Specific Learning Difficulties Association of NSW.

**MARRIAGE OF PAUL McCARTHY AND TRENT KANDLER**

**Mr ALEX GREENWICH** (Sydney) [1.23 p.m.]: I add the Sydney electorate's congratulations to Trent Kandler and Paul McCarthy on their recent wedding in Wellington on Monday 18 August. They join a growing number of Australian same-sex couples who leave the country they love to marry the person they love. The celebrant at the wedding was Kerry Prendergast, a former Wellington mayor. I look forward to joining the couple and the member for Lake Macquarie when they return home to celebrate their wedding,

**PITTWATER SURF LIFE SAVING CLUBS**

**Mr ROB STOKES** (Pittwater—Parliamentary Secretary) [1.23 p.m.]: I recognise the contribution of the volunteer leaders governing our surf clubs in Pittwater, which provide a wonderful service to the beach-going public. In Pittwater recently two hardworking presidents stepped down after three years of service. At Bilgola Surf Life Saving Club Peter Tomkins has stepped down to be replaced by Romilly Madew, the first female president in that club's 64-year history. After three years of service at Mona Vale, John Dibbs, whose great-grandfather was formerly a member of this place, has been replaced by David "Jock" Sinclair, who is a Mona Vale solicitor and will be an excellent community leader. I also note that in the Northern Beaches branch Deputy President Christine Hopton has taken a role as a board member at Surf Life Saving Australia and has been replaced by Doug Menzies. I thank all the outgoing presidents and wish the incoming presidents all the best in discharging their important community leadership roles.

**NEWCASTLE MUSLIM ASSOCIATION EID FAMILY DAY**

**Ms SONIA HORNER** (Wallsend) [1.24 p.m.]: We were blessed with delightful weather for the popular Eid Family Day hosted by the Newcastle Muslim Association. The Newcastle University oval became a fun and friendly picnic ground that many visitors attended. People came from all over the globe to celebrate this holy day with friends and family and to make new friends. Congratulations to Sister Di Rah, the dessert makers and all the organisers on making this special day such a success.

**GLEN INNES AND GUYRA UNITED HOSPITAL AUXILIARIES**

**Mr ADAM MARSHALL** (Northern Tablelands) [1.24 p.m.]: I acknowledge and congratulate the many hardworking volunteers who are members of the Glen Innes and Guyra United Hospital Auxiliaries. I had the pleasure of attending their respective annual general meetings earlier this month. As always, I was thoroughly impressed by the time and effort these volunteers put into their fundraising activities and their dedication and focus on providing the best possible care, comfort and support for hospital patients, staff and the communities who use the health services. Guyra's 32 United Hospital Auxiliary members put in 1,015 volunteer hours this year and raised more than \$10,000 for their multipurpose health service. The Glen Innes United Hospital Auxiliary has 17 members who put in 1,719 volunteers hours this year and raised more than \$80,000. This sum included donations made to the auxiliary by other community-based organisations. Both United Hospital Auxiliaries are focused on assisting their communities to build helipads, which are vital pieces of infrastructure for isolated rural communities. I commend these volunteers for their efforts to improve the lot of others and wish them all the best in their fundraising activities next year.

**DARRELL HOLT RESTRICTED CHALLENGE**

**Mr RICHARD AMERY** (Mount Druitt) [1.25 p.m.]: On Monday 19 August a facility in the confines of the Rooty Hill RSL Club once again played host to a significant event in my electorate. On this occasion the

AMF Rooty Hill RSL Bowling Centre was the venue for the Darrell Holt Restricted Challenge, which was established in 2007. The event is designed to foster, develop and advance a spirit of good sportsmanship and fellowship. It is a three-day event that determines the best zone representative team with averages not exceeding a score of 184 in the men's division and a score of 174 in the women's division in a handicapped competition. I was honoured to officially open the event along with national President Peter Coburn, State President Dallas Archer and Rooty Hill RSL Chairman Ray Johns, among others. Once again, the investments of Rooty Hill RSL have provided much sought after facilities for the local area.

### **TASTE ORANGE @ SYDNEY**

**Mr ANDREW GEE** (Orange) [1.26 p.m.]: I draw the attention of the House to the fact that Orange has arrived in Sydney. Today and tomorrow, Taste Orange @ Sydney is being held in Martin Place. If members go to Martin Place they will experience the food and wine of the Orange district and find out what an unbeatable quality of life we have to offer west of the Great Dividing Range. Destination NSW is supporting the promotion with \$45,000, but it is a mammoth undertaking. I pay tribute to the crew at Taste Orange, including Executive Officer Rhonda Sear, Project Manager Jane Arnott and Marketing Manager Charlotte Gundry. I also pay tribute to the many exhibitors who have done Orange proud by putting on such a great display and promotion in bringing Orange and the Central West into the heart of Sydney's central business district.

### **IMMIGRANT AND REFUGEE WOMEN'S NETWORK**

**Mr GUY ZANGARI** (Fairfield) [1.27 p.m.]: On Monday, 17 June 2013 the Immigrant and Refugee Women's Network celebrated the opening of Refugee Week 2013 at the Fairfield Community Hall. The theme of the week was "Restoring Hope". Many proud new Australians showcased their cultural heritage. Ms Lucy Morgan from the Refugee Council of Australia provided the main address. Navitas performed the Australian national anthem and the Spanish Choir sang traditional songs. The Immigrant and Refugee Women's Network performed a play outlining the struggles of refugees fleeing their homeland and the challenges faced when settling in a new country.

Minister Dominello launched the Jewellery Project in conjunction with the South Western Sydney Institute. I congratulate Dr Eman Sharobeem on her commitment to supporting refugees, asylum seekers and migrants. Dr Sharobeem's work was recognised—and rightly so—by her being named a finalist at the 2013 Woman of the Year Awards by the Department of Family and Community Services. The event was well supported by Medical Local, Fairfield Migrant Resource Centre, Immigrant and Refugee Women's Network, Sydney South West Area Health Service, Fairfield City Council, Family Planning NSW and the NSW Spanish and Latin American Association for Social Assistance Inc.

### **RUTHERFORD TECHNOLOGY HIGH SCHOOL DRAMA ENSEMBLE**

**Ms ROBYN PARKER** (Maitland—Minister for the Environment, and Minister for Heritage) [1.28 p.m.]: I congratulate the Rutherford Technology High School Drama Ensemble on taking out the major prize of Best Play and winning the People's Choice award at the 2013 Fast and Fresh Short Play Festival. This is the sixth consecutive year that the ensemble has qualified for the finals and it is also the sixth time that Rutherford Technology High School has won the People's Choice award. Members of the Drama Ensemble are Brittany Lucas, Ryan Hall, Mason Brett, Ashlee Brown, Hannah O'Brien, Ebony Thomas, Jacob Golding, Kellie Taylor, Nikita Clarke, Emily Watt and Bradley Blank. The winning play, *Straight*, was written by Hannah O'Brien and Ebony Thomas.

### **MISS UNIVERSE AUSTRALIA FINALIST MELINDA KEMP**

**Mr NICK LALICH** (Cabramatta) [1.28 p.m.]: I congratulate Melinda Kemp of Canley Heights on being a finalist in the 2013 Miss Universe Australia pageant. Although she did not win the pageant she made it to the final round, where she was one of six finalists from around the country. She was also a finalist in 2012 but suffered an injury on judging day. To be a finalist in the pageant is an achievement to be proud of as many others dream about being in her position. At the age of 23 Melinda has a long, bright future to look forward to. Apart from modelling, Melinda is an intelligent young lady who has a passion for reading, especially Shakespearean literature. She is an English major and is studying for a Bachelor of Commerce at university. She has also completed a course in Japanese cuisine. I wish Melinda all the best and every success for the future.

**TRIBUTE TO DR ARTHUR RICKARDS, OAM**

**Mr ADAM MARSHALL** (Northern Tablelands) [1.29 p.m.]: I acknowledge and congratulate Armidale local and renowned beef researcher Dr Arthur Rickards, OAM, who was last week named the 2013 Queensland Country Life Red Meat Achiever of the Year. Dr Rickards is widely known in the Australian beef industry, having spent 42 years at the helm of the Agricultural Business Research Institute at the University of New England and 32 years as executive director of the peak seed stock industry body, the Australian Registered Cattle Breeders' Association. In a career that has spanned more than 45 years he has been heralded as one of Australia's leading agribusiness innovators. I also acknowledge his ongoing outstanding leadership of the New England Conservatorium of Music Board, which continues to be the jewel in the Northern Tablelands' cultural crown. My most sincere congratulations go to Dr Rickards, and I wish him well in his obviously rather busy retirement years.

**Community recognition statements concluded.**

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

**RETIREMENT OF ALISTAIR LEONARD**

**The SPEAKER:** I would like to comment on the retirement of Alistair Leonard—he is sitting in the front row of the public gallery—after 31 years service to this Parliament. He is joined by his wife and daughter today. He began his career in this place on 14 September 1982 and he will retire on 13 September 2013. I am told that when Alistair was a young boy watching the Boxing Day cricket test—we will not talk about the cricket any further—on the television in Scotland he had a very strong desire to emigrate to Australia to escape the cold. Fortunately for us, he not only realised his dream but he also had the good fortune to pursue a career with the New South Wales Parliament.

As I have said, he started working at the New South Wales Parliament on 14 September 1982, when he was employed as a fitter operator in the engineering section of Building Services, and in March 1991 he was promoted to Assistant Manager Engineering. He oversaw the installation of one of the first tri-generation systems in the Southern Hemisphere here at Parliament House, producing half a megawatt of electricity, and chilled water and heated water for the air conditioning used by the Parliament, the State Library and the Sydney Hospital.

On a lighter note, one of the more memorable experiences, I am told, in Alistair's time at the Parliament was during the bicentenary celebrations, when he and other parliamentary staff spent the day on the roof watching the tall ships sail into the harbour and the fireworks display at night while enjoying an esky of seafood and cold drinks. We treat our staff very well at the New South Wales Parliament. During Alistair's time at the Parliament from 1982 to 2013—from the Neville Wran Government to that of the current Premier, Barry O'Farrell—he has seen many changes, including nine Premiers and six Speakers.

**Mr Barry O'Farrell:** And the first female Speaker.

**The SPEAKER:** Did the Premier say I was the best Speaker or the loudest Speaker? Perhaps it was the loudest and the best—and the crankiest! Having spent more than half of his life at the New South Wales Parliament, Alistair feels that now is the right time to retire and to spend more time with his wife and family. I wish Alistair all the best in his retirement. I thank him for his service to the New South Wales Parliament.

**REPRESENTATION OF MINISTERS ABSENT DURING QUESTIONS**

**Mr BARRY O'FARRELL:** I inform the House that the Deputy Premier, Minister for Trade and Investment, and Minister for Regional Infrastructure and Services, will answer questions during the absence from the Chamber today of the Minister for Primary Industries, and Minister for Small Business.

**BUSINESS OF THE HOUSE****Notices of Motions**

**Government Business Notices of Motions (for Bills) given.**

**Private Members' Business Notices of Motions (for Bills) given.**

**QUESTION TIME**

*[Question time commenced at 2.24 p.m.]*

**DEPARTMENT OF FAMILY AND COMMUNITY SERVICES CASEWORKER VACANCIES**

**Mr JOHN ROBERTSON:** My question is directed to the Minister for Family and Community Services. On 12 August and 13 August the Minister told the House that she had not received or seen the Ernst and Young report, yet yesterday she confirmed the report had been emailed to her office on at least two separate occasions in June and July and was tabled at a meeting she attended on 8 July. Did the Minister mislead the House, or is she just completely negligent in her responsibility to protect children at risk?

**The SPEAKER:** Order! The Minister does not need assistance in answering the question.

**Ms PRU GOWARD:** Once again, that question shows that the Opposition is not concerned with policy and reform, but just with a continuation of what can only be described as a grubby personal attack. I have always said that I am committed to transparency. I am rock solid on reforms that this Government is delivering to improve the child protection system

**The SPEAKER:** Order! The member for Canterbury will cease interjecting.

**Ms PRU GOWARD:** The safety of children and young people is what is most important in this Chamber, and that is why this Government is getting on with the job of seeing more at-risk children more often. I have already addressed those matters in my statements.

**GUN CRIME**

**Mr BRYAN DOYLE:** My question is directed to the Premier. How is the NSW Police Force cracking down on gun importation rackets?

**Mr BARRY O'FARRELL:** I thank the member for Campbelltown for his question and I acknowledge that, as a former police officer, he has real-life experience in dealing with crime across a city the size of Sydney. Yesterday I referred to an interview by the award-winning journalist Lee Jeloscek with the Leader of the Opposition.

**Mr Adrian Piccoli:** Not even he believes that.

**Mr BARRY O'FARRELL:** No, it is true. Government members who attended the Kennedy awards—no-one from the Opposition side was there—saw Lee Jeloscek win an award. As I was saying before being so rudely interrupted by the Minister for Education, yesterday I referred to the award-winning journalist Lee Jeloscek interviewing the Leader of the Opposition. During the interview the Leader of the Opposition claimed that gun importation was not an issue in the spate of drive-by shootings in Sydney. The claim was made despite repeated statements by the Commissioner of Police that 93 per cent of drive-by shootings involved illegal handguns. Of course, 100 per cent of those handguns are imported into this country.

**The SPEAKER:** Order! The Leader of the Opposition will come to order. I call the Leader of the Opposition to order for the first time. I remind members that interjections are disorderly at all times. I call the Leader of the Opposition to order for the second time.

**Mr BARRY O'FARRELL:** Those statements were made despite, as the Commissioner of Police said, only 40 handguns being stolen last year and despite last year's interception by the NSW Police Force of 200 Glock pistols that had been imported into this country in the mail through a sub-agency of Australia Post in Sylvania Waters. The claim flies in the face of the latest successful efforts by the NSW Police Force to intercept the importation of illegal weapons into this State. I am pleased to advise the House that the NSW Police Force has charged a man with a range of firearm offences following a raid at his home in Sylvania and after police detected two firearm parts in packages that had been sent through the mail from overseas. The list of what the police found during that raid is simply extraordinary: two revolvers, a shortened shotgun, a rifle, various parts for AR-15 and M-15 assault rifles, other illegal firearm parts, hundreds of rounds of ammunition, body armour, three hand grenades and explosives.

Specialist ordnance officers from the Australian Army were required to be called in to assist. The located ordnance, while inert when found, was capable of being made active. Another day, another great example of great police work by the NSW Police Force. However, for the Opposition it is a case of more inconvenient truths and red faces. Only the Leader of the Opposition refuses to acknowledge the facts laid out by the Commissioner of Police about the source of handguns and their use in drive-by shootings. Only the Leader of the Opposition refuses to accept the evidence uncovered through the terrific work of the NSW Police Force, both last year and yesterday. Only the Leader of the Opposition refuses to acknowledge and support the great efforts of the members of the NSW Police Force as they go about tackling gun crime across this city.

I notice that the member for Toongabbie is not stupid enough to make the claims being made by the Leader of the Opposition, whether on Channel 7 or elsewhere. The Leader of the Opposition's effort was disgraceful. Government members support the Commissioner of Police, Andrew Scipione, and his police. We support Tony Abbott's call for an end to Federal Labor's cuts to Customs, the Australian Federal Police and the Australian Crime Commission. We know that Federal action by the Coalition—should it win office—to improve border protection by improving the inspection of cargo, will assist police in this State in tackling the importation of illegal guns into New South Wales.

The Government supports the announcement today of a renewed police focus on the fight against gun crime, through the commencement of Operation Talon. To be headed by Deputy Commissioner Nick Kaldas, Operation Talon will bring under one banner the various police operations to ensure a single and unified approach to gun crime. It is a change I welcome and I congratulate the Commissioner of Police and the Minister for Police for bringing it about. I congratulate them on the culmination of all their efforts. This will step up the fight and build on the results the police are already achieving. Last year alone 729 handguns were removed from our streets and more than 3,300 people were charged. While even one shooting is one too many, the head of the independent Bureau of Crime Statistics and Research said recently that New South Wales is a far safer place now than it was in the 1990s or 2000s. We know who was in charge in those years. The Government will back police: we will give them the powers and an additional 370 police officers, and we will continue to support them in their efforts.

#### **DEPARTMENT OF FAMILY AND COMMUNITY SERVICES CASEWORKER VACANCIES**

**Mr JOHN ROBERTSON:** My question is directed to the Minister for Family and Community Services. How can she maintain that she did not know about the Ernst and Young report when on 8 July she sat in a briefing on caseworker numbers where the Ernst and Young report was listed as agenda item 3, was mentioned four separate times in the two-page briefing paper and was the only attachment?

**Ms PRU GOWARD:** I will ignore the factual inaccuracies in the question and refer the member to my previous answer.

#### **STATE INFRASTRUCTURE**

**Mr STEPHEN BROMHEAD:** My question is addressed to the Treasurer, and Minister for Industrial Relations. What action is the Government taking to ensure value for money on construction projects in New South Wales?

**Mr MIKE BAIRD:** I thank the member for his question. He is a member who is concerned about his community and interested in the long-term welfare of this State, for which I congratulate him. Last week the Premier shared with the House the findings of the BIS Shrapnel report. I know those opposite often do not pay attention and have forgotten that a budget was delivered on this side of the House a few weeks ago. However, they may have picked up on the BIS Shrapnel report. It showed something very interesting for the people of this State and those of us in this House: that construction activity is set to rise in New South Wales by 25 per cent to 2017—a 25 per cent increase.

That, in itself, is a good number but it is even more impressive when one understands that the forecast for across the rest of the country is a fall of 5 per cent. It is clear that construction activity in New South Wales is expected to be the epicentre of construction across the country in the next few years. That is good news for the people of New South Wales—good news for jobs; good news for investment; good news for confidence; and good news for the overall economy. That is what we are seeing under the responsible management of the economy by the O'Farrell Government.

The question is: How is that going to impact, day to day, the lives of those in our communities? It is more good news—for jobs, for confidence and for economic benefits for this State. The Government is delivering to the people of New South Wales the infrastructure that those opposite only talked about. Under the excellent leadership of the Minister for Transport, the North West Rail Link is being built. Those opposite spoke about it, cut it and gave up on it. The Minister is delivering it—the North West Rail Link is coming. People in the south-west will benefit from the South West Rail Link, which is finally close to completion—again, under the Minister for Transport. The many motorists who travel up and down the M4 and the M5 know that it is time that congestion was dealt with. It is fantastic to have a Government that understands the impact of such congestion and is putting money towards it.

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

**Mr MIKE BAIRD:** Those opposite cannot bring themselves to support the WestConnex project. They are against WestConnex and even the shadow Minister is against the project.

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

**Mr MIKE BAIRD:** Spending on infrastructure will continue under Jillian the Builder, with funding for hospitals across regional New South Wales. Construction will take place in Wagga Wagga, Bega, Tamworth, Port Macquarie, Dubbo and Campbelltown and even in the Leader of the Opposition's electorate of Blacktown. There is always a risk in such projects because one needs to make sure that one controls the cost and delivers on time. The Federal Government got rid of the Australian Building and Construction Commission [ABCC]—the overall watchdog of the construction industry. It bowed to its mates in the union movement. That puts at risk the construction times and costs of the projects in this State.

The Government has been determined not to stand by and let that happen. That is why we have established our own guidelines ensuring that union entry to building sites is for genuine reasons. One cannot add costs without productivity. It is a key idea that we stand by. We are pleased to stand with the Federal Opposition on this issue. Those opposite might have missed the fact that a Federal election campaign is taking place—except for those who are going out to help shore up Chris Bowen's position should he come in and take over. A number of them are working on that. The member for Cessnock has even been seen doing that because apparently Chris Bowen supports mining.

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

**Mr MIKE BAIRD:** The member for Cessnock is trying to get a leader who supports mining. Senator Abetz has a policy to restore the Australian Building and Construction Commission to appropriate guidelines and codes. The Government supports that because it is too important for this State to risk a critical infrastructure program—\$60 billion of infrastructure—to risk the costs incurred by delay to the delivery schedule. The people of New South Wales have already waited too long. We welcome a Federal Coalition win, as it helps us to deliver the infrastructure this State deserves.

#### **MINISTER FOR FAMILY AND COMMUNITY SERVICES**

**Ms CARMEL TEBBUTT:** My question is directed to the Minister for Family and Community Services. Given the Minister's department advised her after budget estimates on 12 August that the Ernst and Young report was presented to her at a meeting on 8 July, why did she mislead this House on 13 August and state that she had not seen or received the report until after budget estimates?

**Ms PRU GOWARD:** It is clear that members opposite have no interest in caseworker numbers, about reform and about how we address the issues of child protection confronting this State, which were badly neglected under their watch. I refer the member to my previous answer.

**The SPEAKER:** Order! Members will cease arguing and conducting conversations while Ministers are answering questions.

#### **KINGS CROSS ALCOHOL-RELATED VIOLENCE**

**Mr JOHN SIDOTI:** My question is addressed to the Minister for Tourism, Major Events, Hospitality and Racing, and Minister for the Arts. How is the Government addressing alcohol-related violence in Kings Cross?

**Mr GEORGE SOURIS:** I thank the member for Drummoyne for his question. The New South Wales Government continues to act to target alcohol-related violence and antisocial behaviour in Kings Cross. In September 2012 the Government released its Kings Cross plan of management, which provided a comprehensive set of measures to reduce alcohol-related violence and improve the safety and amenity of Kings Cross. Since December 2012 special conditions have applied to Kings Cross licensed premises. The most recent Bureau of Crime Statistics and Research report showed a 33 per cent reduction in violent incidents in licensed premises compared with the previous year. Our next phase of activity to address alcohol-related issues in Kings Cross will focus on helping venues keep their patrons and staff safe from troublemakers. Further reforms are being progressed as part of the Liquor Amendment (Kings Cross Plan of Management) Bill 2013. They provide for 48-hour banning orders issued by police and long-term banning orders issued by the Independent Liquor and Gaming Authority when a person has been issued with three 48-hour banning orders within 12 months.

The Government will introduce identification [ID] scanners into high-risk Kings Cross venues; require licensees and staff of high-risk Kings Cross venues to undergo privacy training; allow for responsible service of alcohol competency cards to be revoked or cancelled for serious privacy or liquor law breaches; enable a regulation to be made to require approved managers to be present in high-risk Kings Cross licensed venues to assist in supervising and managing the conduct of business; require an hours-of-operation sign to be displayed by licensed venues; require the quarterly collection of alcohol sales data from Kings Cross venues; and, finally, support the conversion of general bars into low-risk, small bars where there is existing planning approval. This legislation sends a clear message to troublemakers in Kings Cross: "If you have been given a Kings Cross banning order and you try to get into a high-risk venue, you will be caught out by the venue's ID scanner and stopped at the door." A banned person will not be allowed to enter any high-risk venue in Kings Cross during the period of the ban. A high-risk venue is one that trades beyond midnight and has a patron capacity of more than 120.

The Government is taking decisive action to address alcohol-related violence and will continue with an evidence-based and measured approach. This legislation was introduced to Parliament as part of the New South Wales Government's ongoing efforts to improve the safety and amenity of Kings Cross. These new measures complement existing provisions introduced under the Kings Cross plan of management, which are having a positive impact. The Government's Kings Cross plan of management also committed to an increase in compliance and enforcement monitoring in the precinct. The Office of Liquor, Gaming and Racing has been monitoring licensed venues in Kings Cross to test compliance with the liquor laws. Since the introduction of the Kings Cross special conditions on licensed venues in December 2012, Office of Liquor, Gaming and Racing compliance officers conducted 210 inspections of higher-risk premises during peak trading times. These inspections identified 125 breaches of gaming and liquor legislation, including 76 breaches of the special conditions.

Each of the 134 licensed venues within the Kings Cross precinct was inspected during the financial year and an increased monitoring presence will continue for the 2013-14 financial year. The Office of Liquor, Gaming and Racing expects to conduct about 300 inspections of Kings Cross licensed premises in the course of this financial year to monitor licensed venues, both overtly and covertly. The Government's trial of three sobering-up centres has started also, including the operation of a mandatory, user-pays sobering-up centre in Sydney's central business district, which will enable intoxicated troublemakers who ignore move-on orders from police in Kings Cross and elsewhere to spend the rest of their night in this facility.

We have taken a whole-of-government approach that includes delivering an extra 370 police officers since December 2011; giving police stronger move-on powers and introducing a new intoxicated and disorderly offence so that police can defuse volatile situations before they escalate; implementing the three strikes scheme targeting irresponsible venues; extending the freeze on high-risk liquor licence applications within the Kings Cross precinct; introducing new late-night transport options, tough new licence conditions for licensed premises, drink restrictions and new security measures in Kings Cross; and, finally, passing new laws to allow drug detection dogs to be used in the Kings Cross area without police first obtaining a warrant. The Government is committed to continuing its work to make Kings Cross a safer place.

#### **MINISTER FOR FAMILY AND COMMUNITY SERVICES**

**Ms LINDA BURNEY:** My question is directed to the Minister for Family and Community Services. Does the Minister accept that under the doctrine of ministerial responsibility a Minister should resign if he or she has misled the House?

**Ms PRU GOWARD:** Once again, this question shows that the Opposition is not interested in policy, just another personal attack. I have always said that I am committed to transparency. It is a very important part of reform. I am rock solid on the reforms. That is what matters. The safety of children and young people—

**Ms Linda Burney:** Point of order: It is clear what the Minister is going to say.

**The SPEAKER:** Order! What is the member's point of order?

**Ms Linda Burney:** My point of order is under Standing Order 129. My question was extremely direct.

**The SPEAKER:** Order! There is no point of order. The Minister is being relevant to the question asked. The member for Canterbury will resume her seat.

**Ms PRU GOWARD:** The safety of children and young people is important, and that is the job we are getting on with. We are seeing more at-risk children more often. Our most recent results are extremely encouraging. I refer the member to my previous answer.

### **DOG CONTROL**

**Mr ANDREW CORNWELL:** My question is addressed to the Minister for Local Government, and Minister for the North Coast. How is the Government better protecting the community from the threat of dangerous dog attacks?

**Mr DONALD PAGE:** I thank the member for Charlestown for his question and commend him for his excellent work as chair of the Companion Animals Taskforce. The New South Wales Government recognises the importance of companion animals to individuals and families. We are committed to improving the management and welfare of cats and dogs, as well as promoting responsible pet ownership across the State. We are overhauling the way in which companion animals are managed in New South Wales to better protect the community from the threat of dangerous dog attacks and to ensure animal welfare. Yesterday the Minister for Primary Industries and I announced a package of measures to respond to the Companion Animals Taskforce and to ongoing concerns about dangerous and threatening dogs in the New South Wales community.

The Government has carefully considered the expert recommendations of the Companion Animals Taskforce and the more than 5,300 submissions received through public consultation in order to deliver a comprehensive response. I take this opportunity to thank the members of the Companion Animals Taskforce for their excellent job, including the chairman, Andrew Cornwell. We have listened to community concerns about the threat of dangerous dogs and we are acting to implement tougher dog controls and enforce stronger penalties for owners of dogs that exhibit violent behaviour. Currently, this State has three types of dogs: normal, dangerous and prescribed. Typically, a dog can be classified as dangerous if it has attacked a person or another animal.

**The SPEAKER:** Order! This is a serious issue. Members who behave in an unparliamentary manner will be removed from the Chamber without warning.

**Mr DONALD PAGE:** The Government will introduce the new category of "menacing dog" to identify and control dogs whose aggressive temperament is likely to lead to an attack. Menacing dogs will be required to be microchipped and lifetime registered, desexed, wear a muzzle, be secure at all times when in public spaces and wear a prescribed collar at all times. The owner must ensure that the dog is under the control of someone aged 18 years of age or older when in public, and notify the local council if the dog attacks, goes missing, moves or dies. The Government is also implementing strong fines and jail terms for owners whose dogs have been involved in serious attacks, and is providing councils with more options to deal with these dogs and their owners. The changes will mean that council rangers will be more proactive. Council rangers need the capacity to take preventive action against an aggressive dog before there is an attack instead of waiting until after the attack has occurred.

This is a more proactive approach and is followed in other jurisdictions. The Government will also provide councils with more options to deal with these dogs and their owners. Also, the Government is implementing tougher penalties for irresponsible dog owners and those whose dogs have been involved in serious attacks. Stronger penalties will apply to owners whose dogs have been involved in an attack, increasing to a maximum of five years imprisonment for owners whose dogs have attacked and caused serious injury or

death after the owner has failed to comply with a menacing, dangerous or restricted dog control requirement by council. Councils will also be able to immediately seize unmicrochipped dogs for which a notice of intention has been issued to declare the dog menacing, dangerous or restricted. A waiting period will no longer occur.

Further, on instruction from the Premier and me, the Director General of Premier and Cabinet has written to the secretary of the Department of Prime Minister and Cabinet to seek the support of the incoming Australian Government to establish a cross-jurisdictional working group through the Council of Australian Governments. The New South Wales Government believes it is important that we have a national dangerous dog database to track and monitor the movement of dangerous dogs when relocating across State borders. This was a recommendation of the task force and we would like to see it implemented at the national level.

While there is no substitute for constant vigilance, particularly where young children are concerned, the changes announced by the Government today will significantly boost the safety of the community. Labor left us with a broken system, which resulted in a 40 per cent loss in revenue and under-resourcing. This Government will implement other important recommendations of the task force, resulting in better animal welfare protection and better education for the community about caring for, and being safe around, companion animals. I re-emphasise the importance of being a responsible pet owner and of supervising dogs when young children, in particular, are present. [*Extension of time granted.*]

**The SPEAKER:** Order! The member for Toongabbie will come to order. He should not try to be funny.

**Mr DONALD PAGE:** Our Government's message is clear: If you are not a responsible pet owner and injuries or death occur as a result, serious penalties will follow. The Opposition spokesperson in this area said that we did not put enough resources into our proposals. This Government was left with a system of registration under which only 60 per cent of microchipped dogs in this State are registered. The money that comes to the Government and is referred back to councils takes the form of registration fees. So it is losing 40 per cent of the potential revenue that should have been available, which amounts to about \$900,000 a year. That is the sort of system that the Labor Party gave us. Those opposite were all back swing and no follow-through.

This Government has inherited a broken system. In respect of dog attacks, in 2009 the then Government issued a memo that declared it was going to make the number of dog attacks public. It did not do that. It was not until the election of this Government in 2011 that dog attacks in this State were made a matter of public record. The former Government not only had a broken system but also tried to hide the number of dog attacks that were occurring in the community. In the past 12 months the total number of dog attacks in New South Wales has reduced by approximately 6 per cent.

## SOCIAL HOUSING

**Mr JAMIE PARKER:** My question is directed to the Minister for Family and Community Services. Considering the Auditor-General's report into social housing has revealed a growing waiting list of more than 120,000 people, twice as many properties being sold than built and a \$300 million maintenance backlog, what is the Government doing to address these critical issues?

**The SPEAKER:** Order! The member for Canterbury will cease interjecting. I call the member for Canterbury to order for the first time. I remind members that interjections are disorderly at all times.

**Ms PRU GOWARD:** That question gives me the opportunity to reflect on yet another shocking legacy of the former Labor Government. New South Wales Labor and its revolving door of failed housing Ministers left this State with an unsustainable public housing system. That has been validated by the New South Wales Auditor-General in his report, "Making the best use of public housing". The report confirms that the number of newly housed tenants has been declining since early last decade. Between 2003-04 and 2011-12 more than 5,500 dwellings were sold. The cost of keeping a public housing dwelling has nearly doubled since 2001-02. These problems were created on Labor's watch and were ignored.

**The SPEAKER:** Order! The member for Canterbury will cease interjecting.

**Ms PRU GOWARD:** The Liberal-Nationals Government is committed to improving services and lives through a sustainable, fairer and more transparent public housing system. We need to do this for tenants, for the vulnerable families on the waiting list and, importantly, for the taxpayers of New South Wales, who heavily subsidise the public housing system. While Labor's legacy left New South Wales with a public housing system entrenched in intergenerational welfare dependency—

**The SPEAKER:** Order! The Leader of the Opposition will cease arguing and interjecting.

**Ms PRU GOWARD:** —I am committed to building a system that breaks disadvantage and does not just manage it. While this Government considers policy options to address the issues identified by the Auditor-General and works towards building a system that breaks disadvantage, I have already started some of the real reforms, which are delivering real results. I have announced a new approach to filling vacant bedrooms.

**The SPEAKER:** Order! I call the Leader of the Opposition to order for the third time. Members will come to order. The Minister will be heard in silence.

**Ms PRU GOWARD:** I have announced a new approach to filling vacant bedrooms so that more vulnerable families can access public housing. The incentives I have introduced, including a vacant bedroom charge, are embodied in the Auditor-General's recommendations. I have held an amnesty for unauthorised occupants to give tenants who are doing the wrong thing the chance to do the right thing and start paying a fair amount of rent. As I previously advised the House, we anticipate that this will generate an additional \$6.5 million annually in rent revenue, which will flow straight back into the public housing system.

I have also made waiting lists transparent so that applicants, wherever they are in New South Wales, can now, for the first time, make informed decisions about their housing options. The public housing system is being managed professionally and properly. Policy is rigorously developed, funding is carefully budgeted, expenditure is carefully planned and works are carefully delivered so that money is not wasted—a concept perhaps unfamiliar to Labor governments across Australia. The public housing system needs to be as fair, transparent and efficient as possible for tenants, vulnerable families on the waiting list and New South Wales taxpayers, who heavily subsidise public housing. I intend to deliver real change to improve services and lives.

### ILLAWARRA REGIONAL GROWTH PLAN

**Mr LEE EVANS:** My question is directed to the Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW. How is the Government engaging with the Illawarra community to ensure future housing and employment opportunities?

**Mr BRAD HAZZARD:** I thank the member for Heathcote for his question and commend him for his interest in this area and for his representation of the people of the northern Illawarra, particularly the area from Bulli to Waterfall. I know that he is very keen, as all members should be, about the opportunity for local residents to have a say on the future direction of the Illawarra. As the Minister for Planning and Infrastructure, on 19 August I released a discussion paper on the future of the Illawarra. It will lead eventually to the draft Illawarra Regional Growth Plan, which I am hoping to have issued early next year for further consultation with the community.

The Illawarra is an extremely important area in New South Wales. It has incredible opportunities, incredible people and an incredible environment. The Government intends to make sure that all those opportunities are explored. First and foremost, we will listen to the community's views about how they see their area going forward. Last time around, under the former Labor Government, there was no discussion paper. There was a draft growth plan for the region but no discussion. So this time around we are going back to basics and talking to the community. That is part of the Government's approach on a whole range of planning issues. We want to see how the community in the Illawarra believes their area should develop and evolve.

**Mr Barry O'Farrell:** No table of knowledge.

**Mr BRAD HAZZARD:** As the Premier says, we are hoping that there will be no more contributions like that from the member for Wollongong, who gave us the table of knowledge. The member's greatest contribution to the economy of the Illawarra was increasing the number of kebabs that were eaten. We are making sure that the 52,300 additional people who are expected in the area over the next 20 years—

**The SPEAKER:** Order! The member for Wollongong will cease arguing with the Minister.

**Ms Noreen Hay:** He is inciting me.

**The SPEAKER:** Order! I realise that, but the member for Wollongong should not take the bait. Members will come to order.

**Mr BRAD HAZZARD:** It is not the bait she took; it is the kebabs that she took and the deals that she did.

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

**Ms Noreen Hay:** That's outrageous. The Minister should withdraw that comment.

**The SPEAKER:** Which comment is the member referring to?

**Ms Noreen Hay:** The Minister should withdraw the comment that I took deals.

**The SPEAKER:** Order! I did not hear the comment. The member for Wollongong will come to order. There is too much audible conversation in the Chamber.

**Mr BRAD HAZZARD:** There are some very good tape recordings of the member doing deals with various councillors about developments so I think she should—

**Ms Noreen Hay:** Point of order: Once again, the Minister is seeking to impugn my reputation. This is not the way to do it; this is not the platform. The Minister should be directed to withdraw those comments.

**The SPEAKER:** Order! I understand the point of order. Is the Minister prepared to withdraw the comments?

**Mr BRAD HAZZARD:** Madam Speaker, I am just stating facts. I do not think it is necessary for me to impugn the member's reputation; she has done that many times herself. But I will withdraw whatever remarks the member for Wollongong is worried about. We anticipate that there will be about 52,300 more people coming into the Illawarra over the next 20 years. We anticipate that we will need about 31,300 more homes and about 24,250 new jobs. There are other vital factors at play here. We have an ageing population. At the moment the current proportion of the population aged over 65 is 16 per cent; that is projected to increase to 24 per cent. Some 17 per cent of the Illawarra workforce commutes to Sydney daily. We have seen an increase in housing under this Government. The number of houses being built has increased from 758 dwellings to 858 dwellings in the past 12 months. [*Extension of time granted.*]

Taking each of those factors into consideration, it is important the community understands that there needs to be open and frank discussion about how the Illawarra will evolve—how we will ensure that there is the required number of houses and jobs, and how we will deal with the ageing population. There are so many opportunities throughout the Illawarra that we anticipate these issues can, and will, be addressed. The member for Kiama and the member for Heathcote have been out talking to their communities and making sure people understand that the Illawarra discussion paper is available. There has been quite a degree of acceptance of it in the local area. The South Coast Labour Council Secretary, Arthur Rorris, said that he could understand why people might be cynical about this latest plan for the region given that governments had gone down this planning route before. He said:

One of the criticisms we had of the previous government—

that is the Labor Government, which is now remanent in the Chamber on the Opposition benches—

—was that we ended up being probably the most highly studied and planned region on the planet ...

It's good to know that the government is planning for the future, that's part of their role.

**Mr John Robertson:** You're pretty desperate when you start quoting Arthur Rorris.

**Mr BRAD HAZZARD:** It could be worse: I could be desperate enough to quote you. But I have not got there yet.

**The SPEAKER:** Order! There is too much audible conversation in the Chamber.

**Mr BRAD HAZZARD:** I note that a member of this place said:

Long-term plans are important but they don't mean anything, and people will be very sceptical of them, if we're not seeing the investment in local services and infrastructure ...

People know and have seen many long-term plans in the past ...

Of course that is how it was under Labor. Who is that quote from? It is from the member for Keira, Ryan Park—Good on you, Ryan. We know that not much was delivered under former Labor governments, and we are here to make sure things happen. I encourage the community to get out there and have their say. People should make sure that they get online or take the opportunity to have their say through discussion forums, community events or community surveys. People can also email [illawarra@planning.nsw.gov.au](mailto:illawarra@planning.nsw.gov.au). Members of the public should ensure that they make their submissions on this discussion paper.

#### DEPARTMENT OF FAMILY AND COMMUNITY SERVICES CASEWORKER VACANCIES

**Ms LINDA BURNEY:** My question is directed to the Minister for Family and Community Services.

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

**Mr Michael Daley:** You didn't even put him on a call.

**The SPEAKER:** Order! There was argument across the Chamber. If the member for Maroubra continues to criticise me he will be removed from the Chamber. He will feel my wrath.

**Ms LINDA BURNEY:** Will the Minister table the emails and minutes sent from her department to her advising that the Ernst and Young report was discussed at the meeting on 8 July at which she was present?

**Mr Brad Hazzard:** Point of order: Those factual matters have not been put before the House. At no stage has it been said that the report was discussed at that meeting. If the member's questions are based on facts that have been presented in the House, that is simply not true.

**The SPEAKER:** Order! I am not in a position to determine whether the statements are factual or incorrect. However, the question is in order. There is no point of order.

**Ms PRU GOWARD:** If the failed former Minister had been as persistent in reducing caseworker vacancies and ensuring that more children were seen more often, then we would be in a happier place. Once again, that question shows the Opposition is not concerned with policy. The safety of children and young people is what really matters. My previous statements—

**Mr Michael Daley:** Point of order: My point of order relates to Standing Order 129. The Minister is having a shocker and she is not helping herself.

**The SPEAKER:** Order! There is no point of order. The member's comments are disorderly. The member for Maroubra will resume his seat.

**Ms PRU GOWARD:** As I said, I have already addressed these matters in my statement, which contained a number of attachments. I refer the failed former Minister to my previous answer.

**Ms Linda Burney:** Point of order—

**The SPEAKER:** Order! The Minister has concluded her answer. The member will resume her seat.

#### NATIONAL PARKS MANAGEMENT

**Mr ADAM MARSHALL:** My question is addressed to the Minister for the Environment, and Minister for Heritage. How is the Government seeking to engage local communities in the management of national parks?

**Ms ROBYN PARKER:** I thank the member for Northern Tablelands for his question. It is a good question, because the differences are stark between this Government and the former Government's management of national parks. It is about getting the community engaged and involved; not just adding hectares without adding value. Last week I added two new parks to our national park estate. That makes a total of nine new reserves in the first two years of this Government—three of those reserves are new national parks. The two parks added last week protect key examples of natural ecosystems that are significantly underrepresented in our park system. They are examples of a new approach to managing national parks. The former Government failed

to consult with local communities and locked away land. The communities complained about lack of access, sometimes for generations. We are adding strategic parcels of land that have biodiversity and connectivity and also giving local communities ownership in their management.

I thank the Minister for Western New South Wales, Kevin Humphries, who has played a role in developing the new approach that will commence with a two-year trial of the Warrambool State Conservation Area. We are taking a more collaborative approach to national parks by involving neighbours, the local community and councils with fencing and weed control. Over the next two years, neighbours and local communities will be able to participate in a broad range of management activities such as pest control, weed management, park road and trail maintenance, removal of internal boundary fences, repairs to boundary fences, management of fuel loads, as well as storm clean-ups and hazard reduction burning activities. Of course local communities are already heavily involved in bushfire management and hazard reduction across our park system.

The process for making the work available could include mechanisms such as temporary employment, payments on a fee-for-service basis or contracting existing businesses to undertake work. At the Warrambool park we expect that immediate park neighbours, other local landholders, local Aboriginal community members of the Gamilaraay and Tualaraay people and local community members from Lightning Ridge, Collarenebri and Walgett will be offered some employment opportunities. The other new addition to our park system is the Ukerbarley State Conservation Area, which is located north-west of Coonabarabran. That will protect another 465 hectares of highly significant wildlife corridor, which will provide habitat for more than 139 native animal species including 10 threatened species.

The community does a great deal of work to assist us with park management, particularly through our hazard reduction efforts. I am pleased to report that the New South Wales Government funding for fire management has allowed the National Parks and Wildlife Service to achieve its best ever hazard reduction burning result—namely, in 2012-13 hazard reduction was undertaken on almost 208,000 hectares. Compare that to the best ever effort under the Labor Government of 90,000 hectares. We have been able to achieve that because the Government has committed an extra \$62.5 million over five years for bushfire management—at least an extra 90 staff and more than 1,000 trained fire fighters within the National Parks and Wildlife Service. That money is on top of the \$38 million that is spent annually on fire management within the New South Wales national parks network. This is about good management of national parks, engaging our community and saying to them that we value their input. We want our parks to add value to local areas via tourism and employment to drive local economies. Instead of locking up and alienating the community, we are making sure that they are involved and that our 1,300 trained firefighters continue to have support from the Government.

**Question time concluded at 3.15 p.m.**

## **BUSINESS OF THE HOUSE**

### **Suspension of Standing and Sessional Orders: Motion Accorded Priority**

**Mr BRAD HAZZARD** (Wakehurst—Minister for Planning and Infrastructure, and Minister Assisting the Premier on Infrastructure NSW) [3.15 p.m.]: I move:

That standing and sessional orders be suspended at this sitting to permit the conclusion of the motion accorded priority prior to the commencement of Government business.

At 3.45 p.m. this afternoon there will be a joint sitting of the Legislative Assembly and the Legislative Council to deal with the appointment of Senator-elect Dastyari, following the resignation of Senator Matt Thistlethwaite. Hence whatever Government business is interrupted will be continued at the conclusion of the joint sitting.

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

**Motion agreed to.**

## **ILLAWARRA REGIONAL GROWTH PLAN**

### **Personal Explanation**

**Ms NOREEN HAY**, by leave: Earlier in question time the Minister for Planning and Infrastructure once again deliberately lied to the Parliament. I make it clear that there has never been any suggestion of a deal being done by me with anybody. I have never been to the table of knowledge, yet Ministers continue to make those statements during question time. I correct the record again: At no stage did any of those things happen.

## PETITIONS

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

### **Sydney Electorate Public High School**

Petition requesting the establishment of a public high school in the Sydney electorate, received from **Mr Alex Greenwich**.

### **Pig-dog Hunting Ban**

Petition requesting the banning of pig-dog hunting in New South Wales, received from **Mr Alex Greenwich**.

### **Duck Hunting**

Petition requesting retention of the longstanding ban on duck hunting, 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**.

## BUSINESS OF THE HOUSE

### **Business Lapsed**

**General Business Notices of Motions (General Notices) Nos 2483, 2484, 2487, 2488, 2490, 2491, 2493 and 2494 lapsed pursuant to Standing Order 105 (3).**

**General Business Order of the Day (General Order) No. 1 and General Business Notices of Motions (General Notices) Nos 2495, 2501 and 2507 will lapse tomorrow pursuant to Standing Order 105 (3).**

## CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

### **Gun Crime**

**Mr BRYAN DOYLE** (Campbelltown) [3.19 p.m.]: My motion should be accorded priority because it goes to the heart of public safety in our community and the great work the Government is doing to reduce gun crime. As a 27-year veteran of the NSW Police Force, I have experienced firsthand the ongoing concern that is gun crime in Sydney and the great action that the Government is taking to help our police officers tackle gun crime. I seek the support of all members in this important matter. The mission of the NSW Police Force is to work with the community to reduce violence, crime and fear. Indeed, no-one should live in fear in New South Wales, because the Government and our community are working hand in hand with the police. As a community we too have a role to play in this. If we hear something, if we see something or if we know something about gun crime or gun criminals, we should let the police know through Crime Stoppers.

*[Interruption]*

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

**Mr BRYAN DOYLE:** If there were to be a group move-on, the mob opposite would certainly receive it—and they did at the last election when the community gave them a group move-on. Operation Apollo is targeting gun crime and gun criminals. These are the ones who show blatant disregard for their own safety and that of the wider community.

*[Interruption]*

Members opposite might interject, but I can inform those seated in the public gallery that there has been a great reduction in the number of crime scenes just in this Parliament with the removal of the last Government. In fact, I am surprised that some of them do not still have crime scene tape in their pockets. This motion should be accorded priority. It goes to the heart of both our public safety and what we are doing in working with the community to reduce gun crime. As part of our commitments to the people of Sydney and New South Wales, both the New South Wales Government and the police are working closely, hand in hand, to develop and implement the strictest anti-gun legislation in the country. We spell it out to criminals wherever they are that Sydney streets are not the Wild West. We will not tolerate gun crime in this country. As a community and as a Parliament, working with the police, we can do it. I ask the members of the Opposition to support the Government in this obligation. I commend the motion to the House.

**The SPEAKER:** Order! I remind members that according to an arrangement agreed by the Government and the Opposition, speeches during debate on consideration of the motions to be accorded priority are limited to three minutes. There should be no interjections. Members with the call should be heard in silence.

#### **Minister for Family and Community Services**

**Ms LINDA BURNEY** (Canterbury) [3.22 p.m.]: My motion goes to the heart of the very serious position that Minister Goward has put herself in. She has misled this House twice. On 8 July, in her own words, two emails were sent to her department, a draft report was tabled at a policy meeting and she attended that meeting. On 12 July—which is even more remarkable—her department advised her that the report had been sent to her department; yet on 13 July she continued to maintain the lie, the mistruth—

**Mr Brad Hazzard:** Point of order: In the normal course I would not make an objection, because of the arrangements that usually operate in this House, but there is no basis whatsoever and it is improper and unparliamentary to assert that there has been a lie. The member can mount the case if she wishes but she should not make an assertion that there has been a lie.

**The SPEAKER:** Order! I uphold the point of order. The term is unparliamentary. If the member continues to use unparliamentary language she will be asked to resume her seat.

**Ms LINDA BURNEY:** The Minister knew on 8 July, on 12 July she was told again and on 13 July Minister Goward came into this House and once again maintained that she knew nothing about the Ernst and Young report. This not only goes to Minister Goward's credibility, which is almost non-existent, or to Minister Goward's care of her department; her caseworkers walked out yesterday because they no longer have confidence in the Minister. This now goes to the Premier, who maintained in this House that he was going to have a squeaky-clean operation.

**The SPEAKER:** Order! I remind members that interjections are disorderly at all times.

**Ms LINDA BURNEY:** How on earth can the Premier continue to maintain that when it is clear that on 8 July and 13 July Minister Goward misled this House? Misleading the House is a very serious issue for ministerial accountability. One of the sacrosanct things of a Minister—

**Mr Brad Hazzard:** Point of order: The member cannot make the assertion that the Minister has misled the House because there are no factual matters to support it. The member should state the facts and let the House determine whether anything was misleading.

**The SPEAKER:** Order! There is no point of order. The standing orders do not permit me to determine whether information is incorrect or correct. I can only rule whether the member's comments are in order and ensure that she does not use unparliamentary language. She has not done so.

**Ms LINDA BURNEY:** Minister Goward's position is now untenable and she should do the right thing and fall on her sword. That would be the decent thing to do for the children, for the people and for the State. [*Time expired.*]

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

**The House divided.**

**Ayes, 62**

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

**Noes, 20**

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

**Question resolved in the affirmative.**

**GUN CRIME**

**Motion Accorded Priority**

**Mr BRYAN DOYLE** (Campbelltown) [3.35 p.m.]: I move:

That this House supports the Government's actions to tackle gun crime in New South Wales.

This Government has taken important steps to address gun crime in New South Wales. Importantly, the Government has appointed an additional 373 police officers to assist in the fight against crime. It has strengthened police powers to crack down on gun-related crime. The Government has strengthened consorting offences that interfere with the ability of criminals to carry on, toughened shooting penalties, and toughened restrictions on access to ammunition, and it has legislated to enable outlaw motorcycle gangs to be declared criminal organisations. It has urged the Federal Labor Government to increase border protection to stop illegal weapons from flooding into this country. In this regard I welcome the announcement by the Federal Leader of

the Opposition, Tony Abbott, that a Liberal-National Federal Government will strengthen Customs to stem the flood of illegal handguns into our State with a proposed \$100 million increase in funding to improve Customs screening.

This Government has banned bikies from wearing their colours in 58 venues in Kings Cross and has stopped criminals from putting forward ambush defences. I was pleased to hear the Premier announce to the Parliament that Operation Tallon has commenced under the leadership of Deputy Commissioner Nick Kaldas, who is a well-respected and internationally renowned police officer. I note that Operation Apollo has been running since February to target gun-organised crime and is being led by the State Crime Command's Middle Eastern organised crime squad. Operation Apollo is focused upon reducing public place shootings by removing illegal firearms from our communities, disrupting those carrying such weapons and making those who commit gun crimes responsible for their actions. As at 6 August this year, Operation Apollo had been involved in 371 arrests, 692 charges, the seizure of illegal drugs with an estimated value of more than \$500,000 and 84 firearms, which included numerous handguns.

Operation Spartan has been operating since 13 August this year and is responsible for 742 arrests, 1,318 charges, 70 of which related specifically to shootings and 41 of which related to the discharge of a firearm. Operation Spartan also has been involved in the search and location of 60 firearms, conducted more than 7,000 people searches and nearly 3,000 vehicle searches. Strike Force Kinnarra has been involved in investigating ongoing disputes between the Nomads and Hells Angels bikie gangs and has made 43 arrests, laid almost 150 charges, seized 15 firearms and approximately 2,500 rounds of ammunition, as well as \$800,000 worth of illicit drugs. Strike Force Raptor has arrested more than 2,100 people, laid almost 4,900 charges, seized more than 500 firearms and more than \$2.69 million in cash, and made numerous drug seizures. Strike Force Namara has conducted raids on a number of properties across Sydney, including the Comanchero club house in Milperra, and police have made a number of arrests, including high-ranking bikie members.

These highlight just some of the actions taken by this Government to help protect the people of New South Wales and to drive down gun crime. As I said in my opening, the police mission is: Police and the community working together to reduce crime, violence and fear. The community has a role to play and we, as a Government, have a role to play in working hand in hand with police as they fight crime and work to reduce crime, violence and fear in our communities. We live in perhaps the greatest State in the greatest nation in the world and there is no need for anyone here to live in fear. I ask all members of the community to contact the police if they hear or know something in relation to gun crime or criminals. We in New South Wales refuse to bow down to criminals.

**Mr NATHAN REES** (Toongabbie) [3.40 p.m.]: I have to say that only a fool would support this Government's policy torpor when it comes to attacking gun crime. This is an extraordinary set of circumstances: 260-odd shootings since Barry O'Farrell came to power. To paraphrase Bob Dylan's first line in *Hurricane*: Pistol shots ring out in a Sydney night—enter Barry O'Farrell with another press release. That is what we have here and it is a joke. We have anti-gang legislation that has still not been used almost 12 months down the track. A police request for an organised crime squad—rejected by this Government. Ammunition legislation that those opposite said was critically important—still not enacted one year on. The right to silence laws—still not enacted. The Government has cut back on parole checks for criminals and police numbers have been frozen.

There are two great untruths in this debate. The first is the assertion by the Government that the guns that are used in these drive-by shootings and seized have been imported from overseas. The Australian Crime Commission did an audit of 3,186 guns that they had seized. Of those guns, 44 per cent were guns that were not surrendered or registered after the Port Arthur massacre; 12 per cent were stolen or were the subject of a staged theft—an average of 1,500 per year have been stolen from licensed firearm holders in the past five years; deactivation accounts for 3 per cent; interstate transfers account for 1.5 per cent; backyard manufacturing accounts for 1.3 per cent; and illegal importation accounted for a mere 0.5 per cent of all the firearms traced. They are not my statistics; they come from the Australian Crime Commission, having ordered the seizure of more than 3,000 weapons.

That is the first untruth in this debate: that these guns are the product of importation. The second great untruth asserted by those opposite in this debate is that this State has never been safer and that there has never been a lower number of drive-by shootings. It is simply wrong. If one wants to average out these shootings across the hundreds of thousands of square kilometres across the State, one might have a point, if one lives in Ivanhoe, Murray-Darling or Deniliquin. But if one lives in western and south-western Sydney, that is where the shootings are occurring and that is the statistical reality. If those opposite want to average it over the State, they

can go for their lives. However, it does not make sense on the ground where people in Guildford, Bexley, Punchbowl, Wentworthville and Panania are hearing shots ring out every second night. Eighty per cent of the shootings that have occurred over the last couple of years have occurred in western and south-western Sydney suburbs and this Government has been standing still on the issue.

This week we have had the latest announcement from the Government about a restructure of the NSW Police Force in order to better target gun crime. I welcome the appointment of Nick Kaldas to that position. He is a very well regarded police officer and the police efforts in New South Wales will always be applauded by the Opposition. But it is a nonsense for us to be presented with this motion that says that this House supports the Government's actions to tackle gun crime in New South Wales. The action of this Government has been characterised by lassitude, policy torpor and by a lack of will, because this is not happening in the Premier's electorate. If it was happening there, that is where the activity would be and we would be pulling out all stops. Instead, we had Operation Spartan earlier this year and when I asked the Attorney General questions on notice about how many of the hundreds of arrests—I think there were 700—resulted in a conviction and jail term, he refused to answer. He said, "The NSW Bureau of Crime Statistics and Research [BOCSAR] does not have that material, they do not provide it to us". This is a Government that cannot even indicate whether its actions on the ground in relation to these operations are successful or otherwise.

As these drive-by shootings continue to pose risk to innocent bystanders, it is a clear demonstration that the lack of action to date by this Government is seen as a green light by organised crime across Sydney. That is the case here—260-odd shootings with no sign of them abating, to the point where the Premier has to go over the head of the police Minister to get action. That is the reality here and the Minister for Police and Emergency Services, the Hon. Michael Gallacher, should hang his head in shame because, such was the Premier's frustration that he found it necessary to go over the Minister's head in order to get some action. That is the reality this Government is faced with—a Minister who does not know what to do when faced with 260-plus shootings and a crime spree when it comes to illegal shootings and gun crime that is unprecedented in this State. It is a nonsense to assert that New South Wales is safer than ever before when 80 per cent of these shootings are occurring in western and south-western Sydney and there is nary a sound from the members for Granville, Smithfield or Campbelltown on an issue that poses great risk to their constituency.

**Pursuant to resolution business interrupted and set down as an order of the day for a later hour.**

## **SENATE VACANCY**

### **Joint Sitting**

At 3.46 p.m. the House proceeded to the Legislative Council Chamber to attend a joint sitting to choose a senator in the place of Senator the Hon. Matt Thistlethwaite.

At 4.00 p.m. the House reassembled.

**The DEPUTY-SPEAKER (Mr Thomas George):** I report that at a joint sitting this day Sam Dastyari was chosen as senator in the place of Senator the Hon. Matt Thistlethwaite. I table the "Minutes of Proceedings of the Joint Sitting of the Houses of Parliament of the State of New South Wales held on Wednesday 21 August 2013 to choose a person to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable Matt Thistlethwaite."

**Ordered to be printed.**

## **GUN CRIME**

### **Motion Accorded Priority**

**Debate resumed from an earlier hour.**

**Mr GEOFF PROVEST** (Tweed—Parliamentary Secretary) [4.01 p.m.]: I thoroughly support the motion of the member for Campbelltown that the Government's actions to tackle gun crime in this State have been extraordinary. The member for Toongabbie eloquently quoted Bob Dylan, who also is on record as saying, "Don't criticise what you can't understand." Indeed, that is very relevant to the member for Toongabbie. This Government supports the NSW Police Force in its tireless work to target violent crime across the State. Our Police Force is working extraordinarily hard. Every time it asks for something we give it that resource.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! The member for Toongabbie has had his opportunity to contribute to the debate.

**Mr GEOFF PROVEST:** Only last night I was sitting next to Deputy Commissioner Nick Kaldas at the Liverpool Policeman of the Year award ceremony. Nick assured me that all resources are being given to tackle gun crime. In addition to the 370 new police to the end of July we have provided additional police powers to crack down on gun-related crime, toughened penalties for shooting offences, and introduced a licensing system with stringent probity checks for owners and operators of tattoo parlours. It is pleasing to hear the Federal Leader of the Opposition announce a number of initiatives to tighten our borders. During question time today the Premier referred to more than 200 illegal handguns being found at Sylvania Waters post office sub-agency. The significant border security cutbacks by the current Federal Labor Government have resulted not only in handguns but also illegal immigrants coming into the country.

I support our hardworking men and women of the NSW Police Force. I have spent nights with local police in general duties cars, in tag operations and other tasks and seen their dedication. More members of Parliament should do the same. I have been advised that 90 per cent of drive-by shootings involve illegal handguns. It is a difficult issue, but I am sure the good people of New South Wales stand behind the hardworking men and women of the NSW Police Force. I only hope that those opposite in the New South Wales Labor Party stand behind the police rather than continue to criticise their actions. Time and again those opposite politicise police actions. We should support the good citizens of New South Wales and the hardworking men and women of the NSW Police Force. *[Time expired.]*

**Ms Cherie Burton:** We support the police.

**Mr Geoff Provest:** When you get pulled up?

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! The member for Tweed has made his contribution to the debate.

**Mr MICHAEL DALEY (Maroubra) [4.04 p.m.]:** I am a very proud former Minister for Police and member of the Opposition that backs the police 100 per cent. We do not back the Government's politicisation of this issue. In public life there comes a time, particularly when in government, when it is better for public discourse and for one's reputation to simply fess up. The Government should fess up and say, "There's a problem and we're addressing it and we are seeking bipartisan support from the Opposition." Not this Government. Whether on economic matters, crime, the goods and services tax or shootings, this Premier and this Government never yield and never admit. They deny, politicise and always blame somebody else. I remember having the same briefing from the Commissioner of Police and senior police about firearms that the Premier spoke about today. The Premier said that 100 per cent of handguns in this country are imported—der Barry, we know that. He said also that only 40 handguns were lost last year—we know that as well. If the Premier were not so disingenuous, he would report the rest of the information that, no doubt, was imparted to him by senior police—that is, a very small number of firearms used in illegal shootings are imported.

The member for Toongabbie and shadow Minister for Police and Emergency Services told us that, according to the Australian Crime Commission, 0.5 per cent of firearms are used. Most guns used in illegal shootings are acquired by theft or are lost. Security guards and licensed firearms owners have their guns stolen. In 1997 there was the celebrated case of an army captain stealing 10 rocket launchers, some of which have not been recovered. These things happen on people's watches regardless of the political colour of the government of the day. It is very disingenuous for the Premier to walk into this place and say it is all the Federal Government's fault, so let us blame Customs. In 2000 the numbers of shootings did spike. The former Labor Government, our Government, addressed that spike with boots on the ground. The Premier can crow about 370 extra police; we put on 1,500 extra police in the last five years we were in office. For the 2012-13 budget year this Government spent \$136 million on consultants. That would fund 1,000 police or 250 extra police each year for the forward estimates. Do not talk to us about supporting the police.

**The DEPUTY-SPEAKER (Mr Thomas George):** I welcome to the Speaker's gallery Councillor Reg Kidd from Orange City Council. He is in Sydney with many people from Orange as the guests of the member for Orange for the Taste Orange @ Sydney event being held in Martin Place. Reg is here to invite everyone from Parliament House to visit the display, which is open this evening between 5.00 p.m. and 8.00 p.m., and tomorrow at lunchtime and also between 5.00 p.m. and 8.00 p.m. Reg extends a very warm welcome and encourages everyone to attend and view the event.

**Mr BRYAN DOYLE** (Campbelltown) [4.08 p.m.], in reply: Members have gathered in this place to determine my motion that this House supports the Government's actions to tackle gun crime in New South Wales. I sincerely thank the 100 per cent member for the Tweed, the member for Toongabbie and the member for Maroubra for their contributions to this debate. This motion should be supported because it goes to the heart of public safety in our community and recognises the work of the Government for and with our police and the community to reduce gun crime.

This motion is important because the mission of the NSW Police is to have police in the community, working together to reduce crime, violence and fear. There is no need for anyone in New South Wales to live in fear. We have seen what happens overseas when people live in fear and allow criminals with guns to control their streets. That does not happen in New South Wales and will not happen under this Government with the support of this community working with our police to reduce gun crime. As the Parliamentary Secretary, the member for Tweed noted, there are many great things being done to support our police as they reduce the impact of gun crime and criminals in New South Wales. Having served in the NSW Police Force for 27 years and finishing up as a chief inspector and the highest ranked police officer ever to enter the New South Wales Parliament, I am pleased to support this motion and commend it to the House.

**Question—That the motion be agreed to—put.**

**The House divided.**

**Ayes, 60**

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

**Noes, 20**

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

**Question resolved in the affirmative.**

**Motion agreed to.**

**Pursuant to resolution Government business proceeded with.**

**TOTALIZATOR AMENDMENT (EXCLUSIVITY) BILL 2013****Second Reading**

**Debate resumed from 15 August 2013.**

**Mr PAUL LYNCH** (Liverpool) [4.20 p.m.]: The Opposition will support the Totalizator Amendment (Exclusivity) Bill 2013. I lead for the Opposition in debate on the bill in this place. The shadow Minister with carriage of this matter is the Hon. Steve Whan, who is in the other place. The objects of the bill are to amend the Totalizator Act 1997 in two respects. First, it will amend that Act to enable the Minister administering the Act to accept the offer made by TAB Limited to enter into the deed entitled "NSW Exclusivity Deed" set out in attachment 1 to a deed poll tabled by, or on behalf of, the Minister in the Legislative Assembly. The second area in which the principal Act is to be amended is to extend the exclusivity period that applies in relation to the granting of totalisator licences to TAB Limited and racing clubs under the Act for an additional 20-year period if the NSW Exclusivity Deed comes into force.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! There is too much audible conversation in the Chamber. I am having difficulty hearing the member for Liverpool. Members who wish to have private conversations should do so outside the Chamber.

**Mr PAUL LYNCH:** The NSW Exclusivity Deed will, on coming into force, entitle the Crown to be paid specified instalments as consideration for the extension of the exclusivity period. The Opposition will support the legislation. However, there are a number of issues that we seek to raise and a number of questions to which we seek answers. This legislation formalises an agreement that the Government has reached with Tabcorp to extend the exclusive licence for totalisator activities, including through club and pub outlets and existing fixed-odds activities, for a further 20 years. NSW TAB is a wholly owned subsidiary of Tabcorp. It has a 99-year licence, issued in 1998, to conduct totalisator betting in New South Wales. The key question for the people of New South Wales is: Are they getting the best return for the granting of extended exclusivity?

The Government commissioned PricewaterhouseCoopers to negotiate on its behalf. It assembled a steering committee of the Office of Liquor, Gaming and Racing as well as Treasury, the Department of Premier and Cabinet, and the Crown Solicitor's Office. PricewaterhouseCoopers determined what a fair price would be, as the Opposition understands it. The Opposition thinks that report should be made available and we urge the Minister to make it available. In the absence of seeing the PricewaterhouseCoopers assessment, the Opposition believes the price is reasonable—although to be sure of that we would want access to the documentation. We recognise that the situation in New South Wales is different from that in Victoria, where the State Government received \$410 million for a 12-year exclusive licence. In the case of New South Wales, the NSW TAB already has a 99-year licence to conduct totalisator betting. It also had the 15-year exclusive licence and, of course, owned the network that already exists across New South Wales. With that licence in place, the price—albeit without the benefit of seeing the PricewaterhouseCoopers assessment—seems reasonable.

Given the 99-year licence is already owned by the business, it comes down to a question of whether the Government should have allowed another operator to come into New South Wales and set up a rival business. Of course, there are already a lot of competing betting products, including online products such as Sportsbet, Centrebet, Tom Waterhouse, Bet365 and so on. Would one of those businesses or some other gaming business like to set up a retail network in New South Wales? That is possible, but is it in the best interests of the people of New South Wales or the racing industry? The Minister has suggested that, for the racing industry, the answer is no. He points to the value of the revenue that flows to the three codes from this ongoing agreement. Certainly those earnings are valuable, and potentially weakening that revenue stream would require a lot more consideration and consultation than we have seen in this process.

The Opposition also feels that the community would be concerned if another operator came into the industry, with an accompanying proliferation of new gambling sites and gambling opportunities. So we support the Government's decision to leave this as an exclusive licence. Given the licence held by NSW TAB, there was not really a lot of choice about who would get the exclusive agreement. The Opposition does have a concern about the process. It is clear now that the Government has been working on this for some time—indeed, Tabcorp released a media statement announcing in-principle agreement on this matter on 20 June this year. It does seem that Parliament is being asked to retrospectively endorse a done deal, and it does appear to be a rather sloppy way of going about managing this process.

The legislation will require the New South Wales Opposition to support yet another round of Government retrospective legislation—the bill seeks to give effect to liabilities commencing from 23 June 2013. That is a dangerous precedent to cover for what seems to be sloppiness on the part of the Government. The Opposition also notes that the Government has promised compensation for any decision that would, "prevent or restrict TAB from receiving the benefit of the scheme". The Opposition would like some assurances from the Government about what the scope of this compensation might be. For instance, is it payable if there is some change to the regulation of any aspect of the gaming and racing industry; or is it confined very specifically to a decision that terminates the exclusive arrangement?

The New South Wales Opposition strongly supports our racing industry. Thoroughbred, greyhound and harness racing provide great enjoyment for millions of New South Wales residents and are a major economic contributor to our State. The arrangements put in place by the previous Government have benefited the racing industry and have enhanced its economic viability. I have indicated the Opposition's support for this legislation. However, I ask the Minister to put on record what the Government's intention is in that section of the bill that indicates the possibility of compensation in the event of any changes. I also ask the Minister to indicate whether he will release the PricewaterhouseCoopers report so that the Opposition and the public can be reassured that they have received full value for this agreement.

**Mr RAY WILLIAMS** (Hawkesbury—Parliamentary Secretary) [4.27 p.m.]: It gives me great pleasure to support the Totalizator Amendment (Exclusivity) Bill 2013. I commend the Minister for Tourism, Major Events, Hospitality and Racing for this piece of legislation and for bringing it to the House. The New South Wales racing industry contributes an estimated \$1 billion to the State's economy annually. The primary source of revenue for the New South Wales racing industry and its participants is the commercial arrangements it has with the TAB for a revenue stream derived from wagering turnover or betting. Under the Totalizator Act 1997 the TAB was required to enter into commercial arrangements with the New South Wales racing industry as a prerequisite to its being granted its 99-year licence to conduct offcourse and oncourse totalisators.

The New South Wales racing industry receives approximately \$250 million per annum—that is, a quarter of a billion dollars—from this source. The TAB Limited is a wholly owned subsidiary of Tabcorp Holdings Limited and has a network of approximately 2,130 agencies, which consists of TAB retail outlets and outlets in clubs and hotels, as well as oncourse, phone and internet services. The Racing Distribution Agreement with the TAB is an important element of a viable funding model for the New South Wales racing industry. It enables the optimal development, operation and marketing of the New South Wales racing industry and its race meetings.

The exclusivity period of the TAB's 99-year totalisator licence expired on 22 June 2013. Prior to this date, the Government engaged PricewaterhouseCoopers to examine options for the future provision of totalisator betting within the State. Following consideration of the advice provided by PricewaterhouseCoopers, the Government determined that industry stability and the Government were best served by entering into negotiations with Tabcorp for an extension of the TAB's totalisator licence exclusivity. On 20 June 2013 the Government announced that it had reached an in-principle agreement with Tabcorp for it to pay \$75 million to extend the TAB's exclusive licence for oncourse and offcourse totalisator activities, including through club and pub outlets, and its existing fixed-odds activities across the State for a further 20 years, until June 2033. The \$75-million payment from Tabcorp will consist of an initial payment of \$50 million, with the balance to be paid over 10 years from 2024.

The history of the privatisation began in 1993, when the Government of Victoria decided to privatise its TAB. In August 1994 Tabcorp Holdings Limited was listed on the Australian Stock Exchange. While under the new arrangements there was a potential for an increase of revenue to the racing industry of Victoria, this was of considerable concern to the racing industry in New South Wales because it was expected that the changes would deprive this State of important betting revenue, which it certainly did. Victoria also has an extremely strong Spring Carnival. The Melbourne Cup, Caulfield Cup and Cox Plate are just some examples of its feature events. Therefore, Victorian racing had the capacity to grow and to weaken the New South Wales racing industry.

In 1997 the former New South Wales Government supported the sale of NSW TAB. This required restructuring the TAB from a body created by statute to a corporation owned by the Government. The process of corporatisation took almost a year. The necessary legislation passed both Houses of the New South Wales Parliament and was given the Governor's assent on 1 July 1997, with no direct representatives of racing on the new board of directors. As opposed to what politicians in the former Government expected would be windfall revenue for the industry and an expected increase in betting tax for government, that is when the problems for

the New South Wales racing industry began. I make absolutely no apologies for the fact that racing Minister after racing Minister in the former Government did not try in any way, shape or form to correct the imbalance and the inequity of prize money distribution across New South Wales.

At the same time country races were required to hold their meetings midweek rather than on weekends. For example, the Orange races at historic Towac Park were held on a Tuesday and Bathurst races were held on a Friday to capitalise on betting turnover. This had a dramatic effect on country towns, where residents from rural areas used to flock to country race meetings, which provided the important social capital required to sustain strong communities. Friends and family would gather to enjoy each other's company, but, sadly, this was lost and only the very occasional picnic race meeting was held on a limited basis. Unable to attend midweek racing, the crowds at these meeting were severely diminished, with only four bookmakers operating at meetings on most occasions. Remember, the TAB operates around the country and collects the important betting dollar that would otherwise be distributed on course. That is what happens when bean counters are allowed to run an industry they know nothing about.

As I said, no-one on the board of directors had any idea about the real racing industry or the grassroots racing industry, which I have often said is country racing. The inequity in prize money was astounding and largely remained that way until 2007, when the present Minister, George Souris, together with Pete V'landys helped to revive this wonderful industry by spreading the prize money more fairly across the different layers of racing, and particularly to country areas. Following his appointment to Racing NSW, in 2004 Peter V'landys implemented a \$200 cashback scheme for every horse that started in a race to stimulate and sustain the struggling horse trainers. This small amount of money helped trainers with their cashflow and was a major step in correcting the imbalance that had occurred following the privatisation of the TAB years earlier.

However, the destruction of the industry was almost irreversible. In 2005 when I handed in my trainer's licence, like thousands of other bewildered and broke racing industry participants, a midweek metropolitan race was worth \$20,000 but an average country race was worth \$3,500. It should be pointed out that it costs the same to train a horse to win a country race as it does to win a city race; however, 93 per cent of the total prize money pool at that time was going to less than 6 per cent of the industry. The remaining 94 per cent of the racing industry was left living on the leftover crumbs and practically eating the paint off the walls to survive.

Fast-forward to today and it is a different story. The average prize money for a country race is more than \$15,000 and this is helping to revive the racing industry in country areas. The New South Wales racing industry supports some 50,000 full-time and part-time jobs. There are 192 registered racing clubs in New South Wales. There are 136 thoroughbred racing venues, 31 harness racing venues and 25 greyhound racing tracks. Many thousands of industry participants came from country areas, with the majority of our champion jockeys being apprenticed in country areas.

Hugh Bowman, who just missed out on the recent jockeys premiership but who won the previous premiership, was originally apprenticed in Bathurst and commenced his racing career on country racetracks. That is also the case for the majority of our trainers, jockeys, farriers, horse dentists, float carriers and strappers. That is the reason it is so important to ensure the viability of the country racing industry. Country racing is the nursery of our great industry. It produces the champions of the future, not to mention the many horses that are born at the hundreds of horse studs spread across our country regions that employ many thousands of people who are indirectly involved in racing.

I have consistently said that Malcolm Johnson, Tommy Smith and Kingston Town were not born under the winning post at Randwick; they were all born and bred and learnt their skills in country racing areas. Malcolm Johnson, who was a great mate of mine, would not mind my saying that; he would be the first to speak up on behalf of country racing. If we had had some people on the original board of the TAB who knew the racing industry implicitly and who could have represented the views of the industry as a whole, we may never have suffered the downturn in participant and horse numbers that occurred between 1997 and 2007. While the largest amounts of prize money must always go to the best horses, prize money must be spread equitably across the different levels of racing to ensure that city, provincial and country races remain viable.

Following the changes made in 2007 and the success with the race fields legislation, more prize money is being directly distributed to the industry, and therefore to participants in the industry. The results are starting to become more evident as we see the size of fields increase, with emergencies in almost half the country races on one program. I will again elaborate on what "emergencies" are. If, for example, in a field of 12 horses there are four additional horses that would like to race those horses are listed as emergencies. Emergencies are

available to take the place of scratchings in a race so that the size of the field is not diminished. The fact that emergencies are flourishing in almost half the racing fields in country areas means that the industry is in good shape because there are not enough races for the number of horses available.

That means the injection of prize money has increased the number of horses not only being born but also being pushed through the racing industry. That is better for the industry as a whole. There are 191 licensed racecourses throughout the State: 125 thoroughbred courses, 31 harness courses and 35 greyhound courses. Twelve of these are located in the greater Sydney metropolitan area. In 2012-13 there were 2,565 race meetings conducted in New South Wales: 771 thoroughbred races, 501 harness races and 1,293 greyhound races. [*Extension of time agreed to.*]

All registered race clubs are the holders of a 99-year licence, issued in March 1998, to conduct an oncourse totalisator at their race meetings. Once again, I come back to the time frame of 1997 to 2007. During that period, 52 per cent of the provincial and country racehorse trainers—as I was at that time—were lost to the industry. That was a total of 1,100 trainers. If those trainers had only one horse each, an additional 1,100 horses would have been competing in races across New South Wales. It would also mean that many more riders, farriers, dentists and strappers would have been required in the industry. The void that materialised in the industry was a direct result of the inequitable distribution of prize money following the privatisation of the TAB, as I have said.

I will conclude on a more positive note and acknowledge the extraordinary performance of the leading trainer in New South Wales, Chris Waller. He has had an extraordinary season and won the trainers premiership by the length of the straight, with 167.5 winners. I also acknowledge Nash Rawiller, the leading jockey in the city area—just nudging out Hughie Bowman, who was the premiership holder last year. Brad Rawiller, Nash's brother, won the title for the most wins across New South Wales, with a total of 165 wins on all tracks in the past year—a remarkable figure. It just goes to show what an important industry this is and how much money it generates for the New South Wales economy—and all because sustainable prize money is now being distributed. I thank the Minister for his contribution to the New South Wales racing industry. I commend the bill to the House.

**The DEPUTY-SPEAKER (Mr Thomas George):** Before I call the member for Bathurst, I remind members that if they wish to seek an extension of their speaking time they should do so before the time allotted for their speech has expired. I will also add to the acknowledgements—and I am sure the Minister will appreciate this. The member for Hawkesbury mentioned Hugh Bowman. Hugh is the grandson of the late Roger Wotton, who used to sit in this place as the member for Castlereagh.

**Mr George Souris:** Born and bred in Dunedoo.

**The DEPUTY-SPEAKER (Mr Thomas George):** He was born and bred in Dunedoo. We could go on about this for an hour, but I simply recognise that Hugh Bowman is the grandson of a former member, the late Roger Wotton, former member for Castlereagh and a good National Party and Country Party member.

**Mr PAUL TOOLE** (Bathurst—Parliamentary Secretary) [4.41 p.m.]: It gives me great pleasure to support the Totalizator Amendment (Exclusivity) Bill 2013. I commend the Minister for Tourism, Major Events, Hospitality and Racing, and Minister for the Arts, the Hon. George Souris, for bringing this bill to this House. Previous Ministers neglected this area, so it is about time we had a Minister who recognises the importance of racing in the State of New South Wales—a Minister who also recognises that racing in country and regional areas is the lifeblood of, and very important to, our local economies. It is great to see Councillor Reg Kidd from Orange in the gallery. He is my neighbour and involved in racing, which is very important to the local economy.

The bill enables the Minister to administer the Totalizator Act 1997 to accept the offer made by TAB Limited to enter into the NSW Exclusivity Deed. The bill also extends the exclusivity period that applies in relation to the granting of the totalisator licences to TAB Limited and racing clubs under the Act for an additional 20-year period if the NSW Exclusivity Deed comes into force. The NSW Exclusivity Deed will, on coming into force, entitle the Crown to be paid specified instalments as consideration for the extension of this period. The New South Wales racing industry is very important to this State and is a great contributor to its economy. It is estimated that it contributes about \$1 billion to the New South Wales economy annually. The New South Wales racing industry also supports some 50,000 full-time and part-time jobs. There are more than 192 registered racing clubs in New South Wales—136 thoroughbred, 31 harness and 25 greyhound. I will come back to that, because I am fortunate in my electorate of Bathurst to have harness racing, thoroughbred racing and greyhound racing.

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

**Mr PAUL TOOLE:** There are more than 191 licensed racecourses throughout the State—125 thoroughbred, 31 harness and 35 greyhound racecourses. Twelve of these are located in the greater Sydney metropolitan area. The rest are in country and regional areas. So it just goes to show the importance of racing, especially country racing, to our towns and local economies. In 2012-13 more than 2,500 race meetings were conducted in New South Wales. We see many different leading sporting events but racing is something that we must support and highlight for both the entertainment and the employment opportunities it provides. The primary source of revenue for the New South Wales racing industry and its participants is the commercial arrangements with the TAB for a revenue stream derived from wager and turnover. Under the Totalizator Act the TAB was required to enter into commercial arrangements with the New South Wales racing industry as a prerequisite to being granted its 99-year licence to conduct offcourse and oncourse totalisators. The New South Wales racing industry receives approximately \$250 million per annum from this source.

Prior to this the Government engaged PricewaterhouseCoopers to examine options for the future of totalisator betting in the State. Following consideration of advice provided by PricewaterhouseCoopers, the Government determined that the industry, stability and the Government were best served by entering into negotiations with Tabcorp for the extension of the TAB's totalisator licence exclusivity. These negotiations were undertaken by PricewaterhouseCoopers under the guidance of an inter-agency steering committee. On 20 June 2013 the Government announced that it had reached an in-principle agreement with Tabcorp for the company to pay \$75 million to extend the TAB's exclusive licence for oncourse and offcourse totalisator activities, including through club and pub outlets, and existing fixed-odds activities across the State for a further 20 years, until June 2033. The \$75-million payment from Tabcorp will consist of an initial payment of \$50 million, with the balance to be paid over 10 years from 2024.

As I said, harness racing takes place in Bathurst. The Bathurst Harness Racing Club is one of the State's largest and most successful harness racing clubs outside metropolitan Sydney. The Bathurst Gold Crown Carnival is a feature on the racing calendar. I had the privilege of hosting the Minister in Bathurst only 12 months ago at that event. He saw the quality of racing, the two-year-olds that were taking part in the event, and the competitors, trainers and drivers—not just from the Western region but from across this country and from overseas as well—who were involved. The club continues to grow and to enjoy strong harness racing competition. With more than 50 race meetings held every year, it is a significant contributor to our local economy.

Some magnificent things are happening in harness racing in Bathurst. It is estimated that in the western districts region overall there are 375 registered trainers and 275 registered drivers. It should be noted that participation in harness racing as an owner, trainer or driver is not mutually exclusive. The majority of trainers are also drivers and may own their own horses in addition to training horses for other owners. There are also a number of trainers who are not drivers and a number of drivers who are not licensed trainers. It is estimated that around 100 trainers work in the Bathurst region alone, with between 450 and 500 horses in training only last year. A number of trainers in the Bathurst region are professionals responsible for training up to 50 horses at one time. The majority, however, would be classed as hobbyist trainers and generally have another source of income.

The harness racing industry provides about 90 full-time jobs in Bathurst alone. It generates about \$2.8 million in household income, about \$6.6 million in gross regional product and about \$17.7 million in output. So we can see that it makes a positive contribution to the economy of the Bathurst local government area and the wider western districts region. It is equivalent to racing at Mt Panorama—and we know that racing is really the centre of the city of Bathurst. So if we are making comparisons we can see that harness racing is up there with the 12-hour event as a significant economic contributor.

Harness racing is moving forward in Bathurst—and the Minister has been to Bathurst to look at the new track. Harness Racing New South Wales plans to invest \$7.5 million in a new track, a clubhouse and a new facility that will breathe new life into the sport. This is important because it means that Harness Racing New South Wales is confident that Bathurst will lead the way as it embarks on investments in regional locations such as the Riverina, Tamworth and Newcastle.

The new track is expected to be completed by September 2014. It will bring with it the end of an era lasting approximately 50 years: Harness racing began at the Bathurst Showground in 1953. Harness Racing New

South Wales is so confident about that new track that it expects, by allocating 25 per cent of its funds to build this new facility, it will be part of the longer term development and increased patronage of the sport. Over the years there had been a decline of approximately 40 per cent in attendances, but Harness Racing New South Wales has made a commitment with the expectation that it will generate more interest in the sport, supported by this bill. Construction of the 1,000-metre track will create 22 jobs.

Thoroughbred racing also is a significant sport. Tyers Park Racecourse in Bathurst has a long history of support by local businesses and the community and the club has been involved in holding many charity day events. Thoroughbred racing is enjoyed by the community to celebrate important annual events, such as the Anzac Day races, the Bathurst Cup, and Tradies Day. Thoroughbred racing is a multibillion-dollar industry throughout Australia. Greyhound racing is also quite significant. Up to three greyhound racing meetings are held each week. I commend the bill to the House. I thank the Minister for his wonderful work for the racing industry.

**Mr CHRIS PATTERSON** (Camden) [4.51 p.m.]: I support the Totalizator Amendment (Exclusivity) Bill 2013. The New South Wales racing industry contributes an estimated \$1 billion to the State's economy annually and supports approximately 50,000 jobs. In New South Wales there are 192 registered racing clubs of which 136 are thoroughbred racing clubs, 31 are harness racing clubs, and 25 are dish-licker or greyhound racing clubs. Last financial year there were 2,565 race meetings conducted in New South Wales. The Totalizator Amendment (Exclusivity) Bill 2013 will amend the Totalizator Act 1997 to enable the Minister to accept the offer made by TAB Limited to enter into the New South Wales Exclusivity Deed and extend the exclusivity period that applies in relation to granting totalisator licences to TAB Limited and racing clubs under the Act for an additional 20-year period, if the New South Wales Exclusivity Deed comes into force.

This bill will enable an in-principle agreement reached between the Government and Tabcorp to extend the TAB's totalisator licence exclusivity for a further 20 years. The TAB holds a 99-year licence that was issued in March 1998 to conduct oncourse and offcourse totalisator betting in this State. As members would know, 1998 was a great year for Australian racing. Might and Power won the Cox Plate after coming off a fantastic Melbourne Cup and Caulfield Cup double the year before; Jezabeel, that great Zabeel mare, won the Melbourne Cup. Taufan's Melody won the Caulfield Cup, and Prowl won the Golden Slipper. Racing clubs in New South Wales also hold 99-year licences for oncourse totalisator betting to be conducted. TAB undertakes that by agreement on behalf of racing clubs. With those licenses, the 15-year exclusivity period is included. The exclusivity period expired on 22 June 2013. On 20 June this year, agreement was reached with the Government for extension of the TAB's exclusive licence for totalisator activities and its existing fixed odds activities across the State for the next 20 years. This will include the TAB's club and pub outlets.

The bill will include the extension of the right of racing clubs to conduct their oncourse totalisator exclusivity. Existing commercial agreements between the TAB and the racing industry will not be affected. Payment by the TAB for this exclusivity deed is \$75 million. Initially \$50 million will be paid and \$25 million will be paid over 10 years from 2024. There are many benefits from the racing industry through the creation of jobs, tourism and cultural benefits to our community. I offer my congratulations on the Royal Randwick Racecourse upgrade. The redevelopment will ensure that the racing industry enjoys a state-of-the-art facility. The Australian Turf Club [ATC] also has plans to upgrade Rose Hill and Warwick Farm as well as the country track in Grafton to ensure that the New South Wales racing industry is at the forefront of thoroughbred racing in Australia and the world, and is one of the premiere horseracing destinations of the world.

The famous Doncaster Mile is one of the Australian Turf Club's Group 1 thoroughbred premiere races held at Randwick that has seen great horses, such as Sacred Falls, More Joyous, Sacred Choice and Rangirangdoo win over the last four years. Also held at Royal Randwick is the Australian Derby Group 1 race. The first winner of the race was Kyogle. All members will recall Octagonal's great run in 1996. Octagonal still holds the record for the derby. As members will recall, the race featured a classic finish with Octagonal, Nothin' Leica Dane, Saintly and Filante—four champion racehorses—crossing the line together. A blanket could have been thrown over the lot of them. Octagonal went on to be one of the greatest Australian racehorses.

**The DEPUTY-SPEAKER (Mr Thomas George):** Saintly was not too bad, either.

**Mr CHRIS PATTERSON:** Saintly went on to win the Melbourne Cup that year, the Cox Plate the following year and Nothin' Leica Dane ran second in the Melbourne Cup and won the Victorian Racing Club Derby—what a fantastic derby that was. In mentioning the benefits of the racing industry to our State, I highlight the Government's support of responsible gambling and its encouragement of people to bet only

within their means. I cannot emphasise enough that while any form of gambling is enjoyed by the majority of people without problems, there are people in our community who have issues and problems with gambling. As a Government and a society we must ensure that we do all we can for those people.

[*Interruption*]

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! I call the member for Murray-Darling to order for the second time.

**Mr CHRIS PATTERSON:** Thank you, Mr Deputy-Speaker. His interjections are most off-putting. I congratulate Minister Souris on the introduction of this legislation. Without wishing to embarrass Minister Souris, we judge a good Minister by the length of his ministerial title. In Minister Souris' case, he has been sold short: A few titles could be added.

**The DEPUTY-SPEAKER (Mr Thomas George):** Order! The member for Camden will confine his remarks to the leave of the bill.

**Mr CHRIS PATTERSON:** This fantastic Minister has done outstanding work and I make that point so that the Minister's work is not lost on anybody. The Government also is to be commended for allocating over four years \$48 million in contracts to address responsible gambling by the provision of high-quality counselling and support services for problem gamblers across New South Wales. Fifty-six services will support mainstream and multicultural problem gambling services, legal support for problem gamblers and professional training for counselling.

This year the New South Wales Government also supported Responsible Gambling Awareness Week to assist in raising awareness about problem gambling. According to that wonderful font of knowledge and great website Wikipedia, horseracing in Australia ranks third in spectator sport attendance figures. It is a sport that anyone can enjoy whether by having a bet or a nice day out with some friends to enjoy the atmosphere of any of New South Wales' great racecourses. Racing is part of Australia's great history. I only have to mention the Melbourne Cup—the race that stops the nation—and it takes me back to year 12 at school when Tawrrific won, trained by Lee Freedman and ridden by Shane Dye. The next year we had Kingston Rule, ridden by Darren Beadman. In 1991 it was that great Bart Cummings-trained mare Let's Elope. In 1992 it was Subzero, when Veandercross went wide. I was at Kembla Grange watching that day and it was bucketing down in Melbourne. In 1993 Vintage Crop won—the first of the British imports.

**Mr John Williams:** He is a mad punter.

**Mr CHRIS PATTERSON:** I am not, but I used to enjoy watching the Melbourne Cup. In 1994 Wayne Harris came back after battling cancer and it was a fantastic—

**Mr George Souris:** Which horse won the 1968 Melbourne Cup?

**Mr CHRIS PATTERSON:** I am going back to when I was alive—Rain Lover.

**Mr George Souris:** Which horse won in 1969?

**Mr CHRIS PATTERSON:** Rain Lover. In 1995 we had Doriemus; in 1996 we had Saintly; in 1997 that great horse Might and Power edged Doriemus out by a nose; and in 1998 Jezabeel won. In the 15 seconds left for my speech, I commend the Minister for a fantastic bill. We are fortunate to have such a wonderful Minister. I commend the Government and the bill to the House.

**Mr RICHARD AMERY (Mount Druitt) [5.01 p.m.]:** I make a brief contribution to the Totalizator Amendment (Exclusivity) Bill 2013. The object of the bill is:

- (a) to enable the Minister administering that Act to accept an offer made by TAB Limited to enter into the deed entitled "NSW Exclusivity Deed" set out in Attachment 1 to a deed poll tabled by or on behalf of the Minister in the Legislative Assembly, and
- (b) to extend the exclusivity period that applies in relation to the granting of totalizator licences to TAB Limited and racing clubs under the Act for an additional 20-year period if the NSW Exclusivity Deed comes into force.

In the second reading speech the Minister made reference to the amount of money involved for the benefit of taxpayers. As has been indicated to the House, the Opposition supports the bill. I have listened to a number of the contributions made by Government members and it appears that this will be yet another extended debate.

**ACTING-SPEAKER (Mr Gareth Ward):** The library bill.

**Mr RICHARD AMERY:** I hope it will not take as long as the library bill, although, having heard the debate on the Entertainment Industry Bill 2013 earlier today—

**Mr Bryan Doyle:** You can take odds on that.

**Mr RICHARD AMERY:** —I fear that this bill may still be being debated in October if the recent form is any guide. The bill is a continuation of an arrangement set up by the previous Labor Government in relation to the granting of a licence to the TAB. The bill also amends the Totalizator Act of 1997, which is another piece of Labor Government legislation. I will not be responding to comments by Government members. I cannot see that Paleface Adios, Gunsynd or Phar Lap has anything to do with this bill; therefore, I will not be giving a list of champions that I have either won or lost money on. But in anticipation of any interjections I can inform the House that I did not lose money on Phar Lap. It is often said that the TAB is part of the New South Wales landscape and we support the people and the organisation, which has raised substantial funds from gambling for the taxpayers of this State. I support what the previous speaker said about the need to be conscious of responsible gambling. In recent years the TAB, the Government and community groups have done a lot of work to reinforce that gambling is not taboo but that in excess it can be a family wrecker.

The TAB was established in 1964 by a Labor Government, after many inquiries into offcourse gambling and betting. The concern was that gambling in New South Wales—there may even have been a royal commission—was prone to corruption at all levels. Anyone who can recall that period—I certainly can—will remember that offcourse betting was carried out by bookmakers from garages and flats at the back of people's homes. Bookmaking businesses were run from the backs of stores and shops in commercial centres not only in the western suburbs of Sydney but also throughout the State, and gambling corruption allegations were made about police and politicians. The situation was not easy to suppress or to police because—Australians being renown for betting on two flies walking up a wall—there was a lack of commitment to do something about it. Indeed, it is fair to say that corruption was tolerated by the broader community until it was shown to have infiltrated the Police Force and our political parties.

The introduction of a government-run TAB organisation was opposed by some Liberal-Country Party Coalition members—and the Labor Party too—who saw an end to arrangements they may have had with organisations running bookmaking businesses from the backs of homes and shops. How do I know these organisations operated in that way? Because I recall my dear departed mother giving me a couple of shillings to run down to Canley Vale and put a couple of bob either way on a horse. But she had an uncanny knack of having me go back again to collect another five or six shillings that she had won. She did not choose horses; she had great success in picking jockeys but she never let anyone in on the secret. I recall my father—who had a more serious gambling problem—losing money with a starting price bookmaker who ran his business from the back of a store at Liverpool. No names, no pack drill; it was on the old Hume Highway. Indeed, it was commonplace for two-up schools, offcourse betting and bets to be made on races in places such as that.

All this came to an end when the Labor Government of 1964 introduced the legislation into this very Chamber that set up the TAB, as we have come to know it. But the types of gambling have expanded. For example, in more recent years I was able to bet on my beloved Burnley Football Club—when they were in the Premier League. Most people enjoy being able to bet on any form of gambling at the TAB, and responsible gambling of that sort should not be discouraged. There was contentious political debate in the late 1990s when the Government moved to introduce the arrangement that is now sought to be amended. This bill will allow the Minister to enter into a deed to have that arrangement extended for a period of 20 years. This will result in a degree of financial benefit to the taxpayers of New South Wales, and that should be encouraged. I am happy to join with my Labor colleagues and the Government in supporting the bill.

**Mr BRYAN DOYLE (Campbelltown) [5.09 p.m.]:** I make a short contribution in support of the Totalizator Amendment (Exclusivity) Bill 2013. This bill will give effect to an in-principle agreement that the Government reached with Tabcorp to extend the TAB Totalizator licence exclusivity for a further 20 years. TAB Limited holds a 99-year licence, which was issued in March 1998, to conduct offcourse and oncourse totalisator betting in New South Wales. The extension of the exclusivity arrangement underpins and further

strengthens the estimated \$1 billion annual contribution to the State's economy. The racing industry supports 50,000 jobs. The TAB and the racing industry provide support throughout the State with many venues in regional areas, such as Campbelltown, the opal of the south-west and very best part of the Macarthur region. As a major funding source for the New South Wales racing industry, the Racing Distribution Agreement between the TAB and the three respective racing codes oversees the distribution of approximately \$250 million per annum. The TAB totalisator pool ensures also that the New South Wales public has access to a strong and stable wagering service that offers totalisator and fixed odds on racing and sports.

At present the TAB provides this through approximately 2,130 agencies comprising TAB retail outlets, and outlets in clubs and hotels, as well as oncourse, internet and telephone services. From the onset of this new agreement Tabcorp will be required to pay \$75 million, consisting of an initial payment of \$50 million with the balance to be paid over 10 years from 2024. My electorate of Campbelltown and the wider Macarthur region look forward to the completion of the \$30 million redevelopment of Tabcorp Park Menangle under the leadership of John Dumesny. This state-of-the-art facility will include restoration of the historic entrance, a 300-seat dining room, new grandstands, the Tanyia Harris OAM Marquee, a television studio, an open-air function area people can enjoy, a sports bar and, most importantly, 6,600 square metres of race day stalls for over 107 horses. Recently, I toured these facilities with Ms Katie Dumesny. They are so good I believe they have problems getting the racehorses to go home. The stable conditions are the best in the world with soft underlay for the horses' hooves, hot showers, protection from the elements and a good sand rub-down pit all the horses enjoy.

The venue also caters for race day fashions with our own milliner to the stars, Ms Jacinda Webster. The redevelopment of Tabcorp Park Menangle, in conjunction with the planned upgrade of Royal Randwick Racecourse, will trigger a golden age of racing in New South Wales. Racing is part of the leading sports events held in New South Wales that provide employment and entertainment opportunities. The previous speaker referred to the importance of responsible gambling. People should bet with their head, not bet over it. Support services are provided for those who experience gambling difficulties. I introduced my eldest daughter to her first oncourse bet at Tabcorp Park Menangle. Luckily, after taking her father's advice, she lost her dough and I think she learnt a very important lesson. The confirmation of TAB oncourse and offcourse totalisator licensing exclusivity arrangements will help guarantee the growth of this State's racing industry. It represents a major win each way for the people of New South Wales. I commend this bill to the House.

**Mr GLENN BROOKES** (East Hills) [5.13 p.m.]: The Totalizator Amendment (Exclusivity) Bill 2013 will amend the 1997 Act and extend the exclusivity of Tabcorp to continue its oncourse and offcourse wagering business. Put simply, this bill will provide certainty for the TAB and all the clubs and pubs that currently enjoy an agreement with it. Certainty in being the exclusive license holder will bring a sigh of relief to the whole industry. With the recent Federal Government scare of poker machine reform and clubs going into liquidation everywhere one looks, this is one way the New South Wales Government can give stability back to the industry. We as a Government are proud of the \$75 million dollar agreement and happy to see the licence extended to 2033. I am proud to give the industry the certainty it deserves. The racing industry contributes around \$157 million dollars to the State's economy every year and helps to fund vital community services, such as hospitals, police and firefighting, and other projects.

I acknowledge the steering committee and all the parties involved that helped to facilitate this agreement: PricewaterhouseCoopers; the Office of Liquor, Gaming and Racing; NSW Treasury or TCorp; the Department of Premier and Cabinet; the Crown Solicitor's Office; and the independent probity adviser. A bird in the hand is worth 10 in the bush. Members should consider for one minute the potentially serious implications had the O'Farrell Government not acted swiftly and with integrity on this issue. Every outlet could have been facing a refurbishment and the hassle of negotiating a new agreement with a new licensee. The inconvenience to operators and punters as well as the uncertainty for the three codes would have been the death of the industry. As I have stated, I am proud to be speaking on this matter and I commend the bill to the House.

**Mr GARRY EDWARDS** (Swansea) [5.16 p.m.]: I am honoured to make a brief contribution to the debate on the Totalizator Amendment (Exclusivity) Bill 2013 in the presence of the father of this particular legislation, the hardworking and extremely successful Minister Souris. I thank him for this wonderful piece of signature legislation. The bill will amend the Totalizator Act 1997 to enable the Minister to accept the offer made by TAB Limited, which is a wholly owned subsidiary of Tabcorp Holdings Limited, to enter into the NSW Exclusivity Deed and extend the exclusivity period that applies to the granting of totalisator licences to Tabcorp and racing clubs under the Act for an additional 20-year period should the deed come into force. This bill shows that this Government is committed to supporting the viability of the racing industry, which provides significant economic contributions to the State.

The New South Wales racing industry contributes an estimated \$1 billion to the State's economy annually and also supports some 50,000 full-time and part-time jobs. New South Wales has 192 registered race clubs—136 for thoroughbred racing, 31 for harness racing and 25 for greyhound racing. All registered race clubs hold a 99-year licence that was issued in March 1998 to conduct oncourse totalisators at their race meetings. Throughout the State there are 191 licensed racecourses—125 for thoroughbreds, 31 for harness racing and 35 for greyhounds. In the 2012-13 financial year 2,565 race meetings were conducted in New South Wales—771 thoroughbred races, 501 harness races and 1,293 greyhound races. Racing events are a leading sports event and an important part of the social and economic fabric of the many New South Wales communities.

Tabcorp holds a 99-year licence to conduct offcourse and oncourse totalisator betting in New South Wales. These licences included a 15-year exclusivity period, which expired on 22 June this year. During the exclusivity period the TAB has been the sole holder of an offcourse totalisator licence in this State. Under the Totalizator Act 1997, the TAB was required to enter into commercial arrangements with the New South Wales racing industry as a prerequisite to it being granted a licence. Those statutory obligations recognise that at the time of the privatisation of the TAB, the racing industry was and continues to be recognised as a major contributor to the State's economy. The major source of funding for the New South Wales racing industry comes from the Racing Distribution Agreement between the TAB and the three racing codes. Approximately \$250 million per annum is distributed to the racing industry in New South Wales. The TAB totalisator pool also ensures that the New South Wales public has access to a strong and stable wagering service which offers totalisator and fixed odds on racing and sport. At present, the TAB provides this through approximately 2,130 agencies, which consist of TAB retail outlets and outlets in clubs and hotels, as well as its oncourse, internet and telephone services.

Wagering on racing also makes a significant contribution to the State's economy, with \$157 million being received by the Government in wagering taxation per annum to be utilised for public services such as health, education and law enforcement. With a view to providing both continuity and revenue certainty on behalf of the racing industry and to securing an important revenue stream for the people of New South Wales as a whole, the Government examined options for the future provision of totalisator betting within the State. Recognising the object of the continued effective and productive operation of the New South Wales racing industry, it was decided to enter into negotiations with Tabcorp for the extension of the 15-year exclusivity period from October 2013. These negotiations were undertaken by PricewaterhouseCoopers under the guidance of an inter-agency steering committee. On 20 June 2013 the Government announced that it had reached an in-principle agreement with the TAB for it to pay \$75 million to extend the TAB's exclusive licence for oncourse and offcourse totalisator activities, including through club and pub outlets and their existing fixed-odds activities across the State, for a further 20 years until June 2033. The \$75 million payment from the TAB will consist of an initial payment of \$50 million, with the balance to be paid over 10 years, commencing in 2024.

The proposed amendments will also extend the exclusive right of racing clubs to conduct their oncourse totalisators. This maintains existing arrangements whereby racing clubs are able to enter into commercial arrangements with the TAB to provide that service so that all continue to benefit from maximising from the pooling of oncourse and offcourse activities. The existing commercial arrangements between Tabcorp and the racing industry, including the operation of the oncourse totalisator, will not be affected. The amendment to extend the exclusivity of the racing clubs to conduct oncourse totalisators was at no cost to the clubs and indeed the industry as a whole. Thoroughbred, harness and greyhound racing provides enjoyment and a recreational outlet for many more thousands of enthusiasts throughout New South Wales. This recreation is accessible to everyone in the community, with many racecourses across this State.

In New South Wales we are fortunate to have some of the most talented trainers, such as Gai Waterhouse, and some of the best racing venues, such as Royal Randwick, Rosehill Gardens, Gosford, Wyong and, last but not least, the Broadmeadow racetrack. As we speak, the Royal Randwick racecourse is undergoing a \$150 million facelift to extend its world-class facilities. Each of these racing venues demonstrates local pride and tradition. This sense of community identity represents much more than economic contribution. Confirming the oncourse and offcourse totalisator licensing exclusivity arrangements with the TAB by way of legislation will allow for the continued viability and growth of the racing industry in New South Wales. The TAB and the Racing Distribution Agreement are an important element of a viable funding model for the New South Wales racing industry and it enables the development, operation and marketing of the New South Wales racing industry and its race meetings. I commend this bill to the House.

**Mr JOHN FLOWERS** (Rockdale) [5.25 p.m.]: I make a contribution to debate on the Totalizator Amendment (Exclusivity) Bill 2013 and read into *Hansard* for the people of Rockdale the rationale behind the

bill. The bill enables the Minister administering the Totalizator Act 1997 to accept the offer made by TAB Limited to enter into the deed entitled "NSW Exclusivity Deed". The bill also extends the exclusivity period that applies in relation to the granting of totalisator licences to TAB Limited and racing clubs under the Act for an additional 20-year period if the exclusivity deed comes into force. The NSW Exclusivity Deed will, on coming into force, entitle the Crown to be paid specified instalments as consideration for the extension of the exclusivity period. This bill gives effect to an in-principle agreement that the Government reached with Tabcorp to extend the TAB's totalisator exclusivity licence for a further 20 years. At present, TAB Limited holds a 99-year licence issued in March 1998 to conduct offcourse and oncourse totalisator betting in New South Wales.

Racing clubs in New South Wales also hold 99-year licences for the conduct of oncourse totalisator betting, with the TAB undertaking this by agreement on behalf of the racing clubs. These licences included a 15-year exclusivity period, which expired on 22 June 2013. Following negotiations with Tabcorp on 20 June 2013, the Government reached an in-principle agreement to extend the TAB's exclusive licence for totalisator activities, including through club and hotel outlets and its existing fixed-odds activities across the State, for a further 20 years upon payment of \$75 million. The \$75 million comprises an initial payment of \$50 million, with the balance to be paid over 10 years from 2024. During the exclusivity period, which expired on 22 June 2013, the TAB has been the sole holder of an offcourse totalisator licence in this State. Under the Totalizator Act 1997, the TAB was required to enter into commercial arrangements with the New South Wales racing industry as a prerequisite to it being granted a licence. Those statutory obligations recognise that, at the time of the privatisation of the TAB, the racing industry was and continues to be recognised as a major contributor to the State's economy. The extension of the exclusivity arrangements underpins the estimated \$1 billion annual contribution to the State's economy and the 50,000 jobs that the industry supports, many in regional areas.

The major source of funding for the New South Wales racing industry comes from the Racing Distribution Agreement between the TAB and the three racing codes. Approximately \$250 million per annum is distributed to the racing industry in New South Wales. The TAB totalisator pool also ensures that the New South Wales public has access to a strong and stable wagering service which offers totalisator and fixed odds on racing and sport. At present the TAB provides this through approximately 2,130 agencies, which consist of TAB retail outlets and outlets in clubs and hotels, as well as its oncourse, internet and telephone services. The TAB Racing Distribution Agreement is an important element of a viable funding model for the New South Wales racing industry. It enables the optimal development, operation and marketing of the New South Wales racing industry and its race meetings.

Wagering on races also makes a significant contribution to the State's economy, with about \$157 million being received by the Government in wagering taxation per annum. That is utilised for public services such as health, education and law enforcement. With a view to providing both continuity and revenue certainty on behalf of the racing industry, and to secure an important revenue stream for the people of New South Wales as a whole, the Government examined options for the future provision of totalisator betting in the State. It recognised the objective of the continued effective and productive operation of the New South Wales racing industry. It was decided to enter into negotiations with Tabcorp for the extension of the TAB totalisator licence exclusivity. These negotiations were undertaken by PricewaterhouseCoopers under the guidance of an inter-city agency steering committee.

The steering committee was chaired by the Office of Liquor, Gaming and Racing and comprised representatives from Treasury, the Department of Premier and Cabinet, and the Crown Solicitor's Office. It was assisted by an independent probity adviser. Throughout the process, PricewaterhouseCoopers provided ongoing legal assistance. The Crown Solicitor's Office also helped guide the Government's consideration of this significant matter. The existing commercial arrangements between the TAB and the racing industry, including the operation of oncourse totalisator betting, will not be affected. The amendment to the exclusivity of racing clubs to conduct oncourse totalisator betting was at no cost to those clubs or indeed the industry as a whole. Racing across the three codes of thoroughbred, greyhound and harness racing provides enjoyment and a recreational outlet for many thousands of enthusiasts throughout New South Wales. This recreation is accessible to everyone, with many racecourses across New South Wales. Punters can experience the atmosphere by attending race meetings, viewing television coverage or listening to radio broadcasts.

Following the performance of a champion racehorse adds to the enjoyment. Carnival days are important events promoting Sydney as the destination to visit at those times. The autumn carnival is recognised as the premier racing in Australia at that time. Nevertheless, it is also true that racing is community based and all race clubs must have non-proprietary status, which means that their profits must be directed back into the racing industry if they are to be registered by racing's controlling body. Whether a race club is a city, provincial or country

club, each has its special racing day. Racing events are part of the group of leading sports that capture people's imagination and provide entertainment and employment. They are an important part of the social and economic fabric of the Australian community. Confirming the oncourse and offcourse totalisator licensing exclusivity arrangements with the TAB by way of legislation will allow for the continued viability and growth of the racing industry in this State and will be a win for the people of New South Wales. I commend the bill to the House.

**Mr CLAYTON BARR** (Cessnock) [5.30 p.m.]: The Opposition supports the Totalizator Amendment (Exclusivity) Bill 2013. It should be mentioned that this follows on from the terrific work done by the previous Labor Government. The intelligent Minister for Tourism, Major Events, Hospitality and Racing, in his good sense and wisdom, has continued the great work of the previous Labor Government in preparation for this. The overview of the bill says that the object of this bill is to amend the Totalizator Act 1997 to enable the Minister administering that Act to accept the offer made by TAB Limited and to extend the exclusivity period, which had been 15 years and is now a further 20 years.

I draw the attention of the House to what is in the budget papers. For the sake of those people who regularly read my speeches in *Hansard*, I am talking about Budget Paper No. 2, chapter 6 at pages 16 and 25. This is of concern for all of us. Many members in the House today have talked about how the racing industry makes up the fabric of our community. They mentioned the great work the industry does and that most of us do not mind having a punt. I think the member for Camden was able to recite the Melbourne Cup winners over the last 72 years or thereabouts. I draw people's attention to this quote from Budget Paper No. 2 under the heading "gambling taxes". I acknowledge the honesty of the Government in writing this into the budget papers. It says:

Revenue from racing is expected to decline by 1.2 per cent per annum over the period 2012-13 to 2016-17. This is due to weaker betting on NSW totalizators as a result of interstate and online competition.

The legislation we are debating in this House secures ongoing sources of funds for this great State of ours and secures the sports of greyhound racing, harness racing and thoroughbred racing. But it is important that we recognise that there are significant and harmful impacts coming our way, at an escalating rate, from corporate and online betting. We are still struggling to understand how we can best realise profits and funding from those forms of betting. Why should we do that? It is because the money goes back into the sport. If we are going to have great facilities and significant prize money that is going to attract people to train, race and travel with their animals then we have to have the money coming back into the sport.

I acknowledge again that it was terrific that the Government put that into the budget paper, especially because table 6.13 on page 25 of Budget Paper No. 2 only gives projections out to 2013-14. We need to acknowledge that there is a tsunami coming in the funding of and betting on sports, and we need to address that. I am quite certain that if the Minister were to bring into the House some legislation that addressed the issue of corporate and online betting then we might, in some bipartisan way, come to an agreement. We need to address that issue to make sure the funds are there so that the sports we have all spoken about so glowingly tonight will continue to be there in the coming decades. I commend the bill to the House.

**Mr MARK SPEAKMAN** (Cronulla) [5.37 p.m.]: I support the Totalizator Amendment (Exclusivity) Bill 2013 because it supports the viability of the racing industry. That industry makes a significant social and economic contribution to our State of New South Wales. Our State's racing industry contributes an estimated \$1 billion to the State's economy each year. The industry supports 50,000 full-time and part-time jobs. In New South Wales there are 192 registered racing clubs—136 thoroughbred clubs, 31 harness clubs and 25 greyhound clubs. Each registered race club holds a 99-year licence, issued in March 1998, to conduct an oncourse totalisator at their race meetings. In 2012-13, there were 2,565 race meetings conducted in New South Wales—771 thoroughbred race meetings, 501 harness race meetings and 1,293 greyhound race meetings.

TAB Limited is a wholly-owned subsidiary of Tabcorp Holdings Limited. The TAB has about 2,130 agencies, consisting of TAB retail outlets and outlets in clubs and hotels as well as oncourse, phone and internet services. TAB Limited holds a 99-year licence, issued in March 1998, to conduct offcourse and oncourse totalisator betting in New South Wales. New South Wales racing clubs also hold 99-year licences to conduct oncourse totalisator betting, with the TAB undertaking this by agreement on behalf of the racing clubs. These various licences include a 15-year exclusivity period, which expired on 22 June 2013. During the exclusivity period, the TAB has been the sole holder of an offcourse totalisator licence in New South Wales. Under the Totalizator Act 1997, the TAB was required to enter into commercial arrangements with the New South Wales racing industry as a prerequisite to it being granted a licence. Those statutory obligations recognise that at the time of the privatisation of the TAB the racing industry was—and continues to be—recognised as a major contributor to the State's economy. The New South Wales racing industry receives about \$250 million per annum from this source. This represents the main source of revenue for the industry and its participants.

The Totalizator Amendment (Exclusivity) Bill 2013 will give effect to an in-principle agreement that the Government reached with Tabcorp to extend the TAB's totalisator licence exclusivity for a further 20 years. To provide continuity and revenue certainty on behalf of the racing industry and to secure an important revenue stream for the people of New South Wales, the Government examined options for the future provision of totalisator betting within the State. The Government decided to enter into negotiations with Tabcorp for the extension of the totalisator licence exclusivity. PricewaterhouseCoopers undertook the negotiations, guided by an interagency steering committee. The steering committee was chaired by the Office of Liquor, Gaming and Racing and was made up of representatives of that agency, Treasury, the Department of Premier and Cabinet and the Crown Solicitor's Office. The steering committee was assisted by an independent probity adviser. Throughout the process PricewaterhouseCoopers provided ongoing legal assistance. The Crown Solicitor's Office also helped guide the Government's consideration of this significant matter.

As I said before, the exclusivity period of the TAB's 99-year totalisator licences expired on 22 June 2013. On 20 June 2013 the Government announced that it had reached an in-principle agreement with Tabcorp for it to pay \$75 million to extend the TAB's exclusive licence for oncourse and offcourse totalisator activities, including through club and pub outlets and their existing fixed-odds activities across the State, for a further 20 years until June 2033. The \$75 million payment from Tabcorp will consist of an initial payment of \$50 million with the balance to be paid over 10 years from 2024. The bill will enable the Minister to accept the offer made by the TAB to enter into a so-called New South Wales exclusivity deed.

The bill will also amend the Totalizator Act 1997 to extend the exclusivity period that applies in relation to the granting of totalisator licences to the TAB and racing clubs for an additional 20 years. This will maintain existing arrangements whereby racing clubs are able to enter into commercial arrangements with the TAB to provide that service so that all can continue to benefit from the pooling of oncourse and offcourse activities. The amendment to extend the exclusivity of racing clubs to conduct oncourse totalisators came at no cost to those clubs or, indeed, the racing industry as a whole. The Government recognises the importance of the community base of racing in New South Wales. Although we may have glamorous race days at Randwick and Rosehill, racing remains a community-based activity. All race clubs have to have a non-proprietary status. That means that profits have to be directed back into racing if the clubs are to be registered by a racing controlling authority.

Race clubs have carnival days that showcase their local pride and tradition. These are important events, particularly in regional and rural areas. The racing industry is an important part of the social and economic fabric of the Australian community. It contributes important revenue to the New South Wales Government for it to fund the public services we take for granted such as health, education and public transport. I support the extension of the exclusivity arrangements because it will underpin the \$1 billion annual contribution that racing makes to the State's economy and the 50,000 jobs that the industry supports, many of which are in regional areas. It will also underpin the revenue stream for the Government from the racing industry and the viability and revenue certainty of registered racing clubs in New South Wales. For those reasons, I am pleased to support the bill and commend it to the House.

*[Business interrupted.]*

## **BUSINESS OF THE HOUSE**

### **Suspension of Standing and Sessional Orders: Order of Business**

#### **Motion by Mr BRAD HAZZARD agreed to:**

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

- (1) For the following routine of business from 7.00 p.m.:
  - (a) private members' statements;
  - (b) matter of public importance; and
  - (c) the House to adjourn without motion moved at the conclusion of the matter of public importance.
- (2) That from 7.00 p.m. until the rising of the House, no divisions or quorums be called.

**TOTALIZATOR AMENDMENT (EXCLUSIVITY) BILL 2013****Second Reading**

[*Business resumed.*]

**Mr GEOFF PROVEST** (Tweed—Parliamentary Secretary) [5.45 p.m.]: I will make a contribution to the debate on the Totalizator Amendment (Exclusivity) Bill 2013. The New South Wales racing industry contributes an estimated \$1 billion to the State economy annually and supports up to 50,000 full-time and part-time jobs. As I am when so many bills are brought forward by the Minister for Tourism, Major Events, Hospitality and Racing, and Minister for the Arts, I am impressed by the Minister's ability to have his finger on the pulse. I am impressed by his dedication to the industry and his ongoing commitment to the good people of this State. I know that people in the fields of the arts and gaming and racing highly respect the Minister not only for his knowledge and understanding but also his desire to deliver results in an open and transparent fashion. I feel honoured to serve with this Minister in his Government. His skill as Minister probably comes as no surprise, considering that his ancestry lies in the birthplace of democracy.

As we know, all registered racing clubs are holders of a 99-year licence issued in March 1998 to conduct an oncourse totalisator at their race meetings. Unlike other members, I do not have a racetrack in my electorate. Instead, I have a fantastic greyhound racing track called Border Park. I know that in recent times the Minister and his efficient staff have taken a fairly active interest in Border Park, which I am sure will lead to an extraordinarily positive outcome. Also, the iconic Murwillumbah Turf Club is adjacent to my electorate. Many great events have been held there. It would be remiss of me to not mention the member for Lismore, because the Murwillumbah Turf Club is based within his electorate.

Secondly, I know that the Minister has gained a high level of rapport with the club and hotel industry. I have worked in many licensed clubs and the TAB facilities have been a key component of their profit-making ventures. Whether I am at the great St Johns Park Bowling Club in the Cabramatta electorate, one of the great clubs in Singleton, at Mounties or the Twin Towns Services Club at Tweed Heads, a significant amount of resources are given to the TAB. No matter where they are, most clubs have installed a sports bar, as they are called, with proper terminals and multiple monitors. They attract a large crowd because a lot of people are interested in racing. They range from the serious punter to the person who has a flutter only every now and then. In 2012 and 2013 there were 2,565 horseraces held in New South Wales—771 thoroughbred, 501 harness and 1,293 greyhound. That is a significant number. Exclusivity gives certainty to the industry. As previous speakers have said, the industry generates approximately 50,000 full-time and part-time jobs. I think that figure is actually a lot larger.

I guess all of us in this Chamber have attended one race meeting, or even a number of race meetings. If we go with our partner it usually means a new outfit and new shoes for them—and we often get new things too. It is about social interaction. As a member of The Nationals who comes from regional New South Wales, I know that race day is one of the highlights in any country town. In many towns it is virtually a public holiday. People love to go and get a new outfit. The member for Cabramatta might visit the hairdresser for a new hairdo and then go off to the races. It is absolutely tremendous. Racing is an important part of the social and economic fabric of many communities. That is what the Minister has recognised with this bill. He is a strong supporter of the major players in the racing industry—the Royal Randwicks, Harold Parks and so on—but also of the smaller country racetracks that perhaps hold only two or three meetings a year.

The TAB is established and easy to use. A number of speakers referred to online gambling. There has been a fair amount of discussion about that in recent days. But I still think the TAB is the traditional form of gambling, whether you are at the track, in the club, in the pub or elsewhere. Therefore, I take great pleasure in supporting the Minister, who has once again excelled himself by introducing this extraordinarily relevant and precise bill. The racing industry in New South Wales receives about \$250 million per annum from the TAB, which would have to be the major revenue stream. A number of members on this side of the House—including the member for Penrith and the member for Hawkesbury—take an active interest in, and are very supportive of, the racing industry. They indicated that this is an important form of ongoing funding for the sport. In concluding I will draw a comparison. Racing is known as the "sport of kings", and this bill has been brought forward by the king of all Ministers: the Minister for Tourism, Major Events, Hospitality and Racing. I think there is some semblance of connectivity in that regard. A number of speakers have explored the bill in fine detail. I strongly commend the bill to the House.

**Mr CHRISTOPHER GULAPTIS** (Clarence) [5.53 p.m.]: It gives me great pleasure to speak in debate on the Totalizator Amendment (Exclusivity) Bill 2013. The member for Tweed said that other members have outlined the specifics of the bill. I think they are so important that I need to go through them again. I commend the Minister for Tourism, Major Events, Hospitality and Racing for bringing this important bill to the House. It is important for me as the member for Clarence because of the Grafton Cup. I say: Yassou, Minister, and thank you for bringing this bill to the House. The Minister was in Grafton for the ninety-ninth Grafton Cup last year. It was a terrific event and he saw firsthand what a spectacular regional race it is. The crowds, the colour and the quality of the racing are something to behold. The cup is one of the biggest non-metropolitan events on the Australian racing calendar. It is run over 2,350 metres for prize money of \$150,000 and is held annually in July as part of a 10-day carnival. Other major races are the \$150,000 Ramornie Handicap and the \$50,000 Grafton Guineas.

The carnival is hosted by the Clarence River Jockey Club. This year, the 100th anniversary of the cup, was spectacular. Renowned trainers such as Chris Waller, Gai Waterhouse and Peter Snowden were in attendance, and the crowds were up 50 per cent or 60 per cent on those last year. I had the pleasure of running into the Federal Nationals member for Riverina, Michael McCormack, who is a racing aficionado. He was very surprised by the quality of the racing, the quality of the track and the number of people who were at Grafton that day to see the 100th running of the Grafton Cup.

**Mr Geoff Provest:** Who won?

**Mr CHRISTOPHER GULAPTIS:** The winner was O'Ceirin. He was the 100th winner of the Grafton Cup. The owners pocketed \$150,000 and the punters had a pretty good day too, with \$5 for the win. This 10-day carnival brings millions of dollars to Grafton and the Clarence Valley. It is a very important event for the area. In conjunction with the Grafton Cup is the Grafton Greyhound Racing Carnival, which is held at pretty much the same time. They complement each other very well. The Grafton Greyhound Racing Club is a very well-run organisation. The president is John Corrigan; the vice president is Laurie Arnott; the secretary is Brad Ellis; the treasurer is Rick Godwin; and the committee members are Jeff Chapman, Barry Walters, Warren Munford, Bob Merillo and Rod Dicks. I mention them by name because they work very hard to make the sport pre-eminent in this country town.

There is a terrific day and evening to be had at the Grafton greyhound races. I recommend that those who have not done so go along and support greyhound racing in country New South Wales. These events cannot happen without sponsors. Some of the terrific sponsors of Grafton greyhound racing are the Village Green Hotel, Westlawn Finance, Beaurepaires Grafton, Clarence Valley Sheds, Dinky Di Web Design and the Grafton District Services Club. That is how a country town operates: Businesses get behind events and make them worthwhile. Those businesses and sponsors have certainly made Grafton greyhound racing what it is today. I have mentioned how important racing is to Grafton. The New South Wales racing industry contributes an estimated \$1 billion to the State's economy annually. It also supports some 50,000 full-time and part-time jobs, many of which are in regional New South Wales and in my electorate of Clarence.

I have spoken passionately about the Grafton Cup, but I should not neglect the Casino Jockey Club, which is in the northern part of my electorate and is part of the Northern Rivers racing circuit. The events that have been held at Casino are fantastic, and I have had the pleasure of attending a number of horseraces there. I certainly supported the local bookies and the TAB—they did very well from my support. Racing is an important industry across New South Wales, and particularly in regional New South Wales. There are 192 registered racing clubs in New South Wales of which 136 are thoroughbred racing clubs, 31 are harness racing clubs and 25 are greyhound racing clubs.

All registered race clubs are the holders of a 99-year licence that was issued in March 1998 to conduct an oncourse totalisator at their race meetings. There are 191 licensed racecourses throughout the State, of which 125 are used for thoroughbred races, 31 are used for harness racing and 35 are used for greyhound racing. Twelve of those are located in the greater Sydney metropolitan area. In the 2012-13, 2,565 race meetings were conducted in New South Wales of which 771 were thoroughbred races, 501 were harness races and 1,293 were greyhound races. Racing events are leading sports events that captivate the community and provide both entertainment and employment opportunities. They are an important part of the social and economic fabric of the many communities across New South Wales. Of course it is important for people to gamble responsibly.

The primary source of revenue for the New South Wales racing industry and its participants is through its commercial arrangements with the TAB for a revenue stream derived from wagering turnover. Under the

Totalizator Act 1997, the TAB was required to enter into commercial arrangements with the New South Wales racing industry as a prerequisite to its being granted its 99-year licence to conduct offcourse and oncourse totalisators. The New South Wales racing industry receives approximately \$250 million a year from that source. TAB Limited is a wholly owned subsidiary of Tabcorp Holdings Limited. The TAB has a network of approximately 2,130 agencies that consist of TAB retail outlets, outlets in clubs and hotels as well as its oncourse, phone and internet services. The TAB and the Racing Distribution Agreement are important elements of a viable funding model for the New South Wales racing industry that enables the optimal development, operation and marketing of the New South Wales racing industry and its race meetings throughout the world.

The exclusivity period of the TAB's 99-year totalisator licences expired on 22 June 2013. Prior to that date the Government engaged PricewaterhouseCoopers to examine options for the future provision of totalisator betting within the State. Following consideration of the advice provided by PricewaterhouseCoopers, the Government determined that industry stability and government were best served by entering into negotiations with Tabcorp for the extension of the TAB's totalisator licence exclusivity, which is the purpose of the bill. Given that the time allocated for my speech has expired, I conclude by commending the bill to the House and the Minister for its introduction.

**Mr STEPHEN BROMHEAD** (Myall Lakes) [6.03 p.m.]: I support the Totalizator Amendment (Exclusivity) Bill 2013 and commend the Hon. George Souris—that giant among Ministers and that man among men—for its introduction. This Minister not only has the Racing portfolio but also has great experience that includes his previous role in 1991 in the Coalition Government as the Minister for Sport, Recreation and Racing. During his previous ministerial term he attended the Taree Racecourse and we had a great day. At that time, I was a member of the racecourse trust. I mention that to show that the Minister is not just someone who has gained the Racing portfolio; he actually has great experience in administering racing. Either last year or the year before that Minister Souris chose the Taree Racecourse to announce the \$5-million grant for country racing, which was a pre-election commitment. By doing so he demonstrated that this Government—unlike the previous Labor Government that gave the people of New South Wales 16 years of broken promises, 16 years of incompetence and 16 years of scandals—delivers on its election promises.

The bill is welcome and I congratulate Jinesh Patel from the Minister's office on his hard work and on the dedication he has shown in assisting the Minister with the formulation and introduction of this legislation. Taree is blessed with the Bushland Drive Racecourse. When I was a trustee, the Taree Racecourse was selected to be one of six regional training racecourses in New South Wales. The racecourse underwent a \$2-million upgrade and a short time later \$3 million was spent on upgrading the patrons' facilities, which resulted in Taree Racecourse becoming one of the best training and racing facilities in regional New South Wales. As members who preceded me in this debate have mentioned, in New South Wales there are 129 thoroughbred racecourses of which 12 are in the metropolitan area and the remainder are in country areas. It can truthfully be said that without regional and country racing, racing would not be able to survive based solely on the metropolitan area.

**Mr George Souris:** That is true.

**Mr STEPHEN BROMHEAD:** Regional and country racing employs thousands of people. Racing is very much part of the fabric and culture of regional New South Wales. An examination of the history of many regional areas in New South Wales as far back as the 1800s reveals that practically every village had its own racetrack and its own race day. In the Manning Valley, Taree has a racetrack, as it did 150 years ago. Taree, Wingham, Oxley Island, Mitchells Island, Jones Island, Nabiac, Mount George, Dyers Crossing, Cranback and other villages totalling approximately 30 in the Myall Lakes electorate each had a racetrack, a cricket team and a rugby team, and villages near watercourses had their own rowing regattas as well. It is amazing to think of how important racing and sport were in the early days of settlement—they were the very essence of small communities. The New South Wales Government recognises the importance of the racing industry and gave effect to its commitment to country and regional racing by allocating a grant of \$5 million.

A recent landmark decision of the High Court favoured the racing industry and will eventually result in significant revenue being retained. It is extremely important that revenue generated in this State remains in regional New South Wales. The bill that has been introduced by this great Greek god gives effect to an in-principle agreement that the Government reached with Tabcorp to extend the TAB totalisator licence exclusivity for 20 years. I must say that the Minister is not only brilliant when it comes to the racing industry, major events and other portfolio areas but also great at playing rugby. He was a tremendous player who represented country New South Wales and the State of New South Wales. Recently I discovered that he coached the chief executive officer of Australian Rugby Union, Bill Pulver, when Bill was at school.

**Mr George Souris:** Yes.

**Mr STEPHEN BROMHEAD:** Earlier I intended to mention that when the Minister visited Taree in 1991, he was at that time deemed to be one of the elder statesmen. Yet he is still here doing his bit for the people of New South Wales; he is still serving the people of New South Wales. TAB Limited, a wholly owned subsidiary of Tabcorp Holdings Limited, holds a 99-year licence, which was issued in March 1998, to conduct offcourse and oncourse totalisator betting in New South Wales. New South Wales racing clubs also hold 99-year licences for the conduct of oncourse totalisator betting. The TAB undertakes this with the agreement of the racing clubs. These licences include a 15-year exclusivity period, which expired on 22 June 2013.

In negotiations with Tabcorp Holding Limited on 20 June 2013 the Government reached an in-principle agreement to extend TAB Limited's exclusive licence for totalisator activities, including through club and pub outlets and its existing fixed-odds activities across the State, for a further 20 years. The agreement was for the payment of \$75 million—an absolutely brilliant result and a great thing for the people of New South Wales. The \$75 million is comprised of an initial payment of \$50 million, with the balance to be paid over a number of years.

The Government is committed to supporting the viability of the racing industry. It is an industry that makes significant social and economic contributions to the State. The agreement will provide continuity and certainty for the racing industry, which is important to the running of any business. The purpose of the Totalizator Amendment (Exclusivity) Bill 2013 is to enable the Minister administering the Totalizator Act 1997 to accept the offer made by TAB Limited to enter into the deed entitled "NSW Exclusivity Deed". It also extends the exclusivity period that applies in relation to the granting of totalisator licences to TAB Limited and racing clubs under the Act for an additional 20-year period, if the NSW Exclusivity Deed comes into force. The NSW Exclusivity Deed will, on coming into force, entitle the Crown to be paid specified instalments as consideration for the extension of the exclusivity period. Schedule 1 [2] of the bill provides :

- (a) authorises the Minister, on behalf of the Crown in right of the State, to accept the offer made by TAB Limited to enter into the deed entitled "NSW Exclusivity Deed" set out in Attachment 1 to the deed poll tabled by or on behalf of the Minister in the Legislative Assembly on the day on which this Bill is introduced, and
- (b) provides for the exclusivity period under Division 1 of Part 3 of the Act to be extended for an additional 20-year period (commencing on 23 June 2013) if the NSW Exclusivity Deed comes into force.

The extension of the exclusivity period will end if the NSW Exclusivity Deed is terminated under clause 5.1 of the deed before the end of the additional 20-year period. I commend the Totalizator Amendment (Exclusivity) Bill 2013 to the House.

**Mr JOHN SIDOTI** (Drummoyne) [6.13 p.m.]: I agree with and pay the same compliments to the Minister for Tourism, Major Events, Hospitality and Racing, and Minister for the Arts that the member for Myall Lakes has extended. There is only one thing better than a Minister visiting an electorate and that is a Minister who visits an electorate and brings his chequebook. The Minister has always done that—in fact, he did so recently. My constituents are still talking about the Minister's visit to the Kokoda Memorial Walkway. The Totalizator Amendment (Exclusivity) Bill 2013 gives effect to an in-principle agreement reached between the Government and Tabcorp to extend the TAB's totalisator licence exclusivity for a further 20 years.

As we have heard from members tonight, racing plays an important part in this State's cultural and economic life. I remember being taken to Harold Park with family friends as a child and watching the trotters. That is a thing of the past as there is now a development on that site. As well as providing entertainment and employment for many members of our community, the TAB makes a substantial contribution to the finances of New South Wales. These funds are used to improve and support the infrastructure and services provided by the Government across this State. The arrangements outlined in this bill are further evidence of the Government's commitment to supporting the economic viability of this industry. As we have heard this evening, many clubs, especially the smaller clubs, are struggling and the bill should prove to be of assistance to the industry. It has been developed in a sensitive and economically responsible manner.

TAB Limited holds a 99-year licence, issued in March 1998, to conduct offcourse and oncourse totalisator betting in New South Wales. New South Wales racing clubs also hold 99-year licences for the conduct of oncourse totalisator betting, with the TAB undertaking this by agreement on behalf of the racing clubs. These licences include a 15-year exclusivity period, which expired on 22 June 2013. Prior to this bill coming before the House, the Government carefully considered its options, to ensure both revenue certainty and

continuity in the racing industry and to New South Wales. It determined that the extension of Tabcorp's exclusive licence is both proper and appropriate. This was done after extensive consultation and negotiations that were undertaken by PricewaterhouseCoopers under the guidance of an inter-agency steering committee.

This bill enables the Minister administering the Totalizator Act 1997 to accept the offer made by TAB Limited to enter into a deed entitled "NSW Exclusivity Deed", which will, on coming into force, entitle the Crown to be paid specified instalments as consideration for the extension of the exclusivity period. The bill gives effect to an in-principle agreement the Government reached with Tabcorp to extend the TAB's totalisator licence exclusivity for a further 20 years. At present, TAB Limited holds a 99-year licence that was issued in March 1998 to conduct offcourse and oncourse totalisator betting in New South Wales. Racing clubs also hold 99-year licences for the conduct of oncourse totalisator betting with the TAB undertaking this by agreement on behalf of those clubs. These licences included a 15-year exclusivity period, which expired on 22 June 2013.

Clause 1 sets out the name of the proposed Act, also called the short title. Clause 2 provides for the commencement of the proposed Act on the date of assent. Schedule 1 [2] authorises the Minister, on behalf of the Crown in right of the State, to accept the offer made by TAB Limited to enter into the deed entitled "NSW Exclusivity Deed" set out in Attachment 1 to the deed poll tabled by or on behalf of the Minister in the Legislative Assembly on the day on which this Bill is introduced, and under division 1 of part 3 provides for the exclusivity period to be extended for an additional 20-year period, commencing on 23 June 2013, if the NSW Exclusivity Deed comes into force. However, the extension of the exclusivity period will end if the deed is terminated under clause 5.1 of the deed before the end of the additional 20-year period. Schedule 1 [1] makes a consequential amendment to the definition of "exclusivity period". Schedule 1 [4] provides for certain competition authorisations with respect to the NSW Exclusivity Deed and the deed poll that contained the offer for the deed.

Schedule 1 [3] replaces outdated references to the Commonwealth Trade Practices Act 1974, with references to the Commonwealth Competition and Consumer Act 2010, and schedule 1 [5] enables the Governor to make regulations of a savings or transitional nature consequent on the enactment of an Act that amends the Totalizator Act 1997. The New South Wales racing industry contributes an estimated \$1 billion to the State's economy annually and also supports some 50,000 full-time and part-time jobs. New South Wales has 192 registered racing clubs—136 for thoroughbred racing, 31 for harness racing and 25 for greyhound racing. All registered race clubs hold a 99-year licence issued in March 1998 to conduct an oncourse totalisator at their race meetings.

Throughout the State there are 191 licensed racecourses—125 for thoroughbreds, 31 for harness racing and 35 for greyhound races, of which 12 are located in the greater Sydney metropolitan area. We are lucky to have several located in the Hunter, including The Gardens, a greyhound racing track, and a fantastic harness racing club located conveniently in the middle of Newcastle. This club has a central business plan: During the week horses train in the early mornings and late afternoons, and in the evening the centre of the ground is rented out for the Newcastle touch football competition. The ground has good drainage and provides an all-weather amenity for the Newcastle touch football players.

In the 2012-13 financial year 2,565 race meetings were conducted in New South Wales—771 for thoroughbreds, 501 for harness races and 1,293 for greyhounds. Racing is a leading sports event that captures the community by providing entertainment and employment opportunities. It is appropriate that the Minister's electorate has within it the heart of the New South Wales thoroughbred breeding industry but, additionally, his portfolios are linked with arts and major events. It is no coincidence that some of the State's economic drivers are not just major events, and what a winter of major events we have had. Gaming and racing also brings much to our economy. Our fantastic spring carnival generates tens of millions of dollars for the economy and brings tourists from all over New South Wales to Sydney. I congratulate the Minister on his great leadership and wish him much future success.

The primary source of revenue for the New South Wales racing industry and its participants is through its commercial arrangements with the TAB for a revenue stream derived from wagering turnover. Under the Totalizator Act 1997, the TAB was required to enter into commercial arrangements with the New South Wales racing industry as a pre-requisite to being granted its 99-year licence to conduct offcourse and oncourse totalisator services. The New South Wales racing industry receives approximately \$250 million per annum from this source. TAB Limited is a wholly owned subsidiary of Tabcorp Holdings Limited and has a network of approximately 2,130 agencies, which consist of TAB retail outlets, outlets in clubs and hotels, as well as its oncourse, phone and internet services. There is not one electorate represented in this Chamber that does not have its fair share of licence holders or publicans with TAB outlets within their establishment.

The TAB and the Racing Distribution Agreement are important elements of a viable funding model for the New South Wales racing industry. They enable the optimal development, operation and marketing of the industry and its race meetings. As I stated earlier, the exclusivity period expired on 22 June 2013. Prior to this date the Government engaged Pricewaterhouse Coopers to examine options for the future provision of totalisator betting within the State. Following consideration of the Pricewaterhouse Coopers advice, the Government determined that industry stability and government were best served by entering into negotiations with Tabcorp to extend the TAB's totalisator licence exclusivity. These negotiations were undertaken by Pricewaterhouse Coopers under the guidance of an interagency steering committee.

On 20 June 2013 the Government announced it had reached an in-principle agreement for Tabcorp to pay \$75 million to extend for a further 20 years until June 2033 the TAB's exclusive licence for oncourse and offcourse totalisator activities, including club and pub outlets, and its existing fixed-odds activities across the State. The \$75 million payment from Tabcorp will consist of an initial \$50 million payment, with the balance to be paid over 10 years from 2024. Having been a vet for some 20 years, I have had the great privilege to work with some fantastic people in the racing industry. After graduating, my initial job was in Griffith in the Riverina area. I worked with a veterinarian who not only was a highly experienced veterinary surgeon who had served that community for some 40 years, but also had provided pro bono services to the Griffith racing club.

Racing brings together people from all walks of life, whether as an owner, trainer or someone who just likes to go to the track to enjoy the activities as a gambler or spectator. In regional areas it is a fantastic community event and should be celebrated. The Carrathool Picnic Races is not a TAB meeting but brings people from thousands of kilometres away to participate. That is what racing does for our community. This bill provides future surety for the industry. I take great pleasure in commending the bill to the House.

**Mr DARREN WEBBER** (Wyong) [6.23 p.m.]: I support the Totalizator Amendment (Exclusivity) Bill 2013, which will give effect to an in-principle agreement that the Government reached with Tabcorp to extend the TAB's totalisator licence exclusivity for a further 20 years. To the relief of most members, I will not speak for long. These arrangements are a demonstration of the Government's commitment to supporting the viability of the racing industry, which provides significant social and economic contributions to the State. One has only to look at the statistics to understand this industry's importance. The New South Wales racing industry contributes an estimated \$1 billion to the State's economy annually and also supports some 50,000 full-time and part-time jobs.

There are 191 licensed racecourses throughout the State, consisting of 125 thoroughbred, 31 harness and 35 greyhound racecourses. Twelve of these are located in the Greater Sydney area and they also include the successful Wyong Race Club in my electorate. The race club plays a large role in Wyong's rich history. The first racecourse in the Wyong township was built in 1912 by George Goldsmith, the district's leading sawmillier. Built on the site of the present Wyong course, the track was based on sawdust from the mill and was apparently lightning fast. The course was closed during World War II and reopened on 14 September 1946. The Wyong course was again closed for a short period in 1955 whilst the new grandstand was built at a cost of £22,000. That stand was later demolished. On 25 August 1991 it was replaced by the Paul Levick stand, which cost \$6 million, including all amenities. The new stand is now regarded as one of the best function centres in the district.

I have mentioned before that the Wyong Gold Cup is held every year and is one of the social highlights in Wyong. The Minister for Tourism, Major Events, Hospitality and Racing, who is in the Chamber this evening, is no stranger to Wyong. He has invested in all the facilities that promote tourism in the Wyong district, including the Central Coast wetlands, which is a stone's throw from the racecourse. His contributions to the Wyong electorate are appreciated. In 2012-13, there were 2,565 race meetings conducted in New South Wales, consisting of 771 thoroughbred race meetings, 501 harness race meetings and 1,293 greyhound race meetings. A special occasion that year was when the Melbourne Cup was displayed at the Wyong racecourse. I was honoured to don the white glove and hold the cup. Racing events are leading sport events that capture the community spirit and provide entertainment and employment opportunities. They are an important part of the social and economic fabric of the many communities across New South Wales, including the electorate of Wyong.

TAB Limited holds a 99-year licence, issued in March 1998, to conduct offcourse and oncourse totalisator betting in New South Wales. New South Wales racing clubs also hold 99-year licences for the conduct of oncourse totalisator betting, with the TAB undertaking this by agreement on behalf of the racing clubs. The exclusivity period of the TAB's 99-year totalisator licence expired on 22 June 2013. Prior to this date, the Government engaged PricewaterhouseCoopers to examine options for the future provision of totalisator

betting within the State. Following consideration of the advice provided by PricewaterhouseCoopers, the Government determined the industry's stability and governance were best served by entering into negotiations with Tabcorp for the extension of the TAB's totalisator licence exclusivity. These negotiations were undertaken by PricewaterhouseCoopers under the guidance of an inter-agency steering committee. The TAB has a network of approximately 2,130 agencies, which consist of TAB retail outlets, outlets in clubs and hotels, as well as its oncourse, internet and telephone services.

The TAB Racing Distribution Agreement is an important element of a viable funding model for the New South Wales racing industry. It enables the optimal development, operation and marketing of the New South Wales racing industry and its race meetings. On 20 June 2013 the Government announced that it had reached an in-principle agreement with Tabcorp for it to pay \$75 million to extend the TAB's exclusive licence for oncourse and offcourse totalisator activities, including through club and pub outlets and their existing fixed-odds activities across the State, for a further 20 years until June 2033. The \$75 million payment from Tabcorp will consist of an initial payment of \$50 million, with the balance to be paid over 10 years from 2024. I commend the bill to the House and pay tribute to the hardworking Minister.

**Debate adjourned on motion by Mr Jai Rowell and set down as an order of the day for a future day.**

## **JOINT SELECT COMMITTEE ON SENTENCING OF CHILD SEXUAL ASSAULT OFFENDERS**

### **Appointment**

**ACTING-SPEAKER (Ms Melanie Gibbons):** I report the receipt of the following message from the Legislative Council:

Madam SPEAKER

The Legislative Council desires to inform the Legislative Assembly that it has this day agreed to the following resolution:

1. That this House agrees to the resolution in the Legislative Assembly's message of Thursday 15 August 2013 relating to the appointment of a Joint Select Committee on Sentencing of Child Sexual Assault Offenders.
2. That the time and place for the first meeting be Thursday 29 August 2013 at 1.45 p.m. in Room 1136.

Legislative Council  
21 August 2013

NATASHA MACLAREN-JONES  
Deputy President

**Consideration of message set down as an order of the day for a future day.**

## **POLICE LEGISLATION AMENDMENT (SPECIAL CONSTABLES) BILL 2013**

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

*[Acting-Speaker (Ms Melanie Gibbons) left the chair at 6.34 p.m. The House resumed at 7.00 p.m.]*

## **PRIVATE MEMBERS' STATEMENTS**

### **HORNSBY WEST PRECINCT DEVELOPMENT**

**Mr MATT KEAN** (Hornsby) [7.00 p.m.]: Tonight I will speak about some of the actions Hornsby Shire Council is taking to improve the character and amenity of the shire, and in particular on the west side of the Hornsby railway station. Hornsby West Precinct is in need of renewal and investment as our community plans for the future. A master plan for the area is currently being developed by council that will bring Hornsby West Precinct into the twenty-first century with new economic and employment opportunities whilst at the same time protecting the amenity of the area. The aim is to transform the old town centre into a vibrant community hub that all of our local residents can be proud of.

I thank Hornsby Shire Council and its new mayor Steve Russell for their great vision and drive to improve our community and plan for the future. The new mayor, Steve Russell, is doing a fantastic job representing the community of Hornsby. Change is already evident with the commencement of construction of the Hornsby aquatic centre. There is forward momentum for the first time in a long time with Steve Russell at the helm. I congratulate him on the tremendous work that he is doing.

While we wait for the master plan, council has remained proactive in its goals to rejuvenate the area by introducing a pop-up art initiative in the town centre. This scheme has had tremendous success in Parramatta and Epping, where previously unoccupied shops were transformed into temporary exhibition centres for local artists. This scheme is impressive because it utilises vacant shop fronts while attracting new visitors to the area and providing new revenue streams for the surrounding retail outlets and hospitality venues. Local artists will also benefit greatly from this forward-thinking initiative, which will increase exposure of their new masterpieces to the shire's ever-growing art community.

Hornsby shire has produced the noted artist Margaret Preston, who is admired greatly by many in this Chamber. Hornsby is one of the most beautiful regions of Sydney and it is no coincidence that some of the State's best artists call Hornsby home. I have previously spoken about the accomplishments of Susan White, winner of the Adelaide Perry Prize for Drawing. I will share a story about one of Hornsby's best up-and-coming artists. Hornsby resident Steven Goorevich is one of the local artists who will work in the makeshift studio and display his aerosol artworks. Mr Goorevich is now a stay-at-home dad after he was involved in a horrible construction site accident in 2005 when a 200-kilogram steel frame fell on him and crushed his spine. Mr Goorevich needed extensive surgery after the accident and was forced to learn to walk again.

The accident has prevented Mr Goorevich from returning to his former job as a labourer. Thankfully he has since found solace in his aerosol artwork, which he says helps distract him from his devastation. Mr Goorevich first started producing aerosol art in 2009 when he painted a wall in his garage. His freehand artwork was so impressive that neighbouring residents soon took notice and encouraged him to pursue his new passion on canvas. I am pleased to announce that Mr Goorevich will now be able to take the next step in his new career after being selected as the first artist to display his art in the pop-up studio known locally as "Number 5". Mr Goorevich told the *Hornsby Advocate* that it was an honour to be recognised for his work by his artistic peers and the wider community. I am sure the pop-up studio will help other emerging artists like Mr Goorevich and give them a platform on which to showcase their skills and creativity.

Pop-ups like Number 5 have a constant turnover of tenants, which will keep bringing people back to Hornsby West Precinct. Following Mr Goorevich's three-week residency at Number 5, the Hornsby Shire Historic Society will move in for History Week from 7 to 14 September. The society does remarkable work promoting the proud history of Hornsby shire. The Artists Loft, a diverse group of artists who produce handmade objects, including bags, scarves and artists' books, will move in for the duration of Hornsby shire's Festival of the Arts. It is a great initiative supported by the Hornsby Shire Council. I congratulate Mayor Steve Russell for continuing to promote this initiative.

As the local member I am excited about this new phase of development in Hornsby. I share the community's excitement about the future opportunities the rejuvenation of Hornsby West Precinct will offer. I encourage all residents of the Hornsby shire to visit the west side and to check out these talented local artists. The artwork on display is inspiring and reflects the great diversity for which our shire is renowned. I encourage everyone in the State and this Chamber to visit the pop-up art exhibitions on the west side of Hornsby.

**Mr PAUL TOOLE** (Bathurst—Parliamentary Secretary) [7.05 p.m.]: I commend the member for Hornsby for raising this important issue. He is passionate about his electorate and dedicated to the issues that concern his constituents. That is demonstrated by his regular advocacy in this Chamber. It is very important that the member for Hornsby and the mayor of Hornsby work together to achieve the goals that are important for their community. By working together they are building a relationship that will enable them to create a vision for the electorate and to develop its long-term viability. I thank the member for Hornsby for speaking about Mayor Steve Russell.

**Mr Matt Kean:** A great mayor.

**Mr PAUL TOOLE:** A great mayor and a great member who is committed to working with and achieving the best for his constituents.

## **CAMPSIE LOCAL AREA COMMAND**

### **MOTOR VEHICLE THEFT**

**Mr ROBERT FUROLO** (Lakemba) [7.06 p.m.]: I draw the attention of the House to an issue of considerable concern to many families in the electorate of Lakemba. At the outset I will make a brief

observation about the hard work of the police and staff from the Campsie Local Area Command. The command covers 13 suburbs in south-western Sydney, including most of the electorate of Lakemba, and has a team of more than 140 officers and staff headed by Commander Michael McLean. The challenges facing this command are complex because it serves some of the most disadvantaged areas in the State and some of the most culturally diverse areas in the country.

The officers and staff of the command embrace their jobs with compassion and commitment. Since being appointed as the area commander, Mr McLean has gone out of his way to make himself available to the community. In May I joined him and hundreds of local residents at a safety summit at Riverwood Community Centre organised by Canterbury City Council. The forum provided residents with a great opportunity to raise any concerns they had directly with the commander and his crime manager. In addition to these community forums, the Precinct Safety Committee provides a regular opportunity for community leaders to talk to Commander McLean.

It has been through these forums that an emerging issue has come to my attention. There is no doubt that the combination of good police work and relatively good economic times have contributed to declining and stabilising crime trends, or simply stabilising crime trends. This is a result that straddles both the former and the current governments and it should be recognised as such. An example of crime rates falling is motor vehicle theft, which has been trending downwards over many years. In fact, the number of motor vehicle theft incidents recorded by the NSW Police Force has dramatically decreased over the past couple of decades, from 54,488 incidents in 1990 to 18,221 in 2012, which is a fall of nearly 70 per cent.

The March 2013 quarterly update from the NSW Bureau of Crime Statistics and Research shows this decline continuing, with motor vehicle theft declining by 7.4 per cent across the State. But, as we know, crime is ever evolving and there is always the next challenge. This is where the issue is having a serious effect on my community. In its 2011-12 annual report, the National Motor Vehicle Theft Reduction Council noted that, nationally, profit-motivated theft of vehicles for conversion into cash by illegal means increased by eight per cent in the 12 months to June 2012, and the overwhelming majority of these thefts were of older cars. The council also noted that two-thirds of stolen but not recovered vehicles were more than 11 years old.

There are a number of reasons that older cars are being targeted in what is suspected to be organised criminal activity. Older vehicles have lower levels of anti-theft protection, making them much easier to steal. I am advised that, once stolen, these older vehicles are often stripped and sold for scrap metal. From discussions with the local area commander, it is apparent that these thefts and the sale of stolen vehicles for scrap is an all too familiar problem in my community. With one in four households in my electorate living on a combined income of \$500 per week, many simply cannot afford a new car with better security and anti-theft devices. For those with a car, it can be their only means of getting to and from work, picking up the kids from school, or getting to and from medical appointments. So for them having their car stolen, taken to the scrap metal yard and sold for a few hundred dollars is a significant problem. It would appear that car thieves are taking advantage of the fact that the scrap metal industry is underregulated.

We know that the sale of second-hand goods to dealers and pawnbrokers is strictly regulated to reduce the ease with which stolen goods are disposed of. But, while car thieves are converting their stolen items to cash through scrap metal dealers, this industry is not regulated to the same extent as other dealers in second-hand goods. It would seem to me that, at the very least, scrap metal dealers should be required to maintain records of who supplies them with scrap metal, particularly motor vehicles, in a similar way to that required of pawnbrokers and second-hand dealers. I understand that, before we regulate an industry, we as legislators must consider the costs and the benefits of any new regulation. But it is clear, in looking at the experiences of my constituents and the hard-working police in my electorate, that we need to start talking to the police and the industry to address what will only become a bigger problem if it is left unaddressed.

### **MOLONG MAGPIES RUGBY CLUB**

**Mr ANDREW GEE** (Orange) [7.11 p.m.]: Tonight I pay tribute to those favourite sons of the Central West, the Molong Magpies Rugby Club. It is with great pride that I announce to the House that the Molong Magpies Rugby Club won the Central West Rugby Union Australian National Field Days Southern Division Premiership against minor premiers Blayney at Blayney on Saturday. It was a remarkable victory because Blayney was unbeaten for 31 games, and two seasons, until Saturday. No team had crossed the Blayney tryline in the second half of the season until the Molong Magpies Rugby Club unleashed their match-fit XV on Saturday. Molong had lost the major semi-final against Blayney at the previous encounter between the two

teams. Coach Jock Haynes said the win was a result of dissecting a poor performance in the semis and developing a new game plan for the decider. He said that the Magpies' backs had a shocker in the semis. They went into the grand final with a plan to place pressure on the back line of their opposing team and to force them into making errors. History shows that the plan came together.

Jock Haynes also believed the Magpies had match fitness on their rivals and used this to good effect. However, the first points of the game were scored from a try by Blayney after 20 minutes. It gave the home team a 5-0 lead. The Magpies levelled the score when flanker Dean Butler barged through the defence. The teams went to the half-time break at five-all. Captain and centre Kyle Travis led by example when he put the Magpies in the lead. He finished off a superb back-line movement with a five-pointer to put the Magpies in front with a scoreline of 10-5. Soon after, club president and lock Gordon Welsh, a club stalwart, put the Magpies further into the lead with another five-pointer from a chargedown. With 15 minutes to play, halfback Will Oldham kicked a penalty goal, which gave the Magpies an 18-5 lead. Blayney, with a never-say-die attitude, then charged back with a converted try. With only two minutes on the clock, Blayney scored a third try from a chargedown and needed the conversion to win. The pressure proved too much and Molong took victory with a scoreline of 18-17.

It was a great team effort from the forward pack of props Mick Reynolds and Brendan McCullen; hooker Tom de Greenlaw; lock, the great Ross Cary; flanker Tim Rodd; and number 8 Josh Pepper. Fly half Mick Thompson, wingers Josh Reid and Stuart Hobbs, centre Jonno McCann and fullback Simon Shannon all had great games. Jack Pratten, Zac White, Carl Reid, Mitch Taberner, Adam Smith, Andrew Minehan, Nick Rodd, Rob Ferguson, Matthew Steventon and Scott Williamson, came off the bench to play an important part in the victory. Jock Haynes said the real clincher for the Magpies was the magnificent support they received from the people of Molong. During the week, local businesses and supporters were decked out in black and white. On Saturday, they turned out in club colours at the game to outnumber the Blayney supporters and gave great vocal support to the Molong boys. This kind of support from the people of Molong gave the team great incentive to cause what was the biggest upset of the 2013 competition. Behind the scenes there was a great deal of work from club captains Ben Redfern and Hunter Bowman, Vice President Dan Toynton, Secretary Hayley Glynn and Treasurer Jock Haynes. Try-scorer Gordon Welsh is President of the club and put in a magnificent effort. I acknowledge club registrar Dave Ferguson and committee members Peter Evans, Paul Glynn, Mark Glumelli, and Mary and Bryan Mulhall. Mary is described on the club website as an all-round club legend.

I had the privilege of attending the Molong Magpies presentation night at the end of last season, and also a trivia night this year. Their spirit is unparalleled. One of their mottos is, "It's not the size of the bird in the fight, but the size of the fight in the bird." And so it proved in this wonderful grand final performance. I thank the Molong Magpies for their magnificent season. I pay tribute to their committee and to their valued supporters, who were instrumental in achieving this great upset for Molong. I make particular mention of club stalwart Gordon Welsh, who has been planning to retire for the last season or two. However, on the back of this performance, he will no doubt be pressured into yet another great season for the mighty Molong Magpies. Congratulations to the team, and may they continue to have many successful seasons into the future.

**Mr PAUL TOOLE** (Bathurst—Parliamentary Secretary) [7.16 p.m.]: I thank the member for Orange for bringing the performance of the Molong Magpies before the House tonight. It does disappoint me a little because I serve the people of Blayney. There is a great rivalry between the two teams. It is great that the member for Orange has highlighted this sporting event, especially at this time of year when we are starting to see grand finals and semifinals take place in all the different sporting codes. The member for Orange is very passionate about the teams within his electorate and it was great to hear him give us a great analysis and rundown of the performance of the Molong Magpies and highlight the individual achievements of some of those players. Sport is very important to our regional communities, and I am pleased the member has highlighted that in the House tonight.

#### **AUSTRALIAN-VIETNAMESE FILM *CHANGES OF OUR LIVES***

**Mr NICK LALICH** (Cabramatta) [7.17 p.m.]: I had the pleasure of attending the screening of a short film that raises the issue of hepatitis B entitled *Changes of our Lives* at the Wetherill Park theatre on 27 July 2013. The Australian-Vietnamese film, directed by Maria Tran, is the first of its kind to be made by our local community in Cabramatta. The film was shot over a four-month period. I am pleased to say that it was shot at locations across Cabramatta, including at a hospital, a cafe and a restaurant. More than 100 locals were involved in the production.

This film cleverly uses both comedy and drama to raise awareness of hepatitis B, which is a taboo subject in the Vietnamese community. It also details the symptoms of hepatitis B, how to deal with it and what

treatments are available. The Vietnamese community makes up a large proportion of my electorate and it is reported that one in eight Vietnamese people have been affected by hepatitis B. I hope that this film will help those affected with hepatitis B to better understand this issue and to be more open and willing to talk about it. Hepatitis B is a serious virus, starting off with symptoms in the liver, which cause inflammation, vomiting and jaundice. This virus may cause liver cancer down the track.

Liver cancer is the fastest-increasing cause of cancer deaths, and the survival rate remains among the lowest of all cancers, with only 16 per cent of sufferers still alive five years after diagnosis. With this in mind, I welcome the Federal Labor Government's recent commitment of \$5.6 million to identify and treat hepatitis B. It is said that in the Vietnamese and Asian communities, and particularly in the Arab community, hepatitis B is a taboo subject; they just do not talk about it. Many of those who have the disease are born with it; it has been in the family for quite a few generations. When someone dies from it, those communities do not worry about the reason for that.

A friend of mine died of liver cancer. Three years before his death he had a brain haemorrhage, went into hospital and had an operation that fixed the problem. Just three years later he found he had hepatitis C and died of liver cancer. I asked a doctor, "How long would he have had to have hepatitis C to get cancer?" The doctor said, "He would have had to have it for about 10 or 15 years prior to finding out that he had cancer." So he had a long time to find out about it. I was a bit annoyed that this was not discovered three years earlier when he went into hospital for the brain haemorrhage operation, so I said to my doctor, "If he had known at the time of the operation that he had hepatitis C, could doctors have prolonged his life?" He said, "Yes, they could have." It was surprising that when in hospital for such a big operation it was not discovered that he had hepatitis C. Quite obviously, they do not go looking for all those things. I think this should be a normal test that is done.

After that, I had a hepatitis C test and the vaccination. The test proved I was clear, but at least it was comforting to know that I had no problem. I say to everyone, including members of this House, "If you think you might have any problems, or even if you do not, just have the test for this disease." It is a very easy blood test, and the immunisation involves one little injection. Early immunisation can protect an individual from the deadly virus, and there are treatments available for those who are affected. Generally, those affected with acute hepatitis B are monitored for threatening liver failure. For those who suffer with chronic hepatitis B, the main objective of their treatment is to reduce the risk of complications including cirrhosis and liver failure. I urge anyone who is concerned to go to their local doctor and get it checked out, before it is too late.

I would like to acknowledge Ms Maria Tran for her previous works as she has done many excellent films within the local community. The films she has produced have helped the community by hiring people and creating jobs. Maria has also helped with another documentary, which many members may have seen, entitled "Once Upon a Time in Cabramatta", showing the nation how much Cabramatta has transformed since the early days of the 1990s, when drugs and gangs were prominent in the area. There is no doubt that Maria is a prime example of the great talents that have come out of Western Sydney. I would also like to thank the Cancer Council NSW for commissioning this film and its partnership with the Information and Cultural Exchange. I again congratulate Maria for the wonderful film she has produced and would like to acknowledge and thank all the volunteers, actors and those involved in the making of the film.

### **BARHAM RURAL FIRE SERVICE**

**Mr JOHN WILLIAMS** (Murray-Darling) [7.22 p.m.]: It gives me great pleasure tonight to inform the House that on 19 July this year I attended the Barham Rural Fire Service station opening and tanker handover. Fortunately, I have been involved in many other similar events throughout the electorate of Murray-Darling. The support of this Government for Rural Fire Service firefighters is really what it is all about and they are worthy of that support. The Government has been standing by these guys and providing them with the necessary equipment. While I was at the Barham station on 19 July I noticed a letter that I thought is worthy of placing on record. I do not think I need convince any member of this House of the great work of the Rural Fire Service; however, this letter outlines just what the Rural Fire Service is all about. It was printed in an article in the *Koondrook and Barham Bridge* on Friday 19 February 2010, relating to the Black Saturday bushfires. The article commenced:

Black Saturday 2009 was horrific—countless properties destroyed and numerous lives lost.

Our local 'Rural Fire Service' teams did their bit to help and judging by the letter below left quite an impression on one homeowner in particular who took the time to thank them in writing, whilst also detailing the events that led to Barham and Wakool Fire Trucks coming to their rescue. The letter was sent to Barham RFS Captain Peter Hird who was asked to forward it on to the local paper.

It then published the letter I saw at the Barham Rural Fire Service station:

Hi Peter,

I spoke to you on the phone on the anniversary of Black Saturday. As it did for all involved, the day stirred up emotion once again. It was a terrible time but one that my wife and I look upon with extreme gratitude that we didn't do it alone. I chose to write you something for you to pass on to all the "boys" who gave up their time, safety (and more importantly their loved ones) to put themselves literally in the line of fire to keep us all safe!!! Who would do that??

February 7, 2009 onwards will have many different stories; mine revolved around RFS trucks, tankers and "fire-fighters".

The first two days were full of "yes" I will stay and defend, "no" I will go, stay, go etc ...

Our property is 60 acres of bush, backing onto the Black Ranges on which we lived in a timber and mud brick house. The fire took 24 hours to reach us.

Sometime around the second day or night (it's a bit muddled) the strike leader came in and walked around my property and said, "We can do this". Then in came the best sight I have ever seen! Barham and Wakool fire trucks.

Guys ran everywhere, running hoses and setting up whilst the team leader stood next to me and asked questions like where's the water, dams, tracks to get out, etc.

These guys went about their business with extreme confidence and a calmness which in turn instilled in me a complete faith in their abilities.

Where we are situated is on the edge of the Black Range State Park—very steep hills, one main road in, numerous DSE bush tracks out.

We have a track leading into our drive over which is a little bridge leading into 5 acres of cleared land in which our house sits surrounded by bushland.

The reason I explain the landscape is to acknowledge the difference in terrain to what your guys are all used to. For them flat terrain, open paddocks and bush are all the norm! Fires usually follow one front or direction and are more predictable.

At the house there was a howling southerly and 500m up the track a northerly just as strong.

For two days the fire front was 360 degrees around us with only the main road still clear.

These guys gave up four or five days, time and money, not to mention their own personal safety, to come in and help us and our whole community. For that we are very, very grateful.

To us this is the most selfless, bravest thing I have witnessed and I would like to thank you and all your boys involved for your help.

Steve Trembath,  
Crystal Creek Rd

That is testament to the great work done every day by the Rural Fire Service in the event of bushfires. The level of cooperation in my electorate between all these groups is absolutely fantastic. They work together, and on a voluntary basis. My congratulations to them.

**Mr PAUL TOOLE** (Bathurst—Parliamentary Secretary) [7.27 p.m.]: I thank the member for Murray-Darling for bringing to the attention of the House not only this important tanker handover but also the wonderful work that the Rural Fire Service volunteers do for all communities across New South Wales. We all know of the risks posed by bushfires, and the vital role that members of the Rural Fire Service play in protecting our communities. These volunteer men and women, who come from all walks of life and different backgrounds, go to fight countless fires in our communities. Their knowledge and experience is invaluable when it comes to dealing with these events. These are hardworking people who are professionals. I thank the member for Murray-Darling for raising in the House the wonderful work done by the Rural Fire Service and for taking this opportunity to say thank you to them for the services that they provide to our communities.

#### **CARRINGTON CENTENNIAL CARE**

**Mr CHRIS PATTERSON** (Camden) [7.28 p.m.]: Carrington Centennial Care is a wonderful facility in my electorate. Such is the esteem in which Carrington is held within our community that the Hon. Barry O'Farrell, Premier, and Minister for Western Sydney, recently opened the new recreational and leisure facility, which is part of the redevelopment of the complex. We were joined by the Federal member for Macarthur, Russell Matheson, Camden's Deputy Mayor, Peter Sidgreaves, Councillor Theresa Fedeli, the General Manager, Ron Moore, and the Director of Development, Nicole Magurren. Carrington is a major part of Camden's identity

and one that many locals hold dear to their hearts. At a cost of \$8.5 million, fully funded by Carrington, the new facility has an indoor heated swimming pool, fitness and wellness centre, activities rooms, a bowling green and a computer club for seniors. The facility also offers a first-class restaurant and bar. Carrington holds pride of place throughout the Camden community and its management's commitment to the residents is evident in the expansion of the facility.

Carrington Centennial Hospital for Convalescents was the first of its kind in New South Wales and was officially opened on 20 August 1890, making it 123 years old yesterday. The hospital owes its existence to the generosity of Mr William Henry Paling of Palings Music Stores. Mr Paling gave his farm Grasmere of some 450 acres and 10,000 pounds as a centennial gift to the people of New South Wales. One of the objects of the deed of trust on giving the land was to provide cottages for poor lads of delicate health, and incurables. The hospital is named after Lord Carrington, who was Governor of New South Wales at the time of the colony's centenary and the deed of gift was presented to him for that occasion. There were several cottages in the complex. Grasmere Cottage was used for the treatment of children in the early years. There also was Redman Cottage and the Freemasons Cottage. Alpha Cottage, which is no longer standing, was used to house patients prior to the building of the hospital.

Over the years the complex has expanded to incorporate hostel accommodation as well as independent living units. In 1982 the Paling Court Hostel was built and consisted of 30 rooms. The first 48 independent living units were constructed in the Paling Court area. Since that time growth has steadily continued and Carrington now includes 214 hostel rooms and 264 independent living units. The Grasmere Terrace facility was opened in 2009. Seventy new self-care units were completed for occupation in February 2010. Recently, the ground floor of the original building, called Carrington House, was restored to its former glory. The 121-year-old building has revealed original treasures including terrazzo tiles, fireplaces and timber flooring and is used as staff offices and a small medical centre for members of the retirement village and residents of Grasmere. The chief executive officer of the complex, Mr Raad Richards, who does an outstanding job in his role, hopes to eventually begin tours of the property to enable the community to see the history of Carrington House.

The residents of this vast complex speak highly of the facility. The facility continues to grow and meet the needs of our modern seniors who choose to live in Carrington. Many of the residents who downsize and make Carrington their home often speak of what a wonderful decision they made. Further plans are underway to expand the facility and demand is growing from many interested people. On any given day there are some 1,000 people at the complex including nearly 400 staff, who all work tirelessly in caring for the residents and ensuring that Carrington is such a wonderful facility. Carrington's staff are the backbone of the community. Some of them have given 35 years of service, which says a tremendous amount about Carrington as an employer and the dedication of its staff.

Carrington has been shaped by its wonderful board members of the past and the chair's leadership has been instrumental in not only Carrington's evolution but, in many cases, Camden's as well. People such as Bruce Cunningham, John Southwell, Rowan Moore, Peg Macintee and Graham Pascoe have been recent past chairs who have given so much to our community. I congratulate the current board of directors on their vision to make Carrington the cutting edge of retirement living not only in the Macarthur region but across the country. Congratulations to Chairman Mr Bruce Hanrahan, AM, Deputy Chair Alek Jankowski, Graham Pascoe, Ally Dench, Michael Coffey, Rhonda Griffiths and Teresa Harm. Carrington has managed to blend the old with the new and the people of Camden are proud of this first-class facility. It is rich in history while creating very modern retirement living. To finish, I will reiterate how wonderful this facility is and how proud and lucky the people of Camden are to have such a place in the electorate of Camden. In my travels I go far and wide and everybody tells me they aspire to make their facilities as good as those at Carrington.

#### **ASHFORD, BUNDARRA AND EMMAVILLE CENTRAL SCHOOLS PROGRAM**

**Mr ADAM MARSHALL** (Northern Tablelands) [7.33 p.m.]: I bring to the attention of the House an excellent educational program in the Northern Tablelands electorate between the Ashford, Bundarra and Emmaville central schools known as the ABE Program. I mentioned this program less than three months ago in my inaugural speech and listed it as one of my first priorities in coming into this place. A lot of positive things have happened since then and a lot is still to occur, but before I get to that I will inform the House about the history of the ABE Program.

The ABE Program was created in 2003 following pressure from the communities of Ashford, Bundarra and Emmaville. Of the 67 central schools in New South Wales, Ashford, Bundarra and Emmaville central

schools were the sixty-first, sixty-second and sixty-third central schools to be able to offer stage 6 studies, which is years 11 and 12. The ABE Program was initially trialled as a pilot program combining the curriculum at the three schools and linking them with the Dubbo School of Distance Education [DSDE]. At the time the Department of Education wanted to see if the inclusion of Dubbo School of Distance Education in the program would improve the educational outcomes.

The objectives of the ABE Program were simple and straightforward. They were to increase the retention of rural students at school and to ensure access to schooling as near as practicable to the students' homes. Another objective was to improve the quality of education for rural students through the expansion of choice of patterns of study, courses and course levels, opportunities for students not previously serviced by rural schools, and support for less academically able students. Other aims of the program were to enable rural students to maintain the continuity of association with their local school, retain the school identity, maintain the support of family, and to stay close to their homes to eliminate extra travel and expense.

The program was subject to a number of reviews. In 2005 a review found that the program was achieving outstanding results. In 2011 a staffing review found that the program was sitting outside the usual staffing formula of schools in New South Wales. In 2012 the schools were notified that the ABE Program would cease operation in 2013. Parent bodies and the school communities lobbied the Minister for Education, Adrian Piccoli, and won a reprieve for 12 months when the Minister agreed to continue the program at 75 per cent staffing levels.

The achievements of the schools have been amazing. Retention rates have jumped from around 30 per cent in 2002 to around 90 per cent today at Ashford, Bundarra and Emmaville central schools. A total of 67 per cent of the students who complete their Higher School Certificate at the schools go on to university. During the course of the program 17 Indigenous students have gained their Higher School Certificate and three are currently studying at university. The Higher School Certificate programs were introduced to stop the huge number of students dropping out in year 10 because of the difficulty in travelling long distances to schools in larger centres. By any criteria, this program is a success. The results have exceeded all expectations.

I pay tribute to the Minister for Education, Adrian Piccoli, for allowing the schools to continue the program and also for being the first State education Minister to sign up to the Gonski reforms. These three schools will continue to benefit from those reforms and will be able to continue this program through the new resource allocation models. I thank the Minister for his availability to discuss the importance of the program with my community and for his willingness to engage directly with the schools next Monday when he is in Armidale for the Community Cabinet meeting.

I also wish to acknowledge the school principals—Mick Lewis at Ashford, Veronica Slattery at Emmaville and Jack Dalby at Bundarra—and their respective Parents and Citizens Association representatives: Leza Luckett, Joanne Hill and Leanne Calthorpe. They and many others have fought hard for their schools with great passion, sense and patience during a very stressful time. They have my hearty congratulations and respect for everything they have done. The Ashford-Bundarra-Emmaville program is achieving exactly what it set out to do: retaining students to Higher School Certificate level, when previously the great majority left at year 10. Those students are now continuing their further education, including at university. For me, that is as good as it gets. I look forward to the continuation of the Ashford-Bundarra-Emmaville program. Again, I send my hearty congratulations to all three school communities.

**Mr PAUL TOOLE** (Bathurst—Parliamentary Secretary) [7.38 p.m.]: I thank the member for Northern Tablelands for raising in the House the Ashford-Bundarra-Emmaville program. The member for Northern Tablelands is our newest member. Although he has been here only three months, already he is achieving great results for the electorate he represents. He is an outstanding member, particularly in the way he has advocated for education for his community. The Minister will visit his electorate next week and these school communities will be able to meet with the Minister and tell him about the success of the program and the opportunities it has provided to students to undertake further education. The statistics show that an increase in the retention of students to the level of the Higher School Certificate, which provides them with the opportunity to go on to university. I thank the member for the Northern Tablelands for sharing with the House the success of this program.

## **LAKE MACQUARIE SEA LEVEL RISE POLICY**

### **CAVES BEACH SURF LIFE SAVING CLUB**

**Mr GARRY EDWARDS** (Swansea) [7.39 p.m.]: I wish to speak of the alarming distress that the sea level rise policies that are currently in place in Lake Macquarie are causing many of my constituents. My

electorate office has been contacted by individuals who have experienced, and continue to experience, escalating home and contents insurance premiums and massive increases in building construction costs. Others have looked on as their homes have been labelled as unsaleable by local real estate agents due to flood management plans imposed by Lake Macquarie City Council. There is a clear and urgent need for further in-depth consultation between State, Federal and local governments—particularly State and local governments—on policies that deal with hypothetical scenarios such as climate change, which are having significant planning, zoning and infrastructure implications.

As all members would be aware, late last year the Government abolished the draconian 2050 sea level rise benchmarks, which were introduced by those opposite. The Government acted because there was inconclusive scientific data or projections showing that sea levels would rise due to increases in the carbon dioxide levels in the earth's atmosphere. Wyong Shire Council and Gosford City Council—councils within or neighbouring my electorate—followed the lead of the State Government and dropped their sea level rise planning requirements. However, Lake Macquarie City Council has continued to undertake strategies in relation to perceived sea level rise risk. These strategies have included new building height requirements, requiring floor levels to be raised in new developments in low-lying or flood-prone classified areas, at significant cost to residents.

The council is also developing an adaptation plan in the low-lying suburbs of Swansea, Marks Point, Belmont and Belmont South, which may involve the demolition of existing improvements, including dwellings, the building of retaining walls on private property, and increasing setbacks on some blocks of land. Also, council has placed inundation notations in section 149 certificates for approximately 10,000 properties that have been identified as possibly being prone to sea level rise or inundation risk. Many residents, particularly residents in Marks Point, have voiced their concerns about how these policies have caused them significant financial loss and angst.

More than 250 residents, as well as a number of Lake Macquarie councillors, attended a recent public meeting to discuss Lake Macquarie City Council's sea level rise and inundation policies. At the meeting a Marks Point resident presented his home and contents insurance policy, the premium for which had risen from \$3,375 last year to \$7,562 this year—a 124 per cent increase. In correspondence with the resident's insurance company, increased flooding or inundation risk was cited as the reason for the increase. At the same meeting it was mentioned that an older resident, who has lived in the same Marks Point waterfront home for the last 70 years, has not been able to sell her home in recent times in order to facilitate her entry to a nursing home. I have been advised by the family of that resident that prospective buyers have been deterred by the notice in the section 149 certificate for the property.

Other landowners have spoken of the values of their properties being reduced by as much as \$150,000 as a result of council's classifications. In other cases building construction costs have increased by as much as \$100,000 for a single dwelling. All levels of government must work together to establish a sensible consensus on the safeguards that should be put in place to manage these perceived threats to properties that are located adjacent to our many waterways.

I also wish to congratulate Scott Bryant of Caves Beach Surf Life Saving Club, which, I am pleased to say, is my local club. Scott was the recipient of the Surf Sports Coach of the Year award at the recent Surf Life Saving NSW Awards of Excellence. Scott has been actively involved with the coaching of inflatable rescue boat competitors at Caves Beach for 10 years. As an accredited level 2 coach, Scott has contributed to the development of the sport by mentoring other coaches and encouraging young athletes. Indeed, under the guidance and training of Scott, Caves Beach Surf Life Saving Club's inflatable rescue boat team earlier this year won an unprecedented tenth consecutive New South Wales inflatable rescue boat championship. The team received a standing ovation at the recent Surf Life Saving Hunter Branch Awards of Excellence, an event I was honoured to attend. On behalf of the House, I congratulate Scott, the Caves Beach Surf Life Saving Club's inflatable rescue boat squad, President Brett Main and the whole of the executive and membership of Caves Beach Surf Life Saving Club.

**Mr PAUL TOOLE** (Bathurst—Parliamentary Secretary) [7.44 p.m.]: I thank the member for Swansea for informing the House about the sea level rise policy that is impacting upon residents within his electorate. I commend the member for raising this important issue on behalf of his constituents. The member referred to the cost of insurance premiums and building construction in his area. Many people within his community have been affected. As the member said, one constituent faced a significant rise in his premium from \$3,000 to over \$7,000. The member for Swansea is standing up for his constituents and calling on all tiers of government to

work together to ensure a reasonable cost of living for the people he represents. I again commend the member for raising this very important matter in the House. I hope that common sense prevails and a satisfactory solution is reached for the benefit of everyone.

**Private members' statements concluded.**

**ACTING-SPEAKER (Mr Gareth Ward):** Order! Private members' statements having concluded, the House will now proceed to discussion on the matter of public importance.

**KEEP AUSTRALIA BEAUTIFUL WEEK**

**Matter of Public Importance**

**Ms TANIA MIHAILUK** (Bankstown) [7.48 p.m.]: I ask the House to note as a matter of public importance Keep Australia Beautiful Week, which is celebrated from 19 August to 25 August each year. It provides Australians, each and every one of us, with the opportunity to take action in reducing the amount of litter in our environment. Keep Australia Beautiful was founded in 1968 in Victoria by Dame Phyllis Frost, AC, DBE, who had a vision for a litter-free Australia. It has since branched out to every State across Australia, including New South Wales in 1975. Dame Phyllis Frost lived by the mantra that if you want to improve recycling and reduce litter, government, industry and Keep Australia Beautiful must work together.

Over the years, Keep Australia Beautiful has developed various awards, including the Tidy Towns Awards, which began in the early 1970s. Keep Australia Beautiful also developed the Sustainable Cities Awards, which are open to metropolitan communities, as well as the Clean Beaches Award. The Sustainable Cities and Clean Beaches awards have run for over a decade. The award programs are geared towards different parts of the community, including providing opportunities for schools and young people to enter. The theme of the awards is the promotion of sustainability.

Keep Australia Beautiful Week is an opportunity for people to be reminded of their responsibility to protect our environment. It is important that our environment is safeguarded from the harmful effects of litter, particularly in our parks and along our coastlines. Keep Australia Beautiful Week this year focuses on the message that littering is unacceptable through its campaign called "Littering is Wrong Too". The social media campaign provides an opportunity for young people to become aware of how their actions can affect the environment by entering a humorous "wrong", highlighting that littering is unacceptable. The campaign encourages the community to post a photo to Facebook, Twitter or Instagram with the hashtag "Littering is Wrong Too", linking various wrongs—including networking at funerals or texting during surgery—with littering. By targeting young adults on social media, Keep Australia Beautiful hopes to open discussion on the issues surrounding littering.

It is promising that the National Litter Index, released this week to coincide with Keep Australia Beautiful Week, has recorded a nationwide decrease in the amount of litter by both item and volume over the past year. Unfortunately, the results for New South Wales recorded a slight increase of litter by item and volume. However, that did not extend to beaches and recreational parks, which recorded a reduced amount of litter. While there is still much to be done in educating our community about the detrimental impacts of littering, particularly around industrial and residential sites and car parks, the message is being understood that each and every one of us has an obligation to care for our environment and that littering is fundamentally wrong. To highlight the impact that littering has on our environment, Keep Australia Beautiful has provided a number of facts. Aluminium cans can take between 80 and 200 years to break down; plastic bags can take between 10 and 20 years to break down; plastic bottles can take up to 450 years to break down; and an orange peel can take up to six months to break down.

Australians produce more than 32 million tonnes of rubbish each year and the key to ensuring a sustainable environment into the future is to encourage awareness about the importance of waste management. Keep Australia Beautiful has run many successful campaigns since 2008. Its first campaign was a "Score Points for the Environment Challenge", which involved encouraging people to go online and pledge to make a difference to the environment. In 2009 Keep Australia Beautiful focused on the message that "Waste Lives On", highlighting that some materials can take many years to break down, if at all. In 2010 the message of Keep Australia Beautiful was "Out and About Recycling", which raised awareness of the amount of litter on our streets being sent to landfill. In 2011 Keep Australia Beautiful focused on the impact that litter has on our waterways and wildlife with its campaign "Dropped on Land, Kills at Sea" and "Where does your rubbish go?"

As I mentioned earlier, this year's campaign, "Littering is Wrong Too", focuses on embracing social media. I congratulate Keep Australia Beautiful on its dedication and vision for a litter-free Australia and I congratulate all its branches across the country, which encourage local councils and schools to take part in waste-reducing programs throughout the year.

**Ms GABRIELLE UPTON** (Vaucluse—Parliamentary Secretary) [7.53 p.m.]: As the member for Vaucluse—a coastal electorate which includes Bondi Beach, the most famous beach in the world—I am pleased to have the opportunity to speak in this House about Keep Australia Beautiful Week. The annual Keep Australia Beautiful Week campaign, which is underway until Sunday, has the theme "Littering is Wrong Too". As has already been noted in the House, Keep Australia Beautiful has a long and very proud history at a grassroots level and was very innovative at the time of its establishment. I remember learning about Keep Australia Beautiful when I was at school many years ago. The name was embedded in my youthful awareness of keeping our environment clean from litter. The organisation works tirelessly to educate communities and link them in their actions to benefit the environment. Keep Australia Beautiful is an important link for the New South Wales Government because it helps empower communities to take part in environmental management. By supporting actions at this grassroots level and allowing communities to identify and solve their own environmental issues we get the best possible outcomes.

I was pleased to recently launch the Keep Australia Beautiful NSW 2013 Clean Beaches Awards program in Bondi, along with the Minister for Finance, Waverley Council Mayor Sally Betts and the Chief Executive Officer of Keep Australia Beautiful, David Imrie. It was held at Bondi Icebergs, with an aspect over North Bondi on a beautiful morning. These awards, which cover the entire coastline of New South Wales, recognise the efforts made by coastal communities, local councils, volunteers, businesses and surf lifesaving clubs in the protection of our State's beautiful coastline. They aim to promote personal environmental initiatives, civic pride and environmental awareness amongst children and the broader community. Last year Huskisson Beach won the Overall Clean Beach award. That stunning South Coast beach is living testament to the council and a very strong community commitment to the ongoing protection and conservation of the beach at Huskisson.

The New South Wales Government is proud to continue its involvement in the Clean Beaches program and in the Environment Protection Authority's sponsorship of the Overall Clean Beaches awards for 2013. The Environment Protection Authority's sponsorship of the award continues a longstanding relationship between Keep Australia Beautiful and the New South Wales Government. It is heartening to see the success of programs such as those run by Keep Australia Beautiful, which have such a positive impact on both the environment and on our local communities' awareness and actions in support of a sustainable environment. The New South Wales Government provided Keep Australia Beautiful NSW with \$470,000 to fund a Community Litter Grants program, which helps communities to identify litter hotspots, to undertake local litter checks and to take action to tackle litter in that area, and it fits very well with this year's Keep Australia Beautiful Week theme.

The grants under that program have now begun, with further funding to be rolled out to successful recipients later this year. The Government has a very strong commitment to local communities and the environment; it is in our NSW 2021 plan—a plan to make New South Wales number one. Goal 23 of the plan is a target to make New South Wales the least-littered State per head of population by 2016. That will be no mean feat; it equates to around a 40 per cent reduction in litter items, based on 2011-12 levels. Partnerships with organisations like Keep Australia Beautiful and promoting the importance of Keep Australia Beautiful Week are a big and important part of achieving the objectives of our plan for the State.

Other programs the State is involved in include the "Waste Less Recycle More" initiative, which has funding of \$465 million to 2017 to deliver on a new waste and recycling agenda for New South Wales. This initiative presents an integrated package of policies and programs that will transform waste and recycling management in New South Wales to deliver economic, employment and environmental benefits to local communities. Litter is also a priority within the "Waste Less Recycle More" initiative and \$20 million has been allocated to litter campaigns to emphasise our commitment that New South Wales become the least-littered State per capita in Australia by 2016. I commend my statement to the House.

**Mr GUY ZANGARI** (Fairfield) [7.58 p.m.]: I speak on the matter of public importance, Keep Australia Beautiful Week. As previous speakers have said, Keep Australia Beautiful Week kicked off on Monday 19 August and will run until 25 August. It is a week for recognition of our pristine environment—not only a recognition of Australia's vast natural wonders but also, and equally important, a recognition that keeping our built environment beautiful and healthy is a goal that requires each and every one of us to play our part. It

calls for each and every one of us to be conscious of how we dispose of our rubbish and to be proactive in reducing the waste we produce. The key message for this year's Keep Australia Beautiful Week is "Littering is Wrong Too". It is a message that we must, as a community, embed in our psyche and vigilantly promote. Our community numbers in the millions, yet we all share the one space and we all have a duty to keep it clean and healthy, not only for each other but also for future generations.

Keep Australia Beautiful Week is organised by the Keep Australia Beautiful National Association. The New South Wales branch of the association, Keep Australia Beautiful NSW, was established in 1975. We note the association's mission, which is stated on its website, is "simply to enhance ... environments from country to coast." The association runs a series of awareness programs that include the Tidy Towns and Sustainable Cities awards, provides grants and implements educational programs to meet the association's goal. The association recognises the importance of getting the whole community involved in its mission. And rightly so: The whole purpose of achieving its goal is to change the mindset of each and every one of us to become proactive in the protection of our natural and built environments.

I am pleased to note that the Keep Australia Beautiful Week has programs that are targeted at delivering the message to young people through a promotional campaign that is available specifically for schools. It is important that the lessons in messages such as "Littering is Wrong Too" are delivered early. It establishes important habits, such as placing rubbish in bins, recycling and reducing waste as habits for life. I reiterate for the record my appreciation of the member for Bankstown's bringing this matter of public importance to the Chamber this evening for Keep Australia Beautiful Week.

**Ms TANIA MIHAILUK** (Bankstown) [8.01 p.m.], in reply: I take this opportunity to thank the member for Vaucluse and the member for Fairfield for participating in this discussion on Keep Australia Beautiful Week. I congratulate the member for Vaucluse on her passion for the cause and in particular for assisting to launch the Keep Our Beaches Clean campaign in North Bondi. I have no doubt in an electorate such as Vaucluse it is important to be passionate about beaches. Turning to the speech by the member for Fairfield, I have known the member for Fairfield for a number of years. In his role as a teacher he was involved in many campaigns to encourage school students, in particular, to keep Australia beautiful. I commend his efforts as well as those of the member for Vaucluse in encouraging our community to be mindful of the need to care for our environment.

This discussion provides parliamentarians with an opportunity to promote the message of Keep Australia Beautiful Week and encourage Australians to consider how today's actions can impact on our future environment. It is important that the message of Keep Australia Beautiful Week is ingrained in future generations. There is no doubt that teaching children from an early age the value of recycling and of sustainability is something we should all be vigilant in nurturing. As a community, we must take responsibility for our actions. The Government also must take responsibility for the role of the penalty system in minimising future offences. I am reminded of a mantra of Dame Phyllis Frost, who believed that "if you want to make a difference, get off your backside and do something about it". I have no doubt that Keep Australia Beautiful continues to follow that mantra by encouraging our councils and schools to participate in various programs and campaigns throughout the year.

I also take this opportunity to note that an ambassador for Keep Australia Beautiful Week this year is Renee Gracie, who is a participant in the V8 Supercars series and Australia's only female Porsche Carrera Cup driver. Also lending support are stars of the stage and screen, actor Paul O'Brien, and Australia's musical theatre glamour couple, Rohan Browne and Christie Whelan Browne, who are currently starring in the hit musical *Singin' in the Rain*. I congratulate the Keep Australia Beautiful Association on its dedication, work and tremendous efforts. I wish the association the best of luck for this year's campaign and I hope that the message that "Littering is Wrong Too" is spread far and wide.

**Discussion concluded.**

**The House adjourned, pursuant to resolution, at 8.04 p.m. until  
Thursday 22 August 2013 at 10.00 a.m.**

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