LEGISLATIVE ASSEMBLY

Wednesday 11 November 2009

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The Speaker (The Hon. George Richard Torbay) took the chair at 10.00 a.m.

The Speaker read the Prayer and acknowledgement of country.

WINE GRAPES MARKETING BOARD (RECONSTITUTION) AMENDMENT (EXTENSION) BILL 2009

Bill received from the Legislative Council and introduced.

Agreement in principle set down as an order of the day for a later hour.

REMEMBRANCE DAY

The SPEAKER: Members are reminded that today is Remembrance Day and that at 11.00 a.m. the House will observe one minute's silence as a mark of respect.

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

[*During the giving of notices of motions*.]

Mr DARYL MAGUIRE: Mr Assistant-Speaker, previous rulings have been made with regard to the length of notices of motions. I draw your attention to the length of the notice of motion and seek your guidance.

ASSISTANT-SPEAKER (Mr Grant McBride): Order! I am advised that notices of motions that go through the Speaker's office are subject to an editorial process prior to publication.

COMMISSION FOR CHILDREN AND YOUNG PEOPLE AMENDMENT BILL 2009

Agreement in Principle

Debate resumed from 30 October 2009.

Ms PRU GOWARD (Goulburn) [10.14 a.m.]: The Opposition does not oppose the Commission for Children and Young People Amendment Bill 2009, which amends the Commission for Children and Young People Act 1998 and the Criminal Records Act 1991. It is extremely necessary that there be stringent and effective information sharing arrangements in place throughout Australia, given the great mobility of Australians, their capacity to move interstate and seek work wherever they choose, and the importance of maintaining a rigorous information checking system. As has been noted, the bill gives effect to a Council of Australian Governments [COAG] decision to enable the exchange of information between the States and Territories about the criminal history of people who work, or wish to work, with children.

The bill specifically enables the Commissioner of Police in New South Wales to disclose information relating to criminal histories to Commonwealth and interstate law enforcement agencies, and to approve employment screening agencies of other States and Territories, and makes a consequential amendment to the Criminal Records Act 1991. Currently, the variations in legislative arrangements between Australian States and Territories means that New South Wales cannot release full criminal histories to other jurisdictions for their working with children checks with a high level of legal certainty. It is certainly true that the existing legislation, however, does enable the New South Wales Government to release information to interstate agencies.

The need for a consistent and full exchange of information between the States, Territories and Commonwealth about the criminal history of people working with children is a case that does not need further examination or attestation in this place. The Council of Australian Governments has agreed that legislative barriers to the release of full criminal history information for working with children checks should be removed by all jurisdictions, and, in this, the Liberals-Nationals give their full support. The Council of Australian Governments has agreed also that jurisdictions should provide to each other on a one-year trial basis, background information about relevant criminal history information so that working with children check screening units can better assess the risk presented by a person with a criminal record. The Opposition notes, without the need for comment, that the bill also changes the wording of particular sections of the Act to reflect the new departmental arrangements in New South Wales.

Under existing section 38 of the Commission for Children and Young People Act 1998, the Commissioner of Police, for the purposes of background checking, is able to disclose to the commission and to any employer or employer-related body approved by the Minister, information relating to any relevant criminal record or apprehended violence orders or any child protection prohibition orders. Section 38 (5) provides for employers or employer bodies outside New South Wales to be able to disclose or have disclosed to them information relevant to background checks with the approval of the Minister in New South Wales. In other words, there is already some arrangement in place.

However, the proposed amendment creates a new section 38A, allowing the Commissioner of Police to also disclose to CrimTrac, another interstate or Commonwealth police force, service, or approved interstate screening agency for the purposes of interstate child-related employment screening, thus taking the legislation considerably further than existing section 38 (5). At the request of a screening agency, the circumstances of the offence or alleged offences may also be disclosed for the purposes of interstate child-related employment screening. The release of circumstances information, as has been noted, will be on a one-year trial basis. In the agreement in principle speech the Parliamentary Secretary noted it thus:

> Circumstances information may include information such as whether a child was the target of an offence or was otherwise impacted by an offence. Such information will help in assessing whether a person who wants to work with children will pose an unacceptable risk to the safety of children.

The Opposition concurs that the sensitivity of those circumstances and of releasing information about those circumstances, which is very different to releasing a criminal history, justifies a 12-month trial and review of that 12-month trial. The Opposition will take a close interest in that review. While the interests of children are paramount and there must be great integrity in the system, it is essential that we do not breach the very well respected and highly regarded principle of preserving people's privacy when that is their entitlement. Of course, it is not their entitlement if they have a criminal record in relation to children.

Information that may be disclosed includes that relating to convictions, quashed convictions, offences for which a pardon has been granted, criminal charges and, inter alia, whether heard or not heard, proven or dismissed. This mirrors provisions in the existing legislation, again because it is so important to protect the safety of very vulnerable children. An approved interstate screening agency is prescribed by regulation or authorised under law to conduct interstate child-related employment screening and is approved by the Minister for this purpose. The bill also amends the Criminal Records Act 1991 No. 8 to ensure that disclosures under proposed new section 38A will not be unlawful. As I said, the bill amends various clauses of the Act to reflect contemporary departmental titles, and the Opposition welcomes those amendments.

The bill clearly provides a more consistent approach to the national exchange of information about the criminal history of those seeking to work with children and ensures that information relating to criminal histories can be released, and that there is no doubt about that. However, it presumes robust regulation of approved screening agencies in other jurisdictions. The agreement in principle speech drew attention to this aspect and gave assurances that the screening agencies would meet "stringent participation requirements before they are able to receive such information". These include the requirement that the agency be authorised, is limited by law in its release or further use of the information, complies with relevant privacy and human rights legislation, has policies that reflect natural justice, evidence-based risk assessment frameworks and has appropriately skilled staff to make the risk assessments. The bill reflects concerns raised in the Wood inquiry that restrictions on information sharing limits the effectiveness of child protection agencies and acknowledges the mobility of Australians and the importance of ensuring the suitability of those who seek to work with children to a very high degree of certainty.

The Opposition has a remaining concern that under these new information-sharing arrangements the security of the system will be only as robust as the least stringent regulatory environment; that is, it will depend

on the regulation of screening agencies in each State and Territory and at the Federal level. In New South Wales, the Government has acknowledged that the screening agencies responsible for carrying out working with children checks must meet stringent requirements in their operations. However, no definition of "stringent" is provided in the legislation covering New South Wales agencies. Although screening agencies must be approved by the Minister, and the framework that I have referred to has requirements that agencies should meet, there is no detail of what will be stringent about those arrangements. I fear that it will take a crisis or a publicly revealed mistake for the Government to address the definition of "stringent" in any detail.

I hope that it does not take an agency releasing inappropriate or inaccurate information about the person being screened to force the Government to address the definition of the word "stringent". It was referred to in the agreement in principle speech, but, of course, it does not appear in the bill. It will certainly not be a defence in court to say that stringency was addressed in the agreement in principle speech. There was but one brief sentence in the agreement in principle speech about stringency; that is, that stringent participation requirements must be met. I have no doubt that the department will need to examine how it can meet the requirements that have been identified to a stringent standard.

Now that this is a nationwide system, hopefully the other States and Territories and the Commonwealth will examine their regulations covering the establishment and regulation of employment screening agencies and ensure that they also meet those requirements to a very high standard. Of course, they must comply with relevant privacy and human rights legislation and have policies that reflect natural justice and evidence-based risk frameworks and they must have appropriately skilled staff. However, given the sensitivity of this issue and the capacity for errors to be made, it is important that we as a Parliament put more effort into defining what is stringent and what is not. This Government certainly needs to put in more effort. Having said that, the Opposition welcomes and commends the bill.

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [10.24 a.m.]: Safeguarding children and young people from sexual, physical and other harm is a key priority for all Australian governments. That is why I am proud to support this bill, which amends the Commission for Children and Young People Act 1998 and the Criminal Records Act 1991. This vital need to safeguard children from harm that will permanently damage their future and that of their children is why this bill is necessary and why I acknowledge the Opposition's sensible support. The New South Wales Government has demonstrated its commitment to the safety and wellbeing of children and young people by, among other things, establishing the New South Wales Commission for Children and Young People in 1999. I again place on the record my personal admiration for and thanks to the former commissioner, Gillian Calvert. I also place on the record my membership of the Child Death Review Team of the Commission for Children and Young People.

One of the most important functions of the commission is to undertake working with children checks, which are an essential part of the broader strategy for managing risks to the safety and wellbeing of children and young people. In 2000 New South Wales was the first State to introduce the working with children check. Since then most States and Territories have implemented their own screening for child-related employment. The criminal history information considered by child-related employment screening units, such as in New South Wales, is extensive when sourced from within New South Wales. However, access to comprehensive criminal history information between jurisdictions, including from Federal agencies, is limited. Typically, only unspent convictions are shared between jurisdictions.

The Council of Australian Governments agreement of 29 November 2008 requires all States, Territories and the Federal Government to introduce legislative amendments to facilitate more comprehensive and consistent exchange of criminal history information for working with children checks. The legislative amendments being made across Australian jurisdictions will allow for the exchange of an extended range of convictions and charges as well as information about the circumstances of offences. It should be noted that the Council of Australian Governments agreement has stipulated strict safeguards so that this sensitive information is dealt with appropriately. These safeguards will be incorporated into an intergovernmental agreement.

In New South Wales we take the job of protecting and promoting the safety and wellbeing of children and young people—our most vulnerable citizens—very seriously. This bill will amend the Commission for Children and Young People Act 1998 and the Criminal Records Act 1991 to allow New South Wales to share criminal history information with other Australian jurisdictions for the purposes of their working with children checks. The release of the New South Wales information is part of a national information exchange to provide the New South Wales Commission for Children and Young People and approved screening agencies more broad and detailed criminal histories from all Australian jurisdictions. This information exchange will allow all

screening agencies throughout Australia to better assess the risks to children and young people as part of their screening for child-related employment. I have seen the lifelong damage that harm in childhood causes. This bill will reduce the potential for lifelong harm to our most vulnerable citizens and I am very proud to commend it to the House.

Mrs JUDY HOPWOOD (Hornsby) [10.28 a.m.]: I will make a brief contribution to the debate on the Commission for Children and Young People Amendment Bill 2009, which will amend the Commission for Children and Young People Act 1998 and the Criminal Records Act 1991 with respect to the disclosure of information relating to criminal histories. The object of the bill is to amend the Commission for Children and Young People Act 1998 to give effect to a Council of Australian Governments decision to enable the exchange of information between the States and Territories about the criminal history of persons who work or wish to work with children, and for that purpose to enable the Commissioner of Police to disclose information relating to criminal histories to Commonwealth and interstate law enforcement agencies and employment screening agencies of other States and Territories, and to make a consequential amendment to the Criminal Records Act 1991.

I do not oppose the legislation. Every member of this House would agree that we should go to all lengths possible to improve the safety of children. They are vulnerable and obviously it behoves anyone who can to make a difference. This legislation will provide a consistent approach to the national exchange of information about criminal histories of those seeking to work with children and ensure that information relating to criminal histories can be released. It presumes robust regulation in other jurisdictions of approved screening agencies. The agreement in principle speech draws attention to this aspect and gives assurances that screening agencies will reach stringent participation requirements before receiving information.

These include the requirement that the agency be authorised and is limited by law in its release or further use of the information, complies with relevant privacy and human rights legislation, and has policies that reflect natural justice, evidence-based risk assessment frameworks and appropriately skilled staff to make the risk assessments. The bill also reflects concerns raised in the Wood inquiry that restrictions and information sharing limits the effectiveness of child protection agencies, acknowledges the mobility of Australians and the importance of ensuring the suitability of those who seek to work with children to a very high degree of certainty.

I note the government statements on risks and safety of children and it behoves me today to mention that the fourth anniversary of the death of Vanessa Anderson occurred on 8 November, just last Sunday, and we in this House pass on to Vanessa's family our condolences and continuing concern about her death. I continue to have a very strong relationship and communication with the family. Vanessa had a birthday in September. These anniversaries are very difficult for Vanessa's family and friends and I again express concerns, as it is almost one year since this Government chose not to support Vanessa's Law last December. That bill was voted down in this House. The Government, very cynically, talks about the risks and safety of children. It talks about working with children, but refuses to look at the risks and safety of children in adult wards. To this day nothing has changed in relation to children being admitted to adult wards; inadequate reference to the fact that they are not adults, and the need for a paediatrician, who could easily be engaged in our tertiary hospitals as part of a team to oversee children in hospital.

Mr Barry Collier: Point of order: Reluctant as I am to take the point of order, and acknowledging the deep sympathy that the House feels towards the parents of Vanessa Anderson, this bill is about protecting children and young people, not dealing with situations in hospital wards. I respectfully ask that the member be brought back to the leave of the bill.

ASSISTANT-SPEAKER (Mr Grant McBride): Order! The member for Hornsby has the call.

Mrs JUDY HOPWOOD: I have said what I needed to say on behalf of the Anderson family today. In conclusion, I would like the Government to address all aspects of risks and safety of children. We do not oppose this legislation.

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [10.33 a.m.], in reply: I thank the members for Goulburn, Macquarie Fields and Hornsby for their contribution to the debate. I note that the Opposition does not oppose the bill and in fact the member for Goulburn welcomed the bill and saw the changes implemented by the bill as very necessary. The member for Goulburn raised the issue of stringent safeguards and I can advise the member and the House that stringent safeguards will be very clearly set out in an

intergovernmental agreement that will govern the information exchange. The intergovernmental agreement, which in fact will be a memorandum of understanding, is currently in the process of being concluded and it will be in place before the information exchange commences.

It is important to note that this bill reflects the strict safeguards agreed to by the Council of Australian Governments [COAG] by allowing for release of information only to interstate screening agencies that have been approved to receive the criminal history information. These requirements, which will be incorporated into an intergovernmental agreement for this purpose, mean that screening agencies can only receive sensitive criminal history information if they demonstrate that they, firstly, are authorised to conduct working with children checks by the government of the State or Territory in which they operate; secondly, have a legislative basis for screening that prohibits further release or use of the information; thirdly, comply with applicable privacy, human rights and records management legislation; fourthly, have policies that reflect principles of natural justice and, lastly, have evidence-based risk assessment frameworks and appropriately skilled staff to assess the risks to children.

In addition, the extended criminal history information being exchanged can only be used to assess a person's suitability to work with children. This information cannot be used for general employment suitability or probity checks. Proposed section 38A (1) clearly stipulates that New South Wales police will release the extended information to interstate screening agencies only for the purpose of working with children checks. Proposed section 38A (6) defines what an approved interstate screening agency is. The definition means that an interstate screening agency will only be able to receive criminal history information from New South Wales if it has been prescribed by regulation or approved by the New South Wales Minister for Youth.

The Commonwealth bill—the Crimes Amendment (Working with Children—Criminal History) Bill 2009—currently before the Commonwealth Parliament will, if passed, allow the Commonwealth Minister for Home Affairs to approve screening agencies if they comply with the COAG agreed participation requirements. It is intended that the screening agencies that have been approved by the Commonwealth Minister will then be prescribed as approved interstate screening agencies by the Commission for Children and Young People regulation. It is intended that the New South Wales Minister for Youth will only approve interstate screening agencies to receive criminal history information from New South Wales if they meet the requirements that are based on the participation requirements agreed upon by COAG.

The participation of New South Wales in the exchange of information will strengthen our current working with children check system and provide better protection for children. The bill will make amendments to provisions of the Commission for Children and Young People Act 1998 and one amendment to the Criminal Records Act 1991. The bill is part of an information exchange between all jurisdictions. It will give effect to the agreement made by the Council of Australian Governments on 29 November 2008 to enable the inter-jurisdictional exchange of criminal history information for people working with children. I commend the bill to the House.

Question—That this bill be now agreed to in principle—put and resolved in the affirmative.

Motion agreed to.

Bill agreed to in principle.

Passing of the Bill

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

FOOD AMENDMENT (FOOD SAFETY SUPERVISORS) BILL 2009

Agreement in Principle

Debate resumed from 10 November 2009.

Mr RUSSELL TURNER (Orange) [10.36 a.m.]: As I was saying last night, the Opposition is concerned about any increased cost to small business. Whilst the bill states that a $250 fee may be payable over 50 years if the business owner wishes, that does not take into account the travel that the person seeking

registration has to undertake, which is especially valid in small towns. As far as I am aware, there are no details about where training will be carried out. Is it only going to be carried out in one area in the Central West or is it going to be carried out in smaller towns as well as Orange and Bathurst or Dubbo? If a small business owner in one of the villages has to travel 150 kilometres or more for training in Orange, he or she has the cost of running the vehicle and the cost of having to employ an extra staff member while he or she is at training.

The Government has not taken that into account when it says the fee of $250 may be paid over five years. A person who needs to travel for that training would spend far more than $250 in one day. I also have some concern, and I seek clarification, that while inspectors from the New South Wales Food Authority will still conduct cleanliness inspections of premises and there will be training and authorisation of food safety supervisors, those will be the only two imposts on businesses handling food. I also understand that the bill takes away any onus on councils to carry out inspections.

I turn to some of costs of the New South Wales Food Authority that are borne by small business. Some months ago I was speaking to the owner of a small butcher shop in Wellington. He was concerned that when the inspector comes down from Dubbo to inspect his premises he has to pay a mileage allowance for the inspector to travel down from Dubbo and an inspection fee while the inspector is on his premises, and he has to pay for the inspector to go back to Dubbo. That amounted to $500 or $600—a long way from the $50 a year that the Government is quoting for the food safety supervisor's training. He maintains—and I did not get a satisfactory answer about this from the Minister at the time—that all the butcher shops in Wellington should have been inspected on the one day and the travelling costs should have been shared. No, that did not happen, that was a bit too difficult to work out. But it was commonsense. Everyone would have been reasonably happy to share the cost of the inspector coming from Dubbo for the day, but that was a little bit too much commonsense. I wonder whether the Government is aware of all the extra costs that will go on top of this $250 fee.

In the event that an inspector turns up and a registered supervisor is not on the premises, for a thousand different reasons, and the employee on the premises has not carried out the instructions he has been given by the employer—as we all know, when the boss is away the mouse will play, so to speak—who gets the infringement notice? If that supervisor has instructed his staff in a responsible way on more than one occasion, what should be done about the safe handling of food? And if while that employer is away the employee does the wrong thing, either accidentally or through carelessness, who gets the infringement notice, the employer or the employee? If the employer gets the notice, is the employer able to take that cost out of the employee's wages? If the employee knows he or she has a responsibility and might be up for a little financial impost, he or she is more likely to do the right thing.

Yesterday we had some concerns about the bill because we had not been given enough information on it. Some of those concerns have been allayed. However, I again seek clarification. I am now told that an authorised supervisor does not have to be on the premises 24 hours a day. That was one of our main concerns yesterday. How many supervisors would need to be trained for a business, or what happens when a one-man business employs a casual employee for an afternoon or a couple of hours while the employer does business somewhere else? That has now been clarified. I hope it is correct that the food safety supervisor who is licensed for that premises does not have to be there 24 hours a day.

Apparently, charities and rugby clubs are not subject to the provisions of this bill at this point. Does the Government have plans to introduce legislation covering charities and sporting clubs, and similar bodies at some future date? I was reminded of that when I went to see a garden as part of the open garden scheme last weekend. All these gardens usually have a little church group or some little sporting group at the front gate selling coffee and tea and a few slices of cake. I am sure that each of those little establishments would be breaching the guidelines somewhere. In this particular case there was no running water, but water was provided, the food was covered with plastic, and we were very happy to help that little church group and buy a cup of coffee and a slice and carry it around and have a talk as we enjoyed our afternoon tea. However, I would hate to think an inspector would turn up there and issue them with an infringement notice that would far outweigh any profit they made that afternoon. We, as customers, were quite happy with the standards. If we were not, we would have gone past and not purchased anything. I would hate to see government intervention in traditional gatherings and small events where afternoon tea is provided.

Although this bill comes into operation in April next year, businesses will not be subject to the regulations until 2011. I appreciate that. That will give businesses time to adjust and get the appropriate training. I had a lot of concerns yesterday. I still believe that word-of-mouth of customers about businesses—whether it is a big business like McDonald's or one of the franchises or the small one-man businesses in a town or city or

even a little village—is most effective. A couple of weeks ago Minister Macdonald referred to two businesses in Orange, to name and shame them, as he called it. Those two businesses received front-page advertising free of charge. Those businesses had unclean premises and were fined, but regardless of the amount of the fine, the impost on them was far greater. Their names and the story of their unclean premises were splashed across the front page of the local newspaper. So guidelines are already in place to ensure that businesses keep their premises clean.

Of course, all the regulations and all the rules and all the threats of fines under the sun will not stop some people lapsing from time to time. People need to be sure when they enter a business premises that the food they are going to purchase is safe and can be eaten with confidence. However, a fact of human nature is that we all have our up days and our down days. If this bill helps to reduce the number of illnesses caused by consumption of food bought from premises that do not handle food safely, well and good. But I still have doubts about whether the legislation is necessary. While we oppose some aspects of the bill and disagree with it overall, we will not oppose it in the lower House. We will seek the opportunity to move amendments to the bill in the upper House, and if those amendments are not agreed to we will still oppose the legislation in the upper House.

Ms NOREEN HAY (Wollongong) [10.48 a.m.]: I support the bill. I am pleased to be able to speak about this important initiative that will benefit not only New South Wales restaurant goers and consumers of retail food but also the hospitality and retail food service industry. The bill introduces compulsory food safety supervisors in certain high-risk food service business. Once it becomes law, consumers will know that at least one person with food safety training has been appointed for their club, pub, local restaurant or takeaway. This bill is not just about keeping consumers safe. The hospitality industry also welcomes this initiative. It appears that many businesses are not aware of how to properly clean and sanitise their equipment or how to maintain hygienic premises. They also may not know how to store and handle food safely.

Food safety supervisor training will provide food handlers with the understanding and tools to meet these food safety requirements. Many food handlers in the hospitality and retail food service sectors may need help understanding some of the requirements of the Food Standards Code. Some requirements are not straightforward and do require explanation. For example, many food handlers would need training before they would be confident that they know how to safely handle, store and re-serve perishable food. Food safety supervisor training will equip food handlers with the correct information so they can make the right decisions about whether food is safe to return to the fridge or whether it should be thrown away. For some food businesses, the "if in doubt, throw it out" ultra-safe method of handling food may not be considered an economical way to do business.

Food safety supervisor training will teach food handlers the right way to handle food. If food is not cooked or cooled correctly and is not re-heated correctly, then it can and often does make people sick. Being able to make a fine curry, a fabulous barbecue chicken or a fantastic Vietnamese chicken, egg and mayonnaise roll does not necessarily equate to possessing the skills to make it safely. The Food Standards Code sets out requirements for the safe cooking, cooling and re-heating of food. Food handler training will make sure that food handlers are provided with the right information so that they will know how to serve food that does not make people sick.

Food safety supervisor training will equip hospitality and retail food service businesses with the right tools so that they can comply with the regulations. Food safety supervisor training not only helps restaurants and other retail food service businesses protect their reputation; it is also a way for them to advertise their commitment to food safety. All accredited food handlers will earn a certificate, which could be placed on display for their customers to see. The Food Amendment (Food Safety Supervisors) Bill is a positive step for food safety in New South Wales. It is a positive step for New South Wales consumers and one that is strongly supported by the industry. I commend the bill.

Mrs JUDY HOPWOOD (Hornsby) [10.52 a.m.]: I will make a brief contribution to the Food Amendment (Food Safety Supervisors) Bill 2009, which amends the Food Act 2003 with respect to food safety supervisors. It aims to require the proprietors of certain food businesses to appoint food safety supervisors who hold certain qualifications and have the authority to supervise food handling. It also requires those appointments to be notified to relevant enforcement agencies and allows the Food Authority to approve registered training organisations to issue food safety supervisors certificates to persons who have the prescribed qualifications. There are also other amendments to facilitate the administration of the Act.

I come to this with a background of having attended a very good local community college, Hornsby Ku-Ring-Gai Community College, where I successfully completed the responsible service of alcohol, responsible conduct of gambling and food safety level 1 courses. I did so to gain some insight into the requirements that

people in clubs, hotels and the food service industry are expected to adhere to. I acknowledge that there is a need to ensure the highest possible standards for clients and patrons of restaurants, hotels, clubs and other eating establishments. However, this legislation is an impost and it has some serious implications for small business in particular. The Government needs to address the concerns that have been raised by many members on this side.

It is not just a matter of cost. Cost is a concern to small businesses and other establishments that will come within the ambit of this legislation and they already face a number of costs associated with a business that provides food. It is the extra cost on top of what they are already paying that will affect them. As has been acknowledged, there is also the cost of travel and time out, and the burdens on already struggling businesses. This impost might tip them over the edge. Also, how are people in rural and remote areas going to be trained and the system maintained? I see a lot of problems and barriers facing rural and remote areas.

This legislation, whilst it can be seen as necessary and increasing standards, has implications particularly for small business. Small businesses already pay to have inspections of their premises. This will just be another impost. Close to my electorate there was a very serious incident of food poisoning, which led to the death of a patron. This has led to court action. I will not go into all the details but suffice to say it is extremely important to improve the knowledge of all people who handle food. However, enforcing the requirements that will flow from the successful passage of this legislation may or may not bring about the changes at the workplace that the Government seeks. The requirements of extra education could be ignored rather than adhered to.

The object of the bill is to require the proprietors of certain food businesses to appoint food safety supervisors. It is important to have the supervision of perhaps junior staff or staff that may not be very conversant with how food needs to be handled and stored. It will be very important for people who own food businesses or who are managing or in charge of staff to have education and certain knowledge that can be imparted to the business so that the supervision of food handling is successful and very high quality food is served to people who come there to eat. Those people trust that when they go to such a facility they will receive food that is prepared to the high standards they would apply in their own kitchens.

There is a certain amount of trust in this day and age of scares about the spread of hepatitis A. There is a food scare in Victoria relating to the spread of hepatitis A through sun-dried tomatoes. I note that a number of people have come down with this illness. If this occurs it is bad not just for the food industry and the trust that people have in eating places. The scare in Victoria has ricocheted around food establishments, including supermarkets, with advice being given to staff on how to manage concerns about sun-dried tomatoes that might be raised by people coming in to their food delivery areas, such as the delicatessen. There is also a cost when people become ill as a result of food not being correctly prepared. It may be that it is nothing to do with the food handlers and that might be the case in Victoria. However, I give this example because it demonstrates how easily food poisoning can occur.

There are many reasons why food might cause illness, but the community will pay for health care and other inconvenience if someone does fall victim of such an illness. I have had food poisoning a couple of times in my life and it is something I would not wish on anybody. It is very unpleasant to fall victim to something you have eaten that was not up to the required standard. There is also a loss of time at the person's place of employment. A person might take a long time—a couple of weeks—to fully recover from a bad case of food poisoning. I have also had family members become seriously ill from eating food that has not been up to scratch. My family attended the christening of a baby where a number of people fell victim to food poisoning, most probably related to the bread that was served. It was narrowed down to that source. Probably three-quarters of 20 or 30 people were ill as a result of eating something at the post-celebration at that christening.

[*Business interrupted.*]

REMEMBRANCE DAY

ASSISTANT SPEAKER (Mr Grant McBride): It being 11 o'clock, I ask that members and officers stand in silence for one minute in remembrance of those who made the supreme sacrifice.

Members and officers of the House stood in their places.

FOOD AMENDMENT (FOOD SAFETY SUPERVISORS) BILL 2009

Agreement in Principle

[*Business resumed.*]

MR GEOFF PROVEST (Tweed) [11.00 a.m.]: I am 100 per cent for the Tweed**.**

Mr Barry Collier: You have said it for the 100th time, too.

MR GEOFF PROVEST: Absolutely, and I will keep saying it until there is proper recognition of the Tweed.

ASSISTANT-SPEAKER (Mr Grant McBride): Order! I call the member for Blacktown and the member for Cabramatta to order. Members who wish to conduct private conversations will do so outside the Chamber. The member for Tweed has the call.

MR GEOFF PROVEST: The Food Amendment (Food Safety Supervisors) Bill 2009 requires the proprietors of certain food businesses to appoint food safety supervisors who hold certain qualifications and have the authority to supervise food handling; requires those appointments to be notified to the relevant enforcement agencies; allows the Food Authority to approve registered training organisations to issue food safety supervisor certificates to persons who have the prescribed qualification; and makes amendments to facilitate the administration of the Act. I would like to raise a number of issues regarding the Act. I fully support any legislation or regulation that protects the public at large. I was a club manager for some 27 years. The last club I managed was the great Tweed Heads Bowls Club and before that it was the great Revesby Workers Club. Those organisations served well over 10,000 meals a week, and sometimes even 15,000. So I have had many years experience in the industry. I completed a club manager's higher certificate. I spent a year at East Sydney food college and finally went to Ryde Catering College.

This is a big issue. The general public needs to be protected, but I would like to highlight certain matters. An argument in support of the bill is that the initiative will work hand in hand with other food safety initiatives, such as the name and shame website, to help improve food safety standards across the board. Also, the food safety supervisor initiative is in alignment with the national scheme and will bring New South Wales into line with similar requirements in Queensland. However, my chief concern is that this is just another cost to small business. On 1 July 2008 councils began their new enforcement agency role under the provisions of the Food Amendment Bill 2007, which received assent on 1 November 2007.

ASSISTANT SPEAKER (Mr Grant McBride): Order! I interrupt the member for Tweed to acknowledge the relatives and friends of the member for Lane Cove, who are in the gallery. I welcome his uncle, John Beckett, and Jim Christie, who is visiting the family from Canada. I am sure the member for Tweed will acknowledge our special guests before he returns to the bill.

MR GEOFF PROVEST: Absolutely. The member for Lane Cove is a very hardworking member indeed; you should be honoured to have a relative of such calibre. I am sure that he is 100 per cent committed to Lane Cove. On 1 January 2008 there was an amendment to the New South Wales Food Act 2003 about which a number of local businesses expressed concern. One was Bakers Delight. I have written to the Hon. Barbara Perry, the Minister for Local Government about this matter. The amendment allowed local councils to charge a fee also. Businesses with five employees or fewer faced an annual inspection fee of $250; businesses with six to 50 staff were charged $500; and businesses with 51 employees or more were charged $2,000.

The problem is that Tweed council charged Bakers Delight, which does a great job supplying quality products and employs many local teenagers, $500. The letter of complaint that I received from the proprietor of Bakers Delight highlighted the difference between Queensland and New South Wales. Over the border in Queensland, Gold Coast council offers courses to educate employees such as food handlers. And guess what? They get their qualification in food handling for free. There is no course fee and the council does not charge businesses for annual inspections. The Gold Coast council and the Queensland Government are going out of their way to lift the standards of the local industry, while in New South Wales we are doing the opposite by charging an additional fee.

While I was managing the Tweed Heads Bowls Club the Hazard Analysis and Critical Control Point [HACCP] system, a food handling base or certificate program, was introduced. It was aimed at butchers, seafood sellers and food manufacturers and required a significant amount of paperwork, reorganisation and so on from businesses. My old club—I spoke to staff again this morning—has now had to develop a food safety plan in line with the HACCP qualifications. The club just received a quote for the cost of obtaining the qualifications and, believe it or not, it is another $2,200. So the club is about to absorb that cost for another certificate and another program, all in the name of food handling safety. Also, I note with interest the talk about how much the new supervisor course will cost. According to the Internet, the current four-hour course costs $199. As an ex-employer, I know that, apart from the $190 or $200 fee, businesses must take into account the

four hours for which they must pay a staff member to attend the course. That almost doubles the cost to $400, which is on top of the $500 a year inspection fee that the council will charge businesses with between six and 50 employees. The costs are going up all the time; it is just another impost on the industry.

The Tweed heavily relies on tourism and hospitality; indeed, we probably have some of the leading clubs and hotels in the great State of New South Wales. The imposts on business are enormous. Surely we could take a leaf out of the Gold Coast council's book and the Queensland Government's book and look at offering assistance, rather than simply requiring businesses to provide courses for staff. As previous speakers on this side of the House have outlined, it is fine when you live in Sydney and you can go down to the local TAFE college, but people who live further afield must incur travel costs to attend courses. This happens whenever new courses and certificates are devised.

Yesterday I made a telephone call about this matter. One of the leading hospitality training institutions in the Tweed is the Kingscliff TAFE college. It is a great TAFE college with a great set of teachers and great students. I know that the hospitality industry uses the TAFE college on a regular basis. Kingscliff TAFE college's exact words to me yesterday were that it knows very little about the bill, that it does not know when it will be able to put courses together, and that it may take many, many months. I realise that there is a time lag involved, but I ask the Parliamentary Secretary in reply or the Minister to indicate how the Government plans to implement the training, where the training will take place, and how the Government will fund it.

The last thing I want to see the people of the Tweed do is to have to travel to Lismore or Grafton to attend these courses, which would simply further increase the cost of obtaining the required certificates. The HACCP program is fantastic, and I stand fully behind it. I think it has brought a lot of sense into the industry and ensured that poor food handling practices are minimised. As I said, I am 100 per cent committed to protecting the safety of the general public. I recall my time at the Tweed Heads Bowling Club. As I said, then the club served more than 10,000 meals a week. It probably had one or two reported cases of suspected food poisoning, which were thoroughly investigated. Indeed, currently there are certain companies that will, on a retainer, investigate all suspected food poisoning claims and submit independent reports on those claims.

With regard to the bill, concerns have been raised as to whether the supervisor must be on the premises at all times or whether the legislation will work in a manner similar to the provisions for liquor licences. I held a liquor licence in the State of New South Wales for close to 16 years. Under the law, I was totally responsible for the running of that business and the responsible service of alcohol, regardless of whether I was on the premises.

Mr Alan Ashton: You've come out of it well, Geoff.

Mr GEOFF PROVEST: Absolutely. We never had one prosecution in that period. Coming from Revesby, we did very well indeed. There needs to be greater clarification. With regard to the rollout of these programs and the extra costs involved, surely the Government could show some initiative and offer a transition period and a reduced fee. The information I have received is that training courses will be offered to outside organisations that will come up with accreditation programs and so on. Obviously fees will be incurred, and those fees will be passed on. I spoke last night to members of the Restaurateurs and Caterers Association and they were extremely concerned about the wages they will have to pay their staff to attend these courses, apart from the upfront cost of the courses and the inconvenience and impact on businesses.

When the legislation on the responsible service of alcohol and responsible gaming was introduced it took a great deal of organisation and coordination to ensure compliance with the legislation. When I left my employment at the Tweed Heads Bowls Club it had around 150 staff. The training and certification of the staff extended over a period of more than four or five months, and there was really no legal latitude in that regard. I do not see in the bill a mechanism that provides a window of opportunity to phase in the food safety program, or a window of opportunity in terms of the number of employees, the number of meals provided, and so on.

The response I received from the Minister for Local Government clearly outlined the fee that councils can currently charge. In her letter the Minister said that that fee is the maximum fee permissible. However, a quick survey I conducted over the past few days has revealed that every council in New South Wales is charging the maximum permissible fee. This is just another impost on small business. My priority in relation to this legislation is looking after the interests of small businesses, whilst at the same time ensuring that the general public are protected. I continue to refer to the Gold Coast initiative of offering the food safety course free of charge. For every registered business on the Gold Coast, the Queensland Government is offering the course to their employees free of charge. Once again, I am 100 per cent committed to the Tweed.

Mr ALAN ASHTON (East Hills) [11.15 a.m.]: I had not intended to speak at length in this debate, as I believe the measures the Government is introducing to improve the service of food through the Food Amendment (Food Safety Supervisors) Bill 2009 are self-evident. But then I listened to the speech of the member for Tweed, whom I count as being a bit of a mate on the other side because of his great connection with Revesby Workers Club and the Revesby area. The member for Tweed started and concluded his speech with words to the effect that the bill is all about another cost to small business. I do not believe it is. The bill is about making sure that the standards we have in our restaurants and shops—indeed, anywhere that people can buy hot and cold food, takeaway food and restaurant food—are good and food is safe for the public to consume.

Members on this side of the House have referred to the figures, which show that it will cost proprietors as little as 20¢ a day to comply with the legislation. If 20¢ a day is going to send a small business bankrupt, they do not deserve to be in business. I remind members that the Federal Opposition did not want to play a part in the Rudd Government's stimulus package, which gave around $1,000 to people—and that included small business people. Twenty cents a day will not send any small businesses broke, so let us get the message out. Any attempt by anyone to say that the bill will send small businesses broke—shops that sell food down at Circular Quay, little takeaway shops or takeaway chicken shops—is misguided. The member for Tweed referred to Bakers Delight. We all go to Bakers Delight bakeries—they are like McDonald's.

One of the reasons I would never go anywhere near McDonald's as a young man was that I heard that a McDonald's restaurant was fined because a trace of meat was found in one of its hamburgers. That is outrageous! But once you have a couple of kids, you cannot go past a McDonald's restaurant without going in. My eldest daughter is now 23 so I have spent 23 years eating at McDonald's. I have eaten in McDonald's restaurants in France and in many other parts of the world. One of the reasons people go to McDonald's restaurants is that they are incredibly clean. McDonald's has a reputation—regardless of what one might think of its hamburgers compared with the good, old ones I used to get at Sydney university, which probably could give you ptomaine poisoning—for having very clean restaurants and well-prepared food. Any food that sits there for more than three or four minutes is thrown in the bin—although we could argue that that is a waste of food. Indeed, that used to be McDonald's rule but now they tend to cook when the order comes in.

My point is that Australia has a very good reputation—and New South Wales' reputation is second to none—for properly protecting customers who buy food at takeaways and other types of restaurants, and we must protect that reputation. The member for Tweed and other members referred to councils. I served on a council for 14 years. In those days it was the council's responsibility to carry out food inspections. Many times people would say to me, "Alan, can you check out this shop here? We don't think it is really clean." I was shown photographs taken out the back of restaurants. I must say that many of them were Chinese restaurants, but there were others as well.

Mr Steve Cansdell: McDonald's, Chinese—

Mr ALAN ASHTON: Yes, I am getting everybody.

Mr Steve Cansdell: Every one's a winner.

Mr ALAN ASHTON: Yes, every one is a winner. And the member for Clarence comes from the clean boxing industry. Businesses need to get products out and high standards are often not maintained. Not long ago the Government was being criticised for not naming and shaming various small businesses that were serving food in totally un-clean kitchens covered in oil, fat, grease, cockroaches and the like. It can be argued that there will be greater regulation. Some people think the State is overregulated—

Mr Steve Cansdell: Yes.

Mr ALAN ASHTON: But we cannot be overregulated when it comes to food safety. The member for Clarence interjects to say that we are overregulated as far as food is concerned. He should tell that to people in his electorate who get sick from eating at a club, restaurant or takeaway outlet.

Mr Steve Cansdell: We have clean restaurants in our area.

Mr ALAN ASHTON: You will have even cleaner ones now, Steve. There will be no problem at your next fight when they serve popcorn and all that stuff two minutes into the round; everything will be clean and tidy. The bill is not about making it harder for small businesses. The Government has lowered various taxes,

among other things, to help small businesses operate. What did the Opposition do about the Federal stimulus package that gave ordinary people, including small business people, $1,000 in the hand? It opposed it! Yesterday my secretary was sick and not in the office—happily, she is back at work today. The doctor diagnosed her with a stomach bug, which she probably got from consuming food bought from a shop. The worst food poisoning I have ever had was in New Zealand. I am not sure what food standards they have in that country—I was once told as a member of a committee that their standards are very high—but after I ate fish in New Zealand I thought there would be a by-election in the electorate of East Hills and I would not be a candidate because I would be dead.

Mr Steve Cansdell: Chinese?

Mr ALAN ASHTON: It was not Chinese; it was fish. If I can slam the New Zealand fishing industry, I will—because what I was served nearly killed me. I support the bill before the House.

Mr STEVE CANSDELL (Clarence) [11.21 a.m.]: I am pleased to speak to the Food Amendment (Food Safety Supervisors) Bill 2009 but I do not necessarily support it. The bill amends the Food Act 2003 as follows:

> (a) to require the providers of certain food businesses to appoint food safety supervisors who hold certain qualifications and have the authority to supervise food handling, and
>
> (b) to require that those appointments be notified to relevant enforcement agencies, and—

I note the important word "enforcement"—

> (c) to allow the Food Authority to approve registered training organisations to issue food safety supervisors certificates to persons who have the prescribed qualifications, and
>
> (d) to make other agreements facilitate the administration of the Act.

Certain parts of the Act are of concern to me. In the past few months I have been speaking with small business proprietors, especially some butchers in the mid Richmond area of my electorate of Clarence—

Mr Andrew Constance: Great beef.

Mr STEVE CANSDELL: It is. We have been talking about the Hazard Analysis Critical Control Point [HACCP] initiative that was introduced to provide better regulations for the handling of pure food by butchers and seafood outlets. I am about to give one of the regulators a spray. Unfortunately, when you have regulations you have regulators who add to the bureaucracy. I recently wrote to the Minister about this matter, and I will read part of the correspondence onto the record. It states:

> I write to bring to your attention a very distressing situation that is causing major concern to many small licensed retail butchers in the mid-Richmond area of my electorate. I have been approached by a number of these small businesses with complaints of heavy-handed action by New South Wales Food Authority inspector—

I will not mention his name. It continues:

> My constituents have told me that his approach is confrontational, threatening and they feel intimidated by his "do it or I'll shut you down" attitude. These struggling small businesses would like to be able to work with the NSW Food Authority inspectors to achieve a safe food environment, but are finding Mr … bully tactics out of line and totally unnecessary.

Mr Kerry Hickey: What's his name?

Mr STEVE CANSDELL: I will tell you after. You might be related to him, Kerry.

Mr Kerry Hickey: I might be.

Mr STEVE CANSDELL: The letter goes on:

> While at this stage I will withhold the complainants' identities for obvious reasons, such as their fear of recrimination, I will be collating a list of grievances … As one operator said to me "If he's got a job to do, that's fine, but you don't have to go out of your way to be an [a/hole] in the process".

Small businesses are doing a great job.

Mr Kerry Hickey: He could be related to you, Steve.

Mr STEVE CANSDELL: He could be too, don't worry about that. Government members have been insinuating that this country has Third World food handling practices and that each time people consume food from a small business they will get food poisoning unless the operators have completed a $250 course. The member for East Hills commented that the fee will not send businesses broke because it amounts to only 20¢ per day—or $250 over five years. But it is not just 20¢ per day. Country business may have to send staff to Port Macquarie, Coffs Harbour, Lismore or even to the Tweed to undertake the course. Those people will have to take time off work and put in others to run their businesses, or close them while they are away. Many of those businesses are not like the big Maccas that the member for East Hills mentioned; they are small one-, two- or three-person businesses—to be politically correct—that are hardly making a quid as it is. They keep their doors open so they can pay wages and enjoy the country lifestyle. This is another $250 for another regulation on another regulation on another regulation.

Businesses have not only this $250 fee but additional fees for having the nerve to employ people as a result of the amendments that were made in 2008 to the Food Act 2003. The fee for employers with fewer than five employees is $250 per year, and for businesses with fewer than 50 employees it is $500. The maximum fee is $2,000 per year. That is yet another cost for daring to employ someone. These costs are further imposts—there are regulations and more regulations. Then the regulators come in—I will not say what my constituent called the regulator I mentioned—with Gestapo-type attitudes and stand over businesses. One butcher shop proprietor told me that every time a particular regulator comes into his shop it costs him $1,000. For example, he had to change a tap but his plumber is from Evans Head and it was going to take him a month to do the work. The proprietor did everything else that was required of him and spent $3,000 fixing things up. He was behind on one thing and the regulator walked in and said, "That's not done; here's a bill for $1,000." It is a cost on a cost on a cost.

What will happen if a proprietor has to go away for a day or two, is detained for a further three days and the supervisor looking after things for him in the business does not have a safe food handling licence? How much will that proprietor be fined? Is there a fine? Must there be a staff member with a licence on every shift? Many young people use employment in a small coffee shop, for example, as a stepping stone to a better job. A proprietor may send a staff member to do the course and become qualified, then he or she leaves six months later. So someone else must do the course and become the supervisor. It is a cost on a cost. I do not support the bill, but I support its objectives. Anyone listening to this debate would think that there are no safeguards in place. But there are plenty of safeguards; the department simply has to do its job and follow up and enforce the regulations that are there. Instead, we have this show pony legislation. The Government should enforce the existing regulations rather than introducing more regulations and crowding businesses with more paperwork.

Ms Lylea McMahon: Mr Acting-Speaker, in reply—

Mr John Turner: Mr Acting-Speaker—

The ACTING-SPEAKER (Mr Thomas George): I call the member for Myall Lakes.

Mr JOHN TURNER (Myall Lakes) [11.28 a.m.]: It is interesting that the Government wants to close down this debate; I cannot see why. The Government clearly wants to close it down because the Parliamentary Secretary sought the call to reply to the debate. Is it because members opposite are sick and tired of hearing about how Labor is belting up small business again? That is what I think it is.

Ms Noreen Hay: Point of order: I suggest that the member for Myall Lakes get on and make his contribution. When errors occur or there is any confusion, it is best for members to move on and not criticise the Parliamentary Secretary at the table.

ACTING-SPEAKER (Mr Thomas George): Order! I will hear from the member for Myall Lakes before I make a decision. The member for Myall Lakes has the call.

Mr JOHN TURNER: I place on the record my opposition to the Food Amendment (Food Safety Supervisors) Bill 2009. The legislation is a direct impost on small business. In my electorate, as in other electorates, it allows the Government to put its hands in the till of small business. The member for East Hills

made the flippant remark that it is only another 20¢ a day for small business. Small business is getting belted all over the place. I object to the member's cavalier approach. In its background notes to the legislation, the Legislation Review Committee states:

> Under the national Food Standards Code all food businesses in New South Wales are already required to meet basic food safety and hygiene requirements. Local councils, under a partnership arrangement with the New South Wales Food Authority, undertake regulation and enforcement in this area.

The legislation seems to transfer the responsibilities of the New South Wales Food Authority, local councils, the Department of Health and others to the small business owner. No-one would oppose measures to ensure safe food handling. But the Government is sadly mistaken if it believes that the imposition of a fee and a compulsory course will stamp out unhealthy food handling practices. These measures will keep the honest and diligent people honest and diligent. It will not make those who have unsafe food handling practices rise to a competent level. The member for Clarence referred to food inspectors in his electorate.

I know that in my electorate food inspectors can be heavy-handed. They can close down businesses; they can implement name and shame provisions. Sufficient penalties and requirements ensure that small business premises handle and serve food properly. I do not see the logic in imposing this fee and compulsory course. The member for Tweed, who is 100 per cent for the Tweed, said that the Gold Coast council is providing this type of course for free. That is an excellent idea. The Government should consider providing the course for free, rather than placing another impost on small business.

As previous speakers have said, the Government has imposed countless courses on businesses throughout New South Wales. In the Myall Lakes electorate people will have to travel to Newcastle or Coffs Harbour, or if they are lucky Port Macquarie, to undertake this course. Further, it will cost businesses more than $250 because of the transient nature of employees in the food industry. Businesses may have to register more than one employee to undertake this course. I accept the clarification that the principal holder does not have to be on the premises 24 hours a day, 7 days a week. But it is nonsense to say that businesses will pay a $250 one-off fee. Businesses will have to pay for more than one employee to undertake the course. My colleagues have well and truly covered their objections to the legislation.

ACTING-SPEAKER (Mr Thomas George): Order! There is too much audible conversation in the Chamber. The member for Myall Lakes will be heard in silence.

Mr JOHN TURNER: It is another impost on small business. The Government must reconsider the legislation.

Mr DARYL MAGUIRE (Wagga Wagga) [11.32 a.m.]: As the Parliamentary Secretary the member for Shellharbour said, the hospitality industry is one of the cornerstones of the New South Wales economy. I would expand on that. Small business is the cornerstone of industry in New South Wales, of which the hospitality industry plays a large part. In the agreement in principle speech Parliamentary Secretary McMahon said:

> All food businesses in New South Wales are already required to meet basic food safety and hygiene requirements under the national Food Standards Code. Regulation and enforcement in this area is undertaken by local councils under a partnership arrangement with the New South Wales Food Authority. The Food Standards Code requires that food handlers have adequate skills and knowledge in relation to food safety.

If those requirements are already in place, what has gone wrong? Who has not been doing their job? Why are we debating the legislation? Why has the legislation caused so much discussion in the wider community? I can tell the House why. I will not go over the issues that have been adequately covered by previous speakers, but I want to raise one issue. In the agreement in principle speech the Parliamentary Secretary suggested there were some 26,000 businesses in New South Wales in the food and hospitality industry. At a cost of $250 for one employee of each of each of those 26,000 businesses, that works out at $6.5 million. If we factor in a staff turnover rate of, say, 10 per cent, the number of responsible persons required to undertake this course will be more than the number of businesses. Because of the turnover rate, it will cost small business far more than $6.5 million.

Many restaurants and food outlets in Sydney operate with casual staff. Indeed, they often employ people from overseas. If an employee is part way through the course, the business having expended $150—$50 per annum for three years—and the employee leaves, does the business receive credit for that amount of money or does it have to start again from scratch and pay another $250 for a further employee to undertake the

course? I also question the cost. The Government will tell us that it will work with industry to deliver these courses. On closer examination of the agreement in principle speech, I note that the Parliamentary Secretary said:

> The New South Wales Food Authority will work closely with registered training organisations to make this happen. The Government is confident that high-quality training can be delivered at a reasonable cost. The Government has not developed this initiative in a vacuum.

Previous speakers referred to the practice in other States and said that some States deliver the course at no cost, as it relates to the national framework. The State Government has levied a fee of $250. I ask the Parliamentary Secretary to explain in her speech in reply how the Government arrived at the figure of $250. Is it an industry figure? I ask that she provide the theory on which the figure of $250 was based. In New South Wales a similar course is offered by TAFE New South Wales. Is the TAFE course recognised under the legislation? In the agreement in principle speech the Parliamentary Secretary said:

> People such as chefs who have a formal qualification, and those who have completed the national units of competency in another State, will be recognised under the scheme provided the qualification was obtained after 1 January 2007 and remains no more than five years old.

The TAFE New South Wales Hospitality (Commercial Cookery) certificate course—which is completed over a period at a total cost of $670—allows the certificate holder to operate in businesses. Is that certificate recognised under the legislation? Importantly, do the qualifications gained by completing the certificate called Workplace Hygiene at a cost of $85 comply with the requirements of the bill? To those who will read *Hansard* I say that a mechanism called TAFE New South Wales already delivers courses in food handling and hospitality. The Riverina Institute in Wagga Wagga is a great example of a TAFE facility that delivers a course to school students. Indeed, my daughter participated in that course and gained several certificates in food hospitality and cookery. Will the certificates provided by TAFE Riverina be recognised as complying with the requirements of the bill? If so, I suggest to all employers that a far cheaper method of educating their employees is to sign them up with their local TAFE college because, unlike the courses set out in the bill, TAFE courses can be delivered online.

I understand that a problem with the bill is that it does not provide for courses to be delivered online. For remote communities such as Ivanhoe, in the electorate of Murray-Darling—which the local member represents wonderfully well—Menindee, Bourke, Lockhart or somewhere that is regarded as a little off the beaten track, the cost is enormous. The cost of fuel, transport and those kinds of things impacts heavily on a business, particularly when it is already struggling with environmental conditions the like of which have never been seen in the time that Australia has been formally settled.

What has the Minister done to give remote communities the opportunity to engage in distance learning at a cost of $85? Some TAFE colleges may charge more and some may charge less, but the director of the TAFE Riverina Institute, which delivers this course, informs me that the cost is $85. I would be very interested to hear why the Minister suggests the cost of the course is $250 when it has been proven that if it is agreed that the course is acceptable, or in a slightly modified form, $85 is the amount to be charged. I suggest that there is not a person in this place who does not support the great institute of TAFE, which is a marvellous learning environment with dedicated staff.

I have nothing but praise for my local TAFE colleges. Whether in Tumut, in the Murrumbidgee or Murray-Darling electorates or wherever, they do a marvellous job, and I question why that was not mentioned in what I regard as an important speech. Members have talked about the cost to business of $250 per annum, but if a business has a number of employees that cost can go up. Already business in this State struggles with the cost of red tape and compliance. I believe every member of this Parliament would be terribly disappointed if the Government has not done its homework and if the Minister has been negligent in recognising the standard of courses delivered by TAFE.

Members on this side of the House would assume that when she wrote the speech, or when someone wrote the speech on her behalf, Parliamentary Secretary McMahon would have questioned whether giving TAFE the opportunity to increase the courses it delivers would enhance the income that TAFE derives from the delivery of courses throughout regional New South Wales. TAFE New South Wales can deliver online courses Australia wide—I am told that its certificates are recognised throughout Australia—at a cost of $85 as opposed to $250. How good is that! The electronic age is a wonderful thing.

I have made my point that I am not very happy about the fact that businesses are being slugged again with costs, which is a trait of this Government. The worst thing is that the Government seems unable to grasp

the fact that businesses already struggle with things like payroll tax, land tax, and all the other costs. The Government seems to think that businesses can afford it. I understand that the industry wants to improve its image. I understand the importance of ensuring that food is served safely and that people have the skills to ensure that the industry complies with the requirements so that food-borne illnesses are diminished. But I also have great sympathy for businesses.

I have a business background that spanned 23 years and I know that you, Mr Acting-Speaker, have a business background too. We understand the great cost and imposition that the Government has foisted upon business communities time and time again. In fact, the Government does it unintentionally when one considers the cost of trying to do business in a city that is full of traffic jams. One only has to look at the loss of productivity that business have to contend with as a result of daily traffic jams. All these things add to the cost of business. The cost of $250 compared with an opportunity to deliver courses from a marvellous organisation like TAFE should be addressed. I will be terribly disappointed if the Minister does not respond to comments on TAFE in a positive way.

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

OMBUDSMAN

Report

The Acting-Speaker (Mr Thomas George) tabled, pursuant to section 31AA of the Ombudsman Act 1974, the report entitled "The Implementation of the Joint Guarantee of Service for People with Mental Disorders Living in Aboriginal, Community and Public Housing", dated November 2009.

Ordered to be printed.

HEALTH PRACTITIONER REGULATION BILL 2009

Agreement in Principle

Debate resumed from 28 October 2009.

Mrs JILLIAN SKINNER (North Shore—Deputy Leader of the Opposition) [11.47 a.m.]: I lead for the Coalition on the Health Practitioner Regulation Bill 2009. The bill establishes a national registration and accreditation scheme for the regulation of a number of health practitioners, specifically those in the chiropractic, , dental—including dentists, dental hygienist, dental therapist, dental prosthetist and oral health therapist—medical, nursing and midwifery, optometry, osteopathy, pharmacy, physiotherapy, podiatry and psychology fields, and the registration of students in those fields.

In March 2008 the Council of Australian Governments agreed to establish a national registration scheme by 1 July 2010, with Queensland acting as the host State passing legislation first. Other States would then enact complementary applied law schemes enacting legislation to abolish their State-based schemes and refer powers to the newly established Commonwealth bodies. I particularly thank the Clerks of the House, Parliamentary Counsel and the Parliamentary Library for their assistance in examining the process that has been followed in drafting the legislation. It is not true to say that this is mirror legislation, as has been suggested in some speeches. In fact, it is complementary applied law, which has a very different and complicated application. As I speak further and express my concerns the House will understand why.

The bill adopts the Health Practitioner Regulation National Law hosted by the Queensland Parliament as set out in the schedule to the Health Practitioner Regulation National Act 2009 of Queensland. That bill was passed on 4 November—after the Minister introduced this bill to the House and after the Minister's staff came to brief me on the matter, which was why they could not answer some of my questions. Since the Council of Australian Governments reached agreement in March 2008 there has been much debate, consultation, letter writing and agonising, particularly during the drafting of the legislation to implement the scheme. There has also been a Senate inquiry and another communiqué. As a consequence, many of the early objections to the legislation have been addressed.

Concerns were raised about the adoption of a national complaints model that would weaken provisions already in place in New South Wales, namely the Health Care Complaints Commission and mandatory reporting

of impaired doctors that was legislated last year following the outcry about the Graeme Reeves case. As a consequence, New South Wales will retain those provisions and will not be adopting sections of the Queensland legislation dealing with complaints. Therefore, any claim that we have standardised national law is not true, because New South Wales is already exempted from certain provisions.

The Queensland Parliament finally passed the substantive legislation—which is known as bill B— on 3 November. That bill was preceded by bill A, which I will not refer to because it complicates an already complicated matter. Each State is introducing legislation referred to as bill C to implement the reforms. At this stage, legislation has been introduced, but not passed, in Victoria, Tasmania and now New South Wales. This is the most complex piece of legislation, not in its aim but in its process, that I have ever dealt with. One cannot argue with the aim of setting up a national registration scheme to enable the free movement of health professionals across Australia and the standardisation of registration procedures and national accreditation. All parties and stakeholder groups generally support that aim. The problem is its process.

It is fascinating to read the submissions made over many months by the various stakeholders. The Minister acknowledged that there has been a fair amount of dissent about the bill. However, one of the things remarked upon was how little debate had occurred in Queensland about bill B, and I have read what did occur. It is also stunning how little time and effort the Minister put into introducing the bill in this place. It is extraordinary. I read the agreement in principle speech in the wee hours of this morning and noted that the Minister spoke for 11 minutes. My good friend and colleague Dr Andrew McDonald introduced the last piece of health-related legislation that we debated in this place—the Health Legislation Amendment Bill—on 25 March 2009. On that occasion Parliamentary Secretary McDonald spoke for 24 minutes, even though he acknowledged that the legislation dealt with minor amendments to a number of Acts.

Mr Gerard Martin: He was very verbose.

Mrs JILLIAN SKINNER: Perhaps the member for Bathurst will say the same about the member for Bankstown, who on 25 September 2008 when introducing the Public Health (Tobacco) Bill spoke for 26 minutes—two minutes longer than Parliamentary Secretary McDonald. This bill has far-reaching implications, but the Minister spoke for only 11 minutes and her contribution was very flimsy indeed. I therefore have a number of questions to put to her and a number of comments to make about the legislation.

Although we broadly support the goals of the legislation, the legislative procedure raises many concerns. The ministerial council that has carriage of much of the work of the legislation—the Australian Health Ministers' Advisory Council—has considerable power in relation to accreditation and education. Concerns have been expressed about the possible downgrading of education and training for all health professions in times of workforce shortages. Whilst complementary applied law schemes provide a greater degree of uniformity than mirror legislation, the State effectively loses its autonomy. Under clause 245 of the legislation, the Australian Health Ministers' Advisory Council will make regulations, which will be submitted to the Queensland Parliament. The New South Wales Act will be considered to have been amended by the amendment of the Queensland Act. Although the State will be able to disallow regulations, which is provided for in clause 246, it will not have effect unless agreed by a majority of participating jurisdictions. I will read onto the record a number of the concerns raised by key stakeholder groups about that part of the legislation.

At the request of the Australian Medical Association I suggested some amendments that would have restored the right of this Parliament to debate amendments before they were put to the Queensland Parliament. Advice from Parliamentary Counsel is that those amendments would knock out the bill. That highlights my concern, and the concern of health professionals, that the bill abrogates the right of this Parliament to make decisions on a very important matter relating to the accreditation and education of health practitioners. Ministers will be able to make regulations in response to workforce shortages. What will happen if they decide that as a result of a shortage of nurses the university nursing course will be decreased from four years to three years? What will happen if there is a shortage of doctors, particularly in rural New South Wales, and they reduce the training requirements for doctors practising in country Australia? That possibility is very alarming. It is not surprising that practitioners have raised many concerns.

Parliamentary Counsel has advised that the way I wanted to amend the legislation would thwart the intention of the entire bill, and I have accepted that we cannot proceed along those lines. However, I wanted to put that process on the record. As a result, Parliamentary Counsel has drafted an amendment, which I will move, to include a new provision. The amendment states:

No. 1 Page 4. Insert after line 4:

8 Minister to have regard to public interest—

That is, the New South Wales Minister—

> **in exercising functions in relation to accreditation**
>
> The Minister must have regard to the public interest when exercising functions as a member of the Ministerial Council in relation to the giving of directions to National Boards about proposed accreditation standards or proposed amendments of accreditation standards.

The amendment would give some kind of assurance to the public of New South Wales, and particularly to those in professions that will be impacted by the legislation, that the New South Wales Minister for Health would be obliged to apply a public interest test before taking those issues to the Australian Health Ministers' Advisory Council, which, of course, includes all Ministers for Health in the country. That would at least give some kind of assurance to practitioners and to the general public, who will become aware of this in due course. I recommend that the Government give this amendment serious consideration. I know that Parliamentary Secretary McDonald, who is a doctor, understands the concerns raised by his colleagues in the medical profession—not only doctors but also many others.

I will now address some of the concerns that have been raised about the legislation. Even though the Queensland Liberal National Party supported the legislation, members read their concerns onto the record and those concerns are reflected across the country. The Queensland shadow Minister for Health and Deputy Leader of the Opposition, Mr McArdle, acknowledged that the legislation had been amended following representations made by health practitioners who forced the Council of Australian Governments and the Queensland Government to understand that decisions about training and accreditation should vest with those who are best able to understand what the nation needs—that is, quality medical training.

At least the Health Ministers did undertake a substantial consultation process and took on board some of the concerns that have been expressed. At the first instance I had a very unusual meeting in this building with representatives of a number of stakeholders—from memory, it was the Pharmacy Guild, the Australian Dental Association, the Australian Medical Association and others—who were very concerned about many of the early recommendations. Some of those issues have been ironed out, particularly the exemption in New South Wales in relation to the complaints handling and disciplinary processes. I acknowledge that as well, as did Mr McArdle. He continued:

> There are certainly aspects of the bill with regard to the ministerial council in particular that raise concern—for example, the use of what the explanatory notes refer to as a reserve power being used in a manner that may again reflect the written word in the intergovernmental agreement …

Mr McArdle is particularly referring to the right of the ministerial council to give a direction to the national boards in relation to change of accreditation and/or training requirements. That gives cause for my amendment. I now want to turn to some specific concerns raised by a number of the health professions. The Australian Medical Association in New South Wales, like its counterparts across the country—in various States and also at the Federal level—has been very active in negotiating improvements to this legislation. It notes that it is strongly supportive of the system of national registration of health practitioners in the country, and has been lobbying for such portability for many years. I do not think anyone would argue against that. The association points out that it supports the New South Wales Government's retaining of the Health Care Complaints Commission and associated complaints system on the basis that the New South Wales system balances the needs of the public and registrants. However, the association points out that this bill and the schedule warrant careful consideration by Parliament, which gives rise to my comments about the Minister's very brief discussion. I hope the Minister responds more comprehensively in reply. The association went on:

> There are a variety of mechanisms through which decisions on the training of health workforce are made. For medical practitioners, there is a long established and robust national system of evaluating and approving training. This function is currently undertaken by the Australian Medical Council. The Australian Medical Council is an independent body with professional, jurisdictional and community representation.
>
> Under the proposed Schedule, the majority of decisions about training and education will continue to be made by an independent body appropriate to each profession. However, the Schedule does introduce new powers for health ministers, through the operation of the Australian Health Ministers Advisory Council (AHMAC). The AHMAC will have broad powers to issue directions to change training standards for all health professionals.
>
> For instance, to overcome the shortage of registered nurses, the AHMAC could decide to allow a university course for nurses which takes less time and involves less detailed educational requirements. The AHMAC could also decide to alter the requirements for medical training again to meet short term workforce or political motives. Decisions of such a nature were taken in the UK, resulting in a national inquiry and concerns that doctors received qualifications without sufficient training.
>
> The AMA has already obtained an amendment to the proposed legislation to obligate the AHMAC to consider both workforce and recruitment **and** quality and safety (the initial draft bill did not obligate the consideration of quality and safety).

That is an absolutely extraordinary omission. The association points out that it was seeking a further amendment to require the Minister to satisfy a public interest test to ensure that all such decisions genuinely meet the needs of the public and do not simply satisfy short-term political imperatives. The suggested amendment is the one that Parliamentary Counsel advised me would seriously jeopardise the success of this bill and has led to my alternative. The Australian Medical Association points out that it will seek similar amendments in other States, to require other Health Ministers to also consider the public interest. I commend this to my colleagues in other States, and I will be sending to them a copy of my amendment for their consideration.

Under the intergovernmental agreement that established the national registration scheme, subsequent amendments to the health practitioners regulation national law will be determined by the Australian Health Ministers' Advisory Council and will then be submitted to the Queensland Parliament. The New South Wales Act will be considered to have been amended by the amendment of the Queensland Act. If the New South Wales bill passes in the current form, according to the Australian Medical Association the Parliament in New South Wales will not be able to consider subsequent amendments to the legislation governing the standards and criteria for the registration of health practitioners in New South Wales. The Chief Executive Officer of the Australian Medical Association, Fiona Davies, says:

> We see this is a very serious issue, particularly given the decision to maintain other aspects of the regulatory framework such as the Health Care Complaints Commission.

The association has pointed out that in relation to mandatory reporting—which is an issue that has raised a number of concerns among a number of the health professions—it did not oppose the introduction of mandatory reporting legislation in New South Wales. It stated:

> While we maintain that doctors acted appropriately under current ethical obligations, we noted community perceptions.

Of course, this was the legislation referred to earlier, which was introduced in New South Wales following public disquiet over allegations relating to the practice of Graeme Reeves in the Bega electorate and other parts of the State. Fiona Davies points out:

> We worked actively with the Government and the medical board to enact legislation which appropriately balanced the need to protect the public with the need to ensure procedural fairness to doctors. We do not believe the schedule provides the same balance and we hold significant concerns regarding the manner in which it will operate.

The association is seeking to provide an exemption that the Government and the Minister might consider and put to the national body: an exemption for treating doctors or doctors providing care and support to other doctors. I will expand on that when I deal with some of the other comments provided by the organisations. The Australian Medical Association and others also raise concerns regarding division 10, proposed section 113, the table of protected titles, which, the association is worried, may enable other than medical practitioners to use the terms "surgeon" and "physician". That is a genuine concern given the public understanding of what those terms mean.

I now turn to a submission from the Royal Australasian College of Surgeons. I will not read all of these concerns onto the record because they are very common throughout, but I want the Parliament to know, and through Parliament the people of New South Wales, that these are the concerns of not just one group or one person; they are widespread concerns. The Royal Australasian College of Surgeons particularly talks about the independence of the accreditation function, areas of need declaration, the protection of the title "surgeon", mandatory reporting, and the indemnification for bodies undertaking work on behalf of national boards or their agencies.

In relation to accreditation, the college repeats its longstanding concern that, given the recruitment or supply of health practitioners is by definition always an issue, the clause that gives the ministerial council the right to overrule the national board if it believes the proposed accreditation standard will have a substantive and negative impact on the recruitment or supply of health practitioners could be invoked for political purposes at any time. The college also points out that it does not support the intervention of the ministerial council in the accreditation process. It states:

> Given that workforce supply is an ever present issue, it would be reasonable and preferable if any intervention by the Ministerial Council was only in exceptional circumstances in the public interest.

There is another body that supports my amendment in relation to the public interest. The college further states:

> The college welcomes the clauses of the legislation which envisage an advisory role for specialist medical colleges in the regulation of specialties within the medical profession. It is pointed out by other organisations that it would be extremely short sighted to overlook the specialist expertise that the colleges can bring to this whole matter.

That is something that is very important to acknowledge. In cases of areas of need, there has been little said by most about this issue. The college points out that despite the stated concerns of the college and recent tragedies resulting from the practice, clause 67 (5) of the bill empowers Ministers to declare an area of need without reference to the relevant profession. The college says, underlined, that there must be change to this aspect of the legislation. In relation to the use of titles, the college says:

> We do not accept that there is any place for non-medically or dentally qualified practitioners to be registered as surgeons.

Again the college lists a number of amendments and it highlights particularly this question of what is in the public interest. I refer now to some correspondence that is the end of a long line of many letters, emails, newsletters and conversations I have had with Dr John Buntine, President of the Australian Association of Surgeons. In the November 2009 newsletter Dr Buntine points out many of the issues that have been raised by others. He says:

> The Health Practitioner Regulation National Law Bill 2009 has been introduced in Queensland, Victoria and New South Wales: now is the time to act.

Dr Buntine is calling people to arms, he is so upset about this. He has been, I suspect, one of the people who has had more influence than any other in relation to some of the amendments. Dr Buntine points out:

> …it seems impossible to stop the legislation, trying to make it work better appears to be the only sensible option.

For that reason I genuinely ask this Parliament and the Minister to consider supporting my amendment. Dr Buntine goes on to say:

> The scheme breaks a principle that applies to all of life's endeavours: don't try to do too many things at the same time.
>
> Our concerns about government control over the training and accreditation have blinkered our eyes to the dangers to the public of inappropriate actions being taken by one or other of the new independent national boards governing the other nine groups of health practitioners.

Dr Buntine encloses an article entitled "Podiatrists Prescribing Rights: at what cost?" that appears in the current issue of VicDoc, which is published by AMA Victoria. I am happy to table this if anyone would want it. Dr Buntine says:

> The worrying matter is merely a taste of things to come following the passage of the legislation which would facilitate a wide range of medical diagnosis and treatment being undertaken by people who are not doctors: this is a major thrust of the legislation.

I recall some years ago, when Craig Knowles was the Minister for Health, going to him personally in relation to a bill that was presented to this House as part of the competition policy amendments. It was suggested to me that if it proceeded the way it was, it would not only cause great harm to people, it could cause death. Great credit to him, the Minister took on board those concerns, consulted with the specialists that I had been in touch with, or who had been in touch with me, withdrew the bill and amended it in relation to prescribing rights for optometrists, in acknowledgement that that was the right thing to do. That issue is also covered in this material, but there was no scope for drawing up amendments, given the scale and extent of what the optometrists themselves believed the measure meant. They were putting out statements that indicated they believed it meant a lot more than it really did.

The legislation was loose enough to allow them to interpret it that way. Great credit to the Government at the time, they actually took back the bill and reintroduced it in an amended form. I believe that is a very real concern. Dr Buntine has suggested an amendment that would require public interest to be applied to the actions of the Health Workforce Ministerial Council. He was worried about the greater powers of the ministerial council over national boards and so on. Generally, they are concerns that others are expressing. I now turn to issues raised by another inveterate writer who has had many concerns about this legislation. Stephen Milgate, Executive Director of the Australian Doctors Fund. has expressed concerns in a number of e-mails and correspondence, and most recently in a press release on 27 October headed "New South Wales citizens to be governed by Queensland and/or Victoria parliament". The press release starts:

> New legislation if passed in NSW will give other state parliaments governing rights over NSW citizens.

Absolutely right. It continues:

> This legislation is a dangerous precedent and makes a farce of state governments pretending to have jurisdiction over their constituents.

I share his concerns. The press release continues:

> The Bill is the centrepiece in a COAG driven reorganization.

He points out that it has been described by the Health Services Union as "federation politics gone mad". He is probably right. He points out that were the bill to become law in this State, a New South Wales Parliament would no longer have jurisdiction in its own State. He says:

> The ADF believes the legislation is flawed and has previously called for it to be scrapped. At a minimum any section in the Bill which demeans the sovereignty of the NSW Parliament ... should be the removed.

In fact, that is the section that I tried to have amended and was told it would knock out the whole bill. I point out to Mr Milgate that at least my amendment would put some controls on the New South Wales Ministers' involvement in the Health Ministers' Advisory Council. Mr Milgate points out that Maurice Neil, QC had a look at section 246 of the bill and described it as "manifestly detracting" from the sovereignty of the State. So this is not just the view of people who are supporting the medical practitioners; it is a legal view, and one that I worry about. The Australian Dental Association has also been a very vocal critic of this legislation, particularly in the early days.

The association's letter to me mostly focuses on mandatory notifications. Earlier in my speech I said I would refer to this again, in relation to the Australian Medical Association's recommendation that there be amendments regarding doctors treating doctors. The Australian Dental Association points out that ADA New South Wales Peer Advisors provide a service to members called the Dental Defence Advisory Service, known as DDAS. The advisors provide timely non-judgemental support and information to members on a broad range of issues. The service is highly valued by association members as it provides them with an opportunity to discuss matters relating to clinical practice.

The Australian Dental Association has obtained advice that suggests that the current provisions relating to mandatory notifications would jeopardise this important service, which benefits not only the association's members but also the community at large by allowing practitioners to support others. In providing that support, the practitioners would be obligated to make a report, which would basically cancel out anyone coming to them for assistance. I share the Australian Dental Association's concern with members and ask the Minister to respond to it. The association has suggested certain amendments to the legislation, which of course I cannot move in light of the recommendations of Parliamentary Counsel.

The Australian Society of Anaesthetists has also expressed concerns about the legislation. I will not read through all the concerns expressed. However, the society has put forward amendments that address most of the issues I have already raised. The society is very worried about the exclusion of medical colleges from the training of healthcare workers, with training being organised and guided by bureaucrats. The society is also worried about the destruction of the international recognition of Australia's medical training standards for our graduates applying to work overseas. The Australian Society of Anaesthetists is also worried about the ability of any Federal health Minister, or indeed any Minister, to interfere in any part of the healthcare system via the ministerial council. The society is worried about decisions to be made in isolation by individual healthcare boards, with no cross-responsibility or interaction with other healthcare sectors, which could impinge directly on the areas of another board. These are genuine concerns that I believe need to be addressed.

The Coalition has received correspondence from dental technicians. Their peak body, the Oral Health Professionals Association, represents Australian dental technicians and laboratory owners. The association is very concerned that, despite the legislation naming a number of professions under the term dentistry, dental technicians are excluded. The association is worried about what this means for the future of dental technicians. It points out that the national law provides for the registration at a national level of dental hygienists, dental therapists and dental prosthetists. But what about dental technicians? Perhaps an answer will be forthcoming.

I have a number of pieces of correspondence from members of the Australian Psychological Society with regard to unregulated psychological testing. I have received letters from Agnes Levine, Fleur Bonnin, Roderick Lander and Lizette Campbell. I refer particularly to a letter from Professor David Morrison, from Western Australia, who has made a very important point that needs to be addressed. Given that this will be a national scheme, we take on board the views of all people in this country. Professor Morrison wrote:

> We are writing as a School centrally involved in the training of professional psychologists within this State, to alert you to an issue of concern. Under the auspices of COAG, there has been an initiative to create National Registration and Accreditation legislation to initially encompass 10 health professions …

> … As a School of Psychology in this State, we hold serious concerns regarding the removal of long-standing restrictions on the conduct of psychological testing under the Scope of Practice provisions in the exposure draft of the Bill …
>
> We are seeking your support for amendments to this Bill to ensure the future safety of community members …

At page 19 the bill speaks about objectives and guiding principles, and about restrictions on practice, but it does not refer to restricting the practice of psychological testing. These are real concerns that I believe need to be addressed. Concerns have also been raised with me by the President of the Australian Doctors Trained Overseas Association, another individual who regularly contacts me on behalf of doctors trained overseas. The association president is particularly concerned about the intention of medical boards to limit obtaining Australian qualifications to two years. He points out that that is almost an impossibility, except for those meeting the "competent authority model", namely people from English-speaking countries. He speaks about the difficulties faced by Australian Medical Council graduates in obtaining intern positions. He also refers to rumours that the Australian Medical Council will limit the number of international medical graduates that can graduate, which will likely result in the reintroduction of a quota system. The President of the Australian Doctors Trained Overseas Association further writes:

> Please understand that the result of the above will ensure that the number of additional doctors joining the medical workforce will be far less than the additional number of graduates from Australian medical schools.

I would appreciate the Minister's response to that. The Australian Osteopathic Association has indicated that it is keen to see a national scheme, as is everyone. In particular, the association raises concerns about the restriction on spinal manipulation encompassed in this legislation. I merely ask the Minister to respond to that. I will conclude my comments regarding concerns expressed by the health professions, among many others. The Royal Australian College of General Practitioners also expressed concerns about the legislation. Today I received yet another email from the Division of General Practice raising similar concerns to those I have raised regarding community of interest and the ministerial council having far too much scope to interfere politically rather than for a clinical benefit. The Royal Australian College of General Practitioners supports the national registration but says, "We continue to be significantly concerned by COAG's proposed system for national registration." The college points out that it is particularly concerned about the significant omissions of the roles of the medical colleges and other health professional standard-setting bodies. The college also raises concern about the overarching powers to be given to a ministerial council.

All of these bodies are saying virtually the same thing, and I make no apologies for putting their concerns on the record. It is important that we listen to these people. These people have led to New South Wales, and indeed the country, having medical practitioners in a variety of health fields. They have also led to the Minister and the Minister's predecessors, both on the Labor side of politics and on our side of politics, saying that we have some of the best medical staff in the world. Why on earth would we potentially downgrade that quality? That is what all these professional associations are saying. I notice the member for Bathurst shaking his head.

Mr Gerard Martin: No, you don't. Don't verbal me.

Mrs JILLIAN SKINNER: He is at odds with these health professionals.

Mr Gerard Martin: That is wrong.

Mrs JILLIAN SKINNER: You are agreeing with them, are you? I am glad that you agree with them. I am pleased to have that clarified.

ACTING-SPEAKER (Mr Thomas George): Order! The Deputy Leader of the Opposition will direct her comments through the Chair.

Mrs JILLIAN SKINNER: The health professionals' concerns are real. These are learned people who represent the broader workforce in New South Wales. I cannot amend this legislation—apart from the amendment I have foreshadowed to satisfy some of the suggestions made by the professional bodies—because it would knock out altogether the way in which this Government and the ministerial council have acted. I agree with the Australian College of General Practitioners, which asked why we are doing it this way. Why could we not proceed as we have with other national legislation? There was agreement that we could have national or mirror legislation, as has occurred in Western Australia. Any suggestion that it has to be done this way because that is how it is done across Australia is ridiculous because Western Australia has done it differently. We could

have introduced mirror legislation that retains the right of the New South Wales Parliament and the Minister, acting in the interests of the health professionals of this State, to uphold the quality accreditation and education standards of the people who are practising in this State.

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [12.30 p.m.]: "Improving patient care is why every one of us gets out of bed each morning." These spontaneous words of Dr Andrew Pesce, then as now a hardworking and highly respected senior clinician and now Australian Medical Association national president, that were spoken at a Garling forum at Westmead earlier this year capture in essence the vocation of every health worker.

The Health Practitioner Regulation Bill 2009 is vital to improving patient care around the State and Australia. The move to a national registration and accreditation system for our health professionals is absolutely necessary. Four years ago I gave evidence to the Productivity Commission at the start of the process, and the commission's original report in 2006 led to the Council of Australian Governments [COAG] agreement to establish a single national registration scheme. We all agree on the benefits, which I will now discuss. The first benefit is workplace mobility. In the complex Australian healthcare system, workplace mobility is vital. Practitioners need to be able to move interstate quickly and easily for further training or to take up a definitive long-term position. Workplace mobility across States is also vital in border areas, and national registration needs to address the increasing use of e-health and telehealth, as some practitioners are concerned about jurisdiction across interstate boundaries.

The second benefit is information sharing. We must share information across jurisdictions. Under the new system, loopholes that may be created by different regulatory approaches in jurisdictions will no longer exist. Appropriate checks and balances will be retained and professionals whose practices have been found wanting in one State will no longer be able to take refuge in another State. The third benefit is standardisation. National registration will allow for standardised registration and accreditation processes across the country. Ministers do not have any control over accreditation processes and the national law does not give them any control. The accreditation of educational programs is a highly specialised process that is undertaken by experts in the field—which, in the case of the medical profession, is the Australian Medical Council and, in the case of dentistry, is the Australian Dental Council. Other professions have established similar bodies.

I note the concerns of the shadow Minister as to the role of education. I assure all members that this is anything but a downgrading of education. Education was seen as pivotal in the Garling reforms. I currently work as an examiner with the Royal Australasian College of Physicians. There is national examination and every candidate must take their exam interstate and examiners also travel interstate. The college is ahead of the game and we need to follow its lead with regard to national registration and accreditation. The only involvement that Ministers will retain in the approval of accreditation standards is the necessary power to issue a direction about a new standard or change to a standard in very limited circumstances. Again, this is vital in protecting patient safety. These powers will arise only if the new standard or the change has a significant, substantive and negative impact on the recruitment or supply of health practitioners. Ministers will also be required to consider the potential impact on the quality and safety of health care when making such a direction. To ensure transparency, any such direction and the reasons for the direction must be published.

I place on record my thanks to all the stakeholders who participated and made contributions to the development of this bill. They have dedicated significant time and effort to this matter and the Government thanks them for their contribution. This is a time of great change for the New South Wales health system, with the Garling report and the National Health and Hospitals Reform Commission Report. This bill complements those reports, and national registration will facilitate any changes that need to be made. While compromises are essential in developing such a system, the need for any elected government to ensure patient safety above all other considerations has meant that not all compromises are possible. For the sake of completeness, I note the concerns of Andrew Pesce in his role as President of the Australian Medical Association. I note also that it is at its instigation that members opposite will introduce the public interest amendment. I place on record also my pride in having Andrew Pesce as a colleague and a representative of our profession.

The bill achieves the important goal of retaining for New South Wales the healthcare complaints system that was developed for New South Wales. The key features of this system are an independent, transparent process for reporting and a strong public protection system. Modern health care is probably the most complex thing that the human race has ever done. Unfortunately, human beings are not perfect, and things do go wrong. That is why any modern health system needs a way of dealing with, and fixing, problems when they occur. In New South Wales the Health Care Complaints Commission and the Clinical Excellence Commission

share the oversight of patient safety. This is world's best practice in balancing the need for individual practitioner responsibility and systemic reform, in this case under separate bodies. The system works for New South Wales but it is complex and for that reason has not been adopted by other States, with their smaller population bases and smaller health systems. In New South Wales, the Clinical Excellence Commission allows every person in our health system to benefit from the experience of others. The commission is allowed to drive the system changes that are necessary to respond to the rapidly changing needs of our patient population in the foreseeable future.

The compromise as to the regulation of the healthcare complaints system has been reached, with the Government brokering an agreement with the other States and Territories that will enable New South Wales to maintain its current healthcare complaints system and retain the New South Wales Health Care Complaints Commission. This solution will work best for patients in New South Wales. The rollout of mandatory reporting provisions is another key public protection measure. Mandatory reporting has existed in the New South Wales medical profession for some time and that system will now be rolled out across the other professions and across the country. Again, all would agree that patient safety is vital and that those who practise while intoxicated, who practise in a way that results in a substantial departure from accepted professional standards, or who engage in sexual misconduct are a danger to patients.

I note the article by Kerry Breen that appeared on 19 October 2009 in the *Medical Journal of Australia* in which he raised concerns about neighbour being suspicious of neighbour. As a doctor, and now as a politician, I can inform my colleagues in the health profession that my response is that the average person would justifiably expect that if any health clinician is practising while intoxicated, is engaging in improper sexual contact or is departing substantially from accepted practice, then their patients have the right to be protected. The Government should defend that right, and the profession needs to accept that that is absolutely vital for patient safety. The first people to know about these severe impairments or substantial deficiencies in care by practitioners are often the workmates of those health professionals.

Mandatory reporting for doctors in New South Wales has not led to a flood of vexatious complaints. In fact, mandatory reporting in New South Wales has allowed practitioners to have the confidence to report when they know it is necessary to do so. For this reason, the protection from liability is vital for those health workers who do speak out. It is now 108 years since Federation and national registration has been a difficult issue to address over that time. As Dr Breen said, "This is a once in a lifetime opportunity to ensure best practice." I am pleased to be able to support a bill that does just that.

Mr GEOFF PROVEST (Tweed) [12.40 p.m.]: I will comment briefly on the Health Practitioner Regulation Bill 2009. The bill establishes a national registration and accreditation scheme for the regulation of health practitioners, which covers chiropractics; dentistry, including dental hygienists, dental therapists and dental prosthetists; medicine; nursing; midwifery; optometry; osteopathy; pharmacy; physiotherapy; podiatry, and psychology. It also establishes a scheme for the registration of students in those fields. As my electorate of Tweed is situated on the Queensland border, I understand the importance of having a national scheme that allows the movement of professionals across Australia. This legislation is also of interest to me in relation to students. For some time we have campaigned for the accreditation of our local hospital to level 5. Recently the hospital received that accreditation. Further, I chaired a Federal funding committee that saw the establishment at Tweed Hospital, in conjunction with Bond, Griffith and Southern Cross universities, of a regional doctor training facility. People from both sides of the border use this facility. I have also witnessed the issues faced by medical practitioners in Queensland.

In March 2008 the Council of Australian Governments agreed to establish a national registration scheme by 1 July 2010, with Queensland acting as the host State to pass the original legislation. The bill adopts the Health Practitioner Regulation National Law as hosted by the Queensland Parliament and set out in the schedule to the Health Practitioner Regulation National Law Act 2009 of Queensland. As the shadow Minister for Health eloquently stated, there has been a great deal of consultation, letter writing and agonising over this legislation. I support the shadow Minister's objections to the relinquishing of sovereignty. Although overall I am in favour of the bill and the introduction of a national registration scheme, I do not agree with sovereignty being passed to the Queensland Parliament. Having worked so hard with the medical industry to establish the Institute of Medical Education and Training—which involves three universities and is presently training 84 doctors—it is of great concern to me that the ministerial council has such power in relation to accreditation and education.

The Government has not addressed concerns that have been raised about the possible downgrading of education and training of health professionals. This Parliament has a duty to ensure that the people of New

South Wales receive first-class service from the medical profession and other professions. There is a fear that this legislation will affect our ability to put regulations in place that will achieve that end. I note that the shadow Minister for Health proposes to move amendments in that regard. Key medical associations such as the Australian Medical Association, the Australian Association of Surgeons, the Australian Doctors Fund and the Royal Australian College of General Practitioners support the shadow Minister's proposed amendments to ensure that the best-quality service is provided to the people of New South Wales.

Although States are able to disallow regulations under clause 246, the disallowance has no effect unless the same occurs in a majority of participating jurisdictions. As the shadow Minister said, the introduction of mirror legislation would have resulted in a far better outcome. The modification of this legislation has caused grave concerns for a number of outstanding associations that work very hard for their members and for the people of New South Wales. I acknowledge the importance of this type of legislation, particularly in the Tweed where a large number of practitioners service both sides of the border. I speak on a regular basis to the Tweed Valley general practitioners. The 184 doctors in the region, many of whom have practices across the border, are greatly concerned. Similarly, I echo the concerns that have been raised about the possible downgrading of education and training. I thank the House for this opportunity to speak to the bill.

Mr GERARD MARTIN (Bathurst) [12.45 p.m.]: I support the Health Practitioner Regulation Bill 2009. We have heard criticism from the Opposition in relation to this bill and I want to address some of the issues raised by the shadow Minister for Health. The shadow Minister criticised the Minister for speaking for only 11 minutes. I would rather listen to 11 minutes of the Minister eloquently stating the facts than 30 minutes of drivel from the shadow Minister, largely made up of reading onto the record submissions from organisations. I do not know whether she spoke to any of those organisations. The shadow Minister, supported by the member for Tweed, tried to muddy the water on the issue of sovereignty. Although national law is introduced in one State Parliament and adopted by other States and Territories to achieve national legislation, constitutional power still lies with the States. That has been standard practice for a long time. In that regard, I refer to recent legislation such as the National Gas (New South Wales) Act and the consumer credit Act. For the shadow Minister to suggest that New South Wales is now subservient to the Queensland Parliament is ridiculous. It does not undermine the ability of New South Wales to debate and review legislation. The final decision will always rest with this Parliament. The shadow Minister is attempting to muddy the water.

The Australian Medical Association, the Royal Australian College of General Practitioners and other such organisations are all worthy bodies. However, many people would say that they act as silos and look after their own vested interests. The shadow Minister referred to dental technicians. Recently I spoke with the organisation's national president, who is a constituent of mine. The shadow Minister did not say that the reason the dental technicians are not included in this legislation is that they are not directly involved with patients. They do job lot orders for dentists and dental prosthetists. The shadow Minister also did not say that the Opposition would support them. Speech pathologists have approached me and asked me why they were not included.

The shadow Minister can listen to the complaints of all the people who come through her door, but at some stage she has to form her own input and policies. She spent 30 minutes waffling and quoting. I note that the member for Coffs Harbour is also good at reading documents onto the record and passing it off as a speech. This bill is the first of two bills to be brought before the House that will create a new national system for the registration, accreditation and regulation of health professionals in this country. As the Parliamentary Secretary, the member for Macquarie Fields, said, it has taken 108 years. That is a result of the silo effect of the medical profession. This legislation provides a connection.

The bill adopts the Health Practitioner National Law as a law of New South Wales. The national law implements the national registration and accreditation scheme as set out in the intergovernmental agreement signed by all Ministers in March 2008. This scheme is to become operational on 1 July 2010 and will eventually cover 14 health professions, starting in 2010 with dental—but not dental technicians—medical, nursing and midwifery, optometry, podiatry, pharmacy, physiotherapy, psychology, osteopathy, and chiropractics. In 2012 the scheme will be expanded to include Chinese medicine, medical radiation practice, occupational therapy and Aboriginal and Torres Strait Islander health practice. It is a comprehensive list but not all embracing.

Each of these professions will have a national board, and each board will create registration processes and approve accreditation standards as developed by the various accreditation bodies. There will not be any diminution of the educational standards, as has been suggested, once again, by members opposite. The bill has been the subject of lengthy and substantial consultation with health professional groups, registration boards and other key stakeholders. There has been active engagement of clinicians and other stakeholders in the course of

the past eighteen months and there has been much discussion and debate between the various jurisdictions. I acknowledge the significant amount of work that has been carried out by the Federal and State governments and health professionals around the country in order for this to occur.

Although this bill will set out this State's participation in the national scheme, there is one important aspect where New South Wales will differ from the rest of the nation. That is in the area of complaints. New South Wales will retain the current system for handling misconduct and unsatisfactory professional conduct as well as impairment and performance. The Health Care Complaints Commission will be retained as a separate entity with separate legislation. New South Wales is the only jurisdiction to operate a completely independent health complaints investigator—and we will not give that up. The Health Care Complaints Commission investigates and prosecutes complaints against health practitioners. Although it works in consultation with the registration boards, importantly, it does not act under their direction.

New South Wales also has the most sophisticated system for managing impaired practitioners and for performance management of practitioners whose professional performance is poor—which, unfortunately, does occur from time to time. The aim of this system is to identify issues before they become elevated to the complaints system—in other words, it is about intervention. In no other jurisdiction is there such a comprehensive and transparent approach to managing the performance and impairment of health practitioners or a system that provides such thorough public protection. This is a world-class system of which we are very proud in New South Wales, and this Government has fought hard to retain it. The Government has received consistent and steadfast support for this position from health professionals and the broader community.

The system that this bill will establish will create a nationally consistent process for registration and accreditation and will improve clinician mobility and information sharing across borders whilst still maintaining the stringent public protections that exist in the New South Wales healthcare complaints system. Whilst it has involved a process of discussion and compromise, we believe that we have achieved the best outcome for the people of New South Wales and for the health practitioners in this State. I commend the bill to the House.

Mr ROB STOKES (Pittwater) [12.53 p.m.]: The object of the Health Practitioner Regulation Bill 2009 is to adopt the Health Practitioner Regulation National Law hosted by Queensland. It is ironic that we are following Queensland's lead in relation to health practitioner regulation but not in relation to donations reform. So far there are two elements to debate in this bill. The first relates to the content, over which there is very little dispute, and the need for national regulation of health practitioners. The second element is a separate debate about the form this legislation has taken. I will speak firstly about the content of the bill.

The principle of a national system has very clear advantages, and we have heard in detail what they are. They include things such as uniformity, clarity, transparency, simplicity and, importantly, the opportunity for standard data collection in relation to workforce issues and also complaints. In relation to the regulation and registration of health practitioners, the content of the bill represents a positive way forward in many ways and, indeed, follows up work that has been going on for quite a long time, starting with the previous Federal Government, which commissioned the Productivity Commission report back in 2005 that identified the need for national regulation and registration and which started the process leading to this bill.

I note that there have been detailed discussions over many years and the legislation has taken various forms and been refined as a result of feedback from stakeholders and so forth. I turn now to the way in which this national registration is being set up. I join my colleagues in asking why a complementary applied law scheme is being used for implementation. Clause 6.1 of the agreement of the Council of Australian Governments states:

> For the purpose of ensuring a national registration and accreditation scheme, the States and Territories undertake to use their best endeavours to submit to their respective Parliaments whatever Bill or Bills that have the effect of achieving a national scheme from 1 July 2010.

There is nothing in the agreement of the Council of Australian Governments that requires us to adopt a complementary applied law scheme, whereby one State, such as Queensland in this case, enacts a law on the issue and the other States apply that law in their own jurisdictions. The practical impact, as has been detailed by other speakers on this side of the House, is a loss of autonomy because a central system, once set up, will be difficult for a State to exert any power over. It also puts a limit on future legislative power by this Parliament because, as a consequence of clause 246, a disallowance of any regulation under the proposed Act by this or a future Parliament will have no effect unless the same regulation is also disallowed in a majority of participating States.

I note that the member for Bathurst disputed that element of the bill and suggested that we will have continuing opportunities to debate and review the legislation. Clause 9 states that the Act will be reviewed in five years time, but the practical consequences of that review cannot be to change the system. Once the system is centralised, that is it, and our power, to a practical extent, is limited. So in one respect the law acts as a ratchet: once we are signed up, we cannot go back. In some situations that may be desirable, but the question is whether it is desirable in this situation. On the other hand, mirror legislation allows for changes and differences to be accommodated and preserves the flexibility and independence of the participating jurisdictions. In the present case that is exactly what we are trying to do. I note that the member for Bathurst talked at some length about the need to maintain a different Health Care Complaints Commission in relation to New South Wales. By passing the bill, Parliament is saying that it wants to recognise the differences in the New South Wales system. If that is what we want, then mirror legislation—just as a form of legislative drafting—seems to be the better way to go.

There are also some reasons why flexibility and independence might be good things to hold onto in the case of health practitioner registration and regulation. It comes down to an argument about the centralisation of power and Lord Acton's dictum that power tends to corrupt, and absolute power corrupts absolutely. The system will be bigger and it will be centralised, but those two things by themselves do not make it better.

A bigger system is not necessarily better. In those circumstances, it is important to recognise that when a process is centralised the door is opened to the development of a large centralised and distant bureaucracy that is unresponsive to local conditions. We saw an example of that in the United Kingdom with the Postgraduate Medical Education and Training Board, which cut practitioners out of the process. That was a terrible experience. Centralised systems do not always offer the best way forward. That is why mirror legislation can be a better way to preserve at least some element of flexibility.

I appreciate the argument that mirror legislation can be varied and it can undermine the purpose of a centralised and standardised system. However, the point is that State jurisdictions should maintain some independence and freedom. Again, our concerns about centralisation highlight the importance of registration and accreditation being kept independent of government. I acknowledge that the amendment proposed by the shadow Minister for Health seeks to ensure that when the Australian Health Ministers' Advisory Council acts, it must do so only in the public interest and cannot force practitioners to do only what government wants. That emphasises the importance of recognising medical colleges and their role in determining training and continuing professional development standards.

I have a few questions that I would like the Minister to address in her reply. Why are we going down the complementary applied law route and not the mirror legislation route? The Council of Australian Governments agreement states that Queensland will be the first State to introduce legislation, followed by Western Australia, New South Wales and so on. Is there any reason for that order? Are any other States adopting mirror legislation? Is there some reason that we cannot go down that route? The system is designed to identify inconsistent legislation and to repeal it. I understand that inconsistent legislation cannot be repealed until all jurisdictions have signed up. What is that inconsistent legislation and has it been identified yet?

Mr ANDREW CONSTANCE (Bega) [1.02 p.m.]: I speak to the Health Practitioner Regulation Bill 2009. I strongly endorse the establishment of a national registration scheme that will enable the free movement of health professionals across Australia, standardisation of registration and national accreditation. I do so because of the very difficult situation we faced on the far South Coast involving Dr Graeme Reeves. The notion of a rogue doctor undertaking the activities that he did—

Dr Andrew McDonald: Point of order: Standing Order 76 provides that the member speaking should be relevant to the subject matter of the debate. Dr Reeves was deregistered four years before this bill was introduced and is irrelevant to the subject of the debate.

Mr ANDREW CONSTANCE: To the point of order: I have spoken for only 60 seconds and I had not finished my sentence about Dr Reeves. The point I was going to make—and I will make it during this debate—is that if he had gone on to practise in another jurisdiction he could easily have got away with it. The point I was making about Dr Reeves—

ACTING-SPEAKER (Ms Diane Beamer): Order! The member for Bega is not speaking further to the point of order.

Mr ANDREW CONSTANCE: I am speaking to the point of order. That is, what I am saying is entirely appropriate in the context of this debate.

ACTING-SPEAKER (Ms Diane Beamer): Order! I am sure that the member for Bega will return to the substance of this debate.

Mr ANDREW CONSTANCE: The allegations in the Graeme Reeves case that played out on the far South Coast are well documented. The matter is before a court, so I will not discuss it any further. However, it illustrates the great benefit of having a national registration scheme—which I thought the Parliamentary Secretary supported and I agree with him. Under such a scheme doctors who do the wrong thing will not be able to go to other jurisdictions and get away with it. I do not understand the point of order and I hope that the Parliamentary Secretary reflects on what he just said.

The shadow Minister for Health and the member for Pittwater referred to the enactment of a complementary applied law scheme. The Minister for Health might be able to explain why national legislation is not being introduced so that each State can then amend its own legislation accordingly. Why can we not do this by creating a true national framework? Why do we have to follow Queensland?

Concerns have been expressed about clause 246, which deals with parliamentary scrutiny of national regulations. It states:

> (1) A regulation made under this Law may be disallowed in a participating jurisdiction by a House of the Parliament of that jurisdiction—
>
> (a) in the same way that a regulation made under an Act of that jurisdiction may be disallowed; and
>
> (b) as if the regulation had been tabled in the House on the first sitting day after the regulation was published by the Victorian Government Printer.
>
> (2) A regulation disallowed under subsection (1) does not cease to have effect in the participating jurisdiction, or any other participating jurisdiction, unless the regulation is disallowed in a majority of the participating jurisdictions.
>
> (3) If a regulation is disallowed in a majority of the participating jurisdictions, it ceases to have effect in all participating jurisdictions on the date of its disallowance in the last of the jurisdictions forming the majority.

This is an erosion of States' rights. The Opposition has serious concerns about the ability of a future New South Wales government to pass legislation as a result of this amendment. We are giving up the authority of the State Parliament and handing it over to a scheme that does not represent a true national framework because we are talking about a complementary applied law scheme. I do not understand why the New South Wales Labor Government is not expressing greater concern about this issue. As I said, this is an erosion of this State's rights and we should be very careful about that. There could be very serious unintended consequences given that we are dealing with the registration of health practitioners and students. I am keen to hear from the Minister for Health why this is not being done under national legislation with mirror legislation in the States? The Government must answer that question.

As I said, I strongly support the principle of a national registration scheme and I cited my reasons for doing so. However, we have seen a number of examples of doctors travelling across State boundaries leaving behind problems. It is interesting to note that the State Government knocked back private members' legislation moved by the Coalition that sought to make it mandatory for bureaucrats to check with the New South Wales Medical Board about the registration status of doctors before employing them. If we have problems with passing such a bill, then there is support for the establishment of a national scheme. However, I reiterate that without any mandatory requirement on bureaucrats to check the registration status when employing doctors, we could potentially have examples such as Graeme Reeves, a doctor who was struck off in one State and employed as an obstetrician and gynaecologist in our hospital system.

Dr Andrew McDonald: Point of order: Standing Order 71 provides that a member shall not reflect on a previous decision of the House unless debating the recision of such a vote.

ACTING-SPEAKER (Ms Diane Beamer): Order! I am sure the member for Bega was using those terms in passing.

Mr ANDREW CONSTANCE: I point out that even with the national scheme, employers must be subject to a mandatory requirement, and that should be noted in this debate. The shadow Minister, Jillian

Skinner, has consulted widely on this legislation and a number of organisations have expressed concern about it. No doubt the Minister has also heard and noted some of those concerns. The Australian Medical Association is concerned that the Health Ministers Council has too much power and has suggested amendments to the legislation which, based on advice given to the shadow health Minister, cannot be accepted.

Those amendments include amending part 2, section 11 (4) to include a requirement that the ministerial council could only give a direction regarding accreditation standards if it is in the public interest. It also includes a measure to insert new amendments that the Health Practitioner Regulation National Law, Queensland, shall not amend the Health Practitioner Regulation National Law, New South Wales, and that the health Minister shall submit any amendments to the Health Practitioner Regulation National Law, New South Wales, for consideration by Parliament as soon as practicable. Apparently those amendments are not acceptable. For this reason, the shadow Minister for Health has foreshadowed an amendment, which I strongly support, to require the Minister to have regard to public interest in exercising functions in relation to accreditation. It states:

> The Minister must have regard to the public interest when exercising functions as a member of the Ministerial Council in relation to the giving of directions to National Boards about proposed accreditation standards or proposed amendments of accreditation standards.

This is important. For example, if a decision were made to reduce the number of years of training required of a practitioner from six to five, this amendment is designed to ensure that the Minister acts in the public interest of the people of New South Wales. Obviously, given pressure brought to bear from organisations such as the Australian Medical Association, the Minister and the Government should consider supporting this amendment. The Australian Association of Surgeons has lobbied strongly against the legislation and has noted concerns about the prescription of drugs of addiction by podiatrists. The association supports a public interest test and is worried about the deferral of national registration of some health practitioners other than doctors. Earlier I noted concerns about clause 246 with respect to the sovereignty of the New South Wales Parliament. I understand the Australian Doctors Fund shares those concerns.

Likewise, the Royal Australian College of General Practitioners supports national registration, suggesting that it can be implemented simply and swiftly by obtaining agreement between State health registration boards if there is agreement on their respective standards. In that way a national register could then be established. I ask the Minister in reply to address why this is not being done by national legislation with appropriate mirror legislation. The House will further debate the matter when the Government amends Acts relating to the New South Wales Medical Board and the Health Care Complaints Commission. Again, I place on the record that unintended consequences will flow from this process and from having the complementary applied law scheme in place. I would hate the situation to arise where the State Parliament becomes powerless as a result of this legislation being passed. I share the concerns of the shadow health Minister that the Minister for Health in introducing this legislation gave a very short address.

Ms Carmel Tebbutt: I do not read out large slabs of other people's material.

Mr ANDREW CONSTANCE: Your contribution was pretty ordinary. We have a health Minister who aspires to be Premier of the State. It is pretty unbecoming that we have a Minister on her L plates who was unable to make a significant contribution to the debate. That will be noted by the organisations that lobbied the Government over this bill. I hope the Minister has the good sense to support the amendment of the shadow Minister because it is obvious to all that even though the Minister for Health has difficulty with these issues, the shadow Minister has a more of a handle on this and many other health issues.

Mrs JUDY HOPWOOD (Hornsby) [1.16 p.m.]: I make a contribution on the Health Practitioner Regulation Bill 2009. I do so to support the comments of the shadow Minister, who has worked long and hard preparing the Opposition's response. This bill establishes a national registration and accreditation scheme for the regulation of health practitioners covering the fields of chiropractics, dentistry—including dental hygienists, dental therapists and dental prosthetists—medicine, nursing and midwifery, optometry, osteopathy, pharmacy, physiotherapy, podiatry and psychology, as well as the registration of students in these fields.

In March 2008 the Council of Australian Governments agreed to establish a national registration scheme by 1 July 2010, with Queensland acting as the host State and passing legislation first. Other States would then enact complementary applied law schemes, enacting legislation to abolish their State-based schemes and referring powers to the newly established Commonwealth bodies. For many years prior to March 2008 national registration has been a subject of discussion. All professions to be identified as part of the national registration scheme held meetings and many of them expressed concern about the proposed national registration changes.

Every member in this House would agree that national registration has many positive points that would prevent impaired practitioners from moving easily from State to State. In New South Wales, and in other States, there have been examples of impaired practitioners and patient outcomes that have been catastrophic in some circumstances. It has caused significant ongoing issues for patients when something happens at the hand of a practitioner who perhaps should not be practising. We have all heard after the fact of practitioners who move from one State to another so they can put up their shingle again and continue practising. This legislation is welcome from that perspective.

This bill adopts the Health Practitioner Regulation National Law hosted by the Queensland Parliament and set out in the schedule to the Health Practitioner Regulation National Law Act 2009 of Queensland. There has been much debate, consultation and letter writing in relation to this issue. Over the years I have received a number of letters expressing concern about this aspect. I was executive director of the Australian Podiatry Association New South Wales branch. Discussions have taken place in the years before 2002, so this debate is long overdue.

The discussions that have taken place over time have dispelled many earlier objections, but I note that there still are some objections or concerns. I refer briefly to the College of Dental Technicians. The college has put together a position paper on registration. A couple of months ago I met with a number of representatives from the organisation concerned at the prospect of not being included in the legislation. I ask the Minister to consider the arguments of the dental technicians. I refer to their position paper and the criterion, where they ask the question:

> Is it appropriate for Health Ministers to exercise responsibility for regulating the occupation in question (i.e. dental technician) or does the occupation more appropriately fall within the domain of another Ministry?

The answer is:

> Yes, for the following reasons:
> Dental technicians are involved in all aspects of construction of artificial removable and fixed dentures, mouthguards, restorative or corrective dental appliances and other prosthetic appliances such as crowns, bridges, indirect endodontic posts and cores, implant supported and stabilised over-dentures, implant-fitted crowns and bridges and adhesively and implant retained maxillofacial prostheses to restore function to the human. Simply, all custom made medical devices made for oral setting.
> Dental technicians may only perform their technical work on the order of a dental specialist, dentist or dental prosthetist and not deal directly with a patient for the provision of any of these devices.

They say that they have specific training, that it is a nationally approved Diploma of Dental Technology contained within the health training package of the Community Services and Health Industry Skills Council and that their dental prosthetists are registered dental technicians, who have successfully completed a two-year part-time clinical training program at a public hospital with a dental facility treating public patients. The paper further states:

> Dental technicians are part of a team of oral health professionals, collectively contributing to the oral health of the public. This 'team' approach is best achieved/reinforced through having all members of the team within the health regulatory environment.

The dental technician paper refers in detail to the dangers, or the public interest in actual fact, of having them registered around Australia and also included within the Health Practitioners Regulation Bill 2009. I highlight the dangers associated with ingesting chemicals from overseas countries where standards do not meet our expectations. The dental prosthetists included photographs of bridgework, provided in good faith, which had been removed from the patient by the clinician, who thought it had been manufactured with biocompatible materials when in fact it had not. I ask the Minister to consider the dental technician issue. I know the shadow Minister for Health has raised the concerns of other health professionals, but dental technicians and their position paper deserve serious consideration.

I reiterate that the national registration scheme will enable free movement of health professionals across Australia and the standardisation of registration procedures and national accreditation. Other members have raised concerns with respect to the complementary applied law scheme that enacts legislation in line with legislation that is enacted in Queensland. I ask the Minister to look at that particular area of concern. As I said, there has been a lot of consultation. I am a member of the Committee on the Health Care Complaints Commission. We deliberated on the component of national registration that looked at complaints handling. New South Wales also has the Health Care Complaints Commission, which is quite unique in its set-up. A number of States have self-regulation and, as they wish to retain that self-regulation, it was decided to enable individual States to deal with complaints in their own unique way. The then Minister for Health set in train a process by

which the Health Care Complaints Commission could continue. I would say that is very good result and that New South Wales is fortunate to retain the Health Care Complaints Commission. I am not saying that it is perfect, but the committee oversights the processes and the work of the commission and together they work to iron out any issues. In conclusion, I reiterate that the Opposition by and large believes that, on balance, this important legislation will improve health around Australia. I acknowledge that there are concerns with respect to the complementary applied law aspects, but I do not oppose the bill.

Mr BRAD HAZZARD (Wakehurst) [1.25 p.m.]: As has been indicated by a number of my colleagues, the Coalition certainly will not oppose the Health Practitioner Regulation Bill 2009, although we have a number of concerns. There are obviously merits in the national regulation of health practitioners; there are also downsides. The legislative approach to the national registration scheme is flawed. There are also concerns about individual issues of national registration. I state at the outset that facilitating national registration of medical practitioners is a major plus. It is generally a positive for the practitioners and for the community. It is ridiculous that a medical practitioner registered to practise in New South Wales cannot practise in other States in this country. The bill, to that extent, makes sense. That measure of common sense indicates quite clearly that we should have had a national registration approach much earlier.

My concern relates to the legislative approach that has been adopted. The Government has adopted a complementary applied law scheme as opposed to, for example, mirror legislation. In my experience of this place, which is quite extensive, on a number of occasions when we have moved towards national registration the preferred path has always been to have mirror legislation. Certainly the preferred path has always been to have mirror legislation. The reason for that is, whilst we are all seeking some sort of national uniformity, we in this place also acknowledge that New South Wales should be sovereign when it comes to determining its own laws. Mirror legislation would have facilitated the New South Wales Parliament being able to debate any changes that may be required to this legislation. Complementary applied law denies us that capacity. In effect, it negates our capacity in this place to talk about issues that touch the very heart of our community, to ensure that our medical system is strong—

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

[*The Acting-Speaker (Ms Diane Beamer) left the chair at 1.30 p.m. The House resumed at 2.15 p.m.*]

CONSTITUTION AMENDMENT (LIEUTENANT-GOVERNOR) BILL 2009

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

REMEMBRANCE DAY

Ministerial Statement

Mr NATHAN REES (Toongabbie—Premier, Minister for the Arts, and Minister for the Central Coast) [2.16 p.m.]: In a fortnight's time the Anzac War Memorial in Hyde Park will be reopened by Her Excellency the Governor after a $6 million restoration by the New South Wales Government. That event will coincide with the seventy-fifth anniversary of the memorial's dedication by the Duke of Gloucester in 1934. Some of the most recognised features of the memorial are the 120,000 stars on the inside dome, each representing a New South Wales citizen who went to war.

No force was required to compel their service. They were volunteers to a person. More than a quarter of them died, buried in strange corners of the world that will be forever "Australia". Among their number were two members of this House, George Braund and Edward Larkin, the members for Armidale and Willoughby respectively. They were the only two members of any Australian Parliament to die in the Great War, and they are fittingly commemorated by a plaque in the Chamber.

Braund and Larkin joined 60,000 others who made the supreme sacrifice, while those who came home thanked providence for being spared. But while human beings can survive war, none can survive time. That is why now, 91 years after that terrible conflict came to an end, not a single one of those men remains. The chain has been broken. Each of those stars now represents but a memory. Their passing serves only to heighten the significance of this day and the duty we owe in their honour.

When the guns of August boomed in 1914, they ushered in a century of wars that is with us still. For one-third of the Remembrance Days since 1918, Australians have been on active service, as they are this very day. Well towards the end of our current century the old men of East Timor, Afghanistan and Iraq will be sharing yarns and hoping their story outlives them in the public life of our nation. I believe it must, and it will. I believe that, more than ever before, we understand what was done in our name, and that the chronicle of Australians at war is one of the deepest and most telling strands of our long national journey.

From the first Anzac Day in 1916, the people of this nation understood what sort of memory was required. They got it right from the beginning. They knew that out of Gallipoli there was no narrative of flag-waving glory; rather, our remembrance would be of the rigours of war and the courage of ordinary citizens in extraordinary circumstances. It is the story of a peaceful democracy, a reluctant nation paradoxically drawn back to the battlefield, time and time again.

In 2009 there is another aspect to our remembrance. Today's Australia is a nation of many colours and languages. But perhaps there, too, we do not need to look far to find a connection. After all, the people of the empire—today's India, Pakistan, Sri Lanka, Bangladesh, Burma and Afghanistan, to name a few of the crimson-coloured countries on the old world map—were allies in the two world wars, as was China. And our diversity and openness gains even richer meaning when we contemplate that our once bitter enemies—Japan, Turkey, Germany and Italy—are now among our greatest partners and friends. That proves, perhaps, that commemoration is never fixed or timeless; it varies with the tides of social change and flux. Indeed, it is a proud part of our national character that we accept only a very light burden of patriotism. The larrikins who went to war would not have wanted it any other way.

But what must never change is our basic national duty of remembrance: an agreed part of the social compact, in a nation that asks very little of its citizens. What is certain is that hundreds of thousands of Australian families mourn a loss in their own way today. Perhaps there are people among us—sons and daughters of those original diggers who in their old age still cry for a father lost at Pozieres or Fromelles. Certainly there are children who will cry tonight for a dad lost in Iraq or Afghanistan. And more will cry for fathers—and probably mothers—who will be lost in wars and battles yet to come.

The Australian story embraces them all. It honours the good wars and the bad, the victories and the defeats, the squalid deaths from disease and captivity as much as the brave front-line deaths. Out story tells it all. And we know this because when our nation chose its commemorative days, it chose well: Anzac Day and Remembrance Day. Solemn and mournful, clear minded and understated, these commemorative days are accompanied not by jaunty marches and tales of victory but, rather, by the haunting strains of the Last Post echoing around Martin Place, bringing even our great city to a pause. Let us be sure that at the going down of the sun on this, the ninety-first Armistice Day, and on every morning to come, we will remember them. Lest we forget.

Mr BARRY O'FARRELL (Ku-ring-gai—Leader of the Opposition) [2.24 p.m.]: Together with the Leader of The Nationals, and the member for Sydney and Lord Mayor of Sydney, I attended today's remembrance service at the Cenotaph in Martin Place. As the Premier said, memory and memorials are important for us humans in reminding us what it is we are about. Colonel Michael Mahy, who delivered the reflection during the service in Martin Place, reminded us of that today. Colonel May served in East Timor in 2001 and Iraq in 2006. In his remarks he said:

> We do not honour our dead to glorify war over peace or to assert a soldier's character above a civilian's.
>
> Or one race, or one nation, or one religion above another.
>
> Or men above women, or the war in which they fought and died, above any other war.
>
> Or one generation above any that has been or will come later.
>
> Remembrance Day honours the memory of all those men and women who laid down their lives for their country.
>
> Today is a reminder of what we've lost in war and what we have gained.

At a time when our population was five million, 416,000 Australian men enlisted to serve overseas in the First World War. One in five of those who served overseas—63,000—perished. During those terrible campaigns 2,500 Australian women served as nurses. And terrible campaigns they were, whether starting for us in Gallipoli or finishing for us on the Western Front. What must it have been like at 11.00 a.m. on 11 November 1918 when,

finally, for the first time in four years, there was silence instead of incredible noise from the enormous guns that wreaked such havoc and assaulted the ears of the finest young men of too many countries? When those who served returned to this country they did so to try to ensure that—regrettably, forlornly, given what happened within a couple of decades—no-one else would have to experience such things. They fought for our freedom and for our liberty. They fought and died for the opportunities that exist in this country today. They fought and died for the very democracy of the place in which we stand on this day of all days.

I have said before, and I will say again, that I believe the greatest ever Australian commander was General Sir John Monash, who led the Australian Army Corps between 1917 and 1918 on the Western Front. He was intimately involved with, and a brilliant strategist in, the victories that ultimately led to peace—the victory of the allies over Germany. He was the man who opened the Cenotaph in Martin Place in 1929. He understood memory and memorials. He understood the sacred mission that he and other survivors had, which was to return to this country to guide us along the right path to ensure that those circumstances did not arise again. General Sir John Monash said:

> On us who survived the stress of war and who have been safely returned to our homeland is laid the duty of helping to restore to Australia the mighty loss of that legion of men by devoting our lives and energies to that class of nation building in which they would have shared had they been spared.

He and the other 400,000 Australians from the First World War are today united and, as the Premier has said, others will be shortly. They are watching us as we seek to carry on the task of nation building for which too many people gave their lives. They responded without hesitation and they never gave up regardless of the risk. They knew their mates would never let them down. We owe it to their memory—their sacrifices—to keep the flames of freedom and opportunity alive in New South Wales and in this nation. We owe it to ourselves to salute their courage, to admire their determination and to honour their mateship. Lest we forget.

QUESTION TIME

[*Question time commenced at 2.29 p.m.*]

INTERNATIONAL EVENTS HOSTING

Mr BARRY O'FARRELL: My question is directed to the Premier. Given that 100,000 people have paid to see Tiger Woods in Melbourne and his visit has generated national and international media coverage to the value of $20 million, as estimated by his Labor colleague in Victoria, does the Premier still stand by his statement that it is a better spend of taxpayer dollars having Brian Eno for three weeks than Tiger Woods for three days?

Mr NATHAN REES: The Opposition is again talking down Sydney and New South Wales. It is another display of pathological self-hatred.

The SPEAKER: Order! Members on both sides of the Chamber will cease interjecting. I call the member for Wakehurst to order. I call the member for Kogarah to order.

Mr NATHAN REES: Sydney is the nation's undisputed events capital.

The SPEAKER: Order! Members will cease calling out. I call the member for Willoughby to order. I call the member for Penrith to order.

Mr NATHAN REES: It was a Labor Government that established Events NSW—

The SPEAKER: Order! I call the member for Murray-Darling to order.

Mr NATHAN REES: —to make the city and New South Wales leading global events destinations. In pursuing that strategy, a framework has been built around five annual anchor events, including three major new festivals. Every festival provides a focus for tourism and marketing by gathering a number of existing and new events under its umbrella. We just hosted the nation's best Writers' Festival, attracting top authors from across the world. We staged the Crave Festival—including the new event Breakfast on the Bridge, which was a stunning success. This event was beamed around the world to places such as New York and London, and across Asia. It put Sydney in the news across the world. In the first week of October alone, Sydney and New South Wales welcomed 700,000 fans and nearly 50,000 visitors to seven extraordinary events.

Mr Brad Hazzard: Name them!

Mr NATHAN REES: I will name them. They include the Epsom Handicap, the Bathurst 1000, the Socceroos versus The Netherlands, the NRL Grand Final, the Darling Harbour Fiesta, the Black Eyed Peas and the best ever World Masters Games.

[*Interruption*]

The SPEAKER: Order! I remind Opposition members that they asked the Premier to name them.

Mr NATHAN REES: Together, these events pump around $85 million into the State's economy. But wait, there is more. Nothing will match Sydney during the first week of December. We will have a cavalcade of events during Super Week: V8 Supercars racing around Homebush, the Australian Open golf championships at the New South Wales Golf Club, and the IBO cruiserweight world title fight between Roy Jones Jr and Danny Green.

The SPEAKER: Order! Members will cease calling out.

Mr NATHAN REES: These three massive events over five days are expected to bring around 300,000 spectators and $35 million into the State. Sydney offers a yearly calendar chock full of events from January through to December, starting with the Sydney to Hobart yacht race, the New Year's Eve celebrations, one of Asia's biggest and best Chinese New Year celebrations, the nation's oldest and best film festival, the nation's best writers' festival, the nation's premier art prize, the Archibald, the nation's most popular and well-attended cultural event, the Sydney Festival—the program of which was launched last week—the world's best outdoor sculpture event, Sculpture by the Sea, and opera, symphony and jazz in the park. The list goes on. It proves one thing: Others might seek a one-off adrenalin hit but Sydney has a calendar of events that is the envy of the world. No other city in Australia comes close.

IDENTITY CRIME

Ms LYLEA McMAHON: My question is addressed to the Premier. What is the Government doing to combat identity crime?

Mr NATHAN REES: One of the great success stories of public policy in New South Wales in recent years is our relentless fight against crime. In the 24 months to June 2009, 16 of the 17 major categories have been stable or falling. We are very proud of this record. The streets are safer and people feel safer.

The SPEAKER: Order! Members will come to order.

Mr NATHAN REES: We are also deeply proud of the men and women of the New South Wales Police Force who deliver those results. But the statistics also tell another story: While 16 of the 17 major categories are stable or falling, one category remains stubbornly resistant—that is, fraud. Technology has transformed our society and our economy profoundly over the past 30 years. All our key transactions are based on electronic information and communication: ATMs and key cards, Internet banking, the payment of wages and benefits electronically, e-commerce sites such as Amazon and eBay, online bill payments and online government transactions. The list goes on.

With all the efficiency and simplicity offered by these technologies comes concomitant risk. In 2008 the Australian Bureau of Statistics found that 450,000 Australians lost a combined $997 million to personal fraud in the previous year. The Australian Bureau of Statistics said the crime wave was the result of the rapid expansion of Internet technology, and electronic data sharing and storage. Personal identity crime is a matter of particular concern. That is where people steal or make information that can be used to identify them as another person so that they can commit a further offence.

Mr Brad Hazzard: Like you pretend to be a Premier.

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

Mr NATHAN REES: This is a growing problem, and it is very difficult to police. That is why in July the Government released a bill for consultation that proposes new offences of identity fraud as well as

increasing the penalty for fraud. Consultation on the bill indicated strong support for the new offences. There was also strong support for upping the maximum penalty for fraud and identity crime to 10 years imprisonment. We will deliver new laws to unleash a war on fraud and identity theft because the community has said loud and clear that enough is enough. In our personal life most of us use different sorts of identifying information—cards, passwords, logins—to buy items, pay bills or withdraw cash. Identity crime is highly destructive.

Mr Brad Hazzard: Stop impersonating a Premier.

Mr NATHAN REES: I have two words for you—Barry Morris. It attacks the very confidence we place in technology and in major institutions such as banks and government agencies.

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

Mr NATHAN REES: Identity crime is a serious violation of personal life undermining the social trust we share as a community. It warrants a serious penalty. That is why the revised bill now proposes that a person who "deals in" identification information with the intent to commit or facilitate the commission of an indictable offence will face up to 10 years in jail. Identification information will be defined broadly to include all the sorts of methods people use to identify themselves, from simple things like names and addresses to more complex means. Anyone who makes, supplies or uses such information to commit an offence will be liable to imprisonment for up to 10 years. The bill also proposes two other offences: possession of identification information with intent, punishable by up to seven years in jail, and possession of equipment for committing identity crime, punishable by up to three years in jail. These are all serious offences with serious penalties attached, giving prosecutors and the courts a powerful new weapon in the fight against identity fraud and theft.

In addition to introducing identity crime offences, the bill doubles the maximum penalty for fraud from five years to 10 years in jail. Fraud involves a person dishonestly deceiving another person to obtain property or a financial advantage or to cause a financial disadvantage. The seriousness of this crime lies not just in losing property but in being intentionally deceived as well, often by someone who is meant to be responsible—for example, a carer who deceives an elderly person out of their savings or a company director defrauding shareholders. Such crimes are abhorrent, often attacking the most vulnerable in our community. Intentionally taking advantage of another person raises this crime above simple theft and justifies a higher maximum penalty. These laws send an important message to this new breed of criminal: We will find you and we will send you to jail.

RURAL FIRE SERVICE

Mr ANDREW STONER: My question is directed to the Premier. Is the Premier's decision to put to the Labor caucus the super ministries bill, which fails to honour its promise to maintain the legal and financial autonomy of the Rural Fire Service, a result of his incompetence or his complete lack of integrity?

Mr NATHAN REES: My commitment to the Rural Fire Service remains rock solid. If there is a need for ongoing dialogue about the autonomy of the organisation, I am sure that will be accommodated by the Minister. For the record, there will be no interference with the autonomy of the Rural Fire Service.

SYDNEY FERRIES CUSTOMER SERVICE

Ms TANYA GADIEL: I address my question to the Minister for Transport. Will the Minister update the House on customer service improvements at Sydney Ferries?

Mr DAVID CAMPBELL: I thank the member for Parramatta for her question and for her interest in expanding ferry services. The Government certainly has some good news for ferry passengers, especially for constituents of the Parramatta area in western Sydney. I am pleased to update the House on the latest services and policies this Government is delivering for ferry commuters. Today I can announce that the new Parramatta River Express will start operating for commuters from Monday 23 November. The House will remember that the Premier announced the new service would be operating by the end of the year and, once again, the New South Wales Government has delivered. The Parramatta River Express will provide commuters in the Parramatta region with a ferry service during the morning and evening peak periods.

The SPEAKER: Order! The House will come to order.

Mr DAVID CAMPBELL: The first service will depart Parramatta wharf from 7.00 a.m. Monday to Friday and will take 55 minutes to get to Circular Quay. The last service will depart Circular Quay in the evening at 7.00 p.m. The new service means there will be 130 services during the week for commuters travelling between Parramatta and Circular Quay, and this includes 45 new services during peak times. This means more services, more seats and more options for commuters. I can see the member for Willoughby daydreaming of that drive in the country in her black Honda. Perhaps she could start daydreaming of a ride on the new Parramatta River Express. She can find the timetable on *131500.com.au*.

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

Mr DAVID CAMPBELL: The Parramatta River Express will make just one stop at Rydalmere on its way to Circular Quay and as part of the timetable we have planned bus services between Parramatta and Rydalmere when there are natural very low tides in the upper section of the river. Today the Government unveiled a new Customer Service Charter for Sydney Ferries, which outlines how the organisation will deliver improvements in key areas identified by passengers.

Ms Gladys Berejiklian: You said that last year.

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

Mr DAVID CAMPBELL: You can tell from that silly interjection that the member for Willoughby does not know the difference between CityRail and Sydney Ferries.

Ms Gladys Berejiklian: Point of order: My point of order relates to Standing Order 59—tedious repetition. The Minister announced that charter last year and the Parramatta service was announced six times: on 13 November 2008, 2 December 2008—

The SPEAKER: Order! The member for Willoughby will resume her seat. There is no point of order. The Minister has the call.

Mr DAVID CAMPBELL: It is not a point of order; it is an embarrassing outburst to try to find some relevance in the debate on public transport. As this Government gets on with the job of improving customer service and implementing new services, we get a silly, childish outburst like that. It is because the member for Willoughby does not know the difference between CityRail and Sydney Ferries. Last December we introduced a customer charter for CityRail, and I can advise the House again, as I did a couple of weeks ago, that at the national industry awards recently, CityRail customer service won a highly commended award—it effectively came second in a national competition.

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

Mr DAVID CAMPBELL: Those silly interjections from the member for Willoughby show that whingeing, whining and complaining do not cut it. The Sydney Ferries Customer Service Charter sets out clear targets that Sydney Ferries will be required to meet in specific areas that passengers have identified. The eight areas are safety; reliability; providing fast, accurate information; clean, comfortable ferries; clean, comfortable wharves; easy access to tickets; integrated services and ticketing; and access for everyone.

The SPEAKER: Order! Opposition members will cease interjecting.

Mr DAVID CAMPBELL: That other childish idiot over there does not understand how FerryTens work; he does not understand how train tickets work—

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

Mr DAVID CAMPBELL: He does not understand the Family Funday Sunday ticket, the $2.50 fare, integrated ticketing or integrated services. We are getting on with the job while members of the Opposition demonstrate how hopeless they are. For each area Sydney Ferries has identified specific targets to meet. These include for safety an upgrade of CCTV cameras; for passenger information new customer service staff will assist with inquiries and wharf announcements; and new seats will be delivered onto the Manly ferries and wharves will be upgraded at Milsons Point, Neutral Bay and Cremorne Point. These are just some of the improvements that will be delivered over the next 12 months. Sydney Ferries will report on progress each quarter so that passengers will know how they are tracking with these commitments.

Today's announcement is evidence of the New South Wales Government delivering better transport services for commuters—a brand-new service and a brand-new charter that will see improvements delivered for passengers. Compare this Government's delivery to the pipe dreams and pronouncements offered by the other side of the House. The member for Willoughby would not know how to get to Parramatta let alone be capable of delivering a new commuter service for the people who live in Parramatta. The best she can offer commuters this week is another couple of press releases full of the usual whingeing, whining and complaining and another promise to create a new transport bureaucracy.

[*Interruption*]

The Leader of the Opposition should be very careful talking about transport this week with that backflip that he has had to own up to. The illustrious acting leader on the other side of the House has not done much either.

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

Mr DAVID CAMPBELL: All the Leader of the Opposition seems to do is swan around and commit funding that does not exist to projects that he does not understand. Then he goes somewhere else in the State and commits the same funding and then he goes somewhere else in the State and commits the same funding for projects that he does not understand. As the Minister for Housing says: it is a magic pudding that the Opposition seems to have. Perhaps a few maths lessons would not go astray.

We saw the current interim Leader of the Opposition sabotage the former Leader of the Opposition when he had the photocopier break down just before the last election. It seems the Opposition is on the same course to sabotage the former Leader of the Opposition with a broken photocopier. As usual, the New South Wales Opposition cannot demonstrate how it will fund the projects it talks about and it cannot be bothered to tell the people of New South Wales what its plans really are. The New South Wales Government will continue working, day in and day out, to deliver better services for commuters.

The SPEAKER: Order! Opposition members will cease interjecting. The Minister is clearly concluding his comments.

Mr DAVID CAMPBELL: CityRail has the best on-time running in a decade; continued growth in passenger numbers across the network; a huge investment in new rolling stock with new buses rolling out on the road, day in and day out; and additional bus services all over the State. That is what is happening, and in 10 days or so, I very much look forward to the Parramatta River Express starting on the Parramatta-Rydalmere-Circular Quay run.

The SPEAKER: Order! I call the member for Lane Cove. Government members will come to order. I call the member for East Hills to order. I call the member for Cessnock to order.

RIVERSTONE WEST BUSINESS PARK

Mr ANTHONY ROBERTS: I direct my question to the Premier. Given his commitment to post all media releases on his website and that he issued a media release trumpeting the creation of 12,000 jobs at the Riverstone West Business Park, does its removal from the website following the financial collapse of the company involved not demonstrate his incompetence and total lack of honesty?

Mr NATHAN REES: This is the third question. The first question was about an interstate sports event, the second question was about what is essentially an administrative issue and now the third question is about a press release. This is what parades as an opposition in New South Wales—"parade" being the operative word. This is an indictment on the leadership of the New South Wales Opposition. We have had a question about an interstate sporting event, a question about an administrative issue, and now a question about a press release.

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

Mr NATHAN REES: The Opposition wants to talk about openness and transparency. Why is the Opposition not open and transparent with the member for Cronulla, the member for Castle Hill or the member for Baulkham Hills about their preselection opportunities? Why is the Leader of the Opposition not open and transparent about his support, or otherwise, for the member for Coffs Harbour?

Mr Adrian Piccoli: Point of order: I refer to Standing Order 129. I am sure we would be happy to debate a motion about preselections. I am confident about that debate. However, the member asked an important question—

The SPEAKER: Order! Any member who displays props will be ejected from the House.

Mr Adrian Piccoli: I will get that Telstra bill out again.

The SPEAKER: Order! The member for Murrumbidgee will either state his point of order or resume his seat. Question time will deteriorate if Opposition members continue to interject on the Premier.

Mr Adrian Piccoli: He has not said a word about—

The SPEAKER: Order! The member for Murrumbidgee will resume his seat.

Mr NATHAN REES: Members are talking about openness and transparency. I will openly and transparently outline the number of different events that this Government has attracted to New South Wales and what will happen during Superweek. A couple of weeks ago the Government announced that it had secured the production of *Mad Max 4* for Sydney. Another film is floating around in which the Alex Hawke character as the Fuhrer says words to the effect that "They're making me look as stupid as Ray Williams." The member for Coffs Harbour—gone! The member for Baulkham Hills—gone!

[*Interruption*]

The SPEAKER: Order! The Premier does not need the assistance of the member for Baulkham Hills.

Mr Adrian Piccoli: Point of order: I refer to Standing Order 129. Mr Speaker, if you want to turn this Parliament into a joke, let him continue to refuse to make the slightest attempt to answer the question. This is entirely up to you.

The SPEAKER: Order! The member for Murrumbidgee will take a point of order in accordance with the standing orders. He will not debate the issue or make reflections on the Chair.

Mr Adrian Piccoli: Well, make a decision!

The SPEAKER: Order! I call the member for Murrumbidgee to order. If he interjects again he will be removed from the Chamber.

Mr NATHAN REES: Gone! Gone!

Mr Barry O'Farrell: Point of order: The question specifically relates to the claim that 12,000 jobs would be created at Riverstone West. We have heard not a word about the Riverstone West project or the removal of the press release. My point of order relates to Standing Order 129—one, two, nine.

The SPEAKER: Order! I remind the Premier of the question before the House.

Mr NATHAN REES: The removal of members opposite—one, two, three—that is what this is about. I challenge the Leader of the Opposition to publicly back those gentlemen behind him who have offered sterling service.

Mr Adrian Piccoli: Point of order: I refer to Standing Order 129. You are the Speaker and you have the ability to draw the Premier back to the question about 12,000 jobs being created in Sydney.

The SPEAKER: Order! The member for Murrumbidgee will resume his seat. I have already ruled on that matter.

Mr NATHAN REES: I have the utmost respect—

Mr Adrian Piccoli: He is ignoring you.

The SPEAKER: Order! I will hear further from the Premier, but I have just made a ruling about that matter.

Mr NATHAN REES: I have the utmost respect for the members for Coffs Harbour, Baulkham Hills and Castle Hill. Those two gentlemen represent the fringes of western Sydney, an area that I also represent—

Mr Anthony Roberts: Point of order: I refer to Standing Order 129, and 12,000 new jobs, which is equivalent to half of the Australian Army. The Premier's own words—

The SPEAKER: Order! I remind the Premier of the question before the House.

Mr NATHAN REES: The member for Lane Cove directly raised the issue of the Australian Army. I must refer to his army record. Digger Roberts—

Mr Adrian Piccoli: Point of order: I refer to Standing Order 129. If the Premier does not have an answer it is because he does not have any answers.

The SPEAKER: Order! The member for Murrumbidgee—

Mr Adrian Piccoli: That is what is wrong with New South Wales.

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

Mr Adrian Piccoli: They have no answers.

The SPEAKER: Order! The member for Murrumbidgee is on his final warning.

Mr Adrian Piccoli: All they can talk about is—

The SPEAKER: Order! I direct the Serjeant-at-Arms to remove the member for Murrumbidgee from the Chamber.

[*The member for Murrumbidgee left the Chamber, accompanied by the Serjeant-at-Arms*]

Mr NATHAN REES: Gone! Gone! Gone!

The SPEAKER: Order! All members who have been called to order are now deemed to be on three calls to order. It will not bother me if 10 members are ejected from the Chamber today.

Mr Andrew Fraser: Point of order: I refer to Standing Order 129. Mr Speaker, I also draw your attention to the fact that on three occasions at least you have drawn the Premier back to the leave of the question. He has totally ignored you and therefore canvassed your ruling, which under the standing orders constitutes utter disrespect. Either you pull him into line or you lose control of the House.

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

Mr NATHAN REES: I will draw the confected outrage opposite to a close. Here is the press release that is currently on the Department of Planning website.

PACIFIC HIGHWAY UPGRADE

Mr ANDREW FRASER: My question is directed to the Premier. As there has been a $1.5 billion cost blowout on the Pacific Highway and the NRMA has said that—

Ms Kristina Keneally: Take a big breath.

Mr ANDREW FRASER: My question is directed to the Premier. With a $1.5 billion cost blowout on the Pacific Highway, the NRMA saying his government is "letting the side down", and almost seven in 10 upgrade projects on the road finished late, will the Premier now admit that ignoring the Pacific Highway in his latest 500-page submission to Infrastructure Australia will cost the lives of even more Australians into the future?

Mr NATHAN REES: In just one budget the current Federal Labor Government has allocated more funding to the Pacific Highway than the Howard Government did in 11 years. The facts speak for themselves.

As we speak, between 1,300 and 1,400 men and women are working on the Pacific Highway with 54 kilometres of highway currently under construction and a further 50 kilometres with contracts awarded or tenders invited. This year we have allocated some $660 million, provided by the State and Federal governments, for construction and planning.

The SPEAKER: Order! The member for Coffs Harbour will come to order. He has asked his question.

Mr NATHAN REES: In March we signed up for the Federal Government's nation building program, which will see some $3.6 billion allocated to the Pacific Highway. That will complete the 54 kilometres currently being built and will build a further 74 kilometres of first-class highway. We stand by our record on funding for the Pacific Highway—the upgrades, the enhancements, the maintenance. The facts are very clear: A Federal Labor government in one year allocated more money to the Pacific Highway than the Howard Government did in 11 shameful years.

COMMUNITY BUILDING PARTNERSHIP PROGRAM

Mr GERARD MARTIN: My question is to the Minister for Rural Affairs. What is the Government doing to support rural and regional communities across New South Wales?

Mr STEVE WHAN: It is a great pleasure to have a question on rural affairs from the member for Bathurst who, as a proud member of Country Labor, stands up for and delivers for his communities, unlike The Nationals opposite. It is interesting that this is the first question I have received as Minister for Rural Affairs and shows the disinterest the Opposition takes in that portfolio. Today, I want to highlight the great work that will be done through the New South Wales Government's community building partnerships in rural and regional New South Wales—a $35 million statewide program designed to stimulate economic activity and employment while upgrading and improving community infrastructure and facilities. As members would know, the program provides up to $300,000 in each of the 93 State electoral districts for building local community infrastructure, with an additional $100,000 for 48 electorates with higher rates of unemployment.

These grants were open to local councils and incorporated not-for-profit bodies such as charities, sporting, social and environmental groups. It is terrific news for regional communities. Those of us who represent regional New South Wales know a little grant can go a long way in a regional community. In many of our country towns we will see these go to many different groups, helping different communities. This is on top of the great work that this Government is doing in country areas with programs like the Country Horse Program, the infrastructure programs delivered by my colleague the Minister for Regional Development, and a range of other programs boosting jobs and development in regional New South Wales.

I thank members of this place for their involvement in this program, both in its promotion and in assisting organisations to apply. It has been extremely well received and supported by the community. I am advised that we have received more than 2,300 applications representing more than $118 million in requests for grant funding across the State. That shows the level of success of this program. A number of members opposite have welcomed this program, which is great, but unfortunately, some have to have a bit of a whinge and a whine and complain about the process.

I point to one area at least where The Nationals leader and the Liberal leader seem to be in accord. That is in that famous quote, how long is a piece of string? The Nationals leader has put out a press release in his electorate saying that in his electorate in total over $2 million worth of funding was sought for worthwhile community facilities. The press release goes on:

> Unfortunately the Rees Labor Government has only provided $400,000 for the entire electorate, which although better than most other electorates … is still woefully inadequate.
>
> As I regard all the projects put forward as worthy of funding, I will recommend them all to the Premier, in the hope that he can find more funding to support our local communities.

The Leader of The Nationals is saying anything that anybody wants to hear in regional New South Wales. He is making any commitment he thinks the community would like to hear, in perfect accord with the Leader of the Opposition and his fiscal policy of how long is a piece of string—the magic pudding, it will all go as far as anybody wants it to. Some of his colleagues have been a little more responsible. We come back to the point I made yesterday about the division in The Nationals over their leadership. We see the contradiction from some other members of The Nationals in this place. The member for Upper Hunter said yesterday that projects must

be assessed for priority and equity. Clearly, he understands that when a government is funding a program, some process should take place to work out what should be funded; the Government cannot just fund everything that comes up. The member for Ballina said in a press release on 14 July:

> … the Ballina electorate would receive $400,000 towards the cost of building important community projects.

The member said:

> Groups applying for funding need to demonstrate how their project will deliver positive results for the community through job creation, and community, social, recreational or environmental outcomes.

It seems that some Opposition members are willing to tell their communities that they need to meet community needs and create jobs. That is unlike the Leader of The Nationals, who apparently wants all 2,300 projects funded, worth $118 million. "Hear, hear", they all say, "We can do everything". Is it not wonderful being in Opposition? What does that say to the people of New South Wales?

The SPEAKER: Order! Members from both sides of the House will cease interjecting.

Mr STEVE WHAN: What does it say to the people of New South Wales about the responsibility of an Opposition that says it can fund everything proposed—rail links everywhere and all projects. That is despite the fact that in its own policies approaching the last two elections it made no commitments to programs like this for rural New South Wales. It has made no commitment for funding country halls or country facilities along those lines. All Opposition members do is make outrageous and uncosted promises around the countryside. We come to the point so eloquently made by the Premier a moment ago about the division that we see in the Opposition—why are there so many rumblings against the Leader of The Nationals on the front bench?

Mrs Karyn Paluzzano: Ask Hollywood.

Mr STEVE WHAN: Hollywood knows a bit about it, and I appreciate that. Hollywood is certainly one of those. Unfortunately, we will not see the member for Murrumbidgee bob up today because of his earlier indiscretion, but so often we see him bob up when we raise these issues because for some reason they are now talking about Hollywood as the next Leader of The Nationals and not the member for Murrumbidgee. Is that creating some tension in The Nationals? Why are they so dissatisfied with the Leader of The Nationals?

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

Mr John Williams: Point of order: I refer to Standing Order 129. The Minister is not speaking to the question he was asked. He was going to talk about the community partnership programs but he has lost his way. I ask that you put him back on track.

The SPEAKER: Order! I draw the Minister's attention to the question before the House.

Mr STEVE WHAN: I will stop referring to the member for Barwon and his aspirations for a moment. I notice he was trying to draw my attention to Port Macquarie. Why would The Nationals want to draw attention to Port Macquarie? I cannot understand that. We have seen some amazing results there. First, The Nationals lost the State seat and then they lost the Federal seat.

Mr John Williams: Point of order: I refer to Standing Order 129 again. The Minister is canvassing your ruling. Can we have a time-out for this bloke?

The SPEAKER: Order! That is a separate question. Again, I draw the Minister's attention to the question before the House.

Mr STEVE WHAN: It is always interesting to keep an eye on the Leader of The Nationals' press releases and the sorts of things he commits to. I certainly remember that press comment that he made before the Federal by-election for the seat near Port Macquarie where it was speculated he would run, but only if he were promised a senior frontbench position in the Federal Government. Apparently, the promise did not come through. There was not a lot of confidence there, was there? The real reason for the dissatisfaction is that so often members of The Nationals opposite are dreaming about—

Mr Wayne Merton: Point of order: The point of order goes to relevance. The Minister is already on notice from a previous point of order that he must return to the leave of the question. He has not done so and I ask you to specifically direct him to return to the leave of the question forthwith.

The SPEAKER: Order! I call the member for Blacktown to order. I direct the Minister to answer the question that he has been asked.

Mr Jonathan O'Dea: Point of order—

The SPEAKER: Does the member for Davidson rise on a different point of order?

Mr Jonathan O'Dea: It is. In an earlier instruction or promise to the back of the House you said if members there interjected, you would throw them out of the House and the gallery.

The SPEAKER: I remind members that they cannot use props in the Chamber.

Mr STEVE WHAN: I appreciate the earlier point of order by the member for Baulkham Hills. I would like him to tell me who Mr Jeffries is one day.

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

Mr STEVE WHAN: We are looking forward to seeing the results of the Community Building Partnership Program in regional New South Wales. It does go to show how the Rees Government is delivering for country New South Wales. We have got the Building the Country package, which the Premier announced at our Country Labor conference, held in regional New South Wales, not on the other side of the harbour, where The Nationals held their conference. The Government has money going out from the Community Building Partnerships Program and it has specific job initiatives going out in regional New South Wales through payroll tax initiatives and a range of other measures. It is this Government that is putting the resources into New South Wales and standing up for the community. We have seen the dissatisfaction in Nationals members opposite.

The SPEAKER: Order! The member for Bega is on his final warning.

Mr STEVE WHAN: There is dissatisfaction in Nationals members opposite because they do not have a Barnaby Joyce leading them. They do not have someone who is willing to stand up against the Liberals. The Nationals' leader is someone who just parrots Liberal Party policy. He is the Britney Spears of New South Wales policy, lip-synching Barry every day, making no contribution.

Mr John Williams: Point of order: The Minister has just blatantly canvassed your ruling.

The SPEAKER: Order! The Minister has concluded his answer.

ELECTRICITY GENERATION

Mr GREG PIPER: My question is directed to the Premier. Premier, in light of concerns regarding the viability of the proposed Hunter gas pipeline due to uncertainty around the emissions trading scheme and power privatisation in New South Wales, will your Government commit to shifting reliance for baseload power from coal to gas?

Mr NATHAN REES: I thank the member for his question and interest in this matter. We welcome investment in gas energy supplies in New South Wales. We are committed to developing a clean energy future for New South Wales and a safe, secure supply of electricity for generations to come. Our energy reform strategy lays out a comprehensive plan to redesign our electricity market and manage the transition to a carbon constrained future. Our reform strategy rests on two foundations: keeping vital assets, our generators, in public hands and, at the same time, attracting new entrants who will bring additional resources and competition to the sector.

Decisions surrounding new generation investment in the National Electricity market will be made by the private sector right across Australia, and these decisions will be made with the full knowledge that a national carbon pollution reduction scheme—or CPRS—will be introduced and it will be up to the private firms to select the fuel source that they believe works best in that environment. We have a fuel neutral policy for all new generation proposals for this State. New stations will use the cleanest, greenest commercially available and viable technology to reduce the intensity of greenhouse gas emissions. In the context of a carbon pollution reduction scheme, gas fired generation is naturally becoming more competitive due its lower greenhouse intensity. However, it is important to ensure that in the transition we do have a range of options available. We are in a period of major transition, and that means carefully balancing our energy needs, responding to the challenges of climate change and supporting new jobs and industries in a greener, lower carbon economy.

That is precisely why I have charged the Minister for Energy with developing a clean energy policy for New South Wales to transform energy investment and to ensure reliable, efficiently priced energy supplies in a low emission economy. This policy will secure clean energy investment in New South Wales in line with the latest, leading edge, worldwide policy and technical developments. A key component of that strategy is the development of a gas plan to secure additional gas supplies for New South Wales. It is the major element of the Government's clean energy policy.

In relation to the Queensland Hunter gas pipeline, I am advised that the Minister for Planning has granted approval project approval for the main pipeline and that an authority to survey has been granted to enable the preferred route to be accurately determined. We are doing the hard work now to deliver a sensible, practical reform agenda, one essential to our economy and to everyday lives.

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

Mr NATHAN REES: This is a fundamental redesign to encourage the private sector to build additional generating capacity to underpin our growing economy and respond to the challenges of climate change. There is an extraordinary amount of work going on in energy policy in New South Wales at present as we manage the transition to a carbon constrained future but also set up secure supplies of energy for the future and a competitive environment in which consumers will ultimately be better off. An extraordinary amount of work is going on. I thank all the officials. It is in stark contrast to the lack of policy on energy that comes from the Leader of the Opposition.

DOMESTIC VIOLENCE

Ms SONIA HORNERY: My question without notice is to the Minister for Women. What is the Government doing to support local communities to reduce the incidence of domestic violence?

Ms LINDA BURNEY: I thank the member for her question and also for the opportunity to inform the House about the Government's work in this area. As members of Parliament and community leaders, each and every one of us has a responsibility to take a stand against domestic violence. Let me begin by stating some key facts. Domestic violence is a crime—a crime that sometimes ends in murder. Between 2003 and 2008 there were 215 homicides that were related to domestic violence; that is 42 per cent of all homicides in New South Wales. Ask any of our local area commanders, and I know that some members probably have, and they will tell you that they are spending most of their time, as are their officers, around issues of domestic violence and many of those are related to alcohol abuse. The statistics are familiar and I will not go through them all, but we cannot afford to allow a kind of industrial deafness to take over when we hear these facts. We have to continue to hear them.

Domestic and family violence is a devastating crime that has far-reaching consequences, but unfortunately it is commonplace, from the affluent suburbs of Sydney to the far west of the State. The taboos around domestic violence mean that it is under-reported and its prevalence and impacts are underestimated. The vast majority of victims, as members know, are women and children. Let us think about the seven-year-old boy and his five-year-old sister who regularly see their mother getting punched, pushed, slapped and kicked by their father. They live a life laden with fear. What will these children learn about relationships, and about how to love, and will they repeat the cycle when they grow up? What really concerns me is that in some communities domestic violence has almost become normalised. The member for Barwon is familiar with and deeply concerned by the terribly high rates of violence in some parts of his electorate. Bourke and Walgett, for example, are consistently ranked number one and number two respectively of all local government areas for domestic violence-related assaults. The figures are absolutely astounding.

The Government is serious about reducing violence against women. We have strengthened police powers, we have rolled out the Staying Home Leaving Violence program, we are expanding the Domestic Violence Court Assistance Scheme, and we are also developing a domestic violence statewide action plan. As important as these large-scale programs are, as all members of House know, it is local community action that changes the face of domestic violence in our suburbs and towns. Communities know best what will work in their suburb or town. A good example is our Tackling Violence program run by the New South Wales Government. The local rugby league teams become the champions in sending out a message about domestic violence and that it is unacceptable.

This year we will fund 59 projects run by domestic violence committees across the State. We will provide $1,000 per committee. That may not sound like a lot, but at a local level it can do some amazing things.

This funding will go to the local committees, to be used for it activities such as White Ribbon Day on 25 November, and over the following 16 days activities will be conducted in these communities as well as in this House. Some of the activities we are funding are truly creative. In conclusion I want to share with the House a couple of those activities. A fantastic campaign will be conducted in Broken Hill involving 16 men over 16 days speaking out against domestic violence on local television. I congratulate those 16 men from Broken Hill.

A program entitled A Dirty Laundry Day will involve women in the Richmond Valley painting their story of surviving domestic violence on T-shirts and then displaying the T-shirts on a public clothesline. These are the sorts of things that can change attitudes and get people to think at a local level. The committees that put these events together use their own time to plan and manage inspiring activities, to spread the word that domestic violence is a whole-of-community responsibility and that it can and must be prevented, and to continue to take every opportunity to take a strong, public stand against domestic violence, as each and every member of this House does.

MENTAL HEALTH CARE

Ms NOREEN HAY: My question without notice is addressed to the Minister Assisting the Minister for Health (Mental Health and Cancer). Will the Minister update the House on what the Government is doing to provide a more innovative approach to mental health care?

Mrs BARBARA PERRY: This Government continues to make a strong investment in mental healthcare services because we know how important these services are to some of the most marginalised members of our community and their families. This year alone we are investing $1.171 billion into mental health services in New South Wales. The Rees Government also supports health staff across the State to develop new and innovative ways to better treat and care for people with a mental illness. There is no doubt that mental health services have come a long way since 1995, including a three-fold increase in the mental health budget. NSW Health staff are leading the way in mental health innovations, and their ingenuity is being recognised at state and national levels.

I recently had the pleasure of awarding the inaugural Ministerial Award for Excellence in Mental Health at the 2009 Health Awards. This year's finalists ranged from programs designed to meet the unique needs and challenges of mental health emergencies in rural settings to resources that help map the history of young people experiencing their first episode of psychosis and simple yet innovative methods of staying in touch with high-risk patient groups. The Mental Health Emergency Care Rural Access Plan was a standout performer, taking out the Ministerial Excellence Award for Mental Health and the Creating Better Patient Journeys Award.

The program is having a major impact on the delivery of specialist mental health care in rural New South Wales, including 24-hour access to mental health clinicians through audiovisual links between rural hospitals and larger regional and metropolitan hospitals. In 2008-09, 675 video conference mental health assessments were completed in Greater Western and Greater Southern New South Wales, assisting in the rapid treatment of people in rural New South Wales experiencing a mental health emergency. The program also provides valuable support to generalist health staff and helps free up police and ambulance services from unnecessary patient transfers. Prior to the Mental Health Emergency Care Rural Access Plan, 60 per cent of rural emergency mental health presentations were transported for specialist assessment. That has now dropped to 19 per cent, saving up to $53,000 per month on ambulance fees alone.

There are major geographical challenges in rural and regional New South Wales, and this program is just one way in which we are helping people receive mental health treatment closer to home. We know that some people with a mental illness can often feel isolated and lack the support networks that many of us rely on. To address this issue in a high-risk group, clinicians at the Calvary Mater Hospital in Newcastle developed Postcards from the Edge. The program targeted individuals at risk of repeat suicide attempts and involved sending a number of postcards to patients for the 12 months following their admission. The number of repeat suicide attempts was halved at 12 months and two years following the start of the project. That is a wonderful outcome from what is a beautifully simple initiative that reminds people that they are valued and they are not alone.

NSW Health's mental health services have also been successful in gaining six awards under the New South Wales Mental Health Matters Awards, including a Toastmasters Program for patients at Morisset Hospital, Y-Central, our one-stop shop of youth mental health services in Gosford, and the Jacaranda Project, an

early intervention and prevention project run by the Northern Sydney Sexual Assault Service. NSW Health's Aboriginal Mental Health Workforce Training Program was also recognised at the National Community Services and Health Industry Skills Council Awards last month. There are now 47 trainees undertaking the program across New South Wales, from Queanbeyan to Lightning Ridge, Albury to Taree, and Blacktown to the Central Coast. All these workers are using their cultural understanding and knowledge of local communities to encourage indigenous people to access mental health services.

I wish to make special mention of the Northern Sydney Central Coast Area Health Service's Vocational Education Training and Employment Program, which has received State, national and international recognition including a Mental Health Matters Award, a NSW Health Award in the Building Partnerships for Health category, and an Australian and New Zealand Mental Health Service Achievement Award. The program helps reduce barriers to employment and education for people with a mental illness.

All these initiatives and their creators are making a fantastic contribution to the State's mental health system and I am sure the House will agree their recognition is well deserved. This Government is proud of the innovative approach our State's mental health workers are taking to improve the standard of care for people with a mental illness. We will continue to support them in their endeavours because this is about providing better outcomes for some of the most vulnerable members of our community, and their families and carers.

Question time concluded at 3.27 p.m.

PETITIONS

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

Garrawarra Land Sale

Petition opposing the sale of land at the Garrawarra Centre in Waterfall, received from **Mr Malcolm Kerr**.

Wagga Wagga Base Hospital

Petition requesting funding for and the commencement of construction of a new Wagga Wagga Base Hospital in this parliamentary term, received from **Mr Daryl Maguire**.

Tumut Renal Dialysis Service

Petition asking that the House support the establishment of a satellite renal dialysis service in Tumut, received from **Mr Daryl Maguire**.

Tumut Hospital and Batlow Multi Purpose Service

Petition asking that vital equipment be provided immediately to both Tumut Hospital and Batlow Multi Purpose Service, received from **Mr Daryl Maguire**.

Tumut Hospital Anaesthetic Services

Petition asking that anaesthetic services at Tumut Hospital be made available immediately, received from **Mr Daryl Maguire**.

Bus Service 311

Petition praying that the Government urgently improve bus service 311 to make it more frequent and more reliable, received from **Ms Clover Moore**.

Pyrmont Metro Station

Petition opposing the Metro proposal for a Pyrmont station at Union Square and requesting community consultation for a suitable site, received from **Ms Clover Moore**.

Pet Shops

Petition opposing the sale of animals in pet shops, received from **Ms Clover Moore**.

Game and Feral Animal Control Amendment Bill 2009

Petition opposing the Game and Feral Animal Control Amendment Bill 2009 in its entirety, received from **Ms Clover Moore**.

Adoption Laws

Petitions opposing any legislation or amendments to adoption laws, received from **Mr Richard Amery** and **Mr Malcolm Kerr**.

Berowra Police Station

Petition opposing the closure of Berowra Police Station and requesting an increase in the number of officers to man the station, received from **Mrs Judy Hopwood**.

National Parks Tourism Developments

Petition opposing the construction of tourism developments in national parks, received from **Ms Clover Moore**.

Single Pension Rate

Petition requesting that single pensioners receive the full benefit of increases to pensions, received from **Ms Clover Moore**.

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

Royal Flying Doctor Service

Petition opposing the current tender process and requesting a permanent air ambulance contract with the Royal Flying Doctor Service, received from **Mrs Dawn Fardell**.

Katoomba RSL All Services Club Ltd

Petition requesting that all members of the governing body of the Katoomba RSL All Services Club Ltd, except Mr Geoffrey Norley, be removed in accordance with the Registered Clubs Act, received from **Mr George Souris**.

BUSINESS OF THE HOUSE

Reordering of General Business

Mr GEORGE SOURIS (Upper Hunter) [3.30 p.m.]: I move:

> That General Business Notice of Motion (General Notice) given by me this day [Tigermania] have precedence on Thursday 12 November 2009.

This motion deserves precedence because we saw the most unseemly performance of the Premier of New South Wales no less, on the day that Tiger Woods himself was playing in Melbourne, when he said this morning on ABC radio: "If Melbourne wants Tiger Woods for a few days they are welcome to him." What kind of hopeless Premier do we have on our hands? This motion deserves precedence because not only did the Premier say that this morning but he also started throwing this level of abuse at Tiger Woods and the Victorian Government on 19 March 2009 when he gave the most famous signature quote of his administration to major events: "I would much rather Brian Eno's work on display to the people of New South Wales for three weeks than Tiger Woods for three days. I think that is a better spend of taxpayers dollars."

In seeking precedence of this motion I wish to advise the House of one or two salient statistical facts. The total number of broadcast metropolitan media hits made during the period 26 and 27 May 2009 in Melbourne, when the Premier made his fateful announcement about Brian Eno, was one! However, the total number of media hits made during the period 9 and 10 November 2009 in Sydney, of the Victorian event, totalled 295. One mention of Brian Eno in Melbourne and 295 mentions of Tiger Woods in New South Wales.

The SPEAKER: Order! The member for Upper Hunter needs no assistance.

Mr GEORGE SOURIS: This motion deserves precedence because up until 10.00 a.m. this morning the number of hits in broadcast metropolitan Sydney was 93 and in major metropolitan Sydney it was 48. Tiger has finished his round of golf in Melbourne so by now the number will be well into the multiple hundreds. This motion deserves precedence because major events are supposed to be of value to the State, yet the Premier blindly pursues the coverage that Eno gave New South Wales and compares it favourably with the coverage that Tiger Woods has given the Victorian Government. There would not be a place on the globe that did not get coverage of Tiger Woods in Victoria today. Media Monitors estimated the value of the Victorian coverage of the Eno event to be $295,000, compared with the coverage in New South Wales of Tiger Woods at $3.9 million.

We have a galah running major events in New South Wales and it is embarrassing. Everybody knows that one of the most important parts of a State's economic program is its major events calendar and yet we see this sort of idiotic logic. I will give an example of that logic. Only yesterday the Premier was boasting about the National Rugby League [NRL] grand final being held in Sydney. I believe it was only last week that he was accusing the NRL of acts of betrayal in contemplating even the possibility of moving the NRL grand final to another bidder. He was not even aware that about six, seven, eight or nine months ago—when the bid first started—Queensland Premier Anna Bligh did a live television cross at the launch of the NRL season at the back of our Parliament House. For seven or nine months it was under the Premier's nose. Surely someone from the other side would have told him about it—there are enough of you—and yet he did nothing about it.

What did the Premier do to attract and keep the NRL grand final? He indulged himself by parading around the Chamber as if it were really his idea that Mr Sheedie had been appointed as the Australian Football League [AFL] coach for western Sydney. He rubbed it into the NRL by parading around with the new AFL coach in Sydney when the NRL is locked in a war and a battle to the death over the rights of players in Sydney and western Sydney. He was parading around with the enemy. What a fool! [*Time expired.*]

The SPEAKER: Order! As much as we would like to hear further from the member for Upper Hunter, there is no provision under the standing orders to do so at this time.

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [3.35 p.m.]: I take personal offence at what the member for Upper Hunter had to say. The home ground of the second AFL team in New South Wales will be at Aquilina Reserve, which is a great place for it to be located. Clearly the member for Upper Hunter has no idea about developing and securing major events for New South Wales. He continually talks down Sydney and New South Wales—we just had another five minutes of it—which does our city and our great State no service at all.

Sydney is the nation's undisputed events city. It is more than just buying a one-off event off-the-shelf. That is why the New South Wales Government has developed a strategy with Events NSW. Creating regular and unique events in our calendar gives the business and tourism industry certainty to plan and coordinate campaigns that assist in their businesses. That is why groups such as the City of Sydney central business district retailers, Sydney airport and the tourism and transport forum welcome our initiatives. Let me put some events on the record. In the first week of October alone Sydney and New South Wales welcomed 700,000 fans and nearly 50,000 visitors for seven bumper events, which included the Epsom Handicap, the Bathurst 1000, the Socceroos versus the Nederlands, the NRL grand final, the Darling Harbour Fiesta, the Black Eyed Peas and the best ever World Masters Games, in carefully planned events.

The successful Crave Sydney, a new event for our city, was also a stunning success. I do not know whether any members opposite enjoyed Breakfast on the Bridge, which gave Sydney worldwide coverage. Once again Sydney was the envy of the world as the Breakfast on the Bridge was telecast all over the world. Vivid Sydney, held in May and June, showcased the city as a major creative hub that supports 37 per cent of Australia's creative industries—not just one-off events but regular events week in and week out, showing once again that Sydney is one of the major entertainment capitals not only in Australia but also in the world. Vivid Sydney featured four new events: the music festival at the Opera House, the free light walk that illuminated the city, a series of creative industry seminars, workshops and performances, and a three-night food festival held at The Rocks. Did anyone go to that festival at The Rocks? You could not get in. The crowd was so huge that you had to wait in a long queue. It will have to be doubled or tripled next time.

The SPEAKER: Order! The member for Upper Hunter will contain himself.

Mr JOHN AQUILINA: Vivid Sydney was a clear success, bringing over 200,000 people to the city. It was not just an event held over three days attracting 2100,000 people. Over a long period of time hundreds of thousands of people came to Sydney because this is one of the major event capitals of the world.

The Government will continue to build and foster events such as Vivid and Crave, while giving consideration to one-off bids. We secured the 2009 World Masters Games—once again, the best ever—and the 2009 women's cricket world cup. Let's hear it for the women cricketers! We have secured the Danny Green versus Roy Jones Jr title fight, the world rally championships through to 2017—again, running over the long term—and, not to be outdone, the 2010 Edinburgh Military Tattoo in the year of the bicentenary celebrations of Lachlan Macquarie. There are plenty of reasons for us to be happy. However, nothing will match being in Sydney in the first week of December when we will have the V8 Supercars at Homebush, the Australian Open Golf tournament at the New South Wales Golf Club, and the World IBO cruiserweight title fight between Danny Green and Roy Jones Jr.

Mr Ray Williams: Point of order: The Leader of the House, who is also the chair of the Macquarie 2010 Bicentenary Celebration Committee, has failed to outline to the House the events that will take place during the bicentenary celebrations for Governor Macquarie.

The SPEAKER: Order! That is not a point of order. The member for Hawkesbury will resume his seat.

Mr JOHN AQUILINA: The member for Hawkesbury has succeeded in turning a bipartisan event into a political muckraking exercise.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 34

Mr Aplin	Mr Hazzard	Mr Smith
Mr Baird	Ms Hodgkinson	Mr Souris
Mr Baumann	Mrs Hopwood	Mr Stokes
Ms Berejiklian	Mr Humphries	Mr Stoner
Mr Besseling	Mr Kerr	Mr J. H. Turner
Mr Cansdell	Mr Merton	Mr R. W. Turner
Mr Constance	Mr O'Dea	Mr J. D. Williams
Mr Debnam	Mr O'Farrell	Mr R. C. Williams
Mr Dominello	Mr Provest	
Mr Fraser	Mr Richardson	*Tellers,*
Mrs Hancock	Mr Roberts	Mr George
Mr Hartcher	Mrs Skinner	Mr Maguire

Noes, 53

Mr Amery	Ms Gadiel	Ms Megarrity
Ms Andrews	Mr Gibson	Ms Moore
Mr Aquilina	Mr Greene	Mr Morris
Ms Beamer	Mr Harris	Mrs Paluzzano
Mr Borger	Ms Hay	Mr Pearce
Mr Brown	Mr Hickey	Mrs Perry
Ms Burney	Ms Hornery	Mr Piper
Ms Burton	Ms Judge	Mr Sartor
Mr Collier	Ms Keneally	Mr Shearan
Mr Coombs	Mr Khoshaba	Mr Stewart
Mr Corrigan	Mr Koperberg	Ms Tebbutt
Mr Costa	Mr Lalich	Mr Terenzini
Mr Daley	Mr Lynch	Mr Tripodi
Ms D'Amore	Mr McBride	Mr West
Mr Draper	Dr McDonald	Mr Whan
Mrs Fardell	Ms McKay	*Tellers,*
Ms Firth	Mr McLeay	Mr Ashton
Mr Furolo	Ms McMahon	Mr Martin

Pair

Mr Page	Mr Campbell

Question resolved in the negative.

Motion negatived.

BUSINESS OF THE HOUSE

Business Lapsed

General Business Notices of Motions (General Notices) Nos 512 to 517 lapsed pursuant to Standing Order 105 (3).

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Routine of Business

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [3.49 p.m.]: I move:

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

(1) The following routine of business after the motion accorded priority:

(a) private members' statements,

(b) matter of public importance,

(c) Government business,

(d) the Speaker to leave the chair at 6.30 p.m.,

(e) from 7.30 p.m. Government business.

(2) The House to adjourn on motion.

The Government is reluctant to do this but because of the length of debate on various bills this morning we find ourselves in a situation of having to complete today's program of business prior to the House rising because a number of bills need to obtain passage through this Chamber in order to reach the other place before tomorrow. For that reason it is the intention of the Government to bring on private members' statements immediately after consideration of the motion accorded priority, to proceed to debate the matter of public importance and then to go on to government business and continue to the completion of government business before adjourning the House on motion. We will have a break for dinner between 6.30 p.m. and 7.30 p.m.

Mr BRAD HAZZARD (Wakehurst) [3.50 p.m.]: It is a couple of weeks before the end of the parliamentary term and this motion proves that the Government is unable to manage Parliament in the same way as it cannot manage the State. The Minister for Planning, who is in the Chamber, is one of the leadership contenders and Della Bosca is running around wanting to be leader. Everybody wants to be leader except the Premier, who does not know how to be leader. Unfortunately, the State is now in deep financial trouble as a result. This is another example of a government that cannot govern. The New South Wales Government has lost control not only of the State but also of the legislative program. The Premier has made it quite clear to the people of New South Wales that he cannot manage this State. We have seen evidence of that time and time again: the north-west rail link, the south-west rail link, decisions and problems in the health system, and decisions and problems in the education system. We know that we have a government that is out of control.

Who can forget this week's effort? It is getting to the bottom of the barrel when the four previous unsuccessful Labor Premiers have to be dragged in to back the fifth unsuccessful Labor Premier. Speaking of the descent of man, the Minister for Planning is certainly somewhere in the perspective. She is undermining the Premier behind the scenes, with the aid of the Minister for Finance and Eddie Obeid. They have done it before and they are doing it again: They are trying to undermine the Premier. The Government is simply out of control.

Mr Barry O'Farrell: She winked at you.

Mr BRAD HAZZARD: It certainly appeared that way.

Mr Gerard Martin: You're not a winker, mate; you're a wanker.

Mr BRAD HAZZARD: I ask that the member for Bathurst be brought back into the Chamber and be asked to apologise for that comment. He is disappearing. Come back here, stand there and apologise. Come back to the Chamber and apologise.

The SPEAKER: Order! The member for Wakehurst should remember that I am in the chair. The member for Wakehurst has raised concern about a comment made by the member for Bathurst. The comment was unparliamentary. I encourage the member to return to the Chamber and to withdraw it.

Mr BRAD HAZZARD: Mr Speaker, like so many members on the Labor side, the member for Bathurst knew exactly what you were going to ask him to do.

Mr Gerard Martin: I withdraw it, Mr Speaker.

Mr BRAD HAZZARD: Come back in here and actually do it, you gutless Harry!

The SPEAKER: Order! The member for Bathurst has withdrawn the remark.

Mr BRAD HAZZARD: Unfortunately, we have reached the stage where the legislative program of this Government is in disarray, as is the State of New South Wales. We are now told that we are expected to sit here tonight when many members on both sides of the House have community commitments and commitments in their electorates. Members on the Labor side—I will not name them—are nodding their heads; they know that this is a disorganised rabble of a government. Members are entitled to rely, as the community of New South Wales is entitled to rely, on what the Government says is going to happen. The Government told us that we would have time this evening to attend various community functions and meet the various groups and so on with whom we are expected to liaise. A number of Labor and Coalition members will have to disappoint their constituents and tell them that they now cannot attend those community functions. The Government has to manage the State and it has to manage the timetable.

Mr Paul Gibson: Point of order: I was very interested in the comment by the member for Wakehurst that he had commitments tonight. I would like to know what those commitments are.

The SPEAKER: Order! I remind the member for Wakehurst that when a point of order is taken he is to resume his seat. Has the member for Blacktown concluded his point of order?

Mr Paul Gibson: Yes.

The SPEAKER: Order! Members should at least try to abide by the standing orders. Today has not been a shining example.

Mr BRAD HAZZARD: The member for Blacktown would not know because he has not visited any schools in his electorate for months.

Mr Paul Gibson: You idiot! I was there with the Premier on Tuesday. You are a wanker!

The SPEAKER: Order! Is the member for Wakehurst seeking that that comment be withdrawn?

Mr BRAD HAZZARD: I ask that the member for Blacktown simply exercise some caution in future because I know that he probably did not intend to say that.

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [3.55 p.m.], in reply: I would like to respond to the contribution of the member for Wakehurst but I cannot find anything to respond to.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 50

Mr Amery	Mr Gibson	Ms Megarrity
Ms Andrews	Mr Greene	Mr Morris
Mr Aquilina	Mr Harris	Mrs Paluzzano
Ms Beamer	Ms Hay	Mr Pearce
Mr Borger	Mr Hickey	Mrs Perry
Mr Brown	Ms Hornery	Mr Piper
Ms Burney	Ms Judge	Mr Sartor
Ms Burton	Ms Keneally	Mr Shearan
Mr Collier	Mr Khoshaba	Mr Stewart
Mr Coombs	Mr Koperberg	Ms Tebbutt
Mr Corrigan	Mr Lalich	Mr Terenzini
Mr Costa	Mr Lynch	Mr Tripodi
Mr Daley	Mr McBride	Mr West
Ms D'Amore	Dr McDonald	Mr Whan
Ms Firth	Ms McKay	*Tellers,*
Mr Furolo	Mr McLeay	Mr Ashton
Ms Gadiel	Ms McMahon	Mr Martin

Noes, 36

Mr Aplin	Mr Hartcher	Mrs Skinner
Mr Baird	Mr Hazzard	Mr Smith
Mr Baumann	Ms Hodgkinson	Mr Souris
Ms Berejiklian	Mrs Hopwood	Mr Stokes
Mr Besseling	Mr Humphries	Mr J. H. Turner
Mr Cansdell	Mr Kerr	Mr R. W. Turner
Mr Constance	Mr Merton	Mr J. D. Williams
Mr Debnam	Ms Moore	Mr R. C. Williams
Mr Dominello	Mr O'Dea	
Mr Draper	Mr O'Farrell	
Mrs Fardell	Mr Provest	*Tellers,*
Mr Fraser	Mr Richardson	Mr George
Mrs Hancock	Mr Roberts	Mr Maguire

Pair

Mr Campbell Mr Page

Question resolved in the affirmative.

Motion agreed to.

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY

Red Tape Reduction

Mr ROBERT FUROLO (Lakemba) [4.06 p.m.]: My motion should be accorded priority because red tape affects everybody in the State of New South Wales. We all have a vested interest in ensuring that red tape is reduced to help encourage people to invest in local businesses. This motion should be accorded priority because businesses, large and small, and people across New South Wales have an interest in ensuring that red tape is reduced, and they would like to know how this Government is progressing in that regard.

Residential Parks

Mr GREG APLIN (Albury) [4.07 p.m.]: My motion notes the concerns of a number of people in residential parks about alleged intimidation and bullying by park owners and managers, acknowledges the complete unacceptability of such behaviour and the urgent need for it to be addressed, and calls on the Minister for Fair Trading to urgently initiate an investigation into these problems and the potential for registration and

mandatory minimum training for residential park owners and managers to prevent them recurring. These 900 residential parks spread across the State are a permanent home to as many as 60,000 people, according to the residents' association, as well as to tourists and travelling workers. If the correspondence I receive is anything to go by, there is trouble in paradise.

As shadow Minister for Fair Trading I have received ongoing correspondence from park residents, including the Affiliated Residential Park Residents Association, outlining allegations of intimidation and bullying by park owners and managers. This takes many forms: interfering with mail or refusing to allow newspapers to be delivered to residents after they had applied to the Consumer, Trader and Tenancy Tribunal to dispute an increase in rent; a park owner who will speak to residents only when there is no other person nearby, which ensures there is no-one to back up a resident's claim about poor treatment or bullying; and an owner who said to residents, "I will make your life a misery", and, "You are just a little old man in your little shorts. What are you going to do about it?" I have received a letter from a person who tried unsuccessfully to purchase an existing home on a permanent site in a residential park that states:

> When I attempted to negotiate ... I was told that I would not be permitted to live there, as being a single mother (I am 41 with one child) I would probably have six more kids in the future.
>
> He then told me that he was getting rid of a lot of the permanent residents and that there were a lot of trouble makers and he would be moving them 'out west'.

As an indication of the pressing need for action, I will quote from a Central Coast newspaper, the *Express Advocate*, which, when reporting in April this year on plans for the redevelopment of a park by replacing long-term casual caravans with cabin and other short-term accommodation, found that "several van owners were too afraid to speak on the record about the [owner's] plans". What I am hearing suggests that many residents feel trapped in their park homes, afraid to challenge the rule of their owner or manager. This House must give priority to helping them.

Park management is not easy. Some managers or owners must deal on a daily basis with drug-dependent people, people with mental illness, and with residents on low incomes and no financial resources. As a community we are grateful for their efforts to run good parks.

The rights and responsibilities of owners, managers and residents are set out in the Residential Parks Act 1998 and associated regulations. These legislative tools are essentially silent on the issue of harassment and intimidation. In short, the protection afforded residents is basic and generalised, restricted to quiet enjoyment by section 20 of the Act. Section 143 of the Act deals with the appointment of a park manager.

Ms Kristina Keneally: Point of order: This is a debate about why this matter should be given priority. Although the issues the member raises are important, and I recognise their importance to his constituents, the point of this debate is to determine which matter should have priority, not to debate the substance. There are other ways, such as private member's statements, to raise these issues. The member should use this time to establish why his matter should have priority.

The DEPUTY-SPEAKER: Order! I will listen further to the member for Albury. I remind the member that he should be establishing why his matter should have priority.

Mr GREG APLIN: Clearly the Minister has not been listening to the points I have been making about urgency. As I said, the rights of owners, managers and residents are set out in the Residential Parks Act but the legislative tools are essentially silent on harassment and intimidation. Therefore, the protection afforded residents is basic and generalised. It is amazing, as I stated earlier, that nothing is said about the qualifications of a manager when this is such a sensitive position. In a media release of 31 August the Minister for Fair Trading announced that Fair Trading would carry out a compliance blitz on residential parks in September, but the October edition of the Central Coast Park Residents Association newsletter said that when residents called the blitz hotline the operators were in complete ignorance of the Minister's announcement and merely invited them to put it in writing. This matter is urgent because nothing happens.

Another complaint was from residents who, after getting the run-around, were referred back to the Consumer, Trader and Tenancy Tribunal. The blitz was a fizzer for them. For this reason, we must act urgently. Licensing or registration allows us to track the progress of an individual through their life in an industry. They have a number, an identity beyond their current name and address. We can then develop a stepped series of sanctions for breaches of the Act, regulations and professional standards. Many residents are particularly

vulnerable—the disabled, the poor, the unwell or alone. They are often referred to parks by government departments like Housing, Health, and Ageing, Disability and Home Care. They are calling for our help, and that is why this motion must be accorded priority.

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

The House divided.

Ayes, 48

Mr Amery	Mr Gibson	Mr Morris
Ms Andrews	Mr Greene	Mrs Paluzzano
Mr Aquilina	Ms Hay	Mr Pearce
Ms Beamer	Mr Hickey	Mrs Perry
Mr Borger	Ms Hornery	Mr Sartor
Mr Brown	Ms Judge	Mr Shearan
Ms Burney	Ms Keneally	Mr Stewart
Ms Burton	Mr Khoshaba	Ms Tebbutt
Mr Collier	Mr Koperberg	Mr Terenzini
Mr Coombs	Mr Lalich	Mr Tripodi
Mr Corrigan	Mr Lynch	Mr West
Mr Costa	Mr McBride	Mr Whan
Mr Daley	Dr McDonald	
Ms D'Amore	Ms McKay	
Ms Firth	Mr McLeay	*Tellers,*
Mr Furolo	Ms McMahon	Mr Ashton
Ms Gadiel	Ms Megarrity	Mr Martin

Noes, 38

Mr Aplin	Mr Hartcher	Mr Roberts
Mr Baird	Mr Hazzard	Mrs Skinner
Mr Baumann	Ms Hodgkinson	Mr Smith
Ms Berejiklian	Mrs Hopwood	Mr Souris
Mr Besseling	Mr Humphries	Mr Stokes
Mr Cansdell	Mr Kerr	Mr Stoner
Mr Constance	Mr Merton	Mr J. H. Turner
Mr Debnam	Ms Moore	Mr R. W. Turner
Mr Dominello	Mr O'Dea	Mr J. D. Williams
Mr Draper	Mr O'Farrell	Mr R. C. Williams
Mrs Fardell	Mr Piper	*Tellers,*
Mr Fraser	Mr Provest	Mr George
Mrs Hancock	Mr Richardson	Mr Maguire

Pair

Mr Campbell Mr Page

Question resolved in the affirmative.

RED TAPE REDUCTION

Motion Accorded Priority

Mr ROBERT FUROLO (Lakemba) [4.19 p.m.]: I move:

That this House:

(1) congratulates the Government on making red tape cuts worth $147 million towards its target of reducing red tape by $500 million by June 2011; and

(2) calls on the Opposition to support the Government's initiatives in regulatory reforms.

It gives me great pleasure to speak in support of this motion. Red tape production is about making it easier for businesses to get on with the productive activities that drive our economy. It is about making it easier for mums and dads to renew licences, renovate their homes and access government services. Cutting red tape is a priority of the New South Wales Government and we are achieving results; not by accident but because of the hard work and commitment of the Rees Government in driving the regulatory reform agenda.

Do not just take my word for it. Consider these figures. The Government's second annual update on red tape reduction, entitled *Making it Easy in NSW*, shows that in just a few short months since calculations began red tape reforms implemented in New South Wales had contributed $147 million towards our $500 million red tape reduction target. This is $147 million that New South Wales businesses will put towards productive services instead of administration and compliance activities, $147 million that will not go down the drain because of unnecessary project delays and government charges, but the Opposition has refused to acknowledge the success we have achieved in listening to business, following up on their concerns and reducing red tape. It has refused to acknowledge the central role of the Better Regulation Office, established by the Government 2½ years ago. They have refused to acknowledge our target to reduce red tape by $500 million by June 2011, and they have refused to acknowledge the benefits of strict gatekeeping processes or new accountabilities placed on agency CEOs to cut red tape as a condition of their performance contracts.

What does the Opposition have to say about regulatory reform? As usual, instead of coming up with its own policies, with original ideas on how to reduce red tape, it continues to talk down New South Wales. This lazy Opposition team cannot even come up with original ways to bag New South Wales. It cannot even write its own lines. Instead, in September the member for Goulburn issued a press release, which has a swathe of paragraphs cut and paste from the executive summary of a New South Wales Business Chamber report from back in January this year. Of course, one of the casualties of this slapdash approach is the truth. Not surprisingly, the member neglected to mention in her press release that since the publication of this report the Government has taken up one of the Business Chamber's recommendations and is committed to a quantitative target to reduce the overall stock of existing business regulation. Not only have we committed to the target, but also we are already more than one quarter of the way to achieving it.

Facts about Government policy were not the only casualty of the member for Goulburn's lazy approach. So determined was she to talk down New South Wales, she simply cut and pasted into her press release a paragraph about New South Wales economic performance without even bothering to check the nine-month-old figures. The member for Goulburn glibly claimed that New South Wales has the second-highest rate of unemployment in the country. In fact, we have the second-lowest rate of unemployment of all the States, lower than the national average, lower than South Australia, Western Australia and Queensland. The member for Goulburn confidently asserted that New South Wales has the lowest rate of exports in the country. Fortunately, that is not true either.

In fact, New South Wales has the third-highest level of exports as well as the third-highest rate of growth of exports. Pleasing figures, I am sure the member would agree; figures we should be proud of, figures that the member sees fit to mislead her constituents and the local press about all in the name of talking down our State, figures that indicate that the New South Wales economy is strong. This is due in no small part to the New South Wales Government's strong efforts to make it easier to live and work in New South Wales by cutting red tape. One example is commercial vessel operators who are enjoying benefits of significant red tape reforms by New South Wales Maritime. Warwick Fairweather, Executive Officer of the Charter Vessel Association, has commented that:

> It is a breath of fresh air that we are finally making things easier for our industry to operate more simply and competitively and for people to enter this industry.

I suggest the Opposition take a look at our report *Making it Easy in NSW*. It outlines each one of the 120 red tape reforms the Government has implemented in the past 12 months. It outlines all the systems, processes and accountabilities we have in place to make sure no new red tape is created, and that existing red tape is identified and removed. It demonstrates how successful the Government has been in making it easy to live and work in New South Wales. I suggest members opposite read the report. It might give them some policy ideas.

Ms Katrina Hodgkinson: Point of order: I am loath to take this point of order, but for more than five minutes I have been watching the member read word for word from a prepared speech. Under the standing orders he should quote his author if he is going to read a speech for longer than five minutes.

The DEPUTY-SPEAKER: I am sure that the member was referring to copious notes.

Ms KATRINA HODGKINSON (Burrinjuck) [4.26 p.m.]: I move:

That the motion be amended by leaving out all words after "That." with a view to inserting instead:

this House:

(1) condemns the Government for failing to remove red tape for businesses large and small in New South Wales; and

(2) calls on the Government to support the initiatives of the Liberals and the Nationals regulatory reform.

The motion is probably the result of a very good article that appeared recently in the *Sydney Morning Herald*. Brian Robins, a journalist of great integrity who regularly authors articles in the *Sydney Morning Herald*, wrote it. The article is based on a press release that was issued by the New South Wales Business Chamber on 30 September. It was released under the name of Stephen Cartwright, the New South Wales Business Chamber Chief Executive Officer. The headline of the media release was *Red Tape Reductions Held Back by Red Tape*—an absolute classic media release. His first paragraph begins:

> The NSW Government's attempt to cut red tape and reduce the burden on business has been held back because of the Government's media strategy and red tape, a Freedom of Information request lodged by the NSW Business Chamber has revealed.

Just extraordinary stuff that an FOI request goes in to inquire about red tape and any reductions that have taken place, yet it cannot be processed because of red tape. It is quite an extraordinary sort of an article, but just so true to form about this Government. Brian Robins in his article says:

> The Premier sent a memo to all Government departments to report efforts to cut red tape by July 24, but the Government is refusing to disclose the responses. After years of lobbying, the Government set a target of reducing red tape by $500 million, but progress is unclear. The freedom of information request, lodged by the NSW Business Chamber for details of departmental responses to the Premier's memo, was refused because "many of these initiatives are subject to cabinet approval or have been approved by cabinet but are yet to be announced", the Government said.
>
> The Government said that there was "strong public interest against disclosing the information" sought.

That is just so typical of the Government. The lack of transparency, the lack of accountability is quite breathtaking. It is something that we have been harping about from this side for certainly the full 10½ years that I have been a member in this place. When I first joined the Parliament, I became a member of the Public Accounts Committee, which was very interesting. We were trying to seek information from government agencies, but it was extremely tough under this Government. The lack of transparency and the amount of red tape that is endemic to this Government is legendary.

What the Government should do is take a leaf out of the book of the New South Wales Coalition. I remind the Government of one of our policies that was released by the leader of the Opposition, Barry O'Farrell, and the shadow Treasurer, Mark Baird, a few months ago—I think it was May this year. The title of the policy is Protect NSW Jobs, Help NSW Families, Boost the NSW Economy by facilitating a 15 per cent payroll tax cut. A 15 per cent payroll tax cut would help protect New South Wales jobs, support local businesses, and boost the State's economy in the face of global financial conditions. It would be a practical way for the State Government to help families and businesses. The initiative would help keep people in jobs by easing the financial pressures faced by some 30,000 New South Wales businesses.

The Coalition's plan is a positive and responsible response to the economic conditions confronting the State. Cutting taxes such as payroll tax is one way to make New South Wales more attractive for investment and to help ease the pressures faced by existing businesses. A one-off 15 per cent across-the-board payroll tax cut would reduce New South Wales effective payroll tax rate to 4.89 per cent, making it one of the lowest in the nation This measure would keep almost $1 billion in the New South Wales business sector, the equivalent of around 16,500 jobs, and it would help protect jobs and the families that rely on them.

I understand that my colleague the member for Tweed will address issues such as cross-border anomalies in relation to this motion. Cross-border anomalies have such an enormous impact, particularly on those who live in border communities. I grew up in Yass and now live in Yass. Day after day, we constantly hear of conflicts between what happens in the Australian Capital Territory and what happens in New South Wales. Certainly those conflicts are very much felt the closer one gets to the Queensland and Victorian borders, as well as the South Australian border.

New South Wales has the highest level of taxation of any State in Australia, which means that businesses in this State cannot be competitive with businesses in other States that are operating on a lower tax regime. Payroll tax in Queensland is 4.89 per cent and the threshold in that State is not $638,000, which it is in

New South Wales, but more than $1 million. Businesses in Queensland do not even pay payroll tax until they have a payroll of more than $1 million. When they do pay it, they pay a much lower rate of taxation than applies in New South Wales. This is one of the key reasons why the Coalition introduced a policy of an immediate cut of 15 per cent, and potentially 20 per cent in areas with high unemployment, and certainly further to the west and into the more remote areas of the State where communities are facing enormous difficulties and challenges due to a lack of water. Families are packing up and leaving town because they simply cannot continue to farm or farm employees are leaving because the farm can no longer operate. Unemployment is a significant factor, and it has a multiplier effect into schools, hospitals, and so on. [*Time expired.*]

Mrs KARYN PALUZZANO (Penrith—Parliamentary Secretary) [4.33 p.m.]: I support the motion, which is valid. It is interesting to note that members opposite have misinformed the House in relation to payroll tax. Payroll tax is not paid by every business. Members opposite failed to mention the credit rating of our neighbour to the north, that is, Queensland. The Better Regulation Office's second annual update, "Making it Easy in NSW", demonstrates clearly that the Rees Government is delivering on its promise to cut red tape in this State—news that members opposite do not want to hear. The results speak for themselves. The report shows that in the last financial year 120 separate red tape reforms have been implemented across the New South Wales Government. Many of these reforms may not seem all that significant, but when one considers the total benefits for all businesses in an industry in places such as Penrith, the Tweed, Smithfield and Lakemba, the savings really start to add up.

For example, recent reforms to signage requirements in the Liquor Act that halve the number of signs that liquor establishments are required to display are saving businesses in this industry approximately $600,000 a year. Across government, changes in technology are enabling the development of quicker, easier, more streamlined ways for businesses to fulfil their regulatory obligations. For example, business operators can now renew registration for heavy vehicles through the Roads and Traffic Authority's online registration service in just a few minutes, rather than having to attend a Roads and Traffic Authority shopfront in person. I should add that Penrith was one of the first places to have the Roads and Traffic Authority's online registration service as a standalone booth at the shopfront. I commend the front-line workers who operate the Penrith Roads and Traffic Authority office. I think it is one of the busiest Roads and Traffic Authority offices in the State. However, business operators have raised with us ways in which to renew their registration, and I am happy that, through the Roads and Traffic Authority's online registration service, we have provided them with a way to save money. The service saves busy New South Wales business owners valuable time, and generates savings of more than $1.7 million a year.

The New South Wales Food Authority has adopted the use of SMS alerts to save time for shellfish farmers who previously had to phone the local area harvest coordinator to confirm whether the harvest area was open or closed. Once again, while these red tape reforms may seem minor, they are making a real difference in the lives of New South Wales businesses. For example, John, Joy and Greg Dawson of Currumbene Aquaculture in Pambula have said:

> The grower notification system using SMS is an extremely timely, cost efficient and traceable system for both growers and the New South Wales Food Authority. Using SMS reduces the workload dramatically.

The new notification system will save businesses in the shellfish industry an estimated $47,000 a year. The Making it Easy in NSW project is not only about business; it is also about reducing bureaucracy to make it easy for ordinary families and communities to get on with their lives. For example, the Home Care Service has introduced a one-step assessment and referral process. This not only saves clients time as they do not have to repeat the same information twice but it means that services can commence much more quickly. The new process will save more than $1 million at the referral and assessment centre. That is $1 million that can instead be directed to providing front-line care. For those of us who have experience with the Home Care Service—and I commend the people who work at the Penrith office of Home Care Service—the introduction of the one-stop shop assessment will enable its clients to save time. It will also save time and waiting periods for the more than 4,000 needy members of the New South Wales community.

When considered across the board, the benefits of these 120 individual red tape reforms from the past 12 months really add up. The "Making it Easy in NSW" report shows total benefits to business of $37 million per annum, benefits to the community of $54.5 million, and savings for the Government of $27.7 million per annum from last financial year's red tape reduction activities. The sheer volume of reforms also demonstrates the shift that is taking place in the culture of the New South Wales Government. Red tape reform is happening all the time. Just a few weeks ago pubs and clubs across the State welcomed the Government's move to remove the red tape in place of public entertainment, or POPE, licences. Clubs NSW estimates that clubs last year spent almost half a million dollars just for the licence alone, not to mention the additional costs of council-imposed

conditions and time taken to apply for, process, and grant POPE licences. This was clearly unnecessary red tape, and we have removed it in what Clubs NSW has called "arguably the most significant decision ever for the local live music industry". I commend the motion to the House.

Mr GEOFF PROVEST (Tweed) [4.37 p.m.]: I support my colleague the member for Burrinjuck, who made some relevant points in this debate. I would not be the first person to observe that this Government is the worst government in New South Wales history. This is a little like groundhog day: The praise keeps coming through and the Government keeps slapping itself on the back. But at the end of the day, it is the people of New South Wales who are suffering. Poll after poll shows that Labor faces a train wreck at the next election, because it has completely lost touch with the working families of New South Wales. So what does the Government do to regain people's trust? It puts forward motion after complacent motion, congratulating itself on its self-perceived brilliance. It is all spin when Labor congratulates itself on its social achievements, but it is frankly laughable on occasions like today when it asks for a parliamentary slap on the back for its economic performance.

To say Labor is the mate of small business is like saying foxes are the friends of chooks. For starters, a recent independent Comsec report has confirmed that New South Wales is the worst performing economy in Australia over the past decade—not just in the last year but in the past 10 years. "We've cut red tape," Labor now suddenly claims. Yet, only yesterday and today in this place we were debating a bill to slap another $250 per employee on small business to train food supervisors. The list goes on. The member for Burrinjuck referred to cross-border issues. I refer first to stamp duty. If one were to build an identical house on either side of the Queensland and New South Wales border, it would be approximately $30,000 cheaper to build the house in Queensland and the approval time would be half that in New South Wales.

Queensland has lower payroll tax. As I said during the last sitting of this House, a number of investors are no longer investing in New South Wales and are going to Queensland because, as the member for Burrinjuck pointed out, it is far cheaper and easier to do business there. How do businesses in New South Wales cope? Easy, they go to Queensland. The member for Penrith referred to the maritime rules. We have a whole new raft of regulations, requirements and forms to be filled in, which has taken an enormous amount of time for the industry to work through, and it has affected a number of significant issues in the Tweed.

When we look at the State health system, the Tweed hospital in particular cannot pay its bills within the 30 days that has been promised time and time again. The Government cannot do its own bookwork but it can and does lean on small businesses. If members opposite were to come to the Tweed and ask local businesses how they are coping with Labor's red tape, they would get the answer that it is much easier to move to Queensland. The Premier and his equally unpopular Labor counterparts cannot be bothered talking to each other, but they should know that running a small business in the Tweed is a red tape nightmare. You need two sets of the most expensive paper imaginable and, if that is not enough, you have to deal with a maze of contradictory regulations.

I call on the failed Labor Government to stop believing its own spin because no-one else does. It is time to face reality. It is time to get out there and start talking to the mums and dads who are doing it tough. It is time to get out there, as the Opposition has been doing, and listen to the people at the coalface. The Government should listen to what the people are saying. Government members should get out of Sydney and visit some of the regional areas to see what the real people are thinking and saying. I know from the dejected looks I see from time to time on the faces of members on the other side of the Chamber that they know what people are saying. That is why many of the members opposite try to distance themselves from the Government in their private members' statements. I personally invite each and every Minister of this failed Government to visit the Tweed. Come and talk to small family businesses that are struggling with this absurd paperwork. They might come back to Sydney in a slightly less congratulatory mood.

I have also found that one government department does not know what another department is doing. For example, the Department of Planning is putting up plans for the Tweed when the Department of Lands is doing completely the opposite—neither side knows what they are doing. If that is indicative of the level of hypocrisy of this Government then it is little wonder that small business is losing faith in this inept Labor Government. As all members know, I am 100 per cent for the Tweed and I am 100 per cent behind small business.

Mr ROBERT FUROLO (Lakemba) [4.42 p.m.], in reply: I thank the member for Penrith for her contribution to this debate. I acknowledge the contribution of the member for Burrinjuck and the member for Tweed. The facts are clear. Instead of talking down New South Wales, the Opposition should be joining the Government in acknowledging the work that is being done with a saving of $147 million already achieved in the Government's red tape reduction program, and the establishment of the Better Regulation Office as a way of

helping to ensure that additional red tape is not created and that further steps are being taken to reduce it. The Government has also taken on board the suggestions of the New South Wales Business Chamber to identify ways in which to reduce red tape. In fact, it was suggested in a submission to the Government by the New South Wales Business Chamber that the Government should commit to deregulation through binding quantitative targets to reduce the overall stock of existing business regulations. I am pleased to say that suggestion was taken up by the Government and now forms part of the practices of the Better Regulation Office.

New accountabilities are in place requiring chief executive officers of government agencies to cut red tape as a condition of their employment contract. The chief executive officers of government agencies are actually being measured to ensure they achieve reductions in red tape. Yet another example of red tape reduction by the New South Wales Government is to be found in the Premier's announcement of the introduction of a smart electoral roll, a system that automatically places people on electoral rolls when they come of age. No longer will people have to fill in a form, get the paperwork signed and send it off. They will be automatically enrolled when they come of age, and if they move from one place to another their enrolment details will be updated when they update their licence details.

The member for Burrinjuck and the member for Tweed also referred to payroll tax. I appreciate their contributions but note that the Government has funded a payroll tax cut from 5.75 per cent to 5.65 per cent, to commence from January 2010. This follows the payroll tax cut from 6.00 per cent that was delivered in January of this year. The Government has also budgeted for a payroll tax cut to 5.5 per cent in 2011. Real and tangible action is being taken by the Government to reduce payroll tax, yet all we hear from members opposite is negative, carping criticism. I am pleased the Government has had the opportunity to debate the issue and put its record on cutting red tape out for the community. I commend the motion to the House.

Question—That the words stand—put.

The House divided.

Ayes, 53

Mr Amery	Mr Furolo	Ms Megarrity
Ms Andrews	Ms Gadiel	Ms Moore
Mr Aquilina	Mr Gibson	Mr Morris
Ms Beamer	Mr Greene	Mrs Paluzzano
Mr Besseling	Ms Hay	Mr Pearce
Mr Borger	Mr Hickey	Mrs Perry
Mr Brown	Ms Hornery	Mr Piper
Ms Burney	Ms Judge	Mr Sartor
Ms Burton	Ms Keneally	Mr Shearan
Mr Collier	Mr Khoshaba	Mr Stewart
Mr Coombs	Mr Koperberg	Ms Tebbutt
Mr Corrigan	Mr Lalich	Mr Terenzini
Mr Costa	Mr Lynch	Mr Tripodi
Mr Daley	Mr McBride	Mr West
Ms D'Amore	Dr McDonald	Mr Whan
Mr Draper	Ms McKay	*Tellers,*
Mrs Fardell	Mr McLeay	Mr Ashton
Ms Firth	Ms McMahon	Mr Martin

Noes, 32

Mr Aplin	Mr Hazzard	Mrs Skinner
Mr Baird	Ms Hodgkinson	Mr Smith
Mr Baumann	Mrs Hopwood	Mr Souris
Ms Berejiklian	Mr Humphries	Mr Stokes
Mr Cansdell	Mr Kerr	Mr J. H. Turner
Mr Constance	Mr Merton	Mr R. W. Turner
Mr Debnam	Mr O'Dea	Mr J. D. Williams
Mr Dominello	Mr O'Farrell	Mr R. C. Williams
Mr Fraser	Mr Provest	*Tellers,*
Mrs Hancock	Mr Richardson	Mr George
Mr Hartcher	Mr Roberts	Mr Maguire

Pair

Mr Campbell Mr Page

Question resolved in the affirmative.

Amendment negatived.

Question—That the motion be agreed to—put.

Division called for and Standing Order 185 applied.

The House divided.

Ayes, 48

Mr Amery	Mr Gibson	Mr Morris
Ms Andrews	Mr Greene	Mrs Paluzzano
Mr Aquilina	Ms Hay	Mr Pearce
Ms Beamer	Mr Hickey	Mrs Perry
Mr Borger	Ms Hornery	Mr Sartor
Mr Brown	Ms Judge	Mr Shearan
Ms Burney	Ms Keneally	Mr Stewart
Ms Burton	Mr Khoshaba	Ms Tebbutt
Mr Collier	Mr Koperberg	Mr Terenzini
Mr Coombs	Mr Lalich	Mr Tripodi
Mr Corrigan	Mr Lynch	Mr West
Mr Costa	Mr McBride	Mr Whan
Mr Daley	Dr McDonald	
Ms D'Amore	Ms McKay	
Ms Firth	Mr McLeay	*Tellers,*
Mr Furolo	Ms McMahon	Mr Ashton
Ms Gadiel	Ms Megarrity	Mr Martin

Noes, 37

Mr Aplin	Mr Hartcher	Mr Roberts
Mr Baird	Mr Hazzard	Mrs Skinner
Mr Baumann	Ms Hodgkinson	Mr Smith
Ms Berejiklian	Mrs Hopwood	Mr Souris
Mr Besseling	Mr Humphries	Mr Stokes
Mr Cansdell	Mr Kerr	Mr J. H. Turner
Mr Constance	Mr Merton	Mr R. W. Turner
Mr Debnam	Ms Moore	Mr J. D. Williams
Mr Dominello	Mr O'Dea	Mr R. C. Williams
Mr Draper	Mr O'Farrell	
Mrs Fardell	Mr Piper	*Tellers,*
Mr Fraser	Mr Provest	Mr George
Mrs Hancock	Mr Richardson	Mr Maguire

Pair

Mr Campbell Mr Page

Question resolved in the affirmative.

Motion agreed to.

EMERGENCY SERVICES LEGISLATION AMENDMENT (FINANCE) BILL 2009

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

PRIVATE MEMBERS' STATEMENTS

PRIMARY SCHOOLS STATE ATHLETICS CHAMPIONSHIPS AND TYSON HOLMES

Mr MIKE BAIRD (Manly) [4.59 p.m.]: Tonight I share with the House the sad story of a 10-year-old boy in my electorate. Tyson Holmes' dream of representing the State at the national Primary Schools State Athletics Championships has been cruelly taken away due to an administrative error. Tyson's impressive third place in high jumping at the recent New South Wales Primary Schools State Athletics Championships meant that he was awarded a chance to compete in the nationals. However, after being congratulated by officials and getting measured up for his Australian tracksuit and given raffle tickets to raise the $600 required to participate in the games at the end of this month, 11 days later Tyson was told that the New South Wales Primary Schools Sports Association had made a mistake, that they do not have enough spots for him in the team and that he can no longer take part in the nationals.

Today I call on the Minister for Sport and Recreation and the Minister for Education to do all they can to let Tyson compete in the nationals. I am sure that both Ministers will have compassion for Tyson's plight. Both Ministers are fundamentally decent people so I hope they enlist in the campaign to have Tyson compete. Tyson's mum Tracey came into my office on Monday, distraught at the intense disappointment of her son. They had received a call from the New South Wales Primary Schools Sports Association who said they had made a mistake and that Tyson and the boy he tied with—a young boy from Menai named Harrison, whose plight should also be considered—were unable to compete because they should have had a jump-off on the day. In other words, the association could send only three people and because two boys had tied for third place they would now only send two boys with one place vacant. Any boy or girl who has had a chance to compete at representative level would understand that Tyson met this news with absolute devastation. I quote from a letter written to me by his mum, Tracey. She wrote:

> The last 10 days have been full of excitement with talk about the "Nationals". People both known and not known to Tyson have been congratulating him on making the NSW team.
>
> Tyson, his 8 year old sister and I have also been busy selling hundreds of dollars worth of raffle tickets, not only at school but door to door and at other sporting events.
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> I had to break the news to Tyson that he may not be able to compete. He looked at me, his eyes filled with tears and he walked away. I do not wish to cause problems but I would like to know how a bureaucratic mistake at this level of sport should be paid for by a devastated 10 year old boy.

That is the point: It is not Tyson's fault. He had his dreams and he believed it was happening. He had his measurements taken for a uniform and he had the paperwork, but his opportunity to compete has been cruelly taken away. The day after Tyson was awarded his place in the nationals he went to his school, Balgowlah North Primary School, proudly wearing his medal and telling his friends and teachers about his achievements and how he was going to represent New South Wales at the nationals. The school's newsletter had a photograph of him on the front page looking as proud as punch with his medal and the accompanying article talks about how the school is excited and wants to support the boys. The article states:

> Congratulations to Tyson Holmes, as well as Lee Smith, another competitor at the State championships. Please take the opportunity to support him in every way in this exciting venture.

One can imagine how young Tyson feels. Today I hand-delivered a letter to the Minister for Sport and Recreation and the Minister said he would try to speak to the Minister for Education, who has some responsibility in relation to the Primary Schools Sports Association. I understand that the association may be an independent organisation but this is a simple case of administration overruling common sense. We ask that both the Minister for Sport and Recreation and the Minister for Education do what they can to resolve this situation.

Tyson did not make a mistake. Indeed, he trained and he thought he had achieved the goal that many young kids would have—to go to a national championship. He is not the one who should be held responsible for believing that he had achieved that goal for 11 days, only to have it cruelly taken away. I believe the Ministers can make a difference in this young person's life. We have only 18 days to act and get the administrators to change their mind because I believe the nationals start on 29 November. I urge both Ministers to act quickly. I acknowledge that we are facing many issues across the State but if we oversee small injustices like this then we are not doing our job. Common sense should prevail. I pass on my personal congratulations to a young guy who at 10 years of age has achieved what very few kids do—a place on a State team competing at a national championship. That is an extraordinary opportunity and, at the same time, it must be an extraordinary disappointment.

My own personal sporting career was nothing like that, but I know that personal disappointments at such a young age can be crushing. We have empathy with young Tyson for what he must be feeling right now. This is a once-in-a-lifetime opportunity for someone like Tyson and he should not have to suffer and have it taken away. I again call on both Ministers to work together with the Primary Schools Sports Association to see if we can get common sense to prevail and to ultimately let Tyson jump.

TRIBUTE TO LUIGI COSTA

Mr NINOS KHOSHABA (Smithfield) [5.04 p.m.]: It is with great sadness that I advise the House of the tragic passing of Luigi Francesco Costa on 15 September due to a truck accident. Lou, or Louie as his friends called him, was born on 13 January 1957 in Geraldton, Western Australia. He was the third child of Salvatore and Antonina Costa. Louie's parents migrated to Australia from Italy in the 1950s. As a young man Louie worked in the fruit shops his father owned and later he would go on to forge a career in the trucking industry. Whilst his life was cut short, his contributions to the community and to the people of Smithfield will live forever.

Louie had lived in Fairfield city since 1958 and in recent years he was a director of a family transport business. Louie Costa was elected to Fairfield City Council in September 1999 and was a councillor until the local government elections in September 2008 when he decided to stand down from that role. During his time on the council Louie served as Deputy Mayor in 2000-2001 and he served as chairperson of the Traffic and Outcomes Committees on a number of occasions. Louie was a director on the Western Sydney Regional Organisation of Councils board from l999-2003 and also served as a member of council's Bonnyrigg Town Centre Committee. Louie was a justice of the peace and a union delegate at TNT, and he held a number of positions with other groups and organisations.

I had the pleasure of working with Louie during my time on Fairfield City Council from 2004 until 2008, and I found him to be a very decent and passionate man who put everybody else before himself. Everyone who knew Louie knew how much he loved his family, his church and the community. Rightly so, his first priority was always his family. Louie leaves behind his wife of almost 31 years, Fortunata—also known as Nat—and his four children, Antonina, Salvatore, Giusepina, and Luigi. Louie would always talk about how proud he was of his grandchildren Pasquale, Luigi, Massimo and Concetina. Unfortunately, his grandchildren have now been robbed of spending more time with their grandfather. He also leaves behind his siblings Nancy, Carmela, Charlie, Joe, Kate, Frank, Tony, Rocco, his mother-in-law Giusepina Zucco, and many other uncles, aunties, nephews, nieces, extended family and friends. My deepest condolences go to them all.

His love for Our Lady of Mt Carmel Parish and church in Mount Pritchard was unquestionable. As a young man he would help out in the procession by carrying the statue of our lady. He was a member of the Our Lady of Mt Carmel Parish Festival Committee for more than 20 years and held the position of president for many years. Louie was very proud of his Italian background and even more proud to call Australia home. He kept in touch with Italian traditions and customs and played a major part in the Italian festivals organised by the committee. These festivals reflected the multicultural nature of Fairfield City, giving residents an insight into Italian heritage.

Louie's commitment to the community was outstanding. He was a very positive man and was always the first to represent his constituents and, in particular, those who could not represent themselves. During Louie's time on council the city benefited greatly from his commitment to his constituents and he will be deeply missed by our community. Even after stepping down from his role as a councillor Louie still maintained a keen interest in local issues. Louie was 52 years young and his passing was very unexpected and a great shock to all who knew him. The electorate of Smithfield is a little poorer because it has lost a true gentleman. Our thoughts are with his family and friends. May he rest in peace.

Mr PHILLIP COSTA (Wollondilly—Minister for Water, and Minister for Regional Development) [5.07 p.m.]: I thank the member for Smithfield for bringing to the attention of the House the sad passing of Louie Costa. I met Louie during my life as a councillor and I also knew him through the Western Sydney Regional Organisation of Councils. I also attended the same church of Our Lady of Mt Carmel. He was an absolute gentleman. I also extend our deepest sympathies to his family. I can certainly vouch for the wonderful person he was.

NORTH COAST AREA HEALTH SERVICE

Mr THOMAS GEORGE (Lismore) [5.08 p.m.]: Mr Acting-Speaker, I am sure that you also are concerned about what is happening with front-line services and the cutbacks to the North Coast Area Health

Service. A few weeks ago I spoke about the cutting of the service of the palliative care social worker to the North Coast Area Health Service. The North Coast Area Health Service has now gone even lower than that. It has indicated that it is going to take away the chaplain from the Lismore Base Hospital. A former chaplain at the hospital sent me a document that states:

> "There's nothing they can do for dad." Tears welled up as she replaced the pay phone near Accident and Emergency.
>
> Ten minutes later on the hospital stairwell Jason's flushed face said it all. "It's inoperable." My enquiry about his father had briefly arrested his descending flight from the Surgical Ward. "Sorry, but I must go."
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> Twice within several minutes I had been confronted with the anguished face of very recent grief: raw unprocessed news that had to be told. And in that inflamed moment when our whole being longs to comfort, to carry some of the weight, we are painfully reminded of the paralysis of language and of our powerlessness. We have no answer. What is there to say?

They are the sorts of things that confront chaplains. The North Coast Area Health Service chief executive officer, Chris Crawford, said that other hospitals do not have chaplains and that the hospital administration had looked everywhere to make cutbacks. Other hospitals do not have orthopaedic surgeons. Does that mean that they will be the next to go? Why should our chaplain service be cut because some other hospital does not have one? This is all about the budget. That is what this State has come to expect from this Government. There is no consideration for the patients and their welfare. It is concerned only with cutting budgets so that it can pay its accounts. The North Coast Area Health Service simply wants to get its budget back on track. What about support for patients and the staff of the North Coast Area Health Service? I am not the only person complaining about the chaplain service being cut; the entire community is singing with one voice.

This announcement comes on top of the announcement about a review of the pain clinic. Time does not allow me to deal with that now, but it will be the subject of another private member's statement. When a person is told that they have an inoperable condition, where do they turn? Sadly, things have changed throughout the community. We can no longer rely on a chaplain from one of the mainstream religions responding within five minutes to a call for help. They are run off their feet and cannot hope to respond to everyone. The chaplain service has been at the hospital for 20 years. Now, for budgetary reasons, it is being cut. It is seen as dispensable because no other hospital has a similar service. It is a disgrace that this Government is removing these services when they are most needed—that is, when people are recuperating and coping with bad news. The removal of this service is a disgrace. I call on the Government to investigate what is happening at the North Coast Area Health Service and to ensure that the chaplain service is not removed.

TRIBUTE TO JOHN THOMAS LAMBKIN

Ms SONIA HORNERY (Wallsend—Parliamentary Secretary) [5.13 p.m.]: To the man with an indomitable spirit, friends and staff at the Wallsend Aged Care Facility wish to pay tribute. No matter what life would bring, no matter what hardship endured, he would be thinking of others. He was born at Cessnock on 20 January 1944 to Mavis and Arthur. At birth it was discovered that John Thomas Lambkin had hydrocephalus. Known as fluid on the brain, it is an illness with no cure. But this difficult start in life did not deter John from pursuing his plans and aspirations. A keen traveller, John enjoyed many trips around mainland Australia. His travels also took him to Tasmania and to the Solomon Islands.

Joking that he was far too busy to be bothered with marriage, John remained single his whole life. Family meant everything to John. He had two sisters, whom he adored, and nieces and nephews, whose achievements he spoke of proudly. The bloke was always on the move. Even in the last decade of his life and wheelchair bound, John did not slow down. With the passing of his parents, John became a resident of the Wallsend Aged Care Facility. He enjoyed the company of others and often travelled into town. He was a keen participant in social events, and little wonder given his interests. John played guitar and enjoyed rock and roll and country music. He also loved John Wayne movies and wrestling. According to a volunteer carer at the facility, his best mate Francis Hooper, he and John were going to the wrestling the next time the caravan came to town. Unfortunately, the show did not arrive in time. Francis proudly told me that John referred to him as his brother.

John's greatest passion was his painting. He painted mainly landscapes and won numerous awards for his outstanding work. Staff at the facility speak of John as a Christian man who lived by the creed. He would help others without a second thought. He gave willingly to those less fortunate and was a truly giving community member. John spent the last 6½ years of his life at the Wallsend Aged Care Facility and called it his home. Sadly, there was little doubt that John's body had ceased to function in the way that he would have liked. Fortunately, he remained mentally alert and was as sharp as a tack.

When it was announced earlier this year that the facility was being transferred to the private sector, John and many other fellow residents were shocked. Where would they go? They were happy at the facility. Why should they be forced to leave? Would they be looked after as well somewhere else? With these concerns in mind, John took action. He quickly became a central figure in the fight against the privatisation of what he saw as the residents' home. He believed that the central focus should be the residents, their families and staff. He spoke on behalf of many residents about their apprehension at rallies, protests and at the front of picket lines.

According to John's mate Francis Hooper, John was very afraid about where he would have to go and what was going to happen to him. John need fear no more. He died on 7 October from congestive cardiac failure. Louise Howell, the Quality Coordinator at Wallsend Aged Care Facility, said, "John grieved that the call to privatisation and save money would override the residents' needs, and he worried that the highly specialised care at the facility would be compromised." She said, "John's contribution was outstanding and he will be missed by us all." Recently, while I was making conversation with John at a Cardiff Panthers game and teasing him about his addiction to John Wayne movies, he told me how happy he was at the Wallsend Aged Care Facility and praised the staff for the quality of care they gave him. John died at the John Hunter Hospital. Rest in peace, John. Your friends at the Wallsend Aged Care Facility think fondly of you.

PITTWATER ALCOHOL ABUSE

Mr ROB STOKES (Pittwater) [5.18 p.m.]: My community of Pittwater has a drinking problem. Tragically, our drinking problem is most clearly and publicly manifest in our young people, and the problem is particularly bad during the approaching summer months. Places like Village Park, Mona Vale; Berry Reserve, Narrabeen; Barrenjoey Road, Newport; and Avalon Village have become plagued by drunken teens putting themselves and others in danger. This is not only a nuisance. There have been deaths as a result of excessive alcohol consumption. Two boys have died in separate incidents in Mona Vale in recent months. Out of the village centres, residents are too scared to hold parties for young people because of the fear of gatecrashers and the risks posed by drunken teenagers getting out of control.

Our streetscapes are marred by graffiti vandalism, and infrastructure such as bus stops and street signs are constantly destroyed. I am sick of taking my little children on early morning walks on a weekend past broken bottles, smashed windows, vomit and rubbish left by the young drunks the night before, and having to explain to my six-year-old boy why people write things on other people's property.

In 2006-07 the riot squad was called to incidents in Pittwater on more than 60 occasions. The next year it was almost 40 occasions. Most of these incidents were parties where groups of teenagers—many under 18—were drunk, violent, abusive and a danger to themselves and to others. Yet in the same year only 13, and subsequently three, infringements were issued to children for under-age drinking. This is clear evidence that our laws on under-age drinking are unclear, inconsistent and not taken seriously. On one occasion late last year the New South Wales police riot squad attended a party in Mona Vale and confiscated a large amount of alcohol from under-age drinkers, with a 17-year-old charged with resisting arrest. At the same time on the same night a party at North Avalon attended by a large crowd of under-age drinkers got out of control and a police officer needed medical help after trying to help quell the brawl.

Social views about alcohol have deteriorated. There has been a massive cultural shift that has seen the national age of alcohol initiation fall from 19 to 15½ years over the past 50 years. By the age of 14 around 90 per cent of children have tried alcohol and the rate of drinking at harmful levels by 12- to 17-year-olds has doubled in the past two decades. Alcohol accounts for 13 per cent of all deaths among 14- to 17-year-old Australians, and one Australian teenager dies and more than 60 are hospitalised every week from alcohol-related causes. There is no safe level of drinking for children. Therefore, it is little surprise that the latest Federal Government guidelines emphasise that the safest option for teenagers is to delay the onset of drinking for as long as possible.

This is a big problem. It is time that our laws on under-age drinking were clarified—not so much strengthened; there is no point applying stiffer penalties if no penalties are issued—to send a clear message that under-age drinking is a crime and will not be tolerated. Therefore, I think it is wrong—it is appalling—that it is legal in New South Wales for people to supply a minor with alcohol provided they have the consent, actual or implied, of the parent or guardian. Section 117 of the Liquor Act 2007 permits a person to supply liquor to a minor with the authorisation of the minor's parent or guardian on private or unlicensed premises. However, there is no legislative guidance as to what form this authorisation must take or how long it is to last. In other words,

the law allows the service of alcohol to children at parties or private homes without parental supervision so long as the child's parents say it is okay—either verbally or by implication. Frankly, that is not okay with me, and it is not okay with many people in my community.

In 2008 the Queensland Government identified a similar ambiguity in that State's liquor Act and took responsible action to amend the legislation, making it illegal for anyone to supply alcohol to a minor without their parent or guardian's direct supervision. These changes have been applauded by parents, police and advocacy groups, who believe they are an important step in combating the increasing problems associated with under-age drinking. New South Wales can learn a lot from Queensland and the way it has started to tackle this problem. The laws in New South Wales need to be as clear, tough and simple as those in Queensland. Our current laws are murky, ambiguous and deficient. If someone is under the age of 18, the only person who should be able to serve them alcohol is their parent or guardian.

An amendment to the Liquor Act prohibiting any person other than a minor's parent or guardian from supplying liquor would greatly strengthen the objectives of the Act. It would reduce the level of access minors have to alcohol, send a clear message that it is unsafe for children to drink, and simplify the duties placed on those supervising children. Without such changes, our hospitals, courts, emergency services and communities will be left exposed to the escalating impact of under-age drinking and our young people will be denied the protection they deserve. This is simply too important and too serious an issue to ignore. I implore the Government to adopt the responsible approach taken in Queensland, following the prompting of the Liberal National Party in that State, and make much-needed amendments to the Liquor Act to ensure that younger generations are protected now and into the future.

ST JOHN'S EAGLES FOOTBALL CLUB

Mr ROBERT FUROLO (Lakemba) [5.23 p.m.]: As members of Parliament, we are truly fortunate. We have the honour of representing the hopes and expectations of our communities, and to be their voice here in the New South Wales Parliament. We also have the pleasure of attending local festivals, community events, and school and sporting presentation nights. It is in this vein that I have the pleasure of updating the House with more good news from the electorate of Lakemba. Last month I was privileged to attend this year's presentation night of the St John's Eagles Football Club. This year has been another great one for this local club and marks the 100th premiership success by players since the club began in 1954. That is 100 grand final victories in 55 years.

Many teams enjoyed success for the club this year, with a couple of standout performances. The St John's Eagles under-8 division 1 team had a fantastic season. This young and talented team, coached by Joe Karam, with Guiseppe Serratore as trainer and Anthony Karam as manager, was undefeated all season and was the deserved premier. The under-7 division 1 team coached by John Teaupa, with Monique Bakhos as manager and Des Volkman as trainer, also had a great season. This team lost only once during the season and played in the grand final. Unfortunately for them, they did not take home the trophy. The under-9 division 2 team coached by Joe Farah, with Peter Fayad and George Adouni training and Leanne Wilson as manager, was undefeated throughout the year, making the grand final, but it too was unlucky on the day.

But the crowning glory for St John's was the success of the First XIIIs. This remarkable team did not win every game this season—there was stiff competition from East Hills and the Bankstown Bulls—but what is remarkable is the players in this team have played together and won eight consecutive grand finals. That is an extraordinary achievement. The success of this team helped deliver the 100th premiership for the St John's Eagles Club—a wonderful achievement for all the families that have been involved with the club over the years. I acknowledge the club's executive: Ciaron Burns, the committed and hardworking president; George Bakhos, the passionate and dedicated secretary; and George Khoury, an honourable man who supports the club as treasurer. I also congratulate two stalwarts of the club who have been honoured with life membership: Fady Ghanem and Mark Brown. Both these guys have put years of their time and energy into supporting the players, officials and families of St John's. Their life membership is well deserved, and I congratulate them.

Finally, I thank the whole of the St John's Eagles Football Club, both current and past members, players and their families. I was honoured to be asked to be the club's patron—a role that I am more than happy to fulfil because this is a club of great character and passion. It is a club that values good sportsmanship, decency and hard work. It is a diverse club in cultural heritage, but the coaches, volunteers, players and their families come together in the spirit of the game, and the results are there to be seen. I congratulate all the players, coaches, officials and families on showing the true values of the great game of rugby league. Well done!

TRIBUTE TO GRAEME STONER

Mr ANDREW STONER (Oxley—Leader of The Nationals) [5.26 p.m.]: This Remembrance Day I wish to remember a very great Australian, a man who was and remains a hero to me. He is my father, Mr Graeme Stoner, who served in the Second World War. When he was 23 he was working at the Grafton Dairy Co-operative and volunteered to go to war. He enlisted on 22 June 1941. He left Sydney on 16 October 1941 bound for Canada, where he arrived at Calgary on 5 November 1941. He joined what was known as the Empire Air Training Scheme, a scheme instituted by Great Britain to train crew for notoriously dangerous duty in bomber aircraft. He was assigned to the Royal Air Force as part of an Australian crew in a Wellington bomber as a wireless operator/gunner. He travelled from Canada, having completed training, arriving in the United Kingdom on 13 September 1942. From there he flew a number of missions over Europe, including over Holland and Germany. He saw many of his mates killed during that time. When I was growing up he told me of one incident when he was confined to what is known as the stockade for insubordination to an English officer. The crew he was to fly with that evening failed to return from the mission. So he was lucky to survive.

He travelled from the United Kingdom to the Middle East on 2 February 1943, and then on to India, fighting the Japanese on 9 March 1943, where he flew a number of very dangerous missions. I observed in his logbook that he had written that they were coned four times while flying a mission over Rangoon. "Coned" basically meant that the aircraft took four direct hits from anti-aircraft fire.

He and his crew were later disciplined for having destroyed the aircraft when it returned to the base in Burma. The aircraft was running on only one engine that had just about burned out by the time they got back. He then went to the Middle East again as an instructor on 9 June 1944. He was promoted to pilot officer in October 1943 and to flying officer in April 1944. Along the way he suffered from malaria. He saw a lot of his friends killed over that time. He returned to the United Kingdom in July 1945 and was demobilised back to Australia in October 1945.

He had been away from our shores for some four years, and he always said, "Andrew, this is the greatest country in the world"—and having travelled very extensively during that awful war, the Second World War, he was in a position to comment. Over those four years he flew a total of 657 hours and 15 minutes in hostile and extremely dangerous combat. He remained friends with his Australian crew in his post-war life. On his return to Sydney he got straight back to work and raised five children, of whom I am one. He taught me the values of hard work, duty and pride in our country. We lost him on 23 January this year and, for me, this Remembrance Day is a very sad one indeed. I join all members in remembering this day and all those who served in the world wars and the conflicts since then. Lest we forget.

TRIBUTE TO ALBERT THOMAS

Mr FRANK SARTOR (Rockdale) [5.31 p.m.]: Today I would like to pay tribute to a great champion of Rockdale but also of St George, three times Olympian Albert (Albie) Thomas. Albie's love affair with athletics started in 1951 when he decided to join St George District Athletics Club after realising that rugby league just was not for him. A training camp at Portsea in 1953 introduced Albie to the benefits of running on sand. On his return to Sydney Albie began training on the dunes at Wanda, something that was considered mad in those days. A brief stint in the Royal Australian Air Force taught Albie the discipline needed for middle-distance running.

Albie went on to compete in the 1956, 1960 and 1964 Olympic Games, as well as in the 1958 and 1962 British Empire Games, now Commonwealth Games. In 1958 Albie set three world records and was the pacemaker for Herb Elliott's one-mile record in 1958. He finished fifth in the race. In the same year Albie married Nola. They had two children, Robyn and Patricia, and now have four grandchildren. In 1960 Albie ran the first four-minute mile in New South Wales on the Sydney sportsground grass track. He was the first athlete to win the Australian one-mile championship for four years in succession, and in 1965 won the New South Wales championship for the one mile, three miles and six miles at the same championships—a treble that had eluded New South Wales athletes.

Albie's passion for athletics still burns strong. At 74 years of age and with a pacemaker, he is still running—albeit a bit slower. As president of St George District Athletics Club, Albie continues to pass on his knowledge and techniques to the stars of tomorrow. His dedication to athletics is second to none. His pursuit of obtaining an athletics track for the St George area is admirable—and it is something that both the Minister for Sport and I are very keen on. As I have stated previously in the House, schoolchildren in my electorate and in

neighbouring areas have to travel to either Homebush or to the E. S. Marks Athletics Field to attend athletic carnivals. Members of the St George District Athletics Club have to train at venues such as Scarborough Park, and children who attend Little Athletics must travel to Sylvania because of the lack of facilities. I take this opportunity once again to urge Rockdale City Council and the Department of Lands to prepare without delay a concept plan for St George stadium that accommodates both football and athletics. I understand that the issue was raised in the draft plan of management for Muddy Creek earlier this year, and I look forward to some significant developments in this area.

Thanks to the Minister for Sport, last week I had the pleasure of presenting St George athletics with a $3,500 grant to upgrade its shade-cover facilities. The money will go towards the purchase of a new large shade-cover tent that will replace the old one. The new tent will give people a central assembly point and protection from the sun on hot days. This will improve safety for members and locals at athletic events, such as the New South Wales Novice Championships. The club has hosted these championships at Scarborough Park every year since 1940—an outstanding achievement. At this year's event 600 people competed in five races, with many supporters in attendance. I congratulate the club on encouraging families to compete in a healthy sporting activity. I also thank the Minister for Sport and Recreation, Kevin Greene, for his strong support of the St George District Athletics Club, and of sport more generally in the St George area.

Albie's selfless work, however, does not end with athletics. He is also responsible for taking care of the garden at St George School. The St George School is a school for disabled children, and Albie's commitment and dedication to those children is outstanding. Albie is an icon in the St George area. His honours are extensive. They include the Australian Sports Medal, presented in 2000 for services to the Australian community; the Centenary Medal, presented in 2000 for service to the community; induction into the New South Wales Hall of Champions in 1979; and being a torchbearer in the Sydney Olympic Games torch relay. Albie had the honour of carrying the torch through Hurstville, where he was born. Albie is a great local, a great Australian and the sort of person who is a great role model for other people in the community. I commend his work to the House.

WEST RYDE HOUSING DEVELOPMENT

Mr VICTOR DOMINELLO (Ryde) [5.36 p.m.]: I recently canvassed in this place a number of serious concerns about the Housing NSW development in Kathleen Street, North Ryde. Today I bring to the attention of the House further problems concerning the proposed development of Housing NSW sites in Clifton Street and Darvall Road, West Ryde. There are currently more than 1,100 Housing NSW properties in the Ryde electorate. The waiting list for a home is approximately 12 years, with urgent cases requiring priority assistance waiting an average of 12 months. I have asked the Minister for Housing several questions regarding public housing in Ryde so that the local residents can be informed of the situation in our community. Unfortunately, some of the responses that I have received are as clear as mud. For example, in question 5249 I asked the Minister:

> How many approved applicants are currently on the public housing register for public housing in the Ryde electorate?

The people of Ryde are entitled to an answer to this question. One would have expected a numerical response—for example, there are 20 or 10 people currently on the waiting list. However, the Minister answered:

> The number of people on the housing register awaiting accommodation varies and changes constantly. Many factors influence how long each applicant waits, including the type of accommodation sought, (e.g. number of bedrooms, style of dwelling); the type of household (e.g. aged couple, single person); and special needs (e.g. ground floor requirements, modifications).

Although that is interesting, it does not answer my question. The people of Ryde still have no answer from the New South Wales Labor Government as to how many people are on waiting lists for public housing in Ryde. The sad truth is that the Government is more interested in spin than in open and transparent governance. The people of the Clifton Street-Darvall Road area have every reason to demand transparency, given the confusing and contradictory information that the Minister has circulated to date. For example, on 9 July 2009 residents were informed that there would be 14 units in the Clifton Street-Darvall Road development, while on 30 July 2009 they were informed that there would be 22 units. Later, on 6 August 2009, they were informed there would be 18 units, and finally on 15 October 2009 they were told that there would be 22 units.

A large number of residents have written, phoned and emailed me and visited my office in relation to the proposed Department of Housing developments in both Kathleen Street in North Ryde and the Clifton Street-Darvall Road precinct in West Ryde. Many local residents recently attended a protest in Kathleen Street

to demonstrate their anger at the lack of consultation with the community. I have submitted a petition to the Minister for Housing relating to both developments, which has received wide media coverage in our local newspapers. Unfortunately, the Minister and the Department of Housing are inclined to withhold information from the people of Ryde. Several times, I have asked questions on notice and written letters to the Minister about the nature and scope of the public housing properties being considered for West Ryde, and each time the numbers change. The nearby residents of West Ryde who will be affected by any new development have also written to the department and received a similar unclear response. This uncertainty demonstrates the complete incompetence that we have come to expect from this broken Government. It only makes local residents feel more nervous about the future of their neighbourhood.

I wholeheartedly accept that public housing is needed for those who are less fortunate in our community. However, the location of new public housing is a complex issue and it must be addressed in an open and transparent manner, with proper planning processes. The culture of avoiding contact with the community and limiting their ability to have their say must end. As I mentioned previously in this House, stripping the community of their right to discuss planning decisions in an open forum, such as through council, robs the community of the right to determine the future of their neighbourhood.

It is simply absurd that should a resident of the Ryde area wish to build a one-storey extension to their home they must go through council, but when the Government wants to build a 21-unit development in Kathleen Street or a 22-unit development in Clifton Street-Darvall Road, it can bypass the entire council process. The Government should be the model citizen. However, time and time again it proves to be the exact opposite. I again strongly urge the Government not to abandon the residents who live in and around Kathleen Street, Clifton Street and Darvall Road.

CRIME PREVENTION PARTNERSHIP

Ms ALISON MEGARRITY (Menai) [5.41 p.m.]: Last week I was very pleased to welcome the recently appointed Minister for Police, Michael Daley, to a familiarisation tour of police facilities and initiatives in the Menai electorate. Minister Daley became very aware of the roads and bridges in my electorate during his tenure as the Minister for Roads. Our community was very grateful that he delivered on the construction tenders for the Alfords Point Road stage two project, the Bangor bypass stage two project, and the start of work on the substantial intersection improvements at New Illawarra Road and Heathcote Road, Lucas Heights.

On Wednesday 4 November 2009 I met with the Minister at Menai police station where we spoke with local police and also some of the shopkeepers at Menai Marketplace. After a look around the neighbourhood, the Minister went on to visit the nearby Police Dog Squad at Menai, to meet some of the human and canine officers serving at that very important facility. I was sad to miss that opportunity as I always enjoy calling into the Police Dog Squad, but time was marching on and I needed to hightail it to the other end of my large electorate, sticking to the speed limit all the way of course, to the second Crime Prevention Partnership meeting at Wattle Grove Community Centre.

The Minister had kindly accepted my invitation to also attend that meeting to hear firsthand local residents' views about policing and community safety in that area. True to his word, after visiting the dog squad the Minister travelled on to join our meeting, which was attended by residents from Holsworthy, Hammondville, Moorebank, Voyager Point, Pleasure Point and Wattle Grove. As Minister Daley said on the day, these forums are a great way to get everyone talking about their concerns and about how we might be able to work together to make the community safer. They also give our hardworking police, like Inspector Scrimgeour who co-chaired the meeting, a chance to provide community representatives with a regular update on local operations and the targeted police initiatives being rolled out.

Liverpool City Council is a key member of the Crime Prevention Partnership, and the Minister was pleased to see the close working relationship between Liverpool council and police, particularly with regard to problems like graffiti and antisocial behaviour. After the meeting I was glad to have the opportunity to introduce Minister Daley to Allan Dabbagh, JP, the Public Officer and lynchpin of Locals Against Graffiti and Gangs, or LAGG as it is known. LAGG is a community-based organisation of civic-minded individuals who have worked extremely hard to assist council and police in their efforts to combat the scourge of graffiti and other senseless crimes of vandalism.

In the time available to me I will give the House a brief overview of the activities of Locals Against Graffiti and Gangs during the past six months. First I refer to the Adopt a Street Sign program, which entails

knocking on doors and asking residents to adopt one or multiple street signs to look after when they are hit with graffiti. The resident is registered with Liverpool council as the adoptee of the signs and they are required to paint over the sign with paint provided by Liverpool council within 24 hours of the sign being tagged. This initiative has been very successful, with about 40 per cent of the signs being adopted and others being cleaned anonymously by residents who do not want to be registered with either LAGG or the council.

Secondly I refer to graffiti removal training. LAGG volunteers attended Liverpool council's safe graffiti removal training session. The volunteers were trained in the types of chemicals to use and how to safely remove graffiti, as well as how to capture any run-off that may occur. Thirdly I refer to surveillance of graffiti hotspots. LAGG members have been conducting surveillance over the past six months. During their overnight patrols they provide police with information as to the whereabouts of graffiti gangs, locations they have recently hit, and possible future targets based on previous patterns. Fourthly I refer to information gathering and reporting to police. LAGG members have provided critical intelligence to police regarding two investigations currently underway, including information such as times and identification details of the alleged perpetrators.

I should point out that by day Mr Dabbagh, whom I referred to as the linchpin of this organisation, runs his own local business employing many people. Therefore the day and night time hours he devotes to LAGG activities would be a significant impost on him, his business, and his family. I would like Mr Dabbagh and the other members of LAGG to know just how much our community appreciates the efforts they are putting into LAGG. It is fair to say, as Mr Dabbagh pointed out at the meeting, that police, council and LAGG are learning to work together for their mutual benefit. The relationship was not smooth to start with, but they are learning to work well together and are managing this situation appropriately. Obviously members would be concerned about vigilantism, but LAGG is very sensible in the way it conducts its activities and in the way it works with police and council. I hope that LAGG and indeed the rest of my community will be happy to hear about the Graffiti Control Amendment Bill that has been introduced in the House. I am sure that together with other measures the bill will enable us to get on top of this problem.

DUBBO ELECTORATE TAFE FACILITIES

Mrs DAWN FARDELL (Dubbo) [5.46 p.m.]: It was my great pleasure last Friday, 6 November 2009, to stand in for the Minister for Education and Training, the Hon. Verity Firth, who is in the Chamber, at the official opening of new facilities at TAFE's Dubbo campus. The ceremony marked a day of celebration and optimism for an institution that plays an integral role in education, not just in the city of Dubbo but also in many western towns. The new TAFE facilities meet a growing need for training in the electrical trades industry, hairdressing and beauty, information technology and child care.

The New South Wales and Commonwealth governments jointly funded the project to the tune of more than $5.9 million. The New South Wales Government contributed more than $1 million, while the Commonwealth Government contributed $4.9 million. The funding has delivered three new electrical laboratories, a large electrical workshop, new industry-standard hairdressing and beauty facilities, two new computer rooms and an assembly workshop, two new seminar rooms, offices for teachers, and new car parking. The project also included work at the Fitzroy Street College resulting in refurbished children's studies rooms, a new music and language room and other classrooms, and improved facilities for design and light manufacturing, including the creation of a light manufacturing workshop.

The broad scope of these new facilities is exciting news, not just for Dubbo but also for the whole of western New South Wales. Dubbo is an important regional centre, and as such TAFE in Dubbo is a hub for education and training in the western part of the State. Recent research by Allen Consulting has found that TAFE New South Wales will contribute $196 billion to the New South Wales economy over the next 20 years. Every dollar invested in TAFE generates benefits worth more than six times that amount.

The National Centre for Vocational Education Research found that TAFE has high levels of employer satisfaction. More than 83 per cent of New South Wales employers report satisfaction with the quality of TAFE apprentice and traineeship training, which is well above the national average of 78.6 per cent. Dubbo TAFE College is part of that success story, providing a stepping stone to a productive and prosperous career for so many students.

Last year more than 8,000 students enrolled with TAFE through the Dubbo college. I have had the privilege of knowing some of these students and learning of their achievements. I refer to students like Jill Morris, who in 2008 was named the Vocational Student of the Year at the New South Wales and Australian

Training Awards. The year before, Shilo Barker was named the Aboriginal and Torres Strait Islander Student of the Year also at the New South Wales and Australian Training Awards. This year Gavin Press, an electrical apprentice, has been named the Apprentice of the Year at the New South Wales Training Awards. That is an impressive record for Dubbo TAFE College.

I acknowledge in particular the enormous dedication and vision of TAFE teachers that has been so vital in delivering these positive outcomes. The commitment of passionate, well-trained staff is crucial to making TAFE a successful institution. I commend Dubbo's TAFE teachers for their work not only in training but also in encouraging and mentoring students in their chosen fields. Not every student goes on to win State and national awards. However, every time a student enrols and completes a course of study with TAFE New South Wales it is significant in terms of their own aspirations and the continued economic success of this State.

Given the severe skills shortage in regional areas, TAFE plays a vital role in the progress and prosperity of our communities. TAFE New South Wales delivers flexible learning that meets the needs of both students and industry. That flexibility is on display, for instance, in the IPROWD program—a partnership between TAFE, New South Wales Police and Charles Sturt University—which helps Aboriginal people prepare for entry into the Police Force. I have recently spoken in this House about the inspiring success of the IPROWD program in Dubbo and its 100 per cent completion rate. Dubbo TAFE college also hosts the Western Institute's Centre for Distance Learning, which uses satellite technology to train people living in remote communities. All these initiatives aim to increase the pool of skilled people to serve local communities and industries in western New South Wales.

The new TAFE facilities in electrical trades, hairdressing and beauty, information technology and childcare, bolsters the already impressive array of training opportunities on offer in Dubbo. The opening of these refurbished premises sends a positive message to the people living in western New South Wales—a message I relay today in this House. When so much public debate is focussed on the problems affecting our society and the things that we do not have, the official opening of upgraded and new facilities at TAFE's western campus celebrates the opportunities that we do have, and auger well for a bright future for this prosperous and thriving regional centre. It was a great pleasure last week for me to be on board, on behalf of the Minister, and for Stephen Hutchins, on behalf of Julia Gillard, when we toured those facilities. I am very proud they have been built in our area.

TEACHING AND ASSISTANT PRINCIPAL WORKLOAD

Mr RICHARD TORBAY (Northern Tablelands—Speaker) [5.51 p.m.]: Teaching principals and assistant principals in New South Wales public schools are being placed under unprecedented pressure to meet expanding administrative and compliance responsibilities. I have a list from the NSW Primary Principals Association of approximately 80 tasks they are being asked to undertake in addition to normal teaching loads. The Government has generated most of these tasks as initiatives to improve school governance, accountability and teaching quality. The responsibility for carriage of these tasks invariably falls on the shoulders of school principals and their deputies. No-one would quarrel with the necessity for these education reforms. In fact, I am advised that the Minister addressed the conference of the NSW Primary Principals Association and I acknowledge that her address was well received. But it is unjust that executive staff who teach full-time should be required to undertake this extra work after hours.

Many of these experienced executive teachers are leaving the profession through stress, burnout and justified outrage at the inequity of their situation. Principals of 600 public schools in New South Wales with fewer than 160 students currently have a full teaching responsibility. As well as that, they have to meet the same administrative requirements as principals of schools with more than 160 students who are class free. The increasing demands of the Department of Education and Training, parents and compliance agendas such as occupational health and safety, are resulting in principals being overcommitted. Surveys conducted by the NSW Primary Principals Association in 2005, 2007 and 2009 bear this out. They detail the deteriorating situation and the need for immediate action.

A similar situation is developing in larger primary schools where assistant principals have little administrative release to assist their principals in the day-to-day management of an increasing number of issues outside the classroom. There is also a strong feeling of injustice that the secondary school executive enjoys these allowances without question. Both the Federal and State governments regularly articulate the need for sound school leadership, seek improved student outcomes and acknowledge the need to assist early career teachers. In

the case of primary schools with teaching principals, all these responsibilities are delegated without the appropriate time release from classroom duties, to guide and mentor new teachers, implement new programs, conduct professional learning and meet compliance and accountability demands.

A remarkable 86 per cent of teaching principals replied to the 2009 survey on workload and its impact on student learning and the health of principals. They signalled an urgent need for administrative release to alleviate excessive workloads and lower increasing trends of serious stress-related sickness, burnout and early retirement; to support student learning outcomes and staff development and welfare; to promote excellence in leadership and to enhance opportunities for professional learning in schools and across networks; and to provide equity with non-teaching principals, secondary head teachers, the Catholic system and other States. I recently met with members of the Primary Principals Association in Sydney regarding their agenda to remedy the situation. They are calling for one day per week for principal PP6s and assistant principals; 2.5 days per week for principal PP5s and deputy principals, and 0.5 day per week for each six permanent members of staff.

This pressing issue affects the workloads of principals who teach, lead and manage around one-quarter of the schools in New South Wales. While it is evident that they are highly effective, this is coming at an unacceptable cost to their health and family welfare. It is also important to note that we are not just discussing schools in remote and isolated rural areas. The demographic has changed dramatically and it is more universal than that. For each rural and remote school in New South Wales there are now three metro and coastal small schools with teaching principals. It has been estimated that the $64 million per annum to provide the release time for teaching and assistant principals would amount to approximately half of one per cent of the State education budget. The removal of the 1 per cent efficiency saving requested by the Department of Education and Training would neutralise this cost immediately.

The NSW Primary Principals Association has presented a submission to Treasury to seek this action. This submission has been structured for implementation over three years to assist with making this important reform achievable in what I acknowledge are very tight economic times. This matter should be seriously considered because it is very important to the public education system of our State.

STATE EMERGENCY SERVICE

Matter of Public Importance

Ms NOREEN HAY (Wollongong) [5.55 p.m.]: I ask the House to note as a matter of public importance the recognition due to the members of the New South Wales State Emergency Service. I am sure members would be aware that this is National SES Week. It is particularly fitting that this week we pay tribute to the 10,000 or so volunteers across the State who stand ready and willing to assist their communities during natural disasters and other emergencies. This year has been a particularly busy one for the SES, following a succession of storms and floods on the North Coast and the mid North Coast. The service has also provided the largest interstate assistance in its history: it provided assistance following the Victorian bushfires in February and the Brisbane storms last November, again demonstrating the high regard in which the volunteers of the service are held.

In the worst of weather and at all hours, the trained volunteers of the SES provide a helping hand in what for many is one of the worst days of their life, whether it be cutting an injured child from a vehicle at the scene of a serious road accident, rescuing an elderly resident from their home amidst swirling floodwaters or making temporary repairs to a storm-ravaged house. The volunteers' commitment to their community was again amply demonstrated by their response to the floods on the State's mid North Coast that heralded the start of National SES Week. These floods were the second for many mid North Coast residents in as many weeks and, for some, the fifth flood this year.

More than 500 millimetres of rain fell in some locations in just 36 hours causing widespread flash flooding in Coffs Harbour, with rises in local rivers isolating nearly 5,000 people. More than 90 stranded travellers and residents attended an evacuation centre in Coffs Harbour and more than 450 requests for assistance were received by the SES, 41 of those being rescues of people from floodwaters—some of them in the most hazardous of circumstances. Showing true professionalism and dedication, there can be no better ambassadors for National SES Week and what the service stands for than those volunteers of the mid North Coast SES units who answered the call for help. At a time when most were warm and dry at home, these selfless men and women, assisted by their colleagues in the other emergency services, were out in the driving rain ensuring that members of their community were safe and their property protected.

No Government is more aware of the dedication of our emergency services personnel or more committed to ensuring they have the equipment, training and resources they need to carry out such vital roles safely and efficiently. This year's record funding of $59.7 million for the SES recognises the enormous contribution of its volunteers to the safety and wellbeing of this State. This record budget includes $2 million in subsidies for more than 60 emergency response vehicles; a further $1.47 million has been allocated for rescue equipment, including hydraulic cutters to bolster the SES road crash rescue capability; and more than $700,000 has been allocated for the purchase of 25 new flood boats.

One of the challenges facing all our emergency services, including the State Emergency Service, is the need to recruit and retain volunteers from an ageing community in which people have many competing demands on their time. To encourage the next generation to join its ranks the State Emergency Service is running a successful cadet program, which has already provided a boost to the number of volunteers and has greatly raised awareness of the service and personal safety with students in dozens of schools across the State. This year has also seen significant organisational change for the service. Under newly appointed Commissioner Murray Kear the service has embarked on its organisational audit to improve the overall management of the functions of the service and its legislative responsibilities, with an emphasis on better service delivery and an enhanced ability to meet the challenges of climate change, new technologies and changing community expectations. The Government has also brought SES funding into line with the State's two fire services. The move to a uniform funding model will continue to provide the State Emergency Service, and indeed all our front-line emergency service agencies, with a flexible and sustainable funding base well into the future.

Our State Emergency Service volunteers are one of the State's greatest assets. They, together with their families and their employers, fully deserve our praise, admiration, support and grateful thanks. The State Emergency Service headquarters on the South Coast is located in the electorate of Wollongong. I recently attended a service awards ceremony, which attracted a huge gathering. As the member for Wollongong I add my gratitude to them for their fantastic work. We do not take them for granted. We recognise the commitment and dedication of all State Emergency Service volunteers throughout the State. We are a lucky and blessed State to have these individuals volunteering for the State Emergency Service. As a mother of four and grandmother of five, with another one on the way, I express my appreciation for the risks they take on behalf of the people of the State. I cannot praise them enough. I am sure the Minister for Emergency Services is pleased to have responsibility for a portfolio that deals with such wonderful people. During National SES Week, as always, our volunteers can be assured of the Government's staunch and steadfast support. I know that my colleagues on both sides of the House also offer their staunch and steadfast support to these wonderful people.

Mr ANTHONY ROBERTS (Lane Cove) [6.02 p.m.]: It gives me great pleasure to highlight and pay tribute to National SES Week, which includes Wear Orange to Work Day on Friday 13 November 2009. I take great pride in having in my electorate the Lane Cove and Willoughby SES and also the Hunters Hill and Ryde SES. My wife is a longstanding member of the Hunters Hill State Emergency Service. We first met through the service. It would not surprise me if in her current state—she is due to give birth on 31 December 2009—she is mentally preparing to deliver a future SES member to the world.

As the member for Wollongong said, there are more than 10,000 State Emergency Service members across the State. While that may seem a large number, it pales next to the population of the State, which is more than seven million. Sadly, that means only 0.14 per cent of the people in New South Wales volunteer to serve in the State Emergency Service. It also means that many people are missing out on the wonderful experiences, life skills and technical skills that they can gain as members of the State Emergency Service. I highlight that statistic because it helps show the marvellous job that the 10,000-plus State Emergency Service members do in their combat roles all over the State, and sometimes interstate.

National SES Week has the added hope that other members of the community will be attracted to volunteer for the State Emergency Service. I would recommend to anyone who wishes to volunteer for the service to look at the SES website—it is very easy to join—and they will be directed to their local SES unit. Members of the State Emergency Service have become recognisable from their constant presence at local fetes and festivals, and on holidays and national occasions throughout the year. I would go so far as to say that the orange SES overalls are now as much an Aussie icon as Vegemite and the akubra. That is partly because the State Emergency Service represents the best Australian traditions of mateship, courage, loyalty and duty. When there are bushfires and floods the SES is there. When people go missing in the often harsh and unforgiving Australian environment the SES is there to search for them. In cases of severe accidents in rural and regional New South Wales, it is often SES members who are first on the scene to provide comfort and assistance. Sometimes they have to cut people out of the tangled wreckage. Wherever there is a risk of loss of life in New South Wales, we will find those good people in their orange overalls.

It is not surprising that the SES and all it stands for have become a powerful and beloved symbol of the New South Wales and Australian community. I pay particular tribute to SES headquarters staff. When I was the shadow Minister for Emergency Services I visited the SES headquarters in the electorate of the member for Wollongong. I was impressed with their streamlined and efficient organisation. Modern technology and extensive training provide them with an effective level of capability in their combat role. It is a reflection on the great leadership shown by previous directors of the SES and the present Commissioner of the State Emergency Service. When one thinks of the SES one cannot but help draw a conclusion that it is very much a family. Members of the House must recognise that every day or night that these volunteers go out and put themselves at risk to save lives and protect property they may be leaving behind a mother or father, a wife or husband, a child. As the member for Wollongong correctly stated, when we are at home tucked safely in our beds SES members are answering the call to cut trees from roofs, to save people from floods and to undertake many other tasks. We must all remember that and pay tribute to them.

To use the old expression, the SES is there come rain, hail or shine. As a result, families miss the mums or dads, brothers or sisters who give up so much of their time to perform their various combat roles or undertake difficult and dangerous tasks. On behalf of all members, I acknowledge the importance of the families of SES members and the sacrifices they make so that the people of New South Wales and Australia have an efficient and effective emergency service. The member for Wollongong referred to the increase in funding for the State Emergency Service. All members of the House would support that. I place on record the need for a level of consistency of plant and equipment across New South Wales. People who live outside Newcastle, Sydney and Wollongong should not be deprived of the best up-to-date equipment. Increased funding will provide that equipment.

As the member for Gosford, the member for Wollongong, the member for Wagga Wagga and the member for Lismore would know from visiting their local State Emergency Service offices, there is no such thing as an average SES member when it comes to gender, age and social or professional background. Last year at Bellingen on the North Coast I met a former constituent who had made a tree change. He was formerly involved in computer trading. He was now involved with the Bellingen State Emergency Service. This wonderfully varied group of people undoubtedly adds to the strength of the service, its morale and capabilities. I would urge every citizen of this State to consider the great job they do for us and support the State Emergency Service. They can acknowledge the SES and its hardworking members by wearing an orange tie, shirt, hair ribbon or socks on Friday. I thank the member for Wollongong for bringing this matter to the attention of the House.

Ms MARIE ANDREWS (Gosford) [6.09 p.m.]: I take great pleasure in joining my parliamentary colleagues the member for Wollongong and the member for Lane Cove in acknowledging the invaluable contribution of the volunteers from the State Emergency Service. National SES Week is an occasion for the community to pay tribute to the ongoing efforts of more than 10,000 State Emergency Service volunteers around the State who stand committed and ready to assist their communities during times of crisis. This year has proved to be especially busy for the State Emergency Service. I am sure the House appreciates the hard work done by the State Emergency Service on the North Coast and mid North Coast this year where storms and floods have battered scores of communities. Only this week some mid North Coast residents have experienced their fifth flood and the distress that that experience brings.

Following the Victorian bushfires and the Brisbane storms the State Emergency Service also provided its largest interstate assistance in its history. The flexibility and dedication of our volunteers is unparalleled and so is their reputation. In lashing rain in the dead of night, at the scene of a serious accident, at a home unroofed by ferocious winds, the trained volunteers of the service provide a helping hand and words of comfort. This professionalism and dedication was demonstrated again only last weekend by the many volunteers of the mid North Coast State Emergency Service units who answered the call for help following torrential rain and rising floodwaters.

These selfless men and women, assisted by their colleagues in the other emergency services, were out in driving rain ensuring that members of their community were safe and their property protected. This Government understands the dedication of our emergency services personnel and is wholeheartedly committed to ensuring they have what they need to undertake their work safely and efficiently. This year's record funding of $59.7 million for the State Emergency Service is clear recognition of the contribution of its volunteers to the safety of this State. This record budget includes funding for more than 60 emergency response vehicles; 25 flood boats; new road crash rescue and alpine search and rescue equipment; and additional funding for upgrading and replacing volunteer units.

One of the ways in which the House and the community at large can show their thanks to the State's volunteers is to wear something orange this Friday. Orange is the colour of the overalls worn nationally by volunteers of the State Emergency Service. State Emergency Service volunteers often undertake their role without thanks and without fellow workmates and employers understanding the sacrifices and commitments they undertake in training and in responding to emergencies. I encourage all in the community and members of this House to wear something orange this Friday. In so doing, they will be showing that the efforts of these dedicated men and women are appreciated.

Our State Emergency Service volunteers are a force for great good. At times of crisis they provide us with comfort and support. In National SES Week it is fitting that we take the time to acknowledge and thank them. I provide this assurance to the State's volunteers: You can remain certain of this Government's solid and longstanding support and our unwavering admiration of your efforts. The State Emergency Service unit in my electorate of Gosford is located at Erina and it does a tremendous job. The unit comprises both male and female volunteers and during the storms of 2007 on the Central Coast they did an outstanding job. I pay great tribute to them in the House today.

Ms NOREEN HAY (Wollongong) [6.12 p.m.], in reply: I acknowledge the contributions of the member for Lane Cove and the member for Gosford. It is interesting to see that there is obviously a joint view across the House that State Emergency Service volunteers should be congratulated and shown our appreciation. I take the opportunity to thank the member for Lane Cove not just for his recognition of the increase in funding from the Government to the State Emergency Service but also for the fact that he has indicated here today that his wife is a member of the State Emergency Service and he has given a commitment here today that the baby they are expecting in December will be a new recruit to the State Emergency Service. I look forward to seeing the little one wearing orange.

I acknowledge the commitment from both sides of the House today to recognise the great work done by the volunteers. The electorate of the member for Gosford has experienced a great need for the State Emergency Service and I know that on behalf of her electorate the member for Gosford regularly acknowledges the work they do in her area. I commend these volunteers and acknowledge everybody's fine words towards them.

Discussion concluded.

HEALTH PRACTITIONER REGULATION BILL 2009

Agreement in Principle

Debate resumed from an earlier hour.

Mr JONATHAN O'DEA (Davidson) [6.15 p.m.]: I speak very briefly on the Health Practitioner Regulation Bill 2009 to emphasise one particular point. While acknowledging that the general aim of national registration is good I again point out that the execution has not been so good. The main point is that health practitioners are concerned and the bill obviously requires clarifications and amendments. I too have received various submissions from organisations, including the Australian Dental Association. But I want to focus on one submission from a dentist in my electorate, which, like the Oral Health Professionals Association submission, relates to the exclusion of dental technicians.

I emphasise the importance of dental technicians within the profession and respond to the comment from the member for Bathurst, who said that the rationale of the Government for excluding dental technicians was because "dental technicians have no involvement with patients". While dental technicians may not have any direct contact with patients what they create certainly does have direct contact with the mouths of patients. In his submission a dentist from my electorate, Frank Adler, indicated to me:

> What the dentist generally does is take my creation from my hand and put it directly into the patient's mouth.
>
> The exclusion of dental technicians from meeting registration requirements is disadvantageous to the public, because our work involves a high level of expertise and training. If dental technicians are not required to register, there is a high risk that the necessary level of expertise will not be met. This could lead to failure to observe proper infection control procedures, causing diseases such as Hepatitis C.
>
> There is a danger that if dental technicians do not have to register as health professionals, the Therapeutic Goods Administration Regulations will not be complied with, resulting in failure of its protective aims.

I support the comments of the shadow Minister for Health.

Ms CARMEL TEBBUTT (Marrickville—Deputy Premier, and Minister for Health) [6.17 p.m.], in reply: I thank all members for their contributions to the debate on the Health Practitioners Regulation Bill 2009. The bill represents an important step towards improving Australia's health system through the consistent national registration of health professionals. By delivering national consistency in registration and accreditation arrangements for health practitioners, the legislation will help to improve accountability and flexibility in the provision of health services.

The bill will also help to protect the public by enabling the adoption of the highest possible registration and accreditation standards nationwide. The national scheme will deliver improved administrative efficiency for the growing number of practitioners who practice in more than one Australian jurisdiction by allowing them to move freely about the country without the need to hold multiple registrations. I believe that was an issue that was recognised by all members who contributed to the debate. It will promote a more flexible, responsible and sustainable health workforce.

The national scheme is also expected to provide improved safeguards for the public. National publicly accessible registers for health practitioners will go a long way to avoiding some of the appalling situations we have seen in the past where a board in one State or Territory has registered a practitioner unaware that he or she has been the subject of serious complaints and investigations in another jurisdiction. The modern reality is that the health workforce is highly mobile and will become increasingly so. It is therefore important that the regulatory systems for those professions are able to adapt to changes in education, the scope of professional practice, and modes of service delivery such as telehealth and e-health.

A number of members have raised concerns about the national law model being utilised for adoption by this national scheme. That model involves the passage of a law by one Parliament, in this case Queensland, with that law subsequently being adopted and applied by each other Parliament. I recognise that this approach has raised some disquiet among members, but it is a common approach designed to achieve national scheme legislation in areas where the constitutional powers lie with States and Territories. This approach was most recently used for the national gas law passed by this Parliament in June 2008 and it has previously been used for national schemes such as the National Consumer Credit Code. It is important to remember that nothing any Minister is doing can bind their Parliament. Each Parliament, including this Parliament, will decide for itself when debating this jurisdictions legislation whether to adopt and apply the national law as a law of its jurisdiction and, if so, how it is adopted.

There will be national consultation prior to any future amendments being agreed by the Australian Health Ministers' Advisory Council. Governments have already clearly demonstrated their commitment to consultation through the processes that have already been undertaken in developing the legislation to this point. Any amendments proposed in the future will be subject to similarly wide-ranging consultation before being submitted to the ministerial council for agreement. The national law process can work only if the legislation applying in each jurisdiction is the same in its essential aspects. Many members have spoken about the importance of national registration and accreditation. If they think that is an important goal, they should also accept that we must put in place processes to achieve it. If essential aspects such as those concerning registration processes fall out of alignment, the scheme will effectively become inoperative. If we want the benefits of national registration, we must have processes that make it happen.

While national uniformity can be achieved by each jurisdiction individually passing the necessary amendments, such a process would be extremely burdensome on the national scheme and create lengthy delays that would in many cases be completely unacceptable to the public and to the professions. We need to be conscious that, in developing a national scheme, compromises and concessions need to be made. The advice from my officials is that this is the best, most efficient and effective way that we can establish national registration and accreditation. New South Wales has maintained its separate complaints performance in health systems. That is a major achievement. I thank my interstate and territory ministerial colleagues for recognising the importance of this matter to New South Wales. I also congratulate my ministerial predecessor, the Hon. John Della Bosca, for his determination and commitment to retaining the New South Wales systems.

I now turn to some of the many issues raised by members during the debate. In response to the issues raised by the member for North Shore, I advise the House that extensive consultation has been carried out at both the national and State level with professional and consumer stakeholders. These are not new matters. The Australian Medical Association wrote to me stating:

> AMA NSW welcomes the introduction of the *Health Practitioner Regulation National Law (NSW) Bill 2009* to the NSW Parliament. This Bill represents the next stage in the medical profession's wish for a national registration of medical practitioners.
>
> We again wish to formally acknowledge the considerable support of the NSW Government to date in advocating for the concerns of all health professionals in NSW. We appreciate that the decisions of the NSW Government to preserve our internationally recognised systems will ensure the best protection of the patients of NSW.

I acknowledge that the association has raised concerns about certain aspects of the legislation, and it is pursuing those at both a State and Federal level. However, I am advised that it generally welcomes the introduction of this legislation. I will now turn—

Mr Brad Hazzard: Oh, no!

Ms CARMEL TEBBUTT: I am sorry that the member objects to the time this is taking. He should speak to his colleague the member for North Shore. She seems to think that the quality of a speech is determined by its length. She has been extremely critical of the fact that I made a rather short agreement in principle speech on this legislation. I will now address in detail all the issues that have been raised by members in the debate. They have asked me to do that and that is exactly what I am doing.

The first issue raised was the accreditation arrangements. I will make a few issues very clear because members have made somewhat misleading and mischievous comments. Ministers do not have any control over accreditation processes and the national law does not give them any. Ministers will have no power whatsoever to direct a change to any existing accreditation standard. Accreditation of educational programs is a highly specialised process that is undertaken by experts in the field. The standards against which educational programs are accredited are to be developed and approved by the relevant registration boards. Again, this is a specialised process over which Ministers have no control.

I make it very clear: the accreditation processes in the national law do not provide for a lowering of professional or educational standards as some members have suggested. The only involvement that Ministers will retain in the approval of accreditation standards is the power to issue a direction about a new standard or a change to a standard in very limited circumstances. These powers will be exercised only if the new standard or the change will have a significant, substantive or negative impact on the recruitment or supply of health practitioners. When making such a direction, Ministers will also be required to consider the potential impact on the quality and safety of health care. To ensure transparency, the direction and the reasons for the direction must be published.

The Government is well aware of ongoing concerns in some professional groups about these accreditation issues. However, I note that many of those concerns were raised when the Council of Australian Governments first signed the agreement to establish a national registration scheme. Under that agreement, all accreditation standards were to be approved by the Australian Health Ministers' Advisory Council, with a more limited recommending role for national boards. Health professional groups raised their concern that that would place too much power and control of the process in the hands of the ministerial council. In response, extensive discussions took place with key groups. The result was a substantial change that transferred the approval power to the national boards and provided the ministerial council with a more limited oversight role to intervene where specific public interest issues arose. That demonstrates the long period of consultation and debate going back a number of years about this process and the changes that have been made to accommodate stakeholders' concerns.

The member for North Shore foreshadowed an unnecessary amendment that will be debated in the consideration in detail stage. As members are aware, Ministers are mindful of the public interest in all such decision-making. I make it clear that the underlying principle of this legislation is that it is in the public interest. If we seek to apply a specific public interest test in respect of one narrow part of the bill, that could imply that public interest is not a consideration across the entire bill. Clearly, that is not the case. We will debate the amendment in the consideration in detail stage, but the Government will not support it.

A number of members spoke about the regulations that may be made under the national law. To ensure that the national scheme is responsive to the future changes in the regulation of practitioners, the national law specifically allows national regulations to be made about a range of registration matters, including the length of time for which provisional registration would be allowed to provide national boards with the necessary degree of flexibility for this category of registration; to protect additional titles for health professionals and, if necessary, to add to the list of protected titles; and to authorise other health practitioners to carry out restricted practices, which is designed to address the case where other professions gain the necessary skills and expertise to safely carry out these restrictive practices in the future. A range of other specific areas are mentioned where there is an expectation that regulations will also be made. Of course, there is also the standard provision in the national law to allow regulations to be made on matters of a savings or transitional nature if that is required as implementation progresses.

However, it is not true to suggest that the regulations under the national law can be used to undermine parliamentary sovereignty. Regulations may only be made on limited subjects and only in those areas where the national law provides an express power. I now turn to the issue of mandatory reporting. The national law requires practitioners and employers such as hospital managers to report to the relevant national board a practitioner who is placing the public at risk of harm. There are also mandatory notification requirements in relation to impaired student registrants. Mandatory notification will be triggered when a practitioner is affected by drugs or alcohol in the workplace, engages in sexual misconduct in their professional practice, places the public at risk of substantial harm in the practitioner's practice of the profession because the practitioner has an impairment, or has placed the public at risk of harm because the practitioner has practised the profession in a way that constitutes a significant departure from accepted professional standards.

To a large extent these provisions reflect the existing law of New South Wales under the Medical Practice Act. As members may be aware, New South Wales was the first jurisdiction to introduce a comprehensive reporting regime in 2008. While this was somewhat controversial at the time, the New South Wales Medical Board has not reported any significant difficulties in the reporting of practitioners' conduct since the introduction of these provisions. The only variation between the current New South Wales reporting regime and that proposed in the national law is the inclusion of mandatory reporting in some cases of impairment. This is a matter that has been of significant concern to other jurisdictions and therefore compromises have been required. While not diminishing the importance of concerns raised about mandatory reporting of impairment, it is essential to remember that the system in place for managing impairment matters operates—

Pursuant to resolution business interrupted.

Mr JOHN AQUILINA: With the concurrence of the House I seek leave to enable the Minister to conclude her speech in reply.

Leave granted.

Ms CARMEL TEBBUTT: I thank the House. As I was saying, while not diminishing the importance of concerns that have been raised about mandatory reporting of impairment, it is essential to remember that the system in place for managing impairment matters operates in a supportive and rehabilitative manner, and practitioners who are reported simply on the basis of an impairment that has not given rise to any form of misconduct would be assisted by the cooperative approach rather than by the disciplinary system. Such an outcome is in the best interests of the practitioner, patients and the health system as a whole. The experience of the New South Wales Medical Board with mandatory reporting is such that the concerns that have been expressed are largely unfounded.

Dental technicians have been registered in New South Wales since 1975 and are also currently registered in the Australian Capital Territory, Queensland and South Australia. Dental prosthetists are currently registered in all jurisdictions under the intergovernmental agreement. Since the agreement was signed the Government identified 15 professions appropriate for regulation under the scheme. Dental prosthetists were included; dental technicians were not. The essential distinction between dental technicians and dental prosthetists is that prosthetists may attend upon and deal directly with their own patients while dental technicians may not see patients and may only undertake technical work on the written order of a dentist or a dental prosthetist. In other words, there is always another registered practitioner between the patient and the technician, another practitioner who is responsible for patient satisfaction. On that basis and on a genuine independent assessment of the risks to patients associated with the practice of dental technicians, dental technicians have not been included in the national scheme. Accordingly, when the national scheme commences the Dental Technicians Registration Act will be repealed and dental technicians will no longer be registered in New South Wales.

Psychological testing was also raised by the member for North Shore. New South Wales has never had restrictions on the use of psychological testing or any practice restrictions in the area of psychology. The result is that the use of psychological tests is not in any practical sense restricted by legislation in any Australian jurisdiction. Therefore, suggestions that not including such a restriction in the national law is a retrograde step are false and misleading. I am advised there is no objective evidence that psychological tests are misused to the detriment of patients or the public.

In view of the concerns raised by doctors trained overseas I can advise that the national law does not purport to change the mechanisms by which training and education are recognised. If the national law did make

such changes, Ministers would be condemned by the profession for interfering in the accreditation process. In concluding, I take this opportunity to acknowledge the contributions made by both government officials and the health practitioners to the development of the legislation now before Parliament. I particularly thank the officers of the New South Wales Parliamentary Counsel's office who have devoted a considerable amount of energy to this task. The national law represents a drafting task that has been prolonged and difficult but which the drafters have always tackled with professionalism and an abundance of good grace. I also thank the officers from New South Wales Health who have been intimately involved in this process and who have spent a good deal of time on it.

I also thank the many health professional board members, professional association members, clinicians and members of the public who have taken the time to read discussion papers, write submissions, attend forums and generally offer the benefit of their experience and knowledge to help devise the best regulatory system that we can develop. They have given their time freely with no expectation of recompense or even acknowledgement. The commitment of their energy and enthusiasm to the benefit of the broader community should be acknowledged and applauded. I thank them for it. I commend the bill to the House.

Mr JOHN AQUILINA: Again with the concurrence of the House I wish to give an undertaking to the Opposition that this matter will be revisited again after 8.30 p.m.

Mr BRAD HAZZARD: The Opposition accepts that undertaking and we look forward to considering the bill at 8.30 p.m. or as soon as possible thereafter

Question—That this bill be now agreed to in principle—put and resolved in the affirmative.

Motion agreed to.

Bill agreed to in principle.

Consideration in detail set down as an order of the day for a later hour.

[*The Acting-Speaker (Mr Matthew Morris) left the chair at 6.36 p.m. The House resumed at7.30 p.m.*]

FOOD AMENDMENT (FOOD SAFETY SUPERVISORS) BILL 2009

Agreement in Principle

Debate resumed from an earlier hour.

Ms LYLEA McMAHON (Shellharbour—Parliamentary Secretary) [7.30 p.m.], in reply: I thank all members for their contribution to the debate. The bill reflects the Government's strong commitment to food safety and is an example of applying a rational solution to address a significant public health and safety concern. Informed by extensive industry consultation, the bill provides a sensible approach to reduce the risk of food-borne illness. Increasing the skills and knowledge of food handlers and encouraging Food Safety Supervisors to take a lead role on food safety within the business will appropriately manage risk. Managing and minimising food safety risks will improve the reputation of the industry. The bill amends the Food Act 2003 to achieve three key objectives.

First, it will introduce a mandatory food handler training scheme for food businesses in the hospitality and retail food service sector. Each food safety supervisor must hold a New South Wales Food Safety Supervisor Certificate. Second, it will require businesses other than those selling food from temporary premises or mobile vehicles to notify the relevant enforcement agency of their food safety supervisor. In most cases this will be the local council. Third, it will allow the Food Authority to foster confidence in the quality and consistency of training by approving registered training organisations to issue food safety supervisor certificates. The member for Upper Hunter said the Coalition has "serious concerns about the extra cost this will have on small business."

Experience gathered through the food handler pilot program, as well as market research from Queensland and Victoria, shows that this training can be completed as a one-day course. Cost is estimated at $215 per person, plus $30 to obtain the Food Safety Supervisor Certificate. Spread over the five years for which the certificate remains valid, this equates to a cost of less than $50 per year. Put another way, this is less than

$1 a week, and for a business that operates five or more days a week, it equates to less than 20 cents a day to help ensure that food served to consumers is safe. The member for Tweed said that the Gold Coast council offers food safety courses for free. Many New South Wales councils also offer a range of free food safety courses, but these courses are not accredited and the course content varies between councils. The proposed food safety supervisor training is based on nationally accredited training, which already is being delivered by registered training organisations. Providing a nationally recognised food handler qualification will enhance careers and employment opportunities for hospitality workers.

The member for Tweed failed also to acknowledge that councils in Queensland and Victoria charge licensing and registration fees for retail food businesses. New South Wales removed local council licensing requirements for retail food businesses in the 1990s and does not wish to return to the licensing process as it would significantly increase costs to small business. Some food handlers may pay for this training themselves in an attempt to upskill and obtain better opportunities for employment. It is not unusual for individuals to obtain Responsible Service of Alcohol certification prior to seeking employment. There is no reason to expect that similar proactive approaches will not be adopted by people wishing to work in the hospitality and retail food service sector. In these instances the business would have no cost at all.

The member for Tweed raised the issue of council inspection fees and referred to the impact on butcher shops as an example. This fee applies only to hospitality and retail food service sectors serving ready-to-eat, potentially hazardous foods. Butcher shops already are licensed and required to comply with more comprehensive food safety management interventions. The council fee referred to by the member is the maximum possible annual administration charge a council may charge in relation to its routine inspection programs. Councils are prohibited from charging a fee for dealing with notification requirements arising under this bill. The member for Upper Hunter was particularly concerned about the impact of this initiative on small business. I am sure the member will be interested to hear that the participants in the pilot scheme conducted by the New South Wales Food Authority were largely small business proprietors and their employees.

Feedback from these participants was overwhelmingly positive: 91 per cent felt more confident about their food safety knowledge and 96 per cent agreed that all food handlers need food safety training, and that this training was also relevant to their life in general. The member for Lismore was concerned about the burden on businesses such as hotels in light of existing requirements relating to responsible gaming and service of alcohol. I can advise that the Australian Hotels Association was consulted extensively and welcomes this initiative. The member for Lismore also called for one co-ordinated training course to cover all requirements for food handling, responsible gaming and responsible service of alcohol.

It is important that training for food handlers or alcohol servers is delivered only by trainers capable of delivering the relevant competencies. For this reason the Opposition's call for a single training program covering all these aspects is not practical. Would the member expect a plumber to teach an apprentice electrician how to wire a house or tile a bathroom? Co-ordination of training cannot occur at the expense of achieving proper training outcomes; it would reduce each of these initiatives to mere tokenism. Even if this idea were feasible for hoteliers, a fish and chip shop owner will not want to sit through training on gambling and alcohol that is not relevant to their business. The Government's key focus and commitment in this area is to ensure that rural and regional areas in New South Wales have access to high quality, consistent and affordable food handler training.

The Food Authority has researched delivery methods ranging from online through to face-to-face training. For example, Queensland's Southbank Institute of Technology offers both face-to-face and online food safety training and the cost of both delivery options is consistent with the estimated cost of New South Wales training courses. The Food Authority has also explored these issues with providers such as Clubs NSW, which offers online training to meet other training needs. The bill provides the Food Authority with the capacity to approve registered training organisations that will issue food safety supervisor certificates. In most cases, it is those approved organisations that will deliver the training.

ASSISTANT-SPEAKER (Mr Grant McBride): Order! I call the member for Lismore to order.

Ms LYLEA McMAHON: The Food Authority will use the approval process to ensure that training is effectively delivered in rural and regional areas and will consult further with both industry and registered training organisations to ensure that this occurs. The member for Wagga Wagga called for TAFE NSW to deliver the required training. TAFE is one of many registered training organisations that may elect to be part of the scheme. It will be up to TAFE to decide whether it wants to be involved in delivering this training.

The member for Coffs Harbour asserted that legislation already in place adequately deals with food safety, but that it is not being enforced. The Government strongly disagrees with this ill-informed assertion. Under the Food Regulation Partnership, the Food Authority coordinates, supports and assists local governments to enforce food laws. The success of this partnership in enforcing existing food laws is demonstrated by the entries on the name and shame register, which currently displays 1,732 penalty notices involving 983 businesses for offences in the past 12 months. Ninety-three per cent of the entries are directly attributable to hospitality businesses. This indicates that food handlers need help to better understand basic but critical food safety concepts.

Mandatory food handler training will educate food handlers to better understand food laws and put the requirements into practice. This means that businesses will be better able to stay off the name and shame register. For many years the Restaurant and Catering Association has urged both national and State governments to adopt mandatory food handler training as an effective response to food-borne illnesses that are attributable to the food service sector. Local councils support this approach. They want to focus on improving compliance and understanding rather than always resorting to punitive measures.

The member for Orange was concerned about who would be issued with a penalty notice when an employee failed to follow the proper instructions of a food safety supervisor. The Act has always contemplated that an employee may be held liable for certain offences, and this is unchanged. However, any breach of the Act by the employee will be deemed to have been committed by the employer, unless the employer can establish that he could not have prevented that breach by exercising due diligence. It may be appropriate in certain circumstances that the employer and the employee both will be held accountable. However, ordinarily, as a matter of policy, the Food Authority will prosecute the company or business owner only.

The members for Coffs Harbour, Lismore and Orange all seem confused about the requirements for the food safety supervisor to be present. It is important to understand that the food safety supervisor is not required to be present at all times. The member for Lismore was concerned that food safety supervisor notifications would be restricted to paper-based systems. I am pleased to advise that the Government is committed to consulting with councils and industry during planning and implementation to determine a practical and streamlined approach to notification, and that this will include consideration of web-based notification. The member for Coffs Harbour seems to be confused also about the requirements of the bill. The Government has taken a practical approach by limiting new requirements to businesses that sell ready-to-eat and potentially hazardous food. Pre-packaged food items, such as ready-to-eat sandwiches or meat pies that are typically sold in places such as convenience stores, represent a low food-safety risk if the only activity conducted on site is temperature control.

The scheme is intended to commence operation in April 2010 and businesses will be required to demonstrate compliance by April 2011. This provides businesses with a full 12 months to meet training requirements. The bill balances the competing priorities of improving food handler skills and minimising compliance costs. It avoids the far greater compliance costs imposed by more onerous regulatory measures, such as those requiring every food handler to be trained. The bill is supported by industry and represents the best possible combination of effective regulation, minimum cost to business and benefit for the people of New South Wales. I commend the bill to the House.

Question—That this bill be now agreed to in principle—put and resolved in the affirmative.

Motion agreed to.

Bill agreed to in principle.

Passing of the Bill

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

COMMISSION FOR CHILDREN AND YOUNG PEOPLE AMENDMENT BILL 2009

INDUSTRIAL RELATIONS FURTHER AMENDMENT (JURISDICTION OF INDUSTRIAL RELATIONS COMMISSION) BILL 2009

STATE REVENUE LEGISLATION FURTHER AMENDMENT BILL (NO 2) 2009

Messages received from the Legislative Council returning the bills without amendment.

ROAD TRANSPORT (VEHICLE REGISTRATION) AMENDMENT (SPECIAL NUMBER-PLATES) BILL 2009

Agreement in Principle

Debate resumed from 28 October 2009.

Mr ANDREW STONER (Oxley—Leader of The Nationals) [7.46 p.m.]: The purpose of the Road Transport (Vehicle Registration) Amendment (Special Number-Plates) Bill 2009 is to amend the Road Transport (Vehicle Registration) Act 1997 to allow the Roads and Traffic Authority [RTA] to enter into commercial arrangements to create a concession for the marketing of special numberplates issued by the authority. The bill provides for the Roads and Traffic Authority to determine the design, format or content that will constitute a special numberplate.

The background to the bill is that the special numberplates business currently resides with the Roads and Traffic Authority, which provides personalised numberplates to the public for a fee. The fee is a recurring fee and in New South Wales currently is somewhat higher than that charged by some of the other States or Territories. During 2007-08 the special numberplate business delivered revenue of $54.1 million, and in 2008-09 the revenue was $58 million. In the November 2008 million-budget, the Government announced that the lease of the Roads and Traffic Authority's special numberplates marketing business would be investigated. The investigation having been concluded, the Government has introduced this bill, which will allow the grant of a concession to a private operator to operate the special numberplates business.

The bill will enable the concessionaire to fix fees and charges for special numberplates and related services without a requirement for ministerial approval or gazettal, including allowing the market to fix fees for sale by public auction. According to the Roads and Traffic Authority's public information paper, the legislation will also allow the concessionaire to issue plates in future that display seven to 10 characters as well as numeral-only plates. Currently, plates have a six-character limit. The Roads and Traffic Authority will continue to manage vehicle registration and the regulation of plates.

Effectively, this bill is a form of privatisation or a public-private partnership. When the bill is passed, a function that was previously the domain of government will become the domain of a private business. Time will tell whether that is good or bad. However, in Queensland it seems to have been effective. North of the border in the State of Queensland there is greater variability of the types of plates that are offered, and they seem to be in keeping with the desires of the marketplace, which of course comprises vehicle owners and drivers. A wide variety of Queensland numberplates identify the regions in which drivers reside, and it seems that members of the public in Queensland are satisfied with both the prices and the product. I cannot say that is necessarily the case in New South Wales. I have had some feedback from vehicle owners and drivers that prices paid for special numberplates in this State are too high and that the product is somewhat limited in comparison with other jurisdictions, including Queensland.

Enabling the private sector to run this business in return for a lease fee will effectively transfer business risk to the private sector. For example, if the demand for special registration plates were to decline, that risk would be borne by business, with a steady income stream to government. However, the expected income stream has not been made known to the Opposition. I understand that this has to be put into the marketplace, which will provide an indication of what the business is worth on an annual basis. Certainly, I ask the Parliamentary Secretary in his reply to indicate what the income stream might be so that we can see whether taxpayers will get value for money in terms of the proposed public-private partnership.

In the past the Liberal-Nationals have had concerns about some of the deals that the Labor Government has done with business in that it has not negotiated well in terms of the public interest and the interests of taxpayers. So the lease fee that might be payable to the Government is important. People may be concerned that the operator will set excessive prices for special numberplates, particularly if there is only one operator—which, effectively, would make it a monopoly business. Again, I ask the Parliamentary Secretary to address that issue. I note that to some extent the market will dictate the prices for special numberplates in that if the plates are too expensive standard numberplates will effectively be a competitive product in the market. Also, the prices set in other jurisdictions will have an influence on the prices able to be charged by the private operator. If the Government proposes to put a cap on those prices, the public should be informed of that.

Additionally, the public information paper from the RTA on the special numberplates business indicates that the private operator would be offered a term of at least 10 years. However, if the product or the

price is not what the customers—in this case, the vehicle owners and taxpayers of this State—want, there should be an opportunity to renegotiate either the term or the contract, subject to performance. I raise those issues as items that should be addressed in terms of possible concerns about the proposal. In principle, the Liberal-Nationals do not oppose private sector participation in the delivery of services and infrastructure in this State. In many cases, the private sector is better able to deliver services to a better quality and with better value for taxpayers—or, in this case, road users, vehicle owners and so on. The principle is fine. We simply want to ensure that the potential deal between the Government and the private sector protects the interests of the public of this State. In this case, the Liberal-Nationals Coalition does not oppose the bill.

Ms MARIE ANDREWS (Gosford) [7.53 p.m.]: The Road Transport (Vehicle Registration) Amendment (Special Number-Plates) Bill 2009 proposes some minor, enabling reforms to facilitate the granting of a business concession of the Roads and Traffic Authority's special numberplates business. From the outset, I emphasise to the House that this is enabling legislation only; it does not mean that the Government is finalising a deal on the special numberplates business at this time. Rather, this bill will allow the Government to enter into genuine commercial discussions with a number of proponents who have expressed formal interest in pursuing this commercial opportunity. Before such commercial discussions can take place in earnest, and to give certainty to any potential concessionaire that the New South Wales Government is genuine and transparent about establishing a business concession for the special numberplates business, amendments to the Road Transport (Vehicle Registration) Act 1997 need to be passed.

Members would be aware that special numberplates are currently sold and marketed to New South Wales motorists through the Roads and Traffic Authority [RTA]. For the sake of clarity, a special numberplate is often referred to as a personalised plate, where a range of colours and styles and/or a specific combination of letters and numbers can be chosen by a customer. At the moment this is a specific business area within the RTA that has grown incrementally over a number of years. Despite its success, the special numberplates business is not considered to be a core business of the RTA, and there is the opportunity for it to be managed with a stronger commercial focus by the private sector. It also means that the Government's resources can be freed up for use in other critical areas of work and service delivery. That is why the New South Wales Government announced, as part of its November 2008 mini-budget, that a business concession be investigated to allow a private entity to market special numberplates.

This bill is intended to provide the necessary enabling changes to leverage the specialised abilities available through private enterprise, and to increase the commercial value of the special numberplates business, while bearing a level of commercial risk that would be inappropriately taken on by a government agency. The House should note that general issue plates—that is, the common yellow and black plates—will remain under the direct management of the RTA. It is entirely appropriate that general issue plates continue to be available as a least-cost price option through the RTA. This control maintains equity of access to registration for all road users. I am pleased to advise the House that registration charges will not be affected by any changes that may occur as a result of this bill. This bill will maintain existing controls protecting the transparency in fee setting and accessibility of vehicle registration for all road users in New South Wales.

The Government is also committed to ensuring that all the current fee exemptions provided by the Government for a variety of concession holders remain in place. These include exemptions from registration fees, motor vehicle taxes, stamp duty and transfer fees. It should also be emphasised that no RTA customer will be forced to enter into arrangements for special numberplates. However, the market for special numberplates is growing and customers demonstrate a high degree of satisfaction with, and sentimental attachment to, their personally selected numberplates. I will stipulate clearly the intentions of this bill for the benefit of the House. One of the Government's key aims is to ensure that the integrity of the regulatory framework for numberplates continues undiminished. A review of the regulatory framework governing numberplates in New South Wales was conducted to ensure that the Government's regulatory aims will be balanced with the objectives of the special numberplates concession by putting in place an appropriate regulatory framework.

The bill contains amendments to the Road Transport (Vehicle Registration) Act 1997 to make explicit the power of the RTA to enter into commercial arrangements for the provision of marketing and other services with respect to special numberplates; to provide for the concessionaire to fix fees and charges for special numberplates and related services without a requirement for ministerial approval or gazettal, including allowing the market to fix fees for sale by public auction; to broaden the definition of "special numberplates" to allow the RTA to determine what is a special numberplate, including to convert general issue plates to special numberplates; to provide the RTA with powers to issue special numberplates independently of vehicle registration, with persons who are not registered operators; to provide that issue of a numberplate does not

constitute physical possession, and includes entering into an agreement for rights to a numberplate that will not be displayed on a vehicle; and to require any special numberplate arrangements to include a provision ensuring that a party to the arrangements will be subject to the same restrictions with respect to privacy and personal information protection requirements as the RTA under the Privacy and Personal Information Protection Act 1998. I commend the bill to the House.

Mr WAYNE MERTON (Baulkham Hills) [8.00 p.m.]: The Road Transport (Vehicle Registration) Amendment (Special Number-Plates) Bill 2009 essentially amends the Road Transport (Vehicle Registration) Act 1997 to provide for the Roads and Traffic Authority [RTA] to enter into a commercial agreement or arrangements to create a concession for the marketing of special numberplates issued by the authority. The bill provides for the RTA to determine the design, format or content that is to constitute a special numberplate. The special numberplates business currently resides within the RTA, providing personalised numberplates to the public for a fee. During 2007 and 2008 the special numberplates business delivered revenue of $54.1 million. In 2008 to 2009 the revenue was $58 million.

In the November 2008 mini-budget the Government announced that the lease of the RTA's special numberplates marketing business would be investigated. The bill will grant a concession to a private operator to operate the special numberplates business. It will enable the concessionaire to fix fees and charges for special numberplates and related services without a requirement for ministerial approval or gazettal, including allowing the market to fix fees for sale by public auction. According to the RTA's public information paper, it will also allow the concessionaire to issue plates in future that display seven to 10 characters, as well as numeral-only plates. Currently, plates have a six-character limit. The RTA will continue to manage vehicle registration and the regulation of plates.

Effectively, the bill will transfer the operation of the special numberplates business that is currently run by the RTA to the private sector, while securing a more stable income stream for the RTA. The Government has not made any official estimate of the potential value of the special numberplates business. Therefore, it could be argued that the special numberplates business may not achieve what it is truly worth in our present uncertain financial times. Furthermore, given that the RTA will grant this concession to a private operator, there may be public concerns about the operator setting excessive prices for special numberplates. The RTA's public information paper on the special numberplates business indicates that the private operator would be offered a term of at least 10 years. If there are significant issues regarding the private operator, there may be limited opportunities to renegotiate the term if it is set in legislation.

Special numberplates have been around for a long time. They are favoured by many motoring enthusiasts, by people who are proud of their cars and by those who want a special numberplate for business purposes. They are able to apply for a numberplate that has some special significance to them. There is no doubt that it is a very lucrative business. As I said before, the revenue from special numberplates totalled some $58 million in the last financial year. That profit is known, but in most instances a fee is paid for the issue of a special numberplate and most special numberplates also have an annual fee.

Dr Andrew McDonald: Do you have special "WM" numberplates, Wayne?

Mr WAYNE MERTON: I do not have "WM" numberplates because you have to buy them. But that is a very good question from the doctor, asked in his usual prudent manner. The cost of the application is probably reasonable. The annual fee was introduced by a former Minister for Roads. I remember when the Minister came into this Chamber and proclaimed somewhat gleefully that the fees for special numberplates would be changed insofar as there was going to be an annual fee payable for the normal black and white numberplates. So if you wanted the numberplate VW 345, or something like that, you would have to pay a fee to have the numberplate issued and then you would pay something like $100 each year in addition to your normal registration. I think the cost of registration and the price of green slips are enough for the average motorist—and it is probably all I am interested in paying. Of course, the member for Macquarie Fields could have "DR" numberplates. That would be a very appropriate designation for you, sir.

Dr Andrew McDonald: But he doesn't.

Mr WAYNE MERTON: He does not, like me. In fact, the member for Macquarie Fields does not pay any registration at all on the other vehicle he uses on public roads—and quite rightly so because it is a pushbike. Bicycles require no special numberplates, and long may that continue. I admire the member's physical fitness. He often rides his bike home on wet nights, and thank God he always gets there. He has never failed to return the next morning. I do not know whether the member for Lismore has any numberplates at all on his car.

Mr Thomas George: TG 344

Mr WAYNE MERTON: That is right.

Mr Richard Amery: I don't think his car would pass rego!

Mr WAYNE MERTON: That is right. He would probably have the numberplates confiscated.

Mr Thomas George: I only pay three months at a time.

Mr WAYNE MERTON: You pay extra that way—but the member for Lismore would have the benefit of pensioner's insurance anyway, would he not? I am talking about comprehensive insurance. But let us get back to the bill. We are concerned that, by effectively privatising the allocation and supply of these numberplates, there will be no fixed criteria as to the likely fees and charges. In response to a very good question from the member for Macquarie Fields, I gave very valid reasons why I do not have personalised numberplates. It is a question of fees, which are fixed by the Government. One could argue that the Government is very good at fixing fees and that a private entrepreneur may charge less. I think that is unlikely.

I do not know on what basis the lease will be granted—whether it will involve a cash payment up front, whether it will be an annual fee, or both. They are things that we are entitled to know. Is the Government going to charge an upfront fee for the granting of the lease or will it charge only an annual fee? Who will determine the fee? Motorists in New South Wales are entitled to know that information, otherwise we could have echoes of the Cross City Tunnel or the Lane Cove Tunnel, where the level of the toll was determined on the basis of the rate of return. We would not want that to happen with special numberplates.

Many people like and are entitled to have a special numberplate, but there must be some protection. There must be some security for people that the prices will be reasonable. I cannot find any guarantee that that will be the case. I trust that the member for Macquarie Fields—or whoever is at the table when the debate is concluded—will address those matters and clarify the situation regarding the fee structure and protection for New South Wales motorists. So while the Opposition does not oppose the bill, we will look for those guarantees. The issue is simple: Allow the business to be privatised but do not forget that the person who eventually obtains the right to issue the numberplates effectively has the lease.

The Government may argue that market forces are a key factor. However, market forces do not really come into it, because under the bill the Government is granting a monopoly to a company. Many people who may want special numberplates would be committed to payments that they should not be committed to. I believe the Government has somewhat of a duty of care to ensure that special numberplates are marketed at a realistic an affordable price for the benefit of the people of New South Wales.

Mr MICHAEL RICHARDSON (Castle Hill) [8.10 p.m.]: Like the member for Baulkham Hills, I have serious reservations about what the Government proposes under the bill—I might add, not in the context of privatising or selling off the special numberplate business currently run by the Roads and Traffic Authority. That is something that can be achieved with benefit to taxpayers. Special numberplates may not be a core function of the Roads and Traffic Authority but they are a good money-spinner for it. The authority made something like $58 million from special numberplates in 2008-09.

The fact that special numberplate prices are set by the Government provides some sort of checks and balances in the system. Through the pressure that can be brought to bear by the media on the Government, there is some sort of a limiting factor on the prices that can be set. However, that will not be the case under the proposed legislation. Under the bill not only will the concessionaire have a monopoly over the issue of numberplates, he or she will be able to set any prices he or she wants to set. The member for Swansea said that the bill provides for the concessionaire to fix fees and charges for special numberplates without a requirement for ministerial approval or gazettal. In other words, anything goes. There will be no competition in the marketplace. The Government is essentially saying: A person who wants special numberplates can take what the concessionaire is offering at the price the concessionaire sets or the person can go jump. A business that currently makes $58 million could quite easily make $100 million a year, at the expense of the motoring public. In my view, only one thing is worse than a public monopoly, and that is a private monopoly. That is precisely what the Government is setting up with this legislation.

The Government seems to be more concerned about the integrity of the vehicle registration system—of course, it is appropriate that it should be concerned about the integrity of the vehicle registration system—than it

is about the cost to the public of its proposal. Under the bill the Government will allow the concessionaire to produce whatever numberplates he or she wants but there will be some controls over that. The Government will continue to approve the design of new numberplates, to make sure they are legible to police and speed and red light cameras, and that is about it. That is about the only control the Government will place on special numberplates. I understand that the private sector will be better able to develop and market new product than the Government is. The Government is not entrepreneurial in most instances. Members on this side of the House think there are things that governments should not be involved in, and clearly, the marketing of a discretionary purchase product such as specialised numberplates comes into that category. However, the cost of special numberplates and the creation of this monopoly are a very real concern. In her agreement in principle speech the Parliamentary Secretary the member for Wallsend said:

> It is expected that a private operator will have specialised abilities beyond those within the RTA to increase the value of the business and therefore revenue from the business …

I agree with that. As I said earlier, it is possible that private operators will make perhaps $100 million a year out of the system within a few years. The Parliamentary Secretary's statement in that regard was code for increasing prices to whatever the private operator thinks the market will bear, and indeed probably beyond what the market will bear. There is nothing in the bill or the agreement in principle speech to suggest that price rises will be kept in line with inflation.

Currently New South Wales is the only State in Australia that charges an annual fee, as opposed to the upfront fee, for personalised numberplates. South Australia charges an annual fee of $200 for custom plates and $150 for Euro plates, but in that State it is still possible to buy personalised plates for a one-off fee of $180. That simply is not possible in New South Wales. Members will recall that when the annual fee was introduced in 2003 the concept was opposed by the Coalition. One can no longer sensibly buy personalised numberplates as a present for a friend or relative. Indeed, it has become the gift that keeps on taking, rather than the gift that keeps on giving. Frankly, I would not want a gift like that.

Dr Andrew McDonald: Michael Richardson numberplates: RICHO.

Mr MICHAEL RICHARDSON: Actually, I do not have personalised number plates at the moment. I will return to that in a moment. New South Wales numberplate prices are already the highest in the country. Personalised numberplates—that is, where the car owner chooses the content—cost $200 plus $90 a year. Personalised plus numberplates—such as the RICHO numberplates the Parliamentary Secretary the member for Macquarie Fields referred to—cost up to $600 plus $440 a year. So it is a useful marketing exercise for a business, but one really has to love one's car to pay that sort of money each and every year to have one's name or some sort of corruption of it displayed on one's car. By comparison, Victoria charges a flat fee of $295 for a simple personalised plate, such as MR007—I am sure someone has MR007—and $495 for a more exotic custom-mix plate. But there is no added annual fee. Queensland charges $595 for a Euro plate, which is $395 more than the cost of the equivalent plate here, but within one year the NSW Government makes that up with its annual fee of $440, and after that it is daylight between the two States.

The Parliamentary Secretary the member for Macquarie Fields referred to my numberplates. I used to have personalised numberplates, which were given to me as a present. However, they were not the kind of present that kept on taking, because anyone who had numberplates in those days did not have to continue paying an annual fee. When I bought my current car earlier this year it was given to me with Euro plates on it. I was told the car would be provided with yellow and black numberplates, and I vowed to replace them with my old numberplates. As I said, the car was supplied with Euro plates, which were worth about $400, but without an annual fee because I did not choose what was on them. I have decided to keep the Euro plates for the time being. But it is still costing me, because I have put my old plates into the Roads and Traffic Authority and the authority is charging me $50 a year for the privilege of holding my plates.

The plates are knocking on the care a bit; they have a couple of holes drilled in them and so on. I asked the Roads and Traffic Authority whether I could have the plates remade. The authority replied, "If you have them remade in exactly the same style that is okay, but if you want to have them made in any other style we will charge you the annual fee." That would really end up being the gift that keeps on taking. A person who has personalised numberplates that he or she has had for a considerable period can keep the numberplates without incurring an annual fee. However, frankly, anyone who had their numberplates remade in a style other than the original style would have rocks in their head. I can imagine what a private monopoly would make of this situation. They could think of all sorts of permutations and combinations to add to their revenue base, and the motorist could do nothing about it. We must remember that we are talking about a private monopoly that can jack up its prices without having to get the Minister to sign off on them.

Dr Andrew McDonald: It is called market forces.

Mr MICHAEL RICHARDSON: The Parliamentary Secretary says that it is the market forces. But when one compares the price of personalised numberplates in this State with the price of personalised numberplates in other States, it is chalk and cheese. In her agreement in principle speech the Parliamentary Secretary the member for Wallsend said that an aim of the bill was "to generate additional business growth by the application of private sector marketing and product development" while bearing a level of commercial risk that would be inappropriately taken on by a government agency.

One has to ask where the risk is if you have a monopoly. The United States has antitrust laws to deal with this sort of situation. Australia has the Australian Competition and Consumer Commission, which is absolutely a toothless tiger. The Government would probably argue—perhaps the Parliamentary Secretary will tell us—that a brake on price increases is provided by retaining the rights to issue yellow and black plates, which is what the Government calls a regulated price option. Personalised plates in one form or another have been around for more than 40 years, probably 50 years. I am sure that the member for Mount Druitt has personalised plates in his collection. In fact, I have seen them on your Volkswagen, have I not?

Mr Richard Amery: No, you have not.

Mr MICHAEL RICHARDSON: Personalised number plates are perhaps a minor indulgence but certainly not a luxury. But the Government has another alternative. It could sell off the personalised plates business and give the rights to two companies, to set up a duopoly and introduce competition—something that those of us on this side of the House support. That would not only improve efficiency but it would also improve the product range on offer as the two companies strove to outdo each other. It would also keep prices down. None of that will happen under this legislation, and if the bill is passed, we will no doubt see a significant price increase and, probably, a reduction in choice in the future.

Mr RICHARD AMERY (Mount Druitt) [8.20 p.m.]: I support the Road Transport (Vehicle Registration) Amendment (Special Number-Plates) Bill 2009. I acknowledge the contribution of all members who have spoken in support of the bill. Whilst the bill is significant as far as the future issuing of vehicle numberplates, it is not of significant public concern. I was very pleased to hear the assurance of the member for Gosford, for example, in her contribution that the retention of the original yellow and black numberplates is not part of this commercial arrangement.

I will comment on some of the points raised by the member for Castle Hill, the member for Baulkham Hills and the Leader of The Nationals. In following their general party principle they said that they support private involvement in various commercial activities sometimes undertaken by government. It seems to me that they are agreeing with private participation in these sorts of services in the abstract or as a principle or a policy but when it comes down to an individual case, they have concerns and worries. It makes one wonder what particular private involvement they would support in what was previously a Government service on an individual basis rather than the principle.

I acknowledge that the member for Baulkham Hills is au fait with the issue of motor vehicles, motor vehicle registration, historical vehicles, numberplates and so on. He would probably see more numberplates than anybody. He is a vintage car enthusiast and I give him credit for the role he plays in organising the vintage car day each year as part of the Orange Blossom Festival. It is an excellent event, attracting hundreds of motorists from all over the State, from the very recent cars of the 1970s, 30 years old, back to the turn of the twentieth century. No doubt, the Government will take into account the concerns expressed by the member for Baulkham Hills as to the effect of this bill on that industry.

I will comment on something the member for Castle Hill bated me about. He said he was sure I would have personalised plates on my 1962 Volkswagen Beetle and that he had in fact seen them. When the member for Castle Hill said he saw personalised plates on my vintage car he was referring to heritage plates issued by the Roads and Traffic Authority, not specialised numberplates. Heritage plates are issued by the Roads and Traffic Authority in New South Wales at a cost of around about $50 or $60 per year, which covers compulsory third party insurance, and are a great encouragement to people with classic motor vehicles to preserve much of the motoring history of this country. I do not know if the Parliamentary Secretary can answer this, but I am hoping heritage plates will not be transferred to the private sector.

In conclusion, in effect the plates referred to in this bill are a luxury item, not the yellow and black number plates and so on. The plates are those unusual ones seen on very expensive motor vehicles and their cost

is not an issue to the owners of those vehicles. I have never had an interest in personalised plates down through the years. I have always taken the numberplate issued to me by the Roads and Traffic Authority when buying a car. I have never gone to the expense of paying for personalised plates, whether they are dearer or cheaper than in other States. In my opinion people must have more money than sense if they spend money to keep an unusual description on their numberplates when they could pay for much better things for their cars.

This bill will not affect the great majority of people in New South Wales who do not go to the expense of paying exorbitant amounts of money for special numberplates. It will apply only to those who like to put special numberplates on their Lamborghinis, Ferraris, Rolls-Royces or a few other specialist vehicles in which they have an interest. Overall I think the bill is fairly minor and should be supported.

Dr ANDREW McDONALD (Macquarie Fields—Parliamentary Secretary) [8.26 p.m.] in reply: Section 12 of the Act currently provides the Road and Traffic Authority with the ability to enter into a commercial contract or to delegate any of its powers to persons prescribed by the regulation. As such, the Roads and Traffic Authority, within the framework of the Act, currently has the ability to establish a concession. The exclusion of an explicitly worded power for the Roads and Traffic Authority to establish a concession, and for the Minister for Transport to make regulations to support the operation of a concession, aims to provide clarity and certainty that will add value to any proposed concession arrangements. While providing a source of revenue to the New South Wales Government, the special numberplate operation is currently not in an autonomous business and is not the core function of the Roads and Traffic Authority. It is expected that a private operator will have specialised abilities beyond those within the Roads and Traffic Authority to increase the value of business and therefore revenue from the business, while bearing a level of commercial risk that would be inappropriately taken on by government agency.

The Roads and Traffic Authority is currently required by the regulation to seek approval from the Minister for Transport to fix fees and charges in connection with special numberplates. Due to the commercial nature of the proposed special numberplate concession, this arrangement is considered to limit the potential benefits, which may be achieved by allowing the market to determine the appropriate cost of special numberplates. It is proposed to remove the requirement for the Minister to approve fees and charges for special numberplates. Appropriate ministerial approval and gazettal requirements will continue to apply to all other fees and charges set in connection with the service provided by the Roads and Traffic Authority.

Currently there is no limit on the number of characters included on general issue plates, and these character sets may be expanded at the discretion of the Roads and Traffic Authority. Any regulatory amendments to remove the limitation to six characters on special numberplates will clarify the discretion of the Roads and Traffic Authority to issue all numberplates containing any number of characters. The Roads and Traffic Authority will temper this discretionary power with awareness of, and consultation regarding, a viable implementation plan for interested parties.

The ability of customers to reserve special numberplates that are not fixed to a registrable vehicle as a valuable investment is considered an essential value-adding component of the special numberplate business. It is standard practice in all other Australian jurisdictions operating a similar business model to allow for the reservation of numberplate character sets and to allow for their trade in a secondary market. This bill will introduce legislative powers to provide the Roads and Traffic Authority with the power to enter into such arrangements. The physical numberplates will not be provided to customers with rights to display until a vehicle to which they will be attached is identified.

The Roads and Traffic Authority has existing policy and operational controls to ensure that the physical numberplates remain in the control of the Roads and Traffic Authority until such time as they are associated with a registrable vehicle. The Roads and Traffic Authority does not have an existing power to underpin such arrangements with persons who are not registered operators. Legislative powers will be introduced to provide the Roads and Traffic Authority with the power to enter into such arrangements. The development of existing sales channels and expansion into new channels, such as direct delivery, will be to the advantage of customers, who currently have to collect their special numberplates from motor registries. The shorter fulfilment times associated with enhanced delivery channels will also act to improve the customer experience.

Similar arrangements in other Australian jurisdictions have demonstrated that a sole concessionaire does not limit the special numberplate product range available to consumers. For example, Queensland has a production range and displays product. In relation to concerns that have been raised about the terms of the concession, the bill does not prescribe the terms. The terms will be the subject of discussion and negotiation

with any potential proponent. I emphasise again that special numberplates are an elective option for car enthusiasts. Standard numberplates are an alternative option available to motorists. The setting of prices for special numberplates is not a critical issue. It is in the interests of the concessionaire to set reasonable charges to stimulate demand for special numberplates.

The experience in other jurisdictions where special numberplates have been offered through a similar concession model suggests that the concerns about a private monopoly are unfounded. Prices for special plates in other jurisdictions remain reasonable. There has been undue focus in this debate on the potential increase in the cost of special plates. This overlooks the potential for the introduction of a range of marketing opportunities. For example, special plates could be offered without any upfront fee or annual fee. I can assure the member for Mount Druitt that heritage plates will not be transferred to the private sector. If a concessionaire is to exercise the functions of the Roads and Traffic Authority, it is considered necessary that the concessionaire also be subject to the Privacy and Personal Information Protection Act 1988.

Contractual arrangements will be mandated by legislation, thereby ensuring that any special numberplate arrangements entered into include the same restrictions on the collection, use or disclosure of information obtained in the course of special numberplate operations as would apply if the Roads and Traffic Authority were conducting the operation. I emphasise that personalised numberplates are a luxury option. They are not a core business of government. They are designed for car enthusiasts. Their price is determined by a variety of factors, including the supply, demand and desirability of plates. Those factors wax and wane. It is not the role of Government or the Roads and Traffic Authority to be involved in what is essentially a private commercial operation.

Mr Thomas George: It is a major operation.

Dr ANDREW McDONALD: As the member for Lismore says, it is a major operation. It is time for the Government to move this operation to the private sector. This will benefit enthusiasts, who will have easier access to plates and a wider variety of plates. The prices of plates will vary as the market demands. This is good legislation that will benefit consumers. When we look at the rise of personalised numberplates over the years, we see that the market forces determine the price and availability of plates. The market forces and prices will vary over next 20 or 30 years. Governments should not be involved in a speculative market. Many members of Parliament do not have personalised numberplates, although perhaps some of them should. Those who do not want personalised numberplates will not have to pay any extra fees. I commend the bill to the House.

Question—That this bill be now agreed to in principle—put and resolved in the affirmative.

Motion agreed to.

Bill agreed to in principle.

Passing of the Bill

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

HEALTH PRACTITIONER REGULATION BILL 2009

Consideration in Detail

Clauses 1 to 7 agreed to.

Mrs JILLIAN SKINNER (North Shore—Deputy Leader of the Opposition) [8.36 p.m.]: I move my foreshadowed amendment:

Page 4. Insert after line 4:

8 Minister to have regard to public interest in exercising functions in relation to accreditation

The Minister must have regard to the public interest when exercising functions as a member of the Ministerial Council in relation to the giving of directions to National Boards about proposed accreditation standards or proposed amendments of accreditation standards.

I will not speak at length to the amendment. During the agreement in principle debate I read onto the record the concerns expressed by health associations and individuals, most of whom had asked for this amendment to the legislation. I was surprised when the Minister said in her speech in reply that it was incorrect to say that the Minister had a role in determining accreditation. Subclause (1) of clause 245, National regulations, states:

> (1) The Ministerial Council may make regulations for the purposes of this Law.

It could not be clearer. Clause 245 and clause 246, Parliamentary scrutiny of national regulations, have given rise to this amendment and the concerns expressed by many health practitioners. The Minister rightly indicated that these groups of health practitioners have indicated support for national registration, as have I. We support the aim of this legislation. From the outset I indicated that my concern about the process reflected the concerns expressed to me by many practitioners over many months, particularly since this bill has been available for scrutiny.

I received some very important advice from the Parliamentary Counsel and the library about this form of legislation. The Minister has indicated that this is the usual way that this kind of national law is passed. The scheme for introducing national law is not unprecedented, but it is very unusual. The Parliamentary Counsel was kind enough to allow me, through the Clerks, to look at this document entitled "Commonwealth-State cooperative schemes—issues for drafters", which identifies a number of methods for introducing national legislation. I will not go into great detail but one of them is mirror legislation, which is the usual practice. The document states:

> The term "mirror legislation" usually describes a system where one jurisdiction enacts a law that is then enacted in similar terms by other jurisdictions.

As many of my colleagues have said in this debate, why have we not followed that approach? There would be no argument if we did. The document also talks about complementary applied law schemes, which this legislation is. The current application of complementary applied law is the agricultural and veterinary chemicals legislation: The Commonwealth enacted a code expressly to apply to participating Territories, with provisions to enable the States to apply the text of the code as a law of that State.

There are a number of examples of mirror legislation. A current example is the fair trading regulations in the Trade Practices Act of each State and Territory, which generally mirror the consumer protection provisions of the Act. Mirror legislation was also used in most of the competition policy legislative amendments that I have debated in this place previously. It is not true to suggest that this is normal practice. I admit that it is not without precedent, but it is unusual. As many of the health groups have indicated, they are worried that we will lose the right for this State to be involved in debate on proposed amendments that the Health Ministers Advisory Council may take to the board that would then lead to amendments that would then be introduced in Queensland. The only way we can deal with it in this State is to disallow that regulation, but that disallowance will not become effective if the majority of health Ministers disagree. That is further proof that the Parliament has had a diminished role in the legislation.

Many of the health organisations support the work that has been done in moderating the original proposals that came out of the Council of Australian Governments agreement. I noted that the Minister read onto the record a letter from the Australian Medical Association [AMA]—I could read further into the letter—which is very concerned about a number of things, particularly the public interest, which is the reason I have introduced the amendment. Not only the AMA but also many of the other professional organisations that I have identified have said that prior to going to the Federal health Ministers council, the New South Wales Minister would have to demonstrate not only to stakeholders but also, hopefully, to this Parliament that any proposition put by the Minister was in the public interest.

I am particularly worried, as are others, about the potential for harm in this whole area of workforce shortages. The legislation provides that Ministers can direct the national board to change the training provisions. I take pleasure in moving the amendment. I sincerely hope the Government can see the light and understand that it will strengthen the legislation and will also strengthen the support of key organisations for the legislation.

Ms CARMEL TEBBUTT (Marrickville—Deputy Premier, and Minister for Health) [8.45 p.m.]: The amendment moved by the Opposition proposes to include in the legislation an obligation for the New South Wales Minister to apply a public interest test in considering a proposal that Ministers give a direction about an accreditation standard. I acknowledge the sentiment that has prompted the member for North Shore to move the amendment. As I said in the debate, concerns have been raised about accreditation and the role of Ministers. But

as I also indicated in the debate, much of this concern arose at the time the Council of Australian Governments first signed the agreement to establish a national registration scheme and at that point under the agreement all the accreditation standards were to be approved by the ministerial council with only a more limited recommending role for the national boards.

That is not the case now; it has changed. Health professional groups raised concerns and Ministers listened. In response to these concerns there were extensive discussions. The result was a substantial change that transferred the approval power to the national boards and provided the ministerial council with a more limited oversight role to intervene when specific public interest issues arise. I make it very clear once again that Ministers do not have control over accreditation processes and the national law does not give Ministers any control. Ministers will have no power whatsoever to direct a change to any existing accreditation standard. Accreditation of educational programs is a highly specialised process that is undertaken by experts in the fields.

The standards against which educational programs are accredited are to be developed and approved by the relevant registration boards—again, a specialised process over which Ministers will have no control. The only involvement that Ministers will retain in the approval of accreditation standards is the power to issue a direction about a new standard or a change to a standard in very limited circumstances. These powers will arise only if the new standard or the change will have a significant substantive and negative impact on the recruitment or supply of health practitioners. Ministers, when making such a direction, will also be required to consider the potential impact on quality and safety of health care. To ensure transparency, the direction and the reasons for the direction must be published.

The member for North Shore said she believed that clause 245 of the bill further identified the need for the amendment she moved. The advice I have is that clause 245 of the national law does not constitute an independent head of power for the making of regulations. In order to ground regulations, a specific head of power must be found elsewhere in the law. There is no such power with respect to accreditation standards. While I recognise the sentiment that has caused the member to move the amendment, this issue has been debated and consulted on over a long period of time. Changes have been made and we are at the point now where we are putting in place a national process, and it must be a genuinely national process.

We do not believe the amendment is necessary and we do not support it. As I also said in my reply, members are aware that Ministers are always mindful of the public interest in all such decision-making. It would be of concern to me if we were to carry this amendment, because it could indicate that we apply a specific public interest test to one narrow section of the bill but not across the bill as a whole, and that, of course, is not the case. I do not believe that is necessarily the intention of the member for North Shore, but that is certainly the effect of her amendment. The Government will not support the amendment.

I now turn to the process that we have used, the claims that this model erodes the sovereignty of the New South Wales Parliament and how regularly it has been used previously. In the past decade, this legislative model has been applied to a number of national law schemes that have been considered by the Parliament. They includes the Gene Technology (New South Wales) Act 2002, the Research Involving Human Embryos (New South Wales) Act 2003 and, most recently, the National Gas (New South Wales) Act 2008. I am advised that at no point in parliamentary debates on those bills, in this House or in the other place, did any member raise the objections that the member for North Shore has raised today. I am not sure why they have become an issue now.

Mr Barry O'Farrell: This is far more universal.

Ms CARMEL TEBBUTT: That is irrelevant.

The DEPUTY-SPEAKER: Order! The Leader of the Opposition will come to order.

Mr Barry O'Farrell: So public interest is irrelevant?

Ms CARMEL TEBBUTT: No, it is not. The Leader of the Opposition might like to listen to the debate rather than simply interject.

Mr Barry O'Farrell: You have not mentioned public interest once.

Ms CARMEL TEBBUTT: We are now talking about the process used to achieve national registration. If the Leader of the Opposition were to take more interest in the debate rather than play with his Blackberry he

might know what is going on. As I have said on a number of occasions, the Government does not support the amendment. Public interest is behind this entire piece of legislation and it is what guides Ministers in their decision-making. Therefore, to have a specific amendment about the public interest is unnecessary.

Mrs JILLIAN SKINNER (North Shore—Deputy Leader of the Opposition) [8.52 p.m.]: The Minister has raised other questions in her response. It is extraordinary that she has spent longer dealing with the amendment than she did on her agreement in principle speech. The amendment has been moved because the Opposition has listened to the stakeholders. The Minister has talked at length about the involvement of stakeholders. The stakeholders have sought these amendments. We have raised the process because so many people are alarmed about it.

The Minister suggested that the Australian Health Ministers Advisory Council would be limited. Will the Minister explain what "limited" means—limited to what? This clause provides that the ministerial council may make regulations for the purposes of this law. What are the limitations? Is the council prohibited from reducing nurse training from four years to three years during workforce shortages? Will it be able to do that sort of thing? That is the sort of thing that health professionals have written to me about, and I know that they have written to the Minister about them because she read out the letter she received from the Australian Medical Association. Will the Minister explain what she means by "limited"?

Ms CARMEL TEBBUTT (Marrickville—Deputy Premier, and Minister for Health) [8.53 p.m.]: I have already explained that on a number of occasions. I have clearly stated that the powers will arise only if the new standard or change will have a significant, substantive or negative impact on the recruitment or supply of health practitioners and, when making such a direction, Ministers will be required to consider the potential impact on the quality and safety of health care. I have made that clear on a number of occasions.

Question—That the amendment be agreed to—put.

The House divided.

Ayes, 37

Mr Aplin	Mr Hartcher	Mr Roberts
Mr Baird	Mr Hazzard	Mrs Skinner
Mr Baumann	Ms Hodgkinson	Mr Smith
Ms Berejiklian	Mrs Hopwood	Mr Souris
Mr Besseling	Mr Humphries	Mr Stokes
Mr Cansdell	Mr Kerr	Mr J. H. Turner
Mr Constance	Mr Merton	Mr R. W. Turner
Mr Debnam	Ms Moore	Mr J. D. Williams
Mr Dominello	Mr O'Dea	Mr R. C. Williams
Mr Draper	Mr O'Farrell	
Mrs Fardell	Mr Piper	*Tellers,*
Mr Fraser	Mr Provest	Mr George
Mrs Hancock	Mr Richardson	Mr Maguire

Noes, 43

Mr Amery	Mr Greene	Mrs Paluzzano
Ms Andrews	Ms Hay	Mr Pearce
Mr Aquilina	Mr Hickey	Mrs Perry
Ms Beamer	Ms Hornery	Mr Sartor
Mr Borger	Ms Keneally	Mr Shearan
Mr Brown	Mr Khoshaba	Mr Stewart
Ms Burney	Mr Koperberg	Ms Tebbutt
Ms Burton	Mr Lalich	Mr Terenzini
Mr Collier	Mr Lynch	Mr Tripodi
Mr Corrigan	Mr McBride	Mr West
Mr Costa	Dr McDonald	Mr Whan
Ms D'Amore	Mr McLeay	
Ms Firth	Ms McMahon	*Tellers,*
Mr Furolo	Ms Megarrity	Mr Ashton
Mr Gibson	Mr Morris	Mr Martin

Pair

Mr Page Mr Campbell

Question resolved in the negative.

Amendment negatived.

Clauses 8 and 9 agreed to.

Consideration in detail concluded.

Passing of the Bill

Motion by Ms Carmel Tebbutt agreed to:

That this bill be now passed.

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

PASSENGER TRANSPORT AMENDMENT (TAXI LICENSING) BILL 2009

Agreement in Principle

Debate resumed from 30 October 2009.

Ms GLADYS BEREJIKLIAN (Willoughby) [9.03 p.m.]: I speak to the Passenger Transport Amendment (Taxi Licensing) Bill 2009. I state at the outset that the New South Wales Coalition, along with the taxi industry itself, supports reform of the industry. Since 2003 the taxi industry has been attempting to negotiate with the Government on many aspects of reform, namely the number of taxis, service, quality, standards, and many other issues that relate to supply and customer service levels. Whilst the New South Wales Coalition strongly supports taxi reform, we strongly support reforms that improve services for consumers. The one issue of enormous concern to us is the impact of the bill and its unintended consequences on current long-term licence holders. It remains a concern because we do not feel the Government has adequately addressed it.

In its material the State Government claims that the open market proposed in the bill, the open market on non-capped renewable 12-month leases, will not impact on current licence holders. It backs up that claim with a report commissioned by PricewaterhouseCoopers. However, after consulting with the industry and having received numerous pieces of correspondence from members of the public, taxi drivers, and taxi plate owners stating that the value of their plates, which currently is around $400,000, will be severely diminished as an unintended consequence of this bill, we remain concerned. We hope that the State Government will continue its ongoing dialogue with the industry to ensure that provisions in the bill at least allow a smooth transition to the proposed new model.

While we support reform and the intent of the bill, we remain concerned that the State Government has not given enough consideration to current licence holders. As late as October the State Government was issuing long-term tradable licences valued at $400,000, yet it has failed to adequately consult the industry to ensure that safeguards are in place to guarantee a smooth transition and a less severe impact on long-term licence holders.

The DEPUTY-SPEAKER: Order! If Opposition members wish to continue private conversations they should do so outside the Chamber.

Ms GLADYS BEREJIKLIAN: The Opposition will move an amendment in the upper House to refer the bill to General Purpose Standing Committee No. 4 to examine the impact of the bill on current plate holders and make relevant suggestions in that regard. We will do this because the Government has not adequately addressed the impact of the bill on current licence holders. We want to ensure that the taxi industry and the Government can work together in the intervening period to ensure that that issue is addressed. We will ask the committee to report back to Parliament by 1 December 2009. We do not like the idea of ongoing uncertainty—unfortunately, that is the creation of the State Government.

For 14 long years the Government has refused to tackle the important issue of taxi reform. Since 2003 the taxi industry has been vigorously lobbying the Government to address the inadequate number of taxicabs. Regrettably, the State Government has introduced the legislation without adequate consultation with the industry. When I consulted various stakeholders I was quite amazed by the lack of consultation. I hope that changes in the next few weeks. I hope that the amendment the Opposition will move in the upper House to refer the bill to General Purpose Standing Committee No. 4 to examine our specific concern over a three-week period will go a long way to addressing that concern.

I turn now to some of the specific concerns raised by the industry. I will also highlight the Government's position and demonstrate there is a way through this if the Government would take a second to consider the unintended consequences of the bill on current licence holders. Some people have put their entire life savings into a taxi plate—it is their main investment in life—but their world will be turned upside down if the bill is passed in its current form.

I refer to the government briefing paper to industry regarding what is driving taxi licensing reform. The first point the Government makes is that the growth in taxi supply of around 1 per cent is not generally keeping pace with the demand for services. We agree with that. We think we need more taxis. We strongly support that proposition. The Government also says it wants to ensure shorter waiting times, better reliability and reduced pressure on fare increases.

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

Ms GLADYS BEREJIKLIAN: The Government also says it wants to ensure the long-term viability and sustainability of the industry. It also says it wants to ensure new career opportunities for existing drivers and new entrants. The last point the Government makes in relation to what is driving this reform is licence holders. It refers to "a gradual and sustainable fleet growth minimising the impact on current licence holders". This is the one point we are not convinced the Government has adequately addressed and we urge the Government to sit down with the industry to address it. We want to see the issue resolved. That is why we will refer the bill to the upper House committee for a three-week period. That is why we are asking crossbench members to support our proposition. We want reform, but we want to ensure the reform is fair and that people who, as recently as last month, purchased a plate valued at $400,000 will not see that investment diminished overnight because the State Government should have worked harder in consulting with the industry.

In my discussions with the industry I was heartened by how much common ground there is on issues relating to taxi supply, customer service and standard levels. There is enormous common ground. I urge the Government to address the point in relation to current licence holders and to address some of the amendments that the industry is considering. In the absence of reaching a satisfactory resolution, we will ask the Standing Committee to examine the issue for a period of three weeks and report back to the House on the Committee's recommendations on the issues in the bill.

I would like to refer now to comments and evidence provided by the taxi industry in relation to why it feels the bill in its current form is not acceptable to it. It was interesting that in all the conversations I have had with the industry it agrees on the core objectives of reform. It indicates its preference to work with the Government to achieve this reform, and we urge that process be continued. We also ask the Government to continue to consider, in addition to the number of plates, other issues that need to be addressed in providing this much-needed reform. According to a paper prepared by the NSW Taxi Industry Association, the NSW Taxi Council and the Country Taxi Operators Association of NSW, which was provided to us this week, on 9 November, these associations and representatives of the industry say:

> The key to improved customer service in terms of shorter waiting times and better reliability for cabs is more about accountability taxi availability, not just the issue of more plates. At the moment most cabs are double shifted, that is work a double shift, but this will end if the Government taxi package reform is imposed.

According to them:

> There would not be enough drivers to sustain double shifting, so the practice would end and taxis would only be on the road for a single shift, as a result of which the industry would lose the ability to cross-subsidise remote or off peak journeys, with the money made during busy periods.

The paper further says:

> Drivers with their own cab will simply choose to work the peak periods and not work during the unpopular off peak times and in outlying areas where there is less work available. This means fewer cabs on the road throughout the week, possibly a slightly better service during peak times and if you are located centrally, but for everyone else longer waiting times and no guarantee of a taxi at all.

These are some of the issues the industry raises. We know that there are about 6,500 plates in the community at the moment. According to the New South Wales Taxi Industry Association, 84 per cent of the association's members own one plate and a further 10 per cent own two. So we are talking about thousands of small businesses across this State, which are experiencing enormous angst about what will happen if the Government does not consider the unintended consequences of this bill on their small businesses. I stress that point: 84 per cent own one plate and a further 10 per cent own two.

We are not talking about a large number of people who own a large number of plates. We are talking about a lot of small businesses who own either one plate or two plates, some of whom have borrowed heavily to pay for those plates and now find themselves in a position where their investment could be severely diminished if the Government's plan continues without consideration of the impact on them. In an ideal world this bill would solve potentially many of the problems faced by the taxi industry but the bill ignores the impact this will have on the majority of plate owners out of the 6,500 licences out there in the community already.

In 2003 the Australian National University issued a report on the role of public interest in the application of the national competition policy to the Australian taxi industry. It was an interesting report from Professor Des Nicholls of the School of Finance and Applied Statistics. He looked specifically at taxi deregulation and its impact in many jurisdictions, and it is interesting to note the issues he raised in his paper. I would like to quote from page 4 of that paper:

> The dramatic increase in supply of taxis with no compensating increase in demand resulted in a dramatic decrease in productivity and profitability.

This was in reference to the experiences in the Northern Territory, which at that stage was the only jurisdiction that had deregulated the taxi industry. I quote that point again:

> The dramatic increase in supply of taxis with no compensating increase in demand resulted in a dramatic decrease in productivity and profitability.

I accept that the Government says its advice is that the market will not be flooded, but that is an assumption, not a definitive position. There is always an unknown factor. This report is saying that if the increase outweighs demand, it will cause more problems than it will solve. The flow-on effects on the public benefit, including vehicle quality and safety, customer safety, driver quality, price gouging, assaults, no-shows and fare refusers, have resulted in the Northern Territory Government capping entry for a period of six months, which was then extended to 12 months, to 1 January 2003. I think we raise this by example. I appreciate that the Northern Territory market is smaller and different to the Sydney market. However, that is one unintended consequence of what can happen. I am not saying that will necessarily happen in New South Wales, but it is a possibility. We need confidence on this side of the House that the State Government has considered that possibility. We need evidence. The onus is on the Government to demonstrate that that will not happen in New South Wales. The report says on page 11:

> Those supporting deregulation have argued that it would produce more taxi services and faster response times, create service innovations and service expansion to poorly serviced neighbourhoods, lower fares and reduce Government costs (by eliminating management of the industry with respect to pricing, service and entry). These predictions have been based on free market economic theory but as Dempsey, Teal and others have argued ...

I refer to Teal's report of 1987 entitled "Impact of Taxicab Regulation in the USA", which is quoted in Des Nicholls' report:

> These predictions have been based on free market economic theory, but as Dempsey, Teal and others have argued through empirical studies, the taxi industry fails to reflect the perfect competition model described in the economic textbooks.

Whilst in theory many members of this House support a free market in a perfect world, many of us support demand based on market forces. However, we cannot overlook the fact that so many people in this State, so many small business owners, as an unintended consequence of this bill could suffer enormous hardship if this bill is passed in its current form. That is something we need the State Government to consider more closely. I would also like to highlight two examples of experience, one from the United Stated and another from the United Kingdom. I do need to put on the record that the commentary in relation to the United States and the United Kingdom is now old. This report was provided in 2003 but the material it quotes was dated prior to that. The United States example, again taken from a report by Teal which he wrote in 1987, is interesting because it has relevance to this debate today. The United States example offered the following:

> Taxicab deregulation cannot be demonstrated to have produced, in most cases, the benefits its proponents expected. Prices do not usually fall, improvements in service are difficult to detect, and new price-service combinations have not been developed. There is little evidence that consumers or producers are better off. The one important exception is new entrants to the industry—

The bill definitely deals with that aspect—

> Even for them, however … Many have been unable to survive in the more competitive unregulated environment, and those who have survived are apparently obtaining low earnings.

That was the United States experience. No-one can argue that the United States does not support free market principles. As a person who certainly supports free market principles, I do not support such principles when so many people in the community will suffer adversely, unless there is provision in the bill to support those concerns.

Having quoted those portions in the report, I again stress that the New South Wales Coalition strongly supports taxi reform. We want to be in a position to support this bill, and we want to be in a position to support the intent of it, but we need to have more assurance from the Government that it has adequately consulted the industry in relation to the issue of current licence plate holders. I am sure members on both sides of the House, including Government members who are now in the Chamber, have received correspondence from hardworking small business owners in their electorates—that is what they are called when they own one plate—expressing their concerns about the potential consequences they face if the bill proceeds as currently drafted. In supporting the many hardworking members of the taxi industry I refer to the Independent Pricing and Regulatory Tribunal's report, released in 2009, which reviewed taxi fares in New South Wales. The report states:

> IPART considered the data for the 12 months to 31 March 2009 (which corresponds with the time period over which the change in the costs of providing taxi services was measured). It found that these data indicate there has been an improvement in overall service and quality standards over this period. Compared to the previous 12 months, there has been:
>
> - an improvement in network performance as measured by KPIs for taxi pick-up times, customer ring-backs and the number of times is available to fulfil a booking
> - a decrease in customer complaints of 9.9 per cent
> - an increase in customer compliments of 0.8 per cent—

We all know that people tend to complain rather than provide compliments, nonetheless there was a slight increase in the number of customer compliments—

> - an improvement in wheelchair accessible taxi performance …

I want to encourage those in the industry who are trying to improve the customer experience and standards to continue to do so. I say that because I believe there is a genuine willingness on the part of the industry to sit down with the Government and resolve these issues. At the end of the day, we all want to see more taxis on the road. We want to see people who are not able to enter the industry at the current level have that opportunity. We want to see the number of small businesses in New South Wales increased. We want to see people have the opportunity to participate in the industry and to contribute to it, because taxicabs are a vital part of our public transport network. Especially in New South Wales, where other forms of transport do not meet the needs of the community, taxis are being called upon more and more to fill those voids.

And, of course, all of us want to see an open and transparent process with regard to the issuing of new plates and the entry level of the industry. All of us want to see those improvements. But I and my Liberal-Nationals colleagues cannot in good conscience allow this bill to be passed without adequately considering the impacts of it on those who have saved for their entire lives to purchase a plate and to prepare their future based on that investment. We need to ensure that adequate consideration is given to those hardworking individuals. That is what I ask the Government to do in the next few weeks.

In conclusion, I again stress the willingness of members on this side of the House to support taxi reform, our willingness to ensure openness and transparency when it comes to new entrants to the industry, and our willingness to ensure the ability of people to enter the industry at a more realistic level, a level that is affordable, to increase the supply of taxis. We want to make sure that people coming into the industry have the opportunity to make a contribution and to increase the number of cabs available in the Sydney metropolitan area. Of course, we want to make sure that all this happens whilst the Government considers the unintended consequence of the bill, namely its impact on current licence holders.

I am still extremely hopeful that there will be a resolution of these issues. I am hopeful that the Government will, in a consultative way, address these issues with the industry in the next few weeks. I am also hopeful that there will be a resolution that will ensure the much-needed reform, whilst at the same time having acceptable and due consideration for those who have invested their entire livelihoods in a taxi plate.

Ms CLOVER MOORE (Sydney) [9.26 p.m.]: I wish to make a brief contribution to debate on the Passenger Transport Amendment (Taxi Licensing) Bill 2009, which creates a new category of non-transferable taxi licences that can be renewed each year and are subject to conditions. Under the bill no further new licences that can be bought or sold on the market will be released; however, existing ones will continue to be traded.

Taxis are an essential part of our transport system and our economy, and they should be properly managed and supported—particularly at this time when we need to reduce the number of cars on the road to cut greenhouse gas emissions, air pollution, traffic congestion, the use of unrenewable resources, and the incidence of obesity and other lifestyle conditions in the community. The cost of petrol, registration, insurance, parking, services and depreciation can make giving up the car an attractive way to significantly reduce greenhouse gas emissions. But we must provide transport alternatives to the private car. People will only give up their cars if they have space to safely walk and cycle, reliable and affordable public transport, access to car share programs, as well as accessible, reliable and affordable taxis.

I have long called for urgent action to ensure taxis are available in late-night trading precincts such as Kings Cross, Oxford Street, Darlinghurst, and George Street south, in the city, to ensure visitors can get home and off the street where they disturb residential amenity and are vulnerable to crime. This week at a City of Sydney community forum residents of Kings Cross, Potts Point and Elizabeth Bay raised serious concerns about people hanging around on the streets after partying in venues. Changeover time inconveniently happens at around 3.00 a.m. when large numbers of people want to get home. Because it is difficult to get a taxi, and there are very limited public transport options, including no late-night bus heading east, people remain noisily on the streets for long periods. There needs to be a complete overhaul of changeover time. It is an embarrassment that in Australia's only global city twice a day it is difficult to get a taxi because driver changeover times are not staggered. Surely the Government can work with taxi licence operators and licence holders to address this problem, and I hope that this forms part of the conditions of the new licences under the bill.

The City of Sydney recently introduced a managed taxi rank on Bayswater Road, based on a proposal from the Kings Cross police. There is significant traffic congestion late at night in Darlinghurst Road and Macleay Street, with taxis double-parked to pick up passengers. This adds to noise impacts on residents, with banked-up vehicles playing loud music and sounding their horns. The extended after-hours taxi zone on the southern side of Bayswater Road will provide space for nine taxis, reduce double-parking, improve safe taxi access, and ensure visitors can leave Kings Cross quickly and quietly. The City of Sydney will also remove the two taxi ranks in Darlinghurst Road, which will ensure that the main taxi operations for Kings Cross will be at the secure, managed Bayswater Road rank. The removal of operations from Darlinghurst Road will decrease congestion and associated noise impacts, and ensure that patrons and taxi drivers can leave safely from a secure, managed rank.

Taxi ranks must be safe for patrons and drivers. In the late-night trading areas in the City of Sydney electorate thousands of people are on the streets late at night after having consumed large amounts of alcohol, and alcohol-fuelled violence is a real problem. Both patrons waiting for taxis and taxi drivers are vulnerable. In addition to the Kings Cross rank, this year the City of Sydney also installed a new late-night secure taxi rank on Oxford Street, Darlinghurst, at the request of the Crime Prevention Partnership, which the City of Sydney and Surry Hills police co-chair. The Ministry of Transport is providing security guards for a six-month trial, to help with queues and support safety. We also have three ranks in the City of Sydney centre. The City of Sydney is working to make it easier to hail a taxi and get dropped off through new taxi zones and extra one-minute taxi pick-up and drop-off areas in suitable "No Stopping" zones within the city centre.

The Government needs to sort out peak taxi periods as part of its reform so that people can get a taxi throughout the day and night and at peak times such as Christmas. This is a problem for drivers too, who say a lot of the time they cannot get work, and then at peak times there is too much work, people cannot get taxis and then complain about the service. One of the difficulties with getting enough taxis to meet demand is that taxi driving can be thankless, financially unrewarding, and even dangerous at times. While most stories about taxi drivers focus on difficult drivers, most drivers are hardworking and in need of our support. We must ensure that drivers are safe and protected from crime and abuse.

The Government must also ensure that complaints about drivers are acted upon. A constant complaint in the city is that taxi drivers refuse to take fares if the destination is in the inner city. It is difficult to determine if the proposed system under this bill will improve the Government's ability to respond to increasing demand and introduce new players in the market, but I believe it will depend on the way the process is managed. The dominance of Cabcharge in the market has been widely reported in the *Sydney Morning Herald* recently and demonstrates poor management of the industry.

I share community concern that past governments have given free taxi licences to the major players at the expense of small operators who have worked or are working very hard to invest in a taxi plate. I welcome the upper House inquiry into the taxi industry and hope that it can address the problems the industry is facing. Ultimately it will be up to the Government to make sure it uses its proposed reform to ensure that there are enough taxis to meet increasing demand, and to ensure that existing taxi licence holders do not suffer a loss from their investment, if necessary through some form of compensation.

Mr NICK LALICH (Cabramatta) [9.31 p.m.]: I support the Passenger Transport Amendment (Taxi Licensing) Bill 2009 and commend the Government for bringing forward such a reasonable and well-considered approach to the difficult issue of achieving taxi licensing reforms. Taxis play a key role in complementing the State's public transport system, with over 170 million passengers making taxi trips each year in New South Wales. For most members of the community taxis play an important role in getting people to where they need to go in circumstances where public and private transport alternatives are either unavailable or not convenient. Whether you have booked a taxi to the airport, jumped into a cab at a taxi rank after a night out, hailed a cab to get to a business meeting, have been running late for an appointment, or grabbed a cab home with an armful of shopping bags after grocery shopping, almost everybody needs a taxi service from time to time.

Whilst for the most part the industry does a great job in moving those 170 million-plus passengers each year across this State, almost everybody has had a disappointing experience with a cab. According to complaint records for last month an elderly woman called for a cab at 8.30 a.m. in the morning and still had not been picked up by 1.45 p.m. She was told, "Sorry, we just don't have a cab for you." There were no less than three complaints of missed flights, which required the passengers to purchase tickets for later flights. A caller with a disability, who had a regular booking for Saturday nights at 6.00 p.m., was left waiting for up to an hour and a half for four out of five weeks running. Several callers complained they had been abused and told to get out of the cabs they had either hailed or picked up at ranks because the driver said the trip was too short and the fare would not be worthwhile. Everybody in this House would agree that these things should not be happening.

I am pleased that the Tourism and Transport Forum has come out in support of the Government's package. Mr Chris Brown, the managing director of the Tourism and Transport Forum, has called the new licences "a positive move", and said that "lowering the barriers to enter into the industry will ensure more taxis are available when and where they are most needed for both residents and tourists". He also commended the Government on progressing swiftly with this initiative. The Transport Workers Union has equally seen the benefit these changes will have to industry. Wayne Forno from the Transport Workers Union has called the reforms "as positive for passengers and customers as it is for the taxi drivers". The Government agrees.

The key message from both the community and the taxi industry is that fleet growth of around 1 per cent per annum is not keeping up with the long-term demand growth for taxi services, estimated at between 3 per cent and 5 per cent a year. The relatively low take-up of new licences is, in part, attributable to the high cost of obtaining a licence. The Government has recognised that the cost of licences is impacting on fleet growth, and that if it is not addressed there will be a reduction in the availability and reliability of services. As well as affecting the take-up of new licences, high licence costs also have flow-on effects to lease rates, driver pay institutes and, eventually, passenger fares.

In July this year the Independent Pricing and Regulatory Tribunal estimated that licensing costs had increased by over 8 per cent in the previous year and that lease rates represent the second largest cost of operating a Sydney taxi. They were found to be responsible for more than a quarter of the last fare increase. Importantly, if taxi services are not reliable and affordable people will use alternative options, which puts the long-term viability of the industry under pressure. The Government is to be congratulated on taking the time needed to give careful consideration to this difficult area, and on developing a reform package that balances the needs of passengers for more taxis while at the same time managing the impacts on industry. This includes the 83 per cent of licence holders who have just one taxi licence and are likely to be operating a small business. The Government's changes to taxi licensing aim to encourage the steady and sustainable take-up of more taxi licences over time, resulting in better services for taxi passengers and better opportunities for lessee operators, taxi drivers and new entrants to the taxi industry.

The bill introduces a new annually renewable category of licence, which will be available from NSW Transport and Infrastructure. On 31 October 2009 the Government announced that the annual fee for the new renewable licences would be set at $550 per week. This represents the current average lease rates for existing licences and aims to encourage a steady uptake of new licences, while managing the impact on existing licence holders. To provide certainty new annual licence holders will be able to renew their licences each year, subject to meeting normal operating conditions.

The Government is also providing a guarantee that should the licence fee go down in the future, all holders of the new annual licences will be able to renew their licence at the lower fee. Flexible licence payment options are also being considered, such as monthly instalments, to reduce the upfront cost burden of licence holders and to help manage cash flow. Although initially the new arrangements will only apply in the metropolitan areas of Sydney, the bill allows for a staged rollout to the rest of the State. Recognising that these areas all have their own particular supply and demand issues, this will follow further considerations in due course to determine whether this model is the most appropriate for those areas.

As is currently the case, the Government believes that there should not be an arbitrary cap on the availability of these new licences. There has been some concern that no cap means that there will be a flood of taxis on the road. The Government believes that carefully managing the price of the new annually renewable licence will ensure that take-up is steady and sustainable. Expert advice received by Government identifies that in setting the new licence fee at the current lease rate average of $550 per week it is not expected to result in the market being flooded but, rather, it will allow the market to gradually adjust to meet passenger demand.

The Government has said from the start that it will aim to minimise the impact on existing licence holders where possible. NSW Transport and Infrastructure will monitor the uptake of the new licences closely and, if necessary, make suitable changes. It is important to note that there has been no cap on licences since 1990 when the then Opposition introduced the Passenger Transport Act. That Act aimed, among other things, to free up entry to the industry while ensuring that the price of the new licences was set at a level that managed impacts on existing licence holders—that is not unlike what the Government is doing today.

Buying a taxi licence is a commercial decision and applicants will consider passenger demand before deciding to put a new taxi on the road. Fleet growth will only occur if there is demand for services. It is also worth pointing out that there was not a flood of new licences on the market in 1990 after the Passenger Transport Act came in, and there is no reason for things to be very different now. As the taxi fleet catches up with demand, taxi passengers will gain further confidence in the availability and reliability of the taxi service, leading to more demand services. Encouraging more people to use taxis more often is the key to a successful and viable taxi industry.

This new licence will replace the existing categories of transferable ordinary and non-transferable short-term licences that are currently available from NSW Transport and Infrastructure. An important part of the Government's reform package is that for areas covered by the new arrangements no new transferable licences will be issued. The aim is to make sure that new licence holders are focused on delivering services to passengers, not just on the value of the licence. Existing transferable ordinary and perpetual licences will continue to be able to be traded and leased on the secondary market. Taxi drivers and lessee operators will also benefit from these changes, making it easier for them to become their own bosses. As one driver from the Marayong area said:

> I have been driving a taxi for more than 17 years and would like to apply for one of the new licences. Thank you for giving me the opportunity.

The bill also deals with historic anomalies, such as the so-called nexus scheme, by clearly identifying those licences and imposing statutory conditions on them. The bill requires that the paired wheelchair-accessible taxi [WAT] licences must be operated, that the nexus licence and its WAT pair may only be transferred together, and that the licences may only be transferred to another network that is an accredited operator. Wheelchair-accessible taxi licences will still be available for $1,000 a year in metropolitan areas and will continue to be free in country areas. This important reform package should be welcomed by any member of the House who cares about improving services for taxi passengers, managing fleet growth so that it is sustainable, and helping to ensure the long-term viability of the taxi industry. I join my colleagues in recognising the efforts of the Government on this important issue and thank it for this carefully considered and measured response to taxi licensing reform. I commend the bill to the House.

Mr RAY WILLIAMS (Hawkesbury) [9.41 p.m.]: I state at the outset that I fully support the Passenger Transport Amendment (Taxi Licensing) Bill 2009 being referred to a select committee of the upper House so that appropriate amendments can be made to the existing legislation. The taxi industry is an important component of transport in New South Wales. We saw the debacle created by the New South Wales Government when it took control of the private bus industry and slashed many services across New South Wales.

Mrs Karyn Paluzzano: Not in Penrith; do not mislead the House.

Mr RAY WILLIAMS: Across Penrith, St Marys and Mount Druitt. For the benefit of the member for Penrith, I could elaborate on the slashing of the 775, 782 and 766 routes. I could go on forever about the number of runs that have been slashed. However, I will not elaborate on the outrageous cancellation of services in the bus industry. I want to speak about the private taxi industry. The taxi industry is small business and the philosophy of the Liberal Party is to ensure that the concerns of small business people are heard and taken into account. Many taxi owners and drivers across the electorate have made their concerns well known to me. From my extensive consultations with them, they have provided me with valuable input on this bill.

One way to get appropriate legislation is to refer the bill to a select committee so that key stakeholders, taxi owners and drivers can put forward their views. The New South Wales Taxi Council, taxi owners and taxi drivers want reform, and we want reform. The paying public, taxpayers and punters in the street deserve a good taxi industry. They have a good taxi service at the moment, and I believe we can make it better. I have consulted with people in my area, such as Mike Burrage who has been a taxi driver for just under 40 years. He says that when he bought his plate it cost the same as a two-bedroom unit in the eastern suburbs. Over time, the value of a two-bedroom unit in the eastern suburbs has increased much more than the value of the taxi plate. He is not crying poor. But he says that flooding the market with new plates, as has occurred previously, will devalue the price of taxi plates. We must be cautious with the rollout of taxi plates. The Government has not stated how many taxi plates will be rolled out or how much those plates will cost. They are concerns that have been raised with me.

The New South Wales Taxi Council is working towards outcomes. It considers that no more than 100 new plates are sufficient. As the shadow Minister for Transport said, until October the State Government had plates on the market at a value of $400,000 each. The Government was more than happy to realise the value of those plates before flooding the market with more plates under this bill, which hopefully will be amended in the upper House. It sold 50-year plates that can be traded only within the family. Those licence holders will be jeopardised by this bill and their plates will be devalued. Wheelchair-accessible taxis pay a lease of $1,000 a year. However, the owners of those taxi plates must have them on the road for, I believe, a minimum of 15 hours a day. That places a great strain on the owners and drivers. I point out that 85 per cent of all taxi plate holders are owner-drivers. They hold only one plate.

The majority of the wheelchair-accessible taxi plate owners are the drivers. To impose a 15-hour a day minimum on wheelchair-accessible taxis places a great strain on them. They also have a great deal of trouble getting drivers. The message across the board and from the Taxi Council is that there is a shortage of drivers. That issue must be addressed. The select committee will be able to flush out the issues. The safety of drivers is paramount; we must introduce measures to ensure their safety. A major issue is the drunk passengers that taxi drivers have to contend with. I come from the private transport industry and operated a service around the city known as NightRide, and I know that bus drivers also have to contend with drunk passengers. I can empathise with taxi drivers: drunk passengers can be a hazard. They are not the types of passengers that anyone wants.

Mike Burrage has suggested the establishment of a taxi rank at Kings Cross between 1.00 a.m. and 4.00 a.m. on Saturdays and Sundays that is controlled by police or security. Before placing travellers in taxis the authorities can establish whether they have the means to pay. Often drunk passengers get into a taxi and upon reaching their destination do a runner and do not pay. That type of fare evasion is an abuse of the rights of taxi drivers and owners. We must introduce measures that tighten security and make passengers responsible for payment. As Mike Burrage suggested, one such measure is to establish a taxi rank between 1.00 a.m. and 4.00 a.m. that is controlled by security or by police. As I said previously, the Government has not provided information about a cap on the availability of licences or an annual fee. It has said that an annual fee is being developed. But it remains a mystery. That is why it is so important that the bill is referred to a select committee. It can flush out the issues and we will get appropriate reform, not this haphazard legislation. In documents sent to taxi drivers the Government stated:

> In addition, the increasing cost of buying a licence on the open market has meant that lease rates and pay-in costs have been increasing, reducing income potential for drivers and operators. Last year licence lease costs increased by 8% in Sydney.

It is remarkable that licence lease costs have increased by 8 per cent when water and electricity costs have increased by 40 per cent in the past two years. It is ironic that the Government makes those comments. The Taxi Industry Association has concerns about two elements of the proposal: the number of new licences that will be issued and the future government lease price. While the Government has stated that it wants to minimise the impact on current licence holders, the proposal states that there will be no limit on the number of new licences.

That will certainly have an impact on current licence holders. By not creating a direct link with the number of new licences, the demand and future growth of taxi services and the availability of additional drivers will certainly impact on the entire industry. These issues must be fleshed out, and the select committee will do that.

We need a mechanism to match supply and demand. It is not rocket science but it has to be addressed—and so far it has not been addressed in the legislation. As I alluded to before, one cannot trust this Government to implement legislation on any form of transport at this time. That is why we must get the stakeholders around the table—the real people in the industry, like Mike Burrage, who has given me so much information and who has a wealth of knowledge gained from being in the industry for more than 40 years. He can provide information about the industry so that we can make appropriate amendments to the bill.

The Government has stated that it will set the prices at a level that allows sustainable growth in licence numbers, but we have not yet heard what that is. The legislation is being introduced supposedly in a manner that will enhance the quality of service provided to the travelling public and not cause damage to existing participants. We will have to ensure that that is the case. They are just some of the issues that have been raised by the New South Wales Taxi Council. One could say that 85 per cent of taxi owners—the real people in the industry who have owned taxis for many, many years—have done the responsible thing: they have gone out and purchased a business by buying a plate. That plate has increased in value over the years and they have bought themselves their superannuation. They have worked damned hard to pay for that plate and to put money aside because that is the only form of retirement benefit they will get. I will relate some of the stories that have been related to me about some of those drivers. One story is as follows:

> Bill is of Polish and Ukrainian decent. His parents emigrated to Australia in 1950 when his father began working on the Snowy Mountains Scheme. This job took him away from the family home and he saw his young children only once a month. But, thankful for the opportunity his new country offered, he worked hard and saved his money, and passed these values onto his sons.
>
> Bill grew up to be a fitter and turner who, at 40 years of age, decided on a change in career. His mate owned a cab and said there was good money to be made if you were not afraid of hard work.
>
> In 1986, in a single week, Bill obtained his Driver's Authority and also bought a plate for $89,000.

In 1966 that was a lot of money. The story continues:

> He financed the purchase through a loan and by investing the full payout from his previous job – untaken long service leave and superannuation.
>
> Although he worked 14 hours a day, 7 days a week – week in and week out – it still took Bill a decade to pay off the plate - thanks largely to interest rates hitting 22% during this period.

Who could ever forget interest rates at 22 per cent under the Hawke-Keating Government? I will certainly never forget it, and nor will any business owner.

Mrs Karyn Paluzzano: Didn't we get payroll tax at 7 per cent?

Mr RAY WILLIAMS: Bill is now 63 years of age. While the member for Penrith berates Bill and the hard work he has done, I applaud Bill. He still works 12 hours a day, but now only six days a week. On the weekend he has a driver who takes the car for one day, which gives him a day off. The story concludes:

> It was Bill's plan to retire in two years, to sell the plate and to be a self-funded retiree. The NSW Government's proposed reform would make sure that never happens.

That is just one of the real stories. Another story reads:

> Next year, Abie celebrates 50 years in the Taxi Industry. The day he turned 21, he launched himself into a career as a taxi driver, and later went on to buy 2 taxi plates.
>
> He bought plates in 1988 and in 1994 – which he has just paid off by working 7 days a week and alternating day and night shifts.

Abie believes that if there are too many taxi plates on the market his investment will be worthless and he will have to go on the pension. He said:

> The Government is going to take away everything I have worked for and make me bludge off them for the rest of my life.

His story concludes:

> Abie is now 70 and is planning his retirement. His plan was to sell his plates and live off the proceeds.

Just like Bill, Abie's plan was to sell his plates—which he paid off working 12 and 14 hours a day—and live on the proceeds. These are the real stories, and they go on and on. I have dozens more of them. I would love to ask for an extension of time so that I can talk about the real people who have worked so hard in the taxi industry but whose future will be in jeopardy if the viability of their plates is diminished. It is a pity that Government members do not recognise that they are depriving these people of their superannuation by devaluing their plates. That is why it is paramount that we make the right amendments to the bill. Unfortunately, the New South Wales Government could not draft such legislation, but we will get the key stakeholders around the table and they will do it. Hopefully, taxi owners and drivers will then get good legislation that will be good for the public and good for the industry.

Mr PETER DRAPER (Tamworth) [9.55 p.m.]: I am pleased to make a brief contribution to the Passenger Transport Amendment (Taxi Licensing) Bill 2009. I remind the member for Hawkesbury that they only telecast the last nine holes; they do not telecast the practice round. I am concerned about the bill's impact on long-term licence holders with current plates. The taxi industry definitely wants reform, as do most people who use taxis, but not at the cost of existing licence holders who have made sound, long-term investments in what they believe could well be their superannuation. Clearly there are not enough taxis in Sydney. People who have stood on the side of the road for an inordinate amount of time waiting for a cab could certainly attest to that. But it does not happen all day or every day. We are well served by our taxi industry in Tamworth, and I am concerned that the people who in many instances have spent their life savings buying plates are now very worried about the ramifications of this bill. Everybody wants decreased taxi waiting times and more reliability, and the bill, as stated, aims to deliver a gradual and sustainable fleet growth without impacting upon licence holders. But there are no details as to what will happen.

As was pointed out in an earlier contribution to the debate, in country areas increased numbers of plates will lead to difficulties in finding sufficient numbers of drivers to work unpopular shifts. With some 84 per cent of the people owning one plate only in the country and 10 per cent owning two plates, we are not talking about multinationals—we are talking about mums and dads who have put their savings into plates and who have a sustainable business that offers a good service. I have written to the shadow Minister for Transport as well as the Minister for Transport. I am pleased that the shadow Minister acknowledged receipt of that letter today when I spoke to her briefly after she made her contribution. I discussed the fact that it is very concerning that granting additional licences may significantly reduce people's investments.

I too am pleased that the Opposition is referring the bill to an upper House committee. I believe that is an appropriate move. I believe that an examination by that committee will discover and reveal some of the concerns that are being raised by people who hold licences and by the community. Everybody supports the free market, where demand determines supply, but one has to recognise the importance of looking after people who invested in their taxi plates in good faith. Small business is very much the lifeblood of country communities, and we are fortunate in Tamworth to have a very vibrant small business community, which must be protected. While I support the intent of the bill, I look forward very much to seeing the report that comes out of the upper House inquiry.

Positive reports from the Independent Pricing and Regulatory Tribunal about reliability, availability and customer service have been mentioned. However, they do not reflect the on-the-ground experiences in some instances. I have hopped into a taxi and asked to be taken to a destination only to be driven in the opposite direction. I have stood on the side of the road waiting a long time for a taxi before one came past. Conversely, I have made the point of booking a taxi and stood outside Parliament House and watched five go past and mine has not turned up. There are frustrations.

Taxis are critical to moving people around the city. We in Tamworth are reliant on taxis for late-night transport. There is no transport of note in country communities and taxis are critical in getting people home late in the evening. We would all like more transport options in country communities. However, we must ensure that we do not jeopardise the livelihood of people who have invested in businesses and who are doing a great job. Taxis must also be accessible. There is some debate in Tamworth about moving the Fitzroy Street taxi rank away from the main part of town. I am receiving representations about that and it must be resolved with the council. Government members repeatedly referred to Sydney in their contributions to this debate. New South Wales is a lot bigger than Sydney. I want to ensure that country communities are considered in this process and that we achieve the right result and retain a viable industry in my electorate in particular.

Mr CRAIG BAUMANN (Port Stephens) [10.01 p.m.]: I will make a very brief contribution to the debate on the Passenger Transport Amendment (Taxi Licensing) Bill 2009 just to keep the member for

Wakehurst happy. I am keen to speak on this issue because, as a non-resident of Sydney who obviously frequently visits for sitting days and otherwise, I rely on taxis. Having spent the first half of my life as a Sydney resident, I know my way around quite well—unfortunately a lot better than many Sydney cabbies. While the Coalition does not oppose the bill, there are gaping holes in it that must be addressed before it is passed. This bill is not simply about providing more taxis for people to get home faster after a night out on the town; it is about people's investments, their livelihoods and their future.

I was recently visited in my Port Stephens electorate office by a local couple who own a taxi licence and who are terrified by and furious about this bill. This couple's Sydney taxi licence represents an investment of about $400,000 that returns about $30,000 a year. The couple, who are approaching retirement, see the licence as their financial security for retirement: it is their superannuation. However, they fear for the value of their investment and that their superannuation will be adversely affected if this bill is passed as is.

A joint submission made by the New South Wales Taxi Industry Association, New South Wales Taxi Council and the Country Taxi Operators Association of New South Wales states that "under the proposed reform package these plates will become worthless" and that the legislation "takes away driver commitment to the industry". This bill will drastically change the taxi industry and some form of compensation should be offered to people such as my local constituents who want to exit the industry before these changes come into effect. When introducing this bill the Parliamentary Secretary, the member for Miranda, stated:

> Taxi services play an important niche role in the provision of public transport services, carrying more than 170 million passengers each year across the State.

Given the appalling and unreliable state of public transport courtesy of this incompetent Government, there certainly is a need for improved taxi services. I am sure more people are turning to taxis to get from A to B rather than relying on trains or buses. The aforementioned joint submission made by taxi industry associations states:

> The fundamentals of the industry will be sacrificed at the expense of drivers, owners and operators—with absolutely no benefits to passengers.

I note that the Government claims that the bill will benefit passengers by providing more taxis. However, one can walk out on to Macquarie Street and if the traffic is stopped at a red light one can almost cross the road on taxi bonnets. After dinner last night I went for a walk and found six taxis on a rank in Hunter Street, four on a rank in Pitt Street and 18 in Bent Street creeping around the corner out of Gresham Street. The night before I saw 20 queuing up in Bent Street.

Mrs Karyn Paluzzano: What about Friday night?

Mr CRAIG BAUMANN: I will get to that. There is an endless stream of taxis at the airport. Passengers may have to wait in a queue, but that is because it takes time to load luggage. I can understand that the last two nights may not be representative, and I know it can be difficult to get a taxi when it is raining or at busy times. I also assume that taxis are probably not as prolific in the suburbs. However, I fail to understand how more cabs on the road will significantly benefit passengers, taxi drivers or taxi owners. I strongly believe that the management of the industry should be examined. I remember the driver shields that taxis once had. They were there one minute and gone the next. Whose idea was that? I wonder how much management and thought goes into these decisions.

I should perhaps add that in the bush the meter goes off as soon as the taxi leaves the built-up area and I usually pay more than $40 for a 20-kilometre trip that takes 15 minutes. Of course, as the member for Tamworth said, we do not have any public transport as a fallback. The Government has so far failed to explain how the standard of service will be protected, let alone improved, as a result of these changes.

I remember my father telling me a story about the behaviour of Sydney taxi drivers when he was stationed here in the Second World War. He was the Australian representative of the Norwegian Seamen's Union: he was a union delegate. Members opposite will be pleased to hear that he was a Labor voter. One of his duties was checking on the welfare of his members when Norwegian ships were in port. Leaving a ship in Woolloomooloo one night, my father hopped in a cab and said in his distinct Norwegian accent, "Bridge Street", which was the address of his office. After the cabbie had driven him to Bondi and all over Sydney, my father directed him to the Central police station, where the police cancelled the taxi licence. I am not suggesting that our cabbies would defraud passengers, either locals or tourists, but I have grave concerns about the navigation skills of many.

I have directed a cabbie from Macquarie Street to the Sydney Cricket Ground—he had never heard of it. I have also directed cabbies from George Street to the Harbour Bridge and I am getting used to using my iPhone GPS to identify destinations so that I can give instructions. Good cabbies are brilliant and deserve our praise and support. Hopeless cabbies let down the entire industry. The Government should tidy up the existing fleet before adding to what could be chaos. The shortage of taxis is probably due to a shortage of drivers, not plates. This Government should understand what is happening now before going for a cash grab by selling annual plates.

Mr PETER BESSELING (Port Macquarie) [10.07 p.m.]: I will speak briefly on the Passenger Transport Amendment (Taxi Licensing) Bill 2009. As many members have indicated, tax operators and drivers do a great job. It is a difficult job and they often have to deal with people who are drunk or who have consumed vast amounts of alcohol late at night or early in the morning, people who do a runner and even dangerous passengers who threaten them. I understand this because for a brief period I was a taxi driver.

The taxi industry is very important to Port Macquarie, particularly for tourists, but also for our large aged population. The Port Macquarie electorate now has the largest number of people over the age of 65 in the State. We have overtaken the Tweed in that regard. Laurieton has a huge number of aged residents who rely on not only normal taxis but also special taxis designed to transport disabled people. We have 12 taxis designed to cater for people with disabilities in Port Macquarie each of which has two drivers. I understand that that is the highest number of taxis for the disabled per capita in the State. I have spoken to local taxi drivers and operators and I have received letter from Ted Hyde, the Chairman of Port Macquarie Taxis, in response to the reform package proposals. He states:

> In reference to a document titled "Agreement in Principle" submitted to the N.S.W. State Parliament by Mr. Barry Collier on 30.10.2009 concerning the N.S.W. Tax Industry Reform Package, it shows that all aspects of the Taxi Industry have not been considered in regard to the total Taxi Industry, including the current Taxi Networks, the existing Taxi Plate owners the general taxi clientele, and most importantly, the Disabled taxi users who are the most vulnerable of all within the total taxi industry.
>
> The first paragraph statement of [the Government's] document address referring to the Taxi Industry Reform Bill quotes "*There are not enough taxis on the road and we need to grow the fleet to provide better taxi services for our community. It is as simple as that*". There is nothing in his document that guarantees that the introduction of the "Annual Renewable Lease" taxi plate concept will increase the number of taxis on the road or will increase the level of services to the general public. It appears as though it is a method of reducing the value of business oriented "Freehold" taxi plate owners, and transferring the taxi business into the hands of non-business oriented taxi drivers who may or may not have met the minimum Financial Standards criteria as currently required by the NSW T&I for existing Freehold taxi plate operators.

Ted also quotes the Government's statement that:

> "*Taxis are especially important to people who may not have access to, or be able to drive a car, such as tourists, people on low income, people with disabilities and the elderly*".

He is concerned that this part of the taxi reform bill does not create better access to taxi services for people with low incomes or the elderly. His letter continues:

> How will this reform increase the availability of WAT (Wheelchair Accessible Taxi) vehicles to the significant number of disabled people who rely solely on specially modified taxis as their only means of transportation from one location to another. With some proportion of current WAT drivers taking up the option to operate their own Non-WAT Taxi vehicle businesses by means of the Annual Renewable Lease option, wheelchair bound passengers will be the first to notice a significant decline in the service levels to be offered to them as a result of this Industry Reform, whereby some of the current WAT drivers will take up the Renewable Lease Plate option, but not invest in any WAT vehicles. These are the people we should be giving first priority to in improving their service levels, and not in creating a further deterioration of a service that is already complained about because of the slow response times.
>
> Recently there has been a shortage of reliable and caring taxi drivers, both in the major Metropolitan Areas as well as Country Areas. The issue of these Annual Renewable Lease taxi plates probably means that existing drivers will migrate from their Freehold Taxi Plate owners of vehicles to their own Annual Renewable Lease taxi vehicles. The net result would be a similar number of taxis on the road at any given time, the only change would be taxi drivers who will be driving for themselves and not for business oriented taxi owners. These business oriented taxi owners have invested many, many millions of their own dollars in providing the taxi vehicles, the taxi industry resources and the Taxi Networks that have been providing the 170 million taxi passengers with door to door transportation each year in N.S.W. With this new style of one-year-at-a-time taxi operators, what incentive will they have to grow the industry and expand the Networks and the associated facilities as has been done in the past by the business oriented freehold taxi owners.
>
> If part of the migration is from Freehold taxis to Renewal Lease taxis, does this not mean that WAT drivers will also make the transition to buying into the newly created Renewable Lease taxi business, and thus creating a further problem with increased waiting time and availability for all disabled passengers. Does the N.S.W. T&I expect that any taxi drivers who take up the Renewable Lease option will spend $60,000 to $70,000 to purchase an approved WAT vehicle where they can purchase a Standard taxi vehicle for about half that price. Even though a WAT annual licence fee is substantially less than the Annual Renewable Lease fee proposed by this reform—

That is currently zero dollars in the country—

> the excessive fuel, running and maintenance costs, and the significantly higher down time for more frequently required repairs over the vehicle life is a significant factor in choosing to own a "Standard" taxi vehicle in preference to a WAT vehicle.
>
> Once Taxi Networks get to the stage of replacing current WAT vehicles, it is probable that a significant percentage of these vehicles would not be replaced with another WAT vehicle, as there is a very strong possibility that caring drivers would not be available to drive them, leaving the most vulnerable of the total taxi industry clientele in a further degraded transportation situation, as generally, there are no other forms of specialist transport vehicles available to them from any other sources. The underlying future problems and the likely effects associated with this taxi industry reform relating to disabled taxi cab users should be documented and publicized to every Disabled and Discrimination Group and Body throughout the whole of the Nation.

Ted raises some very pertinent points. He has page after page of concerns. I will not go on with those concerns; it is late. Needless to say, there are concerns out there that need to be addressed, particularly for current plate owners, taxi drivers and licence holders. There are also concerns that cheaper licensing will lead to more choice of working hours for taxi drivers, particularly new drivers who may decide they only want to work a couple of hours a day, or only a few hours, and not take on the difficult times in country areas—which I call the dogwatch times—Sunday, Monday and Tuesday. At the moment those shifts are shared in country areas and taxi drivers man earn as little as $7.50 an hour. There is no financial incentive to run taxis on Sunday, Monday and Tuesday nights.

We must make sure we have people to drive those hours, not people who pick the best hours for taxi driving. It is a service we are providing to country areas. Country areas have a lack of transportation options, particularly in the Port Macquarie electorate. There is no train. We rely on buses, and buses do not run late into the night. The taxi industry is very important to the people of the Port Macquarie electorate. I know the Government wants to move quickly to provide certainty, but the impact of these licensing proposals needs further consideration. We need a dialogue between the stakeholders, the taxi drivers and owners, and the legislators to make sure that we get this right so the future of the taxi industry is viable for the drivers, the licence holders and the passengers.

Mr ANDREW FRASER (Coffs Harbour) [10.15 p.m.]: I have received a few remarks in dot point form from Kevin McKenzie from the Coffs Harbour Taxi Co-op but, before I read those, I would like to say this: Yes, we need a better taxi industry; everyone agrees with that. Anyone who has come in from Homebush after watching a rugby match and tried to get a cab will note the taxis come down Elizabeth Street, see everyone getting off the train and turn their lights off. When I asked why they do that they said that normally they get a lot of drunks coming out of the area, and they do not want drunks and they do not want runners in their cabs. There are ways to deal with the drunks and the runners. One way to stop people from doing a runner is to make sure people pay their fare before they get in the cab. I agree with everything the member for Port Macquarie and the member for Tamworth said about the lack of transportation in country areas and what this legislation could do to the value of people's superannuation.

I had Kevin McKenzie and one other fellow in my office this week. This fellow has invested his superannuation into a taxi—$475,000. He is getting a reasonable return on it, but if the Government devalues the return to that cab it devalues the value of that plate and that devalues this fellow's superannuation. As the member for Hawkesbury said tonight, we are talking about an 8 per cent increase to taxi drivers, but consider the hike in fuel costs. Both State and Federal Labor governments promised to do something about that but they have done nothing. When you are concerned about an 8 per cent increase in taxi costs, you should look at the other costs. The proposal put forward by Kevin McKenzie from the Coffs Harbour Taxi Co-op is in dot points, and reads:

- This proposed legislation could result in a decrease to the value of taxi licences in Coffs Harbour and other regional areas;
- Many owners have purchased freehold licences looking to use them as a replacement for superannuation (self-funded retirees), this legislation has the potential to affect the value of their businesses (and licences) it may lead to many owners having to rely on the welfare system in their retirement (84% of freehold taxi licence holders in NSW only own the one licence, they have had to work hard to build these businesses to their current value);
- Country taxis do not have the same level of complaints as city taxis, e.g. there were approximately 300,000 radio bookings in Coffs Harbour this year and there have been only 4 official complaints made to the ministry during that time;
- Ministry of Transport standards for service levels are adhered to, or in most cases exceeded in the Coffs Harbour area. Wheelchair customers in Coffs Harbour are given high priority and waiting times are the same or shorter than for able bodied customers. Statistics on service levels have been provided to the Ministry of Transport on a regular basis.
- It is recognised that there is a need for extra licences to be issued on a needs basis in consultation with the industry—

And this is an important point—

> Holiday Coast of Transportation has been working with the Ministry of Transport over the last 12 months with a view to increasing the number of taxis in Coffs Harbour and the introduction of this bill has put this process on hold;

The industry has been trying to get three extra plates in the area, and they could be utilised, but the introduction of this bill has meant that that has been put on hold. It is a bit of a laugh. Mr McKenzie went on:

- An influx of plates would cause average earnings of both owners and drivers to decrease. Less vigilance in maintenance regimes may result;
- Many owners view the introduction of this bill as the first step towards implementing deregulation of the taxi industry;
- Servicing customers on busy nights (normally Friday and Saturdays) in a regional city such as Coffs Harbour by increasing the number of taxis available would have a detrimental affect on the viability of operating the same amount of taxis for the other 5 days in the week;
- When setting lease fees for taxi licences the Ministry should take into consideration the current value of freehold plates in each area. This would ensure that the fee reflects the true value that each of the current owners has built up in their business (or has recently paid for their business).

I can endorse every comment made by Mr McKenzie and his co-operative, and the drivers in Coffs Harbour. I strongly suggest that members in the other place refer the bill to a committee, and that we have true consultation with the industry. This morning I bumped into industry representatives in the lift. They are unhappy. The regional owners and operators are unhappy. There is a resolution to this, but it should be a cooperative one and one that is negotiated. We can do that by having the taxi industry—owners and drivers—come in to give evidence before an upper House committee. It is the only way to go. Let us reform the industry, but let us do it in a way that is fair to all, passengers, drivers and owners.

Mr VICTOR DOMINELLO (Ryde) [10.21 p.m.]: I will make a brief contribution to the Passenger Transport Amendment (Taxi Licensing) Bill 2009. The main objects of the bill provide for non-transferable and renewable taxicab licences for terms of 12 months, annual licences, and standardised conditions for licences for wheelchair accessible taxis. There is a good reason the bill is before the House and the obvious one is that we need more taxis on the road. That is undeniable. Anybody who ever catches, or tries to catch, a taxi, particularly during peak times, will understand the problems associated with not having enough taxis on the road. Obviously the taxi industry has been calling for that as well. But there are significant reasons why we should take a deep breath and refer the bill to an upper House committee that can properly examine the consequences of the bill.

It is clear that the Government has not adequately consulted the taxi industry and is attempting to rush the bill through. The bill will be effective immediately, as section 2 of the bill nominates that the date for commencement will be the date of assent. The Government has failed to provide any evidence to back up its claim that the bill will not adversely impact on the owners of existing plates. As such, it is not offering any compensation for potential loss in the value of people's hard-earned investments. I will come back to that in a moment. In his agreement in principle speech the member for Miranda said:

> There are not many things that members of this House agree upon but this has to be one of them.

He continued:

> There are not enough taxis on the road and we need to grow the taxi fleet to provide better taxi services for our community. It is as simple as that.

It is actually not as simple as that. People should not make the bold statement that not enough taxis are on the roads and we need to put more out there. It is much more complicated than that. People have spent a lot of money over the years investing in taxi plates. I will give some examples from my constituents in Ryde. Judy and Arthur Ozanne live at North Ryde. Arthur is a World War II veteran—that is significant on Remembrance Day. Arthur is 85 years of age and Judy is 76 years of age. They purchased their plates in 1962. They both worked full-time for 17 years to pay off the plates. Arthur worked seven nights a week for 17 years. When I spoke to his wife, Judy, today she told me that one of their proudest moments was when they paid off their taxi plates after 17 years of hard work. She told me that they had to remortgage three times to pay off the plates during those 17 years. She said that it is simply not fair that they have worked so very hard over the past 17 years and now they have to put up with this. She said that the plates represent their superannuation. They are very distressed about the impact of the bill and they do not think the Government is looking after them.

At the other end of the spectrum is Sue Panos, a resident of North Ryde. She also spoke to me today. She is 49 years of age. She has owned her plates for three years. She purchased the plates for $272,000. She

took out a loan to purchase the plates, and she is very concerned about the impact of the bill. She does not know what the value of her investment will be if this bill goes through. In his agreement in principle speech the member for Miranda went on to say:

> We understand that the price at which the new licence will be available is critical to meeting our objects of achieving steady and sustainable fleet growth to meet demand for services, while managing any impacts on existing industry participants, including the holders of transferable licences.

All that sounds very good and very politically correct, but what is the basis of the Government's understanding of the price at which the new licence will be available? In his agreement in principle speech the member for Miranda spoke for a significant period of time, but not once did he articulate the basis of his understanding of this important area that impacts on many people in our community who have invested a lot of their hard-earned cash, and blood, sweat and tears into trying to build up a nest egg for their future.

The member for Miranda said that the bill would not take away the rights of those already in the industry. Again, we all know it will not take away the rights. We all know that the rights and conditions will remain in place. That is straightforward, but what we do not know is the impact of this bill on the investment of these people who have worked hard and saved very hard over the years to pay off what they consider is their nest egg. Not once in the agreement in principle speech did the member for Miranda indicate what research the Government has done, what studies it has done, what its analysis is that leads to this conclusion. He concluded:

> It represents a balanced, measured approach to licensing reform.

Again, until there is evidence before this House or the upper House, we cannot definitely say that this approach is balanced. We must be responsible. If the Government does not want to be responsible, then hopefully we will force it in the other place and the bill will be referred to a committee, where proper questions can be asked and these serious issues can be addressed. I will conclude on this note: We must consider properly the impact of the bill on existing plate holders and determine whether any assistance package should be provided to protect their investment. Also we must determine the impact of the bill in its current format on standards of service of delivery.

Mr RUSSELL TURNER (Orange) [10.29 p.m.]: I speak briefly to the Passenger Transport Unit (Taxi Licensing) Bill 2009. The bill amends the Passenger Transport Act 1990 with respect to taxicab licences. Many speakers in this debate have spoken about the changes to the taxi industry and about the fact that the Government proposes to have 12-month taxi leases, with taxis being leased at around $500 per week. Under the bill the new taxi licences will be restricted to Sydney in the first instance. Subsequently the licences may be introduced in Wollongong and Newcastle, and any further areas eventually to be covered. One assumes that that would be regional areas following a review. A letter from New South Wales Transport and Infrastructure states that a further review of the legislation will be undertaken before applying the new arrangements to country areas.

The situation in country towns is completely different from the situation in Sydney. Everyone agrees that extra cabs are needed in Sydney, particularly on Friday and Saturday nights. However, it has been pointed out to me that anyone who gets a cab on a Monday, Tuesday or Wednesday night or who wanders down the streets of the Sydney central business district, in particular, sees hundreds and hundreds of cabs on the streets looking for work. That is not the case on a Friday and Saturday nights. I have also been told reliably that on Friday and Saturday nights quite a few cabs are parked in the owners' garages. First, the owner of the cab does not wish to drive on Friday and Saturday nights because of the drunken behaviour and, as others have said, the runners that do not pay the fares. Secondly, because of that behaviour, the cab owners find it very difficult to get good drivers on Friday and Saturday nights. The Government must take into account not only the shortage of cabs on Friday and Saturday nights but also the fact that that shortage occurs because of the behaviour of some potential customers.

I congratulate the Orange Taxi Co-op on the job it is doing and acknowledge the chairman of the taxi co-op, Darryl Curran, for the great work the co-op does in servicing the Orange community. The co-op not only operates about 31 cabs; it also operates community transport cabs, it operates tourism tours at a discounted rate, and it also offers wheelchair-accessible taxis. I have seen the wonderful service the co-op provides at the airport. For one reason or another, a plane might be an hour or an hour and a half late. Despite that, the cabs still hang around to take the bookings they have been given.

The Government must acknowledge that the situation with cabs in Sydney on Friday and Saturday nights, which has led to the Passenger Transport Amendment (Taxi Licensing) Bill, is entirely different from

what occurs in country towns. Currently in Orange a taxi plate is worth about $215,000, which is considerably less than in Sydney and, I understand, considerably less than in Port Macquarie and Coffs Harbour, where a taxi plate is worth in excess of $400,000. That is an indication of the supply and demand factor. The fact that in Orange a taxi plate is worth around $215,000 is an indication that there are enough taxis servicing Orange at the moment compared with the number of taxis in Sydney on Friday and Saturday nights.

We assume that somewhere down the track a review of the legislation will be carried out. When that occurs, the Government needs to take into account the vast differences between owning and operating a cab in the Sydney area as compared with country areas. If the Government allows the lease arrangements to extend to country towns, one can imagine that if, naïvely or with great foundation, 10 people take up the option in Orange, it would be absolutely devastating for the entire taxi industry. The Government must take that into account. I support the fact that whilst the Opposition will not oppose the bill in the lower House, it will move amendments to it in the upper House. In particular, the Opposition in the upper House will propose that a joint standing committee inquire into the entire taxi industry and the way it should be restructured to not only serve the taxi industry well over the next decade or so but also serve the customers well over the next decade. The Opposition will also propose in the upper House that the Government must take into account the difference between operating a cab in the city and operating a cab in country areas.

Mr BRAD HAZZARD (Wakehurst) [10.35 p.m.]: As members on this side have indicated, the Opposition does not oppose the bill at this point but expresses serious concerns about it. The Opposition also seeks to have the Government continue its dialogue with taxi owners and representatives of the taxi industry, to ensure that a better outcome is achieved than what has been provided through the bill.

The Passenger Transport Amendment (Taxi Licensing) Bill 2009, if passed, will have a dramatic and deleterious effect on the owners of taxis, who, after all, are relying on a market that was created by the Government. The Government provided the plates that have become subject to buying and selling. Therefore the Government created the market that now exists. The Government created the expectation that if an individual acquired a taxi plate, they acquired an asset that would provide them with security for their ongoing needs in life.

Coming from the northern beaches peninsula, I am well aware of the problems with the lack of availability of taxis, particularly on Friday and Saturday nights. I understand it is no different in the inner-city areas, particularly around Kings Cross. However, at other times during the week often there are a great number of taxis around the city. That appears not to be the case on the northern beaches—we have the same problems that exist throughout the city suburban areas—but certainly in the city there is an abundance of taxis on every night except Friday and Saturday nights. That is a problem for taxi drivers, it is a problem for taxi owners, and it is a problem for the market in terms of the return on the plates.

I suggest to the Government that this is an issue of demand management. The Government understands that concept in other areas of our economy; it needs to understand it in this area. The Government needs to understand that it has a greater responsibility to taxi drivers and to the community to get the balance right. That is why the Opposition strongly suggests that the Government should continue its discussions with the industry, but also with the community, to see what provides the right balance. As the shadow Minister indicated, steps will be taken in the Legislative Council to have this matter referred to a committee if the Government cannot resolve the issue. In Manly Warringah we have an individual issue. The further down the peninsula one goes—

Mrs Karyn Paluzzano: Don't forget the footy team.

Mr BRAD HAZZARD: The footy team is not doing the best this year, but it did pretty well last year. The further down the peninsula one goes on the northern end, the less likely it is that one will get a taxi, particularly after about 8 or 9 o'clock at night. We do not have a particularly good public transport system on the northern beaches. The net result is that many people find themselves on the receiving end of various actions by the police. We need to have more taxis in our area, but we need to have them in a sensible way. Whether the Government eventually pursues the $27,000 a year annual licence arrangement is highly questionable. However, we need to find a way to have more taxis in suburban areas. Whether it is the western suburbs of Sydney, the northern suburbs or the southern suburbs, we have individual problems. A number of members from regional areas have raised regional issues tonight, and I absolutely endorse their sentiments. Whenever I visit regional areas I understand that there are totally different considerations there. But there are also different considerations in suburban areas.

About two or three years ago I took a group of Manly-Warringah representatives to meet the then Minister for Transport, John Watkins. We put to him that we needed to have some plates issued that would oblige the driver to be within particular geographical areas. That is not to say that the Government would necessarily stop taxis being able to pick up elsewhere, but there would be at least a concept that if new plates were to be issued or sold, those plates would in some way be tied to a cooperative or to a particular suburban area. I still think that is a critical issue that needs to be considered and it should be considered as part of an upper House inquiry if the Government does not resolve this issue.

On the northern beaches we have actually lost plates because the big companies, particularly Taxis Combined, have facilitated those owners and drivers who can purchase plates to do so out of the Manly-Warringah area and in other areas as well, perhaps in the western and southern suburbs, and they then tend to operate in areas around the city rather than on the northern beaches or in the western and southern areas. The Government should think about that issue as well. It is all about demand management and striking the right balance. On that note, the Opposition will not oppose the bill in this House but we will seek to have the Government hold discussions with the industry and community and, if that does not bring a positive result, then to have the matter referred to a committee in the upper House for full deliberation.

Mr MIKE BAIRD (Manly) [10.40 p.m.]: I support the many comments and concerns that have been raised by members on this side House on this bill. I particularly support the handling of this issue by the shadow Minister and the pertinent arguments she has raised on behalf of the Opposition referring to the upper House committee. This State is in need of reform. Reform of the taxi industry by increasing supply and lowering the cost of entry is a positive development but I must place on record that I think the Government's process is incredible. Legislation has been brought before us but the Government has not determined how it will protect those who have current plates or transition them to the new regime. I do not know how any government can be run that way. There may well be people around this Parliament or down at Governor Macquarie Tower—I do not know where they are—trying to work out how to transition existing plate owners to a new regime without having it finalised before the legislation is enacted.

It is incredible that the Government is attempting reform without having done the hard work of negotiating such a fundamental change with the industry. Clearly, the Government is not going about the process in the right way. Certainly the nexus of reform makes sense, with increased supply and lower entry costs, because more taxis are needed. There are more than sufficient reasons for an upper House inquiry. I support those tenets. The Government has a moral and economic obligation to look after those who have made significant capital investments under an existing regime but have not been given any signal about change. Such a signal would be normal in a transitional arrangement, informing the market that there will be a change. But it is not acceptable that the Government allows plates to be purchased in a very short time frame but changes the game plan and rules.

I support an upper House inquiry. I agree with the member for Wakehurst that there is a problem getting taxis on the northern beaches on Friday and Saturday nights. How and to which regions those plates will be allocated should also be considered in the upper House inquiry because the issuing of plates should favour those areas where there is demand and critical shortages. As I have said, I support the shadow Minister and the previous Opposition speakers on this bill.

Mr DARYL MAGUIRE (Wagga Wagga) [10.43 p.m.]: I have listened intently to the contribution by members to this debate. It is heartening to see crossbenchers joining with Opposition members in recognising that the appropriate place and process for this bill is that it be referred to an upper House committee. I, like many other members of Parliament, have received representations from my local taxi cooperative. Its members are community residents who make an enormous contribution as service providers and as citizens of the Wagga Wagga region. These community members have raised many concerns with me, as I am sure they have done so with many Australian Labor Party members. If members opposite were to say they have not heard those concerns, I would not believe them. This bill has caused anxiety in the industry. It was suggested to me by community members that they were unhappy about the lack of consultation and that all this had occurred at the suggestion of the Government.

The fact that the crossbenchers are supporting the initiative by the shadow Minister says a number of things. First, it says that the concerns are real and need to be taken to another place to be addressed by an inquiry over a three-week period. It also shows that the shadow Minister is in tune with her portfolio. It shows that she has a willingness to negotiate, to discuss these issues, and to react to the concerns that have been put before her. It shows that she is a very capable shadow Minister—indeed, a Minister in an incoming

government—who is more than capable of dealing with the complexities of transport, whether rail, ferries, bus or taxis. The fact that the shadow Minister has been successful in negotiating a path for this reform to occur should encourage all those transport industries that make representations from time to time when disputes occur.

I congratulate the shadow Minister on the work that she has done. I say to the public and the people involved in all those industries that the shadow Minister has the capability, the intellect and the willpower to listen to their concerns and to react to them to ensure that everyone is treated fairly, which we are all want to see. Tonight letters received from operators who have been involved for both short and long periods of time in the industry were read onto the record. The issue is fairness. People have made investments in good faith and those investments could be undermined, and no-one wants to see that. If there are unintended consequences, as has been pointed out by the industry and in other representations, then they need to be addressed in a fair and balanced way. That is why the crossbenchers have supported this proposal and why the Government has no choice in the matter.

This reform should have been thought out well before this, and it should have been subject to due process. Quite often the Government introduces bills that need to be amended before they are debated in this House. The rail trail bill is a good example of the sheer arrogance or incompetence of this Government. The rail trail bill was discussed for quite some time and amendments were proposed before debate, but it is yet another example of a bill that has caused enormous anxiety to landholders across New South Wales. The Government seems unable to do even the simplest thing, to negotiate with people and deliver legislation that is fair to all, legislation that will have an outcome that all will benefit from.

These concerns are very real. When the delegation met with me one of its members made the comment that some in Government consider taxi drivers to be very wealthy because their plates cost them $400,000, or $230,000 in Wagga Wagga, depending on the market. It is true that some drivers are regarded as rather wealthy. One delegation member said that on a Sunday night or Monday night drivers could sit at the taxi rank and earn only ten dollars. They have invested in their cabs and they provide a very valuable service no matter what time of day or night. Wagga Wagga does not have the luxury of the public transport system that Sydney has. In Wagga Wagga on a Sunday night there are always two taxis on duty, they may not make any money but they provide a service. They carry the disabled to schools and provide community transport in rural and regional areas where the Government has failed once again to provide public transport.

The delegation felt that this bill would further diminish the great investment they had made and that the community would be disadvantaged if they did not have the chance to be heard and the legislation diminished their presence. I welcome the opportunity that will be given to members of the industry to have their say before a committee. When the report is tabled to Parliament I hope it is acted on and not left on the Minister's desk to gather dust or be ignored, as can be the case. Committees write their reports in good faith to be acted upon. Committee members undertake their work to bring about the best outcome. When the report is tabled I hope that the Minister and his department consider seriously the contributions and deliver a bill to the Parliament that is fair to all.

Mrs KARYN PALUZZANO (Penrith—Parliamentary Secretary) [10.50 p.m.], in reply: I thank the members representing the electorates of Miranda, Willoughby, Sydney, Cabramatta, Hawkesbury, Tamworth, Port Stephens, Port Macquarie, Coffs Harbour, Ryde, Orange, Wakehurst, Manly and Wagga Wagga for their contributions to the debate on the Passenger Transport Amendment (Taxi Licensing) Bill 2009. Before I commence my substantive speech in reply I want to refer to comments made by the member for Hawkesbury. He not only spoke at length; he slightly misled the House about bus timetables in western Sydney. It would be remiss of me not to clarify that new services were introduced, particularly in the Penrith area, in the new bus timetable that commenced on 11 October 2009.

Members would know that in the past some bus services in western Sydney were inadequate. Prior to 11 October some suburbs in Penrith did not have services on the weekend, unusual services during the day and no services late at night. It is now approaching 11.00 p.m. Under the new timetable if I arrived at Penrith station at 10.55 p.m. I would be able to catch a bus along Derby Street. For years we did not have a late-night bus service. This new bus service, which is numbered the 774, 775 or 776—the number changes as it travels through St Marys and Mt Druitt—runs every 15 minutes. Those passengers in western Sydney previously had an hourly or half-hourly service. They now have a service that runs every 15 minutes, or 10 minutes in peak hour, which travels past the TAFE, the university and the hospital and through medium-density areas. The Government is delivering better services in New South Wales and we are listening to the people of south Penrith. For the workers at Erskine Park, the new timetable provides a peak hour service from Mt Druitt station to the Erskine

Park industrial area. There are weekend services at Nepean Shores and enhanced services in south Penrith, such as the 744 late-night service which runs until 11.00 p.m. or 9.00 p.m. on Sunday. The member for Hawkesbury misled the House about bus services in western Sydney, particularly in Penrith.

Tax reform is a complex issue that generates many opinions about the best or most desirable outcome for the industry, the passengers and the community. The bill before the House seeks to balance these interests, to achieve sustainable growth in the taxi fleet and to deliver better services for passengers. It also addresses the need to ensure the future viability of the taxi industry for all participants and the need to manage any transition impacts on changes to the industry. I thank the member for Orange for correctly stating the intent of the legislation. He was the only Opposition member to do so. The scheme will be rolled out in the Sydney area. As the member for Penrith I can inform the House that the Nepean River is the border for the city metropolitan taxi area. Taxis across the river at Emu Plains and in the Blue Mountains are not covered by this legislation. It relates to the Sydney market.

The scheme will be rolled out in the Sydney area. It is intended that the scheme will be rolled out in the Hunter and Wollongong following a further review of the supply and demand issues in other areas. Before it is rolled out in those areas there will be another review. That was clearly articulated by the member for Orange. Obviously he has listened to the debate, unlike the member for Hawkesbury who said that the Government had not announced this legislation or its policies. On 31 October 2009 the Minister for Transport, and Minister for the Illawarra issued a media release introducing the legislation to the taxi industry. Once again, the member for Hawkesbury misled the House.

The member for Willoughby referred to the issue of new entrants applying for current licences. The Government, through New South Wales Transport and Infrastructure, cannot refuse a licence if an eligible applicant seeks a licence. It would be inappropriate to do so. It is a commercial decision of a taxi operator if he or she wants to pay the market rate of the licence. In many ways this supports the Government's proposal. It shows that the Government's proposal has not impacted on current values based on uncertainty, as the Opposition claims. The member for Willoughby referred to double shifting. The Government is seeking to achieve gradual and sustainable fleet growth that responds to passenger demand for services. It is a goal shared with taxi industry representatives. That is why we have set the fee for the new annual licence at a rate that approximates the lease fees currently charged by existing licence holders.

We do not believe that there will be a flood of cheap licences on the market allowing operators and drivers to cherry pick the times and number of cabs on the road. As the fleet grows and as stability in licence costs moderate fare increases, available evidence shows that there will be an additional demand from passengers and more work will be available, especially as the industry will be better able to compete with other services. The Premier cabs in the Penrith electorate must compete with hire cars and airport shuttles. The taxi industry has been losing market share. These changes will allow taxis that operate in the Penrith area to compete with the hire cars and the airport shuttles. For these reasons, it is not logical to suggest that more taxis with more affordable fares are less likely to be available to provide services than at present.

In any event, the Government believes that the market is best placed to decide how to run its business and it will make the decisions based on passenger demand. The member for Willoughby suggested that for 14 years the Government has done nothing to address taxi reform. Nothing could be further from the truth. In recent years the Government has introduced new performance standards for taxi networks and public reporting on performance against those standards. As they have been in place for 12 months, we are reviewing the new network standards to ensure that we are measuring the areas of performance that are most important to passengers. The Government introduced a $1,000 wheelchair accessible taxi licence in metropolitan areas and free wheelchair accessible taxi licences in country New South Wales to ensure adequate services for those who rely on them.

The Government is trialling an incentive payment for wheelchair accessible taxi drivers. Since the introduction of this payment, wheelchair accessible taxis response times have fallen from close to 12 minutes in December 2007 to just under 7 minutes in June 2009. At June 2009 the response times for standard cabs were around 6 minutes. The member for Hawkesbury suggested that wheelchair accessible taxi drivers are required to work 15-hour shifts, which has implications on safety. That is not true. Wheelchair accessible taxis must be operated for at least 10 hours a day and there cannot be a shift changeover between 12 noon and 5.00 p.m. The member for Port Macquarie has concerns about wheelchair accessible taxi operators. This bill provides assurances around the terms and conditions of the use of these taxis. The wheelchair accessible taxi fee is currently $1,000 for the metropolitan area and there is no fee in country areas. That will not change. These fees

remain significantly lower than proposed annual renewable licences. Wheelchair accessible taxi licences will become renewable, which will also provide assurances on continued rights to operate. To say that the issue of renewable licence fees will have a significant impact on wheelchair accessible taxis is unfounded.

Many members opposite have raised the issue of the price of the annual fee for the new licences and how the Government will manage the impacts on existing licences. The Government sourced expert advice from PricewaterhouseCoopers, which suggested that a fee at current average lease rates would achieve gradual and sustainable growth. In the interests of transparency this report is on the New South Wales Transport and Infrastructure website. It appears that many members opposite have not paid attention to the work that has been done on this issue. I suggest that they log onto *www.transport.nsw.gov.au/taxireform*. In this day and age of electronic usage I suggest that they google the subject and find out what the Government has done in relation to sourcing expert advice.

The introduction of the new licence means that there will no longer be non-renewable and non-transferable taxi licences available from the Government in Sydney. This means that new entrants will be focused more on building up a business based on delivering services to passengers, rather than just on the underlying capital value of the licence. The bill ensures that existing transferable ordinary and perpetual licences maintain their conditions so that they can continue to be operated, renewed where necessary, leased, bought and sold on the open market.

The Government has announced that the fee for the new annual renewable licence will be set at $28,600 per annum, or $550 per week, which is directly aimed at encouraging a steady and sustainable uptake of licences to meet demand for services while managing impacts on existing licences. The bill also provides that as a statutory condition of nexus licences the paired wheelchair accessible taxi licences must be operated; the nexus licence and its wheelchair accessible taxi pair may only be transferred together; and the licences may only be transferred to another network that is an accredited operator. This means that the current nexus licence operators can continue operating and supporting those requiring wheelchair accessible taxis. The conditions generally understood to have applied to these licences are now set out in the legislation and these conditions will be actively enforced by New South Wales Transport and Infrastructure.

The Government's bill is sensible and demonstrates a balanced approach to taxi reform. It means a steady growth in the taxi fleet, which will see more cabs on the road and, therefore, shorter waiting times for passengers and reduced pressure on fares. Tonight we have had contributions to the debate from members from country and regional areas. As I have stated, the electorate of Penrith straddles the metropolitan and country taxi areas, so the people operating the Blaxland taxis and taxi licences throughout the Blue Mountains operate under slightly different conditions to those in Penrith.

I ask the Minister in further taxi reforms to consider having a review carried out on the possibility of a return fare being charged for those people who want to travel from Glenbrook across the river to Penrith. If people use a Blaxland taxi and travel further up the mountains they are often asked to pay a return fare. When we talk about distances, if a person wants to get into a taxi at Glenbrook to go to Penrith we are talking about 15 kilometres. If someone was travelling 15 kilometres in Sydney and was asked to provide the return fare I am sure that they would find that quite unusual, especially in 2009. I acknowledge that these conditions and terms were introduced many, many years ago, but it is something that we have to deal with in the local area to try to make sure that we have equitable services.

When we introduced the new pensioner excursion ticket I reminded the Minister at the time to make sure that the local bus provider issued the pensioner excursion ticket within the electorate of Penrith because the rollout was at a slightly different time and the taxi area of the Blue Mountains, Emu Plains, Leonay and Emu Heights is in a different bus contractual area. Westbus has undertaken a review in relation to bus reforms and the Blue Mountains Bus Company is doing one at the moment. So there are some quirks in the electorate of Penrith, which I would like the Minister to consider when dealing with future taxi reforms. This means more people will be likely to use taxi services more often and will have security in the long term. There will be financial viability of the industry as a whole and, most importantly, this is good for consumers. I commend the bill to the House.

Question—That this bill be now agreed to in principle—put and resolved in the affirmative.

Motion agreed to.

Bill agreed to in principle.

Passing of the Bill

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

FOOD AMENDMENT (FOOD SAFETY SUPERVISORS) BILL 2009

ROAD TRANSPORT (VEHICLE REGISTRATION) AMENDMENT (SPECIAL NUMBER-PLATES) BILL 2009

Messages received from the Legislative Council returning the bills without amendment.

STATE EMERGENCY SERVICE AMENDMENT BILL 2009

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

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

ADJOURNMENT

Motion by Mr John Aquilina agreed to:

That this House do now adjourn.

The House adjourned, pursuant to resolution, at 11.07 p.m. until Thursday 12 November 2009 at 10.00 a.m.