

LEGISLATIVE ASSEMBLY

Tuesday 1 April 2008

Mr Speaker (The Hon. George Richard Torbay) took the chair at 1.00 p.m.

Mr Speaker read the Prayer and acknowledgement of country.

BUSINESS OF THE HOUSE

Notices of Motions

General Business Notices of Motions (General Notices) given.

PRIVATE MEMBERS' STATEMENTS

Question—That private members' statements be noted—proposed.

INTERNATIONAL WOMEN'S DAY CELEBRATIONS

Ms LINDA BURNEY (Canterbury—Minister for Fair Trading, Minister for Youth, and Minister for Volunteering) [1.07 p.m.]: Most members nominated women from their electorates to participate in International Women's Day celebrations at Parliament House. International Women's Day fell on 8 March and, as the member for Canterbury, I celebrated the achievements of an absolutely outstanding woman from my electorate who was nominated. Each year the New South Wales Office for Women stages the New South Wales Woman of the Year awards. The Premier and the Minister spoke at the fantastic awards ceremony at which I noted many members from both Houses of Parliament who had proudly nominated women from their electorate. The award recognises the work of an outstanding woman who represents all the talented women and all the dedicated women in their electorate: women who give their time and experience to others and their communities. The Premier presented the award on 6 March. On 8 March, the following Saturday, I had the great pleasure of participating in, and speaking at, the traditional International Women's Day rally and march through Sydney, which concluded at Hyde Park.

Mavis Irene Mecham, the person I nominated from Canterbury, is absolutely inspirational. She is a member of the Canterbury electorate and a longstanding contributor to the local community. Mavis is 92 years old and is still actively involved in the community. Officially she is a volunteer one morning a week at Campsie library in the family history section, which is her passion. I visited Mavis's home, together with Maria Pasten from the electorate office, and spent a good hour with her talking about her family—which originally came from the Hawkesbury River area—the work she has done, and her pride in her many grandchildren. Unofficially, Mavis spends many more hours helping researchers, often going to the library three or four days a week. Mavis's wit and sharpness are outstanding for someone of her vintage. Mavis is renowned for being helpful and patient when teaching newcomers how to research their family histories. In an area like Campsie, family history is important because so many people with incredibly interesting histories have come from all over the world.

One of the notable things about people in Canterbury is that many of them, particularly in the Anglo community, are living in the homes they were born in, or that their parents or grandparents grew up in. That is a significant and important part of the tapestry of Canterbury. Mavis is regarded as a tenacious researcher, and other researchers often seek her advice. She is a wonderful role model, often teaching young people the fine art of using the latest information technology to research genealogy. I go back to the fact that Mavis is 92. She has an office set up at home and a computer; she said she could not be without a computer. The fact that at the age of 92 she has embraced information technology is probably something many of us in this place could take inspiration from.

Mavis has worked as a volunteer for most of her adult life. Some of the organisations she has worked with are St Vincent de Paul, Meals on Wheels, Canterbury Hospital, the Pioneer Association Management Committee and Canterbury Genealogy Discussion Group. Her contribution to the community was recognised when she received the Canterbury City Senior Citizens Achievement Award in 1997, the Canterbury Senior Citizen of the Year Award in 2001 and New South Wales Seniors Week Premier's Award in 2002. She has lived

her life generously, giving much to her community. She is a wonderful example of the Government's theme for the 2008 International Women's Day—100 years of active women in paid and unpaid work.

MOSMAN ROWING CLUB

Mrs JILLIAN SKINNER (North Shore—Deputy Leader of the Opposition) [1.12 p.m.]: A very exciting sporting development is proposed for the electorate of North Shore. Rowers have had their boat shed at the Spit Reserve, Pearl Bay for years but there are now plans to build a new additional facility, which will provide opportunities for increasing numbers of people involved in the sport. This is a marvellous location for rowing, as Middle Harbour is relatively free of commercial and public marine traffic. The long stretches of Middle Harbour provide ideal opportunities for rowing training, which can cover in excess of 20 kilometres per session at least six or seven times a week. These are the elite rowers who have trained in Middle Harbour for years. The club has been represented at every Olympic Games, and four or five of its members will be contenders for Olympic selection later in the year. It is the only rowing club north of the harbour. It has a core of about 40 competitive rowers and a growing number of recreational rowers who might cover 12 to 14 kilometres three to four times a week. These can be people well into their 70s. It is a marvellous way to keep fit, especially in these times when we focus on obesity and the need to be fit.

Mosman Rowing Club has drawn up plans that will make the club a centre of rowing excellence. It will provide new opportunities for athletes of Olympic and international standard—a purpose-built gymnasium, boatshed, secure storage and coaching areas, surface areas to accommodate the boats and a new pontoon that will be the only one in Sydney providing disability access. As well, the club, including the new facilities, is open to the general public. The club welcomes rowers young and old, elite and novice. Schools train from the club—approximately 220 boys and girls from both independent and government schools. Every day of the week rowers can be found launching their sculls into Middle Harbour at The Spit, and support for disadvantaged groups is always willingly offered.

I highlight these exciting developments in Parliament today for two reasons. Firstly, to congratulate all at Mosman Rowing Club on their commitment to rowing in the community over many years and for their initiative in moving ahead with these new facilities. Secondly, to seek support from the Government, in particular the Minister for Lands, for an application submitted by the club for a deed of lease for the new clubhouse and boatshed facility—that is for 25 years with an option for a further 10 years. This is an extension of the 21-year lease, which is part of the draft agreement between the club and Mosman council, which requires consent by the Department of Lands. It is understood council has no particular objection to the longer term.

There are numerous reasons for this application. Firstly, the club is a longstanding and well-established tenant. It has been in Mosman for over 100 years—on a part of the Parriwi Park Reserve since the early 1960s—and it intends remaining indefinitely. The development will have a useful life of well over 50 years. This is a much-loved facility in Mosman. It is legendary and it has very strong support from all members of the community, even those who are not rowers. Secondly, the club, which is a permanent part of the Mosman community, has a tradition for excellence. It has the support of the community, as I said. It is owned by its members and run by volunteers. It is unlicensed and conducts no commercial activities other than those relating to rowing: It is a true community sporting club.

The club occupies an unobtrusive part of the reserve and creates very little disturbance. It is interesting to note that in a very densely populated part of Sydney not one objection has been raised to the development application for this new facility. Thirdly, the facility will add significantly to the sporting and recreational infrastructure of the area at no cost to the Government or the community. The \$3.2 million estimated cost of the project will be raised among club members and supporters. The club wants the extended lease to amortise anticipated building costs. I commend to the Minister this application for an extended lease.

ROTARY CLUBS OF MACARTHUR POLICE AWARDS NIGHT

Dr ANDREW McDONALD (Macquarie Fields) [1.17 p.m.]: All in this place know of the always difficult and sometimes dangerous work of our front-line police. Their work is often unacknowledged. For this reason I was pleased to attend the Rotary Clubs of Macarthur Police Awards Night for police from Macarthur local area commands held on 12 March 2008. First I pay tribute to Stuart Wilkins, the previous Macquarie Fields local area commander, who has left our local area command to go to a larger unit. He was a tireless force for community policing. Pat Paroz, whom I have been fortunate to meet and who comes to our area with both an excellent reputation and extensive local experience, now leads Macquarie Fields local area command. Mr Gary

Warboys, whom I have also had the pleasure of meeting, is the new local area commander at Liverpool, the local area command that services the northern part of my electorate.

The Rotary awards night is sponsored by many of our local businesses. Major sponsors include the Campbelltown council, C91.3 and the *Macarthur Chronicle*. Award finalists from the Macquarie Fields local area command were Rebecca Byles, a general duties officer who is well known for her mentoring of younger colleagues; Mark Klim from the Highway Patrol, who spends much of his time on motorcycle duty—he has a keen commitment to the safety of our children and for this reason keeps a careful eye on our school zones—and Senior Constable Mark Lake, a proactive policeman and a dedicated officer who has been instrumental in 153 arrests. Mr Stuart Churchill, the community liaison officer, also deserves a special mention. I often see him at community meetings and functions. He is very popular in the local community.

I am also pleased to acknowledge Camp Impact, which stands for "impressing milestones, police alliance, community trust". The program, which was designed by Sergeant Chris Cotter of Macquarie Fields, is a two-day boot camp style program with physical challenges and mixed team building exercises. It builds relationships and allows the community to be informed about policing issues in the area. A typical camp takes about six officers and 15 high-risk youth from the criminal justice system to a recreational environment. A workshop is conducted after each activity. One such workshop, "From riots to relationships", examines the changes in Macquarie Fields over the past three years. This alliance enables local police, for example, to have a community resolution meeting with youth to avert a public disturbance or crisis. The information exchange prevents inaccurate rumours from spreading in the community and causing unrest.

The success of Camp Impact has won it the top award at the Australian Crime and Violence Prevention awards, a national police medal and a national certificate. The Crime and Violence Prevention awards recognise outstanding government and community projects that prevent or minimise the impact of crime and violence. Over the past three years the quality of life of the people of Macquarie Fields has improved significantly. I regularly ride my bicycle around the suburb and can attest to that. Relations between the community and local police are strong and we have much to thank the local police for. I have seen them at work and I know they do the hard yards with dedication, commitment and professionalism. I was fortunate to meet some of the younger police on the night.

One that I remembered from his younger days even confessed to me that at times things are a little quiet at Macquarie Fields. How great that is. Police Commissioner, Mr Andrew Scipione, gave the excellent keynote address. He read from an unsolicited email he had received that day from a lady in Epping, following that day's critical incident, which stressed that our police officers may have to undertake extraordinary feats of heroism at any time in their daily duties. Rotary is integral to the wellbeing of our local area. The You Turn the Wheel program for young drivers, and Rotary Lodge at Campbelltown Hospital are two notable examples. Once again, I thank Rotary for its sponsorship of the night. Policing in Macquarie Fields will continue to be challenging. I am very proud of our local police and am pleased to commend them to the House.

Mr STEVE WHAN (Monaro—Parliamentary Secretary) [1.22 p.m.]: I congratulate the member for Macquarie Fields on his acknowledgement of the great work being done by police in his local area command. I join him in congratulating the winners of the awards from his local area command. I particularly acknowledge the work by the police with high-risk youth that the member highlighted. The local area command is doing some really terrific work. I note that he said Gary Warboys is a Liverpool local area commander. I am sure he will get on well. Gary is a former commander of the Monaro local area and he has a very good record in policing. Congratulations again to all those police who won awards and whom the member for Macquarie Fields acknowledged today.

DUNGOG POLICE STATION LEASE

Mr GEORGE SOURIS (Upper Hunter) [1.23 p.m.]: I bring to the attention of the House a matter relating to the Shire of Dungog and, specifically, the future of the police station and the Forests NSW office complex. The situation is as follows: the police department rents from Forests NSW the premises from which the police station now operates. The lease in question expired over a year ago. The police have occupied the premises for the past three months, but I understand no rent has been paid. At the same time, the premises occupied by Forests NSW have proven to be inadequate for its requirements. I understand Forests NSW is taking steps to pack up its existing tenancy and move into the building that it owns. The only problem is that not many people know what is going on in this interdepartmental fight over real estate, as it has turned out to be.

My purpose in speaking today is to alert the House to this impasse and to ask the Government to give a clear picture of its intentions for the shire of Dungog and, in particular, the future location of the police station. I understand the police are very happy with the premises they occupy. It may be that Forests NSW is looking to sell those premises to the police department, but that may turn out not to be the case. It may be simply typical negotiations over rental. One thing is for certain: both departments at a local level are unaware of the other department's intentions. As far as the police are concerned, they are staying put and as far as Forests NSW is concerned it is moving into the building presently occupied by the police. I understand that at present there is no building that would be suitable for policing operations. That is probably the main reason the police are keen to remain in their existing premises.

Equally, the inadequate nature of the temporary arrangements with the building occupied by Forests NSW has brought matters to a crunch and no doubt the completion of the lease provides an opportunity to solve the problems for both the police department and Forests NSW. All in all, there is a feeling of anxiety in the community. People are worried about the loss or downgrading of one or other of those bodies and the possibility that the Government may use the situation as an excuse either to move Forests NSW office from the area to another location, or to downgrade the police presence even further by putting them into much smaller and ill-resourced premises that would not be suitable for the requirements of a thriving and expanding area such as the Dungog shire.

MR NORMAN O'NEILL

Mr KEVIN GREENE (Oatley—Minister for Community Services) [1.26 p.m.]: I speak to the sad recent passing of Norm O'Neill, a well-remembered and highly respected Australian cricket representative. Norm passed away on 3 March and I attended his funeral on 7 March at St Gabriel's church at Bexley. Norm was born on 19 February 1937 and was raised in Carlton. He attended Bexley Public School before moving to Kogarah High School where one of the sports houses is named in his honour in recognition of his outstanding cricketing performances. Norm was an outstanding junior cricketer and also a renowned baseball player in the local district.

At 16 years of age he made his first grade debut for the St George District Cricket Club. He had a long career with that club and was a life member. At 18 he debuted for New South Wales. He played 70 matches and finished with an average of 52.61 after a long and distinguished career. At the age of 21 he was called into the Australian team for the 1958-59 series against England and made 71 not out in the second innings of a match that, from memory, Australia won by about eight wickets. I think that was also the match in which Trevor Bailey, in some contrast to Norman O'Neill's dashing style, made 68 off about 420-odd deliveries. It was a real contrast because Norm was not only an elegant batsman but was well known for his aggressive and attacking style of cricket.

In the memorable 1960-61 series against the West Indies, Norm scored one of his best innings—certainly his highest, 181—in the famous tied First Test in Brisbane. It was recognised throughout the world as an outstanding innings. After a successful series in England in 1961, he was named one of Wisden's five cricketers of the year in 1962. That honour was roundly applauded. After a career of 42 test matches with a batting average over 45, Norm O'Neill is remembered as an outstanding batsman. Certainly he was regarded as one of the best cover fields in the world at the time. His baseball career undoubtedly added to his ability to get around the field and pick up and throw so accurately and quickly to either the keeper or the bowler, effecting many run-outs but also saving plenty of runs.

One of the burdens Norm had to carry was the fact that when he first entered test cricket he was regarded as the next Bradman—something that was then very much at the forefront of people's minds. Within 10 years of Bradman's retirement, people were looking for the next Bradman. This put a lot of pressure on Norm O'Neill. Of course, no batsman could ever live up to Bradman. Indeed, not long after Norm's retirement Doug Walters also had to carry the burden of being compared to the great Sir Donald Bradman. At Norm's funeral at St Gabriel's church his son Mark spoke of Norm, the family man. A strong theme throughout the service was Norm's commitment to family. Even in his latter years when he suffered greatly from throat cancer he obviously had a strong relationship with his three children, Mark, Kristen and Adam but most particularly with his wife, Gwen. Gwen and Norm celebrated their golden wedding anniversary on 20 February this year, and in fact were married at St Gabriel's church 50 years ago.

I commend Father John Carruthers, who did a magnificent job acknowledging Norm's career and deep involvement with his family. Warren Saunders, a patron of the St George District Cricket Club and a former

New South Wales captain, delivered the eulogy. Also present at the service were Brian Booth and Bill Watson, renowned cricketers who came through that strong era of performance by the St George District Cricket Club. I am certain that when the St George club represents the area this weekend in the final of the first grade competition the memory of Norm O'Neill will be at forefront of players' minds, as they hopefully go about winning another cricket competition.

NELSON BAY AMBULANCE STATION

Mr CRAIG BAUMANN (Port Stephens) [1.31 p.m.]: This afternoon I pass comment on the proposed construction of a new Nelson Bay ambulance facility. In the 2007 budget the New South Wales State Government announced that it would undertake planning for a new Nelson Bay ambulance station as part of a \$14.4 million refurbishment package that will result in new ambulance stations opening in Dubbo, Auburn, Liverpool, Port Macquarie and Ryde. The New South Wales Government has provided only for planning towards such stations in both Nelson Bay and Deniliquin. At this stage, almost 12 months on from the announcement, the Port Stephens community remains in the dark about what shape the proposed new station will take.

I have been informed that those responsible for overseeing the construction of a new ambulance station in my region are leaning towards a site adjacent to the Tomaree Community Hospital—which was known as the Nelson Bay Polyclinic before the Government changed its name as part of a cynical marketing campaign. I have also been informed that a new ambulance station might be up and running by June 2009. If that is the case, the clock is ticking for the community to have its say about the proposed new site for the ambulance station. It is unreasonable for the Tomaree community to be kept in the dark about this matter. No-one knows the region like the people who live there. The bean counters in Sydney and Newcastle who are responsible for deciding on the location of a new ambulance station are not locals and without thorough community consultation could not possibly have a grasp of the unique challenges that administering emergency services in this region presents.

The proposed site is inappropriate for a new ambulance station for several reasons. Commonsense dictates that an ambulance station should be located as near to the local hospital as possible. But senior Department of Health figures might have neglected to inform the ambulance station project planners that Tomaree Community Hospital is not a hospital. The overwhelming majority of patients need to be transported to John Hunter Hospital in Newcastle for emergency procedures and for nearly all surgery. It is therefore imperative that a new ambulance station be constructed as near to main arterial roads as possible to facilitate the swift transfer of patients from the Tomaree Peninsula to John Hunter Hospital as easily as possible.

The preferred site would be somewhere near the corner of Gan Gan Road and Nelson Bay Road. This intersection is close to the geographic centre of the area that the station would service and is linked to most parts of the Tomaree by arterial roads. It is nearly equidistant to Soldiers Point, Salamander, Nelson Bay, Shoal Bay, Fingal Bay, Anna Bay and Bobs Farm. This would also make an ideal location for a future NSW Fire Brigades station. Ambulances operating from the comparatively remote Tomaree Community Hospital would run a maze of residential streets, increasing response times and putting lives of patients and road users at risk.

I reiterate: No public announcement concerning the future of the Nelson Bay ambulance station has been made. What little information I do have has been hard to come by. I take this opportunity to remind the Minister for Health that my door is always open and I would relish the opportunity to take her for a drive through Nelson Bay to show her the logistical difficulties that her department will face in making a new ambulance station a reality. With the next budget looming on the horizon I hope the Government will furnish the people of Port Stephens with more details as to how and when this new ambulance station will come to fruition. When one considers that of the \$14.4 million allocated for station upgrades last year only \$80,000 was spent on planning for Nelson Bay, it is not surprising that little progress has been made. Clearly more needs to be done; we are moving ahead but not in the right direction.

BLUE MOUNTAINS NETBALL ASSOCIATION FORTIETH ANNIVERSARY

Mrs KARYN PALUZZANO (Penrith) [1.36 p.m.]: I congratulate the Blue Mountains Netball Association on its fortieth anniversary, which was celebrated last Saturday 29 March 2008. It was a momentous occasion for netball players and fans. I attended the official march past, which was also the official launch of the season. I commend Carmel Higgins, master of ceremonies and a member of the organising committee, for a job well done. She is also a life member and is still keenly active in the netball association all these years later. The event was also attended by the President and Patron of Netball New South Wales, Wendy Archer, OAM;

Rodney Watson, President of the Penrith District Netball Association; Mayor Jim Angel; the Federal member for Macquarie, Bob Debus; and a number of Blue Mountains councillors.

I congratulate all the young women who took part in this great event, especially the players who marched past. Deputy Mayor Chris Vanderklay and I were judges of the march past. It was very exciting to watch both young and older players in their uniforms march with their banners, mascots and streamers. I compliment St Finbars netball team, with its orange and black uniform, on winning the march past. The current President of the Blue Mountains Netball Association, Mrs Denise Thrift, officially opened the season. I also acknowledge Maureen Goetze, Mary Williams, Elizabeth Konza, Colleen Kime, Estelle Godkin and Beryl Pittman, who are life members of the association and who were also present.

Like many community organisations, the Blue Mountains Netball Association was established in 1968 when a group of local residents expressed concern about the lack of organised sport available to local women. I was a local back in 1968 and it is interesting to note that John Jennings and Maureen Goetze were foundation members of the association. They made representations to the then mayor, who said, "Young ladies should not be encouraged to play sport; they should be in the kitchen learning to be good mothers." However, the netball association was established, and I was a member of the Glenbrook Baptist Netball Association.

We played at Glenbrook Oval until 1980 when the club was able to obtain official premises at Lapstone Oval, where the march past was held last weekend. When the club moved to Lapstone Oval I played for the Lapstone Primary School Netball Club, which later became the Lapstone-Glenbrook Netball Club. We played in our school uniform colours of white and emerald green. During that time young netballers were encouraged to become umpires, and the patron of Netball New South Wales came to the area 40 years ago to help establish the umpiring scheme. I was one of the few who became umpires.

It is good to see that their links with the community have continued over the past 40 years. There are now seven clubs, including a new club—the Springwood Soccer and Sports Club—with just two teams, which marched past on Saturday. I note that Kristy Doyle and Natalie Forrester played with the Sydney Swifts, whilst Emma Foster played for the Hunter Jaegers and in 2007 won the Netball New South Wales Player of the Year Award. Collocated with the netball association is Blue Mountains Rugby. For 50 years Blue Mountains Rugby teams have been playing out of the oval and the juniors, Blue Tongue Rugby, played their inaugural season in 2007. The club started with two teams and now it has five. I wish them well in their season launch this weekend—particularly the under-15s second rower, my son Edward, who will be playing for the Blue Tongues.

HELICOPTER MEDICAL RETRIEVAL SERVICE

Mr RUSSELL TURNER (Orange) [1.41 p.m.]: I draw attention to a very serious issue regarding the helicopter medical retrieval service based at Orange. I acknowledge, as I have several times previously, the wonderful job done by CareFlight. I also acknowledge the support of Orange City Council. I was a member of the council at the time that the CareFlight proposal came to fruition. The council donated land and many community events were held to raise funds for the wonderful facilities now at Orange, where there is enough hangar area to service helicopters. But, as we know, the CareFlight contract was cancelled and the Government awarded the new contract to the Canadian Helicopter Corporation. We received a second-hand helicopter that was older than the one operated by CareFlight. CareFlight was about to replace that helicopter with an Augusta Westland 139, which is similar to the three that have been ordered by the Canadian Helicopter Corporation but are not due for delivery until late this year or next year.

I raise this issue because Orange is to receive not one of the three large Westland 139 helicopters but a smaller helicopter, an EC145, which I understand is made in France. That is probably a very fine helicopter, but I call on the Government today to consider basing one of the larger helicopters at Orange. I am told by those who are knowledgeable in such matters that Sydney could be quite well serviced by a larger helicopter and a smaller helicopter, with backup provided by one of the three larger helicopters based at Wollongong. I am told also that the smaller EC145 helicopter that is scheduled to go to Orange has a speed similar to the current helicopter and, like that helicopter, does not have a winch to lift people out of inaccessible areas.

I would like the Government to contradict me and say I am wrong, but I have been told that it has said that west of the mountains we do not need a helicopter with winch facilities because the country is flat. I remind those who are making such statements that Mount Canobolas, for instance, is the highest point between the Blue Mountains and the Western Australian coast. I also remind those who are completely ignorant of the situation that the wonderful, iconic Wollemi pine was found in a deep, inaccessible gorge near Rylstone in the Wollemi

National Park—an area that would be serviced by the helicopter based at Orange. There are many reasons why the Government should consider basing one helicopter with two-patient capacity, a winch and night equipment at Orange.

There is another compelling reason. If Orange Base Hospital cannot handle an emergency and a patient has to be transported to Sydney that patient must wait for a helicopter to come from Sydney. If an adequate helicopter were based at Orange the patient could be on his way to Sydney before a backup helicopter arrived at the accident scene. The new helicopter would also have equipment better able to operate in inclement weather, which aircraft often experience over the mountains. I remind the Government and others making this decision that Orange Base Hospital services some 305,000 people. The helicopter is needed. I thank the Government for its past support, but I ask it to rethink the decision to provide Orange with a lesser helicopter. I have been reliably informed by those who use them and by the paramedics who provide emergency services that one large and one small helicopter would adequately service the Sydney area because local emergencies often require only a small chopper. I ask the Government to give this issue serious consideration.

Mr STEVE WHAN (Monaro—Parliamentary Secretary) [1.45 p.m.]: I thank the member for Orange for raising those issues in the House. I am sure that the Minister for Health will consider his points. Government members certainly understand the terrain of inland New South Wales and I am sure that it has been taken into account in the decision-making process. There was quite a bit of publicity regarding the new helicopter contract. I want to clarify for the benefit of those who might be listening to this debate or who read the *Hansard* later that the Government's initiatives have expanded the level of aero-medical recovery available in New South Wales and, by allocating more funds, ensured that backup helicopters are available for service.

There is often mention of the fact that the new contract was awarded to a Canadian helicopter company. My recollection is that that company has a presence in Australia because it took over a South Australian based operation. The company also has a very strong record of providing services in New South Wales. It has provided a service for quite some time with the SouthCare helicopter in the region I represent, so people should be confident that it operates well. The issues that the member for Orange has raised deserve a response, and I am sure that the Minister for Health will take note of them.

MAITLAND HARNESS RACING CLUB

Mr FRANK TERENCE (Maitland) [1.47 p.m.]: I wish to bring to the attention of the House an event I attended in May 2007 at the Maitland Showground. I attended a meeting of the Maitland Harness Racing Club, which featured a time-honoured event known as the Maitland Inter-City Pace final. Regular harness racing has not been conducted at the showground since 2005. Since then the venue has been used for training purposes with the main venue being the Newcastle Harness Racing Club. The recent event, however, was very successful and a large crowd attended. In fact, it was so successful that at the New South Wales harness racing awards night held on 17 November 2007 at the Penrith Raceway, the Carnival of Cups Best TAB Meeting Award was given to the Maitland Harness Racing Club. This was a remarkable achievement as no regular events had been held since 2005.

Reforms some years ago saw control of New South Wales harness racing handed to the Harness Racing Board, giving it the freedom to conduct the industry as it sees fit with certain controls that overarch the horse and dog racing industries. This resulted in Maitland giving way to Newcastle as the main harness racing venue with the exception of certain race meetings. I am very happy to say, however, that the success of the May 2007 meeting, and the size of the crowd that was in attendance, sent a clear message to the industry as a whole—to Maitland, Newcastle, the Hunter Valley and to New South Wales—that Maitland is ready for the return of regular harness racing. The people of Maitland sent an unequivocal signal to the authorities that they want harness racing returned to Maitland on a regular basis. The large crowd was clear evidence of this.

The latest figures from the Australian Bureau of Statistics show clearly that Maitland is the fastest-growing inland region of New South Wales, with a growth rate of 2.7 per cent. Some 1,700 people per year choose to call Maitland their new home. The population is now around 66,500. The attractions in the area are many, including lots of new services, extremely healthy private investment in jobs, and a good lifestyle. The addition of a regular set of harness racing events at the showground would add to the attractions in Maitland. Harness racing is a family event and, as we saw at the last meeting, patronage would not be a problem. The viability of such an event does not seem to be an issue; the growth figures speak for themselves.

It is not the intention of the Maitland Harness Racing Club to compete with other venues. However, it is the intention of all in Maitland to work hard together to continue to stage successful events such as the one

held in May 2007. In this way we can show that, as a growing region, we are justified in making a claim to have such events held at the Maitland Showground on a regular basis.

The Maitland Harness Racing Club was awarded the Carnival of Cups Best TAB Meeting Award because of its ability to stage a professional event, and the willingness and interest shown by the community to support such an event. We in Maitland have earned our legitimate claim to be one of the regular harness racing venues in the Hunter Valley. I will continue to put the case for Maitland, and I know I have the support of the community for what will no doubt be sustainable, successful events should we have a return of regular harness racing. I certainly look forward to the next harness racing event in Maitland.

PEOPLE WITH DISABILITIES TRANSPORT

Mr MICHAEL RICHARDSON (Castle Hill) [1.51 p.m.]: It is hard for those of us who are of sound mind and body to understand how different life is for people with disabilities. The simplest tasks—climbing a short flight of stairs, threading a needle, or using a telephone—can become veritable Everests if you are physically impaired. Today, governments of all persuasions recognise the difficulties faced by physically disabled people and attempt to accommodate their needs—for example, by requiring ramps at schools or disabled parking spots in shopping centres. Much of the impetus for this has come from the Commonwealth Disability Discrimination Act 1992. Standards laid down under the Act, which came into force in October 2002, include space allocation requirements for wheelchairs on buses and trains, the provision of lift and ramp access at railway stations and bus-rail interchanges, and the provision of access to transport service information.

However, the system is not perfect. As the Lemma Government admits, "Some persons with more severe physical and intellectual disabilities may not be able to access the public transport system." According to the website of the Ministry of Transport, 43.4 per cent of State Transit Authority buses have disabled access but only one-quarter of private buses have such access. Fewer than one-third of the 304 CityRail stations have wheelchair access. Clyde railway station is one of the worst of those stations, and that directly affects my electorate. Since October 2004 there has been only one direct train service to the city a day from Carlingford station and no direct return services. All other services terminate at Clyde, and passengers have to change trains. To do so involves passengers climbing one set of stairs, crossing the overbridge and descending another set of stairs—something that is clearly impossible for the infirm.

However, on each platform there is an inclinor and a telephone for people to contact the stationmaster so someone can attend and operate the inclinor. The estimated time involved in crossing from one platform to the other via these clumsy contraptions is 20 minutes—by which time one's train will usually have well and truly gone. The Government says that all CityRail metropolitan and CountryLink carriages are accessible using manually deployed ramps and direct assistance. However, as the Physical Disability Council of New South Wales points out, that is useless if the station is not manned. There are problems with accessing buses, too.

In January this year the New South Wales Human Rights Commissioner, Graeme Innes, said the State Government has acted too slowly in providing access for disabled people at the State's bus stops. He added that it was pointless for almost 30 per cent of buses to be wheelchair accessible when disabled people cannot get on those buses because of the design of the bus stops. The situation can be equally traumatic for those with limited sight or hearing. A major cause of vision impairment in older people is macular degeneration. One in seven Australians over the age of 50 is affected by the disease, with the incidence increasing with age. Macular degeneration leads to the loss of central vision, making it difficult for people to read, recognise faces and drive a car. You lose, first, your confidence and then your independence, becoming dependent on relatives and friends to ferry you around—or on our inadequate public transport system in The Hills.

The problems faced every day by these people and those with limited mobility were forcibly sheeted home to me last week when I chaired a forum hosted at Castle Hill RSL Club by the Hills Vision Impaired Group. Speakers at the forum included Jessica Lines from the Ministry of Transport, Geoff Judd from Hillsbus, and the member for Baulkham Hills. However, the real stars of the forum were the members of the audience who raised the real issues people with disabilities have using public transport. Paul Turner pointed out that he can see the station direction board only when he is very close to it. He said he can see where the trains are going at Blacktown, Burwood and Seven Hills stations but he cannot read the platform numbers—a prerequisite for catching the right train.

The bus zone at Parramatta station has been relocated from Darcy Street to Argyle Street, which means that passengers have to walk further and often miss their connection—which is particularly irksome for people

with limited vision who take much longer to work out which bus to catch. Margaret Southcome wrote of the frustration she experiences when the route number is not shown on the backs of buses: she does not know whether she has missed her bus. Jack Blair, chairman of the Hills Vision Impaired Group, lives in Glenhaven and has to change buses at Rogans Hill to get home from Pennant Hills station. If the train runs late and the bus waits for it, the bus will either miss its connection at Rogans Hill or drop off passengers outside St Bernadette's School. The passengers then have to cross to the other side of Old Northern Road to pick up their connection—which is fine for a sighted person, but what happens if three buses come together and you cannot work out which one to hail? Several people identified connections as a major issue. As occurs at Clyde railway station, a disabled person cannot sprint to catch the next train or bus.

Bill Morton, who organised the forum, said it is very difficult for vision-impaired people to read the numbers on the bus stop, and therefore to know where to wait for the bus. He confirmed that it is not always possible for people with poor eyesight to read the number on the bus. One suggestion he made was that buses have loudspeakers on the side. If the driver sees someone he identifies as vision impaired, he presses a button and says, for example, "This is the 600 to Parramatta", so the passenger does not have to get on the bus to find out where it is going. However, I cannot imagine too many residents living adjacent to bus stops being thrilled about such announcements, and I am not sure how the driver could guarantee identifying vision-impaired passengers. Hillsbus runs training sessions for its drivers in which they pretend to have a particular disability—deafness, blindness or infirmity. Geoff Judd said the training sessions are very educational, but also confronting, for all those taking part. I would appreciate it if the Minister for Transport could take on board the issues raised at the transport forum and make life easier for disabled people across New South Wales.

RURAL AND REGIONAL SERVICES

Mrs DAWN FARDELL (Dubbo) [1.56 p.m.]: There has been a gradual decline in the number of young people choosing a career on the land. The situation has been exacerbated by one of the worst droughts in living memory and an increasingly ageing rural workforce. A University of New England report in 2005 stated that in the past decade there had been a 20 per cent decline in the number of farmers across Australia—in the small farm sector the decline was 30 per cent—and the number of young farmers leaving the land had increased by 60 per cent. Research by the University of New England's non-profit Institute for Rural Futures estimated that the average age of Australian farmers is now about 52, and that an increasing number of ageing farmers were selling up as their sons sought easier options in alternative industries.

At the time the report was drafted the New South Wales Farmers Association chief executive, Dr Ray Johnson, emphasised the need for a blueprint of strategies to reverse rural decline. He emphasised the need to develop feasible solutions, not just restate the problems in the bush. Vital to the success of a regional development blueprint is the improvement of health, transport and communications services. I cite Dubbo as an example. Dubbo has a vibrant commercial sector, good schools and a university, but its health, transport and communications services have fallen behind those in metropolitan areas. Without adequate services in regional areas the migration to the coast will continue, and those who are financially or physically incapable of making the move will be left to endure the lingering decline of rural Australia.

Incentives are needed to attract and keep our best and brightest in the bush—a fact that was highlighted in the findings of the Rural and Regional Taskforce. The task force identified the need for a five-year Regional Infrastructure Fund, tax incentives, and the streamlining of State and Federal regional development organisations. It also recommended support for inland rail and regional transport, and improved telecommunications. I thank the Premier of New South Wales for last week acknowledging the fact that Parkes needs to be on the inland rail agenda given that the area is a transport hub with logistical terminals.

Country communities are often sold short by glib city spruikers, who see nothing beyond the mountains but wasteland and cultural deserts. The reclamation of the bush will not be an easy task, and it will require more than a few good harvests to restore people's confidence. Handouts are not the answer. Country people do not want crumbs; they want, and need, sound investment in infrastructure, and they need governments to seriously consider tax concessions and other incentives to attract and retain industry. Tax concessions for employers and workers should be considered as a means of underpinning rural and regional industries.

Calls have been made to increase wages for workers in rural and regional industries, who are currently among the nation's lowest paid. Farmers and rural businesses already reeling from the drought cannot compete with the mines and other high-paying industries, which have been drawing the rural workforce away in droves. But, rather than expecting farmers to pay higher wages, it would seem more practical to reduce workers' taxes

and provide concessions to industries to encourage decentralisation. These concessions could be offset through the GST, which is already higher in the bush as country people have to pay more for goods and services.

Skills training also needs to be addressed—another major issue in many regional areas. Metal fabricators are crying out for welders in many regional areas but cannot get enough tradespeople to meet the demand. Part of the problem is a lack of training options as TAFE has withdrawn trade courses in a number of centres due to budget constraints. The withdrawal of courses has made it difficult and sometimes impossible for people, who now have to travel up to several hundred kilometres to access vocational training. An example is at Forbes, where welding trade courses have been withdrawn and are now only accessible at Orange, a round trip of 260 kilometres. With no public transport between the centres and fuel prices of up to \$1.62 a litre, a trip to Orange and back can be an expensive exercise. I have raised this issue with the Minister for Education and Training, the Hon. John Della Bosca.

Shanks Trailers at Dubbo is another example of trade shortages in the bush. It is chronically short-staffed due to a lack of available tradespeople. Shanks Trailers currently employs five welders from China because it cannot source people locally. One of the large transport companies in Dubbo employs road transport drivers from Indonesia. These trade shortages can be attributed to the wages being offered by regional industries compared to the wages being offered at the mines. Mine mechanics, welders and builders are earning up to three times as much as they could earn in a rural or regional business.

Farmers and rural businesses do not have a hope of attracting or retaining staff unless some form of incentive such as tax concessions is offered to entice workers to these industries. The same scenario applies to doctors, teachers and other professionals. A country lifestyle has much to offer in the form of uncongested roads, affordable housing and good schools but without greater financial incentives that is not enough. This tax concession issue has been raised before. If something radical is not done to stimulate regional economies and services the bleeding of rural populations across the mountains will continue placing a further strain on already overstretched resources on the coast. It is not a case of people in the bush crying poor: this issue is real and it requires urgent action.

NUNDLE GO FOR GOLD CHINESE FESTIVAL

Mr PETER DRAPER (Tamworth) [2.01 p.m.]: Nestled in the Hills of Gold, 45 minutes east of Tamworth, is the historic village of Nundle. Nundle, which is built on the banks of the gold-rich Peel River at the foot of the Great Dividing Range, holds its annual Go for Gold Chinese Festival over the Easter long weekend, with some 10,000 visitors attending this year. It is now regarded as the second largest festival in the region after Tamworth's country music festival and it acknowledges Nundle's rich goldmining history and, in particular, the contribution made by early Chinese goldminers. The festival, which is also a showcase for Nundle's local businesses, provides an opportunity for locals and visitors to display and sell their wares, including food, produce and craft.

Reef gold was first discovered at Nundle in 1852, but alluvial gold might have been discovered earlier than that. The field has since produced eight tonnes of alluvial gold and two tonnes of reef gold. In excess of 80 separate quartz veins have been mined, varying in thickness from less than a centimetre to over a metre, and they have been proved to continue up to 600 metres in length and up to 113 metres in depth. Like all gold finds the Peel diggings, as they were known, attracted prospectors from around the world, in particular, from America and China. A quick look through the Nundle cemetery highlights its diverse population and, in particular, its early Chinese influence. Although Nundle community is somewhat isolated from the main highways it has developed a vibrant tourist industry based on its history. Fossicking for gold, sapphires, green crystal and jasper, in addition to its great fishing, have combined to give the town a new lease of life.

The historic Peel Inn is located on the corner of the main street. William McIlveen built the hotel in 1860 and soon after John Schofield won the hotel in good old-fashioned Australian style—with a handshake and a winning hand of three queens and two jacks. Stories such as that are what the Nundle legend is built on. The old hotel remains in the hands of the Schofield family to this day. Over the Easter weekend visitors from all points of the compass came to Nundle to enjoy the relaxed atmosphere in a truly beautiful setting. Free entertainment at the Nundle Go for Gold Chinese Festival included live music, performances by a leading Chinese kung fu, dance and acrobatics troupe, children's variety shows, a sheep-shearing competition, and an historic shearing display. Also included was an interactive gold-panning activity where one learns to pan and to find one's own piece of genuine Nundle gold.

This year would-be fossickers had a successful time as recent rains washed gold-laden dirt down from the top of the range at Hanging Rock. Panners washed the dirt in cast iron claw-foot bathtubs set up along Oakenville Street. In order to guarantee that everybody returned home with gold the dirt was generously salted with gold found in the Peel River and in Swamp Creek. It was fascinating to see the many people who undertook this exercise being hit by gold fever. The Yau Kung Mun Lion and Dragon Dancing Group thrilled visitors, young and old. This award-winning group displayed some of the festivities associated with the Chinese New Year that normally are seen only in capital cities. Over the weekend 70 market stalls operated and sold an array of goods from jewellery and wooden toys to fresh produce and cakes, while Nundle's eateries offered a range of Chinese-inspired dishes. Other entertainment included the Squatters Bush Band, David and Eva Wei and family, the John Muller Jazz Band, Toni Swain and the Jeff Gibson Duo, and Eric Hapf, who provided visitors with a lot of fun throughout the weekend.

The festival also offered children plenty of fun, with magician Lindsay Gardner, face painting, jumping castles and storytelling. A new addition to this year's program was an under-eighteens pool party at Nundle pool. Everyone had a great time. The ongoing success of the Nundle Go for Gold Chinese Festival highlights the entrepreneurial nature of a small community that has built on its natural attractions—to bat well above its weight. The organising committee greatly appreciates the ongoing support given to it by the New South Wales Department of State and Regional Development—an integral measure that assists Nundle to stage this successful festival every year. Recently Nundle has been receiving attention from the State Government. In the last State budget \$683,000 was allocated to Tamworth Regional Council to assist it to replace the timber bridge over Peel River at Nundle.

This is an important investment for the Nundle community as recently wet weather access has not been available to the township. Naturally, that has had a negative impact on the town and its important tourism trade. The new bridge is almost complete and I look forward to its official opening. Nundle Pony Club was recently granted \$25,000 under the capital assistance program to build a shower and toilet facility with an environmental waste system. State Government assistance to our smaller communities has a multiplying effect: it adds to the amenity of an area, it improves infrastructure and it encourages tourism. I congratulate Nundle residents on their progressive attitude and on their entrepreneurial activities that bring tourists to one of the most beautiful parts of New South Wales. Anyone looking for a holiday with a difference should not go past Nundle and the Hills of Gold. I highly recommend Nundle to all members of the House.

Question—That private members' statements be noted—put and resolved in the affirmative.

Private members' statements noted.

[Deputy-Speaker left the chair at 2.06 p.m. The House resumed at 2.15 p.m.]

MEMBERS' TWENTY YEARS OF SERVICE TO PARLIAMENT

The SPEAKER: The following members recently attained 20 years of service to the New South Wales Parliament: Mr Paul Gibson, member for Blacktown; Mr Chris Hartcher, member for Terrigal; Mr Wayne Merton, member for Baulkham Hills; Ms Clover Moore, member for Sydney; Mr Donald Page, member for Ballina; Mr George Souris, member for Upper Hunter; and Mr John Turner, member for Myall Lakes. All those members celebrated their twentieth anniversary on 19 March 2008, having been elected in 1988. I take the opportunity to congratulate them on behalf of the people of New South Wales and the New South Wales Parliament.

ADMINISTRATION OF THE GOVERNMENT OF THE STATE

The SPEAKER: I report the receipt of the following message from Her Excellency the Governor:

Marie Bashir
Governor

Office of the Governor
Sydney, 10 March 2008

Professor Marie Bashir, Governor of New South Wales, has the honour to inform the Legislative Assembly that she re-assumed the administration of the Government of the State on 10 March 2008.

ASSENT TO BILLS

Assent to the following bills reported:

Crimes Amendment (Drink and Food Spiking) Bill 2008
Electricity Supply Amendment (Offences) Bill 2007
Local Government Amendment (Election Date) Bill 2008
Road Transport Legislation Amendment (Car Hoons) Bill 2008

BUSINESS OF THE HOUSE

Notices of Motions

Government Business Notices of Motions (for Bills) given.

QUESTION TIME

MILTON ORKOPOULOS CRIMINAL ALLEGATIONS

Mr BARRY O'FARRELL: My question is directed to the Premier. In light of evidence that former Minister Milton Orkopoulos had sex and shared drugs with underage boys in places including his parliamentary office, what steps did the Premier take to ascertain what the Minister's former chief of staff Nathan Rees knew about such activities before he appointed him to his ministry?

Mr MORRIS IEMMA: This matter has been the subject of police investigation and a trial in which a conviction has been recorded and is ready for sentencing, yet the who-knew-what questions, the innuendo and the smear continues.

Mr Andrew Fraser: Exactly. People have to know.

Mr MORRIS IEMMA: Minister Rees has been asked previously. I direct the Leader of the Opposition to everything the Minister and I have said previously on the record in relation to this matter.

Mr Adrian Piccoli: You did not want to ask him. You did not even ask him.

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

Mr MORRIS IEMMA: If the Leader of the Opposition wishes to make an allegation—

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

Mr MORRIS IEMMA: —or if he has some information that the police investigation or the trial did not proceed as it should have, there are appropriate forums to which he can refer those matters.

SCHOOL ENROLMENT AND ATTENDANCE INITIATIVES

Ms VIRGINIA JUDGE: My question is addressed to the Premier. Can the Premier inform the House on measures being taken to improve enrolment rates and attendance of children in schools?

Mr MORRIS IEMMA: Gough Whitlam once said that education should be the great instrument for the promotion of equality. Those words are as true today as when they were spoken 40 years ago. But we must ask ourselves the question: What chance do children have when they do not even reach the starting line? How do children begin to benefit from schooling if they do not even make it to the classroom?

Mr David Campbell: The Leader of the Opposition is not interested.

Mr MORRIS IEMMA: No. He never is. That is a huge question for the 8,000 students in New South Wales who have developed a pattern of serious truancy every year. I am not talking about kids who wag the odd day, which is bad enough and should never be encouraged. I am talking about kids who end up spending as much time away from school as they do in the classroom. Those kids are on a fast track to educational failure—

falling behind their peers, missing out on basic skills, ending up repeating school years and, most likely, ending up dropping out of school before receiving a qualification. School attendance is the basis of education.

Mr Adrian Piccoli: So enforce your rules.

The SPEAKER: Order! The member for Murrumbidgee will cease interjecting. I call the member for Murrumbidgee to order.

Mr MORRIS IEMMA: What a rude person. If that interjection is an example of disruptions in the classroom, it is probably why everybody left! Without attendance and without being present to benefit from education, these kids do not stand a chance. School attendance plays another vital role: an early warning sign for neglect, abuse, and breach of health, safety and family issues. That is why the law of the land dictates that all children aged between 6 years and 15 years must attend school. Unfortunately, a group of irresponsible or careless parents flout that law and in doing so destroy the future of their own children. For that reason the Government shortly will introduce amendments to the Education Act 1990 introducing laws to deal with parents and carers who fail to ensure their children go to school.

The SPEAKER: Order! I call the member for Murrumbidgee to order for the second time. I call the member for Murray-Darling to order. The Leader of the Nationals will cease interjecting.

Mr MORRIS IEMMA: The education system will make a serious effort to get to the bottom of the underlying problem.

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

Mr MORRIS IEMMA: If counselling, mediation and second chances do not work, there will be a strong punitive element, including heavy penalties and potentially jail in the most extreme cases of parental neglect and indifference. Our new legislative regime will allow, firstly, for independent medical experts to assess if a child is too sick to be enrolled at school and will not simply rely on the advice of parents. Secondly, it will give new powers to the Department of Education and Training to seek a court order to force a parent to enrol their child. The third measure will ensure that children too sick to extend school receive instruction at home. The fourth measure will allow court orders to be issued against parents of children who fail to attend school, forcing responsible adults into drug rehabilitation, mediation or other forms of counselling and family support.

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

Mr MORRIS IEMMA: The fifth measure will allow the Children's Court to make orders for the child to attend school or enrol in counselling services where parents can prove to the court that they have done everything in their power to comply with school requirements.

The SPEAKER: Order! I call the member for Barwon to order for the second time. I call the member for Clarence to order. I call the member for Clarence to order for the second time. I call the member for Cessnock to order.

Mr MORRIS IEMMA: Court orders will provide legal protection to government agencies.

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

Mr MORRIS IEMMA: Members opposite will want to hear this because it is important. The protection will extend to neighbours, medical professionals or members of the community who inform the Department of Education and Training that they suspect a child is not attending school. Non-government schools will be required to advise the department of unsatisfactory attendance or non-enrolment.

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

Mr MORRIS IEMMA: Parents who disobey court orders relating to school attendance can be prosecuted and as a last resort potentially could receive a custodial sentence for repeatedly defying school attendance rulings. If all that does not work, there will be prosecutions. The department estimates that these new laws may be required to be enacted against only approximately 250 parents a year, but these 250 kids need our help—and they will get it.

Mr Andrew Stoner: By sending their parents to jail?

Mr MORRIS IEMMA: As I mentioned, that provision is a last resort. Truancy will not be tolerated by the Government. Parents who allow their kids to persistently miss school are abusing those children just as surely as if they harm them. The new laws will be among the most stringent in Australia. They are rigorous but they are also practical. They are about giving parents and kids a fair chance. It is about parents who need help and support getting that help and support, intervention being provided earlier and ensuring that when the support of multiple government agencies is required it arrives and the parents receive it. The laws are designed for parents who refuse to live up to their responsibilities and who simply will not get the message that this matter is taken seriously by the courts and by government agencies.

The SPEAKER: Order! The member for Wakehurst will cease interjecting. I call the member for Wakehurst to order.

MILTON ORKOPOLOUS CRIMINAL ALLEGATIONS

Mr ANDREW STONER: My question is directed to the Deputy Premier. Now that his factional colleague Milton Orkopoulos has been convicted of child sex and drug offences, will he answer the question I asked him on 14 November 2006 and tell the House when and what his adviser, supporter, mentor and friend, Jan Burnswoods, told him about the allegations, given that she has admitted to knowing about them prior to the Government being officially informed?

Mr JOHN WATKINS: I answered questions on this matter on 14 November 2006 and on 26 September 2007 and the Premier also made a ministerial statement and answered a question in the Chamber on the matter on 14 November 2006. I stand by everything I said in the House and in a number of public statements I made at the end of 2006 and during 2007.

The SPEAKER: Order! The member for Coffs Harbour will cease interjecting.

Mr Andrew Fraser: When did you know?

Mr JOHN WATKINS: The time line of the events was widely reported in the media. As I have previously stated, I was first made aware on 6 November 2006 via the police that an investigation involving Mr Orkopoulos was underway—

The SPEAKER: Order! Opposition members will cease interjecting.

Mr JOHN WATKINS: —and that charges relating to sexual offences may be laid. I was Minister for Police at the time.

Mr Andrew Stoner: Point of order: I am not sure whether the Minister heard the question properly.

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

Mr Andrew Stoner: My point of order is relevance. When was the Deputy Premier aware of the allegations—not the police report, the allegations?

The SPEAKER: Order! The Leader of The Nationals will resume his seat. The Minister has concluded his answer.

NORTH WEST METRO LINK

Mr ALLAN SHEARAN: My question is directed to the Minister for Transport. Will he update the House on the North West Metro?

The SPEAKER: Order! The member for Bathurst will resume his seat, refrain from crossing the Chamber and cease making gestures to the Opposition. Question time has been particularly rowdy today. I place on three calls to order all members previously called to order. I will not tolerate constant interjections during question time. Members will obey the standing orders.

Mr JOHN WATKINS: I note the general happiness when the North West Metro is mentioned. People are overwhelmingly happy about this most important project for Sydney. Our bold new transport vision for Sydney, starting with the Euro-style metro for the north-west, is a plan that will change the way this beautiful city lives, works and breathes. Delivering a new metro to the people of the north-west is the first major transport initiative of the Sydney link program to be unveiled. Members can expect to hear more about that program in the future. The metro will provide a fast, high-capacity rail service to the people of north-western Sydney. It will be a first-class service for people who already live in that area and those who will move into the area over the next 20 years.

Our vision began with the urban transport statement in late 2006. Since then we have been working hard to develop projects that will keep Sydney moving and cater for growth. The new \$12 billion North West Metro rail line will be the anchor for a rollout of rapid single-deck trains that will be the future of Sydney's transport. As the Premier said when he announced the project, once we have started down this road there is no turning back—and we have already started. Late last week, just over a week after the announcement of the metro, we launched a supplementary submissions report with the Department of Planning. The report seeks approval of the concept plan for more than half of the new rail line. It marks a very important step in the definition, planning and design of the metro.

The Department of Planning now will prepare an assessment report, with the final determination on the concept plan to be made by my colleague the Minister for Planning. That will complete the first stage of the environmental assessment and will enable further details assessments to commence on the metro rail line. The work that has already been undertaken in the north-west will be incorporated to deliver the new metro project. We have already acquired land in the area worth \$58 million and more is being purchased. We have conducted preliminary work on the environmental assessment, placed a preferred project report on public exhibition, and started survey and geotechnical investigations. But while all this valuable work is going on, what is the Opposition saying and doing? That is a worthy question.

Opposition members responded to the announcement with a flurry of contradictory statements, demonstrating once again that they really know and care very little about transport and more particularly know and care very little about the people who live in north-western Sydney. The Opposition's arguments over the metro are harder to get into than a Liberal branch meeting in Cook! First, the Leader of the Opposition seemed to welcome the transition to the rapid ultramodern Euro-style metro trains. However, on the same day that he made positive comments our old friend the member for Willoughby—and she is an old friend—condemned the Government in a press release for not building a traditional double-deck train for the north-west.

The Leader of the Opposition welcomes it but the shadow Minister for Transport condemns it and says we should be building the double-deck trains. That is hard to fathom. Later that week the shadow Minister pulled back in the face of overwhelming public acclaim for the North West Metro—so overwhelming that it was an almost embarrassing level of public acceptance. The Opposition's confusion over the project is startling, even for the Opposition, because the member for Epping is having more spent on public transport in his electorate than is any other member of this House, probably more than any member of any legislature in Australia, and probably more than in any electorate in the Southern Hemisphere.

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

Mr JOHN WATKINS: One would expect the member for Epping to support the North West Metro, but he condemns it.

The SPEAKER: Order! The member for Epping and the member for Penrith will cease interjecting.

Mr JOHN WATKINS: He does not want extra stations to serve his constituents. And our young friend, the member for Manly, called the metro a great vision by the Premier. However, he unfortunately suffered a somewhat embarrassing setback in his stunt when he tried to race, on foot, a car from Balgowlah to Neutral Bay—not only did the car beat him, but a State Transit bus also beat him by 15 minutes. That left the young Baird a long way behind. However, we know that the member for Manly is still a favourite in the race that does matter, and that he will be the Leader of the Opposition. Finally, I turn to the member for Hawkesbury. His electorate will benefit directly from the new line but I am afraid he was completely confused when instead of bashing out a few quick press releases commending the Government, he tried to bash a few branch members. What an elite lot—and there is the leader of the pack.

The SPEAKER: Order! The Deputy Premier will resume his seat. The House will come to order. The member for Epping will cease interjecting.

Mr Barry O'Farrell: Point of order: In accordance with procedures in the House, any accusation that a member of this place has bashed anyone is offensive and should be withdrawn, particularly when it is untrue.

The SPEAKER: Order! A member may ask for comments to be withdrawn. I ask the Deputy Premier to respond to the request of the Leader of the Opposition.

Mr JOHN WATKINS: I withdraw that comment. If the member for Hawkesbury was not bashing people he was certainly using inappropriate language that certainly shocked me. What an elite team the Leader of the Opposition has put together to comment on transport. Whilst all of this is happening, the Government is getting on with the job of delivering transport.

The SPEAKER: Order! The member for Baulkham Hills will cease interjecting. I remind the member for Willoughby that she is already on three calls to order.

Mr JOHN WATKINS: If Opposition members could stop talking down Sydney for long enough and read the Government's documents, they would learn what a fantastic project this is. Transport, infrastructure, business and other experts have pledged to work with the Government on this project and they include WESROC, Action for Public Transport, the NRMA, the Tourism and Transport Forum, the Property Council and the Urban Taskforce to name a few. They have read the documents and understand the vision, and they back it in. That is unlike the Leader of the Opposition, who is simply too lazy to engage with this project, too lazy to engage with transport planning wherever it is in Sydney or New South Wales.

The public does care about this project and wants it to go ahead. Since the Government opened the SydneyLink website it has received more than 122,000 hits. Members should encourage their constituents to have some feedback on that website until the end of April. The initial feedback has been overwhelmingly supportive of the project. The contrast to support of the project is indeed stark: members on this side of the House care about our great city and want it to grow and develop, including good transport projects. However, members on the other side of the House are mealy-minded rabble—that is all they are. This is a great project. The Opposition should back it up.

MILTON ORKOPOULOS CRIMINAL ALLEGATIONS

Mr ADRIAN PICCOLI: My question is directed to the Minister for Water. Given that Gillian Sneddon, former Minister Milton Orkopoulos' electoral officer, knew of allegations that he was sexually assaulting children before his arrest by police, how is it possible that the Minister, who was then Milton Orkopoulos' chief of staff, had no knowledge or inkling whatsoever of those allegations against his former boss before his arrest?

Mr NATHAN REES: There is not a lot one can do when asked that sort of question other than to state the facts and let those facts speak for themselves. Mindful that sentencing is yet to occur, I will be careful in what I say and will simply state those facts. I worked for the former Minister for just under 12 months, resigning on 4 August 2006. I learned of the allegations, the investigation into those allegations and the charges arising on the same day as the rest of Australia—that is, early November 2006, more than three months after leaving the former Minister's employ.

Mr Andrew Stoner: That is a Sergeant Schultz defence.

The SPEAKER: Order! The Leader of The Nationals will cease interjecting. His comment was highly inappropriate.

Mr NATHAN REES: I recall exactly where I was and what I was doing, and I felt ill. At no time during the investigation, or subsequent to it, was I contacted by the police, the prosecution or the defence. The prosecutor made it clear during the case that the former Minister led a secret life, secret from his wife, his family, his friends, the community and his colleagues. Most compellingly, it is difficult to imagine the pain, grief and anguish of the young victims who came forward, and our sincere sympathies are with them. I have just outlined the facts of the matter. I have stated them simply, clearly and honestly. I cannot prevent the Opposition from raising this issue. However, if it does after having been informed of the facts, it will be a function of one of two things: stupidity or rant grubbiness.

Mr Adrian Piccoli: Point of order: I refer to Standing Order 129. He led a secret life—

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

Mr Adrian Piccoli: My point of order is Standing Order 129, which relates to relevance. He led a secret life, but not secret from Bryce Gaudry, Jan Burnswoods and other members.

The SPEAKER: Order! The member for Murrumbidgee will resume his seat. Members will cease calling out, including the member for Bathurst. If the member for Murrumbidgee makes another outburst like that I will have him removed from the Chamber.

COUNCIL OF AUSTRALIAN GOVERNMENTS INITIATIVES

Dr ANDREW McDONALD: My question is directed to the Premier. Will the Premier update the House on initiatives from the Council of Australian Governments to improve services for working families?

Mr Chris Hartcher: We really want to hear this!

Mr MORRIS IEMMA: Well, the member for Terrigal should want to hear this because, for the first time, the Council of Australian Governments [COAG] is achieving its objectives of working together to improve services for families. Also, for the first time, we have a Prime Minister who understands that the Commonwealth has spent 11 years taking funding out of our public hospitals. That is just one of the issues of the council that the member for Terrigal may not be interested in but that the member for Macquarie Fields and his constituents certainly are interested in. First, I will address Health. The first outcome was the initial step in restoring health funding to our hospitals. The member for Terrigal might not think that is of any interest, but everyone else does. The first step was an initial cash injection of \$500 million over and above the existing health agreement, which expires at the end of June. For the benefit of the member for Terrigal, that is an extra \$500 million to do what? To support our nurses, doctors and other health professionals to continue the program of opening beds and reducing elective surgery waiting lists.

The second outcome was to confirm the forward estimates of an additional \$500 million, bringing the total to \$1 billion—the additional \$500 million which Tony Abbott refused to confirm in the months before the election when he told the Health Ministers, "Go away. Come back after the election and we might talk about the health agreement and health funding." The first outcome of the Council of Australian Governments [COAG] meeting was a \$1 billion injection into our public hospitals. The New South Wales share was about \$350 million—yes, on top of the \$150 million injection into elective surgery in December 2007. That would never have happened under Tony Abbott, Peter Costello or John Howard.

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

Mr MORRIS IEMMA: There has not been one statement of support from that lot over there—Opposition members are always negative. When it comes to Health they are always on about hospital boards—that will be the solution to the challenges the nation faces. There they were—Tony Abbott and John Howard went to the last Federal election with a policy of hospital boards. Give every hospital in the nation a board. They all signed up to it. They did not sign up to a policy that would give an extra \$1 of funding to our hospitals. Well, the people passed their judgement and we have had two Council of Australian Governments meetings. The one held in December resulted in more money for elective surgery. The one held in Adelaide last week resulted in a massive increase, the first step being to restore the cuts made in the 2003 health agreement.

The SPEAKER: Order! The Deputy Leader of the Opposition will cease interjecting.

Mr MORRIS IEMMA: The Leader of the Opposition said it was a good deal and to sign up. When the States lost more than \$1 billion of health funding, the shadow Minister and the Leader of the Opposition were saying, "It is a good deal, sign up." Yes, less money for beds, less money for nurses, less money for doctors—sign up. There is the proof of what a lousy deal that was.

Mr Thomas George: Who signed it?

Mr MORRIS IEMMA: Yes, with penalties of \$1 million a week if we did not. So the member for Lismore would say, "Don't sign up, suffer a penalty of \$1 million a week." Guess what? The Richmond clinic at

Lismore would not be opened in a few months if we had taken his advice of, "Don't sign it and suffer \$1 million of penalties a week." If we had taken his advice we would not be opening the Richmond Mental Health Clinic at Lismore Hospital, would we? We would not be planning on the next round of radiotherapy investments at Lismore, would we? The member for Lismore should just settle down and relax. The second area of historic agreement was on water, the Murray-Darling. The recent COAG meetings saw the first steps in ending the cost shift of Health and the first steps in ending the buck-passing on water. New South Wales is first in line to support a national approach to managing water and the Murray-Darling Basin and an agreement of significant funding for projects when COAG reassembles in July.

The third major area of reform is an end to 92 specific-purpose agreements. This was the mechanism by which the Howard Government tied up the States in red tape and instituted the penalties—yes, the penalties—in a whole range of areas of services. In one fell swoop 92 specific-purpose agreements went down to five in areas of Education, Health, Disability and Housing—the key service areas. There was reform with specific-purpose agreements and specific-purpose payments all focussed on improving outcomes and not tying up the States in red tape and funding reductions. This COAG meeting was very different to the previous ones and marks the first step towards national cooperation in improving services for families.

MEMBER FOR WOLLONGONG DEVELOPER LOAN

Mr BARRY O'FARRELL: My question is directed to the Premier. Before appointing Noreen Hay to his Ministry, what steps did the Premier take to satisfy himself—

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

Mr BARRY O'FARRELL: —that her actions in accepting a loan from local developer Ken Tugrul were appropriate and above board, including normal commercial terms and interest rates, after Mr Tugrul's company renovated her home?

Mr MORRIS IEMMA: Issues on Ms Hay have been well canvassed. She is a Parliamentary Secretary, not a Minister—but she is always open to test her claims. What steps has the Leader of the Opposition taken in relation to that record, that transaction, in the last election when it appeared that a transaction of \$125,000 was changed by the Liberal Party to "loan"—not a declaration of a donation but of a loan?

Mr Adrian Piccoli: Point of order: I am sure the Leader of the Opposition would be happy to answer questions during Question Time.

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

Mr Adrian Piccoli: My point of order is Standing Order 129, relevance. The question was about the member for Wollongong taking a loan from a developer, whether it was on normal commercial terms, whether it was disclosed to the Premier and whether the Premier asked her about it.

The SPEAKER: Order! I have heard enough of the member's point of order. I ask the Premier to stay within the leave of the question.

Mr MORRIS IEMMA: First, in relation to Ms Hay the issues have been well canvassed. Second, I look forward to the support of the Leader of the Opposition for the Government's proposal to ban political donations. Third, the Leader of the Opposition can tell us what steps he has taken to clean up his own show, particularly the Greiner function. What was the quote? A developer was quoted in the *North Shore Times* as saying that he was being monstered—pressured—by members of the Opposition to attend fundraisers.

Mr Adrian Piccoli: Point of order: I refer to Standing Order 129, which relates to relevance. The question was very clear and, I would have thought, required a relatively simple answer—yes or no, with perhaps some explanation.

The SPEAKER: Order! I have heard enough of the member's point of order. The member for Murrumbidgee will resume his seat. Has the Premier concluded his answer?

Mr MORRIS IEMMA: Yes.

DRINKING WATER RESOURCES

Mr STEVE WHAN: My question is addressed to the Minister for Water. What is the latest information on the Iemma Government's commitment to drought proof our country towns and regional centres?

Mr NATHAN REES: I thank the member for his longstanding interest in this matter. The provision of safe and secure water services is one of the major challenges facing governments right around the world. For Australia, the driest continent in the world, that challenge is even greater. With the effects of the worst drought in living memory, global warming, more severe droughts and the warning of the CSIRO of increasingly uncertain rainfall, that challenge is greater still. Good governments face those challenges head on and make plans and take the difficult decisions in order to deliver quality services for the long term. Under the Metropolitan Water Plan the Iemma Government is delivering a secure and sustainable water supply for greater Sydney, Wollongong and the Hunter that is based on massive recycling schemes—the three largest in Australia—more than 70 stormwater harvesting schemes and, of course, our green-powered desalination plant, a plan securing Sydney's water supply for the next 50 years.

The Iemma Government's State Plan is for all of New South Wales, and the priority to deliver secure and sustainable water supply is for all users, both city and rural. Delivering water and sewerage services to rural and regional New South Wales is a challenge but it is a challenge we are meeting and a priority we are delivering on. Our Country Towns Water Supply and Sewerage Program has provided in excess of \$1 billion to local water utilities to upgrade their facilities and infrastructure. It has invested more than \$700 million in 326 different projects across the State and another \$160 million is coming over the next couple of years out to 2014. Last August I gave the Iemma Government's commitment to drought proof the drinking water supplies of our regional centres and country towns.

The SPEAKER: Order! There is too much audible conversation in the Chamber. The House will come to order.

Mr NATHAN REES: The Government launched the Country Water Utilities inquiry to identify the most effective arrangements for the long-term provision of town water and sewerage services to non-metropolitan New South Wales. As I have said repeatedly, this is not a Macquarie Street solution. We are working with councils and local water utilities to develop the models that deliver safe and sustainable water services. These models will protect and enhance revenue streams, protect jobs, develop skills and deliver sustainable pricing. I take the view that our water supplies are above politics. That is why we have appointed the former Deputy Premier and Leader of the National Party, Ian Armstrong, and the former head of the Premier's Department, Dr Colin Gellatly, to head community consultations for our inquiry. Both of them are eminently qualified. Mr Armstrong represented rural New South Wales for more than 25 years and is a former Minister for Agriculture and Rural Affairs and Minister for Public Works. Dr Gellatly began as a trainee in the Department of Agriculture and now has a doctorate and degrees in agricultural economics and commerce.

I have met representatives from more than 80 of the State's 107 water utilities, many of them during a tour of regional New South Wales. Today marks the beginning of public consultations by the inquiry headed by Ian Armstrong and Col Gellatly. It is going to 15 locations around the State to receive more submissions and presentations firsthand. The first consultation is today in Nowra, where community members and organisations will be presenting their submissions and making their contribution to improving service delivery. After Nowra, consultations will take place in Albury, Bourke, Broken Hill, Coffs Harbour, Cooma, Cowra, Burrinjuck, Dubbo, Forbes, Griffith, Temora, Orange, Tamworth, Tweed Heads and Wagga Wagga.

While we are spending our time getting the views of people from regional New South Wales, the National Party is getting organised by making preparations for its own water views. The Nationals have been busy organising a State conference. Members might think it would be in Dubbo, Moree or Wagga Wagga. Members can imagine my surprise when I read the flyer and saw that the New South Wales Nationals annual State conference will be held at the Kirribilli Club, literally in the shadow of the Harbour Bridge. I took the liberty of checking out the options for the lunch and dinner menus. They include beef tenderloin with baby spinach and some sort of potato I cannot even pronounce, foie gras butter and truffle jus; blue swimmer crab, spinach gnocchi and champagne sauce; and duck ravioli with five-spiced tea. I wonder what happened to meat and three veg!

According to the brochure provided to corporate observers and sponsors, The Nationals are providing "a strong and reliable voice for those who live beyond metropolitan Australia". Now, sound does travel across

water but it will not cross the Divide from Kirribilli. The event could be a good little earner. The event "allows you and your organisation to gain access to community leaders attending the conference". For a price people can meet one-to-one with State and Federal members. Up to \$12,500 will get participants two days with a shadow minister of their choice! I make this observation in passing: Would someone not draw the short straw by spending \$12,500 for two days with an Opposition spokesperson who has not asked a question in this place for more than 12 months?

The SPEAKER: Order! Government members will cease interjecting.

Mr NATHAN REES: While The Nationals are sipping their cocktails at Kirribilli our water utilities inquiry will continue. It will be finalising its report and working with councils and communities to guarantee sustainable, clean and healthy water supplies for the whole of rural New South Wales.

WOLLONGONG AGAINST CORRUPTION GROUP

The SPEAKER: I give the call to the member for South Coast.

[Interruption]

The SPEAKER: Order! I call the Minister for Planning to order.

Mrs SHELLEY HANCOCK: My question is directed to the Minister for Police. Given that since the Independent Commission Against Corruption recommended sacking Wollongong City Council due to corruption involving Labor councillors, members of the Wollongong Against Corruption Group have received death threats, including the one in my hand, what steps are police now taking to ensure members of the group are not being intimidated by thugs?

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

Mr DAVID CAMPBELL: With that question we get a very real example of how the State would be run by this mob opposite: We would have political interference in individual police investigations.

Mr Greg Smith: Point of order: Standing Order 129 refers to relevance. The Minister is having a bit of fun, not answering the question. He is dumping on people. It is irrelevant.

The SPEAKER: Order! I am sure the Minister for Police is making a passing reference and is acutely aware of the question.

Mr DAVID CAMPBELL: The question was about police investigations, as was the answer.

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

Mr DAVID CAMPBELL: The facts are that last week I received in my office a letter that alleges there have been death threats against an individual. I referred that letter to the police so that in an operational sense they could investigate it as they saw fit. I will not be directing them as to how they conduct those investigations. That is the type of nonsense we would get from the mob opposite. This is an operational police matter. I am advised that the information is with operational police.

[Interruption]

The SPEAKER: Order! I direct the attendants to remove the person who is interjecting from the public gallery.

[Interruption]

The SPEAKER: Order! Members will not encourage debate from the public gallery.

[The person interjecting was removed by the Serjeant-at-Arms.]

ABORIGINAL CHILDREN CARE AND SUPPORT

Mr FRANK TERENCE: My question is to the Minister for Community Services. Can the Minister provide the latest information on what is being done to help Aboriginal children in need of care and protection?

Mr KEVIN GREENE: Earlier this year the Premier and I announced that the Government was committing \$617 million over the next five years to non-government agencies that would be looking after children in foster care. This is a significant commitment and shows our support for non-government agencies that provide foster care for children in need. It is well recorded that there are now more than 12,700 children who, sadly, cannot live in their own homes. There are a number of reasons for this, the saddest of which is that in some instances it is just not possible for them to live in their family environment. Almost half of those children are now in either relative or kinship care. We also require in excess of 2,500 foster carers to cater for children who cannot live at home. These foster carers are the highest paid in Australia because this Government understands the need to provide financial support to those generous foster carers who look after children in need.

This is a significant financial commitment, but it is not just about finance. It is also about caseworker support and supporting non-government agencies' carers as well as the Department of Community Services foster carers, many of whom I have met in my travels throughout the State. Last week when I was in Raymond Terrace I met with the Port Stephens Family Support Service. We talked about the support that foster carers need as they work with these young people. One of the commitments of the Iemma Government is to recruit and support Aboriginal foster carers. Thirty per cent of children who are in out-of-home care are from an Aboriginal background. That is why we have also made a commitment to providing Aboriginal foster carers. Last year when I was in Newcastle, with the member for Newcastle, I announced an additional \$5 million in funding to provide 60 extra places through Hunter Aboriginal Children's Services.

That organisation's chief executive officer is Steve Larkins, with whom I spoke only last week when in Port Stephens. That organisation demonstrates a commitment not just to providing Aboriginal carers but also to providing support services to children and assistance to Aboriginal carers. Similarly, last year I announced, with the Minister for Aboriginal Affairs in his electorate, \$9 million to KARI Aboriginal Resources Incorporated to enable its commitment to double to 120 Aboriginal foster carers. These are significant Government commitments. We are providing close to \$10 million as part of the \$617 million funding package to non-government organisations to provide 50 additional places over the next three years. The Biripi Aboriginal Corporation Medical Centre in Taree will receive \$5.4 million. I know that the member for Myall Lakes, whom I have met in Taree and with whom I discussed Aboriginal foster care issues, will support this. This extra funding will see an additional 30 places, doubling our commitment to Aboriginal foster care in the Taree area.

Similarly, in Kempsey—and I note that, unfortunately, the member for Oxley has left the House—we will provide \$4.5 million over the next three years to Burrin Dalai Aboriginal Corporation for 20 additional places. Most importantly, these services not only provide foster carers and foster care, but also allow children in foster care to receive tutoring, healthcare services and counselling services. These extensive additional services are very much part of the package of support for Aboriginal foster carers. We are very fortunate in New South Wales, as I indicated earlier, to have generous foster carers, relatives and kinship carers who are able to look after 12,700 children who sadly cannot live in their own homes. We need to continue to support these foster carers, and it is our Government's commitment to continue to support them. Today I highlight the additional places for Aboriginal foster carers. The last thing I will do is put in a plug for recruitment of foster carers: the 1800 011 110 recruitment line is always open.

Question time concluded.

TREASURY SEMINAR PARLIAMENTARY CLOSED-CIRCUIT TELEVISION FOOTAGE**Privilege**

Mr BARRY O'FARRELL (Ku-ring-gai—Leader of the Opposition) [3.11 p.m.]: I raise a matter of privilege. Last Wednesday a Treasury seminar was held in the theatre of Parliament House. The next day a newspaper reported a leak from that meeting and the following day closed-circuit television [CCTV] footage from the Parliament was made available to the Treasury. On behalf of members of this place I ask on what basis that footage was provided. Was it in response to a subpoena? Was it in response to a police request? Was it in response to some other urgent issue arising? What is the policy in relation to the release of such footage? Who

approves it? What about the breaches of the State's privacy legislation? Clearly this issue goes to the matter of freedom of the press, but it also goes to the freedom of members of Parliament, whether it involves the member for Blacktown or members of the Opposition. Will the footage be released to the Government so that it can see who visits us? This is Government media management gone mad. We need clear guidelines to ensure that Mr Costa's antics cannot continue.

The SPEAKER: This matter has been drawn to my attention. I assure the Leader of the Opposition that there has been a breach of the processes. I have asked the Clerk for a full report. I assure the Leader of the Opposition that there are strict guidelines in relation to these matters, which I intend to adhere to. I will take appropriate action.

CHILD DEATH REVIEW TEAM

Report

The Speaker announced the receipt, in accordance with section 26 of the Commission for Children and Young People Act 1998, of the report of the Child Death Review Team entitled "Trends in the Fatal Assault of Children in NSW: 1996-2005", dated March 2008.

Ordered to be printed.

AUDITOR-GENERAL'S REPORT

Report

The Clerk announced the receipt, in accordance with section 63C of the Public Finance and Audit Act 1983, of a performance audit report of the Auditor-General entitled "Efficiency of the Office of the Director of Public Prosecutions", dated March 2008.

LEGISLATION REVIEW COMMITTEE

Report

Mr Allan Shearan, as Chair, tabled the report entitled "Legislation Review Digest No. 3 of 2008", dated 1 April 2008, together with minute extracts regarding Legislation Review Digests Nos 1 and 2 of 2008.

Report ordered to be printed on motion by Mr Allan Shearan.

PETITIONS

Hawkesbury River Railway Station Access

Petition requesting improved access to Hawkesbury River railway station, received from **Mrs Judy Hopwood**.

Pymont and Ultimo Bus Services

Petition requesting improved and expanded bus services for Pymont and Ultimo, received from **Ms Clover Moore**.

Edgecliff Interchange Upgrade

Petition requesting the upgrading of Edgecliff interchange, received from **Ms Clover Moore**.

Murwillumbah to Casino Rail Service

Petition requesting the retention of the CountryLink rail service from Murwillumbah to Casino, received from **Mr Donald Page**.

CountryLink Pensioner Booking Fee

Petition requesting the removal of booking fees charged to pensioners on CountryLink services, received from **Ms Katrina Hodgkinson**.

Sydney Ferries

Petition opposing the recommendations of the special commission of inquiry into Sydney Ferries and requesting that the RiverCat service from Rydalmere to Parramatta be improved, received from **Ms Tanya Gadiel**.

TAFE Fees

Petition asking that TAFE fees be frozen at the 2007 level until 2011, received from **Ms Katrina Hodgkinson**.

Public Library Funding

Petitions requesting increased funding for public libraries, received from **Mr Thomas George, Ms Katrina Hodgkinson, Mr Daryl Maguire, Mr Donald Page, Mr Andrew Stoner, Mr John Turner and Mr John Williams**.

Tumut Renal Dialysis Service

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

Hornsby Palliative Care Beds

Petition requesting funding for Hornsby's palliative care beds, received from **Mrs Judy Hopwood**.

Ballina Hospital Rehabilitation Unit Hydrotherapy Pool

Petition requesting that a hydrotherapy pool be installed at the rehabilitation unit at Ballina Hospital, received from **Mr Donald Page**.

Lismore Base Hospital

Petition requesting funding for stage 2 of the Lismore Base Hospital redevelopment, received from **Mr Donald Page**.

Coffs Harbour Community Caseload Midwifery Pregnancy Care Program

Petition requesting funding for a community caseload midwifery pregnancy care program at Coffs Harbour, received from **Mr Andrew Stoner**.

Breast Screening Funding

Petition requesting funding for breast screening to allow access for women aged 40 to 79 years, received from **Ms Katrina Hodgkinson**.

Hornsby Area Haemodialysis

Petition asking that a public haemodialysis centre be established in the Hornsby area, received from **Mrs Judy Hopwood**.

Rural and Regional Police Resources

Petition calling upon the Iemma Government to allocate more police resources to rural and regional communities throughout New South Wales, received from **Ms Katrina Hodgkinson**.

Young School Crossing Flashing Lights

Petition asking for urgent installation of flashing lights at the school crossing zones on Elizabeth Street and Campbell Street in Young, received from **Ms Katrina Hodgkinson**.

Barton Highway

Petition asking that priority be given to Federal Auslink funding for upgrading of the Barton Highway to dual carriageway, received from **Ms Katrina Hodgkinson**.

Pet Shops

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

Electricity Infrastructure

Petition requesting the retention of the infrastructure and systems for generating and retailing electricity as public assets, received from **Mr Greg Piper**.

Genetically Engineered Canola Trials

Petition opposing genetically engineered canola trials in New South Wales, received from **Mr Donald Page**.

CONSIDERATION OF MOTIONS TO BE ACCORDED PRIORITY**State Services**

Mr BARRY O'FARRELL (Ku-ring-gai—Leader of the Opposition) [3.18 p.m.]: I make the point that 53 weeks ago—a year and one day—the Premier said after the State election campaign that he was going to get on and fix the problems in New South Wales. Yet trains, hospitals, the Department of Community Services and many critical State services today are in worse condition than they were in 12 months ago. That is why we have an inquiry into the Department of Community Services; that is why we have an inquiry into the hospital system; that is why even the announcement of a world-class metro rail link provides no comfort for the 900,000 people a day using the existing 11 lines across Sydney—commuters who have no hope and who have been offered no advice as to how their service is going to become world class. In relation to truants, the State Government is going in a direction contrary to the advice from the Ombudsman in relation to child deaths. The advice consistently has been that a lack of interagency communication has contributed to the deaths of children notified to the Department of Community Services.

In one case a girl—I will not mention her name—starved to death in a house. Despite the fact that she was absent from school, the education department did not notify the Department of Community Services. The State Government does not seek to address any issues to ensure that those laws work. It prefers to put out a bigger, better, brighter law that has no greater hope of enforcement than our existing laws. The second part of my motion refers to the fact that this State Government has no standards. A man who will not impose any standards, let alone high standards, on those whom he leads is leading this State Government. In question time today and on other occasions there was evidence of the Premier's failure to impose any sorts of standards on his team. The Premier was asked whether the Minister for Water, before his appointment as Minister for Water, and given his previous role as chief of staff to the former Minister for Aboriginal Affairs, had asked the member—

Mr Michael Daley: Point of order—

Mr Thomas George: Cover up!

Mr Michael Daley: There is no cover up whatsoever. My point of order relates to relevance. I ask you to draw the Leader of the Opposition back to his motion.

The DEPUTY-SPEAKER: Order! At this stage the Leader of the Opposition is within the ambit of the motion.

Mr BARRY O'FARRELL: I appreciate the support of the member for Maroubra on this point, that is, that the Premier refused to detail any steps that he had taken to satisfy himself, at that time, that the Minister for Water had no knowledge of those issues. Equally, when referring to the member for Wollongong, the Premier took no steps to satisfy himself that what seems to be an extraordinary loan provided by a developer to the member for Wollongong was on commercial terms, including commercial interest rates. For the benefit of all

members, having a developer do home renovations is a bit like asking Leightons to redo one's driveway: it is completely and utterly out of perspective with the task at hand.

Mr John Aquilina: Point of order: The Leader of the Opposition is again debating substantive matters that should be raised only if his motion is accorded priority. The Leader of the Opposition should now be showing why his matter should be accorded priority over the other matter that has been listed. He should not debate the substance of his motion.

The DEPUTY-SPEAKER: Order! The Leader of the Opposition must give reasons why his motion should receive priority and not debate the substance of the motion.

Mr BARRY O'FARRELL: I am tempted to amend my motion because over the past 53 weeks the Premier has imposed one standard: we now have a better standard of speakership in the House. This Premier has never imposed any sort of standard on his team. He always waits for others to raise issues—he never refers them proactively—and he is not committed to open and transparent government. As long as that is the case we will end up with the quagmire that we have in Wollongong and in other parts of the State. The community's reaction will be to talk about the stench of corruption and about a government mired in scandal and corruption instead of tackling the problems of this State.

It is legitimate to ask questions about Milton Orkopoulos. If Bryce Gaudry and Jan Burnswoods admitted that they knew about it, why did others in this place not know about it? The member for Wollongong said that last November everyone knew about certain issues in Wollongong. Why did others not know about those issues after subsequent events? We want higher standards in this place but only those who lead the Government can impose higher standards. Until the Premier starts to behave proactively we will not see that. In his single contribution—donations reform—he refused to outline the details and he refused to commit to include third parties in that package.

V Australia Airlines Sydney Headquarters

Mr MICHAEL DALEY (Maroubra—Parliamentary Secretary) [3.22 p.m.]: Unlike the Leader of the Opposition and other Opposition members, I wish to refer to something positive—something that will be of great benefit to New South Wales. It is a privilege to debate a motion that reflects the hard work and tangible results of the Iemma Government in fostering an economy that is strong and prosperous, pro-business and pro-competition. My motion should be accorded priority as this exceptional announcement will bring many and great benefits to New South Wales. It goes without saying that an announcement such as this, with many varied, real and tangible benefits, should not come and go without members offering congratulations to those who made it happen, in particular, the Premier of New South Wales.

Yesterday's announcement that V Australia, Virgin's new international operation, will be based in Sydney once again confirms Sydney as the engine room of Australia's economy. It will create 1,000 jobs, result in \$44 million in investment, and will be a huge boost to the tourism industry in New South Wales. When the Premier made this announcement yesterday he was joined by Sir Richard Branson, chairman of the Virgin group and Mr Brett Godfrey, chief executive officer, who confirmed the important and necessary role that the Premier played in securing this great deal for New South Wales. This venture will bring to New South Wales 500,000 additional tourism bed nights and \$76 million in visitor spending. The launch of this new international airline is set to bring great benefits to Australia and, in particular, to New South Wales.

Mr Anthony Roberts: Point of order: As much as we enjoy listening to the member for Maroubra, he is debating the substance of the motion.

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

Mr Anthony Roberts: That is my point of order.

The DEPUTY-SPEAKER: Order! There is no point of order. The member for Maroubra is addressing the reasons why his motion should have priority.

Mr MICHAEL DALEY: The only time the member for Lane Cove makes a contribution in this place is by way of an occasional point of order. It goes without saying that this announcement is good for job seekers. Such announcements are not made by accident; the Iemma Government aggressively pursued yesterday's

announcement and it followed a good deal of negotiation between Virgin, the New South Wales Government and certain government agencies. Today we should take time to congratulate them.

Question—That the motion of the member for Ku-ring-gai be accorded priority—put.

The House divided.

Ayes, 40

Mr Aplin	Ms Hodgkinson	Mr Roberts
Mr Baird	Mrs Hopwood	Mrs Skinner
Mr Baumann	Mr Humphries	Mr Smith
Ms Berejikian	Mr Kerr	Mr Souris
Mr Cansdell	Mr Merton	Mr Stokes
Mr Constance	Ms Moore	Mr Stoner
Mr Debnam	Mr Oakeshott	Mr J. H. Turner
Mr Draper	Mr O'Dea	Mr R. W. Turner
Mrs Fardell	Mr O'Farrell	Mr J. D. Williams
Mr Fraser	Mr Page	Mr R. C. Williams
Ms Goward	Mr Piccoli	
Mrs Hancock	Mr Piper	<i>Tellers,</i>
Mr Hartcher	Mr Provest	Mr George
Mr Hazzard	Mr Richardson	Mr Maguire

Noes, 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 Rees
Ms Burney	Ms Judge	Mr Sartor
Ms Burton	Ms Keneally	Mr Shearan
Mr Campbell	Mr Khoshaba	Ms Tebbutt
Mr Collier	Mr Koperberg	Mr Terenzini
Mr Coombs	Mr Lynch	Mr Tripodi
Mr Corrigan	Mr McBride	Mr Watkins
Mr Costa	Dr McDonald	Mr West
Mr Daley	Ms McKay	Mr Whan
Ms D'Amore	Mr McLeay	<i>Tellers,</i>
Ms Firth	Ms McMahan	Mr Ashton
Ms Gadiel	Ms Meagher	Mr Martin

Question resolved in the negative.

Question—That the motion of the member for Maroubra be accorded priority—put and resolved in the affirmative.

V AUSTRALIA AIRLINES SYDNEY HEADQUARTERS

Motion Accorded Priority

Mr MICHAEL DALEY (Maroubra—Parliamentary Secretary) [3.34 p.m.]: I move:

That this House:

- (1) congratulates Virgin on its decision to locate V Australia's headquarters in Sydney;
- (2) notes that this will create more than 1,000 jobs, \$44 million in investment, and a huge boost to the New South Wales tourism industry;

- (3) notes Virgin chief Brett Godfrey's comment that if it was not for Premier Iemma taking the initiative and pursuing the new business it would not have chosen Sydney as V Australia's operational base; and
- (4) calls on the Opposition to stop talking down New South Wales, its economy and its achievements in an attempt to score base political points.

Sydney once again has been confirmed as Australia's only global city and the engine room of the Australian economy. The Premier announced yesterday that Sydney has been chosen as the operational headquarters for Virgin's new international operation—V Australia. This will create more than 1,000 jobs, provide \$44 million in investment and be a boost to the New South Wales tourism industry. Sydney was chosen ahead of Brisbane and Melbourne, reinforcing that Sydney and New South Wales are open for business. The Premier was joined by Sir Richard Branson, Chairman of the Virgin Group, and Virgin Blue Chief Executive Officer, Brett Godfrey, who thanked the Premier for his initiative in pursuing this new business. Mr Godfrey said, "If it wasn't for Premier Iemma taking this step, we wouldn't be standing here today announcing Sydney as V Australia's operational base."

While the Iemma Government is working hard to attract investment into New South Wales, those opposite continue to talk down New South Wales, continue to talk down the State economy and continue to talk down the achievements of the State in their usual attempt to score base political points. This latest announcement of V Australia locating its headquarters in Sydney is a huge investment win for Sydney and a massive vote of confidence in the State and its workforce. Today's *Sydney Morning Herald* excellent front-page story was informative and said it all:

Virgin Blue will make Sydney its international hub—creating 1000 jobs and attracting thousands of American tourists—after the Iemma Government beat other states ...

We beat the other States by providing the right business climate, underpinned by a great State economy and an active and cooperative Premier. What is the response from the Opposition in the light of this great announcement? Members will be surprised to hear that the Opposition has remained silent. It will be interesting to hear the comments of Opposition members in the debate. As yet not a single word of support has been expressed from the Opposition for this announcement that will bring all the benefits I have outlined; not a single word of support for the news that V Australia expects to bring more than 50,000 additional visitors to New South Wales annually.

Mr Thomas George: Do you fly Virgin? No.

Mr MICHAEL DALEY: The Opposition constantly tries to tell us that it is the party for business. I call on Opposition members to stop their continued attack on Sydney and New South Wales and support positive initiatives, such as this announcement by Virgin. The launch of this new international airline is set to bring great benefits to Australia and, in particular, to New South Wales. Not only will it bring a new wave of visitors to our shores, but it will also create 1,000 new jobs in an exciting, vibrant and dynamic industry. Also, V Australia will base an aircraft simulator and cabin crew trainer in Sydney to conduct its Boeing 777 pilot and cabin crew training in this State. That is good news for jobseekers. A recent survey shows that Australia's workforce rates Sir Richard Branson the number one boss. To its benefit, V Australia will have access to a well-educated and multilingual workforce in New South Wales. Furthermore, this announcement is a major win for airline customers generally, who will benefit from greater competition on the Australia-United States route.

Virgin is promising initial economy fares to the United States for \$1,899 return, which is 16 per cent below the current average price of other airlines. That is a great win for consumers, and one I am sure will be welcomed even by the member for Lismore, who sits opposite with a cranky look on his face interjecting from time to time. As an initial promotion, V Australia offered 1,000 international economy seats between Sydney and Los Angeles for a return fare of \$999, inclusive of all taxes and charges. V Australia initially plans daily flights between Australia and Los Angeles from December, but has future plans to target international flights to New Zealand and China.

Virgin's decision to choose Sydney ahead of Brisbane and Melbourne as its base for V Australia was really a logical choice. New South Wales has the largest and most diverse economy in Australia and our State capital is the business hub of Australia. According to data supplied by airlines to the Commonwealth Department of Transport and Regional Services, Sydney's direct international air links are currently serviced by 38 passenger airlines operating 598 flights a week and carrying 169,084 seats compared to Brisbane's 22 airlines

and 225 weekly flights and Melbourne's 20 airlines and 260 weekly flights. In terms of weekly departures to the United States, Sydney currently has 55 flights and 17,379 seats. That is almost double Melbourne's 28 flights and 9,991 seats, and much more than Brisbane's 8 flights and 3,264 seats. Bureau of Tourism Research data shows that Sydney accounts for 64 per cent of international business arrivals from the United States compared to Melbourne's 21 per cent and Brisbane's 10 per cent. Sydney is indeed a logical choice for V Australia.

The launch of V Australia will result in an increase in the number of visitors from the United States and means that for the first time the Virgin group will offer a global network of airlines enabling travellers to fly worldwide on Virgin Airlines. V Australia will offer three classes of international service on its trans-Pacific route—business, premium economy and economy. Daily flights are planned between Sydney and Los Angeles with V Australia ordering six Boeing 777-300ER aircraft and having an option to buy another six, which is great news. The V Australia Sydney to Los Angeles route is billed as "From the Harbour to Hollywood" and will commence on 15 December 2008. V Australia will complement Virgin Blue, which flies within Australia, to New Zealand and to the South Pacific, and Virgin Atlantic, which flies between Australia, Hong Kong and London.

The Iemma Government saw this investment opportunity for Sydney and went after it aggressively. Virgin Blue's Chief Executive Officer, Brett Godfrey, generously acknowledged the proactive approach of the New South Wales Government in wooing V Australia to Sydney. Nobody will be surprised to hear that a good deal of background work went into securing the deal that followed ongoing negotiations between Virgin and the New South Wales Government. The negotiators included a number of government agencies, such as the State's business development agency, the Department of State and Regional Development, and Tourism New South Wales. They did a terrific job selling the benefits of Sydney ahead of its rivals, Melbourne and Brisbane.

I congratulate all who were involved in securing a deal that has contributed significantly to the State Plan's goal of increasing business investment and tourism in New South Wales. I also point out that the Rudd Government has advised that the open skies air transport agreement between Australia and the United States will provide greater competition and choice for airline customers. Australian and United States airlines will be able to determine the frequency of air services and the routes they wish to serve without government interference. Previously new entrants to the route were guaranteed only four services weekly, making it difficult for new airlines to commence services. Australian travellers and Australian trade and tourism will benefit when designated airlines are able to operate unlimited services between Australia and the United States via other countries and beyond to even more countries. Over time, that will lead to greater choice through increased competition and will provide significant employment opportunities for Australians in the aviation and tourism industries.

The 1,000 jobs created by V Australia will add to the recent good news on employment in New South Wales. In February the State's unemployment rate reached a 30-year low of 4.2 per cent. Australian Bureau of Statistics data shows that over the 12 months to February 2008 job numbers increased by more than 101,000, with the State's employment increase being 3.1 per cent. Yesterday's V Australia announcement reinforces the view that Sydney and New South Wales are open for business. I congratulate all concerned.

Mr DONALD PAGE (Ballina) [3.44 p.m.]: At the outset I indicate that the Coalition welcomes yesterday's announcement by Virgin that it will locate V Australia headquarters in Sydney. This is very good and welcome news, given that there has been no good news in tourism and State development in New South Wales for many years under the current Government. I note that a few years ago Virgin's Australian headquarters were set up in Brisbane, not in Sydney. While the Opposition welcomes the good news, I take this opportunity to record how badly the State's tourism industry is performing and the adverse impacts on jobs and investment associated with tourism. I also indicate that the Opposition will support the first two paragraphs of the motion. However, I move:

That the motion be amended by leaving out paragraphs (3) and (4) with a view to inserting instead:

- (3) calls on the New South Wales Government to properly promote New South Wales tourism by increasing its New South Wales tourism promotion budget by \$20 million per annum as recommended by the Tourism Business Alliance.

It is important to be honest and frank about tourism in New South Wales: Sydney is the only Olympic city to have gone backwards after hosting the Olympic Games and that should be a matter of great concern to us all. Fewer visitors now make Sydney and New South Wales their destination than was the case in 2000. The story is told by the statistics and I will deal with the details shortly. It is pretty sobering to think that Sydney is the only Olympic city that has gone backwards after hosting the Olympic Games. I reinforce the point made by the

Tourism Business Alliance's report published late last year that since 2000-01 the New South Wales Government has failed to properly support and encourage the promotion and development of tourism and the tourism industry in New South Wales.

The report also points out that other States and Territories have capitalised on New South Wales not promoting the State's tourism whereas Victoria and Queensland did. For example, over the past eight years New South Wales has reduced its tourism budget in real terms by 11 per cent whereas for the same period Victoria increased its tourism budget by 44 per cent. In other words, while the New South Wales Government reduced its commitment to promoting tourism in this State by 11 per cent in real terms, over the same eight-year period Victoria increased its budget in real terms by 44 per cent and Queensland increased its tourism budget by slightly less than Victoria's. And while New South Wales cut back on its promotion of tourism, its competitor States, Victoria, Queensland and Western Australia, stole its market share.

That trend is directly reflected in the number of visitors to New South Wales and their expenditure, which have decreased significantly. The number of visitors to New South Wales decreased from 33 million in 2000 to 27 million in 2006. Expenditure by each visitor decreased by 14 per cent over the same period. Not only have fewer people been visiting Sydney and New South Wales but also the money they spent decreased by 14 per cent from 2000 to 2007. I would have thought that would be a cause for serious concern by the New South Wales Government if it were fair dinkum about promoting the State.

Although it is good to note the announcement made by Virgin yesterday, it is one of very few positive tourism announcements for Sydney and New South Wales that could result in development. I urge the New South Wales Government to take seriously the point made by the Tourism Business Alliance and increase tourism's budget allocation, which is currently approximately \$60 million, by at least \$20 million a year. Tourism Business Alliance comprises all the major tourism industry operators in New South Wales. Tourism is worth \$23 billion to New South Wales and employs 185,000 people, 65,000 of whom live in regional areas. It is incumbent upon the New South Wales Government to recognise that New South Wales tourism has been going backwards under its stewardship and has been losing its market share. The Government really should do something about that.

If more evidence of New South Wales tourism's decline is required, one need only refer to the most recent national visitor survey that was published last week. It indicated that fewer people come to Sydney now from Melbourne and Queensland than has been the case in the past. For example, 12 per cent fewer people are coming to Sydney from Queensland and 7 per cent fewer people are coming to Sydney from Melbourne. Between December 2006 and December 2007 visitor nights in Sydney declined by three million. The statistics indicate that the Government has taken its eye off the ball in tourism management and promotion of New South Wales. As I said earlier, that has been reflected in fewer people coming to Sydney and to New South Wales.

The industry is certainly aware of that decline. In my role of shadow Minister for Tourism I am contacted by the industry on a regular basis. The industry is desperate to get a copy of the John O'Neill report into the tourism industry in New South Wales and to have it made available to the public. John O'Neill has written three reports; two have been made public and the third was completed and provided to the Government prior to Christmas last year—it was the big report that dealt with the entire tourism industry in New South Wales. I understand it made a series of significant recommendations. The tourism industry is desperate to get hold of that report. I understand the report was very embarrassing for the Government; it was a frank report that addressed the matters I have mentioned and the need for the Government to lift its game.

However, the Premier's department, and the Premier's office have taken the report and, like spin doctors, they are trying to put a decent spin on the Government's lack of performance. Frankly, it ill behoves the Government to take a report by John O'Neill—an esteemed person with a fantastic record in marketing rugby union, the World Cup, soccer and other events, and who was specifically appointed to do that job—and try to put their own spin on it. I call on the Government first to release that report, which the industry is desperate to have made public, and, secondly, when it releases the doctored report to do us the courtesy of also releasing the original John O'Neill report, so that we can compare what he said about the state of tourism and what must happen with the Government's spin on tourism. Although the Opposition certainly welcomes the decision by Virgin, I point out that New South Wales has lost a number of major events to other States. They include the twelfth FINA World Championships in 2007, which went interstate; the 500cc Motorcycle Grand Prix; and the Bledisloe Cup in 2006 and 2007. I am a rugby fan and I like to watch a game, but to have to fly to Melbourne to watch the Wallabies play the All Blacks last year was, frankly, embarrassing.

The DEPUTY-SPEAKER: Order! The member for Penrith will cease interjecting.

Mr DONALD PAGE: As a New South Welshman, to have to fly to Melbourne to watch a game where New South Wales and Queensland dominate rugby union, and not to be able to watch a game between the All Blacks and the Wallabies in New South Wales was disgraceful.

Mrs Karyn Paluzzano: What about rugby league?

Mr DONALD PAGE: One would have expected the rugby league State of Origin 3 match in 2006 between New South Wales and Queensland to be played in either of those States. But, guess what! State of Origin 3 was held in Victoria, as was the 2008 Rugby League World Cup Final. Premier events of musical productions, such as *Miss Saigon*, *Phantom of the Opera* and various others probably should have been launched in New South Wales, but the Government has been asleep at the wheel for the past eight or nine years, which has resulted in New South Wales losing those major events. Significantly, that has resulted in the State losing a market share to other States. It ill behoves the Parliamentary Secretary, the member for Maroubra, to give himself a pat on the back; self-praise is faint praise. The Government has no real cause for celebration, and I call on it to implement the recommendations of the Tourism Business Alliance.

Mr BARRY COLLIER (Miranda—Parliamentary Secretary) [3.54 p.m.]: I am pleased to support the motion moved by the member for Maroubra. The launch of V Australia in Sydney means that for the first time Australia will have a second airline competing on the trans-Pacific route. As the *Sydney Morning Herald* pointed out on today's front-page, the Iemma Government was aggressive in pursuing this business opportunity, and I congratulate the Premier on this achievement. The Minister for State Development said in the article that Virgin has:

committed to spend an average of \$1 million per annum for the five-year term on an international marketing campaign, focused on inbound travellers to NSW.

This significant event comes after the Rudd Government reached an open skies agreement with the United States, enabling Australia and United States-owned airlines to fly freely between the two countries. I understand that agreement will be signed today. Sydney to Los Angeles has been chosen as the first route for V Australia, proving again Sydney's position as Australia's gateway and our only global city. In the United States passengers will be able to connect to or from North West Airlines, the first United States-based airline to partner with V Australia Airlines and the fifth largest airline in the world, to continue their travel to other United States cities.

V Australia's Sydney hub will offer a host of connecting options, starting with Virgin Blue's domestic destinations and expanding to include connections to Pacific Blue flights to New Zealand and the South Pacific. Put simply, V Australia's decision confirms Sydney's position as Australia's number one city for business. We beat Brisbane and Melbourne to be the Australian headquarters for this exciting new venture because Virgin boss, Sir Richard Branson, knows what the Iemma Government knows: Sydney is Australia's only global city and the best city in the country in which to do business. The Iemma Government knows our city is the economic engine room of Australia and we are determined to keep it that way. And that cannot be achieved if the Opposition continually talks down Sydney.

We have to be proud of the city to attract business and willing to pursue international opportunities vigorously. We cannot continually talk down our cities; if we do that we are telling the world that Sydney's doors are closed for business, and that really is not on. The Opposition fails to understand that promoting Sydney as a good place to do business is what attracts business to our city, and that means jobs, tourism, employment, and extra income. If the Opposition had its way, businesses would leave Sydney in droves, taking with them jobs and employment opportunities. The Opposition's doom and gloom attitude would have business running to Brisbane and Melbourne.

The Government's approach has resulted in Sydney securing jobs and investments that go along with projects such as V Australia. And we will continue to send a message that Sydney and New South Wales are open for business. V Australia will offer the full suite of products expected of an international long-haul airline but with its usual twist of innovation as part of its three-class offering. Virgin says that it has spent the past two years researching what people value most in an international travel experience with results showing that the highest ranking desirables are seat size, personal space and entertainment. The airline says that it will also be the only airline operating on the trans-Pacific to offer the best in-flight technology connectivity throughout all cabins.

Guests will be able to send and receive text messages, as well as send and receive emails using devices such as a BlackBerry or a mobile phone exactly as they are used on the ground. V Australia will offer three classes of ticket. International business class will be a boutique style executive business product with a dedicated cabin and crew. It will offer a fully reclinable seat with 77 inches of space that will enable passengers to stretch out and sleep. It will offer also choice and individuality, including the freedom of an à la carte menu and on-demand entertainment so that passengers can watch and eat what they want, when they want, depending on personal preference. International premium economy class will be an all-inclusive dedicated cabin that will offer 40 seats that are among the largest ever offered in a premium economy class of any airline either flying today or flying in the future.

International economy class will provide the most spacious economy seating option of any airline operating on the trans-Pacific route, individual on-demand seat-back entertainment and comfortable seating designed for the yet to fly Boeing 787, including an unparalleled 18.8 inches of seat width and 32 inches of leg room. V Australia says that its international economy class will offer more for less in terms of superior comfort, with some fares 16 per cent lower than existing fares on the route. The V Australia schedule has been specifically designed to offer the only daily evening departure from Sydney to Los Angeles, allowing travellers a full day's work or play in Australia before heading off to the United States. V Australia will initially launch with daily trans-Pacific services and will ramp up additional frequencies as it takes delivery of more Boeing 777-300ER aircraft direct from the Boeing factory. I commend the motion to the House.

Mr ROB STOKES (Pittwater) [3.59 p.m.]: In relation to the first part of the motion, I join members in congratulating Virgin on its decision to locate V Australia's headquarters in Sydney. However, I am puzzled by a couple of matters. First, I am puzzled that the Government sees fit to hang on to the coat-tails of Sir Richard in this matter. I suspect locating to Australia had very little to do with Premier Iemma and much more to do with Sir Richard's business decision. Second, I am puzzled that the Minister for Tourism is not in the Chamber. Third, given that this motion congratulates the Government on its record in tourism, it is strange that the Minister for Tourism is not present to endorse his Government's motion. Fourth, I am puzzled that the member for Maroubra has actively pursued this motion, given that the increase in flights and movements will create more aircraft noise over his community.

The second part of the motion states that 1,000 new jobs will be created. My advice to Virgin is that it had better pay its staff a lot of money to live in this city. Under this Government, housing, water, electricity and transport are expensive. I always feel uneasy with self-congratulatory motions, and this motion is no exception. I suspect that locating the headquarters of V Australia in Sydney had little to do with the Iemma Government. I know that the Premier has a very high opinion of himself—no doubt he will claim credit for the electric light bulb or the motor vehicle—but, as was noted by the member for Miranda, Sydney was chosen more due to the Open Skies Agreement with V Australia launching flights from Sydney to the United States of America. It is going a little bit too far to say that the Premier brokered the deal.

A swallow does not make a summer. Indeed, this one bright spark of an announcement does not signal any reversal in the overwhelming pattern of decline in Sydney's fortunes. The Opposition is not talking down Sydney but it is talking about reality. The Opposition does not bury its head in the sand. This motion reminds me of Comical Ali. Who could forget him as he kept talking up Saddam's chances against the United States' juggernaut, even as he was running out the back of the studio door? That is like this motion—it is one announcement. As I have said, one swallow does not make a summer. The previous Government successfully won the Sydney Olympics bid. The pattern of visitor numbers has been one of massive and sustained decline over the past seven years, as the member for Ballina pointed out today.

I also endorse the amendment moved by the member for Ballina. I note the pattern of Sydney's decline. As was recently disclosed in a survey by the *Sydney Morning Herald*, the failure of public transport and traffic congestion is threatening to undermine the traditional success of Sydney. It is true that a quarter of the nation's gross domestic product comes from economic activity in the Sydney Basin, but this decision by V Australia has more to do with global factors than any one initiative by any one government. Recently the *Sydney Morning Herald* surveyed almost 1,000 people in Sydney, 21 per cent of whom were thinking of leaving. Of those, 39 per cent blamed the cost of living as a reason for leaving Sydney, 19 per cent blamed traffic congestion and 22 per cent mentioned work opportunities elsewhere in booming cities such as Melbourne, Adelaide, Perth and Brisbane. The sad reality is that Sydney is losing its advantage and this Government is asleep at the wheel. Government members should not be smug and assume that Sydney will remain in charge.

Mrs KARYN PALUZZANO (Penrith) [4.04 p.m.]: I congratulate the Premier and the Minister for State Development on their active roles in securing this significant investment by Virgin Blue in New South Wales. As well as the obvious economic and employment benefits, the establishment of V Australia and its daily flights from Sydney to Los Angeles will provide major benefits for our tourism industry. Those flights are expected to bring an additional 50,000 visitors from the United States of America each year. Those visitors are expected to generate more than 500,000 additional tourism bed nights and bring in an extra \$76 million each year in visitor spending. It is strange that the shadow Minister for Tourism talked down New South Wales. He said nothing has happened since the Sydney Olympics. However, he then referred to the Rugby World Cup, which was held after the Sydney Olympics. As shadow Minister, he should also be aware that the Gay and Lesbian Mardi Gras is a major event that brings in many visitor nights.

Next year Sydney will hold the World Masters Games, something he is not aware of. Two weeks ago the Oceanic championships were held in Penrith. Two years ago the world championships of the white water canoe slalom were held, which brought international visitor numbers to Penrith, to my patch. World Youth Day will be held in July. This is good news. There will be bed nights not only in Sydney, but also in Penrith, the Hunter Valley and far west New South Wales. The Opposition talked down tourism, but with tourism comes business. This week a local businessman from Penrith, Tom Lindsay, a pie-making equipment manufacturer, is in Germany talking up his patch. He is saying, "We can not only send pie-making equipment to you but we can also try to facilitate your baking ovens." So there are tourism nights as well business tourism nights. Opposition members should get on board.

V Australia will increase the frequency in its Los Angeles services when it takes delivery of new Boeing aircraft. Sir Richard Branson indicated at yesterday's launch that V Australia is also looking at flights from Sydney to Asia and to other United States cities apart from Los Angeles. An announcement on those markets is expected soon. These developments will, of course, bring even more international visitors to New South Wales, including Western Sydney. I have mentioned visitors to Penrith for the white water and flat water kayaking, but they also visit the lower Mountains, the World Heritage listed national park, the Nepean River, the white water stadium and the International Regatta Centre where the rowing is held.

As part of the agreement with the Government, Virgin Blue has undertaken to spend an average of \$1 million per annum on international marketing of V Australia over five years. In doing so, it is working closely with Tourism NSW. In fact, joint planning on marketing initiatives has already started. Tourism NSW is assisting with market intelligence and introduction to help V Australia forge relationships with the travel industry in the United States. Tourism NSW was involved with the world white water championships at Penrith a couple of years ago when Australia secured its first world champion in the C1 class. I congratulate Robin Bell on becoming the first world champion in the C1 canoe slalom event and on making the Australian Olympics team to Beijing. He joins K1 woman kayaker Jacqui Lawrence—

Mr Thomas George: Where does she come from?

Mrs KARYN PALUZZANO: Jacqui Lawrence is a local girl.

Mr Thomas George: She is from Old Bonalbo.

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

Mrs KARYN PALUZZANO: Also on the white water team is Lachlan Milne and Mark Bellofiore. The detailed partnership plans will be developed in 2008-09. I point out that according to Tourism Research Australia, for the year ended June 2007 New South Wales recorded 287,900 visitors from the United States, which accounted for 10.1 per cent of all international visitors to the State. These United States visitors collectively spent 3.6 million nights in New South Wales. The Iemma Government has worked hard to secure the V Australia deal, as Virgin Blue's chief executive officer has publicly acknowledged. We are proud of our city, and the Opposition should come on board.

Mr MICHAEL DALEY (Maroubra—Parliamentary Secretary) [4.09 p.m.], in reply: What a revealing and curious offering from members opposite. Sir Richard Branson, one of the world's great characters and businessmen and one of its most recognisable people, has made a strategic decision to locate one of his new businesses in the best city in the world and what does the member for Ballina have to say about that? I know he is a laconic fellow but he said, "It's a good bit of news." That is all—a good bit of news. That was his only offering, apart from then moving a limp-wristed amendment. Guess what? He and his colleague the member for Pittwater then reverted to form with a diatribe, talking down Sydney.

The member for Pittwater asked where the Minister for Tourism was. He is in his office working hard. Today Minister Brown launched a \$1.2 million marketing campaign to promote Sydney to Melbourne, Brisbane and regional New South Wales. This announcement was greeted with great optimism by all tourism organisations. That is where the Minister for Tourism is today. The member for Pittwater should look at the facts. He should cast his mind back to February 2008 and note that the annual Anholt City Brands Index voted Sydney the number one city brand in the world. In December 2000, Sydney was voted the best Asia-Pacific city at the *Travel Weekly* fifth annual Readers Choice Awards in New York, one of the great international cities of the world. For a record twelfth time Sydney was voted the number one city in the world by readers of the United States Condé Nast *Traveler* magazine, outscoring San Francisco, Florence, Cape Town, Rome, Bangkok and New York—hardly Third World villages.

In the year ending September 2007, international visitor expenditure in New South Wales increased by 14 per cent. New South Wales once again punched above its weight in the number of visitors, exceeding the national average growth by 0.6 per cent. Not only did we exceed the national average in domestic tourism, but also our market share was 10 per cent higher than our closest rival, Queensland. With all the great attractions Queensland has, such as the Daintree rainforest and the Great Barrier Reef—one of the seven natural wonders of the world—New South Wales with all its natural and other wonders exceeded Queensland's market share by 10 per cent.

The Iemma Government has a long-term strategy for tourism, evidenced by the fact that we will invest \$85 million in Events New South Wales, the review of convention and exhibition space, the review of tourism and the State Plan target to increase visitor nights by 10 million by 2016. I could go on and refute more of the things that the member for Pittwater had to say. I had to laugh at the offering by the member for Ballina. If I were on the other side of the House today doing his job, the last straw I would grasp at in trying to talk down a wonderful announcement such as this would be the fact that a Bledisloe Cup match was played in Melbourne. That has nothing whatever to do with the fact that Sydney relinquished the Bledisloe Cup and everything to do with the fact that the Australian Rugby Union is trying to market its game nationally. I would be embarrassed to make such a wimpy offering to this House in support of an argument for my side—the Premier or the Minister for Tourism would call me in and tell me to lift my game! This is not about tourism, although one of the great benefits of the decision by Virgin to locate V Australia's headquarters—

[*Interruption*]

It is not solely about tourism; it is about business and all the other consequences that will flow from the decision. It will bring jobs and an injection into the State's economy. I am happy to congratulate Virgin on its decision and the Premier and his Government on securing V Australia's headquarters for New South Wales.

Question—That the words stand—put.

The House divided.

Ayes, 48

Mr Amery	Mr Harris	Mrs Paluzzano
Ms Andrews	Ms Hay	Mr Pearce
Mr Aquilina	Mr Hickey	Mrs Perry
Ms Beamer	Ms Hornery	Mr Rees
Mr Brown	Ms Judge	Mr Sartor
Ms Burney	Ms Keneally	Mr Shearan
Ms Burton	Mr Khoshaba	Ms Tebbutt
Mr Campbell	Mr Koperberg	Mr Terenzini
Mr Collier	Mr Lynch	Mr Tripodi
Mr Coombs	Mr McBride	Mr Watkins
Mr Corrigan	Dr McDonald	Mr West
Mr Costa	Ms McKay	Mr Whan
Mr Daley	Mr McLeay	
Ms D'Amore	Ms McMahan	
Ms Firth	Ms Meagher	<i>Tellers,</i>
Mr Gibson	Ms Megarrity	Mr Ashton
Mr Greene	Mr Morris	Mr Martin

Noes, 38

Mr Aplin	Mr Hazzard	Mr Richardson
Mr Baird	Ms Hodgkinson	Mr Roberts
Mr Baumann	Mrs Hopwood	Mrs Skinner
Ms Berejikian	Mr Humphries	Mr Souris
Mr Cansdell	Mr Kerr	Mr Stokes
Mr Constance	Mr Merton	Mr Stoner
Mr Debnam	Ms Moore	Mr J. H. Turner
Mr Draper	Mr Oakeshott	Mr R. W. Turner
Mrs Fardell	Mr O'Dea	Mr J. D. Williams
Mr Fraser	Mr O'Farrell	Mr R. C. Williams
Ms Goward	Mr Page	<i>Tellers,</i>
Mrs Hancock	Mr Piper	Mr George
Mr Hartcher	Mr Provest	Mr Maguire

Question resolved in the affirmative.

Amendment negatived.

Motion agreed to.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders: Matter of Public Importance

Ms GLADYS BEREJIKLIAN (Willoughby) [4.24 p.m.]: I seek leave to suspend standing and sessional orders to allow the Opposition to have equal time for the matter of public importance in the remaining time available.

Leave not granted.

NORTH WEST METRO LINK

Matter of Public Importance

Mr JOHN AQUILINA (Riverstone—Leader of the House) [4.25 p.m.]: As a longstanding member of this place, it gives me enormous pride to lead today's debate. People in my electorate of Riverstone rely on the public transport networks. Hundreds of men and women use the Quakers Hill, Vineyard, Mulgrave, Windsor and Schofields rail service.

The DEPUTY-SPEAKER: Order! I ask members who do not intend to participate in the debate to leave the Chamber quickly and quietly.

Mr JOHN AQUILINA: Vast numbers of people take advantage of the private bus network throughout my electorate. I am proud to represent a growing and thriving area of Sydney. That is why I am delighted with the Government's announcement of the North West Metro Link. The Metro Link is the first part of Sydney Link, this Government's vision for Sydney's transport future, the biggest transport infrastructure program in Australia's history. Sydney Link is being developed to provide a world-class transport system to respond to Sydney's transport needs as the city grows by more than one million people over the next 25 years. Sydney Link helps to fulfil this Government's priorities as laid out in the State Plan to increase public transport use for journeys to work and to bring more people closer to their place of work.

The DEPUTY-SPEAKER: Order! Opposition members who wish to conduct private conversations should do so outside the Chamber

Mr JOHN AQUILINA: It is the culmination of the vision first outlined in the Urban Transport Statement announced by this Government in late 2006.

Mr Brad Hazzard: Point of order: In view of the time and under the standing orders, so that the House can properly reflect both sides of the argument on a very important issue, I ask that the member for Riverstone indicate that he will speak for only 2½ minutes.

The DEPUTY-SPEAKER: Order! There is no point of order. The Leader of the House has the call.

Mr JOHN AQUILINA: Since then we have been working hard to develop projects that will keep Sydney's world-class status.

Mr Ray Williams: Point of order: It is ironic that the member for Riverstone should be talking about the North West Metro line—

The DEPUTY-SPEAKER: Order! What is the member's point of order? I ask him to state his point of order or to sit down.

Mr Ray Williams: —when he promised duplication of the railway line 10 years ago.

The DEPUTY-SPEAKER: Order! There is no point of order. I suggest that any further points of order raised by the member should contain substance.

Mr JOHN AQUILINA: Metro rail has been proven to operate successfully in more than 30 cities throughout the world, including Hong Kong, Paris, Washington and New York, transporting millions of people across these cities every day. The North West Metro will run underground from the city, underneath Victoria Road towards Top Ryde, then to Castle Hill, Norwest and Rouse Hill, with easy interchange at Epping for rail services to Macquarie and Chatswood. The North West Metro will provide fast, high-capacity rail services and will be separate from the existing CityRail network. Crucially, the North West Metro will also provide more capacity on CityRail services on the Richmond line and the main western line. Preliminary patronage forecasts indicate that the North West Metro will not only divert new users from their cars and cater for the rapidly growing population in the north west but also attract some existing passengers currently using the Richmond line and the main western line. With the North West Metro providing an alternative rail option for many existing passengers, there will be more seats freed up on the Richmond and main western line services, particularly during peak periods. [*Quorum called for.*]

[*The bells having been rung and a quorum having formed, business resumed.*]

I understand that as the detailed development of the North West Metro progresses there will be further clarification of the numbers of existing and new passengers that would benefit from the relief to the existing rail network as a result of the project. Let me expand on some of the benefits this metro will bring to Sydney and the north-west: a train every few minutes. That means no need for a timetable.

Ms Gladys Berejiklian: Point of order: I refer to a previous ruling from the Chair in relation to members reading from prepared texts. This is a matter of public importance. I would have thought that the member for Riverstone, who has been a member of the House for more than 20 years, would be able to make his presentation about a local issue without reading from a prepared speech.

The DEPUTY-SPEAKER: Order! There is no point of order. The member is referring to copious notes.

Mr JOHN AQUILINA: I am referring to copious notes in relation to detailed technical matters, such as the fact that there will be no need for a timetable because the trains will be able to run every three minutes. There will be more doors in the carriages to enable passengers to get on and off the trains more quickly. This system will be separate from the existing road and rail network, with easy interchange with CityRail bus and light rail services. There has been limited time to debate this issue today but I will have more to say about the wonderful benefits of this metro rail system in the future. I look forward to contributing to a detailed debate on this matter on other occasions. Metro Link, a modern and energy-efficient design and technology system of stations and trains, is a wonderful example of what this Government is delivering. It will be a great boon for the people of the north-west and, in particular, the people in my electorate, for which I am grateful. Opposition members who are confused about this matter do not know whether to support it or oppose it. If they want to oppose it, that is fine.

The DEPUTY-SPEAKER: Order! It being 4.30 p.m.—

Mr JOHN AQUILINA: Quite frankly, members of the Opposition are negative and never think about any positive aspects.

The DEPUTY-SPEAKER: Order! It is now 4.30 p.m.

Mr Thomas George: Point of order: Mr Speaker—

The DEPUTY-SPEAKER: Order! There is no point of order. Members should ensure that they conduct themselves with proper decorum.

Pursuant to sessional orders business interrupted and matter lapsed.

NATIONAL PARKS AND WILDLIFE (LEACOCK REGIONAL PARK) BILL 2008

Agreement in Principle

Debate resumed from 5 March 2008.

Ms PRU GOWARD (Goulburn) [4.30 p.m.]: The Opposition does not oppose the National Parks and Wildlife (Leacock Regional Park) Bill 2008, which involves the revocation of a total of 1,500 square metres of land at Casula south of Liverpool that is currently part of Leacock Regional Park. The revocation is intended to allow for the redevelopment of the southern Sydney freight line, which forms the park's east, south-east and southern boundary. The Opposition consulted with the National Parks and Wildlife Association and the wilderness association and neither association has any objection to this bill. However, I note that the park was opened only a few years ago, so it seems extraordinary that we know so little about any plans for the development of transport in that region. It is a mark of poor planning that this land was not recognised then for its importance to the southern Sydney freight line.

We now have to come back to revoke the dedication of a mere 1,500 square metres of land. It is also worth observing that in consultations with the department I was advised that the land was expected to fetch about \$40,000 to \$50,000 on the market, which would be paid to the Department of Environment and Climate Change, and that that money would be used to purchase compensatory land in the vicinity of Leacock Regional Park for park management purposes—land that is consistent with the objectives of the Act. When I rang Liverpool council to ask whether it was happy with this I was disappointed to learn that it had not been advised or approached by the State Government regarding the provision of land to compensate for the revocation of this part of Leacock Regional Park.

The council also said that it found negotiations with the department generally very difficult. As it was finding it difficult to maintain the land in question to the appropriate standard it was delighted to sell any suitable land to relieve it of a maintenance burden. If the Government intends to revoke a lease and to purchase land nearby to compensate for that, it would be good practice in future to advise the council that owns the land of its intention and to enter into negotiations with the council. As I said earlier, the Opposition does not oppose the bill. If it results in improved railway services to the south-west of the State that would be a good thing.

Dr ANDREW McDONALD (Macquarie Fields) [4.34 p.m.]: Any member visiting Leacock Regional Park will find the park to be very nice. However, I suspect that very few Opposition members have ever been there. The member for Goulburn referred earlier to a lack of planning. When the situation changes we have to change our minds. Since the park was opened a major bottleneck has developed on the southern Sydney freight line. Freight trains share existing rail lines with the Sydney metropolitan passenger services currently operated by RailCorp. During morning and afternoon peak periods freight services are not permitted to run due to passenger priority. So freight services cannot arrive or depart from Sydney during those times. To alleviate the bottleneck the Government proposed the construction of the southern Sydney freight line. This important project was declared a major project under part 3A of the Environmental Planning and Assessment Act 1979.

The assessment process included consultation with the Department of Environment and Climate Change on a variety of issues, including the need to revoke a small amount of land from Leacock Regional Park. Following an assessment of the project by the New South Wales Department of Planning, the Minister for Planning gave approval for the project in December 2006, subject to conditions. Situations in which the need for revocation from the reserve system may arise include boundary errors, boundary encroachments and development proposals that are of public value but not permissible for land reserved under the National Parks and Wildlife Act 1974.

The proposal for Leacock Regional Park falls into the latter category of a use that is of public value but not permissible on land reserved under the Act. Due to design requirements and limitations on the proposed rail

line, additional land is required for the rail corridor to accommodate the freight line. The land to be revoked currently provides part of the buffer zone within the existing rail corridor. Revocations for new non-permissible uses have tended to be minor boundary adjustments around existing public infrastructure and facilities. An example is where a public road needs to be upgraded or realigned for public safety. The proposed revocation from Leacock Regional Park is in a similar vein. The boundary adjustment around the rail corridor is necessary to allow construction of the much-needed southern Sydney freight line. Any money that is raised will be spent on park services. I commend the bill to the House.

Mr PHILLIP COSTA (Wollondilly) [4.37 p.m.]: I support the National Parks and Wildlife (Leacock Regional Park) Bill 2008. Occasionally, revocation bills are necessary for the purpose of removing land from the reserve system. This is not the first time that it has happened and it probably will not be the last time. By requiring an Act of Parliament for the revocation of land from the reserve system we can be assured that conservation outcomes are a priority and that the integrity of the reserve system is protected. It is wise to ensure that revocations are reviewed by Parliament. It is important to acknowledge the role that Leacock Regional Park plays in providing recreational opportunities for the residents of south-west Sydney. I researched this issue through Google on the Internet and I also visited the park.

This proposal is in keeping with giving the people of south-west Sydney a quality park and putting in some important infrastructure. The park is a place where people can walk, run and ride their bikes. The park, which is located within a culturally diverse community, provides a venue for social interaction by providing facilities such as barbecues and picnic areas. It would be good in the future to see that park linked to the south, and I hope that will happen. Leacock Regional Park is also important as part of the network of reserves and parks in Western Sydney that provide protection for remnant vegetation and a refuge for native animals. The park reflects past and present human settlement patterns in the area, protects natural and cultural heritage, and provides visitors with learning opportunities. I remember visiting the area as a child because I was born in that part of the world. The area has a diverse ecology and the acquisition of other land through this bill will be good for south-west Sydney.

Revocation of land from the Leacock Regional Park was assessed under part 3A of the Environmental Planning and Assessment Act 1979, including the impact of the revocation on the values of land to be revoked and on the remainder of the park. Land to be revoked will be acquired by the State Property Authority on behalf of RailCorp under the Land Acquisition (Just Terms Compensation) Act 1991 and the Transport Administration Act 1988. The good news is that the Valuer General will determine the land value and the money will be used to purchase compensatory land in the vicinity of Leacock Regional Park. This bill represents a rational and logical answer for delivering a project of critical public importance—the south-west rail link—while at the same time not diminishing the values of the land reserve system in that part of Western Sydney. I commend the bill to the House.

Ms VERITY FIRTH (Balmain—Minister for Climate Change and the Environment, Minister for Women, Minister for Science and Medical Research, Minister Assisting the Minister for Health (Cancer)) [4.41 p.m.], in reply: I am pleased that the Opposition supports the National Parks and Wildlife (Leacock Regional Park) Bill 2008. The urban environment in which the Leacock Regional Park is located restricts options for land purchase. The object of the bill is to purchase compensatory lands but if that cannot be done the greatest conservation gain may be achieved through habitat restoration. The revocation is essential to the development of the southern Sydney freight line and this bill presents an opportunity to improve our global environmental performance by having the freight line up and running. I am pleased that the Opposition supports the bill. 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.

TOTALIZATOR AMENDMENT BILL 2008

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

MINING AMENDMENT BILL 2008**Agreement in Principle****Debate resumed from 5 March 2008.**

Mr JOHN TURNER (Myall Lakes) [4.42 p.m.]: The Opposition will not oppose the Mining Amendment Bill 2008 but has some concerns and questions about it, and also will reflect some concerns of the mining industry. No doubt this significant piece of legislation changes the dynamics of how mining will be carried out in New South Wales in a practical sense, a legal sense and a sustainable sense. The bill seeks to change the environmental regulations that affect mining, change the enforcement provisions and change the administrative processes. However, this bill illustrates again the tardiness of the Government in its inability to move this State forward in a timely manner.

In 2005 the Government presented a positions paper concerning these proposed changes and it is only now that legislation is introduced. Whilst we appreciate that these are significant changes, surely three years is far too long to have the industry in limbo over these amendments. This tardiness is evident in every area of government action—or inaction in the case of this Government. Only recently we had the announcement of yet another train service via television advertisements, glossy brochures and the like, but it will not be running until 2017. With the Government's timetables and inability to complete projects on time we all know that years can be added to that date. The mining industry is vital to the New South Wales economy. It is arguably the biggest export earner for New South Wales, provides thousands of jobs, provides the Government with hundreds of thousands of dollars through royalties to prop up its miserable handling of the New South Wales economy, and holds together many rural communities. The industry deserves some consideration.

The long period of uncertainty, as we have seen in the development of this bill, can have only a debilitating effect on the industry. It is not just the industry that suffers from the tardiness of the Government creating uncertainty; communities where mining occurs or will occur also suffer while this Government dillydallies on important legislation. The mining industry is hamstrung by red tape that takes years to hack through. Whether it is exploration or mining approval, or the regulation concerning actual mining, years are lost with the industry forced to comply with ever-increasing legislation or regulation. The Coalition believes in sustainability but equally supports the need to bring this great State back to its economic prominence in Australia after being dragged economically backwards by a tired and arrogant Government that has lost the vision and zeal to make this State great once again.

The State is going backwards because it is wallowing in red tape. The Liberal party and The Nationals share the concerns of the Minerals Council of New South Wales that these amendments will increase the red tape and restrict the viability of the mining operation. This bill brings the Mining Act, the Environmental Planning and Assessment Act and the Protection of the Environment Operations Act all basically under one umbrella. As a result, not only will red tape obviously be created but also turf wars will develop from these changes. The Minerals Council believes this bill needs to go further in addressing the most serious concern of the industry—cutting red tape—if it is to deliver on the original intent of improving mining administration in New South Wales. The Coalition agrees wholeheartedly.

The Minerals Council has observed also that the bill has a number of amendments that appear to increase red tape for the mining industry and as such are contrary to Government policy, which is supposed to reduce bureaucracy. The Minister might like to address in reply why the bill is contrary to Government policy and, for that matter, general public policy of reducing red tape and bureaucracy. Of course, this Government has been the scene setter in creating red tape and bureaucracy without a thought for its own policy or the welfare of this State. The key concern to the Minerals Council is how the Mining Act and the Department of Primary Industries as the overseer of that legislation will interact with the legislation and other government agencies in their roles. The Minerals Council says that this is particularly the case where many of the proposed amendments will result in further duplication with other government agencies, particularly the Department of Environment and Climate Change and the Department of Planning.

The Minerals Council believes a significant duplication arises from the application of section 75V of the Environmental Planning and Assessment Act. As I have mentioned already, with three Ministers and three departments involved in the regulation of the mining industry, turf wars will break out. It is clear in government bureaucracies that turf wars are the biggest factor in grinding into the ground the bureaucracy and all those who deal with it. Under this bill there will be much chest flexing between the Department of Primary Industries, the

Department of Environment and Climate Change, and the Department of Planning. The precursor for such a turf war is contained in the agreement in principle speech. The Parliamentary Secretary tried to gloss over this issue when she said:

The amendments make it clear that the environmental impacts associated with the exploration and mining of minerals will be assessed prior to these activities being approved and carried out. The assessment will take place in an integrated fashion ...

So far so good: cooperation through that wonderful word "integrated" that is so much used by this Government, and so neglected by it as well. But let us cut to the chase and go to the last part of that sentence. The Parliamentary Secretary said, "The assessment will take place in an integrated fashion." She then said, "and aspects of the assessment may take place under the Mining Act approval processes or another environmental approval process such as a Department of Planning approval." There lies the conflict, the grounds to start the turf war, spelt out by the Government's own advocate for this legislation. But the Parliamentary Secretary went further and highlighted that, far from reducing red tape and turf wars, it will enhance those phenomena. The Parliamentary Secretary went on to acknowledge that when she said:

The bill acknowledges that approvals under other legislation are also required for some exploration and mining activities, and recognises the importance of integrated approval processes and the Government's obligation to business to reduce red tape.

Breathtaking, and all in one sentence! First she acknowledged that approvals, otherwise singularly available, will need multiple agency approval. In her convoluted way, she suggested that that will lead to a cut in red tape. I would like to know how. The mining industry will be in the vice while this grinding turf war occurs. But the Government should be aware that it likewise will be in that vice because if the turf wars delay a responsible and sustainable minerals development that not only will delay the returns to the industry but also will delay royalties paid to the Government—money that the Government badly needs to prop up its mismanaged New South Wales economy.

If we see departments fighting each other to the extent that I think they will, on a regional basis that in turn will delay responsible and sustainable mining and may mean that regional communities—which are dependent on timely and responsible decision making to maintain their workforce and, through that, their communities—will suffer. It clearly is a recipe for conflict. We all know the current Minister for Planning is an expansionist who is keen to be the king of the pack. We have seen his ruthless pursuit of the expansion of his department and equally the department's inability to react to that expansion, resulting in intolerable delays. In his pursuit to be king of the turf war, will he prevail against an equally ambitious Minister for Climate Change, and the Environment? Who cares? What should prevail is a clear protocol for ensuring that various departments work harmoniously with each other for the benefit of the community and industry, not for the supremacy of their department. After all, the agreement in principle speech talks about integrated approaches. The Parliamentary Secretary enthused:

Accordingly, the amendments avoid duplication of assessment requirements by removing the need for decision makers under the Mining Act to further consider matters that have already been assessed by other government agencies. This will minimise duplication ...

Really? That would be a first! I well remember a few years ago that a matter approved by one government department could not proceed because under its rules it needed the concurrence of another government department, but the second government department did not have the power to give concurrence. What happens if the decision makers under the Mining Act or the principals in the mining industry take issue with "matters that have already been assessed by other government agencies"? Is there an appeal process? Is there a protocol on how to solve such impasses, or is it a cutting of powers of the Minister for Primary Industries and the mining industry and an enhancement of the powers of the Department of Planning and the Department of Environment and Climate Change? I believe it is the latter. In any event, to alleviate such conflicts the Minister must spell out what the protocol is, or will be.

However, I return to the concerns of the Minerals Council. The possibility of multiple prosecutions arises out of this legislation. While the Coalition parties believe in the responsible administration of all aspects of the mining industry, there are concerns that the legislative provisions allowing for prosecutions for mining incidents, with the introduction of off-title impacts, could lead to three separate prosecutions being undertaken by the Department of Primary Industries, the Department of Planning and the Department of Environment and Climate Change from one factual incident at a mine site. Additionally, as these types of offences are statutory offences, the common law defence of double jeopardy would not apply to prevent multiple prosecutions occurring. Although ecologically sustainable development of the mining industry is admirable in itself, the Parliamentary Secretary stated:

The bill only requires decision makers to have regard to the impacts associated with the mining activity itself.

The bill does not require decision makers to speculate on environmental impacts arising from the potential use of resources or possible impacts associated with such uses because that is regulated through other processes. Immediately before those comments she stated:

The bill recognises that further approvals and controls regulate the use of resources once extracted from the mine site.

Perhaps the Minister will explain the whole process of ecologically sustainable development in the mining industry if the industry is going to do no more than it has previously done—which is responsibly and sensitively mine coal and other minerals—and other agencies will make decisions on the regulation and control of the product after it is extracted. Will the regulation of how minerals are to be used after being extracted have an effect on the production of coal, for example? Does the bill mean that outside decisions will be able to limit production? What will be the effect on the profitability of the mine, and in turn the employment of many workers in the industry as well as the communities that rely on the mining industry, if others determine to limit coal production because of environmental matters? Will the mining industry have a voice in "other processes" that will regulate the "environmental impacts" from the potential use of the resource or the possible impacts associated with such uses?

I note that the bill enlarges the definition of "environment" and adopts the definition that is used in the Environmental Planning and Assessment Act to require that all aspects of the surroundings of human beings are taken into account. That brings into play social and environmental issues. While the definition is intended to be a broad definition, as the Parliamentary Secretary said, covering all aspects of the natural environment, industry, flora, fauna, land, surface water and groundwater as well as all aspects of the built environment, it will have a significant effect on the operations of mining in New South Wales. The bill speaks strongly of the need for the rehabilitation of land and water. Naturally, the Coalition parties support the rehabilitation of land and water affected by mining operations. The legislation provides that the industry will be liable for rehabilitations of damage outside the authority area if it can be shown the damage occurred from mining operations nearby. The new definition of rehabilitation is to be broadly defined as a process of treatment of disturbed land and water, including groundwater, and will allow rehabilitation for a range of post-mining uses.

The Parliamentary Secretary cited the example of rehabilitated land used as a forest for the purposes of carbon sequestration. The Parliamentary Secretary should perhaps visit a few of the mines in her area and further afield. The mining industry has moved on significantly since the moonscapes in areas such as in my hometown of Cessnock following past totally unsuitable practices. At the Mount Owen Colliery in the Hunter Valley there is a significant and continuing planting of forests as the mined area is rehabilitated, which is symptomatic of all responsible mining developments. However, I note that certain environmental and rehabilitation conditions will be varied in the course of mining that will reflect the improvements in rehabilitation techniques. The Coalition parties have no problem with that provision but hope that the strident Greens within our community will not seek to take over this section and impose unrealistic requirements on the industry.

The mining industry is to be congratulated on the work it presently does in rehabilitation. I hope the new legislation will be a carrot-and-stick approach rather than a punitive approach. The bill touches on the fact that mining activities must be undertaken in accordance with a mining authority issued under the Mining Act and that such authorities include exploration licences. The exploration for minerals is a very sensitive operation. Often it is the first a community knows that mining activities are being considered in its area. Because an exploration licence encompasses so much area, only a little of which may be used for mining, people become agitated and concerned about their way of life and environment. While that issue is not specifically addressed by the bill, I would like exploration licences to be issued in clear terms so that decisions can be made in a timely way that will ensure mining profitability but also give certainty and direction to local communities.

I note that the Minerals Council supports the mandatory audits proposal in the bill on the basis of comments made in the agreement in principle speech that "these requirements are consistent with requirements under other environmental protection legislation and will enable a coordinated government approach to auditing." The Coalition parties share those sentiments and hope it will work, but we have to look sceptically at that statement, now that there is competition rather than coordination between departments. Let us hope it works and, as the Parliamentary Secretary said at the end of that section of her speech, that it will "reduce red tape" because the industry will be better off if coordination can be achieved.

The Opposition would like the Government to expand on the provision in the Act that will bring outside the mining title land that has been disturbed by mining operations. Presently it is very open ended about

who will determine which areas of disturbed land or water outside mining title areas have been disturbed and how this will be done. We certainly support the provision to rehabilitate any land or water, whether on or off mining title, that has been disturbed by mining, but the present provision is very open ended and could perhaps lead to spurious claims.

I now refer to the capture by the bill of private mining operations. Again the Coalition supports this initiative but would like either the Minister in reply or his representative in the Legislative Council to advise what consultation occurred with private miners in New South Wales. In relation to the enforcement section of the bill it is noted that inspectors will be given enhanced powers, including power to enter land that is not subject to a mining title when an inspector reasonably suspects that illegal mining activities are taking place. Again we would support the proposal, but would like to hear from the Minister what he believes would constitute a reasonable belief, because the Parliamentary Secretary went on to say:

The investigation powers are consistent with those set out in other environmental protection legislation.

Regrettably, there have been some instances where powers under other environmental protection legislation have been exceeded. Before I finish with the concerns of the Lightning Ridge Miners Association about that part of the bill that refers to opal mining, I note we had to get to page 30 of a 36-page speech by the Parliamentary Secretary to get to the crux of the bill. And the crux, of course is, as stated:

The bill will introduce amendments to better integrate the operations of the Mining Act and the Petroleum (Onshore) Act with the Environmental Planning and Assessment Act.

And at page 31:

This will streamline approvals processes as the same person will be able to make decisions to oppose an activity under the mining legislation and the Environmental Planning and Assessment Act.

Clearly, we know who is now the boss of mining in New South Wales: the Minister for Planning, Frank Sartor. All I can say to the mining industry is look out! Finally I come to the concerns of the Lightning Ridge Miners Association about specific amendments affecting opal mining in the Lightning Ridge area. First, and as usual with the Government and irrespective of the fact that the bill has been stewing for three years, the Lightning Ridge Miners Association wrote:

We are extremely concerned about the lack of industry consultation in regards to this Bill, particularly as many aspects of it may have a dramatic effect on the opal industry of New South Wales.

Why is it such a hallmark of the Government to show contempt for the people of New South Wales, particularly country New South Wales, by not consulting on legislation that will affect individuals, communities and industries? The Lightning Ridge Miners Association makes the following observations about this bill:

Thank you very much for the opportunity to comment on the Mining Amendment Bill 2008.

The Lightning Ridge Miners' Association Ltd is extremely concerned about the lack of industry consultation in regards to this Bill, particularly as many aspects of it may have a dramatic effect on the opal industry of NSW.

In regards to compensation, investing the power in the Minister to set compensation payable by miners is abhorrent and a conflict of interest. The Minister for Primary Industries' portfolio encompasses both miners and landholders and any such conflict of interest paves the way for corruption.

A landholder has never had to negotiate with a large number of opal miners on a claim by claim basis as the Mining Warden has had the power to make a blanket assessment of compensation for a group of titleholders. This section has been amended in the Bill so that the Warden may only do so with the consent of the Minister. (To date the miners and landholders have a compensation agreement in place through the Lightning Ridge Mining Board and the Warden has not been called upon to assess compensation since an initial assessment in 1990, when he made a blanket assessment. The compensation is paid into a central fund by miners and paid out of that fund to the landholders.)

There is similar legislation in place whereby the Director General, in cases where miners and landholders cannot agree on an access management plan, may make a determination. In the first case to come before the Deputy Director General, Alan Coutts, he declined to make a determination and referred the matter to the Warden. Over the counter titles is the cornerstone of our industry and are greatly under threat by the shifting of power from the Registrar to the Director General. Are these amendments the precursor to an attempt to close government offices in rural communities along with the commensurate loss of local employment?

As a general comment it appears to us that this Amendment Bill is designed to give all relevant rights to the Director General and pass on superfluous powers to the Chief Mining Warden.

Let us not forget that opal is Australia's National Gemstone and the opal industry is the last bastion of the small miner.

I ask the Minister to address the issues raised by the association, as I believe they are pertinent and relevant. This is a significant bill and deserves to be looked at closely. The Coalition will not, as I said, oppose the bill but we have raised responsible questions and issues about the bill with the limited resources we have to hand. We would hope that with our not opposing the bill and in the spirit of bipartisanship our queries will be answered.

Mr ROBERT COOMBS (Swansea) [5.04 p.m.]: I support the Mining Amendment Bill 2008. Developing the mineral wealth of New South Wales is important for the economic development of the State. However, mining cannot be undertaken without some impact on the surrounding environment. It is one of our most important responsibilities that we regulate mining in such a way as to minimise those impacts. This means encouraging mining methods that have the least impact on the environment. This means also regulating rehabilitation of mine sites to restore the land and water to a state suitable for use by future generations. The Government has a strong legislative framework in place to ensure that the impacts of mining activities on the environment are minimised.

I will now address that legislative framework and the role each element of that framework plays to ensure impacts on the environment are minimised throughout the life of a mine. The legislative framework is made up of three main Acts: the Environmental Planning and Assessment Act 1979, the Protection of the Environment Operations Act 1997, and the Mining Act 1992. Together, those Acts provide a comprehensive framework for the management of the impacts of mining on the environment. The three Acts work to protect the mining environment in different ways. The role of the Environmental Planning and Assessment Act 1979 is to provide an assessment and approval process for new projects. Under that Act, mining proposals must be assessed for their environmental and social impacts well before they can begin. All proposals, from very small projects up to multi-million dollar projects, are assessed.

The Minister for Planning is the approval authority for major mining proposals, while local councils and shires are the consent authorities for small projects. The Department of Primary Industries assesses exploration proposals. If a project is approved under any of those processes, conditions can be imposed on the project to make sure the environment is protected. It is very clear that mining proposals are subject to stringent environmental planning requirements. The second Act of the three to provide environmental management is the Protection of the Environment Operations Act 1997. Its role is to ensure that mining operations effectively control any air, noise, water and waste pollution. The Act requires anyone seeking to carry out an activity that could pollute the surrounding environment to have a licence. Licences are enforceable. Importantly for mining, licences control impacts that might occur outside the mining title area.

I turn now to the Government's role and responsibilities under the Mining Act 1992 for environmental management of exploration, mining operations and rehabilitation. The Department of Primary Industries is responsible for regulating and rehabilitating mine sites. To do that effectively, the department must ensure that the industry manages its impacts on the environment during the life of a mining project. The Mining Act regulates environmental management and rehabilitation for the mining industry through conditions imposed on every mining and exploration title. The Mining Amendment Bill 2008 will strengthen these requirements by requiring the assessment and approval of a rehabilitation and environmental management plan before mining can commence. The plan must identify how mining will be undertaken to ensure that effective rehabilitation will be able to be carried out on the site. The plan must also outline how and when rehabilitation will be undertaken throughout the project.

These plans will have to be reviewed and reassessed at least every seven years to make sure that they reflect the current activities and any changes in rehabilitation standards. To back up the plan, each mine must submit a regular environmental management report. This requirement has been further strengthened through the amendments in the bill. The report must detail environmental performance in relation to all requirements under the Act, regulations and conditions of the mining title. Other environmental regulatory instruments also require regular environmental reporting. Consistent reporting requirements across these instruments will enable mine operators to prepare a single report that satisfies the concerns of all agencies. This will reduce the administrative burden for operators while ensuring that each agency receives the necessary compliance data.

The Mining Amendment Bill also provides for the environmental performance of mines to be audited by the department or an accredited auditor as a further check that mining companies are meeting their environmental management and rehabilitation obligations. This is consistent with the other environmental regulation. This consistent legislative approach to auditing across the three main environmental regulatory regimes will enable audits to be coordinated between agencies. This will ensure that audits address all environmental and rehabilitation issues associated with mines, while at the same time reduce the administrative

burden for both industry and government. A further critical departmental role under the Mining Act is carried out at the end of a mining project.

Before mining commences, the department sets, and may review, security deposits. Securities cover the full rehabilitation costs of activities on all titles. This requirement ensures that the State does not incur financial liabilities if a titleholder defaults on their rehabilitation obligations. When the time comes for a mining project to end, the department supervises the mine closure, and determines when rehabilitation is complete. Only when the department is satisfied that all rehabilitation requirements have been met will the security be discharged. These Acts ensure that the mining industry is environmentally responsible. They further ensure that throughout a mining project, industry's environmental responsibilities are clear, understood, and carried out.

Taken together with the Environmental Planning and Assessment Act 1979 and the Protection of the Environment Operations Act 1997, the existing legislative framework to protect the environment from mining impacts is effective. However, as effective as the environmental regulation of the industry is the amendments in the bill will significantly strengthen that framework. In addition, the amendments will ensure consistency across the legislative framework for managing the environmental impacts of mining. They are designed to ensure that the mining industry is environmentally responsible. They will ensure that the industry is sustainable into the future. I commend the bill to the House.

Mr ROB STOKES (Pittwater) [5.13 p.m.]: The Mining Amendment Bill 2008 is the first major review of the Mining Act 1992 since the passage of that bill and its commencement in August 1992. The mining law in New South Wales has been updated on three occasions, once each by the Mining Act 1906, the Mining Act 1973 and the Coal Mining Act 1973. The Fahey Government passed the Mining Act 1992. Given the rarity of such review of the mining legislation, I, like all members of this place, was interested to see how the Government dealt with some of the major issues that have emerged since the passage of the 1992 legislation. Upon reading the bill, its singular feature is what it does not say, rather than what it does say. The most noticeable feature of the bill is its failure to address the major concerns of the mining industry and the communities it affects.

The New South Wales mining industry provides approximately 20,000 direct jobs and at least three times that number indirectly through related services and flow-on industries. Many of those workers live in my community of Pittwater. It is an industry that is particularly important in providing the bases of regional economies in the Hunter Valley, the Illawarra, Lithgow, Broken Hill and Parkes. Moreover it has been a major focus of attention of the finance and investment community in Sydney and throughout Australia. Mining has been a mainstay of the State's economy and, through the payment of royalties and taxes, a major source of revenue to the State; every indication is that it will continue to be important to our State's economy.

The bill is claimed to have been derived from election promises of the current Labor Government. However, it is interesting to note that those promises were not made in the 2007 election, but, indeed, the 2003 election. This reflects either the lack of priority accorded by the Government to the mining sector or the policy laziness of the Government, or indeed both. I will deal briefly in turn with each of the five principal reasons why the bill is inadequate and demonstrates the failure of the current Government to address central issues confronting the mining industry in New South Wales. The first issue relates to the confusion of the role of the Mining Act with other New South Wales laws, resulting in duplication, over regulation and confusion. The Mining Act is primarily designed to deal with the acquisition, disposition and management of title to extract minerals, either on publicly or privately owned. It should be directed at rights to explore and mine; how those rights are obtained; how royalties are paid to the resource owner, whether the State or a private party; the rights of mining titleholders and the rights of landowners; how rights are transferred and concluded; and how disputes between titleholders and between affected land owners and titleholders are to be resolved.

The role of the mining law is not to provide an alternative or competing regime for environmental management or planning control. That task is best left to the appropriate planning and environmental legislation, the Environmental Planning and Assessment Act 1979, or the Protection of the Environment Operations Act, 1997. The different role of the mining law and the other statutes was well outlined by the judgement of the Privy Council in *Associated Minerals Consolidated Limited v Wyong Shire Council* in 1974. In that case the Privy Council was addressing the relationship between the mining law in New South Wales and the then planning law incorporated in part 12A of the Local Government Act 1919. Lord Wilberforce, in the Privy Council, said:

Both Acts apply, or are capable of being applied, with complete generality to land in the State of New South Wales. Can they, in relation to a given piece of land, coexist? In their Lordships' opinion they clearly can, and do. The Acts have different purposes, each of which is capable of being fulfilled. The purpose of the mining legislation is to enable persons to acquire a legal right or

title to enter upon, to prospect, and ultimately to mine, land in the State. It also—and this is important—regulates the conditions under which, as between private citizens, rights may be acquired and used. In relation to the subject lands, it provides the title of mining enterprises to enter upon and to work land of the Crown. The planning legislation ... is, in its turn, capable of being applied to all land in the State, including Crown land, without exception. It enables restrictions as to use to be imposed upon all such land. Not only can such legislation restricting user coexist with the rights of persons, whether derived from the Crown or from private owners, to mine land, but the whole purpose which underlies the planning legislation would be defeated if it did not.

The bill should concentrate upon dealing with the acquisition, disposition and management of mining titles throughout New South Wales and properly leave planning and environmental regulation to the specialist laws dealing with those areas. The lack of clarity in the role of the Mining Act demonstrates the policy confusion within the Government, the competition between agencies and their Ministers, and the absence of any coordination to effectively address issues of vital importance to the mining industry and the community as a whole. Secondly, the bill fails to regulate mining comprehensively. There are two glaring deficiencies in the Mining Act 1992. The first is the failure to incorporate a regime to regulate extractive industries.

The Mining Act effectively controls both Crown owned and privately owned minerals, but through the exclusion of major resources, such as sand and gravel from the definition of "minerals", it fails to regulate extractive industries throughout New South Wales. There is no reason why the same regime should not apply to extractive minerals under the Mining Act as it does to all other minerals both publicly owned and privately owned. This has resulted in differences between the two sectors and an absence of uniform and standardised provisions relating to title for extractive industries, driving up the cost of extractive resources and making provision of adequate supplies of extractive resources for the State's economy more and more difficult to obtain.

The third deficiency is its failure to identify clearly the relationship between the Mining Act 1992 and the Petroleum (Onshore) Act 1991. This is well demonstrated by the problems where titles for petroleum exploration, particularly gas exploration, are obtained over areas of prospectivity for minerals regulated under the Mining Act where the Mining Act fails to address how competing titles are to be managed and controlled. This is particularly the case given the likely ongoing interest in coal seam methane throughout the State in reaction to human induced climate change.

The fourth deficiency is its failure to adequately resolve the rights of private landholders affected by mining and to provide a fair and reasonable balance between the rights of property owners and the right of the holders of mining titles. The issues confronting private landholders where proposals are mooted for open-cut mining of their property demonstrate this. As the House will appreciate, major project applications under the planning law for mining projects do not require the consent of the landholder for their lodgement and ultimate approval. Therefore there are instances where planning approval has been granted for major open-cut mining projects, such as the Anvil Hill project west of Muswellbrook, where the consent of affected landholders whose properties are proposed to be open-cut mined has not been effectively resolved and addressed.

There is a clear need to establish the principle that where surface mining is to affect land, the owners of that property must be adequately compensated and not effectively deprived of their property rights. Additionally, the Government has failed to address the issue of improvements raised in the Court of Appeal decision of *Kayuga Coal Pty Limited v John Earl Ducey*, which was handed down in April 2000. Here, the Court of Appeal addressed the provisions of the Mining Act preventing the grant of a mining lease over land on which any improvement is situated, and held that the existence of fences constituted improvements, which prohibited the grant of a mining lease.

The clear policy intention behind the provisions of the Mining Act was to prevent the grant of title in relation to areas subject to buildings and structures of significance, and to areas under intensive cultivation. The Kayuga decision has extended the exemption to areas including rough pastoral and grazing areas where the only effective improvement may be a fence or a small farm dam. The effect of this decision is to significantly limit the ability for the grant of mining title without formal agreement of landholders in circumstances where the land is not intensively utilised. Yet this decision stands in contrast to recent court decisions relating to section 75V of the Environmental Planning and Assessment Act, which perversely operates in the reverse, depriving owners of their rights once a major project approval has been granted. There must be a better and clearer balance between the rights of landholders and the rights of mining companies. There is an inherent conflict and confusion between the legislative provisions relating to the relative rights of landholders and the holders and would-be holders of mining licences, which must be addressed. But this is just one of many key issues not addressed in the bill.

The fifth failure in the bill is its failure to rationalise and address the relationship between mining and planning law. Prior to amendments to the Mining Act effected by the 2005 amendments to planning law, a series

of legislative provisions regulated the relationship between mining and planning. These, in essence, provided three things: first, where planning approval was granted to a mining operation no conditions could be incorporated in that planning approval that dealt with key areas regulated by a mining lease, namely mine site rehabilitation, methods of mine working, mine safety and security deposits; second, a mining lease could not be granted by the Minister administering the Mining Act until such time as planning approval had been obtained; and, third, once mining title had been granted, nothing could be done under the planning law to prevent the operations of an approved mine.

These provisions, originally inserted in the 1973 Mining Act and the coal mining Act, had provided a useful and workable method of addressing the relationship between mining and planning. In particular, it provided due recognition for the operations of both the mining law and the planning law but prevented the planning law seeking to duplicate or address issues already properly addressed within the mining lease. We now have a situation where, despite the fact that security deposits, mining methods, safety and rehabilitation are fully addressed within mining leases, all of these matters can be and are being regulated by planning approvals, often in a manner inconsistent with the terms of the mining lease. The position has been further exacerbated by the new section 75V of the Environmental Planning and Assessment Act, 1979, which provides as follows:

- (1) An authorisation of the following kind cannot be refused if it is necessary for carrying out an approved project and is to be substantially consistent with the approval under this Part:
 - (a) an aquaculture permit under section 144 of the Fisheries Management Act 1994
 - (b) an approval under section 15 of the Mine Subsidence Compensation Act 1961,
 - (c) a mining lease under the Mining Act 1992
 - (d) a production lease under the Petroleum (Onshore) Act 1991
 - (e) an environment protection licence under Chapter 3 of the Protection of the Environment Operations Act 1997 (for any of the purposes referred to in section 43 of that Act),
 - (f) a consent under section 138 of the Roads Act 1993
 - (g) a licence under the Pipelines Act 1967

These provisions were addressed in the recent decision of the Supreme Court in *Ulan Coal Mines Limited v Minister for Mineral Resources* last year. In relation to the operations of section 75V in respect of mining leases, Mr Justice Smart found that section 75V effectively rendered void all landholder protections in the Mining Act and in particular the landholder protections found in section 62 of that Act. [*Extension of time agreed to.*]

Effectively, the court's interpretation of section 75V provides an extreme view of the rights of mining companies against private owners. In essence, it could result in mining companies being authorised to bulldoze the private house of a landholder. Nothing in this bill addresses this central issue. It is as if the Minister is not aware of judicial developments in his portfolio. Finally, the bill fails to address the issue of duplication and over regulation. I am not proposing that essential controls regulating the mining industry in the interests of the community, public safety and the environment should be jettisoned. I am saying, however, that these tasks are duplicated significantly among a number of different laws, regulatory instruments and agencies.

This duplication results in inefficiencies, extra costs, delays and disincentives to the proper development of the mining industry, with no net community benefit. The key example of this is the addition of the new enforcement provisions in the bill. These provisions replicate the enforcement provisions in the Protection of the Environment Operations Act and the Environmental Planning and Assessment Act. It now gives rise to the possibility that for a single event, a mining titleholder could be prosecuted not once, not twice but three times by not one, not two but three different agencies for the same factual event.

Mr Kerry Hickey: Are you a lawyer?

Mr ROB STOKES: Yes. So, we now have a situation where the government department charged with the promotion and encouragement of the proper development of mineral resources is also the police officer charged with enforcement actions that already are fully capable of being exercised by other agencies under other laws. We see the level of duplication, red tape and policy confusion by the Government not only in the enforcement area, but also in the area of lease condition and requirements for preparation of subsidence

management plans. It is as if one arm does not know what the other arm is doing. The bill well demonstrates the failure of the New South Wales Government to address central policy issues affecting the mining industry. The key issues that I have referred to are reason enough for the bill to be rewritten to address the real issues affecting the industry rather than simply being yet another wad of paper to keep a lazy Government occupied.

Mr FRANK TERENCE (Maitland) [5.28 p.m.]: I support the Mining Amendment Bill 2008. Mining is one of the State's most important industries. New South Wales mines more coal than any other mineral, producing about 40 per cent of Australia's total. In 2006-07 the State produced 131.3 million tonnes of saleable coal. New South Wales and Queensland together make Australia the biggest exporter of coal in the world. We are also Australia's second largest gold, copper and lead producing State, and we also produce significant amounts of zinc and silver. To show just how big mining is in New South Wales, I will quote the 2006-07 figures for the whole industry. The total estimated value of the State's mineral production in 2006-07 was a staggering \$12.3 billion. Coal accounted for 65 per cent of the total value and \$8.1 billion, and metallic and industrial minerals accounted for a significant \$4.2 billion. Minerals and metals exports from New South Wales in 2006-07 earned approximately \$11 billion, making a major contribution to Australian wealth.

As well as these outstanding earnings, royalties from mining contributed a further \$489 million directly to New South Wales. Mining has critical significance for the New South Wales and Australian economies. The industry makes this important contribution in several ways. It does it through the export revenues and royalties I have already referred to. It also does it through job creation, investment and, of course, regional development. It is estimated that the mining industry directly employs 20,000 full-time employees in this State. Nearly three times this number of people is employed indirectly in mining and other related service industries. It could be said that the mining industry currently contributes to the employment of about 75,000 people in New South Wales.

While service industries for mining are located across the State, including Sydney, much of the employment related to mining is in regional New South Wales. Increased population and income derived from employment, service industries and other businesses play a significant role in the prosperity of regional New South Wales. Mining has been particularly important for regional New South Wales as the State continues to go through the worst drought in its history. The Government encourages investment in the mineral resources industry. Exploration expenditure by the industry in 2006-07 was a record \$144.1 million. This does not take into account forecast expenditure of around \$47 on petroleum exploration and development.

New South Wales attracted about \$190 million in exploration expenditure in the last financial year. In addition to exploration expenditure, mining projects frequently call for significant additional regional infrastructure. A good example of this is the building of schools to serve the needs of the increased population, the development of roads and rail, and the expansion of ports. Such infrastructure serves communities well in regional New South Wales. Minerals are produced from regions all over the State. Coal is predominantly produced from the Gunnedah and Sydney basins. The Hunter Valley, for instance, is the largest thermal coal-producing region in Australia.

The Broken Hill region has long been renowned for its silver, lead and zinc production. The Lachlan fold belt, which covers the central west and down to the south-east of the State, takes in towns such as Cobar, Parkes and Orange. These areas are known particularly for gold and copper deposits, although other minerals are also mined. The Murray Basin in the south-west of the State is proving to be a world-class mineral sands resource. These important industrial minerals include titanium, zircon, ilmenite and rutile. Yet another part of the State, the New England fold belt in the State's north-west, is known for the diversity of its mineral resources and commodities such as tin, gold and antimony. The region has also produced large quantities of sapphires and diamonds, and continues to produce sapphire. Lightning Ridge is another New South Wales locality, famous the world over for opal, and particularly the highly prized black opal.

There is a very diverse range of minerals located right across New South Wales. Despite the size of the industry, the diversity of minerals and the location of resources, mining takes place in an area of less than half of 1 per cent of the total land area of New South Wales. We are all aware that, while the area of activity might be small, mining can be an intense use of the land, even for a limited time. Because of the intensity of land use, the Government has developed very high environmental management standards for the mining industry. The bill will reinforce these high standards. Mining proponents must prepare and implement progressive rehabilitation plans that identify how the environment will be managed in the particular circumstances of the project. The Department of Primary Industries must approve the plans before mining operations can be carried out.

Further, proponents must fulfil all the conditions of their mining titles before, during and after mining. The Government requires a security deposit from mining and exploration companies that covers the full cost of rehabilitation for all activities on all titles. The securities are not returned until the areas disturbed by mining and exploration activities are rehabilitated to a satisfactory and agreed state. The Government can also carry out annual inspections and undertake environmental performance and compliance audits. It is clear that existing environmental management requirements lead to high standards of environmental care by the industry. However, the amendments proposed in the Mining Amendment Bill will further strengthen the environmental provisions of the Mining Act. They will ensure that mining legislation meets community expectations for environmental management. They will also ensure that the Act is consistent with recent developments in the environmental regulatory framework. Many of the new requirements strengthen and support the environmental work that the industry already undertakes. They do not place additional regulatory burden on the industry.

In fact, the amendments assist the industry significantly in two ways. First, they will streamline Government approval processes, reducing the time taken for Government to assess mining activities. Secondly, they will contribute in the future to reducing duplication between agencies responsible for regulating the environmental performance of mines. For example, the amendments will enable a reduction in the number of environmental reports required by different government agencies. The amendments will help ensure that the New South Wales mining industry can continue to flourish without detriment to the environment. Further, they will significantly assist industry by reducing red tape and streamlining requirements. The proposed amendments are a win for the environment, they are a win for the community and they are also a win for the mining industry, a most important industry in New South Wales. I commend the bill to the House.

Mr JOHN WILLIAMS (Murray-Darling) [5.36 p.m.]: Coming from a community that has been mining for 120 years, I can speak about a couple of aspects of the Mining Amendment Bill. The bill assumes that modern-day miners adopt a scorched earth policy. This is quite opposite to what I have experienced in recent commitments by mining companies working in the Western Division of New South Wales. Mining companies come to the area with a good knowledge of the environment and what they require to maintain the environment and leave it—in most cases—better than they found it. Today one of the modern miners is BeMaX Resources. It has come to an area near Pooncarie and set up a sandmining operation. The landholders in that area are western leaseholders and they are well pleased with the level of compensation that they have received for access and development of the site. BeMaX Resources has come from Western Australia with good knowledge of how it should leave the site. What I have seen so far clearly demonstrates that this organisation can work as a self-regulated mining company without the need for constant inspectors and red tape to address issues with mining.

The situation in Broken Hill is quite different. I suggest that the first miners in Broken Hill did adopt a scorched earth policy 120 years ago. The remnants of that mining are an example of the major problem that the Broken Hill community faces today. There are problems associated with lead—the environment around the mines where lead can run off into the community, lead dust and other problems associated with that. Historically, royalties from Broken Hill provided a good income to the New South Wales Government and arrangements for the environment were not in place. As a consequence, today we deal with issues relating to lead in the community. It is an issue that affects young children, in particular, who are exposed to lead in their backyard.

A remedial program has been operating for quite a few years, but this Government has decided that it does not need to fund that program any longer. Recently a young child was brought to my office suffering from lead contamination of a high degree. If even one person is suffering from lead contamination we are not addressing the issue. Historically, responsibility did not rest with the mining companies; it now rests with the Government. The Government should make provision to accommodate historical mining sites and some of the environmental impacts that have been created. In the 1950s the New Broken Hill Consolidated and Zinc Corporation set up a plantation and started to identify which plants they could propagate. They went back through some working areas and rehabilitated them. They wanted plants that would give good ground coverage and rehabilitate the site.

The mines participated in a former BHP regeneration program that was implemented after the running of the smelters. All the mulga was cleared and burned in those smelters and that resulted in a major dust problem for Broken Hill. Those mines were happy to participate in the reclamation of the area. The regeneration of mining areas in Broken Hill has had a tremendous effect on reducing the dust. Today a dust storm in Broken Hill is a rarity rather than a weekly event. I have spoken to quite a few miners who have told me there is a general belief that the mining industry in New South Wales is over regulated and that this legislation is a test

case. Will it produce more regulation? Will we now try to tell people how to operate when they are already well versed in their environmental responsibilities?

We should start looking at more self-regulation. Constant audits should occur over a period that is dictated by the Government and by mining companies rather than by inspectors who have free and easy access to mining sites. Those inspectors talk about the long-term effects of mining in these areas—issues that have not been addressed but that the mines are probably in the process of addressing. I have spoken before about occupational health and safety problems. This legislation is a big impost in a competitive mining environment. Miners choose to locate to different areas of the State, mineral resources are being found in locations that were never deemed to be good mining sites in the past, and exploration money is being spent. Mining companies in Broken Hill are now competing to develop mines in Queensland.

We must be mindful of the revenue that mining generates for this State and we must enact competitive legislation. Miners should find that the regulations in this State closely match the regulations in other States, in particular, in Western Australia and Queensland. To date some miners have complained to me about the difficulty of attracting good people to the industry because of the regulations and the chain of responsibility that affects occupational health and safety. Some mining managers are responsible for whatever happens in a mine regardless of the circumstances—an issue that this Government should address. The Government must be made aware of the fact that regulations in Australia are causing mines to be uncompetitive.

When Broken Hill ceases its mining operations other mines will reopen. At some point we must be mindful of the fact that those new miners should not inherit the problems associated with the past. This legislation will give the Minister for Planning an opportunity to improve new developments and environmental impact statements. Most mining companies are fully versed in what is required. Generally speaking, when the planning Minister signs off on these issues most of the red tape has been addressed by the mining companies. This legislation gives us an opportunity to protect the environment. The Government must be mindful of the fact that it should not overregulate the mining industry.

Mr KERRY HICKEY (Cessnock [5.43 p.m.]: I support the Mining Amendment Bill 2008. I come from the Cessnock mining community. Most of the miners from Cessnock went to Broken Hill when mining operations first commenced in that area. The family members of Peter Black, the former member for Murray-Darling, were coalminers who moved to Broken Hill to mine zinc. As Minister for Mineral Resources I visited a lot of derelict sites across the State and I was amazed at the desecration of some of these sites, especially the goldmining sites. The impact of mining on the environment is a major problem that has to be addressed.

Mining in New South Wales has a long and significant history. In 1797 Lieutenant John Shortland first noticed a coal seam in what would become Newcastle when he was searching for escaped convicts. By 1799, that is, within 11 years of European settlement, the first shipload of coal was exported from Newcastle to Bengal. A lands department surveyor made the earliest recorded discovery of gold in 1823 at Bathurst. With Edmond Hargraves' discovery of payable gold in 1851 the first Australian gold rush began in the Central West of the State. The New England region also has a rich history of mining. Diamond mining in the nineteenth and twentieth centuries was estimated to have produced up to 500,000 carats.

Tin mining was another lucrative activity when demand was high. We need only to look at the tin mine at Ardlethan to see the impact that it has had on the environment and the problems associated with it. For some years the greatest amount of blue sapphire in the world was produced annually from the New England region. Broken Hill provided some of the greatest mineral bonanzas of the nineteenth and twentieth centuries with its fabulous lead, zinc and silver resources. The wealth derived from the mineral resources of New South Wales played a significant role in the history and development of our State and our country. But there was a problem with all this mining activity. That problem was the frequent degradation of the countryside around mine workings. Often, just as much of a problem were the safety issues from unsafe ground, abandoned shafts and machinery. In those days no one was held responsible for rehabilitating mine sites.

Environmental damage was seen as a cost of winning the wealth associated with mineral resources. As time went on community and government expectations changed and mining operations were required to ensure that the environment was managed. Standards of care regarding pollutants and the need for effective rehabilitation were introduced. As we know, such requirements have since been extended quite significantly. In the meantime, many of the old abandoned mines were left unrehabilitated. In the 1970s the New South Wales Government introduced the Derelict Mines Program, with an annual allocation of \$125,000. This program continues today with an annual allocation of \$1.8 million.

The overall goal of the program is to rehabilitate former mine sites where companies no longer exist and individuals cannot be found who can be held responsible for them. To be included in the Derelict Mines Program, mining must be authorised under the Mining Act 1992 or its predecessors. The mining title must be extinguished and mining must have ceased. The Department of Primary Industries administers the program in consultation with the Department of Environment and Climate Change, the Department of Lands and the New South Wales Minerals Council. This group selects derelict mine sites for rehabilitation on a priority basis. Priorities include risk to public safety, pollution impacts, contamination, erosion or land degradation, and public concerns.

In addition to the Government allocation, funds can provide by the Environmental Trust. This independent statutory body was established by the New South Wales Government to support exceptional environmental projects not funded by usual government sources. The Derelict Mines Program may also seek assistance from the private sector. A derelict mine may be a single mineshaft or an entire mineral field. However, the majority are small metalliferous mines. Currently over 570 New South Wales mine sites are classified as derelict. In 2006-07 approximately 37 rehabilitation projects were completed under the program. One of these was the rehabilitation of the former Yerranderie silver mine south-west of Sydney. Finance for this large project was supplemented by \$100,000 from the Sydney Catchment Authority.

In addition to these 37 projects, 19 smaller projects were undertaken at Lightning Ridge. The work done under the Derelict Mines Program is essential and of great service to the New South Wales environment and our communities. Without such work we would see many undesirable and unwanted effects, including pollution from old sites entering waterways, erosion, unsafe mine shafts and unsafe abandoned equipment. Before the introduction of the Mining Amendment Bill 2008 the Derelict Mines Program had no legislative basis and this has led to practical problems for those carrying out rehabilitation work on mine sites. For example, some abandoned workings and affected areas are located on private properties. If access to these sites is denied the issues cannot be remedied, leaving the Government in a difficult position, the community unhappy and the environment exposed to greater degradation.

The proposed amendments in the Mining Amendment Bill 2008 will overcome these unwanted possible outcomes. First, the amendments provide a statutory basis for the New South Wales Derelict Mines Program. This means that a derelict mine site can be declared. Such a declaration will allow authorised officers and contractors engaged by the State to enter a site to undertake appropriate rehabilitation works. Second, the amendments provide for the establishment of a Derelict Mines Fund. The Government will continue to support the fund financially, as it has done over the past 30 years. The fund will also have access to proceeds from the disposal of unclaimed mining plant and equipment. The amendments clarify and update the provisions in the Mining Act relating to the removal and disposal of plant and equipment. Further, the fund will be able to make use of forfeited securities. The proposed amendments also will define the extent to which forfeited securities from other mine sites can be used for the rehabilitation of abandoned mines.

These amendments will further facilitate the existing good work carried out under the Derelict Mines Program. They will ensure that the State has the appropriate power to carry out works on abandoned mine sites to ensure that the environment is restored to a condition that is safe and healthy. The Mining Act already provides for the holder of a mining authority to lodge a security to cover obligations arising from the Act. The Mining Amendment Bill 2008 further strengthens the securities provisions. This means that in future, should a mine be abandoned, the lodged security will provide the funds to rehabilitate the site. Therefore, rehabilitation will not become an impost on the Government or the community. Current and former mining titleholders will pay for any necessary work to be undertaken. The Derelict Mines Program takes care of rehabilitation from mining long past. The requirement to lodge securities takes care of the cost of the rehabilitation of mine sites into the future. The amendments will provide a more certain basis for both the collection of securities and the rehabilitation of abandoned mine sites for the benefit of the environment and the broader community of New South Wales.

The member for Murray-Darling said that the bill places a further impost on companies. I know that the big companies, particularly in the coal industry in the Hunter Valley, are keen to show their green credentials. They are doing marvellous work. At Mount Thorley Rio Tinto ripped out and replaced a riverbed and the surrounding paddock is now producing more than it did prior to mining in the area. The attitude of companies has changed considerably in the past 50 years. At Cessnock in the early nineteenth century mining companies left all sorts of degradation. At the old Neath workings acid from tailings left lying around ran off into creek beds. Water that entered old mine sites flowed into Wallis Creek and had a major impact on the area.

Under the Derelict Mines Program rehabilitation has been undertaken near Cessnock High School with the establishment of ponds and other works. A colossal amount of money has been spent rehabilitating the area. It was done with taxpayer money because in the past companies walked away and left a major environmental problem for the community. South Cessnock has major subsidence issues. I have a photograph on my office computer of a hole the size of a football field that occurred following mine subsidence during the June flood. If not for that hole, the Cessnock township would have been flooded. So sometimes subsidence has its benefits—although we do not want deluges of 12 inches of rainwater in order to gain them. We must be aware of these problems and the impact of present mining methods on the environment and our communities.

Mining provides jobs across the Hunter Valley and will provide employment into the Gunnedah region in the near future. Opposition members have said that mining companies will find it tough in New South Wales. Have they seen the price of coal? In 2003-04 when I was Minister for Mineral Resources thermal coal was \$22.40 a tonne. Currently it is \$56 a tonne. Coking coal are getting record prices—up to \$140 a tonne for some shipments. That is major money. When I was Minister there was talk that 250 workers would be laid off at one pit. Now they cannot get mineworkers in the Hunter Valley. That is of major concern because school students are leaving school early to work in the mines. The mining companies can ensure they are good corporate citizens by training those young people and looking after the environment. I commend the bill to the House.

Ms LYLEA McMAHON (Shellharbour) [5.56 p.m.]: I support the Mining Amendment Bill 2008. Clearly New South Wales gains significant economic advantage from successful mining. But what does mining do specifically for the community of New South Wales in return for access to the State's mineral resources? What are the community's expectations of the mining industry? Further, how does the industry meet these expectations? In 2006 the Minerals Ministerial Advisory Council commissioned consultants ACIL Tasman to prepare a report on the contribution of the minerals industry to the New South Wales economy. The report, which is available on the Internet site of the Department of Primary Industries, found that the community expects the industry to be a good corporate citizen. From the community's perspective, being a good corporate citizen means that the mining industry meets the community's economic, social and environmental expectations.

In recognition of these expectations, the Mining Amendment Bill 2008 proposes, among other things, the inclusion of objects in the Act to recognise and foster the social and economic benefits to New South Wales from the efficient development of mineral resources. The objects also include ensuring that land and water disturbed by mining is rehabilitated effectively. According to the ACIL Tasman report the community's economic expectations include the employment of local labour and the purchase of goods and services from local businesses wherever possible. Industry fulfils these two expectations in New South Wales. In doing so, it has become a major contributor to the wellbeing of local and regional economies. The community also has the expectation that industry will provide workforce training and skills programs. Another important expectation is the provision of direct or indirect assistance through the funding of necessary infrastructure, such as, roads, rail and energy supply.

As the mining industry meets these expectations in different regional areas the community's quality of life is improved significantly in many ways. There are clear indicators that the New South Wales mining industry also meets the community's expectations of social performance. One of these expectations is that the industry will consult with and engage the workforce and this includes consultation with unions and their representatives. The community, including indigenous communities, expects to be consulted and to have its voice heard on mining projects that may potentially impact upon it. The industry takes this expectation seriously, and a few examples will make this clear.

Community consultative committees are set up for many mining projects. The committees facilitate the exchange of information between the community and the mining company. They allow also for concerns raised by the community to be readily addressed. The industry takes the responsibility of community consultation very seriously. The New South Wales Minerals Council has developed a handbook to assist the New South Wales mining and extractive industries to develop an effective working relationship with communities. Further, the council offers specific guidance on working with indigenous communities, particularly in relation to access to land, heritage matters and partnerships.

Another significant area of community expectation is the mining industry's environmental performance. It is hard to overestimate the importance to the community of the mining industry's environmental performance as it can have a short- and long-term impact on the community. The community expects the mining industry to meet contemporary standards for environmental management. Community expectations include management of dust, noise, and air, land and water emissions, as well as waste. The community expects management also of the

potential for land subsidence, and considers that mine closure and rehabilitation should be undertaken effectively and completely. These expectations are met in several ways by government and industry.

First, environmental performance and rehabilitation conditions are attached to all mining authorities granted by the Department of Primary Industries under the Mining Act 1992. Also, conditions may be imposed by the Department of Planning under the Environmental Planning and Assessment Act 1979 as part of the approval for a project. Further, licence conditions may be imposed by the Department of Environment and Climate Change under the Protection of the Environment Operations Act 1997. These conditions apply to off-site waste as well as to managing air, land and water emissions, waste, noise and dust from the site. Currently, the Department of Environment and Climate Change has responsibility for monitoring mine sites to ensure they comply with the conditions imposed for managing off-site pollutants and waste.

The Mining Amendment Bill will make a significant legislative change in this regard by clarifying the role the Mining Act plays in regulating off-site impacts. This will be relevant, for example, where underground coalmining may cause surface subsidence. With the Mining Act, the Environmental Planning and Assessment Act, and the Protection of the Environment Operations Act all playing a role in the regulation of on-site and off-site environmental impacts, high standards of industry compliance can be assured. These amendments will not result in a duplication of regulation by the various agencies but, rather, will facilitate an integrated whole-of-government approach to mining regulation.

It is clear from what has been said already that the community's expectations on the sound management of environmental impacts from mining also are the expectations of the Government. A whole-of-government approach ensures that unwanted environmental impacts from mining are prevented or minimised. A particularly good example of government agencies working together is how the Government meets community expectations on managing subsidence from underground coalmining. The bill will enshrine in the Mining Act the requirement for managing mine subsidence. The proposal will strengthen the regulatory ability of the Government to make sure subsidence is managed appropriately and to act where it is not.

High standards of mine site rehabilitation are another expectation of the community. The Government meets this expectation through a condition of title that each mining project must have an approved rehabilitation plan before it commences operating. The Department of Primary Industries ensures that rehabilitation outcomes are achieved to the desired standard. It does this by releasing the security held against rehabilitation performance only when it is satisfied with the completed rehabilitation. If a titleholder defaults on these obligations the State can access the security deposit to pay for the rehabilitation works and outcomes identified in the rehabilitation plan. These are effective and practical means of meeting the community's expectations in relation to the environmental performance of the industry.

Industry must already meet requirements for subsidence management and rehabilitation under conditions of title. Enshrining these environmental management requirements in the Mining Act confirms for the community that the Government is committed to ensuring that the mining industry meets its expectations on this important subject. The expectations of the community are important to the mining industry. They are important also to the New South Wales Government. This bill ensures that the industry meets the community's expectations for the contemporary standards of environmental management. I commend the bill to the House.

Mr STEVE WHAN (Monaro—Parliamentary Secretary) [6.06 p.m.], in reply: I thank the member for Myall Lakes, the member for Swansea, the member for Pittwater, the member for Maitland, the member for Murray-Darling, the member for Cessnock and the member for Shellharbour for their contributions to the debate. This is important legislation and, as a number of members have said, it has been developed over quite a considerable length of time in consultation with industry and other parties. As the member for Pittwater pointed out, over the years the Act has not been amended all that often. The last major amending bill was passed in 1992. That caused me to wonder why the member for Myall Lakes complained, firstly, about the Government dragging the chain. With the Act being amended only several times in the last century, the last time in 1992, the Government is pretty well on track for the average length of time these matters are amended.

It is odd for the member for Myall Lakes on one hand to say we are dragging the chain in amending the bill and then say there has not been enough consultation regarding parts of the bill. I will refer further to that in a moment. The bill updates the provisions of the Mining Act to make them consistent with contemporary environmental standards and community expectations. The bill provides a comprehensive and transparent framework for managing environmental impacts and rehabilitation for exploration and mining activities. It provides for more effective enforcement of the Act with a greater range of options to enable a more flexible

strategy. The bill improves also the administration of the Act by reducing unnecessary red tape—an issue raised by a number of members—and streamlining requirements for the industry and government. In addition to this legislation, every effort will be made to reduce duplication of administrative requirements by government agencies.

The member for Myall Lakes and shadow Minister raised a number of issues in his contribution, some of which I will address now. I understand the member for Myall Lakes has had discussions with the Minister's office about other issues and the Minister in the other place will respond to those concerns. The member for Myall Lakes spoke about several issues, including the duplication of processes and how the proposal will streamline approvals and processes to remain consistent across the three primary Acts. The Minister will address those issues further in the other place. The member for Myall Lakes mentioned Lightning Ridge miners. The compensation scheme reflects the current administrative system and the amendments will not alter the existing arrangements but rather give the scheme a more robust framework. The legislation does not deal specifically with Lightning Ridge, other than the compensation scheme; it simply applies the same environmental standards to all mining in New South Wales.

The member for Myall Lakes raised some issues about people at Lightning Ridge suggesting that there had not been consultation with them in relation to this legislation. However, I understand that officers of the department went to Lightning Ridge and had forums with the miners to inform them of what was proposed. Consultation was undertaken and there were opportunities over a number of years for the provision of feedback. People in the industry have been aware of what is proposed in this legislation. The member for Myall Lakes raised the issue of consultation in relation to private mining. That matter was included in a position paper issued in 2005 calling for submissions, and no issues were raised. The member also spoke about various administrative changes in relation to the director general or Minister. As I understand the issue raised by him on behalf of Lightning Ridge miners, this will not result in significant regulatory changes at a regional level.

The member for Pittwater spoke about compensation arrangements. Compensation arrangements are already addressed in both the Mining Act and the Environmental Planning and Assessment Act and also through acquisition processes in planning approvals where often conditions are set. I was a little unclear about the contribution of the member for Pittwater because on the one hand he seemed to talk about getting just compensation for mining activities but on the other he seemed to talk about the possibility of minor improvements preventing projects. He was right to highlight the importance of the mining industry in the State and to talk about the history of the industry and how long the Act has been in existence, but I suspect that some of his suggestions about the inadequacies in the bill are probably not valid. I appreciate his quoting the Privy Council when he spoke about the Acts having different purposes, but this Act has very specific reasons for its existence and it is a very substantial Act. This amendment bill has come forward after a significant amount of consultation with industry and there has been plenty of opportunity for people to comment during that process. I understand the proposed amendment has a significant level of approval from within the industry.

The member for Swansea highlighted many of the important provisions and talked about security deposits and rehabilitation. A number of Government members and some Opposition members talked about rehabilitation being a significant issue for communities. The member for Shellharbour spoke about meeting the community's expectation. That is often a challenge where communities' expectations for rehabilitation and for mining have to be balanced with the important economic impact of proposals. Opposition members and Government members mentioned the coal industry, and of course we have seen controversial planning decisions in the coal industry over the years and no doubt we will continue to see them, but, as most members highlighted in their contributions, it is important for the State to balance the economic value of this industry and its importance to New South Wales, to jobs and to communities, with those very important expectations of the effect on the environment and to make sure that we restore the environment after mining has taken place.

The member for Murray-Darling said, "The bill assumes mining companies have a scorched earth policy". I point out that the bill does not assume that at all. Modern mining is very different from mining in the past and this bill does not assume a scorched earth policy. The bill, quite correctly—as a government should—builds in arrangements to ensure that environmental standards are maintained and that repairs and rehabilitation are carried out properly. The member for Murray-Darling then, slightly contradictorily, spoke about the impact lead mining has had in his area. The impact of lead is obviously quite severe. In the past mining has not always been carried out in the same way and I would suggest that one of the key reasons mining is now so much better is not just because of the goodwill of the mining companies and their social consciences but because over the years governments have moved to impose standards on the industry that have led to better rehabilitation of mine sites and better environmental standards in accordance with the way community expectations have moved.

Mr John Williams: Point of order: On the relevance of the comments made by the member for Monaro concerning something I said, I spoke clearly about the past practices of miners and said that by 1957 the behaviour of miners had changed without legislation. I make that clear. The history of mining in Broken Hill was unregulated, but those people regulated themselves without any changes in legislation in the Mining Act.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! I have heard sufficient of the point of order. The Parliamentary Secretary is entitled to reply to the comments as he sees fit.

Mr STEVE WHAN: I appreciate the member for Murray-Darling clarifying what I heard. The member talked about the impost of environmental regulations, and I take from his point of order that he suggests—and I have no reason to doubt him—that the mining industry introduced better standards along the way, but I still contend that environmental regulations are vitally important and most people, if not the vast majority, in New South Wales would agree that they are very important to ensure that mining is conducted in a way that is as environmentally sound as possible and protects the interests of all surrounding communities. I believe the contention of the member for Murray-Darling that there should be more self-regulation in that area is not all that valid in this case.

The member for Murray-Darling also talked about the burden of occupational health and safety on mining and about how a miner should be able to find the same regulations in New South Wales as in other States. This Government wants miners to be able to walk out in safety after a day at work and be able to go home to their families. That is why we have tough occupational health and safety laws. Of course, we are always interested in making sure such laws are not unduly burdensome, but we are not interested in being in a race to the bottom on those standards; we are interested in being the best in occupational health and safety. One would hope that interest is consistent across Australia. We are certainly not going to be in a race to compete with China in occupational health and safety in coalmining. We have all seen stories about the safety record of coalmining in unregulated and private mines.

The member for Cessnock, who was the former mining Minister, made a very interesting contribution to the debate. He mentioned that it was in 1799 when the first time a shipment of coal was exported from Australia to Bengal—a fascinating piece of information. He focused on the parts of the bill that deal with the rehabilitation of mines, the derelict mines policy and the \$1.8 million per annum. I acknowledge that when the member for Cessnock was the Minister for Mineral Resources he secured substantial funding for the Lake George mine in Captains Flat, which is an area in my electorate, and that had a terrific impact on both rehabilitating the site and addressing longstanding problems. The mine operated for a long time in Captains Flat but has been closed for many years. The rehabilitation has improved the environmental safety of the area substantially. For the benefit of the local community, mullock heaps were secured, and run-off from the mine into the Molonglo River ceased. Rehabilitation and clean-up of the mine site also revealed the mine's entrance.

Mr John Williams: Are you giving it a quiet plug?

Mr STEVE WHAN: Here comes the local tourism plug—wait for it! Opposition members ought to know by now that I have to get the local tourism plug in.

Mr Kevin Humphries: He ought to know who is buried in the mine.

Mr STEVE WHAN: I do not know who is buried in the mine, but we could talk about the site at length. I remember as a young fellow playing around in the old shock shelters that had big iron doors, and that was fun. Mine rehabilitation funds allocated through the derelict mines policy have been applied to cleaning up the entrance to the mine. That revealed the mine's entrance and the date the mine commenced operations. It is nice for tourists to visit and see the old workings as well as where the processing sections of the mine were located. Rehabilitation of the site has led to the creation of an interpretive trail as part of the tourist experience, and that is a really terrific aspect of the derelict mines policy. A number of Government members who spoke during the debate referred to derelict mining areas in their electorates being rehabilitated under the derelict mines policy. Mining is a part of the history of New South Wales, and this legislation deals with the many derelict mine sites that exist throughout the State.

More importantly, the policy represents the Government's commitment of resources to ensure that the rehabilitative work continues. The member for Maitland represents an area that has a strong historical connection with mining. He referred to the importance of mining to the New South Wales economy. He also referred to environmental issues and rehabilitation, and welcomed a reduction in the number of reports provided

for in the bill. As I said at the commencement of my reply, the bill is intended to reduce red tape and streamline procedures. Against that background, I was a little surprised when Opposition members complained about too much red tape and duplication despite the objects of the bill addressing those issues. It is important to always remain alert to ensure that we are reducing unnecessary red tape while simultaneously ensuring that safeguards required by the community remain in place.

Mr John Williams: Who is going to pay to bring in the inspectors? We do not agree with that.

Mr STEVE WHAN: The member for Murray-Darling interjects to complain about inspectors. He stated during the debate that he does not think we should have inspectors wandering around and checking on mines.

Mr John Williams: Environment inspectors, not mining inspectors.

Mr STEVE WHAN: I acknowledge the correction: The member for Murray-Darling does not think we should have environment inspectors wandering around to check on mines. However, I think most people in New South Wales would not agree with him. The people of New South Wales want strong environmental safeguards to be in place. Most mining companies agree with that as part of their corporate citizenship role. I accept the point made by the member for Murray-Darling that most mining companies are good corporate citizens and make an effort to comply with appropriate environmental measures, and it may be that in some cases environmental safeguards are not needed, but the point about making laws is that they are in place to apply to the few who do not do the right thing. The people of New South Wales want legislative safeguards to ensure that good practice is maintained.

Mr John Williams: Jobs for the boys!

Mr STEVE WHAN: The member for Murray-Darling is putting me off my train of thought. The member for Shellharbour focused on a number of issues centred on meeting community expectations. She made a well-researched presentation to the House and I am sure her constituents appreciate not only the high standard of representation she has shown in the short time she has represented her electorate but also the content of her speech. I find it odd when I hear Opposition members say regularly that the Government has been dragging the chain, that things should have happened ages ago and that everything is terrible, especially having regard to the fact that a short time later, with regard to different legislation, they complain that the Government is rushing through bills without allowing sufficient time for adequate consultation to properly address specific legislation. Interestingly, both claims were made during debate on this bill!

Mr John Williams: You have 35 minutes to go.

Mr STEVE WHAN: I reassure the member opposite that I do not intend to speak until 7 o'clock. Members opposite like to complain. That is their right—they are the Opposition—but I think people are beginning to get a bit sick of it. Opposition members have nothing else to do. They have no policies. One of the classic lines from the debate came from the member for Pittwater, who said that the bill demonstrated the policy confusion of the Government. I really found that remark entertaining, coming from an Opposition that has no policy confusion because it has no policies. Fancy an Opposition member saying that there is policy confusion in the Government! The Liberals have very few policies, but a visit at any time to the website of The Nationals will reveal that its policy area is constantly blank. More than a year has passed since the election, and when I visit The Nationals website and eagerly click on the tab that says "policies" I find nothing listed. I can only assume that that part of the site is "under construction"—and apparently it has been so for a year.

Mr Michael Daley: It is into deconstruction.

Mr STEVE WHAN: As my colleague says, The Nationals are into deconstruction.

Mr John Williams: You are paranoid about The Nationals.

Mr STEVE WHAN: I often visit The Nationals website when I feel the need for a laugh. Sometimes I look with interest at their press releases, but there have not been much of those lately. The member for Murray-Darling is egging me on and prolonging the debate. Recently I saw a wonderful newspaper cartoon when there was all the fascinating talk of amalgamation between the Liberals and The Nationals. The cartoon showed the new Federal Leader of the Liberal Party standing in a boat and saying to The Nationals in another

boat, "Come and join us!" Both boats had spouts of water coming from them and were sinking rapidly. That encapsulated precisely where the Coalition parties are heading. The other interesting point about the merge has been the constant speculation relating to the leadership of the New South Wales Liberal Party. At one stage it was suggested that in a merged and amalgamated Coalition party Andrew Stoner would be the leader.

Mr Daryl Maguire: Point of order: As much as I hate to take a point of order, the Parliamentary Secretary is straying much too far from the leave of his reply. I ask you to direct him to confine his comments to the bill. It has been enough of a long day without having to put up with this diatribe.

ASSISTANT-SPEAKER (Ms Alison Megarrity): Order! I uphold the point of order. I ask the Parliamentary Secretary to make his remarks pertinent to the bill.

Mr STEVE WHAN: I acknowledge that I strayed somewhat from the leave of the bill. I apologise for being unable to resist the bait being thrown at me by the Opposition. The Mining Act is a very important element in the framework of managing the environmental impact of mining. This amending legislation will strengthen the Act by ensuring a balance is maintained between the economic, environmental and social impacts of mining. All members who participated in that debate acknowledged that they are important aspects of the bill. The development of mineral wealth in New South Wales is encouraged and is very valuable to our State, but the impacts upon the environment are intended to be minimised by this bill for the benefit of future generations. The provisions of the bill are very sensible and timely. I thank all members who participated in the debate for their contributions. 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.

ADJOURNMENT

Motion by Mr John Aquilina agreed to:

That this House do now adjourn.

The House adjourned at 6.30 p.m. until Wednesday 2 April 2008 at 10.00 a.m.
